



Telecommunications Act 1997

Subsection 522(2)

NOTICE TO GIVE INFORMATION AND PRODUCE DOCUMENTS

To:

[REDACTED]

At:

Nelson Wheeler
Unit 9 Level 10
9 Yarra Street
SOUTH YARRA VIC 3141

Attention:

[REDACTED], Director

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the ACMA), having reason to believe that [REDACTED] has information and documents relevant to the exercise of the ACMA's powers to investigate matters of a kind referred to in paragraphs 508(a) and 508(ac) of the *Telecommunications Act 1997*;

HEREBY give notice under subsection 522(2) of the *Telecommunications Act 1997* requiring National Grid Support Service to give to the ACMA, on or before the time and in the manner detailed below, the information and documents specified in **Schedule B** to this Notice.

Time: 5:00 PM (AEST)

Date: 10 July 2019

To: You must give the documents and information required in this notice to the ACMA in an electronic format via email to submit.investigations@acma.gov.au, unless the contents of the email exceed 10MB, in which case it must be provided on a CD-ROM, DVD or USB drive in one of the manners listed below:

- (a) in person; or
- (b) by receipted courier delivery; or
- (c) by registered mail delivery to:

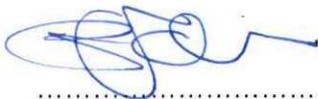
Manager
Unsolicited Communications Compliance, Enforcement and Education
Australian Communications and Media Authority
Level 32, 360 Elizabeth Street
Melbourne VIC 3000 Australia

Words in this Notice and the schedules to this Notice have the meanings set out in **Schedule A** to this notice.

TAKE NOTE:

1. Subsection 522(3) of the *Telecommunications Act 1997* provides that a person must comply with a requirement under subsection 522(2) of that Act.
2. Under subsection 522(4) of the *Telecommunications Act 1997*, a person is guilty of an offence if:
 - a) the ACMA has given a notice under subsection 522(2) of that Act;
 - b) the person engages in conduct (i.e. does an act or omits to perform an act); and
 - c) the person's conduct contravenes a requirement in the notice.
3. The penalty for this offence is up to 20 penalty units (AUD \$4,200) for an individual and 100 penalty units (AUD \$21,000) for a corporation.
4. Subsection 524(1) of the *Telecommunications Act 1997* provides that an individual is not excused from giving information or evidence or producing a document or a copy of a document under section 522 on the ground that the information or the production of the document or copy might tend to incriminate the individual or expose the individual to a penalty.
5. Section 525 of the *Telecommunications Act 1997* provides that a person must not under section 522 of that Act give information or evidence that is false or misleading. The penalty for this offence is imprisonment for up to 12 months and/or a fine of up to 60 penalty units (AUD \$12,600) for an individual or 300 penalty units (AUD \$63,000) for a corporation.

Dated this 26th day of June 2019.



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Jeremy Fenton

Delegate of the Australian Communications and Media Authority

SCHEDULE A – DEFINITIONS

In the Notice, unless the context otherwise requires:

The singular includes the plural and vice versa;

Terms that are defined in the *Do Not Call Register Act 2006 (DNCR Act)* have the same meaning as in that Act;

Terms that are defined in the *Telecommunications Act 1997* have the same meaning as in that Act;

ACMA means the Australian Communications and Media Authority;

ACN means Australian Company Number issued by the Australian Securities and Investments Commission;

agreement includes a contract, arrangement, or understanding;

calling line identification means display of the telephone number from which the call was initiated or to which the call recipient may call back;

cause includes that a person is taken to have caused a telemarketing call to be made where they have entered into a contract, arrangement or understanding with another person who has made telemarketing calls as a result;

consent includes express consent and consent that can reasonably be inferred from the conduct as well as the business and other relationships of the entity concerned;

contact details includes an email address, postal address and a telephone number suitable for receiving telephone calls during normal business hours;

DNCR means the Do Not Call Register;

document means any record of information and includes:

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else;
- (d) a map, plan, drawing or photograph;

entity has the same meaning given by section 184.1 of the *A New Tax System (Goods and Services Tax) Act 1999* (including any of the following: an individual, a body corporate, a partnership, a trust);

_____ means _____;

_____ means _____
_____;

make has the same meaning as in the DNCR Act, and includes attempt to make;

record includes information stored or recorded by means of a computer;

telemarketing call has the same meaning as in section 5 of the DNCR Act.

[REDACTED]

