

## **Direction under subsection 121(1) of the *Telecommunications Act 1997***

**TO: Lycamobile Pty Ltd ACN 139 717 212**

**OF: Unit 2, 1B Kleins Road, Northmead NSW, 2152**

Attention: Mr Christopher Tooley, CEO, Director

The Australian Communications and Media Authority (**the ACMA**), being satisfied that Lycamobile Pty Ltd ACN 139 717 212 (**Lycamobile**), has contravened the *Industry Code (C555:2020) Integrated Public Number Database (IPND) (the 2020 IPND Code)* as described below;

DIRECTS Lycamobile, under subsection 121(1) of the *Telecommunications Act 1997 (the Act)*, to comply with the 2020 IPND Code.

### **Details of the contraventions**

1. The ACMA has investigated Lycamobile's compliance with the 2020 IPND Code, which is an industry code registered by the ACMA under Part 6 of the Act. As a carriage service provider (**CSP**), Lycamobile is a participant in a section of the telecommunications industry to which these industry codes apply.
2. The ACMA is satisfied that Lycamobile has contravened the following clauses of the 2020 IPND Code:
  - (a) Clause 4.2.1 – because Lycamobile, a CSP that provides carriage services to customers using public numbers, failed to provide to the IPND Manager the relevant public number customer data, including updates, that occurred on one business day by the end of the next business day, in respect of multiple carriage services it supplies.
  - (b) Clause 4.2.16 – because Lycamobile failed to ensure that certain public number customer data provided to the IPND Manager was accurate, complete and up to date in respect of multiple carriage services it supplies.
3. Further details about the contraventions are set out in the investigation report provided with this Direction.

### Requirement to comply with this Direction

Under subsection 121(2) of the Act, Lycamobile must comply with a direction under subsection 121(1) of the Act.

If Lycamobile does not comply with this direction, the ACMA may apply to the Federal Court for an order that Lycamobile pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

### Reconsideration of a decision

Under subsection 558(1) of the Act, Lycamobile may apply to the ACMA for the ACMA to reconsider the decision to give Lycamobile a direction to comply with the IPND Code under subsection 121(1) of the Act. The application must be submitted in writing to the ACMA and must set out the reasons for the application (subsection 558(2) of the Act). The application must be made within 28 days after Lycamobile is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If, upon reconsideration, the decision is affirmed or varied and Lycamobile is dissatisfied with that decision, it may:

- (a) subject to the *Administrative Appeals Tribunal Act 1975* (the **AAT Act**), apply to the Administrative Appeals Tribunal for review of the reconsideration decision; and
- (b) request a statement under section 28 of the AAT Act in relation to that decision (section 562 of the Act).

Dated: 13 January 2021

Signed for and on behalf of the Australian Communications and Media Authority by:

JAMES CAMERON

(Name of Member)



(Signature of Member)

CATHY RAINSFORD

(Name of General Manager)



(Signature of General Manager)