



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

TO: Direct Connect Pty Ltd (ACN 167 819 589)

OF: Applaud Building G, 110 Pacific Hwy, St Leonards, NSW 2065

Attention: Mr Costa Aligianis, Mr Ivan Boladian, Mr Serge Boladian, Directors

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Direct Connect Pty Ltd (ACN: 167 819 589) (**Direct Connect**), has contravened the *Telecommunications Consumer Protections Code (C628:2015)* (**the TCP Code**) as described below;

hereby DIRECT Direct Connect, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**) to comply with clause 3.2 and 4.1 of the TCP Code.

### Details of the contraventions

1. The ACMA has investigated Direct Connect's compliance with clauses 3.2.1 and 4.1.1 of the TCP Code. As a carriage service provider, Direct Connect is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that on 3 June 2016, Direct Connect contravened clause 3.2.1 of the TCP Code by failing to ensure that information made available to consumers for each of its Mobile Sim Plan, ADSL/ADSL2/Phone Bundle Plan and NBN/Phone Bundle Plan offers was clear, accurate and free from material omissions.
3. The ACMA is satisfied that on 3 June 2016, Direct Connect contravened clause 4.1.1 of the TCP Code by failing to ensure the summary of each of its current offers included all the required information set out in clause 4.1.1(a). Specifically, Direct Connect failed to include:
  - a) a description of the telecommunications service to be provided for each of its NBN/Phone Bundle Plan and ADSL/ADSL2+/Phone Bundle Plan offers as required by clause 4.1.1(a)(i)A;
  - b) important terms and conditions for each of its Mobile Sim Plan, ADSL/ADSL2/Phone Bundle Plan and NBN/Phone Bundle Plan offers as required by clause 4.1.1(a)(i)E;
  - c) the minimum monthly charge payable under the offers for each of its ADSL/ADSL2+/Phone Bundle Plan and NBN/Phone Bundle Plan offers as required by clause 4.1.1(a)(ii)A;

- d) the cost (prior to any discounts being applied) of making a 2 minute Standard National Mobile Call (including flagfall where applicable) for its each of its Mobile Sim Plan offers which are not unlimited offers, as required by clause 4.1.1(a)(ii)D;
  - e) the cost (prior to any discounts being applied) of using one megabyte of data within Australia for its Mobile Sim Plan offers, which are not unlimited offers, as required by clause 4.1.1(a)(ii)F; and
  - f) warnings about roaming costs (both international costs and the circumstances in which additional charges may be imposed in Australia when the service roams onto a different network) for its Mobile Sim Plan and ADSL/ADSL2+/Phone Bundle and NBN/Phone Bundle Plan offers as required by clause 4.1.1(a)(iii)B.
4. The ACMA is satisfied that on 3 June 2016, Direct Connect contravened clause 4.1.1 by failing to ensure that it had a CIS readily accessible on its website for each ADSL Plan being offered as required by clause 4.1.1(d).

#### **Requirement to comply with this Direction**

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

If Direct Connect does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Direct Connect 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).

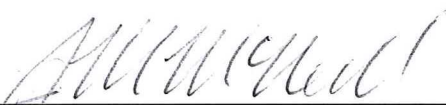
#### **Reconsideration of a decision**

Under subsection 558(1) of the Act, Direct Connect may apply to the ACMA for reconsideration of its decision to direct Direct Connect to comply with the TCP Code. 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 Direct Connect is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If Direct Connect is dissatisfied with the ACMA's decision on reconsideration, 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).



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Jennifer McNeill  
General Manager  
Content, Consumer and Citizen Division  
Delegate of the Australian Communications and Media Authority

26 October 2016