



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

TO: Total Group Pty Ltd (ACN 095 756 979)

OF: Suite 202 Level 2, 41 McLaren Street, North Sydney, NSW 2060

Attention: Mr Costa Aligianis, Director
Mr Ivan Boladian, Director

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Total Group Pty Ltd (ACN: 095 756 979)(**Total Group**), has contravened the *Telecommunications Consumer Protections Code (C628:2015)* (**the TCP Code**) as described below;

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

Details of the contraventions

1. The ACMA has investigated Total Group's compliance with clauses 3.2.1 and 4.1.1 of the TCP Code. As a carriage service provider, Total Group is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that Total Group contravened clause 3.2.1 of the TCP Code, by failing to ensure that information made available to consumers for its Smart Cap Phone and Internet Bundle \$64.90, Smart Cap Phone and Internet Bundle \$76.90, Smart Cap Phone and Internet Bundle \$95.90, Smart Cap Phone and Internet Bundle \$119.95 and Smart Cap Phone and NBN Bundle offers on 6 June 2016 was clear, accurate and free from material omissions.
3. The ACMA is satisfied that Total Group contravened clause 4.1.1 of the TCP Code, on 6 June 2016, 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, Total Group failed to include:
 - a) important terms and conditions for its Smart Cap Phone and Internet Bundle \$64.90, Smart Cap Phone and Internet Bundle \$76.90, Smart Cap Phone and Internet Bundle \$95.90, Smart Cap Phone and Internet Bundle \$119.95 and Smart Cap Phone and NBN Bundle offers as required by clause 4.1.1(a)(i)E; and
 - b) the minimum monthly charge payable under the offers for its Smart Cap Phone and Internet Bundle \$64.90, Smart Cap Phone and Internet Bundle \$76.90, Smart Cap

Phone and Internet Bundle \$95.90, Smart Cap Phone and Internet Bundle \$119.95 and Smart Cap Phone and NBN Bundle as required by clause 4.1.1(a)(ii)A.

Requirement to comply with this Direction

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

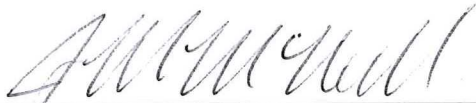
If Total Group does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Total Group pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

Under subsection 558(1) of the Act, Total Group may apply to the ACMA for the ACMA to reconsider the decision to direct Total Group 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 Total Group is informed of the decision (subsection 558(3) of the Act), unless the ACMA extends the period for making the application.

If Total Group 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).



Signature

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

26 October 2016