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

TO: MVoice Pty Ltd (ACN 113 424 552)

OF: C/- Affinity Accountants Pty Ltd
9 Meaden Street
SOUTHBANK VIC 3006

Attention: Mr Craig Stephen Lawrence, Director and Secretary

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority **(the ACMA)**, being satisfied that MVoice Pty Ltd (ACN 113 424 552) **(Mvoice)**, has contravened the *Telecommunications Consumer Protections Code (C628:2012)* **(the TCP Code)** as described below;

HEREBY direct Mvoice, under subsection 121(1) of the *Telecommunications Act 1997* **(the Act)** to comply with the TCP Code.

Details of the contraventions

1. The ACMA has investigated Mvoice's compliance with clauses 9.3.1 and 9.4.1 of the TCP Code. As a carriage service provider, Mvoice is a participant in the section of the telecommunications industry to which the TCP Code applies.

2. The ACMA is satisfied that Mvoice contravened clause 9.3.1(a) of the TCP Code which requires that a supplier provide a Customer Information Compliance Statement to Communications Compliance annually. The ACMA is satisfied that Mvoice is a supplier, as defined in the TCP Code and had not submitted a Customer Information Compliance Statement as at 1 April 2015.

3. The ACMA is satisfied that Mvoice contravened clause 9.4.1(a) of the TCP Code which requires that a supplier provide a Compliance Attestation to Communications Compliance, which has been endorsed by the chief executive officer or a senior manager of the supplier, annually. The ACMA is satisfied that Mvoice had not submitted an annual Compliance Attestation as at 1 April 2015.

Requirement to comply with this Direction

Under subsection 121(2) of the Act, Mvoice must comply with a direction under subsection 121(1) of the Act.
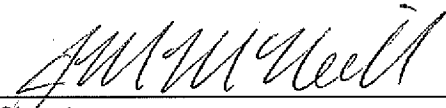
If Mvoice does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Mvoice pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

Under subsection 558(1) of the Act, Mvoice may apply to the ACMA for the ACMA to reconsider the decision to direct Mvoice 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 Mvoice is informed of the decision (subsection 558(3) of the Act).

If Mvoice 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.

Signature

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

31 August 2015