

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

TO: Macquarie Telecom Pty Limited ACN 082 930 916

OF: Level 15, 2 Market St, Sydney NSW 2000

The Australian Communications and Media Authority (**the** **ACMA**), being satisfied that Macquarie Telecom Pty Limited ACN 082 930 916 (**Macquarie Telecom**), has contravened the *Integrated Public Number Database (IPND) Industry Code (C555:2008)* (**the** **IPND Code**) as described below;

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

**Details of the contraventions**

1. The ACMA has investigated Macquarie Telecom’s compliance with the IPND Code. As a carriage service provider, Macquarie Telecom is a participant in a section of the telecommunications industry to which the IPND Code applies.
2. The ACMA is satisfied that Macquarie Telecom has:
	1. contravened clause 5.1 of the IPND Code, as it failed (as a Data Provider) to supply public number customer data (**PNCD**) to the IPND Manager for 142,499 public numbers it used to supply carriage services to its customers;
	2. contravened clause 5.2 of the IPND Code as it failed (as a carriage service provider) to provide the relevant PNCD to the IPND Manager in respect of 142,499 carriage services it provided;
	3. contravened clause 5.6 of the IPND Code as it failed to ensure that the information it provided to the IPND Manager nominating an approved contact person to deal with the IPND Manager on IPND operational issues remained current; and
	4. contravened clause 5.12 of theIPND Code as it failed to ensure that the information provided to the IPND Manager was accurate, complete and up to date.

**Requirement to comply with this Direction**

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

If Macquarie Telecom does not comply with this direction, the ACMA may apply to the Federal Court for an order that Macquarie Telecom 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, Macquarie Telecom may apply to the ACMA for the ACMA to reconsider the decision to give Macquarie Telecom a direction to comply with the IPND Code under section 121 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 Macquarie Telecom 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 Macquarie Telecom 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: 11 March 2016

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

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(Signature of Member) (Signature of General Manager)

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(Name of Member) (Name of General Manager)