



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

TO: Touch Mobile Pty Ltd (ACN 154 975 167)

OF: Suite 237, 29 Milton Parade, Malvern, Victoria 3144

Attention: Mr Daniel Flynn, Company Secretary

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Touch Mobile Pty Ltd (ACN 154 975 167) (**Touch Mobile**), has contravened the *Telecommunications Consumer Protections Code (C628:2012)* (**the TCP Code**) as described below;

HEREBY direct Touch Mobile, under subsection 121(1) of *the Telecommunications Act 1997* (**the Act**) to comply with clause 4.1.2 of the TCP Code by no later than **21 June 2013**.

### Details of the contraventions

1. The ACMA has investigated Touch Mobile's compliance with clause 4.1.2 of the TCP Code. As a carriage service provider, Touch Mobile is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that Touch Mobile contravened clause 4.1.2(d)(i) of the TCP Code which requires that a summary (referred to as the "Critical Information Summary") of each of the supplier's current offers is readily accessible on the supplier's website (including without limitation, a summary of each of the supplier's current offers for pre-paid services). As at 30 April 2013, there were no Critical Information Summaries available on Touch Mobile's website.

### Requirement to comply with this Direction

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

If Touch Mobile does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Touch Mobile 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, Touch Mobile may apply to the ACMA for the ACMA to reconsider the decision to direct Touch Mobile 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 Touch Mobile is informed of the decision (subsection 558(3) of the Act).

If Touch Mobile 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.



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Signature

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

23 May 2013