



Australian
Communications
and Media Authority

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

TO: Australian Power Control Systems Pty Ltd (ACN 075 843 079)

OF: C/- MJ Accountants & Business Advice
Suite 3, 24 Edgar Street
COFFS HARBOUR NSW 2450

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Australian Power Control Systems Pty Ltd (ACN 075 843 079) t/a Key Internet (**Key Internet**), has contravened the *Telecommunications Consumer Protections Code (C628:2015)* (**the TCP Code**) as described below;

hereby DIRECT Key Internet, under subsection 121(1) of the *Telecommunications Act 1997* (**the Act**):

- (a) to comply with clause 6.11 of the TCP Code, by no later than 4 August 2017;
- (b) to comply with clause 9.1 of the TCP Code, by no later than 4 August 2017; and
- (c) to comply with clause 9.4 of the TCP Code.

Details of the contraventions

1. The ACMA has investigated Key Internet's compliance with clauses 6.11.1(a), 9.1.1(b) and 9.4.1 of the TCP Code. As a carriage service provider providing internet services to residential and business consumers, Key Internet is a participant in the section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that on 22 January 2017, Key Internet contravened clause 6.11.1(a) of the TCP Code, by failing to have a Financial Hardship Policy that is readily accessible on its website.
3. The ACMA is satisfied that on 22 January 2017, Key Internet contravened clause 9.1.1(b) of the TCP Code, by failing to register with Communications Alliance within two months of the ACMA's approval of Variation No. 1/2016 of the TCP Code (being 3 May 2016) or one month from first acquiring customers, whichever is the later.
4. The ACMA is satisfied that Key Internet contravened clause 9.4.1 of the TCP Code, by failing to lodge compliance documents with Communications Compliance Ltd by 1 September 2016.

Requirement to comply with this Direction

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

If Key Internet does not comply with this Direction, the ACMA may apply to the Federal Court for an order that Key Internet 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, Key Internet may apply to the ACMA for the ACMA to reconsider the decision to direct Key Internet 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 Key Internet is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If Key Internet 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

28 June 2017