



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

TO: Infinity Telecom Pty Limited (ACN 625 411 636)

OF: Level 16, 338-340 Pitt Street  
SYDNEY, NSW, 2000

The Australian Communications and Media Authority (the **ACMA**), being satisfied that:

- (a) On 29 April 2019, Infinity Telecom Pty Limited (ACN 625 411 636) (**Infinity**), contravened clauses 4.1.1(d) and 6.11.1(a) of the Telecommunications Consumer Protections Code C628:2015 (**TCP Code 2015**) as described below; and
- (b) The conduct described below would also have contravened clauses 4.2.9 and clause 7.1.1 of the Telecommunications Consumer Protections Code C628:2019 (**TCP Code 2019**), if it occurred after the TCP Code 2019 was registered;

DIRECTS Infinity under subsection 121(1) (as allowed by subsection 121(1B)) of the *Telecommunications Act 1997* (**the Act**) to comply with Chapters 4 and 7 of the TCP Code 2019.

**Details of the contraventions**

1. The ACMA investigated Infinity's compliance with clause 4.1.1(d) and clause 6.11.1(a) of the TCP Code 2015. As a carriage service provider, Infinity is a participant in the section of the telecommunications industry to which the TCP Code 2015 applied.
2. Clause 4.1.1(d) of the TCP Code 2015 required a supplier to ensure that its Critical Information Summary (**CIS**) is readily accessible on its website and included as a link where the supplier advertises an offer on its website. On 29 April 2019, the ACMA conducted a comprehensive review of Infinity's website and was unable to locate a CIS.
3. Clause 6.11.1(a) of the TCP Code 2015 required a supplier to ensure that its financial hardship policy (**FHP**) is readily accessible on its website. The ACMA conducted a comprehensive review of Infinity's website on 29 April 2019 and was unable to locate Infinity's FHP.
4. Accordingly, the ACMA is satisfied that Infinity contravened clause 4.1.1(d) and clause 6.11.1(a) of the TCP Code 2015 on 29 April 2019.

**Requirement to comply with this Direction**

5. Under subsection 121(2) of the Act, Infinity must comply with a direction under subsection 121(1) of the Act.
6. If Infinity does not comply with this direction, the ACMA may apply to the Federal Court for an order that Infinity 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).

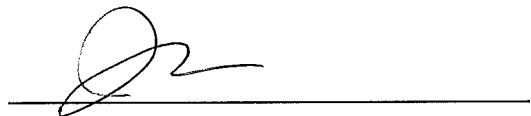
**Review rights**

- 7. If Infinity is dissatisfied with this decision, it may seek a reconsideration of the decision by the ACMA under subsection 558(1) of the Act by making an application in writing to the ACMA, which sets out the reasons for the application, within 28 days after the date on which this notice of this decision is given to Infinity.
- 8. If Infinity is dissatisfied with the ACMA's decision upon reconsideration, then subject to the *Administrative Appeals Tribunal Act 1975 (the AAT Act)*, it may apply to the Administrative Appeals Tribunal for review of the decision, within 28 days of the date on which notice of the ACMA's decision on reconsideration is given to Infinity. Infinity may also request a statement of reasons in relation to the decision on that reconsideration, under section 28 of the AAT Act.

Dated this 6th day of August 2019



Signature of Member



Signature of Member/~~General Manager~~

CREINA CHAPMAN

Name

JAMES CAMERON

Name