



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

TO: Kangaroo Telecom Pty Ltd (ACN 628 098 966) trading as Telsim
OF: Unit 3802, 500 Pacific Highway
St Leonards, NSW, 2065

DIRECTION

I, Tanya Farrell, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that Kangaroo Telecom Pty Ltd (ACN 628 098 966) trading as Telsim (**Telsim**), has contravened the *Telecommunications Consumer Protections Code* (C628:2019) (the **TCP Code**) as described below:

DIRECT Telsim under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with clauses 4.5.1 and 4.6.1 of the TCP Code.

Details of the contraventions

1. The ACMA has investigated Telsim's compliance with the TCP Code, which is an industry code registered with the ACMA under Part 6 of the Act. As a carriage service provider within the meaning of section 87 of the Act, Telsim is a participant in a section of the telecommunications industry to which the TCP Code applies.
2. The ACMA is satisfied that Telsim has contravened the following clauses of the TCP Code:

Provision	Reason
Clause 4.5.1	Failing to ensure that its sales representatives are appropriately trained to promote and sell in a fair, transparent, responsible and accurate manner from 1 January 2023 to 14 April 2024.
Clause 4.6.1	Failing in the customer contract to ensure that it is clear to the consumer that Telsim is responsible for the service to the consumer and is not affiliated or related to the principal carrier.

3. Further details about the contraventions are set out in the investigation report dated 17 December 2024.

Requirement to comply with this Direction

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

If Telsim does not comply with this direction, the ACMA may issue an infringement notice relating to the contravention (subsection 572E(1) of the Act) or apply to the Federal Court for an order that Telsim pay the Commonwealth a pecuniary penalty in respect of its

contravention of a civil penalty provision (see subsection 121(4) and subsection 571(1) of the Act).

Reconsideration of a decision

If Telsim is dissatisfied with the decision to give this direction, it may seek 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. Any such application must be made within 28 days after Telsim 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 Telsim is dissatisfied with that decision, it may:

- (a) subject to the *Administrative Review Tribunal Act 2024* (the **ART Act**), apply to the Administrative Review Tribunal for review of the reconsideration decision; and
- (b) request a statement under section 268 of the ART Act in relation to that decision.

This day of 17 December 2024



Tanya Farrell
A/g Executive Manager
Telecommunications Safeguards and Numbers Branch
Delegate of the Australian Communications and Media Authority