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Australian
Communications
and Media Authority

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

TO: Agile Pty Ltd ACN 080 855 321

OF: 65 Waterloo Road, Macquarie Park NSW 2113

Attention: Mr Stephen Banfield, Company Secretary

The Australian Communications and Media Authority (**the ACMA**), being satisfied that Agile Pty Ltd ACN 080 855 321 (**Agile**), has contravened the *Industry Code (C555:20017) Integrated Public Number Database (IPND)* (**the IPND Code**) as described below;

DIRECTS Agile, 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 Agile's compliance with the IPND Code, which is an industry code registered by the ACMA under Part 6 of the Act. As a carriage service provider (**CSP**), Agile is a participant in a section of the telecommunications industry to which the IPND Code applies.

2. The ACMA is satisfied that Agile has contravened the following clauses of the IPND Code:

    (a) 4.2.1 – because Agile, a CSP that provides carriage services to customers using public numbers, failed to provide the relevant public number customer data to the IPND Manager in respect of multiple carriage services it supplies.

    (b) 4.2.11 – because Agile failed to ensure that certain public number customer data provided to the IPND Manager was accurate, complete and up to date. Specifically, Agile did not upload any public number customer data to the IPND in respect of multiple carriage services it supplies and provided public number customer data with an incorrect Service Status Code in respect of multiple carriage services it supplies.

    (c) 4.2.25 – because Agile failed to supply to the IPND Manager public number customer data updates that occurred on one business day, by the end of the next business day in respect of multiple carriage services it supplies.

3. Further details about the contraventions are set out in the investigation report provided with this Direction.

Requirement to comply with this Direction

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

If Agile does not comply with this direction, the ACMA may apply to the Federal Court for an order that Agile 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, Agile may apply to the ACMA for the ACMA to reconsider the decision to give Agile 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 Agile 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 Agile 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: 21 December 2018

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

CHRISTIAN VOSE

(Name of Member)

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(Signature of Member)

JENNIFER MC NEILL

(Name of Member / General Manager)

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(Signature of Member / General Manager)