



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

TO: PowerTel Limited ACN 001 760 103

OF: 63-65 Waterloo Road, Macquarie Park NSW 2113

Attention: Mr Stephen Banfield, Company Secretary

The Australian Communications and Media Authority (**the ACMA**), being satisfied that PowerTel Limited ACN 001 760 103 (**PowerTel**), has contravened the *Industry Code (C555:20017) Integrated Public Number Database (IPND) (the IPND Code)* as described below;

DIRECTS PowerTel, 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 PowerTel'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**), PowerTel is a participant in a section of the telecommunications industry to which the IPND Code applies.
2. The ACMA is satisfied that PowerTel has contravened the following clauses of the IPND Code:
  - (a) 4.2.1 – because PowerTel, 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 PowerTel failed to ensure that certain public number customer data provided to the IPND Manager was accurate, complete and up to date. Specifically, PowerTel 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 PowerTel 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, PowerTel must comply with a direction under subsection 121(1) of the Act.

If PowerTel does not comply with this direction, the ACMA may apply to the Federal Court for an order that PowerTel 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, PowerTel may apply to the ACMA for the ACMA to reconsider the decision to give PowerTel 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 PowerTel 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 PowerTel 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 JOSE

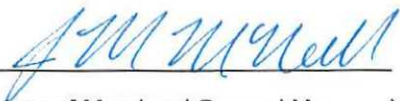
(Name of Member)



(Signature of Member)

JENNIFER McNEILL

(Name of Member/ General Manager)



(Signature of Member/ General Manager)