



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

TO: SkyMesh Pty Ltd (ACN 613 736 137)

OF: c/- Marsh Tincknell
Level 1
1454 Logan Road
Mount Gravatt QLD 4122

DIRECTION

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that SkyMesh Pty Ltd (**SkyMesh**), has contravened the *Telecommunications Consumer Protections Code* (C628:2019) (the **TCP Code**) as described below;

DIRECT SkyMesh under subsection 121(1) of the *Telecommunications Act 1997* (the **Act**), to comply with clause 4.2.8 of the TCP Code.

Background

Following an investigation, the ACMA found that SkyMesh has contravened clause 4.2.8 of the TCP Code during the period 1 August 2019 to 11 July 2023.

This direction relates to the contraventions of the TCP Code identified during the ACMA's investigation.

Details of the contraventions

1. The TCP Code 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, SkyMesh is a participant in a section of the telecommunications industry to which this code applies.
2. The ACMA is satisfied that SkyMesh has contravened the following clause of the TCP Code:

Provision	Reason
Clause 4.2.8	Failing to provide the Critical Information Summary (CIS) for post-paid services to an approximate number of consumers less than but close to 11,615 prior to sale.

3. Further details about the contraventions are set out in the investigation report dated 9 October 2023.

Requirement to comply with this Direction

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

If SkyMesh 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 SkyMesh 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 SkyMesh 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 SkyMesh 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 SkyMesh 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).

This 9th day of October 2023



Jeremy Fenton
A/g General Manager
Consumer Division
Delegate of the Australian Communications and Media Authority