

INFRINGEMENT NOTICE

NOTICE UNDER SECTION 572E OF THE *TELECOMMUNICATIONS ACT 1997* (CTH)

To: **Exetel Pty Ltd**
 ACN 097 986 546
 Level 9
 12-20 Shelley Street
 Sydney NSW 2000

I, Jeremy Fenton, am an authorised infringement notice officer of the Australian Communications and Media Authority (the **ACMA**).

I have reasonable grounds to believe that between 26 June 2024 and 28 June 2024, Exetel Pty Ltd (ACN **097 986 546**) (**Exetel**), in its capacity as a carriage service provider (**CSP**), contravened subsections 8(2) and 8(5) of the Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020 (the **Standard**).

A contravention of the Standard is a contravention of subsection 128(1) of the *Telecommunications Act 1997* (the **Act**), being a civil penalty provision.

I therefore give Exetel this Infringement Notice under section 572E of the Act in relation to specific alleged contraventions.

In giving this Infringement Notice, I have had regard to the *Telecommunications (Infringement Notices) Guidelines 2022*.

Details of the contraventions

It is alleged that Exetel contravened subsections 8(2) and 8(5) of the Standard by not using at least one additional identity verification process set out in paragraphs 8(2)(a) to (d) to confirm that the person requesting a port is the rights of use holder and proceeding with a port without using one of the additional identity verification processes.

Failing to comply with a standard registered under Part 6 of the Act is a contravention of subsection 128(1) of the Act. The Standard is made under Part 6 of the Act.

Subsection 128(1) is a civil penalty provision.

Schedule 1 to this Infringement Notice sets out brief details of the alleged contraventions.

Penalty payable under this Infringement Notice

In accordance with section 572G of the Act, the penalty payable under this Infringement Notice is **\$244,140**. The penalty has been calculated in the table at Schedule 2 to this Infringement Notice.

Time for payment of the penalty

The penalty should be paid **within 28 days** after the day on which this Infringement Notice is given, being 24 July 2025.

The penalty should be paid to the Australian Communications and Media Authority, on behalf of the Commonwealth, into the account below within 28 days of receipt of the Notice.

Please include the narration [REDACTED] with your payment.

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

You may ask for additional time to pay. Any request should be made to me as soon as possible, and no later than 28 days after the date this Infringement Notice is given.

If the penalty is paid

If you pay the penalty specified in this Infringement Notice within the time for payment (being within 28 days after the day on which this Infringement Notice is given, or, if applicable, within the longer period allowed under subparagraph 572F(1)(d)(ii) of the Act) and the Infringement Notice is not withdrawn, the matter will not be dealt with by the Federal Court of Australia under Part 31 of the Act. Your liability for the alleged contraventions, the subject of this Infringement Notice, will be discharged. No further proceedings will be taken with respect to the alleged contraventions.

Payment does not equate to a finding that the contraventions occurred.
Payment is not an admission of liability.

If the penalty is not paid

If you do not pay the penalty within the time for payment, the ACMA may take action for the alleged contraventions.

That action may include the institution of civil penalty proceedings in the Federal Court. The penalties that the Federal Court can impose are potentially significantly higher than that in an Infringement Notice (see section 570 of the Act).

Withdrawal of the infringement notice

The ACMA may withdraw this Infringement Notice. It may do so of its own volition or upon your request. To be effective, the withdrawal must occur within 28 days after the Infringement Notice was given.

If you wish to apply for withdrawal of the Infringement Notice, you should write to me as soon as practicable setting out the reasons for the request.

If the Infringement Notice is withdrawn after the penalty is paid, the penalty will be refunded.

Please note that if this Infringement Notice is withdrawn, the ACMA may consider taking action for the alleged contravention(s), the subject of this Infringement Notice.

Enquiries concerning the Infringement Notice

If you have any enquiries about this Infringement Notice, contact me on [REDACTED] or by email at [REDACTED]

DATE: 26 June 2025

[REDACTED]

Jeremy Fenton

Authorised Infringement Notice Officer

Executive Manager – Unsolicited Communications and Scams Branch

Australian Communications and Media Authority

SCHEDULE 1

Details of each of the alleged contraventions

In accordance with section 572F of the *Telecommunications Act 1997*, brief details of the alleged contraventions are set out below.

1. Background

- 1.1. Exetel is an Australian company, limited by shares, with a registered office at Level 9 12-20 Shelley Street, Sydney NSW 2000.
- 1.2. Exetel supplies telecommunications services (being listed carriage services) to the public. It is a CSP within the meaning of section 87 of the Act and is a mobile CSP within the meaning of the Standard.
- 1.3. As a mobile CSP, Exetel is required to comply with the Standard under subsection 128(1) of the Act.
- 1.4. On 9 September 2024, the ACMA commenced an investigation into Exetel's compliance with the Standard.

Matters giving rise to the Notice

- 1.5. Information obtained by the ACMA from Exetel during its investigation showed that between 26 June 2024 and 28 June 2024, Exetel proceeded with porting mobile service numbers without using an additional verification process as set out in subsection 8(2) of the Standard.
- 1.6. In each instance, Exetel was the gaining CSP for the ported mobile service numbers.

2. Details of the contraventions

- 2.1. The Standard is an industry standard registered under Part 6 of the Act. It requires the gaining CSP, prior to initiating a port of a mobile service number, to use additional identity verification processes to confirm that the person requesting a port:
 - is the rights of use holder (or their authorised representative) for the mobile service number to be ported; and
 - has access to a mobile device associated with that mobile service number.
- 2.2. A gaining mobile CSP must not proceed with a mobile service number port unless an additional identity verification set out in subsections 8(2) or 8(3) has been used (as per subsection 8(5)).
- 2.3. Exetel was also not compliant with subsection 8(5) as it proceeded with the port and did not use any of the identity verification processes under subsection 8(2) and subsection 8(3).
- 2.4. Therefore, the ACMA has reasonable grounds to believe that Exetel has contravened subsections 8(2) and 8(5) of the Standard.
- 2.5. As a consequence of failing to comply with the Standard, the ACMA also found that Exetel has contravened subsection 128(1) of the Act which requires CSPs to comply with an industry standard.
- 2.6. Subsection 128(1) of the Act is a civil penalty provision (subsection 128(3) of the Act).

3. The amount of the penalty

- 3.1. The total penalty specified in the Infringement Notice is \$244,140 calculated in accordance with section 572G of the Act, as shown in the table set out at Schedule 2 below.

SCHEDULE 2

Penalties for alleged contraventions of section 8 of the Standard being contraventions of subsection 128(1) of the *Telecommunications Act 1997*

Item	Date of alleged contravention	Mobile phone number	Penalty Units ¹	Penalty
1	26 June 2024	██████████	60	\$18,780
2	26 June 2024	██████████	60	\$18,780
3	26 June 2024	██████████	60	\$18,780
4	26 June 2024	██████████	60	\$18,780
5	26 June 2024	██████████	60	\$18,780
6	26 June 2024	██████████	60	\$18,780
7	26 June 2024	██████████	60	\$18,780
8	27 June 2024	██████████	60	\$18,780
9	27 June 2024	██████████	60	\$18,780
10	27 June 2024	██████████	60	\$18,780
11	28 June 2024	██████████	60	\$18,780
12	28 June 2024	██████████	60	\$18,780
13	28 June 2024	██████████	60	\$18,780
Total penalty				\$244,140

¹ The value of a penalty unit at the time of the contravention is \$313. Subsection 572G(1)(b) specifies that an infringement notice given to a body corporate must be a pecuniary penalty equal to 60 penalty units. Therefore 60 penalty units x \$313 = \$18,780.