

Formal Warning under subsection 70(1) of the *Telecommunications Act 1997*

TO: Xenith IG Australia Pty Ltd (ACN 621 389 240)

OF: Suite 2, Level 25, 100 Miller Street,
North Sydney, NSW, Australia, 2060

I, [REDACTED], delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied that Xenith IG Australia Pty Ltd, ACN 621 389 240 (**Xenith**), has:

- contravened subclause 9(1) of Division 5 of Schedule 3 to the *Telecommunications Act 1997* (the **Act**) by failing to take all reasonable steps to ensure that the land in which its activities took place was restored to a condition that was similar to its condition before the activities began;

and in doing so

- contravened subsection 68(1) of the Act

HEREBY issue a formal warning to Xenith under subsection 70(1) of the Act for its contravention of subsection 68(1) of the Act.

Details of the contravention

1. Xenith is a carrier (previously Fibre Path Pty Ltd) holding licence number 465.
2. Subsection 68(1) of the Act requires that a carrier not contravene a condition of a carrier licence held by the carrier.
3. Clause 1 of Part 1 of Schedule 1 to the Act provides that compliance with the Act is a carrier licence condition.
4. On 28 July 2025, the ACMA commenced an investigation into Xenith's alleged contraventions of Schedule 3 to the Act and the *Telecommunications Code of Practice 2021*.
5. The activities that were the subject of the investigation were the installation of telecommunications facilities which fall under Division 3 of Schedule 3 to the Act; namely, Xenith's fibre cabling installation activities in Lane Cove, NSW, from October 2023 to March 2025, and associated restoration works.
6. Upon completion of the investigation, the ACMA found that Xenith contravened subclause 9(1) of Division 5 of Schedule 3 to the Act by failing to take all reasonable steps to ensure that the land in which its activities took place was restored to a condition that was similar to its condition before the activities began.
7. The ACMA is satisfied that Xenith has contravened subclause 9(1) of Division 5 of Schedule 3 to the Act and, consequently, has contravened subsection 68(1) of the Act by failing to comply with the carrier licence condition in clause 1 of Part 1 of Schedule 1 to the Act.
8. The ACMA is therefore satisfied that Xenith has contravened a condition of its carrier licence.
9. Subsection 70(1) of the Act allows the ACMA to issue a formal warning to a carrier if the carrier contravenes a carrier licence condition.

Dated 2 July 2026



Signature Executive Manager

