

21 October 2025

Mediatribes Limited t/a Bryte Internet Solutions
7-9 McColl Street,
Newmarket,
Auckland 1023

Attention: [REDACTED], Director

By email only: [REDACTED]

Dear [REDACTED],

Enforcement outcomes for alleged offending under section 156A(1)(p) of the Telecommunications Act 2001

Purpose of this letter

1. The Commerce Commission (**Commission**) has been investigating Mediatribes Limited's (**Bryte's**) compliance with the 111 Contact Code (**the Code**), under the Telecommunications Act 2001 (**Act**). We have now completed our investigation and are writing to inform you of the outcome.
2. In summary, the Commission considers Bryte is likely to have committed offences under section 156A(1)(p) of the Act due to:
 - 2.1 non-compliance with clause 7 of the Code, via a failure to provide Code information specified in clause 8.8, on Bryte's website, as required by clause 9.1;
 - 2.2 non-compliance with clause 45 of the Code, by failing to disclose information about Bryte's activities under the Code to the Commission by 30 November 2024.
3. We consider this non-compliance has occurred without a reasonable excuse, giving rise to likely breaches of the Act.
4. The purpose of this letter is to inform Bryte that the Commission has decided to:

- 4.1 warn Bryte for likely breaching section 156A(1)(p) of the Act by failing to comply with clause 7 of the Code, via clause 9.1 of the Code, without a reasonable excuse; and
- 4.2 serve a civil infringement notice on Bryte under section 156B(1)(a) of the Act for likely breaches under section 156A(1)(p) of the Act. The civil infringement notice relates to failing to comply with clause 45 of the Code, without a reasonable excuse.

Compliance with the Code and the role of the Act

- 5. The purpose of the Code is to ensure that vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means to contact the 111 emergency services in the event of a power failure.
- 6. The Code sets out a range of obligations designed to ensure that consumers are made aware of, and are regularly informed about the Code, including the protections available to vulnerable consumers.
- 7. Compliance with the Code is important because it ensures that consumers are aware that modern voice services do not work in a power outage, and provides a pathway by which vulnerable users can be assured of continued voice access to 111 emergency services in the event of a power failure.
- 8. Non-compliance with the Code, if it is found to have occurred without a reasonable excuse, breaches section 156A(1)(p) of the Act. The Commission can take enforcement action for such breaches, under section 156B of the Act.

Bryte's non-compliance with the Code

- 9. Bryte is a provider of retail landline services to consumers. Under the Code, Bryte must inform its retail landline customers about the Code, capably manage applications under the Code, and disclose information to the Commission each year. Failure to do so without a reasonable excuse gives rise to a likely breach of section 156A(1)(p) of the Act.
- 10. The Commission's view is that there is sufficient evidence to establish that Bryte did not comply with clauses 7 and 45 of the Code. These Code obligations, and reasons for the Commission's view are set out below.

Failure to display Code information on Bryte's website

- 11. Clause 7 of the Code requires providers to provide information about the Code to consumers of residential landline services. Clause 8 – 8.8.3 specifies the information which must be provided. Clause 9.1 sets out that the specific Code information must be made easily accessible on a provider's website.

12. Between approximately December 2024 and the start of July 2025, Bryte’s website failed to include information explaining how to make a complaint under the Code, as specified in clause 8.8 of the Code.

Failure to disclose Code information to the Commission

13. Clause 45 of the Code requires providers to disclose information about their activities under the Code to the Commission. By 30 November each year, providers must disclose information about the recently concluded 1 July to 30 June period.
14. Bryte failed to provide disclosures under the Code to the Commission for the period 1 July 2023 – 30 June 2024, by 30 November 2024.

Bryte’s explanation of its non-compliance with the Code

15. On 4 July 2025, Bryte responded to our investigation with written correspondence where it explained that:
 - 15.1 its failure to provide information about how to make a complaint under the Code resulted from an oversight during redesign of its website in 2024, compounded by resource constraints connected to a migration of customers; and
 - 15.2 its failure to provide disclosures of Code information was caused by resource constraints connected to a migration of customers, and a failed handover of responsibilities and tasks during December 2024.
16. We note that upon becoming aware of our investigation, Bryte has taken action to address the issues described above.

Our view of reasonable excuse

17. By its display of some Code information, and by undertaking some Code-related activities in the past, Bryte demonstrated it is clearly aware of the Code. However, despite this awareness, it failed to ensure it was meeting the Code’s requirements.
18. Bryte has explained that its non-compliance with the Code resulted from errors and operational pressures. In our view, these are things that are within Bryte’s control, and failures to comply with the Code as a result of these things are of Bryte’s own making.
19. In our view, the explanations provided by Bryte do not provide a reasonable excuse for its non-compliance with the Code.

Available enforcement responses for a breach under 156A(1)(p)

20. Under section 156B(1) of the Act, the Commission may take one of the following actions where a person has failed, without reasonable excuse, to comply with section 156A(1)(p):
 - 20.1 serve a civil infringement notice under section 156D incorporating a pecuniary penalty of \$2,000;
 - 20.2 enter into enforceable undertakings; or
 - 20.3 apply to the High Court for an order requiring payment of a pecuniary penalty to the Crown.
21. Section 156C of the Act sets out matters the Commission must consider when deciding what enforcement action to take under 156B of the Act. The Commission also considers its own enforcement criteria to assist it in deciding what enforcement action to take.¹
22. The enforcement criteria applicable are:
 - 22.1 the extent of detriment and gain;
 - 22.2 the circumstances, seriousness and culpability relating to non-compliance; and
 - 22.3 public interest.

Our enforcement decision

23. In this instance, the Commission has decided to issue Bryte a civil infringement notice for its failure to disclose Code information to the Commission, and a warning in respect of its failure to provide information about how to make a complaint under the Code on its website.
24. Bryte's failure to comply with the Code appears careless, resulting from a failure to manage its obligations during periods of change. While there is nothing to indicate Bryte's failure to comply with the Code has resulted in actual harm to consumers, the nature of the Code and the information and protections it requires to be extended to consumers mean that non-compliance with the Code will always create an opportunity for harm to occur.

¹ Further detail regarding our enforcement criteria can be found in our Enforcement Response Guidelines [here](#).

25. We consider that there is significant public interest attached to the purpose of the Code. It is ultimately designed to protect vulnerable consumers at times when they are at increased risk.
26. Our decision to issue an infringement notice to Bryte in respect of its failure to disclose Code information to the Commission reflects the fact that this offence occurred in the context of Bryte having been reminded of the disclosure obligation leading up to its due date.
27. As far as we are aware, the failure to make information about how to make a complaint under the Code available on Bryte's website was only an issue following the website redesign in 2024, so occurred for a limited time before being rectified.

Consequences of these enforcement outcomes

28. The warning contained within this letter and infringement notice attached, represent the Commission's view that Bryte's failures to comply with the Code without a reasonable excuse are likely to be offences under section 156A(1)(p) of the Act, and that legal action remains available to the Commission in future if the conduct is repeated.
29. The Commission may draw these enforcement responses to the attention of a court in any subsequent proceedings brought by the Commission against Bryte.
30. The Commission may also take these enforcement responses into account in the event of continued or repeated similar conduct by Bryte.

Further information about the infringement notice

31. We must prescribe the particulars of an offence when issuing an infringement notice.
32. The infringement notice is being issued in respect of the following breach:

'On 30 November 2024, Bryte failed (without a reasonable excuse) to provide its annual Code disclosure to the Commission, as required under clause 45 of the Commission 111 Contact Code'
33. The penalty for the alleged breach is \$2,000, which is due for payment by **18 November 2025**
34. Payment can be made by bank account transfer to the account of the Commission [REDACTED] or by cheque.
35. The infringement notice is attached to this letter. It is important that you read all the information on the infringement notice.

36. You may object to these infringement notices by making an objection to the Commission under section 156E of the Act by **18 November 2025**. You may also appeal any Commission decision on an objection to the District Court under section 156I of the Act.
37. We intend to include information about this enforcement response on our Case Register after any objections or appeals have been resolved. This will include a copy of this letter. We may also issue a media release or make public comment about the outcome.

Our expectations regarding Bryte's future compliance

38. We take non-compliance with the Code seriously. We expect Bryte to ensure it maintains compliance with the Code.
39. While we will not be taking any further action against Bryte at this time, we will take the infringement notice and warning into account if these issues arise again, or if Bryte engages in similar conduct in the future. We may also draw the infringement notice and warning to the attention of a court in any subsequent proceedings brought by the Commission against Bryte.

Further information

40. If you have any questions about this letter or the civil infringement notice, please contact [REDACTED], Principal Investigator by email at [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

Head of Telecommunications