

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 Velocitynet that the Commission has decided to (in respect of the likely committed offences):
 - 4.1 serve a civil infringement notice on Velocitynet under section 156B(1)(a) of the Act. The civil infringement notice relates to the failure to comply with clause 7 of the Code via clause 9.3 of the Code, without a reasonable excuse; and
 - 4.2 warn Velocitynet 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, and clause 16.3 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, is an offence under section 156A(1)(p) of the Act. The Commission can take enforcement action for such offences, under section 156B of the Act.

Velocitynet's non-compliance with the Code

9. The Commission's view is that there is sufficient evidence to establish that Velocitynet did not comply with clauses 7 and 16.3 of the Code. These Code obligations, and reasons for the Commission's view are set out below.

Failure to display Code information on Velocitynet's website

10. Clause 7 of the Code requires providers to provide information about the Code to consumers. Clause 8 – 8.8.3 specifies the information which must be provided. Clause 9.1 sets out that the specific Code information must be displayed on a provider's website.

Information explaining that means provided by Velocitynet under the Code must be provided at no cost

11. Velocitynet's website failed to include information explaining that, if it was required to provide appropriate means of contacting 111 to a vulnerable consumer, that this must be provided at no cost to the consumer, as specified in clause 8.5 of the Code.

Information explaining that Velocitynet could not refuse service based on vulnerability

12. Velocitynet's website failed to include information explaining that a provider cannot deny or cease supply of a residential landline service on the basis that the provider knows or suspects a consumer is, or may become, a vulnerable consumer, as specified in clause 8.6 of the Code.

Information describing how consumers could make a complaint under the Code

13. Velocitynet'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 send annual Code information to consumers

14. Clause 7 of the Code requires providers to provide information about the Code to consumers. Clause 8 – 8.8.3 specifies the information which must be provided. Clause 9.3 sets out that the specific Code information must be provided to all existing residential landline customers at least once every 12-months.
15. In its annual disclosure of Code information to the Commission, Velocitynet chose the option 'none' when asked if it provides information to all customers of a residential landline service at least once every 12 months.

Failure to make available a written application form

16. Clause 16.3 of the Code requires providers to offer a written application form that enables consumers to supply the necessary information when making an application under the Code. Velocitynet's website provided links for its PDF and Word application forms which did not function, rendering them inaccessible to consumers.

Velocitynet's explanation of its non-compliance with the Code

17. On 1 September 2025, Velocitynet attended a voluntary interview with the Commission, where it explained that:
 - 17.1 it did not have a reason for the failure to include the information specified in clauses 8.5, 8.6 and 8.8 of the Code on its website;
 - 17.2 it did not have a reason for failing to send Code information to its customers on an annual basis, as required by clause 9.3 of the Code; and

- 17.3 that the application form required by clause 16.3 of the Code was inaccessible due to being published in a development state, rather than as a fully operational link.
18. We note that upon becoming aware of our investigation, Velocitynet has taken action to address the issues described above.

Our view of reasonable excuse

19. By its display of some Code information, and by undertaking some Code-related activities, Velocitynet demonstrated it is clearly aware of the Code. However, despite this awareness, it failed to ensure it was meeting the Code's requirements.
20. Velocitynet has not provided any information to suggest its failure to comply with the Code was for reasons outside of its own control, or were not of its own making.
21. In our view, the explanations provided by Velocitynet do not provide a reasonable excuse for its non-compliance with the Code.

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

22. 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):
- 22.1 serve a civil infringement notice under section 156D incorporating a pecuniary penalty of \$2,000;
 - 22.2 enter into enforceable undertakings; or
 - 22.3 apply to the High Court for an order requiring payment of a pecuniary penalty to the Crown.
23. 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
24. The enforcement criteria applicable are:
- 24.1 the extent of detriment and gain;
 - 24.2 the circumstances, seriousness and culpability relating to non-compliance; and

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

24.3 public interest.

Our enforcement decision

25. In this instance, the Commission has decided to issue Velocitynet a civil infringement notice for its failure to provide Code information to its customers at least once every 12-months, and warnings in respect of its failures to provide complete Code information on its website, and failure to provide an accessible written application form.
26. Velocitynet's failure to comply with the Code appears careless, resulting from a lack of due diligence. While there is nothing to indicate Velocitynet'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.
27. We consider that there is significant public interest attached to the purpose of the Code. It is ultimately designed to protect the vulnerable, at times when they are at increased risk.

Consequences of these enforcement outcomes

28. The warnings contained within this letter and civil infringement notice, represent the Commission's view that Velocitynet's failure 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 Velocitynet.
30. The Commission may also take these enforcement responses into account in the event of continued or repeated similar conduct by Velocitynet.

Further information about the infringement notices

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

'Between 1 August 2024 and 1 August 2025, Velocitynet failed, without a reasonable excuse, to provide the information required by clause 7 and specified in Clause 8 of the 111 Contact Code, to customers of a residential landline service at least once every 12-months, as required by clause 9.3 of the 111 Contact Code.'
33. The penalty for the alleged offending is a total of \$2,000, which is due for payment by **22 December 2025**

34. Payment can be made by bank account transfer to the account of the Commission [REDACTED] or by cheque.
35. The infringement notice has been provided to Velocitynet separately. It is important that you read all the information on the infringement notice.
36. You have previously objected to the infringement notice under section 156E of the Act and we have written to you separately refusing that objection. As set out in our separate correspondence, you may 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 Velocitynet's future compliance

38. We take non-compliance with the Code seriously. We expect Velocitynet to ensure it maintains compliance with the Code.
39. While we will not be taking any further action against Velocitynet at this time, we will take the infringement notices and warning into account if these issues arise again, or if Velocitynet 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 Velocitynet.

Further information

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

Yours sincerely,

[REDACTED]

Head of Telecommunications