



## Formal Warning under subsection 103(1) of the *Telecommunications Act 1997*

TO: Account Management Australia Pty Ltd (ACN 622 636 364)

OF: Sheppard Hanson & Co  
Unit 5, 1027 Manly Road  
Tingalpa, QLD, 4173

I, Cathy Rainsford, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report sent to Account Management Australia Pty Ltd (**AMA**) on 14 July 2022, that AMA contravened subsection 101(1) of the *Telecommunications Act 1997* (the **Act**), by failing to comply with subsection 128(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the **TCPSS Act**),

HEREBY issues AMA a formal warning under subsection 103(1) of the Act for its failure to comply with subsection 101(1) of the Act.

### Details of the contravention

#### *Obligation*

Subsection 101(1) of the Act provides that a service provider must comply with the service provider rules that apply to the provider. Subsection 98(1) provides that the service provider rules include the rules set out in Schedule 2 to the Act. Clause 1 of Schedule 2 to the Act provides that a service provider must comply with the Act, which is defined to include the TCPSS Act.

Subsection 128(1) of the TCPSS Act provides that an eligible carriage service provider (**CSP**) must enter into the Telecommunications Industry Ombudsman (**TIO**) scheme.

Under subsection 103(1) of the Act, the ACMA may issue a formal warning to a service provider if the service provider contravenes a service provider rule.

#### *Investigation*

The ACMA received a referral from the TIO on 11 April 2022 alleging that AMA was an eligible CSP and had failed to join the TIO scheme in accordance with subsection 128(1) of the TCPSS Act. Following an investigation, preliminary findings were made by the ACMA that it was satisfied that AMA is an eligible CSP and therefore required to join the TIO scheme.

A copy of the ACMA's preliminary investigation report was given to AMA on 23 May 2022.

On 26 May 2022, AMA advised the ACMA that it had made an application to join the TIO scheme on 25 May 2022.

On 27 May 2022, the TIO confirmed that AMA had joined the TIO scheme on that day.

On 7 July 2022, AMA advised the ACMA that it began offering 4G services to a small number of customers on 4 January 2019.

For the period 4 January 2019 to 26 May 2022, I am satisfied that AMA was an eligible CSP and did not join the TIO scheme, in contravention of subsection 128(1) of the TCPSS Act, and thereby failed to comply with the service provider rule set out in clause 1 of Schedule 2 to the Act, in contravention of subsection 101(1) of the Act.

Dated: 14 July 2022

A handwritten signature in black ink, appearing to read 'C. Rainsford', is positioned above the printed name and title.

Cathy Rainsford  
General Manager  
Content and Consumer Division  
Delegate of the Australian Communications and Media Authority