



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

TO: Protech Solutions WA Pty Ltd (ACN 607 163 575)

OF: 24 Wells Street
Mariginiup, WA, 6078

The Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report sent to Protech Solutions WA Pty Ltd (**Protech Solutions**) on 1 July 2022, that Protech Solutions contravened the carrier licence conditions set out at clause 1 of Schedule 1 to the *Telecommunications Act 1997* (the **Act**), and subsection 68(1) of 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 Protech Solutions a formal warning under subsection 70(1) of the Act for its failure to comply with subsection 68(1) of the Act.

Details of the contravention

Obligation

Subsection 68(1) of the Act provides that a carrier must not contravene a condition of the carrier licence held by the carrier. Section 61 of the Act provides that a carrier licence is subject to the conditions specified in Schedule 1 of the Act. Clause 1 of Schedule 1 to the Act provides that a carrier must comply with the Act, which is defined to include the TCPSS Act.

Subsection 128(1) of the TCPSS Act provides that a carrier must enter into the Telecommunications Industry Ombudsman (**TIO**) scheme.

Under subsection 70(1) of the Act, the ACMA can issue a formal warning to a carrier if it contravenes a condition of the carrier licence held by the carrier.

Investigation

The ACMA received a referral from the TIO on 11 April 2022 alleging that Protech Solutions has been a carrier since 9 April 2021 but 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 as the holder of a carrier licence since 9 April 2021 Protech Solutions had been required to join the TIO scheme from that date.

A copy of the ACMA's preliminary investigation report was given to Protech Solutions on 29 April 2022.

On 6 May 2022, Protech Solutions advised the ACMA that it had made an application to join the TIO scheme.


On 9 May 2022, the TIO confirmed that Protech Solutions had joined the TIO scheme.

For the period 9 April 2021 to 8 May 2022, in contravention of subsection 128(1) of the TCPSS Act, Protech Solutions was a carrier and did not join the TIO scheme, and thereby failed to comply with the carrier licence condition set out at clause 1 of Schedule 1 to the Act, in contravention of subsection 68(1) of the Act.

Dated: 1 July 2022



Signature of Member



Signature of Member/
General Manager

JAMES CAMERON

Name (Please Print)

CATRIN RAINSFORD

Name (Please Print)