



## Remedial Direction under subsection 102(2) of the *Telecommunications Act 1997*

**TO:** Hosted Telecommunications Pty Ltd  
(ACN 648 922 758)

**OF:** 'Cama House' Suite 3  
22 Woodriff Street  
Penrith NSW 2750

**Attn:** Mr Leigh Schmid

I, Craig Riviere, delegate of the Australian Communications and Media Authority (the **ACMA**), am satisfied, for the reasons explained in the ACMA's investigation report sent to Hosted Telecommunications Pty Ltd (**Hosted Telecommunications**) on 2 September 2022, that Hosted Telecommunications has contravened the service provider rule in clause 1 of Schedule 2 to the *Telecommunications Act 1997* (the **Act**); and

HEREBY direct Hosted Telecommunications under subsection 102(2) of the Act to enter into the Telecommunications Industry Ombudsman (**TIO**) scheme as required by subsection 128(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the **TCPSS Act**) by no later than 30 September 2022.

### TAKE NOTE:

1. Subsection 101(1) of the Act provides that a service provider must comply with the service provider rules that apply to the provider. Subsection 101(1) of the Act is a civil penalty provision. The service provider rules are 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.
2. Subsection 128(1) of the TCPSS Act provides that an eligible carriage service provider must enter into the TIO scheme.
3. Under subsection 102(2) of the Act, the ACMA can direct a service provider to take specified action directed towards ensuring that the provider does not contravene a service provider rule, or is unlikely to contravene a service provider rule, in the future.
4. Subsection 102(4) of the Act provides that a service provider must not contravene a direction given under subsection 102(2). Such a contravention

is a contravention of the Act, and therefore a breach of the service provider rules.

5. A corporation that has contravened the civil penalty provision at subsection 101(1) of the Act may be ordered by the Federal Court to pay to the Commonwealth such pecuniary penalty as the Court determines to be appropriate, up to a maximum of \$10 million (section 570 of the Act).

#### **Review rights**

6. Hosted Telecommunications may request the ACMA to reconsider its decision to give the direction by application in writing made within 28 days of being informed of the decision, in accordance with section 558 and Part 29 of the Act.
7. If Hosted Telecommunications is dissatisfied with the ACMA's decision upon reconsideration then, in accordance with section 562 of the Act, Hosted Telecommunications has the right to seek review of the reconsideration decision by the Administrative Appeals Tribunal.

#### **Contacting the ACMA**

8. Should you require further information, please contact:

Peter Sutton  
Manager Telecommunications Compliance and Enforcement Section  
PO Box 13112 Law Courts  
Melbourne, VIC 8010  
Ph: (03) 9963 6950  
Email: peter.sutton@acma.gov.au

This 2<sup>nd</sup> of September 2022



Signature of Delegate

Craig Riviere  
Executive Manager  
Telecommunications Safeguards Branch

**Delegate of the ACMA**