



Australian
Communications
and Media Authority

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

TO: Ms Eunyoung Yoo, trading as Telink Australia (ABN: 69 213 268 668)

OF: PO Box 20461
World Square
NSW, 2002

I, Craig Riviere, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report sent to Telink Australia (ABN 69 213 268 668) on 2 September 2022, that you, Ms Eunyoung Yoo, trading as Telink Australia, 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 you a formal warning under subsection 103(1) of the Act for your 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 can 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 29 June 2022 alleging that you, Ms Eunyoung Yoo, trading as Telink Australia, were 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 you, trading as Telink, are an eligible CSP and therefore required to join the TIO scheme.

A copy of the ACMA's preliminary investigation report was given to you, Ms Eunyoung Yoo, trading as Telink Australia, on 2 August 2022.

On 15 August 2022, Telink Australia advised that it began supplying telecommunications services in February 2021.

On 19 August 2022, Telink Australia advised the ACMA that you, Ms Eunyoung Yoo, trading as Telink Australia, had made an application to join the TIO scheme on 17 August 2022.

On 19 August 2022, the TIO confirmed that you, Ms Eunyoung Yoo, trading as Telink Australia, had joined the TIO scheme on that day.

For the period 28 February 2021 to 19 August 2022, I am satisfied that you, Ms Eunyoung Yoo, trading as Telink Australia, were 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.

This 2nd day of September 2022



Signature of Delegate

Craig Riviere
Executive Manager
Telecommunications Safeguards Branch
Delegate of the ACMA