



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

TO: Office Automation Mackay Pty Ltd (ACN 050 521 358)

OF: 29 Peel Street
Mackay, QLD, 4740

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 Office Automation Mackay Pty Ltd (**Office Automation**) on 5 May 2023, that Office Automation 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 Office Automation 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 10 March 2022 alleging that Office Automation 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 Office Automation is an eligible CSP and therefore required to join the TIO scheme.

On 28 March 2023, Office Automation advised that it has been invoicing customers for telecommunications services since April 2021.

On 28 March 2023, the TIO confirmed that Office Automation had joined the TIO scheme on that day.

The ACMA's preliminary findings were given to Office Automation on 5 April 2023.

For the period 30 April 2021 to 28 March 2023, I am satisfied that Office Automation 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: 5 May 2023

A handwritten signature in black ink, appearing to read 'CR', with a long horizontal flourish extending to the right.

Craig Riviere
Executive Manager
Telecommunications Safeguards Branch
Delegate of the Australian Communications and Media Authority