



**Subsection 102(2) of the *Telecommunications Act 1997***

**Direction to comply with the *Telecommunications (Consumer Protection and Service Standards) Act 1999***

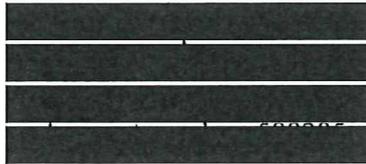
**TO: Digital Technologies & Telecommunications Pty Ltd (ACN 081 278 677)  
(trading as Airlan)**

**OF: Unit 8, 34 Gippsland Street  
Jindabyne NSW 2627**

**Attn: Mr Armen Gregorian, Managing Director**

I, Jennifer McNeill, delegate of the Australian Communications and Media Authority (the ACMA), under subsection 102(2) of the *Telecommunications Act 1997* (the **Telecommunications Act**), hereby direct Digital Technologies & Telecommunications Pty Ltd (ACN 081 278 677) (trading as **Airlan**) to take the following action directed towards ensuring it does not contravene the Telecommunications Industry Ombudsman scheme (TIO scheme), or is unlikely to contravene the TIO scheme in future, as required by section 132 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act):

(a) By no later than 29 March 2017, pay \$660 into the following account:



(b) By no later than 31 March 2017, provide to the ACMA evidence of the completion of the transaction mentioned in paragraph (a), by email to [consumer.interests@acma.gov.au](mailto:consumer.interests@acma.gov.au).

**TAKE NOTE:**

1. Subsection 128(1) of the TCPSS Act provides that each carrier and eligible carriage service provider must enter into the Telecommunications Industry Ombudsman scheme.
2. Subsection 101(1) of the Telecommunications Act provides that a service provider must comply with the service provider rules that apply to the provider. Subsection 101(1) of the Telecommunications Act is a civil penalty provision. The service provider rules are the rules set out in Schedule 2 to the

Telecommunications 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.

3. Under subsection 102(2) of the Telecommunications 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 Telecommunications Act, and therefore a breach of the service provider rules. As mentioned in paragraph 2, failure to comply with a service provider rule may result in civil penalties. 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**

5. If Airlan is dissatisfied with this decision, it may seek a reconsideration of the decision by the ACMA under subsection 558(1) of the Act by making an application in writing to the ACMA, which sets out the reasons for the application, within 28 days after the date on which this notice of decision is given to Airlan.
6. If Airlan is dissatisfied with the ACMA's decision upon reconsideration, then subject to the *Administrative Appeals Tribunal Act 1975* (AAT Act), it may apply to the Administrative Appeals Tribunal for review of the decision, within 28 days of the date on which notice of the ACMA's decision on reconsideration is given to Airlan. Airlan may also request a statement of reasons in relation to the decision on that reconsideration, under section 28 of the AAT Act.

This 15th day of March 2017



Signature of Delegate

Jennifer McNeill  
General Manager  
Content, Consumer and Citizen Division

**Delegate of the Australian Communications and Media Authority**