



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

TO: Fly On IT Pty Ltd (ACN 142 777 599)

OF: Shop 2a, 48-50 The Centreway
Lara, VIC 3212

I, Craig Riviere, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Fly On IT Pty Ltd (**Fly On IT**), has contravened the *Telecommunications Act 1997* (**the Act**) by failing to comply with subsection 128(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1997* (**the TCPSS Act**) as described below;

HEREBY issues Fly On IT with a formal warning under subsection 103(1) of the Act for 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 27 March 2023 alleging that Fly On IT 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 Fly On IT is an eligible CSP and therefore required to join the TIO scheme.

A copy of the ACMA's preliminary findings was given to Fly On IT on 13 June 2023, inviting it to respond by 23 June 2023. On 13 June 2023, Fly On IT provided the ACMA and the TIO with a copy of its application to join the TIO scheme dated 13 June 2023.

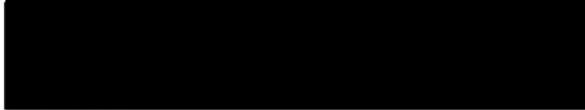
On 14 June 2023, the TIO confirmed that Fly On IT had joined the TIO scheme on that day.

For at least the period 1 November 2022 to 14 June 2023, I am satisfied that Fly On IT 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.

Further details about the contravention are set out in the investigation report provided to Fly On IT on 16 June 2023.

Dated: 16 June 2023



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