



Australian Government
**Australian Communications
and Media Authority**

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

Direction to comply with a Determination of the Telecommunication Industry Ombudsman as required by *Telecommunications (Consumer Protection and Service Standards) Act 1999*

TO: CCS Comms Pty Ltd (ACN 615 762 564)

Care of: Invigor8 Accountants & Advisors Pty Ltd, 'Corporate 1' House Lobby
Level 2, 76 Skyring Terrace, Newstead, QLD, 4006

Attn: Mr Gregory Eicke, Managing Director

I, Jonquil Ritter, delegate of the Australian Communications and Media Authority (**the ACMA**), under subsection 102(2) of the *Telecommunications Act 1997* (**the Telecommunications Act**), hereby direct CCS Comms Pty Ltd (ACN 615 762 564) (trading as **CCS Comms**) to take the following action directed towards ensuring it complies with a Determination of the Telecommunications Industry Ombudsman (**TIO**), and thereby complies with the TIO Scheme, as required by subsection 132 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (**TCPSS Act**):

(a) By no later than 28 February 2020, pay \$1102.30 into the following account:
Bank: Commonwealth Bank of Australia
BSB: 064164
Account name: Wickham Terrace Dental
Account number: 10629732

(b) By no later than 28 February 2020, provide to the ACMA evidence of the completion of the transaction mentioned in paragraph (a), by email to 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 TIO 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. Subsection 98(1) of the Telecommunications Act provides that the service provider rules are the rules set out in

Schedule 2 of that Act. Clause 1 of Schedule 2 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 Telecommunications 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 Telecommunications Act may be ordered by the Federal Court to pay the Commonwealth such pecuniary penalty as the Court determines to be appropriate, up to a maximum of \$10 million (section 570 of the Telecommunications Act).

Review Rights

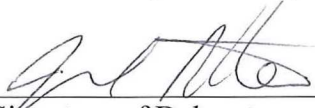
5. If CCS Comms is dissatisfied with this decision, it may seek a reconsideration of the decision by the ACMA under subsection 558(1) of the Telecommunications Act by making an application in writing to the ACMA, which sets out the reasons for the application, within 28 days after the date on which this notice of decision was given to CCS Comms.
6. If CCS Comms 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 CCS Comms. CCS Comms may also request a statement of reasons in relation to the decision on that reconsideration, under section 28 of the AAT Act.

Contacting the ACMA

7. Should you require further information, please contact:

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

This 29th day of January 2020



Signature of Delegate

Jonquil Ritter
A/g General Manager
Content and Consumer Division

Delegate of the Australian Communications and Media Authority