



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 the *Telecommunications (Consumer Protection and Service Standards) Act 1999*

TO: Potukuchi Trading Pty Ltd (ACN 114 098 645), the Trustee for Global Financial Solutions, trading as 1800 BizPhone

AT: Level 5, 7 Eden Park Drive, Macquarie Park, North Ryde, NSW, 2113

Attn: Mr Vijay Sai Potukuchi, Director

I, Cathy Rainsford, delegate of the Australian Communications and Media Authority (**the ACMA**), under subsection 102(2) of the *Telecommunications Act 1997* (**the Telecommunications Act**), hereby direct Potukuchi Trading Pty Ltd (ACN 114 098 645), the Trustee for Global Financial Solutions, trading as 1800 BizPhone (1800 BizPhone) to take the following action directed towards ensuring it does not continue to contravene section 132 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (**the TCPSS Act**):

- (a) By paying the sum of \$7,800.00 to Dandek Pty Ltd (ACN 093 231 737) as required under the Determination of the Telecommunications Industry Ombudsman (**TIO**) (No. 2020/05/03779) and the TIO scheme, by no later than 30 December 2021, into the following account:

Bank: Westpac Banking Corporation
BSB: 032 080
Account name: Hamilton & Co Special Projects
Account number: 314523

- (b) By providing to the ACMA evidence of the completion of the transaction mentioned in paragraph (a), by email to consumer.interests@acma.gov.au no later than x December 2021.

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. Section 132 of the TCPSS Act provides that a carrier or a carriage service provider which is a member of the TIO scheme must comply with the TIO scheme.

3. 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.
4. 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.
5. 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 3, 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

6. If 1800 BizPhone 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 1800 BizPhone.
7. If 1800 BizPhone is dissatisfied with the ACMA's decision upon reconsideration, then subject to the *Administrative Appeals Tribunal Act 1975* (the **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 1800 BizPhone. 1800 BizPhone 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

8. 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 7th day of December 2021



Cathy Rainsford
General Manager
Content and Consumer Division

Delegate of the Australian Communications and Media Authority

