



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

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

TO: Best Telecom Group Pty Ltd (ACN 634 555 034)

AT: Maria De Petro, Suite 6, 9 Bay Street, Southport, QLD 4215

Attn: Directors

I, Paul Nicholas, acting delegate of the Australian Communications and Media Authority (**the ACMA**), under subsection 102(2) of the *Telecommunications Act 1997* (**the Telecommunications Act**), hereby direct Best Telecom Group Pty Ltd, (ACN 634 555 034) (**Best Telecom**), to take the following actions directed towards ensuring it does not continue to contravene the service provider rule in clause 1 of Schedule 2 to the Telecommunications Act:

Refund to Customer

1.
 - (a) By no later than 31 December 2025, Best Telecom must refund \$1088.38 in cancellation fees and reimburse \$15.00 in overdraft fees, being a total refund of \$1,103.38, to the nominated bank account of [REDACTED] (**the customer**) as required under the Decision of the Telecommunications Industry Ombudsman (**the TIO**) identified as 2024-07-03281 (**the TIO Decision**) and the TIO scheme.
 - (b) By no later than 31 December 2025, Best Telecom must provide to the ACMA, by an email with attachments sent to [REDACTED], evidence of the completion of the transaction referred to in paragraph (a).

Implementing effective systems, processes and practices

2. By 31 January 2026, Best Telecom must implement, and thereafter maintain, effective systems, processes and practices for ensuring compliance with decisions of the TIO which must include:
 - (a) systems, processes and practices to record and store customer details for refunds accurately;
 - (b) systems, processes and practices to process refunds to customers accurately, including keeping records of the transactions occurring; and
 - (c) amending the duty statements of relevant senior employees to give them explicit responsibility for ensuring that decisions of the TIO are complied with.

Training

3. (a) By 28 February 2026, Best Telecom must establish a training program for its employees, and any agents or contractors, who have responsibilities for dealing with customer complaints, including those escalated by any customer to the TIO, on Best Telecom's obligations under the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018*, and on its obligations under the TIO Scheme (the **Training Program**).
- (b) By 31 March 2026, Best Telecom must ensure that the Training Program is delivered to all relevant persons referred to in paragraph (a), and provide the ACMA with confirmation in writing that the Training Program has been delivered, together with a list of the staff identifiers and position descriptions of all persons to whom it was delivered.
- (c) After delivery of the Training Program in accordance with paragraph (b), for the following two years Best Telecom must ensure that the Training Program is delivered to any new staff with the responsibilities set out in paragraph (a) within a week of their commencement, and must ensure that the Training Program is delivered to all staff with the responsibilities set out in paragraph (a) at least annually.

Reporting

4. For two years commencing from 1 July 2026, Best Telecom must provide to the ACMA a quarterly written report detailing:
 - (a) the number of complaints made by its customers to the TIO,
 - (b) a summary of the subject matter of each complaint,
 - (c) the date resolutions were agreed to by the customer, and
 - (d) the date those resolutions were implemented.
5. The report for the quarter ending on 30 September 2026 must be provided to the ACMA by 30 November 2026, and the report for each following quarter must be provided within two weeks of the end of the quarter. If no customer complaints were made to the TIO in a particular quarter, a Nil return must be provided in writing to the ACMA.

Administrative Arrangements

6. Any notice, variation to a timeframe or approval required or permitted to be given by the ACMA under this Direction must be in writing and may be given by any ACMA Member or by any ACMA staff member who is a member of the Senior Executive Service.

Background

7. Subsection 128(1) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (**TCPSS Act**) provides that each carrier and eligible carriage service provider must enter into the TIO scheme.
8. Section 132 of the TCPSS Act provides that a carrier or carriage service provider which is a member of the TIO scheme must comply with the TIO scheme.

9. The TIO's Constitution¹ establishes the TIO as a public company overseen by a Board of Directors and funded by its members to operate the TIO scheme. Members are admitted to the TIO scheme in accordance with the TIO's Constitution.
10. The TIO's Constitution² establishes TIO Limited as a not-for-profit public company overseen by a Board of Directors and funded by its members to operate the TIO scheme in accordance with the TIO's Constitution.
11. Under clause 17(b) of the TIO's Constitution, in becoming a member of the TIO scheme, each TIO member agrees to be bound by and observe the TIO's Terms of Reference³ (which set out how the TIO scheme operates).
12. Relevantly, clauses 2.40 and 6.8 of the TIO's Terms of Reference provide that if a consumer, such as the customer, accepts a decision made by the TIO, such as the TIO Decision, the member must comply with and implement the decision.
13. Accordingly, failure of a TIO member to comply with a TIO decision constitutes a failure to comply with the TIO's Constitution and the TIO's Terms of Reference, and consequently a failure to comply with the TIO scheme and section 132 of the TCPSS Act.
14. The Telecommunications Act states that service providers (including CSPs) must comply with the service provider rules contained in the Telecommunications Act (see subsection 101(1)). The relevant service provider rule in this case requires a service provider to comply with the TCPSS Act (see subsection 98(1) and subclause 1(1) of Schedule 2 to the Telecommunications Act).
15. Failure to comply with section 132 of the TCPSS Act is therefore a breach of a service provider rule, and a contravention of subsection 101(1) of the Telecommunications Act.
16. 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.
17. 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.

TAKE NOTE:

18. 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 10, failure to comply with a service

¹ [Terms of Reference | The Telecommunications Industry Ombudsman](#) accessed on 3 July 2025.

² <https://www.tio.com.au/sites/default/files/2022-11/CONSTITUTION%20as%20amended%2015%20November%202022.pdf>

³ [Terms of Reference | The Telecommunications Industry Ombudsman](#)

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

19. If Best Telecom 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 it is informed of the decision.
20. If Best Telecom is dissatisfied with the ACMA's decision upon reconsideration, then subject to the *Administrative Review Tribunal Act 2024 (ART Act)*, it may apply to the Administrative Review 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 Best Telecom. Best Telecom may also request a statement of reasons in relation to the decision on that reconsideration, under section 268 of the ART Act.

Contacting the ACMA

21. Should you require further information, please contact:

Bronwen Jennings
Manager
Telecommunications Compliance and Enforcement Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne, VIC 8010

Ph: [REDACTED]

Email: [REDACTED]

This 2nd day of December 2025

[REDACTED]

Signature of Delegate

Paul Nicholas
A/g Executive Manager
Telecommunications Safeguards and Numbering Branch
Delegate of the Australian Communications and Media Authority