

Variation to Undertaking to the ACMA pursuant to subsection 38(2) of the Spam Act 2003 and subsection 572B(3) of the Telecommunications Act 1997

This Variation concerns the enforceable undertaking (Undertaking) given by Telco First Pty Ltd (ACN 606 963 955) (Telco First) to the Australian Communications and Media Authority (the ACMA) pursuant to section 38(1) of the *Spam Act 2003* (Cth) (the Spam Act) and section 572B of the *Telecommunications Act 1997* (Telecommunications Act).

Background

1. On 16 February 2021 the ACMA accepted the Undertaking given by Telco First under subsection 38(1) of the Spam Act and section 572B of the Telecommunications Act.
2. Telco First may vary the Undertaking with the consent of the ACMA, in accordance with subsection 38(2) of the Spam Act and subsection 572B(3) of the Telecommunications Act.

Operative clause

3. The Undertaking is varied by deleting “24” from clause 2.2(a) of the Undertaking and substituting “36”.
4. The Undertaking is varied by inserting the following after clause 5.2(e):

(ea) Telco First will notify the ACMA and the Independent Consultant no more than 50 Business Days and no less than 40 Business Days before it makes (by itself or by any third-party it engages to do so on its behalf) any Telemarketing Call of its intention to do so. To avoid any doubt, Telco First is only obliged to give one such notification.

5. The Undertaking is varied by deleting “their appointment” from clause 5.2(f) and substituting “receiving notification under clause 5.2(ea)”.

Execution of the Variation

Variation offered by a representative for Telco First under subsection 38(2) of the Spam Act and subsection 572B(3) of the Telecommunications Act:

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Date 03-06-2021

Signature of Telco First representative

SUSHMA BOOB
DIRECTOR

.....
Name and position of Telco First representative

Variation accepted by the ACMA under section 38(2) of the Spam Act and subsection 572B(3) of the Telecommunications Act:

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Signature

.....Jeremy Fenton.....
Name and position of ACMA delegate

Date ...18/06/2021