



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

TO: Spintel Pty Ltd (082 087 689)

OF: Winn Croucher Partners Pty Ltd
Suite 908 Level 9, 153 Walker Street
North Sydney, NSW 2060


The Australian Communications and Media Authority (**the ACMA**), being satisfied that Spintel Pty Ltd (**Spintel**) contravened subsection 101(1) of the *Telecommunications Act 1997* (**the Act**) by failing to comply with clause 19 of Schedule 2 to the Act;

HEREBY issues a formal warning, under subsection 103(1) of the Act, to Spintel to comply with the service provider rule set out in clause 19 of Schedule 2 to the Act.

Details of the contravention

1. The ACMA has investigated whether Spintel complied with the requirements under clause 19 of Schedule 2 to the Act, which requires a carriage service provider (**CSP**) that receives an inquiry from a prospective residential customer about the supply of a standard telephone service, to provide certain information to the prospective customer regarding priority assistance.
2. Spintel is a CSP as defined in section 87 of the Act. As a CSP, it is subject to the obligation imposed by subsection 101(1) of the Act, which requires it to comply with the service provider rules applicable to it. The service provider rules, set out in section 98 of the Act, include those in Schedule 2 to the Act.
3. After completing its investigation, the ACMA found that Spintel did not comply with:
 - a. paragraph 19(2)(a) of Schedule 2 to the Act on five occasions, as detailed in **Attachment A** to the ACMA's Investigation Report, as it did not inform prospective residential customers, who made an inquiry about the supply of a standard telephone service, that it does not offer priority assistance in connection with the service; and
 - b. paragraph 19(2)(b) of Schedule 2 to the Act on 10 occasions, as detailed in **Attachment A** to the ACMA's Investigation Report, as it did not inform prospective residential customers, who made an inquiry about the supply of a standard telephone service, of the names of one or more CSPs from whom the prospective residential customer could obtain priority assistance in connection with a standard telephone service.
4. Accordingly, the ACMA found that Spintel contravened clause 19 of Schedule 2 to the Act, thereby also contravening subsection 101(1) of the Act.

Dated this 15th day of April 2019



Signature of Member

NERIDA O'LOUGHLIN

Name (Please Print)



Signature of Member/
General Manager

CHRISTIAN JOSE

Name (Please Print)