

Formal Warning under subsection 129(2) of the *Telecommunications Act 1997*

TO: Swoop Telecommunications Pty Ltd (ACN 109 931 731)

OF: c/- Maddocks
Level 27, 123 Pitt Street
Sydney NSW 2000

I, Tanya Farrell, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report dated 3 June 2025, that Swoop Telecommunications Pty Ltd (**Swoop**) contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) by failing to comply with subsection 15(4) and subparagraph 27(2)(a)(i) of the *Telecommunications (Financial Hardship) Industry Standard 2024* (the **Financial Hardship Standard**) as described below,

HEREBY issue Swoop a formal warning under subsection 129(2) of the Act for its failure to comply with subsection 15(4) and subparagraph 27(2)(a)(i) of the Financial Hardship Standard.

Details of the contravention

Obligation

Subsection 15(4) of the Financial Hardship Standard provides that carriage service providers (**CSPs**) must include specific information in written communications sent to consumers under paragraph 14(b), and in written bills and reminder notices.

Subsection 27(1) of the Financial Hardship Standard provides that CSPs must deliver, or arrange for a third party to deliver, financial hardship training to their personnel who deal directly with consumers, which training complies with subsection 27(2). Further, subsection 27(2) requires that this training be delivered within 3 months after the commencement of the Financial Hardship Standard (that is, by 30 June 2024) to personnel who deal directly with consumers at that time (subparagraph 27(2)(a)(i)).

Under subsection 129(2) of the Act, the ACMA can issue a formal warning for contraventions of an industry standard registered under Part 6 of the Act.

Investigation findings

The Financial Hardship Standard is an industry standard registered under Part 6 of the Act which applies to participants in the telecommunications industry being CSPs that supply telecommunications products to residential, small business and not-for-profit customers.

As the supplier of internet and mobile telephone services to residential and business customers, Swoop is a CSP for the purposes of the Act.

Swoop is a participant in the section of the telecommunications industry to which the Financial Hardship Standard applies and is required to comply with the Financial Hardship Standard under subsection 128(1) of the Act.

On 4 December 2024, the ACMA commenced an investigation into Swoop's compliance with subsection 15(4) and subparagraph 27(2)(a)(i) of the Financial Hardship Standard.

On 3 June 2025, the ACMA finalised its investigation and made findings that Swoop failed to comply with:

- subsection 15(4) of the Financial Hardship Standard on 29 occasions between 31 March 2024 and 31 May 2024 by failing to include the required information in its invoices, overdue notices and final reminder notices sent to 5 customers.
- subparagraph 27(2)(a)(i) of the Financial Hardship Standard on 13 occasions on 30 June 2024 by failing to deliver, or arrange for a third party to deliver, the requisite training to 13 relevant personnel within 3 months after the commencement of the Financial Hardship Standard.

I am consequently satisfied that:

- between 31 March 2024 and 31 May 2024, Swoop failed to comply with subsection 15(4) of Financial Hardship Standard by failing to include required information in written communications sent under paragraph 14(b), and in written bills and reminder notices.
- as at 30 June 2024, Swoop had failed to comply with subparagraph 27(2)(a)(i) of the Financial Hardship Standard by failing to deliver, or failing to arrange for a third party to deliver, the requisite financial hardship training to its relevant personnel within 3 months after the commencement of the Financial Hardship Standard.

As a consequence of failing to comply with the Financial Hardship Standard, I am also satisfied that Swoop contravened subsection 128(1) of the Act.

Dated this 26th day of June 2025



Tanya Farrell
A/g Executive Manager
Telecommunications Safeguards and Numbers Branch
Delegate of the Australian Communications and Media Authority