ENFORCEABLE UNDERTAKING GIVEN TO THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BY SPINTEL PTY LTD (ACN 082 087 689) (SPINTEL) UNDER SECTION 38 OF THE *SPAM ACT 2003* (CTH.)

1. Definitions

1.1. In this Undertaking:

1.1.1. **ACMA** means the Australian Communications and Media Authority.

1.1.2. **ACMA Authority Member** means the members appointed pursuant to Part 3 of the *Australian Communications and Media Authority Act 2005* (Cth).

1.1.3. **Business day** means a day that is not a Saturday, Sunday or public holiday in New South Wales.

1.1.4. **SpinTel Board** means SpinTel's Board of Directors or equivalent management body or most senior compliance and/or risk committee within SpinTel

1.1.5. **SpinTel** means SpinTel Pty Ltd ACN 082 087 689.

1.1.6. **CEM** means commercial electronic message and has the same meaning as the Spam Act 2003.

1.1.7. **CEM complaint** means a complaint to SpinTel that relates to a CEM sent/caused to be sent, or alleged to have been sent/caused to be sent, by SpinTel OR a complaint notified to SpinTel by the ACMA.

1.1.8. **Commencement date** has the meaning given in subclause 2.1.

1.1.9. **Implementation Plan** means the SpinTel Board approved plan in response to the Independent Consultant's Report referred to in subclause 7.1.

1.1.10. **Independent Consultant** means a qualified and independent consultant with expertise in audits relating to risk and compliance, processes, procedures, systems, governance and controls.

1.1.11. **Personnel or agent** means any staff, contractors or any other paid or authorised representatives of SpinTel.

1.1.12. **Report** means the report produced by the Independent Consultant referred to in subclause 6.1.

1.1.13. **Senior Executive Service** means the Senior Executive Service constituted by subsection 35(1) of the *Public Service Act 1999* (Cth).

1.1.14. **Spam Act** means *Spam Act 2003* (Cth).

2. Term of the Undertaking

2.1. This Undertaking commences when accepted in writing by the ACMA (**Commencement date**). This will be the date the ACMA signs and dates the undertaking.

2.2. This Undertaking continues for a period of 36 months from the Commencement date or until it is withdrawn by SpinTel, with the approval of the ACMA, pursuant to section 38 of the Spam Act, whichever is earlier.

2.3. This Undertaking may be varied by SpinTel, with the consent of the ACMA, pursuant to subsection 38(2) of the Spam Act.

2.4. Any notice or approval required or permitted to be given by the ACMA under this Undertaking must be in writing and may be given by any ACMA Authority member or by any ACMA staff member who is a member of the Senior Executive Service.

3. Background

3.1. On 15 July 2026, the ACMA notified SpinTel that the ACMA has reasonable grounds to believe that, during the relevant period, SpinTel sent, or caused to be sent:

- At least 32,389 CEMs without inferred consent, and
- At least 5 CEMs sent more than 5 business days after consent had been withdrawn.

3.2. SpinTel acknowledges the ACMA's findings, and in response to the ACMA's concerns regarding SpinTel's compliance with the Spam Act, offers this Undertaking to the ACMA aimed at addressing future compliance with the Spam Act.

4. Undertaking

4.1. SpinTel undertakes to take the following specified actions to ensure SpinTel complies with the Spam Act and does not contravene the Spam Act in the future:

4.1.1. Implement and fully perform all steps and actions set out in clauses 6 to 10 of this undertaking.

5. Remedial action taken by SpinTel prior to entering into this undertaking

5.1. Prior to entering into this undertaking, SpinTel:

a. Ceased all CEM activity since the beginning of the ACMA investigation process.

b. Reviewed its CEM unsubscribe process and implemented auditing practices to ensure compliance with the Spam Act.

c. Reviewed how its marketing lists are created and implemented changes to ensure that CEM lists do not include past customers or unsubscribed customers.

6. Independent Consultant Report

6.1. SpinTel undertakes to appoint an Independent Consultant to:

6.1.1. review all of SpinTel's current governance, quality assurance, policies, procedures, and systems (including ICT systems) applicable to its compliance with the Spam Act, and to identify any deficiencies and any improvements to ensure that:

a. remedial action undertaken to date (set out in subclause 5.1 above) is effective to address the root causes of the found compliance issues and ensure future compliance;

b. all CEMs sent, or caused to be sent by SpinTel, do not contravene paragraph 16(1) of the Spam Act;

c. all CEMs sent, or caused to be sent by SpinTel, contain the information required by paragraph 17(1)(b) of the Spam Act;

d. all CEMs sent, or caused to be sent, by SpinTel, contain a functional unsubscribe facility as required by subsection 18(1) of the Spam Act, including testing the functionality of the unsubscribe facility;

e. SpinTel classifies and analyses its records of CEM complaints to identify systemic and recurring problems and trends to act upon;

f. change management processes and changes to policies,

procedures and systems (including ICT systems) do not lead to non-compliance with the Spam Act;

g. SpinTel personnel and agents comply with policies, procedures and system requirements relating to the with the Spam Act;

h. SpinTel personnel and agents are appropriately trained in how to comply with the Spam Act.

6.1.2. produce a report (**the Report**) making recommendations about any improvements to the governance, quality assurance, policies, procedures and systems (including ICT systems):

a. relevant to each of the items at subparagraphs 6.1.1. (a) to (h) above;

b. relevant to SpinTel's ongoing monitoring of Spam Act compliance; and

c. ensuring SpinTel takes reasonable and timely steps to address any identified systemic problems relevant to compliance with the Spam Act.

6.2. SpinTel undertakes to seek written approval from the ACMA for the appointment of the proposed Independent Consultant within 30 business days after commencement of these undertakings. The written approval must be accompanied by information setting out how they meet the definition of Independent Consultant as set out in the definitions of this undertaking and the proposed terms under which the Independent Consultant will be engaged to ensure their independence. The terms do not need to include details of the Independent Consultant's remuneration.

6.3. SpinTel undertakes to appoint the Independent Consultant, and to provide written notification of that appointment to the ACMA, within 10 business days after the ACMA has given its written approval.

6.4. The Independent Consultant will provide the Report to the SpinTel Board, and at the same time to the ACMA, within six months of their appointment, with updated Reports being provided to the SpinTel Board and the ACMA by the end of 18 months and 30 months following appointment of the Independent Consultant.

6.5. Subject to the ACMA's written agreement, SpinTel may remove the Independent Consultant at any time and replace the Independent Consultant with a new Independent Consultant approved by ACMA.

6.6. If the ACMA does not approve an Independent Consultant, or newly proposed Independent Consultant, SpinTel will repeat the process at subclause 6.2 above until it has the ACMA's approval.

7. Implementation Plan

7.1. Within 40 business days of receiving the first, second and third Reports from the Independent Consultant, SpinTel will:

7.1.1. develop an Implementation Plan setting out the steps SpinTel has taken, or will take, to implement all recommendations made by the Independent Consultant in each Report, including timeframes (unless the ACMA specifically agrees that any recommendation need not be implemented upon request by SpinTel in writing);

7.1.2. obtain the formal approval of the Board for the Implementation Plan; and

7.1.3. provide a copy of the Board-approved Implementation Plan to the ACMA.

7.2. SpinTel undertakes to comply with the approved Implementation Plan in accordance with the timeframes specified in the plan.

7.3. The Implementation Plan may be modified at any time subject to the ACMA's written approval. Any request for a modification must be made in writing to the ACMA accompanied by a business case.

8. Ongoing assurance and reporting

8.1. Every three months from commencement, SpinTel will conduct a quality assurance audit to confirm compliance with Spam Act obligations, including each of the issues set out in subclauses 6.1.1 and 6.1.2. This will consist of an audit of a statistically relevant random sample of CEMs for compliance undertaken and overseen by personnel or agents with legal or regulatory responsibilities.

8.2. The results of the audit, the methodology used, any identified Spam Act non-compliance and any planned remediation or action taken, and applicable dates, will be reported to the SpinTel Board within one month of the audit commencing.

8.3. Seven months from commencement, and every six months from that point on, SpinTel will provide a compliance report, approved by the SpinTel Board, to the ACMA that covers the previous 6 months. The report will not contain any name or detail that could reasonably identify an individual. The report will include:

8.3.1. The results of the audits at items 8.1, including the methodology used, any identified Spam Act non-compliance and any planned remediation or action taken, and applicable dates;

8.3.2. All complaints made to SpinTel about alleged non-compliance with the Spam Act, including the date of the complaint and a unique identifier for each complaint;

8.3.3. Any action SpinTel has taken on each complaint the ACMA has notified SpinTel about or SpinTel has received directly. For any action taken, or proposed to be taken, the applicable dates will be provided.

8.3.4. All SpinTel identified instances of non-compliance with the Spam Act, including the cause of the compliance issue and any remediation action taken or planned to be taken and applicable dates; and

8.3.5. Compliance with reporting obligations under clauses 6 and 7 of this undertaking.

8.4. The second such report (required 13 months after commencement) and each subsequent report will state the status of actions SpinTel has taken or will take under the Implementation Plan, including any delays and reasons for the delays.

9. Training

9.1. Within 30 business days of the commencement date, SpinTel undertakes to train all personnel or agents that may be, or are currently responsible for creating, sending or authorising CEMs, and their direct line manager, to ensure compliance with the Spam Act.

9.2. SpinTel undertakes to provide training similar to that described in subclause 9.1, for all new personnel or agents that may be, or are currently responsible for creating, sending or authorising CEMs, or are a line manager for such personnel or agents,

within 6 weeks of their commencement in such roles.

9.3. SpinTel undertakes to repeat the training, described in subclause 9.1, at least every 12 months after SpinTel has undertaken the training referred to in subclause 10.1 for the term of this undertaking.

10. Record-keeping

10.1. SpinTel undertakes to keep written records of:

10.1.1. any improvements made arising from any Report produced by the Independent Consultant or SpinTel;

10.1.2. training provided to staff pursuant to this undertaking; and

10.1.3. steps taken in response to any systemic problems identified by any report produced by the Independent Consultant or SpinTel.

10.2. SpinTel shall provide copies within 10 business days of records referred to in this clause 10 to the ACMA upon written request by the ACMA.

11. Acknowledgment of publication

SpinTel acknowledges that the ACMA may:

11.1. issue a media release on execution of this Undertaking referring to its terms;

11.2. publish this Undertaking available for public inspection; and

11.3. refer to this Undertaking publicly from time to time.

Execution

SIGNED by an authorised representative for SpinTel Pty Ltd ACN 082 087 689

[redacted]

Signature of Authorised Representative

Con Georgiopoulos

Name of Authorised Representative

Operations Manager

Title of Authorised Representative

07/10/2026

Date of Signature

SIGNED by an authorised representative for the **AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY**

[redacted]

presentative

Jeremy Fenton

Name of Authorised Representative

Executive Manager, Unsolicited Communications and Scams

Title of Authorised Representative

08/10/2026

Date of Signature