Infringement Notice

Spam Act 2003

I, Jeremy Fenton, an authorised person for the purposes of clause 9 of Schedule 3 to the *Spam Act 2003* (**Spam Act**), having reasonable grounds to believe that SpinTel Pty Ltd (ACN 082 087 689) (**SpinTel**), has committed one or more contraventions of a particular civil penalty provision, HEREBY give an infringement notice (**the Notice**) under subclause 3(1) of Schedule 3 to the Spam Act to:

SpinTel Pty Ltd

at

Suite 503, Level 5 140 Arthur Street NORTH SYDNEY NSW 2060

Details of Alleged Civil Contraventions

It is alleged that SpinTel contravened subsection 16(1) of the Spam Act between 9 September 2025 and 28 September 2025 by sending commercial electronic messages (CEMs) that had an Australian link, and which were not designated CEMs, without consent, or after consent had been withdrawn.

Amount of Penalty

The total pecuniary penalty (**the penalty**) for the alleged civil contraventions is **$653,400**. The penalty is calculated in accordance with the table under subclause 5(1) of Schedule 3 to the Spam Act, as set out in paragraph 4.1 of Schedule 1 to this Notice.

Payment of Penalty

The penalty should be paid to the Australian Communications and Media Authority (ACMA), on behalf of the Commonwealth, into the following account within 28 days of receipt of the Notice. Please include the narration "[redacted]" with your payment:



If the penalty is paid

If the penalty specified in the Notice is paid to the ACMA, on behalf of the Commonwealth, within 28 days after the Notice is given to SpinTel, the matters outlined in this Notice will not be dealt with by the Federal Court of Australia and any liability for the alleged contraventions that are the subject of this Notice is discharged.

If the penalty is not paid

If you do not pay the penalty by **24 September 2026** the ACMA may take action for the alleged contravention(s).

That action may include the institution of civil penalty proceedings in the Federal Court. The penalties that the Court can impose are potentially significantly higher than that in an Infringement (see section 25 of the Spam Act).

Withdrawal of the infringement notice

The ACMA may withdraw this Infringement Notice. It may do so of its own volition or upon your request. To be effective the withdrawal must occur within 28 days after the Infringement Notice was given.

If you wish to apply for withdrawal of the Infringement Notice, you should write as soon as practicable setting out the basis/reasons for the request. Your application should be addressed to me in the first instance.

If the Infringement Notice is withdrawn after the penalty is paid, the penalty will be refunded.

Enquiries concerning the Infringement Notice

If you have any enquiries about this Infringement Notice, contact me on [redacted] or by email at [redacted].

DATE: **27 August 2026**

[redacted]

Jeremy Fenton
Executive Manager
Unsolicited Communications and Scams Branch
Australian Communications and Media Authority
Authorised Infringement Notice Officer

SCHEDULE 1

In accordance with Clause 4 of Schedule 3 to the Spam Act, brief details of each of the alleged civil contraventions are set out below.

1. Background

1.1. SpinTel Pty Ltd (ACN 082 087 689) (**SpinTel)** is a registered company under the *Corporations Act 2001*, with a registered office at SUITE 503, LEVEL 5, 140 ARTHUR STREET, NORTH SYDNEY NSW 2060.

1.2. On 3 November 2025, the ACMA commenced an investigation into whether SpinTel had contravened the Spam Act.

2. Matters giving rise to the Infringement Notice

2.1. During the period 9 September and 28 September 2025 SpinTel sent electronic messages to consumers.

2.2. Information obtained from SpinTel showed that one of the purposes of the messages was to offer to supply, or to advertise or promote SpinTel's goods and services to consumers. Therefore, the messages described at paragraph 2.1 were commercial electronic messages (CEMs), as defined in section 6 of the Spam Act.

2.3. The CEMs were not 'designated' CEMs as described in Schedule 1 to the Spam Act.

2.4. The CEMs had an Australian link as defined in section 7 of the Spam Act. They were sent by SpinTel, an organisation whose central management and control is in Australia.

2.5. Specific CEMs were sent to recipients without the consent required by subsection 16(1) of the Spam Act.

2.6. These are a subset of the contravention findings set out in the ACMA's investigation report dated 15 July 2026.

3. Relevant civil penalty provisions of the Spam Act

3.1. Subsection 16(1)

3.1.1. Subsection 16(1) of the Spam Act provides that a person must not send, or cause to be sent, a commercial electronic message that has an Australian link and is not a designated message.

3.1.2. Subsection 16(2) of the Spam Act provides that subsection (1) does not apply if the relevant electronic account-holder consented to the sending of the message.

3.1.3. SpinTel sent CEMs to each of the electronic addresses, without the consent of the relevant electronic account-holder, between 9 September and 28 September 2025.

3.1.4. Accordingly, the ACMA has reasonable grounds to believe that SpinTel has contravened subsection 16(1) of the Spam Act between 9 September and 28 September 2025.

3.1.5. Subsection 16(1) of the Spam Act is a civil penalty provision.

4. The amount of the penalty

4.1. The total penalty specified in this Notice is **$653,400** calculated in accordance with the table in clause 5(1) of Schedule 3 to the Spam Act, as shown in the tables below.

Penalties for contraventions of subsection 16(1) of the Spam Act

Date of contravention	Number of contraventions of subsection 16(1)	Penalty units[1]	Penalty imposed
09/09/2025	12	240	$79,200
11/09/2025	44	880	$290,400
12/09/2025	17	340	$112,200
28/09/2025	26	520	$171,600
Total	**99**	**1,980**	**$653,400**

[1] For alleged contraventions between 7 November 2024 and 30 June 2026 (inclusive), the amount of a penalty unit is $330, as set by section 4AA of the *Crimes Act 1914*.