Formal Warning

Section 129(2) of the *Telecommunications Act 1997*

**To:** Utility Hub Pty Ltd

**Of:** Level 2, 416-420 Collins Street

 MELBOURNE VIC 3000

I, Bridget Smith, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Utility Hub Pty Ltd ACN 606 384 598 (Utility Hub), has contravened section 128(1) of the *Telecommunications Act 1997* (the Act):

**HEREBY** issue Utility Hub with a formal warning under section 129(2) of the Act, for one or more contraventions of section 128(1) of the Act, for failing to comply with paragraph 9(2)(b) of the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017* (the Telemarketing Industry Standard).

**ACMA Investigation**

On 15 March 2019, the ACMA commenced an investigation into Utility Hub for alleged contraventions of paragraph 9(2)(b) of the Telemarketing Industry Standard.

**Obligations imposed under paragraph 9(2)(b)**

Section 9 - Provision of information during telemarketing calls

Information to be provided as soon as the call starts

1. The caller must give, or cause to be given, the following information to the call recipient as soon as the call starts:
2. if the individual making the call is not self-employed, the company name or registered business name of the employer of the individual making the call, or if these details do not exist, a name by which the organisation or individual can be readily identified.

Further obligations imposed under the relevant provisions are at Attachment A.

### Details of the contraventions

As a result of its investigation, the ACMA has reasonable grounds to believe that, on 9 May 2018:

1. Utility Hub made a limited number of telemarketing calls to Australian numbers;
2. The calls were voice calls with the purpose of offering to supply goods or services. As such, the calls were telemarketing calls;
3. Utility Hub’s agents did not provide their employer’s company or registered business name at the start of the call.

Dated this 8th day of May 2019.

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**Bridget Smith**

**Delegate of the Australian Communications and Media Authority**

### Attachment A – Obligations imposed under the relevant provisions

*Telecommunications Act 1997*:

*Section 7*

***Telemarketing call*** means a telemarketing call (within the meaning of the *Do Not Call Register Act 2006*) that is made to an Australian number.

***Telemarketing industry*** means an industry that involves carrying on a telemarketing activity (as defined by section 109B).

*Section 128*

***Compliance with industry standards***

1. If an industry standard that applies to participants in a particular section of the telecommunications industry, the telemarketing industry or the fax marketing industry is registered under this Part, each participant in that section of the industry must comply with the standard.

*Telecommunications (Telemarketing and Research Calls) Industry Standard 2017:*

*Section 9*

***Provision of information during telemarketing calls***

*Information to be provided as soon as the call starts*

1. The caller must give, or cause to be given, the following information to the call recipient as soon as the call starts:
2. the given name of the individual making the call (unless the call is made solely using a recorded or synthetic voice);
3. if the individual making the call is not self-employed, the company name or registered business name of the employer of the individual making the call, or if these details do not exist, a name by which the organisation or individual can be readily identified;
4. if the individual making the call is self-employed, their registered business name (if applicable), or if these details do not exist, a name by which the organisation or individual can be readily identified;
5. the name of the person causing the call to be made (if not already mentioned);
6. the purpose of the call.
7. Subsection (2) does not apply if:
8. the call recipient terminates the call before the information can be provided; or
9. the caller terminates the call within 5 seconds, without speaking to the call recipient.