



Australian  
Communications  
and Media Authority

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

TO: Australian Private Networks Pty Ltd (103 009 552)

OF: Building 2 Level 2  
13 A Albert Street  
Preston, VIC 3072

The Australian Communications and Media Authority (**the ACMA**), being satisfied that Australian Private Networks Pty Ltd, trading as Activ8me (**Activ8me**), 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 Activ8me 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 Activ8me 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. Activ8me 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 Activ8me did not comply with:
  - a. paragraph 19(2)(a) of Schedule 2 to the Act on seven 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 seven 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 Activ8me contravened clause 19 of Schedule 2 to the Act, thereby also contravening subsection 101(1) of the Act.

Dated this 15<sup>th</sup> day of April 2019



Signature of Member

NERIDA O'LOUGHLIN

Name (Please Print)



Signature of Member/  
General Manager

CRISTIAN VOSE

Name (Please Print)