



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

TO: Pennytel Australia Pty Ltd (ACN 166 566 632)

OF: Suite 409
90 Podium Way
ORAN PARK NSW 2570

I, Craig Riviere, delegate of the Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report sent to Pennytel Pty Ltd (**Pennytel**) on 20 June 2024, that Pennytel contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) by failing to comply with paragraph 7(1)(a) of the *Telecommunications (Financial Hardship) Industry Standard 2024* (the **Financial Hardship Standard**) as described below,

HEREBY issues Pennytel a formal warning under subsection 129(2) of the Act for its failure to comply with paragraph 7(1)(a) of the Financial Hardship Standard.

Details of the contravention

Obligation

Paragraph 7(1)(a) of the Financial Hardship Standard provides that carriage service providers (**CSPs**) that offer to supply telecommunications products to consumers under a consumer contract must establish a payment assistance policy (**Policy**) that meets the minimum requirements in Part 2 of the Standard. These minimum requirements relate to the content to be included in the Policy and the accessibility and promotion of the Policy.

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 the public, Pennytel is a carriage service provider for the purposes of the Act.

Pennytel 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 21 May 2024, the ACMA commenced an investigation into Pennytel's compliance with paragraph 7(1)(a) of the Financial Hardship Standard.

On 27 May 2024, the ACMA made preliminary findings that Pennytel failed to comply with paragraph 7(1)(a) of the Financial Hardship Standard on 23 May 2024 as it had not established a payment assistance policy that complied with the minimum requirements in Part 2 of the Financial Hardship Standard. On 14 June 2024, Pennytel advised the ACMA that it had updated its Policy to address the matters raised in the ACMA's preliminary findings report.

Pennytel did not contest the ACMA's preliminary findings in its response.

I am consequently satisfied that on 23 May 2024, Pennytel did not comply with paragraph 7(1)(a) of the Financial Hardship Standard as it had not established a payment assistance policy that complies with the minimum requirements in Part 2 of the Financial Hardship Standard. As a consequence of failing to comply with the Financial Hardship Standard, I am also satisfied that Pennytel contravened subsection 128(1) of the Act.

Dated this 20th day of June 2024



Craig Riviere
Executive Manager
Telecommunications Safeguards and Numbers Branch
Delegate of the Australian Communications and Media Authority