



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

TO: Telecom West Pty Ltd (ACN 161 330 150)

OF: H&H Business Services Pty Ltd  
10 Burtenshaw Close  
LEEMING WA 6149

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 Telecom West Pty Ltd (**Telecom West**) on 20 June 2024, that Telecom West 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 Telecom West 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, Telecom West is a carriage service provider for the purposes of the Act.

Telecom West 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 Telecom West's compliance with paragraph 7(1)(a) of the Financial Hardship Standard.

On 28 May 2024, the ACMA made preliminary findings that Telecom West failed to comply with paragraph 7(1)(a) of the Financial Hardship Standard on 21 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 19 June 2024, Telecom West advised the ACMA that it had updated its Policy to address the matters raised in the ACMA's preliminary findings report.

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

I am consequently satisfied that on 21 May 2024, Telecom West 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 Telecom West 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