

# Amnet Broadband Investigation Report

## Findings

The ACMA finds that Amnet Broadband Pty Ltd (ACN 092 472 350) (**Amnet Broadband**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 17 August 2018, by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that Amnet Broadband contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**) by failing to comply with an industry standard determined under subsection 125AA(1) of the Act on 17 August 2018.

## Background

In a letter dated 31 August 2018, the ACMA advised Amnet Broadband that it was investigating Amnet Broadband's compliance with sections 8, 9 and 10 of the Complaints Standard (the **minimum requirements for consumer complaints handling**).

That same letter advised:

- that ACMA staff had assessed the complaints handling process that was available on Amnet Broadband's website on 17 August 2018 (the **CHP**); and
- the ACMA's preliminary findings regarding Amnet Broadband's compliance with the minimum requirements for consumer complaints handling.

Amnet Broadband provided submissions on 18 September 2018, as part of the Vocus Group in response to those preliminary views of ACMA staff (**response**).

The response detailed the steps Amnet Broadband had taken to address the compliance issues identified in the preliminary findings and included a link to its revised CHP.

## Reasons

The table below sets out the ACMA's final findings and the reasons for those findings. In making its final findings, the ACMA has considered the CHP and the response. The revised CHP is not the subject of the ACMA's final findings.

### ***Compliance with the minimum requirements for consumer complaints handling***

Provision	Requirement	ACMA finding and reasons
7(1)(a)	A carriage service provider, that offers to supply telecommunications products to consumers under a consumer contract must establish a complaints handling process that includes the minimum requirements for consumer complaints handling.	Amnet Broadband has contravened paragraph 7(1)(a) by failing to include the minimum requirements for consumer complaints handling in the CHP as set out below.
8(1)	A complaints handling process must:	
8(1)(b)	be made available to the public on the carriage service provider's website in a concise form that sets out the minimum requirements for complaints handling referred to in	The CHP did not set out all the matters referred to in paragraphs (d) to (m) and sections 9 and 10, namely: <ul style="list-style-type: none"><li>- paragraph 8(1)(d);</li></ul>

	paragraphs (d) to (m), and sections 9 and 10;	<ul style="list-style-type: none"> <li>- paragraph 8(1)(h);</li> <li>- paragraph 8(1)(k);</li> <li>- paragraph 8(1)(m);</li> <li>- section 9;</li> <li>- paragraph 10(d); and</li> <li>- paragraph 10(g).</li> </ul> <p>Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirements in paragraph 8(1)(b) of the Complaints Standard in the CHP.</p>
8(1)(d)	be free of charge for consumers to use;	<p>The CHP stated '<i>We will not charge you for dealing with your complaint in most instances</i>'. There are no exceptions which allow for charging under the Standard.</p> <p>Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirements in paragraph 8(1)(d) of the Complaints Standard in the CHP.</p>
8(1)(h)	permit consumers to make complaints by telephone, letter, email and online;	<p>The CHP did not include a statement permitting a consumer to make a complaint by letter.</p> <p>Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirements in paragraph 8(1)(h) of the Complaints Standard in the CHP.</p>
8(1)(k)	require members of its personnel to:	
8(1)(k)(i)	clarify with a consumer if they wish to make a complaint where the consumer has made contact and expressed dissatisfaction through one of the channels referred to in paragraph (h) or paragraph (i), and the member of the personnel is uncertain if the consumer wishes to make a complaint; and	<p>The CHP did not include any information requiring personnel to clarify with a consumer whether they wish to make a complaint.</p>
8(1)(k)(ii)	provide consumers with help to formulate, make and progress a complaint, and set out steps to assist members of its personnel to help consumers with special needs or disabilities, and consumers from non-English backgrounds or those suffering financial hardship;	<p>The CHP did not include any information requiring personnel to provide assistance to formulate, make and progress a complaint, or set out steps to assist its personnel to help consumers with special needs or disabilities, and consumers from non-English speaking backgrounds, or those suffering financial hardship as required by subparagraph 8(1)(k)(ii).</p> <p>Accordingly, the ACMA finds Amnet Broadband did not include the minimum requirements in paragraph 8(1)(k) in its CHP.</p>

8(1)(m)	set out in sequence each potential step in the process for managing a complaint that was unable to be resolved on first contact, including the following steps:	The CHP did not set out in sequence the potential step in the process for managing a complaint unable to be resolved on first contact as required under subparagraph 8(1)(m)(viii) as described below.
8(1)(m)(viii)	closing a complaint;	The CHP did not include information about closing a complaint that cannot be resolved on first contact.  Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirement in subparagraph 8(1)(m)(viii) in the CHP.
9	A complaints handling process must identify the relevant time periods associated with each step in the process, including the response times for managing a complaint set out in sections 12, 13, 14, 15, 16 and 17.	The CHP did not identify the: <ul style="list-style-type: none"> <li>- timeframes for advice regarding prioritisation, escalation and external dispute resolution as required by section 15;</li> <li>- information regarding the timeframes for advising of frivolous or vexatious complaints required by section 16; and</li> <li>- timeframes for attempting to contact a consumer where a CSP has been unable to contact consumer to discuss complaint required by section 17.</li> </ul> Therefore, the ACMA finds that the Amnet Broadband did not include the minimum requirement in section 9 of the Complaints Standard in the CHP.
10	A complaints handling process must:	
10(d)	set out a description of how escalated complaints will be managed;	The CHP did not set out the steps for managing an escalated complaint.  Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirement in paragraph 10(d) in the CHP.
10(g)	include a process for classifying complaints into different categories, which clearly describes each category of complaint.	The CHP did not include any process for classifying complaints into different categories. Amnet Broadband's response claimed that it did not include its process for categorising complaints is <i>'too extensive to include in this policy.'</i> However, paragraph 10(g) requires each category of complaint to be clearly described.  Therefore, the ACMA finds that Amnet Broadband did not include the minimum requirement in paragraph 10(g) of the Complaints Standard in the CHP.



**Compliance with subsection 128(1) of the Act**

Provision	Requirement	ACMA finding and reasons
Subsection 128(1)	if an industry standard applies to participants in a particular section of the telecommunications industry and is registered under Part 6 of the Act, each participant in that section of the industry must comply with the standard.	<p>The Complaints Standard:</p> <ul style="list-style-type: none"> <li>- is an industry standard determined under subsection 125AA(1) of the Act and registered under Part 6 of the Act; and</li> <li>- applies to participants in the telecommunications industry including carriage service providers (<b>CSPs</b>).</li> </ul> <p>Amnet Broadband is a CSP that supplies internet and landline services to the public. As a participant in the section of the telecommunications industry to which the Complaints Standard applies, Amnet Broadband is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Amnet Broadband's CHP did not include the minimum requirements for consumer complaints handling as described above.</p> <p>Therefore, the ACMA finds that Amnet Broadband contravened subsection 128(1) of the Act on 17 August 2018, by failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>