

Astron Communications Investigation Report

Findings

The ACMA finds that Astron Communication and Information Services Pty Ltd (ACN 074 649 228) (**Astron**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 1 August 2018 by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that Astron 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 1 August 2018.

Background

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

That same letter advised Astron

- that ACMA staff had assessed the complaints handling process (the **CHP**) that was available on Astron's website on 1 August 2018; and
- the ACMA's preliminary findings in relation to on Astron's compliance with the minimum requirements for complaints handling.

Astron provided submissions on 18 September 2018 in response to those preliminary views of ACMA staff (**response**).

Astron did not dispute the preliminary findings in its submission but did provide a 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 submissions. 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.	Astron 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 refer to all the matters set out in paragraphs (d) to (m) and section 9 and 10, namely: <ul style="list-style-type: none">- paragraph 8(1)(k);

	paragraphs (d) to (m), and sections 9 and 10;	<ul style="list-style-type: none"> - paragraph 8(1)(m); - section 9; - paragraph 10(a); and - paragraph 10(g). <p>Therefore, the ACMA finds that Astron did not include the minimum requirement in paragraph 8(1)(b) of the Complaints Standard in the CSP.</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	The CHP did not include any information requiring personnel to clarify with a consumer whether they wish to make a complaint.
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>While the CHP provided information about requiring personnel to provide assistance to consumers in formulating, making and progressing a complaint, it did not provide steps for personnel to help consumers with special needs or disabilities, or consumers from non-English speaking backgrounds and those suffering financial hardship.</p> <p>Therefore, the ACMA finds that Astron did not include the minimum requirements in paragraph 8(1)(k) of the Complaints Standard in the 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:	<p>The CHP did not set out in sequence the potential steps in the process for managing a complaint unable to be resolved on first contact as required under:</p> <ul style="list-style-type: none"> - subparagraph 8(1)(m)(iv); and - subparagraph 8(1)(m)(viii); <p>as described below.</p>
8(1)(m)(iv)	investigation of a complaint;	<p>The CHP did not set out in sequence the potential step in the process for investigating a complaint.</p> <p>Accordingly, the ACMA finds that Astron did not include the minimum requirements in paragraph 8(1)(m)(iv) of the Complaints Standard in the CHP.</p>
8(1)(m)(viii)	closing a complaint;	The CHP did not set out in sequence the potential step in the process for closing a complaint.

		Accordingly, the ACMA finds that Astron did not include the minimum requirements in paragraph 8(1)(m)(viii) of the Complaints Standard 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.	<p>The CHP did not:</p> <ul style="list-style-type: none"> - include the timeframes for providing written confirmation of the resolution where requested as required by subsection 13(2); - include information regarding external dispute resolution where it is expected a delay will be longer than 10 days required by section 14(2)(c); - include the timeframes for advice regarding prioritisation, escalation and external dispute resolution as required by section 15; - include information regarding the timeframes for advising of frivolous or vexatious complaints as required by section 16; and - include the timeframes for attempting to contact a consumer where the CSP has been unable to contact the consumer to discuss the complaint as required by section 17. <p>Therefore, the ACMA finds that Astron did not include the minimum requirements in section 9 of the Complaints Standard in the CHP.</p>
10	A complaints handling process must:	
10(a)	include an internal process for prioritising complaints that is clear, accessible and transparent for consumers;	<p>The CHP did not include an internal process for prioritising complaints.</p> <p>Therefore, the ACMA finds that Astron did not include the minimum requirements in paragraph 10(a) of the Complaints Standard in the CHP.</p>
10(g)	include a process for classifying complaints into different categories, which clearly describes each category of complaint.	<p>The CHP did not include a process for classifying complaints into different categories.</p> <p>Therefore, the ACMA finds that Astron did not include the minimum requirements in paragraph 10(g) of the Complaints Standard in the CHP.</p>

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"> - is an industry standard determined under subsection 125AA(1) of the Act and registered under Part 6 of the Act. - applies to participants in the telecommunications industry including carriage service providers (CSPs). <p>Astron 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, Astron is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Astron's CHP did not include the minimum requirements for consumer complaints handling as described above.</p> <p>Therefore, the ACMA finds that Astron contravened subsection 128(1) of the Act on 1 August 2018, by failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>