

## Dodo Investigation Report

### Findings

The ACMA finds that Dodo Services Pty Ltd (ACN 158 289 331) (**Dodo**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 2 August 2018, by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that Dodo 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 2 August 2018.

### Background

In a letter dated 3 September 2018, the ACMA advised Dodo Services that it was investigating Dodo'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 Dodo's website on 2 August 2018 (the **CHP**); and
- the ACMA's preliminary findings regarding Dodo's compliance with the minimum requirements for consumer complaints handling.

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

### 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 these 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.	Dodo 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 paragraphs (d) to (m), and sections 9 and 10;	The CHP did not set out all of 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)(g);</li><li>- paragraph 8(1)(k);</li><li>- paragraph 8(1)(m);</li></ul>

		<ul style="list-style-type: none"> <li>- section 9;</li> <li>- paragraph 10(b);</li> <li>- paragraph 10(d);</li> <li>- paragraph 10(f); and</li> <li>- paragraph 10(g).</li> </ul> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in paragraph 8(1)(b) of the Complaints Standard in the CHP.</p>
8(1)(g)	set out how and when a consumer can make a complaint and monitor the progress of their complaint;	<p>The CHP included information on how a consumer can make and monitor a complaint. However, it did not include information on when a consumer can make and monitor a complaint.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in paragraph 8(1)(g) 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	<p>The CHP did not include any information requiring personnel to clarify with a consumer whether they wish to make a complaint.</p> <p>Accordingly, the ACMA finds that Dodo 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 step in the process for managing a complaint unable to be resolved on first contact as required under:</p> <ul style="list-style-type: none"> <li>- subparagraph 8(1)(m)(vi);</li> <li>- subparagraph 8(1)(m)(vii); and</li> <li>- subparagraph 8(1)(m)(viii)</li> </ul> <p>as described below.</p>
8(1)(m)(vi)	communicating the carriage service provider's decision in response to the complaint;	<p>The CHP did not include information about how the carriage service provider's decision in response to a complaint that was unable to be resolved on first contact will be communicated.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in subparagraph 8(1)(m)(vi) of the Complaints Standard in the CHP.</p>
8(1)(m)(vii)	implementation of agreed resolution;	<p>The CHP did not include information about the implementation of an agreed resolution to a</p>

		<p>complaint that was unable to be resolved on first contact.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in subparagraph 8(1)(m)(vii) of the Complaints Standard in the CHP.</p>
8(1)(m)(viii)	closing a complaint;	<p>The CHP did not include information about closing a complaint that cannot be resolved on first contact.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirement in subparagraph 8(1)(m)(viii) of the Complaints Standard in the CHP.</p>
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 provide:</p> <ul style="list-style-type: none"> <li>- accurate timeframes for the acknowledgement of written complaints. The CHP stated that complaints received by mail, fax and email will be acknowledged within '<i>48 working hours</i>', as opposed to the 2 working days required by paragraph 12(b);</li> <li>- timeframes for completing all necessary actions to implement a proposed resolution to a complaint, as required by subparagraph 13(1)(j);</li> <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 as required by section 16; and</li> <li>- timeframes for attempting to make contact with a consumer where the CSP has been unable to contact the consumer to discuss the complaint as required by section 17.</li> </ul> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in section 9 of the Complaints Standard in the CHP.</p>
10	A complaints handling process must:	
10(b)	include an internal process for escalating a consumer's complaint, which is clear, accessible and transparent for consumers;	The CHP did not include an internal process for escalating a consumer's complaint.



		Therefore, the ACMA finds that Dodo did not include the minimum requirements in paragraph 10(b) of the Complaints Standard in the CHP.
10(d)	set out a description of how escalated complaints will be managed;	<p>The CHP did not set out the steps for managing an escalated complaint.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in paragraph 10(d) of the Complaints Standard in the CHP.</p>
10(f)	provide that a consumer's telecommunications service cannot be cancelled for the sole reason that the consumer was unable to resolve the complaint directly with the carriage service provider and pursued options for external dispute resolution; and	<p>The CHP did not state that a consumer's telecommunications service cannot be cancelled because a consumer was unable to resolve the complaint and pursued external dispute resolution.</p> <p>Therefore, the ACMA finds that Dodo did not include the minimum requirements in paragraph 10(f) 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. Dodo's response claimed that it did not include its process for categorising complaints as it was <i>'too extensive to include in this policy.'</i> However, paragraph 10(g) requires each category of complaint to be clearly described.</p> <p>Therefore, the ACMA finds that Dodo 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"> <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>Dodo is a CSP that supplies internet, landline and mobile services to the public. As a participant in the section of the telecommunications industry to which the Complaints Standard applies, Dodo is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Dodo's CHP did not include the minimum requirements for consumer complaints handling as described above.</p> <p>Therefore, the ACMA finds that Dodo has contravened subsection 128(1) of the Act on 2 August 2018, by failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>