

## Intelico Investigation Report

### Findings

The ACMA finds that Intelico Pty Ltd (ACN 158 184 957) (**Intelico**) 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 Intelico 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 28 August 2018 the ACMA advised Intelico Pty Ltd that it was investigating Intelico'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 Intelico's website on 1 August 2018 (the **CHP**); and
- the ACMA's preliminary findings in relation to Intelico's compliance with the minimum requirements for consumer complaints handling.

Intelico provided submissions on 11 September 2018 in response to those preliminary views of ACMA staff (**response**).

Intelico did not dispute the preliminary findings in its response but did provide an updated CHP. That revised CHP is not the subject of these findings.

### 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.

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

| <b>Provision</b> | <b>Requirement</b>  | <b>ACMA finding and reasons</b>   |
|------------------|---|---|
| 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. | Intelico 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   | The CHP did not refer to all of the matters set out in paragraphs (d) to (m) and section 9 and 10, namely: <ul style="list-style-type: none"><li>- paragraph 8(1)(f);</li></ul> |

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|         | complaints handling referred to in paragraphs (d) to (m), and sections 9 and 10;                  | <ul style="list-style-type: none"> <li>- paragraph 8(1)(g);</li> <li>- paragraph 8(1)(h);</li> <li>- paragraph 8(1)(k);</li> <li>- paragraph 8(1)(l);</li> <li>- paragraph 8(1)(m);</li> <li>- section 9;</li> <li>- paragraph 10(a);</li> <li>- paragraph 10(b);</li> <li>- paragraph 10(c);</li> <li>- paragraph 10(d);</li> <li>- paragraph 10(f); and</li> <li>- paragraph 10(g)</li> </ul> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirement in paragraph 8(1)(b) of the Complaints Standard in the CHP.</p> |
| 8(1)(f) | state that consumers have a right to make a complaint;  | <p>The CHP did not state that consumers have a right to make a complaint.</p> <p>Therefore, the ACMA finds that Intelico did not include minimum requirement in paragraph 8(1)(f) 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 Intelico did not include minimum requirement in paragraph 8(1)(g) of the Complaints Standard in the CHP.</p>  |
| 8(1)(h) | permit consumers to make complaints by telephone, letter, email and online;                       | <p>Complaints-handling processes are required to permit consumers to make a complaint via the telephone, a letter, an email, and online. The CHP did not permit consumers to make complaints via letter.</p> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirements in paragraph 8(1)(h) of the Complaints Handling Standard.</p>   |

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| 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>Therefore, the ACMA finds that Intelico did not include the minimum requirements in paragraph 8(1)(k) of the Complaints Handling Standard.</p>  |
| 8(1)(l)       | allow for consumers to nominate a representative to make and handle a complaint;   | <p>The CHP did not require personnel to allow for consumers to nominate a representative to make and handle a complaint on their behalf.</p> <p>Accordingly, the ACMA found that Intelico failed to include the minimum requirements in subparagraph 8(1)(l) of the Complaints Handling standard.</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 reviewed by the ACMA 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)(ii);</li> <li>- subparagraph 8(1)(m)(vii);</li> <li>- subparagraph 8(1)(m)(viii); and</li> <li>- subparagraph 8(1)(m)(x)</li> </ul> <p>as described below.</p> |
| 8(1)(m)(ii)   | acknowledgment of a complaint;   | <p>Whilst the CHP stated it will acknowledge complaints made within five working days after receiving a letter, it did not mention immediate acknowledgment of telephone (or in person if applicable) complaints.</p> <p>Accordingly, the ACMA finds Intelico did not include the minimum requirement in subparagraph 8(1)(m)(ii) of the Complaints Standard in the CHP on 1 August 2018.</p>                     |
| 8(1)(m)(vii)  | implementation of agreed resolution;   | <p>The CHP did not provide any information about the implementation of an agreed resolution.</p> <p>Accordingly, the ACMA finds Intelico did not include the minimum requirement in subparagraph 8(1)(m)(vii) of the Complaints Standard in the CHP on 1 August 2018</p>  |
| 8(1)(m)(viii) | closing a complaint;   | <p>The CHP did not provide any information about closing complaints.</p> <p>Accordingly, the ACMA finds Intelico did not include the minimum requirement in</p>   |

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|            |  | subparagraph 8(1)(m)(viii) of the Complaints Standard in the CHP on 1 August 2018 about closing a complaint.   |
| 8(1)(m)(x) | the procedures for identifying and handling urgent complaints, including how those procedures differ from handling ordinary complaints.  | <p>The CHP did not provide any information about urgent complaints.</p> <p>Accordingly, the ACMA finds Intelico did not include the minimum requirement in subparagraph 8(1)(m)(x) of the Complaints Standard in the CHP about handling urgent complaints.</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 as required by subsection 12(b);</li> <li>- accurate timeframes for confirming the resolution of complaints as required by subsection 13(g);</li> <li>- timeframes for the resolution and implementation of resolution of urgent complaints as required by subsection 13(h);</li> <li>- timeframes for the written confirmation of the resolution and implementation timeframes given upon request as required by subsection 13(2);</li> <li>- timeframes where there is any delay in the resolution of complaints as required by section 14;</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 contact 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 Intelico did not include minimum requirements in section 9 of the Complaints Standard in the CHP.</p> |
| 10         | A complaints handling process must:  |  |

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| 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 a consumer's complaint.</p> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirement in paragraph 10(a) of the Complaints Standard in the CHP.</p>   |
| 10(b) | include an internal process for escalating a consumer's complaint, which is clear, accessible and transparent for consumers;  | <p>The CHP did not include an internal process for escalating a consumer's complaint.</p> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirement in paragraph 10(b) of the Complaints Standard in the CHP.</p>   |
| 10(c) | require complaints to be escalated at the reasonable request of a consumer;   | <p>While the CHP stated that complaints of a complex nature would be escalated, it did not require complaints to be escalated at the request of a consumer.</p> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirement in paragraph 10(c) of the Complaints Standard in the CHP.</p>                               |
| 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 Intelico did not include the minimum requirement 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 Intelico did not include the minimum requirement 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.</p> <p>Therefore, the ACMA finds that Intelico did not include the minimum requirement 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.</li> <li>- applies to participants in the telecommunications industry including carriage service providers (<b>CSPs</b>).</li> </ul> <p>Intelico 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, Intelico is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Intelico's CHP did not include the minimum requirements for consumer complaints handling of the Complaints Standard as described above.</p> <p>Therefore, the ACMA finds that Intelico contravened subsection 128(1) of the Act on 1 August 2018 for failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p> |