

## Mate Communicate Investigation Report

### Findings

The ACMA finds that Mate Communicate Pty Ltd (ACN 165 670 413) (**Mate Communicate**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 3 August 2018 by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that Mate Communicate 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 3 August 2018.

### Background

In a letter dated 6 September 2018, the ACMA advised Mate Communicate that it was investigating Mate Communicate'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 Mate Communicate's website on 3 August 2018 (the **CHP**); and
- the ACMA's preliminary findings in relation to Mate Communicate's compliance with the minimum requirements for consumer complaints handling.

In the letter dated 6 September 2018, Mate Communicate was provided the opportunity to make a submission by 20 September 2018. On 18 September 2018, Mate Communicate requested an extension to 27 September 2018 via email. On 19 September 2018, the ACMA granted an extension to 24 September 2018. Mate Communicate provided a response on 25 September 2018 to the preliminary views of ACMA staff (**response**). Mate Communicate did not dispute the preliminary findings in their response but did provide a new CHP that their legal advisors had indicated was compliant. Mate Communicate also noted that they experienced a delay in obtaining a compliant CHP due to the inability of their initial legal advisors being unable to provide appropriate documentation, leading to the engagement of a second legal firm.

### 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 these findings.

#### **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.	Mate Communicate 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;	<p>The CHP did not refer to any of the matters set out in paragraphs (d) to (m), and 9 and 10, namely:</p> <ul style="list-style-type: none"> <li>- paragraph 8(1)(f);</li> <li>- paragraph 8(1)(k);</li> <li>- paragraph 8(1)(m);</li> <li>- section 9;</li> <li>- paragraph 10(f); and</li> <li>- paragraph 10(g).</li> </ul> <p>Therefore, the ACMA finds that Mate Communicate 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;	The CHP did not state that consumers have a right to make a complaint. Therefore, the ACMA finds that Mate Communicate did not include the minimum requirement in paragraph 8(1)(f) of the Complaints Standard in the CHP.
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>The CHP also did not mention that assistance would be offered to formulate, lodge and progress complaints or provide steps for personnel to help consumers with special needs or disabilities, or consumers from non-English speaking backgrounds.</p> <p>Therefore, the ACMA finds that Mate Communicate did not include the minimum requirement 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:	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 any information about closure of complaints.

		Therefore, the ACMA finds that Mate Communicate did not include the minimum requirements in subparagraph 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 provide:</p> <ul style="list-style-type: none"> <li>- timeframes where there is any delay in the resolution of complaints as required by section 14;</li> <li>- timeframes for advice regarding prioritisation and external dispute resolution as required by section 15;</li> <li>- timeframes for advising a consumer of the decision not to deal further with a complaint because it is regarded as frivolous or vexatious, as required by section 16; and</li> <li>- timeframes for attempting to contact a consumer where 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 Mate Communicate did not include the minimum requirements in section 9 of the Complaints Standard in the CHP.</p>
10	A complaints handling process must:	
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 Mate did not include the meeting 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, which clearly describes each category of complaint.</p> <p>Therefore, the ACMA finds that Mate did not include the meeting 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.</li> <li>- applies to participants in the telecommunications industry including carriage service providers (<b>CSPs</b>).</li> </ul> <p>Mate Communicate 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, Mate Communicate is required to comply with the Complaints Standard under 128(1) of the Act.</p> <p>Mate Communicate's CHP did not include the minimum requirements for consumer complaints handling as described above.</p> <p>Therefore, the ACMA finds that Mate Communicate contravened subsection 128(1) of the Act on 3 August 2018, by failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>