

My Net Fone Australia Investigation Report

Findings

The ACMA finds that My Net Fone Australia Pty Ltd (ACN 109 671 285) (**My Net Fone**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 31 July 2018 by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that My Net Fone 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 31 July 2018.

Background

In a letter dated 4 September 2018, the ACMA advised My Net Fone Australia Pty Ltd that it was investigating My Net Fone'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 My Net Fone's website on 31 July 2018 (the **CHP**); and
- the ACMA's preliminary findings in relation to My Net Fone's compliance with the minimum requirements for consumer complaints handling.

My Net Fone provided a submission on 18 September 2018 in response to those preliminary views of ACMA staff (**response**).

My Net Fone 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

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.	My Net Fone 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 of the matters set out in paragraphs (d) to (m) and section 9 and 10, namely: <ul style="list-style-type: none">- paragraph 8(1)(d);- paragraph 8(1)(k);

	paragraphs (d) to (m), and sections 9 and 10;	<ul style="list-style-type: none"> - paragraph 8(1)(m); - paragraph 10(b); and - paragraph 10(d). <p>Therefore, the ACMA finds that My Net Fone 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, and we will never charge you without telling you first"</i>. There are no exceptions which allow for charging under the Standard.</p> <p>Therefore, the ACMA finds that My Net Fone did not include the minimum requirements in paragraph 8(1)(d) 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>Therefore, the ACMA finds that My Net Fone 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 subparagraph (8)(1)(m)(viii) as described below.</p>
8(1)(m)(viii)	closing a complaint;	<p>The CHP did not include information about the closing of complaints.</p> <p>Therefore, the ACMA finds that My Net Fone did not include the minimum requirements in subparagraph 8(1)(m)(viii) 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;	<p>The CHP did not include an internal process for escalating a consumer's complaint which is clear, accessible and transparent for consumers.</p> <p>Therefore, the ACMA finds that My Net Fone did not include the minimum requirements in paragraph 10(b) 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 a description of how escalated complaints would be managed.</p> <p>Therefore, the ACMA finds that My Net Fone did not include the minimum requirements in paragraph 10(d) of the Complaints Standard in the CHP.</p>
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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>My Net Fone 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, My Net Fone is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>My Net Fone'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 My Net Fone contravened subsection 128(1) of the Act on 31 July 2018 for failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>