

OzTalk Investigation Report

Findings

The ACMA finds that OzTalk Communications Pty Ltd (ACN 156 364 304) (**OzTalk**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 6 August 2018 by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that OzTalk 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 6 August 2018.

Background

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

OzTalk provided a submission on 13 September 2018 in response to those preliminary views of ACMA staff (**response**).

OzTalk did not dispute the preliminary findings in its response but did provide an updated CHP. OzTalk also advised that the new complaints handling policy was supposed to be uploaded in June but that this did not happen.

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 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.	OzTalk has contravened paragraph 7(1)(a) by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

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>OzTalk 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, OzTalk is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>OzTalk's CHP has not complied with the requirements of the Complaints Standard as described above.</p> <p>Therefore, the ACMA finds that OzTalk contravened subsection 128(1) of the Act on 6 August 2018 for failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>