

Simply NBN Investigation Report

Findings

The ACMA finds that Simply NBN Pty Ltd (ACN 617 211 640) (**Simply NBN**) 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 Simply NBN 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 31 August 2018, the ACMA advised Simply NBN Pty Ltd that it was investigating Simply NBN'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 visited Simply NBN's website on 1 August 2018 and noted that a complaints handling process (the **CHP**) was not available; and
- the ACMA's preliminary findings in relation to Simply NBN's compliance with the minimum requirements for consumer complaints handling.

Simply NBN provided submissions on 14 September 2018 in response to those preliminary views of ACMA staff (**response**).

Simply NBN did not dispute the preliminary findings in the response but did provide a CHP.

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 omission of a CHP and the response. The submitted 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.	Simply NBN 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>Simply NBN 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, Simply NBN is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Simply NBN'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 Simply NBN 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>