

# Optus Investigation Report

## Findings

The ACMA finds that Singtel Optus Pty Ltd (ACN 052 833 208) (**Optus**) contravened paragraph 7(1)(a) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Standard**) on 24 August 2018, by failing to establish a complaints handling process that includes the minimum requirements for consumer complaints handling.

The ACMA also finds that Optus 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 24 August 2018.

## Background

In a letter dated 31 August 2018, the ACMA advised Singtel Optus Pty Ltd that it was investigating Optus's compliance with sections 8, 9 and 10 of the Complaints Standard (the **minimum requirements for consumer complaints handling**).

That same letter advised:

- that on 24 August 2018, ACMA staff had assessed the 'Optus Complaint Handling Policy V2.0 July 2018' that was available on Optus's website on 24 August 2018 (the **CHP**); and
- the ACMA's preliminary findings regarding Optus' compliance with the minimum requirements for complaints handling.

On 21 September 2018, the ACMA advised Optus of its further preliminary findings regarding Optus's CHP compliance with the minimum requirements for consumer complaints handling.

Optus also provided submissions to the ACMA on 14 September 2018 and 28 September 2018, in response to those preliminary views of ACMA staff (**responses**) and included a revised 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 CHP and the responses. The revised CHP is not the subject of the ACMA's final 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.	Optus 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 set out all the matters referred to in paragraphs (d) to (m) and section 9 and 10, namely: <ul style="list-style-type: none"><li>- paragraph 8(1)(k);</li><li>- section 9;</li></ul>

	paragraphs (d) to (m), and sections 9 and 10;	<ul style="list-style-type: none"> <li>- paragraph 10(f); and</li> <li>- paragraph 10(g).</li> </ul> <p>Therefore, the ACMA finds that Optus did not include the minimum requirement in paragraph 8(1)(b) 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 information requiring personnel to clarify with a consumer whether they wish to make a complaint.</p> <p>Therefore, the ACMA finds Optus did not include the minimum requirement in paragraph 8(1)(k) in the CHP.</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 include:</p> <ul style="list-style-type: none"> <li>- the timeframe for implementing a proposed resolution as required by subparagraph 13(1)(j);</li> <li>- timeframes where there is any delay in the resolution of complaints as required by section 14; and</li> <li>- information regarding the timeframes for advising of frivolous or vexatious complaints as required by section 16.</li> </ul> <p>Therefore, the ACMA finds that the CHP did not include the minimum requirement in section 9 of the Complaints Standard.</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 stated: <i>'We will not take credit management action on amounts that are part of your complaint, nor will we cancel your service just because you are making a complaint.'</i></p> <p>However, it did not state that a consumer's telecommunications service cannot be cancelled due to the consumer pursuing options for external dispute resolution as required by paragraph 10(f).</p> <p>Therefore, the ACMA finds that the CHP did not include minimum requirement in paragraph 10(f) of the Complaints Standard.</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 as required by paragraph 10(g).</p>

		Therefore, the ACMA finds that the CHP did not include minimum requirement in paragraph 10(g) of the Complaints Standard.
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**Compliance with subsection 128(1) of the Act**

<b>Provision</b>	<b>Requirement</b>	<b>ACMA finding and reasons</b>
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; and</li> <li>- applies to participants in the telecommunications industry including carriage service providers (<b>CSPs</b>).</li> </ul> <p>Optus is a CSP that supplies internet, landline and mobile service to the public. As a participant in the section of the telecommunications industry to which the Complaints Standard applies, Optus is required to comply with the Complaints Standard under subsection 128(1) of the Act.</p> <p>Optus's CHP did not include the minimum requirements for consumer complaints handling as described above.</p> <p>Therefore, the ACMA finds that Optus has contravened subsection 128(1) of the Act on 24 August 2018, by failing to comply with paragraph 7(1)(a) of the Complaints Standard.</p>