

## Investigation Report

### MyRepublic Pty Ltd's compliance with clause 19 of Schedule 2 to the *Telecommunications Act 1997*

File No.	ACMA2017/869-7
Carriage service provider	MyRepublic Pty Ltd
ACN	603 909 815
Type of services	Standard Telephone Service
Scope of Investigation	Compliance with clause 19 of Schedule 2 to the <i>Telecommunications Act 1997</i>

#### Findings

1. The Australian Communications and Media Authority (**the ACMA**) finds that MyRepublic Pty Ltd (**MyRepublic**) has contravened:
  - paragraph 19(2)(a) of Schedule 2 to the *Telecommunications Act 1997* (**the Act**) on one occasion on 3 September 2018 as MyRepublic did not inform a prospective residential customer, who made an inquiry about the supply of a standard telephone service, that it does not offer priority assistance in connection with the service; and
  - paragraph 19(2)(b) of Schedule 2 to the Act on 10 occasions between 1 September 2018 and 4 September 2018 as MyRepublic did not inform 10 prospective residential customers, who made an inquiry about the supply of a standard telephone service, of the names of one or more carriage service providers (**CSPs**) from whom the prospective residential customer could obtain priority assistance in connection with a standard telephone service.
2. As a consequence of those contraventions, the ACMA also finds that MyRepublic contravened subsection 101(1) of the Act on 10 occasions as it did not comply with the service provider rules that apply to it, namely the rules referred to in section 98 of the Act.
3. A table setting out the ACMA's findings is at Attachment A.

#### Background

4. Under section 510 of the Act, the ACMA has jurisdiction to investigate a potential contravention of the Act.
5. On 25 September 2018, the ACMA commenced an investigation under subsection 510(1) of the Act to determine whether MyRepublic was complying with the service provider rules in clause 19 of Schedule 2 to the Act, which requires CSPs that do not offer priority assistance to inform prospective residential customers that they do not offer this enhanced service, and to inform a prospective customer of at least one CSP from whom the customer can obtain priority assistance.
6. On the same day, the ACMA gave MyRepublic a notice under section 521 of the Act (**the Notice**) requiring the provision of information and documents in relation to a

sample of 10 inquiries by prospective residential customers for a standard telephone service, in order to assess compliance with clause 19 of Schedule 2 to the Act.

7. On 6 October 2018, MyRepublic responded to the Notice.
8. On 21 December 2018, the ACMA sent its preliminary findings report to MyRepublic and invited it to respond. On 17 January 2019, MyRepublic provided the ACMA with a submission in response.

#### **Relevant facts**

9. MyRepublic is a CSP within the meaning of the Act<sup>1</sup>. MyRepublic supplies telephone and internet services to residential and small business customers.
10. Priority assistance means the provision of the highest level of service practicably available at the time, supplied to priority customers in relation to new connections, fault repairs and service reliability of the standard telephone service at the priority customer's place of residence<sup>2</sup>. Priority customers are customers who require the telephone to access emergency medical treatment or advice to reduce the possibility of death from a life-threatening illness.<sup>3</sup>
11. Telstra Corporation Limited is the only CSP required to provide priority assistance under the Act. Other CSPs may offer priority assistance services but are not obliged by regulation to do so. CSPs (other than Telstra) that offer priority assistance are required to comply with the industry code *ACIF: C609:2007 Priority Assistance for Life Threatening Medical Conditions (the Priority Assistance Code)*.
12. MyRepublic does not offer priority assistance.

#### **Findings and reasons**

##### ***Compliance with the Act***

13. Subsection 101(1) of the Act requires that service providers (a term which includes CSPs) comply with the service provider rules that apply to them. Subsection 98(1) of the Act provides that the service provider rules include the rules set out in Schedule 2 to the Act. Clause 19 of Schedule 2 to the Act provides that if a CSP receives an inquiry from a prospective residential customer about the supply of a standard telephone service, and the CSP does not offer priority assistance, the CSP must:
  - (a) inform the prospective residential customer that the CSP does not offer priority assistance in connection with the service; and
  - (b) inform the prospective residential customer of the names of one or more CSPs from whom the prospective residential customer can obtain priority assistance in connection with a standard telephone service.
14. In making its findings, the ACMA considered the evidence gathered during the course of the investigation as summarised in Attachment A. The ACMA also considered MyRepublic's submission dated 17 January 2019, in which MyRepublic

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<sup>1</sup> See section 87 of the Act.

<sup>2</sup> Subclause 19(3) of Schedule 2 to the Act and clause 3.2 of the industry code *ACIF: C609:2007 Priority Assistance for Life Threatening Medical Conditions (the Priority Assistance Code)*.

<sup>3</sup> Clause 3.2 of the Priority Assistance Code

made no arguments against the findings set out below.

***Breach findings***

15. On the dates specified in column B of Attachment A, a prospective residential customer, in a telephone call with a representative of MyRepublic, made an inquiry about the supply of a standard telephone service.
16. In one instance, MyRepublic's response described in column F of Attachment A did not meet the requirements of paragraph 19(2)(a) of Schedule 2 to the Act as MyRepublic did not inform the prospective residential customer that it does not offer priority assistance in connection with the service.
17. In 10 instances, MyRepublic's response described in column G of Attachment A did not meet the requirements of 19(2)(b) of Schedule 2 to the Act as MyRepublic did not inform the prospective residential customer of the names of one or more CSPs from whom the prospective residential customer can obtain priority assistance in connection with a standard telephone service.
18. Accordingly, the ACMA is satisfied that MyRepublic contravened clause 19 of Schedule 2 to the Act.



Findings - ACMA Investigation into MyRepublic's compliance with clause 19 Schedule 2 to the *Telecommunications Act 1997*

## Attachment A

A	B	C	D	E	F	G	H	I
Provider	Date contacted	Plan	Test 1. Did the carriage service provider (CSP) receive an inquiry from a prospective residential customer about the supply of a standard telephone service? (paragraph 19(1)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 2. Does the provider offer Priority Assistance? (paragraph 19(1)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 3. Did the agent inform that the CSP does not offer Priority Assistance in connection with the service? (paragraph 19(2)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 4. Did the CSP inform the customer of the names of one or more CSPs who provide Priority Assistance? (paragraph 19(2)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Findings	Comment
MyRepublic (call 1)	1/09/2018	Phone and internet service on NBN	Yes	No	Yes.	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about switching their home telephone and internet service to MyRepublic. MyRepublic advised the prospective customer that its NBN phone services are not suitable for priority assistance or for use with medical alarms. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. MyRepublic set up an account for the customer.
MyRepublic (call 2)	3/09/2018	NBN home phone bundle	Yes	No	Yes.	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the plan options and the prospective customer selected a plan. MyRepublic advised that in order to set up an account over the phone the prospective customer would have to listen to a summary of the Critical Information Summary (CIS) and advised that the full CIS would be sent to the prospective customer via email. MyRepublic read through the terms of the service and the CIS to the prospective customer and advised that the phone service would not work in a power outage, including 000 emergency calls, and is not suitable for medical alarm systems. While MyRepublic advised that it does not offer priority assistance, it did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. It is noted that the MyRepublic VoIP CIS states "Priority assistance is a service designed to help people with diagnosed life-threatening medical conditions. MyRepublic does not offer this service, if you require this we advise you to contact Telstra for your phone service."
MyRepublic (call 3)	3/09/2018	NBN home phone bundle	Yes	No	Yes.	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic advised the prospective customer that its NBN phone services are not suitable for priority assistance or for use with medical alarms. MyRepublic also advised that its service is not suitable for customers with life-threatening medical disabilities. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. MyRepublic set up an account for the customer.

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Provider	Date contacted	Plan	Test 1. Did the carriage service provider (CSP) receive an inquiry from a prospective residential customer about the supply of a standard telephone service? (paragraph 19(1)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 2. Does the provider offer Priority Assistance? (paragraph 19(1)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 3. Did the agent inform that the CSP does not offer Priority Assistance in connection with the service? (paragraph 19(2)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 4. Did the CSP inform the customer of the names of one or more CSPs who provide Priority Assistance? (paragraph 19(2)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Findings	Comment
MyRepublic (call 4)	3/09/2018	NBN Plan home phone bundle	Yes	No		No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various plans options. The prospective customer selected a plan and MyRepublic set up an account for the service. MyRepublic read through the terms and conditions of the service and asked the prospective customer to read the full CIS via an email. MyRepublic advised that its NBN phone services are not suitable for priority assistance or for use with medical alarms. MyRepublic also advised that its service is not suitable for customers with life-threatening medical conditions. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance.
MyRepublic (call 5)	3/09/2018	NBN Plan home phone bundle	Yes	No	No. MyRepublic did not inform the prospective customer that it does not offer priority assistance in connection with the service.	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(a) of Schedule 2 to the <i>Telecommunications Act 1997</i> and breach of Section 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various service plans. The prospective customer selected a plan and MyRepublic set up an account for the service. MyRepublic read through the terms and conditions of the service. The prospective customer was asked to agree to the terms and conditions. MyRepublic did not advise the prospective customer that MyRepublic does not offer a priority assistance service. The prospective customer asked about internet and home phone bundles. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance.
MyRepublic (call 6)	4/09/2018	NBN Plan home phone bundle	Yes	No		No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various service plans and the prospective customer selected a plan. MyRepublic advised the prospective customer of the terms of the service which included that 000 dialling would not work during a power failure and that the service is not suitable for customers with a life threatening medical condition. MyRepublic advised that if the prospective customer requires a disability service or if the customer uses a medical alarm system the service would not be suitable. MyRepublic advised that it does not provide priority assistance. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. MyRepublic set up an account for the service.

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MyRepublic (call 7)	4/09/2018	New NBN connection	Yes	No	Yes	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various service plans. The prospective customer selected a plan option. MyRepublic advised the prospective customer of the terms of the service. MyRepublic advised the prospective customer that 000 dialling would not work during a power failure and that the service is not suitable for customers with a life threatening medical condition. MyRepublic advised that if the prospective customer requires a disability service or if the customer uses a medical alarm system then the service would not be suitable. MyRepublic advised that the service does not support battery back up or priority assistance. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. MyRepublic set up an account for the service.
MyRepublic (call 8)	4/09/2018	NBN Plan home phone bundle	Yes	No	Yes	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic recommended a service plan for the prospective customer to which the prospective customer agreed. MyRepublic read through the terms and conditions of the service. MyRepublic advised that the service would not work during a power failure and that it is not suitable for customer with a life threatening medical issue or a medical alarm system. MyRepublic did not advise the prospective customer of the names of one or more CSPs that offer priority assistance. MyRepublic set up an account for the service.
MyRepublic (call 9)	4/09/2018	NBN Plan home phone bundle	Yes	No	Yes	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various service plans. The prospective customer selected a plan option. MyRepublic advised the prospective customer of the terms of the service. MyRepublic advised the prospective customer that dialling Triple Zero would not work during a power failure and it is not suitable for customers with a life threatening medical conditions. MyRepublic advised that if the prospective customer requires a disability service or a medical alarm system, the service would not be suitable. MyRepublic advised that the service does not support battery back up or priority assistance. MyRepublic did not inform the prospective customer of the names of one or more CSPs that provide priority assistance. MyRepublic set up an account for the service.

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Provider	Date contacted	Plan	Test 1. Did the carriage service provider (CSP) receive an inquiry from a prospective residential customer about the supply of a standard telephone service? (paragraph 19(1)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 2. Does the provider offer Priority Assistance? (paragraph 19(1)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 3. Did the agent inform that the CSP does not offer Priority Assistance in connection with the service? (paragraph 19(2)(a) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Test 4. Did the CSP inform the customer of the names of one or more CSPs who provide Priority Assistance? (paragraph 19(2)(b) Schedule 2 to the <i>Telecommunications Act 1997</i> )	Findings	Comment
MyRepublic (call 10)	4/09/2018	NBN Plan home phone bundle	Yes	No	Yes	No. MyRepublic did not inform the prospective residential customer of the names of one or more CSPs who provide priority assistance.	Breach of paragraph 19(2)(b) of Schedule 2 to the <i>Telecommunications Act 1997</i>	The prospective customer asked about internet and home phone bundles. MyRepublic explained the various service plans. The prospective customer selected a plan option. MyRepublic read through the terms and conditions of the service and advised that the service does not support battery back up or priority assistance. MyRepublic advised that the service would not work during a power failure and it is not suitable for customers with a life threatening disability or a medical alarm system. MyRepublic did not inform the prospective customer of the names of one or more CSPs that offer priority assistance. MyRepublic set up an account for the service.