

Barefoot Telecom Pty Ltd Complaint Handling Process

1 Introduction

This document explains our complaint handling process (**CHP**) for our past, current and prospective customers (we'll call them *all customers*) who are covered by the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (Complaints Standard)*.

It outlines how we handle complaints, and is intended especially for our customers, our own staff, other telcos involved in our supply chain, and other interested parties, and it includes the minimum requirements for consumer complaints handling as required by the Complaints Standard.

2 Accessing this Complaint Handling Process

- (a) This CHP is available on our website.
- (b) There is a link on our home page to information about how to contact us to make a complaint or enquiry, and it is clear that the link provides information you can use to make a complaint.
- (c) We'll also make this CHP available to you:
 - if you ask for it; or
 - as soon as practicable after you inform us that you wish to make a complaint.

Note to staff: If you're dealing directly with customers, you must give them access to this CHP as described above.

3 Who this CHP applies to

This CHP applies to you if you are:

- (a) an individual customer who acquires a telecommunications product mainly for personal or domestic use and not for resale; or
- (b) a business or non-profit that, at the time of contract:
 - (i) acquires a telecommunications product not for resale; and
 - (ii) doesn't have a genuine and reasonable opportunity to negotiate the terms; and
 - (iii) has an (anticipated) annual spend with us of \$20,000 or less.

4 Some special terms

- (a) 'ACMA' means Australian Communications and Media Authority – see clause 39(d).
- (b) 'Financial hardship' means a situation where:
 - (i) you can't discharge your financial obligations to us, due to illness, unemployment, being the victim of domestic or family violence, or other reasonable cause; and
 - (ii) you believe that you will be able to discharge those obligations if the payment or other arrangements relating to the supply of telecommunications products by us to you are changed.
- (c) 'Personal information' means the same as in the *Privacy Act 1988*.
- (d) 'Solution' means a way to deal with a complaint – not necessarily the way you want.
- (e) 'Telecommunications product' means the same as in the Complaints Standard – it covers most telco services and associated goods we supply.
- (f) 'TIO' means Telecommunications Industry Ombudsman – see clause 29.
- (g) 'Working day' means a day that is not a Saturday, Sunday or gazetted public holiday in the location of your premises or principal place of business.

5 Representatives

- (a) You may choose to appoint a 'Representative' ie either:

- (i) an **Authorised Representative** – who is a person who has authority from you to deal with us on your behalf as your authorised agent; or
 - (ii) an **Advocate** – who is a person nominated on your behalf to deal with us on your behalf, but does not include an Authorised Representative or a person who has authority to access your account information from us.
- (b) The forms and procedures for nominating a Representative are on our website.
 - (c) You can nominate a Representative to make and handle a complaint for you.

6 What's a 'complaint'?

Any of the following counts as a complaint:

- (a) if you express dissatisfaction about our products or services; or
- (b) if you express dissatisfaction about our complaint handling process – and you tell us, or imply, that you expect a response.

But if you make an initial call to request information, or to request support, or to report a fault or service difficulty, we won't treat it as a complaint unless you ask us to.

And if there was legal action already underway, the subject of that wouldn't be treated as a complaint.

Notes to staff:

- (a) If a dissatisfied customer contacts us and you're not clear whether they want to record a complaint – you must ask them, to clarify.
- (b) You must also help a dissatisfied customer to formulate their complaint, and to lodge it, and to progress it.
- (c) To assist staff to help customers with special needs or disabilities, we've included some guidance steps in clause 41.
- (d) To assist staff to help customers from non-English backgrounds, we've included some guidance steps in clause 42.
- (e) To assist staff to help customers suffering financial hardship, we've included some guidance steps in 43.

7 When is a complaint 'resolved'?

A complaint counts as 'resolved' when:

- (a) we and you have agreed on a solution, and we have fully implemented it; or
- (b) you escalate it to the TIO; or
- (c) all internal resolution processes set out in this CHP have been completed and:
 - (i) you and we have not agreed on a solution; and
 - (ii) we have advised you about your options for external dispute resolution, including the TIO – see clauses 29 and 39; or
- (d) we are otherwise entitled to close the complaint under the Complaint Closing Rules in clause 27.

We will confirm that your complaint has been resolved as soon as practicable after we complete our investigation of it, and we'll confirm that in writing, within five working days after you ask us to.

8 Our complaints goal

As a customer, you have the right to make a complaint. Our goal is to keep our customers satisfied, and that means as few complaints as possible, and that any complaints that do arise are dealt with openly, fairly and promptly.

To support that goal:

- (a) Our complaints process is approved by our Chief Executive Officer (or equivalent), who is responsible for ensuring its implementation, operation and compliance in accordance with the Complaints Standard.
- (b) Our complaints process is managed by a senior manager who must maintain the effective and efficient operation of the process in accordance with the Complaints Standard.
- (c) Our complaints process is focused on your needs and expectations and is designed to be easy to understand and use.

9 How and when you can make a complaint

You can make a complaint:

How	When
By Letter to PO Box 7273 Wetherill Park NSW 2164	At any time
On our website at www.barefoottelecom.com.au	At any time
Call 1300 017 622	8.30am to 7pm every day
Email support@barefoottelecom.com.au	At any time

10 How and when you can monitor the progress of a complaint

You can monitor complaint progress:

How	When
To be completed eg:	
Call 1300 017 622 and quote your Complaint Number	8.30am to 7pm every day
Visit your customer account page	At any time

11 If you need assistance

We will assist you to formulate, lodge and progress a complaint if you need help, especially including because of disability, hardship and difficulties with English. Just let our Customer Care officer know you want help and, if you can't tell us in that way:

- (a) write or email your request to an address in clause 9; or
- (b) contact us through your Representative - see clause 5; or
- (c) contact us via the National Relay Service on 133 677; or
- (d) contact us via the Translating & Interpreting Service on 131 450.

12 Receiving your complaint

We'll receive your complaint through any of the contact points in paragraph 9.

13 Our complaint management steps

We will use our best efforts to resolve your complaint on first contact. If we can't do that, the steps in the following clauses apply.

14 Acknowledgement of your complaint

- (a) If you make a complaint in person or by telephone to a Customer Care officer, we'll acknowledge it immediately.
- (b) If you make a complaint by email, or through our website or another customer service website we approve, or by paper post, or by a telephone message recording system, we'll acknowledge it within two working days.
- (c) When we acknowledge your complaint, we'll allocate it a unique reference number or take another measure so we can later identify the complaint and its subject matter (**Complaint Number**), and advise you of the Complaint Number.

15 Initial assessment of your complaint

On initial assessment, a Customer Care officer will:

- (a) identify and flag it if it is an urgent complaint - see clause 16;
- (b) categorise it according to our standard categories in clause 34;
- (c) identify and flag complaints about billing errors - see clause 23;
- (d) assess whether it can be resolved without further investigation; and if so skip to:
 - (i) clause 21 (for non-urgent complaints) or
 - (ii) clause 22 (for urgent complaints).

16 How we identify urgent complaints

Your complaint is identified as urgent if:

- (a) you have applied for or have been accepted as being in financial hardship under our Financial Hardship Policy and the subject matter of your complaint can reasonably be presumed to directly contribute to or aggravate your financial hardship; or
- (b) disconnection of your service is imminent or has occurred and where due process has not been followed; or
- (c) it relates to a service for which you receive Priority Assistance under the *Priority Assistance for Life Threatening Medical Conditions Code*.

Our Customer Care officers are trained to watch for these factors and must flag a complaint as urgent if any of them are seen to apply.

17 Internal prioritisation process

We are flexible in the way we prioritise complaint processing, because special circumstances can apply. But in normal circumstances:

- (a) Urgent complaints have highest priority.
- (b) Complaints involving services to customers with significant health problems, or the care of young children or who are in remote locations or who are old-aged are prioritised next.
- (c) Complaints that are approaching, or have exceeded maximum response times are prioritised next.

We can often only know about these, or other, important factors if you tell us. You can alert us using any of the contact channels through which you can lodge a complaint.

18 Concerns about applicable response time

If you notify us that you are not satisfied with the response times that apply to the handling or management of your complaint, within five working days we'll advise you about:

- (a) our internal prioritisation process – see clause 17;
- (b) our internal escalation process – see clause 28; and
- (c) options for external dispute resolution, including the TIO – see clauses 29 and 39.

19 Request for urgency

If you reasonably notify us that you want your complaint to be assessed and treated as urgent, within two working days we'll advise you about:

- (a) our internal prioritisation process – see clause 17;
 - (b) our internal escalation process – see clause 28; and
- options for external dispute resolution, including the TIO – see clauses 29 and 39.

20 Investigation of your complaint

In investigating a complaint, a Customer Care officer will:

- (a) make any relevant enquiries of you, your Authorised Representative or Advocate, or our systems or other staff, or of any other telcos involved in our supply chain, and other interested parties;
- (b) investigate the complaint suitably for its seriousness;
- (c) fairly and carefully consider the merits of the complaint;
- (d) focus on finding the optimal solution for you and the situation;
- (e) seek guidance from a manager if necessary; and
- (f) keep in mind our obligations under the Complaints Standard and this document.

21 Our response and proposed solution

- (a) We'll offer a solution for your complaint within 15 working days of receiving it, unless a delay prevents that – see clause 30.
- (b) We'll confirm that offer in writing, within five working days after you ask us to.

22 Handling urgent complaints & how it's different from ordinary complaints,

An urgent complaint will be handled generally in accordance with this CHP but within two working days of receiving your urgent complaint, we will:

- (a) offer a solution; and
- (b) if you accept that solution, action it – (unless a delay prevents that – see clause 30) and we'll confirm that in writing, within five working days after you ask us to.

23 Complaints about billing errors

If you make a complaint during a billing period about a billing error, we will resolve it by the end of the next billing period.

24 Solutions

- (a) The solution we offer will be tailored to you so that, as far as practicable, it addresses the main cause of the complaint, and your individual circumstances.
- (b) Where a complaint is indicative of a broader problem or systemic issue, we'll seek to resolve the main cause of that problem or issue.
- (c) We aren't required to action that proposed solution unless and until you accept it. If you do accept our proposed resolution, we are allowed a period of time to action it – see clause 26.

25 Communicating our decision about the complaint

- (a) We'll notify you of our decision about your complaint as soon as practicable after we complete our investigation, including offering any solution in accordance with clause 21.
- (b) We'll communicate this information by email or text message or by phone.
- (c) We'll confirm it in writing, within five working days after you ask us to.

26 Implementing an agreed solution

We'll fully action a solution within ten working days after you agree to it, unless:

- (a) we and you agree otherwise; or
- (b) you agreed to do something to facilitate the solution by a certain time, and you failed to do so; or
- (c) it's an urgent complaint and clause 22 applies.

27 Closing a complaint - (Complaint Closing Rules)

We may close your complaint in our complaints system if:

- (a) the complaint is resolved and there is nothing left for us to do; or
- (b) you consent; or
- (c) we have completed the Unsatisfactory Outcome Procedure in clause 31; or
- (d) we have completed the Unreasonable Complaint Procedure in clause 32; or
- (e) we have completed the Lost Contact Procedure in clause 33.

28 Internal escalation process

- (a) Your complaint will be escalated and managed accordingly if you reasonably request it.
- (b) You can request escalation using any of the contact channels through which you can lodge a complaint.
- (c) Internal escalation and management may not accelerate resolution if the complaint is not urgent and its processing already meets the applicable standards and is within the permitted maximum response time/s.
- (d) A complaint will be automatically escalated if:
 - (i) a maximum response time has been exceeded;
 - (ii) it becomes urgent; or
 - (iii) you notify us of another factor that increases the seriousness of your complaint or the need for expedited resolution.
- (e) Each escalated complaint will be referred to a more senior Customer Care officer, who

will assess the reason/s for the escalation and the best way to respond to them, and direct action accordingly.

29 Process where a complaint is referred to the TIO for external resolution

- (a) You may escalate a complaint to the TIO after we have been given a reasonable opportunity to resolve it.
- (b) The TIO can be contacted:
 - (i) through its website at www.tio.com.au;
 - (ii) by phone on 1800 062 058;
 - (iii) by writing to PO Box 276, Collins Street West Vic 8007;
 - (iv) through the National Relay Service – call on 1800 555 677 then ask for 1800 062 058 ;
 - (v) by faxing a consumer complaint form (see [HERE](#)) to 1800 630 614; or
 - (vi) by emailing the consumer complaint form to tio@tio.com.au.
- (c) The TIO may accept your complaint if:
 - (i) it is about your landline telephone, mobile or internet service, damage to your property or telecommunications equipment; and
 - (ii) you have already tried to contact us to resolve your complaint with us; and
 - (iii) you the account holder or have you been authorised to deal with the matter by the account holder; and
 - (iv) your complaint less than two years old (or between two and six years old, if you have a good reason for not making it before).
- (d) If TIO accepts your complaint, it will process it according to its current procedures.

30 If delays occur or are anticipated

- (a) If there's a delay in the timeline for managing or handling your complaint, we'll inform you as soon as possible after we become aware of it.
- (b) If we do not reasonably believe we can resolve your complaint within 15 working days (or two working days for an urgent complaint) we will advise you within those periods:
 - (i) why there is a delay;
 - (ii) the new timeframe that will apply; and
 - (iii) if we expect resolution to require more than ten more working days, of your options for external dispute resolution including the TIO (except if the delay is because of a notified mass outage of service).

31 Unsatisfactory Outcome Procedure

- (a) If you:
 - (i) notify us that you are not satisfied with the progress of your complaint; or
 - (ii) notify us that you are not satisfied with the outcome of your complaint; or
 - (iii) enquire about your options to pursue your complaint further – then we'll advise you about:
 - (iv) our internal escalation process – see clause 28 (to the extent that you haven't already availed yourself of it); and
 - (v) your options for external dispute resolution, including the TIO – see clauses 29 and 39.
- (b) Unless you avail yourself of any remaining internal escalation process, we may then close your complaint under the Complaint Closing Rules.

32 Unreasonable Complaint Procedure

- (a) If we consider that:
 - (i) we can do nothing more to resolve your complaint or assist you; and
 - (ii) your behaviour or complaint is frivolous or vexatious – we may decide not to deal further with your complaint.

- We won't do that without careful consideration, and appropriate internal escalation, and acting reasonably.
- (b) Within five working days of such a decision, we'll advise you of the reasons for our decision and your options for external dispute resolution, including the TIO - see clauses 29 and 39.
 - (c) After that:
 - (i) we may then close your complaint under the Complaint Closing Rules; and
 - (ii) we reserve the right not to accept any further complaints from you on the same or similar issues, except as a part of an external dispute resolution process.
 - (d) Nonetheless, if you ask for written confirmation of our reasons and your options for external resolution, we'll provide them within five working days - see clauses 29 and 39.

33 Lost Contact Procedure

- (a) If we can't contact you to discuss your complaint or offer a solution, we'll write to you:
 - (i) advising we couldn't contact you;
 - (ii) detailing our contact attempts; and
 - (iii) inviting you to contact us to discuss the complaint within a specified period (of at least ten working days).
- (b) Unless you contact us to discuss the complaint within that period, we may then close your complaint under the Complaint Closing Rules.

34 Classifying complaints

- (a) Complaints will be categorised as follows:
 - (i) NBN
 - (A) Billing & Payment
 - (B) Connection
 - (C) Contracts
 - (D) Credit management
 - (E) Customer service
 - (F) Faults
 - (G) Privacy
 - (H) Transfer
 - (ii) Other internet
 - (A) Billing & Payment
 - (B) Connection
 - (C) Contracts
 - (D) Credit management
 - (E) Customer service
 - (F) Faults
 - (G) Privacy
 - (H) Transfer
 - (iii) Landline
 - (A) Billing & Payment
 - (B) Connection
 - (C) Contracts
 - (D) Credit management
 - (E) Customer service
 - (F) Faults
 - (G) Privacy
 - (H) Transfer
 - (iv) Mobile
 - (A) Billing & Payment
 - (B) Connection
 - (C) Contracts

- (D) Credit management
- (E) Customer service
- (F) Faults
- (G) Privacy
- (H) Transfer

- (b) Where, in the course of dealing with a complaint, a Customer Care officer recognises that a complaint should be classified by reference to alternative or additional categories, they must amend the classification accordingly and make a brief note of the amendment/s and reasons.

35 Restriction on legal proceedings

We will not commence legal proceedings against you that has the same subject matter as a complaint:

- (a) while the complaint is being handled internally; or
- (b) within seven working days after you are advised of the outcome of the complaint; or
- (c) while the complaint is being investigated by the TIO.

36 Charges for using our complaints process

Our complaints process is free to use.

37 Limit on cancelling service If:

- (a) you make a complaint; and
- (b) you weren't able to resolve it directly with us; and
- (c) you pursue external dispute resolution - we will not cancel your service for those reasons alone.

38 Credit management action suspended

We will not take credit management action over a disputed amount if you have made a complaint and we know:

- (a) it has not been resolved to your satisfaction; and
- (b) it is being investigated by us or the TIO or some other recognised third party.

39 External dispute resolution

The following external dispute resolution bodies may be able to assist with your complaint, but may require that you first attempt to resolve it directly with us:

- (a) the Telecommunications Industry Ombudsman (**TIO**) - see clause 29;
- (b) the Office of Fair Trading in Your State or Territory - visit your State or Territory consumer website;
- (c) for Australian Consumer Law matters, the Australian Consumer and Competition Commission (**ACCC**) - www.accc.gov.au;
- (d) for Telecommunications Consumer Protections Code matters, the Australian Communications & Media Authority (**ACMA**) - www.acma.gov.au;
- (e) for privacy issues, the Office of the Australian Information Commissioner (**OAIC**) - www.oaic.gov.au.

40 Further requirements for our staff

We will ensure that our staff who deal directly with customers and/or with complaints:

- (a) are given access to a copy of this CHP;
- (b) understand the requirements for consumer complaints handling under the Complaints Standard and their roles and responsibilities under this CHP;
- (c) understand what remedies are available to assist with the resolution of a complaint;
- (d) manage and resolve complaints in an effective and efficient manner in accordance with the Complaints Standard;
- (e) treat you with fairness and courtesy when you make a complaint;
- (f) can identify and record a complaint; and
- (g) can classify complaints in accordance with clause 34.

41 Guidance: helping customers with special needs or disabilities

TIO has published a comprehensive Position Statement on Responding to consumers with different needs (including special needs or disabilities):

<https://www.tio.com.au/about-us/position-statements/responding-to-consumers-with-different-needs>

We endorse this Position Statement and recommend that all Customer Care officers and other staff involved with complaint handling read and apply it.

42 Guidance: helping customers from non-English-speaking backgrounds

TIO has published a comprehensive Position Statement on Responding to consumers with different needs (including customers from non-English-speaking backgrounds):

<https://www.tio.com.au/about-us/position-statements/responding-to-consumers-with-different-needs>

We endorse this Position Statement and recommend that all Customer Care officers and other staff involved with complaint handling should read and apply it.

43 Guidance: helping customers suffering financial hardship

Our Financial Hardship Policy fully details how we deal with and help customers suffering financial hardship.

All Customer Care officers and other staff involved with complaint handling should read and apply it.

44 Complaint records we'll keep

We'll systematically record for each complaint, and retain for two years:

- (a) the name and contact details of the consumer making the complaint, and their representative where applicable;
- (b) a unique reference number or such other measure that will ensure the carriage service provider can subsequently identify the complaint and its subject matter;
- (c) a description of the nature of the complaint and the issues raised as part of the complaint;
- (d) a description of the resolution proposed by the carriage service provider or the consumer;
- (e) the due date for a response;
- (f) a description of the results of any investigation;
- (g) a description of the proposed resolution of the complaint, including any associated commitments and the date this is communicated to the consumer;
- (h) a description of our reasons for its proposed resolution;
- (i) the consumer's response to the proposed resolution of the complaint, any reasons given by the consumer, and if they have requested the proposed resolution in writing, that this request has been made;
- (j) the implementation of any required actions; and
- (k) copies of any correspondence sent by or to the consumer regarding the complaint.

45 Privacy

We will ensure that personal information we collect in connection with a complaint is not disclosed to a third party except:

- (a) as required to manage a complaint to the TIO or the ACMA;
- (b) with your express consent; or
- (c) as otherwise required or authorised by law.

Attachment 1 – 2018 Complaints Standard



Telecommunications (Consumer Complaints Handling) Industry Standard 2018

The Australian Communications and Media Authority determines the following industry standard under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated: 4 June 2018

Nerida O'Loughlin
[signed]
Member

James Cameron
[signed]
Member/General Manager

Australian Communications and Media Authority

Authorised Version F2018L00727 registered 07/06/2018

Part 1 Preliminary

Section 1

Part 1—Preliminary

1 Name

This is the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018*.

2 Commencement

This instrument commences on 1 July 2018.

Note: All legislative instruments are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*, which may be accessed at: www.legislation.gov.au.

3 Authority

This instrument is determined under subsection 125AA(1) of the *Telecommunications Act 1997* and in accordance with sections 5 and 8 of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

Note: The *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

4 Application of industry standard

For the purpose of subsection 125AA(1) of the Act:

- (a) this industry standard applies to participants in the following sections of the telecommunications industry:
 - (i) carriage service providers; and
 - (ii) carriers responsible for network units that are used in the supply of services by carriage service providers; and
- (b) the content of this industry standard deals with the handling of consumer complaints about the supply of carriage services by carriage service providers and carriers listed in paragraph (a) in a professional, effective and efficient manner, and reporting about consumer complaints.

5 Definitions

In this instrument:

ACMA means the Australian Communications and Media Authority.

Act means the *Telecommunications Act 1997*.

advocate means a person nominated on behalf of a consumer to deal with a carriage service provider on the consumer's behalf, but does not include an authorised representative or a person who has authority to access the consumer's account information from the carriage service provider.

authorised representative means a person who has authority from a consumer to deal with a carriage service provider on behalf of that consumer as their authorised agent.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

bill means an invoice from a carriage service provider which advises a consumer of the total of each billed charge.

billed charge means a charge that is due for payment by a consumer in respect of telecommunications products provided by a carriage service provider.

billing period means a period of time in relation to which a billed charge relates.

carriage service provider's website includes a website controlled by a carriage service provider or another website it has endorsed for managing or receiving complaints.

closed, when used in connection with a complaint, means a complaint that is no longer open in the carriage service provider's complaint management system where:

- (a) resolution has occurred and no further action is required by the carriage service provider; or
- (b) paragraph 13(1)(l) applies.

complaint means an expression of dissatisfaction made to a carriage service provider by a consumer in relation to its telecommunications products or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected by the consumer.

It does not include an initial call to request information or support or to report a fault or service difficulty unless a consumer advises that they want that call treated as a complaint, and does not include an issue that is the subject of legal action.

complaints handling process means a consumer complaints handling process established by a carriage service provider pursuant to section 7.

consumer means:

- (a) an individual who acquires or may acquire a telecommunications product for the primary purpose of personal or domestic use and not for resale; or
- (b) a business or non-profit organisation which acquires or may acquire one or more telecommunications products which are not for resale and which, at the time it enters into the consumer contract:

- (i) does not have a genuine and reasonable opportunity to negotiate the terms of the consumer contract; and
- (ii) has or will have an annual spend with the carriage service provider which is, or is estimated on reasonable grounds by the carriage service provider to be, no greater than \$20,000.

A reference to a consumer includes a reference to the consumer's representative.

consumer contract means an arrangement or agreement between a carriage service provider and a consumer for the supply of a telecommunications product to that consumer, and includes a standard form of agreement formulated by a carriage service provider for the purposes of section 479 of the Act.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

financial hardship means a situation where:

- (a) a consumer is unable to discharge the financial obligations owed by the consumer under their consumer contract or otherwise discharge the financial obligations owed by the consumer to a carriage service provider, due to illness, unemployment, being the victim of domestic or family violence, or other reasonable cause; and
- (b) the consumer believes that they will be able to discharge those obligations if the relevant payment arrangements or other arrangements relating to the supply of telecommunications products by the carriage service provider to the consumer are changed.

internal escalation process means the internal escalation process referred to in paragraph 10(b).

internal prioritisation process means the internal prioritisation process referred to in paragraph 10(a).

minimum requirements for consumer complaints handling means the minimum requirements for the handling of consumer complaints set out in sections 8, 9 and 10.

notified mass outage of service means a mass outage of service that is the subject of a notice published in accordance with section 25 of the *Telecommunications (Consumer Service Guarantee) Standard 2011*.

personal information has the same meaning as in section 6 of the *Privacy Act 1988*.

personnel includes staff or contractors engaged by or on behalf of a carriage service provider.

recorded telephone message means a telephone message from a consumer making a complaint that is recorded without direct contact with personnel.

representative means an advocate or an authorised representative.

resolution when used in connection with a complaint, means the outcome of bringing that complaint to a conclusion in accordance with the requirements of this industry standard, irrespective of whether the outcome is in favour of the consumer. It does not include the implementation of that resolution.

resolve when used in connection with a complaint, means to bring that complaint to a conclusion in accordance with the requirements of this industry standard.

subscription broadcasting service has the same meaning as in the *Broadcasting Services Act 1992*.

subscription narrowcasting service has the same meaning as in the *Broadcasting Services Act 1992*.

telecommunications goods means any goods supplied by a carriage service provider for use in connection with the supply of a telecommunications service,

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

whether or not the goods are supplied in conjunction with, or separately from, a telecommunications service.

telecommunications product means telecommunications goods or a telecommunications service.

telecommunications service means:

- (a) a listed carriage service or any service supplied by a carriage service provider in connection with that service; and
- (b) a content service (other than a subscription broadcasting service or a television subscription narrowcasting service) provided by a carriage service provider in connection with the supply of a listed carriage service.

TIO means the Telecommunications Industry Ombudsman.

urgent complaint means a complaint:

- (a) where the complaint is made by a consumer who has applied for or has been accepted as being in financial hardship under that carriage service provider's financial hardship policy and where the subject matter of the complaint can reasonably be presumed to directly contribute to or aggravate the financial hardship of that consumer;
- (b) where disconnection of a service is imminent or has occurred and where due process has not been followed; or
- (c) which involves a priority assistance consumer and the service for which they are receiving priority assistance.

working day means:

- (a) in Part 2 to Part 5, a day that is not a Saturday, Sunday or gazetted public holiday in the location of the consumer's premises or principal place of business; and
- (b) in Part 6, a day that is not a Saturday, Sunday or gazetted public holiday in the location of the principal place of business of the relevant carrier, first carriage service provider or retail carriage service provider.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) carriage service;
- (b) carriage service provider;
- (c) carrier;
- (d) listed carriage service;
- (e) network unit;
- (f) priority assistance;
- (g) section of the telecommunications industry;
- (h) telecommunications industry; and
- (i) Telecommunications Industry Ombudsman.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

6 References to other instruments

In this industry standard, unless the contrary intention appears, a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 2—Complaints handling process

7 Establish a complaints handling process

- (1) A carriage service provider that offers to supply telecommunications products to consumers under a consumer contract must:
 - (a) establish a complaints handling process that includes the minimum requirements for consumer complaints handling; and
 - (b) comply with the minimum requirements for consumer complaints handling set out in its complaints handling process.
- (2) The carriage service provider's Chief Executive Officer (or equivalent) must approve the complaints handling process and be responsible for its implementation and operation.

8 Minimum requirements - accessibility

- (1) A complaints handling process must:
 - (a) be set out in writing;
 - (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 paragraphs (d) to (m), and sections 9 and 10;
 - (c) be made available to a consumer on request, or as soon as practicable after a consumer informs the carriage service provider they wish to make a complaint, in a form that is suitable for the consumer and, where appropriate, made available to carriage service providers or carriers identified in sections 23 and 24;
 - (d) be free of charge for consumers to use;
 - (e) be focused on the needs and expectations of consumers making a complaint and be easy to understand and use;
 - (f) state that consumers have a right to make a complaint;

- (g) set out how and when a consumer can make a complaint and monitor the progress of their complaint;
- (h) permit consumers to make complaints by telephone, letter, email and online;
- (i) permit consumers to make complaints in store, where the carriage service provider offers services at a physical location;
- (j) specify the telephone number, email address and web address where a consumer can make a complaint;
- (k) require members of its personnel to:
 - (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

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

member of the personnel is uncertain if the consumer wishes to make a complaint; and

- (ii) provide consumers with help to formulate, make and progress a complaint, and set out steps to assist members of its personnel to help consumers with special needs or disabilities, and consumers from non-English backgrounds or those suffering financial hardship;
 - (l) allow for consumers to nominate a representative to make and handle a complaint;
 - (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:
 - (i) receipt of a complaint;
 - (ii) acknowledgment of a complaint;
 - (iii) initial assessment of a complaint;
 - (iv) investigation of a complaint;
 - (v) response to a complaint and proposed resolution;
 - (vi) communicating the carriage service provider's decision in response to the complaint;
 - (vii) implementation of agreed resolution;
 - (viii) closing a complaint;
 - (ix) the process where a complaint is referred to the TIO for external dispute resolution; and
 - (x) the procedures for identifying and handling urgent complaints, including how those procedures differ from handling ordinary complaints.
- (2) A carriage service provider must ensure that its personnel dealing directly with consumers:

- (a) are given access to a copy of the complaints handling process; and
 - (b) understand the minimum requirements for consumer complaints handling and their roles and responsibilities under the complaint handling process.
- (3) A carriage service provider must ensure that information about how a consumer can contact the carriage service provider to make a complaint or enquiry can be accessed via a link on the homepage for its website.

9 Minimum requirements - timeliness

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.

10 Minimum requirements - transparency

A complaints handling process must:

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 2 Complaints handling process

Section 10

- (a) include an internal process for prioritising complaints that is clear, accessible and transparent for consumers;
- (b) include an internal process for escalating a consumer's complaint, which is clear, accessible and transparent for consumers;
- (c) require complaints to be escalated at the reasonable request of a consumer;
- (d) set out a description of how escalated complaints will be managed;
- (e) set out a dispute resolution process, which provides a consumer with the right to escalate a complaint to the TIO after the carriage service provider has been given a reasonable opportunity to resolve a complaint, and which includes details about how a consumer can contact the TIO;
- (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
- (g) include a process for classifying complaints into different categories, which clearly describes each category of complaint.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 3—Complaints management and response times

11 Complaints management

A carriage service provider must ensure that:

- (a) its complaints handling process is managed by a senior manager who is required to maintain the effective and efficient operation of that process in accordance with the minimum requirements for consumer complaints handling; and
- (b) its personnel dealing directly with consumers or personnel dealing with complaints:
 - (i) manage and resolve complaints in an effective and efficient manner in accordance with the minimum requirements for consumer complaints handling;
 - (ii) treat consumers making a complaint with fairness and courtesy;
 - (iii) can identify and record a complaint; and
 - (iv) can classify complaints in accordance with the provider's process mentioned in paragraph 10(g).

12 Acknowledging complaints

A carriage service provider must:

- (a) acknowledge a complaint received by telephone or in store immediately;
- (b) acknowledge a complaint received by:
 - (i) email;
 - (ii) through the carriage service provider's website;
 - (iii) post; or
 - (iv) a recorded telephone message,

within 2 working days of receiving the complaint.

13 Resolution of complaints

- (1) A carriage service provider must:
 - (a) use its best efforts to resolve a complaint on first contact;
 - (b) implement processes for the identification, management and resolution of urgent complaints;
 - (c) investigate a complaint to the extent that is commensurate with the seriousness of the complaint, where it is not possible to resolve a complaint to the satisfaction of the consumer at first contact or without an investigation;
 - (d) ensure that its personnel understand what remedies are available to assist with the resolution of a complaint;

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Section 14

- (e) tailor any remedy offered to a consumer so that, as far as practicable, the remedy addresses the main cause of the complaint, and the individual circumstances of the consumer;
 - (f) resolve complaints about alleged billing errors no later than the end of the billing period immediately following the consumer's current billing period;
 - (g) provide confirmation of a proposed resolution of a complaint, within 15 working days of receiving the complaint;
 - (h) provide confirmation of a proposed resolution of an urgent complaint, and if the consumer accepts the proposed resolution, implement that resolution, within 2 working days of receiving the urgent complaint;
 - (i) where a complaint is indicative of broader problem or systemic issue, seek to resolve the main cause of that problem or issue;
 - (j) complete all necessary actions to implement a proposed resolution, within 10 working days of the consumer accepting that resolution, except where:
 - (i) otherwise agreed with the consumer;
 - (ii) the consumer agreed to undertake actions to implement the proposed resolution by a specified time, but did not complete the actions as agreed;
 - (iii) the complaint is an urgent complaint and paragraph (h) applies;
 - (k) provide confirmation to a consumer that their complaint has been resolved, as soon as practicable after the carriage service provider completes its investigation of the complaint; and
 - (l) only allow a complaint or an urgent complaint to be closed with the consent of the consumer, or where the carriage service provider has complied with subsection 15(2), section 16 or section 17.
- (2) A carriage service provider must, upon receiving a request from a consumer to provide written confirmation of the matters set out in paragraphs (1)(g), (h) or (k), provide that confirmation in writing to the consumer within 5 working days after receiving the request.

14 Delays

- (1) A carriage service provider must advise consumers of any delay to proposed timeframes for managing or handling their complaint as soon as possible after becoming aware of the delay.
- (2) Where a carriage service provider does not reasonably believe that a complaint can be resolved within 15 working days of receiving the complaint, the carriage service provider must as soon as practicable within that period advise the complainant of:
 - (a) the cause of the delay;
 - (b) the new timeframe for resolving the complaint; and
 - (c) the avenues for external dispute resolution including the TIO, where it is expected that the delay will be longer than 10 working days and is not caused by a notified mass outage of service.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

- (3) Where a carriage service provider does not believe that an urgent complaint can be resolved within 2 working days of receipt of the urgent complaint, the carriage service provider must as soon as practicable within that period, advise the complainant of the matters set out in paragraphs (2)(a), (b) and, where applicable, paragraph (2)(c).

15 Complaint prioritisation, escalation and external dispute resolution

- (1) Where a consumer communicates to a carriage service provider:
 - (a) that they are dissatisfied with the response times that apply to the handling or management of their complaint; or
 - (b) that they reasonably want their complaint to be assessed and treated as an urgent complaint,

a carriage service provider must, within 5 working days where paragraph (a) applies, or 2 working days where paragraph (b) applies, after receiving that communication, advise the consumer about:

- (c) its internal prioritisation process;
 - (d) its internal escalation process; and
 - (e) options for external dispute resolution, including the TIO.
- (2) Where a consumer:
 - (a) communicates to a carriage service provider that they are dissatisfied with the progress or resolution of a complaint; or
 - (b) enquires about their options to pursue a complaint further,

a carriage service provider must advise the consumer about:

- (c) its internal escalation process; and
 - (d) options for external dispute resolution, including the TIO.
- (3) A carriage service provider must not commence legal proceedings against a consumer that has the same subject matter as the complaint:

- (a) while a complaint is being handled internally and for 7 working days after a consumer is advised of the outcome of their complaint; or
- (b) while a complaint is being investigated by the TIO.

16 Frivolous or vexatious complaints

- (1) If, after careful consideration and appropriate internal escalation of a complaint, a carriage service provider reasonably concludes:
 - (a) that it can do nothing more to resolve the complaint or assist the consumer; and
 - (b) that the consumer's behaviour, or complaint is frivolous or vexatious,

the carriage service provider may decide not to deal, or to deal further, with the complaint.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Section 17

- (2) Within 5 working days of making a decision not to deal with a complaint under subsection (1), a carriage service provider must advise the consumer of the reasons for its decision and options for external dispute resolution, including the TIO.
- (3) Where a carriage service provider advises a consumer in accordance with subsection (2), it is not required to accept any further complaints from that consumer on the same or similar issues, except as a part of an external dispute resolution process.
- (4) A carriage service provider must provide the consumer with written confirmation of the matters set out in subsection (2) in writing within 5 working days after receiving a request to do so from the consumer.

17 Attempt to make contact

If, in the course of meeting its obligations under this industry standard, a carriage service provider is unable to contact a consumer to discuss their complaint or to advise them of the proposed resolution of their complaint, the carriage service provider must write to the consumer:

- (a) advising that they were unable to contact them;
- (b) provide details of its contact attempts; and
- (c) provide an invitation to contact the carriage service provider to discuss the complaint within a specific timeframe of not less than 10 working days from the date of that invitation.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 4—Complaints monitoring and analysis

18 Complaints monitoring and analysis processes, procedures and systems

A carriage service provider must establish processes, procedures and systems, for monitoring and analysing its complaints records to identify systemic issues and problems, and prevent those systemic issues, problems and related complaints from recurring.

19 Requirements for monitoring and analysis of complaints and complaints handling process

A carriage service provider must:

- (a) classify and analyse complaints a minimum of once every three months, to identify, address and take steps to prevent frequent problems and systemic issues from recurring;
- (b) review its complaint handling process every 12 months to:
 - (i) ensure it is suitable, adequate, effective and efficient;
 - (ii) identify new issues and correct deficiencies that need specific attention, and record any new issues and deficiencies identified;
 - (iii) assess its compliance with this industry standard;
 - (iv) identify areas for improvement or that require change; and
 - (v) evaluate potential changes;
- (c) take steps to monitor progress of action taken to address problems or issues identified in paragraphs (a) and (b) as soon as practicable;
- (d) record in writing any steps taken under paragraph (c);
- (e) ensure that any significant complaints, problems or issues identified under this section are efficiently and effectively managed and that there are processes for senior management to be notified where appropriate; and
- (f) ensure that its processes for implementing the requirements in paragraphs

(a) to (e) are set out in writing, and made available to personnel responsible for monitoring and analysing complaints and the complaints handling process.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 5—Complaints record-keeping

20 Requirements to keep records of complaints

- (1) A carriage service provider must keep systematic records of complaints, which include:
 - (a) the name and contact details of the consumer making the complaint, and their representative where applicable;
 - (b) a unique reference number or such other measure that will ensure the carriage service provider can subsequently identify the complaint and its subject matter;
 - (c) a description of the nature of the complaint and the issues raised as part of the complaint;
 - (d) a description of the resolution proposed by the carriage service provider or the consumer;
 - (e) the due date for a response;
 - (f) a description of the results of any investigation;
 - (g) a description of the proposed resolution of the complaint, including any associated commitments and the date this is communicated to the consumer;
 - (h) a description of the carriage service provider's reasons for its proposed resolution;
 - (i) the consumer's response to the proposed resolution of the complaint, any reasons given by the consumer, and if they have requested the proposed resolution in writing, that this request has been made;
 - (j) the implementation of any required actions; and
 - (k) copies of any correspondence sent by or to the consumer regarding the complaint.

21 Record retention

A carriage service provider must:

- (a) keep records that are sufficient to demonstrate its compliance with the requirements under Parts 2 to 5 of this industry standard for at least two years from the date of creating the record; and
- (b) make those records available to the ACMA upon receiving a written request from the ACMA.

22 Privacy

Where a carriage service provider is not subject to the requirements of the *Privacy Act 1988*, it must ensure that personal information it collects in connection with a complaint is not disclosed to a third party except:

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 5 Complaints record-keeping

Section 22

- (a) as required to manage a complaint to the TIO or the ACMA;
- (b) with the express consent of the consumer; or
- (c) where disclosure is otherwise required or authorised by law.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 6—Reasonable assistance

23 Carriage service providers must provide reasonable assistance

Where:

- (a) a carriage service provider (the *first carriage service provider*) supplies a carriage service; and
- (b) that carriage service is involved (directly or indirectly) in the supply of another carriage service (*the retail carriage service*) by another carriage service provider (*a retail carriage service provider*) to consumers;

the first carriage service provider must provide reasonable assistance to:

- (c) the retail carriage service provider; and
- (d) any other carriage service provider who supplies a carriage service that is involved (directly or indirectly) in the supply of the retail carriage service;

in managing and resolving any complaints received by the retail carriage service provider in relation to the retail carriage service.

24 Carriers must provide reasonable assistance

Where:

- (a) a carrier is responsible for a network unit; and
- (b) that network unit is used by a retail carriage service provider to supply a retail carriage service, or to supply a carriage service that is involved (directly or indirectly) in the supply of a retail carriage service;

the carrier must provide reasonable assistance to:

- (c) the retail carriage service provider; and
- (d) any carriage service provider who supplies a carriage service that is involved (directly or indirectly) in the supply of the retail carriage service;

in managing and resolving any complaints received by the retail carriage service provider in relation to the retail carriage service.

25 Requests for reasonable assistance

A retail carriage service provider must:

- (a) promptly upon receiving a complaint and before making a request for reasonable assistance under this Part:
 - (i) assess the cause of the issues that are the subject of the complaint, including, if appropriate, by contacting the complainant to determine if any third party equipment at their premises is causing those issues; and
 - (ii) determine if a first carriage service provider mentioned in section 23 or a carrier mentioned in section 24 is required to provide reasonable assistance under this Part to manage or resolve the complaint; and

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Section 26

- (b) ensure that any request for reasonable assistance it makes under this Part:
 - (i) is made promptly after making a determination under paragraph (a)(ii);
 - (ii) includes an explanation of the key issues that are the subject of the complaint and, where possible, its assessment of the cause of those issues and how they can be fixed;
 - (iii) if requested by the first carriage service provider or carrier – describes the steps that it took under subparagraph (a)(ii) to determine that the first carriage service provider or the carrier is required to provide reasonable assistance to manage and resolve the complaint;
 - (iv) identifies each of the relevant timeframes that it is required to meet under this industry standard in relation to the complaint;
 - (v) if appropriate, set out any proposals about how the first carriage service provider or the carrier might provide reasonable assistance to manage and resolve the complaint within the timeframes identified under subparagraph (iv).

26 Responding to requests for reasonable assistance

The first carriage service provider identified in section 23 and a carrier identified in section 24 must:

- (a) nominate one or more contact persons responsible for the coordination of activities in relation to the provision of reasonable assistance pursuant to this Part;
- (b) notify relevant retail carriage service providers of an email address, or other method, whereby they can contact a contact person nominated under paragraph (a), or make enquiries about, or request, reasonable assistance pursuant to this Part;
- (c) ensure that the inbox for the email address or other method of contact identified in paragraph (b) is monitored each working day;
- (d) acknowledge the receipt of a request for reasonable assistance;

- (e) advise what the indicative timeframes are for responding to the request;
- (f) confirm any proposed resolution as soon as practicable after completing its investigation of the issues set out in the request; and
- (g) ensure that all enquiries and requests for reasonable assistance received by the nominated contact person are responded to as soon as practicable, including by taking all reasonable steps to enable the retail carriage service provider to meet the relevant timeframes that apply to that provider under Part 3.

27 Reasonable assistance to the TIO

A first carriage service provider identified in section 23 (and a carrier identified in section 24 must provide reasonable assistance to the TIO, where the TIO

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

requests assistance to investigate a complaint that relates to the subject matter set out in this Part.

28 Requirement to keep records

A first carriage service provider identified in section 23, a carrier identified in section 24 and a retail carriage service provider identified in section 25 must:

- (a) keep records that are sufficient to demonstrate its compliance with the requirements under this Part;
- (b) retain the records required to be kept by paragraph (a) for at least two years from the date of creating the record; and
- (c) make those records available to the ACMA upon receiving a written request from the ACMA.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

Part 7—Transitional

29 Transitional arrangements for unresolved complaints

- (1) Where:
 - (a) a complaint was made by a consumer to a carriage service provider prior to the commencement of this industry standard, and remains unresolved at or after the date of the commencement of this industry standard; and
 - (b) an industry code is registered by the ACMA under Part 6 of the Act that imposes requirements on carriage service providers regarding the handling of consumer complaints,

the complaint must be assessed and dealt with as a complaint for the purpose of that industry code.

- (2) A complaint referred to in paragraph (1)(a) must be dealt with under this standard if at the time that this industry standard is in force there is no industry code of the kind referred to in paragraph (1)(b).

Telecommunications (Consumer Complaints Handling) Industry Standard 2018

20

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