



Formal Warning under subsection 129(2) of the *Telecommunications Act 1997*

TO: Lycamobile Pty Ltd (ACN: 139 717 212)

OF: Unit 2/1B Kleins Road
Northmead
NSW, 2152

The Australian Communications and Media Authority (the **ACMA**), being satisfied for the reasons explained in the ACMA's investigation report dated 26 October 2022, that Lycamobile contravened subsection 128(1) of the *Telecommunications Act 1997* (the **Act**), by failing to comply with paragraph 8(1)(b) of the *Telecommunications (Consumer Complaints Handling) Industry Standard 2018* (the **Complaints Handling Standard**),

HEREBY issues Lycamobile a formal warning under subsection 129(2) of the Act for its failure to comply with paragraph 8(1)(b) of the Complaints Handling Standard.

Details of the contravention

Obligation

Paragraph 8(1)(b) of the Complaints Handling Standard provides that a carriage service provider's (**CSP's**) complaints handling process must be made available to the public on the CSP's website.

Under subsection 129(2) of the Act, the ACMA can issue a formal warning for contraventions of an industry standard registered under Part 6 of the Act.

Investigation findings

The Complaints Handling Standard is an industry standard registered under Part 6 of the Act which applies to CSPs as participants in the telecommunications industry.

As the supplier of mobile telephone services to the public, Lycamobile is a CSP for the purposes of the Act.

Lycamobile is a participant in the section of the telecommunications industry to which the Complaints Handling Standard applies and is required to comply with the Complaints Handling Standard under subsection 128(1) of the Act.

On 14 September 2022, the ACMA commenced an investigation into Lycamobile's compliance with paragraph 8(1)(b) of the Complaints Handling Standard. This followed the ACMA advising Lycamobile on 19 August 2022 that it was unable to access a copy of Lycamobile's complaints handling policy on Lycamobile's website www.lycamobile.com.au.

On 14 September 2022, Lycamobile advised the ACMA that its complaints handling policy was available on its website up until the end of 2021, however when the website content was migrated to the new website (from 1 January 2022) it did not contain a copy of its complaints handling policy. Lycamobile confirmed that its complaints handling policy was uploaded on its new website on 1 September 2022.

The ACMA is consequently satisfied that for the period 1 January 2022 to 31 August 2022, Lycamobile did not comply with paragraph 8(1)(b) of the Complaints Handling Standard as its complaints handling policy was not available to the public on its website www.lycamobile.com.au. As a consequence of failing to comply with the Complaints Handling Standard, the ACMA also finds that Lycamobile contravened subsection 128(1) of the Act.

Dated this 1 day of Dec 2022



Signature of Member

JAMES CAMERON

Name (Please Print)



Signature of Member/
~~General Manager~~

CHRISTIAN JOSE

Name (Please Print)