

Investigation Report

Lycamobile Pty Ltd's compliance with paragraph 8(1)(b) of the Telecommunications (Consumer Complaints Handling) Industry Standard 2018

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| File No. | ACMA2022/525 |
| Carriage service provider | Lycamobile Pty Ltd |
| ACN | 139 717 212 |
| Scope of investigation | <i>Telecommunications (Consumer Complaints Handling Industry Standard) 2018</i> <i>Telecommunications Act 1997</i> |

Findings

1. The Australian Communications and Media Authority (the ACMA) finds that between 1 January 2022 and 31 August 2022, Lycamobile Pty Ltd (**Lycamobile**) contravened:
 - paragraph 8(1)(b) of the Telecommunications (Consumer Complaints Handling Industry Standard) 2018 (**the Standard**) by failing to make its complaints handling process available to the public on its website; and
 - as a consequence, subsection 128(1) of the *Telecommunications Act 1997* (**the Act**) for failing to comply with an industry standard determined under subsection 125AA(1) of the Act.

Background

2. On 19 August 2022, the ACMA sought an explanation from Lycamobile as to why the ACMA was unable to access a copy of Lycamobile's complaints handling process on its website (www.lycamobile.com.au) as required.
3. On 14 September 2022, Lycamobile advised the ACMA that its complaints handling process was available to the public on its website up until the end of 2021, but that it was not successfully migrated to Lycamobile's new website, which was active from 1 January 2022. Lycamobile confirmed that its complaints handling process was uploaded to its new website on 1 September 2022.
4. On 14 September 2022, the ACMA commenced an investigation under paragraph 510(1)(a) of the Act. The focus of the investigation was on Lycamobile's obligations under paragraph 8(1)(b) of the Standard.
5. On 4 October 2022, the ACMA provided Lycamobile with a copy of its preliminary findings. Lycamobile advised on 25 October 2022 that it would not be making any submissions in response to the ACMA's preliminary findings.
6. In the course of this investigation, the ACMA examined:
 - (a) information obtained from Lycamobile on 5 and 14 September 2022 in response to enquiries made by the ACMA on 19 August 2022
 - (b) Lycamobile's website www.lycamobile.com.au.

Findings and reasons

7. Section 128 of the Act states that, if an industry standard that applies to participants in a particular section of the telecommunications industry is registered under Part 6 of the Act, each participant in that section of the industry must comply with the standard.

8. The Standard is an industry standard determined under subsection 125AA(1) of the Act and registered under Part 6 of the Act. The Standard applies to participants in the telecommunications industry including carriage service providers (**CSPs**).
9. Under paragraph 8(1)(b) of the Standard, a CSP's complaints handling process must be made available to the public on its website in a concise form.
10. To determine Lycamobile's compliance with paragraph 8(1)(b) of the Standard, the ACMA has assessed the following questions:
 - (a) Is Lycamobile a CSP within the meaning of the Act and required to comply with the Standard?
 - (b) Did Lycamobile make available to the public on its website its complaints handling process?

Is Lycamobile a CSP within the meaning of the Act and required to comply with the Standard?

11. Yes. Lycamobile supplies mobile telephone services to the public. Lycamobile is therefore a CSP within the meaning of section 87 of the Act and a participant in the section of the telecommunications industry to which the Standard applies. As such, Lycamobile is required to comply with the Standard under subsection 128(1) of the Act.

Did Lycamobile make available to the public on its website its complaints handling process?

12. No. In its email of 14 September 2022, Lycamobile confirmed that its complaints handling process was not available to the public on its website (www.lycamobile.com.au) between 1 January 2022 and 31 August 2022.
13. For the above reasons, the ACMA is of the view that Lycamobile has contravened subsection 128(1) of the Act by failing to comply with paragraph 8(1)(b) of the Standard between 1 January and 31 August 2022.