

Investigation Report

File No	ACMA2022/740-16
Carriage service provider	Crazy Telecommunications Pty Ltd
ACN	629 066 771
Scope of Investigation	Compliance with clause 10.4 of the Telecommunications Consumer Protections Code C628:2019 (the TCP Code)

Findings

The Australian Communications and Media Authority (the **ACMA**) finds Crazy Telecommunications Pty Ltd (ACN 629 066 771) (**CrazyTel**) contravened clause 10.4 of the TCP Code because it did not provide Communications Compliance Ltd (**CommCom**) with prescribed statements regarding code compliance by the applicable date specified in clause 10.8 of the TCP Code.

Background

- On 21 December 2022, the ACMA commenced an investigation under section 510(c) of the *Telecommunications Act 1997* to determine whether CrazyTel was complying with clause 10.4 of the TCP Code.
- On 23 February 2023, the ACMA sent its preliminary findings to CrazyTel and invited CrazyTel to respond.
- On 10 March 2023, CrazyTel responded to the ACMA and did not dispute that it had not met its obligations under clause 10.4 of the TCP Code. In its response, CrazyTel confirmed that it has now created an account with Communications Compliance in readiness for lodgement of the 2023 compliance attestation, as required by clause 10.4 of the TCP Code.

Reasons for findings

- The table below sets out the ACMA's findings and the reasons for those findings. In making its findings, the ACMA has considered CrazyTel's response of 10 March 2023.

TCP Code clause	Requirement	Reasons and finding
10.1	Suppliers with one or more customers must implement and comply with the Code Compliance Framework and register with Communications Alliance for compliance purposes.	CrazyTel is a carriage service provider (CSP) providing telecommunications services to residential consumers and small business consumers who do not have reasonable opportunity to negotiate the terms of their customer contract. It is therefore a 'supplier' under the TCP Code.
10.1.1(a)	A Supplier must take the following actions to enable this outcome: Code Compliance Framework: implement and comply with the obligations applicable to them	TIO complaints data available to the ACMA indicates that CrazyTel was the subject of consumer complaints to the TIO during the period 1 November 2021 to 31 October 2022. This

	<p>contained in the Code Compliance Framework set out in this Chapter (that is, Chapter 10 of the TCP Code)</p>	<p>indicates CrazyTel had customers during that period.</p> <p>The ACMA is satisfied that CrazyTel had one or more customers on 1 April 2022 on the basis of evidence that it was the subject of TIO complaints prior to 1 April 2022. As such, it was required to comply with clause 10.1 of the TCP Code.</p>
10.4	<p>Suppliers must provide to CommCom prescribed statements regarding compliance with the TCP Code in the manner set out in this clause 10.4 and at the times set out in clause 10.8.</p>	<p>As CrazyTel had one or more customers on 1 April 2022, it was required under clause 10.4 to provide CommCom with the prescribed statements regarding compliance with the TCP Code in accordance with the timeframes specified in clause 10.8.1 of the TCP Code.</p>
10.4.1(a)	<p>A Supplier must: Compliance Attestation: provide to CommCom a Compliance Attestation which has been endorsed by the chief executive officer or a senior manager of the Supplier, by the date each year specified in clause 10.8.1 and in the form required by CommCom.</p>	<p>On 16 November 2022, CommCom provided the ACMA with a list of suppliers that had lodged the prescribed statements regarding TCP Code compliance for 2022. CrazyTel was not on that list.</p> <p>In its response to the ACMA on 10 March 2023, CrazyTel did not dispute that it had not met this obligation.</p>
10.8	<p>Suppliers must meet the timeframes set out in this clause if they have one or more customers on 1 April each year.</p>	<p>Therefore, the ACMA is satisfied that CrazyTel did not comply with clause 10.4 of the TCP Code.</p>
10.8.1	<p>Date for provision of attestation statements: If the supplier is a small supplier as at 1 April, the supplier must provide the statements prescribed in clause 10.4.1 by the following dates:</p> <ul style="list-style-type: none"> (a) 1 April in the same year, or the following working day; or (b) If the supplier has submitted an attestation deferral notice, 1 September in the same year, or the following working day. <p>Note: A 'small supplier' is defined in clause 2.1 of the TCP Code to mean a supplier with fewer than 3,000 services in operation.</p>	
10.8.2	<p>Date for provision of Compliance Attestation for all other suppliers: If the supplier is not a small supplier as at 1 April, 1 September in the same year, or the following working day.</p>	