

# Legal Information:

## Complaints Handling Policy



### About This Document

This document is our Complaints Handling Policy ("Policy"). It is prepared for the purposes of the Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (the "Complaints Handling Standard"). In this Complaints Handling Policy, "we", "our" and "us" are all references to BOSLEY HOLDINGS PTY LTD trading as SWOOP BROADBAND, ABN 71613948575 of 1A, 155 Queen Street, Warragul VIC 3820 Australia.

This Policy is accessible on our website and is distributed to customers and former customers (together, "Customers") and our staff.

Our Chief Executive Officer (or equivalent) has approved this Policy and is responsible for ensuring its implementation, operation and compliance in accordance with the requirements of the Complaints Handling Standard.

### Introduction

Consumers have the right to make complaints. We take complaints seriously and always strive to do a better job for our customers. Where possible we will seek to implement a resolution that our customers are satisfied with, to resolve their complaints. A proposed resolution must be accepted by a consumer before we are required to implement it.

### What does the Complaints Handling Standard Require?

The Complaints Handling Standard requires SWOOP BROADBAND and other Carriage Service Providers to, among other things:

- Establish appropriate complaint handling processes that are accessible, transparent and free of charge;
- Manage and resolve complaints in an effective and efficient manner in accordance with the minimum requirements for consumer complaints handling
- Treat customers who make a complaint with fairness and courtesy; and
- Classify Complaints in accordance with our processes.

This Policy is not intended to be an exhaustive list of our Customers' or our rights and obligations under the Complaints Handling Standard. This document should be read in conjunction with the Complaints Handling Standard. A copy of the Complaints Handling Standard can be downloaded from the Federal Register of Legislation website at <https://www.legislation.gov.au/>.

### What complaints are dealt with under this Complaints Handling Policy?

Complaint Handling Processes under this policy are designed to deal with expressions of dissatisfaction made to us in relation to:

- our telecommunications products; or
- the complaints handling process itself, where a response or resolution is explicitly or implicitly expected by the Customer ("Complaints").

For the purposes of this Policy, Complaints do not include an initial call to request information or support or to report a fault or service difficulty unless a Customer advises that they want that call treated as a complaint, and does not include an issue that is the subject of legal action.

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### How To Make A Complaint

If you wish to make a Complaint regarding our telecommunications products or our complaints handling process, we invite you to do so by making your Complaint by telephone or sending your Complaint by letter or email to our Complaint Handling Representative or make a complaint online, using the following contact details:

Complaints Handling Representative

Jacob Carr

Managing Director

1300 66 55 75

PO BOX 296, Warragul VIC 3820

support@swoopbroadband.com.au

Online Complaints Form URL

Complaints can also be made online, by completing our Complaints form at the following URL:

<https://www.swoopbroadband.com.au/contact>

Further, complaints can be made in person in store.

Customers can nominate an Authorised Representative and/or Advocate to make and handle a Complaint and we will provide assistance to help Customers formulate, lodge and progress a Complaint including to Customers with disabilities, Customers suffering financial hardship and Customers from non-English speaking backgrounds

### How We Process Complaints

We will assess all Complaints for validity and possible impact, and determine who from SWOOP BROADBAND is best suited to deal with the Complaint. We will ensure that our staff appointed to determine the outcome of Complaints are empowered with the capacity to determine and resolve Complaints. We will use our best efforts to resolve a Complaint on first contact.

We investigate Complaints to the extent that doing so is commensurate with the seriousness of the Complaint, where it is not possible to resolve a complaint to the satisfaction of a Customer at first contact or without an investigation.

We handle Complaints in the following sequence:

- **Step 1 – Clarify if a Customer wishes to make a Complaint:** Our personnel are required to clarify with Customers if they wish to make a Complaint, where a Customer has made contact and expressed dissatisfaction with us, and our personnel are uncertain if the Customer wishes to make a Complaint.
- **Step 2 – Receive Complaint:** Complaints are received by us when made via one of the methods set out above in this Policy.
- **Step 3 – Acknowledgement of Complaint:** Upon receipt of a Complaint by a Customer, we will open a file for the Complaint and will, within two (2) Working Days of receipt of a Complaint, acknowledge the Complaint in writing (where the Complaint is made by email, through our website, by post or by a recorded telephone message). Where a Complaint is made by telephone we will acknowledge the Complaint immediately during the telephone call.
- **Step 4 – Initial Assessment of Complaint:** Following our acknowledgement of a Complaint we will carry out an initial assessment of it to determine if it is urgent or not and formulate a proposed resolution.

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- **Step 5 – Address urgent aspects of a Complaint:** After we receive an urgent Complaint, we will communicate our decision in response to a Complaint, provide confirmation of the proposed resolution of the urgent aspects of the Complaint, and if accepted by the Customer we will implement those urgent aspects of the resolution within 2 Working Days (if we believe the resolution of the urgent aspects can be implemented within that timeframe);
- **Step 6 – Propose a Resolution (for non-urgent aspects of a Complaint):** Within 15 Working Days from the date a Complaint is received, we will communicate our decision in response to a Complaint and advise the Customer of the proposed resolution (if we believe the resolution of the urgent aspects can be implemented within that timeframe).
- **Step 7 – Notify Complainants if we cannot resolve within 15 Working Days (or 2 Working Days for urgent aspects):** If we do not believe the Complaint can be resolved in 15 Working Days (or within 2 Working Days for the urgent aspects of an Urgent Complaint), we will advise the Customer before Working Day 15 (or Working Day 2 for Urgent Complaints) of the reasons for the delay, the specific timeframe for resolution, and (only where applicable to Urgent Complaints) if the anticipated delay is a further 10 working days or more and is not the result of a notified mass service outage, we will advise the Customer of their options for external dispute resolution including the TIO.
- **Step 8 – Discuss Proposed Resolution:** We will discuss our proposed resolution with any Customer who makes a Complaint.
- **Step 9 – Implement Resolution:** We will complete all necessary actions to implement a resolution of a Complaint within 10 Working Days of a Customer's acceptance of our proposed resolution (unless otherwise agreed with the Customer, the actions are contingent on the Customer's actions which have not been completed or the Complaint is urgent and the Customer has accepted our proposed resolution). For the avoidance of doubt, we will implement urgent aspects of an Urgent Complaint within 2 Working Days of our proposed implementation being accepted (if we believe the resolution of the urgent aspects can be implemented within that timeframe).

### How We Prioritise Complaints

Urgent complaints are prioritised over non-urgent complaints. We categorise urgent complaints and non-urgent complaints, as follows:

#### Urgent Complaints

- Complaints concerning child safety on the Internet
- Complaints concerning criminal use of a carriage service or use of a carriage service in breach of any applicable law
- Complaints about non-receipt of bills and incorrect bills
- Complaints about fraudulent usage of a carriage service
- Complaints about security breaches
- Complaints about telecommunications equipment safety
- Complaints about special telecommunications services for disabled customers
- Complaints about breach of privacy
- Complaints about cabling and infrastructure installation safety
- Complaints concerning damage to property caused by cabling and infrastructure installation and maintenance
- Complaints about land access, including unauthorized access, for cabling and infrastructure inspection, installation and maintenance

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### Non-Urgent Complaints

- Complaints about network congestion
- Complaints about service quality and disruption
- Complaints about service maintenance
- Complaints about entering into a contract for a new service or establishing a service
- Complaints about debt management
- Complaints about our responsiveness
- Baseless, frivolous and vexatious complaints

### Escalation Of Complaints

If you are a Customer and you communicate to us that you are dissatisfied with the response times that apply to the handling or management of a Complaint or that you reasonably want your Complaint to be treated as an Urgent Complaint, you can request that we escalate it by sending an email to [complaints@swoopbroadband.com.au](mailto:complaints@swoopbroadband.com.au).

Any issue can be escalated internally by the member of our staff assigned to deal with a Complaint. This will be done if the staff member feels that further resources are reasonably required to resolve the Complaint in a timely manner in accordance with this Policy and the Complaints Handling Standard.

Once a Customer has requested that a case be escalated, the assigned member of our staff will listen closely to the Customer's concerns and record them in the form of a log. If the request to escalate is reasonable, we will escalate it as follows:

1. The Complaint will be assigned a higher priority so that it is dealt with prior to other less urgent Complaints.
2. Where reasonably necessary, the Complaint will be escalated again by us assigning further human resources to the Complaint in an attempt to shorten the resolution time.
3. Where reasonably necessary, the Complaint will be escalated to the Support Team Leader.
4. Where reasonably necessary, the Complaint will be escalated to the Chief Executive Officer.

Complaints relating to the damage to property or safety are automatically escalated to Managing Director and are to be dealt with on an urgent basis.

### Your Rights During The Complaints Process

During the investigation of a Complaint, we will keep Complainants advised of timeframe delays and the Complaint's progress. Complainants may telephone us on business days (Monday – Friday) during normal business hours to enquire on the progress of their Complaints or contact our Complaints Handling Representative via the contact details set out above. There will be no charge imposed in respect of a Complaint and we will not cancel a Customer's telecommunications service only because, being unable to resolve a Complaint with us, the Customer pursued their options for external dispute resolution.

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### Confidentiality Of Complaints

We will comply with the requirements of the Privacy Act 1988 (Cth) in relation to any personal information that we collect in connection with a Complaint, if we are subject to the requirements of that legislation. If we are not subject to the requirements of the Privacy Act 1988 (Cth), we will not disclose any such personal information except as required to manage a complaint to the TIO or the Australian Communications and Media Authority, with the express consent of the Customer or where disclosure is otherwise required or authorised by law.

### Complaint Outcomes

We will consider all relevant information related to a Complaint and either escalate the Complaint or make a final binding decision which shall conclude the Complaint for the purposes of this Policy. Each case will be decided on its merits.

If, after careful consideration and appropriate escalation, we dismiss a Complaint as frivolous or vexatious, we will inform the Customer of the reasons and their external avenues of recourse.

We may respond to Complaints by providing refunds, replacement, repair/rework, substitutes, technical assistance, information, referral, apology or in other ways, depending on the particular circumstances of the Complaint and as determined by us.

We will identify recurring or systemic problems and prevent recurrence by implementing processes, procedures or systems to facilitate this, by classifying and analysing Complaints, and by addressing areas requiring attention as soon as practical, as required by the Complaints Handling Standard.

### Dissatisfied Complainants

If a Customer indicates to us that they are dissatisfied with the outcome of a Complaint, we will advise the customer of our internal escalation process and external avenues of recourse.

Customers may escalate Complaints to the Telecommunications Industry Ombudsman (TIO). Although Customers can refer their Complaint to the TIO at any time, we invite Customers to contact us in the first instance to discuss any issues that they may have with how we are handling their Complaints. The contact details for the TIO are as follows:

Post: PO Box 276, Collins Street West VIC 8007

Telephone: 1800 062 058 for enquiries and complaints

National Relay Service: Call on 1800 555 677 then ask for 1800 062 058

Fax: 1800 630 614

Online Complaints: <https://www.tio.com.au/making-a-complaint>

Further details about the TIO are available on their website at <https://www.tio.com.au>

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### Swoop Broadband's Commitment To Efficient, Fair And Courteous Resolution Of Complaints

We are committed to efficient, fair and courteous resolution of Complaints. Accordingly, we:

- acknowledge all Complaints;
- use our best efforts to resolve all Complaints on first contact;
- implement a process for the identification and management of urgent Complaints;
- recognise the need for fairness to all parties involved;
- require appropriate resolution of Complaints including by ensuring relevant staff are aware of the potential remedies available to resolve a Complaint, tailoring remedies offered to address the root cause of Complaints and the individual circumstances of the Customer (and where Complaints are indicative of wider problems or issues – addressing the root cause), and resolving billing errors in current bills;
- resolve Complaints about alleged billing errors no later than the end of the billing period immediately following the Customer's current billing period;
- ensure that where a Complaint is indicative of a broader problem or systemic issue, we will seek to resolve the main cause of that problem or issue;
- provide appropriate and systematic record keeping of Complaints and their outcomes, including those resolved at first contact;
- record, action and monitor undertakings made to resolve a Complaint;
- advise Customers of any delays to promised timeframes for the resolution of Complaints;
- provide a means for the monitoring of the progress of Complaints;
- escalate Complaints under our internal escalation process if requested by a Customer;
- advise Customers of the resolution of a Complaint as soon as practicable after we complete our investigation of the Complaint;
- complete all necessary action to deliver a resolution of a Complaint within 10 working days of the acceptance of the resolution by the Member of the resolution (except where otherwise agreed or the actions are contingent upon actions of the Member that have not been completed and except in respect of urgent Complaints);
- only close Complaints in accordance with the Complaints Handling Standard;
- provide written confirmation of resolutions in accordance with the Complaints Handling Standard;
- otherwise comply with the Complaints Handling Standard in relation to Complaints.