



# TELECOMMUNICATIONS RADIOCOMMUNICATIONS AND BROADCASTING REGULATOR (TRBR) GUIDELINES FOR CONSUMER COMPLAINT HANDLING

## 1 Introduction

- 1.1 For the purpose of this document, Consumer has the same meaning as "end user" used by the Telecommunications Radiocommunications and Broadcasting Regulation Act 2009 as amended by Amendment 22 of 2018 which means a person who is the ultimate recipient of a telecommunications service or another *service* provided by means of that telecommunications service but does not include affiliates of a service provider.
- 1.2 TRBR issues these guidelines for handling consumer complaints in accordance with Part 8 of the Act.
- 1.3 It is important to note that these guidelines apply to complaints made by a consumer of telecommunications and Broadcasting services against a service provider or other services provided by means of that telecommunications services.
- 1.4 Consumer must first address their complaint to the concerned service provider. Within (5) working days, the service provider must take all reasonable steps to address and solve the problem. If however the problem is not solved within that (5) working days, the consumer may brought the dispute to TRBR's attention.
- 1.5 TRBR will not accept a complaint brought to its attention unless the consumer is not satisfied with the solution presented by the service provider. If any complaint is presented to TRBR at first instant, the complaint will be referred to the concerned service provider.

## 2 Consumer Procedure

- 2.1 A consumer may submit a complaint to a service provider in relation to any matter connected with the supply of that telecommunications services.

- 2.2 Once a service provider received a complaint from a consumer, the service provider must respond to the complainant outlining the action undertaken or to be taken, and in any case resolve the complaint within five (5) working days from the date receiving the complaint.
- 2.3 Where a consumer is not satisfied with the service provider's action to resolve the complaint, the consumer may refer the complaint, which will now be regarded as dispute, to TRBR to investigate and attempt to mediate between the complainant and service provider. The consumer will be required to fill a complaint form (the Form) issued by TRBR and attach previous correspondence with the service provider on the complaint.
- 2.4 Once the Form is fill out and submit to TRBR, TRBR through its Consumer Affairs Manager (CAM) will responsible to follow-up on the complaint raised by the consumer.
- 2.5 The CAM will investigate the complaint if:
- a. The complainant has an interest in the matter to which the complaint relates; and
  - b. The complaint is not frivolous or vexatious.
- 2.6 If during investigation it appears that the *service* provider has not considered the complaint, or has not considered it adequately, the CAM may refer the complaint to the *service* provider with the request that the service provider should consider or reconsider the complaint.
- 2.7 TRBR will attempt to mediate and resolve the disputes brought to its attention between the consumer and service provider in an amicably manner. If the dispute however is not resolved to the satisfaction of a complainant within (15) working days after being received by TRBR, the complainant may invite TRBR in writing to take necessary step to address the dispute according to its powers provided for under the Act.
- 2.8 When a complaint is referred to TRBR for mediation, the complainant and service provider shall be parties to the complaint, which will now be known as reference and mediation of the complaint between the parties will begin.
- 2.9 TRBR shall hear all evidence, arguments and documents presented by the parties, and mediate between the parties within 5 to 15 working days. TRBR will then make its ruling after the mediation, but if any party still aggrieved by the mediation ruling then the aggrieved party may seek other remedies available under the law.
- 2.10 TRBR may in accordance with Part 8 of the Act make an order requiring any of the following action be carried out by the service provider or the consumer:
- Requiring service providers to continue providing telecommunication and broadcasting services;
  - Requiring a service provider to submit its specified terms and conditions for approval;
  - May require a party to pay costs of another party or of a person appearing during the mediation or for producing documents or any other; circumstances TRBR deems fit and just;
  - Dismissing a complaint;
  - Imposing fines depending on the nature of the case;
  - For specific performance;
  - For refunds;

- Appointing trustees;
- Setting up trust accounts;

2.11 For such other relief as may be deemed necessary or reasonable;

2.12 Where a party is not satisfied with an Order made by TRBR under Clause 2.10 and 2.11 may only appeal to the court on the following grounds:

- a) The award was not based on evidence
- b) There was an error in law
- c) The procedures or other statutory requirements applicable to TRR y were not complied with and non-compliance materially affected the issuing the Order.

- The Authority did not have power to make the award.

2.13 The Fair Competition Tribunal shall after hearing the appeal: -

- Dismiss the whole or part of the appeal; or
- Set aside the whole or part of the award and refer any outstanding matters to TRR for re-determination.

The aggrieved party may in other cases other than those mentioned in apply for review of the decision to the Internal Review Committee within fourteen (14) days in accordance with Part 8 of the Act.

### 3 Lodging Procedures

3.1 All complaints shall be referred in accordance with the prescribed complaint Form which shall be made available at TRBR office, website and shall be handled by the Consumer Affairs Manager.

3.2 The Complainant must submit to TRBR 3 copies of the Form one copy for TRBR, the other one for the concerned service provider and one for the complainant itself.

3.3 The Administrative Officer at TRBR office shall receive and direct all complaints to CAM.

3.4 All complaint received by TRBR must be recorded properly, acknowledged by date and stamp accordingly.

3.5 In order to keep correct records of complaints, there shall be kept one register at the Registry and one register at the Consumer Affairs, which shall be used to record every complaint received.

3.6 The Administrative Officer shall open file for each complaint.

3.7 The complainant may deliver a complaint through the following means:

3.8 By hand/dispatch; -Telecommunications Radiocommunications and Broadcasting Regulator,

P.O. Box 3547, Port Vila, Vanuatu

By fax: + 678 27440

By E-mail: [enquiries@trbr.vu](mailto:enquiries@trbr.vu)

By website/online. [www.trbr.vu](http://www.trbr.vu)

3.9 TRBR through its officer responsible, CAM will acknowledge receipt of all complaints delivered as well as providing information on the complaint process at the TRBR.

3.10 The time frame for the period of handling complaints shall be counted from the time of delivery of the complaint for CAM and from the time the complaint has been referred to the Regulator.

3.11 The complaint form contains the following headlines:

- Date stamp
- Complaint number
- Type of complaint (predefined keywords)
- Particulars:
  - Name of Complainant
  - Address of Complainant
  - Physical address
  - P.O Box Number
  - Telephone number
  - E-mail address
  - Fax
  - Occupation of Complainant
  - Name of Respondent (Operator/Service Provider)
  - Address of Respondent
  - Telephone Number
  - P.O Box Number
  - Telephone number
  - E-mail address
  - Fax
  - Nature/Facts of the Complain
  - Relief sought
  - Verification
  - Signature of the Complainant
  - Name of Receiver of the complaint at TRBR
  - Name of Receiver of the complaint at the Respondent (Operator/Service Provider)
  - Date of reception of the Complaint at the Respondent.