

Factsheet: Complaints about equipment

This guidance note tells you:

- the types of complaints about telecommunications equipment we can and cannot consider
- what we take into account when looking at these complaints
- what we expect from you.

If we cannot handle your complaint, we may send your complaint as an enquiry to your provider, or refer your complaint to a fair trading body in your State.

Claims about telecommunications equipment we can consider

We can consider complaints about faults or failure to supply the following equipment:

- handset
- mobile phone
- tablet
- modem
- router.

The equipment must have been purchased from the telco. It may have been purchased as part of a bundle with a telecommunications service or separately on its own.

Claims about telecommunications equipment we generally will not consider

We will generally not consider complaints about equipment where the problem does not affect your access to a telecommunications service, that is, a problem that affects your ability to reliably use that service.

For example, if you purchased equipment separately from a service, we will generally not consider complaints solely about:

- the appearance of the equipment (for example, a mobile phone not being the colour you ordered)
- a problem with equipment purchased from a telco that does not affect your access to a telco service.

However, if your complaint is about equipment you purchased with a service, we may consider your complaint if you didn't get what you were promised.

We will not generally handle complaints solely about problems with the following types of equipment unless they were offered with a service:

- smart home devices
- smart watches
- drones
- accessories (for example, earbuds or headphones)
- gaming consoles
- laptops.

Complaints we will handle regardless of equipment type

We will consider certain complaints regardless of what type of equipment you purchased from the telco, including:

- any equipment offered with a service if you didn't get what you were promised or were misled
- billing complaints (usually where the equipment is offered with a service)
- third party charges on a bill.

The remedies we may consider

We may consider the following remedies to be reasonable depending on individual circumstances:

- fixing faulty telecommunications equipment
- replacing faulty telecommunications equipment
- providing a refund for faulty telecommunications equipment
- releasing you from your contract with no exit fee
- compensation for unreasonable delays in supplying telecommunications equipment.

What we take into account

When considering complaints about telecommunications equipment, we consider the law, relevant codes and what is fair and reasonable in the circumstances. This may include:

- **Australian Consumer Law guarantees**
 - Consumer guarantees apply to goods, like telecommunications equipment, and cannot be contracted out of. These guarantees are that goods will be:
 - of acceptable quality

- fit for any purpose you disclosed and for any purpose the telco represented the goods would be fit for.
- **Australian Consumer Guarantee remedies**
 - Where a consumer guarantee applies and we form the view that the telco has failed to meet that guarantee, the remedy may depend on the extent of the failure (which may be major or minor).
- **The effect on your service and your response to it**
 - We will consider how the telecommunications equipment problem affected your ability to use your service or the quality of service. We will also consider the steps you took to minimise the impact, as well as your cooperation and communication with the telco.
- **Your contract as a whole**
 - Your telecommunications equipment may be bundled with your services as part of your contract. Where this happens, we will consider whether releasing you from your contract is an appropriate remedy.

What we expect from you

When we assess the appropriate remedy for complaints about telecommunications equipment, we expect you to:

- report problems with equipment to the telco as soon as possible
- be patient and understand that there may be some delays in receiving equipment
- where appropriate, be open to sending the equipment to the telco so it can assess the fault
- where relevant, be open to returning the equipment in exchange for a refund or exiting your contract
- take reasonable steps to minimise the impact the problem with the equipment has on you
- provide proof of purchase for the equipment, unless exceptional circumstances mean you are unable to do so.

For more information about consumer guarantees

For more information about guarantees about services supplied, refer to our guidance on [faulty services](#).

ACCC has these useful guides on consumer guarantees:

- [Consumer guarantees: A guide for businesses and legal practitioners 2016](#)
- [Consumer guarantees: A guide for consumers 2021](#)

- Outline of consumers' rights and obligations

If we are unable to handle your complaint about equipment

For help, contact the relevant consumer protection body in your state. You can find a list of these agencies on the [ACCC website](#).