

Glossary

ACCC (Australian Competition and Consumer Commission)

The government body responsible for administering price caps related to Telstra and for regulating competition policy, anti-competitive conduct or unfair business practices and enforcing the *Trade Practices Act 1974* (Cwlth). (www.accc.gov.au)

ACMA (Australian Communications and Media Authority)

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. (www.acma.gov.au)

Alternative dispute resolution (ADR)

Any means of settling disputes outside of the courtroom. The TIO is an ADR body.

ADSL (Asymmetric Digital Subscriber Line)

A type of xDSL service, ADSL is technology that allows for internet and voice to be used simultaneously via an ordinary phone line (a copper pair).

The distance between the user and the local telephone exchange will affect the availability of an ADSL service

ADSL2

ADSL2 increases data rates available through ADSL, as well as extending the reach from the exchange to subscriber. It is theoretically capable of providing maximum data rates of 12 Mbit/s downstream and 3.5 Mbit/s upstream

ADSL2+

Extended bandwidth ADSL2. The technology provides three times better performance than traditional ADSL technology. ADSL2+ services are theoretically capable of download speeds up to 24 Mbit/s.

AMTA (Australian Mobile Telecommunications Association)

The national body representing the mobile telecommunications industry in Australia.

Board

The TIO scheme, a company limited by guarantee, is accountable to its Board of directors. The Board has corporate governance responsibilities, including risk management, financial management of the scheme, strategic affairs, budgeting and ensuring compliance with the TIO's *Memorandum and Articles of Association* and its *Constitution*.

Broadband

Broadband is a general term that refers to high-speed connections such as cable, ADSL and satellite. For broadband services, internet access is not time-based as it is an "always on" connection, the exception being the uplink for satellite.

Carriage service provider (CSP)

Person supplying or proposing to supply certain carriage services, including a commercial entity acquiring telecommunications capacity or services from a carrier for resale to a third party. Internet and pay-TV service providers fall within the definition of carriage service providers under the *Telecommunications Act 1997* (Cwlth).

Carrier

An organisation that holds a carrier licence as defined by the *Telecommunications Act 1997* (Cwlth). In very general terms, a carrier provides the physical infrastructure used to supply carriage services to the public.

Codes

Performance standards set by the Communications Alliance and the telecommunications industry. While compliance with codes is voluntary, once a company is a signatory to a code it is bound by the standards set in that code. ACMA has the power to direct a provider to comply with a registered code even where the company is not a signatory to the code. The TIO gathers data on code compliance for the Communications Alliance and ACMA. Codes are listed at <http://commsalliance.com.au/documents/codes>.

Constitution

The TIO *Constitution* outlines the roles, responsibilities and powers of the Board, Council, members and the Ombudsman. The *Constitution* may be changed with the approval of the TIO Council and Board after consulting with the federal ministers responsible for communications and consumer affairs.

Cooling-off period

A "cooling-off period" is a specific time frame after a buyer agrees to a contract, during which the buyer can change their mind and exit the contract. Whether a cooling-off period applies, and for how long, depends on the sales channel and may vary from state to state. A cooling-off period will usually apply to door-to-door sales and may apply to telemarketing. Some service providers offer a cooling-off period to all their sales. Consumers should check with their relevant state or territory consumer body to determine whether a cooling-off period applies to their circumstances.

Council

The TIO Council is comprised of an independent Chair and an equal number of representatives from TIO members and consumer interest groups. The Council provides advice to the Ombudsman on policy and procedural matters and ensures that complaint handling procedures are effective.

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Customer Service Guarantee (CSG)

A set of performance requirements placed by ACMA on providers of the standard telephone service. The CSG sets time limits and other standards for rectification of faults, connections and appointments. The CSG entitles customers to a set scale of compensation payments if the standards are not met. To view or download a fact sheet on the CSG, please visit www.acma.gov.au.

Default listing

If a customer does not pay a phone or internet bill by 60 days after the due date, the provider may report the name and details of the overdue account to a credit reporting agency (CRA).

The CRA keeps information about the overdue account on file as a "default listing". The default listing stays on file for five years even if the customer pays the account after it was listed, though the file should show that the customer did this.

If a consumer applies to a company for a loan or some other type of credit, the loan or credit provider can check whether they have a default listing on file. The credit provider may reject their application if there is a default listing on file in their name.

Default listings are also known as "credit defaults" and "credit listings".

The Department of Broadband, Communications and the Digital Economy

The department, formerly known as the Department of Communications Information Technology and the Arts, provides strategic advice and professional support to its Minister on a wide range of policy areas, including:

- a national broadband network and telecommunications
- broadcasting and digital switchover
- cyber-safety
- the digital economy.

The department also administers legislation, including regulations, and delivers programs.

DIST benchmarks

In 1997 the Department of Industry Science and Tourism, produced benchmarks for industry-based customer dispute resolution schemes. These benchmarks were developed in consultation with industry dispute resolution schemes, consumer organisations, government and regulators. The purpose of the benchmarks was to guide industry in developing and improving industry alternative dispute resolution schemes. They were developed to apply primarily to nationally based schemes set up under the auspices of an industry. Most industry alternative dispute resolution schemes operate in accordance with the *Benchmarks for Industry-Based Customer Dispute Resolution Schemes*. This benchmark sets out key ADR practices, within the principles of accessibility, independence, fairness, accountability, efficiency and effectiveness.

Early termination fee (ETF)

An ETF is a charge levied when a consumer ends a fixed-term contract early. The fee (or how it will be calculated) will usually be specified in the contract or agreement and is designed to recover the provider's costs due to the customer leaving sooner than expected. The fee might reflect any equipment (such as a handset or modem) provided to the customer without charge on signup, in the expectation of the customer remaining with the service provider for a minimum period of time.

Enquiry Officer

TIO staff member who handles level 1 complaints, both written and oral.

Gigabyte

A gigabyte is a unit of information or computer storage equivalent to 1 000 megabytes or one billion bytes.

Depending on compression methods and file format, a gigabyte of data can roughly hold around 17 hours of MP3 music.

Investigation Officer

TIO staff member who handles written and oral enquires and level 1 complaints in addition to investigating and resolving higher level complaints.

Informed consent

Chapter 8 of the *Telecommunications Consumer Protections Code* (the complete code is available at www.commsalliance.com.au) says that informed consent occurs when, before seeking agreement to a transfer, the gaining supplier informs the authorised customer or their authorised representative of the following and the authorised customer or their authorised representative clearly conveys agreement to the transfer:

- that the authorised customer is entering into a new contract by agreeing to the transfer
- which telecommunications service is being transferred
- the terms and conditions of the transfer
- the identity of the gaining supplier
- whether equipment they have for their existing service will be compatible with the gaining supplier's service
- the relevant terms and conditions relating to any telecommunications goods purchased from the gaining supplier for use with the telecommunications service being transferred
- that there may be consequences arising from their existing telecommunications services contract, which the customer must check.

ISP (internet service provider)

A company that provides internet access services to the public. All ISPs are required to be members of the TIO. ISPs represent by far the largest group of TIO members.

Life-threatening calls.

A life-threatening call is a call that is connected with an event actually or potentially perilous to human life. Examples include where a person is seriously injured, a bomb threat or an extortion demand. Matters involving a threat to a person's life or health should be reported directly to police using the 000 emergency call service.

Mass service disruptions

Mass service disruptions (MSDs) are caused by circumstances beyond the control of the phone company. For example, damage to facilities caused by a third party, natural disasters or extreme weather conditions. In these situations, mass outages of phone services may occur and the phone company may be restricted in its connection and fault rectification activities.

Phone companies are exempt from complying with the Customer Service Guarantee for services affected by a MSD, or for areas that are affected by the need to move staff or equipment to an area affected by an MSD.

When a phone company relies on an exemption from complying with the CSG, it must inform its customers by publishing a public notice in a newspaper and on a website on the internet specifying the services affected and the range of phone numbers to which the exemption relates.

Low-impact facility

Low-impact facilities include underground cabling such as optical fibre, as well as small antennae and radiocommunications dishes erected on existing towers or buildings.

The *Telecommunications (Low-Impact Facilities) Determination 1997* (Cwlth) and its *Amendment No.1* of 1999 specify the low-impact facilities regulated by the Telecommunications Act and the areas, residential, commercial, industrial or rural, where they can be installed.

Megabyte

A megabyte is a unit of information or computer storage equal to 1 000 000 bytes.

Depending on compression methods and file format, a megabyte of data can roughly hold one minute of MP3 compressed music.

Member

A telecommunications service provider that is a member of the TIO scheme. The *Telecommunications Act 1997* (Cwlth) requires all carriers and eligible carriage service providers to be members of the TIO.

Memorandum and Articles of Association

Document outlining the rules and principles governing the TIO and its members. It is broader and more comprehensive than the *Constitution*, and covers areas such as administration and funding. This document may be amended with the approval of two-thirds of TIO members in attendance at an annual general meeting.

Porting

The process by which a customer's telephone number is transferred to another carrier's network.

Position statements

Position statements set out the TIO's approach to investigating and resolving particular categories of complaints. They apply equally to residential and small business complainants, unless specifically stated otherwise. While the position statements reflect and acknowledge industry practice/legislation about various telecommunication issues, they more often concern issues about which there is no or minimal regulatory guidance. The TIO's position statements do not have the force of legislation or industry codes of practice. Our position statements are available at www.tio.com.au.

Resolution

The fair and reasonable settlement of a complaint between a customer and a provider with the assistance of the TIO.

Roaming (global)

Roaming is the word used to describe a customer using a mobile phone on another network for a short period, while still being billed by their existing provider. The customer's mobile phone number remains the same while roaming. When the customer is roaming on another network the temporary mobile phone company will bill their usual mobile phone company for calls they make while roaming on their network.

Scheme

The TIO scheme is a company limited by guarantee and is accountable to its Board of directors.

Shaping or throttling

Shaping or throttling involves a telecommunications provider dropping broadband connection speeds once the user reaches an agreed monthly download limit.

(SFOA) Standard Form of Agreement

A document setting out the terms and conditions of the supply of telecommunications goods and services where an individual contract has not been agreed between the customer and the carriage service provider.

Spam

Unsolicited marketing e-mail and SMS messages to mobile phones.

Standard telephone service

A telephone service providing two-way voice communication for local, long-distance and international calls, commonly provided by landline but in certain circumstances by a mobile or satellite service.

VoIP

Voice over Internet Protocol (VoIP) is a technology that allows the user to make voice calls using a broadband internet connection instead of a regular (or analogue) phone line.