

Providing free, independent, just, informal and speedy resolution of complaints

TIO talks



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No. 3
2011

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2011
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Ombudsman monitors telemarketing complaints

The TIO is monitoring a continuing practice by some telemarketers that mislead consumers into transferring their service under the guise of representing another telco.

The TIO's systemic investigations team has looked into claims about potentially misleading sales practices by a number of small telcos, after monitoring complaints about service providers giving misleading advice during telemarketing calls. Consumers complain that the service provider suggests that they are the consumer's existing service provider or another well known telco, or that the consumer is only agreeing to receive information, not transfer their service. Such complaints, where proved, indicate that the provider may not be complying with legislation and industry codes of best practice.

Often a telemarketing call has two parts: a "pre-sale" conversation where the product is broadly explained, and then a "verbal authorisation", in which the consumer is taken through the terms and conditions and agrees to the transfer. The TIO has observed that where a consumer is misled during the "pre-sale" part of the transaction, they may remain misled in the verbal authorisation stage, where they agree to the transfer. As a result, they aren't giving informed consent to transfer their services to the new provider.

The TIO investigates these kinds of complaints both on a case by case basis and if we identify a broader pattern of complaints, as a systemic issue. This is because any misleading contact has the potential to impact a large number of consumers.

Where a complaint is made and a telephone sales recording is not complete or shows that the consumer was misled, the TIO might expect the provider to waive all charges and allow the consumer to transfer their service back to their preferred provider. It might also expect the new provider to pay any early termination fees incurred as a result of the number being transferring away from the old provider without proper authority. Where the consumer indicates that they do not wish to receive any more unsolicited telemarketing calls, we might also suggest them to have their phone number added to the Do Not Call Register

administered by the Australian Communication and Media Authority.

The TIO's systemic investigations team has worked with a number of providers to help them ensure that they are properly informing consumers when using telemarketing calls. This often involves requesting that the service provider amend the scripts their telemarketers use so that they clearly identify the service provider and the product they are offering. Providers are more likely to attract and retain customers where they market themselves based on the benefits of their unique service or product, rather than relying on the brand reputation of another service provider.

Systemic investigations have also resulted in service providers terminating contracts with rogue telemarketing agencies only interested in quick sales, and in implementing better quality assurance processes and record keeping practices.

For instance, the TIO may recommend that a service provider record the whole conversation rather than just the verbal authorisation component, and that they listen to the full recording before they transfer a service over.

That way they can be sure that a consumer has been fully informed before agreeing to transfer their service.

To date, these investigations have proved effective. However, if a service provider were to fail to address its processes, we are able

to refer the matter to the Australian Communications and Media Authority or the Australian Competition and Consumer Commission for further action.

See page 2 for more about our systemic investigations.

Delia was busy when the phone rang: cooking dinner amid her three-year-old son's demands for attention.

The caller was a telemarketer, who told her he was calling from Telstra, and that she was entitled to a discount on her bills if she would just speak to his supervisor and answer some questions. She agreed: after all, who wouldn't want a discount on their bill?

The supervisor told her "just say yes", and quickly ran through a series of questions.

She hung up and turned her attention back to the task at hand, thinking nothing more of it until she received a bill from a telecommunications company she had never heard of.

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Tips for consumers

- If you do not wish to receive cold calls, you can place your number on the Australian Communication and Media Authority's Do Not Call Register. This can be done online at www.acma.gov.au.
- If you receive one of these calls ask the telemarketer which company name will be on the bill you will receive. If it isn't the name of your current provider, then they do not represent your provider.
- If you are unsure about the deal you are being offered, ask the sales representative to give you a phone number to call back so you can think about the offer.
- If you receive an unsolicited sales call and you do agree to the sale, you have a 10 business day cooling off period in which you can withdraw from the contract, according to Australian Consumer Law.



Ombudsman's message



This year we have focussed on financial hardship as an area where an increased dialogue between telecommunication credit managers, financial counsellors and peak agencies is important.

As this edition of *TIO talks* demonstrates, there are a number of areas – from advertising and the conduct of sales representatives to unexpectedly high bills – where consumers need strong and effective consumer protection mechanisms.

The TIO is an integral part of the consumer protection framework. We are an independent referee in telephone, internet and related complaints made by residential and small business consumers. We provide senior level referral, conciliation and investigation services for matters that customers and telco providers cannot resolve.

We also have a role in identifying patterns of complaints and intervening to reduce inappropriate detriment even for consumers who do not complain to the TIO. The front page story about misleading telemarketing practices is one example. We have worked with a number of service providers during 2011 to make sure they are providing accurate sales information to consumers, making proper records of transactions, and implementing stronger quality control measures.

In addition, we can bring together important stakeholders – as an honest broker – to discuss practices that are adversely impacting on consumers. This year we have

focussed on financial hardship as an area where an increased dialogue between telecommunication credit managers, financial counsellors and peak agencies is important. An open conversation about all the options will benefit not only these consumers and their families, but also service providers.

Another area where we add value is through analysing and sharing information and data we obtain from complaints. Whether that be through public reports, as demonstrated by our *Resilient Consumers* research paper, or through submissions to inquiries and reviews – such as our extensive submission about the draft revised *Telecommunications Consumer Protection Code* – we bring to the table a unique source of important consumer information, and an independent perspective.

While our primary job is and will remain resolving individual complaints, industry, consumer groups and government are looking for us to do more in these other areas. It is perhaps the key challenge for the TIO in the coming year, and one we are committed to doing better in.

I wish all readers a restful holiday season. I hope our seasonal tips are of value to you and your families, and that you have a peaceful start to 2012.

Simon Cohen
Ombudsman

About our systemic investigations

The TIO can investigate issues arising from complaints that may affect a large number of consumers as a result of a failure in a service provider's systems or processes. We identify those "systemic issues" by monitoring complaint data, alerts from our staff and information that has arisen during the course of a complaint.

When we decide that an issue warrants our intervention we approach the service provider for information and evidence. This part of the process can involve formal written submissions or informal communication such as face to face meetings or conference call discussions.

We will recommend a number of potential solutions and seek undertakings from the service provider to demonstrate they have resolved the systemic issue. Issues are most often resolved at this stage. If a service provider does not accept our recommendations, we can refer them to the appropriate regulator for further action.

When we have intervened on a systemic issue, we monitor complaints made against the service provider for up to 12 months to determine whether the agreed resolution is reducing complaints.

Broadening our online presence

The TIO went live on September 16 with a new website that helps consumers and service providers learn about their rights and responsibilities, and the work we do.

The new www.tio.com.au is easy to navigate and search, and contains clear and concise information tailored for consumers and service providers, including up to date and simplified position statements, an improved online complaint form, complaint statistics and publications such as TIO Talks.

Accessibility is one of the key features of the new website, built to comply with Web Content Accessibility Guidelines (WCAG) 2.0. These rules set the standard for any website to be accessible to people with vision, hearing, cognitive or physical impairments.

We also reach out to culturally and linguistically diverse communities in Australia, including information in 31 languages other than English, videos in seven languages plus Auslan and video case studies.

Online annual report 2011 – A year of change

Change in the telecommunications industry, regulation and the TIO in the 2011 was highlighted in the 2011 annual report, *A year of change*, launched on Tuesday 8 November.

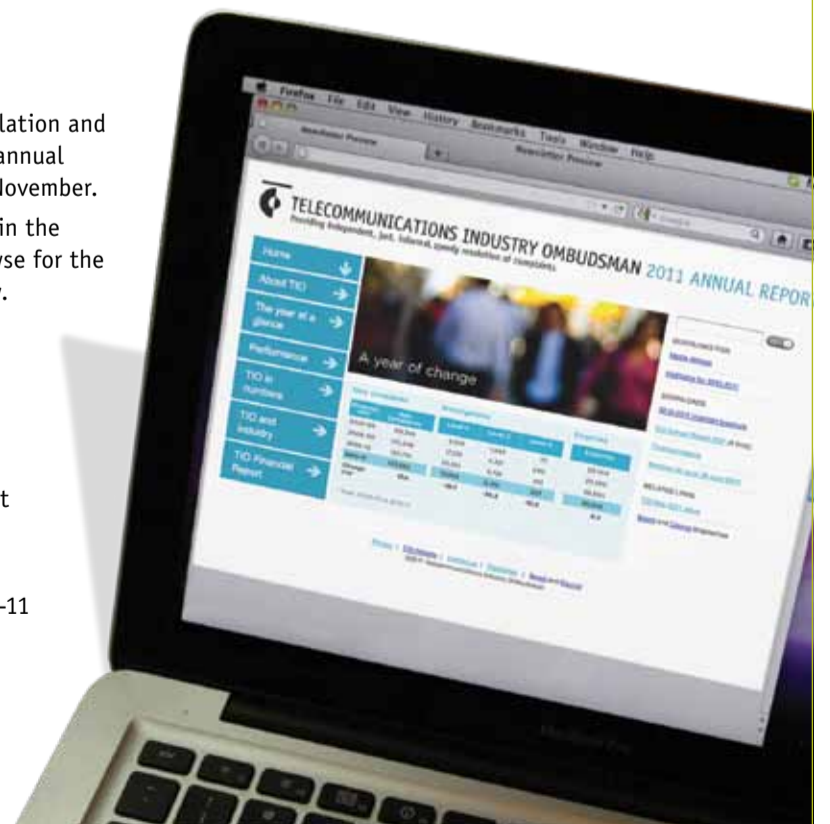
This is the first annual report we have published in the form of a micro website, allowing readers to browse for the information they seek in a fast, user friendly way.

The information is hyperlinked to allow stakeholders and general public to quickly click through to related content within the annual report as well as information contained on our website.

Some of the featured content in the annual report includes:

- complaint trends and statistics
- new processes implemented by the TIO in 2010-11 such as conciliation and email referral
- improvements in our reports to members
- financial information.

A year of change can be viewed online at www.tio.com.au/annualreport.



Complaints statistics – Quarter 1 2011

Complaint numbers stabilised in July – September 2011, due to continuing decreases in complaints about landline and internet services.

The TIO received 51,196 new complaints in the first quarter of 2011-12, an increase of 0.8 per cent compared to the previous quarter. While complaints in the first quarter of the financial year are 22 per cent higher than this time last year, they have nevertheless stabilised during 2011.

The increased use of mobile services continues to be reflected in the TIO's complaint statistics with 33,746 new complaints, 7.3 per cent more than in the previous quarter. Network-related issues aren't as prevalent among the reasons why mobile phone users contacted the TIO; however, complaints about inadequate assistance and broken promises by providers have increased.

The most common complaint among mobile phone consumers was receiving incorrect advice from their providers' customer service representatives, an issue that increased 2.4 per cent to 9,734. Following that, despite a 5.2 per cent decrease, were 8,690 issues about coverage.

Three other trends stand out in complaints about mobile phones. The first is a rise in disputes about roaming charges, with a

92.3 per cent increase. This statistic largely coincides with Australian Bureau of Statistics data evidencing an increase in short term departures from Australia triggered by a high Aussie Dollar.

It is important for service providers to give accurate information to consumers about roaming charges, both at the point of sale and when asked by their customers to activate the roaming function. Consumers should also be proactive in learning about the roaming settings and how they may be charged for using their mobile services overseas before they activate their roaming function. This can help avoid unexpectedly high bills.

We have also noticed a 73.4 per cent increase in disputes about internet usage charges from a mobile phone (2,857 issues) which is consistent with the continuing increase in the take up of smartphones.

The third issue of concern to the TIO is a 63.8 per cent increase in complaints about inadequate spend controls (4,301 issues). This is a leading cause of bill shock, as people who mention this as an issue will often come to us with a complaint about a high bill where their provider has not alerted them about unusually high spending. (See Ruth's complaint for an example of this issue).

Pleasingly, the number of matters that required conciliation or investigation by TIO officers reduced 7.5 per cent to 5,434. This highlights the success of the industry's responsiveness to our conciliation approach.

Ruth's complaint

Ruth contacted us about a \$5,500 debt as the result of unexpectedly high bills for her mobile service.

When Ruth signed up to the mobile contract, she told the service provider that her only source of income was Centrelink benefits. She claimed that the sales representative said this wouldn't be an issue. Ruth signed up to a \$49 cap plan believing that it would be the maximum amount she would have to pay each month.

However, over the following six months, Ruth incurred almost \$5,500 in usage charges and cancellation fees. She was also default listed when the provider cancelled her service.

The provider told us that approximately one month after Ruth's service was connected, it contacted her to change her plan to a \$129 cap due to her high usage. Her first invoice after this was more than \$1,800. It was unclear to the TIO whether the provider had taken steps to prevent Ruth's exposure to debt.

The TIO took the view that the provider's response to Ruth's usage was not reasonable on the basis that it allowed the consumer to accumulate a high bill over a short period and then responded to this by upgrading the cost of her plan. While the more expensive plan provided a greater amount of included calls for Ruth to access, it did not address the issue that she was spending well beyond her means. The TIO advised the provider that in allowing her debt to increase to around \$5,500 over a short space of time indicated that it may not have had adequate processes in place to manage its customer's expenditure.

While the provider did not submit evidence to the TIO in relation to the adequacy of its expenditure control tools, it offered to waive the debt in its entirety and remove the default listing. Ruth accepted the resolution of the complaint.

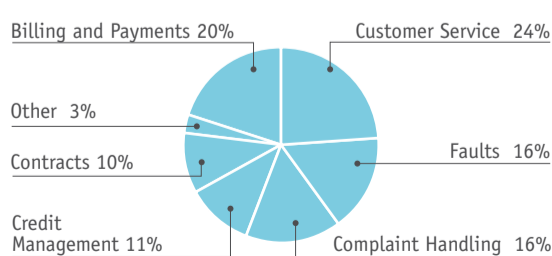


July – September 2011 at a glance

Quarters	New complaints Level 1, 2 and 4 Most new complaints are Level 1 cases where the TIO gives the service provider a final chance at resolving the case without further intervention by the TIO.	Investigations			Enquiries
		Level 2 Cases that are not resolved by referral, and where the TIO conciliates the outcome.	Level 3 Cases requiring further investigation including where the TIO provides advice about a fair outcome.	Level 4 Cases requiring a thorough and detailed investigation and may result in a decision or direction by the TIO.	
Oct – Dec 10	45,263	3,819	714	100	8,727
Jan – Mar 11	59,533	5,003	601	94	9,798
Apr – June 11	50,801	5,460	370	46	11,616
Jul – Sep 11	51,196	5,193	208	33	13,648
% Change	0.8	-4.9	-43.8	-28.3	17.5

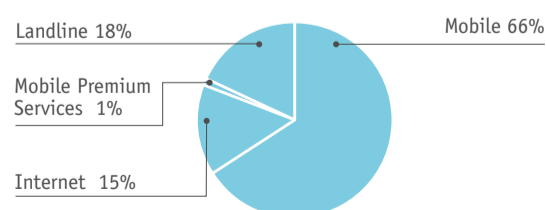
New complaints – top issues

July -September 2011



New complaints by service type

July -September 2011



Finding solutions for consumers in financial hardship

A smart phone can be a significant credit risk. Since the introduction of smart phones, it is not uncommon for consumers to complain to the TIO about incurring bills amounting to thousands of dollars in very short times, a phenomenon labeled “bill shock”.

This shock can be a significant blow to a person who is employed with a regular income, but for those who live on a pension or other government benefit it can be even more serious.

According to the telecommunications industry’s own code of practice, the *Telecommunications Consumer Protections* code, financial hardship is where:

- due to reasonable cause, a customer is unable to discharge their financial obligations under their contract with the supplier; and
- the customer reasonably expects to be able to discharge those obligations if payment or service arrangements are changed.

The code says that before suspending a service, providers must make reasonable attempts to tell the customer of the consequences of non-payment and that the supplier has a financial hardship policy that may enable the customer to enter a payment arrangement to avoid further credit management action.

During the 2011 financial year, we received about 4,800 complaint issues about payment arrangements, an increase

from just under 4,200 the year before. Although, payment arrangement issues are just over 10 per cent of 43,178 credit management issues the TIO received, they reflect the increasing impact of telecommunications debt on disadvantaged and vulnerable consumers.

Given the number of complaints about mobile services we receive, mobile phone consumers are more likely to request a payment arrangement, followed by landline and internet consumers. The TIO believes that payment arrangements should be flexible and take account of a customer’s individual circumstances.

One of the consequences of an unpaid telecommunications bill might be a default listing by a credit reporting agency, which may impair the person’s ability to gain credit including personal loans and mortgages.

The most concerning development in the payment arrangement category is that complaints about a supplier continuing to demand full payment where a payment arrangement has been negotiated have increased by 182 per cent over the past three year. This is followed by complaints where the consumer claims to have agreed on a payment arrangement only to find that the provider has no record of this (56% increase), complaints about providers refusing to negotiate payment arrangements (40.1% rise) and complaints about a supplier

refusing to renegotiate a payment plan where the consumer’s circumstances change, for better or worse (28% increase).

One of the consequences of an unpaid telecommunications bill might be a default listing by a credit reporting agency,

which may impair the person’s ability to gain credit including personal loans and mortgages.

Our data also indicates that consumers who are experiencing hardship often claim that providers:

- may not recognise that a matter involves financial hardship
- may impose inflexible payment arrangements that are far beyond the ability of the person to repay
- may continue credit management action, such as referral to a debt collector, even though the person has agreed to a payment arrangement.
- may apply payments to the wrong accounts or not at all.

Providers have indicated their concern about bill shock and have signaled various measures to reduce its effect on consumers including:

- the offer of hard caps, where calls and downloads are limited once the monthly limit is reached
- throttling – or slowing down – of a service once the monthly limit is reached
- provision of expenditure information via regular text messages
- providing services that match a person’s budget rather than upselling them into a product that they cannot afford.

In November 2011, providers and consumer representatives indicated their commitment to work together to resolve some of these issues jointly at a financial hardship roundtable convened by the TIO. “Although the participants see the issues from different perspectives, it was good to see recognition of the most pressing problems,” said Telecommunications Industry Ombudsman Simon Cohen.

TIO contributes to MPS code review

In October 2011 we provided comment to Communications Alliance on the Mobile Premium Services (MPS) code review. We have noticed a substantial decrease in complaints regarding MPS issues since the introduction of the code in July 2009.

While our submission made reference to some improvements contained in the draft code, we also raised a number of concerns, such as the complexity of language used in the code, the application of charges for services that were previously free and inconsistencies around complaint handling timeframes for service providers and mobile service providers.

The new MPS code is expected to come into effect from February 2012.



Amendments to the Customer Service Guarantee Standard

A series of amendments to the *Telecommunications (Customer Service Guarantee) Standard 2011 (CSG)*, which defines rules about financial compensation for consumers affected by delays in connections and fault repairs on a landline, came into effect on 1 October 2011.

The amendments set out the requirements that providers need to follow to allow their customers to make an informed decision to waive their statutory rights and protections. A provider may require a CSG waiver as part of their service offerings, but must ensure that they are compliant with the new arrangements.

Waivers can be offered verbally and in writing. Consumers must be provided with an explanation of the protection and rights afforded under the CSG and a written statement summarising the consequences of signing the waiver. The TIO urges consumers to read and ensure they understand the information forwarded by their provider.

A written waiver takes effect on the day the consumer provides their consent. A verbal waiver takes effect five working days after the consumer gives verbal consent to the waiver, unless the consumer withdraws this consent before the end of that period.

Providers are required to retain records of CSG waivers for two years after consent is given. More information about the CSG Standard can be found on the Australian Media and Communications Authority’s website, www.acma.gov.au. The TIO’s position statements about CSG can be found on our website

Seasonal tips

The end-of-year holidays are a time of giving, rest and enjoyment, which can have a significant impact on family expenses. While you plan that well-deserved break overseas or stuff the kids' Christmas stockings with gadgets, take a moment to consider the following tips from us to help you start 2012 on the right foot.

Smartphones and other new gadgets may be functional and attractive, but can sometimes come with hidden costs. Ask lots of questions about plans and charges – what features are included in the monthly bills, what is not included and how much you have to pay for these extras. Shop around, and make sure you're making an informed decision before buying a new phone, especially for your children.

If you plan on calling friends or family overseas, ask your provider about their international call rates from your mobile or

landline. Remember that some mobile phone caps may not include international calls. Your provider will generally have that information on their website.

Overseas roaming costs can be hefty. To avoid surprises when returning home, you can ask your provider to deactivate roaming from your service, buy a SIM card in the country you are visiting or use the internet on your mobile phone sparingly. Monitor your usage as much as you can, and if you don't know how to, contact your provider.

A picture message can be a cute greeting on Christmas or New Years Eve, but before sending one to all your contacts, remember that they are more expensive than SMS and may not be included in your cap. Posting the photo in a place where it can be accessed by family and friends may be a cheaper option. You may be able to send the link via SMS.

If you know that Christmas expenses will affect your ability to pay your phone bill, ring your provider in advance to ask for an extension or payment plan. A call may save you going through a disconnection, suspension or a credit listing.

Having a say in industry code review

The TIO provided an extensive submission in response to the draft Telecommunications Consumer Protections (TCP) code released for public comment by the industry's peak body, Communications Alliance.

The TCP Code sets out protections for consumers through the life cycle of a service – from customer sales, service and contracts, billing, credit and debt management, customer transfer and complaint handling. A new chapter has been introduced into the draft TCP Code relating to Code compliance and monitoring.

The TIO's submission stressed the importance of the TCP Code for all sectors of the industry. We highlighted the strengths of the revised Code including the removal of the word "cap" to describe any new offers and rules around how pricing information for post-paid mobile services should be provided. We were also pleased that a number of our suggestions relating to complaint handling had been adopted.

We also suggested a simpler structure to improve accessibility for consumers and providers and commented on each chapter of the revised Code targeting specific areas of concern. This included seeking expenditure controls that extend beyond residential consumers using mobile post-paid services, and ensuring that the same protections are in place whether the usage is domestic or international.

In addition, we emphasised the lack of protection for pre-paid customers given there is no current obligation on providers to ensure that these customers are able to verify charges. We also suggested that potential gaps existed in consumer protection relating to credit management and financial over commitment and proposed ways in which these could be addressed.

Finally, we reiterated our view that the definition of a complaint should include a fault or service difficulty on the basis that consumers reporting a fault or service difficulties are usually complaining that their service is not working.

Our submission also included a number of case studies to illustrate the gaps in the protection provided to Australian consumers in the current Code.

TIO services free for consumers

Telecommunications Industry Ombudsman Simon Cohen reminded consumers that the TIO is a free service.

"Sometimes, complaints are brought by credit fix agencies or other third parties who are paid by consumers for their services. It is important for consumers to be aware that there is no charge for them for TIO services, and they do not need to have a paid representative in order to make a complaint to the TIO", said Mr Cohen.

A person can have a credit default listing removed if the listing was made in error. The TIO commonly receives complaints about credit default listings where:

- the consumer was listed for a telco debt which he or she disputed
- the service provider did not notify the customer they could or would be default listed
- the service provider did not update a default listing after the consumer paid a debt.

A credit listing can have a significant impact on a person's ability to apply for various forms of future credit, such as a home loan or a credit card. There is no minimum amount for which a person can be default listed, however, the TIO forms the view that it should be no less than \$100 and for an account overdue for more than 60 days.

If you need to speak to a financial counsellor anywhere in Australia, you can call 1800 007 007. If you wish to make a complaint about a credit listing related to a telco debt, contact your service provider, and if you are not satisfied with the response, call the TIO on 1800 062 058.

TIO research shows consumer resilience in resolving complaints

A survey of consumers who contacted the TIO revealed repeated and time-consuming contacts with telecommunication service providers to try and solve their complaints.

The TIO research paper *Resilient consumers*, launched in August, reported on a survey of more than 500 consumers who lodged complaints with the TIO between July and August 2010. The survey found:

- more than half of the consumers (55 per cent) surveyed reported contact with their service providers five or more times before ringing the TIO
- more than half of the consumers (54 per cent) said they raised the matter with their service provider at least a month before contacting the TIO
- most consumers (60 per cent) reported spending three or more hours unsuccessfully trying to solve their complaint before approaching the TIO
- half (50 per cent) reported contact with more than three different departments.

"Consumers who come to the TIO report spending substantial time and effort solving their complaints," said Ombudsman Simon Cohen. "They report being transferred from department to department, not being transferred to supervisors and, perhaps most frustratingly, getting no solution or a broken promise for their efforts. They are – by any measure – resilient consumers."

The report found that once these complaints were lodged with the TIO about 90 per cent were easily resolved when referred to the right contact within the service providers.

The Ombudsman has recommended introducing clearer pathways for consumers to make complaints, and making sure all employees can recognise when a complaint is being made and who is best able in their company to deal with it.

Resilient consumers can be found on our website www.tio.com.au



Introducing conciliation

Conciliation is a process that allows consumers and service providers to resolve complaints by agreement with the TIO acting as the independent facilitator. We conciliate complaints that are not resolved after our initial referral of a consumer back to their service provider.

Some of the benefits of conciliation are: reducing the number of complaints that require lengthy investigations; focusing on a resolution earlier in the process; and improving relationships between the TIO, providers and consumers. Conciliation was introduced in April 2011 and is now completely rolled out through the TIO and all service providers. Petra Jankulovski, the TIO's Conciliation Manager, explains more about the process.

What are the steps in conciliation?

The TIO investigation officer obtains from the consumer detailed information about their complaint – why they're dissatisfied, what they're seeking and why they're seeking it. We provide the consumer with information relevant to their complaint, including about our position statements, law or codes that relate to their issue. We explain what conciliation is, and let the consumer know that their provider will contact them within ten business days to try to resolve the complaint.

We pass on the consumer's complaint to the provider explaining why the consumer remains dissatisfied, and what they want to resolve the complaints. We also talk with them about additional issues that we identified for that matter, including about relevant TIO position statements, laws and codes, and prepare the provider to resolve the issue with the consumer.

For many complaints, the provider will promptly call the consumer based on the information we've given them, and reach a resolution to which the consumer also agrees. We are advised of the resolution and contact the consumer to confirm that they are happy. We prepare a resolution letter for both parties to document the agreement and finalise the case, all within the ten business days.

It has been said that conciliation is less formal than the TIO's former investigation procedures, what does this refer to?

One of the reasons for being less formal is that through picking up the phone and speaking with the consumer and provider, we are more accessible to both. It's about focusing on conversations rather than on written requests. Being informal also means requesting less evidence and taking in good faith what both the provider and consumer tell us as a starting point. If we need to look for evidence we will ask for it, but the focus is to get the provider to look at their own evidence and offer a fair resolution to their customer.

Informality also results in a bit more creativity in the TIO in negotiating a resolution and exercising our discretion where appropriate. Being more informal means the TIO can use its discretion at any given point to ask for certain information or look at the direction of the complaint. It means we can get involved if we are concerned a consumer is being treated unfairly. Being informal means being open and honest, while still professional toward consumers and providers.

What are some of the positives emerging from the rollout of conciliation?

There is a lot of energy at the TIO I think – there's a lot more conversation. The phones are ringing more and good working relationships are developing between the TIO officers and providers, which helps solve complaints. Providers have told us they feel we've guided them well in the process and are appreciative of that.

What kind of feedback are you getting from consumers?

One thing is that consumers are quite surprised at how quickly problems are resolved. For example, there have been cases that were opened and closed in three hours. The other thing consumers are commenting positively on is that the TIO officers are providing them with their direct line and direct email address so we're more accessible – a consumer can directly contact the person that's managing their complaint at the TIO which is really important.

Does it mean quicker resolutions?

This is one of the key improvements with conciliation. We know consumers value quick solutions to their complaints. Our reports indicate that a lot of conciliated complaints are being resolved within 10 business days. The age of our open conciliation complaints is a lot shorter, sitting within 18-25 days as opposed to the 66-day average closure rate with our previous process.

What happens if a complaint remains unresolved after conciliation?

Some complaints can't be solved easily. Where necessary the TIO will "shuttle conciliate", speaking to each party in turn to explore other options to resolve a complaint. This will often result in a resolution that both the consumer and service provider think is reasonable. If that can't happen, the TIO will closely examine the information provided to us. Where a service provider has made a fair offer and the consumer does not agree, we may decide to take no further action. Sometimes, we will need to conduct a detailed investigation of the complaint before it can be resolved. If a solution can't be reached the Ombudsman can make a decision about the complaint.

Mary's complaint

Mary rang the TIO about a problem with her mobile phones.

Mary signed up for two mobile services, one for her and one for her husband. At first, she asked her provider to send her bills online, but after forgetting her password a few months into her plan, she asked for paper bills instead. However, the paper bills never arrived at her house despite several follow up calls to make sure the provider had the correct address.

Because of this, she missed some payments on her account and her and her husband's services were suspended. When she called her service provider, Mary was told that she owed two month's worth of charges, plus two late fees, which she disputed. The coverage on her husband's phone was also poor.

Mary was happy to pay for the actual usage, but wanted her provider to send her an itemised bill first. She also wanted her provider to waive the late fees and cancel her contract due to the coverage problems.

As part of the conciliation process, we explained to Mary all our relevant position statements on the issues she outlined and passed her information on to the provider. We advised Mary that someone from the service provider would contact her and attempt to solve her complaint. We also asked the service provider to contact us directly. Jim, a representative of the service provider contacted us after examining all the details of Mary's complaint as she told them to us.

Jim told us that it appeared they had Mary's correct address, but there could be a problem in their system which was preventing the bill to be generated. He told us he would look into it and waive the late fees on her account. Regarding Mary's claims about bad coverage, Jim said there may have been an issue with the handset itself. Had there been a network problem, coverage would be an issue on both services. Jim would offer to repair or replace the handset and give her a credit for the time that she had experience bad coverage.

We called Mary who confirmed that Jim had called her and she agreed to trial a new handset for a month instead of cancelling her contract. However, she still hadn't received a bill seven days after the date that Jim had promised. We followed this up with him and two weeks later, he emailed us and Mary to say they had corrected the billing error and attached a copy of the bill that was going out to her.

We called Mary a few days later, and she told us she had received a bill with late fees waived and a credit for the time she had experienced coverage problems. She also told us that coverage on the new handset was fine and she was happy with the resolution achieved.



What's happening

Reaching out to consumers in the Northern Territory

Diversity has been a common theme of the TIO's outreach events over the past four months. TIO officers visited several Indigenous community organisations in the Northern Territory, attended the Indigenous rugby league knockout in Bathurst, a multicultural festival in Brisbane and continued our involvement with the *Bring Your Bills* program in the western suburbs of Melbourne.

In August, Indigenous Liaison Team member Danny Sherman and Community Liaison Manager Phillip Money visited the Northern Territory as the guest of the Australian Securities and Investments Commission (ASIC). "The main reason for going to the Territory was Know Your Rights sessions held for consumers in Darwin and Alice Springs," Phillip said.

These were attended by most consumer agencies including the Australian Competition and Consumer Commission, Australian Securities and Investments Commission, NT Consumer Affairs, the Commonwealth Ombudsman and the Northern Territory Ombudsman.

While we were there, we visited Indigenous advocacy agencies who had been dealing extensively with the Indigenous Liaison Team. These and other agencies at the Know Your Rights sessions filled us in on some of the obstacles that Indigenous consumers face living in remote communities.

In Alice Springs, one of the local high schools was holding a career expo, so we set up our stall there as well.

Most of the 700 plus students and their parents at the expo faced similar problems to those experienced by people living in more populated areas. One significant difference was the small number of providers and lack of mobile phone reception outside Alice Springs.



TIO at the Alice Springs careers expo.

Indigenous rugby knockout 2011

Almost 20,000 people congregated in Bathurst on the NSW Labour Day long weekend for the Rugby League Knockout. The Knockout is one of the biggest Indigenous events in Australia and the TIO Investigation Officer Robyn Wellington set up an information stand with our colleagues including the Energy and Water Ombudsman NSW, the NSW Ombudsman, and the NSW Anti-Discrimination Board.

Queensland Multicultural festival

For most of 2011, the TIO has been raising its profile with culturally and linguistically diverse communities around the country. In mid October, the TIO's Nyari Chiweza and Kara Barbaro were just one of 100 stalls representing more than 75 cultural groups at the Queensland Multicultural Festival in Brisbane. "The festival is the focus of the Queensland multicultural community's year with more than 50,000 people attending over two days," Kara said. "And despite the humid conditions, it was a fantastic opportunity for Nyari and me to spread the word about the TIO."

About the Indigenous liaison team

Our Indigenous liaison team (ILT) seeks to improve our connections with Indigenous people, especially those who, for cultural, financial or geographical reasons, do not know about or cannot access the TIO's services. The team consists of two Senior Investigation Officers, one Investigation Officer and one Enquiry Officer, selected partly for their interest in the area and cross-cultural awareness. These officers handle complaints from Indigenous consumers as part of their regular case loads. The officers act as a referral point between the TIO and existing Indigenous advocacy agencies and their networks. Because these organisations already have the trust of their communities, the TIO is able to more effectively distribute information and promote our services to Indigenous people.

To contact our Indigenous liaison team, please ring 1800 062 058 and ask to be transferred to one to the members of the ILT, or email ilt@tio.com.au.

Vulnerable consumers

Newly arrived refugees continue to be our focus with Contact Team Managers Serrin Trowbridge and Leigh Carlson, Enquiry Officers Peter Eklund, and Joe Selvaretnam attending *Bring Your Bill* days in the western suburbs of Melbourne. Along with the Energy and Water Ombudsman Victoria, and the Public Transport Ombudsman, the TIO has attended these events for most of 2011.

One of the groups most likely to represent disadvantaged and vulnerable consumers are financial counsellors and this year, for the first time, the TIO attended financial counsellors' conferences in every mainland state.

Many were held in September when Investigations Team Manager Sasha Rudakov attended the Financial Counsellors Association of Western Australia conference, Contact Team Manager Gerard Mount attended the South Australian Financial Counsellors Conference in Adelaide and Learning and Development Officer Kerrie

Clark attended the Financial Counsellors Association of NSW annual conference in the Hunter Valley.

In Adelaide, Gerard spoke on a utilities panel with water and energy companies and the Energy Industry Ombudsman of South Australia. Sasha presented to about 120 financial counsellors about the TIO and was also on a panel discussing telco issues. Kerrie said the NSW conference covered topics ranging from aggressive behaviour, consumer lease agreements and payday loans to accessing emergency relief funding.

"Counsellors are aiming to ensure that their services are as accessible as possible and spoke of conducting meetings in parks with Indigenous communities, running sessions in community housing and becoming involved with school financial literacy programs," Kerrie said.

"Nearly all of the financial counsellors had dealt with the TIO at some time during their career and spoke very highly of us."

More about our ongoing calendar of outreach activities can be viewed on our website, www.tio.com.au.

TIO Events Calendar

The TIO plans to attend the following key events next year as part of our outreach program to consumers and member companies. The outreach program spreads messages about our work and how we can help resolve complaints between consumers or small businesses and their telecommunications provider.

Event	Date	Location	Description
Having a Say conference	8/02/2012	Geelong	Conference for people with intellectual disabilities
All Stars Bumehla festival	11/02/2012	Gold Coast	Indigenous sporting competition
Sydney Mardi Gras	12/02/2012	Sydney	Staged by Sydney's gay and lesbian community, this event is attended by more than 70,000 people
Broadband and Beyond 2012	22/02/2012	Sydney	Industry conference about broadband
TIO Council meeting	28/02/2012	Melbourne	Regular meeting of a TIO Governing body
Disability Professionals Victoria <i>From Strength to Strength</i> conference	1/03/2012	Melbourne	The largest annual Victorian conference for disability organisations and professionals
TIO Board meeting	28/03/2012	Melbourne	Regular meeting of a TIO Governing body
Seniors Day - Royal Easter Show	10/04/2012	Sydney	A joint stand with industry and statutory Ombudsman services
CommsDay summit	17/04/2012	Sydney	A telecommunications industry summit staged by industry journal Communications Day.
National Deafness Sector summit	27/04/2012	Melbourne	This is the biennial conference of the Deafness Forum of Australia, the peak body for deafness.
ANZOA conference	1/05/2012	Melbourne	The Australian and New Zealand Ombudsman's biennial conference allows Ombudsmen, their staff and those in government, regulation, industry, academia and the consumer sector to discuss and reflect on current issues and challenges facing industry and statutory Ombudsman offices.
External Dispute Resolution conference	17/05/2012	Melbourne	A showcase event organised by industry-based Ombudsman schemes, this event coincides with the annual conference of Financial Counselling Australia.

* dates are subject to change

Using the National Relay Service

Continuing our commitment to being accessible to all Australians, over the next six months, the TIO will aim to become National Relay Service (NRS) friendly. From time to time staff at the TIO may receive a call from a consumer via NRS, a free service for people who are deaf or who have a hearing or speech impairment.

Some of the steps we will be taking include:

- ensuring that the information on our website and in our printed promotional materials is up to date with the relevant relay service information and logo
- ensuring that all staff have received all the training and resources they need so they can take and make calls to the NRS.

Consumers who need to use the NRS to call the TIO can do so from now to the following numbers:

- TTY users phone 1800 555 677, then ask for 1800 062 058
- Speak and listen users phone 1800 555 727, then ask for 1800 062 058
- Internet relay users connect to www.relayservice.com.au, then ask for 1800 062 058.

HOLIDAY OPENING TIMES

The TIO will be working these hours during the holiday period:

Friday 23 December:
9.00 am–3.00 pm EDT

Monday 26 December: closed

Tuesday 27 December: closed

Friday 30 December:
9.00 am – 3.00 pm EDT

Monday 2 January: closed

Telephone and internet companies must have an opportunity to address a complaint before the TIO will become involved.

How to contact the Telecommunications Industry Ombudsman

FREECALL	1800 062 058 (calls from mobiles will be charged at the applicable rates). The TIO has extended its hours from 9:00 am to 5:30 pm Monday to Friday
FREEFAX	1800 630 614
INTERPRETER SERVICE	131 450
WEB	www.tio.com.au
POSTAL	PO Box 276 Collins Street West VIC 8007
EMAIL	tio@tio.com.au

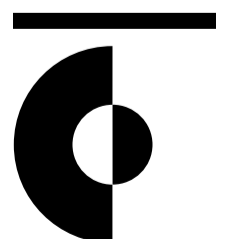


If you are deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service:

- TTY users phone 1800 555 677 then ask for 1800 062 058
- Speak and Listen users phone 1800 555 727 then ask for 1800 062 058
- Internet relay users connect to the NRS (www.relayservice.com.au) and then ask for 1800 062 058

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