

13 September 2017



Judi Jones

Telecommunications Industry Ombudsman

Dear Judi,

RE: Proposed changes to the Telecommunications Industry Ombudsman's Terms of Reference

Thank you for the opportunity to provide feedback on the TIO's proposed revision to your Terms of Reference. In addition to this submission from Communications Alliance, members have and will be sending in individual submissions, as many of them have specific perspectives and roles in the market.

Industry acknowledges that in some complex complaints, it may be beneficial for the TIO to consider the role of network and/or wholesale providers, and that this ability falls within the TIO's existing role and powers as laid out in legislation.

Industry also understands that the TIO is satisfied with the information provision and cooperation from nbn to date, and therefore is unclear on the specific issue a revision of the Terms of Reference is addressing.

Regardless of the necessity of detailing the TIO's existing powers in an amended Terms of Reference, it is important to ensure that the operational details of this change are appropriately handled. It is also important to ensure that new or changed procedures do not require dedication of significant additional resources or time, taking away from focus on the consumer, without clear evidence that these changes would provide enhanced solutions.

Industry is keen to continue working with the TIO to further enhance complaint handling processes wherever possible, while avoiding duplication of existing processes. Industry offers some views and its understanding of the TIO's proposal below.

Initial approach: We consider that when the TIO receives a complaint, it should be obligated to approach the relevant RSP first and attempt to resolve the issue, before contacting the wholesale service provider or network provider.

Existing processes for RSP/wholesale provider complaints: Where the RSP and wholesale provider already has a complaints process in place, this should continue without the wholesale provider also being asked to respond to the TIO. It is important that these changes do not duplicate or replace currently existing bilateral complaints procedures.

Where existing industry processes are being improved, TIO involvement should not duplicate either the changes or the future process.

Fees: At this point in time, Industry understands that the TIO is proposing to keep the 'bill the biller' approach, and not alter related fees or include wholesale providers in fees. If following implementation of these ToR changes the TIO considers related fee changes, Industry considers that further consultation would be needed.

Information requests: Commercial in confidence and/or proprietary information provided to the TIO in the process of resolving complaints should be protected by the TIO.

In cases where there are pre-existing contractual requirements which preclude a member from providing information, it would not be reasonable for that member to seek permission, as it has already been refused by contract. Industry proposes that Section 3.6 of the Terms of Reference note this exception.

In regard to sharing consumer information with multiple TIO members, Industry recommends the TIO seek explicit consent from each consumer before 1) sharing any personal information they may have gained from the RSP with another TIO member; or 2) instructing a TIO member who is not the contracting party with the customer to provide information

Complaint Handling Procedures: Industry understands that the proposed changes are not intended to alter complaint handling procedures. In alignment with our input on fees, we consider that if, following implementation, the TIO considers changes to complaint handling procedures, further consultation would be needed.

Reporting: The involvement of additional parties in complaints could, and likely will, affect the tracking and reporting of complaints. It is important to ensure continuity in reported complaints for longitudinal analysis, and thus Industry proposes the overall number of complaints continue to be reported against the relevant RSP. In addition, restoration of the provision of wholesale/network providers' data will be helpful, and thus we encourage the TIO to provide this information as well.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Stanton', written in a cursive style.

John Stanton
Chief Executive Officer