

TIO Conciliation

From referral to conciliation

When the Telecommunications Industry Ombudsman (TIO) first receives a consumer complaint, we refer it to the relevant service provider's nominated complaint handling area. If a consumer returns to us with information that suggests the complaint has not been resolved, the complaint may progress to conciliation.

What happens in conciliation?

We will give you and the consumer a summary of the complaint, including the reasons why the complaint is still unresolved. We will also indicate [laws](#), [industry regulations](#), good industry practice and [TIO Position Statements](#) that could be relevant to the circumstances of the complaint and could point to appropriate outcomes.

Negotiating with the consumer

After the conciliation starts, you will have 10 days to engage with the consumer, so you can reach a mutually acceptable resolution.

This is your opportunity to:

- Get more information from the consumer so you can understand what is not resolved for them, and why.
- Answer the consumer's questions.
- Check that the consumer understands the terminology, processes and systems that you have used or referred to in your communications with them. If needed, clarify these things with them.
- Re-consider your perspective on the complaint: has it changed since you have talked with the consumer or considered applicable laws and industry regulations?
- Give the consumer information and documentation that supports your perspective on the complaint.
- Openly explore ways to resolve the complaint that are acceptable both to you and the consumer.

TIO facilitation

If you and the consumer cannot negotiate a resolution with each other within 10 days, the TIO Officer who is handling the complaint will facilitate a dialogue between you.

The TIO Officer will guide these conversations, but will always remain independent and impartial. They are not an advocate for any person.

The TIO Officer will:

- Listen to each party's side of the story and clarify what they think needs to be resolved.
- Share information so each party understands the other's point of view.
- Explain and discuss relevant laws or regulations, or complex technical information.
- Ask questions, request documentation, and consider information provided to the TIO.
- Express some views on the strength and weaknesses of each party's arguments, based on the information provided so far, relevant law and regulation, good industry practice, and what is fair and reasonable.
- Help both parties to develop and evaluate options for resolving the complaint.
- Encourage the parties to move towards and agree on a mutually acceptable outcome.

PROVIDER FACTSHEET

TIO Conciliation

Tips for dealing with the TIO

Conciliation is likely to be successful if you:

- Talk with us, answer our questions and give us the information we ask for.
- Consider what we have to say about relevant law and regulation, good industry practice, and what could be fair and reasonable.
- Are open to the information we give you and suggestions we make.

Outcomes of conciliation

If you and the consumer are able to agree on a mutually acceptable resolution to a complaint, either by negotiating directly with each other or with our assistance, the complaint will be closed.

If you and the consumer cannot agree on a resolution, the TIO will consider the next steps:

- If your response to the complaint seems fair and reasonable, we may decide not to take the complaint further. The consumer may ask for a review of this decision.
- If it is not clear what resolution would be fair and reasonable, we may conduct an investigation to form a view about the merits of the complaint.

From conciliation to investigation

While a TIO officer may express some views about the strength or weakness of arguments during conciliation, they will not make a formal decision about the merits of a complaint at the conciliation stage.

The TIO's investigation processes are inquisitorial. We ask questions, gather information, and assess material so we can form a view on the merits of the dispute.

Conciliation processes may also continue during the investigation, and a dispute may be resolved through a negotiated settlement without the TIO needing to make a decision.

If the dispute is not resolved by negotiated settlement, a TIO Officer will issue a written decision based on the information provided to us, relevant law and regulation, good industry practice, and what is fair and reasonable in the circumstances.

Stop on credit management

Under the [Telecommunications Consumer Protections Code](#), providers must ensure that they do not undertake credit management action:

on specified disputed amounts, or
while an arrangement under a financial hardship policy is being discussed or is in place as part of a complaint.

If a provider does not voluntarily stop credit management action in these circumstances while the TIO is handling a complaint, we can make a temporary ruling about a provider's credit management action ([TIO Terms of Reference](#), cl 4.1).

Consumers are expected to pay charges that are not in dispute or are not in a payment arrangement.

More information

The TIO's [Complaint Handling Procedures](#) explain how we receive, classify, handle, investigate and resolve complaints.

To discuss a specific complaint, contact the TIO Officer who is handling the complaint.

Our Industry Engagement team can provide general information and guidance on TIO complaint processes. Email them at members@tio.com.au or call 03 8680 8242.