

Telecommunications  
Industry  
Ombudsman

# Jurisdiction

## *Jurisdiction of the TIO Scheme*

*"...providing  
free, independent,  
just, informal,  
speedy resolution  
of complaints."*

The TIO is an office of last resort — telephone and internet companies must have an opportunity to address a complaint before the TIO will become involved. The TIO is an independent, non-government scheme.

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# Introduction

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The Telecommunications Industry Ombudsman (TIO) Scheme provides free, independent, just, informal and speedy dispute resolution services to small business and residential consumers of telecommunications or internet services.

Although established by the federal government, the TIO is totally independent - of government, the industry, consumer organisations and other interested bodies. The TIO's services are available to consumers free of charge. The cost of the Scheme is borne by the telephone and internet service providers, who are required by law to be part of, and to pay for, the Scheme.

The TIO is an office of last resort and consumers are asked to give their telephone company or internet service provider a reasonable opportunity to resolve their complaint before they contact the TIO.

# Scheme Membership

All carriers and eligible carriage service providers, including intermediaries, are required to be members of the Telecommunications Industry Ombudsman Scheme.

Eligible carriage service providers supply:

- standard telephone services to small business or residential customers;
- public mobile telephone services;
- internet access (internet service providers, or ISPs);
- or act as an intermediary or reseller in arranging for the supply of the above services.

The TIO is independent of government and industry interests.

# Jurisdiction

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## *Within Jurisdiction*

The role of the TIO is to receive, investigate and help resolve complaints about telephone and internet services.

This includes, but is not limited to, complaints about:

- the standard telephone service;
- public mobile telephone services;
- internet access;
- operator services;
- credit management;
- provision of phone or internet services.
- fault repair and maintenance services;
- printed and electronic White Pages;
- billing not in accordance with a tariff;
- failure to supply a service in accordance with a tariff; and
- interference with the privacy of an individual, including breaches of the National Privacy Principles contained in the *Private Sector Act 2000* or any industry specific privacy standards which may apply from time to time.

The TIO may also investigate certain complaints made by owners or occupiers of land. These complaints include, but are not limited to:

- failure by a carrier to give notice of its intention to exercise its statutory rights;
- objections to carriers' notices;
- failure to take all reasonable steps to cause as little detriment, inconvenience and damage as is reasonably practicable, and/or failure to repair damage; and
- inadequate compensation.

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The TIO will also investigate breaches of:

- The Customer Service Guarantee, including issuing an evidentiary certificate if a breach has occurred;
- industry Codes of Practice and other industry standards (at the discretion of the Ombudsman).

### *Outside of Jurisdiction*

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The TIO does not have the authority to investigate complaints about:

- privately-owned equipment (customer premises equipment), other than rented telephone handsets, other equipment supplied as part of a service, and mobile handsets supplied as a part of a bundled service;
- internal cabling beyond the first telephone handset socket on a premises;
- business directories (however, the TIO has an agreement with the Yellow Pages to investigate some complaints);
- commercial activities which do not include the provision of telephone or internet services;
- the setting of tariffs or charges;
- the 000 emergency service;
- Universal Service Obligation policy matters;
- telecommunications policy matters;
- anti-competitive behaviour or restrictive business practices which may be in breach of the *Trade Practices Act 1974*;

- complaints which are being, or have ever been, investigated by the Australian Communications Authority, the Australian Competition and Consumer Commission or any court or tribunal;
- the content of a content service, including the content of internet sites and 190X services;
- complaints by industry members against other industry members; and
- requests for Freedom of Information documents.

*Time limit to Jurisdiction*

The TIO cannot investigate a complaint arising from events which became known to the complainant more than one year prior to the complaint being lodged with the TIO. However, the TIO has the discretion to investigate complaints which are up to two years old.

# Powers of the TIO

## *Binding decisions (up to \$10,000)*

Following an investigation the TIO may direct a member to perform any of the following actions, up to a total value of \$10,000:

- pay compensation to the complainant;
- provide services to the complainant;
- not impose or amend a charge relating to a service;
- provide specified operator services;
- include or omit an entry in electronic or printed directories;
- supply goods or services, or undertake any action to resolve the complaint;
- make a correction, addition or deletion to a record;
- attach to a record a statement provided by the complainant of a correction, deletion or addition sought by the complainant; or
- do, not do, or cease doing an act.

*The TIO may also dismiss a complaint.*

All decisions made by the TIO under these powers are automatically binding on the member. The complainant may reject, or request a review of, the TIO's decision within 14 days of being notified of the decision.

By accepting the TIO's decision the complainant releases the member from any further claims or legal action relating to the complaint.

If the complainant does not accept the TIO's decision then the member is no longer bound by the TIO's resolution and the complainant may pursue the member in any other forum they choose.

# *Complaints*

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### *Recommendations (up to \$50,000)*

TIO may also make recommendations to a member up to the value of \$50,000.

Recommendations are not legally binding on the member; however, the member must consider the recommendations and provide the TIO with a response. A member's decision to accept or reject the TIO's recommendations cannot be the subject of a further complaint to the TIO from the complainant.

### *Arbitration and Findings of Fact (more than \$50,000)*

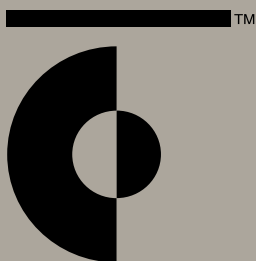
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If a complaint involves a total amount of more than \$50,000 the TIO may make a 'finding of fact' but cannot make directions or recommendations about compensation or other remedial actions.

If the complainant, member and TIO agree, the TIO may help resolve such complaints through arbitration.

# Contacting the TIO

Telephone:	1800 062 058 03 8600 8700
Mail:	PO Box 276 Collins Street West MELBOURNE VIC 8007
Street Address:	Level 15 114 William St MELBOURNE VIC 3000
Fax:	1800 630 614 03 8600 8797
For hearing or speech impaired people a telephone typewriter (TTY) is provided on:	1800 675 692
For translator and interpreter services phone:	131 450
Website:	<a href="http://www.tio.com.au">www.tio.com.au</a>
Email Address:	<a href="mailto:tio@tio.com.au">tio@tio.com.au</a> and <a href="mailto:complain@tio.com.au">complain@tio.com.au</a>



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