

From: Kerrie Croaker
To: Stakeholder Engagement
Subject: Submission re Telecommunications Industry Ombudsman Terms of Reference.
Importance: High

Dear TIO

Firstly, I would like to say thank you for the opportunity to provide feedback on your proposed changes to the TIO's Terms of Reference.

Below is our feedback in regards to the proposed changes:

Clause	Comment
Consultation Paper	
Background	It is imperative that the TIO make changes to their Terms of Reference to address the complexity of the telecommunications supply chain in particular with the roll out of the national broadband network and how this impacts on providers inability to resolve complaints in some instances without carriers and intermediaries being held accountable. We look forward, in particular, to nbn co and their aggregators becoming part of the solutions to TIO complaints.
3.1 Clarifying TIO Membership	As the TCPSS Act and s88 of the Telecommunications Act 1997 requires all carriers and intermediaries to be members of the TIO scheme they should not be excluded from being held accountable for their failure to delivery or rectify faults to achieve a resolution that has been lodged traditionally only against and RSP. Ant would be concerned that carriers and intermediaries e.g. Nbn co could seek exemption by the ACMA to avoid being held accountable. Discussions should be held with the ACMA to ensure they are not granted such an exemption or are already exempt to avoid be held accountable under the TIO's Proposed New Terms of Reference.
Mark Up Telecommunications Industry Ombudsman Terms of Reference – Aug 2017	
3.6 Requesting information	A provider should be able to send information that comes from a carrier or intermediary service portal without having to seek permission as they will be TIO. Currently most information in service portals and emails in particular from nbn co all are headed "Commercial-in-confidence"
3.7; 3.8; 3.9; 3.13; 3.15; 3.16; 3.17; 3.18; 3.19;	The use of the word "Provider" should be changed "TIO member"
5.1; 5.2; 5.3	The use of the word "Provider" should be changed "TIO member"
6.3; 6.4; 6.5	The use of the word "Provider" should be changed "TIO member"
General	
Fees	If the complaint has been made against the consumers provider, and the provider has done everything in its power to resolve the issue, including lodging tickets with the carrier or intermediary and they have failed to resolve the issue in a timely manner or the fault lies with the carrier or intermediary the provider should be issued a credit for the Fee charged to

	them for the handling of the complaint by the TIO, and the charge then attributed to the other TIO Member/s
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Cheers, Kerrie

Kerrie Croaker
Director



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