

Change to Telecommunications Industry Ombudsman's Terms of Reference

Guidance Note

25 October 2017

The Telecommunications Industry Ombudsman's Board has adopted changes to the Terms of Reference to:

- reflect the legislative requirement for carriers and intermediaries in the supply of telecommunications services (such as aggregators) to belong to the Telecommunications Industry Ombudsman
- strengthen the obligation on members to provide information requested by the Telecommunications Industry Ombudsman in order to resolve a complaint
- strengthen the obligation on members to cooperate with Telecommunications Industry Ombudsman decisions.

In general, stakeholders responded positively to the proposed changes, with many welcoming the ability of the Telecommunications Industry Ombudsman to involve all relevant parties in the supply chain to resolve difficult consumer complaints.

The changes are in line with a recommendation made by the Joint Standing Committee on the National Broadband Network, which has called for the Telecommunications Industry Ombudsman to be 'empowered to compel any relevant parties to a complaint to meet together or otherwise cooperate in order to facilitate the resolution of that complaint within a set reasonable timeframe.'

1 Scope of changes to complaint handling

The Telecommunications Industry Ombudsman recognises the importance of clarifying the scope of the changes, as noted by stakeholders during the consultation process.

To address this, the Telecommunications Industry Ombudsman Board made further amendments to clarify that the Ombudsman would only involve another member in a complaint if the other member had first been advised of the complaint (Clause 3.23), and will provide reasons for involving another member (Clause 3.21).

At this stage the Ombudsman is not proposing any significant change to the complaint handling procedures, and will continue to raise complaints with service providers in the first instance, to allow them to resolve complaints from consumers based on their contract for service.

The Ombudsman anticipates the ability to seek information from other members will be helpful in resolving complaints requiring information from a carrier or intermediary. For example, where the provider says the barrier to resolution rests with another member, the revised Terms of Reference will allow the Ombudsman to request additional information from the other member to verify these

claims. The Ombudsman may also ask the other member to take action if this is necessary resolve the complaint.

The Ombudsman expects to only contact a member other than the provider in conciliation and investigation level cases where the complaint is stuck or complex, and information or cooperation from that other member is necessary to resolve the complaint for the consumer.

2 Systemic investigations and other roles

In response to feedback received during the consultation, the Board approved additional changes from 'provider' to 'member' in relation to systemic issue investigation and other roles.