

Comparison of clauses

Topic	Current ToR	Proposed ToR	Change
About our scheme	Part 1	Part 1	Increased clarity around our roles.
Introductory clause	2.1	-	Deleted as redundant.
Consumers who can complain to us	2.2	2.1, 2.2, 2.3, Part 8	Updated definitions of 'consumer', 'occupier' and 'small business' in Part 8.
Complaints must be about members of our scheme	2.3	2.1, Part 8	'Member' is defined in Part 8 and members are no longer called providers.
Consumers can check register of members	2.4	-	Deleted as redundant. We are required to maintain this register by legislation and will continue to publish it on our website.
Consumers must complain to provider first	2.5	2.17	-
Time limits for making complaints	2.6	2.10 – 2.12	-
Complaints we handle	2.7	2.2, 2.3, Part 3	Jurisdiction clarified. Proposed additional jurisdiction in 2.2(b) to handle complaints about equipment or devices (this will also capture smart devices). Our land access role is now in a separate Part 3, reflecting that this is a statutory function rather than a complaint role.
We handle other complaints if member and consumer agree	2.8	2.4	Clarified that we must also agree.
Will handle complaints about an agent	2.9	2.26	Simplified.
What we can do if a provider's representative is unreasonable	-	2.27	New clause.
Complaints we do not handle	2.10	2.5	Simplified. Examples removed as they are not exhaustive.
We don't handle complaints that should or will be dealt with elsewhere	2.11	2.6 – 2.7	-
Introductory clause	3.1	-	Deleted as redundant.
Complaints can be made by speaking to us or in writing	3.2	2.13	-

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Authorised representatives can make a complaint	3.3	2.14	Obligations clarified.
If appropriate we may ask for complaint in writing or contact us using a representative	-	2.15	New clause.
Complaint can be withdrawn any time	-	2.16	New clause.
Notifying a member when we receive a complaint	3.4	2.18	-
Working with consumer and provider to agree a resolution	3.5	2.21	-
We can request information from a member	3.6	2.19, 2.21	-
Process if parties do not agree on a resolution	3.7-3.9	2.17-2.27	Revised process layout.
Publishing details about complaints	3.10	5.2	-
What we can decide and value of decision	3.11	2.24, 2.33, 2.8, 2.39(g)	Added property damage remedies. Raised the financial resolution limit from \$50,000 to \$100,000. Made it explicit that we can award compensation for non-financial loss.
Decisions	3.12-3.15	2.24, 2.31-2.37	Clarified when a decision becomes binding.
Recommendations	3.16-3.18	2.23, 2.25, 5.2	Simplified.
Arbitration	3.19	-	Deleted, unnecessary legacy power.
When we may stop handling complaints	3.20	2.38-2.40	-
Assistance from members that are not a party to a complaint	3.21-3.24	2.19	Simplified.
Joining members to a complaint	-	2.20	New clause.
Temporary rulings	4.1-4.5	2.28-2.30, 5.2	-
Legal action	4.6-4.8	6.7-6.11	Simplified.
How we deal with and share information	4.9-4.11	Part 5	Clarified and moved to new Part 5 'Our reporting and information sharing roles'. Deleted reference to privacy law compliance as this is more appropriately expressed in our privacy policy

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Systemic issues	5.1-5.3	Part 4	Clarified.
Our policy contribution role	-	4.11	New clause.
Other roles under legislation, codes and standards	6.1	1.2	Simplified. Specific examples of roles removed as these are not exhaustive.
Reporting non-compliance and regulatory issues	6.2-6.3	5.4-5.7	Simplified.
Recommending industry improvements	6.4-6.5	4.2, 4.9, 4.11	Clarified that this function is part of our systemic issues and policy contribution roles.
Publishing reports	6.6	5.1-5.3, 4.7, 4.10	Simplified and included in new Part 5 'Our reporting and information sharing roles'.
Sharing information about our scheme	-	5.9	New clause.
Member obligations	-	Part 6	This new Part has been added to clearly set out the complaint handling obligations of members who join the scheme.
How our scheme operates	7.1-7.2	7.1-7.2	-
The Ombudsman's responsibilities	7.3	7.4-7.6	Simplified.
The Ombudsman can delegate responsibilities	7.4-7.5	7.7-7.9	Simplified.
The Board's responsibilities	7.6	7.3	Simplified.
Changing the Terms of Reference	7.7-7.10	7.10-7.13	Simplified.
Interpretation and definitions	-	Part 8	New Part.