

## Telecommunications Industry Ombudsman – Terms of Reference Concordance Table

Topic	Current ToR	Proposed ToR	Change
About our scheme	Part 1	Part 1	Increased clarity around our roles, statements about our Equality Diversity and Inclusion commitment and outreach activities.
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’ and ‘occupier’ in Part 8. ‘Small business’ definition retains its current form on the TIO’s website (as cited by 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	2.20	-
Time limits for making complaints	2.6	2.13-2.15	-
Complaints we handle	2.7	2.2, 2.3, Part 3	<p>Jurisdiction clarified. Part 3 has been separated to reflect our land access role as a statutory function.</p> <p>Proposed 2.2(b) adopts existing wording but removes current examples that appear in italics.</p> <p>NOTE: We will separately work with consumer and industry stakeholders on devices and equipment to determine if further changes are needed.</p> <p>Removed cabling boundary clarification. Although consumer side cabling issues may not be a member’s fault, this cannot be determined until we have assessed the complaint.</p> <p>Clarified our jurisdiction for property damage complaints in 2.3. The new</p>

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			clause allows occupiers of land to make property damage complaints.  Clarified we can handle complaints about loss of an email account in 2.2(f).
We handle other complaints if member and consumer agree	2.8	2.5	Clarified that we must also agree.
Will handle complaints about an agent	2.9	2.31	Simplified.
What we can do about unreasonable conduct from a provider's representative	-	2.32	New clause.
Complaints we do not handle	2.10	2.6, 2.7	Simplified.  Majority of examples removed as they are not exhaustive, however exclusion of complaints about general commercial practices has been retained.
We don't handle complaints that should or will be dealt with elsewhere	2.11	2.8-2.9	Simplified.  Added discretion to accept complaints subject to legal proceedings in exceptional circumstances.
Introductory clause	3.1	-	Deleted as redundant.
Complaints can be made by speaking to us or in writing	3.2	2.16	-
Authorised representatives can make a complaint	3.3	2.17	Obligations clarified.
If appropriate we may ask for complaint in writing or contact us using a representative	-	2.18	New clause.
Complaint can be withdrawn any time	-	2.19	New clause.
Notifying a member when we receive a complaint	3.4	2.21	-
Working with consumer and provider to agree a resolution	3.5	2.24	-
We can request information from a member	3.6	2.22, 6.3	-

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Process if parties do not agree on a resolution	3.7-3.9	2.28-2.30, 2.36	Revised process layout.
Publishing details about complaints	3.10	5.2	-
What we can decide and value of decision	3.11	2.10-2.11, 2.38-2.39	<p>Raised the financial resolution limit from \$50,000 to \$100,000.</p> <p>Made it explicit that we can award compensation for non-financial loss with a \$1,500 sub-cap. The sub-cap does not apply to complaints about privacy.</p> <p>Included criteria we will consider when determining appropriate non-financial loss compensation. Further guidance will be developed over time and may include case examples.</p> <p>Added property damage remedies.</p> <p>Clarified ability to decide that hardship arrangements be applied.</p>
Decisions	3.12-3.15	2.40-2.43	Clarified when a decision becomes binding.
Recommendations	3.16-3.18	2.28, 2.30, 5.2	Simplified.
Arbitration	3.19	-	Deleted, unnecessary legacy power.
When we may stop handling complaints	3.20	2.12, 2.44-2.46	<p>Simplified.</p> <p>Added discretion to recommence complaint handling in exceptional circumstances.</p>
Assistance from members that are not a party to a complaint	3.21-3.24	2.22	Simplified.
Drawing adverse inferences	-	2.26	New clause, reflects current clause in our Complaint Handling Procedures.
Joining members to a complaint	-	2.23	<p>New clause.</p> <p>After discussion with consumer and industry stakeholders, guidance will be provided on how and when we may join a member, including related issues of data and fees.</p>
Temporary rulings	4.1-4.5	2.30, 2.33-2.35, 5.2, 6.6	<p>Simplified.</p> <p>Removed the ability to publish temporary ruling details.</p>
Legal action	4.6-4.8	6.8-6.12	Simplified.

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How we deal with and share information	4.9-4.11	Part 5	<p>Clarified and moved to new Part 5 'Our reporting and information sharing roles'.</p> <p>Removed the ability to publish temporary ruling details.</p> <p>Clarified publication of decisions, recommendations, and systemic issue recommendations.</p>
Systemic issues	5.1-5.3	Part 4, 5.2	<p>Clarified aspects. For example, that we can still handle individual complaints while investigating systemic issues.</p> <p>Removed 'significant' from the definition of systemic issue.</p> <p>Publication of systemic issue recommendations, including naming members, added to Part 5.</p> <p>We will update our Systemic Issues Guidelines to reflect when we may use the discretion to name members after discussion with consumer and industry stakeholders.</p>
Our policy contribution role	-	4.9	New clause.
Other roles under legislation, codes and standards	6.1	1.2, 2.4	Simplified. Specific examples of roles removed as these were not exhaustive.
Reporting non-compliance and regulatory issues	6.2-6.3	5.4-5.8	Simplified.
Recommending industry improvements	6.4-6.5	4.2, 4.8, 4.9, 6.4	Clarified that this function is part of our systemic issues and policy contribution roles.
Publishing reports	6.6	5.1-5.3, 4.9	<p>Simplified and included in new Part 5 'Our reporting and information sharing roles'.</p> <p>Adds discretion to publish systemic issue recommendations and name members. We will update our Systemic Issues Guidelines to reflect when we may use this discretion after discussion with consumer and industry stakeholders.</p>

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Sharing information about our scheme	-	5.10	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	7.4-7.6	Simplified.
The Ombudsman can delegate responsibilities	7.5-7.7	7.7-7.9	Simplified.
The Board's responsibilities	7.8	7.3	Simplified.
Changing the Terms of Reference	7.9-7.12	7.10-7.13	Simplified.  Ombudsman to consider if financial limit should be changed every two years instead of annually.
Interpretation and definitions	-	Part 8	New Part.