

# Systemic Issues at the TIO

## Fact sheet

### What is the TIO's role in systemic issues?

We drive improvements in the telecommunications industry by identifying, investigating and helping to resolve systemic issues.<sup>1</sup>

#### What is a systemic issue?

A systemic issue is one that has or is likely to have a **negative effect** on a **number of consumers** or a **particular type of consumer**, including about:

- a. telecommunications providers' systems, policies, processes, or practices
- b. repeated conduct by a telecommunications provider that indicates potential non-compliance with the law, regulatory requirements, or good industry practice
- c. widespread issues driving complaints, which may arise from general industry practices, gaps in consumer awareness, or the broader regulatory and telecommunications operating landscape.

### How do we identify and assess possible systemic issues?

We identify possible systemic issues through handling complaints, analysing complaint trends and receiving information from other organisations. These include telecommunications providers, consumer groups, the media and regulators.

We assess possible systemic issues by looking at any relevant complaints, including a change in complaint patterns or multiple complaints about the same issue. We also consider the impact on consumers (including disproportionate impact on consumers experiencing vulnerability) and laws, codes and industry practice.

If we decide to investigate a possible systemic issue, we notify the relevant telecommunications provider.

### How do we notify a telecommunications provider?

We notify a provider in writing, by:

- explaining our observations of the impact on consumers
- specifying any relevant complaints we have identified, and
- asking the provider for its response to our questions.

<sup>1</sup> Definition of systemic issue at clause 4.2 of our Terms of Reference

## What information can we request?

We can request information such as customer interaction records, data, contracts, voice recordings and policy or procedural information. We can also ask the telecommunications provider to share findings of investigations into relevant complaints, including underlying causes or trends.<sup>2</sup>

This is so we can assess the nature of the systemic issue, its causes and the level of consumer detriment.

## How do we work towards resolution?

We work with the telecommunications provider to address a systemic issue, often reaching an agreed resolution through consultation and negotiation.

We will seek to understand the issue and may suggest improvements or remedial actions. We may ask providers to commit to timeframes for any agreed actions.

## What must telecommunications providers do?

Providers must cooperate with our investigations and provide information or documents within the timeframes we specify.<sup>3</sup>

Providers must seek to resolve the main cause of a problem or issue where a complaint is indicative of a broader problem or systemic issue.<sup>4</sup>

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<sup>2</sup> Clause 4.6(a) of our Terms of Reference

<sup>3</sup> Clauses 6.2 & 6.3 of our Terms of Reference

<sup>4</sup> Section 13(1)(i) of the *Telecommunications (Consumer Complaints Handling) Industry Standard*

## What happens if a systemic issue cannot be resolved by agreement?

If a systemic issue cannot be resolved by agreement, we can:

- **make a systemic investigation recommendation** that a provider does or refrains from doing anything necessary to address a systemic issue<sup>5</sup>
- **refer the systemic issue to relevant regulators**, such as the ACMA, the ACCC, the OAIC or another appropriate body.<sup>6</sup>

## What else do we do to promote industry improvement?

### Publishing reports

In addition to investigating systemic issues about individual providers, we publish reports on widespread issues driving complaints. These reports serve the dual purpose of recommending improvements in industry practice and advising consumers on how they can avoid common issues.

### Sharing information

We may share information with regulators to address systemic issues, reduce complaints and contribute to industry improvement.<sup>7</sup>

We may also share information with government bodies, telecommunications providers, community and industry groups to promote good practice and industry improvement.<sup>8</sup>

<sup>5</sup> Clause 4.8 of our Terms of Reference

<sup>6</sup> Clause 5.6 of our Terms of Reference

<sup>7</sup> Clause 5.7 of our Terms of Reference

<sup>8</sup> Clause 5.8 of our Terms of Reference



# The systemic investigation process

