



**Telecommunications
Industry
Ombudsman**

TIO Fairness Framework

September 2024

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Introduction from the Ombudsman

I am pleased to share the 2025 TIO Fairness Framework.

At the TIO, our purpose is to resolve complaints fairly and drive improvement in a dynamic communications environment. In practice this means that our role is to connect people, build trust and deliver fairness (the TIO Way). Our commitment to fairness is central and fundamental to our actions, practices and decisions.

The TIO's Fairness Framework is designed to guide us in maintaining these high standards. It fosters consistency, transparency, and integrity in our processes and our people. By adhering to this framework, we aim to create a culture where fairness is delivered daily and carried throughout every aspect of our work.

Central to the framework is a genuine desire to engage with all parties independently, openly and respectfully. We are proud to commit to practices that are inclusive, accessible and beneficial to all parties.

While ensuring that we operate in a fair and reasonable manner, we also recognise that at the core of our work is a commitment to help people and improve the communications environment for all. We understand that behind every complaint is a person and company seeking fair outcome. Our team is dedicated to listening, understanding and addressing all concerns with empathy and respect. Our framework seeks to ensure we can deliver on this commitment today and provides us with the blueprint for tomorrow.

By putting fairness at the heart of our practices and work, we aim to make a positive impact and contribute to a fairer communications industry for all.

In closing I would like to extend a special thanks to our dedicated staff and Fairness working group, and the TIO Consumer Panel members for their invaluable ongoing feedback and support throughout this process.

Cynthia Gebert

Ombudsman

The purpose of TIO's fairness framework

Fairness is central to the work we do at the Telecommunications Industry Ombudsman. Ensuring we are fair in our practices assists us to build trust and accountability.

By upholding the principles of fairness, we ensure that our work is both procedurally fair and also fair and reasonable in outcome, having regard to the law, relevant industry codes, guidelines and good industry practice. Our Fairness Framework guides us in meeting these obligations. It helps us build trust in our processes, ensures a level of consistency and promotes a culture of transparency and integrity.

The TIO commits to the following principles to ensure we are operating in a fair way:

Fair engagement and approach

Fair procedures and practices

Fair and reasonable assessments

Fair engagement and approach

The TIO engages with all parties in a clear, independent and transparent way. TIO seeks to build trust and collaboration through its engagement with all parties and foster sustainable and enduring change and improvement in the Telecommunications sector.

TIO demonstrates our commitment by:

Engagement

- **TIO Engagement Charter** – Sets out our expectation of all parties engaging in our processes. We seek to operate in a reasonable and genuine way, treating all parties with

respect and dignity. Our Engagement Charter sets out our expectations and commitments for engagement.

- **Commitment to culture** – The TIO is dedicated to continuously learning and developing its staff while promoting a culture of fairness, support and innovation.

Accessibility

- **Accessibility** – The TIO makes itself accessible to all parties and commits to ease of use.
- **Correcting balance** – We promote access to the TIO in an equitable manner and identify potential barriers to access and find solutions to remove them. Our Accessibility Charter sets out our expectations and commitments to those that endeavour to use our service.

Approach

- **Case Handling Processes** – We make our case handling processes available to all parties via our website and on request. We ensure the way we handle cases and perform our functions are fair and seen to be fair.
- **Universal Design** – Our processes are underpinned by universal design principles and support ease of access for all Australian consumers and stakeholders. We commit to ongoing evolution of service, ensuring we keep pace with the changing communications market.

Jurisdiction

- **Terms of Reference** – We ensure confidence and trust in our services by ensuring that our engagement with all parties is in line with the TIO Terms of Reference.
- **Government Benchmarks for Industry-Based Customer Dispute Resolution** – We provide fair, independent, accessible, efficient and effective external dispute resolution services in line with our obligations in the benchmarks.
- **Inclusive Approach** – When assisting with complaints we take an expansive and inclusive view of our jurisdiction to better assist and enhance fairness and address underlying needs and equity issues.

Accountability

- **Clear Communication** – We will ensure that our communication, written and verbal, is clear and easy to understand.
- **To the objective observer** – We ensure that decisions made on complaints are not only fair within all aspects of the framework but likely to be accepted as fair by the measure of public opinion as reasonable and appropriate.

Fair procedures and practices

The TIO commits to upholding fair procedures and practices in all aspects of our work. We commit to practices that uphold procedural and substantive fairness for all parties while recognising the need to balance accessibility, individuality and informality.

The TIO demonstrates this commitment by:

Handling

- **Independence** – We ensure we make fair and independent decisions by working within the Fairness Framework.
- **Integrity** – Our staff are expected to work within our practice standards, and we ensure this is the case with a robust Quality Framework and commitment to learning and development.
- **Consistency** – We assess each case on its merits, whilst providing guidance and consistency through referencing TIO Guidance documents, our fair and reasonable framework and advice to ensure we support our people to deliver fair processes and fair outcomes.
- **Timeliness** – We ensure that we are timely in our dealings with all parties and our processes and practices are efficient.
- **Balance of Probability** – When dealing with events that are undocumented, we will assess and consider, on balance, what is more likely than not to have occurred.

Transparency

- **Complaint Processes and Pathways** – Parties are informed of their complaint pathways and understand how the complaint may progress throughout the life of the complaint. We make our processes and criteria clear and available for all parties to the complaint.
- **Information Exchange** – We make the information relied upon in our decision making available to all parties and expect that information requested and provided by each party can be shared upon request.
There may be limited circumstances where we will choose not to share information and may also choose not to rely on information we cannot share.
- **Document management** – We ensure we keep clear records and notes within our case management system that demonstrate our considerations and decisions. We ensure that all relevant correspondence is recorded and filed within our case management system, in a clear and timely manner.

Flexibility

- **Reasonable Adjustments** – We provide flexibility in practice to ensure all parties have a reasonable opportunity to participate in our processes. We proactively ask consumers to share any adjustments which will support the attainment of a fair outcome.

- **Tailored Pathways** – We ensure that we have tailored pathways to ensure we are taking the right next step for the circumstances present in the complaint and for the parties involved in the complaint.

Bias and Error

- **Conflict of interest** – We avoid any perceived or real conflicts of interest by maintaining and actioning our conflict-of-interest processes.
- **Correctability** – We recognise that we won't always get it right. We have processes in place to address and correct any errors or omission we make. We will correct errors when recognised by third parties or ourselves.
- **Reviews** – Our assessments can be reviewed, and we proactively offer the right to review when a party is dissatisfied with an assessment and provides reasons for review.
- **Guided Casework** – All staff work within our guided fair and reasonable pillars which aims to deliver clear, objective assessments, outcomes and decisions on complaints.
- **Ethics** – We work to high ethical standards. We demonstrate this by ensuring our decisions are made without bias or favouritism and without fear or favour.

Participation

- **Being heard** – We allow all parties the opportunity to be heard and express their views before we reach a decision.
- **Informing parties** – The TIO ensures that all parties are informed of the details of the complaint and offer the opportunity to respond.
- **Providing evidence** – The TIO ensures that all participating parties are provided with the opportunity to provide relevant information in support of their claims.

Fair and reasonable assessments

The TIO is committed to making fair and reasonable assessments and decisions on complaints. Our criteria to assess what is fair and reasonable is clear, robust, transparent, impartial and repeatable and in line with our Terms of Reference¹ and the Commonwealth Benchmarks for Industry based Customer Dispute Resolution².

We ensure we have the right and relevant information from both parties, skilled staff handling complaints and a criterion to make fair and reasonable assessments and decisions, considering the circumstances of the complaint being dealt with.

¹ [Terms of Reference | The Telecommunications Industry Ombudsman](#)

² [Benchmarks for Industry-based Customer Dispute Resolution | Treasury.gov.au](#)

We use the TIO's *Fair and Reasonable Pillars* to provide an objective set of criteria to help ensure consistent case handling approaches and to provide structure for us to explain how we came to our views on a particular complaint.

The TIO alone will decide what aspects or criteria within the pillars are relevant to the complaint. The TIO will also consider what weight is given to each pillar considering the individual attributes of the complaint at hand.

The TIO considers four overarching pillars to demonstrate our fair and reasonable assessments and decisions, and they are:

- Laws, industry codes and guidelines
- Good Industry Practice
- Actions and impacts of the provider
- Actions and impacts of the consumer or occupier

Each applicable pillar will be considered and assessed based on the individual attributes of the complaint. In detail, what we consider in each pillar is as follows:

Telecommunications Industry Ombudsman (TIO) Fair and Reasonable Pillars

Laws, industry codes and guidelines	<p>The TIO will always consider and have regard to the applicable laws, industry codes and guidelines.</p> <p>These set out the legal responsibilities and rights of consumers, occupiers and providers and set the minimum standards required. We expect both parties to meet their obligations under the laws, industry codes and guidelines.</p> <p>Given the breadth of complaints the TIO deals with we will consider both industry and non-industry specific laws, codes and guidelines where required.</p>
Good Industry Practice	<p>The TIO may consider whether a request or offer of resolution is in line with what we would determine as good industry practice.</p> <p>Depending on the complaint at hand, the TIO may consider good practice as outlined in the relevant TIO Guidance documents.</p> <p>In determining good practice, it may also be necessary to seek industry, regulatory, departmental, or technical advice from internal and external parties. The individual circumstances of the complaint will guide who we may approach.</p>

Actions and impacts of the provider	<p>In considering what is fair and reasonable the TIO may consider the following actions of a provider and the impacts on the provider in its decision making, including:</p> <ul style="list-style-type: none"> • Reasonable steps taken to minimise and avoid disruption, loss or damage, inconvenience or detriment to a consumer or occupier through its systems design, processes and technology. • Adherence to its own policies, legal obligations and practices relevant to the complaint, including whether the policy was applied appropriately and with due care and clarity considering the consumer or occupier's circumstances. In assessing the complaint, we may consider the outcomes of any relevant systemic investigations we have conducted. • The customer service performance of the provider, including but not limited to its demonstration of accessibility, responsiveness, complaint management and actions delivered. • The appropriate and reasonable actions taken to restore a consumer or occupier to, at minimum, their original state, such as: <ul style="list-style-type: none"> • compensating • correcting • removing or adding an action • repairs or replacements • providing services where applicable
Actions and impacts of the consumer or occupier	<p>In considering what is fair and reasonable the TIO may consider the following actions of the consumer or occupier and impacts on the party in its decision making, including:</p> <p>Reasonable actions or inactions of a consumer or occupier while trying to resolve the complaint (prior to and during the TIO involvement). This may include taking reasonable precautions or steps to minimise the loss or detriment experienced where a consumer or occupier has the means and capacity to do so.</p> <p>The individual circumstances of the consumer or occupier and the impact this has on the outcome/s achieved including the consumer or occupiers' ability to engage in resolving their issues in a fair and just way. This would include but is not limited to situational or prolonged risk factors, vulnerabilities, or specific individual circumstances.</p>



	<p>The impacts of the detriment or benefit a consumer or occupier has been placed in because of the complaint. TIO will assess the appropriateness of redress which may include but is not limited to compensation for financial and non-financial loss where appropriate.</p> <p>The impacts on the wellbeing of the consumer or occupier including physical inconvenience, privacy and expectations of enjoyment or peace of mind.</p>
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