

30 January 2025



## TIO Public Consultations

by email: [PublicConsultation@tio.com.au](mailto:PublicConsultation@tio.com.au)

Dear Cynthia, Erin and team,

### **RE: Member Guidance – Reasonable steps to inform consumers and occupiers of IDR and EDR**

Thank you for the opportunity to comment on the draft member guidance, *Reasonable steps to inform consumers and occupiers of IDR and EDR*, which is designed to provide members with guidance about how to meet their obligations to signpost the TIO's services, as required under the new TIO Terms of Reference (ToR).

#### **Overarching comments**

It is essential that consumers are aware of the TIO and their right to use its services where a dispute is under the TIO's jurisdiction. As such, Communications Alliance supports requirements for CSPs to signpost the TIO's services at appropriate points in the complaints process, as reflected at 6.2 of the TIO's ToR, and as already required in the Complaints Handling Standard (CHS) and supported by the clear and simple accompanying ACMA: <https://www.acma.gov.au/complain-your-telco>.

However, CA is concerned that, rather than assist, some of the proposals will lead to consumers contacting the TIO *before due process has been followed* and will then need to be redirected back to their CSP's IDR. This will lead to confusion and frustration, and will potentially increase the time taken for the CSP to address their complaint.

Consumer and industry confusion and frustration about the complaints process may be further exacerbated when considered in the context of initiatives by ACMA to report complaint escalations, and in light of the complicated regulatory and dispute environment to which CSPs are subject, noting that the TIO is not the only external dispute resolution body, and may not be the primary or relevant one (e.g. in the case of scams). These issues are further exacerbated by ambiguous wording and editorial errors in the draft.

Additionally, noting the TIO's comments that these guidance notes may be amended in light of the current review of the CHS, we question whether it would be appropriate to delay their completion and publication until that time, to reduce unnecessary changes and associated costs.

#### **Specific issues**

##### **Good practice before receiving a complaint**

The 'best practice' guidance is not altogether clear and goes beyond the requirements of the CHS, cl. 6.2 of the ToR ('reasonable steps') and any current or proposed TCP Code requirements. For example, it is not a requirement for CSPs to 'provide appropriate avenues for feedback' [including from the general public] on all matters (as the guidance suggests), and to accept such feedback over the telephone or in store (it is not a requirement for CSPs to actually have a storefront, or an incoming phone line for consumers to use, other than for complaints and other defined purposes).

We therefore suggest that 'reasonable steps' for this section be shortened and revised to more generally note that CSPs should have appropriate avenues and staff training in place to support consumers and occupiers to make enquiries, and to link to the published complaints handling process as appropriate (which, as the guidance recognises, is already a requirement and explains both IDR and EDR and the relationship between them, including defining when issues will be considered as complaints, rather than enquiries). Reference to continual improvement and general feedback avenues should be removed.

### **Published complaints handling process**

As the guidance notes, the CHS already sets out the minimum requirements for members' complaints handling processes. The guidance does not appear to provide further clarity on any point. Indeed, the information in point 2 is very unclear and confusing:

2. *Publishing a link to the complaint handling process that is accessible from both:*

- *The member's website homepage.*
- *Publish a link to the complaint handling process that is accessible from any webpage with the member's contact details that the member reasonable controls.*

Additionally, we suggest the guidance should acknowledge that TIO may not be the relevant or primary EDR service for every issue.

We suggest that the TIO review and simplify this information and that it aligns with and uses the plain language approach used by the ACMA: <https://www.acma.gov.au/complain-telecommunications-ombudsman>.

### **At the point of a member receiving a complaint**

As noted in the general remarks, there is a real risk that too much information about the EDR at the outset will result in consumers contacting the TIO before the CSP has had the opportunity to consider the complaint. We therefore suggest that the 'reasonable steps' in this section be substantially revised to support CSPs to provide the *right level of information* about EDR at the appropriate point in the complaints process. As such, we suggest that:

- step 1 include reference to staff training to classify and manage complaints (rather than this being included as a separate step at 4).
- step 3 be redrafted to focus on the IDR process.
- to meet the TIO's objective of ensuring customers are aware of the full process, in context, reference to the published complaints handling process could be included at this point.
- the current step 4 to be removed (as noted above).
- the current step 5 (now step 4) and current step 6 be merged and revised to make it clear that if the complaint (whether received verbally or in writing) **is not resolved**, more detailed information of the EDR should be provided to the customer (i.e. the TIO's details).

Additionally, it would seem unnecessary to ask CSPs to provide full postal address and fax number for the TIO in any instance, but particularly verbally. Reference to the TIO's website and phone number would appear to be more reasonable.

### **At completion or closure of a complaint**

The suggestion in the opening paragraph under 'steps a member can take' that CSPs 'clearly advise customers of the TIO **in all customer-facing materials**' appears to suggest that every piece of collateral produced should reference the TIO. This is not appropriate and should be

removed. The focus should be on CSPs informing customers about the complaints handling process (covering IRD and EDR in context) at appropriate points (as discussed above) **and pointing to the EDR where issues cannot be resolved through the IDR.**

In relation to the specific steps outlined, as above, it is unclear why the guidance deals with verbal and written complaints separately (points 1 and 2 could be merged). Additionally:

- steps 1 and 2. The focus should be on providing information on the EDR where complaints have not been resolved. See also below.
- step 5 is a repeat of step information already included in the first stage (good practice) and should be removed.
- step 3. As per earlier comments, to be of assistance to the consumer, information about the EDR should be in context. As before, we suggest that this is best achieved through reference to the published complaints handling process. This is covered in earlier stages in the guidance.

Please do not hesitate to contact either Peppi Wilson, Senior Manager Policy and Regulation, or me, with any questions, or to discuss further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Luke Coleman', with a long horizontal flourish extending to the right.

Luke Coleman  
**Chief Executive Officer**