

Prodigy Telecom directed to join TIO scheme

ACMA recently issued a direction to Prodigy Telecom Pty Ltd (Prodigy) to join the Telecommunications Industry Ombudsman (TIO) scheme. Membership of the TIO scheme is a core obligation of all telecommunications service providers.

Both the TIO and ACMA have made repeated attempts to encourage Prodigy to voluntarily join the TIO scheme, without success. In the direction, Prodigy was given 21 days to join the scheme and, if it fails to join, ACMA can then seek pecuniary penalties through the Federal Court.

The TIO scheme was established as part of the co-regulatory regime in the communications industry, to deal with complaints by residential and small business customers about carriage services. The scheme is an essential consumer protection mechanism that provides an independent avenue for resolving

disputes between customers and their communications service provider.

The failure of this service provider to join the scheme means that its customers do not currently have the same level of protection as other consumers.

THE TIO SCHEME

The Telecommunications Industry Ombudsman was established by the Australian Government in 1993 as a free and independent alternative dispute resolution scheme for small business and residential consumers in Australia with unresolved complaints about their telephone or internet services.

The TIO is independent of industry, the government and consumer organisations and can investigate, make determinations and give directions about complaints by end-users on the provision or supply of

telecommunications services, which includes internet access services.

Carriers and eligible carriage service providers are obliged to become members of the TIO scheme under section 128 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. Members of the scheme must comply with the TIO Memorandum and Articles of Association and the TIO Constitution.

The TIO scheme derives its income solely from fees charged to members for the provision of complaint-resolution services. A member is charged complaint-handling fees if the TIO receives a complaint from one of its customers. This acts as an incentive for members to keep TIO investigations to a minimum by developing and maintaining effective complaint-handling and customer service procedures.

Customers should contact their service provider first if they have a complaint. Service providers are required to provide information to customers about how they can make a complaint, which must be accessible to all customers, including those with disabilities and from non-English-speaking backgrounds. Service providers must also tell customers about their options if they are not satisfied with the outcome of their complaint. In some cases, this may mean a customer can escalate a complaint within the service provider organisation and, if still dissatisfied, then contact the TIO.

Complaints can be lodged with the TIO by email, telephone, fax or mail. More information about the TIO is on the website at www.tio.com.au or contact the TIO on (freephone) 1800 062 058.

New digital commercial television service for Darwin

ACMA has allocated a commercial television broadcasting licence to provide a digital-only service for Darwin, joining the four digital television services already operating there and adding to the diversity of programming available.

The licence was allocated to Darwin Digital Television Pty Ltd, a joint-venture company owned by the two existing commercial television broadcasting licensees in the Darwin television licence area: Regional Television Pty Ltd (Southern Cross

Darwin) and Territory Television Pty Ltd (NTD Nine).

Darwin Digital Television will operate its new service on channel 33 in Darwin and on channel 47 in Darwin North and will broadcast to the same area as the existing commercial television broadcasting services in the Darwin television licence area. It has 12 months to start the new service.

The *Broadcasting Services Act 1992* provides for the allocation of an additional commercial television

broadcasting licence in markets where only two commercial television broadcasting licences are in force. The additional commercial television broadcasting service is to operate in digital mode only.

The other four digital television services operating in Darwin are the ABC on channel 30, NTD Nine on channel 31, Southern Cross Darwin on channel 32 and SBS on channel 29.

ACMA released an explanatory paper and variation to the digital channel plans for the Northern

Territory: Part 1 – Darwin area. The variation assigns UHF channels 33 and 47 to Darwin Digital Television Pty Ltd. The digital channel plans also include the allotment and assignment of digital channels for the national and commercial television repeater services in Darwin North.

The explanatory paper and variation to the digital channel plans are available on the ACMA website at www.acma.gov.au.

Children's and preschool programs

GRANTED CLASSIFICATION, MAY 2007

Program title	Series	Episode description	Program style	Program type	Country of origin	New/renewal	Class	Decision date	Applicant
<i>Erky Perky</i>	2	201-226	Animation	Drama – series	Australia	New	CD	21/5/07	Erky Perky Pty Ltd
<i>Hi-5</i>	9	Jan-45	Live action	Light entertainment – magazine	Australia	New	P	16/5/07	Kids Like Us Pty Ltd
<i>Totally Wild – Antarctic Specials</i>	n/a	TNLS2/382-387	Live action	Information – magazine	Australia	New	C	2/5/07	Network TEN Pty Ltd
<i>Wormwood</i>	1	1-13	Live action	Drama – series	Australia	New	CD	23/5/07	Great Western Entertainment Pty Ltd

Class – Classification, C – C Classification, CD – C Drama, P – P Classification, PRC – Provisional C, PRP – Provisional P
A classification expires five years after the date it was granted or renewed.