

13 May 2016

Mr Jonathon Seymour  
PO Box 1951  
NORTH SYDNEY NSW 2059

By email to jon.seymour@gmail.com

Dear Mr Seymour

## Your complaint to the TIO

<b>TIO reference</b>	2016/04/04885
<b>Service provider</b>	Telstra Corporation

I refer to your complaint about Telstra Corporation in relation to the Mobile Premium Service.

I am a Senior Dispute Resolution Officer. Your complaint has been referred to me for a review of our decision not to consider your complaint further.

## Background

You say that your complaint is in relation to the Mobile Premium Service system which allowed Telstra Corporation to apply unauthorised charges to your mobile phone bill.

By letter dated 13 April 2016, we told you that we were unable to consider your complaint further because we considered Telstra Corporation's response to your complaint fair and reasonable. We considered the response to be fair and reasonable because Telstra Corporation had compensated you for your financial loss and had stopped the Mobile Premium Service charges.

On 13 April 2016, you wrote to us and asked us to review our decision not to handle your complaint. In your email you provided us with a copy of your letter to Telstra Corporation, which contain multiple questions you want Telstra Corporation to respond to.

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Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787

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Email [tio@tio.com.au](mailto:tio@tio.com.au)  
Web [www.tio.com.au](http://www.tio.com.au)

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National Relay Service  
<http://relay.service.gov.au>  
or call 1800 555 677\* (for TTY)  
or 1800 555 727\* (for Speak & Listen)  
then enter or ask for 1800 062 058\*

## My review of our decision

I have reviewed the information on our file including your most recent correspondence of 13 April 2016. I confirm that the TIO will not consider your complaint further.

The types of complaints we can consider are outlined in our Terms of Reference. The TIO does not have the power to impose penalties or fines on telecommunication service providers. This power rests with the courts and the regulatory bodies such as the Australian Communications and Media Authority and the Australian Competition and Consumer Commission.

The TIO can consider whether a telecommunication service provider breached its obligation as a result of which its consumer suffered a financial detriment. If we found that the breach occurred which led to financial detriment, we could require the telecommunication service provider to remedy the detriment. Where the provider remedied any detriment, there would be no further role for the TIO as the TIO would not investigate the reasons if and why the breach or error occurred in such circumstances.

On the information you have given to us, it appears that Telstra Corporation has provided you with a compensation for any financial loss you may have suffered. You told us that the compensation offered by Telstra Corporation is in excess of your direct loss and that you were satisfied with Telstra Corporation's response in this regard. Taking into account the TIO's role, we are satisfied that Telstra Corporation's response is fair and reasonable. Because there appears to be no outstanding financial detriment, there is not further role for this office. This means that our file remains closed.

If you wish to contact the regulators of the industry, you will find their contact details under the following links

- The Australian Competition and Consumer Commission  
<https://www.accc.gov.au/contact-us/contact-the-accc#complaints-and-enquiries>
- The Australian Communications and Media Authority  
<http://www.acma.gov.au/theACMA/contact-the-acma-acma-1>

If you have any questions about this letter you are welcome to contact us.

Yours sincerely

Paulina Sztukiewicz  
**Senior Dispute Resolution Officer**