

14 July 2020

Commerce Commission  
PO Box 2351  
Wellington 6140

**SUBMISSION on  
Draft 111 Contact Code and Draft Copper Withdrawal Code**

**1. Introduction**

Thank you for the opportunity to make a submission on the draft 111 contact code and the draft copper withdrawal code. This submission is from Consumer NZ, New Zealand's leading consumer organisation. It has an acknowledged and respected reputation for independence and fairness as a provider of impartial and comprehensive consumer information and advice.

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**2. Draft 111 contact code**

Consumer NZ supports the intent of the draft 111 contact code. However, we have some concerns about the drafting of the code.

***2.1 Process for being identified as a vulnerable consumer***

Our main concern is the process set out in the code to determine whether a consumer is vulnerable. As drafted, the code places the onus on consumers to identify themselves as vulnerable and make an application to their provider with supporting evidence.

However, vulnerable consumers may not always identify themselves as such nor will they always be in the best position to make an application.

For example, scenario 3 on page 19 of the draft code describes a vulnerable consumer in the early stages of dementia. If this consumer doesn't have family or other support, it's likely they would struggle to follow the process required to prove they're vulnerable.

To strengthen the code, we suggest retailers should be required to take steps to identify potentially vulnerable consumers and ensure they're not left without access to emergency services. The code could set out objective criteria to assist retailers in identifying customers who may be vulnerable.

## **2.2 Definition of vulnerable consumer**

Under clause 6.3 of the draft code, a retailer must provide customers with the "definition of a vulnerable consumer". However, as drafted, the definition of a vulnerable consumer in clause 9 may be too limited to adequately inform customers of the code's intended coverage.

The only example given of a vulnerable consumer is a person with a known medical condition. However, consumers may be vulnerable due to other factors, such as age, mental health, disability or living arrangements.

We therefore recommend the definition is amended to avoid giving the impression a consumer is only vulnerable if they have a known medical condition. Including further examples will also prevent retailers from adopting a narrow interpretation of the code.

## **2.3 Rectifying and resubmitting applications**

Under clauses 12.4 and 12.5, a retailer can require an application to be recertified or resubmitted after 12 months. We consider retailers should only be able to impose such a requirement if there are reasonable grounds to believe there have been material changes in the person's circumstances.

We're concerned retailers may use these clauses to routinely require vulnerable consumers to re-establish their status when there are not reasonable grounds for doing so. A recertification requirement every 12 months would impose an undue burden on an already vulnerable group.

## **2.4 Access to independent information**

We consider retailers should be required to inform customers where they can access independent information about telecommunications services and consumer rights. We consider this information should be provided by the Commerce Commission or another independent body.

### **3. Draft copper withdrawal code**

We have two main comments on the copper withdrawal code.

#### **3.1 Access to independent information**

We consider Chorus should be required to inform consumers where they can access independent information about telecommunications services and consumer rights. This information should be provided by the Commerce Commission or another independent body.

#### **3.2 Publishing data**

Under clause 62, Chorus is required to disclose certain information to the Commerce Commission each financial year. We consider the code should also require Chorus to publish this information on its website so it is also publicly available.

Thank you for the opportunity to make a submission on the draft codes. If you require any further information, please do not hesitate to contact me.

Yours sincerely

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Consumer advocate