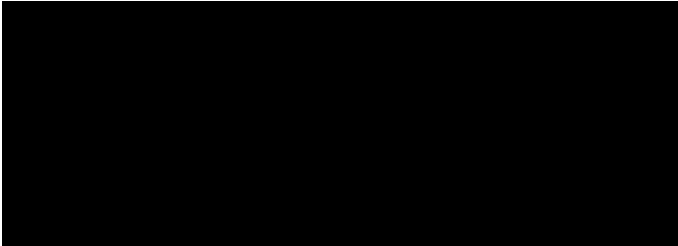


5 July 2024



### Official Information Act #23.285 – Response

1. We refer to your request received on 8 June 2024 for information about One NZ. You would like to know:
  - 1.1 if the Commerce Commission (the Commission) has received any complaints that have been investigated re the advertised pricing on ONE.NZ's website and the price customers are being billed for Wireless Broadband; and
  - 1.2 if the Commission has received any inclusivity complaints.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).
3. On 11 June 2024, we endeavoured to clarify the second part of your request, but we did not receive a response.

### Our response

4. The Commission has received **eight** enquiries about consumers being billed a different price for their broadband services<sup>1</sup> to what is advertised on One NZ's website. The Commission received these enquiries during the period 8 June 2022 to 8 June 2024.
5. Two of the eight enquiries, including your complaint, explicitly noted the differences in One NZ's wireless broadband website representations and what the consumer was billed.

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<sup>1</sup> We have included enquiries that mention 'broadband' generally and those that mention Wireless, ADSL, VDSL and Fibre broadband connections.

6. The general theme of the enquiries were consumers alleging that One NZ did not disclose on their website that broadband prices were GST exclusive, and that GST would be added to the consumers invoice when billed.
7. All enquiries had an outcome of no further action (NFA).<sup>2</sup> No investigations were opened following receipt of these enquiries.
8. It is important to consider enquiry numbers in the following context:
  - 8.1 Enquiries data on its own cannot paint a complete picture of compliance with the law. The fact that a complaint has been received does not necessarily mean that a trader has done anything wrong, or any harm has been caused to any consumer or competitor. Some enquiries will not be investigated by the Commission because they are unfounded or outside our jurisdiction, and some enquiries that are investigated will not proceed to further action.
  - 8.2 The enquiries data only reflects what consumers have chosen to report to the Commission or to other organisations that have, in turn, provided information to the Commission. Some enquiries on the same matter are likely to have reached other complaint bodies instead of the Commission.
  - 8.3 Larger traders are likely to generate more enquiries as a function of their scale; we have not adjusted for this.
  - 8.4 Enquiry volumes for a trader can be about a single matter or multiple matters. Some matters that attract a high level of publicity can generate a large volume of enquiries.
9. As noted above, we did not receive a response to our email of 11 June 2024 seeking clarification. We are therefore unable to provide any information on “inclusivity complaints” at this time.

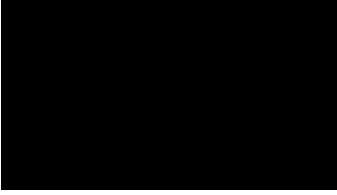
#### **Further information**

10. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
11. Please do not hesitate to contact us at [oa@comcom.govt.nz](mailto:oa@comcom.govt.nz) if you have any questions about this response.

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<sup>2</sup> The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

Yours sincerely



OIA and Information Coordinator