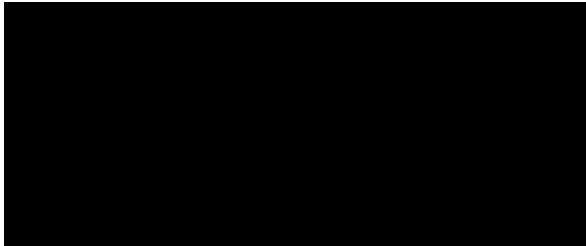


7 August 2023



### **Official Information Act #23.012 – Response**

1. We refer to your request received on 10 July 2023 for information about One New Zealand Limited (One NZ). You would like to know how many complaints the Commerce Commission (the Commission) has received about One NZ and default charges.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

3. The Commission has received 22 complaints or enquiries in the period 1 January 2023 to 10 July 2023 about One NZ and default charges.
  - 3.1 This total, (22 complaints or enquiries) includes your complaint, ENQ0581600 and includes complaints about late fees, default charges, and charges added at debt collection.
  - 3.2 Not included in the total are any complaints or enquiries about credit card fees, where there is dispute over a bill amount or the bill being sent to a debt collector in general, unless late fees are mentioned in the complaint.
4. All complaints or enquiries received by the Commission are entered into our database by reference to the name of the relevant trader. We have identified that complaints or enquiries received about One NZ are entered against the trader's current name "One NZ" and former names "Vodafone NZ" and "Vodafone" and "Vodafone One NZ".

5. The Commission has decided not to take any further action<sup>1</sup> in relation to your complaint or any of the other 21 complaints or enquiries referenced above, at this time. There are a number of reasons why the Commission may decide not to take any further action in relation to a complaint or enquiry.
6. To provide context to how the complaints or enquiries were assessed, we have outlined the Commission's screening process below.

*Commerce Commission's complaint process*

7. All complaints or enquiries received by the Commission are logged in our database and assessed by our Screening and Analysis Team on the basis of the information available at the time. When conducting this assessment, the team considers:
  - 7.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
  - 7.2 the Commission's Enforcement Response Guidelines;<sup>2</sup> and
  - 7.3 the Commission's strategic priorities and resourcing constraints.
8. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
9. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.<sup>3</sup>
10. This process enables us to identify complaints that best reflect our current enforcement priorities.<sup>4</sup> The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

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<sup>1</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.

<sup>2</sup> Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

<sup>3</sup> Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: [https://comcom.govt.nz/\\_data/assets/pdf\\_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf](https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf).

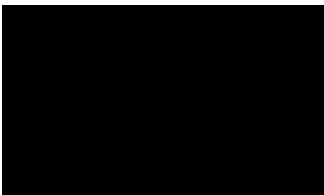
<sup>4</sup> For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

11. It is important to consider complaint numbers in the following context:
- 11.1 Complaints 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 complaints will not be investigated by the Commission because they are unfounded or outside our jurisdiction, and some complaints that are investigated will not proceed to further action.
  - 11.2 The complaints 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 complaints on the same matter are likely to have reached other complaint bodies instead of the Commission.
  - 11.3 Larger traders are likely to generate more complaints as a function of their scale; we have not adjusted for this.
  - 11.4 Complaint 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 complaints.

**Further information**

- 12. 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.
- 13. Please do not hesitate to contact us at [oya@comcom.govt.nz](mailto:oya@comcom.govt.nz) if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator