



Submission on the Commerce Commission's draft report on recommendations for improvement to the TDRS

27th September 2021

Technology Users Association of NZ Inc
PO Box 65503
Mairangi Bay
Northshore 0754
www.tuanz.org.nz

Introduction

1. TUANZ is pleased to submit in relation to the draft report and recommendations released on 30th August 2021 on the current review of the Telecommunications Disputes Resolution Service. This submission is a Public Version and contains no confidential information.
2. Our address is PO Box 65503, Mairangi Bay, Northshore 0754 or Level 7, 62 Victoria Street West, Auckland Central. Our email address is office@tuanz.org.nz and our website can be found at <https://www.tuanz.org.nz>.

The Technology Uses Association of NZ Inc (TUANZ)

3. TUANZ is the association for the users of digital technology and connectivity which is in its 35th year since incorporation. We are unique - **we believe there is no other group or organisation that is representative of the people and organisations that are the end users of digital technologies in the manner that TUANZ is. We value our independence and will always seek to speak for users without undue influence.**
4. Our member's want to see a lift in the digital economy along with the continued development of strong markets across the technology and connectivity sectors providing real choice for end users – whether corporations or consumers. We seek a national drive to leverage the opportunities that we have with our world leading digital networks. **TUANZ has the vision where New Zealand is one of the top 10 digital ready nations by 2030.**
5. TUANZ position is consistent and clear: **The availability of competitively priced, good quality, fast connectivity in all parts of NZ is a critical economic enabler for the future of the NZ economy.**
6. TUANZ is a not-for-profit membership association with over 170 members, predominantly large organisations with a strong dependency on digital technology and connectivity as well as small enterprises and individual members. These small businesses and residential users are the customers of our large corporate members, who are just as focused on the quality of their customers' connectivity as their own.

Our positions remain

7. As stated in our previous submissions, our position in regards to the TDRS has not significantly changed since we made submissions during the most recent review of the Act.
8. To reiterate our high level concerns they are listed here:
 - a. The TDR Council should be strengthened with more governance powers and responsibilities delegated to it by the TCF to develop policy and be given the power to manage the contract with the service provider. This should include setting policy and budget. This move will increase the perceived independence of the scheme.
 - b. The Customer Complaints Code should be a required regulated code giving the Commerce Commission oversight of the process and that the scope of the service should be regularly reviewed.
 - c. The scope of the TDRS should be extended to cover the aspects of service quality that are identified in the Commission's review as being those that are critical to users receiving a quality, made for purpose service.
 - d. There should be a requirement for all providers of telecommunications services in New Zealand to end users to be part of an approved disputes service such as the TDRS.
 - e. As a minimum, there should be a requirement on members of the TDRS to advertise the fact through their website and customer communications. The Broadcasting publicity notices as required by Section 6(1)(ba) of the Broadcasting Act (1989) could be used as an example to base the development of these requirements
9. The recommendations contained in the draft report address all of these except for (d) which calls for a much broader coverage of the scheme. We would like to remind the Commission of this point, and indicate that we remain of the view that New Zealand should follow the Australian situation where all service providers are required to be members.
10. We support and agree with the majority of the Commission's recommendations as outlined in the table below.

Response to recommendations

11. TUANZ is represented on the TDR Council by the CEO and he has been part of the discussions on the Council's submission. Much of our response will align with their submission.

#	Response
DR1	Agree
DR2	Agree
DR3	Agree
DR4	Agree
DR5	Agree
DR6	Agree
DR7	Agree
DR8	Agree
DR9	Agree
DR10	<p>We agree with the comments that the TDR Council proposes to include in their submission as follows:</p> <p><i>The council supports the publication of case notes, guides and summaries of anonymised determinations. All of these tools are useful in enhancing early resolution, preventing further disputes and aiding scheme transparency, especially in cases where there are widespread issues. Summarised determinations can be useful when disputes involve complex and/or multiple issues. In some high profile cases, it may be prudent to publish the full written determination.</i></p> <p><i>In the first instance, the Council considers that the number of case notes needs to be increased, including jurisdictional decisions, and TDRS should publish summaries of determinations.</i></p> <p><i>Because the TDRS has a number of tools for educating consumers and scheme participants about its approach to common issues, criteria will need to be established as to whether case notes, summarised determinations and/or guides (with linked case notes) or full determinations are most useful in the circumstances. Consideration also needs to be given to any potential impact on TDRS's ability to resolve similar, but different, cases in the future and to avoid the perception that the TDRS is overly rigid or legalistic.</i></p>
DR11	Agree

DR12	Agree
DR13	Agree
DR14	Agree
DR15	Agree
DR16	Agree and should be clarified to ensure that a complainant may add further information and comments to their original complainant during the process.
DR17	Agree
DR18	Agree
DR19	Agree
DR 20	Agree and support option (a) for the funding of the scheme to ensure full independence
DR21	Agree that the makeup of the Council should be restructured and propose that it ensures that consumer and independent members are in the majority with a simple 50% requirement for any vote.
DR22	Agree
DR23	As outlined above in (9) we favour compulsory membership of the scheme.
DR24	Agree

Final Comments

12. TUANZ welcomes the opportunity to provide the Commission with this submission in regards to the draft recommendations in regards to their review of the TDRS. This paper provides a summary of feedback from our organisation that represents actual users of technology and digital communications. As always we have attempted to provide a succinct and clear enunciation of the views of our members.
13. We look forward to working further with the Commission on this matter..

Contact

Craig Young
Chief Executive Officer
TUANZ

craig.young@tuanz.org.nz

021 488 188