

Submitter: Anonymous

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2024 review of the Telecommunications Dispute Resolution Scheme

Question 1: Which of the following best describes you?

I am completing this form on behalf of another person

Please tell us who you are completing this form for, and your relationship to them

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Have you contacted the Commission before?

No

Please enter your question or comment here

In addition to power imbalance, the key problem with the current TDR setup is lack of independence. The industry which is highly interconnected policing itself is problematic. How the TDR is funded and organised, combined with the 'unseen' decision making process specifically supports industry bias and conflicts of interests. The TDR membership holds undue influence over personnel including incentives/disincentives of any actions. TDR personnel are also TDR member customers. The privileged position of 'TDR Members' with 'unfettered' customer information access creates an imbalance. 'TDR Complainants' are unable to access impartial, independent decision outcomes when the 'TDR Process' is designed with bias and conflicts of interests favouring 'TDR Members'. TDR personnel do not adequately factor past enforcement action leading to criminal charges/conviction taken by the Commerce Commission against the TDR member(s). Or, potential for bad faith engagement by the TDR member(s). Consumer NZ input, alongside a range of stakeholders such as New Zealand Law Society, would provide some objectivity to the current and replacement TDR regime. Importantly, as telecommunication services are pervasive and a necessity for all people in modern society, anyone involved in case decision-making 'adverse' to TDR Members are conflicted with potential repercussions. Additional conflict of interest risks become apparent with TDR Members and Government Services Agreements - with growing coordination efforts (including with the Minister of Commerce) making Commerce Commission regulatory enforcement increasingly problematic. In the same way the monetisation/enabement of immoral/illegal content transmitted over TDR member networks, there is further conflict around ethical conduct/regulatory enforcement. A further recommended change would be to assess the likelihood of TDR member illegal conduct at the onset of complaint to ensure other jurisdictional/regulatory resource is notified and enabled.