

11 April 2024

By email to: Mobile Stakeholder Group
 Broadband Stakeholder Group
 Consumer Stakeholder Group

Tēnā koutou

2024 Review of the Telecommunications Dispute Resolution Scheme (TDRS)

In my letter setting out our telecommunications work plan for the year,¹ I signalled that we intended to review the work we have already done to improve retail service quality for consumers, starting with our work on improving the telecommunications dispute resolution scheme (TDRS).

In 2021, we undertook a comprehensive review of TDRS, with the assistance of cameron.ralph.khoury (CRK), leading international experts in dispute resolution schemes. This resulted in a report setting out wide-ranging recommendations for improving the efficiency and effectiveness of TDRS for consumers.² These recommendations were implemented by the Telecommunications Forum (TCF) over the following two years.

The purpose of this letter is to confirm the process and approach we intend to take for our 2024 review of the scheme. This will focus on the changes that have been made to TDRS in response to our recommendations.³ As noted in my earlier letter, this review will constitute our second statutory review of TDRS, as required by section 246 of the Telecommunications Act 2001 (the **Act**).

We intend to take a targeted approach to this review, focusing on the extent to which the changes made in response to our 2021 report have led to improved outcomes for consumers and what further changes may be required to improve the scheme.

¹ See “Telecommunications - 2024 Work Plan” letter to industry at https://comcom.govt.nz/data/assets/pdf_file/0019/345313/Telecommunications-2024-work-plan-Letter-to-industry-29-February-2024.pdf

² The Report to the New Zealand Telecommunications Forum Inc (TCF) on recommendations for improvements to the TDRS published on 11 November 2021 can be found at https://comcom.govt.nz/data/assets/pdf_file/0020/270083/Report-to-the-New-Zealand-Telecommunications-Forum-on-recommendations-for-improvements-to-the-TDRS-11-November-2021.pdf

³ The integrated process and approach we are taking has been informed by the framework we set out for reviews of the industry dispute resolution scheme. See *Review of Industry Dispute Resolution Schemes – Framework Paper*, 29 March 2021, at https://comcom.govt.nz/data/assets/pdf_file/0026/251387/Review-of-industry-dispute-resolution-schemes-Framework-paper-29-March-2021.pdf.

The table below sets out the key steps and indicative timing for our review:

Process step	Estimated date
Launch letter launching the review and covering Process and Issues	11 April 2024
Views on TDRS due	23 May 2024
Publication and summary of views received	June 2024
Publication of expert report	August 2024
Publication of draft report and draft recommendations	August 2024
Consultation on draft report and draft recommendations	September 2024
Submissions on draft report and draft recommendations due	September 2024
Publication of our final report and recommendations	November 2024

We are interested in stakeholder views on whether, and by what measure, outcomes have improved in the six key areas targeted in our 2021 report:

- (1) **Awareness** – increasing consumer awareness of the scheme that, at the time of the 2021 review, was just 13%;⁴
- (2) **Practice management** – improving the way the scheme produces position statements and case studies;
- (3) **Systemic issues** – improving reporting to better identify and address systemic issues;
- (4) **Complaints handling** – improving the complaints handling processes and reducing turnaround times;
- (5) **Jurisdiction** – reducing exclusions that limited the type and number of complaints the scheme could adjudicate;
- (6) **Governance** – improving the governance and increasing the independence of the scheme.

⁴ MBIE New Zealand Consumer Survey 2020

We are also interested in views on what other gaps may exist between current and best practice⁵ and how these should be addressed.

We want to hear from a wide range of relevant stakeholders – including consumers who have used TDRS in the period since the 2021 review. We intend to engage CRK to assist us in collating stakeholder feedback and undertaking certain tasks for the review.

With this in mind, we invite you to share your views on the following three questions:

- (1) How effective have the changes to TDRS been in improving outcomes for consumers? Please tell us where you consider changes have or have not been successful and the reasons for your view.
- (2) Are there any other ways TDRS could be improved for the benefit of consumers and to maintain best practice in this area? Please tell us what further specific changes you consider necessary and why.
- (3) Are there any issues or opportunities that should be addressed in this review?

We look forward to receiving your views by the **23 May 2024** deadline. Please email your views to market.regulation@comcom.govt.nz.

Please contact Andrew Young at andrew.young@comcom.govt.nz if you have any questions in relation to this letter.

Ngā mihi nui

Tristan Gilbertson
Telecommunications Commissioner

⁵ As with the previous review, our consideration of best practice will include comparable sector-specific schemes in New Zealand and other jurisdictions, the principles developed by the NZ Government Centre for Dispute Resolution, as well as the more general matters set out in s 246(2) of the Act.