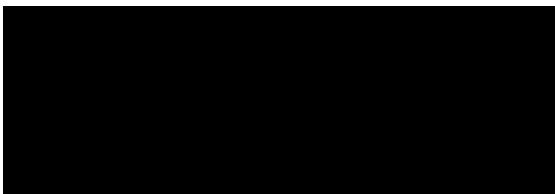


Commission 111 Contact Code 2024

This version of the Code is the Commission 111 Contact Code as amended by the Commission 111 Contact Code (Amendment Version 2024).

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COMMERCE COMMISSION

Wellington, New Zealand



Status of this Code

- This version of the Code includes the amendments to the principal Commission 111 Contact Code (as published on 17 November 2020) made by the Commission 111 Contact Code (Amendment Version 2024) which comes into force on 1 July 2024.
- This version of the Code is an official version incorporating the amendments to the principal Commission 111 Contact Code (as published on 17 November 2020).

Associated documents

Publication date	Reference	Title
12 September 2019	ISBN 978-1-869457-55-6	Commission 111 Contact Code Emerging Views Paper
11 March 2020	ISBN 978-1-869458-02-7	Commission 111 Contact Code: Draft Decisions and Reasons Paper
11 March 2020	ISBN 978-1-869458-01-0	Draft Commission 111 Contact Code
11 March 2020	2020-au1101	New Zealand Gazette Notices “Notification of Commerce Commission’s Draft 111 Contact Code”
17 November 2020	ISBN 978-1-869458-53-9	Commission 111 Contact Code: Decisions and Reasons Paper
17 November 2020	2020-au5242	New Zealand Gazette Notices “Notification of Commerce Commission’s 111 Contact Code”
17 November 2020	ISBN 978-1-869458-52-2	Commission 111 Contact Code
18 May 2023	ISBN 978-1-991085-00-9	111 Contact Code Review - Request for views on the effectiveness of the 111 Contact Code in meeting the requirements in the Act
18 December 2023	ISBN 978-1-991085-63-4	111 Contact Code Review – Draft decisions and Reasons
18 December 2023	978-1-991085-62-7	Draft Commission 111 Contact Amended Code 2024
18 December 2023	2023-au5823	New Zealand Gazette Notices “Notification of Commerce Commission’s Draft Amendments to the 111 Contact Code”
26 June 2024	ISBN 978-1-991287-45-8	Commission 111 Contact Code 2024 - Decisions and Reasons paper
26 June 2024	ISBN 978-1-991287-43-4	Commission 111 Contact Code (Amendment Version 2024)
26 June 2024	2024-au2994	New Zealand Gazette Notices “Notification of Commerce Commission’s Amendments to the 111 Contact Code”

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Introduction to the Commission 111 Contact Code

As consumers of residential landline services transition away from using traditional copper voice services to new telecommunications technologies, they may be unable to contact the 111 emergency services during a power failure at their premises. This is because some new telecommunications technologies and devices will not work in a power failure (such as fibre, fixed wireless, cordless phones and medical alarms with no inbuilt battery). Calling 111 is the primary means to request emergency assistance from the ambulance, police and fire and emergency services.

This Code recognises a subset of consumers who are more likely to need to contact the 111 emergency services (due to health (eg, a known medical condition), safety, or disability reasons) and do not have a means to do so in the event of a power failure. For the purposes of the Code, these consumers are called vulnerable consumers.

The Code sets out mandatory requirements on providers of residential landline services to provide vulnerable consumers with appropriate means of contacting the 111 emergency services in the event of a power failure. The Code also requires these providers to inform consumers of the options available for vulnerable consumers to contact the 111 emergency service in the event of a power failure (including information on what telecommunications technologies and devices may not work in a power failure), and to disclose certain information to the Commission each year (such as how many vulnerable consumers the provider has).

The Code is administered by the Commerce Commission. More information about the Commission 111 Contact Code can be found on the Commission website here:

<https://comcom.govt.nz/regulated-industries/telecommunications/telecommunications-for-consumers/commission-111-contact-code>.

A. Commencement date

1. This Code comes into force as follows:

1.1 Section H comes into force on 1 August 2021; and

1.2 the rest of this Code comes into force on 1 February 2021.

Reference: Telecommunications Act 2001, section 238(2).

B. Application

2. This Code applies to residential landline services.

Reference: Telecommunications Act 2001, section 238(3)(a).

C. Grace period for complying with amendments to the Code

3. There is a grace period starting on 1 July 2024 and ending on 1 January 2025 to allow providers to come into compliance with the amendments to the Code made by the Commission 111 Contact Code (Amendment Version 2024) that came into force on 1 July 2024.

4. During the grace period providers will be considered to have complied with these requirements of the Code if they complied with the Code as it was prior to the amendments.

D. Purpose

5. The purpose of this Code is to ensure that vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means to contact the 111 emergency service in the event of a power failure.

Reference: Telecommunications Act 2001, section 238(1).

E. Defined terms

6. In this Code, unless the context otherwise requires,—

111 emergency service includes the ambulance service, police service and fire and emergency service, contacted directly by a consumer or via a qualified third party;

Act means Telecommunications Act 2001;

at particular risk of requiring the 111 emergency service has the meaning given at clause 13;

business landline services means a telecommunications service that is primarily marketed and/or provided for businesses purposes, and includes a telecommunications service provided to:

	(a) a company, as defined in the Companies Act 1993, as amended from time to time;
	(b) a body corporate;
	(c) a corporation sole;
	(d) a sole trader;
	(e) a partnership, as defined in the Partnership Law Act 2019, as amended from time to time;
Code	means this Commission 111 Contact Code;
Commission	means the Commerce Commission;
consumer	has the same meaning as given in section 232 of the Act, and, in the case of a residential landline service, includes: <ul style="list-style-type: none"> (a) the customer; and (b) a person who ordinarily resides at the premises where the residential landline service is supplied;
consumer's application	means an application made by a consumer of a residential landline service (or someone on behalf of that consumer), to a provider for the purposes of demonstrating that a consumer is (or will become) a vulnerable consumer;
copper landline service	means a landline service provided over a copper line using traditional analogue copper voice technology, but excludes any voice service that is provided using technologies (hardware or software) that rely on mains powered electricity at the premises;
customer	means a consumer who has a contract with a provider for the supply of a residential landline service;
family violence	has the same meaning as given in section 9 of the Family Violence Act 2018;
disclosure year	means a period of 12 months beginning on 1 July in any year and ending on 30 June in the following year;
health care services	has the same meaning as given in section 4(1) of the Health and Disability Services (Safety) Act 2001, as amended from time to time;

health practitioner	means a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession under the Health Practitioners Competence Assurance Act 2003;
industry dispute resolution scheme	has the same meaning as given in section 232 of the Act;
landline service	means a voice service provided over a fixed-line or fixed wireless;
managed medical or safety alarm	means a device, including a call bell, which: <ul style="list-style-type: none"> (a) provides a consumer with the ability to contact a 24/7 monitored contracted service, and (b) meets the requirements in section H of the Code;
minimum period	means a continuous eight-hour period;
naked broadband services	means a broadband service provided over a fixed-line or fixed wireless that is provided without a voice service;
network	has the same meaning as given in section 5 of the Act;
nominated person	means the person that has been nominated in a consumer's application in accordance with clause 18.8.1;
Notice of Potential Medically Dependent Consumer (MDC) Status	means the form provided at Appendix A of the Electricity Authority's 'Guidelines on arrangements to assist medically dependent consumers', as updated from time to time;
NZ Government Web Standards	means <i>Web Accessibility Standard 1.1</i> and <i>Web Usability Standard 1.3</i> (as amended from time to time, and any subsequent Standards that supplement or replace these Standards), issued by the New Zealand Government, effective from 1 July 2019, and, as updated from time to time;
power failure	means an interruption in the supply of electricity to a premises;
premises	means a house or building that: <ul style="list-style-type: none"> (a) is used or intended for residence by any person; and

	(b) is receiving a residential landline service;
protection order	means an order, or a temporary order, made under section 79 of the Family Violence Act 2018;
provider	means a supplier of a residential landline service to a consumer and excludes suppliers of health care services;
qualified third party	a company, as defined in the Companies Act 1993, as amended from time to time, or a person, contracted to be available and capable of contacting 111 emergency services 24/7, such as via qualified retirement village staff and relevant medical alarm call centres;
residential landline service	means a retail landline service provided to a consumer at a premises, and excludes: <ul style="list-style-type: none"> (a) mobile services; (b) naked broadband services; (c) applications that provide voice services over broadband services (such as Skype); (d) business landline services; and (e) copper landline services.
telecommunication	means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not;
telecommunications service	means any goods, services, equipment, and facilities that enable or facilitate telecommunication;
uninterruptible power supply	means a device that provides emergency power in a power failure and provides near-instantaneous protection from power interruptions; and
vulnerable consumer	has the meaning given in clause 12.

F. Requirement on providers to inform all consumers of residential landline services about options available for vulnerable consumers

7. A provider must provide information to consumers of residential landline services on the options available for consumers, including vulnerable consumers, to contact the 111 emergency service in the event of a power failure at the customer's premises.
8. For the purposes of clause 7, the information must specify:
 - 8.1 which telecommunications technologies may not work in a power failure (including fibre and fixed wireless), and the impact this may have on a consumer's ability to contact the 111 emergency service;
 - 8.2 which telecommunications devices may not work in a power failure (including cordless phones and medical alarms if they do not have an inbuilt battery), and the impact this may have on a consumer's ability to contact the 111 emergency service;
 - 8.3 alternative means of contacting the 111 emergency service in the event of a power failure;
 - 8.4 who is a vulnerable consumer for the purposes of the Code, including the definition of a vulnerable consumer and the process a consumer may follow to demonstrate they are a vulnerable consumer;
 - 8.5 that a provider must supply a vulnerable consumer, at no cost to that consumer, with an appropriate means of contacting the 111 emergency service that can be operated for the minimum period in the event of a power failure at the vulnerable consumer's premises;
 - 8.6 that a provider cannot deny or cease supply of a residential landline service on the basis that the provider knows or suspects a consumer is, or may become, a vulnerable consumer;
 - 8.7 how a consumer can contact the provider to discuss any of the information provided (including whether they, or someone they know, may be a vulnerable consumer); and
 - 8.8 how a consumer may make a complaint in relation to a matter arising under the Code, including that:
 - 8.8.1 a dispute between a consumer and a provider about their rights and obligations under the Code may be referred to an industry dispute resolution scheme by the customer or the provider;
 - 8.8.2 where a dispute under the Code concerns a consumer who is not the customer (ie they are a person who ordinarily resides at the customer's premises), the customer at the premises where the consumer resides may refer the dispute to an industry dispute resolution scheme on behalf of that consumer; and

8.8.3 a consumer may make a complaint to the Commission regarding the provider's compliance with the Code, but the primary method for making a complaint is to refer a dispute to an industry dispute resolution scheme.

9. The information listed in clause 8 must be provided to consumers in the following ways:
- 9.1 made easily accessible to all consumers on the provider's website in a manner that is consistent with the NZ Government Web Standards;
 - 9.2 made easily accessible to all customers at the point of sale, including through customer service representatives over the phone and in retail stores, and in online application forms for new services;
 - 9.3 provided to all customers of a residential landline service at least once every 12 months. The information must be provided directly to each customer:
 - 9.3.1 by the customer's preferred method of contact (eg, email, phone call); or
 - 9.3.2 if the provider does not know the customer's preferred method of contact, in writing in an easily discernible manner; and
 - 9.4 provided in an easily discernible manner to all customers of a residential landline service when:
 - 9.4.1 the customer first contracts with the provider for the residential landline service; and
 - 9.4.2 the customer switches to a different residential landline service or technology with the same provider that may not work in a power failure.
10. For the purposes of clause 9, the information must be provided so that a customer is not able to purchase a residential landline service or switch between residential landline services or technologies without being made aware of such information.
11. For the purposes of clause 8.4, the information must note the existence and purpose of the written application form referred to in clause 16.3, and ensure the form is readily available to consumers.

Reference: Telecommunications Act 2001, sections 238(3)(b).

G. Process for a consumer to demonstrate they are a vulnerable consumer

G1 Definition of a vulnerable consumer

12. A vulnerable consumer means a consumer of a residential landline service, who:
- 12.1 is at particular risk of requiring the 111 emergency service; and
 - 12.2 does not have a means for contacting the 111 emergency service that can be operated for the minimum period, in the event of a power failure.

13. For the purposes of clause 12.1, a consumer who is “at particular risk of requiring the 111 emergency service” means a consumer who is more likely than other consumers to require the 111 emergency service because of a specific circumstance applicable to that consumer.

Reference: Telecommunication Act 2001, section 238(5).

G2 Process for a consumer to demonstrate they are a vulnerable consumer

14. A provider must make available a process for a consumer, or someone on their behalf, to apply to the provider to demonstrate that consumer is (or will become) a vulnerable consumer.
15. For the purposes of clause 14, the process made available must comply with the requirements in clauses 16 to 28.

General

16. The process made available must:
- 16.1 be easily accessible for consumers, bearing in mind the needs of vulnerable consumers;
 - 16.2 not be unreasonably difficult for a consumer to fulfil; and
 - 16.3 provide a written application form for a consumer to use that requests the information required by clause 18.
17. The provider must make clear in the written application form that if a vulnerable consumer, or someone on their behalf, were to reject the appropriate means supplied by the provider which complies with the requirements set out in section H of this Code then:
- 17.1 their application can be considered withdrawn and no means needs to be supplied by the provider; and
 - 17.2 the consumer, or someone on their behalf, is able to reapply to demonstrate that they are (or will be) a vulnerable consumer.

Guidance note: A template written application form is provided on the Commission’s website. A provider may choose (but is not obliged) to offer this form for the purpose of clause 16.3.

Consumer’s application

18. An application by a consumer (or someone on their behalf) to a provider must be treated as complete by the provider if it contains all of the following information:
- 18.1 the consumer’s details, including:
 - 18.1.1 full name;
 - 18.1.2 customer account holder number;

- 18.1.3 full address of the premises receiving the residential landline service; and
- 18.1.4 contact details (eg, telephone/mobile number, email address, postal address);
- 18.2 if someone is applying on behalf of the consumer, the full name and contact details of that person;
- 18.3 which of the following categories most closely relates to the specific circumstance of the consumer that means that consumer is (or will become) at particular risk of requiring the 111 emergency service:
 - 18.3.1 health (for example, a specific circumstance is a known medical condition);
 - 18.3.2 safety (for example, a specific circumstance is family violence); or
 - 18.3.3 disability (for example, a specific circumstance is sensory impairment, intellectual impairment, or physical impairment);
- 18.4 whether the specific circumstance of the consumer is temporary or permanent;
- 18.5 if the specific circumstance of the consumer is temporary, the estimated period of time the specific circumstance will apply to the consumer;
- 18.6 a declaration by the consumer (or the person applying on behalf of the consumer) that the consumer who is the subject of the application:
 - 18.6.1 is (or will become) at particular risk of requiring the 111 emergency service; and
 - 18.6.2 does not have a means for contacting the 111 emergency service that can be operated for the minimum period, in the event of a power failure;
- 18.7 declarations by the consumer (or the person applying on behalf of the consumer) that:
 - 18.7.1 the information provided in the consumer's application is correct to the best of their knowledge;
 - 18.7.2 they understand the information provided in the consumer's application:
 - (a) will be stored with the provider; and
 - (b) may be shared with relevant third parties for the purposes of the provider providing and managing the customer's service;
- 18.8 either:
 - 18.8.1 the details of a nominated person (including name, contact details and occupation) the provider may contact to verify that the consumer is (or will become) at particular risk of requiring the 111 emergency service; or

- 18.8.2 sufficient evidence to support that the consumer is (or will become) at particular risk of requiring the 111 emergency service; and
- 18.9 if a consumer's application has provided the details of a nominated person (in accordance with clause 18.8.1) authorisation for the provider to contact the nominated person for the purposes of verifying that the consumer is (or will become) at particular risk of requiring the 111 emergency service.
19. For the purposes of clause 18.8.1, a nominated person must be someone who, by virtue of their occupation, is competent to give an opinion on whether the consumer is at particular risk of requiring the 111 emergency service, for example:
- 19.1 a health practitioner (where the application has stated the health or disability category most closely relates to the specific circumstance of the consumer, in accordance with clause 18.3); and
- 19.2 a police officer, a currently registered social worker, a lawyer (with a current practicing certificate), or a family court judge (where the application has stated the safety category most closely relates to the specific circumstance of the consumer, in accordance with clause 18.3).
20. For the purpose of clause 18.8.2, the following are examples of evidence that may be sufficient to support that the consumer is (or will become) at particular risk of requiring the 111 emergency service:
- 20.1 a completed 'Notice of Potential Medically Dependent Consumer (MDC) Status' form, which includes a certification from a District Health Board (DHB), private hospital or GP;
- 20.2 a protection order;
- 20.3 a letter from a health practitioner; and
- 20.4 documentation of impairment.
21. A consumer's application can be provided to a provider in any reasonable manner or form (eg, by phone call, by email, in large print).

What happens once a consumer makes an application to a provider

22. Within ten working days of receiving a complete consumer's application, a provider must inform the consumer (or the person acting on the consumer's behalf) that either:
- 22.1 the consumer's application has been accepted; or
- 22.2 the consumer's application has been declined.
23. For the purposes of clause 22.2, a provider is only permitted to decline a consumer's application on one or more of the following grounds:

- 23.1 the consumer who is the subject of the application is not a consumer of a residential landline service;
 - 23.2 the consumer's application has provided the details of a nominated person (in accordance with clause 18.8.1) and either:
 - 23.2.1 the nominated person does not satisfy the requirement in clause 19; or
 - 23.2.2 the nominated person considers that the consumer is not (or will not become) at particular risk of requiring the 111 emergency service;
 - 23.3 the consumer's application has provided the details of a nominated person (in accordance with clause 18.8.1) and the provider has not been able to contact the nominated person despite all reasonable efforts to do so;
 - 23.4 subject to clause 24, the consumer's application has provided evidence (in accordance with clause 18.8.2) and that evidence is insufficient to show that the consumer is (or will become) at particular risk of requiring the 111 emergency service; or
 - 23.5 the consumer has a means to contact the 111 emergency service that can be operated for the minimum period in the event of a power failure.
24. A provider is only permitted to decline a consumer's application on the ground specified at clause 23.4 if it has made reasonable efforts to assist the consumer to remedy the insufficiency of the evidence.
25. A provider is entitled to conclude that a consumer has a means for contacting the 111 emergency service at their premises that can be operated for the minimum period in the event of a power failure if the consumer already has a device or technology which meets the requirements under the Code, for example:
- 25.1 the consumer's premises receives a copper landline service;
 - 25.2 the consumer has unrestricted access to a mobile phone and that consumer's premises has adequate mobile phone network coverage;
 - 25.3 the consumer has an uninterruptable power supply to maintain a means for contacting the 111 emergency service in a power failure; or
 - 25.4 the consumer has a managed medical or safety alarm.
26. At the same time that a provider informs a consumer (or a person acting on the consumer's behalf) that the consumer's application has been accepted, the provider must also:
- 26.1 state that the consumer who is the subject of the application is now a vulnerable consumer of the provider;
 - 26.2 specify that the next step is to provide the consumer with an appropriate means to contact the 111 emergency service in the event of a power failure; and

- 26.3 provide an overview of the dispute resolution process available under the Code, including that a dispute between a consumer and a provider about their rights and obligations under the Code may be referred to an industry dispute resolution scheme by the customer or the provider.
27. At the same time that a provider informs a consumer (or a person acting on the consumer's behalf) that the consumer's application has been declined, the provider must also:
- 27.1 state the ground(s) the provider has relied on for declining the consumer's application, and provide sufficient additional information to enable the consumer to understand why the application has been declined on that ground; and
- 27.2 provide an overview of the dispute resolution process available under the Code, including that if the consumer disputes the provider's decision to decline the application, the dispute may be referred to an industry dispute resolution scheme.
28. If a consumer's application states that the specific circumstance of the consumer is temporary (in accordance with clause 18.4), a provider may require that consumer's application to be resubmitted after the period of time stated in the consumer's application in accordance with clause 18.5 has lapsed. If the consumer does not re-submit their application, the provider may regard that consumer as no longer being a vulnerable consumer in accordance with clause 41.3.

Reference: Telecommunications Act 2001, section 238(3)(c) and 4)(b).

H. Requirement on providers to provide vulnerable consumers with an appropriate means for contacting 111

H1 Requirement to provide appropriate means

29. A provider must supply each consumer that is a vulnerable consumer of that provider with an appropriate means for contacting the 111 emergency service in the event of a power failure at the vulnerable consumer's premises.
30. For the purposes of clause 29, an appropriate means is a means that is appropriate for the specific circumstances of a vulnerable consumer, taking into account in particular the consumer's physical, mental and technical capabilities.
31. A provider must ensure that any means supplied to a vulnerable consumer is:
- 31.1 supplied as soon as reasonably practicable following acceptance of the consumer's application;
- 31.2 supplied at the premises where the residential landline service is supplied;
- 31.3 able to be operated at that premises for the minimum period in the event of a power failure;

- 31.4 supported for the duration of the contract for the residential landline service, including ensuring the means is regularly and appropriately maintained to ensure it remains appropriate and functional, except where the vulnerable consumer ceases to be a vulnerable consumer in accordance with clause 41;
 - 31.5 tested at least once every 36 months; and
 - 31.6 provided with clear instructions and guidance on how to operate the means and who to contact if there are any issues.
32. For the purposes of clause 31.3, whether a means can be operated at a premises for the minimum period must be assessed as if the means is used and maintained as instructed by the provider.
33. For the purposes of clause 31.3, if the means that is supplied to a vulnerable consumer is reliant on the performance of a battery at the premises, the means is able to be operated for the minimum period if the means is:
- 33.1 able to operate for the minimum period when equipped with a new fully charged battery; and
 - 33.2 fitted with a battery health indicator which is appropriate to the needs of the vulnerable consumer, to indicate when the battery needs to be recharged or replaced with a new battery.
34. A vulnerable consumer must not bear any costs relating to the supply of an appropriate means for contacting the 111 emergency service, which includes any costs related to the following:
- 34.1 provision of the means for contacting the 111 emergency service, including:
 - 34.1.1 any costs related to the acquisition or installation of any hardware or device;
 - 34.1.2 where provision of the appropriate means requires an additional connection to a network, any ongoing costs related to maintaining that additional connection;
 - 34.2 maintenance or replacement of the provided means for contacting the 111 emergency service (eg, because the means fails to work, or is being substituted by the provider for another means); and
 - 34.3 recovery or disposal of the provided means for contacting the 111 emergency service.
35. The means provided to the vulnerable consumer is deemed appropriate if such means complies with the requirements set out in section H, whether the vulnerable consumer (or someone on their behalf) accepts it or not.

36. A provider can consider an application to be ‘withdrawn’ if the vulnerable consumer (or someone on their behalf) rejects an appropriate means supplied by such provider which complied with the requirements set out in section H.

Reference: Telecommunications Act 2001, sections 238(3)(d).

H2 Limit on provision of appropriate means

37. Notwithstanding clause 29, a provider is only required to provide, at any one time, one means for contacting the 111 emergency service per premises.
38. If there is more than one vulnerable consumer at a premises, the means provided must be appropriate for the needs of all vulnerable consumers at that premises.

Reference: Telecommunications Act 2001, section 238(4)(c).

H3 Requirement to monitor

39. A provider must, at least once a year, contact each customer that is a vulnerable consumer, or has a vulnerable consumer at their premises, to ensure that the means it has provided to the vulnerable consumer remains appropriate and functional.

Reference: Telecommunications Act 2001, section 238(4)(c).

I. Circumstances where a consumer may no longer be considered vulnerable

40. A provider may, at least once a year, contact each customer that is a vulnerable consumer, or has a vulnerable consumer at their premises, to enquire whether the consumer’s circumstances may have changed in any of the ways described in clause 41 below.
41. A provider is permitted to regard a consumer as no longer being a vulnerable consumer in any of the following circumstances:
- 41.1 where the consumer (or someone on their behalf) requests that they no longer be regarded as a vulnerable consumer;
 - 41.2 where the consumer obtains (by a manner other than through their provider under this Code) a means for contacting the 111 emergency service at their premises that can be operated for the minimum period in the event of a power failure; or
 - 41.3 a provider has asked for the consumer’s application to be resubmitted in accordance with clause 28 and the application has not been resubmitted.
42. If a vulnerable consumer moves premises and remains with the same provider, such provider may check the consumer’s status, and may require the vulnerable consumer (or someone on their behalf) to re-apply to demonstrate that they continue to be a vulnerable consumer.

43. For the purposes of clause 41, the consumer has a responsibility to inform their provider if they consider they are no longer a vulnerable consumer (or will no longer become one).

Reference: Telecommunications Act 2001, section 238(4)(c).

J. Requirement on providers to not withdraw service

44. A provider must not deny, or withdraw, supply of a residential landline service to a consumer on the basis that the provider knows or suspects the consumer is (or may become) a vulnerable consumer.

Reference: Telecommunications Act 2001, section 238(4)(c).

K. Requirement on providers to disclose information

45. No later than 30 November of each disclosure year, a provider must disclose to the Commission the following information in respect of the preceding disclosure year:
- 45.1 a description of the process the provider has implemented for the purposes of satisfying the requirement to provide the information listed in clause 8 in the ways required by clause 9, and supporting evidence;
 - 45.2 a description of the process the provider has implemented for the purposes of satisfying the requirements in clauses 16-28, and supporting evidence;
 - 45.3 the total number of vulnerable consumers the provider has (as at the last day of the disclosure year);
 - 45.4 the number of customers (ie customers of a residential landline service) the provider has (as at the last day of the disclosure year);
 - 45.5 the number of consumer applications accepted by the provider;
 - 45.6 the number of consumer applications declined by the provider (in accordance with clause 23), broken down by what ground(s) the application was declined on under clause 23 (eg the number of consumer applications declined on the ground described in clause 23.2.1, the number of consumer applications declined on the ground described in clause 23.2.2);
 - 45.7 the number of 'withdrawn' applications under clause 36;
 - 45.8 the number of appropriate means of contacting the 111 emergency service the provider has supplied, broken down by type of means (eg the number of mobile phones supplied, the number of battery-backups); and
 - 45.9 the provisioning timing to provide appropriate means for each new vulnerable consumer (counting from the date that their application was accepted), with brief reasons for any provisioning that took longer than 10 working days.

L. Requirement on providers to keep records

46. Subject to clause 47, a provider must at all times maintain an accurate record of the following information:
- 46.1 any communication between the provider and the consumer undertaken for the purposes of the requirements in clauses 9.3 and 9.4;
 - 46.2 any communication between the provider and the consumer undertaken for the purposes of the requirement in clause 39; and
 - 46.3 the number of consumer applications accepted by the provider;
 - 46.4 any consumer application declined by the provider under clause 23, and what ground (or grounds) the application was declined on under clause 23 (eg declined under clause 23.2.1, the nominated person did not satisfy the requirement in clause 19); and
 - 46.5 the number of 'withdrawn' applications under clause 36;
 - 46.6 any consumer that ceases to be a vulnerable consumer for one of the reasons listed in clause 41.
47. A provider is permitted to stop maintaining a record of the information required under clause 46 in the following circumstances:
- 47.1 for the purposes of clauses 46.1 and 46.2, if the contract between the customer (ie the customer at the premises where the residential landline service is supplied) and the provider is terminated and a period of 5 years or more has passed since the termination of the contract;
 - 47.2 for the purposes of clauses 46.3, 46.4 and 46.5, if a period of 5 years or more has passed since the point in time when the consumer's application was accepted, declined, and 'withdrawn'; or
 - 47.3 for the purposes of clause 46.6, if a period of 5 years or more has passed since the point in time when the consumer ceased to be a vulnerable consumer for one of the reasons listed in clause 41.

M. Dispute resolution

48. A dispute under the Code may be referred to an industry dispute resolution scheme at any time after the dispute arises.
49. For the purposes of clause 48, a dispute arises under the Code if:

- 49.1 one party (either the customer or the provider) has communicated to the other party a disagreement in relation to the rights and obligations of one those parties under the Code; and
 - 49.2 that disagreement is not resolved within five working days.
50. Where a dispute is referred to an industry dispute resolution scheme, sections 241-245 of the Act apply.
51. For the avoidance of doubt:
- 51.1 only a customer or a provider may refer a dispute under the Code to an industry dispute resolution scheme;
 - 51.2 if a dispute under the Code concerns a consumer who is not the customer (ie they are a person who ordinarily resides at the customer’s premises), the customer at the premises where the consumer resides may refer the dispute to an industry dispute resolution scheme on behalf of that consumer;
 - 51.3 each party to a dispute that is referred to an industry dispute resolution scheme must comply with the rules of the scheme; and
 - 51.4 where a dispute is referred to an industry dispute resolution scheme and a determination is made on the dispute under the rules of the scheme, that determination is binding on each party to the dispute (subject to the exceptions listed in section 242(2) and (3) of the Act).
52. Disputes arising under this Code that may be referred to an industry dispute resolution scheme include, but are not limited to, disputes regarding the following matters:
- 52.1 a consumer’s application to a provider to be a vulnerable consumer;
 - 52.2 a provider considers a consumer has not complied with the requirement in clause 43; and
 - 52.3 whether the means of contacting the 111 emergency service supplied, or intended to be supplied, by the provider to the vulnerable consumer is an ‘appropriate means’ for that vulnerable consumer (in accordance with clause 30).

References: Telecommunications Act 2001, sections 240(1)(a) and 241-245.

N. Amendment or revocation of the Code

- 53. The Commission may amend or revoke the Code if the Commission considers that the Code no longer meets all the requirements set out in Part 7 of the Act.
- 54. For the purposes of clause 53, where the Commission seeks to amend or revoke the Code, it must apply the procedure set out in section 239(1)-(4) of the Act, with any necessary modifications.

55. The Commission must give public notice of every amendment or revocation of the Code.

Reference: Telecommunications Act 2001, section 239(5)-(7).