

# Review of the Telecommunications Dispute Resolution Scheme

Under Part 7 of the Telecommunications Act 2001

## Process paper

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## Introduction

1. Part 7 of the Telecommunications Act 2001 (the **Act**) sets out provisions relating to consumer matters, and in particular dispute resolution schemes.<sup>1</sup>
2. Section 246 provides the Commerce Commission (the **Commission**) must review each industry dispute resolution scheme at least once every three years.
3. We published a review of industry dispute resolution schemes framework document on 29 March 2021 that sets out our approach to conducting reviews of industry dispute resolution schemes under Part 7.<sup>2</sup>
4. We intend to publish a short issues paper in April, that will outline the matters we choose to consider during our first review of the industry dispute resolution scheme.

## Purpose of this process paper

5. This paper outlines:
  - 5.1 the process for our first review of the current industry dispute resolution scheme; and
  - 5.2 how you can remain informed and contribute to the review.

## Background

6. Part 7 covers consumer matters, in particular telecommunications retail service quality (**RSQ**) codes, the 111 Contact Code, and dispute resolution schemes for Commission codes and industry RSQ codes.
7. Part 7 sets out a number of provisions aimed to improve RSQ to reflect the demands of end-users of telecommunications services. We have the ability to issue guidelines on RSQ, review industry RSQ codes and make Commission RSQ codes.<sup>3</sup> We are also required to monitor RSQ and to make information available in a way that informs consumer choice.<sup>4</sup>
8. Disputes in relation to Commission RSQ codes (either a Commission RSQ code or the 111 Contact Code) may be referred to an industry dispute resolution scheme. Disputes in relation to industry RSQ codes may also be referred to an industry dispute resolution scheme.
9. We are required to review each industry dispute resolution scheme at least once every three years.

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<sup>1</sup> All references in this paper are to the Act unless stated otherwise.

<sup>2</sup> <https://comcom.govt.nz/regulated-industries/telecommunications/projects/2021-review-of-the-telecommunications-dispute-resolution-scheme>

<sup>3</sup> Telecommunications Act 2001, ss 234 – 236.

<sup>4</sup> Telecommunications Act 2001, s 9A(1)(e) and (f).

10. There is currently one industry dispute resolution scheme which is called the Telecommunications Dispute Resolution Scheme (**TDRS**). The TDRS was set up by the New Zealand Telecommunications Forum (**TCF**) in 2007. The TCF is the scheme provider. The TCF:
  - 10.1 created the Customer Complaints Code and the Terms of Reference for the TDRS;<sup>5</sup> and
  - 10.2 appointed Fairway Resolution Limited as the dispute resolution provider for the TDRS.

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<sup>5</sup> [https://www.tdr.org.nz/scheme-information/about-the-scheme/the-code-and-terms-of-reference.](https://www.tdr.org.nz/scheme-information/about-the-scheme/the-code-and-terms-of-reference)

## Key process steps for the review of the TDRS, and how you can contribute

Process step	Estimated date	How you can contribute and remain informed
<b>Review</b>		
Open letter on improving RSQ for consumers	Published 29 October 2020	See our open letter <a href="#">here</a> .
Views on the TDRS due	Closed 18 December 2020	
Publication of: <ul style="list-style-type: none"> <li>Review of industry dispute resolution schemes - Framework document</li> <li>Review of the TDRS - Process paper</li> </ul>	29 March 2021	
Publication of <ul style="list-style-type: none"> <li>Issues paper</li> <li>Submissions and summary of views received</li> </ul>	April 2021	
Information gathering and analysis	April – June 2021	
Publication of our draft report and draft recommendations	End of August 2021	Will include indicative timeframes for implementing our recommendations.
<b>Consultation on our draft report and draft recommendations</b>	20 working days	<b>You will have an opportunity to comment</b> on our draft report and draft recommendations.
Publication of our final report and recommendations to the TCF, including timeframes for implementation	13 November 2021	
<b>Implementation of our recommendations and monitoring</b>		
Monitoring implementation of our recommendations to the TCF	TBC	
Report to the Minister if our recommendations are not implemented satisfactorily	TBC	

11. These indicative process steps and dates may change. We anticipate providing further details on specific steps and key opportunities for you to contribute to our review as it progresses.

## Gathering and managing information during this review

### Targeted consultation and information requests

12. During our review, we will seek to engage directly with, and gather information from, a range of stakeholders whom we identify as having information that is relevant to the review. This group will include consumers who have used the services of the TDRS, consumer bodies, members of the TDRS, government departments, and other interested parties.

### External expert provider

13. We have engaged Melbourne-based consultancy cameron. ralph. khoury (CRK) as an external expert provider to assist us in undertaking certain tasks of the review. CRK has conducted independent reviews of external complaints handling schemes in Australia, New Zealand and Canada, including the 2017 review of the Australian Telecommunications Industry Ombudsman.<sup>6</sup>
14. This means that stakeholders may be contacted directly by CRK in some instances during our review. The key instances in which this could occur are:
- 14.1 CRK may carry out telephone and in-person interviews with stakeholders (for example when calling consumers to discuss their experience using the TDRS); and
- 14.2 CRK may conduct stakeholder engagement meetings.

### What will we do with information you provide?

15. Information about information gathering and how we deal with information can be found in our framework document for reviews of industry disputes resolution schemes and on the Commission's website.<sup>7,8</sup>

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<sup>6</sup> <https://www.tio.com.au/reports-updates/independent-review>.

<sup>7</sup> <https://comcom.govt.nz/regulated-industries/telecommunications/projects/2021-review-of-the-telecommunications-dispute-resolution-scheme>.

<sup>8</sup> <https://comcom.govt.nz/about-us/our-policies-and-guidelines/transparency-statement>.