

tuanz

TECH USERS ASSOCIATION



Submission on the TDRS

Commerce Commission - Improving Retail Service Quality

18th December 2020

Introduction

1. TUANZ is pleased to submit in relation to the open letter sent by the Commission to stakeholders on the 29th October 2020 on the topic of the Telecommunications Disputes Resolution Service (TDRS). This submission is a Public Version and contains no confidential information.
2. Our address is PO Box 302 469, North Harbour, Auckland 0751 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>.

TUANZ

3. TUANZ is the association for the users of digital technology and connectivity. 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.**
4. Our member's want to see a lift in the digital economy along with the continued development of a strong market 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 in the top 10 countries for the use of digital technology.**
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.

Retail Service Quality

7. TUANZ has been a key advocate over the years on many of the positive changes to the telecommunications market in New Zealand. We

participated fully in the most recent review of the Telecommunications Act, with strong advocacy positions around the need to improve the overall service performance at both the wholesale and the retail level.

8. In our submission on the draft bill, we supported the move to require the Commerce Commission to monitor the performance within the telecommunications market and specifically the requirement to report on retail service quality. We stated that this independent focus would also allow organisations such as ours, who represent the users of such service, to take informed positions.
9. We also supported granting the Commission the ability to establish regulated codes in the area of service quality. We would strongly suggest that one of the tests that the Commission should use in identifying whether the industry fails to establish codes of sufficient standard is the level of consultation with user and groups such as ourselves when developing any such code

Telecommunications Disputes Resolution Service

10. Our position in regards to the TDRS has not significantly changed since we made submissions during the most recent review of the Act. Here we restate our position on the service.
11. The current consumer dispute process is an industry defined solution which is subject to a code that is mandatory for all members of the Telecommunications Forum (TCF). Membership of the TCF is not mandatory in New Zealand for providers of telecommunication services though. This means that not all providers are members of a disputes process - though they may choose to join the Telecommunications Disputes Resolution Service even if not members of the TCF.
12. We agree with a general perception that the TDRS does indeed provide a relatively successful process within the scope and processes set up under the industry defined code. It is managed on a day to day basis by an independent body contracted by the industry (Fairway Resolution Ltd). It also has a council that is made up of representatives of both the industry and consumer representatives.
13. However, we do consider that the TDRS does need to be regularly monitored and independently reviewed to ensure it meets the needs of end users. We encourage the Commission to look beyond the reported performance of the service to it's fundamental design and the limits that it's scope and structure place upon it.

14. To this end we recommend that the Commission review and consider the changes that we have previously proposed as part of their review:
- 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.
15. These recommendations are somewhat high level but would fundamentally change the scope and reach of the scheme. This would allow the TDR Council to drive improvements in policy and outcomes for users.

Final Comments

16. TUANZ welcomes the opportunity to provide the Commission with this submission in regards to the open letter regarding improving retail service quality. This paper provides a summary of feedback from our organisation that represents actual users of technology and digital communications. We have attempted to provide a succinct and clear enunciation of the views of our members.

17. We look forward to working further with the Commission in the new year.

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