

## Submissions / Observations: TCF Mobile Messages Draft Code

TDR attended the Open Discussion on the proposed changes to the Customer Mobile Messages Code. As on previous occasions when such discussions have been held, TDR found the meeting to be useful in gaining some further understanding of the (often) complex nature of the transfer process.

TDR has received only very few formal complaints in this area. More often than not, TDR is contacted by customers looking for assistance in finding out *who they should turn* to when a problem arises.

Generally it appears that the provider companies are able to assist their customers to “STOP” texts or provide contact details so that the customer can pursue a dispute with the company responsible for the texts.

Sometimes significant debts (amounting to thousands of dollars) can arise when things do go awry. In TDR's experience most telcos appear willing to assist when 'bill shock' occurs (but only up to a point).

TDR understands that 'policing' providers of the services can be difficult, especially if the providers operate from outside New Zealand. There is also a question about what obligation there is upon a provider to monitor uncharacteristic behaviour on customers' accounts.

TDR considers that the proposed changes to the Code will go a long way in resolving some of the issues that have developed since the Code was originally written.

### **TDR would like to submit the suggestions made by complainants themselves in the course of the TDR complaint process:**

- 1) Providers should notify customers when unusually high charges begin to appear on their accounts.
- 2) Customers should be offered the facility to apply a credit limit on their accounts resulting in usage being restricted to prevent large debts resulting from such services..
- 3) The Mobile Messaging Code should it mandatory for any company that allows such services to be charged to customer accounts.
- 4) Default settings on mobile phones should be set to automatically block incoming Premium Text Services – requiring customers to manually change the setting if they wish to receive such services.
- 5) If there is a dispute involving a third party provider of premium rate text message services, the Telco should pursue the third party for payment rather than the customer.

TDR understands that some of these suggestions may not be realistic, but would like them to be considered..