

25 March 2021

Tristan Gilbertson  
Telecommunications Commissioner  
Commerce Commission  
Level 6, 44 The Terrace  
Wellington 6011



Sent by email [Tristan.Gilbertson@comcom.govt.nz]

Dear Tristan

### **Telecommunications Dispute Resolution Scheme**

The New Zealand Telecommunications Forum (TCF) made a submission to the Commerce Commission (the Commission) dated 18 December 2020 in response to the Commission's letter dated 29 October 2020 relating to its review of the Telecommunications Dispute Resolution Scheme (the Scheme). The TCF noted in its submission that it would make a further submission in early 2021.

The TCF submission acknowledged that there was room for improvement to the Scheme, particularly in the area of governance. The changes to the Telecommunications Act 2001 (the Act), particularly the introduction of Part 7 of the Act, meant that the role and reach of the Scheme will be expanded as additional regulatory Codes are developed. As an example, the Commission's 111 Contact Code and the Copper Withdrawal Code have recently brought non-TDRS members within the ambit of the Scheme. The TCF considers that there would be value in simplifying the Scheme structure and the governance arrangements.

The TDRS Council, which includes externally appointed consumer representatives, has the bulk of the governance responsibility for the Scheme. However, the complexity of the Scheme rules means that the extent of the TDRS Council's governance responsibility is not clear. This complexity was detailed in the TCF's submission dated 18 December. The TCF considers that the Scheme rules could be simplified, and in doing so, the full governance responsibility for the Scheme could be clearly devolved to the TDRS Council.

The TCF is able to make the necessary changes to the Scheme rules to pass full governance responsibility to the TDRS Council. At the same time, there are a number of other aspects of the Rules which would benefit from simplification and clarification, in ways which benefit consumers and ensure they have access to a reliable and free dispute resolution scheme.

The process to make changes to the Scheme rules is complex as they are bound-up with a mandatory TCF Code. The TCF anticipates that the Commission review, which is to be commenced soon, will also identify potential changes to the Scheme rules.

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Consequently, while the TCF can commit to devolving governance responsibility for the Scheme to the TDRS Council, it will hold off on making changes to the Scheme rules until after the Commission's review. In the meantime, we will consider further what other changes could be made to enhance the Scheme for the benefit of consumers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Thorn', followed by a horizontal line.

**Geoff Thorn**  
**Chief Executive Officer**  
**New Zealand Telecommunications Forum (TCF)**

C.C. Vanessa Turner by email [Vanessa.Turner@comcom.govt.nz]

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