



Telecommunications Disputes Resolution Scheme improvement project

Project Scope

9 December 2021

1. Background

Following publication of the Commerce Commission (Commission) final recommendations for improvement of the Telecommunications Disputes Resolution Scheme (TDRS), the TCF Board approved a project proposal on 18 November 2021. This project scope expands on the proposal to provide further clarity on the tasks for the working group.

2. Issue identification

The Commission set out recommendations for change to: operational process, governance structure, terms of reference and the Customer Complaints Code (the Code), along with due dates for completion. Some process changes and guidance statements must be completed by 24 December 2021. Significant governance and Code changes must be completed by 1 August 2022.

3. Project purpose

The aim of this project is to meet the Commission recommendations in the following areas:

- Awareness
- Position statements and case studies
- Systemic issues
- Complaints handling process
- Jurisdiction

- Governance

A programme of work will encompass Phase 1 and Phase 2 Commission recommendations. It will ensure deliverables are achieved by 1 August and will divide working party activity between governance-related improvements and operational improvements.

4. Project deliverables

The deliverables from this project relate to Phase 1 and Phase 2 Commission recommendations:

- New governance structure including funding arrangements,
- Updated Terms of Reference,
- Updated Customer Complaints Code,
- Updated complaints handling processes and published guidance and position statements.

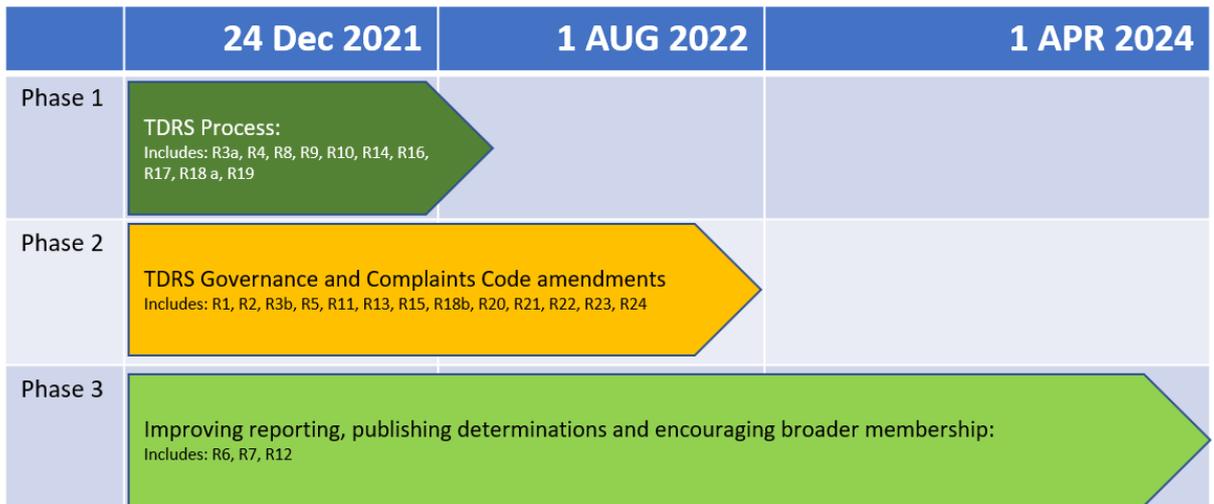
The TCF may also make changes beyond those in the Commission recommendations to ensure effectiveness of the Scheme. The project will ensure alignment between the documents that support governance and operations (eg, terms of reference, code, manual). Each supporting document will have a distinct stated purpose and repetition between documents will be avoided where possible.

Phase 3 recommendations, due April 2024, include improving Scheme Agent engagement, awareness initiatives and improvement of reporting. These will be met in a subsequent programme of work if not covered in the current project.

The Commission requires certain complaints processes to be changed before 24 December 2021 and interim Code changes are required to bring some of these into effect during December.

For the remainder of the recommendations agreeing what governance changes are required, before completing a Code review by the Commission's 1 August 2022 deadline, requires that the programme of work is delivered via two interrelated and overlapping workstreams: governance and operational.

Within the workstreams, work will be broken down and grouped where possible so that discrete deliverables can be worked on in parallel by sub-groups of the working party.



4.1 Project set up

Delivery of Phase 1 recommendations December 2021

FairWay will deliver on Commission recommendations 3a, 4, 8, 9, 10, 14, 16, 17, 18a and 19.

The project scope and timeline will be established in preparation for actions beginning January 2022.

Phase	Deliverable	Date
Set up and Phase 1 deliverables	Complete scope and timeline Set meeting dates to end January	24 Dec 2021
	TCF Board approval of interim Code changes	6-8 Dec 2021
	Progress report to the Commission	15 Dec 2021
	Phase 1 deliverables	24 Dec 2021

Workstream 1: Develop a new governance structure and terms of reference for the TDRS

This workstream will:

- Develop options for governance for decision – external consultant, with reference to similar schemes and after discussion with stakeholders.
- Deliver on Commission recommendation 2:
 - Full review of the Scheme terms of reference and Agreement with the Scheme Agent
- Deliver on Commission recommendations 20-22:
 - Ensure governance responsibility sits with the TDRS Council (Council) to ensure:

- Council sets and amends rules for the TDRS
 - Scheme Agent is accountable to the Council
 - Council composition allows no one group has the right of veto
 - Council member terms ensure continuity and refreshment.
- Propose a fee structure for the TDRS

Consider the following:

Cl 11.1: adjustments to the governance structure are needed to ensure the TDRS Council is independent of the TCF and to establish clear lines of accountability.

Timeline for Workstream 1

Workstream 1	Deliverable	Date
Governance structure (Council, TCF, Scheme Agent, Members)	(consultant) Discussion paper with recommended option	19 Feb 2022
	Working group consultation (workshop) and agreement on governance structure and high-level fee structure	4 March 2022
	TDRS Council agreement on governance structure	11 March 2022
Terms of reference (including control of fee determination, collection and allocation/spend)	TOR workshopped and drafted	14 March – 5 May 2022
	Report to Commission (update)	20 April 2022
	TDRS Council agrees proposed TOR	May 2022
	Determine whether TCF rules may need to be amended	
	Governance structure and TOR (and proposed TCF rule changes if needed) to TCF Board for approval	26 May 2022

Workstream 2: Review and update operations for complaints handling (update Code)

- This workstream will overlap with Workstream 1, ensuring that the new Code aligns with new governance and terms of reference as they are developed.
- Deliver on Commission recommendations:
 - 1: full review of the Code

- 3b: minimise exclusions from the Scheme
- 5: Retail Scheme Member obligations to raise awareness of TDRS
- 11: Scheme Agent's authority and obligation to identify systemic issues
- 13: reset deadlock period to 15 days
- 15: ensure complaints that involve Wholesale Scheme Members are resolved quickly
- 18b: permit consumers to respond to the Complaint Summary including Scheme Members' submissions that complaint be ruled outside jurisdiction.
- 23: encouragement of a broader membership of the TDRS; addressing potential barriers.
- 24: permit lawyers to advise consumers, allow longer than 12 months to access the scheme, ensure compensation limits and remedies align with Disputes Tribunal.

Timeline for Workstream 2

Workstream 2	Deliverable	Date
Operations and supporting documents: Code and possible operations manual	Input on issues of awareness, access and process from interested parties to inform principles and framework.	19 January – 18 February
	Summarise key issues from interested parties to be considered in code and/or manual	By 18 Feb
	Determine which documents will be developed to support operation of the Scheme.	21 February – 4 March
	Code and Op Manual development <i>Considering</i> Alignment of all Scheme documents	16 March – 20 May
	Report to Commission (update)	20 April 2022
	Draft of full code	20 May 2022
	Working party agrees draft code and manual	18 May 2022
	TDRS Council agreement to proposed Code	23 May 2022
	TCF Board agreement on Code for consultation	26 May 2022
	Public consultation (20 wkg days)	30 May – 28 June
	Working party reviews feedback, agrees amendments to Code	12 July 2022

	TDRS Council agreement to final draft of Code	15 July 2022
	Code to TCF Board for approval	21 July 2022
	Publication of Code	29 July 2022
	Public notification on TCF and TDRS websites that recommendations have been implemented (<i>cl 210</i>)	29 July 2022
	Signatories to Code	Aug - Oct 2022

5. Monitoring and reporting

The TCF will monitor the project deliverables and tasks. The working group will provide regular project reports to the TCF Policy Committee as part of the normal working party reporting process and format. The reports will provide an update on progress and achievement against timelines for key deliverables.

The Commission requires written update reports to be provided on the dates below and may from time to time require updates on specific issues between reporting periods (*clause 209*). The TCF has also undertaken to provide an update to the Commission in December 2021 on progress towards the Phase 1 requirements.

20 Apr 2022, 20 Aug 2022, 20 Apr 2023, 20 Aug 2023, 20 Apr 2024

6. Escalation

Issues unable to be resolved by the working group will be escalated to the TCF Policy Committee for resolution.

7. Project Constraints and Dependencies

- a. 1 August 2022 is a firm Commission deadline for meeting Phase 1 and Phase 2 recommendations
- b. Christmas and New Year holiday period may affect working group and key stakeholder ability to provide input or feedback.
- c. Achievement of consensus may be more difficult than anticipated for some aspects of the Scheme.

8. Project Resources

TCF working party

- A TCF working group has been established (TDR Review Group) to manage the project plan, deliver the outputs and report on progress. The working group includes the existing TCF Customer Complaints Code working party and, acknowledging the desirability of bringing a wide range of affected parties along in the redevelopment of the TDRS, TDR Scheme members who may not necessarily be TCF members but who

wish to be involved are also included. The TDRS Council and FairWay are represented in the working party also.

- Members of the TDR Review Group:

2 degrees

Chorus

DTS

Enable

FairWay Resolution

MyRepublic

NOW NZ

Primo

Sky Broadband

Spark

Nominated representatives of the TDRS Council

TNZ

Trustpower

Tuatahi Fibre

Vocus

Vodafone

VoIPLine

TDRS Council

The TDRS Council has a role to advise its agreement with recommendations of the project.

TCF Board

It is the role of the TCF Board to approve recommendations of the project and the Code for public consultation and final publication.

FairWay Resolution (Scheme Agent)

FairWay Resolution is responsible for leading activity to meet operational Commission recommendations and for implementing approved process and Code-related aspects of the Scheme. Implementation includes informing the working group and Scheme Members.

Project stakeholders

It will be the role of the working party to consult with interested parties. It will develop a list of key stakeholders which is anticipated to include:

Commerce Commission

MBIE

Consumer-focused groups (eg Consumer NZ, Citizens Advice Bureau, TUANZ)

Non-TCF TDRS Scheme members that are not involved in the working party.