



TCF Code Compliance Framework

Half Year Report

May 2023

CCF Report

This report contains information on the operation of the TCF Code Compliance Framework (CCF) for the period from November 2022 – May 2023.

The information in this report has been compiled by the TCF Compliance Officer for the TCF Board.

Recommendations

It is recommended that the Board:

- **Note** this report.

Overview

- The end of the Compliance Year is 31 March.
- There are no companies in breach of compliance due to unreturned annual certification forms for the year ended 31/03/2023.
- There have been two updated codes endorsed since the last compliance report.
- There has been one Code compliance issue raised through the CCF.

Compliance Statistics at a Glance

Category	Amount this half-year	Amount this year
Allegations of Breach Received*	1	3
Code Signatories found in breach*	0	2
Code Signatories complained about, but found not in breach	1	0
Code Signatories that have resolved breaches within proposed resolution timeframes	0	2
Code signatories that have had sanctions applied*	0	0
Active Compliance Management Issues on hand	0	0

*(includes absent self-certification forms, which, in accordance with the terms of the CCF, is treated the same as an allegation of breach).

Items to note

Some companies have noted issues with their compliance over the past year on their annual self-certification forms that they have filed. These are:

- 2degrees – Broadband Marketing Code. 2degrees noted that they have made some minor amendments following feedback from the TCF mystery shopper exercise.
- 2degrees – Broadband Product Disclosure Code. 2degrees noted that they have updated their offer summaries following feedback from the TCF mystery shopper exercise.
- 2degrees – Copper and PSTN Transition Code. 2degrees noted that, particularly following the merger of Vocus and 2degrees in 2022, they are currently reviewing and refreshing processes to ensure full and consistent compliance across all brands. 2degrees have identified some specific improvements to be made and are working to implement them.
- Chorus – Fibre Installation Code. Chorus noted that the network operator target for percentage of installations completed within the agreed appointment was not met as operational disruption due to labour shortage, service partner transitions and extreme weather events hampered their ability to deliver on target.
- Enable – Fibre Installation Code. Enable noted that two of the network operator targets were not met. The percentage of installations completed within the agreed appointment was not met due to the current labour shortage and lack of resources. Their customer satisfaction target was not met, which was influenced by longer lead times and new workforce that required up-skilling. Enable noted that they are focussing on this area.
- Mercury – Emergency Calling Code. Mercury noted that an internal audit found that web pages describing the 111 service are not publicly visible, but that this has been rectified.
- One New Zealand – Copper and PSTN Transition Code. One New Zealand noted that some of their copper withdrawal comms had missed some required information about alternative services. This error has been actioned to be corrected for all future comms.
- One New Zealand – Mobile Messaging Services Code. One New Zealand noted that there is a compliance issue with the opt-out of SMS marketing messages, and therefore SMS is not currently being used for marketing purposes until they become compliant. One New Zealand already have a plan in place to remedy this issue.
- Spark – Broadband Marketing Code. Spark noted that some minor compliance issues had been addressed as part of the TCF mystery shopper exercise.
- Spark – Broadband Product Disclosure Code. Spark noted that some minor compliance issues had been addressed as part of the TCF mystery shopper exercise.

Code Reviews

Code reviews completed

Since the last Compliance Report the following Code reviews have been completed:

- Scam Prevention Code
- International Mobile Roaming Code
- IMEI Block Listing Code (previously known as the IMEI Blacklisting Code)
- Customer Care Code (replacing the Customer Complaints Code)

The signatory and initial self-certification process has been completed for the Scam Prevention Code.

The International Mobile Roaming Code is still in the initial self-certification period, where signatories have three months from signing up to the Code to ensure their compliance before submitting their initial self-certification.

The IMEI Block Listing Code and the Customer Care Code are being submitted to the TCF Board for approval.

Existing Codes under review

The following Codes currently under review by Working Parties.

- Fibre Installation Code
- Product Stewardship Re:Mobile Scheme Code
- Unauthorised Use of Mobile Phones in Prisons Code

Codes due for review

In accordance with the TCF's two-year Code review policy, the following Codes are due for review. The TCF will prioritise the Code reviews in the coming year. Some Codes will not require any amendment and therefore will rollover to the following two-year cycle, subject to TCF member approval.

- Code Compliance Framework
- Disconnection Code
- Co-Siting Code

In addition, the following Codes are due to be reviewed after one year as part of the Marketing Alternative Services work:

- Broadband Marketing Code (to commence after 30 July 2023)
- Broadband Product Disclosure Code (to commence after 7 July 2023)
- Copper and PSTN Transition Code (to commence after 8 May 2023).

Code Summary

A summary of the TCF Codes and signatories is set out in the Appendix to this Report.

Compliance Issue Management

Compliance Management at a Glance

The table below provides a full breakdown of the number and percentage of Compliance Issues, split across a number of metrics. Complaints include failures to provide self-certification forms.

The compliance issue reported this half-year was reported by the TDR and this issue was successfully resolved through working through the compliance management process outlined in the CCF Operations Manual.

Complaint Metric	Total this half-year	Total Annual
Complaints by TCF Code		
Copper and PSTN Transition Code	0 (-%)	1 (33%)
Customer Complaints Code	1 (100%)	2 (67%)
Complaints by Type		
Complaints against TCF Members	1 (100%)	3 (100%)
Complaints against Non-TCF Members	0 (-%)	0 (-%)
Self Reported Breaches	0 (-%)	1 (33%)
Complaints made by One Signatory against Another	0 (-%)	0 (-%)
Complaints Raised by a Valid Third Party	1 (100%)	2 (67%)
Breach raised by Compliance Officer	0 (-%)	0 (-%)
Stage 1-4 Notices		
Notice of Potential Breach Received (Stage 1)	1	3
Complaints Determined to be Invalid (Stage 1)	0 (-%)	0 (-%)
Compliance Issues Notices Issued (Stage 2)	1 (100% of Stage 1 notices received)	2 (67% of Stage 1 notices received)
Investigations where No Breach is Found (Stage 3)	1 (100% of Stage 1 notices received)	1 (33% of Stage 1 notices received)
By Compliance Officer	0 (-%)	0 (-%)
By Enforcement Agent	0 (-%)	0 (-%)
Notices of Confirmed Breach Issued (Stage 4) (excludes Stage 3 notices where decisions are pending)	0 (50% of Stage 1 notices received)	1 (33% of Stage 1 notices received)
By Compliance Officer	0 (100%)	1 (100%)
By Enforcement Agent	0 (-%)	0 (-%)

Escalation		
Complaints Investigated by Compliance Officer	1 (-%)	2 (100%)
Complaints Investigated by Enforcement Agent	0 (-%)	0 (-%)
Audits Carried Out	0	0
Appeals Raised	0	0
Sanctions		
Sanctions Applied	0	0
Compliance Issues Resolved	1	3

Sanctions

There are currently **0** sanctions in effect as the compliance issue raised this half-year was found to be a No Breach.

Additional Compliance Activities

There are some additional compliance activities being undertaken to assist with compliance with the TCF Codes, particularly for those Codes that the Commerce Commission currently has a specific interest in.

- Last year the TCF Compliance Officer sent a Letter to TDR Scheme Members outlining an audit was carried out on compliance to specific sections of the Customer Complaints Code, which highlighted that there was some non-compliance with these sections by some TDR Scheme Members. A follow-up check was carried out by the Compliance Officer as part of the TCF annual compliance process, confirming that the final outstanding issues have been remedied.
- An audit on RSPs' Offer Summaries against the Broadband Product Disclosure Code and a general review of RSPs' websites against the principles of the Broadband Marketing Code was also carried out by the TCF Compliance Officer near the end of 2022. Each RSP was provided individually with their results to give them the opportunity to remedy any instances of non-compliance that were found without going through the compliance management process. RSPs have been receptive to this approach and have worked to remedy the issues that were identified, which was confirmed by a follow-up check done as part of the annual compliance process.

Appendix – TCF Code Summary Report

Code Name: Broadband Marketing Code
Report Year: 2023

Code Type: Voluntary **Date Effective:** 1/08/2022, with the
Subject to CCF: Yes **Date Endorsed:** 30/04/2022
Code Status: Active **Next Review Date:** 30/07/2023
Number of Signatories: 6 **Review Notes:** To be reviewed 12 months after coming into effect.

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Sky		No	Current
Spark	Wellington	Yes	Current

Code Name: Broadband Product Disclosure Code
Report Year: 2023

Code Type: Mandatory Date Effective: 7/07/2022
 Subject to CCF: Yes Date Endorsed: 7/04/2022
 Code Status: Active Next Review Date: 7/07/2023
 Number of Signatories: 15 Review Notes: To be reviewed 12 months after coming into effect, alongside the Broadband Marketing Code.

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Kordia Limited	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Northpower Fibre	Whangarei	Yes	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vector Communications	Auckland	Yes	Current

Code Name: Co-Siting Code
Report Year: 2023

Code Type: Voluntary Date Effective: 1/12/2007
 Subject to CCF: No Date Endorsed: 1/12/2007
 Code Status: Active Next Review Date: 1/12/2021
 Number of Signatories: 2 Review Notes:

Organisation	City	Member	Signatory Status
Kordia Limited	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current

Code Name: Copper and PSTN Transition Code
Report Year: 2023

Code Type: Voluntary Date Effective: 7/05/2022
 Subject to CCF: Yes Date Endorsed: 7/04/2022
 Code Status: Active Next Review Date: 7/05/2023
 Number of Signatories: 5 Review Notes: To be reviewed 12 months after coming into effect.

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Prodigy Technology Services Limited		No	Current
Spark	Wellington	Yes	Current

Code Name: Customer Complaints Code (TDRS)
Report Year: 2023

Code Type: Mandatory Date Effective: 31/01/2022
 Subject to CCF: Yes Date Endorsed: 10/12/2021
 Code Status: Active Next Review Date: 31/01/2024
 Number of Signatories: 16 Review Notes: Review underway

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Kordia Limited	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Northpower Fibre	Whangarei	Yes	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Primo Wireless	Inglewood	No	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vector Communications	Auckland	Yes	Current

Code Name: Disconnection Code
Report Year: 2023

Code Type: Voluntary Date Effective: 21/10/2016
 Subject to CCF: Yes Date Endorsed: 21/10/2016
 Code Status: Active Next Review Date: 21/10/2018
 Number of Signatories: 3 Review Notes:

Organisation	City	Member	Signatory Status
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current

Code Name: Emergency Calling Code
Report Year: 2023

Code Type: Mandatory Date Effective: 21/10/2022
 Subject to CCF: Yes Date Endorsed: 21/07/2022
 Code Status: Active Next Review Date: 21/07/2024
 Number of Signatories: 15 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Kordia Limited	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Northpower Fibre	Whangarei	Yes	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vector Communications	Auckland	Yes	Current

Code Name: Fibre Customer Transfer Code - non-regulated
Report Year: 2023

Code Type: Voluntary Date Effective: 26/08/2022
 Subject to CCF: Yes Date Endorsed: 26/05/2022
 Code Status: Active Next Review Date: 26/05/2024
 Number of Signatories: 8 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Chorus	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Northpower Fibre	Whangarei	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current

Code Name: Fibre Installation Code
Report Year: 2023

Code Type: Voluntary Date Effective:
 Subject to CCF: Yes Date Endorsed: 2/04/2020
 Code Status: Active Next Review Date: 2/04/2022
 Number of Signatories: 7 Review Notes: Review underway

Organisation	City	Member	Signatory Status
Chorus	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current

Code Name: IMEI Blacklisting Code
Report Year: 2023

Code Type: Voluntary Date Effective: 28/07/2016
 Subject to CCF: Yes Date Endorsed: 28/07/2016
 Code Status: Active Next Review Date: 10/09/2022
 Number of Signatories: 3 Review Notes: Review underway

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current

Code Name: International Mobile Roaming Code
Report Year: 2023

Code Type: Voluntary Date Effective: 14/06/2018
 Subject to CCF: Yes Date Endorsed: 14/06/2018
 Code Status: Active Next Review Date: 14/06/2020
 Number of Signatories: 3 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Initial Compliance Period
One New Zealand	Auckland	Yes	Initial Compliance Period
Spark	Wellington	Yes	Initial Compliance Period

Code Name: Mobile Messaging Services Code
Report Year: 2023

Code Type: Voluntary Date Effective: 18/11/2021
 Subject to CCF: Yes Date Endorsed: 18/11/2021
 Code Status: Active Next Review Date: 18/11/2023
 Number of Signatories: 8 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Bulletin.Net	Auckland	No	Current
Connexus Interactive		No	Current
Modica Group		No	Current
One New Zealand	Auckland	Yes	Current
Sinch		No	Current
Soprano Design		No	Current
Spark	Wellington	Yes	Current

Code Name: Product Stewardship Scheme
Report Year: 2023

Code Type: Voluntary Date Effective: 8/07/2016
 Subject to CCF: Yes Date Endorsed: 8/07/2016
 Code Status: Active Next Review Date: 8/07/2021
 Number of Signatories: 3 Review Notes: Review underway

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current

Code Name: Scam Prevention Code
Report Year: 2023

Code Type: Voluntary Date Effective: 10/02/2023
 Subject to CCF: Yes Date Endorsed: 10/11/2022
 Code Status: Active Next Review Date: 10/11/2024
 Number of Signatories: 10 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Bulletin.Net	Auckland	No	Current
Compass Communications	Auckland	No	Current
Connexus Interactive		No	Current
Modica Group		No	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Sinch		No	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current

Code Name: Unauthorised Use of Mobile Phones in Prisons Code
Report Year: 2023

Code Type: Voluntary Date Effective: 7/11/2008
 Subject to CCF: No - implementa Date Endorsed: 7/11/2008
 Code Status: Active Next Review Date: 30/06/2021
 Number of Signatories: 4 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Kordia Limited	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current