



# **TCF Code Compliance Framework**

## **Half Year Report**

**May 2024**

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# CCF Report

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This report contains information on the operation of the TCF Code Compliance Framework (CCF) for the period from November 2023 – May 2024.

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

## Recommendations

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It is recommended that the Board:

- **Note** this report.

## Overview

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- 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 31/03/2024.
- There have been eight code compliance issues raised through the CCF. The reason for the higher number of compliance issues is discussed below under Compliance Issue Management.

### Compliance Statistics at a Glance

Category	Amount this half-year	Amount this year
Allegations of Breach Received*	8	12
Code Signatories found in breach*	2	4
Code Signatories complained about, but found not in breach	3	5
Code Signatories that have resolved breaches within proposed resolution timeframes	2	4
Code signatories that have had sanctions applied*	1	2
Active Compliance Management Issues on hand	3	3

\*(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

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## Compliance issues noted on self-certification forms

There have been some compliance issues noted on self-certification forms for the following codes:

- Customer Care Code: Some wholesale members have noted not having a customer care policy on their websites but have indicated their intention to add one.
- Fibre Installation Code: Some of the network operator or retail service provider targets have not been met by all members. This predominately relates to the aspirational targets, and those who have not met the targets have indicated they are undertaking process improvements in those areas.

## Appointment of Enforcement Agent

The TCF Board has appointed an Enforcement Agent under the CCF on request of the Compliance Officer.

The CCF allows for the Compliance Officer to request that an Enforcement Agent participate in Stage Three (Evaluation and Decision) of the Compliance Management Process. There had not previously been a compliance issue where this role has been required, and as such, an Enforcement Agent had never been appointed. The Compliance Officer received a Notice of Potential Breach in April 2024 for an issue which looked like it may require the use of an Enforcement Agent in the evaluation phase.

Stage Three (Evaluation and Decision) of the Compliance Management Process is to:

- Investigate potential breaches.
- Determine whether a breach exists.
- Identify an appropriate timetable for implementing sanctions.
- Request independent audits if required.

if they deem that the compliance issue is too complex for them to evaluate on their own.

## TDR notification of a potential systemic issue

In April 2024 the TCF received a notice from TDR that they had identified an issue which they considered may be systemic, or which may become systemic.

This was based on complaints that they had been receiving relating to customers inability to access and receive account information via post as the provider had moved to an electronic or app only process, with customers feeling disadvantaged and excluded by the change in their provider's policy.

TDR requested assistance for the TCF in engaging with industry to understand the considerations TCF members had undertaken regarding risk and vulnerability assessments and the potential impact the changes would have on customers, as well as gauging how many members have moved or are thinking of moving to online or app only customer access to account and billing information.

The TCF set up a survey and requested retail members to respond, to gather the information requested by TDR.

# Code Reviews

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## Code reviews completed

No Code reviews have been completed since the last Compliance Report.

## Existing Codes under review

The following Codes currently under review by Working Parties.

- Code Compliance Framework

The Compliance Officer has been undertaking a review of the CCF and the associated operations manual in conjunction with the compliance working party. The CCF has not been updated since it was first introduced in 2012 and needs amending to reflect the current processes now that the CCF has been established for some time. Newer procedures also need to be documented, including proactive compliance checks of Retail Service Quality (RSQ) Codes, and responding to reports of potential systemic issues from TDR. The definition of Code types (mandatory vs voluntary), potential sanctions for code breaches, and the cost cap for Stage Three are also being reviewed.

## 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.

- Disconnection Code
- Co-Siting Code
- Emergency Calling Code
- Fibre Customer Transfer Code
- Mobile Messaging Services Code
- Product Stewardship Re:Mobile Scheme Code – this code will be reviewed as part of the product stewardship scheme accreditation work.
- Unauthorised Use of Mobile Phones in Prisons Code

In addition, the following Codes are due to be reviewed after one year as part of the Marketing Alternative Services (MAS) 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).

The review of the above three codes is influenced by the Commerce Commission's RSQ workstream timeline. The Commission has been undertaking the review of their MAS Guidelines. The Working Party will update the Broadband Marketing and Copper and PSTN Transition Codes to reflect the updated MAS Guidelines.

The Commission are in the process of consulting on draft Product Disclosure Guidelines. These Guidelines cover both mobile and broadband product disclosure. The review of the Broadband Product Disclosure Code will be undertaken with a view of how to best incorporate the requirements of the final Guidelines into industry codes.

## 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 number of Compliance Issues has increased significantly over the last year. This is because of a change of TDR’s reporting process, whereby they now send through a Notice of Potential Breach for each complaint they receive that is upheld or partially upheld.

There have been eight Notices of Potential Breach issued by TDR in this half-year, two of which the Compliance Officer deemed to be invalid. Of the remaining notices, two were determined to be in breach and have since been resolved, one was found not to be a breach, and the remaining three are awaiting the complainant’s response to the Compliance Issue Notice.

Complaint Metric	Total this half-year	Total Annual
<b>Complaints by TCF Code</b>		
Copper and PSTN Transition Code	0 (-%)	2 (17%)
Customer Complaints Code	8 (100%)	8 (66%)
Scam Prevention Code	0 (-%)	2 (17%)
<b>Complaints by Type</b>		
Complaints against TCF Members	8 (100%)	11 (92%)
Complaints against Non-TCF Members	0 (-%)	1 (8%)
<b>Stage 1-4 Notices</b>		
Notice of Potential Breach Received (Stage 1)	8	12
Complaints Determined to be Invalid (Stage 1)	2 (25%)	2 (17%)
Compliance Issues Notices Issued (Stage 2)	6 (75% of Stage 1 notices received)	8 (67% of Stage 1 notices received)
Investigations where No Breach is Found (Stage 3)	1 (12% of Stage 1 notices received)	1 (8% of Stage 1 notices received)
By Compliance Officer	1 (100%)	1 (100%)
By Enforcement Agent	0 (-%)	0 (-%)

Notices of Confirmed Breach Issued (Stage 4) (excludes Stage 3 notices where decisions are pending)	2 (25% of Stage 1 notices received)	4 (33% of Stage 1 notices received)
By Compliance Officer	2 (100%)	4 (100%)
By Enforcement Agent	0 (-%)	0 (-%)
<b>Escalation</b>		
Complaints Investigated by Compliance Officer	8 (-%)	12 (100%)
Complaints Investigated by Enforcement Agent	0 (-%)	0 (-%)
Audits Carried Out	0	0
Appeals Raised	0	0
<b>Sanctions</b>		
Sanctions Applied	1	2
Compliance Issues Resolved	2	4

## Sanctions

There are currently **0** sanctions in effect.

## Additional Compliance Activities

No additional compliance activities have been carried out since the previous compliance report.

# Appendix – TCF Code Summary Report

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**Code Name:** Broadband Marketing Code  
**Report Year:** 2024

**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

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

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**Code Name:** Broadband Product Disclosure Code

**Report Year:** 2024

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: 18 Review Notes: To be reviewed 12 months

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Connexa	Auckland	Yes	Current
Devoli	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Fortysouth	Auckland	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:** 2024

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: 3 Review Notes:

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

**Code Name:** Copper and PSTN Transition Code  
**Report Year:** 2024

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

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

<b>Code Name:</b>	Customer Care Code
<b>Report Year:</b>	2024

Code Type:	Mandatory	Date Effective:	15/06/2023
Subject to CCF:	Yes	Date Endorsed:	15/06/2023
Code Status:	Active	Next Review Date:	15/06/2025
Number of Signatories:	23	Review Notes:	

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Connexa	Auckland	Yes	Current
Devoli	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Fortysouth	Auckland	Yes	Current
Kordia Limited	Auckland	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
MyRepublic	Auckland	No	Current
Northpower Fibre	Whangarei	Yes	Current
Nova Energy		No	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
One New Zealand	Auckland	Yes	Current
Primo Wireless	Inglewood	No	Current
Sky		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
VoIPLine Telecom Pty Ltd	Auckland	No	Current

**Code Name:** Disconnection Code  
**Report Year:** 2024

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
Devoli	Auckland	Yes	Current
One New Zealand	Auckland	Yes	Current
Spark	Wellington	Yes	Current

**Code Name:** Emergency Calling Code  
**Report Year:** 2024

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: 18 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	Auckland	Yes	Current
Connexa	Auckland	Yes	Current
Devoli	Auckland	Yes	Current
Electric Kiwi	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Fortysouth	Auckland	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:** 2024

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: 9 Review Notes:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Chorus	Auckland	Yes	Current
Devoli	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:** 2024

Code Type: Voluntary Date Effective:  
 Subject to CCF: Yes Date Endorsed: 2/04/2020  
 Code Status: Active Next Review Date: 2/06/2025  
 Number of Signatories: 9 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
Unison Fibre	Hastings	Yes	Current

**Code Name:** IMEI Block Listing Code  
**Report Year:** 2024

Code Type: Voluntary Date Effective: 15/09/2023  
 Subject to CCF: Yes Date Endorsed: 15/06/2023  
 Code Status: Active Next Review Date: 15/06/2025  
 Number of Signatories: 3 Review Notes:

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:** 2024

Code Type: Voluntary Date Effective: 30/07/2023  
 Subject to CCF: Yes Date Endorsed: 30/04/2023  
 Code Status: Active Next Review Date: 30/04/2025  
 Number of Signatories: 3 Review Notes:

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

**Code Name:** Mobile Messaging Services Code  
**Report Year:** 2024

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:** 2024

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:** 2024

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
Devoli	Auckland	Yes	Current
Modica Group		No	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:** 2024

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