



TCF Code Compliance Framework

Half Year Report

November 2022

CCF Report

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

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 31/03/2022.
- There have been five new or updated codes endorsed so far during the current compliance year.
- There have been two Code compliance issues raised through the CCF.

Compliance Statistics at a Glance

Category	Amount this Quarter	Amount this Year
Allegations of Breach Received*	2	2
Code Signatories found in breach*	2	2
Code Signatories complained about, but found not in breach	0	0
Code Signatories that have resolved breaches within proposed resolution timeframes	2	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).

Code Reviews

Code reviews completed

Since the end of the Compliance year the following Code reviews have been completed, and new Codes published:

- Broadband Marketing Code
- Broadband Product Disclosure Code
- Copper and PSTN Transition Code
- Customer Fibre Transfer Code
- Emergency Calling Code

The signatory and initial self-certification process has been completed for the Broadband Marketing Code, Broadband Product Disclosure Code, and Copper and PSTN Transition Code.

The Customer Fibre Transfer Code and Emergency Calling Code are 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.

Existing Codes under review

The following Codes currently under review by Working Parties.

- Customer Complaints Code
- Scam Calling Prevention Code
- Product Stewardship Re:Mobile Scheme

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
- Unauthorised Use of Mobile Phones in Prisons Code
- IMEI Blacklisting Code
- Co-Siting Code

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.

One compliance issue was self-reported and no investigation was required as the Notice of Potential Breach included the resolution which had already been implemented. The second issue 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 Quarter	Total Annual
Complaints by TCF Code		
Copper and PSTN Transition Code	1 (50%)	1 (50%)
Customer Complaints Code	1 (50%)	1 (50%)
Complaints by Type		
Complaints against TCF Members	2 (100%)	2 (100%)
Complaints against Non-TCF Members	0 (-%)	0 (-%)
Self Reported Breaches	1 (50%)	1 (50%)
Complaints made by One Signatory against Another	0 (-%)	0 (-%)
Complaints Raised by a Valid Third Party	1 (50%)	1 (50%)
Breach raised by Compliance Officer	0 (-%)	0 (-%)
Stage 1-4 Notices		
Notice of Potential Breach Received (Stage 1)	2	2
Complaints Determined to be Invalid (Stage 1)	0 (-%)	0 (-%)
Compliance Issues Notices Issued (Stage 2)	1 (50% of Stage 1 notices received)	1 (50% of Stage 1 notices received)
Investigations where No Breach is Found (Stage 3)	0 (-% of Stage 1 notices received)	0 (-% 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)	1 (50% of Stage 1 notices received)	1 (50% of Stage 1 notices received)
By Compliance Officer	1 (100%)	1 (100%)
By Enforcement Agent	0 (-%)	0 (-%)

Escalation		
Complaints Investigated by Compliance Officer	1 (-%)	1 (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	2	2

Sanctions

There are currently **0** sanctions in effect. For both the compliance issues the resolutions proposed and implemented by the respondents were sufficient and timely enough that it was not necessary to apply any sanctions.

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.

- The Compliance Officer has sent a note out to TDR Scheme members to remind them of the key principles that are set out in the Broadband Marketing Code that they should be adhering to, reminding them that the section relating to customer complaints that comes into force on 1 November, and that customers may refer a complaint under that code to TDRS.
- A note has also been sent out to RSPs who are not TCF members to remind them of the key principles that are set out in the Broadband Marketing Code that they should be adhering to in order to promote consistency across the industry and inviting them to become code signatories and that customers may refer a complaint under that code to TDRS even if they are not a signatory to the code.
- A letter has been sent to TDR Scheme Members outlining an audit that was carried out on compliance to specific sections of the Customer Complaints Code, which highlighted that there was some non-compliance with these sections. The letter provided members with the opportunity to do their own audits and ensure that the relevant obligations are met, with the TCF's individual audit results available on request. Organisations should have completed this activity by 5 November, and a follow-up check will be carried out by the Compliance Officer.
- An audit on RSPs' Offer Summaries as required under the Broadband Marketing Code will be carried out before the end of the year, and this will be presented similarly to the Customer Complaints Code audit above, with RSPs given the opportunity to remedy any instances of non-compliance that is found without going through the compliance management process. Individual audit results will be provided to the RSPs directly.
- A general audit of RSPs' websites against the principles of the Broadband Marketing Code will also be undertaken by the Compliance Officer.

Appendix – TCF Code Summary Report

Code Name: Broadband Marketing Code
Report Year: 2022

Code Type: Voluntary **Date Effective:** 1/08/2022, with the exception of the customer complaints sections, which are effective as of 1/11/2022
Subject to CCF: Yes **Date Endorsed:** 30/04/2022
Code Status: Active **Next Review Date:** 30/07/2023
Number of Signatories: 7 **Review Notes:** To be reviewed 12 months after coming into effect.

Organisation	City	Member	Signatory Status
Spark	Wellington	Yes	Current
Vocus Communications	Auckland	Yes	Current
2Degrees	Auckland	Yes	Current
NOW New Zealand Limited	Hawkes Bay	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Trustpower	Tauranga	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Broadband Product Disclosure Code
Report Year: 2022

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: 16 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
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
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
Trustpower	Tauranga	Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vector Communications	Auckland	Yes	Current
Vocus Communications	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Co-Siting Code
Report Year: 2022

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
Vodafone NZ	Auckland	Yes	Current

Code Name: Copper and PSTN Transition Code
Report Year: 2022

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: 6 Review Notes: To be reviewed 12 months after coming into effect.

Organisation	City	Member	Signatory Status
Vocus Communications	Auckland	Yes	Current
Prodigi Technology Services Limited		No	Current
2Degrees	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Mercury NZ Limited	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Customer Complaints Code (TDRS)
Report Year: 2022

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: 17 Review Notes: Review underway

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
AWACS Communications (NZ) Limited	Wellington	Yes	Current
Chorus	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
Primo Wireless	Inglewood	No	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
Trustpower	Tauranga	Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vector Communications	Auckland	Yes	Current
Vocus Communications	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Disconnection Code
Report Year: 2022

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: 4 Review Notes:

Organisation	City	Member	Signatory Status
NOW New Zealand Limited	Hawkes Bay	Yes	Current
Spark	Wellington	Yes	Current
Vocus Communications	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Emergency Calling Code
Report Year: 2022

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: 16 Review Notes:

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

* Note that the initial self-certification forms for this Code that was recently endorsed are not yet due in, hence why some companies are still noted as Awaiting Response.

Code Name:	Fibre Customer Transfer Code - non-regulated
Report Year:	2022

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:	7	Review Notes:	

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Awaiting Response
Chorus	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Awaiting Response
Mercury NZ Limited	Auckland	Yes	Current
Northpower Fibre	Whangarei	Yes	Current
Spark	Wellington	Yes	Current
Vodafone NZ	Auckland	Yes	Awaiting Response

* Note that the initial self-certification forms for this Code that was recently endorsed are not yet due in, hence why some companies are still noted as Awaiting Response.

Code Name:	Fibre Installation Code
Report Year:	2022

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:	8	Review Notes:	

Organisation	City	Member	Signatory Status
Chorus	Auckland	Yes	Current
Enable Networks	Christchurch	Yes	Current
Spark	Wellington	Yes	Current
Trustpower	Tauranga	Yes	Current
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Current
Vocus Communications	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: IMEI Blacklisting Code
Report Year: 2022

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:

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: International Mobile Roaming Code
Report Year: 2022

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	Current
Spark	Wellington	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Mobile Messaging Services Code
Report Year: 2022

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
Sinch		No	Current
Modica Group		No	Awaiting Response
Vodafone NZ	Auckland	Yes	Current
Spark	Wellington	Yes	Current
Soprano Design		No	Current

* Note that Modica signed up to the Code this year. Their initial self-certification form should be returned early November.

Code Name: Product Stewardship Scheme
Report Year: 2022

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
Spark	Wellington	Yes	Current
Vodafone NZ	Auckland	Yes	Current

Code Name: Scam Calling Prevention Code
Report Year: 2022

Code Type: Voluntary Date Effective: 1/10/2018
 Subject to CCF: Yes Date Endorsed: 1/10/2018
 Code Status: Active Next Review Date: 1/10/2021
 Number of Signatories: 8 Review Notes: Review underway

Organisation	City	Member	Signatory Status
2Degrees	Auckland	Yes	Current
Compass Communications	Auckland	No	Awaiting Response
NOW New Zealand Limited	Hawkes Bay	Yes	Current
Spark	Wellington	Yes	Current
Symbio Networks		Yes	Current
TNZI		No	Current
Vocus Communications	Auckland	Yes	Current
Vodafone NZ	Auckland	Yes	Current

* Note that Compass signed up to the Code recently and their initial self-certification form is not yet due.

Code Name: Unauthorised Use of Mobile Phones in Prisons Code
Report Year: 2022

Code Type: Voluntary Date Effective: 7/11/2008
 Subject to CCF: No - implementation 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
Spark	Wellington	Yes	Current
Vodafone NZ	Auckland	Yes	Current