



## New Zealand Telecommunications Forum

### Vulnerable Consumer Code

<b>Code Status:</b>	Final
<b>Code Classification:</b>	Voluntary Code
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## INTRODUCTION

This Vulnerable Consumer Code for the Management of Fixed Line Telecommunication Services has been developed by the New Zealand Telecommunications Forum Incorporated (TCF).

The Vulnerable Consumer Code (the Code) sets out the principles that Retail Service Providers (RSPs) and Network Operators should follow when providing assistance to vulnerable consumers.

### **Purpose**

It is important that consumers who have a vulnerability can inform their RSP of that vulnerability and receive additional support as required throughout the Management of their Fixed Line Telecommunication Services.

### **Anticipated benefits for Consumers**

The purpose of this Code is to have an agreed set of industry guidelines between RSPs and Network Operators to ensure the additional support and assistance is available to those consumers who have a vulnerability and rely on their Fixed Line Telecommunications Service, referred to in this Code as Registered Consumers.

### **Anticipated benefits for Industry**

Establishing a consistent approach to the Management of Registered Consumers of Fixed Line Telecommunication Services will provide guidance and support to industry participants.

### **Consumer Care Codes**

There are several industry codes that provide additional consumer care to telecommunications customers as detailed on the TCF website:

<https://www.tcf.org.nz/industry-hub/industry-codes>. The obligations set out in this Code support and align with the measures provided under the other TCF consumer care codes.

### *Relationship with the Commerce Commission's 111 Contact Code*

This Code sets out the principles that operators should follow in providing support to vulnerable customers that fall outside the scope of the 111 Contact Code.

### **About the TCF**

The TCF is a registered incorporated society established in 2002. The TCF plays a vital role in bringing together the telecommunications industry to resolve regulatory, technical and policy issues and deliver better outcomes for telecommunications consumers. The TCF's objective is to actively foster cooperation and collaboration among industry participants and other sectors including government. It enables the efficient provision of regulated and non-regulated Fixed Line Telecommunication Services delivered to New Zealand consumers. TCF Members represent over 95 percent of the New Zealand telecommunications sector (by customer numbers).

### **Code Revision**

This is the first iteration of this Code.

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## A. PURPOSE

1. The purpose of this Code is to ensure that consumers who have registered with their RSP because they are dependent on Fixed Line Telecommunication Services for reasons of health, safety or disability are given the additional support they may require in relation to the Management of their Fixed Line Telecommunication Services.
2. The Code is intended to cover consumers who ordinarily reside at a premises where their Fixed Line Telecommunication Service is supplied and who have demonstrated to the satisfaction of their RSP that they, or a member of their household, are dependent on Fixed Line Telecommunication Services for their wellbeing. This Code refers to these consumers as Registered Consumers.
3. The Code sets out the minimum requirements RSPs and Network Operators must adhere to when providing or repairing Fixed Line Telecommunication Services to a Registered Consumer.

## B. APPLICATION

4. The Code applies to RSPs and Network Operators (together referred to as 'Providers') of Fixed Line Telecommunication Services, including copper, fibre, fixed wireless, HFC and satellite broadband networks.

## C. IMPLEMENTATION

5. The Code was approved by the TCF Board on 22<sup>nd</sup> May 2025.
6. The Code will take effect 6 months from the final approval by the TCF Board. Providers must be compliant to the Code within 12 months of the date the Code takes effect.

## D. DEFINED TERMS

<b>CCF or Code Compliance Framework</b>	Means the overarching compliance and enforcement regime for TCF codes as set out in the TCF Code Compliance Framework.
<b>Code Signatory</b>	Means a person who agrees to comply with a nominated TCF Code or Codes and be legally bound by the code requirements which includes compliance with the framework.
<b>Compliance Officer</b>	Means the person appointed by the TCF as the compliance officer under the Code Compliance Framework.
<b>Customer</b>	Means a person who has a bona fide billing relationship with a Retail Service Provider in respect of their Fixed Line Telecommunication Services. The Customer may also be referred to in this Code as a Registered Consumer.
<b>Disconnection</b>	Means the final termination of a service between the Retail Service Provider and the Customer.
<b>Disconnection Process</b>	Means the process which is triggered by non-payment, high usage of Telecommunications services or a high credit risk as assessed by the Retail Service Provider and defined in the TCF Disconnection Code.

<b>Fixed Line Telecommunication Services</b>	Means all telecommunication services provided to a fixed point, including landline and broadband services offered over copper, fibre, fixed wireless, HFC and satellite.
<b>Management</b>	All service provisioning, including: <ul style="list-style-type: none"> <li>- installation of services,</li> <li>- service changes,</li> <li>- service assure (including faults); and</li> <li>- service disconnections</li> </ul> associated with Fixed Line Telecommunication Services.
<b>Network Operator</b>	As defined in section 5 of the Telecommunications Act 2001
<b>New Zealand Telecommunications Forum or TCF</b>	Means the New Zealand Telecommunication Forum Incorporated Society registered in New Zealand.
<b>Party</b>	Means a Person signed up to this Code.
<b>Person</b>	Means a legal person and includes a company and any other legal entity.
<b>Provider</b>	Where this term is used in this Code, it refers to both Network Operator and Retail Service Provider.
<b>Registered Consumer</b>	Means a consumer who ordinarily resides at a premises where the service is supplied and has demonstrated to the satisfaction of their RSP that for reasons of, health, safety, disability they, or a member of their household, are dependent on Fixed Line Telecommunication Services for their wellbeing. This definition also includes consumers defined as 'Vulnerable Consumers' under the Commerce Commission's 111 Contact Code and those registered as medically dependent.
<b>Retail Service Provider or RSP</b>	Means any person providing a Telecommunication Service to a Customer and who has the bona fide Billing Relationship with the Customer for that service. An RSP may also be referred to as an Access Seeker or a Service Provider. The term is defined in section 5 of the Telecommunications Act 2001.
<b>Self-Regulated Code</b>	As described in the TCF Rules section 20, the obligations set under this Code are either voluntary or mandatory as approved by the TCF Board.
<b>Telecommunication(s) Service</b>	Means any goods, service, equipment and/or facility that enables or facilitates Telecommunication, as defined in Section 5 of the Telecommunications Act 2001.

<b>Voluntary Code</b>	A Voluntary Code is a Self-Regulated Code which TCF Members and other Parties may choose to sign up to. Compliance is confirmed through self-certification and monitored through the CCF.
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## **E. OBJECTIVES AND SCOPE**

### **7. Objectives**

- 7.1. The objective of the Code is to ensure that Code Signatories have processes in place to provide Registered Consumers with the support they need in relation to the Management of their Fixed Line Telecommunication Services. This is achieved by:
  - 7.1.1 Requiring RSPs to have a registration process available for Customers.
  - 7.1.2 Setting out what should be communicated by Providers to a Registered Consumer or a prospective Registered Consumer.
  - 7.1.3 Establishing a process between Providers to share the status of a Customer if they become a Registered Consumer.
  - 7.1.4 Defining operational guidelines for dealing with Registered Consumers' requests relating to the Management of their Fixed Line Telecommunication Services.

### **8. Scope**

- 8.1. This Code applies to residential Fixed Line Telecommunications Services.

### **9. Exclusions from Scope**

- 9.1. This Code does not apply to:
  - 9.1.1 Mobile telecommunication services.
  - 9.1.2 Business Customers.
  - 9.1.3 The communication of planned and unplanned outages to Registered Consumers on an individual basis.
  - 9.1.4 Medical equipment installed at the Registered Consumer's premises. It is the Customer's responsibility that such equipment can be connected to the telecommunications network and is operational. The RSP will advise the Customer to liaise with the medical equipment supplier to ensure connectivity.
  - 9.1.5 Disconnection processes. Refer to the TCF Disconnection Code for a separate process.

## **F. REGISTRATION PROCESS**

- 10. RSPs should have a process in place for customers to apply to be registered as Registered Consumers.
- 11. RSPs should ensure that the information relating to the definition of a Registered Consumer, and how to register, is made available online and is easily accessible to

Customers. This information should be provided alongside the information relating to the 111 Contact Code, to enable Customers to understand that they may be able to register as a Registered Consumer even if they do not qualify for specific support under the 111 Contact Code.

12. As part of the application process, RSPs:
  - 12.1. May request evidence to support an application from a Customer to become a Registered Consumer.
  - 12.2. May request that a nominated person that is independent of the applicant is identified to verify the information provided for the application process.
  - 12.3. Must inform Customers that the information provided about the Registered Consumer may be disclosed to the Network Operator for the purposes of ensuring the right level of support is provided for the Management of their Fixed Line Telecommunications Service.
13. The following describes examples of Customers who may be considered as Registered Consumers under this Code. These examples are provided for guidance only. RSPs will use their discretion to determine the status of a Customer based on their individual circumstances:
  - 13.1. Customers who have a monitored medical or family violence safety alarm that is reliant on fixed network access for its continued operation.
  - 13.2. Customers with a medical condition where their medical practitioner has certified that they require access to a fixed network service to manage their condition (e.g., to be able to make calls to emergency services); and
  - 13.3. Customers who provide a protection order that is issued from the Family Court and who rely on their Fixed Line Telecommunication Services for their safety rather than the use of an alternative service such as a mobile phone.
14. RSPs will determine whether a Customer, or a member of their household, has a genuine dependence on Fixed Line Telecommunication Services, based on the information provided to them by the Customer.
15. Providers will give particular consideration to Registered Consumers during the Management of their Fixed Line Telecommunication Services.
16. If a Registered Consumer switches RSPs, they are required to re-register as a Registered Consumer with their new RSP.
17. The vulnerability status and the associated details of a Customer are sensitive personal information and should be subject to appropriate security and handling that reflects the sensitivity of the information.
18. RSPs must inform Customers of the existence of the Code by publishing the Code on their website and/or providing a link to the Code on the TCF website.

## **G. OPERATIONAL GUIDELINES**

### **19. Communication between RSP and Network Operator**

- 19.1. The RSP must advise the Network Operator that a Registered Consumer resides at the relevant premises each time the RSP requests a transaction impacting the Registered Consumer, including any relevant information about the Registered Consumer's reliance on a Fixed Line Telecommunication Services related to the transaction.
- 19.2. Only personal information necessary to support the purpose of the Code may be disclosed by an RSP to a Network Operator in relation to a Registered Consumer. Information shared must only be used by the Network Operator for the relevant transaction and must not be stored by the Network Operator longer than reasonably necessary for the purpose that it was disclosed for.
- 19.3. The Network Operator will be entitled to rely on the information provided by the RSP that a genuine Registered Consumer resides at the premises and that they have authorised the sharing of their personal information in accordance with this Code. The Network Operator may request the RSP to provide evidence of its processes if it suspects that the process is being abused, subject to the Privacy Act 2020, the RSP's privacy policy and any terms and conditions.

## **20. Service Management**

- 20.1. Registered Consumers must be considered in any bulk customer migrations.
- 20.2. Where there is a chain of multiple resellers, all parties are responsible for passing the information up the chain to be received by the Network Operator. Similarly, where there is a chain of multiple resellers, all parties are responsible for passing the information down the chain to be received by the Customer's RSP.
- 20.3. The RSP will advise the Network Operator:
  - 20.3.1 If the Customer is a Registered Consumer when requesting the Network Operator to connect, modify or repair a Customer's connection
  - 20.3.2 If the Registered Consumer requires a priority appointment, including an explanation on the urgency. For example, if the Customer has no alternative method to contact emergency services or their medical provider.
  - 20.3.3 If the Registered Consumer does not require a priority appointment. For example, if they have an alternative method to contact emergency services but require extra care and management of their request due to their vulnerability. The RSP should advise the Network Operator of any special requirements.
- 20.4. The Network Operator will;
  - 20.4.1 Make its technicians aware that the Customer is a Registered Consumer, and provide relevant information to the Technician from the RSP (which may be provided in the service request transactional record). Technicians should check that the Registered Consumer has confirmed that they have taken steps to ensure the continued operation of their medical equipment if applicable. Any concerns may result in the installation being rescheduled.



- 20.4.2 Use all reasonable commercial endeavours to prioritise the telecommunication service request considering the Registered Consumer's individual situation.
- 20.4.3 Aim to ensure their technician, where practical, has verified that the Customer's service is fully working and is usable by the Customer before leaving the premises and, where possible, request the Customer to verify that any essential devices are operating before leaving the premises e.g., hearing impaired telephone

## 21. Fault Management

The following section outlines the process for reporting a fault for a Registered Consumer.

- 21.1. The RSP will first follow its troubleshooting processes to validate the fault and resolve the issue if possible.
- 21.2. If the fault is identified as a network fault, the RSP will escalate it to the Network Operator and advise that the fault is at a Registered Consumer's premise, in accordance with [clause 19](#).
- 21.3. The Network Operator will provide regular updates to the RSP in accordance with its existing BAU fault management process. The RSP will keep the Registered Consumer informed.
- 21.4. If restoration or verification is not possible due to circumstances beyond the reasonable control of the Network Operator, the Network Operator will advise the RSP that service cannot be restored or verified, and the reasons for this.
- 21.5. The RSP should contact the Customer, where practical, to confirm restoration of service when a fault is repaired and address any outstanding queries from the Customer.
- 21.6. Response service levels:
  - 21.6.1 Where a fault is proven in an RSP's network, the RSP will respond by endeavouring to give priority to the analysis and repair of the fault and will use all reasonable commercial endeavours to restore/repair the service as soon as practically possible.
  - 21.6.2 Where a fault is proven into the Network Operator's network by the RSP, the Network Operator will endeavour to treat the fault as a priority and will use all reasonable commercial endeavours to restore service as soon as practically possible.

*Note: The response time may vary depending on the location i.e., a fault recorded by a Registered Consumer located at an outlying candidate area may take longer to reach.*

## H. CUSTOMER COMPLAINTS AND DISPUTE RESOLUTION

- 22. RSPs must have a process for dealing with complaints under this Code, as required by the TCF Customer Care Code.
- 23. Customers must be informed about further recourse to the Telecommunications Disputes Resolution Scheme (TDRS), if their complaint is not resolved with their RSP. Information about how to access the TDRS must be published on the RSP's website.

24. Each Party to a dispute that is referred to the TDRS must comply with the rules of the TDRS.

## **I. CODE COMPLIANCE WITH RELATED OBLIGATIONS**

25. All Parties to this Code must ensure they comply with the Fair Trading Act 1986, Consumer Guarantees Act 1993, the Privacy Act 2020 and the Telecommunications Information Privacy Code 2020. Retail Service Providers must comply with the Commerce Commission's 111 Contact Code. In the event of any inconsistency between this Code, any relevant legislation, and any Commerce Commission determinations and Codes, this inconsistency will be resolved in the following (descending) order of precedence:
- 25.1. Legislation;
  - 25.2. Commerce Commission Determinations and Codes;
  - 25.3. This Code.

## **J. TCF CODE COMPLIANCE FRAMEWORK OBLIGATIONS**

26. The TCF Code Compliance Framework (CCF) governs Code Signatories' compliance obligations with TCF Codes.
27. The TCF CCF applies to the ongoing monitoring and compliance of this Code. By becoming a Code Signatory, Parties agree to comply with and are bound by the terms of the CCF and obligations set out in this Code.
28. Self-certification Monitoring and Reporting Requirements:
- 28.1. It is the responsibility of the Parties to this Code to be fully conversant with the latest version of this Code, and to ensure that they are compliant at all times.
  - 28.2. In accordance with the CCF, Code Signatories must file initial and annual self-certification forms with the Compliance Officer to demonstrate their initial and ongoing compliance with this Code.
  - 28.3. Each Code Signatory must keep information they deem necessary to show their compliance with this Code, should it be required.
29. **Compliance Issue Management**
- 29.1. The TCF CCF Section I sets out the process for dealing with notice of potential breach by a Code Signatory, investigation, sanctions, and appeals process.
  - 29.2. Parties who may provide notice of a potential breach of the Code to the TCF Code Compliance Officer are set out in the CCF.
30. **Telecommunications Act 2001**
- 30.1. For the avoidance of doubt, the procedures set out in the CCF are additional to, and not exclusive of, any other rights a Party may have under the Telecommunications Act 2001, at law or in equity and nothing in the CCF will prevent any Party from exercising its rights to raise a dispute directly to the Commerce Commission in accordance with Part 4A of the Telecommunications Act 2001.

## **K. MONITORING**

31. The TCF monitors compliance of this Code under the CCF.
32. The TCF may request information from a Party in relation to their code compliance, including for the purposes of this Code, information regarding registration process, information provided to a Customer, complaints, or management of a Customer's service.

#### **L. EXPIRY, REVOCATION AND AMENDMENT OF THE CODE**

33. The expiry, revocation or amendment of this Code will be in accordance with the New Zealand Telecommunications Forum's Operating Procedures Manual 'The Handbook', any TCF Member may put a Project Proposal to the TCF Board (at any time) for the amendment or revocation of the Code.
34. This Code may be reviewed at any time, with a maximum five-year period between reviews as required under the TCF CCF.