



# **TCF Code Compliance Framework**

**Half Year Report**

**November 2023**

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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 May 2022 – November 2023.

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 31/03/2023.
- There is one company in breach of compliance due to an unreturned initial certification form for the Customer Care Code: Unison.
- There have been four additional Code compliance issues raised through the CCF, beyond the unreturned certification form.
- Two codes have been endorsed since the last compliance report: The Customer Care Code and the IMEI Block Listing Code.
- The Customer Complaints Code has been annulled, being superseded by the Customer Care Code.

### Compliance Statistics at a Glance

Category	Amount this half-year	Amount this year
Allegations of Breach Received*	5	5
Code Signatories found in breach*	3	3
Code Signatories complained about, but found not in breach	2	2
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).

# Items to note

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Some companies have noted compliance issues on initial self-certification forms submitted in the last half-year. These are:

- Sky – Customer Care Code. Sky noted there was one section that they were not fully compliant with and provided an estimated date of 30 November 2023 to become fully compliant.
- Devoli – Disconnection Code. Devoli noted that they are currently working on implementing a new architecture to efficiently capture and store information related to vulnerable customers.
- One New Zealand – International Mobile Roaming Code. One NZ noted that they marked two parts non-compliant as they were still awaiting confirmation from their billing team.

There are a few companies who are still in their initial compliance period for some codes (the three-month period between signing up to a code and the initial self-certification form being due). These are indicated in the appendix.

## Code Reviews

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### Code reviews completed

Since the last Compliance Report the following Code review has been completed:

- Fibre Installation Code

The Working Party determined that no substantial changes were required to the Code, but minor updates were made to references to Acts and other codes. Because there were no structural changes to the code, the TCF Board was not requested to endorse the updated version and signatories were not required to update their self-certifications.

### Existing Codes under review

The following Codes are currently under review by Working Parties.

- Unauthorised Use of Mobile Phones in Prisons Code
- Code Compliance Framework

### 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
- Product Stewardship Re:Mobile Scheme Code – this code will be reviewed as part of the product stewardship scheme accreditation work.

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).

The Working Party are awaiting the outcomes of the Commission's recent review of their marketing alternative services guidelines prior to commencing the review of the above 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.

Note that the Customer Care Code complaint is due to failure to provide an initial self-certification for the Customer Care Code.

No Compliance Issue Notices or investigations were carried out due to the following:

- Two of the Notices of Potential Breach received were self-reported breaches, where the proposed resolutions were provided as part of the notice.
- The two complaints made by one signatory against another were resolved bilaterally between parties, without needing to progress through the compliance management process.

Complaint Metric	Total this half-year	Total Annual
<b>Complaints by TCF Code</b>		
Copper and PSTN Transition Code	2 (40%)	2 (40%)
Scam Prevention Code	2 (40%)	2 (40%)
Customer Care Code	1 (20%)	1 (20%)
<b>Complaints by Type</b>		
Complaints against TCF Members	4 (80%)	4 (80%)
Complaints against Non-TCF Members	1 (20%)	1 (20%)
Self Reported Breaches	2 (40%)	2 (40%)
Complaints made by One Signatory against Another	2 (40%)	2 (40%)
Complaints Raised by a Valid Third Party	0 (-%)	0 (-%)
Breach raised by Compliance Officer	1 (20%)	1 (20%)
<b>Stage 1-4 Notices</b>		
Notice of Potential Breach Received (Stage 1)	4	4
Complaints Determined to be Invalid (Stage 1)	0 (-%)	0 (-%)
Compliance Issues Notices Issued (Stage 2)	0 (0% of Stage 1 notices received)	0 (0% of Stage 1 notices received)
Investigations where No Breach is Found (Stage 3)	0 (0% of Stage 1 notices received)	0 (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)	0 (0% of Stage 1 notices received)	0 (0% of Stage 1 notices received)
By Compliance Officer	0 (100%)	0 (100%)
By Enforcement Agent	0 (-%)	0 (-%)
<b>Escalation</b>		
Complaints Investigated by Compliance Officer	0 (-%)	0 (100%)
Complaints Investigated by Enforcement Agent	0 (-%)	0 (-%)
Audits Carried Out	0	0
Appeals Raised	0	0
<b>Sanctions</b>		
Sanctions Applied	0	0
Compliance Issues Resolved	4	4

## Sanctions

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

## Additional Compliance Activities

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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:** 2023

**Code Type:** Voluntary      **Date Effective:** 1/08/2022, with  
**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

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:** 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: 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	Initial Compliance Period
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:** 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: 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:** 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

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>	2023

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	Initial Compliance Period
Chorus	Auckland	Yes	Current
Connexa	Auckland	Yes	Initial Compliance Period
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	Initial Compliance Period
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	Initial Compliance Period
Tuatahi First Fibre	Hamilton	Yes	Current
Unison Fibre	Hastings	Yes	Awaiting Response
Vector Communications	Auckland	Yes	Current
VoIPLine Telecom Pty Ltd	Auckland	No	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: 4 Review Notes:

Organisation	City	Member	Signatory Status
Devoli	Auckland	Yes	Current
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: 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	Initial Compliance Period
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:** 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: 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:** 2023

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	Initial Compliance Period
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:** 2023

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:** 2023

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:** 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: 11 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
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