



TCF Code Compliance Framework

Half Year Report

November 2024

CCF Report

This report contains information on the operation of the TCF Code Compliance Framework (CCF) for the period from 1 April 2024 to 30 September 2024.

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 31/03/2024.
- There is one company in breach of compliance due to an unreturned initial certification form: Greater Bay Group Aotearoa. This is a non-TCF member who has joined TDR but has not yet submitted their initial self-certification form for the TCF Customer Care Code.
- There have been seven Code compliance issues raised through the CCF.

Compliance Statistics at a Glance

Category	Amount this half-year	Amount this year
Allegations of Breach Received	7	7
Code Signatories found in breach	1	1
Code Signatories complained about, but found not in breach	6	6
Code Signatories that have resolved breaches within proposed resolution timeframes	1	1
Code signatories that have had sanctions applied	1	1
Active Compliance Management Issues on hand	0	0

Code Reviews

Code reviews completed

The following code reviews have been completed since the last Compliance Report.

- The CCF and associated Operations Manual.

The CCF was introduced in 2012 and had not undergone any changes since then. The Compliance Officer has reviewed both documents and proposed several changes to bring them up to date and to reflect that the framework is now fully embedded. The changes were consulted on with members of the Policy Committee and TCF Member compliance contacts through a series of meetings. The updated documents are being submitted to the TCF Board for approval at the November meeting.

Existing Codes under review

There are currently no codes under review by Working Parties.

Codes due for review

In accordance with the TCF's 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 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

The following codes are also due to be reviewed, with their timeframes influenced by the Commerce Commission's RSQ workstream timeline.:

- Broadband Marketing Code
- Broadband Product Disclosure Code
- Copper and PSTN Transition Code.

The Commission is currently running a consultation on the recently published draft Broadband Marketing Guidelines, which the Working Party has submitted on. The Working Party will update the Broadband Marketing and Copper and PSTN Transition Codes following publication of the final Guidelines.

The Commission has indicated that it is aiming to publish Product Disclosure Guidelines by the end of this year. 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 Guidelines into industry codes.

New Codes being developed

The following new codes in development by Working Parties.

- Vulnerable End User Code.

The purpose of this code is to set out best practice standards when dealing with vulnerable consumers across both fibre and copper services, including but not limited to fault management and installation of services.

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.

The Compliance Officer received seven Notices of Potential Breach during the first half of the compliance year (1 April 2024 to 30 September 2024). Six of the notices were received from TDR in relation to the Customer Care Code, with one notice received from a different party.

The Compliance Officer deemed two of the notices to be invalid. One of these was due to the complainant not being a Code Signatory or Valid Third Party. The Compliance Officer still reviewed the information contained in the notice, however, and worked with the Signatory involved to resolve the issue outside of the compliance issue management framework.

Compliance Issue Notices were issued for five of the notices received. Stage 3 investigations resulted in one breach found, which was subsequently resolved, and three instances where no breach was found. The remaining notice was withdrawn by the complainant.

Complaint Metric	Total this half-year	Total Annual
Complaints by TCF Code		
Customer Care Code	6 (86%)	6 (86%)
Broadband Marketing Code	1 (14%)	1 (14%)
Complaints by Type		
Complaints against TCF Members	7 (100%)	7 (100%)
Complaints against Non-TCF Members	0 (-%)	0 (-%)
Self Reported Breaches	0 (-%)	0 (-%)
Complaints made by One Signatory against Another	0 (-%)	0 (-%)
Complaints Raised by a Valid Third Party	6 (100%)	6 (100%)
Breach raised by Compliance Officer	0 (-%)	0 (-%)
Stage 1-4 Notices		
Notice of Potential Breach Received (Stage 1)	7	7
Complaints Determined to be Invalid (Stage 1)	2 (29%)	2 (29%)
Compliance Issues Notices Issued (Stage 2)	5 (71% of Stage 1 notices received)	5 (71% of Stage 1 notices received)
Investigations where No Breach is Found (Stage 3)	3 (43% of Stage 1 notices received)	3 (43% of Stage 1 notices received)
By Compliance Officer	3 (100%)	3 (100%)

By Enforcement Agent	0 (-%)	0 (-%)
Notices of Confirmed Breach Issued (Stage 4) (excludes Stage 3 notices where decisions are pending)	1 (14% of Stage 1 notices received)	1 (14% of Stage 1 notices received)
By Compliance Officer	1 (100%)	1 (100%)
By Enforcement Agent	0 (-%)	0 (-%)
Escalation		
Complaints Investigated by Compliance Officer	5 (100%)	5 (100%)
Complaints Investigated by Enforcement Agent	0 (-%)	0 (-%)
Audits Carried Out	0	0
Appeals Raised	0	0
Sanctions		
Sanctions Applied	1	1
Compliance Issues Resolved	1	1

Sanctions

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

Additional Compliance Activities

The Compliance Officer has carried out a mystery shopper exercise to assess compliance with the following TCF Codes:

- Broadband Marketing Code
- Broadband Product Disclosure Code
- Copper and PSTN Transition Code.

The mystery shopper exercise involved a review of the websites of all code signatories and their retail brands, to assess how the information presented on the websites complies with the related requirements of the codes.

Overall, compliance with the codes was found to be high and showed an improvement from the last time the exercise was carried out, in late 2022.

Following the review, the Compliance Officer wrote to each code signatory to provide their individual results, highlighting any compliance issues that need remedial action. The letters noted that Notices of Potential Breach may be issued for any compliance issues that are found to be ongoing at a follow-up check, to be carried out by the end of the calendar year. Signatory engagement with these mystery shopper exercises has been positive, with several signatories having already taken action to remedy any issues found on their websites.

During the Broadband Marketing Code mystery shopper exercise, the Compliance Officer identified potential improvements to MBNZ reporting, which could assist signatories in their compliance with the code. The Compliance Officer has engaged with the Commerce Commission on these findings, who has indicated it will work on implementing the suggestions.

Appendix – TCF Code Summary Report

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

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

Code Name:	Customer Care Code
Report Year:	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:	24	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
Greater Bay Group Aotearoa Ltd	Auckland	No	Awaiting Response

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