



TELECOMMUNICATIONS  
DISPUTE  
RESOLUTION

# Telecommunications Dispute Resolution 2020 – 21 Annual Report

1 July 2020 – 30 June 2021



**kia tau**  
YOUR EXPERTS  
IN DISPUTE  
RESOLUTION





# About TDR

Telecommunications Dispute Resolution (TDR) is here to help when New Zealanders have a complaint about their mobiles, home phones or internet.

In most cases, telecommunications companies will work directly with their customers to remedy issues or problems when they occur. But for those other unresolved cases, it is OK to ask for help. TDR is independent, free and here to help.

In the past year alone, TDR has assisted 1961 people. TDR has been resolving telecommunications complaints since 2007 when it was established by the New Zealand Telecommunications Forum (TCF), whose members represent the majority of telecommunications providers in New Zealand (servicing over 95% of telecommunications consumers). TDR membership is mandatory for TCF members and voluntary for other telecommunications providers.

TDR members pay a levy which is used to run TDR, and the Customer Complaints Code sets out the rules for TDR members, enabling TDR to resolve complaints about our members. TDR can also help with disputes relating to the 111

Contact Code and the Copper Withdrawal Code. It is free for consumers to use our service under each of the codes.

The TDR service is entirely independent of its members. TDR is managed and operated independently by Fair Way, a specialist conflict management and dispute resolution organisation. The TDR team includes experienced and dedicated Resolution Coordinators and Resolution Practitioners who assist with telecommunications enquiries and resolve complaints.

TDR is overseen by a council who provide guidance and governance. The Terms of Reference sets out that the Telecommunications Dispute Resolution Council consists of four industry representatives and four consumer representatives, including one representative appointed by the Minister of Consumer Affairs.

If you have a telecommunications problem and you are not sure where to turn, get in touch with TDR. Whether it's a billing issue, customer service complaint or something else, talk to the TDR team. We're here to help.







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# TDR Council Chair Foreword

After a tumultuous 2020 dominated by the impact of COVID-19 on our lives and the way we work, this year has provided a new set of challenges for the Telecommunications Dispute Resolution Scheme (TDR).

We continued to adjust to the regime of lockdowns and restrictions with telecommunications providing important solutions to workplace and workflow barriers, in many cases leading to greater use of technology.

For the council that has oversight on the scheme 2021 was the year of the temperature check in the form of a comprehensive review instigated by the Commerce Commission as part of its obligations under the Telecommunications Act.

The commission employed Australian contractors well versed in how such disputes resolution schemes work outside of New Zealand and, at the end of the process of interviewing stakeholders and collecting vital information, helped the commission come up with a series of significant changes.

In its review report the commission said that fast and effective resolution was a critical aspect of retail service quality and was essential to building consumer confidence in the sector. They noted that while TDR did some things well it needed to raise its profile and performance to become a trusted and useful tool for both consumers and service providers.

The commission found that most consumers who interact with the scheme experience early resolution of their disputes and those who progress to the more formal mediation and adjudication processes say they are reasonably well served.

But the commission identified changes to the scheme's processes and operating framework and adjustments to the governance structure to ensure the council is independent of the industry body, the Telecommunications Forum (TCF) and to establish clear lines of accountability.

The council, the TCF and Fair Way (who run the scheme) have welcomed many of the changes proposed and set out almost immediately to bring some of the recommendations to fruition in a very short timeframe.

Establishing a new governance structure will take more time but Fair Way and the council are already making progress with marketing and promotion activities aimed at raising greater awareness of the scheme. The TCF has committed to a major investment, the results of which will be seen shortly.

As always, the focus of the scheme is to help telecommunications companies and their customers resolve disputes. This includes ensuring companies provide customers with clear, unambiguous, and consistent messages; and treat customers fairly.

TDR is a highly important and essential avenue to protect consumers and build confidence in an industry that continues to undergo massive, rapid change.

I thank all the stakeholders including the Minister for Communications, the Commerce Commission, the telecommunications companies, their industry body TCF and Fair Way for their ongoing support of the scheme.



**Paul Elenio**

TDR Council Chair



# TDR Manager report

Telecommunications services enabled many businesses to continue operating, employees to work from home, students to learn online and families to stay connected with their loved ones across 2020 and 2021.

Telecommunications services are entrenched in all that we do, so when people have an issue with the mobile, home phone or internet it has a big impact on their lives. The TDR team take pride in the work we do – helping New Zealanders to resolve complaints with their telecommunications providers. It's important work and the availability of a free and independent service makes a big difference.

This year TDR received 1940 enquiries, 30.7% less than the previous year. Many providers recognised the challenges facing their customers during the pandemic. They stopped referring debt to collections during lockdown, and they allowed more time to pay outstanding invoices. These changes made a big impact for their customers and resulted in less complaints to TDR. That being said, billing continues its reign as the top cause of complaints. The main issue we've seen this year is disputed charges on customer invoices. Customer service comes in second, with complaints about scheme members failing to action customer requests or keeping customers informed at the top of the list. Customer service comes in second, with complaints about scheme members failing to action customer requests or keeping customers informed at the top of the list in this category. We have also seen a 658% increase in complaints about service interruption. These mainly related to congestion, causing speed and connections to drop. This is not currently an area within TDR's jurisdiction. The TCF are undertaking a review of the Customer Complaints Code so this may be an area for change in 2022.

The 30% reduction in enquiries has resulted in 30% less complaints progressing to TDR's formal process than last year. TDR resolved 1961 cases, including some cases that carried over from the previous reporting year. 98% were resolved in our early phase. Only two percent required more formal intervention. For these 36 cases, there was an even split between complaints resolved consensually, by facilitation and mediation, and cases requiring a decision made by an adjudicator. Typically, if a complaint reaches adjudication parties are well entrenched in their opinion and requested resolution. TDR Resolution Practitioners must carefully weigh the issue at hand, the history of the complaint, the contractual and legal requirements of both parties as well as what is fair in the circumstances relevant to the complaint.

This year, half of all adjudicated matters were upheld or partially upheld in favour of the consumer.

We have two new complaints categories in this report. The 111 Contact Code came into effect in February to support vulnerable consumers using modern landline technologies in being able to contact emergency services in a power cut. TDR is here to help with any disputes relating to the 111 Contact Code. Our service is open to customers of all home phone service providers, regardless of who your provider is. Any disagreements or complaints in relation to the rights and obligations of the parties under the 111 Contact Code can be referred to TDR if they remain unresolved after 5 working days. We received five cases under this new code in this period.

The Copper Withdrawal Code came into force on 1 March 2021. It outlines the responsibilities for Chorus, who operate the wholesale copper telecommunications network, when withdrawing copper services from an area. Consumers can complain to TDR if they have a complaint about their telecommunications provider's responsibilities or obligations under the code or if they claim Chorus has not complied with the code when withdrawing copper services from an area. The Code came into effect on 1 March 2021 however Chorus are not able to stop supplying copper services until 1 September 2021 at the earliest, so we did not receive any complaints in this reporting period.

The Commerce Commission is required to review TDR every three years. Their first review was undertaken recently. TDR welcomed the review and actively participated in the process. It's important that consumers have access to an effective dispute resolution service. This independent review provides a great opportunity for TDR to learn, to grow and improve our service. We look forward to implementing a range of changes in 2022, starting with a change to promotional activities as consumer awareness is a key focus area for us.

It is important that all Kiwis know they have access to a free and independent service. TDR is here to help them resolve their issue quickly whenever they might need us.



**Jeanie Robinson**

Telecommunications  
Dispute Resolution





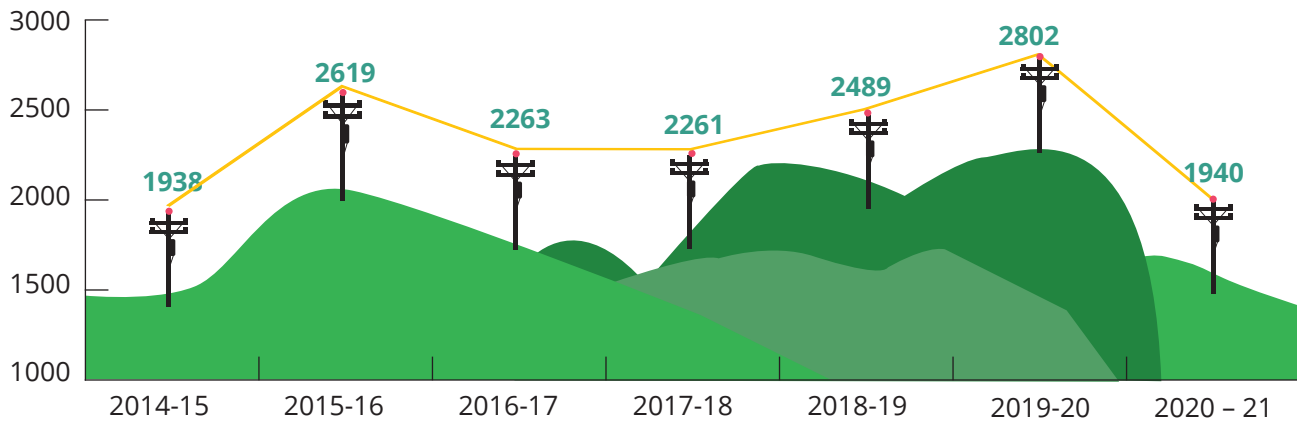
# The year in review



# How TDR dealt with complaints in 2020 – 21

## About the complaints and enquiries received by TDR

### Total complaint and enquiry contacts with TDR per year



Over the past year, TDR received 1940 enquiries. This is a 30.7% reduction on the previous year. We know many telecommunications providers made changes to their processes and billing collections because of the pandemic, and we believe this has contributed to the reduction in volume.

### Total complaint and enquiry contacts with TDR per year by category

This section represents our statistics for complaints about TDR members across all complaints and enquiries received by TDR.

KEY	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020 – 21
Billing	650	774	812	931	907	956	764
Credit management**	102	194	137	135	230	204	
Customer service	323	531	317	321	629	899	635
Network performance	128	179	126	89	67	89	187
Faults	300	443	331	271	302	301	145
Installations	n/a	78	142	174	84	117	112
Contracts/terms and conditions	295	332	271	230	221	185	46
Other*	124	114	14	34	15	16	25
Transfer*			89	61	26	22	18
Complaints handling	16	52	23	15	8	13	8

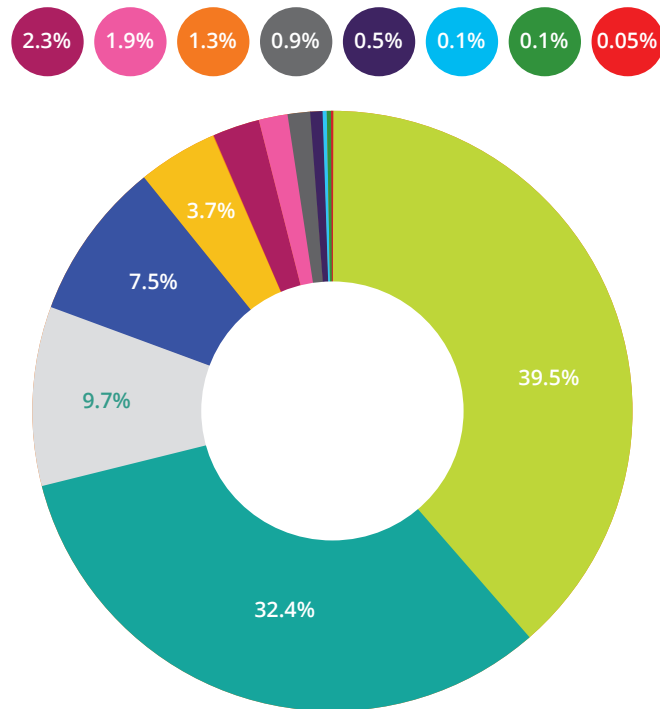
\* Transfer and other have previously been recorded as a single category. It did not split into two categories until 1 July 2016.

\*\* Credit Management is now included Billing



## About the complaints and enquiries resolved in 2020 – 21

Our reporting periods are not static, so some complaints or enquiries on hand at year end will carry through to the next period. This means the volume resolved or closed in a period won't be an exact match for the volume received in the same period. In 2020 – 21, 1961 complaints and enquiries resolved (21 more than enquiries received).



KEY	#	%
<b>Customer Complaints Code</b>		
Billing	774	39.5
Customer service	636	32.4
Network performance	190	9.7
Faults	148	7.5
Installation	72	3.7
Contracts/Terms and conditions	46	2.3
UFB	38	1.9
Other	25	1.3
Transfer	18	0.9
Complaints handling	9	0.5

<b>111 Contact Code</b>		
Customer service (111)	2	0.1
Installation	2	0.1
Vulnerable customer application	1	0.05
<b>TOTAL</b>	<b>1961</b>	<b>99.95%</b>

*Note: A small number of complaints and enquiries which are initially closed or resolved in the Phase I – Enquiry and registration, are subsequently re-opened by the customer. These re-opened complaints and enquiries are recorded again as new complaints in the Phase II – Investigation and resolution.*

Billing continues as the largest component of complaints and enquiries received by TDR this year. Customer service is a close second. Here are some examples of themes within these two categories.

### Billing

- A Disputed charges (514 cases)
- B Credit management (133 cases)
- C Account errors (70 cases)

### Customer Service

- A Failure to action requests (380 cases)
- B Incorrect or inadequate advice (61 cases)
- C Failure to keep customer informed (35 cases)

Other notable complaint themes include:

### Network performance

Service Interruption (91 cases)

### Installation

Delays (79 cases)

### Faults

Equipment failure (50 cases)  
Service not working (35 cases)





## How TDR dealt with complaints in 2020 – 21

Most complaints and enquiries related to **billing, customer service, faults** and **network performance**. Here are some trends within those categories.

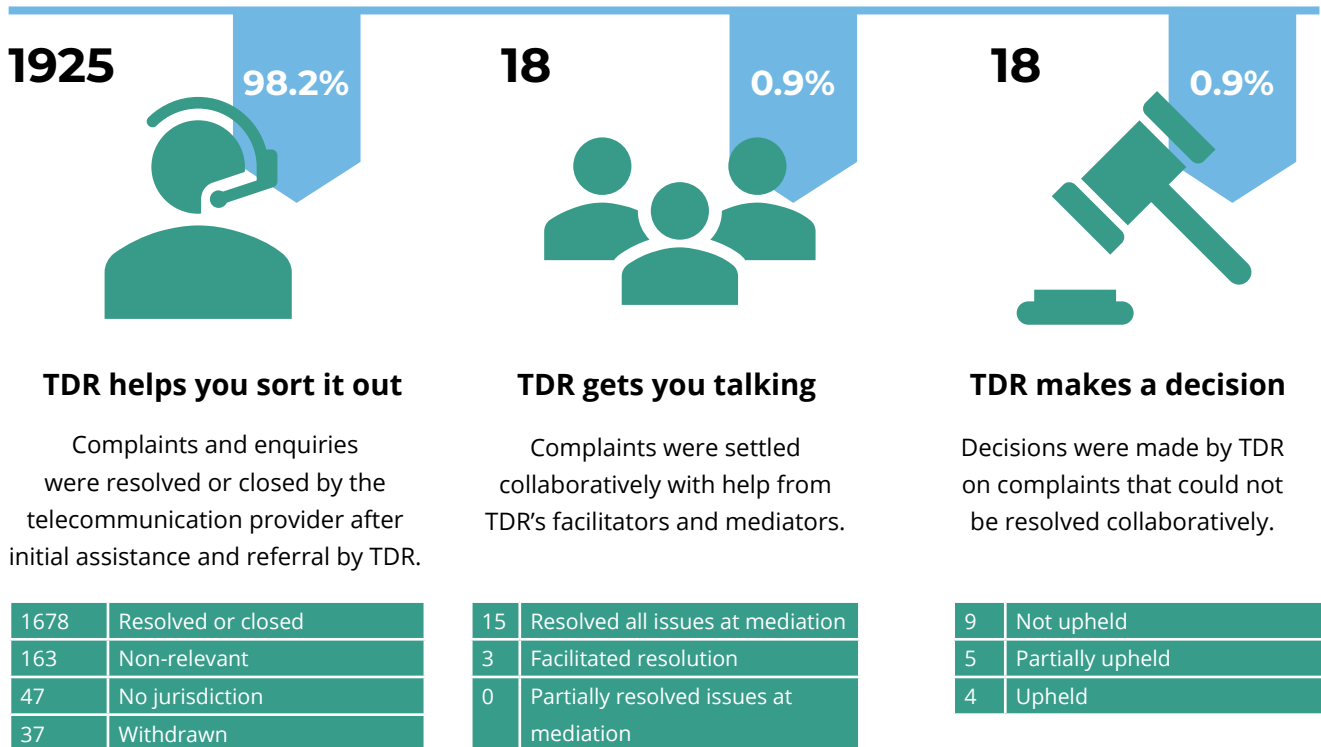
		Increase ↑		
Category	Trend	2019 – 20	2020 – 21	Change
Network performance	Service interruption	12	91	<b>+658%</b>
Faults	Service not working	24	35	<b>+46%</b>
Network performance	Speed	23	32	<b>+39%</b>
Billing	Disputed charges	447	514	<b>+15%</b>

		Decrease ↓		
Category	Trend	2019 – 20	2020 – 21	Change
Billing	Account errors	385	70	<b>-82%</b>
Customer service	Failure to keep customer informed	111	35	<b>-68%</b>
Faults	Equipment failure	99	50	<b>-49%</b>
Customer service	Incorrect or inadequate advice	102	61	<b>-40%</b>
Billing	Credit management	204	133	<b>-35%</b>

## How complaints and enquiries were resolved or closed in 2020 – 21

This graph shows the movement through the process of the 1961 complaints and enquiries resolved or closed in the 2020 – 21 financial year.

### How complaints and enquiries were resolved or closed this financial year



This year, TDR formally resolved 36 complaints. 18 were resolved through our collaborative facilitation and mediation process, and in the other 18 cases, they were resolved through TDR's decision-making function.

Outcome	What it means	#	%
Settlement	Complaints were settled by TDR facilitators or mediators, meaning that before TDR had to make a decision, the consumer and their telecommunications provider were able to collaboratively resolve with assistance from TDR.	18	50%
Not upheld	The TDR adjudicator determined that the complaint was not successful, which means that the consumer did not prevail.	9	25%
Partially upheld	Some aspects of these complaints were successful, which means that the TDR adjudicator found in favour of the consumer on those points.	5	14%
Upheld	The TDR adjudicator determined that the complaint was successful, which means that the consumer's complaint prevailed.	4	11%





## TDR complaints process

### There's a problem



#### Let your provider know there's a problem

Contact your telecommunications service provider directly and make your complaint.

Your provider will work with you to find a solution.

Typical issues raised include:

- My plan isn't working the way I thought it would (cost, service, etc.)
- There are charges on my bill I dispute/have questions about
- I raised an issue with my provider and I haven't gotten a response
- There has been an unreasonable/unexplained delay in installing my fibre/internet
- I have a complaint about how my fibre/internet was (or is being) installed.

### My complaint is with my provider and we're trying to work it out



#### Talk to TDR

If you make your complaint directly with your provider, you can still contact TDR. TDR will have a chat with you about how we can help and what you can expect from the process. TDR will ask you questions to help you clarify issues, identify options you want to talk about with your provider, and help you work out what you think will resolve the issue.

TDR does not step in at this point. This is the chance for you and your provider to work together. Most complaints are resolved at this stage. However, TDR is always here to provide information to both of you and to answer questions. A little help from TDR can often make a big difference.

### We need TDR's help to fix this



#### Collaborate

You and your provider haven't been able to sort out the issue?

Or six weeks has passed since you made your complaint?

Then one of TDR's expert team members will step in and help. If you can't resolve the complaint through mediation, a TDR adjudicator will decide the outcome. The outcome may be that the TDR adjudicator agrees with either all or some of your complaint or does not agree with your complaint. If you accept the outcome, your provider is required to accept it too.

Before TDR steps in, TDR makes sure that your complaint is something it can consider. This is called jurisdiction. Reasons TDR may not be able to help include:

- Your complaint is about a provider who isn't a member of TDR
- Your complaint is valued at more than \$15,000
- Your complaint is about equipment or applications that your provider doesn't support
- Your complaint is about network speeds or coverage.

Outcomes can include things like:

- Written apologies
- Plan changes
- Invoice corrections
- Refunds or account credits
- Withdrawal of accounts from collection.





**Business  
performance**





# Business performance

Under the Customer Complaints Code, the dispute resolution process consists of two phases.

## Phase I - Enquiry and registration

TDR receives an enquiry, and gathers information from the parties in order to determine whether the complaint:

- is relevant (is about a telecommunications member of TDR and their telecommunication service or products)
- had previously been made to the telecommunications member and is at deadlock
- is within the jurisdiction of TDR to consider.

## Phase II - Investigation and resolution

If the complaint is within jurisdiction, then a practitioner will work with both the customer and the TDR member to resolve the dispute, but if it cannot be settled in a collaborative way, then the practitioner will issue an adjudicated decision. That decision is binding on the TDR member if accepted by the customer. When a complaint is in Phase II, the process is managed by a single practitioner.

BUSINESS PERFORMANCE		
Effectiveness/Quality	Target %	Achieved %
Jurisdiction checks	80%	95.3%
Enquiry and registration phase	95%	99.1%
Investigation and resolution phase	95%	100%
Final determination phase	80%	93.1%

### Jurisdiction checks

TDR member replying to TDR within three hours of jurisdiction check.

### Enquiry and registration phase

Receiving complaint and completing summary of dispute within 24 business days.

### Investigation and resolution phase

Issuing final determination or mediated agreement within 27 days of receiving summary of dispute.

### Final determination phase

From issuing final determination to closing dispute within 30 business days.



## About jurisdiction

There are certain issues where TDR is unable to assist. 'Determining jurisdiction' is when TDR decides if a complaint is within our ability to assist, or if any exclusions within the codes apply.

The 5 most common reasons why TDR was unable to assist in 2020 - 21 were:

Jurisdiction Reason	Total
<p><b>The complaint was not made to TDR within 12 months of the customer's initial discovery of the matter being complained about</b></p> <p><b>Example:</b> The customer raised the issue with their provider or even TDR, however did not continue to pursue the complaint for a year or more.</p>	7
<p><b>The complaint relates to the extent of network coverage</b></p> <p><b>Examples:</b> Customer may be able to use their mobile in town but when they are at home the signal is lacking. Fibre may not yet be rolled out at the customer's address. Broadband congestion causing low speeds in newly built-up areas.</p>	5
<p><b>The complaint relates to equipment and/or applications the customer owns which the provider does not support</b></p> <p><b>Examples:</b> Customer is unable to configure their home Wi-Fi set up using equipment not provided by their provider. A mobile phone with issues that was purchased from a third party supplier.</p>	4
<p><b>The customer's complaint is "general dissatisfaction" and is not specific to a product, service or event</b></p> <p><b>Examples:</b> Customer is unable to point to a specific instance, or instances, that are relevant to the submitted complaint. Insufficient evidence is provided to show the validity of the customers claim.</p>	4
<p><b>If the Scheme Agent otherwise considers that it is not reasonable in the circumstances to proceed with accepting the complaint</b></p> <p><b>Examples:</b> Action provided by the scheme member is sufficient to remedy the situation leaving adjudication redundant as TDR is unable to provide compensation for indirect loss. TDR is unable to provide the customer with the remedy they request and the customer is unwilling to mediate.</p>	3



## Satisfaction with our service

# 1961

people  
assisted

# 83%

satisfied or  
very satisfied

# 88%

agreed we are  
friendly and  
courteous

# +61

net promoter  
score

2019 – 20    2020 – 21

**+73**

**+61**

Due to a change in case management systems, our NPS score dropped for a short period. An average NPS of +61 is still considered excellent. The scale is -100 to +100. Net promoter scores measure the likelihood that someone will recommend TDR.

**89%**

**83%**

Of overall complainants were very satisfied or satisfied with their TDR experience.

**93%**

**88%**

Of respondents strongly agreed or agreed that TDR staff are friendly and courteous.

**85%**

**85%**

Of respondents strongly agreed or agreed that TDR staff listened and understood their complaint. The listening and empathy skills of our experienced facilitators and practitioners were noted in many comments.

**82%**

**82%**

Of respondents strongly agreed or agreed that the TDR's process was timely and efficient. Most commenters shared that once the TDR got involved, they would be told exactly what to expect and issues were resolved quickly

**76%**

**78%**

Of respondents strongly agreed or agreed that they were kept well-informed about what was going to happen

**82%**

**82%**

Of respondents strongly agreed or agreed that the TDR facilitators were knowledgeable and provided all of the information that they needed.

**87%**

**81%**

Of respondents strongly agreed or agreed that the process was fair and impartial.





# Engagement & awareness





# Engagement and awareness

## 111 Contact Code

TDR collaborated with the Commerce Commission and TCF on a joint communications approach to the 111 Contact Code. A two-page factsheet was co-created. TDR contacted each Internet Service Provider in New Zealand to let them know our role under the code. We also shared the factsheet with community organisations and shared printed copies with the CAB network, Age Concern and Grey Power branches.

## Consumer and community engagement

Any opportunity where the TDR team can engage with consumers and community groups is a highlight for our team. In 2021, we attended the Waitangi Day festival in Porirua and Culture Fest in Auckland. Due to the pandemic, many other planned events were postponed or cancelled. Where possible, the TDR engaged in alternative means. We recently had a virtual presence at the Age Concern conference and we created an animated video for FINCAP's hui. We have also enjoyed meeting and presenting to CAB branches and Community Law Centres during the year.

## Meeting with TDR members

We regularly meet with TDR members to better understand what is happening for them. We also provide opportunities for education and shared discussion. This past year, we held bi-monthly operations meetings and several focus groups. Talking to members also helps inform TDR's submissions on proposed legislation and policy.

## Public reporting

In addition to our annual report, we release reports for each six-month period of the year. To provide consumers with context for the volume of complaints and enquiries received by TDR, TDR apportioned the data per 10,000 connections. TDR has engaged IDC New Zealand to provide us with connection data from IDC's Telecommunications Market Tracker related to the specific reporting period. Using the latest available information enables TDR to portray a more accurate snapshot at that point in time.

## Meeting with other complaint-handling organisations

TDR regularly attends meetings with other complaint bodies to discuss trends and share in skill-building. TDR also meets quarterly with the Commerce Commission to discuss industry trends and what TDR is seeing.

## Online engagement

Throughout the year, TDR has prepared informative content to assist consumers. This has been shared on our website and through social media channels. Examples include new case studies, a blog series which included articles on scams, security and 5G, and updates from the TDR service.

## Watch this space

Consumer awareness will be a key priority in 2022. In preparation, we have been working on a new look for TDR to support our planned promotional campaign which will be rolled out early next year.



## Feedback

*I filed my complaint during the evening and within early hours of the morning I had received confirmation of my complaint and that they had sent an email to our telecommunications provider to advise of TDR's involvement. Within a couple of hours I had been contacted and offered a fair resolution to our fault. Up until that moment it had been weeks of unresolved issues. Thank you very much TDR.*

*You put me on touch directly with the right person to solve the problem. Probably wouldn't have been able to do this alone.*

*I rang up before making a proper complaint and I was given great advice on trying to fix the issue prior to having to make a formal complaint.*

*Very prompt service, easy form to fill in. Resolved a complete mess. Bill went from approx 600 to 32 dollars.*

*Hoani (TDR support) listened and helped with the issue very well and as a result the resolution came swiftly (within 5 working days). I tried to resolve it myself previously and it didn't go anywhere for more than a month.*

*The response time to my enquiry was really quick and the support in getting in touch with the ISP we were having difficulty with meant that the dispute was cleared up really swiftly.*

*Big thank you to Jason. Amazing, his input made such a huge difference to a very frustrating drawn-out issue over a bill. Kept in touch with me. A great help.*

*The problem was resolved quickly once you accepted the complaint but actually getting past the main issue of the possible delay before you'd investigate was a problem.*

*I was getting nowhere. They just were not listening and no urgency. As soon as I got you guys involved then they put priority into sorting it.*

*After months of inaction, initiating a process with you lead to the provider resolving the issue within 24 hours.*

*Phone company did not acknowledge any wrongdoing until TDR got involved and then the issue got resolved instantly!*

*Easy to contact. Good process. Happy someone independent was involved.*





**Issues at  
a glance**



## Issues at a glance

We have included a selection of case studies which represent some of the core themes we've seen during the year. These include:

### Billing

Billing is consistently a top complaint trend for TDR. This year the majority of matters related to disputed charges, credit management and account errors. In this report, we've shared an example of a customer on a plan who did not receive a rebate once the term of the plan expired. The key to ensuring customers and providers have a mutually beneficial relationship is communication from the outset. While customers have a responsibility to understand what they are buying, providers need to make the relevant information easy to access, upfront and in plain language. This helps to lessen the amount of confusion or buyer's remorse.

### Customer Service

Customer service complaints increased significantly in 2019/20 and remained high in 2020 – 21. The top trends were failure to action requests, incorrect or inadequate advice and failure to keep the customer informed. Many complaints have a customer service aspect by the time they reach TDR, be that due to miscommunication or a breakdown in the relationship between the customer and provider after an issue has occurred.

### 111 Contact Code

The 111 Contact Code came into effect this year. We received five enquiries from February to June. These enquiries related to customer service (two), installation (two) and a vulnerable customer application. Three enquiries were resolved directly by scheme members. Two were deadlocked, with one matter ruled outside of TDR jurisdiction and one settled via mediated agreement.



# Case study 1

## Elevator issue

A customer representing a body corporate contacted TDR seeking an alternative solution for the emergency telephone in their lifts. The body corporate had copper-based landlines in their lifts for emergencies allowing people to summon assistance if they became trapped. As copper-based telecommunication services are being withdrawn in favour of fibre in areas where fibre is available, this would mean the lift phones would cease to operate.

The customer had contacted their provider asking for them to contribute to the cost of upgrading the lift's emergency phone system as they felt that if a person became trapped in a lift, they would then be considered a vulnerable person.

The provider advised TDR that they were unable to reach a resolution with the customer for the following reasons.

- They didn't believe a person trapped in a lift was defined under the 111 Contact Code definition as a vulnerable person
- The Copper Withdrawal Code did not require Chorus to contribute to the costs of a customer upgrading their equipment. Instead, they felt this responsibility lay with the lift operators
- Finally, as the customer is a body corporate, they argued they were defined as a Corporate Customer and are not covered under TDR's jurisdiction.

As such the case reached deadlock. For Customer Complaints Code matters, deadlock is when a complaint has been raised with a telecommunications company and has come to the end of the company's internal complaints procedure without being resolved, or when it's been six weeks or more since the customer contacted the company and the customer still doesn't have a resolution they are happy with, whichever comes first. For 111 Contact Code matters, that period is reduced to five working days. When deadlock is reached, the matter enters the formal TDR process.

To decide if TDR had jurisdiction to consider the matter, the TDR Resolution Practitioner considered the information the parties provided and the legislation. They concluded that as the customer was a body corporate made up of several individuals they were considered a Corporate Customer. Furthermore, the equipment (the lift) was owned by the customer and was supported by using other technologies that required electricity which was not supported by the provider.

The Practitioner found there was no jurisdiction to hear the matter and the case was dismissed.

**■ ■ Could you call 111 in an emergency? If you use a newer home phone technology you might need an alternative means. ■ ■**





## Case study 2

### Plans change

Ted took advantage of a mobile phone plan where he would pay a higher rate and receive a rebate at the end of each term, which he would use to purchase a new phone. He had this plan for several years. When he requested his rebate at the end of the most recent term in November 2019, he discovered that the plan had ended and therefore there was no longer any rebate on offer despite still paying the same fees.

Over 18 months Ted had numerous discussions and communications with the provider, requesting a refund of the rebate he felt he was owed.

The provider advised him that they were not obliged to advise him when the terms of the plan changed as he was able to review the plan at any time. To resolve the matter, they offered him a credit of \$800 to put towards the purchase of a new phone. However, Ted was not satisfied with this offer and the matter was deadlocked.

Ted got in touch with TDR and the complaint proceeded to negotiation. The TDR Resolution Practitioner worked with the parties clarifying their issues however they were unable to reach a settlement or resolution. The matter proceeded to adjudication.

The Resolution Practitioner found that the provider was not obliged to inform Ted that the plan ended, and that the rebate was no longer available. Both parties were able to negotiate a new contract. They also found that in keeping with the 'law of equity' Ted is entitled to a refund of the difference between the amount he paid and what he would have paid if he changed his plan when the rebate ended. The extensive communications, time and energy Ted expended was recognised by the TDR Resolution Practitioner.

The final decision required the provider to credit \$800 to Ted's phone account.

*\*Names have been changed to protect our customers' identities*

**Always read the  
T&Cs of your plan and  
check regularly to make  
sure you're getting the  
best deal available.**



## Case study 3

### Smartphones, technology and customer service

A newly bought smartphone stopped working and the customer returned it to the store hoping they could fix it. When a smartphone is taken in for diagnostics or is repaired the customer is asked to deactivate the security settings on the device. This helps protect the customer's privacy when the phone is sent away for repairs.

At the store the customer felt frustrated and anxious as he could not recall the passwords. His passwords were stored on his phone. Unfortunately, the password was incorrectly entered, and the phone locked itself. The store assisted the customer by giving him a loan phone for 2 weeks. The store also told the customer to wait until his phone was unlocked before disabling the settings.

After two weeks the phone was still locked, and the customer felt desperate as he needed his phone for work and for scanning in on the NZ COVID Tracer application. The customer phoned the manufacturer and they assisted him. The phone started working again and the customer returned the loan phone. But after a couple of weeks the smartphone stopped working again. This time the customer tried disabling the setting before taking the phone back to the store. Although the store took the smartphone it informed the customer three-weeks later that the setting had not been disabled. The customer was upset and asked for a new phone but the store advised him that it wanted an opportunity to fix the phone, as per the terms and conditions.

The customer was not satisfied and referred a dispute to the Telecommunications Dispute Resolution scheme. The customer said he was given poor customer service and he was not properly assisted by the provider.

The parties agreed to mediate the dispute. At mediation the customer said he felt disappointed that his smartphone had stopped working and that the store should have advised him earlier about contacting the manufacturer. The provider accepted it could have provided more information and should have realised earlier that the security setting had not been disabled when it accepted the phone for repairs. It apologised and offered some compensation. The customer agreed to give the provider an opportunity to diagnose and fix the phone within the time frame given.

*\*Names have been changed to protect our customers' identities*

**■■ If you have an issue,  
it's ok to ask for help. If  
you do need to make a  
complaint, TDR is here. ■■**



## Case study 4

### Big bill despite issues

Will\* took advantage of a deal where as well as landline and broadband services, he also received mobile phones at a discounted price. He ordered three phones on his account for himself and two family members.

Will began to experience billing and service issues which were not resolved to his satisfaction. After eight months of this, he decided to cancel and change to a new provider.

The previous provider acknowledged the issues that had occurred and agreed to wipe all early termination fees however the cost of the phones would remain, and payment was requested. Will received a significant bill for the outstanding amount owed for the three phones.

Will suggested that the provider offer him a separate discount for the phones considering the previous issues, however as the waived early termination fees were of a high value the provider declined further discounts and payment in full was again requested.

Will got in touch with TDR and the complaint proceeded to mediation with a Resolution Practitioner.

The Resolution Practitioner helped Will to clarify his position and desired resolution, and the provider acknowledged his experience. Discussions with the provider led to an offer to reduce the cost of the phones by the amount of time the phones were connected to the providers network. This amount was calculated, and Will subsequently accepted the offer

*\*Names have been changed to protect our customers' identities*

**Will was liable to pay for his device, despite cancelling his plan. Through mediation, he reached an agreement with the provider.**



# Contact details







# Contact details for TDR members

If you have any questions or concerns about your current services and would like to discuss them with your telecommunications provider, or you would like to sign up with one of the companies that belongs to TDR, please see their contact details below.

	2degrees	0800 022 022
	2Talk	09 281 4357
	BigPipe	www.bigpipe.co.nz
	Chorus	0800 600 100
	DTS	0508 387 669
	Enable Networks Limited	0800 4 FIBRE (0800 43 42 73)
	Flip	0800 60 SALES (0800 60 72 53)
	Northpower Fibre	0800 667 847
	NOW	0800 GET NOW (0800 43 86 69)
	Orcon	0800 131 415
	Primo Wireless	0800 123 PRIMO (0800 12 37 74)
	MyRepublic	0508 MYFIBRE (0508 693 4273)
	Sedacom	www.sedacom.co.nz
	Skinny Mobile	0800 4 SKINNY (0800 475 4669)
	Sky Broadband	0800 759 759
	Slingshot	0800 892 000
	Spark	0800 800 123
	TNZ Group Ltd	0800 000 860
	Trust Power	0800 878 787
	Ultrafast Fibre	0800 FIBRE LTD (0800 34 27 35)
	Unison Fibre	0800 286 476
	Vector Limited	0800 826 436
	Vocus Communications	0800 895 000
	Vodafone	0800 800 021
	VoIPcloud Wholesale	09 222 4699
	VoIPline Telecommunications	09 222 1000
	Warehouse Mobile	0800 284 800





**Who  
are we**







# Who we are and what we can do for you

## Fair Way – kia tau

**TDR is operated by Fair Way. Kia tau means to settle, to resolve, to calm. It's our job to kia tau.**

Working between all parties, we collaborate and negotiate, we discuss and we listen, we are informed and always fair. We treat our clients and their issues with empathy and understanding. Always, we are a safe and trusted pair of hands, working towards finding a fair solution, no matter the complexity.

For more than 20 years, Kiwi organisations have partnered with Fair Way to prevent and manage conflict. We support Kiwi businesses, families, and consumers through our range of private services and public schemes. We make a difference for New Zealanders each day.

Having introduced new services to Aotearoa based on international best practice, we are always looking for ways to resolve conflict early.

We settle and resolve issues. We educate and innovate. You benefit from restored and strengthened relationships. We create the calm that everyone is looking for.

## Our customer promise

We are committed to providing a fair and independent process to enable people in conflict to move forward. We promise to help you understand and prepare for the dispute resolution process, empowering you to fully participate in reaching a fair solution. Our well-trained team are dedicated to listening, recognising your needs and keeping you updated.



**kia tau**

YOUR EXPERTS  
IN DISPUTE  
RESOLUTION

## Contact details

0800 77 44 22

[fairwayinfo@fairwayresolution.com](mailto:fairwayinfo@fairwayresolution.com)

[www.fairwayresolution.com](http://www.fairwayresolution.com)





# TELECOMMUNICATIONS DISPUTE RESOLUTION

[www.tdr.org.nz](http://www.tdr.org.nz) | 0508 98 98 98

