

15 June 2023

Commerce Commission

Wellington

By email to: market.regulation@comcom.govt.nz.

SUBMISSION on the Commerce Commission's 111 Contact Code Review

1. Introduction

Thank you for the opportunity to make a submission on the Commerce Commission's 111 Contact Code Review (the Review). This submission is from Consumer NZ, an independent, non-profit organisation dedicated to championing and empowering consumers in Aotearoa. Consumer has a reputation for being fair, impartial and providing comprehensive consumer information and advice.

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2. Comments on the Review

Consumer supports the review of the 111 Contact Code (the Code). Our responses to selected questions are set out below.

Question 4: In your view, are all landline consumers being made sufficiently aware of the risk of loss of service during a power outage? What evidence do you have that supports that view?

In our view, not all landline consumers are aware of the risk of loss of service during a power outage. However, we are unsure if this is because they are not being made aware of the risk of loss of service, or simply

because they do not understand the information provided to them. We have had some members contact us who do not fully understand why copper lines are being withdrawn and have expressed confusion. One elderly member contacted us asking: 'Are we compelled to do this? We do want to keep our copper phone line ... being 84 years old this is very confusing'.

Question 5: In your experience, are the prescribed processes for demonstrating vulnerability effective and accessible for consumers and their representatives? What are the reasons for your view?

No, the processes for being identified as a vulnerable consumer are not adequate. As stated in our previous submission on the draft code, the onus is on the consumer to identify themselves as vulnerable and apply to their provider. This is problematic because some consumers may not consider themselves vulnerable or be able to follow the processes. For example, one elderly member contacted us about the difficulties she's had getting cellular coverage at her house and assistance from 2degrees. She said: "I have to go outside. This morning I had to go onto the road for reception." She contacted 2degrees noting that she is elderly, lives alone and worried that she would be unable to ring help in an emergency or receive instructions. She said 2degrees was unhelpful and diverted her to JustAnswer, an online question-and-answer service. In our view, 2degrees should have identified this consumer as potentially vulnerable and considered whether she required further assistance. This illustrates that the current processes are not working sufficiently.

Question 6: Do you have any changes you would suggest making to the Code to improve its effectiveness and/or outcomes for vulnerable consumers?

Yes, as mentioned above, we think the Code could be improved by requiring retailers to take steps to identify potentially vulnerable consumers to ensure they can easily access emergency services. The Code could set out objective criteria to assist retailers in identifying customers who may be vulnerable.

Currently, clause 6 of the Code does not create an obligation on the provider to inform the consumer about their right to access independent information. As stated in our previous submission we think retailers should

be required to inform customers where they can access independent information about telecommunications services and consumer rights.

Finally, we query whether clause 35.2 will adequately protect vulnerable consumers who move house but remain a vulnerable customer of the retailer. Vulnerable consumers should not be forced to go through the process again and lose their status, simply because they move house.

Thank you for the opportunity to provide comment.

ENDS