INTERNET SERVICE PROVIDERS ASSOCIATION OF NEW ZEALAND

For addressees, see distribution list 26th May 2025

Complaint – Telecommunications Dispute Resolution Scheme (TDR)

ISPANZ is the industry body representing internet service providers. Our members pride themselves on the quality of their customer service and on their ability to resolve customers' issues well before any dispute might be considered. Accordingly we have advocated for the TDR scheme either to be voluntary or for it to be user pays. Our members do not understand why they should pay for a service that they do not use.

Recently we became aware of promotional activities by TDR which appear to step well beyond TDRL's Purpose as detailed in clause 2.1 of its constitution. Our feeling is that TDR is fishing for business in order to garner additional revenue from ISPs, rather than focussing on genuine disputes. Here are some examples:

On its website, TDR states that; "Telecommunications Dispute Resolution (TDR) is a service to help when New Zealanders have a complaint about their mobiles, home phones or internet." https://www.tdr.org.nz/our-role

This is not true. TDR is a service to help when New Zealanders (and presumably those of other nationalities) have a dispute with their telecommunications service provider in New Zealand that they cannot resolve directly with that provider.

Inviting customers that have complaints to take them to TDR in the first instance is wrong, it is confusing for the customer and does nothing to help service providers to provide excellent service to their customers.

We have also become aware of TDR advertising like this:

This represents TDR as a service to help with connectivity faults when "the internet keeps dropping in and out" so that "you can get back online with confidence". This is not TDR's job and is not within TDRL's remit under its constitution. We believe that such representation is confusing for end users, and will harm ISPs' customer relationships. Worse than that, it is also misleading conduct contrary to s9 of the Fair Trading Act 1986, and potentially an unsubstantiated representation contrary to s12A of that Act.

Telling end users to approach TDR when "the internet keeps dropping in and out" is clearly misleading the public about TDR's role (actually **lack** of role) in correcting technical faults.

TDR should not be trying to increase its revenue by encouraging end users to raise a dispute with TDR in the first instance. TDR should be encouraging them to report the issue to their service provider.

Action Requested:

It is requested that:

- TDR remove all misleading statements from their website,
- TDR withdraw all misleading advertising, and
- The Commerce Commission formally direct TDRL to cease and desist from all misleading and deceptive conduct.

David Haynes
Chief Executive
ISPANZ

Distribution List:

New Zealand Telecommunications Forum (TCF) - paul.brislen@tcf.org.nz

Telecommunications Dispute Resolution Limited (TDRL) - secretariat@tdr.nz

Commerce Commission – Rachael.Coyle@comcom.govt.nz