

17 October 2022

New Zealand Telecommunications Forum

Auckland

By email to: [submissions@tcf.org.nz](mailto:submissions@tcf.org.nz)

## **SUBMISSION on the New Zealand Telecommunications Forum's "Scam Prevention Code"**

### **1. Introduction**

Thank you for the opportunity to make a submission on the New Zealand Telecommunications Forum's (the TCF) consultation on the "Scam Prevention Code" (the Code). This submission is from Consumer NZ, an independent, non-profit organisation dedicated to championing and empowering consumers in Aotearoa. Consumer NZ has a reputation for being fair, impartial and providing comprehensive consumer information and advice.

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### **2. Our Comments on the Code**

Consumer NZ supports updating the Code, however we consider the Code could be made more clear and concise, and that it could be improved by having a greater focus on consumers' rights in the Code.

We think that the Code is difficult to read and understand in parts. There is some repetition and unclear wording. Some examples of wording that would benefit from review include:

- Clause 2.1 - Clause 2.1 sets out two purposes of the Code, however clauses 2.2 to 2.6 are also listed under the heading "Purpose". We

think that this is confusing and it's unclear whether clauses 2.2 to 2.6 are meant to convey the purposes of the Code on top of clause 2.1, or whether clause 2.1 on its own is intended to do this. The TCF should consider revising the heading and/or amending the clauses to fit under clause 2.1 to avoid this confusion.

- Section 3 – For brevity and a clearer focus on consumer protection, we suggest combining clauses 3.1.1, 3.1.2, 3.1.4, and 3.1.5 into a bullet point list and amending the wording to, or similar to:
  - “Help protect New Zealand customers:
    - from financial scams resulting in monetary or other forms of loss.
    - by minimising Scam Calls/SMS reaching New Zealand customers.
    - by maintaining customers’ trust in voice and SMS Telecommunications services.
    - by ensuring that customers feel safe from Scam Calls/SMS.”
- Section 8 – This section should be simplified so that it's easy to read and understand.

We also consider that the Code could be improved by:

- Including an additional objective in section 3 that focuses on protecting consumers’ privacy. We suggest wording along the lines of: “by ensuring that customers’ personal information is kept safe, and their privacy is protected.”
- Amending the clauses listed under the heading “Receiving a Scam Call Advisory Notice” to make it mandatory for network operators and retail service providers to respond to Advisory Notices. We think that it is more likely for harm to consumers to occur before network operators or retail service providers send out a Verified Scam Call Notice. Clause 11.4 could be improved by replacing the word “should” with “must”. Additionally, clause 11.5 should be amended by replacing the words “may choose” with “should”.
- Extending the period that calls are blocked from four weeks to 90 days in clause 11.17. We don't think four weeks is a sufficient period of time to offer protection to consumers, and that 90 days would be

more of a deterrent to scam callers from attempting to contact the consumer again.

- Replacing technical terms and jargon with more accessible wording, and by ensuring that the definitions are used consistently throughout the Code. For example, the term “end user” is not defined in the Code. We think that it would be better to use terms such as “consumer” or “customer”. Another example is the use of the term “Verified Scam Call Notice” which is capitalised, and suggestive that it has a particular meaning, but is not listed in the “Defined Terms” section of the Code.

Thank you for the opportunity to provide comment.

*ENDS*