

23 January 2026

nzwireless Limited  
Level 1, 2-4 College Street  
Wellington

Attention: [REDACTED], Director

By email only: [REDACTED]

Dear [REDACTED],

## **Enforcement outcomes for alleged offending under section 156A(1)(p) of the Telecommunications Act 2001**

### **Purpose of this letter**

1. The Commerce Commission (**Commission**) has been investigating nzwireless Limited's (**nzwireless**) compliance with the 111 Contact Code (**the Code**), under the Telecommunications Act 2001 (**Act**). We have now completed our investigation and are writing to inform you of the outcome.
2. In summary, the Commission considers nzwireless is likely to have committed offences under section 156A(1)(p) of the Act due to:
  - 2.1 non-compliance with clause 7 of the Code, via a failure to provide Code information specified in clause 8, on nzwireless' website, as required by clause 9.1;
  - 2.2 non-compliance with clause 14 of the Code, via a failure to provide a written application form by which consumers can apply for the Code's protections, as required by clause 16.3;
  - 2.3 non-compliance with clause 45 of the Code, by failing to disclose information about nzwireless' activities under the Code to the Commission by 30 November 2024.

3. We consider this non-compliance has occurred without a reasonable excuse, giving rise to likely breaches of the Act.
4. The purpose of this letter is to inform nzwireless that the Commission has decided to take the following actions under section 156B(1)(a) of the Act for likely breaches of section 156A(1)(p) of the Act:
  - 4.1 serve a civil infringement notice for failing to comply with clause 7 of the Code, via clause 9.1 of the Code, without a reasonable excuse;
  - 4.2 serve a civil infringement for failing to comply with clause 14 of the Code, via clause 16.3, without a reasonable excuse; and
  - 4.3 issue a warning nzwireless for failing to comply with clause 45 of the Code, without a reasonable excuse.

### **Compliance with the Code and the role of the Act**

5. The purpose of the Code is to ensure that vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means to contact the 111 emergency services in the event of a power failure.
6. The Code sets out a range of obligations designed to ensure that consumers are made aware of, and are regularly informed about the Code, including the protections available to vulnerable consumers.
7. Compliance with the Code is important because it ensures that consumers are aware that modern voice services do not work in a power outage, and provides a pathway by which vulnerable users can be assured of continued voice access to 111 emergency services in the event of a power failure.
8. Non-compliance with the Code, if it is found to have occurred without a reasonable excuse, breaches section 156A(1)(p) of the Act. The Commission can take enforcement action for such breaches, under section 156B of the Act.

### **nzwireless' non-compliance with the Code**

9. nzwireless is a provider of residential landline services to consumers. Under the Code, nzwireless must (among other things) inform its residential landline customers about the Code, capably manage applications under the Code, and disclose information to the Commission each year. Failure to do so without a reasonable excuse gives rise to a likely breach of section 156A(1)(p) of the Act.
10. The Commission's view is that there is sufficient evidence to establish that nzwireless did not comply with clauses 7, 14 and 45 of the Code without a reasonable excuse. These Code obligations, and reasons for the Commission's view are set out below.

### **Failure to display Code information on nzwireless' website**

11. Clause 7 of the Code requires providers to provide information about the Code to consumers of residential landline services. Clause 8 – 8.8.3 specifies the information which must be provided. Clause 9.1 sets out that the specific Code information must be made easily accessible on a provider's website.
12. Until September 2025, nzwireless' website failed to include any information specified in clause 8 of the Code.

### **Failure to make available a written application form**

13. Clause 14 of the Code requires providers to have a process that allows a consumer, or someone on their behalf, to demonstrate that the customer is, or will become, vulnerable. Clause 16.3 sets out that this process must provide a written application form that enables consumers to supply the necessary information when making an application under the Code.
14. Until mid-October 2025, nzwireless did not provide written application forms to its consumers or ensure that the form was readily available to consumers. In addition, nzwireless still does not indicate on its website the existence or purpose of the written application form.

### **Failure to disclose Code information to the Commission**

15. Clause 45 of the Code requires providers to disclose information about their activities under the Code to the Commission. By 30 November each year, providers must disclose information about the recently concluded 1 July to 30 June period.
16. nzwireless failed to provide disclosures under the Code to the Commission for the period 1 July 2023 – 30 June 2024, by 30 November 2024.

### **nzwireless' explanation of its non-compliance with the Code**

17. On 18 November 2025, you attended a voluntary interview with the Commission on behalf of nzwireless where you explained that:
  - 17.1 you could not recall when you first became aware of the Code. You explained that staff had recently been employed to help address compliance matters;
  - 17.2 nzwireless had not included information about the Code on its website prior to September 2025 because you were unaware these were compulsory requirements and had not considered them in the context of nzwireless needing to take action;
  - 17.3 nzwireless began providing an application form for vulnerable consumers only after receiving the Commission's Opportunity to Comment letter in October 2025 as part of this investigation;

- 17.4 when asked why you had not responded to previous attempts by the Commission to contact nzwireless about the Code, you said it *'slipped my mind, we're a small team with a lot of work on.'*; and
- 17.5 nzwireless had not provided its annual disclosure for the 2023/2024 year, or in previous years due to an oversight.
18. When asked whether there was a reasonable excuse for nzwireless' alleged non-compliance with the Code, you explained that:
- 18.1 nzwireless told its customers as a matter of course that the landline service they purchased would not work in a power outage;
- 18.2 nzwireless' assumed it had no vulnerable customers based on regular interactions with them, and an understanding that its customers each had a mobile phone; and
- 18.3 you weren't sure why Code disclosures weren't sent to the Commission, other than it may have been an oversight, or that you thought it had been done.
19. We note that upon becoming aware of our investigation, nzwireless has taken steps to address its compliance with the Code.

#### **Our view of reasonable excuse**

20. While nzwireless assumed that none of its customers were vulnerable, vulnerabilities are not always visible or openly disclosed and require proactive engagement by the provider to inform consumers. The Code anticipates this by requiring providers to make information about the Code publicly available and offer an application process for vulnerable consumer status, rather than relying on assumptions about customer circumstances. In other words, the burden is on the provider to make efforts to enable vulnerable consumers to seek assistance.
21. nzwireless relied on an assumption without further enquiry that its customers had the means to contact 111 during a power outage because mobile numbers were collected from them. However, the Code is designed to ensure support is available for *all* vulnerable persons who resides at the premises where a residential landline service is provided (ie not just the account holder). nzwireless' approach to Code compliance failed to ensure information was provided to all its customers about the Code, denying the opportunity for consumers to carefully consider the relevance of the Code to their particular circumstances (including determining whether they are in fact a vulnerable consumer and engaging in the application process).
22. nzwireless did not take any steps to establish whether the approach it was taking to complying with the Code was appropriate.

23. nzwireless' failure to provide Code disclosures to the Commission appears to have been a failure of nzwireless' own making.
24. In our view, the explanations provided by nzwireless do not provide a reasonable excuse for its non-compliance with the Code.

### **Available enforcement responses for a breach under 156A(1)(p)**

25. Under section 156B(1) of the Act, the Commission may take one of the following actions where a person has failed, without reasonable excuse, to comply with section 156A(1)(p):
  - 25.1 serve a civil infringement notice under section 156D incorporating a pecuniary penalty of \$2,000;
  - 25.2 enter into enforceable undertakings under section 156CA; or
  - 25.3 apply to the High Court for an order under section 156L requiring payment of a pecuniary penalty to the Crown.
26. Section 156C of the Act sets out matters the Commission must consider when deciding what enforcement action to take under 156B of the Act. The Commission also considers its own enforcement criteria to assist it in deciding what enforcement action to take.<sup>1</sup>
27. The enforcement criteria applicable are:
  - 27.1 the extent of detriment and gain;
  - 27.2 the circumstances, seriousness and culpability relating to non-compliance; and
  - 27.3 public interest.

### **Our enforcement decision**

28. In this instance, the Commission has decided to issue nzwireless two civil infringement notices for failing to provide Code information on its website and failing to provide a written application form as required under the Code.
29. In addition, the Commission has also decided to issue a warning in respect of nzwireless' failure to disclose Code information to the Commission.
30. In our view, nzwireless' approach to achieving Code compliance was reckless or at a minimum seriously negligent. Its failure to comply stemmed from assumptions that

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<sup>1</sup> Further detail regarding our enforcement criteria can be found in our Enforcement Response Guidelines [here](#).

compliance with the Code was voluntary, and that it had no vulnerable customers. nzwireless did not take the opportunity to confirm or correct its understanding of the Code, despite repeated communications from the Commission since the Code's implementation in 2020.

31. Although nzwireless began taking steps toward compliance in September 2025, Code information on its website was not easily accessible until early November 2025. Additionally, while the application form became readily available and was distributed to its residential landline customers from early November, the website still does not indicate the existence or purpose of the written application form.
32. Significant progress toward compliance, including sending out the application form, only occurred after the Commission issued an Opportunity to Comment letter on 20 October 2025 and nzwireless hired additional staff, including one dedicated to Code compliance.
33. While there is nothing to indicate nzwireless' failure to comply with the Code has resulted in actual harm to consumers, the nature of the Code and the information and protections it requires to be extended to consumers mean that non-compliance with the Code will always create an opportunity for harm to occur.
34. We consider that there is significant public interest attached to the purpose of the Code. It is ultimately designed to protect vulnerable consumers at times when they are at increased risk.
35. Our decision to issue two infringement notices to nzwireless for failing to provide Code information on its website and a written application form reflects the fact that these requirements were ignored despite engagement since the Code's creation, and that non-compliance created an ongoing opportunity for harm to vulnerable consumers.

#### **Consequences of these enforcement outcomes**

36. The warning contained within this letter and infringement notices attached, represent the Commission's view that nzwireless' failures to comply with the Code without a reasonable excuse are likely to be offences under section 156A(1)(p) of the Act, and that legal action remains available to the Commission in future if the conduct is repeated.
37. The Commission may draw these enforcement responses to the attention of a court in any subsequent proceedings brought by the Commission against nzwireless.
38. The Commission may also take these enforcement responses into account in the event of continued or repeated similar conduct by nzwireless.

**Further information about the infringement notice**

39. We must prescribe the particulars of an offence when issuing an infringement notice.

40. The infringement notice is being issued in respect of the following breach:

*'Between 1 July 2024 and 24 September 2025, nzwireless failed, without a reasonable excuse, to provide the information required by clause 7 and specified in clause 8, on its website as required by clause 9.1 of the 111 Contact Code.'*

&

*'Between 1 July 2024 and 24 September 2025, nzwireless failed, without a reasonable excuse, to make available a written application form as part of a process for a consumer, or someone on their behalf to apply to the provider to demonstrate that consumer is (or will become) a vulnerable consumer as required by clause 14 and specified in 16.3 of the 111 Contact Code.'*

41. The penalty for the alleged breach is \$4,000, which is due for payment by 20 February 2026.

42. Payment can be made by bank account transfer to the account of the Commission [REDACTED] or by cheque.

43. The infringement notice is attached to this letter. It is important that you read all the information on the infringement notice.

44. You may object to these infringement notices by making an objection to the Commission under section 156E of the Act by 20 February 2026. You may also appeal any Commission decision on an objection to the District Court under section 156I of the Act.

45. We intend to include information about this enforcement response on our Case Register after any objections or appeals have been resolved. This will include a copy of this letter. We may also issue a media release or make public comment about the outcome.

**Our expectations regarding nzwireless' future compliance**

46. We take non-compliance with the Code seriously. We expect nzwireless to ensure it maintains compliance with the Code.

47. We note that the nzwireless' website still does not reference the existence and purpose of the written application form. To be compliant with clause 14, we suggest that this is updated as soon as possible.
48. While we will not be taking any further action against nzwireless at this time, we will take the infringement notices and warning into account if these issues arise again, or if nzwireless engages in similar conduct in the future. We may also draw the infringement notices and warning to the attention of a court in any subsequent proceedings brought by the Commission against nzwireless.

**Further information**

49. If you have any questions about this letter or the civil infringement notice, please contact [REDACTED], Assistant Investigator, by email at [REDACTED].

Yours sincerely,

[REDACTED]  
Head of Telecommunications