

AUSTRALIAN  
COMMUNICATIONS  
INDUSTRY FORUM



INDUSTRY CODE

ACIF C525:2006

HANDLING OF LIFE THREATENING AND  
UNWELCOME CALLS

**ACIF C525:2006 *Handling of Life Threatening and Unwelcome Calls* Industry Code**  
**First published as ACIF C525:1999**  
**Second edition as ACIF C525:2002**  
**Third edition as ACIF C525:2005**

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## EXPLANATORY STATEMENT

This is the Explanatory Statement for the ACIF C525:2006 **Handling of Life Threatening and Unwelcome Calls** Industry Code.

This Explanatory Statement outlines the purpose of this Industry Code (the Code) and the factors that have been taken into account in its development.

The Code replaces the ACIF C525:2002 **Handling of Life Threatening and Unwelcome Calls** Industry Code published by ACIF in February 2002.

### Background

In general, unwelcome calls are unsolicited communications that, by virtue of the content, frequency or timing, are offensive or tend to menace and harass the recipient. A life threatening call is more serious and involves the use of a telecommunications service connected with an event actually or potentially perilous to human life.

To be better able to assist the community and customers, carriers and carriage service providers (C/CSP) need to be able to resolve issues of unwelcome calls and to provide assistance in life threatening situations in an efficient and expedient manner. This means that telecommunications consumers can be assured that there will be a quick response in life threatening situations and unwelcome calls they may receive will be resolved in a consistent manner with recourse to police only when the situation warrants.

Law enforcement agencies and the telecommunications industry recognise the need for an industry code that would supplement the existing legislation and establish benchmarks for the satisfactory resolution of unwelcome and life threatening calls.

The Code does not apply to the following requests made by law enforcement agencies:

- information under Section 282 of the *Telecommunications Act 1997* (the Act), or
- emergency telecommunications interception under section 30 of the *Telecommunications (Interception) Act 1979* (Cth).

In January 1999 the Australian Communications Industry Forum (ACIF) published ACIF C525:1999 **Handling of Life Threatening and Unwelcome Calls** Industry Code. The Australian Communications Authority subsequently registered the Code on 27 October 1999.

### 2002 Revision

In the 2002 revision, the Code provided the following additional benefits:

- inclusion of the National Relay Service Provider (which has been declared a Section of the industry under section 110 of the Act);
- accommodation of new telecommunications services such as internet and short messaging services (SMS) that are being used to make life threatening and unwelcome calls;
- incorporation of requirements of the Australian Communications Authority's booklet, *Developing Telecommunications Codes for Registration – A Guide*, which was published after the first version of the Code; and
- resolution of some inconsistencies evident in the first version of the Code.

## 2005 Revision

This version addresses recent issues that have emerged, including:

- providing guidance about the particular circumstances in which a C/CSP can deal with unwelcome call complaints relating to non real-time communications (eg. SMS, MMS, email);
- specifically including some IP telephony as a Telecommunications Service for the purposes of this Code by including a Standard Telephone Service (STS) in the definition of Telecommunications Service; and
- modifying the definition of a pattern of unwelcome calls to include unanswered calls and situations when ten or more calls are received within a 24 hour period.

Intercarrier discussion has clarified that there is limited ability to clearly identify all participants in non-real-time communications and that there are jurisdictional limitations that may prevent resolution. As such, the Code has been revised to match the capacity of C/CSPs in relation to non-real-time communications, such as SMS, MMS and email. The calling line identification information (CLI) of the originating service may not be delivered to the Australian C/CSP and/or may not uniquely identify the originating service number making it impossible to investigate without the full cooperation of all telecommunications carriers involved in the carriage of the communication and the CSP supplying service to the originator of the communication.

C/CSPs must assist end users in receipt of unwelcome messages where it is reasonably possible to do so (e.g. an SMS sent from a mobile handset associated with an Australian mobile number). End users also have a number of options to block or not to read unwelcome messages – unlike traditional voice calls, messages are not delivered as real time communications and they arrive with the CLI of the originator of the SMS displayed as part of the message. As such, this Code obliges C/CSPs to take action in relation to unwelcome SMS, MMS where it is possible and reasonable to do so.

Clause 3.3.5 sets out specific instances which are excluded from requirements in the investigation of unwelcome calls. For example, when an SMS./ MMS is sent from a mobile handset without an Australian mobile number, the name and address details lie with the C/CSP overseas that has the commercial relationship with the originator of the SMS/MMS.

The 2005 Report to the Minister for Communications, Information Technology and the Arts, *Examination of Policy and Regulation Relating to Voice Over Internet Protocol (VoIP) Services* suggested that ACIF Codes might be reviewed for their applicability to VoIP services. The Code revision Working Committee included VoIP calls that conform to the definition of an STS in the Code through the use of the term STS in the definition of telecommunications services that are covered by the Code. VoIP terminals that conform to the STS definition have an allocated telephone number and unwelcome call complaints involving these terminals can be actioned through the C/CSP in the same way as circuit switched telephone calls.

VoIP calls that do not conform to the definition of an STS do not necessarily have an allocated number, and therefore are much more difficult to be successfully investigated by C/CSPs. The electronic address of a VoIP call that is not an STS may only be an IP address. Emails can be traced through their IP address; because emails are a 'store and forward' form of communication the email is delivered to a mail server, where it is recorded before being passed on to the recipient. Non-STS VoIP calls, however, are not a store and forward form of communication: they are near instantaneous communications, delivered into the network as simply a stream of data and the discrete

voice 'call' would not necessarily be separately recorded, and therefore not easily investigated.

The revision of the Code has moved the definition of a 'pattern' of unwelcome calls to the definitions section of the code and expanded the definition to include ten or more unwelcome calls spread over a 24 hour period. The other elements of the definition, used in earlier versions of the Code, were retained and include:

- three or more Unwelcome Calls over a 48 to 120 hour period; or
- unwelcome calls made at consistent and/or regular intervals.

The addition of ten or more unwelcome calls over a 24 hour period was made to allow the Code to manage a common customer complaint type where numerous unwelcome calls are received over a short period of time. This type of pattern can cause distress for the receiver but generally does not continue for more than a short period, with the specific intent to harass. The Code review Working Committee determined that the selection of ten or more calls would exclude dialling errors, most commonly two cycles of mis-dialled fax or modem calls.

The continued inclusion of three or more unwelcome calls over a two to five day period accounts for the most common unwelcome call complaint, where the intent is to harass over an extended period, similarly with calls made at a consistent and/or regular interval (like 2am every Wednesday).

Other changes made in the 2005 revision of the Code include:

- a requirement that, if the calling party's C/CSP has been advised that unwelcome calls have not stopped following receipt of two warning letters, the calling party's C/CSP must suspend the calling party's telecommunications service; (Clause 3.3.20);
- clarification as to when the called party/s C/CSP classifies the complaint as an unwelcome call complaint that must be dealt with; (Clause 3.3.2);
- clarification that complaints concerning telemarketing by or on behalf of an Australian C/CSP are dealt with under the Privacy Act 1988 and can also be handled by the TIO; (notebox under Clause 3.3.5);
- expansion on advice given to the called party on steps they can take for unwelcome SMS or emails; (Clause 3.3.7);
- inclusion of zero rated or unanswered calls as calls that can form part of a pattern of unwelcome calls; and (Clause 3.3.18); and
- accommodation of the National Relay Service Provider if it provides an internet relay service to enable a person who is deaf or has a hearing or speech impairment to communicate in text via the internet while a relay officer uses voice or text to communicate with the other party.

## **2006 Revision**

The Explanatory Statement of the Code was revised in 2006 to provide a more detailed description of the changes made by the 2005 revision of the Code. As a result the numbering of the Code has changed from ACIF C525:2005 to ACIF C525:2006. No changes were made to Code rules.

## **Current Regulatory Arrangements**

While legislation provides protection against calls that are menacing, harassing or offensive (unwelcome calls) under section 474.17 of the *Criminal Code Act 1995*, C/CSPs have found that in most cases these issues can be satisfactorily resolved without recourse to police.

C/CSPs have a general obligation under Part 14 of the Act to provide reasonable assistance to law enforcement agencies. Under Section 287 of Part 13, the Act specifically provides C/CSPs with the power to release customer information where it is reasonably necessary to prevent or lessen a serious and imminent threat to the life or health of a person.

Current legislation does not provide guidance on the manner in which these obligations and powers may be undertaken.

## **How the Code Builds on and Enhances the Current Regulatory arrangements**

The original Code built on and enhanced the legislation by providing a standard approach for dealing with unwelcome and life threatening calls, including the following obligations which have been retained:

- consistency of analysis and management of calls;
- obligations for record keeping on C/CSPs;
- single point of contact for police in life threatening situations – available 24 hours a day 7 days a week;
- ensuring central points of contact; and
- obligations on C/CSPs to maintain accuracy and timeliness of contact information.

Subsequent revisions of the Code have included the National Relay Service Provider in the Code, accommodated new services, including SMS, MMS and email, as outlined above.

Part 13 of the Act and the National Privacy Principles contained in the *Privacy Act 1988* (Cth) require that personal information collected by carriers and carriage service providers is only used and disclosed for purposes for which it was collected. The Code ensures that any information about the calling or called parties in relation to life threatening or unwelcome calls remains with that party's carrier or carriage service provider, and is not further disclosed, except as required in the course of the investigation by police of life threatening calls.

## **What the Code will Accomplish**

The Code assists C/CSPs to define processes that help them work with end users and law enforcement agencies to address life threatening and unwelcome calls.

## **How the Objectives will be Achieved**

In the original development of the Code it was agreed that the best response to a life threatening situation is to inform police who are in a position to provide a response in conjunction with emergency services. C/CSPs and the National Relay Service Provider are obliged under this Code to maintain a single point of contact available 24 hours a day 7 days per week. It also requires that procedures be established and maintained to

ensure that requests for information or a call trace can be initiated at the request of the Police Communications Centre without undue delay.

C/CSPs and the National Relay Service Provider will continue to maintain policies and procedures for dealing with unwelcome calls reported by customers. The Code rules set out a consistent framework for resolving the unwelcome call matters based on the results of call tracing and the issue of warning letters to the subscribers of the originating service.

### **Anticipated Benefits to Consumers**

Consumers will benefit from the continued adherence to the principles contained in this Code. In particular, consumers should have confidence that the industry treats the issue and resolution of unwelcome calls as a matter of importance. This will be enhanced if all C/CSPs and the National Relay Service Provider maintain a high level of compliance.

Similarly, consumers have a right to expect that C/CSPs will take all reasonable steps to assist police in life threatening situations.

### **Anticipated Benefits to Industry**

The Code provides the industry with clearly defined rules for the timely and efficient handling of life threatening and unwelcome calls. These rules are based on benchmarks that have already been tried and tested under the previous Code and have been demonstrated to operate effectively.

Importantly the Code does not impose any significant barriers to new entrants to the telecommunications industry. The benefits to the community and telecommunications consumers will outweigh any additional cost to the industry

### **Anticipated Cost to Industry**

Other than the requirement to maintain a 24 hours a day 7 days a week point of contact, the carriers, carriage service providers and the National Relay Service Provider are unlikely to incur any significant cost as a result of meeting the procedural provisions of the Code. However, there may be additional costs arising from the requirement to, where possible, capture, store and archive call records associated with new types of services.

The extent of these costs will depend on the technology employed, the availability of records and whether they are reasonably required for a business purpose other than under this Code.

Bill Davey  
Chair

**OCR/P/WC37 : Life Threatening and Unwelcome Calls** Working Committee

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# 1 GENERAL

## 1.1 Introduction

- 1.1.1 Section 287 of the *Telecommunications Act 1997 (Cth)* (the Act) permits Carriers and Carriage Service Providers (C/CSPs) to provide information when necessary to prevent or lessen a serious and imminent threat to the life or health of a person (Life Threatening Calls).
- 1.1.2 The development of this Code has been facilitated by the Australian Communications Industry Forum (ACIF) through a Working Committee comprised of representatives from the telecommunications industry, the state police, and consumer groups.
- 1.1.3 Section 474.17 of the *Criminal Code Act 1995* provides protection for Customers against calls that are menacing, harassing or offensive (Unwelcome Calls).
- 1.1.4 This Code was first developed in 1999 to establish rules for the cooperative handling by C/CSPs of Life Threatening and Unwelcome Calls received by their Customers.
- 1.1.5 This Code has been revised to accommodate new methods of the delivery of services to Customers and to include new methods of communication involving the National Relay Service Provider (NRSP).
- 1.1.6 This Code should be read in the context of other relevant Codes including the ACIF C609:2003 *Priority Assistance for Life Threatening Medical Conditions* Industry Code and the ACIF C536:2003 *Emergency Call Services Requirements* Industry Code.
- 1.1.7 This Code should be read in conjunction with related legislation, including:
  - (a) the *Telecommunications Act 1997 (Cth)*;
  - (b) the *Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)*;
  - (c) the *Criminal Code Act 1995 (Cth)*; and
  - (d) the *Privacy Act 1988 (Cth)*.
- 1.1.8 If there is a conflict between the requirements of this Code and any requirements imposed on a C/CSP or the NRSP by statute, the C/CSP or NRSP will not be in breach of this Code by complying with the requirements of the statute.
- 1.1.9 Statements in boxed text are a guide to interpretation only and not binding as Code rules.

## 1.2 Registration with ACMA

This Code is to be registered with the Australian Communications and Media Authority pursuant to section 117 of the *Telecommunication Act 1997*(Cth) (the Act).

## 1.3 Scope

1.3.1 This Industry Code applies to all C/CSPs and the NRSP.

1.3.2 This Code deals with the handling of Life Threatening and Unwelcome Calls by C/CSPs and the NRSP in relation to telecommunications activities they carry out, including the following:

- (a) carrying on a business as a Carrier;
- (b) carrying on a business as a Carriage Service Provider;
- (c) supplying goods or services for use in connection with the supply of a listed carriage service; or
- (d) carrying on a business as the National Relay Service Provider.

1.3.3 This Industry Code sets out the nature and extent of responsibilities of C/CSPs and/or the NRSP where assistance has been requested in the following situations:

- (a) where information is provided under section 287 of the Act or in anticipation of such a provision; or
- (b) where C/CSPs or the NRSP are attempting to resolve an Unwelcome Call issue for a Customer. This often involves a possible breach of section 474.17 of the *Criminal Code Act 1995*.

1.3.4 This Code does not apply to requests made by law enforcement agencies for information under Section 282 of the Act.

## 1.4 Objectives

The purpose of this Industry Code is to provide a standard procedure for the cooperative handling, including Call Tracing, by C/CSPs and the NRSP of incidents of communications which traverse the networks of one or more C/CSP and which are connected with Life Threatening Calls or repeated Unwelcome Calls.

## 1.5 Code review

Review of the Code will be conducted after five years of the Code being registered by the Australian Communications and Media Authority and every five years subsequently.

## 2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

### 2.1 Acronyms

For the purposes of the Code, the following acronyms apply:

<b>ACA</b>	Australian Communications Authority.
<b>ACMA</b>	Australian Communications and Media Authority.
<b>C/CSP</b>	Carrier/Carriage Service Provider.
<b>CCS</b>	Common Channel Signalling.
<b>CIC</b>	Circuit Identification Code
<b>CLI</b>	Calling Line Identification
<b>CTCC</b>	Call Trace Coordination Centre
<b>MCT</b>	Malicious Call Trace
<b>MMS</b>	Multimedia Message Service
<b>NRS</b>	National Relay Service
<b>NRSP</b>	National Relay Service Provider
<b>PCC</b>	Police Communication Centre
<b>SMS</b>	Short Message Service

### 2.2 Definitions

For the purposes of the Code, the following definitions apply:

**Access C/CSP**

means the C/CSP which provides dial tone to the Customer.

**Act**

means the *Telecommunications Act 1997* (Cth).

**A-Party**

means the customer service line which is the calling party in a telephone call.

**A-Party C/CSP**

means the C/CSP which has a contractual relationship with the A-party for local calls, service, equipment and access charges.

**B-Party**

means the customer service line which is the called party in a telephone call.

**B-Party C/CSP**

means the C/CSP which has a contractual relationship with the B-party for local calls, service, equipment and access charges.

**Call Record**

means communications setup information identifying calling and called parties, date, time and duration. Depending on the communications technology employed, this information may or may not be:

- reasonably required for business reasons;
- readily available; or
- reasonable to capture, store and retain.

**EXAMPLE:**

*Call records for standard telephone calls (including public mobile calls) are generally collected and retained by C/CSPs for billing and associated purposes. While records of SMS messages made by customers may be retained by their C/CSP, they may not be readily available for SMS messages originating from another C/CSP's network.*

**Call Trace**

means the tracking of a telephone call to identify the A-Party and the B-Party and, in the context of this Code, relating to calls that traverse points of interconnection between two or more networks.

**Carriage Service**

means a service for carrying communications by means of guided and/or unguided electromagnetic energy.

**Carriage Service Provider**

is as defined in section 87 of the Act.

**Carrier**

is the holder of a Carrier licence under section 42 of the Act.

**Calling Line Identification**

means a facility in telecommunications networks that indicates the network service number from which the call was initiated. For the purposes of this Code, the network service number may be for a telephone service, an email address or an IP address.

**NOTE:**

*An IP address can be modified or masked and may not reflect the point of origin of the communication.*

**Customer**

means the end user of a Carriage Service used for the purpose of Telecommunications Services.

**Call Trace Coordination Centre**

means the Centre in each organisation that coordinates Call Traces on calls that traverse C/CSPs' networks.

**Dummy CLI**

calling number which is "datafilled" as the A-Party number for specific traffic cases in order to indicate to the receiving carrier network the origin

of the call. This is required where technology or inter-carrier agreements do not allow the delivery of the actual or true CLI of the calling party.

**Life Threatening Call**

means use of a Telecommunications Service connected with an event actually or potentially perilous to human life including a person being seriously injured, a bomb threat, an extortion demand, a kidnapping, a threat to public safety and the like and which will usually require immediate Call Tracing action.

**Line Isolation**

means modification of a service in life threatening situations to maximise the ability of a Police Negotiation Team to communicate with the occupant(s) of a premises, by giving Police control over the use of the service.

**Local Access**

means direct network connection of a Customer's Telecommunications Service to the Australian telecommunications network through which the Customer originates or receives calls.

**Malicious Call Trace**

means a facility that may be available on a Carrier's networks that allows the B-Party to initiate the logging of the calling party's number. This is then available to the Carrier for resolving Life Threatening and Unwelcome Call issues.

**National Relay Service**

means a service designed to provide access to a standard telephone service to people who are deaf or have a hearing or speech impairment. The NRS is described in the *Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)*.

**National Relay Service Provider**

organisation with the responsibility of providing the NRS. The National Relay Service Provider answers calls from the A-Party, makes another telephone call to the B-Party; thus all three parties are on the phone call at the same time.

**Pattern of Unwelcome Calls**

means:

- (i) ten or more Unwelcome Calls spread over a 24 hour period;
- (ii) three or more Unwelcome Calls over a 48 to 120 hour period; or
- (iii) Unwelcome Calls made at consistent and/or regular intervals.

**Police Communication Centre**

nominated point of contact within the police, in each State and Territory, which coordinates action relating to Life Threatening Calls between C/CSP and police.

**Telecommunications Service**

means one or more of :

- (a) a standard telephone service, as defined in s6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*;
- (b) a short message service (SMS);
- (c) a multimedia message service (MMS);
- (d) an email service; or
- (e) a call made to the NRSP by way of an internet relay service.

**Unwelcome Call**

means use of a Telecommunications Service in a menacing, offensive or harassing manner, but which is not currently a Life Threatening Call, and which may be intentional on the part of the caller or unintentional. For example, a repeated call from an incorrectly programmed facsimile service or message bank service.

**Zero Rated Calls**

means calls which are answered but not charged to the A Party.

**2.3 Interpretations**

In the Code, unless the contrary appears:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) words in the singular includes the plural and vice versa;
- (c) words importing persons include a body whether corporate, politic or otherwise; and
- (d) a reference to a person includes a reference to the person's executors, administrators, successors, officer, employee, volunteer, agent and/or subcontractor (including but not limited to, persons taking by novation) and assigns.

### 3 CODE RULES

#### 3.1 Handling of Life Threatening Calls

**NOTE:**

*Life Threatening Calls demand immediate, predictable and coordinated action on the part of all C/CSPs and the NRSP involved to ensure the Call Trace has the best chance of success.*

*To improve efficiency and response times the PCC should make their request for a Call Trace to the CTCC which they judge to be appropriate. See Appendix A for a flow chart of the process.*

*Police should make their requests for information relating to Life Threatening Calls by hard copy transmitted by facsimile or other agreed means. In urgent situations this should be preceded by a phone call.*

*A C/CSP may initiate a Life Threatening Call Trace, for example in a medical emergency call from a Customer. In such a case, the C/CSP must inform the appropriate PCC.*

*C/CSPs and the NRSP should ensure that the access, use and disclosure of customer information is in accordance with Part 13 of the Act. This includes ensuring the security and confidentiality of the information.*

*C/CSPs and the NRSP must only release information to the PCC and the requesting CTCC in relation to Life Threatening Calls or Life Threatening Situations under section 287 of the Act and in accordance with the National Privacy Principles in the Privacy Act*

- 3.1.1 C/CSPs and the NRSP must only release information to the PCC and the requesting CTCC in relation to Life Threatening Calls under section 287 of the Act.
- 3.1.2 C/CSPs and the NRSP must have internal policies and procedures for handling Life Threatening Calls consistent with this Code.
- 3.1.3 C/CSPs must encourage the originators of requests for Call Traces in Life Threatening situations to make them through the PCC.
- 3.1.4 C/CSPs and the NRSP must respond to all requests for assistance in relation to Life Threatening Calls expeditiously and without unreasonable delay.
- 3.1.5 Where C/CSPs become aware of a Life Threatening situation they must tell the Customer to call the police directly, and also report the facts to the appropriate PCC via the 000 service or the 106 text emergency call service.
- 3.1.6 Subject to 3.1.7, where the NRSP becomes aware of a Life Threatening situation in its role of relaying a call, it must not initiate a report of the facts to the appropriate PCC via the 000 service.
- 3.1.7 If a person in contact with the NRSP asks a staff member directly (i.e. not in the content of a relayed call) for assistance in a Life

Threatening situation, then the NRSP must advise the person to contact the police. The NRSP must also report the facts, including the CLI, if it is available, to the appropriate PCC via the 000 service or the 106 text emergency call service.

- 3.1.8 CTCCs must make their requests for information relating to Life Threatening Calls by hard copy transmitted by facsimile or other agreed mean which can be evidenced. In urgent situations, this must be preceded by a phone call.
- 3.1.9 The initiating C/CSP CTCC must commence the Call Trace and, if it is necessary to involve another CTCC, must provide the other CTCC with the:
  - (a) Interconnect Request For Call Trace form (Appendix C); and
  - (b) PCC's request via a format similar to that at Appendix B.
- 3.1.10 When the tracing of a call still in progress is required and it is necessary to involve another CTCC, the initiating C/CSP CTCC must:
  - (a) issue the Call Trace Request orally to the other CTCC;
  - (b) provide the other CTCC with the Interconnect Request For Call Trace form (Appendix C); and
  - (c) provide the other CTCC with the PCC's request via a format similar to that at Appendix B.
- 3.1.11 When an oral request for a Call Trace is received, the C/CSP or NRSP must collect the required information and not release it until the written request is received.
- 3.1.12 Any CTCC receiving the Call Trace request must arrange for an immediate Call Trace if the call is still in progress, or must arrange to have the Call Recording data queried if the call is no longer in progress.
- 3.1.13 The CTCC that determines the identity of the A-Party must return the Call Trace results by telephone and facsimile to the PCC immediately when they are available subject to receipt of the appropriate paperwork in accordance with Clause 3.1.11.
- 3.1.14 Each CTCC receiving the Call Trace request must return the Call Trace results to the requesting CTCC immediately when they are available subject to receipt of the appropriate paperwork in accordance with Clause 3.1.11.
- 3.1.15 In certain circumstances, it may be necessary to implement Call Tracing facilities (MCT) on a service if the C/CSP has such a facility. The PCC should request the appropriate Carrier to implement Call Trace facility using PCC Request Form (Appendix B). Any Carrier receiving a request for another Carrier must pass it to the correct Carrier.

**NOTE:**

*The management of Life Threatening Calls can be greatly simplified using MCT technology and C/CSPs are encouraged to provide this facility on their networks.*

- 3.1.16 When responding to a request for information initiated by the police in regards to a Life Threatening Call, the A-Party C/CSP CTCC must provide the A-Party's name and service details to the requesting CTCC as well as the PCC identified on the police request. In addition, if the Life Threatening Call was made from a mobile service, then the A-Party C/CSP CTCC must provide the cell location information if requested.
- 3.1.17 Where the NRSP is identified by a CTCC as being the A-Party of a Life Threatening Call, the NRSP CTCC must provide only the CLI of the calling party.
- 3.1.18 The A-Party C/CSP CTCC must only respond to requests for Line Isolation that originate from a PCC requesting assistance under section 315 of the Act and carry the required authorization on the PCC Request Form in a format similar to Appendix B.

**NOTE:**

*In resolving some Life Threatening Call situations, it may be necessary to suspend a Carriage Service to avoid a C/CSP being in breach of section 313(2) of the Act*

### **3.2 Contact Point for Life Threatening Calls**

- 3.2.1 Each C/CSP and the NRSP must appoint one organisational element, called the CTCC in this Code, to be the single point of contact for the management of Call Traces related to Life Threatening Calls. The CTCC must be available 24 hours a day 7 days per week.
- 3.2.2 All CSPs and the NRSP must ensure that they have supplied and keep up to date the following information to the nominated contact point within their C/CSP's CTCC:
  - (a) a 24 hour 7 day a week contact number for the provision of Call Trace and Customer information in relation to Life Threatening Calls. This contact number must be answered without unreasonable delay; and
  - (b) a business hours contact name and telephone number for arranging routine tests of Call Tracing.
- 3.2.3 All CSPs and the NRSP must notify their providing C/CSP in writing within 24 hours of changes to the above information.
- 3.2.4 The C/CSP receiving the notification must confirm that receipt in writing within 24 hours.

- 3.2.5 The originator of the notification must file and store the receipt of confirmation for three years.
- 3.2.6 All C/CSPs must maintain an up-to-date list of the contact details of their C/CSPs and the PCCs. This information must be readily accessible to all the appropriate staff in their CTCC.

### 3.3 Handling of Unwelcome Calls

**NOTE:**

*Unwelcome Calls relate to communications that are menacing, harassing or offensive. They do not normally require time critical responses and do not necessarily involve the police. See Appendix D for a flow chart of the process for handling Unwelcome Calls.*

- 3.3.1 C/CSPs and the NRSP must have internal policies and procedures for handling Unwelcome Calls consistent with this Code.
- 3.3.2 The B-Party CSP dealing with the Unwelcome Calls must ensure that the Unwelcome Call complaint:
  - (a) has come from the service lessee or a person authorised to alter the account for the lessee;
  - (b) relates to a Pattern of Unwelcome Calls; and
  - (c) includes at least one Unwelcome Call that was received in the past 30 days.
- 3.3.3 Communication with a Customer must only be conducted by the primary service provider that bills the Customer for local calls.

**NOTE:**

*For example, in the case of a CSP reselling Local Access calls, that CSP would be the primary service provider.*

- 3.3.4 The B-Party CSP must try to resolve an Unwelcome Call issue before referring the Customer to the police, even though the Customer may report the matter to the police at any time.

**EXAMPLE:**

*CSPs would normally refer Customers to the police when the Customer perceives the call(s) to be particularly threatening or offensive and the Customer is not prepared to wait the required time period for the matter to be resolved through a warning letter process.*

- 3.3.5 The Code requirements on C/CSPs to investigate do not apply to an Unwelcome Call that is:
  - (a) an SMS or MMS sent or received by a mobile handset that does not have an Australian mobile number;

- (b) carried via a service operating out of a country overseas;
- (c) an SMS or MMS sent from a machine or system other than a handset;
- (d) an email service other than an SMTP email service where the server is located in Australia; OR
- (e) an Unwelcome Call sent from a payphone.

**NOTE;**

*Complaints about Unwelcome Calls that concern telemarketing on behalf of an Australian C/CSP can be dealt with under Australian legislation, including the Privacy Act 1988 and the Spam Act 2003 and by the Telecommunications Industry Ombudsman.*

- 3.3.6 CSPs must inform Customers that they may report the matter to the police at any time.
- 3.3.7 The B-Party CSP must suggest to their Customer the options they have available. Some possible options include the following:
  - (a) hang up on the caller immediately;
  - (b) use an answering machine or voicemail to screen callers;
  - (c) use calling number display facilities to screen and control calls;
  - (d) if Unwelcome Calls are from a facsimile machine, divert the calls to a fax machine to assist in identifying the calling fax;
  - (e) delete unwelcome SMS or MMS as they can see the CLI from whom the message originated. The C/CSP could also suggest that the Customer consider contacting the police;
  - (f) consult their internet service provider on how to delete email identified from a particular source; or
  - (g) change the service number and/or email address and have the new number unlisted in the directory.
- 3.3.8 If the B Party Customer indicates to the C/CSP that they do not want to proceed with the options in 3.3.7 and want the matter investigated, the B-Party CSP must request that the Customer make detailed records of the calls received particularly the date, time, and approximate duration, of the calls.
- 3.3.9 If a Pattern of Unwelcome Calls is identified, then the B-Party CSP must attempt to identify the A-Party. This may be achieved by examination of Call Records or the implementation of Call Tracing facilities (MCT) on the service.

- 3.3.10 A CSP must use call records relating to unanswered or Zero Rated Unwelcome Calls, if available, to establish a Pattern of Unwelcome Calls.
- 3.3.11 Where automatic Call Trace facilities are not available for that service, the B-Party CSP must make arrangements with other C/CSPs to undertake Call Tracing using telephone exchange Call Records.

**NOTE:**

*The management of Unwelcome Calls can be greatly simplified using MCT technology and C/CSPs are encouraged to provide this facility on their networks.*

- 3.3.12 When a B-Party CSP requests an action from another C/CSP or the NRSP in response to an Unwelcome Call matter, the B-Party CSP must provide the CLI of the B-Party, the times and dates of the Unwelcome Calls and the CLI of the calling service.
- 3.3.13 C/CSPs must only provide information to police upon receipt of a formal request stating that the information is required to support an investigation of an Unwelcome Call complaint under section 474.17 of the Criminal Code Act 1995 via a format similar to that at Appendix E.
- 3.3.14 Where the NRSP is identified by its Carrier as being the A-Party of an Unwelcome Call complaint, the NRSP must inspect its billing records to determine if there is a Pattern of Unwelcome Calls. If the NRSP identifies a Pattern of Unwelcome Calls, then the NRSP must as soon as practicable, and within 14 days, provide only the CLI of the A-Party to its Carrier subject to receipt of an Unwelcome Call Action Request in a format similar to Appendix F.
- 3.3.15 A C/CSP must take all reasonable steps to be satisfied that they have identified the A-Party of the alleged Unwelcome Caller.
- 3.3.16 When the A-Party has been identified and is also a Customer of the B-Party C/CSP, the B-Party C/CSP must send a warning letter to the A-Party via a format similar to that at Appendix G.
- 3.3.17 When the A-Party has been identified and is a Customer of another CSP, then the B-Party CSP must send an Unwelcome Call Action Request to the A-Party CSP via a format similar to that at Appendix F. On receipt of an Unwelcome Call Action Request, the A-Party CSP must, as soon as practicable and within 14 days of receiving the request:
  - (a) inspect its billing records to determine the validity of the complaint;
  - (b) issue a warning letter to their Customer if the claim can be substantiated via a format similar to that at Appendix G; and

(c) respond to the requesting C/CSP and advise the action that has been taken.

3.3.18 When unanswered or zero rated calls form part of the Pattern of Unwelcome Calls identified by the B-Party CSP but the billing records of the A-Party CSP do not include records of unanswered calls, then the A-Party CSP must rely on the records of unanswered calls provided by the B-Party CSP to determine the validity of a complaint. The A-Party CSP is only obliged to rely on the B-Party CSP records when sufficient information is provided in that record.

3.3.19 If the A-Party CSP is advised by the B-Party CSP that the calls did not cease within 14 days of the warning letter being sent, then the A-Party CSP must send a second warning letter via a format similar to that at Appendix H including a warning that their Telecommunications Service will be suspended if the Unwelcome Calls continue.

**NOTE:**

*The A-Party CSP should be aware that the disclosure of the B-Party of the Unwelcome Call complaint may result in an objection from the B-Party customer under privacy laws. Given privacy concerns, the B-Party CSP should obtain the consent of the customer for the release of their service number to resolve the issue.*

3.3.20 If the A Party C/CSP is advised by the B Party C/CSP that the Unwelcome Calls have not ceased following receipt by the lessee of the service of a second warning letter, the A Party C/CSP must suspend the lessee's service.

**NOTE:**

*The B-Party Customer may also be directed to the police for further action.*

3.3.21 If police request information from a C/CSP in connection with an Unwelcome Call matter, and the information may be held by another C/CSP or the NRSP, the C/CSP receiving the request must refer the police to that other C/CSP or the NRSP. A C/CSP must not seek Customer information from another C/CSP or the NRSP on behalf of police.

3.3.22 All C/CSPs involved must assist the police in the investigation of the Unwelcome Calls complaint and provide Call Records and results of Call Traces, etc.

### **3.4 Contact Point for Unwelcome Calls**

3.4.1 All CSPs and the NRSP must ensure that they have supplied and kept up to date the following information to the nominated contact point within their providing C/CSP's Unwelcome Call complaints unit:

- (a) a contact name and telephone number for liaison in relation to an Unwelcome Call complaint; or
- (b) a business hours contact name and telephone number for arranging the tracing of the source of an Unwelcome Call.

3.4.2 All CSPs and the NRSP must notify their providing C/CSP in writing within 14 days of changes to the above information.

### 3.5 Call Tracing

**NOTE:**

*The tracing of a call may be done during progress of the call or, depending on the network technology involved, after the call is finished. Depending on the network technology involved it may be necessary to make specific network arrangements on the called line in advance of expected calls to facilitate Call Tracing. When Call Tracing involves a call in progress, prompt action is vital. Call tracing of a call in progress may be required in connection with a Life Threatening Call.*

*To prevent unnecessary delays, the C/CSP receiving the request should collect the requested information, but not release it until the written request is received.*

- 3.5.1 Call tracing between C/CSPs must be undertaken using agreed standards, currently CCS 7.
- 3.5.2 Requests for Call Tracing of calls in progress with an unknown A-Party between C/CSPs must include the Interconnect Route Name and Circuit Identification Code (CIC) where available.
- 3.5.3 C/CSPs using Dummy CLI must be able to determine the source network.
- 3.5.4 In accordance with the provisions of inter-carrier agreements, Australian carriers must allocate Dummy CLIs where an A-Party CLI is not available (e.g., calls entering Australia from an overseas country).

**NOTE:**

*Examples of some Dummy CLIs can be found in Telstra's Technical Information Paper IP.0667. This information is required to communicate the origin of a call between interconnecting carriers. For further information on Dummy CLIs, see Appendix I.*

- 3.5.5 Carriers must make test calls to their CSPs and, if appropriate, the NRSP, to identify the A-Party of the test call. The response of each CSP and the NRSP must be tested at least annually.
- 3.5.6 Where a CSP provides services to other CSPs, the first CSP must test the provision of Customer information at least annually.

- 3.5.7 C/CSPs must document all tests and retain documentation for future audit.

### **3.6 Confidentiality and Record Keeping**

- 3.6.1 C/CSPs must ensure that the access, disclosure and use of information relating to Customers is undertaken in accordance with the Act and kept to the minimum necessary to comply with the requirements of this Code.
- 3.6.2 Other than by way of disclosure to a PCC, C/CSPs and the NRSP that receive information relating to Customers of other C/CSPs and the NRSP must ensure that the security and confidentiality of the disclosed information is maintained.
- 3.6.3 C/CSPs and the NRSP must not provide any information relating to any Police investigation about a Life Threatening Call to a third party.
- 3.6.4 To effectively manage Life Threatening and Unwelcome Calls for its Customers, a CSP must have arrangements in place to access Call Records for all calls made and received by their Customers for a period of at least thirty days.
- 3.6.5 To effectively manage Life Threatening and Unwelcome Calls for Customers using the National Relay Service, the NRSP must have arrangements in place to access the incoming CLI and the outgoing called numbers for all calls via the NRS for a period of at least thirty days.
- 3.6.6 C/CSPs and the NRSP must retain copies of all completed Life Threatening Call requests for three years.
- 3.6.7 C/CSPs and the NRSP must maintain detailed records of all activities relating to Unwelcome Call complaints for three years.

## **4 CODE ADMINISTRATION AND COMPLIANCE**

### **4.1 Code Administration and Compliance Scheme**

Under ACIF Code signatory arrangements, signatories to the Code are subject to ACIF's Code Administration and Compliance Scheme (October 2003) (the Scheme). Accordingly, all signatories who are bound by this Code are also bound by the Scheme.

### **4.2 Powers of the Telecommunications Industry Ombudsman to handle complaints under the Code**

Under section 114 of the *Telecommunications Act 1997* and, subject to consent by the Telecommunications Industry Ombudsman, the Code confers on the Telecommunications Industry Ombudsman the functions and powers of:

- (a) receiving;
- (b) investigating;
- (c) facilitating the resolution of;
- (d) making determinations in relation to;
- (e) giving directions in relation to; and
- (f) reporting on

complaints made by the end users of carriage service about matters arising under or in relation to the Code, including compliance with the Code by those industry participants to whom this Code applies.

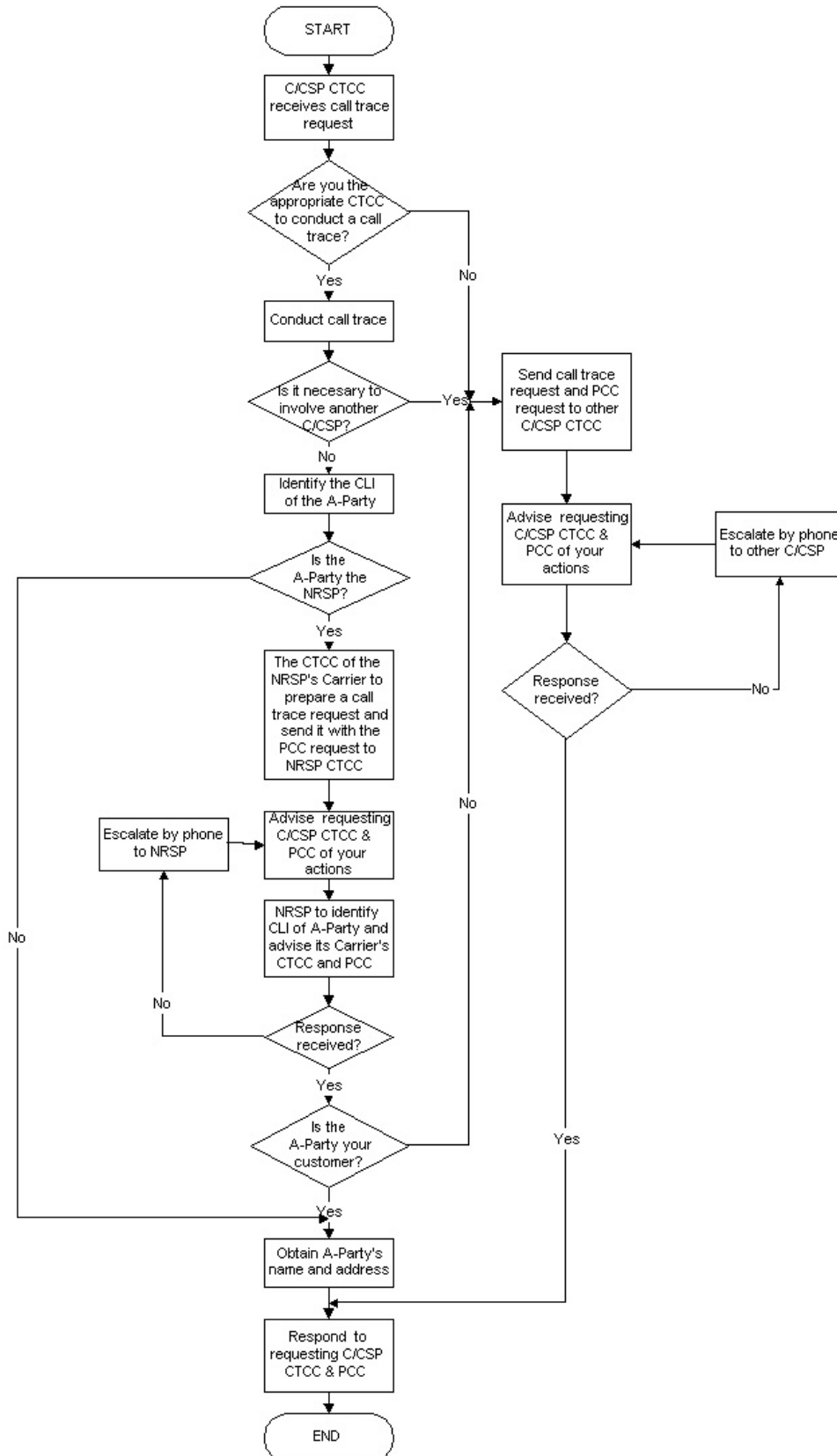
### **4.3 Power to handle Industry Complaints under the Code**

- 4.3.1 Complaints may be made under the Code to ACIF by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) (an "Industry Complaint") about a contravention of this Code by a Signatory to the Code.
- 4.3.2 Complaints by a member of the industry (or a voluntary or non-profit consumer organisation or similar body) about a contravention of the Code by a Signatory to the Code may be referred from the ACA under the power granted to the ACA in section 514 of the *Telecommunications Act 1997*, subject to ACIF's agreement to accept the referral. Without limiting the grounds on which ACIF may withhold its agreement to accept a referral, ACIF may withhold its agreement where it considers that the complaint can be more conveniently dealt with in another forum or that handling the complaint may impose an unreasonable cost burden on ACIF.
- 4.3.3 ACIF must handle Industry Complaints under Clause 4.3.1 or 4.3.2 of the Code in accordance with the provisions of the ACIF G514:2003 Code Administration and Compliance Scheme.

## 5 REFERENCES

<b>Publication</b>	<b>Title</b>
<b>Industry Codes</b>	
ACIF C609:2003	Priority Assistance for Life Threatening Medical Conditions
ACIF C536:2003	Emergency Call Services Requirements
<b>Industry Documents</b>	
<b>Industry Guidelines</b>	
ACIF G514:2003	Code Administration and Compliance Scheme
<b>Legislation</b>	
<i>Criminal Code Act 1995</i>	
<i>Privacy Act 1988</i>	
<i>Telecommunications Act 1997</i>	
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	

# APPENDIX A LIFE THREATENING CALL TRACE PROCESS



# APPENDIX B PCC REQUEST FORM

Identification details of  
Police Communications Centre (PCC)

Your Logo here

Name of Carrier / Service Provider: \_\_\_\_\_

**Please Arrange For:**

- Emergency Life Threatening Trace       Implement Call Trace Facility (MCT)   
 Line Isolation.....       Customer Details (Life threatening only)

of Telephone Service Number: \_\_\_\_\_

**Brief Details including date, time and duration of subject calls:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Officer Requesting: \_\_\_\_\_

(Print Name) (Signature) (Rank)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_:\_\_\_\_\_  
(Station) (Contact No.) (Date) (Time)

**Police Communication Centre to complete:**

Police Reference Number: \_\_\_\_\_ Date: \_\_/\_\_/\_\_\_\_ Time: \_\_:\_\_\_\_

I certify that this request is reasonably necessary in accordance with relevant Legislation as follows:

- Sect. 287 Telecommunications Act 1997 - To prevent or lessen a serious and imminent threat to life or health of a person, or

Officer Requesting: \_\_\_\_\_

(Print Name) (Signature) (Rank)

- Sect. 315 Telecommunications Act 1997 – Suspension of service requested by Assistant Commissioner.

Authorised Officer Name: \_\_\_\_\_

(Print Name)

**Relevant Carrier / Service Provider to complete:**

CALL TRACE RESULT       CALL TRACE UNSUCCESSFUL

Originating Number (A-party): \_\_\_\_\_

Customer Name: \_\_\_\_\_

Customer Address: \_\_\_\_\_

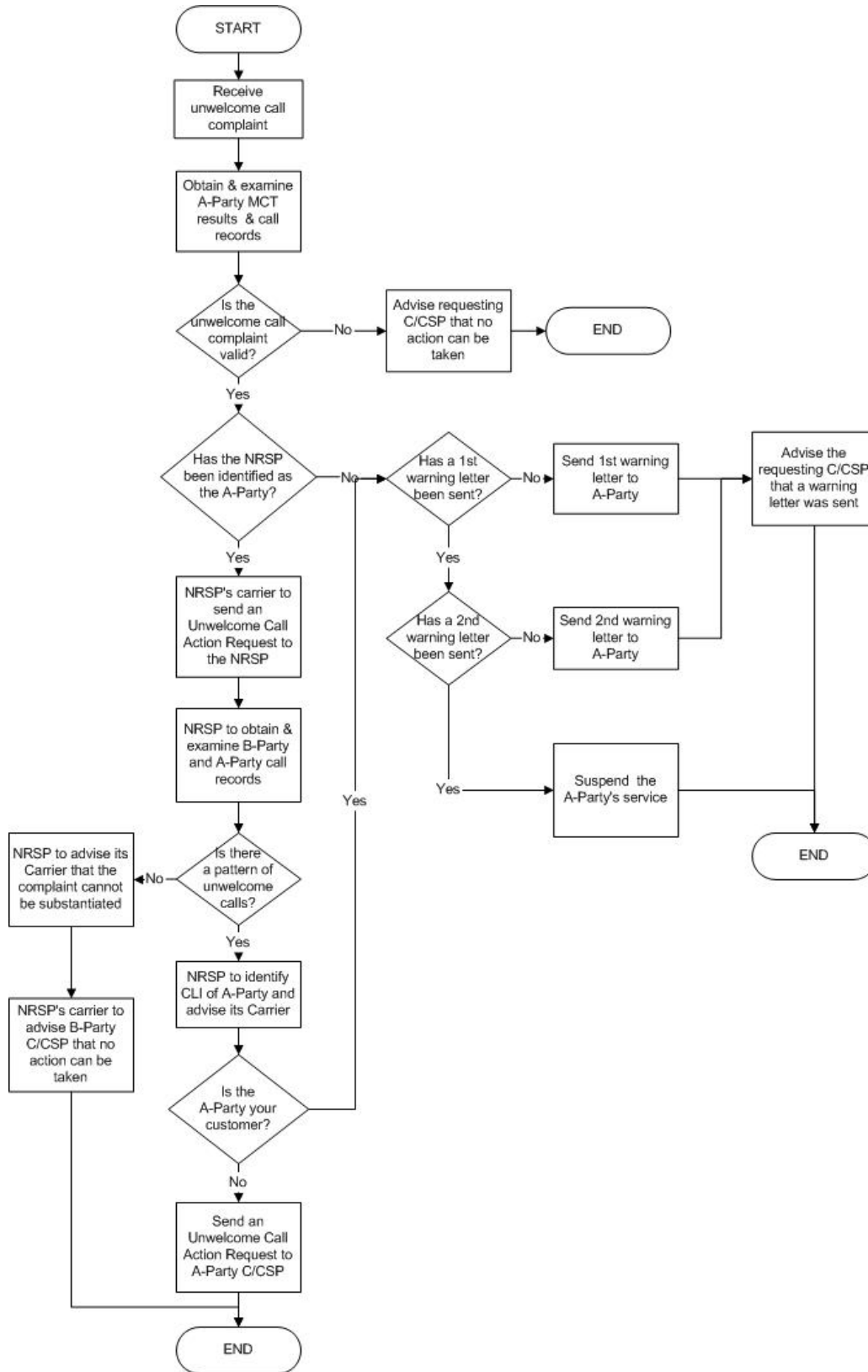
CTCC Sequence No.: \_\_\_\_\_

CTCC Officer:

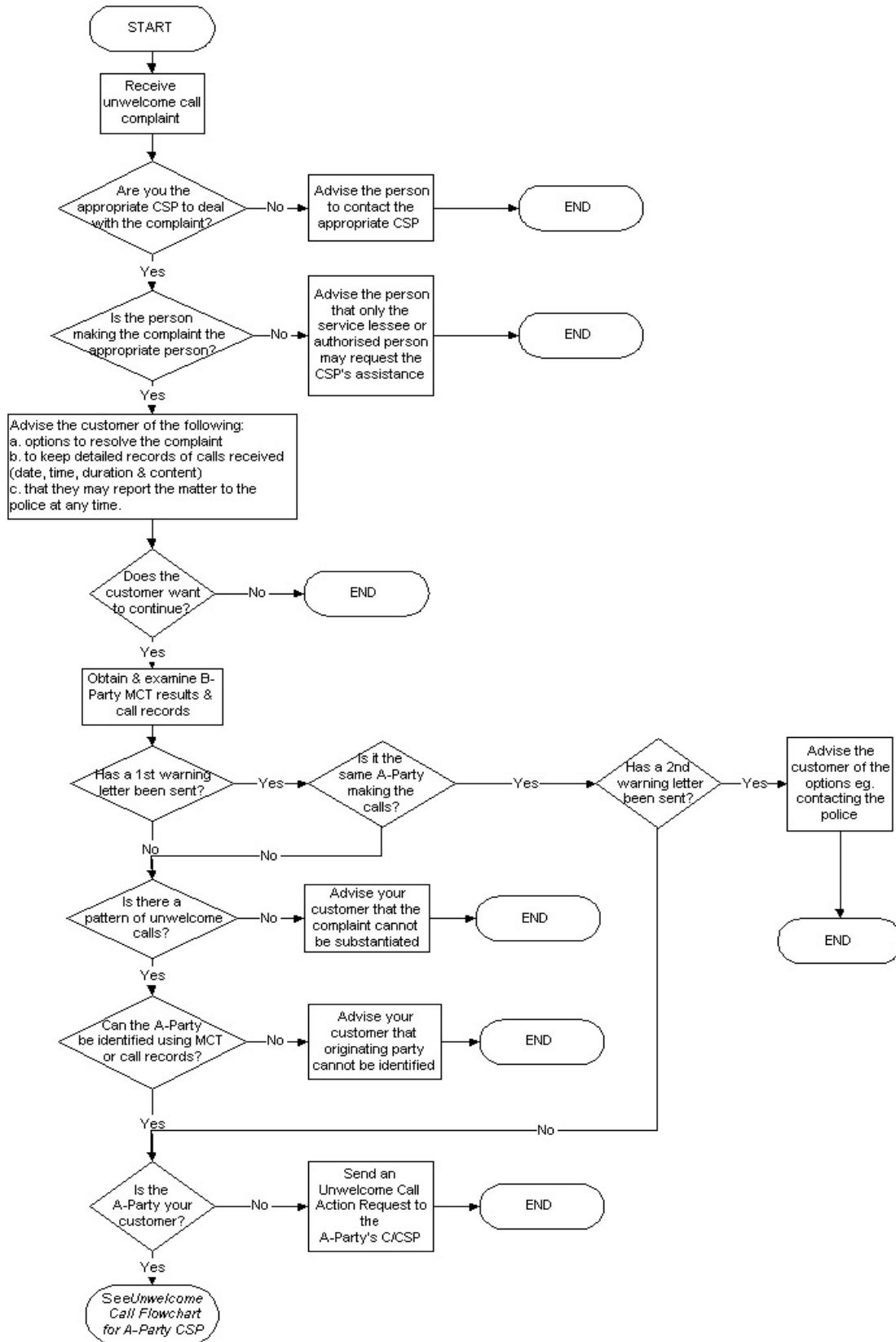
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_:\_\_\_\_\_  
(Print Name) (Signature) (Contact number) (Date) (Time)



# APPENDIX D UNWELCOME CALL TRACE FLOWCHART FOR A-PARTY CSP



# APPENDIX D UNWELCOME CALL TRACE FLOWCHART FOR B-PARTY CSP



**APPENDIX E  
REQUEST FROM POLICE FOR ASSISTANCE WITH UNWELCOME  
CALL INVESTIGATION**

(POLICE LETTERHEAD)

OUR REFERENCE:

DATE:

TO: LAW ENFORCEMENT LIAISON UNIT  
<<insert Carrier's name>>

Dear Sir/Madam

I am writing to notify you of a complaint received from {Mr/Mrs} <<insert name of complainant>> of <<insert address of complainant>> regarding Unwelcome Calls being received on telephone service <<insert telephone service number receiving unwelcome calls>>.

{Mr/Mrs} <<insert name of complainant>> is the lessee of that telephone service. The complainant has agreed to our request for <<insert Carrier's name>> to provide all assistance possible, to resolve this matter.

I further certify that I am investigating this complaint as an alleged breach of section ??? 474.17 of the Criminal Code Act 1995. [Optional condition - Accordingly I request that <<insert Carrier's name>> does not proceed with its normal warning letter process.]

It is requested that either a Call Trace Facility be connected to the complainant's service (if not already in place) or a search of the <<insert Carrier's name>> telephone exchange call records be made to identify the originating telephone service from which the telephone calls indicated on the attached document were made.

It is requested that <<insert Carrier's name>> releases the call trace results and (where possible) the name, address & contact details for the registered user of the service number from which the calls in question have originated. This release is requested under Section 282(1) of the *Telecommunications Act 1997*.

Signed: ..... Name:  
.....

Contact Number: ..... Rank:  
.....

## APPENDIX F SUGGESTED UNWELCOME CALL ACTION REQUEST

Phone number to which unwelcome calls have been made	
Details of unwelcome calls	<i>[Dates and times and the suspected identity or telephone number of the unwelcome caller if known]</i>
Action taken	<i>[eg. contacting Police]</i>

Select from the following:

*[B-Party C/CSP]* requests that *[A-Party C/CSP]* inspect its call records in relation to unwelcome calls detailed above to determine if there is a pattern of unwelcome calls.

*[A-party C/CSP]* should inform *[B-Party C/CSP]* from time to time of the progress of the investigation.

OR

*[NRSP's Carrier]* requests the NRSP to:

- (a) inspect its call records of the B-Party and A-Party in relation to the unwelcome calls detailed above to determine if there is a pattern of unwelcome calls; and
- (b) release the CLI of the A-Party to its Carrier if a pattern of calls is identified.

Contact Name: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX G SUGGESTED INITIAL WARNING LETTER

Dear [Customer name]

We have recently been contacted by [one of our customers/another carrier/a carriage service provider] \* regarding Unwelcome Calls.

Subsequent analysis shows that the following Unwelcome Calls were received by that [customer/carrier's customer/carriage service provider's customer] \*. Our records show that these calls originated from telephone service ( ) , leased in your name.

<b>Date</b>	<b>Time</b>
DD/MM/YY	hh:mm
DD/MM/YY	hh:mm

Whilst I do not wish to imply that there was any intention to make calls of this nature, or that you personally made those calls, I request your cooperation to ensure that your service is not used to make Unwelcome Calls.

Please contact me on telephone number ( ) if you would like to discuss this matter further.

Yours sincerely

.....

[Name]

[Title]

\* Delete incorrect option

## **APPENDIX H SUGGESTED SECOND WARNING LETTER**

Dear

I refer to my previous letter dated DD MONTH YEAR regarding Unwelcome Calls originating from your telephone service ( ) .

Since that date, the customer concerned has received further Unwelcome Call(s). Our analysis shows the following call(s) to that service number have been made from your telephone service.

Date	Time
DD/MM/YY	hh:mm
DD/MM/YY	hh:mm

I wish to bring to your attention that it is an offence under section 474.17 of the Criminal Code Act 1995 to use a telephone service to menace or harass, or to make calls which may be considered offensive.

You should be aware that if any further complaints are received, your service will be suspended and the calls could become the subject of a Police investigation.

If you would like to discuss any aspect of this matter further please contact me on telephone number ( ) .

Yours sincerely

.....

[Name]

[Title]

## **APPENDIX I DUMMY CLIS**

Dummy CLIs are applied by Carriers to communicate to other Carriers the origin of the call. The following telephone traffic cases apply:

- (a) National Origin Australia Terminating Customer Initiated Telephone Calls
  - (i) CCS Interconnected Carriers

The actual or true CLI is forwarded between networks so identification of the CLI of the calling party is readily available from the switch call data records.
  - (ii) Non CCS Interconnected Carriers

Such interconnected networks apply Dummy CLIs to facilitate identification of the origin of the call. Carriers receiving Dummy CLIs are unable to identify the actual or true CLI of the calling party.
  - (iii) In this case, the carrier receiving the call would need to contact the CTCC of the originating carrier to request identification.
- (b) International Origin Australia Terminating Telephone Calls

According to convention, a Dummy CLI is applied by the carrier used as the point of entry for the call to Australia. The format of the Dummy CLI will conform to Intercarrier Agreements such as indicated in Telstra's Technical Information Paper IP.0667.
- (c) National Origin International Terminating Telephone Calls

The carrier servicing the customer or the customer's C/CSP should zeroise or clear the CLI of the calling party before the call is switched to another carrier's network. This is in accordance with international and intercarrier agreements that no calling party CLI should be transported over the international switching networks.
- (d) National Origin Australia Terminating Operator Assisted Telephone Calls

## **PARTICIPANTS**

The group that developed this Industry Code consisted of the following organisations and their representatives:

<b>Representative</b>	<b>Organisation</b>	<b>Voting Status</b>
Bill Davey (Chair)	Telstra	Voting
Tracey Annear	Australian Communication Exchange	Voting
Annie McCall	Consumers' Telecommunications Network	Non- Voting
Sarah Wilson	Consumers' Telecommunications Network	Voting
Simone Newton	Engin	Voting
Lindsay Alexander	Hutchison Telecoms	Voting
Peter Bull	Optus	Voting
Peter Ferguson	Victorian Police	Voting
Ross Young	Vodafone	Voting

Holly Raiche supplied project management support.

The policy objective of the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry is central to the regulatory scheme of the *Telecommunications Act 1997*.

ACIF was established to implement the policy of industry self-regulation. It is a company limited by guarantee and is a not-for-profit membership-based organisation. Its membership comprises carriers/carriage service providers, business and residential consumer groups, industry associations and individual companies.

ACIF's mission is to develop collaborative industry outcomes that foster the effective and safe operation of competitive networks, the provision of innovative services and the protection of consumer interests. In the development of Industry Codes and Technical Standards as part of its mission, ACIF's processes are based upon its principles of openness, transparency, consensus, representation and consultation. Procedures have been designed to ensure that all sectors of Australian society are reasonably able to influence the development of Standards and Codes. Representative participation in the work of developing a Code or Standard is encouraged from relevant and interested parties. All draft Codes and Standards are also released for public comment prior to publication to ensure outputs reflect the needs and concerns of all stakeholders.



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Care should be taken to ensure that material used is from the current version of the Standard or Industry Code and that it is updated whenever the Standard or Code is amended or revised. The number and date of the Standard or Code should therefore be clearly identified. If in doubt please contact ACIF.