

# Know your obligations

## Carriers and carriage service providers, including internet and VoIP service providers

SEPTEMBER 2015

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# Introduction

This publication has been prepared by the Australian Communications and Media Authority (the ACMA) as a guide to the key obligations placed on carriers and carriage service providers (CSPs) under the [Telecommunications Act 1997](#) (Telecommunications Act), the [Telecommunications \(Consumer Protection and Service Standards\) Act 1999](#) (TCPSS Act) and Chapter 5 of the [Telecommunications \(Interception and Access\) Act 1979](#) (the TIA Act).

*Know your obligations* is intended only as a general guide. It provides sources of further information and key contact details. Information in this publication should not be regarded as a substitute for the relevant legislation and regulatory documents. You are encouraged to seek professional advice about the obligations outlined in this guide.

As the Australian regulator of telecommunications, radiocommunications, broadcasting and the internet, the ACMA is responsible for ensuring industry compliance with the Telecommunications Act, TCPSS Act and Chapter 5 of the TIA Act. Penalties may be imposed for non-compliance with the regulatory framework under these Acts, so it is important that you are aware of your obligations.

It is your responsibility to be aware of any changes to legislation and regulatory arrangements affecting carriers and CSPs.

# Are you a carrier, a carriage service provider or both?

Under the Telecommunications Act, there are two types of persons or organisations that can provide carriage services (telecommunications services) to the public—carriers and CSPs. Carriers are defined as those persons who own a telecommunications network unit to supply carriage services to the public. CSPs are those who use a telecommunications network unit to supply carriage services to the public.

Carriage services include services for carrying communications; for example, telephone services, internet access services and voice over internet protocol (VoIP) services.

## Carriers

An owner of a telecommunications network unit used to supply a carriage service to the public must hold a carrier licence, unless an exemption applies or a nominated carrier declaration (NCD) is in place for that network unit.

Carrier licences are granted by the ACMA under section 56 of the Telecommunications Act. A telecommunications network unit is defined in Part 2 of the Telecommunications Act.

An NCD allows the owner of a network unit that is used to supply carriage services to the public to nominate a licensed carrier to assume responsibility for all carrier-related obligations for that network unit. An NCD allows a licensed carrier to accept regulatory responsibility for the network unit on behalf of the owner of the network unit.

The licensed carrier applies to the ACMA for the NCD. The applicant must be able to provide evidence that it will be in a position to comply with all the obligations under the Telecommunications Act in its capacity as the nominated carrier for the network unit. Where a NCD is in force, the owner of the network unit does not require a carrier licence.

## Carriage service providers

A CSP can include organisations that resell time on a carrier network for phone calls, provide access to the internet (internet service providers or ISPs) or provide telephone services over the internet (VoIP service providers). CSPs do not require a licence to supply a carriage service to the public.

### **More information**

For more information on carriers and CSPs see:

- > Parts 2, 3 and 4 of the Telecommunications Act
- > the [ACMA website](#)
- > the ACMA's [Service provider regulation fact sheet](#).

You can also email the ACMA's National and Community Interests Section at [carriers@acma.gov.au](mailto:carriers@acma.gov.au).

# Carrier licences

Parts 2 and 3 of the Telecommunications Act set out carrier licensing requirements in detail. The carrier licensing requirement is associated with ownership of network units that are used to supply a carriage service to the public.

In deciding whether to apply for a carrier licence, an organisation needs to carefully weigh the obligations on carriers against the rights of carriers. An organisation that does not wish to be subject to such obligations may arrange for an existing licensed carrier to apply for a NCD for its network units.

Some ISPs own radiocommunications equipment that is class-licensed under the *Radiocommunications Act 1992* and use that equipment to provide internet access on a commercial basis. If the radiocommunications equipment is also a radiocommunications facility for the purposes of the Telecommunications Act, the ISP will need to consider whether a carrier licence or an NCD is required. Carrier licensing obligations are separate to the obligations that apply to the operation of wireless infrastructure (ie. network units) under the Radiocommunications Act.

## Carrier licence conditions

When an organisation is granted a carrier licence, it must comply with a range of statutory obligations. Carriers are also obliged to do a number of other things, such as providing access to their telecommunications infrastructure if other carriers request this on reasonable terms. They must comply with the standard access obligations under the *Competition and Consumer Act 2010* and with any other relevant federal, state or territory legislation.

Under Part XIC of the Competition and Consumer Act, the Australian Competition and Consumer Commission (ACCC) facilitates access to the networks of carriers and CSPs. This includes declaring services for access, approving access codes and access undertakings, arbitrating disputes about declared services and registering access agreements.

### **More information**

For more information on carrier licences and conditions see:

- > the ACMA's [Carrier licensing guide](#)
- > Schedule 1 and sections 61, 62, 63 and 73 of the Telecommunications Act
- > the ACCC's [Communications webpage](#).

You can also email the ACMA's National and Community Interests Section at [carriers@acma.gov.au](mailto:carriers@acma.gov.au).

## Carrier levies and charges

The telecommunications industry levy (TIL) funds the payment of contractors and grant recipients, and eligible administrative costs to ensure continuity of key telecommunications safeguards).

In particular, the TIL provides for:

- > the universal service obligation (USO), which facilitates reasonably accessible standard telephone services and payphone services to all Australians on an equitable basis, regardless of where they live or carry on business
- > the National Relay Service (NRS), a national telephone service to enable people with a hearing or speech impediment to make and receive telephone calls

- > delivery of emergency call services.

Under the TIL, participating persons (that is, telecommunications carriers with eligible revenue in excess of \$25 million or certain parties who do not submit an eligible statutory declaration) are required to lodge eligible revenue returns with the ACMA. The ACMA will make a written assessment of each participating person's eligible revenue for each return period.

A carrier's eligible revenue is also used to calculate its annual carrier licence charge (ACLC), which the ACMA charges participating persons to recover the cost of regulating the telecommunications industry.

### **More information**

For more information on the TIL see:

- > Division 6 of the [TCPSS Act](#)
- > [Carrier levies & charges fact sheet](#)
- > [Telecomms funding arrangements web page](#)
- > [Eligible revenue reporting web page](#).

You can also email the ACMA's Finance, Budgets and Revenue Assurance Section at [TIL@acma.gov.au](mailto:TIL@acma.gov.au).

## **Facilities installations**

Carriers have broad powers to inspect land, install low-impact facilities and maintain facilities under Schedule 3 of the Telecommunications Act. Carriers are required to comply with the Telecommunications Code of Practice 1997 when exercising Schedule 3 powers.

Carriers should also be aware of the C564:2011 *Mobile Phone Base Station Deployment Code* developed by Communications Alliance. This code specifies the best contemporary practices in the areas of design, installation and operation of mobile phone radiocommunications infrastructure. Compliance with this code is mandatory for carriers seeking to deploy mobile phone radiocommunications infrastructure.

### **More information**

For more information on facilities installations see:

- > Schedule 3 of the Telecommunications Act
- > the [Telecommunications \(Low-impact Facilities\) Determination 1997](#)
- > the [Telecommunications Code of Practice 1997](#)
- > the [Mobile Phone Base Station Deployment Code](#)
- > the [TIO's guidelines on the installation and maintenance of low-impact facilities](#)
- > the [Radio Frequency National Site Archive](#) (RFNSA) website
- > the [ACMA's EME compliance strategy](#) web page
- > the ACMA's [Network facilities web page](#)
- > the ACMA's [Accessing buildings to install telecomms facilities web page](#).

You can also email the ACMA's Networks Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## **CSP obligations**

CSPs are not subject to any licensing requirements but are required to comply with various legislation and service provider obligations.

***More information***

For more information on service provider rules see:

- > Schedule 2 of the [Telecommunications Act](#)
- > the [TCPSS Act](#)
- > the [TIA Act](#)

# Carrier and CSP obligations

## Membership of the Telecommunications Industry Ombudsman scheme

All telecommunications carriers and eligible CSPs must be members of, and comply with, the Telecommunications Industry Ombudsman (TIO) scheme. The TIO is an industry-based and -funded dispute resolution scheme for small business and residential customers of eligible CSPs. Eligible CSPs include those who provide telecommunications services to residential and small business customers, including:

- > a standard telephone service
- > a mobile telecommunications service
- > internet access or VoIP calls.

Under the TIO scheme, the TIO may investigate, make determinations and give directions on consumer complaints about carriage services.

The TIO is an office of last resort, which means it can only take up a complaint if the customer has first tried to resolve it with their CSP. CSPs are charged by the TIO according to the level of escalation required to resolve the dispute. Chapter 8 of the C628:2012 *Telecommunications Consumer Protections Code* (TCP Code) provides further information about the CSP's role in handling customer complaints. More information about the TCP Code is provided below.

A carrier or eligible CSP may apply to the ACMA for an exemption from the requirement to join the scheme. In making its decision, the ACMA must consider various matters, including the extent to which the carrier or provider deals with residential customers or proprietors of small business, and the potential for complaints under the TIO scheme about the services supplied. The ACMA must consult the TIO. If an exemption is granted, it can be revoked at any time to reflect changes in circumstances.

### **More information**

For more information on the TIO scheme see:

- > Part 6 of the [TCPSS Act](#)
- > the [TIO website](#)
- > the ACMA's [TIO-exempt providers webpage](#).

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Interception and assistance

Under the TIA Act, carriers and CSPs must ensure their network or facility is able to intercept a communication passing over it. The TIA Act sets out the conditions under which a service may be intercepted and the actions required of the various parties involved. The TIA Act is administered by the Attorney-General's Department.

All carriers and certain nominated CSPs are also required to submit an annual Interception Capability Plan to the Communications Access Co-ordinator (CAC) outlining its policies for interception and their strategies for complying with their obligations. The CAC is an officer of the Attorney-General's Department, as outlined in section 6R of the TIA Act. The CAC acts on behalf of Australia's national security and enforcement agencies.

Carriers and CSPs (including ISPs) also have legislative obligations under Part 14 of the Telecommunications Act to provide assistance to law enforcement and national security agencies. This assistance can take many forms, but most commonly involves providing information regarding consumers of telecommunications services and their communications for the purposes of:

- > enforcing the criminal law
- > enforcing laws that impose a pecuniary penalty
- > assisting the enforcement of the criminal laws in force in a foreign country
- > protecting the public revenue
- > safeguarding national security.

### **More information**

For more information on law enforcement see:

- > Part 14 of the [Telecommunications Act](#)
- > the [TIA Act](#)
- > the [Attorney-General's Department](#).

## **Protection of customer information**

Carriers and CSPs are required to protect the privacy of information that relates to the content of communications they carry, the carriage services they supply and the affairs or personal particulars of customers.

The disclosure or use of protected information is authorised in limited circumstances; for example, disclosure or use relating to the enforcement of the criminal law.

Carriers and CSPs are required to provide annual reports to the ACMA on disclosures made under Part 13 of the Telecommunications Act and Chapter 4 of the TIA Act.

### **More information**

For more information on privacy see:

- > Part 13 of the [Telecommunications Act](#)
- > the [Privacy Act 1988](#)
- > the ACMA's [Disclosure requirements under Part 13 of the Telecommunications Act fact sheet](#).

## **Data retention**

From 13 October 2015, carriers and CSPs that use communications infrastructure in Australia to provide any of their services may be required to retain and secure specific telecommunications data for two years. Some services are specifically excluded, for example, broadcasting services.

Service providers must begin retaining the required data for each relevant service they provide from that date, unless they are acting under an approved Data Retention Implementation Plan and/or have a relevant exemption from and/or variation of their obligations.

Service providers may submit a Data Retention Implementation Plan to the CAC to request more time to develop capability to meet their data retention obligations. If the Data Retention Implementation Plan is approved, carriers and CSPs can use the additional time to develop data retention systems. The last day which a carrier or CSP may still operate under an approved Data Retention Implementation Plan is 12 April 2017.

### **More Information**

For more information on Data Retention see:

- > the [Attorney-General's Department](#)

## **Standard telephone services**

Some of the obligations on CSPs derive from their provision of a standard telephone service (STS). Accordingly, CSPs need to be familiar with its meaning and consequences.

In summary, an STS is a carriage service:

- > where a customer can use the service to communicate with any other customer on the same service (even if the customers are connected to different networks)
- > for the purpose of voice telephony, including VoIP services (or an equivalent for a particular end user with a disability).

The STS is defined in section 6 of the TCPSS Act.

### **More information**

For more information on the STS see:

- > section 6 of the [TCPSS Act](#).

You can also email the ACMA's Industry Partnerships and Numbering section at [numbering@acma.gov.au](mailto:numbering@acma.gov.au).

## **Telecommunications Consumer Protections (TCP) Code**

The [C628:2012 Telecommunications Consumer Protections Code](#) applies to interactions between CSPs and residential and small business (or not-for-profit organisation) customers. It outlines CSP obligations such as:

- > the use of plain and simple language and including unit pricing in advertising
- > the minimum information in sales material, including a requirement to provide customers with a two-page document called a Critical Information Summary
- > not using terms contract terms or conditions, including some specific terms and conditions that must not be used
- > obligations for credit management, customer transfers and complaints-handling
- > usage alerts for post-paid customers at risk of bill shock.

### **More information**

For more information on the TCP Code, email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## **Communications Compliance**

Communications Compliance (CommCom) is an independent compliance monitoring body. CommCom provides guidance to CSPs on how to comply with the TCP Code and aims to provide an overview of industry compliance. Chapter nine of the TCP Code requires CSPs to prepare and submit to CommCom a customer information compliance statement and a compliance plan. Additionally, compliance statements must be provided annually to CommCom (by 1 April each year).

### **More information**

For more information on CommCom see:

- > Chapter 9 and Appendix 1 of the [TCP Code](#).

You can also contact CommCom directly at <http://commcom.com.au/>.

## Telecommunications (Backup Power and Informed Decisions) Service Provider Determination 2014

The [Telecommunications \(Backup Power and Informed Decisions\) Service Provider Determination 2014](#) manages consumer risks associated with the supply of voice services to residential customers over fibre-to-the-premises connections by ensuring that customers are provided with appropriate information regarding the operation of voice services during a power outage.

Under the Determination, if a customer has requested a voice service, RSPs must:

- > prior to entering into an agreement with a customer, give the customer sufficient information about what a nbn backup power service would do, and not do, during a power failure, which:
  - > may be relied upon by the customer to make an informed decision about whether or not to have the backup power service
  - > will ensure that the customer is made aware of the limitations of the backup power service
- > make and retain records verifying that the customer was given such information before entering into the agreement

The Determination applies to providers of residential voice services supplied using FTTP architecture.

### **More information**

For more information on the Telecommunications (Backup Power and Informed Decisions) Service Provider Determination 2014, email the Technical Regulation and NBN Section at [broadbandinfrastructure@acma.gov.au](mailto:broadbandinfrastructure@acma.gov.au).

## Integrated Public Number Database

The Integrated Public Number Database (IPND) is an industry-wide database containing all listed and unlisted public telephone numbers. It was established in 1998 and is managed by Telstra under the [Carrier Licence Conditions \(Telstra Corporation Limited\) Declaration 1997](#).

The IPND serves as a repository of public number customer data, which broadly includes the public number, the customer name and address information that can be used, for example, to help provide emergency services and law enforcement. For the purposes of the IPND, CSPs are also known as data providers.

The ACMA has a compliance monitoring and enforcement role for the IPND, and conducts regular audits and investigations to identify potential breaches of IPND obligations.

### **Legislative and other key requirements**

Part 4 of Schedule 2 to the Telecommunications Act sets out service provider rules for the IPND. Under these rules, CSPs that supply a carriage service to an end user with a public number must provide the public number customer data to the IPND Manager.

CSPs are required to [register](#) as data providers with the IPND Manager before they can start providing public number customer data. The [IPND Code](#) and [IPND Guideline](#) published by Communications Alliance are designed to help data providers provide accurate data to the IPND. They set out the detailed obligations for data provision, including important reference to the [IPND Technical Requirements](#) published by the IPND Manager.

### **More information**

For more information on the IPND see:

- > the [IPND Manager's website](#), which gives IPND data providers information on how to register with the IPND Manager
- > [IPND Code C555:2008](#) published by Communications Alliance
- > [IPND Data Guideline G619:2007](#) published by Communications Alliance
- > [IPND Technical Requirements](#) published by the IPND Manager
- > the ACMA's [IPND webpages](#).

You can also email the ACMA's National and Community Interests Section at [ipnd@acma.gov.au](mailto:ipnd@acma.gov.au).

## **Call assistance services**

### **Emergency call service**

Under the [Telecommunications \(Emergency Call Service\) Determination 2009](#) (the ECS Determination), CSPs are required to provide free access to the emergency call service from fixed and mobile telephone services (including VoIP services). The emergency call service is an operator-assisted service that connects callers to police, fire or ambulance services in life-threatening or time-critical situations.

The ECS Determination requires CSPs to deliver calls made to the emergency service numbers Triple Zero (000) and 112 to the relevant termination points, with the highest priority. CSPs must also provide the [IPND Manager](#) with name, address and service location information for each of their customers, and they must keep this information up-to-date.

### **More information**

For more information on the emergency call service see:

- > the [ECS Determination](#)
- > the ACMA's [Emergency call services webpage](#)
- > industry code [C536:2011 Emergency Call Service Requirements](#) published by Communications Alliance.

You can also email the ACMA's National and Community Interests Section at [emergency.calls@acma.gov.au](mailto:emergency.calls@acma.gov.au).

### **Handling of Life Threatening and Unwelcome Communications**

The [Handling of Life Threatening and Unwelcome Communications Code C525:2010](#) applies to carriers, carriage service providers, electronic messaging providers and the national relay service provider. The code provides a standard procedure for the cooperative handling of communications connected with life threatening communications or a pattern of unwelcome communications.

The code also requires service providers to supply [Communications Alliance](#) with a nominated contact point which can be contacted 24 hours a day, 7 days per week to provide information and undertake call tracing in relation to life threatening communications.

### **More information**

You can email the ACMA's National and Community Interests Section at [emergency.calls@acma.gov.au](mailto:emergency.calls@acma.gov.au)

## Disability requirements

CSPs that provide a standard telephone service to customers must also give customers with disabilities equipment to enable them to access the service. This may be achieved either directly, by providers developing their own Disability Equipment Program, or indirectly, by providers entering into an arrangement with a third party to provide the program.

### **More information**

For more information on disability requirements see:

- > Part 1 of the [TCPSS Act](#)
- > the [Disability Discrimination Act 1992](#)
- > the ACMA's [Disability access web page](#)
- > the ACMA's [Telecomms equipment for the disabled web page](#)
- > the Australian Human Rights Commission's [Access to telecommunications services web page](#)
- > industry code [C625:2009 Information on Accessibility Features for Telephone Equipment](#) published by Communications Alliance.

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Operator and directory assistance services

CSPs who supply a standard telephone service must make operator and directory assistance services available to all customers. This may be achieved either by providing the services themselves or by arranging for a third party to provide the services. CSPs must give another provider access to operator-assisted services if requested, on terms and conditions agreed between the parties.

### **More information**

For more information on operator and directory assistance services see:

- > Parts 2 and 3 of Schedule 2 of the [Telecommunications Act](#)
- > the ACMA's [Directory assistance and associated services fact sheet](#).

## Customer Service Guarantee

The Customer Service Guarantee (CSG) Standard applies to all CSPs that supply a standard telephone service (STS) to customers. The CSG does not apply to mobile or satellite voice services, unless those services are provided in fulfilment of the universal service obligation (under section 9(1)(a) of the TCPSS Act). The CSG also does not apply to internet services. Under the CSG, CSPs are legally required to meet specified standards on the time taken to connect a standard telephone service (and certain enhanced calling features), repair a fault or service difficulty and attend customer appointments. Where these standards are not met, CSPs are required to pay compensation to eligible customers. The CSG does not apply to customers who have more than five standard phone lines or to customer equipment.

### **More information**

For more information on the CSG see:

- > Part 5 of the [TCPSS Act](#)
- > the [Telecommunications \(Customer Service Guarantee\) Standard 2011](#)
- > the ACMA's [Customer Service Guarantee fact sheet](#)
- > the [Telecommunications \(Customer Service Guarantee – Retail Performance Benchmarks\) Instrument \(No.1\) 2011](#).

You can also email the ACMA's Networks Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Priority assistance

Priority assistance is the priority telephone connection and repair service for people with a diagnosed life-threatening medical condition who are at risk of suffering a rapid and life-threatening deterioration in their condition. Telstra must offer the service as a requirement of its carrier licence conditions. Other CSPs may offer priority assistance but are not obliged by regulation to do so. CSPs may offer priority assistance in accordance with the [ACIF C609:2007 Priority Assistance for Life Threatening and Medical Conditions Industry Code](#).

If a priority assistance customer experiences two or more faults in a three-month period, the phone service must be tested.

Carriers and CSPs who do not offer a priority assistance service must inform prospective new customers and provide the name of a company that does provide a priority assistance service.

### **More information**

For more information on priority assistance see:

- > section 19 of Part 6 of Schedule 2 to the [Telecommunications Act](#)
- > the [Carrier Licence Conditions \(Telstra Corporation Limited\) Declaration 1997](#)
- > [ACIF C609:2007 Priority Assistance for Life Threatening and Medical Conditions Industry Code](#).
- > the ACMA's [Priority assistance fact sheet](#).

You can also email the ACMA's Networks Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Itemised billing

Itemised billing means providing a bill that contains the date, duration and charge for each call, and the number to which the call was made; or details as determined by the ACMA. Except for untimed local calls, CSPs must provide itemised billing for each of their customers supplied with a standard telephone service. Itemised billing for untimed local calls must be provided at the customer's request.

### **More information**

For more information on itemised billing see:

- > Part 5 of Schedule 2 of the [Telecommunications Act](#)
- > the ACMA's [Telecomms services billing web page](#)
- > Chapter 5 of the [C628:2012 Telecommunications Consumer Protections Code](#).

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Untimed local calls

CSPs are not required to offer or provide local calls. However, if they choose to do so, they are obliged to give residential and charity customers the option of untimed local data and voice call services. They must also offer untimed local voice call services to their other customers.

### **More information**

For more information on untimed local calls see:

- > the [TCPSS Act](#).

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Pre-selection

Pre-selection requirements enable customers with a standard telephone service to choose a CSP, other than the CSP that supplies local calls, to supply national long-distance, fixed-to-mobile and international calls, as well as calls to certain operator-assisted services. Pre-selection is not available for local calls or for any calls from mobile phones or public payphones. Calls are automatically carried and billed by the pre-selected CSP.

Pre-selection also allows customers to alter their pre-selection choice on a call-by-call basis by keying a four-digit override code (prior to dialling the number) to bypass the selected provider and use another provider. This allows customers to take advantage of special deals offered by other CSPs without changing their default pre-selected provider.

With some exemptions, provision of pre-selection is mandatory under Part 17 of the Telecommunications Act and the specific details are set out in a determination made by the ACMA.

From June 2012, carriers and CSPs are not required to offer pre-selection on wireless services, particularly on interim wireless services in new developments pending the rollout of fixed-line infrastructure. Pre-selection is also not required for services provided over the National Broadband Network.

Pre-selection is still required for services supplied on the copper network and on fibre networks where the network operator also provides retail services.

### **More information**

For more information on pre-selection see:

- > Part 17 of the [Telecommunications Act](#)
- > the [Telecommunications \(Provision of Pre-selection\) Determination 2015](#)
- > [Telecommunications \(Consumer Protection and Service Standards\) \(Characteristics for Standard Telephone Service\) Regulation 2012](#)
- > industry code [ACIF C515:2005 Pre-selection](#) published by Communications Alliance
- > the ACMA's [Pre-selection for industry web page](#).

You can also email the ACMA's Networks Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Calling line identification

Carriers and CSPs are required to take all reasonable steps to ensure that a switching system used in connection with the supply of a standard telephone service is capable of providing calling line identification (CLI).

The [ACIF C522:2007 Calling Number Display Industry Code](#) addresses privacy issues raised by CLI and calling number/name display (CND), including the ability to block and enable CND as well as supplier obligations for providing CND and receiving requests to change CND.

### **More information**

For more information on calling line identification see:

- > the [ACIF C522:2007 Calling Number Display Industry Code](#)
- > Part 18 of the [Telecommunications Act](#).

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## Identity-checking for prepaid mobile services

Under the [Telecommunications \(Service Provider – Identity Checks for Prepaid Mobile Carriage Services\) Determination 2013](#) (the Prepaid Determination), a CSP that supplies a prepaid mobile carriage service must not activate the service unless the CSP has obtained certain identifying information from the customer and appropriately verified the identity of the customer. Other requirements under the Prepaid Determination include those for [keeping records and the restrictions placed on recording and copying certain information and the use of numbers](#).

CSPs must keep a record for each prepaid mobile service it supplies. The record must be kept for as long as the service is activated.

Where a CSP uses an authorised party to sell prepaid mobile services for the CSP, the CSP is ultimately responsible for complying with the requirements of the Prepaid Determination.

### **More information**

For more information on the identity-checking requirements for prepaid mobile carriage services see:

- > the ACMA's video [Identity checks for prepaid mobiles](#)
- > the ACMA's [Prepaid Mobiles](#) webpage.

You can also email the ACMA's National and Community Interests Section at [prepaidmobiles@acma.gov.au](mailto:prepaidmobiles@acma.gov.au).

# Other considerations

## The Numbering Plan

The Numbering Plan provides a framework for the numbering of carriage services in Australia. It sets out all the numbers that can be used to supply carriage services to the public and outlines rules for the use of public, and some non-public, numbers. CSPs can use numbers not specified in the Plan within their own networks to supply some services.

CSP obligations for using and issuing numbers to customers are outlined in Chapter 10 of the Numbering Plan.

### **More information**

For more information on numbering see:

- > Part 22 of the [Telecommunications Act](#)
- > the [Numbering Plan](#)
- > the ACMA's [Numbering web page](#)
- > the [Communications Alliance website](#).

You can also email the ACMA's Numbering and Projects Section at [numbering@acma.gov.au](mailto:numbering@acma.gov.au).

## Annual numbering charges

CSPs may be liable for payment of an annual numbering charge under the *Telecommunications (Numbering Charges) Act 1997* and the Telecommunications Act. Local service (geographic) numbers and community service numbers are specifically exempt from charges. CSPs holding numbers on the determined charging date each year (the census date) are liable for charges.

### **More information**

For more information on numbering charges see:

- > the ACMA's [annual numbering charges web page](#)
- > Determinations made under the [Telecommunications \(Numbering Charges\) Act 1997](#).

You can also email the ACMA's Numbering and Projects Section at [numbering@acma.gov.au](mailto:numbering@acma.gov.au).

## Number portability

The Numbering Plan includes rules about number portability that enable customers to port their numbers when changing to a new CSP.

Portable numbers are:

- > local service numbers (02, 03, 07, and 08)
- > freephone (1800) and local rate (13 and 1300) service numbers
- > mobile service numbers (04).

Communications Alliance has developed an industry code for local number portability (LNP) and mobile number portability (MNP). These codes set out operational procedures and minimum acceptable practices for porting scenarios.

Industry Number Management Services Ltd facilitates the porting of freephone and local rate numbers (see [www.inms.com.au](http://www.inms.com.au)).

### **More information**

For more information on number portability see:

- > Part 22 of the [Telecommunications Act](#)
- > Chapter 10 of the [Numbering Plan](#)
- > the ACMA's [Portability web page](#)
- > industry code [C540:2013 Local Number Portability](#) published by Communications Alliance
- > industry code [C570:2009 Mobile Number Portability](#) published by Communications Alliance.

You can also email the ACMA's Networks Section at [info@acma.gov.au](mailto:info@acma.gov.au).

## **Technical regulation—telecommunications standards**

The ACMA regulates equipment used, installed, ready for use or intended for use on the customer side of the telecommunications network boundary (customer equipment and customer cabling). Under the regulatory arrangements, it is mandatory for specified customer equipment and cabling to comply with applicable technical standards and be labelled with a compliance label. The relevant instrument is the [Telecommunications Labelling \(Customer Equipment and Customer Cabling\) Notice 2015](#) (Note that the 2001 version of the Labelling Notice was replaced by a new instrument in March 2015, with a two-year overlap/transition period.)

For the most part, the compliance label comprises the Regulatory Compliance Mark (RCM) or A-Tick compliance mark (for devices labelled prior to 1 March 2016). Some equipment is still present in the market that was originally supplied under previous regulatory arrangements and may bear other telecommunications regulatory compliance marks, such as the AUSTEL permit number or Telecom Australia authorisation number.

It is important for operators of networks to understand that customer equipment used on the carrier side of the network boundary (e.g. DSLAMs) may also be subject to customer equipment regulatory arrangements and is not exempt from these arrangements simply due to its deployment in carrier networks. Network operators should carefully consider the status of any equipment used in their networks and whether that equipment is customer equipment.

## **Obligation to connect**

Under section 412 of the Telecommunications Act the manager of a network or facility must permit connection of any correctly labelled customer equipment, except in exceptional circumstances.

### **More information**

For more information on telecommunications see:

- > technical standards made under sections 376 and 380 of the Telecommunications Act
- > sections 376, 380, 407, 411 and 412 of the Telecommunications Act
- > the ACMA's [Network facilities web page](#)
- > the ACMA's information booklet [Telecommunications labelling and compliance - information for suppliers of telecommunications equipment in Australia](#)
- > the ACMA's [Voice over Internet Protocol equipment regulation fact sheet](#).

## Industry codes and standards

Bodies and associations that represent sections of the telecommunications, telemarketing and fax marketing industries may develop industry codes and submit them to the ACMA for registration. A code cannot be registered unless the ACMA is satisfied that the code meets criteria set out in legislation.

Compliance with industry codes is voluntary. However, once a code is registered, the ACMA has the power to direct industry participants, where necessary, to comply with a code. Failure to comply with an ACMA direction may result in civil penalties being imposed by the Federal Court. If no industry code is in place in a particular area of the industry, or if an industry code is inadequate, the ACMA can make an industry standard. Compliance with ACMA industry standards is mandatory.

### **More information**

For more information on industry codes and standards see:

- > Part 6 of the [Telecommunications Act](#)
- > the ACMA's [Register of codes web page](#)
- > the ACMA's [Register of telco industry standards web page](#)
- > the [Communications Alliance website](#).

You can also email the ACMA's Consumer Interests Section at [info@acma.gov.au](mailto:info@acma.gov.au).

# Further information

Further information on carrier and CSP obligations is available in the ACMA's [Carrier licensing guide](#) and [Service provider obligations web page](#). These documents, as well as the relevant legislation, the codes register, publications and fact sheets are all available on [ACMA's website](#).

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