



## **Telecommunications (Industry Standard for Mobile Number Pre-Porting Additional Identity Verification) Direction 2019**

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I, PAUL FLETCHER, Minister for Communications, Cyber Safety and the Arts, give the following direction.

Dated 14 October 2019.

PAUL FLETCHER  
Minister for Communications, Cyber Safety and the Arts

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## Part 1—Introduction

### 1 Name

This instrument is the *Telecommunications (Industry Standard for Mobile Number Pre-Porting Additional Identity Verification) Direction 2019*.

### 2 Commencement

This instrument commences on the day it is registered.

### 3 Authority

This instrument is made under subsection 125AA(4) of the *Telecommunications Act 1997*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) carriage service provider;
- (b) carrier;
- (c) person; and
- (d) public mobile telecommunications service.

In this instrument:

**ACMA** means the Australian Communications and Media Authority.

**Act** means the *Telecommunications Act 1997*.

**customer** means a person with a contractual relationship with a carriage service provider and to whom the carriage service provider has issued a mobile service number.

**digital mobile number** has the same meaning as in section 15 of the *Telecommunications Numbering Plan 2015*.

**Gaining CSP** means a mobile carriage service provider to which a mobile service number is to be Ported.

**mobile carriage service provider** means a carriage service provider that supplies or arranges for the supply of a public mobile telecommunications service, and includes their authorised agents.

**mobile service number** means a digital mobile number issued by a mobile carriage service provider to a customer in connection with the supply of a public mobile telecommunications service (other than a satellite telephone service).

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**Port** means the movement of mobile service numbers between mobile carriage service providers, or mobile carriage networks, using industry mobile number portability processes. The terms ‘Porting’ and ‘Ported’ have their corresponding meaning.

**satellite telephone service** means a carriage service with which end-users make calls via a satellite-based facility.

**SMS message** means a message or series of messages sent using a short message service.

## **Part 2—Direction to the ACMA**

### **Division 1—Direction**

#### **5 Direction on industry standard**

- (1) I direct the ACMA to determine an industry standard under subsection 125AA(1) of the Act that complies with Division 2 of this Part.

Note: The ACMA may comply with this subsection by determining one or more industry standards: see paragraph 23(b) of the *Acts Interpretation Act 1901*.

- (2) An industry standard referred to in subsection 5(1) is to:
- (a) be determined by 28 February 2020; and
  - (b) commence in whole by 30 April 2020.
- (3) In determining an industry standard for the purposes of subsection 5(1), I direct the ACMA to consider conferring functions and powers on the Telecommunications Industry Ombudsman in respect of customer complaints about unauthorised Porting of mobile service numbers.

Note: If the Telecommunications Industry Ombudsman consents, an industry standard may confer functions and powers on the Telecommunications Industry Ombudsman: see section 114 of the Act.

### **Division 2—Industry standard relating to the mobile service number pre-Porting additional identity verification and consumer awareness and safeguard information by mobile carriage service providers**

#### **6 Pre-Porting identity verification**

- (1) The industry standard must:
- (a) apply to mobile carriage service providers who supply public mobile telecommunications services;
  - (b) state that its objectives are, without limitation, to:
    - (i) prevent the unauthorised Porting of mobile service numbers;

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- (ii) reduce harm to customers arising from the unauthorised Porting of mobile service numbers;
    - (c) require Gaining CSPs, prior to accepting the Port of a particular mobile service number, to use one of the applicable identity verification processes specified in the industry standard; and
    - (d) require mobile carriage service providers to not proceed with a mobile service number Port unless one of the applicable identity verification processes specified in the industry standard has been used by the Gaining CSP.
  - (2) For the purposes of paragraph 6(1)(c), in specifying identity verification processes in the industry standard, ACMA must:
    - (a) specify those which the ACMA considers to be necessary to achieve the objectives set out in paragraph 6(1)(b) and which:
      - (i) are practicable;
      - (ii) are robust;
      - (iii) are technically feasible; and
      - (iv) do not impose undue financial and administrative burdens;
    - (b) have regard to the existing identity verification processes that mobile carriage service providers may have already implemented or are in the process of implementing.
  - (3) Without limiting subsection 6(2), in specifying identity verification processes in the industry standard, the ACMA should identify clearly those processes which apply to all customer types and those which apply only to specific customer types (eg residential, small to medium business, corporate), and the ACMA may consider specifying any or all of the following identity verification processes in the industry standard:
    - (a) the generation and sending by the mobile carriage service provider of a unique verification code:
      - (i) by SMS message to the mobile service number that is to be Ported via a method that ensures it is transmitted to the mobile service number that is the subject of the Port request;
      - (ii) by a message to the email address of the customer;
    - (b) in a retail environment, following identification of the customer in person at a retail store, personnel representing the Gaining CSP calling, whilst in store, the mobile service number of the customer and verifying that the call has been received by the customer's mobile device used in association with that mobile service number;
    - (c) in a call centre environment following identification of the person initiating a Port request by voice call:
      - (i) as the customer— personnel representing the Gaining CSP calling back the mobile service number to be Ported to confirm that the person initiating the request is the customer; and
      - (ii) as the authorised representative of the customer—personnel representing the Gaining CSP calling back the mobile service

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- number to be Ported to confirm that the person initiating the request is the authorised representative of the customer; and
- (d) the use of one or multiple forms of biometric data to verify that the person requesting the Port is the customer or an authorised representative of the customer.

**7 Provision of consumer awareness and safeguard information by mobile carriage service providers**

- (1) The industry standard may:
- (a) specify minimum requirements for information and advice that mobile carriage service providers are to provide or make available to customers (or prospective customers) to:
- (i) assist them to understand that identification verification processes will apply prior to accepting Ports of mobile service numbers; and
- (ii) encourage them to report any suspected fraudulent or unlawful activity or conduct associated with, or otherwise involving, the unauthorised Porting of a mobile service number to the Australian Federal Police and applicable State/Territory Police, and relevant government consumer support services; and
- (b) specify requirements in relation to the manner in which the information or advice mentioned in subparagraphs 7(1)(a)(i) and (ii) is to be provided or made available.