

Direction to comply with the Industry Code (C540:2013) Local Number Portability, given under subsection 121(1) of the *Telecommunications Act 1997*

TO: **Telstra Corporation Limited**
ACN 051 775 556

OF: **Level 41, 242 Exhibition Street**
Melbourne VIC 3000

Attention: **Ms Sue Laver, Company Secretary**

The Australian Communications and Media Authority (**the ACMA**), being satisfied that Telstra Corporation Limited ACN 051 775 556 (**Telstra**), has contravened the *Industry Code (C540:2013) Local Number Portability (the LNP Code)* as described below;

DIRECTS Telstra, under subsection 121(1) of the *Telecommunications Act 1997 (the Act)*, to comply with the LNP Code.

Details of the contraventions

1. The ACMA has investigated Telstra's compliance with the LNP Code, which is an industry code registered by the ACMA under Part 6 of the Act. As a carrier, Telstra is a participant in a section of the telecommunications industry to which the LNP Code applies.
2. The ACMA is satisfied that Telstra has contravened the following clauses of the LNP Code:
 - (a) clause 4.3.9, because it failed as a losing carrier¹ to process required inter-carrier pre-port number validation requests and provide a response to the gaining carrier² within required timeframes (80% in three business days and 99% in five business days); and
 - (b) clause 4.4.6, because it failed to process a Complex Notification Advice (CNA³) Confirmation Advice, at the Batch level, to the gaining carrier for all CNAs successfully validated within five Business Days of the receipt of the CNA.
3. Further details about the contraventions are set out in the investigation report provided to Telstra on 10 March 2021.

¹ A losing carrier means the carrier *from which* a telephone number has been or is to be ported.

² A gaining carrier means the carrier *to which* a telephone number has been or is to be ported.

³ A CNA means an advice contained within an electronic transfer of information between a gaining and losing carrier which provides the initial details for each telephone number to be ported using the Category C process outlined in the LNP Code.

Requirement to comply with this Direction

Under subsection 121(2) of the Act, Telstra must comply with a direction under subsection 121(1) of the Act.

If Telstra does not comply with this direction, the ACMA may apply to the Federal Court of Australia for an order that Telstra pay the Commonwealth a pecuniary penalty in respect of its contravention of a civil penalty provision (subsection 121(4) and section 570 of the Act).

Reconsideration of a decision

Under subsection 558(1) of the Act, Telstra may apply to the ACMA for a reconsideration of the decision to give Telstra a direction to comply with the LNP Code under subsection 121(1) of the Act. The application must be submitted in writing to the ACMA and set out the reasons for the application (subsection 558(2) of the Act). The application must be made within 28 days after Telstra is informed of the decision, unless the ACMA extends the period for making the application (subsection 558(3) of the Act).

If, upon reconsideration, the decision is affirmed or varied and Telstra is dissatisfied with that decision, Telstra has a right under section 562 of the Act to seek review of that decision by the Administrative Appeals Tribunal (AAT).

The AAT is an independent body. The AAT can, among other things:

- confirm the ACMA's decision;
- vary the ACMA's decision; or
- set the ACMA's decision aside and replace it with its own decision.

You must apply to the AAT for review in writing. The AAT has a form for this purpose which you can use if you prefer.

An application for review should be made within 28 days of being told about the decision. You must enclose the \$952 application fee with your application. If you want to apply for the application fee to be waived, you can obtain the application form from the AAT.

The AAT website has more information at www.aat.gov.au. If you have any questions about the AAT's procedures and requirements, please contact the AAT. You can call the AAT on 1800 228 333. The postal address for the AAT is GPO Box 9955 in each capital city.

You may also request a statement of reasons under section 28 of the AAT Act in relation to this decision. Your request should be made in writing within 28 days and addressed to Eve Osiowy, Manager, Numbers Section.

Access to documents

You also have a right to seek access to documents about the decision under the *Freedom of Information Act 1982* (FOI Act). The application must be made to the ACMA in writing (there is no form) and you must:

- state that the request is an application for the purpose of the FOI Act;
- provide sufficient information about the documents you want to obtain as is reasonably necessary to enable the ACMA to identify them; and
- give details of how notices under the FOI Act may be sent to you (e.g. postal address or email address).

The ACMA's website has more information on how to make an application at www.acma.gov.au.

Making a complaint

If you are dissatisfied with the way the ACMA handled this matter, or you require any further information about this direction, you may contact Eve Osiowy, Manager, Numbers Section on 03 9963 6906.

A complaint may also be made to the Commonwealth Ombudsman. (The Ombudsman usually prefers that your concerns are raised with the ACMA first.) There is an office of the Commonwealth Ombudsman in each capital city. Further information may be obtained at www.ombudsman.gov.au or call 1300 362 072.

Dated: 1 APRIL 2021

Signed for and on behalf of the Australian Communications and Media Authority by:

JAMES CAMERON

(Name of Member / ~~General Manager~~)



(Signature of Member / ~~General Manager~~)

CATHY RAINSFORD

(Name of Member / General Manager)



(Signature of Member / General Manager)