

INVESTIGATION REPORT

File no.	ACMA2020/482-2
Carriage Service Provider	Telstra Corporation Limited ACN 051 775 556
Relevant legislation and standard	<i>Telecommunications Act 1997</i> Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020
Date	25 March 2021

Findings

1. The Australian Communications and Media Authority (the ACMA) finds that Telstra Corporation Limited ACN 051 775 556 (Telstra) has contravened subsection 8(5) of the Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020 (the Standard) 52 times because:
 - > between 1 June and 14 July 2020, as a mobile carriage service provider (CSP), it proceeded with a mobile service number port on 52 occasions without first using one of the additional identity verification processes set out in subsection 8(2) or 8(3) of the Standard.
2. As Telstra has not complied with the obligation noted at paragraph 1 (above) it has also contravened subsection 128(1) of the *Telecommunications Act 1997* (the Act), which is a civil penalty provision, 52 times because it did not comply with the Standard which applies to it as a mobile CSP.

Background

3. The purpose of the Standard is to prevent the unauthorised porting of mobile service numbers and reduce harm to customers arising from the unauthorised porting of mobile service numbers.
4. The Standard was made by the ACMA on 27 February 2020 and came into effect on 30 April 2020.
5. Section 4 of the Standard provides, for the purposes of subsection 125AA(1) of the Act, that the Standard applies to:
 - > the section of the telecommunications industry consisting of mobile CSPs who supply or arrange for the supply of public mobile telecommunications services; and
 - > every port of a mobile service number.
6. Under subsection 128(1) of the Act, if an industry standard that applies to participants in a particular section of the telecommunications industry is registered under Part 6 of the Act, then each participant in that section of the industry must comply with the standard.
7. Telstra supplies mobile carriage services to the public and is therefore a mobile CSP for the purposes of the Standard.
8. The Standard requires that the gaining CSP, prior to initiating a port of a mobile service number, use additional identity verification processes to confirm that the person requesting a port:
 - > is the rights of use holder (or an authorised representative) of the mobile service number to be ported; and
 - > has access to a mobile device associated with that mobile service number.
9. The ACMA commenced an investigation into Telstra's compliance with the Standard following receipt

of consumer complaints and other information, including from Telstra, which led the ACMA to suspect Telstra may have contravened its obligations under the Standard.

Contraventions of the Standard

Additional identity verification processes

10. Under subsection 8(5) of the Standard, a mobile CSP must not proceed with a mobile service number port unless one of the additional identity verification processes in subsection 8(2) or 8(3) has been used by the gaining carriage service provider.
11. Subsection 8(2) requires a gaining CSP to use at least one additional identity verification process specified in the Standard to confirm that the person requesting a port is the rights of use holder of the mobile service number to be ported.
12. Subsection 8(3) requires that where the gaining CSP is unable to confirm that the requesting person is the rights of use holder of the number to be ported through one of the processes set out in subsection 8(2), the gaining CSP may undertake an identity verification using specified documents via the process described in Schedule 1 to the Standard or using a government online verification service.
13. Telstra advised it implemented additional identity verification processes across its in-store, call centre and online channels between 26 May 2020 and 30 June 2020. The relevant period of the ACMA's investigation was 1 June 2020 to 3 August 2020.
14. Telstra provided information that it did not use any of the additional identity verification processes described in subsections 8(2) or (3) to confirm that the requesting person was the rights of use holder of the mobile service number to be ported for 52 requests. The ports for these 52 requests occurred between 1 June 2020 and 14 July 2020, after the Standard had come into effect.
15. On this basis, the ACMA finds that Telstra has contravened subsection 8(5) of the Standard on 52 occasions. These contraventions are set out in **Attachment A**.

Contraventions of the Act

16. Subsection 128(1) of the Act provides that, if an industry standard that applies to participants in a particular section of the telecommunications industry is registered under Part 6 of the Act, each participant in that section of the industry must comply with the standard.
17. Telstra supplies mobile carriage services to the public and is therefore a mobile CSP for the purposes of the Standard.
18. On this basis, the ACMA finds Telstra has contravened subsection 128(1) of the Act on 52 occasions.

