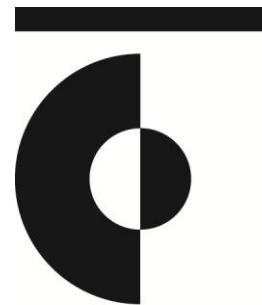


12 June 2013

The Manager  
National and Community Interests  
Australian Communications and Media Authority  
PO Box 13112, Law Courts  
Melbourne VIC 8010  
email: [prepaidmobiles@acma.gov.au](mailto:prepaidmobiles@acma.gov.au)



**Telecommunications  
Industry  
Ombudsman**

**Simon Cohen**  
Ombudsman

Dear Sir/Madam

**Consultation on new streamlined identity-checking requirements for prepaid mobile carriage services**

Thank you for providing the Telecommunications Industry Ombudsman (TIO) with the opportunity to comment on the consultation relating to the Telecommunications (Service Provider – Identity for Prepaid Mobile Carriage Services) Determination 2013 (the proposed Determination) recently released by the Australian Communications and Media Authority (ACMA).

We broadly support the proposed changes to the existing Telecommunications (Service Provider – Identity Checks for Pre-paid Mobile Carriage Services) Determination 2000. While we have decided not to make a detailed submission, we would like to provide our comments about two issues raised in the proposed Determination.

**Exemption from the identity-checking rules during emergencies and disasters**

We note that it is a condition of the proposed Determination that if a mobile service has been activated during an emergency it must be cancelled within 30 days unless an extension has been provided by the ACMA in writing. The proposed Determination also indicates that a consumer can request a new mobile service after the activation of a service that was provided during an emergency. It would seem reasonable that if during the 30-day period following activation, the consumer provides documents that meet the identity requirements, that the consumer should be able to continue to use the service on an on-going basis.

It is unclear to the TIO why a service must be disconnected if the consumer wants to continue using it and has provided the relevant documentation to prove their identity. Theoretically, if the service was disconnected in line with the current proposal the consumer could have the mobile service number reactivated in line with the quarantine and give-back obligations contained in the Mobile Number Portability (MNP) and Rights of Use of Numbers Codes.

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*“... providing independent, just, informal and speedy resolution of complaints”*

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**Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787**

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\*calls from mobile phones may incur charges

We suggest that this issue is further considered by the ACMA prior to finalising the proposed Determination.

### **The proposed Determination and mobile transfers**

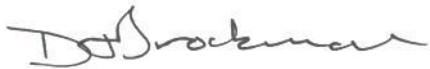
We note that the proposed Determination and the Consultation Paper do not mention whether the proposed Determination would apply to mobile transfers. As a transfer is a type of activation, the TIO suggests that it may be appropriate for transfers to be covered. Transfers between providers are facilitated by way of a Customer Authorisation (CA), which contains the consumer's mobile service number, reference detail or a date of birth. As part of the porting process, the gaining service provider should ensure the completed CA is for the consumer requesting the port and that the mobile number is issued to them.

If the proposed Determination were to apply to mobile transfers, it is unclear if the consumer would be obligated to provide identity documents to their new service provider, in addition to the information contained in the CA. In this respect, the TIO notes that identity documents would have been provided to activate the service to begin with and, if this is the case, perhaps the losing provider could pass the basic information it is required to keep under Section 7 of the proposed Determination to the gaining provider. The proposed requirements are brief, including only the consumer's personal details, a description of the method used to verify the consumer's identity and how the consumer's identity was actually verified. Their collection purpose is merely to confirm that the information was submitted to the provider at the point of activation.

Again, we suggest that this issue may warrant further consideration by the ACMA.

Please do not hesitate to contact me on (03) 8600 8700 should you wish to discuss this correspondence, or require further information from the TIO.

Yours sincerely



David Brockman  
**Executive Director – Industry, Community and Government**