

8 March 2024

Communications Alliance Ltd
Level 25/100 Mount St
North Sydney 2060

By email: c.purdon@commsalliance.com.au; p.wilson@commsalliance.com.au

Dear Communications Alliance,

Consultation on exposure drafts for the revised Mobile Number Portability Industry Code (DR C570:2024) and Inbound Number Portability Industry Code (DR 657:2024)

Thank you for the opportunity to comment on your exposure drafts for the revised Mobile Number Portability Industry Code (**MNP Code**) and Inbound Number Portability Industry Code (**INP Code**).

Our below feedback on the MNP Code is based on our experience dealing with telecommunications complaints. We do not have any feedback about the rules and procedures contained in the draft INP Code, as we rarely deal with complaints involving this Code.

1. We support the proposed changes to the MNP Code

We welcome Communications Alliance's proposed changes to the MNP Code. We are pleased to see changes to the Code that harmonise it with other contemporary regulation affecting mobile porting, such as the [Telecommunications \(Mobile Number Pre-Porting Additional Identity Verification\) Industry Standard 2020](#) and the [Number Management – Use of Numbers by Customers Industry Code \(C566:2023\)](#). The more streamlined drafting and layout of this revision also allow for easier interpretation of the Code.

2. Telcos could benefit from a process diagram in the MNP Code

In line with our feedback from our May 2023 submission to Communications Alliance's scheduled review of the MNP Code, we suggest the Code could be further improved by the inclusion of a diagram illustrating the stages of the mobile porting process.

The MNP Code is complex, and can be difficult to apply in practice. We sometimes receive complaints where it appears a telco does not have a clear understanding of how to apply the Code's processes. The addition of an illustrative diagram to the Code could help to clarify the overall mobile porting process for those less familiar with it. Such a diagram could be modelled on the 'Port Context Diagram' contained in clause 9.1 of the [Mobile Number Portability – IT Specification Part 1 Industry Guideline \(G573.1:2009\)](#).

3. The MNP and INP Codes should not confer powers on the TIO to handle complaints

We note the revised draft MNP and INP Codes each contain clauses conferring power on our office to handle complaints under section 114 of the [Telecommunications Act 1997](#).¹

We recommend these clauses be removed from the draft MNP and INP Codes.

As we indicated in [our submission](#) to Stage 1 of Communications Alliance's 2024 review of the Telecommunications Consumer Protections Code, we do not require industry codes to continue conferring complaint-handling power on our office every time a code is made or revised.² This is because:

- (a) the TIO is already sufficiently empowered to handle complaints against its members involving industry codes under relevant consumer protection laws, our Constitution, and our Terms of Reference, and
- (b) like other modern Ombudsman complaint-handling schemes, when any code is developed or revised, we will treat the code in the same way as any new or revised law, by having regard to whether it applies to a telco's actions on commencement.

We look forward to learning the outcome of this consultation.

Yours sincerely,



Cynthia Gebert
Telecommunications Industry Ombudsman

¹ Clause 1.7 of the draft revised MNP Code, and clause 1.6 of the draft revised INP Code.

² See recommendation 29 from our submission.