



Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000

as amended

made under section 99 (1) of the

Telecommunications Act 1997

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taking into account amendments up to *Telecommunications (Service Provider —
Identity Checks for Pre-paid Public Mobile Telecommunications Services)
Amendment Determination 2004 (No. 2)*

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Section 1.1

Part 1 Preliminary**1.1 Name of Determination** [see Note 1]

This Determination is the *Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000*.

1.2 Commencement [see Note 1]

This Determination commences on gazettal.

1.3 Repeal

The *Telecommunications (Service Provider — Identity Checks for Pre-paid Carriage Services) Determination 1997* is repealed.

1.4 Definitions

In this Determination, unless the contrary intention appears:

Act means the *Telecommunications Act 1997*.

activate, in relation to a pre-paid public mobile telecommunications service, means to enable the service to be used:

- (a) to make calls other than to the emergency call service or to the carriage service provider; and
- (b) to receive calls.

agent, of a carriage service provider, means a person authorised, in writing, by the carriage service provider to supply a pre-paid public mobile telecommunications service.

approved compliance plan means a compliance plan approved by the ACA under section 4A.4, including any amendment to the plan approved under section 4A.5, that has not been revoked under section 4A.7 or 4A.8.

category A document means a document mentioned in Part 1 of Schedule 2.

category B document means a document mentioned in Part 2 of Schedule 2.

criminal law-enforcement agency has the meaning given by subsection 282 (10) of the Act.

end-user, of a pre-paid public mobile telecommunications service, means the person who uses the service to make calls.

issue, in relation to a number and a pre-paid public mobile telecommunications service, means the issue to a person by the carriage service provider, or an agent of the carriage service provider, of the number to be used in connection with the service.

number means a public number.

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point of sale, in relation to an invitation by a carriage service provider to use a pre-paid public mobile telecommunications service at no charge to a person who accepts the invitation, means the time at which a person accepts the invitation.

Note The acceptance of an invitation to use a pre-paid public mobile telecommunications service may require the activation of the service by telephone or via the Internet. The transaction would be completed between 2 physical locations, but there would be a single identifiable time.

pre-paid public mobile telecommunications service has the meaning given by section 1.5.

public number has the meaning given by subclause 10 (3) of Schedule 2 to the Act.

purchaser, of a pre-paid public mobile telecommunications service, means:

- (a) the person who pays for the service at the point of sale of the service; or
- (b) if a carriage service provider issues an invitation to use the service at no charge to a person who accepts the invitation — a person who accepts the invitation.

rates statement means a statement of account for council rates, or rates imposed by the Legislative Assembly of the Australian Capital Territory.

sale, in relation to an invitation by a carriage service provider to use a pre-paid public mobile telecommunications service at no charge to a person who accepts the invitation, means the acceptance of the invitation by a person.

senior officer, in relation to a criminal law-enforcement agency, has the meaning given by subsection 282 (10) of the Act.

Note The following terms are defined in the *Telecommunications Act 1997*:

- ACA (the Australian Communications Authority) (see section 7)
- agency (see s 7)
- agency co-ordinator (see s 7A)
- carriage service (see section 7)
- carriage service provider (see section 87)
- communications (see section 7)
- emergency call service (see s 7)
- public mobile telecommunications service (see section 32)
- service provider (see section 86).

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1.5 Pre-paid public mobile telecommunications services

For the purposes of this Determination, a public mobile telecommunications service is a *pre-paid public mobile telecommunications service* if:

- (a) a carriage service provider, or agent of the carriage service provider, supplies the service to a purchaser; and
- (b) the purchaser is issued with a number for use in connection with the service; and
- (c) any payment that may be required for the service has been made before the service is used; and
- (d) no other person (including another carriage service provider) gives the purchaser an account for the service after it is used.

Part 2 Purpose and application of this Determination

2.1 Purpose and application of Determination

- (1) Subsection 99 (1) of the Act provides that the ACA may make a written determination setting out rules that apply to service providers in relation to the supply of either or both of the following:
 - (a) specified carriage services;
 - (b) specified content services.

Note 1 The determination must relate to a matter specified in the *Telecommunications (Service Provider Determinations) Regulations 1997* or in section 346 (which relates to designated disaster plans) — see subsection 99 (3) of the Act.

Note 2 The ACA must consult with the Australian Competition and Consumer Commission before making the determination — see subsection 99 (4) of the Act.

- (2) This Determination sets out rules that apply to carriage service providers in relation to the supply of pre-paid public mobile telecommunications services.
- (3) However, the rules in this Determination do not apply to a carriage service provider in relation to a supply to a person by the carriage service provider, or an agent of the carriage service provider, that relates to a pre-paid public mobile telecommunications service previously supplied to the person by the carriage service provider, or an agent, if the carriage service provider, or agent, has, in relation to the previous supply, complied with the requirements set out in:
 - (a) this Determination; or
 - (b) the *Telecommunications (Conditions for Allocation of Numbers) Determination 1997*; or
 - (c) the *Telecommunications (Service Provider — Identity Checks for Pre-paid Carriage Services) Determination 1997*.

Example of a supply for subsection (3)

The recharging of a pre-paid sim card previously supplied to a person.

Note In addition to complying with the rules set out in this Determination, a carriage service provider must also comply with the rules set out in Part 1 of Chapter 5 of the *Telecommunications (Emergency Call Service) Determination 2002* and Schedule 2 to the Act — see subsection 101 (1) of the Act. See, in particular, the rules set out in Part 4 of Schedule 2 to the Act (which relate to the provision by carriage service providers to Telstra of information in connection with the maintenance of an integrated public number database).

Section 2.2**2.2 Requirements that must be satisfied before service is activated**

- (1) A carriage service provider who supplies a pre-paid public mobile telecommunications service to a person must not activate the service unless the carriage service provider has:
 - (a) in accordance with the rules set out in Part 3 (the *Part 3 rules*), collected certain identifying information about, and, if necessary, verified the identity of, the purchaser of the service at the point of sale of the service; or
 - (b) in accordance with the rules set out in Part 4 (the *Part 4 rules*), collected certain identifying information about, and, if necessary, verified the identity of, the end-user of the service by means of a call from the end-user using the service that is automatically diverted to the carriage service provider after the completion of the sale of the service; or
 - (c) in accordance with an approved compliance plan, collected certain identifying information about, and, if necessary, verified the identity of, the end-user of the service.

Note Usually, a pre-paid public mobile telecommunications service that is not activated cannot receive calls and can only be used to make calls to the emergency call service or to the carriage service provider.

- (2) The carriage service provider must keep a record, in relation to each pre-paid public mobile telecommunications service supplied, of whether the carriage service provider complied with the Part 3 rules, the Part 4 rules or an approved compliance plan.
- (3) If the carriage service provider authorises an agent to supply pre-paid public mobile telecommunications services for the carriage service provider, and the authorisation states that the agent is authorised to comply with the Part 3 rules in relation to the supply of all pre-paid public mobile telecommunications services supplied by the agent for the carriage service provider, the agent must not activate a pre-paid public mobile telecommunications service supplied by the agent for the carriage service provider unless the agent has complied with the Part 3 rules.
- (4) The carriage service provider must not authorise an agent to comply with the Part 4 rules in relation to the supply of pre-paid public mobile telecommunications services supplied by the agent for the carriage service provider.
- (5) If the carriage service provider authorises an agent to supply pre-paid public mobile telecommunications services for the carriage service provider, and the authorisation states that the agent is authorised to comply with the carriage service provider's approved compliance plan in relation to the supply of all pre-paid public mobile telecommunications services supplied by the agent for the carriage service provider, the agent must not activate a pre-paid public mobile telecommunications service supplied by the agent for the carriage service provider unless the agent has complied with the approved compliance plan.

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- (6) The carriage service provider must not authorise an agent to prepare a compliance plan, or apply for approval of a compliance plan.

Section 3.1

Part 3 **Collection of information and verification of identity at point of sale**

3.1 **Application of Part 3**

This Part sets out the rules that a carriage service provider must comply with if the carriage service provider chooses to collect information about, and, if necessary, verify the identity of, the purchaser of a pre-paid public mobile telecommunications service at the point of sale of the service.

3.2 **Requirements to be satisfied before service is activated**

- (1) Before activating the service, the carriage service provider must:
 - (a) collect information about the purchaser in accordance with section 3.3; and
 - (b) if applicable, verify the identity of the purchaser in accordance with section 3.4 or 3.5.
- (2) The carriage service provider must comply with subsection (1) at the point of sale of the service.
- (3) If the carriage service provider authorises an agent to supply pre-paid public mobile telecommunications services for the carriage service provider, and to comply with the rules in this Part in relation to the supply of the services, the carriage service provider must make arrangements with the agent to ensure that the agent:
 - (a) complies with this Part; and
 - (b) gives to the carriage service provider any information collected, or details of any documents seen, in complying with this Part.

3.3 **Information to be collected about purchaser**

- (1) The carriage service provider must collect the following information about the purchaser of the service:
 - (a) if the purchaser is an individual — the information mentioned in Part 1 of Schedule 1;
 - (b) if the purchaser is a corporation or any other person who is not an individual — the information mentioned in Part 2 of Schedule 1.

Note **Individual** is defined in subsection 22 (1) of the *Acts Interpretation Act 1901* to mean a natural person (ie not a corporation).

- (2) The purchaser may give the information to the carriage service provider orally or by showing the carriage service provider a document stating the information.

Section 3.5**3.4 Verification of identity of purchaser — payment otherwise than by credit card or debit card**

- (1) The carriage service provider must verify the identity of the purchaser of the service in accordance with this section if:
 - (a) the purchaser is an individual; and
 - (b) the purchaser offers to pay for the service otherwise than by credit card or debit card.

Example

By cash or cheque.

- (2) The carriage service provider must see:
 - (a) 1 category A document identifying the purchaser; or
 - (b) 2 category B documents, each of a different kind, identifying the purchaser.
- (3) However, if the purchaser informs the carriage service provider that the activation of the service will result in the purchaser having 5 or more activated pre-paid public mobile telecommunications services, the carriage service provider must see:
 - (a) 2 category A documents identifying the purchaser; or
 - (b) 1 category A document and 2 category B documents, each of a different kind, identifying the purchaser.
- (4) If a document shown to the carriage service provider includes an expiry date, the carriage service provider must be satisfied that the document has not expired.

3.5 Verification of identity of purchaser — non-cash payment

- (1) The carriage service provider must verify the identity of the purchaser of the service in accordance with this section if:
 - (a) the purchaser is an individual; and
 - (b) the purchaser informs the carriage service provider that the activation of the service will result in the purchaser having 5 or more activated pre-paid public mobile telecommunications services; and
 - (c) the carriage service provider was not required to verify the identity of the purchaser under subsection 3.4 (3).
- (2) The carriage service provider must see:
 - (a) 2 category A documents identifying the purchaser; or
 - (b) 1 category A document and 2 category B documents, each of a different kind, identifying the purchaser.
- (3) If a document shown to the carriage service provider includes an expiry date, the carriage service provider must be satisfied that the document has not expired.

Section 4.1

Part 4 Post-sale collection of information and verification of identity

Division 4.1 General

4.1 Application of Part 4

This Part sets out the rules that a carriage service provider must comply with if the carriage service provider chooses to collect information about, and, if necessary, verify the identity of, the end-user of a pre-paid public mobile telecommunications service by means of a call from the end-user using the service that is automatically diverted to the carriage service provider after the completion of the sale of the service.

4.2 Requirements to be satisfied before service is activated

Before activating the service, the carriage service provider must:

- (a) collect information about the end-user of the service in accordance with Division 4.2; and
- (b) if applicable, verify the identity of the end-user in accordance with Division 4.3.

Note Division 4.3 does not apply if the end-user of the service is seeking activation of the service on behalf of a corporation or any other person who is not an individual.

Division 4.2 Information to be collected about end-user

4.3 Information to be collected about end-user

- (1) The carriage service provider must collect the following information about the end-user of the service:
 - (a) if the end-user is an individual — the information mentioned in Part 1 of Schedule 1;
 - (b) if the end-user is seeking activation of the service on behalf of a corporation or any other person who is not an individual — the information mentioned in Part 2 of Schedule 1.

Note **Individual** is defined in subsection 22 (1) of the *Acts Interpretation Act 1901* to mean a natural person.

- (2) The end-user may give the information to the carriage service provider orally or by delivering or sending, by post or facsimile transmission, to the carriage service provider documents stating the information.

Division 4.3 Verification of identity of end-user

4.4 Application of Division 4.3

The carriage service provider must verify the identity of the end-user in accordance with this Division unless the end-user of the service is seeking activation of the service on behalf of a corporation or any other person who is not an individual.

4.5 Obtaining identifying information about end-user

- (1) The carriage service provider must obtain a total of 30 points of identifying information about the end-user of the service.
- (2) However, if the end-user informs the carriage service provider that the activation of the service will result in the end-user having 5 or more activated pre-paid public mobile telecommunications services, the carriage service provider must obtain a total of 40 points of identifying information about the end-user.
- (3) The identifying information must be information of the kind mentioned in column 2 of an item in Schedule 3.
- (4) The number of points allocated to each item of identifying information obtained must be the number of points mentioned in column 3 of the item in Schedule 3 that relates to the information.

4.6 Verification of identifying information

- (1) The carriage service provider must verify the identifying information about the end-user obtained under section 4.5 by matching it with:
 - (a) information about the end-user recorded in a database held by the carriage service provider or another person; or
 - (b) information seen by the carriage service provider stated in documents of the kind mentioned in Schedule 2 held by the end-user.

Example for paragraph (1) (a)

Information about the end-user obtained in relation to another carriage service provided by the carriage service provider to the end-user.

- (2) The carriage service provider must comply with Commonwealth privacy and anti-discrimination laws.

Examples

Privacy Act 1988; Racial Discrimination Act 1975; Sex Discrimination Act 1984; Disability Discrimination Act 1992; Human Rights and Equal Opportunity Commission Act 1986.

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4.7 Procedures if required amount of identifying information cannot be verified during initial call

- (1) This section applies if the carriage service provider is not able to verify the required number of points of identifying information about the end-user of the service during the initial call from the end-user to the carriage service provider using the service.

Note The required number of points of identifying information is set out in section 4.5.

- (2) The carriage service provider must inform the end-user of the service:
- (a) that the carriage service provider is unable to activate the service because the carriage service provider was unable to verify the identity of the end-user; and
 - (b) that, if the end-user wishes to enable the service to be activated, the end-user must show to the carriage service provider the documents mentioned in subsection (3).

Note If, after being informed of the matters mentioned in subsection (2), the end-user decides not to seek activation of the service, the end-user may return any item purchased in connection with the service to the carriage service provider, or agent, and on doing so, the end-user is entitled to receive a refund of the price paid for the item.

- (3) For paragraph (2) (b), the documents are:
- (a) either:
 - (i) 1 category A document identifying the end-user; or
 - (ii) 2 category B documents, each of a different kind, identifying the end-user; or
 - (b) if the end-user informs the carriage service provider that the activation of the service will result in the end-user having 5 or more activated pre-paid public mobile telecommunications services:
 - (i) 2 category A documents identifying the end-user; or
 - (ii) 1 category A document and 2 category B documents, each of a different kind, identifying the end-user.
- (4) If a document shown to the carriage service provider includes an expiry date, the carriage service provider must be satisfied that the document has not expired.

Part 4A Alternative method for collection of information and verification of identity of end-users

4A.1 Application of Part 4A

This Part sets out the rules with which a carriage service provider must comply if the carriage service provider wishes to collect information about, and, if necessary, verify the identity of, the end-user of a pre-paid public mobile telecommunications service in accordance with an approved compliance plan.

Note This Part is intended to provide an alternative method for the collection of information and verification of the identity of end-users of pre-paid public mobile telecommunications services. If a carriage service provider wishes to collect information and, if necessary, verify the identity of end-users of pre-paid public mobile telecommunications services, the carriage service provider may use the method set out in Part 4 or the method set out in this Part.

4A.2 Preparation, approval and amendment of compliance plan

- (1) The carriage service provider must:
 - (a) prepare a compliance plan in accordance with section 4A.3; and
 - (b) apply to the ACA for approval of the compliance plan under section 4A.4.
- (2) If a carriage service provider wishes to amend an approved compliance plan, the carriage service provider must apply to the ACA for approval of the amendment under section 4A.5.

4A.3 Content of compliance plan

- (1) A compliance plan must be in writing.
- (2) A compliance plan must include the following:
 - (a) a description of the pre-paid mobile telecommunications services that the carriage service provider offers or intends to offer, and wishes to be covered by the proposed compliance plan;
 - (b) a description of the kind of sales and distribution channels for pre-paid mobile telecommunications services to be covered by the arrangements under the proposed compliance plan;
 - (c) if applicable, a description of each method the carriage service provider is currently using under this Determination to collect information and verify customer identity;

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- (d) a description of the proposed arrangements for the collection of the information mentioned in clauses 1 and 2 of Part 1 of Schedule 1 for an end-user who is an individual;
- (e) a description of the proposed arrangements for the collection of the information mentioned in clauses 1 to 4 of Part 2 of Schedule 1 for an end-user who is not an individual;
- (f) a description of the proposed arrangements (if any) for the collection of other identifying information about the end-user of the service;
- (g) a description of each strategy that the carriage service provider proposes to use to try to prevent pre-paid public mobile telecommunications services being used in, or in relation to, the commission of criminal offences against a law of the Commonwealth or of a State or Territory;
- (h) a description of each strategy that the carriage service provider proposes to use to try to ensure that accurate customer data is collected and maintained.

Note A carriage service provider's arrangements for collecting and verifying identifying information about end-users of pre-paid mobile telecommunications services must comply with Commonwealth privacy and anti-discrimination laws (for example, the *Privacy Act 1988*, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1974*, the *Disability Discrimination Act 1992* and the *Human Rights and Equal Opportunity Act 1986*).

- (3) For paragraph (2) (b):

sales and distribution channels, for pre-paid mobile telecommunications services, means the ways in which a carriage service provider makes the pre-paid mobile telecommunications services available for sale and distribution to an end-user.

4A.4 Approval of compliance plan

- (1) If the ACA receives an application from a carriage service provider for approval of a compliance plan, the ACA must:
 - (a) consider the application; and
 - (b) decide to approve or refuse to approve the compliance plan; and
 - (c) as soon as practicable after making the decision, give the applicant written notice of the decision.
- (2) A notice under paragraph (1) (c) about a decision to refuse to approve a compliance plan must include the reasons for the decision.
- (3) If the ACA requires further information about the application, the ACA must ask the applicant, in writing, for the information.
- (4) The ACA must consider the following matters in deciding whether to approve a compliance plan:
 - (a) the written views of the Agency Co-ordinator on whether the compliance plan will satisfy the information needs of agencies;

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- (b) whether the compliance plan will facilitate the collection of identifying information about the end-users of pre-paid public mobile telecommunications services;
 - (c) whether the compliance plan will facilitate greater innovation in the provision of:
 - (i) pre-paid public mobile telecommunications services to end-users; or
 - (ii) assistance to officers and authorities of the Commonwealth and of the States and Territories under subsection 313 (3) of the Act;
 - (d) any other relevant matter.
- (5) The ACA must make a decision under subsection (1) within 1 month after the later of:
- (a) receiving the written views of the Agency Co-ordinator; and
 - (b) if the ACA requires further information, receiving the further information.

Note A person affected by a decision under this section may apply to the ACA for the ACA to reconsider the decision: see section 555 of the Act and paragraph 1 (g) in Schedule 4 to the Act. An application may be made to the Administrative Appeals Tribunal to review a decision under this section if the ACA has affirmed or varied the decision under section 559 of the Act: see section 562 of the Act.

4A.5 Approval of amendments of approved compliance plan

- (1) If the ACA receives an application from a carriage service provider for approval of an amendment of an approved compliance plan, the ACA must decide whether the proposed amendment would result in a significant change to the approved compliance plan.
- (2) If the ACA decides that the proposed amendment would not result in a significant change, the ACA must decide to approve the proposed amendment.
- (3) If the ACA decides that the proposed amendment would result in a significant change, the ACA must:
 - (a) consult the Agency Co-ordinator about whether the compliance plan will satisfy the information needs of agencies; and
 - (b) decide whether to approve or to refuse to approve the amendment.
- (4) In making a decision under paragraph (3) (b), the ACA must consider the following matters:
 - (a) the written views of the Agency Co-ordinator on whether the amended compliance plan would satisfy the information needs of agencies;
 - (b) whether the amended compliance plan would facilitate the collection of identifying information about the end-users of pre-paid public mobile telecommunications services;

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- (c) whether the amended compliance plan would facilitate greater innovation in the provision of:
 - (i) pre-paid public mobile telecommunications services to end-users; or
 - (ii) assistance to officers and authorities of the Commonwealth and of the States and Territories under subsection 313 (3) of the Act;
- (d) any other relevant matter.
- (5) The ACA must give the carriage service provider written notice of a decision under subsection (2) or paragraph (3) (b) as soon as practicable after making the decision.
- (6) A notice under subsection (5) about a decision to refuse to approve an amendment of a compliance plan must include the reasons for the decision.

Note A person affected by a decision under this section may apply to the ACA for the ACA to reconsider the decision: see section 555 of the Act and paragraph 1 (g) in Schedule 4 to the Act. An application may be made to the Administrative Appeals Tribunal to review a decision under this section if the ACA has affirmed or varied the decision under section 559 of the Act: see section 562 of the Act.

4A.6 Contravention of approved compliance plan

A carriage service provider must comply with an approved compliance plan in relation to collecting information about, and, if necessary, verifying the identity of, the end-user of a pre-paid mobile telecommunications service covered by the plan.

Note The effect of rule 4A.6 is that if a carriage service provider contravenes an approved compliance plan, the carriage service provider contravenes this Determination. A rule set out in this Determination is a service provider rule: see section 98 of the Act. Under section 101 of the Act, a service provider is required to comply with the service provider rules that apply to that service provider.

4A.7 Revocation of approved compliance plan — by carriage service provider

A carriage service provider may revoke an approved compliance plan only if the carriage service provider has given the ACA written notice of its intention to revoke the plan.

Note If a carriage service provider revokes an approved compliance plan, the carriage service provider must comply with Part 3 or 4 — see subsection 2.2 (1) and the definition of *approved compliance plan*.

4A.8 Revocation of approved compliance plan — by ACA

- (1) If the ACA is satisfied, on reasonable grounds, that a carriage service provider has not complied with an approved compliance plan to a significant extent, the ACA must give the carriage service provider written notice of the ACA's intention to revoke the approved compliance plan.

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Note The ACA intends that if a carriage service provider is unable to ensure that its agents comply with the approved compliance plan, this will be a ground for believing that the carriage service provider has not complied with the approved compliance plan to a significant extent.

- (2) A notice under subsection (1) must include:
 - (a) the grounds mentioned in subsection (1); and
 - (b) a statement setting out the effect of subsections (3), (4), (5), (6), (7), (8) and (9).
- (3) A carriage service provider that receives a notice under subsection (1) may, within 21 days after the date of the notice, give the ACA a written notice objecting to the revocation of the plan.
- (4) A notice under subsection (3) must include the grounds on which the carriage service provider objects to the revocation.
- (5) If the ACA requires further information about the objection, the ACA must ask the carriage service provider, in writing, for the information.
- (6) If a carriage service provider receives a request for information under subsection (5), the carriage service provider must give the information to the ACA within 21 days after the date of the request.
- (7) The ACA must decide to revoke or not to revoke the plan as soon as practicable after the later of:
 - (a) the end of the period in which the carriage service provider could have given the ACA a notice under subsection (3); and
 - (b) if the ACA requires further information, the end of the period in which the carriage service provider must give the information to the ACA under subsection (6).
- (8) The ACA must give the carriage service provider written notice of a decision under subsection (7) as soon as practicable after making the decision.
- (9) A notice under subsection (8) about a decision to revoke an approved compliance plan must include the reasons for the decision.

Note 1 If the ACA revokes carriage service provider's approved compliance plan, the carriage service provider must comply with Part 3 or 4 — see subsection 2.2 (1) and the definition of **approved compliance plan**.

Note 2 A person affected by a decision under this section may apply to the ACA for the ACA to reconsider the decision: see section 555 of the Act and paragraph 1 (g) in Schedule 4 to the Act. An application may be made to the Administrative Appeals Tribunal to review a decision under this section if the ACA has affirmed or varied the decision under section 559 of the Act: see section 562 of the Act.

Section 5.1

Part 5 Records**5.1 Carriage service provider to keep records**

- (1) A carriage service provider must keep written records in relation to each pre-paid public mobile telecommunications service supplied by the carriage service provider.
- (2) The records must set out the following information in relation to each service:
 - (a) the name of the carriage service provider;
 - (b) the number issued by the carriage service provider for the service;
 - (c) if the carriage service provider complied with Part 3 in relation to the purchaser of the service:
 - (i) the information collected under section 3.3; and
 - (ii) if applicable, details of the kind of document seen by the carriage service provider under section 3.4 or 3.5; and
 - (iii) in the case of a service that was purchased using a credit card, debit card or other card — details of the card, recorded in a way that can be linked to the number issued by the carriage service provider for the service;
 - (d) if the carriage service provider complied with Part 4 in relation to the end-user of the service:
 - (i) the information collected under section 4.3; and
 - (ii) if the carriage service provider obtained and verified identifying information about the end-user under sections 4.5 and 4.6 — the item numbers in column 1 of Schedule 3 that relate to the identifying information obtained and verified, and the total number of points allocated to the identifying information; and
 - (iii) if applicable, details of the kind of document seen by the carriage service provider under section 4.7;
 - (e) the information collected in accordance with an approved compliance plan;
 - (f) any other information that the ACA requires, by notice in writing to the carriage service provider, to be recorded.
- (3) The carriage service provider must keep the records for as long as the service is activated.

5.2 Agent to keep records

- (1) If a carriage service provider authorises an agent:
 - (a) to supply pre-paid public mobile telecommunications services for the carriage service provider; and

Section 5.2

- (b) to comply with the rules in Part 3 in relation to the supply of the services;

the carriage service provider must make arrangements with the agent to ensure that the agent complies with the record-keeping requirements in section 5.1 (except the requirements in paragraphs 5.1 (2) (d) and (e)) in relation to each pre-paid public mobile telecommunications service supplied by the agent for the carriage service provider.

- (2) If a carriage service provider authorises an agent:

- (a) to supply pre-paid public mobile telecommunications services for the carriage service provider; and
- (b) to comply with the carriage service provider's approved compliance plan, in relation to the supply of the services;

the carriage service provider must make arrangements with the agent to ensure that the agent complies with the record-keeping requirements in section 5.1 (except the requirements in paragraphs 5.1 (2) (c) and (d)) in relation to each pre-paid public mobile telecommunications service supplied by the agent for the carriage service provider.

Section 6.1

Part 6 Continued use of numbers**6.1 Renewal of activation of service**

- (1) This section applies in relation to a pre-paid public mobile telecommunications service if:
 - (a) the carriage service was supplied to a person and activated before the commencement of this Determination; and
 - (b) the carriage service provider, or agent, that supplied the service had not, in relation to the supply, complied with the requirements in:
 - (i) the *Telecommunications (Conditions for Allocation of Numbers) Determination 1997*; or
 - (ii) the *Telecommunications (Service Provider — Identity Checks for Pre-paid Carriage Services) Determination 1997*; and
 - (c) as a result of the service not being used, the service is deactivated.
- (2) If, after the commencement of this Determination, the end-user of the service applies to the carriage service provider of the service, or an agent of the carriage service provider, for renewal of the activation of the service, the carriage service provider must, before renewing the activation of the service, comply with Part 4 in relation to the end-user.

Part 7 Restriction on use of numbers

7.1 **Restriction for failure to give information**

A carriage service provider must not allow a person to use a number in connection with a pre-paid public mobile telecommunications service if the person:

- (a) applies for activation of the service; and
- (b) does not supply the information required under either the rules in Part 3, the rules in Part 4 or an approved compliance plan.

7.2 **Restriction because of incomplete or incorrect records**

A carriage service provider must not allow a person to use a number issued in connection with a pre-paid public mobile telecommunications service if:

- (a) the carriage service provider has not collected the required identifying information about, and, if necessary, verified the identity of, the person in accordance with this Determination; or
- (b) the carriage service provider has reasonable grounds for suspecting that the written records kept by the carriage service provider in relation to the service contain incorrect information.

7.3 **Restriction at request of criminal law-enforcement agency**

A carriage service provider must not allow a person to use a number issued in connection with a pre-paid public mobile telecommunications service if the carriage service provider has received a written request from a senior officer of a criminal law-enforcement agency not to allow the person to use the number because:

- (a) the senior officer has reasonable grounds for suspecting that the person has used, or is likely to use, the service to engage in serious criminal conduct; and
- (b) the action is necessary for a purpose mentioned in subsection 313 (3) or (4) of the Act.

7.4 **Carriage service provider to inform purchasers of effect of this Part**

A carriage service provider must inform each person who applies for activation of a pre-paid public mobile telecommunications service, and each end-user of a pre-paid public mobile telecommunications service, of the effect of this Part.

Schedule 1 Information about purchasers or end-users

(subsections 3.3 (1) and 4.3 (1))

Part 1 Information about individuals

1. The name and residential address of the purchaser or end-user.
2. If known, the intended use of the service (for example, use for government, business, charitable or private purposes).
3. The total number of other activated pre-paid public mobile telecommunications services (if any) supplied to the purchaser or end-user.

Part 2 Information about corporations or other non-individuals

1. The name and business address of the corporation or other person.
2. At least one of the following numbers:
 - (a) the Australian Business Number (if any) allocated to the corporation, or other person, under the *A New Tax System (Australian Business Number) Act 1999*;
 - (b) the Australian Company Number (if any) given to the corporation, or other person, under the Corporations Law;
 - (c) the Australian Registered Body Number (if any) given to the corporation, or other person, under the Corporations Law.
3. The name of the person seeking activation of the service on behalf of the corporation, or other person, and evidence of the person's authority to seek the activation (for example, the original of a document stating that the person is an employee of the corporation or other person).
4. If known, the intended use of the service (for example, use for government, business, charitable or private purposes).
5. The number of other activated pre-paid public mobile telecommunications services (if any) supplied to the corporation or other person.

Schedule 2 Documents for verification of identity of purchasers and end-users

(sections 1.4 and 4.6)

Part 1 Category A documents

1. An identification card issued to the purchaser or end-user by a tertiary education institution.
2. A licence or permit issued in the name of the purchaser or end-user under a Commonwealth, State or Territory law.
3. A passport issued in the name of the purchaser or end-user.
4. A statement issued under a Commonwealth, State or Territory law to the effect that the purchaser or end-user is entitled to receive a financial benefit.
5. A birth certificate in the name of the purchaser or end-user, or in a former name of the purchaser or end-user.
6. A document that is recognised as a proof of identity under a Commonwealth, State or Territory law.

Example

A Keypass card issued to a resident of Victoria.

Part 2 Category B documents

1. A credit card, debit card or automatic teller machine card showing the name and signature of the purchaser or end-user.
2. A Medicare card issued in the name of the purchaser or end-user.
3. A passbook from a bank issued in the name of the purchaser or end-user.
4. A statement of account for a fixed network telephone service issued in the previous 12 months, showing the name and address given by the purchaser or end-user under paragraph 3.3 (1) (a) or 4.3 (1) (a).
5. A rates statement issued in the previous 12 months, showing the name and address given by the purchaser or end-user under paragraph 3.3 (1) (a) or 4.3 (1) (a).

Schedule 3 Information for verification of identity of end-users

(section 4.5)

Item	Kind of information	Number of points
1	Full name (including second and any other name) of end-user	5
2	Residential address and, if different, postal address of end-user	5
3	Date of birth of end-user	5
4	The public number of any fixed line telephone service at the end-user's residential address	5
5	The name of the pre-selected carriage service provider of any fixed line telephone service at the end-user's residential address	5
6	If the end-user has had a different residential address within the previous 3 years — that address	10
7	The name and address of the end-user's employer	10
8	The number and country of issue of a current passport issued to the end-user	10
9	The name of the nearest cross-street to the end-user's residential address	10
10	The name of any other adult living at the same residential address as the end-user	10
11	The name of any adult relative living at a different residential address to the end-user	10

Notes to the *Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000*

Note 1

The *Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000* (in force under subsection 99 (1) of the *Telecommunications Act 1997*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000</i>	13 Sept 2000 (see Gazette 2000, No. GN36)	13 Sept 2000	
<i>Amendment Determination 2004 (No. 1)</i>	2 June 2004 (see Gazette 2004, No. GN22)	2 June 2004	—
<i>Amendment Determination 2004 (No. 2)</i>	26 Aug 2004 (see Gazette 2004, No. S350)	26 Aug 2004	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
S. 1.4.....	am. 2004 No. 1; 2004 No. 2
S. 1.5.....	am. 2004 No. 2
Part 2	
Note to s. 2.1 (3)	rs. 2004 No. 1
S. 2.2.....	am. 2004 No. 1
Part 4A	
Part 4A.....	ad. 2004 No. 1
Ss. 4A.1–4A.8.....	ad. 2004 No. 1
Part 5	
S. 5.1.....	am. 2004 No. 1
S. 5.2.....	rs. 2004 No. 1
Part 7	
S. 7.1.....	am. 2004 No. 1
