Question No: 282

The Australian Communications and Media Authority

Hansard Ref: Page 33, 24/03/2017

Topic: Illegal mobile-numbering porting - Processes

Senator Urquhart, Anne asked:
Senator URQUHART: Thanks for that. I want to go to some questions around illegal mobile-number porting. I want to ask you if you can explain how porting processes currently work, including the role of industry and the ACMA.
Ms McNeill: The mobile-number porting issue that you flag—the process simply is: a customer requests a new service with a new provider. That provider is obliged to follow certain processes, engaging with the losing provider, and the number can be ported across to the new provider. I do not have the details of the processes to hand, but it does involve some careful checking.
Senator URQUHART: Are you able to provide those processes?
Ms McNeill: Sure.

Answer:

The processes for porting of mobile numbers are specified in two co-regulatory industry codes and a supporting guideline.

The Telecommunications Consumer Protections Code (TCP Code) specifies rules that a gaining provider must follow when transferring a service. The TCP Code requires the gaining provider to use reasonable endeavours to ensure that a consumer is only the subject of a transfer by a gaining supplier if the consumer has provided their consent to such a transfer.

The Mobile Number Portability Code (MNP Code) specifies the process that providers must follow when porting a mobile number. This process requires the gaining provider to obtain a customer authorisation (the minimum content requirements of which are detailed in the Customer Authorisation Industry Guideline) before porting the number, and to verify that the customer authorisation has been provided by the customer or the customer's agent. The MNP Code also specifies the process for reversal of ports that are found to be unauthorised. In such cases, the previous provider is required to initiate a reversal promptly, and to undertake an investigation regarding the circumstances of the port prior to the reversal.

Clause 5.1 of the Customer Authorisation Industry Guideline specifies that a customer authorisation must contain:
  (a) *the Customer's details including name or business name and the service address to which the Service is provided, where relevant;*
  (b) *if the authorisation is provided by an Authorised Representative, the details of that Authorised Representative;*
  (c) *acknowledgment by the Customer, or their Authorised Representative, that they are the owner of the Service or Rights of Use Holder of the Service Identifier(s) set out in the CA;*
  (d) *the Services(s) or Service Identifier(s) to be Transferred;*

(e) the account number (in the case of fixed line or inbound number Porting) for each of the Service Identifiers to be Transferred;

(f) the account number, reference number or date of birth (in the case of mobile Porting) for each of the Service Identifiers to be Transferred;

(g) the Customer's contact details, for contact that may be required during the Transfer or in association with an on-site installation, which should be different to any number associated with a Service or Service Identifier being Transferred;

(h) the name of the Losing Service Provider;

(i) the name of the Gaining Service Provider, where authorisation is received from a Gaining Service Provider's agent;

(j) the Customer's authorisation to the Transfer and to activate the new Service with the Gaining Service Provider;

(k) the date of authorisation, which should not be future dated.

The codes place the onus on a gaining provider, not the losing provider, to initiate a port and obtain customer authorisation. This is to limit opportunities for the losing provider to hinder the porting process. The codes seek to achieve a balance between achieving a reasonable level of validation of the identity of a customer porting their mobile number, and meeting the expectations of consumers wishing to port their number promptly.

Largely in recognition of the fact that many financial institutions choose to use SMS in the authentication process for account transactions, the MNP Code makes provision for financial institutions to access and use information provided for the purposes of mobile number porting for the purpose of fraud prevention or to assist in fraud investigations

The telecommunications industry, through Communications Alliance (CA), has developed both codes and the guideline, and they are periodically reviewed. The codes are registered by the Australian Communications and Media Authority (ACMA) which means that they can be enforced by the ACMA.