

Commonwealth of Australia

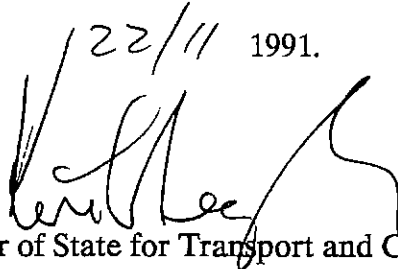
Telecommunications Act 1991

**Telecommunications (Public
Mobile Licences)
Declaration (No. 2) of 1991**

MCL 2/1991

I, KIM CHRISTIAN BEAZLEY, Minister of State for Transport and Communications, declare under section 64 of the *Telecommunications Act 1991* that all public mobile licences are subject to the conditions specified in this declaration.

Dated 22/11 1991.



Minister of State for Transport and Communications

Citation

1.1 This declaration may be cited as the Telecommunications (Public Mobile Licences) Declaration (No. 2).

Calling line identification and call charge recording

[NOTE: The provisions of this clause are supplementary access conditions under section 138 of the Act.]

2.1 For billing purposes, if a licensee provides calling line identification and call charge recording services for a customer and the customer obtains a service from a nominated carrier which acquires air-time from the licensee, or who acquires telecommunications services from the licensee, the licensee must provide calling line

identification and call charge recording information to the nominated carrier.

2.2 Services provided by a licensee to a nominated carrier under this clause are to be provided at the prescribed charge.

2.3 Each switching system purchased for use in a network of a licensee in Australia after this declaration comes into force (except switching systems purchased for maintenance purposes or to upgrade existing equipment) must be capable of providing calling line identification and must support call charge recording facilities.

2.4 A licensee must:

- (a) at the request of an emergency service, give that service whatever information is known to the licensee about the telephone number, and address or location, of any person calling an emergency call number; and
- (b) in giving that information to an emergency service, do whatever is necessary to comply with the *Privacy Act 1988* (and, in particular, Information Privacy Principle 11 of that Act) as if the licensee were an agency within the meaning of that Act.

2.5 A request under paragraph 2.4 (a) by an emergency service may be a single request or part of a continuing arrangement between the emergency service and the licensee.

2.6 If calling line identification and call charge recording information for part of an international line link that is not situated in Australia is available to a licensee, the licensee must, if requested by a nominated carrier, make that information available to the nominated carrier.

Industry Ombudsman

3.1 A licensee must, in association with other carriers, enter into, and comply with, an Ombudsman scheme, providing for investigation in relation to complaints by consumers about all matters relating to service, billing and the manner of charging for telecommunications services.

3.2 In spite of subclause 3.1, the Ombudsman scheme is not to involve investigation of the setting of tariffs.

Obligation to develop and publish a statement on customer service standards

[NOTE: It is likely that quality of service standards may be the subject of further licence conditions.]

4.1 A licensee must develop, publish and enforce guidelines for use by its personnel when handling inquiries and complaints from the persons to whom it supplies telecommunications services.

4.2 The guidelines relating to handling inquiries and complaints are to be published and made available to customers (in a document that does not include similar guidelines for other licences under section 57 of the Act) not more than 6 months after this declaration comes into force.

4.3 The guidelines are to address, in detail, the following areas of the provision of customer services:

- (a) the licensee's procedures for handling of customer complaints;
- (b) the time frame for handling complaints through this procedure;
- (c) further recourse available to a customer who is dissatisfied with the licensee's complaints handling procedure;
- (d) procedures adopted by the licensee to check the accuracy of the call charge recording system used to calculate a subscriber's telephone bill;
- (e) procedures to be adopted by the licensee to assist consumers in emergency or disaster situations;
- (f) maximum operator response time to a call received on the emergency number;
- (g) availability to customers of quality of service information relating to the licensee's network services;
- (h) procedures to advise customers using the AMPS network that existed immediately before this declaration came into

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force of Government policies which may lead to the eventual closure of that network.

4.4 A licensee must keep, and maintain statistics on complaints made to the licensee by customers with which the licensee deals in accordance with the guidelines.

4.5 A licensee must:

- (a) give the statistics kept under subclause 14.4 to AUSTEL at least once in each period of 6 months; and
- (b) make them available for a reasonable fee to any person upon request.

Emergency call service

5.1 A licensee must ensure that its network is installed in such a way that each customer has direct access to the emergency call number.

5.2 A licensee must ensure that each exchange access facility which the licensee provides (including a link between an exchange or switching centre and a pay phone provided by the licensee or a link to an exchange or switching centre provided by means of radiocommunications) is installed in such a way that it has access to the emergency call number.

5.3 The licensee must provide calls to the emergency call number free of charge to the caller.

Provision of accurate call charging

6.1 A licensee must ensure that the licensee's call charge recording equipment:

- (a) is correctly set and sufficiently maintained, so that charging is accurate; and
- (b) provides auditable call charges.

6.2 If requested by AUSTEL, a licensee must check the licensee's call charging system and provide evidence as to its accuracy to AUSTEL.

6.3 A licensee must not charge a customer an amount for calls which is greater than the amount payable in relation to call units indicated by the call charging system that measures the customer's calls.

6.4 The conditions set out in this clause are prescribed carrier obligations within the meaning of section 71 of the Act.

Compliance with draft National Code

7.1 After 31 December 1991 and until a National Code is determined under subsection 117 (1) of the Act, each licensee must comply, in relation to its exempt activities, with any draft National Code issued for public consultation under paragraph 117 (5) (a) of the Act by the Minister on or after the commencement of this declaration.

Requirement to co-operate with law enforcement agencies.

8.1 A licensee must not operate a telecommunications network unless:

- (a) it is possible to execute a warrant issued under the *Telecommunications (Interception) Act 1979* in relation to a telecommunications service provided by means of that network; or
- (b) if it is not, or would not be, possible to execute a warrant issued under that Act—the Minister, after consultation with the Attorney-General, authorises its operation.

8.2 An authorisation under paragraph 8.1 (b) by the Minister for a telecommunications network to operate may be given subject to conditions.

8.3 A licensee must, in accordance with directions by AUSTEL, consult with Commonwealth, State and Territory law enforcement agencies about the licensee's proposals to use new technology in its telecommunications activities or to develop new technology in order to so use it.

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8.4 If AUSTEL establishes an advisory committee for the purposes of subclause 8.3, a licensee may comply with that subclause by consulting, in accordance with directions by AUSTEL, AUSTEL and that advisory committee about the licensee's proposals to use new technology in its telecommunications activities or to develop new technology in order to so use it.

8.5 A licensee must, subject to any relevant directions of AUSTEL, give to officers and authorities (specified by AUSTEL in a direction) of the Commonwealth, the States and Territories such help as is reasonably necessary for any of the following purposes:

- (a) enforcing the criminal law and laws imposing pecuniary penalties;
- (b) protecting the public revenue;
- (c) safeguarding national security.

[NOTE: section 88 of the Act contains relevant provisions relating to disclosure of information.]

8.6 Nothing in subclause 8.5 empowers or entitles a person to perform any action that would contravene the *Telecommunications (Interception) Act 1979*.

8.7 Subject to any relevant direction given by AUSTEL, the provision by a licensee of help (including help by way of the provision of interception services) to an officer or authority under subclause 8.5 may be provided at a charge agreed between a licensee and the Commonwealth, State or Territory, as the case requires.