

**COMMUNICATIONS
ALLIANCE LTD**



INDUSTRY GUIDELINE

G612:2012

CUSTOMER REQUESTED BARRING

G612:2012 Customer Requested Barring Industry Guideline

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EXPLANATORY STATEMENT

This is the Explanatory Statement for the G612:2012 **Customer Requested Barring** Industry Guideline.

This Explanatory Statement outlines the purpose of the Guideline and the factors that have been taken into account in its development.

Background

The **Customer Requested Barring** Industry Guideline has its origins in the C504:1998 Customer Barring Industry Code. The Review of the **Customer Barring** Code was conducted in conjunction with the Review of the C541:2001 **Credit Management** Industry Code due to similarities in subject matter.

Having completed this Review, a report of the Credit Management Working Committee's findings was referred to the OCRP/WC27 **Customer Requested Barring** Working Committee, to determine the status, and future of the Customer Barring Code.

The Working Committee conducted a substantive review of the remaining content of the Customer Barring Industry Code, and in doing so formed the view that this extracted content should be published as a Guideline.

Regulatory Framework

Section 112 of the *Telecommunications Act 1997* (herein the Act) sets out the intention of the Commonwealth Parliament that bodies and associations within the telecommunications industry develop industry codes relating to telecommunications activities.

Section 113 of the Act lists examples of matters that might be dealt with by industry codes in a self-regulatory environment. The topic of Customer Requested Barring is not covered within section 113 of the Act, however, the Working Committee, in concluding the Terms of Reference set by the OCRP, deemed it wise for the Working Committee to incorporate the remaining content of the C504:1998 in a new Guideline for the purposes of providing guidance to current and future industry participants of a minimum standard when performing barring on a customer's telecommunications service. The decision to provide such guidance is deemed desirable given the dynamic nature of the telecommunications service provider industry.

Guideline Structure and Content

The Guideline sets the proposition that barring is initiated by a customer and relates to the blocking of access to particular call and messaging types; for example International Direct Dial; 190X voice services etc. where applicable. Flowing from this, the Guideline outlines the objectives to be met. Essentially, the Guideline ensures that a minimum standard is applicable to the barring of particular call types at the request of a customer.

The Guideline then maps the responsibilities of Carriers/CSPs in performing a customer-initiated request for call and messaging types to be barred from access.

The Guideline identifies particular call and messaging types that are capable of being barred. In doing this, the Working Committee addressed issues relating to the availability of override codes when connecting to competing service providers; the complex nature of arrangements between service providers; and the nature of the delivery technology through which the customer's service is provided. The rationale for doing this was to

ensure the categories capable of being barred, and the Carrier's/CSP's IT infrastructure, were capable of delivering such barring across the industry generally.

Importantly, the Guideline distinguishes barring initiated by a customer at the customer's request, and barring initiated by a Carrier/CSP for credit management purposes. The latter category is not covered by the terms of the Guideline. In circumstances where barring is initiated by a Carrier/CSP for credit management purposes, this is covered by the Telecommunications Consumer Protections Code, which sets clear rules for such practices.

Current Regulatory Arrangements

In 2010 the Australian Communications and Media Authority made the *Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1)*. This instrument placed obligations on Mobile Carriage Service Providers to provide consumers with the means to control or manage expenditure on mobile premium services by way of a customer requested barring mechanism specific to these types of services.

2012 Revision

In 2012 the Communications Alliance Operations Reference Panel conducted a scheduled review of the Guideline. In response to feedback received from stakeholders during the review, the Panel recommended that the Guideline be revised to:

- align with developments in recently amended Regulatory arrangements as per the *Telecommunications Consumer Protections Code (C628:2012)* and the *ACMA Mobile Premium Services Barring Determination 2010*;
- correct any identified typographical error(s);
- update references from 'ACIF (Australian Communications Industry Forum)' to 'Communications Alliance' where appropriate; and
- update the format of the Guideline to the current Communications Alliance template.

How the Guideline Builds on and Enhances the Current Regulatory Arrangements

The Guideline builds on protection given to consumers through the *Competition and Consumer Act 2010*. This Act sets legal rules prohibiting anti-competitive conduct. The Guideline seeks to map a process to ensure that such conduct is not engaged in by Carriers/CSPs by technically blocking access to other Carrier's/CSP's service offerings.

Anticipated Benefits to Consumers

As an information tool, the Guideline will serve to educate consumers that particular call types are capable of being barred from use. This has the benefit of enabling consumers to choose the particular products and services available through their Carrier/CSP that best suits their budgets.

Benefits to Telecommunications Industry

The Guideline delivers clear benefits to industry in that it provides guidance applicable to the barring of access to telecommunications services when initiated by a customer.

Communications Alliance Operations Reference Panel

(constituted as a Working Committee WC49 for the purposes of this revision)

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1 GENERAL

1.1 Introduction

- 1.1.1 The development of the Guideline has been facilitated by Communications Alliance through a Working Committee comprised of representatives from the telecommunications industry.
- 1.1.2 The Guideline should be read in conjunction with related legislation and Codes, including:
 - (a) the Act;
 - (b) the Telecommunications Consumer Protections Industry Code (C628:2012); and
 - (c) the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1).
- 1.1.3 Statements in boxed text are a guide to interpretation only.

1.2 Scope

- 1.2.1 The Guideline is applicable to the following sections of the telecommunications industry under section 110 of the *Telecommunications Act 1997*:
 - (a) Carriers; and
 - (b) Carriage Service Providers.
- 1.2.2 The Guideline relates to the Barring of categories of voice and Premium SMS and MMS services from a Customer's telephone service that is provided in response to a Customer's request.

NOTE: Carrier or CSP Barring initiated for credit management purposes is addressed in Chapter 6 of the Telecommunications Consumer Protections Code C628:2012,, and if specific to Premium SMS and MMS Services, in the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1).

- 1.2.3 The Guideline applies to Barring which is provided in Carriers' networks. For the sake of clarity, it does not apply to Barring set by a Customer in the Customer's terminal equipment or in the Customer's virtual private network provided to the Customer by a Carrier or CSP, or to any contractual agreement between a Customer and their Carrier or Carriage Service Provider.

NOTE: An example of such a contractual agreement is where prepaid customers agree that they only have access to certain call and messaging types.

1.3 Objectives

1.3.1 The objectives of the Guideline are:

- (a) to ensure that an Access Carrier is able to Bar access to particular call and messaging types from all Carriers and CSPs upon a Customer's request;
- (b) to ensure that the Access Carrier does not Bar access to any other Carrier's or CSP's services except at the Customer's request; and
- (c) to ensure that a Carrier or CSP is able to Bar access to its own services upon a Customer's request.

1.4 Guideline review

1.4.1 The Guideline will be reviewed every 5 years, or earlier in the event of significant developments that affect the Guideline or a chapter within the Guideline.

2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

2.1 Acronyms

For the purposes of this Guideline:

ACMA

means the Australian Communications and Media Authority.

CSP

means Carriage Service Provider.

2.2 Definitions

For the purposes of the Guideline:

Access Carrier

means the Carrier which provides the network connection to the Australian telecommunications network through which the Customer originates calls.

Access Service

means the service which a CSP provides to a Customer that provides network connection, via the Access Carrier, through which the Customer originates calls or messages.

Act

means the *Telecommunications Act 1997* (Cth).

Barring

means the technical blocking of outgoing access from a Customer's telephone service to particular categories of call and messaging types or to an individual Carrier's or a Carriage Service Provider's service.

Carriage Service Provider

has the meaning given by section 87 of the *Telecommunications Act 1997* (Commonwealth).

Carrier

has the meaning given by section 7 of the *Telecommunications Act 1997* (Commonwealth).

Customer

means the end-user with the contractual relationship with a CSP for the telephone service to which Barring may be applied.

Premium Rate Service

means a carriage service supplied by way of a call or message to or from a number with an eligible prefix of 1900, 1901, or 1902.

Premium SMS and MMS Service

means

- (a) a carriage service supplied by way of a call or message to or from a number with an eligible prefix of 191,193,194,195,196,197 or 199; or
- (b) a content service supplied by way of a call or message to or from a number with an eligible prefix of 191,193,194,195,196,197 or 199.

2.3 Interpretations

In the Guideline, unless the contrary appears:

- (a) headings are for convenience only and do not affect interpretation;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) words in the singular includes the plural and vice versa;
- (d) words importing persons include a body whether corporate, politic or otherwise;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) mentioning anything after include, includes or including does not limit what else might be included;
- (g) words and expressions which are not defined have the meanings given to them in the Act; and
- (h) a reference to a person includes a reference to the person's executors, administrators, successors, agents, assignees and novatees.

3 GENERAL RULES

3.1 Customer Requested Barring to Particular Call and Messaging Types

- 3.1.1 The CSP providing the Access Service must, upon request of a newly connecting Customer, advise of the general categories of call and messaging types available and those able to be Barred as specified in clause 3.4.1 below.
- 3.1.2 Where the Customer has requested Barring of a particular category of call or messaging type as set out in clause 3.4.1 from all sources, the CSP providing the Access Service must advise the Access Carrier of the Customer's Barring request within one business day.
- 3.1.3 Where the Customer has requested Barring of Premium SMS and MMS services, the mobile CSP must not:
- (i) charge the Customer a fee for supplying a Premium SMS and MMS service after 6 pm on the business day after the day on which the Customer makes the request;
 - (ii) charge the Customer a fee for barring a Premium SMS or MMS service; and
 - (iii) cease supplying, commence supplying, or fail to supply, any other service to the Customer as a consequence of the Customer's request.
- 3.1.4 The Access Carrier, upon receipt of a request for Barring from the CSP providing the Access Service, as referred to in clause 3.1.2, must ensure that the Customer's telephone service cannot be used for calls or messages to that particular category of call or messaging type through any Carrier or CSP, including the Access Carrier.

NOTE: For example, the telephone service of a Customer who chooses to have national long distance barring must be barred to national long distance from all providers.

3.2 Customer Requested Barring to specific Carrier or CSP Services

- 3.2.1 When a Customer requests to be Barred only to a particular Carrier's or CSP's service, that Carrier or CSP must implement Barring to that service.
- 3.2.2 The Access Carrier must not Bar a Customer's telephone service to any other individual Carrier's or CSP's services. Rather, the Access Carrier must refer the Customer to the Carrier or CSP to which the Customer wishes to be Barred. That Carrier or CSP will be solely responsible for the management of all aspects of the Customer's access to that particular service.

3.3 Referral Principles

- 3.3.1 If a Customer requests Carrier or CSP specific Barring, as per clause 3.2, from a Carrier or CSP that does not provide the service from which the Customer wishes to be Barred, then that Carrier or CSP must refer the Customer to the appropriate Carrier or CSP.
- 3.3.2 If a Customer makes a request for Barring of a particular category of call or messaging type from all Carriers and CSPs, as per clause 3.1.2, to a Carrier or CSP that is not required to provide that Barring, that Carrier or CSP must advise the Customer to contact the CSP that provides their Access Service.

3.4 Barring of Call and Messaging Types

- 3.4.1 The categories of call and messaging types to which the Access Carrier will provide Barring, as per clause 3.1.2, will include any or all of the following call and messaging types, where applicable according to its delivery technology:
- (i) international calls (including operator connected calls that allow through connect to international calls);
 - (ii) national long distance calls (including operator connected calls that allow through connect to national long distance calls);
 - (iii) calls using override access codes (14XX);
 - (iv) calls to Premium Rate Services (1900, 1901 or 1902);
 - (v) calls to mobile services; and
 - (vi) access to Premium SMS and MMS services (191, 193, 194, 195, 196, 197 or 199).

NOTE: The categories of Barring available on a fixed service are different to those available on a mobile service. These categories are likely to evolve as new products and services are developed.

3.5 Modified Barring Categories

- 3.5.1 Where national long distance Barring does not apply to calls made to and from community service towns, extended zones, isolated standard zones and partial community service towns, the CSP must advise the affected Customer when implementing long distance Barring that this Barring does not apply to these calls.

NOTE: National Long Distance Barring may not be strictly applied in circumstances where calls are made to and from community service towns, extended zones, isolated standard zones and partial community service towns. Arrangements exist which allow calls from a service that is nominally Barred to national long distance to initiate a call to a restricted set of long distance destinations. These calls are charged at a fixed rate or long duration timed rate.

Without such an arrangement, in some locations a service Barred to national long distance would effectively be an incoming only service, i.e. unable to initiate most outgoing calls with the exception of 000 and 106 calls.

PARTICIPANTS

The Communications Alliance Operations Reference Panel was constituted as the Working Committee to undertake the revisions made to this Guideline in 2012. Visu Thangavelu of Communications Alliance provided project management support.

Communications Alliance was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



**Published by:
COMMUNICATIONS
ALLIANCE LTD**

**Level 9
32 Walker Street
North Sydney
NSW 2060 Australia**

**Correspondence
PO Box 444
Milsons Point
NSW 1565**

**T 61 2 9959 9111
F 61 2 9954 6136
TTY 61 2 9923 1911
E info@commsalliance.com.au
www.commsalliance.com.au
ABN 56 078 026 507**

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