



Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Amendment Determination 2014 (No.1)

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 99(1) of the *Telecommunications Act 1997*.

Dated 15 December 2014

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Determination

This Determination is the *Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Amendment Determination 2014 (No.1)*.

2 Commencement

This Determination commences on the day after it is registered.

Note: All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments required to be maintained under the *Legislative Instruments Act 2003*.

3 Amendment of the *Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Determination 2013*

The *Telecommunications (Service Provider — Identity Checks for Prepaid Mobile Carriage Services) Determination 2013* is amended as set out in Schedule 1.

Schedule 1 – Amendments (Section 3)

[1] Section 1.4

After the definition of *transaction code*, insert:

type 1 eligible prepaid account means an account held by a service activator with a carriage service provider for the supply of a type 1 eligible prepaid service.

type 1 eligible prepaid service means an activated prepaid mobile carriage service supplied by a carriage service provider to a service activator:

- (a) that has been activated for 24 months or less from the time of activation;
- (b) for which the carriage service provider has complied with Part 5 in relation to the activation of the service by verifying the identity of the service activator using a method of identity verification other than that in item 7 of Schedule 4; and
- (c) that is not a type 2 eligible prepaid service.

type 2 eligible prepaid account means an account held by a service activator with a carriage service provider for the supply of a type 2 eligible prepaid service.

type 2 eligible prepaid service means an activated prepaid mobile carriage service supplied by a carriage service provider to a service activator:

- (a) for which the carriage service provider has complied with Part 5 in relation to the activation of the service; and
- (b) in relation to which the carriage service provider has recorded details of an account (other than an account connected to a stored value card):
 - (i) with an ADI in the name of the service activator; and
 - (ii) which the service activator uses to make payments to the carriage service provider for the ongoing supply of the service.

[2] Sub-paragraph 7.3(1)(b)(i)

Omit the sub-paragraph and *substitute*:

- (i) the carriage service provider is authorised to record, and only records, the last four digits of the credit card or debit card number, in accordance with:
 - (A) sub-sub-paragraph 7.1(2)(e)(iii)(B); or
 - (B) sub-paragraph 7.1(2)(f)(v);

[3] Schedule 2

Omit the Schedule and *substitute*:

Schedule 2 Documents for verification of identity of purchasers at time of sale under sections 4.4 and 4.5 and service activators at time of activation under item 9 of Schedule 4

(sections 4.4 and 4.5; paragraph 7.3(1)(c); and item 9 of Schedule 4)

Part 1 Category A documents

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

Example

A Keypass card issued by the Australian Postal Corporation, or a photo card or proof of age card issued under a State or Territory law.

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 service activator.
2. A Medicare card issued in the name of the purchaser or service activator.
3. A passbook issued in the name of the purchaser or service activator by an ADI.
4. A statement of account for a post-paid carriage service issued in the previous 12 months, showing the name and address given by the purchaser under subsection 4.3(1) or by the service activator under section 5.3.

5. A rates statement issued in the previous 12 months, showing the name and address given by the purchaser under subsection 4.3(1) or by the service activator under section 5.3.

[4] Schedule 3

Omit the Schedule and substitute:

Schedule 3 Identifying evidence for verification of identity at time of activation

(sections 1.4 and 5.4)

1. The unique details of a government document.
2. The residential address of the service activator.
3. Information identifying the service activator as the holder of a passport issued by a foreign government.
4. Information identifying the service activator as the holder of an existing account for a post-paid carriage service with the carriage service provider.
5. Information identifying the service activator as the holder of a type 1 eligible prepaid account with the carriage service provider.
6. Information identifying the service activator as the holder of a type 2 eligible prepaid account with the carriage service provider.
7. Information identifying the service activator as the holder of an existing financial account with an ADI.
8. Information identifying the service activator as the holder of an identification card issued by a tertiary education institution.
9. An email address ending with “.edu.au” or “.gov.au”.

[5] Schedule 4

After item 6, insert:

7	<p>“Existing type 1 eligible prepaid account” (not linked to a financial account)</p> <p>Where the identifying evidence obtained from a service activator is information identifying the service activator as the holder of an existing type 1 eligible prepaid account with the carriage service provider, the carriage service provider is taken to have confirmed that the identifying evidence is authentic, accurate and up-to-date if:</p> <ol style="list-style-type: none"> (a) the service activator gives the carriage service provider details of the service activator’s account (for example, the account number or telephone number); (b) the service activator demonstrates to the carriage service provider that the service activator is the account holder (for example, by giving a valid password for the account to the carriage service 	Existing type 1 eligible prepaid account number or telephone number
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	<p>provider);</p> <p>(c) the carriage service provider confirms that the activation of the service will not result in the service activator having more than 5 prepaid mobile carriage services activated using the method of identity verification described in this item; and</p> <p>(d) the carriage service provider records the description of the method of identity verification as “type 1 eligible prepaid account”.</p>	
8	<p>“Existing type 2 eligible prepaid account” (linked to a financial account)</p> <p>Where the identifying evidence obtained from a service activator is information identifying the service activator as the holder of an existing type 2 eligible prepaid account with the carriage service provider, the carriage service provider is taken to have confirmed that the identifying evidence is authentic, accurate and up-to-date if:</p> <p>(a) the service activator gives the carriage service provider details of the service activator’s account (for example, the account number or telephone number);</p> <p>(b) the service activator demonstrates to the carriage service provider that the service activator is the account holder (for example, by giving a valid password for the account to the carriage service provider); and</p> <p>(c) the carriage service provider records the description of the method of identity verification as “type 2 eligible prepaid account”.</p>	Existing type 2 eligible prepaid account number or telephone number
9	<p>“Visual identity document check”</p> <p>(1) After obtaining identifying evidence from a service activator, the carriage service provider is taken to have confirmed that the identifying evidence is authentic, accurate and up-to-date if:</p> <p>(a) the carriage service provider asks the service activator whether the activation of the service will result in the service activator having 5 or more activated prepaid mobile carriage services;</p> <p>(b) the service activator complies with the visual identity document check requirement described in sub-item (2);</p> <p>(c) the carriage service provider is satisfied that if a document shown to it by the service activator includes an expiry date, the document has not expired;</p> <p>(d) the carriage service provider immediately activates the prepaid mobile carriage service; and</p> <p>(e) the description of the method of identity verification is recorded by the carriage service provider as “visual identity document check”.</p> <p>(2) For the purposes of paragraph (1)(b), the service activator complies with the visual identity document check requirement by complying with either sub-item (3) or (4), whichever is applicable.</p>	The type of document or documents shown, and, if the document is a credit card, a debit card, an automatic teller machine card or a passbook issued in the name of the service activator by an ADI, the last four digits of the document, recorded in a way that can be linked to the number issued by the carriage service provider for the service.

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- (3) If the service activator informs the carriage service provider that the activation of the service will not result in the service activator having 5 or more activated prepaid mobile carriage services, the service activator must show the carriage service provider either:
 - (a) 1 category A document identifying the service activator; or
 - (b) 2 category B documents, each of a different kind, identifying the service activator.
 - (4) If the service activator informs the carriage service provider that the activation of the service will result in the service activator having 5 or more activated prepaid mobile carriage services, the service activator must show the carriage service provider either:
 - (a) 2 category A documents, each of a different kind, identifying the service activator; or
 - (b) 1 category A and 2 category B documents, each of a different kind, identifying the service activator.
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