



Telecommunications (Provision of Pre-selection) Determination 2015

Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this determination under subsection 349(1) of the *Telecommunications Act 1997*.

Dated 17th March 2015

Chris Chapman
[signed]
Member

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

Part 1 Preliminary**1 Name of determination**

This determination is the *Telecommunications (Provision of Pre-selection) Determination 2015*.

2 Commencement

This determination commences on the day after is registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.comlaw.gov.au>.

3 Revocations

The following instruments are revoked:

- (a) *Telecommunications (Provision of Pre-selection for a Standard Telephone Service) Determination 1998* [FRLI No. F2005B00452];
- (b) *Telecommunications (Provision of Pre-selection for Specified Carriage Services) Determination 1998* [FRLI No. F2005B00451]; and
- (c) *Telecommunications (Standard Telephone Service and Specified Carriage Service Exemption) Declaration 1998* [FRLI No. F2005B00455].

4 Definitions

(1) In this determination:

1997 numbering plan means the *Telecommunications Numbering Plan 1997* made under subsection 455(1) of the Act.

access service deliverer means a carrier or carriage service provider who is required under section 7 or section 8 to provide pre-selection.

Act means the *Telecommunications Act 1997*.

eligible customer has the meaning given by section 110 of the TCPSS Act.

eligible local call has the meaning given by section 106 of the TCPSS Act.

pre-selectable service means a call using a standard telephone service to any of the following:

- (a) a geographic number or local number that is not a local call;
- (b) an international direct dial service;
- (c) an operator service for which the 1997 numbering plan specifies the use of a shared selectable number;

Section 5

(d) a carriage service that is both a ring back price service and an international service;

(e) a public mobile telecommunications service.

residential/charity customer has the meaning given by subsection 106(4) of the TCPSS Act.

TCPSS Act means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Note: The following words and expressions used in this determination have the same meaning as in the Act (see, in particular, sections 7, 350 and 353):

- ACMA;
- carriage service;
- carriage service provider;
- carrier;
- controlled facility;
- controlled network;
- end-user;
- over-ride dial codes;
- public mobile telecommunications service;
- standard telephone service.

(2) Unless the contrary intention appears, an expression used in this determination and in the 1997 numbering plan has the same meaning in this determination as it has in the 1997 numbering plan.

Note: Several terms used in this determination are defined in the 1997 numbering plan. Those terms include the following:

- geographic number;
- international direct dial service;
- international service;
- local number;
- operator service;
- ring back price service.

(3) A reference in this determination to a ***local call*** has the same meaning as ***eligible local call*** in the TCPSS Act except that such calls are not limited to an ***eligible customer*** who is a ***residential/charity customer***.

5 Application

(1) Subject to subsection (2) this determination applies to a carrier or carriage service provider who supplies a standard telephone service.

(2) This determination does not apply to a carrier or carriage service provider who supplies a standard telephone service unless:

(a) an end-user requests pre-selection in favour of a single carriage service provider as their preferred service provider for all of the pre-selectable

Section 5

services (*the preferred CSP*); and

(b) the preferred CSP does, in fact, provide termination of all of the pre-selectable services.

(3) For the purposes of this determination, a reference to a *standard telephone service* does not include a reference to a service that is supplied by means of a public mobile telecommunications service.

Note 1: The effect of subsection 5(2) is that access to pre-selectable services must be provided as a 'single basket' of services by a carrier, enabling an end-user to obtain all of the pre-selectable services from their preferred CSP.

Note 2: The effect of subsection 5(3) is that this determination does not apply to calls that originate on a standard telephone service that is a public mobile telecommunications service. However, it does apply to calls made from a standard telephone service which terminate on a public mobile telecommunications service.

Part 2 Requirement to provide pre-selection**6 Determination under subsection 349(1) of the Act**

For subsection 349(1) of the Act, each carrier or carriage service provider who supplies a standard telephone service must comply with:

- (a) in the case of a carrier – sections 7, 9 and 10;
- (b) in the case of a carriage service provider – sections 8, 9 and 10.

7 Requirement to provide pre-selection - carriers

- (1) The controlled networks and controlled facilities of a carrier must permit an end-user to:
 - (a) pre-select a carriage service provider as the end-user's preferred carriage service provider for pre-selectable services for calls made using a standard telephone service; and
 - (b) change that pre-selection from time to time.
- (2) The controlled networks and controlled facilities of a carrier must provide over-ride dial codes to be used by an end-user for selecting alternative carriage service providers on a call-by-call basis for calls made using a standard telephone service.

8 Requirement to provide pre-selection - carriage service providers

- (1) The controlled networks and controlled facilities of a carriage service provider must permit an end-user to:
 - (a) pre-select another carriage service provider as the end-user's preferred carriage service provider for pre-selectable services for calls made using a standard telephone service; and
 - (b) change that pre-selection from time to time.
- (2) The controlled networks and controlled facilities of a carriage service provider must provide over-ride dial codes to be used by an end-user for selecting alternative carriage service providers on a call-by-call basis for calls made using a standard telephone service.

9 Records

An access service deliverer must keep a written record of any terms and conditions agreed to by the access service deliverer under subsection 351(2) of the Act.

Note: Under subsection 351(2) of the Act an access service deliverer required to provide pre-selection may agree with the carriage service provider in whose favour pre-selection is required to be provided, on the terms and conditions on which pre-selection is provided. Failing agreement, such terms and conditions may be determined by an arbitrator.

10 Technical quality of pre-selection

- (1) An access service deliverer must take all reasonable steps to ensure that the quality of carriage services it supplies to the carriage service provider mentioned in paragraph 7(1)(a) or 8(1)(a) for pre-selectable services is equivalent in all respects to the quality of carriage services it supplies to any other carriage service provider (including itself) for pre-selectable services.
- (2) The quality of carriage services supplied for pre-selectable services in subsection (1) shall be measured by the following criteria:
 - (a) technical and operational quality;
 - (b) fault detection;
 - (c) handling and rectification of faults;
 - (d) maintenance.

Note: The industry code *ACIF C515:2005 Pre-selection* sets out procedures to facilitate the provision of pre-selection by access service deliverers. A copy of the industry code is available at www.commsalliance.com.au