

BUCHANAN LAW TELECOMMUNICATIONS UPDATE

SEPTEMBER 2007

Inaugural Buchanan Law Telecommunications Update

Welcome to Buchanan Law's inaugural Telecommunications Update. It has been a big six months in Telecommunications with a range of legislative and regulatory changes. What follows is a brief overview of recent amendments. We invite you to contact us should you have any queries about how these changes affect your business.

In This Issue

- Local Number Portability Code Revised - 2
- Priority Assistance for Life Threatening Medical Conditions Code Revised - 2
- Customer Transfer Code Revised - 3
- IPND Code Revised - 3
- Calling Number Display Code Revised - 3
- Revised ACIF Guidelines - 4
- VoIP News - 4
- Communications Alliance Launches New Information Guide for VoIP Service Providers - 4
- Proposed Changes to VoIP Emergency Call Services Requirements - 5
- Other News - 5
- Next Generation Networks & Content Services - 5
- Using IPND Information to provide Location Dependent Carriage Services - 6
- Telecommunications (Amounts of Annual Charge) Determination - 6
- Buchanan Law - 7



BUCHANAN LAW
Intellectual Property and Technology

www.buchananlaw.com.au

Office Buchanan Law Pty Ltd
Level 3,
54 Marcus Clarke Street,
Canberra ACT 2601

Postal GPO Box 579,
Canberra ACT 2601

Tel 02 6221 9555

Fax 02 6162 3202

Email info@buchananlaw.com.au

ABN 55 121 082 388

Local Number Portability Code Revised

The Local Number Portability Industry Code ACIF C540:2006 was revised in June 2007 to allow unconditioned local loop call diversion. The revised Code also permits a service provider to port a number which is active on the provider's unconditioned local loop and is associated to an unconditioned local loop service call diversion by the gaining carriage service provider. The amendments permit a third party to port a number where the service provider who was allocated that number under the Numbering Plan ("the Donor") is neither the gaining nor losing carriage service provider.



Priority Assistance for Life Threatening Medical Conditions Code Revised

The Priority Assistance for Life Threatening Medical Conditions Industry Code ACIF C609:2003 was revised in February 2007. The Code has been amended so that a Priority Assistance Customer's eligibility for Priority Assistance will be re-viewed every 3 years, instead of annually. Amendments were also made to the time-frames for transferring or porting a Priority Assistance Customer between carriage service providers in "Connect Outstanding" circumstances.

A Connect Outstanding is where a customer leaves the premises to which a standard telephone service is provided but does not cancel that service, and the sub-

sequent occupant of the premises 'reuses' that existing standard telephone service. If the incoming customer is a Priority Assistance Customer or Provisional Priority Customer, the supplier is required under clause 4.3 to offer the customer an alternative service or interim service. Although not specified in the Code, the Working Committee that prepared the Code noted that VoIP providers are subject to the Code's obligations. The Working Committee also noted that VoIP providers who wish to offer Priority Assistance should consider the reliability of their service and whether it is fit for purpose to be used as a primary telephone service for individuals with life threatening medical conditions.



BUCHANAN LAW
Intellectual Property and Technology

Customer Transfer Code Revised

Customer Transfer Industry Code ACIF C546:2006 was revised in May 2007 with minor amendments made in relation to telemarketing. The Communications Alliance Working Committee found that Code was inconsistent with the recently introduced *Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007* and amended clause 4.1 to reflect industry obligations in relation to telemarketing.

IPND Code Revised

The Integrated Public Number Database Industry Code ACIF C555:3003 was updated in February of this year with the primary purpose of clarifying obligations imposed on Data Providers and Data Users in relation to customers, technical procedures and operational arrangements. The Code has been re-ordered and re-numbered so that its content is presented

more clearly and logically. The Code was also revised to align with the *Telecommunications (Section of the Telecommunications Industry) Determination 2007* which provides that public number directory publishers are to be treated as part of the telecommunications industry. This will require all public number directory publishers to comply with the Code.

Calling Number Display Code Revised

Calling Number Display ACIF C522:2003 was revised in February of this year to accommodate the growth in popularity of VoIP services and developments in privacy law, including the Do Not Call Register Act 2006 and the Spam Act 2003. The amendments were made in an effort to provide clarity to carriage service providers in relation to the use of calling line identification and charging for calling number display blocking and enabling. The revised

Code no longer contains the CND Guidelines, which were found to be unnecessary as its subject matter is covered off under federal privacy law. The revised Code was also amended to reflect recent developments in new emerging technologies such as VoIP. The Code requires VoIP providers to comply with the Code to the extent possible and to notify customers of any limitation in calling number display blocking or enabling.

Revised ACIF Guidelines

The following ACIF Guidelines have been updated in alignment with, and to give effect to, amendments made to their respective ACIF Industry Codes:



Unconditioned Local Loop Service – Fault Management Guidelines revised

The Unconditioned Local Loop Service Fault Management Guidelines ACIF G572:2001 was revised in August 2007 to reflect the amendments made to the Priority Assistance For Life Threatening Medical Conditions Industry Code.

Local Number Portability IT Specifications and Operations Manual revised

The Local Number Portability IT Specifications and Operations Manual ACIF G602:2006 (parts 1 – 5) was revised in June 2007 in accordance with modifications to the Local Number Portability Industry Code.

IPND Data Guideline revised

The IPND Data Guidelines ACIF G619:2005 was updated in April of this year as a result of amendments made to the IPND Industry Code.

VoIP News

Communications Alliance Launches New Information Guide for VoIP Service Providers

On 21st August Communications Alliance announced the release of the new Information Guide for VoIP Service Providers which aims to inform VoIP service providers of their high level obligations. The document covers a range of questions to

be asked of potential VoIP customers as well as issues to be notified to potential customers, so that a consumer can make an informed decision as to the suitability of VoIP for that particular consumer's telephony requirements.



Proposed Changes to VoIP Emergency Call Services Requirements

Currently there exists a strong movement, propelled by industry and government regulatory bodies and consumer groups, aiming to ensure that VoIP providers are subject to the same obligations and standards that are imposed on suppliers of standard telephone services (**STS**).

The recently proposed changes to the *Telecommunications (Emergency Call Services) Determination 2002* demonstrates this regulatory approach to VoIP providers. The proposed amendments aim to impose emergency call services capabilities on VoIP suppliers who provide dial-out only VoIP services, regardless that these services do not meet the definition of an STS as it fails to meet the "connectivity test". Submissions to the Australian Communications and Media Authority (**ACMA**) on the proposed amendments closed on the 2 July. It is expected that, should ACMA adopt the amendments as initially proposed, it will require substantial (and possibly costly) changes to be made by a number of Australian VoIP service providers. We will endeavour to keep you updated on any updates regarding these proposed changes.

In Other News

Next Generation Networks & Content Services

The Communications Legislation Amendment (Content Services) Act 2007 seeks to provide for the regulation of content services delivered over convergent devices, such as broadband services to mobile handsets, and new types of content provided over the Internet. The new scheme does not apply to carriage service providers who do no more than provide a

carriage service (ie, the scheme will apply to a carriage service provider who also provides a content service). Carriage service providers who provide access to content services may wish to notify their consumers that such content services and access to those services are not regulated or produced by the carriage service provider.

Using IPND Information to Provide Location Dependent Carriage Services

The Department of Communications, Information Technology and the Arts recently issued a discussion paper titled "Use of IPND Information to Provide Location Dependent Carriage Services". The discussion paper was produced with the intention of reviewing and revising any privacy law implications which arise from the use of IPND information to provide Location Dependent Carriage Services (**LDCS**). LDCS are those services where a customer calls a business (usually with a '13' or '1300' prefix) and their call is routed to the office or branch of that business which is most closely located to the caller's location. Carriage service providers who supply LDCS should anticipate some changes to the regulation of their services.



Telecommunications (Amounts of Annual Charge) Determination

ACMA is currently accepting submissions on the proposed remaking of the *Telecommunications (Amounts of Annual Charge) Determination 2007*. ACMA proposes to define a method for calculating the annual charges payable by carriage service providers who hold numbers. Submissions to ACMA close 20 September 2007.

Buchanan Law has moved!

Please update your records to reflect our **new address**

Level 3, 54 Marcus Clarke St Canberra ACT 2601

New telephone number +61 2 6221 9555

All other details remain the same.

BUCHANAN LAW

Buchanan Law is often described as a boutique firm because we are a specialist commercial law services provider with expertise for servicing the needs of clients with ICT and related interests. We regularly advise on a broad range of telecommunications, commercial, intellectual property, procurement and associated transactional matters.

Sectors & Services

Buchanan Law is organised along both sectors and service lines. We work this way to better reflect our clients and to provide a service where our lawyers can provide thorough industry expertise.

Sectors	Services
Telecommunications	Telco regulation
Information Technology	Information Technology
Advertising & marketing	Intellectual Property
Media	<ul style="list-style-type: none"> ➤ Commercialisation of IP ➤ Trade mark registration and opposition services ➤ Patent licensing ➤ Copyright
Digital services	
Sport, Events & Entertainment	
Internet & E Commerce	Corporate & commercial
Biotechnology	Privacy & Data protection
	Employment

The Buchanan Law Difference

Because Buchanan Law has a recognised focus and a small, specialist team, we are able to respond quickly and flexibly to the complex, technologically-driven issues that our clients so often refer to us.

Further Information

We invite you to contact anyone of our specialist team to discuss your legal requirements.



Scott Buchanan scott@buchananlaw.com.au	Shaun Creighton shaun@buchananlaw.com.au
Monica Dawes monica@buchananlaw.com.au	Gary Lea gary@buchananlaw.com.au

We have taken care to ensure that the content in this publication is accurate and up to date as at the date of publication. The information presented is intended as a general review of the subjects featured. Detailed specialist advice should always be taken before taking or refraining from taking any action. The contents of this publication should not be construed as legal advice. We disclaim any liability in relation to its use.