



INTERNET ASSOCIATION OF AUSTRALIA
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To: Australian Communications and Media Authority

By email: bridget.smith@acma.gov.au

Thank you for the opportunity to express the Internet Association of Australia (IAA) perspective on the *Draft Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 (SPD)* and *Telecommunications (Listed Infringement Notice Provisions) Declaration (IN Declaration)*. We appreciate ACMA's effort in further consulting stakeholders through this drafting process.

Many of IAA's members are small to medium sized internet service providers (ISPs) who are also NBN retail service providers (RSPs). Our response will largely be from the perspective of smaller CSPs who would be affected by the changes should the SPD come into effect.

CUSTOMER IDENTITY AUTHENTICATION DETERMINATION

Noting industry feedback that not all additional changes are high-risk, what criteria do you use to assess whether a 'large one-off payment' is high-risk?

We note that the definition of 'high-risk' customer transaction includes "an additional charge being applied to a customer's account" and reiterate that not all charges should be considered high-risk. We view that only recurring or ongoing contractual charges which will add up to a substantial amount or a one off payment of a substantial amount should be considered high-risk. Including all charges as risks creates not only unnecessary burdens for telecommunications businesses but also retail customers.

Are the multi-factor identity authentication processes described sufficiently technology-neutral and future-focussed?

Overall, we support the identity authentication processes outlined in the SPD. However, we believe that additional amendments could be made to specify that the agreed upon communication mechanism agreed to by the customer be used in the authentication process. This could enhance the technology neutrality of the process.

Section 10 has been included to provide flexibility for CSPs and customers where they may not be able to complete the processes described in s. 9. Does the draft SPD provide sufficient flexibility? In what circumstances would you use the s. 10 processes?

We believe that the requirements specified in s 10 are reasonable. However, we are concerned that the smaller CSPs we represent will have trouble complying due to their lack of resources and awareness. We reiterate our request from our submission made in December that greater support and guidance be provided to facilitate smaller entities being able to implement the new systems and processes.

Where an authorised representative completes one of the MFA processes under s. 9 or s. 10, would your existing systems send notifications under ss. 9(3) and ss. 10(4) to the authorised representative or the customer, noting that the draft SPD does not restrict this?

Unfortunately, we have been unable to engage with a significant number of our members regarding their existing systems due to the time limit provided for our response. However, based on some of the responses and our knowledge of our members, we believe that many of the smaller entities we represent currently do not have their systems set up to send notifications as per ss 9(3) and 10(4). Furthermore, implementing such an automated system will prove to be resource intensive for such entities.

Given the revised scope of the determination, your advice on an appropriate date commencement determination is welcomed.

Following the above, we believe that sufficient time should be allowed for businesses to build the necessary systems and adjust to new processes. Again, we emphasise that this will be resource heavy for our members who are smaller CSPs. In that respect, we believe that at least 6 months should be provided. In addition, we request greater efforts from ACMA in the form of awareness campaigns and support material to help businesses through this process.

LISTED INFRINGEMENT NOTICE PROVISIONS

IAA appreciates the opportunity to comment on the proposed inclusion of the SPD in the revised IN Declaration as per Comms Alliance's request. We oppose the inclusion of the SPD in the IN Declaration noting again as above, industry will need time to implement the changes in order to comply with the SPD. We believe that it would unreasonable to include the SPD at this stage. At the least, a transition period should be apply with the provisions clearly stating that penalties

would not apply in the interim as businesses are given the opportunity to set up the requisite systems and processes to comply with the SPD.

Once again, I would like to thank you for providing us with the opportunity to contribute to the *Draft Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 (SPD)* and *Telecommunications (Listed Infringement Notice Provisions) Declaration (IN Declaration)* and we look forward to continued collaboration with ACMA and other stakeholders in this process.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IX-Australia is a service provided by the Internet Association of Australia to Corporate and Affiliate members. It is the longest running and lowest cost Internet Exchange in Australia. Spanning six states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

IAA is also a licenced telecommunications carrier, and operates on a not-for-profit basis.

Yours faithfully,

Narelle Clark
Chief Executive Officer
Internet Association of Australia