

National standard to regulate telemarketing

Following increasing community concern about the growing number of unsolicited telemarketing calls, the Australian Government has requested ACMA to develop a national standard for the telemarketing industry as part of its Do Not Call Register Scheme.

On 11 August 2006, ACMA released a discussion paper, *Industry Standard for the Making of Telemarketing Calls*, as the first stage of development of the standard, which is intended to cover matters such as the hours in the day when telemarketers can make calls and information they must divulge about

themselves and their organisation. The discussion paper invites feedback on the content of the standard.

ACMA is responsible for the development of the national Do Not Call Register that will enable individuals with Australian fixed line and mobile numbers to elect not to receive unsolicited telemarketing calls. It will be illegal for telemarketers in Australia and overseas to contact a number listed in the register. Charities, religious organisations and certain other groups will be exempt. The register is due to be operational not later than May next year.

The telemarketing standard will apply to all telemarketers, including those who will be exempt from the general prohibition from calling numbers on the Do Not Call Register. It will cover all 'telemarketing activity' as defined in section 7 of the *Telecommunications Act 1997*, which in general means:

- any call to an Australian number that is made to market, advertise or promote goods and services
- all calls including voice calls made to conduct opinion polling and standard questionnaire-based research, and

- messages left on answering machines, pre-recorded messages and missed call marketing that is made by way of a voice call. The industry standard is an important part of the Do Not Call Register scheme that will ensure consistency in the rules governing the telemarketing industry.

The telemarketing standard discussion paper is on the ACMA website at www.acma.gov.au.donotcall. Comments closed on 8 September 2006.

DO NOT CALL REGISTER SCHEME

Under the Do Not Call Register legislation, ACMA is responsible for establishing and overseeing the operation of the register itself and for developing and setting up, in consultation with industry and consumers, national standards to establish a minimum level of conduct by telemarketers.

While responsibility for overseeing the register's operation and investigating breaches of the legislation will remain with ACMA, a suitable register operator will be selected by an open tender process. The first step in the tender process was the September release of an initial draft of its Request for Tender for industry comment. It is expected that the final Request for Tender will be released in October, with industry having approximately four weeks to respond.

ACMA will consult with industry about the level of fees to be paid for accessing the register and provision for certain exemptions from the fees.

Implementation of the Do Not Call Register scheme will be supported by an ACMA education program to raise awareness of the register and the provisions of the telemarketing standard. ACMA's communications activities will complement the strategies that the contracted register operator will be required to deliver to ensure that all persons who are obliged to use the register and all individuals that could benefit from the register are aware of it and its use.

To register for information about the Do Not Call Register Scheme, contact ACMA by email to donotcalltaskforce@acma.gov.au.

Proposal extends coverage of community radio 2RPH

Coverage of the community radio service provided by 2RPH for people who cannot access printed material would be extended by a recent ACMA proposal. The proposal follows a submission from Radio for the Print Handicapped of NSW Co-operative Ltd, 2RPH's licensee.

Under the proposal, medium power FM frequencies will be made available for 2RPH at Newcastle and Wollongong, and an additional FM low-power in-fill frequency will be available at Kings Cross in Sydney. 2RPH already broadcasts on a high-power AM frequency in Sydney (1224 kHz).

The change will mean that a reduced availability of spectrum for special event broadcasting in Sydney and Newcastle. There may also be other demand for the spectrum proposed to be made available for 2RPH.

ACMA prepares and varies licence area plans that determine the number and characteristics, including technical specifications, of broadcasting services to be available in particular areas of Australia with the use of the broadcasting services bands. The draft NSW Community Radio Licence Area Plan released in August 2006 proposes technical specifications for additional transmitters for the community radio broadcasting service 2RPH Sydney, to serve the areas of Kings Cross, Wollongong and Newcastle, and to designate a non-contiguous licence area for 2RPH, to incorporate Sydney, Newcastle and Wollongong.

These changes would rectify deficiencies in reception for 2RPH in the eastern suburbs of Sydney and make 2RPH available to a new and larger licence area that includes Newcastle and Wollongong.

ACMA proposes to transfer 1224 kHz from the Sydney radio licence area plan to a new NSW Community Radio licence area plan. This AM frequency will still be assigned to 2RPH to provide a community radio service in Sydney.

The FM channel capacity for Kings Cross and Newcastle, 100.5 MHz, has not been made available previously in any determined licence area plan. The FM frequency, 93.3 MHz that has been identified to be used for the translator for 2RPH in Wollongong was previously made available for a community radio service in the Wollongong licence area plan, determined in July 1999. As no service is being provided on this frequency, it is being removed from the Wollongong licence area plan.

The permanent use of 100.5 MHz for community radio will further limit the opportunity for special event groups to provide a service in the Sydney market, leaving only 89.5 MHz and 90.9 MHz available to provide limited coverage services and only in certain locations. The actual locations where these frequencies can be used can only be identified on a case-by-case basis. A preliminary investigation shows that 90.9 MHz is suitable for use at most of the locations accommodating major special events in the Sydney market, such as the Royal Easter Show and Ramadan.

Submissions on the draft licence area plan close on 22 September 2006. The draft plan and an explanatory paper are on the ACMA website at www.acma.gov.au (go to Latest > For Comment > Broadcasting > Draft licence area plans).