

Comments received on draft telemarketing and research calls standard

ACMA has been receiving comments on the draft industry standard establishing a minimum set of requirements for making telemarketing and research calls. The draft standard attempts to balance community and industry expectations about unsolicited telemarketing and research calls. It aims to provide greater certainty for consumers on the minimum level of behaviour they can expect from those making such calls.

A key requirement of the draft

standard is to define when calls can and cannot be made. For example, it prescribes that telemarketing calls will not be permitted after 8.00 pm on weekdays, with research calls not permitted after 8.30 pm on weekdays. No calls covered by the standard will be permitted before 9.00 am on any day, after 5.00 pm on Saturdays or at any time on Sundays or public holidays.

There is an exception to the rules where consent has been given in advance

to receive the call. Where more stringent calling hour restrictions apply under a state or territory law, then that more stringent law will continue to apply.

The standard will complement the Do Not Call Register being established under the *Do Not Call Register Act 2006* and will commence at the same time as the Do Not Call Register—no later than May 2007.

ACMA recently released a brochure to let businesses know about the Do Not

Call Register and whether the new legislation applies to them. It also outlines rules, penalties and exemptions and compliance obligations.

Comments received are being considered in finalising the standard. When it is made, the standard will be enforceable by ACMA.

The draft standard and brochure are on the ACMA website or contact ACMA on telephone 03 9963 6931.

Draft IPND access scheme released for comment

ACMA will set up and administer a scheme for access to the Integrated Public Number Database (IPND), an industry-wide database of all listed and unlisted public telephone numbers, by public number directory producers and researchers.

A draft of the Telecommunications Integrated Public Number Database Scheme 2007 has been released for comment. Under the proposed scheme, public number directory producers and researchers would be required to apply to ACMA for administrative authorisation to access the IPND.

Access to the IPND by researchers will be for specified purposes that are in the public interest, for example, health and

medical research. These purposes, and the criteria to be used by ACMA to assess applications and conditions of access to the IPND, will be specified by the minister. Both new and existing users of the IPND would be required to participate in the scheme, with special transitional arrangements for existing users.

The IPND was established in 1998 and is managed by Telstra. Access to the IPND and use of the data is currently governed by Part 13 of the *Telecommunications Act 1997*, Telstra's licence conditions and an industry code.

The proposed scheme was provided for in recent amendments to the Telecommunications Act. It will replace

the proposed IPND Industry Standard, released for comment in draft form in May 2005, which aimed to protect the contact information of telecommunications customers held in the IPND from inappropriate use or disclosure.

The IPND scheme will detail the process by which ACMA will grant authorisations to access the IPND for the purposes of publication and maintenance of a public number directory and the conduct of specified research. It will cover applications and their assessment, the period for which authorisations will be in force, notification of decisions under the scheme, imposition of conditions on the grant of authorisations and the

process for when authorisations end. Distinct, but similar processes will be in place for public number directory producers and researchers.

ACMA conducted public information sessions to explain and receive feedback on the proposed scheme in Sydney and Melbourne in February 2007. The deadline for written submissions on the draft scheme is **2 March 2007**. The draft IPND scheme and associated consultation paper are available on the ACMA website at www.acma.gov.au. For more information, contact ACMA by email to draftscheme@acma.gov.au or on telephone 03 9963 6997.

Number auction system to be improved

ACMA recently proposed amendments to the arrangements for the allocation of freephone and local rate 13, 1300 and 1800 numbers (**smartnumbers**[®]) that would introduce a cooling-off period for applicants and clarify requirements for charities. The amendments are intended to improve the efficiency of the auction system and clarify current regulatory arrangements.

The cooling-off period would allow applicants to withdraw nominations for numbers. ACMA recognises the current disadvantage faced by applicants as a

result of the inability to withdraw a participation notice that nominates a number for auction. The lengthy and costly debt recovery process undertaken by AMCA may add further costs to industry. Allowing withdrawal of nominations will make the auction process more efficient for applicants and ACMA.

Concessional arrangements for eligible charities are conditional on the charity demonstrating a 'strategic link' with the number. One way of doing this is to show that the number can form a word that

matches a word within a registered trade mark or registered business name owned by the charity. However, where a business name registration occurs for the express and only purpose of meeting this criterion, it is considered a contrivance. The proposed amendment will clarify this matter.

The proposals were outlined in a recent discussion paper, which also raised issues associated with the three-year activation rule for **smartnumbers**[®]. ACMA's preliminary view of the rule is that further regulation to prevent

hoarding of **smartnumbers**[®] is not warranted. Comments on the matters raised in the discussion paper closed on 5 February 2007.

The auction system for **smartnumbers**[®] was introduced in 2004 to provide an efficient allocation system for freephone and local rate numbers, access by the market to a large supply of numbers and to provide enhanced rights of use that could be sold or leased by the owner. Auctions are currently conducted online at www.smartnumbers.com.au.