Telecommunications Service Provider (Premium Services) Amendment Determination 2004 (No. 1)

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under subsection 99 (1) of the Telecommunications Act 1997.

Dated 12 August 2004

R HORTON
Chair

A HORSLEY
Deputy Chair

1 Name of Determination
This Determination is the Telecommunications Service Provider (Premium Services) Amendment Determination 2004 (No. 1).

2 Commencement
This Determination commences on 19 August 2004.

3 Amendment of Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1)
Schedule 1 amends the Telecommunications Service Provider (Premium Services) Determination 2004 (No. 1).
Schedule 1 Amendments

(section 3)

[1] **Subsection 3.1 (3)**

*omit*

The

*insert*

Subject to subsection (4A), the

[2] **Subsection 3.1 (4)**

*omit*

If

*insert*

Subject to subsection (4A), if


*insert*

(4A) For subsection 3.1 (3) and paragraph 3.1 (4) (b), in the case of a pre-paid customer, the carriage service provider is taken to have given the information, in writing, to the customer if the carriage service provider:

(a) delivers the information to the customer in person; or

(b) sends the information by pre-paid post to the address listed in the provider’s records for the customer; or

(c) transmits the information to the customer’s electronic mail address if the customer:

(i) has an electronic mail address; and

(ii) gives his or her consent to the sending of information by the provider to the customer at that address; or

(d) makes the information available to the customer by means such as through a website, or at a retail outlet of the provider, and advises the customer (by means of a recorded message or text message, or in writing), when the customer adds additional credit to his or her pre-paid account, how the customer can obtain the information.

(4B) For paragraph (4A) (d), the information must be available in accordance with the advice when the advice is provided.

insert

(7) If the ACA:

(a) considers that the information is not adequate for the purposes of this Determination; and

(b) gives the relevant carriage service provider a notice setting out the information that must be provided to a customer;

the relevant carriage service provider must provide information to the customer in accordance with the notice.

Note Under Part 29 of the Act, decisions of an administrative character under this Determination are subject to reconsideration by the ACA. Application may be made to the Administrative Appeals Tribunal for review of the decision if the decision is affirmed or varied on reconsideration.

(8) In this section:

pre-paid customer means a customer of a pre-paid public mobile telecommunications service, within the meaning given by section 1.5 of the Telecommunications (Service Provider — Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000.