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2002B00304

# Telecommunications Amendment Regulations 2002 (No. 3)<sup>1</sup>

Statutory Rules 2002 No. 2<sup>2</sup>

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Telecommunications Act 1997*.

Dated 27 NOV 2002 2002

PETER HOLLINGWORTH  
Governor-General

By His Excellency's Command

RICHARD ALSTON  
Minister for Communications, Information Technology and  
the Arts

**1 Name of Regulations**

These Regulations are the *Telecommunications Amendment Regulations 2002 (No. 4)*.

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**2 Commencement**

These Regulations commence on gazettal.

**3 Amendment of *Telecommunications Regulations 2001***

Schedule 1 amends the *Telecommunications Regulations 2001*.

**Schedule 1 Amendments**

(regulation 3)

**[1] After Division 3.2**

*insert*

**Division 3.3 Premium services**

**3.12 Service provider determination for premium services**

- (1) The ACA may make a determination setting out rules that apply to service providers in relation to the supply of any of the following services (a *premium service*):
- (a) a carriage service or content service using a number with a prefix starting with '190';
  - (b) a carriage service used to supply:
    - (i) a content service; or
    - (ii) another service by way of a voice call (including a call that involves a recorded or synthetic voice);
- using a number that includes an international access code;

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- (c) another carriage service or content service determined in writing by the Minister for this paragraph.
- (2) A determination mentioned in paragraph (1)(c) is a disallowable instrument for section 46A of the *Acts Interpretation Act 1901*.
- (3) The ACA's determination may deal with any of the following matters:
- (a) the terms and conditions on which premium services are offered or supplied;
  - (b) the liability of a customer in respect of the supply of premium services;
  - (c) the limitation of the liability of a customer in respect of the supply of premium services;
  - (d) the obligation of a service provider to notify customers about matters relating to premium services;
  - (e) the advertising of premium services;
  - (f) restrictions on access to premium services, or on access to a particular number used in the supply of premium services supplied using the carriage service provider's service;
  - (g) the barring of calls to premium services, or of calls to a particular number used in the supply of premium services supplied using the carriage service provider's service;
  - (h) the establishment of a registration scheme for service providers that are involved in the supply of premium services;
  - (i) the obligations of a carriage service provider in respect of premium services supplied using the carriage service provider's service;
  - (j) the prohibition or restriction of the imposition or collection of charges relating to the supply of carriage services or other services used in the supply of premium services;
  - (k) the issue of bills or accounts relating to the supply of carriage services or other services used in the supply of premium services;

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- (l) a matter relating to the supply of premium services used to access an Internet service;
  - (m) any other matter that the ACA considers necessary or convenient to:
    - (i) protect the interests of customers and other consumers in relation to the supply of premium services; or
    - (ii) give effect to a matter specified in paragraphs (a) to (l).
  - (4) The ACA's determination may provide that a requirement in the determination does not apply to a carriage service provider if the carriage service provider establishes:
    - (a) that it did not know that it was contravening the requirement; and
    - (b) that it could not, with reasonable diligence, have ascertained that it was contravening the requirement.

**[2] Paragraph 5.1 (b)**

*substitute*

- (b) the Crime and Misconduct Commission established by the *Crime and Misconduct Act 2001* of Queensland;

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**Notes**

- 1. These Regulations amend Statutory Rules 2001 No. 65, as amended by 2001 No. 338; 2002 Nos. 99 and 203.
- 2. Notified in the *Commonwealth of Australia Gazette* on *L* 2002. *4 December*