



Telecommunications (International Mobile Roaming) Industry Standard Variation 2016 (No. 1)

Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this instrument under subsection 125AA(1) of the *Telecommunications Act 1997*.

Dated 2 May 2016

Richard Bean

[signed]

Member

James Cameron

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Instrument

This Instrument is the *Telecommunications (International Mobile Roaming) Industry Standard Variation 2016 (No. 1)*.

2 Commencement

This Instrument commences on the day after it is registered.

Note: All legislative instruments are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See <http://www.legislation.gov.au>.

3 Amendment of the *Telecommunications (International Mobile Roaming) Industry Standard 2013*

Schedule 1 amends the *Telecommunications (International Mobile Roaming) Industry Standard 2013* [F2013L01301].

Schedule 1 Amendments

[1] Clause 3

After the definition of “spend management tool”, insert a new definition:

standard form customer contract means a standard form of agreement which is formulated by a CSP for the purposes of section 479 of the Act.

[2] Paragraph 5(1)(c)

Delete the following text:

“, which may be the same message as the message given in compliance with paragraph (b),”

[3] After subclause 5(1)

Insert a new subclause

(1A) The SMS messages referred to in paragraphs (1)(a), (b) and (c) may be combined into one or more SMS messages.

[4] Subclause 6(1)

Omit “23 May 2016” (wherever occurring), substitute “1 January 2019”

[5] Subclause 8(1)

Omit the subclause and the notes that follow, substitute:

(1) A CSP must make available at least one method by which a customer of that CSP may decline the continued supply of IMR services at any time while travelling overseas.

Note: Customers must be provided with information about the method or methods available – see paragraph 5(1)(c), subparagraph 6(2)(b)(v), and paragraph 6(3)(b).

[6] After subclause 8(4)

Insert two new subclauses:

(5) If a customer chooses to decline the continued supply of IMR services by a method other than the methods referred to in subclauses (3) and (4), the CSP may not charge more than a nominal fee to do so.

-
- (6) Any method provided by a CSP under subclause (1) must be reasonably accessible to its customers.

[7] After subclause 9(3)

Following the note to subclause 9(3), insert four new subclauses:

- (3A) A CSP which supplies IMR services to a customer may make available methods for customers to elect to decline to receive the notifications described in paragraphs (3)(a), (b) and (c).
- (3B) A CSP must not allow customers to elect to use a method referred to in subclause (3A) by way of accepting a term or condition of a standard form customer contract or the default terms and conditions associated with the purchase of an included value pack.
- (3C) If a customer elects not to receive the notifications described in paragraphs 3(a), (b) and (c), the CSP must:
- (a) send an acknowledgement to the customer via SMS, advising the customer that the customer may request to receive the notifications again at any time; and
 - (b) implement any such request as soon as is reasonably practicable, at no cost to the customer.
- (3D) A CSP that makes available methods for customers to elect to decline to receive the notifications described in paragraphs (3)(a), (b) and (c) must also make available methods for customers to quickly and easily establish whether they have currently elected to decline to receive those notifications.

[8] Subclause 9(9)

Omit “23 May 2016”, substitute “1 January 2019”.