



Telecommunications Regulations 2021

made under the

Telecommunications Act 1997

Compilation No. 2

Compilation date: 12 October 2022

Includes amendments up to: F2022L01333

Registered: 12 October 2022

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Telecommunications Regulations 2021* that shows the text of the law as amended and in force on 12 October 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1 Name.....	1
3 Authority.....	1
5 Definitions	1
6 Meaning of <i>permitted research</i>	4
Part 2—Service provider determinations	5
7 Purpose of this Part	5
8 Prepaid mobile carriage services.....	5
9 Premium services.....	6
10 Fixed or mobile voice or data carriage services	7
11 Information relating to the telecommunications industry.....	7
Part 3—Industry codes and industry standards	9
12 Industry codes and industry standards not to deal with certain design features and performance requirements—exception relating to the unconditioned local loop service	9
13 Industry codes and industry standards not to deal with certain design features and performance requirements—exception relating to next-generation broadband services.....	9
Part 3A—Local access lines	11
13A Supply of eligible services to be on wholesale basis—class exemptions	11
Part 4—Protection of communications	12
Division 1—Exceptions to primary disclosure/use offences	12
14 Disclosures to a National Relay Service provider	12
15 Disclosures of unlisted mobile number information to authorised research entity	12
15A Disclosures to financial services entities for the purpose of cyber security etc.	12
15B Disclosures to government entities for the purpose of cyber security etc.	16
16 Disclosures by emergency call persons—research about emergency service numbers.....	18
Division 2—Research authorisations	19
Subdivision A—Introduction	19
17 Simplified outline of this Division.....	19
Subdivision B—Application for, and grant of, research authorisations	19
18 Applying for research authorisations	19
19 ACMA may request further information.....	20
20 ACMA may consult.....	20
21 Research authorisations.....	20
22 Content of research authorisations	21
23 Notice relating to research authorisations	22
24 Period of research authorisations	22
Subdivision C—Authorisation conditions	22
25 Authorisation conditions.....	22
26 Receipt of authorised unlisted mobile number information	23
27 Use and disclosure of authorised unlisted mobile number information	23
28 Covered by the Privacy Act	23

29	Compliance with the Privacy Act	23
30	Contacting persons for authorised research.....	24
31	Disclosure of research information	25
32	Technical system for receiving authorised unlisted mobile number information	26
33	Compliance with the Act.....	26
34	Employees of the authorised research entity	26
35	Contravention of authorisation conditions	26
	Subdivision D—Changes to authorisations	27
36	Changes made by the ACMA	27
	Subdivision E—Removal of authorised research entities	27
37	Effect of removal	27
38	Removal of authorised research entities—contravention of research authorisation	28
39	Voluntary removal of authorised research entities.....	29
40	No use or disclosure of authorised unlisted mobile number information by former authorised research entities	29
41	Use or disclosure of research information after end of research authorisation etc.....	30
	Subdivision F—Review of decisions	31
42	Decisions that may be subject to reconsideration by the ACMA	31
43	Reconsideration by the ACMA	31
44	Deadlines for reconsiderations	31
45	Review by the Administrative Appeals Tribunal	32
	Subdivision G—Offences	32
46	Offence of contravening a condition etc.	32
	Part 5—Standard agreements for the supply of carriage services	33
47	Supply of specified kinds of carriage services	33
48	Supply of specified kinds of ancillary goods	33
49	Supply of specified kinds of ancillary services	33
	Part 6—Carriers’ powers and immunities	34
50	Listed international agreements	34
51	Designated overhead line	36
	Part 7—Application, saving and transitional provisions	37
	Division 1—Provisions for this instrument as originally made	37
52	Definitions	37
53	Things done under the old regulations	37
54	Conduct, event, circumstances occurring before commencement.....	37
55	Service provider determinations	37
56	Industry codes and industry standards	37
57	Research authorisations.....	38
58	Infringement notices	39

Endnotes	40
Endnote 1—About the endnotes	40
Endnote 2—Abbreviation key	41
Endnote 3—Legislation history	42
Endnote 4—Amendment history	43

Part 1—Preliminary

1 Name

This instrument is the *Telecommunications Regulations 2021*.

3 Authority

This instrument is made under the *Telecommunications Act 1997*.

5 Definitions

In this instrument:

Act means the *Telecommunications Act 1997*.

Australian Parliament means the Parliament of the Commonwealth, a Parliament of a State or a Legislative Assembly of a Territory.

authorised law enforcement officer means an authorised officer (within the meaning of the *Telecommunications (Interception and Access) Act 1979*) of a criminal law-enforcement agency (within the meaning of that Act).

authorised research, under a research authorisation, means a kind or kinds of permitted research to which the authorisation applies (see paragraph 22(2)(b)).

authorised research entity: see paragraph 22(2)(a).

authorised unlisted mobile number information, in relation to an authorised research entity, means unlisted mobile number information to which the research authorisation covering the entity applies.

breach:

- (a) in relation to an Australian Privacy Principle, has the meaning given by section 6A of the *Privacy Act 1988*; and
- (b) in relation to a registered APP code, has the meaning given by section 6B of that Act.

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

contacted person: see subsection 30(2).

covered by the Privacy Act: the following are *covered by the Privacy Act*:

- (a) an organisation within the meaning of the *Privacy Act 1988*;
- (b) a small business operator (within the meaning of that Act) that has chosen to be treated as an organisation under section 6EA of that Act.

Section 5

de-identified: research information in relation to a contacted person is **de-identified** if the information:

- (a) does not identify, or no longer identifies, the contacted person; and
- (b) is not reasonably capable, or is no longer reasonably capable, of being used to identify the contacted person.

electoral matter means a matter which is intended or likely to affect voting in:

- (a) an election to an Australian Parliament or to a local government authority; or
- (b) a referendum under a law of the Commonwealth or a law of a State or Territory.

former authorised research entity: see paragraph 40(2)(a).

identifying number of a government document:

- (a) means the unique identifying number of a document that is issued by the Commonwealth or a State or Territory (such as a driver licence, Medicare card or passport); but
- (b) does not include:
 - (i) a receipt number or transaction number (such as a transaction number issued by the national Document Verification Service); or
 - (ii) an Australian Business Number, Australian Company Number or Australian Registered Body Number.

integrated public number database means the database maintained by Telstra as mentioned in Part 4 of Schedule 2 to the Act.

IPND Scheme authorisation means an authorisation granted under the integrated public number database scheme.

legacy service: see subsection 13(3).

local government authority means a body established for the purposes of local government by or under a law of a State or a Territory.

mobile carriage service provider means:

- (a) a carriage service provider who supplies a customer with a public mobile telecommunications service; or
- (b) a carriage service intermediary who arranges for the supply by a carriage service provider to a customer of a public mobile telecommunications service.

National Relay Service has the same meaning as in the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

next-generation broadband service: see subsection 13(2).

permitted research: see section 6.

personal information has the same meaning as in the *Privacy Act 1988*.

political representative means:

- (a) a member of an Australian Parliament; or
- (b) a councillor (however described) of a local government authority.

post-paid carriage service: see subsection 8(3).

premium content service: a content service is a **premium content service** if a charge for the supply of the service is:

- (a) expected to be included in a bill sent to a customer of a mobile carriage service provider by or on behalf of that provider; or
- (b) payable by a customer of a mobile carriage service provider to that provider or any person acting on behalf of that provider:
 - (i) in advance; or
 - (ii) in any other manner.

premium service: see subsection 9(2).

prepaid mobile carriage service: see subsection 8(2).

proprietary network means a telecommunications network used by a mobile carriage service provider that enables end-users to access a premium content service by way of a mobile device where the service is not otherwise generally available.

public number has the same meaning as in section 472 of the Act.

registered APP code has the same meaning as in the *Privacy Act 1988*.

registered political party has the same meaning as in the *Commonwealth Electoral Act 1918*.

research authorisation means an authorisation granted under subsection 21(1).

research employee, in relation to an authorised research entity, means an individual employed or engaged by the entity to conduct authorised research under a research authorisation.

research entity: see subsection 18(2).

research information, in relation to a contacted person, means any information obtained from the person when the person is contacted by an authorised research entity for the purposes of authorised research under a research authorisation.

service provider determination has the same meaning as in section 99 of the Act.

unconditioned local loop service: see subsection 12(2).

unlisted mobile number information: information is **unlisted mobile number information** if:

- (a) the information is contained in the integrated public number database; and
- (b) the information relates to a person's mobile number that:
 - (i) is unlisted; and

Section 6

- (ii) the database indicates is not used for government, business or charitable purposes; and
- (c) the information consists only of either or both of the following:
 - (i) the number;
 - (ii) the postcode of the person's address.

6 Meaning of *permitted research*

- (1) Research is *permitted research* if one or more of the following apply:
 - (a) the research is relevant to public health, including epidemiological research;
 - (b) the research relates to an electoral matter and is conducted by or for:
 - (i) a registered political party; or
 - (ii) a political representative; or
 - (iii) a candidate in an election for an Australian Parliament or a local government authority;
 - (c) the research will contribute to the development of public policy and is conducted by or for the Commonwealth or a Commonwealth entity.
- (2) Despite subsection (1), research is not *permitted research* if:
 - (a) in the case of a research entity conducting research on its own behalf—the research is conducted for a primarily commercial purpose; or
 - (b) in the case of a research entity conducting research for another person or body—the research entity is conducting the research for a primarily commercial purpose of the other person or body.

Part 2—Service provider determinations

7 Purpose of this Part

For the purposes of subsection 99(3) of the Act, this Part specifies matters in relation to which the ACMA may make a service provider determination.

8 Prepaid mobile carriage services

- (1) A service provider determination in relation to the supply of prepaid mobile carriage services may relate to the following matters:
 - (a) verifying the identity of a customer who a carriage service provider supplies with a prepaid mobile carriage service, including by doing any of the following:
 - (i) obtaining from the customer the minimum amount of information that is reasonably necessary to identify the customer;
 - (ii) using the national Document Verification Service, or a similar service, to check whether a document produced by the customer as evidence of identity is authentic, accurate and up-to-date;
 - (iii) finding out what other carriage services (if any) are supplied to the customer;
 - (b) obtaining from the customer information about what the customer proposes to use the prepaid mobile carriage service for (such as residential, business, government or charitable use);
 - (c) recording and keeping:
 - (i) information that is obtained under paragraph (a), including the type of document produced as evidence of identity, but not including the identifying number of a government document; and
 - (ii) information that is obtained under paragraph (b); and
 - (iii) information that the carriage service provider possesses about the supply of the prepaid mobile carriage service to the customer (such as any public number issued in connection with the carriage service and the name of the carriage service provider);
 - (d) destroying information that is recorded under paragraph (c) if the destruction is reasonable, including destruction when the information is no longer required by the carriage service provider;
 - (e) preventing the use of a prepaid mobile carriage service if:
 - (i) a customer fails to verify the customer's identity, including by giving false or misleading information; or
 - (ii) an authorised law enforcement officer gives the carriage service provider a written request to prevent a person using a prepaid mobile carriage service that states that action is necessary for a purpose mentioned in subsection 313(3) or (4) of the Act;
 - (f) advising customers of the effect of the service provider determination.

Section 9

Note: A service provider determination may limit the circumstances in which rules set out in the determination apply to service providers: see subsection 99(1) of the Act.

- (2) A carriage service is a ***prepaid mobile carriage service*** if:
- (a) it is a public mobile telecommunications service used in connection with a number specified in the numbering plan for use in connection with the supply of carriage services to the public in Australia; and
 - (b) payment for the supply of the service must be made before the service is used, unless the supplier of the service does not require payment for the initial supply of the service; and
 - (c) it is not a post-paid carriage service.
- (3) A carriage service supplied by a carriage service provider is a ***post-paid carriage service*** if:
- (a) the service may be used fully or in part before payment for the supply of the service is made; and
 - (b) the person to whom the service is supplied has arranged with the carriage service provider to pay an amount notified in an invoice issued by the carriage service provider, or instalments of fixed amounts at regular intervals, for the supply of the service.

9 Premium services

- (1) A service provider determination in relation to the supply of premium services may relate to 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 a 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 a 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;
- (l) a matter relating to the supply of premium services used to access an internet service.

Note: A service provider determination may limit the circumstances in which rules set out in the determination apply to service providers: see subsection 99(1) of the Act.

- (2) A **premium service** is any of the following services:
 - (a) a carriage service or content service using a number with a prefix starting with 190, 191, 193, 194, 195, 196, 197 or 199;
 - (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 access code that is, in the numbering plan, specified for use with an international service, international direct dial service or international ring back price service;
 - (c) a public mobile telecommunications service that enables an end-user to access a proprietary network.

10 Fixed or mobile voice or data carriage services

- (1) A service provider determination may relate to the interests that customers (including prospective customers) of service providers have in relation to the supply of any of the following carriage services:
 - (a) a standard telephone service;
 - (b) a public mobile telecommunications service;
 - (c) a carriage service that enables customers to access the internet.

Note: A service provider determination may limit the circumstances in which rules set out in the determination apply to service providers: see subsection 99(1) of the Act.

- (2) Without limiting subsection (1), a service provider determination made in relation to the matters specified in that subsection may include rules about the following:
 - (a) advertising, marketing or promoting services to customers;
 - (b) notifying potential or existing customers about:
 - (i) the types of services that are available; or
 - (ii) the terms on which the services are available, including the price of the services;
 - (c) enabling a customer to monitor the amount of charges that the customer is accumulating for the services provided;
 - (d) disconnecting a customer's services;
 - (e) dealing with a customer's complaint about services.

11 Information relating to the telecommunications industry

A service provider determination may relate to the following matters:

Section 11

- (a) information relating to the telecommunications industry that a carriage service provider must publish or distribute;
- (b) the way in which a carriage service provider must publish or distribute such information.

Note: A service provider determination may limit the circumstances in which rules set out in the determination apply to service providers: see subsection 99(1) of the Act.

Part 3—Industry codes and industry standards

12 Industry codes and industry standards not to deal with certain design features and performance requirements—exception relating to the unconditioned local loop service

- (1) For the purposes of subparagraphs 115(2)(a)(iii) and (b)(iii) of the Act, the following matters are specified:
 - (a) interference between telecommunications systems that are operated using the unconditioned local loop service;
 - (b) the health and safety of a person operating or working on a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service;
 - (c) the integrity of a telecommunications network or a facility that incorporates, or is used with, the unconditioned local loop service.
- (2) The *unconditioned local loop service* is the service of that name declared by the ACCC under subsection 152AL(3) of the *Competition and Consumer Act 2010* to be a declared service.

13 Industry codes and industry standards not to deal with certain design features and performance requirements—exception relating to next-generation broadband services

- (1) For the purposes of subparagraphs 115(2)(a)(iii) and (b)(iii) of the Act, the following matters are specified:
 - (a) interference between telecommunications systems being operated to supply any of the following:
 - (i) next-generation broadband services;
 - (ii) legacy services;
 - (iii) any other carriage services supplied over twisted pair cables;
 - (b) the health and safety of a person operating or working on customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service;
 - (c) the integrity of customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service.
- (2) A *next-generation broadband service* is any of the following services:
 - (a) VDSL (very high-speed digital subscriber line);
 - (b) VDSL2;
 - (c) VDSL2 with vectoring;
 - (d) G.fast;
 - (e) a service that uses a successor technology to any other next-generation broadband service.

Section 13

- (3) A **legacy service** is any of the following services:
- (a) PSTN (public switched telephone network);
 - (b) ADSL (asymmetric digital subscriber line);
 - (c) ADSL2;
 - (d) ADSL2+;
 - (e) SHDSL (single pair high-speed digital subscriber line);
 - (f) ISDN (integrated services digital network);
 - (g) another service (other than VDSL) covered by the Communications Alliance Industry Code C559:2012 “Unconditioned Local Loop Service (ULLS) Network Deployment”, as registered by the ACMA on 16 May 2012 under section 117 of the Act.

Part 3A—Local access lines

13A Supply of eligible services to be on wholesale basis—class exemptions

For the purposes of the following provisions of the Act, the higher number of 12,000 is specified:

- (a) subparagraph 143A(1)(d)(ii);
- (b) subparagraph 143A(1)(e)(ii);
- (c) subparagraph 143A(2)(d)(ii);
- (d) subparagraph 143A(2)(e)(ii).

Part 4—Protection of communications

Division 1—Exceptions to primary disclosure/use offences

14 Disclosures to a National Relay Service provider

- (1) For the purposes of subsection 292(1) of the Act, this section specifies circumstances in which section 276 of the Act does not prohibit a disclosure or use of information or a document.
- (2) Section 276 of the Act does not prohibit the disclosure or use of information or a document if:
 - (a) the information or document is disclosed by or on behalf of a carrier or carriage service provider; and
 - (b) the information or document is disclosed to a person (the *NRS provider*) who provides the whole, or a part of, the National Relay Service; and
 - (c) the information or document relates to the use of the National Relay Service by another person; and
 - (d) the disclosure or use of the information or document is for the purpose of, or connected with, the supply, or proposed supply, of the National Relay Service to that other person by the NRS provider.

15 Disclosures of unlisted mobile number information to authorised research entity

- (1) For the purposes of subsection 292(1) of the Act, this section specifies circumstances in which section 276 of the Act does not prohibit a disclosure or use of information or a document.
- (2) Section 276 of the Act does not prohibit the disclosure or use of information or a document if:
 - (a) the information or document is disclosed by Telstra to an authorised research entity; and
 - (b) the information is, or the document consists of, authorised unlisted mobile number information.

15A Disclosures to financial services entities for the purpose of cyber security etc.

- (1) For the purposes of subsection 292(1) of the Act, this section specifies circumstances in which section 276 of the Act does not prohibit a disclosure of information or a document.

Specified circumstances

- (2) Section 276 of the Act does not prohibit the disclosure of information or a document if the information or document is disclosed to a financial services

entity by or on behalf of a carrier or carriage service provider and all of the following paragraphs are satisfied:

- (a) the information is specified information, or the document is a specified document, in relation to the carrier or carriage service provider;
- (b) the carrier or carriage service provider has received a written request from an officer of the financial services entity for the specified information or the specified document;
- (c) the request states that the information or document is required by the financial services entity for the sole purpose of enabling the entity:
 - (i) to take steps to prevent a cyber security incident, fraud, scam activity or identity theft; or
 - (ii) to take steps to respond to a cyber security incident, fraud, scam activity or identity theft; or
 - (iii) to take steps to respond to the consequences of a cyber security incident, fraud, scam activity or identity theft; or
 - (iv) to take steps to address malicious cyber activity;
- (d) the request states that, in the opinion of the officer, the disclosure of the information or document is necessary and proportionate to deal with the cyber security incident, fraud, scam activity, identity theft or cyber activity mentioned in paragraph (c);
- (e) before the information or document is disclosed, the carrier or carriage service provider has been notified, in writing, by the ACCC that the financial services entity has given the ACCC a written commitment (on terms acceptable to the ACCC) that:
 - (i) the entity will only share the information or document with an associate to the extent that this is necessary for a purpose mentioned in paragraph (c); and
 - (ii) if the entity is a body mentioned in paragraph (c) of the definition of **financial services entity** in subsection (6)—the entity will only share the information or document with another financial services entity to the extent that this is necessary for a purpose mentioned in paragraph (c) of this subsection; and
 - (iii) if the entity is a body mentioned in paragraph (a) or (b) of the definition of **financial services entity** in subsection (6)—the entity will not share the information or document with any other third party; and
 - (iv) the entity will only access, use or disclose the information or document for a purpose mentioned in paragraph (c) of this subsection and only in accordance with the requirements of the *Privacy Act 1988*; and
 - (v) the entity will store the information or document in a manner that prevents unauthorised access, disclosure or loss; and
 - (vi) unless the information or document is sooner destroyed as mentioned in subparagraph (vii)—the entity will review its need to retain the information or document at least once every 12 months; and

Section 15A

- (vii) the entity will destroy the information or document once it is no longer required for a purpose mentioned in paragraph (c); and
- (viii) the entity has appropriate written procedures to ensure that the information or document is handled in accordance with the requirements set out or referred to in this paragraph; and
- (ix) the entity will obtain a written commitment in the same terms as that set out in this paragraph from an associate (other than an employee of the entity) before sharing the information or document with that associate in accordance with subparagraph (i); and
- (x) the entity will obtain a written commitment in the same terms as that set out in this paragraph from another financial services entity before sharing the information or document with that other entity in accordance with subparagraph (ii);
- (f) the information or document is disclosed:
 - (i) unless subparagraph (ii) applies—in a secure and trusted manner; or
 - (ii) if the Minister has approved a secure and trusted manner for the purposes of this subparagraph—in the manner approved by the Minister;
- (g) if the financial services entity is a body mentioned in paragraph (a) or (b) of the definition of **financial services entity** in subsection (6)—an authorised officer of the entity has given APRA an attestation that the entity meets, and will continue to meet, the principles and requirements of *Prudential Standard CPS 234 - Information Security*, as in force from time to time, in relation to the information or document.

Minister may approve manner in which information or documents to be disclosed

- (3) For the purposes of subparagraph (2)(f)(ii), the Minister may, in writing, approve the manner in which a carrier or carriage service provider discloses information or a document.

Minister may approve a financial services entity

- (4) The Minister may, in writing, approve a body for the purposes of paragraph (c) of the definition of **financial services entity** in subsection (6), but only if the body is a body that provides services that:
 - (a) either:
 - (i) are directly related to, or support, the provision of services by one or more bodies mentioned in paragraph (a) or (b) of the definition of **financial services entity** in subsection (6); or
 - (ii) are directly related to, or support, the provision of services to one or more bodies mentioned in paragraph (a) or (b) of the definition of **financial services entity** in subsection (6); and
 - (b) are directly related to, or support, a purpose mentioned in paragraph (2)(c).

Minister may specify information

- (5) The Minister may, by notifiable instrument, specify one or more kinds of information for the purposes of the following:
- (a) paragraph (b) of the definition of **specified document** in subsection (6);
 - (b) paragraph (b) of the definition of **specified information** in subsection (6).

Definitions

- (6) In this section:

ADI means an authorised deposit-taking institution within the meaning of the *Banking Act 1959*, other than a foreign ADI (within the meaning of that Act).

associate, of an entity (within the meaning of section 64A of the *Corporations Act 2001*), means any of the following:

- (a) an employee of the entity;
- (b) if the entity is a body corporate:
 - (i) a related body corporate (within the meaning of the *Corporations Act 2001*) of the entity; and
 - (ii) an employee of the related body corporate;
- (c) a contractor of the entity.

cyber security incident has the same meaning as in the *Security of Critical Infrastructure Act 2018*.

financial services entity means:

- (a) an ADI; or
- (b) a body mentioned in paragraph (b), (c), (e), (ea) or (f) of the definition of **body regulated by APRA** in subsection 3(2) of the *Australian Prudential Regulation Authority Act 1998*; or
- (c) a body approved by the Minister for the purposes of this paragraph.

officer, in relation to a financial services entity, means:

- (a) a director or secretary of the entity; or
- (b) a person:
 - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the entity; or
 - (ii) who has the capacity to affect significantly the entity's financial standing; or
 - (iii) in accordance with whose instructions or wishes the directors of the entity are accustomed to act.

specified document, in relation to a carrier or carriage service provider, means a document that only includes one or both of the following:

- (a) the government related identifiers (within the meaning of the *Privacy Act 1988*) of one or more individuals who are, or were, customers of the carrier or carriage service provider;

Section 15B

- (b) information of a kind specified for the purposes of this paragraph by the Minister in a notifiable instrument, being personal information (within the meaning of the *Privacy Act 1988*) about one or more individuals who are, or were, customers of the carrier or carriage service provider.

specified information, in relation to a carrier or carriage service provider, means any of the following:

- (a) the government related identifiers (within the meaning of the *Privacy Act 1988*) of one or more individuals who are, or were, customers of the carrier or carriage service provider;
- (b) information of a kind specified for the purposes of this paragraph by the Minister in a notifiable instrument, being personal information (within the meaning of the *Privacy Act 1988*) about one or more individuals who are, or were, customers of the carrier or carriage service provider.

Application

- (7) This section applies to information or a document, whether the information or document was in the possession of a carrier or carriage service provider before, on or after the commencement of this section.

Sunset of this section

- (8) This section is repealed at the start of the day after the end of the period of 12 months starting on the day this section commences.

15B Disclosures to government entities for the purpose of cyber security etc.

- (1) For the purposes of subsection 292(1) of the Act, this section specifies circumstances in which section 276 of the Act does not prohibit a disclosure of information or a document.

Specified circumstances

- (2) Section 276 of the Act does not prohibit the disclosure of information or a document if the information or document is disclosed to a Commonwealth entity or State authority by or on behalf of a carrier or carriage service provider and all of the following paragraphs are satisfied:
 - (a) the carrier or carriage service provider has received a written request from an official of the Commonwealth entity or State authority for the information or the document;
 - (b) the request states that the information or document is required by the Commonwealth entity or State authority for the sole purpose of enabling the Commonwealth entity or State authority:
 - (i) to take steps to prevent a cyber security incident, fraud, scam activity or identity theft; or
 - (ii) to take steps to respond to a cyber security incident, fraud, scam activity or identity theft; or

- (iii) to take steps to respond to the consequences of a cyber security incident, fraud, scam activity or identity theft; or
- (iv) to take steps to address malicious cyber activity;
- (c) the request states that, in the opinion of the official, the disclosure of the information or document is necessary and proportionate to deal with the purpose mentioned in paragraph (b) for which the information or document is required;
- (d) the information is any of, or the document only includes one or both of, the following:
 - (i) the government related identifiers (within the meaning of the *Privacy Act 1988*) of one or more individuals who are, or were, customers of the carrier or carriage service provider;
 - (ii) information of a kind specified for the purposes of this subparagraph by the Minister in a notifiable instrument, being personal information (within the meaning of the *Privacy Act 1988*) about one or more individuals who are, or were, customers of the carrier or carriage service provider;
- (e) the information or document is disclosed in a secure and trusted manner.

Note: Nothing in this subsection limits the carrier's, or carriage service provider's, obligations under subsection 313(3) of the Act to help officers and authorities of the Commonwealth and of the States and Territories.

Minister may specify information

- (3) The Minister may, by notifiable instrument, specify one or more kinds of information for the purposes of subparagraph (2)(d)(ii).

Note: The notifiable instrument could be in the same document as a notifiable instrument made for the purposes of subsection 15A(5).

Definitions

- (4) In this section:

Commonwealth entity has the meaning given by the *Public Governance, Performance and Accountability Act 2013*.

cyber security incident has the same meaning as in the *Security of Critical Infrastructure Act 2018*.

official, in relation to a Commonwealth entity or State authority, means:

- (a) the head (however described) of the Commonwealth entity or State authority; or
- (b) a member or acting member of the Commonwealth entity or State authority; or
- (c) a member of the staff of the Commonwealth entity or State authority; or
- (d) an officer or employee of the Commonwealth entity or State authority.

State authority has the same meaning as in the *Intelligence Services Act 2001*.

Section 16

Application

- (5) This section applies to information or a document, whether the information or document was in the possession of a carrier or carriage service provider before, on or after the commencement of this section.

Sunset of this section

- (6) This section is repealed at the start of the day after the end of the period of 12 months starting on the day this section commences.

16 Disclosures by emergency call persons—research about emergency service numbers

- (1) For the purposes of subsection 292(3) of the Act, this section specifies circumstances in which section 278 of the Act does not prohibit a disclosure or use of information or a document.
- (2) Section 278 of the Act does not prohibit the disclosure or use of information or a document if:
- (a) the information or document is disclosed by an emergency call person; and
 - (b) the information or document is disclosed to a person (the *researcher*) who is engaged by the ACMA to conduct research, of a kind specified by the ACMA, into the way in which emergency service numbers are dialled or used; and
 - (c) the information or document is disclosed solely for the purpose of allowing the researcher to conduct the research; and
 - (d) the ACMA and the researcher have agreed in writing that:
 - (i) the research for which the researcher is engaged is to be finished not later than 12 months after the researcher starts the research; and
 - (ii) the researcher will not disclose or use any information or document that is disclosed to the researcher under this subsection except for the purpose of conducting the research.
- (3) Subsection (2) does not authorise the disclosure or use of information or a document more than 12 months after the researcher starts the research.

Division 2—Research authorisations

Subdivision A—Introduction

17 Simplified outline of this Division

Telstra can disclose unlisted mobile number information to an authorised research entity (section 15).

An authorised research entity is a person covered by a research authorisation granted by the ACMA under this Division. A research authorisation may cover more than one authorised research entity.

Before the research authorisation is granted, the ACMA must be satisfied, among other things, that each research entity sought to be authorised will use the unlisted mobile number information for certain kinds of research. The research authorisation starts on the first day Telstra provides unlisted mobile number information to an authorised research entity and ends at the end of the period specified in the authorisation (which can be no longer than 12 months).

An authorised research entity must comply with the conditions set out in Subdivision C and any further conditions specified by the ACMA. Failure to comply with these conditions may lead to the authorised research entity being removed from the authorisation by the ACMA and will be considered by the ACMA if the entity is specified in an application for another research authorisation. A contravention of a condition is an offence (see section 46).

After a research authorisation comes to an end, or if a research entity is removed from an authorisation, an authorised research entity must comply with the requirements of sections 40 and 41 in relation to the unlisted mobile number information and research information the entity has received. Failure to comply with those sections will be considered by the ACMA if the entity is specified in an application for another research authorisation. A contravention of section 40 or 41 is an offence (see section 46).

Subdivision B—Application for, and grant of, research authorisations

18 Applying for research authorisations

- (1) A person may apply to the ACMA for a research authorisation to cover that person and any other persons specified in the application.
- (2) The applicant for the authorisation, and each other person to be covered by the authorisation, is a *research entity*.
- (3) The application must:
 - (a) be in writing; and

Section 19

- (b) specify:
 - (i) each research entity to be covered by the authorisation; and
 - (ii) the kind or kinds of unlisted mobile number information being sought; and
 - (iii) the kind or kinds of research for which the unlisted mobile number information is sought and the reasons why that information is sought; and
- (c) be accompanied by:
 - (i) the charge (if any) for the application fixed by a determination under section 60 of the *Australian Communications and Media Authority Act 2005*; and
 - (ii) a completed privacy impact assessment.

19 ACMA may request further information

- (1) The ACMA may, in writing, request a research entity specified in an application for a research authorisation to give the ACMA further information within 90 days after the request is made.
- (2) The request must state the effect of subsection (3).
- (3) If the entity does not provide the information within 90 days, the ACMA may treat the application as if it did not specify the entity.

20 ACMA may consult

Before granting a research authorisation, the ACMA may consult any person or body the ACMA considers appropriate.

21 Research authorisations

Grant of research authorisation

- (1) On an application for a research authorisation in accordance with section 18, the ACMA must grant the authorisation if the ACMA is reasonably satisfied that:
 - (a) the kind or kinds of research proposed to be covered by the authorisation is permitted research; and
 - (b) each research entity will comply with the conditions of the authorisation (including any additional conditions specified by the ACMA under subsection 22(4)); and
 - (c) sections 40 and 41 will be complied with by each research entity if the authorisation ends or the entity is removed from the authorisation.

Note: If the ACMA decides not to grant the authorisation, a research entity, or any other person affected by the decision, may request the ACMA to reconsider its decision (see section 42).

Matters to consider in granting research authorisation

- (2) In determining whether a research entity will comply with the conditions of the authorisation, the ACMA must have regard to the following:
 - (a) the practices, procedures, processes and systems the entity has in place, or intends to put in place, to comply with the conditions of the authorisation;
 - (b) if the entity has previously been covered by a research authorisation—the extent to which the entity has complied with, or is complying with, the conditions of that authorisation;
 - (c) if the entity has been granted an IPND Scheme authorisation—the extent to which the entity has complied with, or is complying with, the conditions of that authorisation;
 - (d) the extent to which the entity’s collection, use and disclosure of personal information has complied with, or is consistent with, the *Privacy Act 1988* (whether or not that Act applies to the entity).
- (3) In determining whether paragraph (1)(c) is satisfied, if the research entity has previously been covered by a research authorisation, the ACMA must have regard to the extent to which the entity complied with section 40 or 41 after that authorisation ended or the entity was removed from that authorisation.
- (4) Subsections (2) and (3) do not limit the matters that the ACMA may have regard to.

Deemed refusal to grant research authorisation

- (5) For the purposes of Subdivision F (review of decisions), if the ACMA does not make a decision on the application under subsection (1) within the period covered by subsection (6), the ACMA is taken to have decided not to grant the authorisation.
- (6) The period covered by this subsection is the period that ends at the later of:
 - (a) 90 days after receiving the application; or
 - (b) if the ACMA has, within those 90 days, given any research entity a written request for further information under subsection 19(1)—90 days after the end of the period for compliance with the last request made under that subsection.

22 Content of research authorisations

- (1) A research authorisation must be granted in writing.
- (2) The authorisation must specify the following:
 - (a) each research entity (an **authorised research entity**) covered by the authorisation;
 - (b) the kind or kinds of permitted research to which the authorisation applies;
 - (c) the kind or kinds of unlisted mobile number information that may be disclosed to an authorised research entity.
- (3) The authorisation must specify a period that the authorisation is in effect which:

Section 23

- (a) starts on the day Telstra first discloses authorised unlisted mobile number information to an authorised research entity covered by the authorisation; and
 - (b) ends no later than 12 months afterwards.
- (4) The authorisation may specify conditions additional to those specified in Subdivision C to which the authorisation is subject.

Note 1: If the ACMA specifies an additional condition under this subsection, an authorised research entity, and any other person affected by the decision, may request the ACMA to reconsider its decision (see section 42).

Note 2: Before granting a research authorisation, the ACMA may consult any person or body about any additional conditions to be specified under subsection (4) (see section 20).

23 Notice relating to research authorisations

- (1) If the ACMA grants a research authorisation, the ACMA must, as soon as is reasonably practicable, give each authorised research entity, and Telstra, a copy of the authorisation.
- (2) If:
- (a) the ACMA grants a research authorisation; and
 - (b) the authorisation specifies an additional condition to which the authorisation is subject;
- the ACMA must, as soon as is reasonably practicable, give written notice to each authorised research entity stating that the entity, and any other person affected by the decision, may request the ACMA to reconsider the decision under section 42.
- (3) As soon as reasonably practicable after the ACMA decides not to grant a research authorisation, the ACMA must give written notice to each research entity specified in the application for the authorisation stating:
- (a) that the authorisation has not been granted; and
 - (b) the reasons for not granting the authorisation; and
 - (c) that the entity, and any other person affected by the decision, may request the ACMA to reconsider the decision under section 42.

Note: A research entity may be treated as not being specified in an application if the entity does not provide the ACMA with further information within 90 days after the ACMA requests that information: see section 19.

24 Period of research authorisations

A research authorisation has effect during the period specified in the authorisation, subject otherwise to this instrument.

Subdivision C—Authorisation conditions

25 Authorisation conditions

A research authorisation is subject to:

- (a) the conditions specified in this Subdivision; and
-

- (b) any additional conditions specified by the ACMA under subsection 22(4) or section 36.

26 Receipt of authorised unlisted mobile number information

- (1) If an authorised research entity covered by the authorisation receives authorised unlisted mobile number information from Telstra, the entity must give written notice to the following within 10 business days after receiving the information:
- (a) the ACMA;
 - (b) each other authorised research entity covered by the authorisation.
- (2) Subsection (1) does not apply if the entity has previously received a notice in relation to that information under that subsection from another authorised research entity covered by the authorisation.

27 Use and disclosure of authorised unlisted mobile number information

- (1) An authorised research entity must not make a record of, or use, authorised unlisted mobile number information unless it is for the purposes of authorised research under the authorisation.
- (2) An authorised research entity must not disclose authorised unlisted mobile number information unless authorised, or required to do so, by or under:
- (a) subsection (3) or (4); or
 - (b) any other law that applies to the entity.
- (3) The entity may disclose, for the purposes of authorised research under the authorisation, authorised unlisted mobile number information to:
- (a) the entity's research employees; or
 - (b) any other authorised research entities covered by the authorisation.
- (4) The entity must disclose authorised unlisted mobile number information to the ACMA if the ACMA requests the information.

28 Covered by the Privacy Act

- (1) An authorised research entity must be covered by the Privacy Act while the authorisation covers the entity.

Note: For the meaning of *covered by the Privacy Act*, see section 5.

- (2) Subsection (1) does not apply if the entity is a registered political party.

29 Compliance with the Privacy Act

- (1) If an authorised research entity collects, uses or discloses personal information about an individual for the purposes of authorised research under the authorisation, the entity must not do an act, or engage in a practice, that breaches:
- (a) an Australian Privacy Principle in relation to personal information about the individual; or

Section 30

(b) a registered APP code that binds the entity in relation to personal information about the individual.

(2) Subsection (1) applies regardless of whether:

- (a) the entity is a registered political party; or
- (b) the act or practice of the entity is exempt under section 7C of the *Privacy Act 1988* (which provides that certain political acts and practices are exempt).

30 Contacting persons for authorised research

Making contact

(1) An authorised research entity may contact a person, using authorised unlisted mobile number information, only by calling the person.

Example: The authorised research entity must not contact the person by text message.

(2) If an authorised research entity uses authorised unlisted mobile number information to call a person (the **contacted person**) for the purposes of authorised research under the authorisation, the entity must, during the call:

- (a) tell the person:
 - (i) the entity's name; and
 - (ii) the purpose of the research; and
 - (iii) how the entity obtained the mobile number used to call the person; and
 - (iv) how the entity proposes to use research information relating to the person; and
 - (v) that the use of the number by the entity is authorised by the ACMA for the purposes of the research; and
 - (vi) if asked by the person—how the person can access any personal information about the person held by the entity; and
- (b) ask the person whether the person gives consent for the use and disclosure of the research information relating to the person in the research; and
- (c) tell the person that the person may withdraw any consent so given at any time during the call; and
- (d) give the person any other information that is required by law (for example, under the *Privacy Act 1988*); and
- (e) comply with all applicable laws relating to unsolicited contact with another person.

Note: For the purposes of paragraph (e), applicable laws relating to unsolicited contact with another person include the following:

- (a) the *Do Not Call Register Act 2006*;
- (b) the *Privacy Act 1988*;
- (c) the *Spam Act 2003*.

Contacted person does not consent to use and disclosure of research information

- (3) If the contacted person informs the authorised research entity during the call that the person does not consent, or withdraws consent, to the use and disclosure of research information relating to the person, the entity:
- (a) must not make a record of, use, or disclose any research information the entity has relating to the person; and
 - (b) must not use the authorised unlisted mobile number information relating to the person; and
 - (c) as soon as reasonably practicable:
 - (i) must take all reasonable steps to destroy any research information the entity has relating to the person within 10 business days after the person informs the entity that the person does not consent, or has withdrawn consent; and
 - (ii) must give written notice to any other authorised research entity covered by the same authorisation that authorised unlisted mobile number information relating to the contacted person must not be used.
- (4) If an authorised research entity is notified that authorised unlisted mobile number information in relation to the contacted person must not be used, the entity must not use the authorised unlisted mobile number information.

Internal dispute procedures

- (5) The entity must have internal dispute resolution procedures enabling it to deal with inquiries or complaints from a contacted person about its use or disclosure of any research information relating to the person.
- (6) If a contacted person makes a complaint to the entity about the use or disclosure of any research information relating to the person, the entity must:
- (a) inform the contacted person that if the person is dissatisfied with the way in which the complaint is handled, the person may make a complaint to the ACMA; and
 - (b) give the contacted person information about how to contact the ACMA; and
 - (c) provide reasonable assistance to the ACMA in relation to any such complaint if requested by the ACMA to do so.

31 Disclosure of research information

- (1) An authorised research entity must not disclose research information relating to a contacted person unless authorised, or required to do so, by or under:
- (a) subsection (2) or (3); or
 - (b) any other law that applies to the entity.

Note: See section 41 in relation to the recording, use or disclosure of research information after the authorisation ends or the entity is removed from the authorisation.

- (2) The entity may disclose research information relating to a contacted person to the entity's research employees.

Section 32

- (3) The entity may disclose research information relating to a contacted person if:
 - (a) the information is de-identified; and
 - (b) the information does not include the person's public number.
- (4) This section is subject to subsection 30(3).

Note: Subsection 30(3) provides that an authorised research entity must not record, use or disclose research information relating to a contacted person if the person does not consent, or withdraws consent, to the use and disclosure of that information.

32 Technical system for receiving authorised unlisted mobile number information

An authorised research entity must have technical systems to receive authorised unlisted mobile number information in accordance with any technical method specified by Telstra.

33 Compliance with the Act

An authorised research entity must comply with any requirements imposed on the entity by the Act and any legislative instrument made under the Act.

34 Employees of the authorised research entity

An authorised research entity must take all reasonable steps to ensure that each research employee of the entity:

- (a) is made aware of the conditions of the authorisation (including any additional conditions specified by the ACMA under subsection 22(4) or section 36); and
- (b) cooperates with the entity in complying with those conditions; and
- (c) notifies the entity in writing as soon as reasonably practicable after the research employee becomes aware of an act or omission that would result in a contravention of a condition.

35 Contravention of authorisation conditions

- (1) An authorised research entity must give written notice to the ACMA as soon as reasonably practicable after it becomes aware of a contravention of a condition of the authorisation (including any additional condition specified by the ACMA under subsection 22(4) or section 36) by:
 - (a) the entity; or
 - (b) any other authorised research entity covered by the same authorisation.
- (2) An authorised research entity must, as soon as reasonably practicable after it becomes aware of a contravention of a condition of the authorisation, take reasonable steps to minimise the effects of the contravention.
- (3) To avoid doubt, this section is a condition of the authorisation.

Subdivision D—Changes to authorisations

36 Changes made by the ACMA

- (1) After a research authorisation is granted, the ACMA may, in writing, with effect from a specified date:
 - (a) specify additional conditions to which the authorisation is subject; or
 - (b) vary or revoke any condition other than a condition specified in Subdivision C.

Note: If the ACMA decides to specify or vary a condition, an authorised research entity, or any other person affected by the decision, may request the ACMA to reconsider its decision (see section 42).

Consultation

- (2) Before taking an action under subsection (1), the ACMA may consult any person or body the ACMA considers appropriate.

Notice to the research entity of changes to authorisation

- (3) As soon as reasonably practicable after the ACMA takes an action under subsection (1), the ACMA must give written notice to each authorised research entity covered by the authorisation stating:
 - (a) the action taken; and
 - (b) the reasons for taking the action; and
 - (c) that the entity, and any other person affected by the action, may request the ACMA to reconsider the action taken under section 42 (except if the action is to revoke a condition).
- (4) The notice must be given:
 - (a) as soon as reasonably practicable after the action is taken under subsection (1); and
 - (b) before the action is expressed to take effect.

Notice to Telstra of changes to authorisation

- (5) The ACMA must, as soon as reasonably practicable, give written notice to Telstra of the action taken under subsection (1).

Subdivision E—Removal of authorised research entities

37 Effect of removal

An authorised research entity stops being covered by a research authorisation if the entity is removed from the authorisation under this Subdivision.

Section 38

38 Removal of authorised research entities—contravention of research authorisation

- (1) The ACMA may, in accordance with this section, remove an authorised research entity from a research authorisation if the ACMA is satisfied that a condition of any research authorisation that covers the entity has been contravened.

Note: The entity removed, or any other person who is affected by the decision, may request the ACMA to reconsider its decision (see section 42).

Consultation

- (2) Before removing the entity, the ACMA may consult any person or body the ACMA considers appropriate.

Notice to entity of removal

- (3) Before removing the entity, the ACMA must:
- (a) give written notice to the entity:
 - (i) stating that the ACMA proposes to remove the entity from the authorisation; and
 - (ii) inviting the entity to make a submission to the ACMA about the removal within a period specified in the notice; and
 - (b) consider any submission received within the specified period.
- (4) The specified period must not be shorter than 30 days after the notice is given.

Notice of removal

- (5) As soon as reasonably practicable after the ACMA removes the entity, the ACMA must give written notice to the entity stating:
- (a) that the entity has been removed from the authorisation; and
 - (b) the reasons for the entity's removal; and
 - (c) that the entity, and any other person affected by the decision, may request the ACMA to reconsider the decision under section 42.
- (6) As soon as reasonably practicable after the ACMA removes the entity, the ACMA must give written notice of the removal to:
- (a) any other authorised research entity covered by the authorisation; and
 - (b) Telstra.

Further application for authorisation after removal

- (7) If the ACMA removes an authorised research entity from a research authorisation, an application for a further research authorisation covering the entity cannot be made until after the end of the first-mentioned research authorisation.

39 Voluntary removal of authorised research entities

- (1) If an authorised research entity requests the ACMA in writing to remove the entity from a research authorisation, the ACMA may remove the entity from the authorisation.

Note: If the ACMA decides not to remove the entity, the entity, or any other person affected by the decision, may request the ACMA to reconsider its decision (see section 42).

- (2) Without limiting the matters the ACMA may have regard to in deciding whether to remove the entity, the ACMA may have regard to whether the entity has received a notice under subsection 38(3) while the authorisation has been in effect.
- (3) If the ACMA removes the entity, the ACMA must, as soon as reasonably practicable, give written notice of the removal to the following:
 - (a) the entity;
 - (b) any other authorised research entity covered by the authorisation;
 - (c) Telstra.
- (4) If the ACMA does not remove the entity, the ACMA must, as soon as reasonably practicable, give written notice to the entity stating:
 - (a) that the entity has not been removed from the authorisation; and
 - (b) the reasons for not removing the entity; and
 - (c) that the entity, and any other person affected by the decision, may request the ACMA to reconsider the decision under section 42.

40 No use or disclosure of authorised unlisted mobile number information by former authorised research entities

Purpose of this section

- (1) This section is made for the purposes of paragraph 21(1)(c).

Note: The ACMA must grant a research authorisation if it is satisfied of the matters set out in subsection 21(1).

Scope of this section

- (2) This section applies if:
 - (a) an authorised research entity (the **former authorised research entity**) has received authorised unlisted mobile number information under a research authorisation; and
 - (b) the authorisation ends, or the former authorised research entity is removed from the authorisation.

Former authorised research entity must not use information

- (3) The former authorised research entity:
 - (a) must not make a record of, or use, the information; and

Section 41

- (b) must not disclose the information unless authorised, or required to do so, by or under:
 - (i) subsection (4); or
 - (ii) any other law that applies to the former authorised research entity; and
- (c) must take all reasonable steps to destroy the information within 10 business days after the authorisation ends or the former authorised research entity is removed from the authorisation (as the case requires).

Disclosure to the ACMA

- (4) The former authorised research entity must disclose the information to the ACMA if the ACMA requests the information.

41 Use or disclosure of research information after end of research authorisation etc.

Purpose of this section

- (1) This section is made for the purposes of paragraph 21(1)(c).

Note: The ACMA must grant a research authorisation if it is satisfied of the matters set out in subsection 21(1).

Research authorisation ends etc.

- (2) If an authorised research entity has research information relating to a contacted person and the authorisation that covers the entity ends, or the entity is removed under section 39 from the research authorisation covering the entity, the entity must not:
 - (a) make a record of, or use, the information; or
 - (b) disclose the information;unless the information is de-identified and does not include the person's public number.

Authorised research entity is involuntarily removed from research authorisation

- (3) If an authorised research entity has research information relating to a contacted person and the entity is removed under section 38 from the research authorisation covering the entity, the entity:
 - (a) must not make a record of, or use, the information; and
 - (b) must not disclose the information unless authorised, or required to do so, by or under any law that applies to the entity; and
 - (c) must take all reasonable steps to destroy the information within 10 business days after the entity is removed from the authorisation.

Subdivision F—Review of decisions

42 Decisions that may be subject to reconsideration by the ACMA

- (1) A person affected by one of the following decisions, who is dissatisfied with the decision, may request the ACMA to reconsider the decision:
 - (a) a decision not to grant a research authorisation (section 21);
 - (b) a decision to grant a research authorisation subject to additional conditions (subsection 22(4));
 - (c) a decision to specify an additional condition after a research authorisation has been granted (subsection 36(1));
 - (d) a decision to vary an additional condition of a research authorisation (subsection 36(1));
 - (e) a decision to remove an authorised research entity from a research authorisation (section 38);
 - (f) a decision not to remove an authorised research entity from a research authorisation after receiving a request from the entity to be removed (section 39).
- (2) The request:
 - (a) must be in writing; and
 - (b) must set out the reasons for the request.
- (3) The request must be made within 28 days after the decision, or within such longer period as the ACMA allows.

43 Reconsideration by the ACMA

- (1) Upon receiving a request under section 42 to reconsider a decision, the ACMA must:
 - (a) reconsider the decision; and
 - (b) affirm, vary or revoke the decision.
- (2) Before making a decision on the reconsideration of the decision, the ACMA may consult any person or body the ACMA considers appropriate.
- (3) The ACMA's decision on the reconsideration of a decision has effect as if it had been made under the provision under which the original decision was made.
- (4) The ACMA must give written notice to the person making the request of its decision on the reconsideration, including the reasons for the decision.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

44 Deadlines for reconsiderations

After receiving a request under section 42 for the reconsideration of a decision, the ACMA is taken to affirm under subsection 43(1) the original decision 90

Section 45

days after receiving the request if it does not make a decision under subsection 43(1) on the request before then.

45 Review by the Administrative Appeals Tribunal

Applications may be made to the Administrative Appeals Tribunal for review of decisions of the ACMA under section 43 to affirm or vary a decision mentioned in subsection 42(1).

Subdivision G—Offences

46 Offence of contravening a condition etc.

- (1) An authorised research entity covered by a research authorisation commits an offence of strict liability if:
 - (a) the entity contravenes a condition of the authorisation; and
 - (b) the condition is not section 29.

Penalty: 10 penalty units.

- (2) An authorised research entity commits an offence of strict liability if:
 - (a) the entity does an act, or engages in a practice, that contravenes section 29; and
 - (b) either:
 - (i) the entity is a registered political party; or
 - (ii) the act or practice is exempt under section 7C of the *Privacy Act 1988* (which provides that certain political acts and practices are exempt).

Penalty: 10 penalty units.

- (3) A former authorised research entity commits an offence of strict liability if the entity contravenes subsection 40(3) or (4).

Penalty: 10 penalty units.

- (4) A person commits an offence of strict liability if the person contravenes subsection 41(2) or (3).

Penalty: 10 penalty units.

Part 5—Standard agreements for the supply of carriage services

47 Supply of specified kinds of carriage services

For the purposes of paragraph 479(1)(b) of the Act, the following kinds of carriage services are specified:

- (a) a carriage service for voice telephony;
- (b) a carriage service for data transmission;
- (c) a carriage service for tone signalling;
- (d) a carriage service for a live or recorded information service.

48 Supply of specified kinds of ancillary goods

For the purposes of paragraph 479(1)(c) of the Act, the following kinds of ancillary goods are specified:

- (a) goods for use in connection with a standard telephone service;
- (b) goods for use in connection with a carriage service of a kind specified in section 47 of this instrument.

49 Supply of specified kinds of ancillary services

For the purposes of paragraph 479(1)(d) of the Act, the following kinds of ancillary services are specified:

- (a) a service for use in connection with a standard telephone service;
- (b) a service for use in connection with a carriage service of a kind specified in section 47 of this instrument.

Section 50

Part 6—Carriers' powers and immunities**50 Listed international agreements**

For the purposes of the definition of *listed international agreement* in clause 2 of Schedule 3 to the Act, the international agreements set out in the following table, as those agreements are in force for Australia at the commencement of this instrument, are specified:

Listed international agreements		
Item	International agreement	Citation
1	Plant Protection Agreement for the Asia and Pacific Region, done at Rome on 27 February 1956	Australian Treaty Series 1956 No. 11 ([1956] ATS 11)
2	Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2 February 1971	Australian Treaty Series 1975 No. 48 ([1975] ATS 48)
3	Convention for the Protection of the World Cultural and Natural Heritage, done at Paris on 23 November 1972	Australian Treaty Series 1975 No. 47 ([1975] ATS 47)
4	International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done at London, Mexico City, Moscow and Washington on 29 December 1972	Australian Treaty Series 1985 No. 16 ([1985] ATS 16)
5	Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on 3 March 1973	Australian Treaty Series 1976 No. 29 ([1976] ATS 29)
6	Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment, done at Tokyo on 6 February 1974	Australian Treaty Series 1981 No. 6 ([1981] ATS 6)
7	Convention on Conservation of Nature in the South Pacific, done at Apia on 12 June 1976	Australian Treaty Series 1990 No. 41 ([1990] ATS 41)
8	Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979	Australian Treaty Series 1991 No. 32 ([1991] ATS 32)
9	Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters, done at Sydney on 18 December 1978	Australian Treaty Series 1985 No. 4 ([1985] ATS 4)
10	International Plant Protection Convention, done at Rome on 6 December 1951	Australian Treaty Series 1952 No. 5 ([1952] ATS 5)
11	United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982	Australian Treaty Series 1994 No. 31 ([1994] ATS 31)

Listed international agreements		
Item	International agreement	Citation
12	Vienna Convention for the Protection of the Ozone Layer, done at Vienna on 22 March 1985	Australian Treaty Series 1988 No. 26 ([1988] ATS 26)
13	Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment, done at Canberra on 20 October 1986	Australian Treaty Series 1988 No. 22 ([1988] ATS 22)
14	Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, done at Noumea on 24 November 1986	Australian Treaty Series 1990 No. 31 ([1990] ATS 31)
15	Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987	Australian Treaty Series 1989 No. 18 ([1989] ATS 18)
16	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, done at Basel on 22 March 1989	Australian Treaty Series 1992 No. 7 ([1992] ATS 7)
17	Agreement between the Government of Australia and the Government of the Union of Soviet Socialist Republics on Cooperation in the Field of Protection and Enhancement of the Environment, done at Canberra on 15 February 1990	Australian Treaty Series 1990 No. 10 ([1990] ATS 10)
18	United Nations Framework Convention on Climate Change, done at New York on 9 May 1992	Australian Treaty Series 1994 No. 2 ([1994] ATS 2)
19	Convention on Biological Diversity, done at Rio de Janeiro on 5 June 1992	Australian Treaty Series 1993 No. 32 ([1993] ATS 32)
20	Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, done at New York on 28 July 1994	Australian Treaty Series 1994 No. 32 ([1994] ATS 32)
21	Treaty between Australia and the Democratic Republic of Timor-Leste Establishing Their Maritime Boundaries in the Timor Sea, done at New York on 6 March 2018	Australian Treaty Series 2019 No. 16 ([2019] ATS 16)

Note 1: The international agreements specified in the table could in 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Note 2: The international agreement specified in item 1 of the table has been amended by the Amendments to the Plant Protection Agreement for the South East Asia and Pacific Region of 27 February 1956, done at Rome on 22 June 1979. The Amendments are in Australian Treaty Series 1983 No. 32 ([1983] ATS 32) and could in 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Note 3: The international agreement specified in item 10 of the table has been amended by the following:

- (a) the Revised Text of the International Plant Protection Convention of 6 December 1951, done at Rome on 28 November 1979;

Section 51

- (b) the New [Second] Revised Text of the International Plant Protection Convention of 6 December 1951, as revised 28 November 1979, done at Rome on 17 November 1997.

The Revised Text is in Australian Treaty Series 1991 No. 50 ([1991] ATS 50). The New [Second] Revised Text is in Australian Treaty Series 2005 No. 23 ([2005] ATS 23). They could in 2021 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

51 Designated overhead line

For the purposes of subparagraph 3(b)(ii) of Schedule 3 to the Act, the distance of 48 mm is specified.

Part 7—Application, saving and transitional provisions

Division 1—Provisions for this instrument as originally made

52 Definitions

In this Division:

commencement time means the time this section commences.

old regulations means the *Telecommunications Regulations 2001*.

53 Things done under the old regulations

- (1) If:
 - (a) a thing was done for a particular purpose under the old regulations before the commencement time; and
 - (b) the thing could be done for that purpose under this instrument;the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application or other instrument being given or made.

54 Conduct, event, circumstances occurring before commencement

- (1) To avoid doubt, a function or duty may be performed, or a power exercised, under this instrument in relation to conduct engaged in, an event that occurred, or a circumstance that arose, before the commencement time.
- (2) This section does not limit this Division or section 7 of the *Acts Interpretation Act 1901* (as that Act applies in relation to this instrument because of paragraph 13(1)(a) of the *Legislation Act 2003*).

55 Service provider determinations

Part 2 applies in relation to any service provider determination made after the commencement time.

56 Industry codes and industry standards

Part 3 applies in relation to the following:

- (a) any industry code, whether registered before or after the commencement time;
- (b) any industry standard, whether determined before or after the commencement time.

Section 57

57 Research authorisations

Research authorisations under the old regulations continue

- (1) Subsection (2) applies in relation to a research authorisation granted under subregulation 5.11(1) of the old regulations that was in effect immediately before the commencement time.
- (2) Without limiting section 53 or 54, the authorisation has effect after the commencement time as if:
 - (a) the authorisation had been granted under subsection 21(1) of this instrument; and
 - (b) any conditions on the authorisation immediately before the commencement time that were specified under subregulation 5.12(4) of the old regulations had been specified under subsection 22(4) of this instrument; and
 - (c) any conditions on the authorisation immediately before the commencement time that were specified under regulation 5.26 of the old regulations had been specified under section 36 of this instrument; and
 - (d) any research entity removed from the authorisation under regulation 5.28 of the old regulations had been removed from the authorisation under section 38; and
 - (e) any research entity removed from the authorisation under regulation 5.29 of the old regulations had been removed from the authorisation under section 39.

Old regulations in relation to former authorised research entities continue to apply

- (3) Despite the repeal of the old regulations by this instrument, regulations 5.30 and 5.31 and subregulations 5.36(3) and (4) of the old regulations continue to apply, as if the repeal had not happened, in relation to:
 - (a) research authorisations (within the meaning of the old regulations) that ended before the commencement time; and
 - (b) authorised research entities (within the meaning of the old regulations) that were removed from a research authorisation (within the meaning of the old regulations) before the commencement time.

Decisions made under the old regulations can be reviewed under this instrument

- (4) If:
 - (a) a decision mentioned in subregulation 5.32(1) of the old regulations was made (or was taken to have been made) under a provision of the old regulations before the commencement time; and
 - (b) a decision of the same type could be made under a provision of this instrument (the **equivalent provision**);Subdivision F of Division 2 of Part 4 of this instrument applies as if the decision had been made under the equivalent provision.
- (5) If, before the commencement time:

- (a) a request to reconsider a decision is made under regulation 5.32 of the old regulations; and
- (b) the ACMA has not made a decision on the reconsideration; and
- (c) the ACMA has not been taken to have affirmed the decision;

Subdivision F of Division 2 of Part 4 of this instrument applies as if the request had been made under section 42 of this instrument.

58 Infringement notices

Despite the repeal of the old regulations by this instrument, Part 6 of the old regulations continues to apply in relation to infringement notices issued before the commencement time as if the repeal had not happened.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Telecommunications Regulations 2021	22 Mar 2021 (F2021L00289)	1 Apr 2021 (s 2(1) item 1)	
Telecommunications Amendment (Local Access Lines—Class Exemptions) Regulations 2022	4 Mar 2022 (F2022L00253)	5 Mar 2022 (s 2(1) item 1)	—
Telecommunications Amendment (Disclosure of Information for the Purpose of Cyber Security) Regulations 2022	11 Oct 2022 (F2022L01333)	12 Oct 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 3A	
Part 3A	ad F2022L00253
s 13A	ad F2022L00253
Part 4	
Division 1	
s 15A	ad F2022L01333 rep <u>12 Oct 2023 (s 15A(8))</u>
s 15B	ad F2022L01333 rep <u>12 Oct 2023 (s 15B(6))</u>
Schedule 1	rep LA s 48C
