

CODE OF PRACTICE
FOR INFOCALL 190 SERVICES
December 2012

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SECTION A - INTRODUCTION

This Code of Practice comprises rules and regulations relating to the supply of InfoCall 190 Telephone Information Services. Compliance with the Code is required through the Service Agreement between each Service Provider and Telstra.

A.1 SCOPE

The Code applies to all Service Providers in relation to the supply of InfoCall 190 services in Australia.

A.2 OBJECTIVES

The Code is intended to ensure a fair, reputable telephone information service industry and the protection of consumers by:

- (a) providing consumers with sufficient information to make informed choices about using InfoCall 190 Services;
- (b) establishing minimum standards for the supply of InfoCall 190 Services;
- (c) ensuring that InfoCall 190 Services directed at children are delivered, promoted and advertised responsibly;
- (d) ensuring that the content of InfoCall 190 Services reflects the contemporary attitudes of Australian society; and
- (e) ensuring that Minors are not exposed to unsuitable material that may be contained in InfoCall 190 Services.

A.3 DEFINITIONS AND ABBREVIATIONS

AANA is the Australian Association of National Advertisers

ACMA is the Australian Communications and Media Authority

Advertisement is a matter which draws or is likely to draw the attention of the public, or a member or a segment of it, to an InfoCall 190 Service in a manner calculated to promote, directly or indirectly, that InfoCall 190 Service

Approved Prefix is 1901 or, if there is in force a written determination made by the Minister or the ACMA specifying another prefix

Call Segment is a part of a Variable Charge Service that is subject to a single tariff rate

Caller to Caller Service is an InfoCall 190 Service that provides a communication between the caller and one other caller

Children's InfoCall 190 Service is an InfoCall 190 Service that, wholly or in part, is aimed at, or would reasonably be expected to attract, people under 14 years of age

Closed User Access Service is an InfoCall 190 Service that is only made available on condition that:

- (a) each customer has been issued with a Personal Identification Number (PIN), or provided with some other means of limiting access to other people; and
- (b) the Personal Identification Number (PIN), or other means of limiting access, must be used to access the service

Code of Practice and all references to 'the Code' or 'this Code' means this document unless a contrary intention is shown

Conference Service is an InfoCall 190 Service that provides a conversation between a caller and two or more other callers

Content Provider is a person, corporation or organisation that promotes or advertises or markets and/or supplies content that is disseminated via an InfoCall 190 Service

Data Service is an InfoCall 190 Service that involves the transmission of information to a calling party in data format and includes an InfoCall 190 Service that provides access to Internet content

Dollar / \$ is the lawful currency of Australia

Fax on Demand Service is a service where a caller initiates the transmission of a facsimile to a nominated number via a premium rate service

Free TV Australia is the organization representing all of Australia's free-to-air television licensees

Fixed Rate Call is a call charged at a set rate for the duration of the call

Fund Raising means soliciting or asking for financial support for a cause or enterprise, and includes competitions aimed at raising money for a cause

GST is the goods and services tax and has the meaning given it in A New Tax System (Goods & Services Tax) Act 1999

Inbound Fax Service is a service where a caller transmits information via facsimile to a premium rate service

InfoCall 190 Service is a service that is accessed by using telephone numbers beginning with “190” prefix codes

Internet Dialler is software that is activated by the user and pre-configured to cause a modem connection to the Internet via a 190 number to access a defined sub-set of sites

Internet Dialler Service is a service accessed by an Internet dialler

Internet Service Provider has the meaning given in clause 8 of the Broadcasting Services Amendment (Online Services) Act 1999

Live Call Segment is a Call Segment that contains live content

Live Service is an InfoCall 190 Service that provides a conversation with a calling party that is not pre-recorded

Mass Calling Service is an InfoCall 190 Service involving a competition that is capable of generating 300 call attempts per minute, or such other number of call attempts as agreed with Telstra.

Message Introduction is the service information provided in the Message Introduction Period

Message introduction Period is the period at the commencement of a premium rate service, prior to the commencement of the fixed fee or per minute cost of the InfoCall 190 Service

Minor is a person under the age of 18

National Classification Scheme is the National Classification Scheme administered by the Australian Attorney-General's Department.

Parental Guidance Service is an InfoCall 190 Service where an Advertisement for the service is reasonably likely to attract or encourage a significant number of persons under 14 years of age to call the service

Professional Information or Advice is information or advice provided by a professionally skilled or appropriately qualified expert or specialist, who is registered with an appropriate, recognised professional association

Prohibited and Potential Prohibited Content has the meaning given in Clauses 20 and 21, Schedule 7 of the Broadcasting Services Act (1992)

Recorded Call Segment is a Call Segment that contains recorded content

Recorded Service means a recorded InfoCall 190 Service, such service being accessed by utilising telephone numbers beginning with the prefix 190

Restricted Access System has the meaning given in Clause 14, Schedule 7, Broadcasting Services Act (1992)

Service Agreement is an agreement between Telstra and a Service Provider for the supply of an InfoCall 190 Service.

Service Content is any information or material made available on an InfoCall 190 Service

Service Provider is an entity that has entered into a Service Agreement with Telstra to supply an InfoCall 190 Service

Short Duration Service is a Recorded Service that cannot exceed 180 seconds in duration.

Telephone Sex Service is a Voice Call or Video Service using a telephone service where it would be concluded that a majority of persons who call the service are likely to do so with the sole or principal object of deriving sexual gratification from the call having regard to:

- (a) the way in which the service is advertised or promoted; and
- (b) the content of the service

Television Advertisement is an Advertisement included in a television broadcasting service. Television Advertisements may be broadcast on commercial broadcasting services, subscription broadcasting services, narrowcasting services and the Special Broadcasting Service (SBS)

Telstra is Telstra Corporation Limited ABN [33 051 775 556](#)

Timed Call Service is a call service that is charged at a per minute rate for the duration of the call

Variable Charge Service is an InfoCall 190 Service with the facility for the charge to be varied during a call

Video Service means a service accessible from a handset, which consumer's access by making a video call to a 190 number

Voice Call includes a reference to a call that involves a recorded or synthetic voice

A.4 INTERPRETATIONS

A.4.1 InfoCall 190 Services aimed at children

An InfoCall 190 Service is deemed to be aimed at children under 14 years of age if 50% or more of the readers or viewers of a publication or program that includes an Advertisement for the service are under 14 years of age.

A.4.2 Advertisements likely to attract children

In determining whether an Advertisement is reasonably likely to attract or encourage people under 14 years of age to call an InfoCall 190 Service, the following factors may be taken into consideration:

- (a) the nature of the publication or program;
- (b) the context within the publication or program;

- (c) the target audience;
- (d) statistics relating to the actual audience;
- (e) the type of prize or promotional item on offer and its potential attractiveness to children under 14 years of age;
- (e) the layout or presentation of the Advertisement; and
- (f) any other relevant factors.

A.4.3 Costs include GST

In this Code, all references to cost are references to the GST- inclusive cost of a call or service.

A.4.4 Name of Service Provider or Content Provider in display advertising

A Service Provider or Content Provider may use an abbreviation of its name or its registered trade name so that Service Provider or Content Provider contact details can be obtained from:

- a) a print telephone directory;
- b) an online directory;
- c) a Directory Assistance telephone service.

SECTION B – GENERAL CODE RULES

PART 1 – SERVICE CONTENT RULES.

This section applies to all InfoCall 190 Services.

B.1.1 Offensive, unsuitable and unlawful content

An InfoCall 190 Service must not include Service Content that:

- (a) is likely to be, having regard to the contemporary attitudes of Australian society, offensive to reasonable adults;
- (b) is likely to be, having regard to the contemporary attitudes of Australian society, unsuitable for Minors. (This paragraph does not apply to Telephone Sex Services, services subject to a Restricted Access System, Closed User Access Services or therapeutic or counselling services);
- (c) promotes, incites or instructs in matters of crime;
- (d) describes, incites or promotes unlawful sexual activity;
- (e) promotes or incites violence against any person or group, or incites racial hatred;
- (f) causes unnecessary alarm, distress or panic;
- (g) breaches, incites or encourages breaches of a law of the Commonwealth, or a law of the States or Territories of Australia; or
- (h) breaches a code of practice that applies to an InfoCall 190 Service.

B.1.2 False, misleading, deceptive and out of date material

An InfoCall 190 Service must not include Service Content that:

- (a) is false, misleading or deceptive, or likely to mislead or deceive; or

(b) is out of date, having regard to information generally available, subsequently published, or released, or made available.

B.1.3 Telephone Sex Services

B.1.3.1 An InfoCall 190 Service shall not be used to provide a Telephone Sex Service.

B.1.3.2 B.1.3.1 does not include services supplied by a person registered or licensed as a medical practitioner, where the dominant purpose of the InfoCall 190 Service is to provide clinical, medical or other professional advice, or the service is available on a 1901 or Approved Prefix or subject to a Restricted Access System.

B.1.4 InfoCall 190 Services not to act as billing mechanism for material unsuitable for Minors that is downloaded to mobile handsets

An InfoCall 190 Service must not act as a billing mechanism for material downloaded to mobile handsets, such as ring-tones and wallpapers, that is likely to be, having regard to the contemporary attitudes of Australian society, unsuitable for Minors. (This paragraph does not apply to services subject to a Restricted Access System).

PART 2 OPERATIONAL AND CONSUMER RULES

The following contains operational rules relating to particular services or circumstances.

B.2.1 Message introduction Period

An InfoCall 190 Service, other than:

- (a) a Mass Calling Service;
 - (b) a Short Duration Service; or
 - (c) a Closed User Access Service that complies with paragraph C.6.1,
- must be preceded by a Message Introduction Period.

B.2.2 InfoCall 190 Services with a Message Introduction Period

An InfoCall 190 Service with a Message Introduction Period must include a Message Introduction that states:

- (a) the name of the service;
- (b) the fixed cost of the service or the rate of the charge per minute; and
- (c) the action required to proceed with the call, such as dialling "0".

B.2.3 Services with a Message Introduction Period – Callers action to proceed

An InfoCall 190 Service with a Message Introduction Period must require the caller to take some positive action, such as dialling "0", to proceed with the call and accept the fixed or timed cost of the service. If the caller does not take the required action to proceed, the call must be disconnected before the commencement of the fixed or time rate charging.

B.2.4 Delays in service delivery

An InfoCall 190 Service shall not be unreasonably delayed or prolonged, including, without limitation, placing a caller on hold, in a queue or causing any unnecessary delay to caller connection, except where a caller is not charged and is pre-advised that there will be no charge.

B.2.4.1 Recorded Services with live operator options – delays in connection to operator

Connection time to an operator on Recorded Services with live operator options must be limited to a maximum period of 35 seconds from the time the consumer selects the live operator option.

B.2.5 CONFERENCE AND CALLER TO CALLER SERVICES

B.2.5.1 Information message

Where a Live Service involves the facility of live conference or one to one caller communication, the Service Provider must ensure that at the beginning of the service or live one to one option, a recorded message is played advising callers that:

- (a) they must be over 18 years of age to proceed with the call;
- (b) they must be the bill payer or have the bill payer's permission;
- (c) first names only are to be used by callers;
- (d) callers must not disclose their, or any other party or parties' address or telephone numbers (home or work or mobile);
- (e) calls to conference services and introductory messages on caller to caller services will be monitored; and
- (f) calls may be recorded for service purposes.

B.2.6 CONFERENCE SERVICES

B.2.6.1 The following conditions apply to a Conference Service that is not a Closed User Access Service:

- (a) a caller must give a positive response that he or she is 18 years of age or older before joining a Conference Service;
- (b) if the caller does not confirm that he or she is 18 years of age or older, the call must be immediately disconnected;
- (c) a supervisor must be available at all times;

- (d) if the supervisor reasonably suspects that a caller is under the age of 18 years, the caller must be immediately disconnected;
- (e) the supervisor must disconnect offensive or aggressive callers; and
- (f) the supervisor must, so far as reasonably possible, ensure that the content of the service does not breach this Code.

B.2.6.2 Conference Services – callers joining the service

A Conference Service that is not a Closed User Access Service must:

- (a) play the information message to each new caller joining the service;
- (b) request that each caller give a positive response that they are 18 years of age or older before joining the service; and
- (c) inform each caller that any conversation may be overheard by callers who have not identified themselves.

B.2.6.3 Conference services – monitoring requirements

A Conference Service that is not a Closed User Access Service must:

- (a) ensure a monitor/supervisor is available and monitors all callers' conversations at all times;
- (b) ensure that monitors/supervisors disconnect offensive or aggressive callers and request modifications to the call content and, if required, act as a facilitator; and
- (c) supervisors/monitors must ensure that:
 - (i) a caller must give a positive response that he or she is 18 years of age or older before joining a Conference Service;
 - (ii) if the caller does not confirm that he or she is 18 years of age or older, the call must be immediately disconnected;
 - (iii) if the supervisor reasonably suspects that a caller is under the age of 18 years, the caller must be immediately disconnected;
 - (iv) the supervisor must disconnect offensive or aggressive callers; and

- (v) the supervisor must, so far as reasonably possible, ensure that the content of the service does not breach this Code.

B.2.6.4 Conference Services – audible warning to existing callers

A Conference Service must give an audible warning to existing callers when a new caller joins the service.

B.2.7 CALLER TO CALLER SERVICES

B.2.7.1 Recorded introductions to be approved

All recorded introductions left by callers must be monitored and either approved or deleted prior to being heard by other callers, to ensure that:

- (a) callers are over 18 years of age;
- (b) first names only are used by callers;
- (c) callers do not disclose their, or any other party or parties address or telephone numbers (home or work or mobile).

B.2.8 SERVICES CONTAINING SCIENTIFIC, STATISTICAL OR OTHER RESEARCH DATA

Source of data

An InfoCall 190 Service that contains scientific, statistical or other research data must include a Message Introduction that states the source of the data with sufficient specificity to permit its identification.

B.2.9 SERVICES CONTAINING PROFESSIONAL INFORMATION OR ADVICE

B.2.9.1 Basis of expertise

An InfoCall 190 Service that contains Professional Information or Advice must:

- (a) include a Message Introduction that says:

“All advice on this service is provided by a person who is appropriately qualified and registered”

- (b) include, after the message introduction, a more detailed statement of the specific qualifications of the person or accreditation of the organisation responsible for the information or advice.

B.2.10 PARENTAL GUIDANCE SERVICES

Warning

A Parental Guidance Service must contain a warning, at the beginning of the service, that callers under 14 years of age must not use the service without the permission of a responsible adult. The message must state that:

“If you are under 14 and do not have your parents' permission, hang up now”.

B.2.11 SERVICES INVOLVING COMPETITIONS OR GAMES

B.2.11.1 Cost of call information

Where an InfoCall 190 Service involves a competition, contest or game that does not require a permit from a State or Territory gaming authority the caller must, at the beginning of the service be informed of the maximum cost of the call.

B.2.12 SERVICES INVOLVING FUND RAISING

B.2.12.1 Caller information

Where an InfoCall 190 Service involves Fund Raising in such a way that a donation is debited to the subscriber's telephone account the caller must, at the beginning of the service, be informed of:

- (a) the identity of the beneficiary or beneficiaries of the donation; and
- (b) a telephone number to call for more details of the beneficiary or beneficiaries.

B.2.13 SHORT DURATION SERVICE

B.2.13.1 Caller information

A Short Duration Service must contain a clear message, at the beginning of the service, stating:

- (a) the name of the service: and

(b) the cost of the call to the service.

B.2.14 MAXIMUM DURATION OF TIMED CALL SERVICES

An InfoCall 190 Service that is not charged at a fixed rate, other than a variable charge service, shall be disconnected after 60 minutes from the time of connection to the service. Where the charge is greater than \$4.40 per minute, the service shall be disconnected 30 minutes after the time of connection to the service.

CALL DURATION ADVICE

B.2.15 TIMED CALL SERVICES that cost more than \$2.75 per minute and may exceed 5 minutes

A timed call service charged at more than \$2.75 per minute that may exceed 5 minutes must comply with paragraphs B.2.16.1 and B.2.16.2, or with Paragraph B.2.17.

B.2.16

B.2.16.1 TIMED CALL SERVICES that cost more than \$2.75 per minute and may exceed 5 minutes – tone to be played

Where the cost of a timed call service is more than \$2.75 per minute, and the service may exceed 5 minutes, a clear and audible “three beep tone” must be played at the end of the first 5 minutes and at 5 minute intervals thereafter.

B.2.16.2 TIMED CALL SERVICES that cost more than \$2.75 per minute and may exceed 5 minutes – warning announcement regarding 3 beep tone

The following announcement must be played during the Message Introduction Period, or immediately after the caller takes a positive action to accept the charges such as dialling “0”:

“Throughout this call you will hear a 3 beep tone every 5 minutes”

B.2.17 TIMED CALL SERVICES that cost more than \$2.75 per minute and may exceed 5 minutes – warning to be given

Where the cost of a timed call service is more than \$2.75 per minute, and the service may exceed 5 minutes, a warning must be given stating:

- (a) the time elapsed so far; and
- (b) the charges for the service incurred so far.

A warning must be given within the first 5 minutes of the call and within 5 minute intervals thereafter.

SECTION C - PARTICULAR SERVICE RULES

This section applies to the particular services identified

C.1 RECORDED SERVICES

C.1.1 Recorded Services that cost more than \$1.10 in total message regarding cost of service

Where the total cost of a Recorded Service could be more than \$1.10 the caller must, at the beginning of the service, be informed of either:

- (a) the cost per minute of calls to the service; or
- (b) the total cost of the service.

C.1.2 Recorded Timed Call Services that exceed 10 minutes – callers action to proceed

A Recorded Timed Call Service that may exceed 10 minutes must require the caller to take some positive action, such as dialling “0”, within the first 10 minutes and within 10 minute intervals after that for the duration of the call. If the caller does not take the required action to proceed, the call must be immediately disconnected.

C.1.3 Recorded Timed Call Services that are less than \$2.00 per minute

The following condition applies to all Recorded Timed Call Services. Where the call tariff is less than \$2.00 per minute and the service may exceed 10 minutes, within a period not less than 8 minutes or greater than 15 minutes and similar intervals thereafter, the caller must be:

- (i) clearly informed of the duration of the call and the cost of the call so far; and
- (ii) requested to take some positive action, such as dialling “0”, to proceed with the call.

C.1.4 Recorded Timed Call Services that are greater than \$2.00 per minute

Where the call tariff is equal to or greater than \$2.00 per minute and the service may exceed 10 minutes, within the first 10 minutes of the call and within 10 minute intervals after that, the caller must be:

- (i) clearly informed of the duration of the call and the cost of the call so far; and
- (ii) requested to take some positive action, such as dialling“0”, to proceed with the call.

C.2 LIVE SERVICES

C.2.1 Calls to a Live Service outside published operating hours

Where a call is made to a Live Service outside the advertised operating hours published by the Content Provider, and no after-hours operator is available, the caller must either:

- (a) receive a ring tone for 90 seconds; or
- (b) be provided with a Message Introduction that includes:
 - (i) the name of the Content Provider;
 - (ii) the hours of operation of the service;
 - (iii) advice to call back during operating hours; and
 - (iv) the cost of the call to the service.

C.2.2 Calls to a Live Service not preceded by a recorded menu where all lines are busy

Where a call is made to a Live Service not preceded by a recorded menu and all available lines are busy, or all operators are engaged, the caller must receive a busy tone, at no cost to the caller, unless the call is queued.

C.3 VARIABLE CHARGE SERVICES

C.3.1 Message Introduction

A Variable Charge Service must include a Message Introduction, at the beginning of the service, which states:

- (a) that the rate at which a call is charged may vary during the call;

- (b) the fixed cost or cost per minute of the initial Call Segment; and
- (c) the action required to proceed with the call, such as dialling "0".

C.3.2 Message required when cost is varied

A Variable Charge Service must include a message, each time the charge for the call is varied, which clearly states:

- (a) the description of the next Call Segment;
- (b) the fixed cost or cost per minute of the next Call Segment; and
- (c) the action required to proceed with the call and accept the charge, such as dialling "0".

C.3.3 Caller action required when variation to service occurs

A Variable Charge Service must require the caller to take some positive action to proceed with the call, such as dialling "0", at the beginning of the service and each time the charge is varied during the call.

C.3.4 Recorded Call Segments of Variable Charge Services

Clauses C.1.3 and C.1.4 apply to a Recorded Call Segment of a Variable Charge Service as if a reference to a "recorded service" or "service" were a reference to a "Recorded Call Segment".

C.3.4.1 Where the call tariff is less than \$2.00 per minute and the service may exceed 10 minutes, within a period not less than 8 minutes or greater than 15 minutes and similar intervals thereafter, the caller must be:

- (j) clearly informed of the duration of the call and the cost of the call so far; and
- (ii) requested to take some positive action, such as dialling "0", to proceed with the call.

C.3.4.2 Where the call tariff is equal to or greater than \$2.00 per minute and the service may exceed 10 minutes, within the first 10 minutes of the call and within 10 minute intervals after that, the caller must be:

- (i) clearly informed of the duration of the call and the cost of the call so far; and
- (ii) requested to take some positive action, such as dialling “0”, to proceed with the call.

C.3.5 Timed Live Call Segments of Variable Charge Services – requirement for 3 beep tone to be played

Clause B.2.16.1 applies to a Timed Live Call Segment of a Variable Charge Service as if a reference to a “timed service” were a reference to a “Live Call Segment” and a reference to a “call” were a reference to a “Call Segment”. Where the cost of a timed service is more than \$2.75 per minute, and the service may exceed 5 minutes, a clear and audible “three beep tone” must be played at the end of the first 5 minutes and at 5 minute intervals thereafter.

C.3.6 Timed Live Call Segments of Variable Charge Services that cost more than \$2.75 per minute and may exceed 5 minutes - warning announcement regarding 3 beep tone

The following announcement must be played at the commencement of the Live Call Segment immediately after the caller takes a positive action to accept the charges such as dialling “0” “Throughout this call you will hear a 3 beep tone every 5 minutes”.

C.3.7 Maximum charge for Variable Charge Service

The maximum charge for a variable charge service is \$165.

C.4 DATA SERVICES

C.4.1 Data services – introductory message

A Data Service must be preceded by a Message Introduction that clearly states:

- (a) the name of the service or the name of the Content Provider;
- (b) the cost of the service;

- (c) advice that the service will automatically disconnect after 5 minutes of non-activity;
- (d) a service log-on prompt; and
- (e) advice to log-off when finished.

C.4.2 Disconnection of data services

A Data Service must automatically disconnect after 5 minutes of non-activity.

C.5 FAX SERVICES

C.5.1 FAX ON DEMAND SERVICES

C.5.1.1 Message introduction

A Fax on Demand Service must be preceded by a transmitted Message Introduction or a recorded Message Introduction that identifies the Service Provider or the Content Provider.

C.5.1.2 Specialist information or advice

A Fax on Demand Service containing specialist information or advice involving scientific, statistical or other research data must state the source of the data with sufficient specificity to permit for its identification.

C.5.1.3 Fax header

A message from a Fax on Demand Service must be preceded by a fax header which provides:

- (a) the name of the service;
- (b) the approximate cost of the call to the service; and
- (c) the number of pages in the fax.

The header must consist only of text in a minimum font size of 10 points and a maximum of 12 points except for one Content Provider logo not exceeding 25 mm square.

The header should not form any part of the transmitting terminal identification.

C.5.1.4 No unnecessary delay

A Fax on Demand Service must not place a caller on hold, use call queuing devices or cause any unnecessary delay to caller connection.

C.5.2 INBOUND FAX SERVICES

C.5.2.1 Information box

Material faxed to an Inbound Fax Service by a caller must include in a box at the top of the material to the full width of the document:

- (a) a statement, in a minimum of 12 point print size stating the cost per minute or fixed rate cost of the service; and
- (b) a statement that transmission of the inbound fax indicates acceptance of these charges.

C.5.2.2 No unnecessary delay

An Inbound Fax Service must not place a caller on hold, use call queuing devices or cause any unnecessary delay to caller connection.

C.5.2.3 Paragraphs B.2.2 and B.2.3 of the Code do not apply

The provisions of B.2.2 and B.2.3 of the Code of Practice do not apply to inbound fax services.

C.6 CLOSED USER ACCESS SERVICES

C.6.1 Message Introduction not necessary

Where a caller to a Closed User Access Service has been informed of:

- (a) the approximate cost of a call to the service; and
- (b) how to use a Personal Identification Number (PIN) to access the service;

the service does not need to include a message introduction.

C.6.2 Call duration information not necessary

Where a caller to a Closed User Access Service has been informed of the approximate cost of a call to the service, the caller does not need to be informed of the duration of the call.

C.7 CHILDREN'S INFOCALL 190 SERVICES

C.7.1 Maximum costs of children's InfoCall 190 Services

- (a) Where a Children's InfoCall 190 Service is charged at a fixed rate, the total cost of a call must not exceed \$1.10.
- (b) Where a Children's InfoCall 190 Service is not charged at a fixed rate, the cost of a call must not exceed \$1.05 per minute and the total cost of the call must not exceed \$3.30.

C.7.2 Children's InfoCall 190 Services that cost more than \$0.55

Where the cost of a call to a Children's InfoCall 190 Service exceeds \$0.55, the service must include a Message Introduction that states the total cost of the call.

C.7.3 Message Introduction warning

A Children's InfoCall 190 Service with a Message Introduction Period must contain a Message Introduction warning that callers under 14 years of age must not use the service without the permission of a responsible adult. The message must state that:

"If you are under 14 and do not have your parents' permission, hang up now."

C.7.4 Restrictions on content

A Children's InfoCall 190 Service must not:

- (a) contain any statement encouraging children to call the same InfoCall 190 Service again, or to call any other InfoCall 190 Service;
- (b) suggest that children buy any product, or encourage children to persuade parents, or other adults, to buy a product; or
- (c) offer cash prizes, or any other prizes that are unsuitable for children.

C.7.5 Advertisements for Children’s InfoCall 190 Services must not encourage repeat calling

An Advertisement for a Children’s InfoCall 190 Service must not contain any statement designed to or likely to encourage repeat calling of the service, or designed to or likely to encourage children to call any other InfoCall 190 Services.

C.7.6 Advertisements for InfoCall 190 Services must warn children

An Advertisement for a Children’s InfoCall 190 Service must contain a warning that callers under 14 years of age must not use the service without the permission of a responsible adult. The warning must state that: “If you are under 14 you must ask your parents’ before calling this service”.

C.7.7 Advertisements for InfoCall 190 Services must not suggest children buy any product

Advertisements for children’s services must not suggest that children buy any product, or encourage children to persuade parents, or other adults, to buy a product.

C.7.8 Advertisements for InfoCall 190 Services must not offer eligibility for cash prizes or any prize unsuitable for children

Advertisements for children’s services must not offer eligibility for cash prizes, or any other prizes that are unsuitable for children, as a result of calling the service.

C.8 INTERNET DIALLER SERVICES

The following paragraphs of the Code of Practice relate exclusively to Internet Dialler Services, and constitute the standards to be complied with by Service Providers providing such services.

C.8.1 Service Providers must use their best endeavours to ensure that web links or references to Internet Dialler software do not contain false or misleading statements concerning the cost of accessing the Premium Rate Service.

C.8.2 Premium Rate Internet Dialler software must display the following message in a separate fixed dialogue box ("the call cost dialogue box") prior to connection to the service:

THIS SERVICE IS NOT FREE

**CONNECTION TO THIS SERVICE IS
ON TELEPHONE 190- --- ---AND IS
CHARGED AT \$---- PER MINUTE TO
YOUR TELEPHONE BILL**

I ACCEPT AT \$.... PER MINUTE

EXIT CONTINUE

or in the case of a service charged at a fixed rate call cost:

THIS SERVICE IS NOT FREE

**CONNECTION TO THIS SERVICE IS
ON TELEPHONE 190- --- ---AND IS
CHARGED AT \$---- FIXED RATE TO
YOUR TELEPHONE BILL**

I ACCEPT AT \$....

EXIT CONTINUE

C.8.2.1 To connect to the InfoCall 190 Service the user must be required to click the “CONTINUE” box. If the user clicks on the "EXIT" box, the Internet Dialler software must immediately be disconnected and the existing Internet Service Provider default settings maintained.

C.8.2.2 The header message “THIS SERVICE IS NOT FREE” must appear in upper case bold and prominent font, extending to the full width of the call cost dialogue box. The remaining text in the call cost dialogue box must be in Arial

font, 16 point size. The call cost dialogue box must have a contrasting plain background clear of any other text, graphics, code or other representations.

C.8.2.3 The call cost dialogue box must display the entire premium rate telephone number on which the service will be billed and the per minute or fixed rate call cost of the service.

C.8.3 After the user has clicked "CONTINUE" on the call cost dialogue box, a further separate fixed dialogue box ("the confirmation dialogue box") must display the following message:

**I AM THE BILL PAYER, OR I HAVE
THE BILL PAYER'S PERMISSION
TO ACCEPT THESE CHARGES**

YES EXIT

C.8.3.1 Charging for the service must not commence until the user has clicked on the "YES" box to proceed.

C.8.3.2 Text in the confirmation dialogue box must be in Arial font, 16 point size. The confirmation dialogue box must have a contrasting plain background, clear of any other text, graphics, code or other representation.

C.8.4 Dialling and modem tones are not to be suppressed.

C.8.5 Service Providers must use their best endeavours to minimise delays in providing access to site content.

C.8.6 Diallers must not allow access to sites which are generally free through other means of connection.

C.8.7 A digital timer clock must be displayed on the title bar of the dialler application window indicating the duration of connection to the InfoCall 190 Service in the case of services charged at a per minute rate.

C.8.8 Where the duration of the InfoCall 190 Service may exceed 10 minutes, and the cost of the service is not charged at a fixed rate, a separate dialogue box ("the call duration box") stating the length of time the user has been connected to the service, containing an "OK" button must be displayed at regular

intervals of time not exceeding 10 minutes from the commencement of connection of the InfoCall 190 Service and repeated at intervals of not greater than 10 minutes thereafter.

- C.8.8.1** The user must click on the "OK" button to remove the call duration box.
- C.8.8.2** The call duration box must not be obscured by any other windows, graphics, text, code or other representations.
- C.8.8.3** Text contained in the call duration box must be in Arial font, with a minimum of 16 point size, on a contrasting plain background clear of any other text, graphics, or code.
- C.8.9** Calls must disconnect if the service is left idle by the customer for five (5) minutes.
- C.8.10** Internet diallers must not permanently re-configure a user's computer to make an InfoCall 190 Service number a default setting.
- C.8.11** Internet diallers must not activate an InfoCall 190 Service remotely without the intervention and informed consent of the user.
- C.8.12** Service Providers must supply Telstra with correct web addresses for all Internet diallers connected to their premium rate services.
- C.8.12.1** If the web address or the number of an Internet Dialler Service is changed, the service provider must notify Telstra within five working days of the change.

SECTION D - PRIVACY

D.1 UNREASONABLE INVASIONS OF PRIVACY

An InfoCall 190 Service must not unreasonably invade privacy.

D.2 PRIVACY ACT, 1988

A Service Provider must comply with the provisions of the Privacy Act, 1988

SECTION E - ADVERTISING RULES

These advertising rules apply to all InfoCall 190 Services as indicated.

E.1 COMPLIANCE WITH AANA CODE OF ETHICS

Without in any way limiting the application of this Code, an Advertisement for an InfoCall 190 Service must comply with the AANA Advertiser Code of Ethics as published at www.advertisingstandardsbureau.com.au and with the advertising codes of other relevant professional bodies.

E.2 CONTENT OF ADVERTISEMENTS

E.2.1 Compliance with classification laws

Without in any way limiting the application of this Code, an Advertisement for an InfoCall 190 Service, other than a television Advertisement, must comply with relevant classification laws, including the National Classification Scheme administered by the Australian Attorney-General's Department.

E.2.2 Further requirements

The following content requirements also apply:

No Advertisement shall;

- (a) incite or encourage violence or brutality against any person or group;
- (b) cause unnecessary alarm, distress or panic;
- (c) incite or encourage dangerous or harmful behaviour or practices;
- (d) incite or encourage breaches of those laws of the Commonwealth of Australia or those laws of any State or Territory which are applicable to the Advertisement; or
- (e) breach a code of practice of any professional organisation whose rules have any operation in relation to the InfoCall 190 Service.

E.3 CONTENT OF TELEVISION ADVERTISEMENTS

Without in any way limiting this Code, a Television Advertisement for an InfoCall 190 Service must comply with relevant broadcasting laws, standards and codes of practice, including the Free TV Australia Code of Practice as published at www.freetv.com.au.

E.4 FALSE, MISLEADING OR DECEPTIVE ADVERTISEMENTS

An Advertisement for an InfoCall 190 Service shall not be false, misleading or deceptive, or likely to mislead or deceive.

E.5 OUTDATED ADVERTISEMENTS

An Advertisement for an InfoCall 190 Service shall not contain material that is out of date, having regard to information generally available, subsequently published, or released or made available.

E.6 CALL COST INFORMATION

An Advertisement for an InfoCall 190 Service must include correct, readable, prominent and clear information about the cost of calls. The information must state either the fixed cost of the call or the cost per minute of the call.

E.7 CALL COST INFORMATION – VARIABLE CHARGE SERVICES

The Service Provider must ensure that all advertising for Variable Charge Services contains correct, readable, prominent and clear pricing information which states “\$ per minute or \$ fixed cost access, variable cost options”.

E.8 WHEN COST OF CALL IS ALTERED

If the cost of a call is altered, an Advertisement for an InfoCall 190 Service must, as soon as practicable, be amended to reflect the alteration.

E.9 GENERAL ADVERTISING RULES

If an InfoCall 190 Service may be called from a mobile telephone, an Advertisement for the service must include a statement that a higher rate applies to calls from a mobile telephone. If an InfoCall 190 Service may be called from a payphone, an Advertisement for the service must include a statement that a higher rate applies to calls from a payphone.

E.10 TEXT ADVERTISING

Where a service is advertised in newspaper classifieds, the wording can be abbreviated to “pay/mob extra”. All other text advertising, including television advertising, must contain the wording “higher from pay/mobile phones”.

E.11 DISPLAY OF CALL COST INFORMATION

An Advertisement for an InfoCall 190 Service that contains visual material must be set out so that the cost of a call:

- (a) always runs in the same direction in which the call number is displayed;
- (b) is on the same page as the call number; and
- (c) is displayed in close proximity to the call number.

E.12 ADVERTISEMENTS WITH MULTIPLE CALL NUMBERS

Where multiple call numbers are advertised, a single reference to the cost of a call is displayed in close proximity to the call number if:

- (a) the numbers are advertised on one page in one Advertisement;
- (b) the numbers are charged at the same rate; and
- (c) the cost of the call:
 - (i) is stated in text of a size that is readable and of similar size to that used in the Advertisement
 - (ii) is stated in bold print; and
 - (iii) is stated in a prominent position in relation to the call numbers.

E.13 DURATION OF CALL COST INFORMATION IN TELEVISION, CINEMA AND INTERNET ADVERTISEMENTS

A television, cinema or Internet Advertisement for an InfoCall 190 Service must display the InfoCall 190 Service number and the approximate call cost information for a period of at least ten (10) seconds. If the telephone number

is displayed for longer than ten (10) seconds, the approximate call cost information must be displayed for the same length of time that the telephone number appears.

E.14 RADIO AND TELEPHONE ADVERTISEMENTS

An Advertisement for an InfoCall 190 Service that is communicated in a solely aural medium, such as radio or telephone, must comply with paragraphs E.6 to E.8 inclusive, to the maximum extent reasonable and appropriate, including a clear and correct reference to the approximate call costs.

E.15 ADVERTISEMENTS FOR PARENTAL GUIDANCE SERVICES

An Advertisement for a Parental Guidance Service must contain a warning that callers under 14 years of age must not use the service without the permission of a responsible adult. The warning must state:

“If you are under 14 you must ask your parents before calling this service”.

A television or radio Advertisement must contain the above message as a spoken warning.

E.15 ADVERTISEMENTS FOR SERVICES CONTAINING PROFESSIONAL INFORMATION OR ADVICE

An Advertisement for an InfoCall 190 Service that contains Professional Information or Advice must clearly indicate:

- (a) the identity and relevant professional qualifications and experience of the person; and/or
- (b) the identity of the professional association, statutory authority or government department that is responsible for providing or endorsing the information.

E.16 ADVERTISEMENTS FOR SERVICES INVOLVING FUND RAISING

An Advertisement for an InfoCall 190 Service that involves Fund Raising must include a warning that Minors should seek the permission of a responsible adult before calling the service.

E.17 SERVICES TO BE PROVIDED ON ADVERTISED CALL NUMBER

Where an InfoCall 190 Service is advertised under a particular InfoCall 190 Service number(s), the service must be provided on that InfoCall 190 Service number(s).

E.18 CLOSING DATE OF COMPETITION SERVICES

E.18.1 ELECTRONIC MEDIA

The closing date of competition services advertised on television, cinema and radio must be clearly displayed or announced during the Advertisement.

E.18.2 PRINT MEDIA

The closing date of competition services advertised in all forms of print and on line advertising must be clearly displayed in the Advertisement adjacent to the call cost information.

E.19 ADVERTISEMENTS DISTRIBUTED BY FAX

All Advertisements for an InfoCall 190 Service distributed by fax must:

- (a) include a return fax or telephone number on a 1300 or a 1800 prefix, enabling recipients to be deleted from the fax distribution list at no more than the cost of a local call;
- (b) include the following statement that is readable: "To be removed from the fax distribution list for this advertising, please fax your number to or call 1300/1800 xxx xxx";
- (c) the Service Provider must ensure compliance with such a request within two (2) working days of receipt of the removal notice;
- (d) display the cost of a call so that it is in close proximity to the service number, prominent and readable.

E.20 INCLUSION OF SERVICE PROVIDER OR CONTENT PROVIDER NAME

All Advertisements, except for newspaper non-display classifieds, must include the name of the Service Provider or Content Provider. The party who is best placed to assist customers with inquiries about the advertising and the Service Content should be the party named in the Advertisement. The party's

name should be prominent, legible, clear and in the same direction as the text of the Advertisement. The party named in the Advertisement must have an Australian contact point.

E.20.1 In cases where the name of the Service Provider or Content Provider is abbreviated in accordance with paragraph A.4.4 then the additional wording “provided by” must be placed before the abbreviated name.

E.21 **ADVERTISEMENTS WITH MULTIPLE CALL NUMBERS – INCLUSION OF SERVICE PROVIDER OR CONTENT PROVIDER NAME**

Where multiple call numbers operated by the same Service Provider or Content Provider are advertised, a single reference to the Service Provider or Content Provider name is sufficient if:

- a) The call numbers are advertised on one page in one Advertisement block;
- b) The Service Provider or Content Provider name is stated in bold print, is prominent and readable;
- c) The Service Provider or Content Provider name runs in the same direction as the text of the Advertisement.

E.22 **MISSED CALL MARKETING**

InfoCall 190 Services must not be marketed by means of short duration calls to mobile phones, resulting in the registration of a missed call announcement on the mobile phone, in circumstances where:

- (a) The call is deliberately terminated so that the recipient is unlikely to be able to answer the call;
- (b) A return call to the registered missed call number accesses a message advertising an InfoCall 190 service.

E.23 **ADVERTISEMENTS FOR VIDEO SERVICES**

Advertising for an InfoCall 190 Video Service must include a legible, prominent and clear statement informing consumers that compatible handsets are required to access the service, for example, as follows: “Mob. Vid. Req.”

SECTION F SECTION F REVIEW AND AMENDMENTS

F.1 REVIEW

The Code of Practice will be reviewed and amended by Telstra periodically.