

**COMMUNICATIONS
ALLIANCE LTD**



INDUSTRY GUIDELINE
PREPAID CALLING CARD
G640:2015

G640:2015 Prepaid Calling Card Industry Guideline

Communications Alliance Ltd (formerly Australian Communications Industry Forum Ltd) was formed in 1997 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

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INTRODUCTORY STATEMENT

The **Prepaid Calling Card Industry Guideline** (the Guideline) was developed to provide guidance to Service Providers in relation to appropriate standards for the provision and advertising of prepaid Calling Cards or point of sale prepaid card vouchers.

This Guideline applies to all forms of advertising of prepaid Calling Cards in Australia, no matter what medium the advertising takes place in. This media includes newspapers, periodicals, websites, posters, point of sale material and information on the Calling Card or prepaid card voucher itself.

The objective of the Guideline is to establish community safeguards for prepaid Calling Card Services by providing customers with sufficient information enabling them to make informed decisions about the costs and benefits of using any particular Calling Card.

It is of the utmost importance that consumers are adequately informed and provided with enough information to allow them to determine the card which best meets their needs and are able to make an adequate comparison between cards.

Industry obligations relating to prices, terms and conditions and complaint handling are contained in the *Telecommunications Consumer Protections Code (C628:2015)*. As a registered Code, the TCP Code is both mandatory and enforceable by the Australian Communications and Media Authority. The purpose of this Guideline is to provide guidance to Service Providers who offer Prepaid Calling Card services.

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1 GENERAL

1.1 Introduction

- 1.1.1 The development of the Guideline has been facilitated by Communications Alliance through a Working Committee comprised of representatives from the telecommunications industry.
- 1.1.2 The Guideline should be read in conjunction with related legislation, including:
 - (a) the *Telecommunications Act 1997* (Cth);
 - (b) the *Competition and Consumer Act 2010* (Cth).
- 1.1.3 This Guideline should be read in the context of other relevant codes, guidelines and documents, including the:
 - (a) *Telecommunications Consumer Protections Code Code* (C628:2015); and
 - (b) *Customer Authorisation Guideline* (G651:2015).
- 1.1.4 Compliance with this Guideline does not guarantee compliance with any legislation. The Guideline is not a substitute for legal advice.

1.2 Scope

This Guideline applies to all forms of advertising of prepaid Calling Cards and subsequent complaint handling procedures for prepaid Calling Cards in Australia, no matter what medium the advertising takes place in. This includes, newspapers, periodicals, websites, posters, point of sale material and on the Calling Card or prepaid card voucher itself.

1.3 Objectives

The objectives of this Guideline are to establish community safeguards for prepaid Calling Card Services by providing customers with sufficient information enabling them to make informed decisions about the costs and benefits of using any particular Calling Card.

The primary purpose of this Guideline is to provide guidance to Service Providers in relation to appropriate standards for both the advertising of prepaid Calling Cards and the implementation of appropriate complaint handling measures. It is of the utmost importance that consumers are adequately informed and provided with enough information to allow them to determine the card which best meets their needs and are able to make an adequate comparison between cards.

1.4 2015 Revision

In 2015 the Guideline was revised to:

- remove clauses relating to advertising and point of sale material that replicate provisions under the Australian Consumer Law;
- remove the section on Customer Service Training as it replicates provisions in the Telecommunications Consumer Protections Code (C628:2015);
- remove the section on Complaint Handling Processes as it replicates provisions in the Telecommunications Consumer Protections Code (C628:2015); and
- include a new section on *Customer Information on Emergency Call Services* taken from *Emergency Call Services Requirements Code* (C536:2015) as it is specific to calling cards.

1.5 Guideline review

This Guideline will be reviewed after 2 years of the Guideline being published and every 5 years subsequently, or earlier in the event of significant developments that impact on the Guideline or a chapter within the Guideline.

2 DEFINITIONS AND INTERPRETATIONS

2.1 Definitions

For the purposes of the Guidelines:

Act

means the *Telecommunications Act 1997 (Cth)*.

Business Day

means a day that is not a Saturday, a Sunday or a Public Holiday.

Calling Card

means a method (using a dedicated card number and a PIN) for accessing either locally stored value or remote stored value for the purpose of making telephone calls or SMS, or payment for broadband or WiFi access.

Customer

means a person to whom a Service Provider is supplying a Prepaid Calling Card service.

DL

means a marketing brochure of the size 110mm × 220mm.

POS Material

means written material displayed or available at retail, point of sale, locations and includes both posters and DLs.

Service Provider

means an entity which provides Calling Card services.

2.2 Interpretations

In the Guideline, unless the contrary appears:

- (a) headings are for convenience only and do not affect interpretation;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) words in the singular include the plural and vice versa;
- (d) words importing persons include a body whether corporate, politic or otherwise;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;

- (f) mentioning anything after include, includes or including does not limit what else might be included;
- (g) words and expressions which are not defined have the meanings given to them in the Act; and
- (h) a reference to a person includes a reference to the person's executors, administrators, successors, agents, assignees and novatees.

3 GENERAL RULES

3.1 Legal Entity

Details (including a free call or local call helpdesk number and business name) of the legal entity which supplies the services must be noted on each Calling Card.

3.2 Calling Card Refunds and Returns

Each Service Provider should have a card return and refund policy and process of which the retailer is fully aware.

4 EMERGENCY SERVICES REQUIREMENTS

4.1 Customer Information on Emergency Call Services

- 4.1.1 Carriage Service Providers providing Calling Card Services must take reasonable and appropriate steps to ensure that not only their Customers, but also members of the public who use Calling Card Services, are informed in a manner which promotes awareness of the following matters:
- (a) the Emergency Service Number(s);
 - (b) the availability and coverage of the Emergency Service Number(s);
 - (c) that Emergency Calls can be made without charge to the caller;
 - (d) that Emergency Calls can be made directly from a Fixed Local Service without using a Calling Card;
 - (e) the Emergency Service Organisations to which the Emergency Service Number(s) provide access;
 - (f) that the Emergency Call Service should only be used when seeking a response from an Emergency Service Organisation in a life threatening and/or time critical event;
 - (g) the disclosure of information to Emergency Service Organisations regardless of calling number display blocking, including number, name of Customer and, where available, service location; and
 - (h) If a Customer requests information from the Carriage Service Provider about the Emergency Service Number(s), the Carriage Service Provider must give this information to the Customer.

5 REFERENCES

Publication	Title
Industry Codes	
C628:2015	Telecommunications Consumer Protections
Industry Guidelines	
G651:2015	Customer Authorisation
Legislation	
<i>Telecommunications Act 1997 (Cth)</i>	
<i>Competition and Consumer Act 2010 (Cth)</i>	

PARTICIPANTS

The Working Committee that developed the Guideline consisted of the following organisations and their representatives:

Organisation	Representative
Foxtel	Chimmy de Silva
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This Working Committee was chaired by Alexander R. Osborne. Visu Thangavelu of Communications Alliance provided project management support.

Communications Alliance was formed in 1997 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between Service Providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



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