

# Application form for approval to vary a registered industry code under Part 6 of the Telecommunications Act



## Purpose

This form should be completed and provided with a draft variation of the telecommunications, telemarketing, e-marketing or fax marketing industry code being submitted by an industry body or association to the Australian Communications and Media Authority (the ACMA) for approval under section 119A of the *Telecommunications Act 1997* (the Act).

## Note to industry body or association

When completing this form, please note the following:

- a) Questions on this form marked with an (\*) may require the provision of supporting documentation. This documentation is required by the ACMA in order for the ACMA to be able to consider the matters listed in subsection 119A(1) of the Act. The ACMA will not be able to approve the variation to the code, until the necessary material is provided.
- b) Due to the poor quality of some facsimile transmissions, the ACMA does not accept code variation applications by facsimile machine.

### Where to send form:

Electronic applications should be sent to:

The Manager, Communications Futures Section, using the email address: [communicationsfutures@acma.gov.au](mailto:communicationsfutures@acma.gov.au)

*(Note: An original signed copy of the form should also be provided to the ACMA within three days of the electronic form being sent)*

Applications can also be posted to the ACMA at:  
Telecommunications Industry Code Registration  
Application  
Australian Communications and Media Authority  
PO Box 13112 Law Courts  
Melbourne VIC 8010

### Or delivered by courier or by hand to the ACMA at:

Level 32, The Tower  
360 Elizabeth Street  
Melbourne

For further information regarding the ACMA's requirements for variation and registration of telecommunications, telemarketing, e-marketing and fax marketing industry codes, please see the ACMA publication *Developing Telecommunications Codes for Registration — A Guide* or contact the ACMA on (03) 9963 6800.

## Application

### 1. Title of code to be varied

### 2. Date of code variation

### 3. Name of industry body/association applying to vary the code

### 4. Contact officer

### 5. Email address

**6. Phone number**

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**7. Postal address**


**8. Electronic code variation application provided?**

Yes

No

**9. If the code to be varied has an explanatory statement, has the statement been updated to reflect the proposed variation? If applicable, attach copy of the updated explanatory statement**

Attached

**10. The section(s) of the industry which the code covers (see sections 110, 110A, 110B and 110C of the Act)**


**11. The activity or activities covered by the code (see sections 109, 109A, 109B and 109C of the Act)**


**12. The industry body or association representing the industry\***

Please attach documentary evidence demonstrating that the industry body or association submitting the application to vary the code represents each section of the telecommunications, telemarketing, e-marketing or fax marketing industry listed at question 10.

Suitable evidence could include one, or a combination of some, of the following:

- Membership data verifying membership of all or a majority of the participants in the relevant section or sections of the industry;
- Verification of affiliations between the body and other industry bodies which also subscribe to the code, with the combined membership forming a majority of participants in the relevant section or sections of the industry;
- Membership data verifying membership of key industry players, which collectively provide a representative cross sample of the section or sections of the industry, in relevant areas such as market share and products and services; or
- Any other information that will assist the ACMA in deciding whether the industry body represents the particular section or sections of the industry.

**13. Was consultation on the part or parts of the code to be varied undertaken with participants in the affected section(s) of the industry and the public (see paragraphs 119A(1)(e) and (f) of the Act)?**

- Yes
- No – go to question 17

**14. Publication of the draft variation or variations to the code\***

Please attach documentation demonstrating that the draft variation was published on the website of the industry body or association submitting the draft variation.

Please include:

- A copy of the invitation to participants in each of the relevant section or sections of the industry to make submissions on the draft variations to the code;
- A copy of the invitation to the public to make submissions on the draft variations to the code;
- A copy of any draft variation to the code published;
- Details of the time provided for the making of submissions (noting that it must be at least 30 days (subsection 119A(4)); and

If submissions were sought using other means in addition to publication on the website, include evidence of this, such as:

- The methods of extending invitations to the industry and the public, (e.g. advertisements posted in newspapers, industry periodicals and the mass media);

**15. Publication and consideration of submissions from participants in the industry and the public\***

Please provide the following:

- Details of the website where submissions are published (subsection 119B(3));
- Summaries of how the comments were incorporated into any code variations; and
- If the comments were rejected, summaries of the reasons why the submissions were rejected.

**16. Consultation with the ACCC, TIO and consumer body(ies) or association(s) – Check that a *Certificate of mandatory consultation on industry code under Part 6 of the Telecommunications Act 1997* from each of the following agencies is attached.\***

- ACCC
- TIO (if not applicable, say N/A)
- Consumer body(ies) or association(s)

Name of Consumer body(ies) or association(s) consulted


**17. Does the code variation deal with a matter set out in paragraph 113(3)(f) of the Act?**

- Yes – *Certificate of mandatory consultation on industry code under Part 6 of the Telecommunications Act 1997* from the Information Commissioner attached.\*
- No

**18. Consideration given to comments provided by the ACCC TIO, and consumer body(ies) or association(s) and (where relevant) Information Commissioner.\***

Attach summary of the consideration given by the industry body or association submitting the draft variation to comments provided by each agency/body/association. Summaries must include a description of the comments incorporated and not incorporated in the final code variation/s, and a summary of the consideration given to comments received.

[Note: Responses to questions 16, 17 and 18 should be provided in conjunction with one completed copy of the form *Certificate of mandatory consultation on industry code under Part 6 of the Telecommunications Act 1997* from each of the applicable agencies/bodies/associations.  
Forms must be completed by the agency/body/association being consulted.

**Declaration**

I hereby declare that I am authorised by

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(name of industry body or association)

to give a copy of the above code variation to the ACMA in accordance with paragraph 119A(1)(c) of the *Telecommunications Act 1997*. I am aware that it is an offence under section 137.1 of the *Criminal Code* to give false or misleading information to the Commonwealth.

SIGNATURE	
PRINT NAME	
TITLE	DATE