

**GOVERNMENT RESPONSE – INQUIRY INTO THE FEASIBILITY OF A PROHIBITION
ON CHARGING FEES FOR AN UNLISTED NUMBER SERVICE**



Australian Government

Senate Environment and Communications References Committee

Inquiry into the feasibility of a prohibition on charging fees for an unlisted number service

Australian Government Response to the Committee's Report

February 2014

Introduction

On 28 February 2013 the Senate referred an inquiry into the feasibility of prohibiting the charging of a fee for an unlisted number to the Senate Standing Committee on Environment and Communications for inquiry and report by 15 May 2013.

The terms of reference for the inquiry covered the feasibility of a prohibition on the charging of fees for an unlisted number service, with particular reference to:

- (a) recommendation no. 72.17 contained in report no. 108 of the Australian Law Reform Commission on Australian privacy law and practice;
- (b) whether the payment of a fee unduly inhibits the privacy of telephone subscribers;
- (c) the likely economic, social and public interest impact for consumers and businesses, carriage service providers and the White Pages directory producer, if the charging of fees for unlisted (silent) number services was prohibited;
- (d) the implications of such prohibition for the efficacy of the national public number directory; and
- (e) any other relevant matters.

The committee received 18 submissions and one supplementary submission from a range of consumer and privacy advocacy groups, the telecommunications industry, the Office of the Australian Information Commissioner (OAIC) and the Australian Communications and Media Authority (ACMA).

On 15 May 2013, the committee tabled its report to the President of the Senate. The report contains:

- two recommendations (these are discussed below)
- a Dissenting Senators Report from Senator Cameron, Senator Bilyk and Senator Ludlum, noting their disagreement with Recommendation 1 of the report.

Australian Government Response to the Committee's Recommendations

The Australian Government has considered the committee's report and is pleased to provide the following response. The Senate committee's recommendations are addressed in order.

Recommendation 1

2.50 The committee recommends that the Telecommunications Act 1997 not be amended to prohibit the charging of a fee for an unlisted (silent) number on a public number directory.

Australian Government Response

The Government accepts this recommendation.

Developments within the telecommunications industry have largely negated the need for regulatory intervention to abolish fees being charged for silent lines.

Key developments include:

- Access to an unlisted (silent) number service remains available to consumers free of charge (for example, Optus do not charge any fees for silent numbers). In addition, the cost and difficulty associated with switching providers is reducing with the roll-out of the National Broadband Network.
- Increasingly, consumers are substituting fixed line services in favour of unlisted mobile phone services and this is alleviating the issue for many consumers. The *ACMA Communications Report 2011-12* notes a continued decline in fixed line services and a continued growth in mobile phone uptake. By June 2012, mobile services in operation in Australia had reached 30.2 million compared to 10.44 million fixed-line telephone services¹. Mobile phone services are unlisted by default within public number directories under the co-operative industry code, the *Integrated Public Number Database (IPND) Industry Code (ACIF C555:2008)*.
- Telstra has waived fees for silent lines for eligible vulnerable consumers, such as victims of domestic violence.

Recommendation 2

2.54 The committee recommends that the Australian Communications and Media Authority produce relevant material for telecommunications users that explains where their personal information is published and how it may be made private.

Australian Government Response

¹ACMA Communications report 2011–12, pages 27, 29.

The Australian Government accepts this recommendation and considers it will complement ALRC's recommendations 73-10 and 73-11, which call on the ACMA to develop and publish guidance and educational material on:

- how privacy is regulated within the telecommunications industry
- how an individual can make a complaint regarding their privacy
- when and how 'consent' is used in the context of privacy-related regulation.