

**Addendum**

Special *Gazette* No. S56, published on the 24th of September 2012, has been updated to include a Schedule of conditions and limitations of exemption.

**Consumer Affairs and Fair Trading Act**

## EXEMPTION

I, JOHAN WESSEL ELFERINK, Attorney-General and Minister for Justice, under section 337(2) of the *Consumer Affairs and Fair Trading Act* and with reference to section 42(1)(b) of the *Interpretation Act*, exempt Optus Mobile Pty Limited from the application of Part 14 of the *Consumer Affairs and Fair Trading Act* on and from 21 September 2012 until 31 December 2012 subject to the conditions and limitations specified in the Schedule.

Dated 21st September, 2012.

J. W. ELFERINK  
Attorney-General and  
Minister for Justice

## SCHEDULE

## CONDITIONS AND LIMITATIONS OF EXEMPTION

- 1 Optus Mobile Pty Limited (Optus) is exempt from Part 14 of the Act only to the extent necessary to enable it to accept the trade-in of second-hand mobile telephones.
- 2 Optus may only on-sell a traded-in second-hand mobile telephone to a wholesaler who has agreed:
  - (a) not to re-sell the telephone in Australia; and
  - (b) to maintain records including the following information for at least 12 months:
    - (i) the International Mobile Equipment Identity number of the telephone;
    - (ii) the model of the telephone;
    - (iii) the date the telephone is collected by the wholesaler;
    - (iv) the date the telephone is processed and time stamped by the wholesaler;
    - (v) the date the telephone is re-sold by the wholesaler.
- 3 Optus must co-operate with law enforcement agencies in investigating any matter relating to a stolen mobile telephone and must provide a contact within the Optus Law Enforcement Liaison Unit for this purpose. "
- 4 Optus must maintain records including the following in relation to a traded-in second-hand mobile telephone for at least 12 months:
  - (a) the name, mobile telephone number and customer identity number of the customer who traded-in the telephone;
  - (b) the retail store at which the telephone was traded-in;
  - (c) the model of the telephone;
  - (d) evidence that, at the time the customer traded-in the telephone:
    - (i) the customer was the owner of the telephone, was authorised to sell or dispose of the telephone and was over the age of 18; and
    - (ii) the phone was not stolen or subject to any encumbrances, charges, loans or security interests;
  - (e) a record of the 100 points of identification provided to Optus by the customer to verify the customer's identity.