



Australian
Competition &
Consumer
Commission

Contact Officer: Jacqueline Thorpe
Contact Phone: 03 9290 1994

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

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Ms Andree Wright
Executive Manager
Codes, Content and Education Branch
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne VIC 8010

Dear Ms Wright

Changes to restrictions on access to Mobile Premium Services

I refer to your request for comment on the draft amendment to the *Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1)* (the MPS Determination). You also sought comment whether the consumer protection provisions currently covered under the Mobile Premium Services Industry Scheme (MPSI Scheme) would be better addressed via the development of a consumer code that would be registered by the ACMA under Part 6 of the *Telecommunications Act 1997* (the Act).

In making any changes to the MPS Determination or the MPSI Scheme, the ACCC is concerned to ensure that the existing consumer protection provisions, such as information on terms and conditions of mobile premium services, information on how to unsubscribe to subscription services and acceptable use policies for chat services, are not diminished. The ACCC has no particular view on whether the current MPSI Scheme should be replaced with a consumer code under Part 6 of the Act or whether the MPS Determination and MPSI Scheme should be retained.

In respect of MPSI Scheme, it was unclear how the development of a MPSI consumer code under Part 6 of the Act would fit with the recent development (and registration) of the single consumer code. The ACCC sees benefits in the retention of a separate scheme/code that manages all mobile premium service consumer protection matters.

Also the ACCC would want to ensure that the development of a code would not diminish the obligations on industry in terms of its requirements to comply. That

is, it is not clear whether the code or the MPSI Scheme provides for the higher benchmark for industry to meet in terms of consumer protection.

If you have any comments or queries regarding the comments provided above, please contact Jacqueline Thorpe, Director, Consumer Strategies Section on 03 9290 1994.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Pearson', with a long horizontal flourish extending to the right.

Mark Pearson
Executive General Manager
Enforcement and Compliance