



Australian
Mobile Telecommunications
Association
ABN 98 065 814 315
First Floor
35 Murray Crescent
Griffith ACT 2603 Australia
PO Box 4309
Manuka ACT 2603 Australia
Ph +61 2 6239 6555
Fax +61 2 6239 6577
Web www.amta.org.au

AMTA Submission to ACMA Discussion Paper
Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No.1)
Amendment Determination 2007 &
Telecommunications Numbering Plan Variation 2007

29 November- 2007

1 Executive summary

AMTA welcomes the opportunity to provide comment on the amendments to the *Telecommunications Service Provider (Mobile Premium Service) Determination 2005 (No.1)* and a variation to the *Telecommunications Numbering Plan 1997*.

AMTA is committed to ensuring that children are protected from accessing inappropriate material and that access to adult material is also appropriately controlled and, in the context of these amendments, it is keen to continue the current customer protection mechanisms in the MPSI Scheme within a self-regulatory framework.

AMTA is supportive of the changes to the MPS Determination and Numbering Plan with some further minor amendments and has framed its response to the questions posed by AMCA in relation to;

- **Changes to the MPS Determination;**
- **Retention of MPSI Scheme or introduction of a Code under Part 6 Telecommunications Act 1997;**
- **Variation to the Numbering Plan.**

2 Introduction and overview

2.1 Introduction

The Australian Mobile Telecommunications Association (**AMTA**) represents all aspects of mobile telecommunications in Australia. AMTA's members include mobile phone carriers, handset manufacturers, retail outlets, network equipment suppliers and other suppliers to the industry. AMTA's mission is to promote a socially, environmentally and financially responsible, successful and sustainable mobile telecommunications industry in Australia. For more details about AMTA, see <http://www.amta.org.au>.

AMTA is committed to working cooperatively with Government agencies to achieve balanced policy outcomes for the industry and a workable regulatory framework to facilitate agreed policy objectives.

2.2 Overview of AMTA's position

AMTA generally supports the objects of the draft changes to the MPS Determination and Numbering Plan and is committed to ensuring that children are protected from accessing inappropriate material and that access to adult material is also appropriately controlled. AMTA is also keen to continue the current customer protection mechanisms in the MPSI Scheme within a self-regulatory framework.

However, there are some drafting issues that can be addressed in a relatively straightforward manner with minor amendments to the draft MPS Determination and Numbering Plan.

AMTA's support for the draft Determination assumes that ACMA will carefully work through the drafting issues with industry to ensure that the draft Determination's requirements are clear and achievable. This will further assist the industry meet the new requirements in the most efficient manner possible.

3 Specific Concerns

3.1 Changes to the Determination

- ***ACMA seeks comment on the repeal of the content related provisions of the MPS Determination as proposed in the amending Determination.***

AMTA supports the proposed amendments in the Draft Determination relating to content provisions, pending a minor change.

AMTA recommends that the reference to 'age verification plan' in section 5.6(1) (f) (v) should be removed.

3.2 Retention of MPSI Scheme or introduction of a Code under Part 6 Telecommunications Act 1997;

- ***ACMA is seeking input from industry on what is considered the most appropriate and effective structure for the mobile premium services industry.***

Comment is invited on:

- Whether the regulatory framework for the mobile premium services industry should continue in the form of the MPS Determination and MPSI Scheme, as revised as a result of the introduction of Schedule 7; or
- The possibility of the residual provisions of the MPSI Scheme being replaced with a registered consumer code under Part 6 of the Telecommunications Act; and
- If a Part 6 code is the preferred option, is it that it should be implemented immediately, or considered in the longer term?

In considering a Part 6 code, it should be noted that the obligations in the MPS Determination and MPSI Scheme would need to be in force until such time as a consumer code is registered.

AMTA supports Option 1 outlined in ACMA's discussion paper to replace the MPSI Scheme with a consumer code under Part 6 of the Telecommunications Act.

AMTA also supports the repeal of the MPS Determination. This would allow customer protection outcomes to be achieved through a self-regulatory framework. This will reduce the regulatory instruments governing the telecommunications industry.

AMTA anticipates that the details of the stages of development of a consumer code would be discussed in more detail with ACMA.

3.3 Variation to the Numbering Plan

- ***ACMA seeks comment on the variation to the Numbering Plan to set out the prefixes on which age-restricted services can be accessed as proposed in attachment B of the consultation paper.***

AMTA supports the variation to the Telecommunications Numbering Plan in relation to 195 and 196 prefixes on the basis that the existing provisions for these services remain unchanged. However, AMTA suggests the following amendments:

At [6] of the draft variation it seeks to introduce the definition of 'mobile premium services' from the Determination. This includes a reference to 'proprietary network service' and introduces changes at [8].

The impact is that in [2] new clause 3.37 A (3) (b) where it refers to mobile premium services – this would include proprietary network services.

AMTA does not see the relevance of this inclusion and believes the definition of 'mobile premium service' should be amended and [8] removed.

AMTA suggests that the potential for the 195 and 196 age-restricted number range should be broadened beyond SMS/MMS to include other service types such as voice, text and video. AMTA believes that these other types of services should be subject to the same adult content restrictions that apply to SMS/MMS. Having said that there is no need for the 195 and 196 number range to be reserved for SMS/MMS only.

4 Conclusion

AMTA reiterates its commitment to ensuring that children are protected from accessing inappropriate material and that access to adult material is also appropriately controlled and that customer protection outcomes are achieved.

AMTA recognises the importance of working cooperatively with relevant government agencies to develop shared outcomes and achieve policy objectives and is keen to preserve the current objectives under the Mobile Premium Services Industry Scheme.

In the context of the draft Determination and Numbering Plan, AMTA's interest is to maintain the balance the Government has currently drawn between obligations on the industry and its legitimate commercial and business imperatives.

AMTA thanks ACMA for the opportunity to comment on the draft Determination and looks forward to working with ACMA to discuss this submission in more detail and flesh out the process moving forward.