



44 Avenue Road
Mosman NSW
Australia 2088

T : 61 2 8968 7100
F : 61 2 9969 3520
W : freetv.com.au

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Manager
Education & Telephone Content Section
Australian Communications and Media Authority
PO Box 13112, Law Courts
Melbourne Victoria 8010

Dear Manager

Changes to the restrictions on access to Mobile Premium Services

Free TV Australia (**Free TV**) is the peak industry body representing all of Australia's commercial free-to-air television licensees in Australia.

We thank you for the opportunity to comment on the proposed changes to the *Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1) (the Determination)* and the *Telecommunications Numbering Plan 1997*.

Free-to-air broadcasters have an interest in developments in the mobile phone sector as creators and suppliers of content for a number of mobile telephone services, including news, weather and sport to live streaming of program content on a free and subscription basis.

Free TV notes that the introduction of the new content regulation regime in Schedule 7 of the *Broadcasting Services Act 1992 (BSA)* effective 20 January 2008, necessitates the repeal of certain parts of the Determination.

ACMA has sought views from industry as to the appropriate regulatory mechanism by which to deal with the remaining provisions of the Determination, in particular the development of an industry code under Part 6 of the *Telecommunications Act 1997*.

Free TV supports an industry co-regulatory regime, which ensures appropriate protections are in place without imposing unnecessary financial or operational burdens on industry. Co-regulatory schemes should be simple to understand for both industry and consumers and responsive to community standards.

Free TV has been closely involved in co-regulation by the free-to-air commercial television industry since 1992 when the BSA was introduced. Free TV administers the Commercial Television Industry Code of Practice which operates effectively to regulate television content in accordance with community standards. In Free TV's experience the co-regulatory model works well and has been efficient and effective in achieving relevant public interest objectives.

Free TV agrees with ACMA's comment in the discussion paper that the remaining provisions of the Determination deal with issues, such as minimum advertising requirements, that are commonly dealt with by industry co-regulatory regimes.

Free TV Australia Limited
ABN 76 101 842 184
ACN 101 842 184

Should the Determination be repealed and an industry Code put in place, Free TV requests that it is given the opportunity to provide input into the development of the Code.

We have set out below some general comments in relation to some of the issues that are likely to be relevant for consideration in the development of an industry Code in this area. We look forward to providing further comment as appropriate.

1. Should not be unduly onerous or restrictive

An industry Code should set clear objectives in relation to relevant community safeguards, for example regarding minimum advertising requirements, but should remain principles based and allow industry flexibility in meeting those objectives. It should not prescribe the particular methods for achieving compliance.

In our view the default scheme achieves an appropriate balance.

2. Proper provision for complaints handling

As is the case under the default scheme, an industry Code should establish a complaints handling mechanism that directs complaints at first instance to the relevant content service/carriage service provider and then, should a complaint remain unresolved, to an escalated complaints handling body.

The Code should set out clear and easy to understand requirements regarding, amongst other things, the form complaints should take and minimum information they should provide in order to trigger the complaints processes, appropriate time periods within which complaints should be made and appropriate time periods for response. This is to ensure that service providers have a reasonable opportunity to investigate and respond to complaint and to direct appropriate resources.

Thank you for your consideration of these matters. We would be happy to meet with ACMA to clarify and discuss our submissions.

Yours sincerely



Julie Flynn
Chief Executive Officer