

13 January 2021

Australian Communications and Media Authority
PO Box Q500
Queen Victoria Building NSW 1230

Communications Alliance Ltd
PO Box 444
Milsons Point NSW 1565

Dear ACMA and the Communications Alliance

Sunsetting of the Mobile Premium Services (MPS) Determinations

The Interactive Games & Entertainment Association (IGEA), the industry association representing the video games industry in Australia and New Zealand, is pleased to provide its views on the proposed changes to the regulation of mobile premium services (MPS).

We note that the ACMA is proposing to allow the *Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1)* and the *Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2)* (collectively 'the MPS determinations') to lapse when they are due to sunset on 1 April 2021. We also note that the Communications Alliance is consulting on a related proposed variation to the *C637:2019 Mobile Premium Services Industry Code* ('the Industry Code') to incorporate specific obligations from the MPS Determinations for Carriage Service Providers (CSPs) to support customers who wish to request the barring of MPS.

We appreciate the opportunity to provide our views on these proposed changes, which we have chosen to do via this joint letter to the ACMA and the Communications Alliance. The changes recognise that the mobile content landscape has changed dramatically in recent years due to the uptake of smartphone usage which, as the ACMA's consultation paper notes, means that Australian consumers now have greater scope to choose their own content via apps and websites and how they wish to pay for this content, if at all. This has significantly curtailed the relevance and attractiveness of MPS, resulting in many or most MPS providers withdrawing from the market.

We are supportive of the ACMA's plan to allow the MPS determinations to lapse and for the Communications Alliance to vary the Industry Code as proposed. We note that the original basis of the MPS determinations was to address consumer concerns, primarily during the 2000s, around the supply and transparency of MPS. While we understand that the vast majority of these concerns related to content other than video games,

particularly ringtones, voting and other media, we note that some video games had been distributed by MPS.

However, even when MPS were at their most popular a decade or so ago, video games distributed by MPS were at most a negligible segment of our industry. In 2020, we believe that the video game MPS sector is functionally non-existent, with most video games now distributed digitally via online storefronts for which strong legislated and additional platform-specific consumer protections already apply. We are not aware of any of our members that currently (or even had previously) developed video game MPS.

Video game companies are dedicated to providing transparency and control to their players in terms of what games consumers wish to play, how they play it and how they pay for it. Our sector also takes regulation around consumer rights and protections just as seriously. While we believe that over the coming years there will be very few, if any, Australians who will still consume video game MPS, we note the peculiar and unique nature of MPS and support the continuation of consumer protections around them where such protected as needed, useful and efficient. We note that the MPS determinations recognise that CSPs are best placed to help consumers to avoid or to cease their consumption of MPS, and that the protections outlined in the determinations will be maintained by being incorporated into the Industry Code.

We look forward to the completion of the proposed reform. [REDACTED]

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