

Community to benefit from changes to internet and mobile content regulation

A proposed uniform approach to managing access to age-restricted electronic content should benefit the community and create a more streamlined regulatory framework for providers of internet and mobile content. ACMA recently sought comments on the proposed approach ahead of the introduction of the new framework in January 2008.

The proposal involves creating a new Restricted Access Systems Declaration, as well as amendments to the *Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No.1)* and the *Telecommunications Numbering Plan 1997*.

The new declaration would, for the first time, combine the rules about controlling access to age-restricted internet content hosted in Australia with that of mobile content and newer types of content—for example, live streamed content—under a single framework.

The Restricted Access Systems Declaration sets out obligations for processing applications for access to age restricted content, verifying an applicant's age and providing a

means of preventing others from accessing content. These processes are supported by industry compliance plans and record keeping requirements.

The declaration is designed to achieve and balance two key objectives in the legislation—the public interest in appropriately managing access to content to which age restrictions apply and avoiding the creation of excessive and unnecessary administrative overheads for businesses providing that content.

The draft amendment to the Mobile Premium Services Determination removes content-related provisions for mobile phones, which are to be consolidated under the new regulatory framework.

ACMA sought comments on whether the remaining customer protections in the Mobile Premium Services Industry Scheme, which address prices, terms and conditions for mobile premium services, should be covered by a consumer code.

Comment was also sought on a draft amendment to the Numbering Plan that would require age-

restricted content delivered by premium short message service (SMS) and multi-media messaging (MMS) services to use numbers beginning with 195 and 196.

The proposed changes follow passage of the *Communications Legislation Amendment (Content Services) Act 2007*, which created a new Schedule 7 to the *Broadcasting Services Act 1992* that will replace, to a large extent, the current online content regulatory framework in Schedule 5 from 20 January 2008. The new schedule provides for the prohibition or restriction of access to certain classifications of content over a broad range of content services delivered over mobile devices and the internet.

The main elements of the new content regulatory framework are:

- a prohibition on X18+ and RC content
- a prohibition on R18+ content unless it is subject to appropriate access restrictions
- a new prohibition on MA15+ content, unless it is subject to appropriate access restrictions
- a requirement for providers of

hosting services, live content services, link services and commercial content services, if providing R18+ and MA15+ content, to have access restrictions in place and

- the issuing by ACMA of 'take down' or 'access removal' notices to remove access to content that is the subject of a complaint.

The framework also provides for a co-regulatory approach, with industry codes to address issues including the classification of content, procedures for handling complaints about content and increasing awareness of potential safety issues associated with the use of content services.

Comments on the draft Restricted Access Systems Declaration closed on 16 November 2007 and will close on 29 November for the draft amendment to the Mobile Premium Services Determination and the draft variation to the Numbering Plan.

The draft documents and associated consultation papers are on the ACMA website at www.acma.gov.au (go to About ACMA: News & media centre > Issues for comment).

Changes to Moss Vale community radio service

ACMA has proposed changes to the community radio service 92.5 FM (2MVH) at Moss Vale, New South Wales. Under the proposal, the transmitter site will be varied, the power limit increased and the licence area for the service extended. The

licensee of the service, MVH FM Inc., requested the changes to enable it to increase its licence area to cover the Wingecarribee Shire.

ACMA proposed the changes because the service has youth as its community of interest and the

proposed extension will allow more youth in the Wingecarribee Shire to enjoy the benefits of community radio. The changes are in a draft licence area plan for the Nowra region. Comments closed on 31 October 2007.

The draft variation is on the website at www.acma.gov.au (go to For licensees & industry: Service & technical requirements > Broadcasting: Analog planning > Licence areas > Licence Area Plans > Draft Licence Area Plans).

TEMPORARY COMMUNITY BROADCASTING LICENCES ALLOCATED, JULY 2007

State	Licence area	Licensee	Community served	Frequency	Start	Finish	Allocated
NSW	Armidale RA2	Armidale Community Radio Co-operative Ltd	General	92.1 MHz	4/10/07	3/04/08	3/10/07
Vic	Bendigo RA4	Central Victorian Gospel Radio Inc	Christian	101.5 MHz	13/11/07	12/05/08	5/10/07