



Improving safeguards for mobile premium services: Draft code update

Following recent public consultation for its draft industry code of practice for mobile premium services, the Communications Alliance will use the public feedback to revise the draft code before to submitting it to ACMA.

Mobile premium services include ringtones, music, chat, voting, sports scores and competitions that are provided via premium SMS/MMS services on numbers starting with 191, 193-197 and 199. These services tend to cost more than a standard SMS or phone call.

The draft industry code of practice includes rules about the costs, terms and conditions of

Code will form part of a multi-pronged cross-government strategy to address issues with these services that customers may experience.

'The code aims to introduce significantly improved safeguards around mobile premium services,' said Chris Chapman, ACMA Chairman.

'These include live helplines during business hours and a more secure sign-up for mobile

for consultation, and that submissions from industry and the public have been taken into consideration.

Until now, mobile premium services have been regulated under a service provider determination pursuant to section 99 of the *Telecommunications Act 1992* and a self-regulatory scheme under that determination, which is similar in operation to an industry code. If the Mobile Premium Services Code is registered by ACMA, the existing scheme will be revoked. The code would then form part of co-regulatory strategy by government and industry to address problems experienced by customers of mobile premium services, including a continuation of current enforcement actions by ACMA against companies sending unsolicited commercial SMS.

As an example, ACMA recently issued mobile transaction network mBlox with an \$11,000 penalty for failing to include an unsubscribe facility in SMS messages promoting premium ringtones.

More information is available from the Communications Alliance website at

www.commsalliance.com.au

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mobile premium services, and was published for public comment on 11 November 2008.

Now closed, the public consultation enabled members of the public and industry to give feedback on the draft Mobile Premium Services Code to ensure it provides the best possible safeguards for consumers.

If registered, the Mobile Premium Services

premium services via the internet. The draft code also requires consumer consent if marketing material is to be sent to them after they have cancelled a service, and the ability to opt out of marketing databases and messages.

When registering a code of practice, ACMA must be satisfied that it offers appropriate community safeguards, that it has been published