

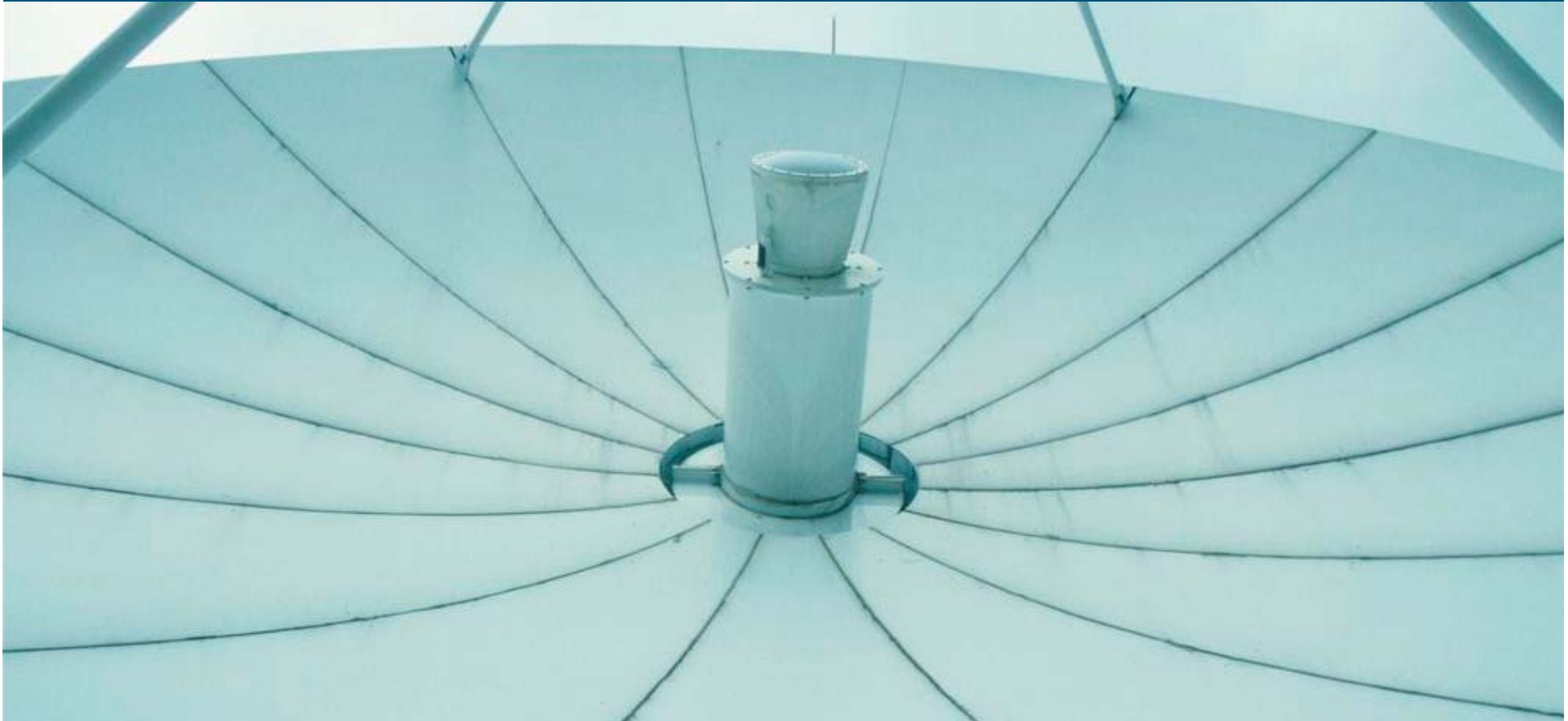


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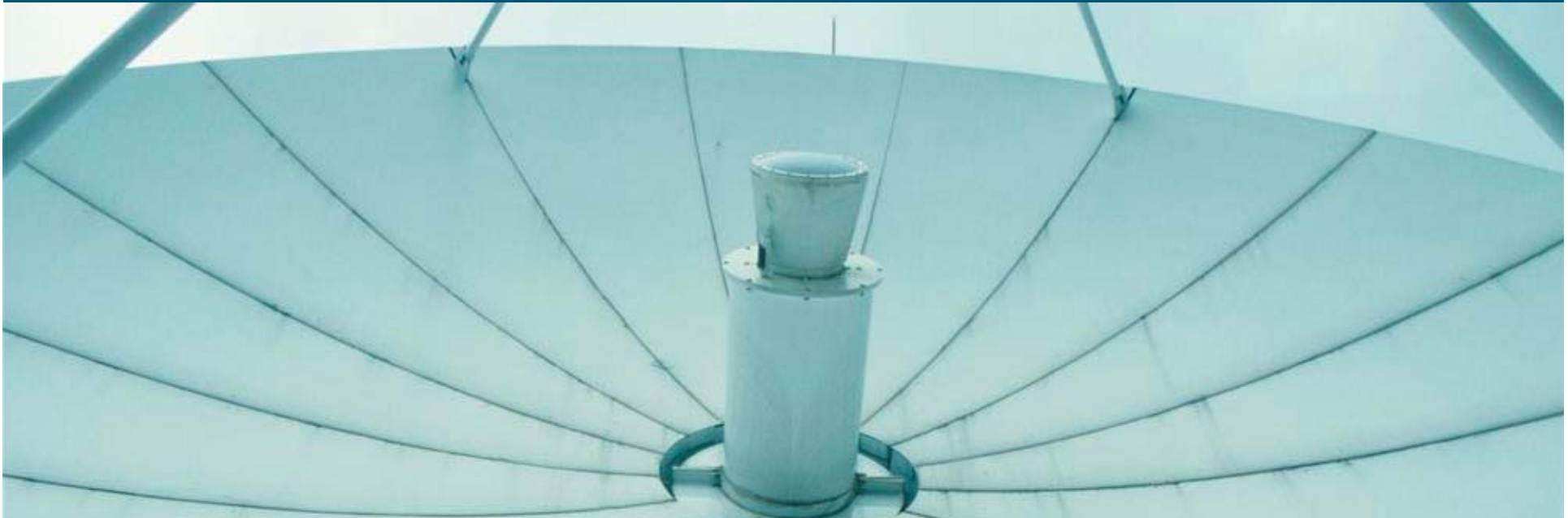
All you need to know about the Mobile Premium Services Code

Tuesday 23 June 2009





Mobile Premium Services: The New Regulatory Regime



Adrian Lawrence – Partner, Baker & McKenzie

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Agenda

1. The New Regime
2. Development and Structure of the Code
3. Key Provisions

New Regulatory Regime

- Mobile Premium Services Code (1 July 2009)
- Telecommunications Service Provider (Mobile Premium Services) Revocation Determination 2009 (1 July 2009)
- New Service Provider Determination to be proposed by ACMA
- Content issues for MPS covered by Broadcasting Services Act 1992 (Cth) and IIA Code

From Scheme to Code

Scheme

- Part 4 service provider determination
- Content control and consumer protection
- Primary obligation on carriers, then in contracts

Code

- Registered Part 6 Code
- Consumer protection focus
- Enforceable by ACMA directly to all MPS providers
- Also included in carrier contracts

Structure of the Code

- Applies to all carriers, content aggregators and content providers
- Covers Premium SMS/MMS and Proprietary Network Services
- Covers life cycle of consumer engagement on MPS including:
 - Advertising
 - Provision of introductory information
 - Supply of service
 - Complaint handling
 - Unsubscribing from services
- General and specific rules in each category, including rules for subscription services

Key Substantive Provisions

- Register of content aggregators and content providers
- Advertising requirements including in relation to minors

Key Substantive Provisions (cont)

- Double opt-in for subscription MPS
- Expenditure management requirements
- Call barring

Key Substantive Provisions (cont)

- Complaint handling provisions
- Unsubscribe/opt-out rules

Review of Code

- To occur in 12 months



Panel Discussion

- **Simon Cleary**
Deputy Telecommunications Industry Ombudsman (TIO)
- **Anne Hurley**
CEO, Communications Alliance
- **Peter Kell**
Deputy Chair, ACCC
- **Nerida O'Loughlin**
General Manager, Industry Outputs Division, ACMA
- **Chair: James Halliday**
Partner, Baker & McKenzie



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Thank you!

