



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

14 May 2019

Communications Alliance  
Level 12, 75 Miller Street  
North Sydney NSW 1565

Dear Sir/Madam

### **Draft Mobile Premium Services Industry Code**

We support the submission made by the Australian Communications Consumer Action Network (ACCAN) to strengthen appropriate safeguards for small business in the 2019 draft *Mobile Premium Services Code* (the Code).

This Code focuses on new residential consumers and fails to recognise that small businesses are impacted by these unwanted charges. The protections in this Code need to acknowledge and cover small business. We recommend that:

- A double 'opt-in' process be implemented, such as those used by Google and Apple, to ensure that any mobile premium services that are purchased are fully informed choices and not accidental or ongoing charges driven by opaque subscription processes. The double 'opt-in' process still gives customer choice for those that want the services but it further safeguards against bill shock.
- The default spend limit in provision 4.1.13 for new residential customers of \$50 per month be removed and set to \$0 as small businesses who operate multiple phone services and who are already in a cost sensitive position should not be faced with the potential for staff to charge additional fees to work mobile accounts. By setting the default limit to \$0 it allows small businesses to trade without being subject to adverse and unplanned costs. It also saves time poor small businesses from long and costly dispute resolution processes with service providers.
- That new small business customers that sign up to mobile plans be automatically set to a double 'opt-in' process and be barred from accessing any mobile premium services at the point of sale unless specifically requesting to be allowed to purchase the content. This would provide maximum cover for small businesses and assist them in maintaining a working cash flow that is free from adverse charges.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on 02 6121 5312 or at [jill.lawrence@asbfeo.gov.au](mailto:jill.lawrence@asbfeo.gov.au).

Yours sincerely

**Kate Carnell AO**

Australian Small Business and Family Enterprise Ombudsman

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