

## WHAT DO I DO IF I HAVE AN ISSUE or COMPLAINT RELATING TO MPS?

- **Step 1:** Should you have issues relating to a mobile premium service in the first instance, you should call the content provider of the service using the Helpline number included in the service confirmation message or other messages received from the content provider or on your bill, and quote your mobile number and the 19 number of that particular service. Remember, if you have received content from more than one MPS service, you may need to call more than one Helpline number.
- **Step 2:** If you cannot locate the Helpline details, the provider's details can be accessed via the 19 Service Finder at [www.19sms.com.au](http://www.19sms.com.au)
- **Step 3:** If your query or request for help has not been addressed by the content provider, then call your Mobile Carriage Service Provider (the company that issues your bills).
- **Step 4:** If your issue has not been resolved using these steps, you have the option of contacting the Telecommunications Industry Ombudsman (the TIO) on 1800 062 058.

## WHO PROVIDES MOBILE PREMIUM SERVICES?

The supply of Mobile Premium Services to consumers typically involves three parties:

**MOBILE CARRIAGE SERVICE PROVIDERS** provision the 19 numbers (or short codes) on their network and bill the end customer for the services requested.

**AGGREGATORS** have a direct connection to the Mobile Carriage Service Provider's network and provide the physical platform for the delivery of content to a customer by a Content Provider via the mobile network. Aggregators provide the Mobile Carriage Service Provider with the price point, content description and Helpline information for each Mobile Premium Service that it is connecting.

**CONTENT PROVIDERS** provide the actual Mobile Premium Service to the customer. The Content Provider provides the service's content; promotes and advertises the service; and provides customer service and complaint handling support.

## ARE SUPPLIERS OF MOBILE PREMIUM SERVICES SUBJECT TO ANY OTHER LEGISLATION?

Suppliers of Mobile Premium Services must also comply with other legislation relating to the marketing and provision of services to consumers, such as the SPAM Act, which is also enforced by the ACMA, and the Australian Consumer Law, which is enforced by the Australian Competition and Consumer Commission (the ACCC). In their handling of personal information, suppliers of Mobile Premium Services will generally be subject to the Privacy Act 1988 (Cth), which is regulated by the Office of the Australian Information Commissioner (the OAIC).

## PRIVACY OBLIGATIONS AND THE MPS CODE

MPS providers are generally required to comply with the National Privacy Principles in the Privacy Act 1988 (Cth) when handling an individual's personal information. This includes ensuring that the individual is aware of what personal information is being collected, how it will be used or disclosed, and how the individual can contact the provider.

If an individual considers that the MPS provider has mishandled their personal information, they should first complain to the MPS provider. If the complaint can't be resolved with the MPS provider, the individual can lodge a complaint with the Office of the Australian Information Commissioner.

## IMPORTANT LINKS

[www.19sms.com.au](http://www.19sms.com.au) – a website established by industry to inform consumers of matters relating to Mobile Premium Services, including links to providers and regulators, and a Service Finder tool which allows consumers to identify the name of the provider of any given Mobile Premium Service in the Australian market.

**Communications Alliance** - the telecommunications industry primary body, responsible for the development and maintenance of the Mobile Premium Services Code and facilitating industry dialogue with the primary regulatory bodies. *(Please note - Communications Alliance does not provide Mobile Premium Services to customers and does not handle individual customer complaints.)*

# THE MOBILE PREMIUM SERVICES CODE 2012

## WHAT YOU NEED TO KNOW!

### WHAT IS THE MOBILE PREMIUM SERVICES CODE?

The Mobile Premium Services Code (the MPS Code) sets out the rules for the supply of Mobile Premium Services (MPS) in Australia. The Code places specific obligations on all parties involved in the supply of MPS in Australia to ensure that consumer interests are protected. The Code is maintained by Communications Alliance, the telecommunications industry's primary body.

### WHAT IS A MOBILE PREMIUM SERVICE?

Mobile Premium Services are information and entertainment services that deliver various forms of content to your mobile phone. These services are created by a content supplier and delivered over your mobile service provider's network. They are called 'Mobile Premium Services' because you buy them using your mobile phone, you receive them on your mobile phone, and you will be charged a premium cost for them. Mobile Premium Services are accessed and delivered to your mobile handset via an six or eight digit number starting with the prefix 191 – 199. These numbers are referred to as 'short codes'. If a service is accessed or delivered via a number that does not fall within this number range, then it is not a Mobile Premium Service.

### WHO ENFORCES THE MOBILE PREMIUM SERVICES CODE??

Enforcement of the MPS Code falls under the jurisdiction of the Australian Communications and Media Authority (the ACMA), the telecommunications industry regulator. The ACMA has the power to issue penalties against, or suspend the activities of, any provider that it deems has failed to comply with any of the rules in the Code.



## ◉ WHAT ARE THE KEY CONSUMER PROTECTIONS IN THE MOBILE PREMIUM SERVICES CODE?

All of the rules in the MPS Code are designed to protect the interests of consumers who use these services. The Code sets out these protections by following the life cycle of a mobile premium service: advertising; providing service information; supplying a MPS; complaint handling; unsubscribe and opt-out mechanisms.

The key consumer protections in the MPS Code are:

### ◉ PROVIDING SERVICE INFORMATION / SUPPLYING A MPS

- i. **ACCESS TO PRICING INFORMATION** - A content provider must ensure that you have access to information about the cost of the Mobile Premium Service, including charge per messages that you send (Mobile Originating), charge per messages you receive (Mobile Terminating), and the charge for each charging interval/period if it is a subscription service.
- ii. **INFORMATION ON HOW TO UNSUBSCRIBE** - A content provider must ensure that you can unsubscribe from a MPS by a website; a mobile service provider portal; by telephone; or via sending an SMS to the content provider with the word 'STOP'.
- iii. **CHAT SERVICES** - Prior to commencing supply of a chat service, a content provider must warn you of the dangers of disclosing personal information via the chat service.
- iv. **FINDING SERVICE DETAILS** - The 19 Service Finder at 19sms.com.au contains details of all MPS services in Australia including Helpline, service name and cost of the service.
- v. **MESSAGE COST INDICATOR** - The term "FreeMsg" or "\$Msg" must be included in MPS messages to indicate if a message received in relation to a MPS has an associated charge.
- vi. **EXPENDITURE NOTIFICATIONS** - Content Providers must supply you with a free expenditure notification once you have spent a total of \$30 on a particular MPS within a calendar month, and then each time that you spend another \$30 in that calendar month.
- vii. **DOUBLE OPT-IN** - If you purchase a subscription service, i.e. a service with ongoing charges, then you must be asked by the content provider to provide your consent TWICE before the service is provided to you. This is referred to as the DOUBLE OPT-IN rule. The initial request message must contain the words "subscription" or "subscribe" and you must reply to that message with your confirmation.
- viii. **NO MINIMUM CONTRACT PERIODS** - MPS subscription services do not have minimum contract periods. You can opt-out/unsubscribe at any time without penalty.

### ◉ ADVERTISING

- i. **CONTENT OF ADVERTISEMENTS** - All advertisements for MPS must contain the following information that will assist you in deciding whether to purchase or subscribe to a MPS:
  - the service number (or 19xxx short code) to which a message must be sent in order to activate or opt-out of a service;
  - the name of the service;
  - the cost of the service;
  - the frequency of charging;
  - use of the term "subscription" or "subscribe" to denote if an MPS is a subscription service that generates ongoing charges;
  - how to unsubscribe or stop a MPS; and
  - the Customer Care Helpline number for that particular service.
- ii. **PROHIBITED TARGETTING OF MINORS IN ADVERTISING** - Advertising of MPS must not be placed in any publication, television show, website or presentation where the primary target audience is persons under the age of 15.

This information must be displayed clearly and prominently within the advertisement and close to the relevant short code. If the ad is online, this information must be viewed on a single screen.

### TIPS

Before you opt-in to any service:

- ◉ **CHECK** what you are actually purchasing
- ◉ **CHECK** the cost of the service
- ◉ **CHECK** if it is a subscription or one-off
- ◉ **CHECK** if your phone is compatible
- ◉ **CHECK** the terms and conditions
- ◉ **ASK** questions if you are unsure
- ◉ Keep **RECORDS** of what you opt-in / opt-out for.
- ◉ Text **'STOP'** at any time to cancel

### ◉ COMPLAINT HANDLING

- i. **FREE HELPLINE** - Content providers must offer a free-call or local number Helpline service for use by consumers. You should contact the content provider directly for any matters relating to your MPS, including making complaints, unsubscribing from the service or opting out from marketing.
- ii. **HELPLINE ACCESSIBILITY** - The MPS Helpline must be staffed by live agents from 9am - 5pm Australian EST or EDST. At all other times the Helpline must be accessible via a 24hour, 7 day per week automated service.
- iii. **RESOLUTION TIMEFRAME** - Complaints about MPS must be resolved by the provider within 2 business days of receipt.
- iv. **ESCALATED COMPLAINTS** - If your complaint about MPS cannot be resolved by the content provider of the service, then your mobile service provider will endeavour to resolve the complaint.
- v. **REFERRAL TO TIO** - You should be advised that the Telecommunications Industry Ombudsman (the TIO) can be contacted to help resolve complaint if the complaint cannot be resolved by the mobile service provider.

### ◉ UNSUBSCRIBE AND OPT-OUT MECHANISMS

- i. **UNSUBSCRIBE TIMEFRAME** - A content provider must action an unsubscribe request within 1 business day from receipt of the request.
- ii. **REFUNDS** - A content provider must refund any charges accrued after the request to unsubscribe was received.
- iii. **"STOP"** - If you send the word "STOP" in a message sent to a content provider they will have to treat it as a request to unsubscribe you from the MPS.
- iv. **CONFIRMATION OF AN UNSUBSCRIBE REQUEST** - The content provider must confirm to you that they have actioned your request to unsubscribe from an MPS within 1 business day of receipt of the request.