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c/- Australian Communications Authority

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Introduction

The Australian Mobile Telecommunications Association (AMTA) is the national body representing the mobile telecommunications industry. Its members include carriers, service providers, handset manufacturers, equipment suppliers and retailers. AMTA's vision is 'to promote an environmentally, socially and economically responsible and successful mobile telecommunications industry in Australia'.

AMTA is keen to assist consumers of all ages enjoy the benefits of mobile phones in a financially affordable and responsible manner. AMTA believes it is useful to periodically review policies and regulation to ensure their continued currency and efficiency, and welcomes the opportunity to contribute to the discussion about the current framework for consumer (and industry) representation.

AMTA response to the Paper

AMTA agrees it is important to ensure both consumers and industry are adequately consulted and represented in regulation development. However, while recognising that there may be room for improvement in certain areas, AMTA supports the principles of the current regime, and does not believe it requires a wholesale review. New regulatory measures, or major revisions to the existing framework, should be limited to issues where there is demonstrable market or regulatory failure.

Regulation

AMTA is supportive of self-regulation where-ever possible, and holds that the Australian Communications Industry Forum (ACIF) is the appropriate forum for code development, with the Internet Industry Association (IIA) providing an alternative forum for the development of content-specific Codes. AMTA also considers that the current tests and triggers for codes/standards development and review are adequate, as are the investigatory powers of the ACA. As recognised in the paper, self-regulation sets standards greater than the legislative minimal, and, if adequately policed, serves well to complement the law.

AMTA agrees that the ability to impose sanctions for breaches of regulation or law assists in maintaining the integrity of the current regulatory framework. AMTA disputes that there are failures in the existing sanctioning regime and considers that new legislation is not necessary. Rather, if there are failures in the application of existing sanctions those failures need to be individually identified, investigated and addressed by the appropriate authority – be this the Telecommunications Industry Ombudsman (TIO), relevant Fair Trading Office or the Australian Communications

Authority (ACA). Streamlining of the current regulation, which is discussed below, should assist in this process. AMTA does not believe that amendments to the *Telecommunications Act 1997* to force the ACA to investigate every potential breach are necessary or workable. The ACA should maintain discretion to decide when complaints should be investigated. Mandating investigations would be resource intensive for the ACA and a less than optimal allocation of its resources.

AMTA strongly supports the principle that all stakeholders - consumer groups, industry and regulators - be involved in any consideration of regulatory reform to ensure a coordinated, effective and balanced outcome.

Participation

As already stated, AMTA agrees it is important for all stakeholders, including consumers, to participate in the regulatory process. AMTA recognises the possible difficulties faced by consumers and consumer groups in contributing public comment to the development of legislation and departmental reviews.

AMTA questions whether the proposal for consumer representation in all the groups outlined in the paper would be achievable or efficient. AMTA submits that it would more useful to first explore what options might be available to ensure greater transparency, and to streamline and simplify the regulatory process including appropriate points for consumer participation.

AMTA does not believe that extra funding is required from industry to facilitate participation. Rather, existing arrangements should be reviewed to ensure better management and efficient allocation of existing funds. This would include assessing areas where there is possible duplication of effort between different consumer groups and government agencies. If a body or committee were established to manage and review these resources, it should represent consumers, industry and government. Furthermore, AMTA supports the provision of full and transparent feedback to all contributing organisations.

Research

AMTA agrees that independent consumer-based research is important, and would support further consideration of a 'clearing house' or 'one-stop shop' for research. It also supports increased links with universities, and is interested in the possibility of the co-ordinated collection of complaints (or other relevant) statistics. It is important that industry (as well as consumers) be involved in the co-ordination of any research, including decisions about the nature of, and terms of reference for research, especially where funding for that research is provided by industry.

In response to the criticism that bad news is often not given adequate exposure, AMTA would like to point out that it is careful to provide a balanced view on issues in its own material, with its regular health and safety news, for example, reporting on the negative press as well as the positive. AMTA notes that a similar balance of bad and good news from consumer organisations is equally important. AMTA considers this balance is essential if issues are to be properly assessed and addressed.

It should also be recognised that AMTA is facilitating the development of independent industry research. AMTA has initiated a discussion paper on social science research opportunities entitled 'The Impact of the Mobile Telephone in Australia', with the

Australian Academy of the Social Sciences in Australia. Research initiated through this process will examine and report on the positive and negative impacts of the mobile phone on our society, demonstrating AMTA's commitment to a socially responsible industry. Nowhere in the world has such research been undertaken at peak industry level. For more information on the research paper, see: www.amta.org.au.

Awareness Raising

It is important that mobile phone consumers are informed about issues affecting mobile phones in the same way that it is important they are educated about other consumer purchases. Although there are areas where awareness raising on mobile phone issues per se is appropriate, other issues may be more appropriately dealt with by a wider campaign. This might include, for example, general education about the consumer protection afforded under the *Trade Practices Act 1974*. Additionally it is important there is consultation with industry on the issues most appropriately targeted by any information campaign.

In terms of the appropriate conduit for dissemination of information, AMTA supports the suggestion that agencies consider effective models for consumer education programs. These should be considered before any decision is made about the best method for awareness raising; point-of-sale for information dissemination (as suggested in the paper) is only one option. Information at point-of-sale vies for space with information on numerous other issues, and may or may not be the best conduit.

In line with its mission to promote a socially-responsible industry, AMTA has produced a number of 'Consumer Tips' information sheets that it has widely disseminated and promoted (including to Federal and State Fair Trading, education authorities and consumer organisations). The information sheets produced to date include: Tips for Buying Your Mobile, Tips for Minding Your Mobile Spend, Camera Phone Safety and Etiquette, Driving and Using Mobiles, Mobile Phone Etiquette, Roaming - International, Roaming - Domestic and Mobile Maintenance (see: www.amta.org.au – consumer tips). AMTA has also produced a policy template document for schools, which schools adapt and adopt as they see fit. It gives schools a means of making clear to all concerned what it considers are the appropriate uses of mobile phones within its boundaries. These documents have been very well received, and AMTA will continue to develop, review and update its material, taking into account suggestions and feedback from relevant organisations. AMTA is currently discussing, for example, with the NSW Commission for Young Persons, re-producing some of the tips in format that is more accessible for young people. AMTA is also holding more general discussions about awareness raising with the ACA.

AMTA is working to address issues through participation in relevant initiatives. It is an active participant in the Commonwealth's Financial Literacy Taskforce, for example, and supports its proposal for a coordinated, nation-wide approach to improved financial awareness for consumers. AMTA is also considering disability issues, in consultation, where appropriate, with representatives from consumer bodies.

Finally, AMTA initiated, and manages, a service for consumers who have lost, their mobile phones, or had them stolen. The service allows phones to be blocked across all networks, preventing the owner incurring further call charges. The ability to block lost or stolen phones across networks is a word-first, and represents significant investment by AMTA and its members. It is an illustration of the benefits for

consumers that can be achieved through industry co-operation, without the need for excessive regulation.

AMTA is keen to continue working co-operatively with the ACA, NSW Commission for Young Persons, consumer groups, other agencies and bodies, to improve and develop its information, to better educate consumers, and to assist in relevant policy reviews and initiatives. AMTA looks forward to further dialogue with the relevant groups as the ideas in the issues paper are further developed and discussed.

AMTA, October 2004