



Andrew Westmorland  
Senior Policy Analyst  
Education & Telephone Content  
Australian Communications and Media Authority

By email: [mobilecontent@acma.gov.au](mailto:mobilecontent@acma.gov.au)

Australian  
Mobile Telecommunications  
Association  
ABN 98 065 814 315  
First Floor  
35 Murray Crescent  
Griffith ACT 2603 Australia  
PO Box 4309  
Manuka ACT 2603 Australia  
Ph +61 2 6239 6555  
Fax +61 2 6239 6577  
Web [www.amta.org.au](http://www.amta.org.au)

31 August 2006

Dear Andrew

**Re: Telecommunications Service Provider (Mobile Premium Services)  
Amendment Determination 2006 (No. 1)**

The following submission is made on behalf of the Australian Mobile Telecommunications Association (**AMTA**) and the Australian Direct marketing Association (**ADMA**).

AMTA is the Australian mobile industry's peak body. AMTA's members include mobile phone carriers, handset manufacturers, retail outlets, network equipment suppliers and other suppliers to the industry. AMTA's mission is to promote a socially, environmentally and financially responsible and successful mobile telecommunications industry in Australia.

Membership of ADMA comprises both organisations that market their products and services using direct marketing techniques and suppliers of those services who provide technical and creative support. Association members are responsible for over 80 per cent of the \$16.2 billion annual direct marketing spend in Australia. Within ADMA exist six special interest Councils made up of representative industry experts. The ADMA Mobile Marketing Council membership consists of companies who derive all or most of their income from mobile marketing. The members of the Council represent a significant proportion of the mobile marketing industry and have been the drivers behind the Industry to date.

As you are aware, members of AMTA and the ADMA Mobile Marketing Council have been working for an extended period of time on a self-regulatory scheme to meet the requirements of the Determination and a Scheme was recently jointly submitted to ACMA by our members. This submission represents the views of those nominating organisations.

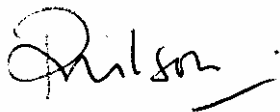
AMTA and ADMA support changes to sections 5.13 (3) and 5.13 (5) relating to default scheme changes and organisations developing and submitting a Scheme. It is essential that procedures for the replacement of a default scheme are clear, and that the Determination is flexible in relation to organisations developing any self-regulatory scheme.

AMTA and ADMA do not object to the proposal to change the length of time between approval of a self-regulatory scheme and its commencement from 60 to 30 days. Nominating members are obviously all au fait with the scheme and many have already implemented substantial parts of the scheme. The reduced compliance period may present more of a challenge to those who have not been involved in the scheme's development, however.

AMTA and ADMA do not support the proposal to extend the length of time for ACMA to approve amendments to self-regulatory schemes from 28 to 60 days. One of the advantages of self-regulatory schemes is their flexibility, including their potential to react to developments within a relatively short timeframe. Such flexibility is particularly important for schemes governing the behaviour of rapidly innovating industries such as the mobile premium content industry. More than doubling the regulatory approval process would clearly reduce this flexibility. The Associations therefore continue to support the shorter approval process, as outlined in the original Determination.

If you would like to discuss any issues further, or have any questions, please do not hesitate to contact either myself on 02 6239 6555, or Jodie Sangster, ADMA, Director- Legal & Regulatory Affairs on 02 9277 5417.

Yours sincerely



**Peppi Wilson**  
Manager - Policy  
AMTA



**Jodie Sangster**  
Director – Legal & Regulatory Affairs  
ADMA