

21 January 2021

The Manager
Communications Futures Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne Vic 8010

By email to: Catherine.Manson@acma.gov.au

Dear Catherine,

Sunset review of MPS determinations consultation

Thank you for inviting my office to comment on the ACMA's consultation on sunsetting the Mobile Premium Service Determinations.

I support the ACMA's proposal to not renew the *Telecommunications Service Provider (Mobile Premium Services) Determinations 2010 (No. 1) and (No. 2) (the Determinations)*, as long as Communications Alliance incorporates the 'barring rules' into the *Mobile Premium Services Industry Code (the Code)*.

Sunsetting Determination No. 2 presents a low risk of harm to consumers. Complaint volumes about mobile premium services have dropped significantly since the Determinations were introduced in 2010. These complaints no longer represent a significant proportion of the overall complaints to my office. The only systemic issue we identified about mobile premium services in 2020 was resolved without referring to this Determination. And the recent introduction of clearer obligations on third-party charges in the *Telecommunications Consumer Protections Code* mean it is increasingly unlikely the ACMA will need to enforce the 'do not contract' and 'do not bill' rules.

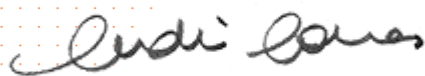
In contrast to Determination No. 2, the 'barring rules' in Determination No. 1 are key consumer protections which may continue to be relevant to consumers. Since the barring rules are not clearly replicated elsewhere in the Code, I welcome Communications Alliance's proposal to consolidate these rules into the Code.

I have separately provided comments to Communications Alliance about its drafting of the barring rules, with recommendations that:

- the drafting would be stronger if it retained the 'customer-convenient service' rules and request pathways from Determination No 1., and
- draft clause 5.5.1 would be clearer if it emphasised both 'customer requests' and 'barring', rather than its current focus on customer requests.

I look forward to the outcome of these joint consultations.

Yours sincerely,



Judi Jones
Telecommunications Industry Ombudsman