

## Premium Service Determination 2004 (No. 1)

I, DARYL ROBERT WILLIAMS, Minister for Communications, Information Technology and the Arts, make the following Determination under paragraph 3.12(1)(c) of the *Telecommunications Regulations 2001*.

Dated 13 April 2004

DARYL WILLIAMS

Minister for Communications, Information Technology and the Arts

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### 1 Name of Determination

This Determination is the *Premium Service Determination 2004 (No. 1)*.

### 2 Commencement

This Determination commences on gazettal.

### 3 Definitions

In this Determination:

*Act* means the *Telecommunications Act 1997*.

*carriage service* has the same meaning as in the Act.

*carriage service intermediary* has the same meaning as in the Act.

*carriage service provider* has the same meaning as in the Act.

*content service* has the same meaning as in the Act.

**eligible prefix** means a prefix of 191, 193, 194, 195, 196, 197 or 199.

**mobile carriage service provider** means:

- (a) a carriage service provider who supplies a customer with a public mobile telecommunications service; or
- (b) a carriage service intermediary who arranges for the supply by a carriage service provider to a customer of a public mobile telecommunications service.

**premium content service** means a content service where a charge for the supply of the service:

- (a) is expected to be included in a bill sent to a relevant customer of a mobile carriage service provider by or on behalf of that provider; or
- (b) is payable by a relevant customer to a mobile carriage service provider or any person acting on behalf of that provider:
  - (i) in advance; or
  - (ii) in any other manner.

**proprietary network** means a telecommunications network used by a mobile carriage service provider that enables customers of that provider to access a premium content service by way of a mobile device where that service is not otherwise generally available.

**public mobile telecommunications service** has the same meaning as in the Act.

**relevant customer** means a customer of a mobile carriage service provider in relation to the supply of a premium content service.

**telecommunications network** has the same meaning as in the Act.

#### 4 Determination

The following services are determined for the purposes of paragraph 3.12(1)(c) of the *Telecommunications Regulations 2001*:

- (a) a carriage service supplied by way of a call to a number with an eligible prefix;

- (b) a content service supplied by way of a call to a number with an eligible prefix;
- (c) a public mobile telecommunications service that enables an end-user to access a proprietary network.