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

Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under section 99 of the Telecommunications Act 1997.

Dated 28 September 2006

Chris Chapman
Chairman

Lyn Maddock
Deputy Chair

Australian Communications and Media Authority

1 Name of Determination
This Determination is the Telecommunications Service Provider (Mobile Premium Services) Amendment Determination 2006 (No. 1).

2 Commencement
This Determination commences on the day on which it is registered.

3 Amendment of Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1)
Schedule 1 amends the Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1).
Schedule 1 Amendments

(section 3)

[1] Subsection 5.2 (1)

substitute

(1) Subsections (2), (3), (4) and (5) do not apply until 30 days after the day on which there is a default scheme under section 5.13.

[2] Subsection 5.4 (9)

substitute

(9) If ACMA approves a proposed self-regulatory scheme, the approved self-regulatory scheme starts to apply to each service provider who is a member of the scheme 30 days after the day on which the scheme is approved.

[3] Subsection 5.8 (1)

omit

28 days

insert

60 days

[4] Subsection 5.8 (2)

omit

28 days

insert

60 days

[5] Paragraph 5.8 (3) (a)

omit

28 days

insert

60 days
[6] **Subsection 5.8 (4)**

*omit*

28 days

*insert*

60 days

[7] **After subsection 5.13 (1)**

*insert*

(1A) If the approved MPSI scheme is a replacement scheme under section 5.12:

(a) the default scheme is taken to have been revoked and replaced accordingly; and

(b) ACMA must, as soon as possible after the approved MPSI scheme is replaced and before the replacement scheme starts to apply, make the content of the default scheme available on the Internet for inspection by:

(i) content service providers and mobile carriage service providers who supply mobile premium services; and

(ii) the public.

[8] **Subsection 5.13 (3)**

*omit*

section 5.11 or subsection 5.12 (4),

*insert*

section 5.11,

[9] **After subsection 5.13 (3)**

*insert*

(3A) If all members of the approved MPSI scheme give written notice to the ACMA of the revocation of the approved MPSI scheme under section 5.11:

(a) the default scheme is taken to continue in existence; but

(b) the approved MPSI scheme ceases to apply to the revoking members.
Subsection 5.13 (5), definition of *MPSI scheme*

*Substitute*

*MPSI scheme* means the first self-regulatory scheme submitted under section 5.3 after being developed by 1 or more bodies or associations which together:

(a) have members that include at least:
   (i) 1 mobile carriage service provider; and
   (ii) 1 content service provider who is not a mobile carriage service provider; and

(b) represent content service providers and mobile carriage service providers who supply mobile premium services.

Further amendments — ACMA

The following provisions are amended by omitting ‘ACA’ and inserting ‘ACMA’:

- subsection 1.3 (1), note, first dot point
- subsection 2.1 (1)
- subsection 2.1 (1), note 2
- subsection 3.6 (2)
- subsection 3.6 (3), note
- paragraph 3.7 (4) (b)
- subsection 3.7 (4), note
- section 4.1, definition of *safety measures notice*
- section 4.1, definition of *safety standard*, paragraph (b)
- section 4.1, note
- section 4.2
- paragraph 4.3 (2) (a)
- paragraph 4.3 (2) (b)
- subsection 4.3 (2), note
- subsection 4.3 (3)
- subsection 4.5 (2)
- subsection 4.5 (3), note
- subparagraph 5.2 (3) (c) (iv)
- subparagraph 5.2 (3) (d) (v)
- subsection 5.2 (3), note
- subparagraph 5.2 (4) (c) (iv)
- subparagraph 5.2 (4) (d) (v)
- subsection 5.2 (4), note
- subsection 5.3 (2)
- subsection 5.4 (1)
• subsection 5.4 (1), note
• subsection 5.4 (2)
• subsection 5.4 (2), note
• subsection 5.4 (3)
• paragraph 5.4 (3) (b)
• subsection 5.4 (4)
• subsection 5.4 (5)
• subsection 5.4 (6)
• subsection 5.4 (7)
• subsection 5.4 (9)
• subparagraph 5.6 (1) (g) (ii)
• paragraph 5.6 (1) (j)
• section 5.6, note
• paragraph 5.7 (2) (a)
• subsection 5.8 (1)
• subsection 5.8 (1), note
• subsection 5.8 (2)
• subsection 5.8 (2), note
• subsection 5.8 (3)
• paragraph 5.8 (3) (b)
• subsection 5.8 (4)
• subsection 5.8 (5)
• subparagraph 5.8 (5) (a) (ii)
• subsection 5.8 (6)
• subsection 5.8 (7)
• subsection 5.8 (8)
• subsection 5.8 (10)
• paragraph 5.8 (10) (b)
• paragraph 5.9 (2) (a)
• paragraph 5.9 (2) (b)
• paragraph 5.9 (3) (b)
• paragraph 5.10 (2) (a)
• paragraph 5.10 (2) (b)
• paragraph 5.10 (3) (b)
• subsection 5.11 (2)
• paragraph 5.11 (3) (b)
• subsection 5.12 (4)
• paragraph 5.13 (1) (b)
• paragraph 5.13 (2) (b)
Schedule 1 Amendments

- subsection 6.1 (1)
- subsection 6.1 (2)
- paragraph 6.1 (2) (a)
- subsection 6.1 (3)
- subsection 6.1 (4)
- section 6.1, note 1
- section 6.1, note 2
- paragraph 6.2 (1) (a)
- paragraph 6.2 (1) (b)
- subsection 6.2 (2)
- section 6.2, note 1