



**Australian  
Competition &  
Consumer  
Commission**

Our ref: 51130  
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15 May 2013

Mr Richard Fraser  
Manager, New Communications Issues and Safeguards Section  
Australian Communications and Media Authority  
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Dear Mr Fraser

**Premium Voice Services – Review of the Telecommunications Service Provider  
(Premium Services) Determination 2004 (No. 1)**

I am writing in relation to the Review of the *Telecommunications Service Provider (Premium Services) Determination 2004 (No.1)* (the Determination) Consultation Paper issued for public comment by the Australian Communications and Media Authority (ACMA) in March 2013. The Australian Competition and Consumer Commission (ACCC) welcomes the opportunity to comment on the review.

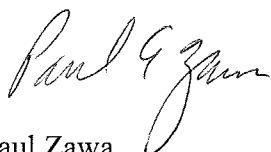
The ACCC notes that the Determination, which contains requirements for the provision of information to consumers about voice and faxed based premium services, may have had a role in reducing consumer detriment at a time when complaints were high and the services less understood. However, the ACCC understands that since the Determination was introduced in 2004, business models for providing premium content have evolved to online platforms, and the use of voice or faxed based services has declined. Given the changes in this market and the corresponding decrease in complaints about these particular services, the ACCC considers that it would be appropriate that the Determination be allowed to sunset in October 2015.

The ACCC has a strong commitment to improving the standards of information provision in the telecommunications sector. The ACCC notes that in addition to the general safeguards available in the *Competition and Consumer Act 2010*, new provisions in the revised Telecommunications Consumer Protection Code C628:2012 (TCP Code) which attempt to address bill shock and improve information disclosure will commence this year (for example, spend management tools and critical information summaries). The ACCC also notes that there are a number of existing consumer safeguards in the related mobile premium services industry, where consumer complaints have been more significant in recent years, and that these safeguards will not be affected by changes to this Determination.

The ACCC does not consider it appropriate that the Determination be revoked when it will be some time before the effectiveness of the new provisions of the TCP Code can be assessed. If future evidence suggests that the inadequate provision of information about voice and faxed based premium services is leading to consumer detriment, the ACCC will consider whether regulation is appropriate.

We thank you for the opportunity to comment on the Review. If you have any questions regarding the comments provided above, or would like to discuss this matter with us further, please contact Jayde Richmond on (03) 9658 6460 or Paul Zawa on (03) 9290 1860.

Yours sincerely

A handwritten signature in black ink that reads "Paul Zawa". The signature is written in a cursive style with a large, looping 'Z'.

Paul Zawa  
General Manager  
Enforcement Operations Victoria