

CLAYTON UTZ

NETWORK INSIGHT SEMINAR 3G CONTENT & MOBILE DEVICES

3 May 2005

**SESSION 3 - CENSORSHIP, COMMUNITY
STANDARDS & REGULATIONS**

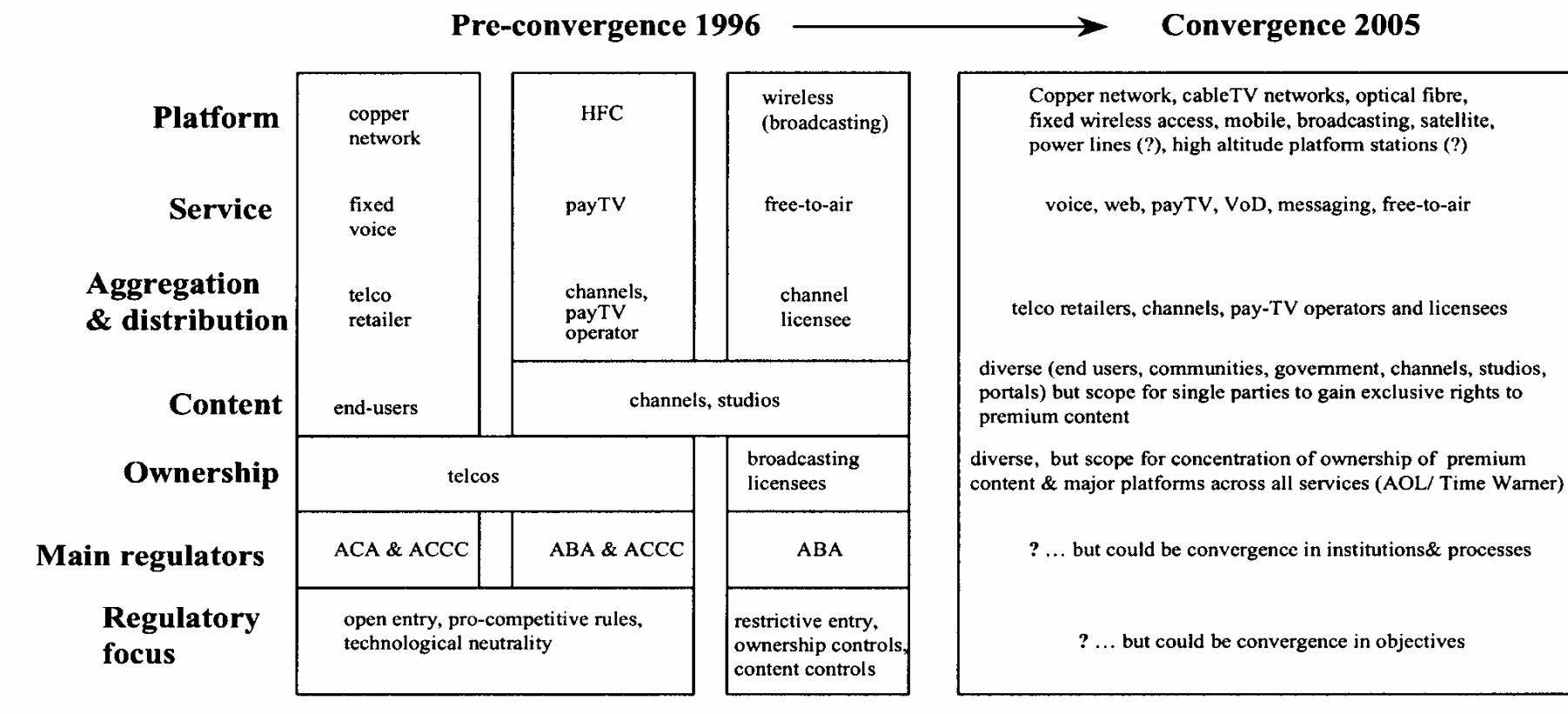
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Scope of session

- the 3G environment
- identification of regulators and industry bodies, jurisdiction/areas of operation and methodologies
- current flurry of regulatory and industry activity
- overlaps, gaps, anomalies and the future

Looking back

Figure 1.1 The impact of convergence



Data source: Productivity Commission (2000, pp. 105ff), MacKie-Mason (sub. 25).

Key regulatory issues for 3G services:

- content - dealing with "inappropriate" content, access to premium content, protection of content
- issues relating to relationships between consumers and service providers - including billing practices and transparency and complaints handling, particularly responsibility for content
- regulatory policy and methodology

- "Environmental" factors:
 - blurring of traditional boundaries between carriage and content
 - same or similar content available via multiple channels or delivery platforms
 - variety of content available via the same (mobile) device

- content regulation traditionally directed at public formats creates challenges in more "private" environments
- adult content and child protection - politically sensitive and emotive issues
- relationships between industry participants and with consumers are becoming more complex
- Public expectation of consistency
- Degree of co-ordination

Regulators and (some of the) industry bodies - 3G content

- Department of Communications, Information Technology & the Arts (DCITA)
- Australian Communications Authority (ACA)
- Australian Broadcasting Authority (ABA)
- From 1 July - Australian Communications and Media Authority (ACMA)
- Australian Competition and Consumer Commission (ACCC)
- Office of Film & Literature Classification (OFLC) and Classification Board
- Australian Communications Industry Forum (ACIF)
- Australian Mobile Telecommunication Association (AMTA)
- Telephone Information Service Standards Council (TISSC)
- Internet Industry Association (IIA)
- Telecommunications Industry Ombudsman (TIO)

Current Activity

- Still working along delivery lines and heavy reliance on purpose developed definitions - potential impact on technological neutrality policy
- ABA and IIA - IIA developing new, extended Internet Codes at ABA's request
- OFLC - combined guidelines
- ACA - development of service provider rules
- DCITA
 - directions to ACA
 - reviewing regulation of content delivered to convergent devices
 - tabled review of Schedule 5
 - criminal legislation

Current Activity

- ACMA - issues from 1 July 2005 as administrative merger only
- TISSC - developing Code for premium rate SMS and MMS with AMTA input
- ACIF - consumer Codes
- TIO - jurisdictional issues

Short to medium term position

- merged ACMA to administer still separate broadcasting and telecoms regimes
- ACA service provider rules with potential difficulties in application
- overlap/inconsistency between rules and Codes of Practice
- change to Schedule 5 unlikely - so Internet and premium telecoms services regimes will operate in parallel
- some content not caught
- overlap in relation to complaints handling

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