

Telecommunications Carriers' Forum

Extension to Project Scope:

Development of a Self regulated Code of Practice for Mobile Non-Premium Rate Services - the "Mobile Non-Premium Rate Services Code"

Date Submitted: 8 July 2009

A. Background

In February 2008 the TCF endorsed the self-regulated code for Mobile Premium Rate Services. This code is structured on an activities basis for those activities which must be performed in relation to the Premium Messaging Services.

While the current management of Mobile Non-Premium Rate Services is working effectively, TCF members consider that customers, and the industry, would benefit from a self regulated industry code of conduct that would provide stronger and clearer guidelines as to the running of non-premium services.

The TCF code would be a voluntary, and TCF members and other interested parties would be invited to sign up to it, and in so doing accept that their terms and conditions for Content Providers and Mobile Service Providers need to accord with the requirements of the code.

B. Project Scope

The scope of this project is to prepare a Mobile Non-Premium Rate Services Code of Practice ("Code"), which would be voluntarily adopted by members of the TCF and other interested parties. The Code would:

- i. Set out certain principles that Mobile Service Providers should comply with.
- ii. Provide guidelines for Service/Content Providers to ensure compliance with their legal obligations and the obligations of the Code.
- iii. Achieve a balance between legitimate industry interests and viability, and end user interests.
- iv. Promote end user confidence in and encourage the responsible use of Mobile Non-Premium Rate Services.
- v. Acknowledge that Mobile Service Providers and end users alike have an on-going obligation to use reasonable efforts to attempt to minimise and discourage the inappropriate use of mobile technologies and prevention strategies.
- vi. Provide guidelines for the on-going provision of information and education to end users and sales staff about the use of mobile technologies.
- vii. Other related factors that the TCF members consider relevant

This Working Party will also provide an on-going forum for discussion on issues related to Mobile Non-Premium Rate Services.

C. Deliverables

The deliverable from this project is a self regulated Mobile Non-Premium Rate Services Code of Practice covering all forms of Mobile Non-Premium Rate Services and the advertising and management of these services to New Zealand end users. The Code might refer to services and capabilities that may be available on one carrier but not another, as well as detailing any differences in service offerings as appropriate.

It is envisaged that the Working Party would prepare a Code similar to the non-regulated Code for Mobile Premium Rate Services. As well as this document it is envisaged that the Working Party will use any other relevant international codes of practice, research and experts in the development of the final Code.

D. Consultation

The draft Code will be issued for public consultation to SMS Partners, the Commerce Commission and other interested parties, and they will be invited to submit on the draft Code in accordance with the timetable below.

E. Working Party Membership

The Working Party Members will be the same as the membership on the Mobile Premium Rate Services.

F. Proposed Project Timeline

The table below shows a proposed project timeline.

Milestone	Date
TCF Board Approval of Project Scope	3 July 2009
First formal meeting on the Working party to discuss the content of the Code	July 2009
Draft Code completed and submitted to TCF Board for approval to issue for public consultation	TBA
Public consultation commences	TBA
Public consultation period closes	TBA
Draft Code updated with public comments and submitted to TCF Board for endorsement	TBA

G. Resources

A total of 80 hours of Forum Administrator time is expected to be required from July 2009 to November 2009.

H. Recommendation

That the TCF Board:

- 1) **Approve** this project scope
- 2) **Agree** that the report set out in section 7.1.11 of the TCF Rules is not required.