



Australian
Mobile Telecommunications
Association

12 January 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Committee Members,

RE: Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011

The Australian Mobile Telecommunications Association (**AMTA**) welcomes the invitation to make a submission to the Committee's inquiry into the Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011 (**the Bill**).

AMTA is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile Carriage Service Providers (CSPs), handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.

AMTA has participated in the Australian Law Reform Commission's review of the National Classification Scheme. AMTA believes that the ALRC's 43 proposals for reform contained in the Discussion Paper released in September 2011 are broadly workable and appropriate.

AMTA supports the Bill as an interim measure which will exempt mobile phone and online games (apart from those likely to contain "refused classification" material) from any requirement to be classified. AMTA believes that this reflects current industry practices which are working well. The Bill will provide industry and consumers with the necessary clarification of legal and regulatory requirements.

With well over 500,000 mobile applications now on the market and available for download AMTA agrees that the Classification Board could not reasonably be expected to manage the administrative burden if it were required to classify all of these mobile phone and online games. Likewise industry would also be faced with a significant financial and regulatory burden if every mobile application or online game required classification.

AMTA notes that consumer protections under the Broadcasting Services Act 1992 will remain in place and allow consumers to lodge a complaint with the ACMA about any mobile phone or online games that may contain prohibited material that is likely to cause the relevant game or application to be classified M or above.

The proposed Bill is intended to stay in place for a period of two years to allow for long-term reforms resulting from the ALRC's review to be established. While AMTA agrees with this intention, there is concern that the two year period could potentially be too short which would then leave industry faced with regulatory uncertainty until long-term measures can be put in place. AMTA suggests that the Bill's measures should remain in place until such date as they are replaced by longer-term arrangements.

Yours sincerely,

Chris Althaus

Chief Executive Officer
AMTA