

The Executive Director
Australian Law Reform Commission
GPO Box 3708, SYDNEY NSW 2001

21 July 2011

Dear Sir/Madam,

National Classification Scheme Review

The Telephone Information Services Standards Council (TISSC) is an independent regulatory body that sets standards for the message content and advertising of any Australian premium rate telecommunication service with the prefix 190, in the form of a Code of Practice. Service providers of 190 numbers must abide by this Code of Practice, which is developed by TISSC. TISSC is funded by Telstra, and indirectly by the telephone information services industry. It consists of the Telephone Information Services Standards Council (TISSC), a secretariat made up of complaints handling and administrative support staff, and an independent Arbitrator. The Telephone Information Services Standards Council (TISSC) is the governing body of the organisation, and is made up of three (3) community members, three (3) industry members and an independent Chairman. Two of the industry members are 190 service providers, and one is from the telephone company sector. This preserves a balance between the interests of consumers and the industry.

TISSC handles complaints about the message content and advertising of 190 services. Complaints are handled and resolved swiftly, in consultation with the industry provider. We also conduct an active monitoring programme to ensure the 190 industry is compliant with the Code of Practice. When a breach of the Code is determined by the Arbitrator, a range of remedies are available, including rectification, consumer refund if applicable, and service suspension. While our complaint figures are very low, we consider this to be substantially due to the effectiveness of our monitoring programme. More information about the operation of the TISSC scheme can be found on our website at www.190complaints.com.au.

Content accessed via 190 services, and regulated under the TISSC Code

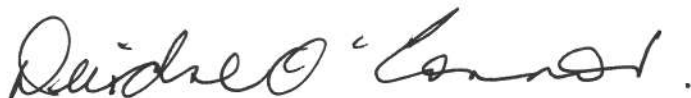
I note that your Issues Paper 40 makes no reference to TISSC, or to the manner in which content on a 190 prefix is regulated.

The TISSC Code of Practice regulates content under paragraph B.1.1. The most frequently used sub-paragraphs of B.1.1 relate to adult content. Paragraph B.1.1(a) proscribes content that is offensive to reasonable adults, and B.1.1(b) content that is unsuitable for minors. In addition, material describing intimate sexual behaviour,

which a caller is likely to call for sexual gratification, is not permitted on an unrestricted prefix 190 service (B.1.3.1). This latter provision reflects Part 9A *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth). A table setting out these Code provisions against the National Classification Code and Schedule 7 *Broadcasting Services Act* (Cth) is attached.

Should you wish to discuss any aspect of the operation of the TISSC scheme further, I can be contacted via the TISSC secretariat.

Yours sincerely,

A handwritten signature in cursive script, reading "Deirdre O'Connor".

Deirdre O'Connor
CHAIRMAN

TISSC Code	National classification code	Schedule 7 BS Act	Telecommunications (Consumer Protection and Service Standards) Act 1999
<p>No content that:</p> <p>Is offensive to reasonable adults, having regard to contemporary attitudes (B.1.1(a));</p> <p>Describes, incites or promotes unlawful sexual activity (B.1.1(d));</p>	<p>RC – depict, express or otherwise deal with sex etc. so that it offends standards of reasonable adults; Describes/depicts offensively a child under 18</p>	<p>Content prohibited if:</p> <ul style="list-style-type: none"> • classified RC or X18+ • classified R18+ but not restricted • classified MA15+ but restricted <p>Content potentially prohibited if not classified, but likely to fall into the above classifications if classified</p>	
<p>No content unsuitable for minors, having regard to contemporary attitudes (B.1.1(b)) – minors = under 18. Exceptions:</p> <ul style="list-style-type: none"> • Restricted access • Closed user access • Therapeutic or counseling services 	<p>X 18+ - content unsuitable for minor that includes depictions of non-violent consenting sex R 18+ - content unsuitable for minor including realistically simulated sex. MA 15+ - implied sexual activity unsuited to under 15s.</p>	<p>Content prohibited if:</p> <ul style="list-style-type: none"> • classified RC or X18+ • classified R18+ but not restricted • classified MA15+ but not restricted <p>Content potentially prohibited if not classified, but likely to fall into the above classifications if classified</p>	
<p>No material describing intimate sexual behaviour, which a caller is likely to call for sexual gratification (B.1.3.1). Exceptions:</p> <ul style="list-style-type: none"> • Medical services • Restricted access services (incl 1901) 		<p>Content prohibited if:</p> <ul style="list-style-type: none"> • classified RC or X18+ • classified R18+ but not restricted • classified MA15+ but restricted <p>Content potentially prohibited if not classified, but likely to fall into the above classifications if classified</p>	<p>Part 9A. Telephone sex services (services likely to be called for sexual gratification having regard to content and advertising (s.158J) only to be supplied on approved prefix (1901). Exceptions:</p> <ul style="list-style-type: none"> • therapeutic or counseling services