

8 April 2008

Review of Regulation Discussion Paper
Broadcasting Unit
Ministry for Culture and Heritage
PO Box 5364
Wellington

Via email

To whom it concerns

Review of Broadcasting Regulation

Thank you for this opportunity to make a submission.

The nature of broadcasting and the provision of rich media to users is undergoing fundamental change as convergence between the formerly separate IT, telecommunications and media sectors accelerates. Access to rich media services through mobile phones and the Internet, as well as the emergence of significant quantities of user-generated content, all have far-reaching consequences for these converging industries, users and society.

While we recognise that there is fundamental change occurring we do not agree that this in of itself necessarily requires an extension of the regulatory approach for broadcasting to new delivery channels now being utilised by broadcasters.

The Telecommunications Carriers' Forum (TCF) is a strong advocate of responsible industry self-regulation. In November 2005 we finalised a Mobile Content Code of practice that governs the provision of commercial content provided over mobile networks. A copy of this code can be found at www.tcf.org.nz/mcontent. Signatories to the code include Telecom, Vodafone, Woosh, and TelstraClear.

In our view this code, which is currently undergoing a scheduled review, adequately deals with issues relating to restricted and illegal content as well as chat rooms. In the

event that other issues arise over time, the TCF will proactively undergo a further review.

We consider that this self-regulatory approach is comprehensive, effective, flexible and cost-efficient and there is no need for any additional regulatory mechanisms in respect of mobile content as there is, self-evidently, no problem to be solved.

We also consider that this approach is valid regardless of whether the content providers are broadcasters or other media providers in the traditional sense. Mobile content providers traverse a wide range of sources, including traditional media sources, and we see no justification in treating one source differently from others.

Furthermore, we consider that it is clearly futile to regulate content provided via the Internet, regardless of who the originator is.

If you have any queries in relation to this submission, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'RChivers', is positioned below the closing 'Yours sincerely'.

Ralph Chivers
Chief Executive
Telecommunications Carriers' Forum