

# Australian Communications and Media Authority

## Statement of Intent

DECEMBER 2018

The Government's vision is that the Australian Communications and Media Authority (ACMA) be a fit-for-purpose regulator for the contemporary communications and media environment, that keeps pace with the market (including emerging technologies) and that acts as a decisive and responsive regulator balancing the benefits of minimising regulatory burden on the sector while ensuring delivery of public interest outcomes.

In this context, the Government has issued a Statement of Expectations for the ACMA, that outlines the Government's expectations relating to: the ACMA's role and responsibilities; the ACMA's relationships with the Government and its responsible Minister, with the Commonwealth Department of Communications and the Arts and with the Office of the eSafety Commissioner; and issues of governance, transparency and accountability and regulator performance and cooperation.

The [Statement of Expectations](#) is available on the Department of Communications and the Arts website. This Statement of Intent responds to the Government's Statement of Expectations for the ACMA.

### **Roles and responsibilities**

The ACMA is an independent Commonwealth statutory authority responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Its governance and functions are prescribed by the *Australian Communications and Media Authority Act 2005*.

Following a 2016 review of the ACMA, the Government expects that the ACMA's remit of responsibility will cover all layers of the communications sector: infrastructure, transport devices, content and applications.

The ACMA makes regulatory decisions through formal meetings/resolutions of the Authority, comprised of statutory officers, or through delegations by the Authority to ACMA staff. The Authority has published a *Code of Conduct for Authority and Associate Members* which describes its intended operational arrangements.

The ACMA will use the full range of regulatory tools and measures available to it to ensure that regulated entities operate with a culture of compliance. These tools and measures range from education through to administrative or court-based enforcement.

The staff of the ACMA are part of the wider Australian Public Service (APS) and are covered by the *Public Service Act 1999* (PS Act). The ACMA is committed to upholding the values of the APS – that is to be impartial, committed to service, accountable, respectful and ethical. The ACMA staff have also committed to agency-

specific values to be purposeful, curious and questioning and collaborative (ACMA Corporate Plan 2018-19).

The ACMA Chair is the Agency Head for the purposes of the *Public Governance and Accountability Act 2013* (PGPA Act).

## **Relationship with the responsible Minister**

The ACMA commits to providing timely and accurate information and briefing to the Minister for Communications and the Arts on significant issues. The ACMA will keep the Minister informed in relation to media releases, public submissions and major speeches and matters for which the Government is accountable to the Parliament.

The Chair will meet regularly with the ACMA's responsible Minister and/or his/her office to provide updates on ACMA activities and significant matters. Senior managers of the Agency will keep the Minister's office informed on strategic and operational matters. Authority members who have been tasked with leadership in particular subject matter areas (Authority Leads) may also meet with the Minister's office on specific matters within their remit.

## **Relationship with the Department of Communications and the Arts**

The ACMA recognises the importance of its relationship with the Commonwealth Department of Communications and the Arts in its role as principal adviser to the Minister on a range of matters.

The ACMA will work collaboratively with the Department to ensure its significant technical and regulatory expertise can inform advice to Government, including on possible amendments to the regulatory or legislative framework. The ACMA will also keep the Department well informed of its delivery timeframes for projects where there are interdependencies.

The ACMA will maintain a close relationship with the Department through regular meetings, updates and briefings between officers and, where appropriate, Authority members. Senior departmental officials and the ACMA, including the Chair, members and senior staff will meet regularly to discuss strategic issues of mutual interest.

The Chair will meet with the departmental Secretary on a monthly basis. The ACMA will provide additional copies of all information, briefings, press releases and correspondence directed to the Minister to the Secretary or his delegate.

The ACMA will also ensure that its research agenda complements that of the Bureau of Communications and Arts research through close collaboration between its research teams and senior management sign-off.

## **Relationship with the Office of the eSafety Commissioner**

The eSafety Commissioner is a statutory officer independent of the Authority. Under current arrangements, the ACMA provides staff to the Office of the eSafety Commissioner (OeSC) to enable it to fulfil its functions. These staff are covered by the PS Act, the PGPA Act, the Accountable Authority Instructions and Delegations, the ACMA's Enterprise Agreement, and all Agency People Management Instructions.

The ACMA also provides corporate support to the OeSC (HR, ICT etc) under, currently, informal arrangements. The ACMA intends to formalise the provision of corporate support through a Service Level Agreement with the Office by February 2019.

## **Regulator Performance**

In performing its regulatory functions, the ACMA commits to:

- > having regard to the importance of promoting efficient investment, competition, and innovation;
- > applying a risk-based approach to regulation, compliance and enforcement activities where regulatory intervention is targeted, evidence-based and commensurate with risk;
- > implementing continuous review of regulation to reduce burden and streamline approaches where benefits exceed the costs;
- > being timely and transparent in its actions and clearly indicate the priorities and objectives which inform its decision-making to regulated entities and the broader public.

The ACMA has already moved to improve the quality, timeliness and transparency of its regulatory decision-making through implementation of recommendations 21 to 24 of the ACMA review. This has included:

- > the development and publication of an Authority Code of Conduct;
- > commencing a web transformation project that will improve search and accessibility including its decisions; and
- > an annual spectrum work program process with priorities informed through stakeholder feedback.

The ACMA will continue to identify and pursue opportunities to improve regulator performance, including identifying to the government where reform of current legislation may be required.

The ACMA also commits to compliance with the Government's Regulator Performance Framework (RPF). The ACMA published its first RPF report in December 2016 with a focus on timeliness of decision-making and will continue to prepare an annual RPF Report.

### **Regulatory cooperation**

The ACMA will maintain close ties with Commonwealth and State and Territory agencies and its overseas counterparts.

In particular, the ACMA will maintain a strong relationship with the ACCC —as the economy-wide competition and consumer regulator—through associate member arrangements to be put in place by the government. In the meantime, the ACMA has put in place regular Chair to Chair, Authority to Commission and officer meetings to enable consultation where responsibilities connect, or each are dealing with common regulated entities.

Internationally, the ACMA represents Australia at a range of treaty-level organisations such as the International Telecommunications Union. The ACMA will work closely with the Department on its engagement in these fora to ensure alignment with government policy.

As the issues within its remit become more global, the ACMA will broaden its international regulatory cooperation beyond communications regulators to include regulators of harmful content, such as online gambling.

### **Governance, Transparency and accountability**

The ACMA performs its statutory functions as part of the Commonwealth Government and is accountable to the Parliament and ultimately the Australian public. The ACMA will report to the Parliament through its Portfolio Budget Statement, Annual Report and the Annual Performance Statement and contribute to the work of parliamentary committees. The ACMA's administrative and regulatory actions are also held accountable by the Auditor-General, the Commonwealth Ombudsman, the Administrative Appeals Tribunal and the courts.

The ACMA commits to being transparent and accountable in its decision-making, priority setting and for the outcomes it achieves. It will engage with its stakeholders in a fair and ethical manner when contemplating action that will affect their interests and seek wherever possible to work to achieve common objectives. It will consult widely and effectively in undertaking its research, enforcement, compliance and regulatory activities.

The ACMA has strong internal governance (including risk management) arrangements to ensure compliance with the obligations of the PGPA Act. In undertaking bargaining with its staff, the ACMA will comply with the APS Bargaining Framework.

### **Government policies and priorities**

The ACMA will have regard to the Government's priorities in developing its business planning. In the current business cycle, the ACMA will address these priorities through:

- > finalising the post-auction arrangements for the 3.6GHz spectrum band to facilitate the timely introduction of 5G services in Australia;
- > undertaking compliance and enforcement activities for new telco regulatory arrangements to improve the experience of consumers moving to the national broadband network;
- > making available supporting information for the new licensing framework aligned with the introduction of draft radiocommunications reform bills into the Parliament;
- > implementing the government's Regional and Small Publishers Innovation Fund;
- > compliance and enforcement activity related to new broadcasting and online gambling advertising rules;
- > providing authoritative advice to reviews of media and communications regulatory frameworks, including the telecommunications Consumer Safeguards review; and
- > implementing recommendations from the ACMA Review for which the ACMA has direct responsibility or a substantial shared responsibility.

(ACMA Corporate Plan 2018–19)

## **Conclusion**

The ACMA's purpose is to maximise the economic and social benefits of communications and media for Australia. To achieve this, the ACMA will engage with consumers, industry and government to shape and apply the regulatory framework. The ACMA commits to undertaking its roles and meeting its objectives in the context of the Government's broader media and communications policy framework.