
Australian Communications and Media Authority

Statement of Intent

February 2023

The Australian Government recognises that the communications and media sectors are integral to an inclusive, connected, productive, cohesive and creative society and are essential for government, businesses and communities. The Australian Communications and Media Authority (ACMA) has an important role in supporting industry and consumers in delivering and accessing the services of these sectors.

In this context, the Government has issued a Statement of Expectations to the ACMA that outlines the Government's expectations relating to: the ACMA's role and responsibilities; its regulatory approach; key Government policy priorities; the ACMA's relationships with its responsible Minister, Portfolio Department and other government agencies; and issues of governance, transparency and accountability.

The Statement of Expectations is available [here](#). 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 some online content. Its governance and functions are prescribed by the *Australian Communications and Media Authority Act 2005*.

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 operational arrangements.

The staff of the ACMA, including those supporting the eSafety Commissioner (eSC), are part of the wider Australian Public Service (APS) and are employed under 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. The ACMA Chair is the Agency Head and Accountable Authority for the purposes of the PS Act and the *Public Governance and Accountability Act 2013* (PGPA Act).

Regulatory approach

The ACMA is guided in its regulatory activities by the Government's *Regulator Performance Guide*.

The ACMA is committed to continuous improvement of our regulatory activities and performance and maintaining trust and confidence in communications and media regulatory settings. The ACMA will also provide data, information and advice to the Government where current regulatory frameworks present a barrier to effective outcomes.

The ACMA is committed to minimising regulatory burden while ensuring important consumer safeguards are upheld. Its approach will be risk-based, take into account the diverse range of businesses in the sector, and be supported by research, data and evidence. This will often require the collection of information from industry, which the ACMA will aim to be targeted to minimise stakeholder cost and effort.

The ACMA will consult and engage widely and deeply with regulated entities, consumers and other interested parties in undertaking its regulatory activities, including compliance and enforcement, as well as research. It will make transparent its decisions and its reasoning. It will also consult on and make public its compliance priorities each year and report on these through its annual report.

The ACMA will use the full scope of its powers and activities to deliver public interest outcomes and provide incentives for regulated entities to operate with a culture of compliance. This may range from industry and consumer education, input into co-regulatory code development through to the making of regulatory standards and pursuing administrative or court-based enforcement action.

Government policies and priorities

The ACMA will take into account the Government's policies and priorities as identified by the Minister in our regulatory activities. In the current business cycle, the ACMA will address these priorities through:

- Promoting innovation through the greater use of digital technologies targeted at reducing the regulatory burden for industry;
- Enforcing current telco scam regulation and working with industry, government and other stakeholders to understand the evolving scam environment and take timely and responsive action;
- Continuing oversight of the digital platform's Australian Code of Practice on Disinformation and Misinformation and working with government on the shape of potential new ACMA powers;
- Engaging the telco industry on how to evolve the consumer protection framework for telecommunications services;
- Setting clear expectations for the development and review of industry Codes of Practice, including the Telecommunications Consumer Protection and Local Number Portability Codes and various broadcasting Codes as set out in its *What Audiences Want* paper;
- Consulting on and settling a new framework for the measurement of media diversity in Australia and contributing our expertise to the government's work on modernising the media's regulatory environment for a contemporary Australia;
- Providing a roadmap for spectrum releases in the Five-Year Spectrum Outlook to support new spectrum uses;
- Participating in WRC meetings, including Study Groups and Working Parties to realise the benefits of wireless and satellite technology developments for Australia,
- Exercising licensing powers under the *Radiocommunications Act 1992* to support technology trials and innovation;
- Exercising exemptions powers under the *Radiocommunications Act* to promote innovation and industry development opportunities in Australia for the manufacture of banned equipment, where publicly beneficial;
- Supporting opportunities for better telecommunications services in regional and remote Australia through our spectrum and licensing allocation processes and supporting innovations to improve service delivery—including by the rapidly emerging satellite sector.

The ACMA will also have regard to and contribute, where it is able, to broader Government policy priorities:

- First Nations Australians and meeting the Closing the Gap targets
- The Net Zero by 2050 commitment; and
- Deepening people-to-people links and cooperation between Australia and the Indo-Pacific.

In addition, a key priority of the ACMA in this business cycle is the delivery of the National Self-exclusion Register under the auspice of the National Consumer Protection Framework for Online Wagering. The ACMA also actively contributes, and will continue to actively contribute, to policy discussions on the appropriateness of the current consumer protection framework for online gambling, in conjunction with performing its duties as the national online gambling regulator.

Relationship with the responsible Minister

The ACMA commits to providing timely and accurate information and briefing to the Minister for Communications 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 responsible Minister and/or their 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 Infrastructure, Transport, Regional Development, Communications and the Arts

The ACMA recognises the importance of its relationship with its Portfolio Department 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 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, Deputy Chair, members and senior staff will meet regularly to discuss strategic issues of mutual interest.

The Chair will meet with the departmental Secretary and relevant Deputy Secretaries regularly. The ACMA will provide to the Secretary, or their delegate, copies of information, briefings, press releases and correspondence directed to the Minister.

The ACMA will also ensure that its research agenda complements that of the Portfolio Department's through close collaboration between its research teams and senior management sign-off.

Relationship with the Office of the eSafety Commissioner

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

The ACMA also provides corporate support to the OeSC. The ACMA intends to formalise the provision of this corporate support through a Service Level Agreement with the Office by September 2023.

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 its strong relationship with the ACCC—as the economy-wide competition and consumer regulator—through associate member arrangements put in place by the government and sharing of briefing on mutually relevant issues.

The ACMA and ACCC Chair will meet regularly and ACMA and ACCC senior officers will meet on an ad hoc and standing meeting basis on matters including spectrum, consumer protection (including scams) and digital platforms.

The ACMA will continue its membership of, and contribution to the Digital Platform Regulators Forum (DP-REG). DP-REG is an initiative of the ACMA, ACCC, eSC and Office of the Australian

Information Commissioner to share information about, and collaborate on, cross-cutting issues and activities on the regulation of digital platforms.

The ACMA will also collaborate with other government departments and agencies, including the Departments of Home Affairs and Defence in particular, on issues of mutual interest.

Internationally, the ACMA represents Australia at a range of treaty-level organisations such as the International Telecommunication Union. It plays a strong coordinating role on spectrum-related matters with Asia-Pacific countries. 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 have become more global, the ACMA has broadened 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 Corporate Plan, Portfolio Budget Statement, Annual Report and Annual Performance Statement and contribute to the work of parliamentary committees. The ACMA is also held to account for its administrative and regulatory actions by the Auditor-General, the Commonwealth Ombudsman, the Administrative Appeals Tribunal and the courts.

The ACMA commits to being transparent, behaving in a predictable manner, and being 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.

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.

Conclusion

The ACMA's purpose is to maximise the economic and social benefits of communications infrastructure, content and services for Australia. We do this by:

- maintaining, enforcing and improving regulation to drive industry performance and protect consumers; and
- managing public resources to enable industry to deliver services to the community.

The ACMA commits to undertaking its roles and meeting its objectives in the context of the Government's broader media and communications policy framework.