



Australian
Communications
and Media Authority

Standard Operating Procedure

Responding to Broadcasting Complaints and Enquiries

FEBRUARY 2025

INTERNAL DOCUMENT		OFFICIAL
Approved by	Authority	
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Date	October 2024	
Next review	October 2025	

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1. Document control

Version control

Version	Date	Description	Approved
0.1	October 2023	Initial draft	CIS staff member
0.2	August 2024	Revised draft	A/g Executive Manager
0.3	October 2024	Authority Version	GM
0.4	October 2024	Conditional Authority Approval	Authority
1	February 2025	Final approval	GM
1.1	February 2025	Clarification of how delegations are applied, post Authority member feedback	GM

2. Overview

Scope statement

The ACMA enforces compliance with rules in broadcasting industry codes of practice, program standards and licence conditions under the *Broadcasting Services Act 1992* (the **BSA**). If a person thinks a broadcaster has breached these rules, they may make a complaint to the ACMA.

The Content Investigations Section (**CIS**), in the Content Safeguards Branch, is responsible for managing complaints and enquiries about commercial free-to-air and subscription TV, commercial radio broadcasters, the national broadcasters (ABC and SBS) and narrowcasters.

This Standard Operating Procedure (**SOP**) outlines the process for responding to complaints and enquiries about broadcast content and licence conditions relating to broadcasting services.

The process involves the following stages:

- Acknowledge receipt
- Triage
- Action

The progress and outcome of complaints and enquiries are recorded and monitored using the Customer Relationship Management database Microsoft Dynamics (known as **CRM**).

Avenues for lodging complaints and enquiries

CIS can receive complaints and enquiries directly through the following channels

- Mail.
- Webforms on the ACMA website.
- Email to the broadcasting@acma.gov.au inbox.

CIS can also receive complaints and enquiries indirectly via other channels:

- Phone to the Customer Service Centre (**CSC**) 1300 850 115 or email to CSC at info@acma.gov.au
 - The CSC will respond to all standard enquiries it receives and refer any complex matters to the relevant section for response.
- Mail or email addressed to the Chair, Deputy Chair of the ACMA or Authority Members. This correspondence is usually referred to the Section Manager of the relevant section via the relevant Executive Manager (**EM**) and General Manager (**GM**). This is forwarded to CIS for response.
- The ACMA's Parliamentary and Ministerial Section (the **P&MS**) receives complaints and enquiries from Members of Parliament including those made on behalf of constituents. The P&MS refers a copy of this correspondence to the relevant Section Manager for assessment, copying in the relevant GM and EM. CIS provides a draft response that is finalised and sent to the MP by P&MS.

Management of the following complaints and enquiries are outside the scope of this SOP:

- enquiries about broadcasting managed solely by the ACMA Customer Service Centre
- media enquiries (although CIS still has a role in providing input to the Media team)
- complaints and enquiries about captioning on broadcast television
- complaints about the quality of service provided by the ACMA
- complaints and enquiries about licensing functions performed by the Communications Infrastructure Division.

Context

In 2022, the ACMA initiated a whole of agency Better Practice Project to develop SOPs for each of its regulatory functions. The project aim is to ensure processes are streamlined and efficient and to explore opportunities for innovation.

This SOP documents the function of responding to broadcasting complaints and enquiries and streamlines previous practices associated with:

- assessment of complaints
- providing written advice to members of the public
- requests for further information
- clearance of correspondence.

Legislation

Under the BSA, the content of material broadcast by commercial, subscription, and community broadcasters, narrowcasters and the national broadcasters (the ABC and SBS) is regulated via:

- codes of practice developed by industry groups and registered by the ACMA or notified to the ACMA by the national broadcasters
- licence conditions
- standards

A person may make a complaint to the ACMA if a broadcaster or licensee fails to resolve their complaint about a contravention of a code of practice (sections 148 and 150 of the BSA).

A person may also complain directly to the ACMA under s 147 of the BSA if that person believes a broadcasting service has:

- committed an offence under the BSA or regulations
- breached a civil penalty provision
- breached a licence condition.

The ACMA may investigate complaints made under sections 147, 148 or 150 of the BSA if the ACMA thinks that it is desirable to do so. The ACMA may also conduct investigations on its own initiative, or in response to a direction from the Minister (sections 170 & 171 of the BSA).

The BSA does not require the ACMA to respond to complainants.

3. Risk Analysis and Risk Appetite

Details on the risk management process (including risk analysis) are found in the [Standard Operating Procedure – Risk Management Process](#).

Risk analysis

The key threats and opportunities identified relate to:

- the efficiency of regulatory processes for responding to complaints and enquiries
- the management of stakeholders
- the exercise of the ACMA's regulatory powers in responding to complaints
- the public interest in the ACMA promoting compliance with codes of practice and monitoring and investigating complaints concerning broadcasting services.
- Refer to Attachment A for a detail risk analysis.

Risk Appetite

This Risk Appetite Statement reflects the Authority's assessment of the contemporary operating environment in which the broadcasting regulatory regime sits. This appetite statement was agreed by the Authority on 10 October 2024 and will be reviewed in October 2025 to ensure it remains appropriate.

Risk Category	Risk Appetite	Description
ACMA Compliance	No Appetite	We have no appetite for exercising our powers in a manner that is inconsistent with our delegations or statutory obligations.
Trust	Low	We have a low appetite for action that may negatively affect stakeholder trust in the ACMA
Reducing regulatory burden	Moderate	We have a moderate appetite for reducing the costs and burdens of regulatory requirements, as long as it will not unduly increase the risk of harm to consumers or other relevant stakeholders.
Innovation	High	We have a high appetite for fostering innovation that contributes to better regulatory outcomes and continuous improvement in our systems and processes.
Data and information systems	High	We have a high appetite to use data and information systems for decision making.
Industry compliance	High	We have a high appetite for action that ensures that broadcasters and licensees comply with their regulatory obligations

4. Stakeholder analysis

This section identifies key stakeholders associated with the process. It also identifies the engagement approach for each stakeholder based on the following stakeholder mapping model.



Based on this analysis, the following table describes the engagement approach for each stakeholder.

Stakeholders	Description	Engagement approach	Key contacts
External Stakeholders			
1. Community and industry generally	The publishing of investigation reports online benefits the general public (in addition to the deterrence and educative role for other broadcasters).	Monitor Via publication of reports, media releases and other news articles. Staff monitor complaint types and media coverage to stay abreast of current and emerging issues.	n/a
2. Complainants that are not personally aggrieved by the broadcast	Person making the enquiry or complaint. Or Their representative/agent.	Monitor All complaints and enquiries are acknowledged at the outset (usually with an automated email) and requests for information are responded to.	Contact details are registered in CRM.

Stakeholders	Description	Engagement approach	Key contacts
		Decisions to decline to investigate or investigate a matter are published on the ACMA's website.	
3. Complainant who is personally aggrieved by the broadcast	Person making the enquiry or complaint. Or Their representative/agent	Keep informed Inform of outcome of Complaint Investigation Assessment (CIA) process – whether investigating or not.	Contact details are registered in CRM
4. Broadcaster or Licensee	Entity the subject of complaints and enquiries.	Keep informed On rare occasions, information may be requested by the ACMA to assess complaints. Given assessment decisions not to investigate will be published on the ACMA website, licensees / broadcasters will not be directly informed of these decisions. If an investigation is commenced by the ACMA the broadcaster/licensee is kept informed and afforded procedural fairness.	CIS maintains a database of industry contacts for engagement about complaints and investigations.
Internal Stakeholders			
5. ACMA Customer Service Centre	Receives and responds to enquiries about broadcasting. Refers complaints and complex enquiries to the relevant line area.	Keep informed Regular consultation meetings to discuss and respond to emerging issues relating to responding to complaints and enquiries.	Manager Customer Service Centre
6. Executive Management	Executive Management are informed about complaint assessments and given an opportunity to provide input into matters where required.	Meet their needs Content Committee (CC) is provided with fortnightly reports about delegated complaint assessments and briefings on sensitive or novel issues	EM GM CC
7. Legal Services Division (LSD)	LSD provides legal advice with matters where required.	Meet their needs Submission to LSD of draft documents for clearance,	LSD team (content & consumer division)

Stakeholders	Description	Engagement approach	Key contacts
		including prior to finalisation and publication.	
8. Media and Digital Publishing	Media manages internal and external agency communications. These include media releases, social media, e-bulletins, publication and printing, website content.	Meet their needs Relevant documents for publishing purposes.	Media team

5. Delegations

The list of current legal delegations is available at the [ACMA Hub](#) and identifies the process for requesting or changing legal delegations.

Please also note that, as a matter of general law, if a function or power does not involve any real discretion (such as a mechanistic act in meeting an administrative obligation that is fixed and certain – sometimes described as a “ministerial act”), the function may be performed, or the power may be exercised in the absence of a delegation.¹

This SOP includes advice on the administration of these delegations, including when the exercise of a delegation may need to be escalated to a more senior official or the Authority itself.

Complaint Assessments

The ACMA has broad powers in the BSA and related legislation to conduct investigations and for other purposes. The provisions noted below are the key powers under the BSA about responding to broadcasting complaints.

The ACMA’s broadcasting functions are defined at section 10 of the *Australian Communications and Media Authority Act 2005* and these include:

- to monitor and investigate complaints concerning broadcasting services (including national broadcasting services)
- to monitor compliance with codes of practice for community standards
- to monitor compliance with program standards relating to broadcasting in Australia.

The ACMA has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

The ACMA has discretion to investigate any matter relating to the performance or exercise of any of its broadcasting, content and datacasting functions and related powers, pursuant to section 170 of the BSA.

The ACMA has discretion to investigate a complaint made pursuant to Part 11 of the BSA (sections 149 and 151).

Section	Description	Delegation
149	<p>Investigate a complaint made under section 147 or section 148 because it is desirable to do so.</p> <p>(Section 147 relates to complaints about an offence, breach of a civil penalty provision or breach of a licence condition or standard.)</p> <p>(Section 148 relates to complaints made under an industry code of practice.)</p> <p>The ACMA has procedures in place to ensure effective oversight of delegated decisions under s149:</p> <ul style="list-style-type: none"> • <i>At the discretion of the EL2, emerging issues and sensitive complaints and enquiries² are a standard reporting item at CC</i> 	<p>Member</p> <p>SES 2</p> <p>SES 1</p> <p>EL2</p> <p>EL1</p>

¹ For further guidance, including examples, see ACMA Hub, [FACT SHEET – Delegations under section 51 of the Australian Communications and Media Authority Act 2005](#), accessed 13 February 2023

² The different categories of complaints are explained at section 6 of this document under ‘Workflow’.

	<ul style="list-style-type: none"> • <i>At the discretion of the EL2, sensitive complaints or complaints by personally aggrieved complainants are raised at CC, for discussion, prior to a delegate decision</i> • <i>Decisions to investigate or not investigate a standard complaint can be made by EL2 or EL 1 staff at the discretion of the EL2</i> • <i>Decisions to investigate or not investigate a sensitive complaint or where a complainant is personally aggrieved can be made by EL2 or EL1 staff at the discretion of the EL2 (who may decide to escalate the matter to EM/GM or CC for discussion)</i> 	
151	<p>Investigate a complaint made under section 150 because it is desirable to do so.</p> <p>(Section 150 relates to complaints made about national broadcasting services – ABC or SBS.)</p> <p>The ACMA has procedures in place to ensure effective oversight of delegated decisions under s151:</p> <ul style="list-style-type: none"> • <i>At the discretion of the EL2, emerging issues and sensitive complaints and enquiries are a standard reporting item at CC</i> • <i>At the discretion of the EL2, sensitive complaints or complaints by personally aggrieved complainants are raised at CC, for discussion, prior to a delegate decision</i> • <i>Decisions to investigate or not investigate a standard complaint can be made by EL2 or EL1 staff at the discretion of the EL2</i> • <i>Decisions to investigate or not investigate a sensitive complaint or where a complainant is personally aggrieved can be made by EL2 or EL1 staff at the discretion of the EL2 (who may decide to escalate the matter to EM/GM or CC for discussion)</i> 	<p>Member SES2 SES1 EL2 EL1</p>
170	<p>Conduct "own motion" investigations for the purposes of the performance or exercise of any of the ACMA's broadcasting, content and datacasting functions and related powers.</p> <p>(The ACMA may exercise this discretion based on information received by the ACMA that is considered in the absence of a complaint made under 148, or section 150. This also includes anonymous code complaints where the ACMA</p>	<p>Member SES2 SES1 EL2 EL1</p>

	<p>cannot confirm that the complaint complied with the processes required under sections 148 or 150.)</p> <p>The ACMA has procedures in place to ensure effective oversight of delegated decisions under s170:</p> <ul style="list-style-type: none"> • <i>At the discretion of the EL2, emerging issues and sensitive complaints and enquiries are a standard reporting item at CC</i> • <i>At the discretion of the EL2, sensitive complaints or complaints by personally aggrieved complainants are raised at CC, for discussion, prior to a delegate decision</i> • <i>Decisions to investigate or not investigate where a complaint has been made to the licensee / broadcaster but has not strictly followed the code process³ can be made by EL 2 or EL 1 staff at the discretion of the EL 2</i> • <i>Decisions not to investigate anonymous complaints can be made by EL 2 or EL 1 staff at the discretion of the EL 2</i> • <i>Decisions to investigate anonymous complaints should be made at an SES 1 level</i> • <i>Decisions to open an investigation in the absence of a complaint are based on matters that are brought to the ACMA's attention via a variety of avenues, including staff monitoring or reports of widespread community concern. Decisions to open an investigation in the absence of a complaint need to be discussed with CC or the Authority but the delegate decision can be made at an SES 1 level following this discussion.</i> 	
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³ This may include complaints that have been made outside of the code complaint timeframe or made via the incorrect method, for example via email.

6. Process outcomes and activities

Outcomes

Relevant objects from the BSA include:

- To encourage providers of commercial or national broadcasting services to be responsive to the need for a fair and accurate, impartial coverage of matters of public interest.
- To encourage providers of broadcasting services to respect community standards in the provision of program material.
- To encourage the provision of means for addressing complaints about broadcasting services.

CIS contributes to these outcomes by taking the following actions:

- Prioritising the provision of helpful information in a timely manner.
- Triaging all complaints and enquiries to determine what, if any, action to take.
- escalating novel and sensitive matters, to ensure we meet the needs of the community and industry, while exercising our powers appropriately.
- Making transparent decisions.
- Frequently reviewing our processes to identify opportunities for improvement.

Workflow

Methodology

How CIS responds to complainants will depend on the type of complaint or enquiry, underpinned by the following categories:

Complaint and Enquiry Types	
Non-compliant code complaints	<ul style="list-style-type: none"> • Premature – code complaint not previously made to broadcaster. • Premature – no response received from the broadcaster, less than 60 days since complaint made to broadcaster. • Complaint or enquiry that provides insufficient information to take further action.
OOJ enquiries	<ul style="list-style-type: none"> • Enquiry about issues not relating to relevant codes of Practice, license conditions or standards that fall within the ACMA's remit.⁴
Request for information	<ul style="list-style-type: none"> • Request for information about the broadcasting regulatory framework. • Request for copies of investigation reports. • Complaint about the service provided by the ACMA (a service complaint). • Third party feedback about current or finalised investigations.

⁴ This could include complaints about issues such as scheduling and programming, content streamed online or in print, general complaints about advertising, commercial disputes, complaints about competitions and complaints about content that is yet to be broadcast.

Internally referred enquiries⁵	<ul style="list-style-type: none"> Enquiry by member of the public referred by Office of the Chair (OoC) or Authority Member. Enquiry referred by P&MS. Enquiry referred by CSC.
Standard complaints	<ul style="list-style-type: none"> Unresolved code Complaint where the response from the broadcaster is attached. Complaint about an offence or contravention of civil penalty provision, licence condition or standard⁶.
Anonymous code complaints	<ul style="list-style-type: none"> Code complaints which provide sufficient information to be assessed, but are made by complainants who have not provided contact details
Sensitive complaints and enquiries	<p>These could include:⁷</p> <ul style="list-style-type: none"> Complaints and enquiries that raise matters that are subject to significant media or community concern. Complaints and enquiries raising issues that are politically sensitive. Novel complaints or complaints that involve very complex issues. Complaints and enquiries that involve distressing content.⁸ Complaints and enquiries made by high profile complainants, lobby/industry groups or large corporations.

Key stages

The following table describes key stages involved in the workflow.

Step	Activity description	Who
1. RECEIPT		
Complaints and enquiries submitted via ACMA webform	<ul style="list-style-type: none"> Automated acknowledgement email (CIS webforms only) <ul style="list-style-type: none"> The CIS automated email and template email states that no further advice will be provided for complaints and enquiries that are OOJ or non-compliant code complaints. The email includes links to information on the ACMA's website about how to complain to broadcasters and avenues for complaints outside the ACMA's jurisdiction. The email will also include links to CIA decisions and published investigation reports.⁹ Update CRM record. 	<p>System auto-generated.</p> <p>Staff member</p>
All other complaints and enquiries (not via ACMA webform):	<ul style="list-style-type: none"> Register on CRM. Having triaged (step 2), take appropriate action, either sending a copy of the automated email or a bespoke response depending on the category of 	<p>Staff member</p> <p>Clearance by Senior Complaints Officer – EL 1</p>

⁶ Note these complaints do not have to go to the broadcaster in the first instance so anonymous and named complainants can be dealt with following the same process

⁷ Note this is not an exhaustive list

⁸ These types of complaints are escalated to the section manager not only for consideration regarding the complainant but for consideration regarding staff welfare.

⁹ This update to the automated email is in development and expected to be in production by the end of quarter 3, 2024-25.

Step	Activity description	Who
	complaint referred to in step 3 below.	level (SCO) or Section Manager – EL 2 level as needed
KPI	<i>KPI for a manual response is 7 business days from receipt.</i>	
2. TRIAGE		
	<ul style="list-style-type: none">Assess the type of complaint or enquiry.<ul style="list-style-type: none">A table of the different types of complaints and enquiries is above at page 11-12.How the type of complaint or enquiry should be actioned following assessment is set out below at stage 3.For sensitive enquiries, and where the complainant is personally aggrieved, escalate to the Section Manager to determine if the automated acknowledgement email is sufficient or whether a further response is required.<ul style="list-style-type: none">The Section Manager may also escalate to EM/GM or CC as required.For internally referred enquiries, the OoC or P&MS will provide guidance on the level of clearance required. The requested clearing officer will determine whether to provide a response using standard acknowledgement text, or to provide a bespoke response.For enquiries referred from CSC, the staff member will escalate to the SCO to determine the nature of the response required.	Staff member Consultation with SCO or Section Manager, EM, GM or Chair/Members as needed
3. ACTION		
Non-compliant code complaints	<ul style="list-style-type: none">Provide no further response and finalise the CRM record.By exception only and in consultation with SCO, if the complaint involves:<ul style="list-style-type: none">someone who is personally aggrieved,a sensitive matter, orif the complainant attempted to make a code complaint but incorrectly followed the process a further response may be provided explaining how to make a code complaint.	Staff member Consultation with SCO
OOJ enquiries	<ul style="list-style-type: none">Provide no further response and finalise the CRM record.	Staff member

Step	Activity description	Who
	<ul style="list-style-type: none"> By exception only, if the enquiry involves a sensitive matter a further response may be provided explaining why the matter is outside of the ACMA's remit. This should be flagged with the SCO. 	Consultation with SCO
Request for information	<ul style="list-style-type: none"> Provide response then finalise the CRM record. 	Staff member
Internally referred enquiries	<p><i>Enquiry referred by Office of the Chair or Authority Member</i></p> <ul style="list-style-type: none"> Respond following instructions from the decision maker identified by OoC request. If no decision maker is identified, then the Section Manager will determine the nature of the response. Finalise in CRM Provide copy of response, once sent, to the OoC if requested. 	<p>Staff member</p> <p>Clearance by Section Manager, EM, GM or Chair/Members as needed</p>
	<p><i>Enquiry referred by P&MS</i></p> <ul style="list-style-type: none"> Provide response that is escalated for clearance as per P&MS instructions. Send to P&MS for responding or as per P&MS instructions. 	<p>Staff Member</p> <p>Clearance by Section Manager, EM or GM as needed</p>
	<p><i>Enquiry referred by CSC</i></p> <ul style="list-style-type: none"> Acknowledge with CSC that CIS will take carriage of the matter (provided it is within CIS's remit, otherwise refer the matter back to CSC) Provide response as determined in consultation with SCO and finalise the CRM record. 	<p>Staff member</p> <p>Clearance by SCO, or if appropriate, Section Manager.</p>
Standard complaint	<ul style="list-style-type: none"> By exception only, send request for broadcast or other information to the broadcaster if needed for the assessment. 	Staff Member in consultation with Section Manager
	<ul style="list-style-type: none"> Draft Complaint Investigation Assessment (CIA) including: <ul style="list-style-type: none"> recommendations about whether complaint is to be formally investigated. who will be the decision-maker – a delegate or Authority member, and risk rating. 	Staff member
	<ul style="list-style-type: none"> Send to delegate for decision. The EL2 Section Manager is the standard decision maker. An EL1 is the decision maker, at the discretion of the EL2, in the following circumstances: <ul style="list-style-type: none"> If a CIA is assessed as having a low risk level (using the CIA Risk Matrix). Examples of 'low risk' include matters which are unlikely to lead to a significant impact on the community at large, they are not novel and do not have precedent value, or concern systematic compliance issues; and 	Section Manager or SCO (if previously agreed with the Section Manager)

Step	Activity description	Who
	<ul style="list-style-type: none"> If the EL1 is recognised as having the appropriate experience and consults with the EL2. 	
	<p><i>For decisions not to investigate</i></p> <ul style="list-style-type: none"> Finalise record in CRM. Publish decision not to investigate on ACMA website. 	Staff Member
	<p><i>For decisions to investigate</i></p> <ul style="list-style-type: none"> Create investigation record in CRM. Publish decision to investigate on ACMA website. Refer to Investigation SOP for next steps. 	Staff Member
Anonymous code complaints	<ul style="list-style-type: none"> By exception only, send request for broadcast or other information to the broadcaster if needed for the assessment. 	Staff Member
	<ul style="list-style-type: none"> Draft CIA including recommendations about whether complaint is to be formally investigated, and risk rating. 	Staff member
	<ul style="list-style-type: none"> Send to delegate for decision. <ul style="list-style-type: none"> <i>If a recommendation to investigate</i> – the delegate is the EM <i>If a recommendation not to investigate</i> – if the CIA is assessed as having a low risk level (using the CIA risk matrix), the delegate may be the SCO (EL1); otherwise the delegate is the Section Manger (EL2). 	EM Section Manager or SCO (if previously agreed with Section Manager)
	<p><i>For decisions not to investigate</i></p> <ul style="list-style-type: none"> Finalise record in CRM. Publish decision not to investigate on ACMA website. 	Staff Member
	<p><i>For decisions to investigate</i></p> <ul style="list-style-type: none"> Create investigation record in CRM. Publish decision to investigate on ACMA website. Refer to Investigation SOP for next steps. 	Staff Member
Sensitive complaints and enquiries¹⁰	<ul style="list-style-type: none"> <i>For sensitive enquiries</i> - escalate to Section Manager for consideration of whether the automated email response is sufficient or an additional response is required. <i>For sensitive complaints</i> - escalate to section 	Staff Member Clearance by Section Manager, EM, GM, or CC as required.

¹⁰ Complaints are matters where there is enough information provided that can be assessed to determine if they should be investigated. Enquiries are matters that are not assessable for investigation.

Step	Activity description	Who
	<p>manager to consider whether the complaint needs to be escalated to EM/GM or formally to CC for discussion.</p> <ul style="list-style-type: none">Assess as per the process for a standard complaint.¹¹Escalate draft CIA for clearance.By exception only, some complainants may be informed of assessment decision beyond the website – discuss with Section Manager/EM/GM.	
Complaints where the complainant is personally aggrieved	<ul style="list-style-type: none">Notify the complainant the ACMA is assessing their complaint.	Staff Member
	<ul style="list-style-type: none">Assess as per the process for a standard complaint.	Staff Member
	<ul style="list-style-type: none">Notify the complainant of the assessment outcome.	Staff Member
	<ul style="list-style-type: none">Publish decision to investigate or not investigate on ACMA website.By exception only, do not publish the assessment decision on the ACMA website if it could lead to the identification of the complainant – in which case inform the complainant directly. Staff member to discuss this with the Section Manager if required.	Staff Member Section Manager
An investigation opened in the absence of a complaint	<ul style="list-style-type: none">Under s 170 of the BSA the ACMA has the power to open an 'own motion' investigation in the absence of a complaint. These steps are to be followed:Register the matter on CRM.Draft CIA with Authority as the decision maker.Send the CIA to the Authority for decision.Create investigation record in CRM.Publish decision to investigate on ACMA website.Refer to Investigation SOP for next steps.	Authority GM EM Section Manager Staff
KPI	KPI for completing the assessment is within 30 days from receipt.	
4. REQUEST FOR REASONS OF ASSESSMENT DECISIONS		
	<ul style="list-style-type: none">Triage the request: is it the original complainant, or someone who did not make the complaint.	Staff Member in consultation with Section Manager
Original complainant	<ul style="list-style-type: none">If the request is from the original complainant, then they will receive a response providing the reasons outlined in the CIA.¹²	Staff Member
Not the original complainant	<ul style="list-style-type: none">Provide a high-level response (template) providing the public interest reasons that guide the ACMA in its decision making.¹³	Staff Member
5. REQUEST FOR REVIEW OF ASSESSMENT DECISIONS		

¹¹ The process of assessing a sensitive complaint will not change, its sensitivity may affect the visibility provided and the response to the complainant.

¹² Prior to the development of this SOP CIS communicated all decisions not to investigate to complainants who provided contact details.

¹³ Where a request for reasons is not from the original complainant, but from a person who is personally aggrieved the ACMA may be required to provide reasons. LSD should be consulted prior to refusing to provide bespoke reasons to such persons.

Step	Activity description	Who
Original complainant	<ul style="list-style-type: none"> If the request is to review a decision not to investigate, have a person that was not the original delegate, and is at the same or a higher level than the delegate review the process that was followed and comment on the adequacy of that process.¹⁴ Respond to the complainant with the outcome of the review. 	Staff Member
Not the original complainant	<ul style="list-style-type: none"> A review of a decision not to investigate will not be conducted if the request is made by a party who was not the original complainant. 	Staff Member

¹⁴ This 'informal review' review process existed prior to these SOPs.

Supporting information

Data and information management

The following table describes the data used to support the Standard Operating Procedure and the associated Data Steward.¹⁵

Data Asset name	Description	Data Stewards
CRM	Used to record: <ul style="list-style-type: none"> Complaint or enquiry External Correspondence Relevant internal correspondence Decision to investigate/not investigate 	CIS Section Manager 1 additional nominated staff member

The following table identifies key files used to support the Standard Operating Procedure.

Key files	Location (Teams, IMS etc.)
Risk Management Plan	Risk Management Plan: Responding to Broadcasting Complaints and Enquiries
Complaint Assessment (CIA) template	CIA template
CIS Investigations Procedures Manual	Procedures Manual in draft
CIS Complaints Pending Table	CPT
ACMA Complaints Management Guide	Complaint Management Guide
CIS/CBS/MDS CRM Business Rules	Business Rules
CIS templates	Templates

¹⁵ Data Stewards are ACMA officers who manage and work with the data on a day-to-day basis and who define, produce and use data. They are the trustees of data and are responsible for using and managing data in line with the ACMA's expectations and best practice processes for managing data. Please contact the Data Governance section for any assistance in identifying Data Stewards

Attachment A: Risk Analysis Framework

A1 Likelihood Table

The ACMA uses a five-scale assessment of likelihood, from almost certain to rare:

Almost certain	Over 80% chance of happening; occurs on a regular basis; or could occur within days to weeks.
Likely	Between 50% and 80% chance of happening; has occurred several times before; or could occur within weeks to months
Possible	20% to 50% chance of happening; has occurred once or twice before; or could occur in a year or so.
Unlikely	5% to 20% chance of happening; has not happened before but could; or could occur every few years.
Rare	Less than 5% chance of happening; conceivable but only in exceptional circumstances; or could occur once every 10 or more years.

A2 Consequence Table

The consequence table provides 5 defined ranges of consequences for 6 categories

Threats						
	Category	Negligible	Minor	Moderate	Major	Severe
Regulatory	Trust (Public confidence in communications and media services)	No public impact.	Few public concerns with media and communications services.	Competing and contrary voices in the environment undermine Government policy and program delivery	Ongoing disruption to communications and media services.	Failure of communications and media services results in complete loss of confidence.
	Systems and infrastructure (Spectrum management benefits all Australians)	Trivial or no impact on spectrum.	Australia's international standing as a leader in wireless technology uses is diminished	Legal challenge to its spectrum management decisions delays spectrum allocations and rollouts of new wireless and satellite technologies	Spectrum is not allocated and used efficiently or effectively, disrupting communications networks	Failure of spectrum management.
	Systems and infrastructure (A regulatory framework that anticipates change in dynamic communications and media markets)	Insignificant market impact.	Markets underperform due to outdated regulation	Regulation fails to keep pace with market innovation	Market failure results from uncontrolled market innovation	Market failure that affects ongoing viability of the industry or the ACMA.
Organisational	Trust (Reputation and stakeholder management)	No impact on stakeholder relationships. No damage to ACMA's reputation.	Issues resolved through routine management practices.	Consultation or engagement required by legislation or Commonwealth policy.	Issues requiring management at Chair/Authority level or involvement of Minister.	Grave or irreversible damage to reputation and relationships.
	Financial	Financial variance of 2% or under.	3 to 5% variation in budget or event with a financial impact below \$100,000.	6 to 10% variation in budget or event with a financial impact between \$100,000 and \$500,000.	11 to 25% variation in budget or event with a negative financial impact between \$500,000 and \$1 million.	Over 25% variation in budget or event with a financial impact over \$1 million.
	Work Health and Safety	Injury that requires no first aid	Injury or illness requiring first aid.	Illness or injury requiring medical or	Injury or illness requiring long-term recovery	Illness or injury affecting multiple people

		Opportunities <-----> Threats					
	Category	Major	Moderate	Minimal	Minimal	Moderate	Major
REGULATORY	Triage and Complaint Assessments	<p>Efficient handling creates capacity to focus resources on priority matters in a timely manner including investigation of matters in the public interest.</p> <p>Encourage fair and accurate, impartial coverage of matters of public interest by broadcasters.</p> <p>Ensure broadcasters respect community standards in providing program material.</p>	<p>Publication of declined complaints and finalised investigations provides timely educative advice to industry and the community.</p>		<p>Complaints incorrectly classified as 'enquiries' and not assessed or referred to a delegate for a decision.</p> <p>Complaints are not assessed effectively due to failure to obtain further relevant information from complainants.</p>	<p>The ACMA fails to investigate non-compliance of broadcasters and licensees in a timely manner.</p>	<p>Failure to exercise discretion consistent with the ACMA's statutory obligations.</p> <p>Lack of effective complaint handling procedures promotes a culture of widespread non-compliance among broadcasters.</p>

		Opportunities <-----> Threats					
	Category	Major	Moderate	Minimal	Minimal	Moderate	Major
STAKEHOLDER MANAGEMENT	Providing responses to complaints and enquiries	Improved compliance by licensees.	Stakeholder trust enhanced by timely complaint assessments and investigations.		Complainant's dissatisfaction with ACMA response to broadcasting complaints and enquiries results in 'service' complaints and increased applications under the <i>Freedom of Information Act 1982</i> and or the <i>Administrative Decisions (Judicial Review) Act 1977</i> . Broadcasters are concerned they are not provided enough opportunities to respond during the assessment process.	The ACMA exercises its discretion to not investigate content within its jurisdiction that is of broad community concern or misjudges the seriousness of a complaint, resulting in an increase of grievances to politicians, advocacy groups and or special interest groups, leading to the likelihood of a reduction in the public's trust in the ACMA.	

A3 Risk Matrix

		CONSEQUENCE				
		Negligible	Minor	Moderate	Major	Severe
LIKELIHOOD	Almost certain	Medium	High	Very high	Extreme	Extreme
	Likely	Low	Medium	High	Very high	Extreme
	Possible	Low	Low	Medium	High	Very high
	Unlikely	Very low	Low	Low	Medium	High
	Rare	Very low	Very low	Low	Medium	Medium