

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Budget Estimates May 2017
Communications Portfolio
Department of Communications and the Arts

Question No: 12

Program 1.1

Hansard Ref: Page 45, 24/05/2017

Topic: ACMA review – Draft v Final Report

Senator Chisholm, Anthony asked:

Senator CHISHOLM: How many recommendations did the draft report have?

Ms Sullivan: My understanding is 27.

Senator CHISHOLM: Did any of those change between the draft report and the final report?

Ms Sullivan: I will take that on notice. I am sorry. I was not working closely on the review at the time. I would prefer to double-check that. My understanding is, no, but I will check that.

Senator CHISHOLM: Thank you.

Answer:

1. The draft and final report into the review of the Australian Communications and Media Authority (ACMA) each contained 27 recommendations. The Government supports or supports-in-principle all 27 of the recommendations of the review.
2. Minor changes were made to 8 recommendations in the final version of the ACMA review report. These changes are set out below.

Recommendation 2

“That the ACMA’s cybersecurity ~~programme~~ programs, where appropriate, be transferred, along with staff and funding to the Attorney-General’s Department.”

Recommendation 3

“That the Bureau of Communications Research assume the lead in taking forward research about the emerging environment and market trends, with the ACMA’s regulatory research ~~programme~~ program focusing on supporting the effectiveness of regulatory functions and harms that are affecting businesses and consumers.

Recommendation 6

“That, within the next 12 months, the ACMA examine whether some or all of the following functions can be referred to industry for self-regulation, in consultation with relevant industry bodies:

- technical Standards
- Integrated Public Number Database
- Do Not Call Register
- Action on unsolicited communications, including Spam.

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The ACMA regularly explore further opportunities for self-regulation in consultation with industry.

Recommendation 8

“That the *Interactive Gambling Act 2001* IGA be amended to require the ACMA to:

- Handle all complaints relating to interactive gambling services and advertisements.
- Conduct the same investigation process irrespective of whether the content is hosted in Australia or overseas; and
- Enforce civil penalties for breaches of the Act.”

Recommendation 14

“That the skill set to be collectively covered by Authority members be outlined in legislation to ensure an appropriate and diverse mix of abilities to respond to the future needs of the ACMA.”

Recommendation 17

The draft report stated “That provision be made in the ACMA Act for the Authority to establish sub-boards to ~~manage subject matter not requiring the full commitment of the Authority, or to manage issues that would otherwise diminish the Authority’s capacity to focus on its key decision-making or direction setting responsibilities. That consisting of experts who could provide advice to the Authority or a Division of the Authority on specific areas of activity. That~~ The Chair of any such sub-boards be a member of the Authority but not be the Chair of the Authority.”

Recommendation 18

“Legislate the following four regulator principles in the ACMA’s enabling legislation, proposed draft:

- The ACMA have regard to the importance of promoting that its regulatory settings do not unnecessarily hinder competition, innovation ~~or~~ and efficient investment.
- The ACMA should apply a risk-based approach to regulation, compliance and enforcement activities. Regulatory intervention should be targeted, evidence-based and commensurate with risk.
- The ACMA should implement continuous review of regulation to reduce burden and streamline approaches where the benefits exceed the costs.
- The ACMA should be 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.”

Recommendation 27

“To enable the communications sector to reach its full potential as an enabler of innovation and productivity, the Government commence a coordinated ~~programme~~ program of regulatory reform to establish a contemporary communications regulatory framework.