

**Senate Standing Committee on Environment and Communications**  
**Answers to Senate Estimates Questions on Notice**  
**Supplementary Budget Estimates Hearings October 2015**  
**Communications Portfolio**  
**Australian Communications and Media Authority**

**Question No: 32**

**Australian Communications and Media Authority**

**Hansard Ref: Page 14, 20/10/2015**

**Topic: Complaint Investigation**

**Senator Ronaldson, Michael asked:**

**Senator RONALDSON:** That is very impressive. I would like to ask you about complaint investigations. Are they done on a calendar of financial year basis?

**Ms Cahill:** Perhaps a little more clarity on the nature of complaints.

**Senator RONALDSON:** I was just going to ask you how many complaints you investigated and whether you report it on a calendar basis of a financial year basis. Whatever it is, how many have you investigated in the last calendar year or the last financial year and has that varied from the year before?

**Ms Cahill:** The majority of our complaints are in our annual report on a financial year basis. We would cover the details, and I do not have them to hand. But we will take the details on notice and provide them back to you. We would cover complaints to do with radio communications interference, complaints made in relation to broadcasting content, complaints made—

**Senator RONALDSON:** Yes. I understand the sorts of complaints. I am interested in the data about it and the comparison between the last financial year and perhaps the year before. If you want to take that on notice, that is fine. I think you now have greater discretionary powers as well, haven't you? I am interested in how you assess that and how you determine what to investigate and what not to investigate.

**Answer:**

1. Complaints are reported on a financial year basis.
2. The ACMA received complaints on the following matters:
  - (i) *Complaints under the conditional access scheme for satellite access to digital television*  
The ACMA received 177 complaints between 1 July 2014 and 30 June 2015 (22 between 1 July 2013 and 30 June 2014). In 2014–15, the ACMA finalised the investigation of 119 complaints and issued 119 directions to the scheme administrator to grant Viewer Access Satellite Television (VAST) access to the complainants. At the end of the reporting period, 58 complaints were still under investigation.
  - (ii) *Complaints and investigations about the Triple Zero service*  
During the reporting period and as in 2013-14, the ACMA received a small number of complaints and enquiries about the Triple Zero service. Most of these related to the handling of calls by an Emergency Service Organisation (ESO) (and not to Telstra as the Emergency Call Person [ECP] for 000 and 112), and were referred to the relevant organisation for a response. No formal investigations were undertaken.

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*(iii) Complaints and reports (primary channels only) from members of the public about unsolicited communications*

<b>Activity</b>	<b>2013–14</b>	<b>2014–15</b>
Email complaints and reports	338,817	343,948
SMS complaints and reports	9,162	7,077
<b>Total Spam Act</b>	<b>347,979</b>	<b>351,025</b>
Telemarketing	20,232	18,081
Fax marketing	230	99
<b>Total DNCR Act and related industry standards</b>	<b>20,462</b>	<b>18,180</b>

*(iv) Broadcasting complaints and investigations for commercial, national, subscription and community broadcasters and datacasters*

	<b>2013-14</b>	<b>2014-15</b>
<b>Written complaints and enquiries received</b>	<b>1593</b>	<b>1012</b>
<b>Written complaints and enquiries actioned within time frame of seven days</b>	<b>1571 (98.6%)</b>	<b>1003 (99%)</b>
<b>Investigations completed</b>	<b>180</b>	<b>145</b>
<b>Investigations resulting in breach findings</b>	<b>45</b>	<b>35</b>
Investigations of compliance with codes of practice	21	6
Investigations of compliance with BSA, licence conditions or standards	24	29
<b>Investigations resulting in non-breach findings</b>	<b>132</b>	<b>100</b>
Investigations of compliance with codes of practice	112	90
Investigations of compliance with BSA, licence conditions or standards	20	10
<b>Investigations completed within time frame of three months</b>	<b>N/A</b>	<b>117 (81%)</b>
<b>Investigations completed within time frame of six months</b>	<b>157 (87%)</b>	<b>134 (92%)</b>
<b>Average time for completion of investigations</b>	<b>N/A</b>	<b>2.6 months</b>

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(v) *Telecommunications safeguards complaints and investigations*

The ACMA deals with complaints which generate concerns about systemic compliance with key telecommunications consumer protections, including the Telecommunications Consumer Protections (TCP) Code and the Telecommunications Industry Ombudsman (TIO) scheme.

Activity	2013–14	2014–15
Enquiries and investigations into providers' compliance with the TCP Code	140 enquiries 25 investigations	125 enquiries 20 investigations
Formal warnings and directions in response to non-compliance with the TCP Code	105 formal warnings 7 directions	42 formal warnings 16 directions
Directions to join or comply with the TIO scheme	6 TIO referrals 2 directions to join 1 direction to comply	21 TIO referrals 4 directions to join 1 direction to comply

(vi) *Online content complaints*

The ACMA Hotline investigates all valid complaints about potentially offensive or illegal online content. The ACMA Hotline received 4,801 complaints in the period 1 July 2014 to 30 June 2015, a 19 per cent increase on 2013–14 (4051). Of the complaints received during the year, 170 were invalid as they did not contain information required under the Broadcasting Services Act 1992 (BSA) to enable the ACMA to conduct an investigation.

(vii) *Interactive gambling*

In 2014–15, the ACMA received 178 complaints and general enquiries about the *Interactive Gambling Act 2001* (IGA) compared to 121 in 2013-14. The ACMA conducted:

- > 10 investigations into overseas-hosted URLs, of which six resulted in breach findings and were notified to accredited family-friendly filter providers and the AFP<sup>1</sup>
- > 16 preliminary assessments of Australian-hosted URLs, of which six were referred to the AFP<sup>2</sup>
- > 13 preliminary assessments of interactive gambling advertising, all of which were referred to DoC.

(viii) *Client service charter*

The Client Service Charter outlines the ACMA's goals and the broad range of services it provides. The charter provides advice on how clients can contact the ACMA, service standards and complaints procedures. It also reflects the ACMA's commitment to providing efficient, effective and relevant services delivered in an environment of mutual respect.

<sup>1</sup> In accordance with the code of practice registered under the IGA.

<sup>2</sup> Under section 20(3)(a) of the IGA, the ACMA must not investigate a complaint about Australian-hosted content. However, it may, if it considers it warranted, refer the complaint to an Australian police force.

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Description	Total no. of complaints*		Total no. of compliments	
	2013-14	2014-15	2013-14	2014-15
Courtesy and respect	1	0	0	0
Service delivery of individual staff members	1	8	1	38
Response time to complaint	0	4	0	0
Accessible information	5	5	1	1

*(ix) Radiocommunication cases*

The ACMA assesses complaints of Radiocommunication interference and non-compliance. It can then prioritise the risk of interference and chooses from a range of available regulatory responses as per the following table:

Action Type	Number of actions	
	2013-14	2014-15
Investigations	291	256
Advice notices issued	6	4
Warning notices issued	120	219
Infringement notices	11	17
Prosecutions commenced	5	3
Responses to interference	1,120	1,333
Warning notices issued	220	462
Advice notices issued	138	132
Mobile repeaters detected	123	138