



COMMONWEALTH OF AUSTRALIA

Australian Communications and Media Authority

Statement of Expectations

This Statement of Expectations (SoE) outlines the Australian Government's expectations for the Australian Communications and Media Authority (ACMA).

The communications and media sectors are integral to an inclusive, connected, productive, cohesive and creative society, and are essential for government and businesses, as well as communities. Communications networks are a key component of Australia's critical infrastructure, and COVID-19 and recent natural disasters and emergencies have highlighted increasing community reliance on communications and connectivity to respond and recover. Digital services continue to grow and expand into more aspects of life and business. Innovative technologies continue to emerge and disrupt or transform industries, including the media sector.

The ACMA has an important role to support industry and consumers in delivering and accessing essential communications services. The Government expects ACMA to actively execute its powers and functions taking account of the matters set out below.

The Government expects that the ACMA will respond with a Statement of Intent (Sol) within three months from the date of this SoE.

Role and Responsibilities of ACMA

The ACMA is responsible for regulating and enforcing telecommunications, broadcasting, radiocommunications, scams, unsolicited communications, and some online content. The ACMA is required to perform its functions in accordance with the *Australian Communications and Media Authority Act 2005*, the *Public Governance, Performance and Accountability Act 2013*, the *Public Service Act 1999* and other relevant legislation.

Regulatory Approach

I expect the ACMA, in the performance of its regulatory functions, to be guided by the principles outlined in the Government's Regulator Performance Guide:

- **Continuous improvement and building trust** - adopt a whole-of-system perspective, continuously improving ACMA's performance, capability and culture to build trust and confidence in Australia's communications and media regulatory settings.

- **Risk based and data driven** - manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support regulated entities comply and grow.
- **Collaboration and engagement** - be a transparent and responsive communicator, implementing regulations in a modern and collaborative way.

I expect the ACMA to pursue opportunities to simplify requirements or reduce burden, particularly for parts of industry with lower risk operations, and ensure that requirements are practicable for industry. I support the ACMA taking into account the diverse nature of communications and media businesses, and their consumers, in making regulatory decisions.

I support the ACMA acting proactively and expediently to minimise harm and foster well-functioning markets that enhance public interests and the Government's priorities. This includes targeted industry education and engagement, being more directive in setting expectations for the development of industry codes, utilising existing powers to make standards and service provider determinations as appropriate, and undertaking enforcement action.

I ask that the ACMA report to me each year in its corporate plan on its compliance and enforcement priorities and its views on the level of compliance.

Where the ACMA is satisfied existing policy or regulation may present a barrier to better outcomes, I expect it to draw this to the attention of the Government. Where the Government considers policy or regulatory change is needed, I expect the ACMA to support such change to the best of its ability.

The Government's policy priorities

I also expect the ACMA to support particular objectives and priorities with respect to the Government's communications and media objectives:

- promoting investment, innovation and the adoption of new and emerging technologies, while continuing to safeguard the interests of consumers and small businesses;
- working with industry and regulators to improve protections for Australians against scams over telecommunications and messaging services, and to disrupt scam activity;
- supporting whole-of-government initiatives to address online misinformation and disinformation to help provide safeguards against the spread of false, misleading or deceptive information that can cause harm, while continuing to support free speech.
- working with relevant departments and agencies to ensure telecommunications consumer safeguards are fit for purpose, with a focus on vulnerable consumers and First Nations communities;
- supporting government policies related to regional, rural and remote Australia including by having regard to relevant ministerial policy statements in the planning and allocation of spectrum to support innovation and competition in these areas;
- supporting the work to reform the media regulatory framework to support a viable, sustainable and diverse media sector that supports the public interest and meets the needs of Australian audiences;
- working with my Department, industry and other Government agencies (including the National Emergency Management Agency) to improve the resilience of telecommunications networks to natural and cyber hazards; and
- promoting the long-term public interest derived from spectrum, including the benefits of technological developments that improve spectrum utilisation and efficiency.

In exercising its regulatory powers and functions, I expect the ACMA to actively support the wider Government policy objectives and priorities.

In particular, I expect the ACMA to have regard to and contribute to, where possible, the Government's policy priorities with respect to:

- First Nations Australians and meeting the Closing the Gap targets;
- the commitment to Net Zero by 2050 and the role that digital infrastructure and services can contribute to this objective; and
- deepening people-to-people links and cooperation between Australia and the Indo-Pacific.

Relationship with the Minister

I expect that the ACMA will provide me with accurate and timely advice on significant issues.

Examples include:

- matters which the Government may be required to discuss in Parliament or other important issues for which the Government is accountable to the Parliament;
- important statutory, operational or budgetary issues;
- issues likely to have a significant impact on regulated entities; and
- emerging policy and regulatory issues in the communications and media sectors.

I ask that the ACMA keep me informed of any public submissions, statements or speeches, preferably in advance where significant matters are involved.

Relationship with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department)

I expect the Department and the ACMA to maintain a close and productive working relationship to support the Department's role in advising me on policy, budget and other matters.

In working with the Department, I expect the ACMA to be proactive in its approach and responsive to reasonable requests, including to:

- contribute its significant expertise, data and information to inform evidence-based policy development, including on the operational implications and practical implementation of Government policy initiatives;
- consult with the Department on opportunities to improve regulatory frameworks, and remove barriers to industry and effective regulatory responses;
- advise the Department in a timely way of regulatory changes and other significant actions or issues so that it can advise me;
- provide the Department a copy of information, briefings, media release and correspondence provided to Ministers; and
- keep the Department informed of significant meetings between ACMA and Ministers, where appropriate.

Relationship with the eSafety Commissioner

The eSafety Commissioner (the Commissioner) is an independent statutory office holder, but remains an official of the ACMA for the purposes of the finance law. The ACMA provides corporate support services to the Commissioner and also provides staff to enable the functions of the

Commissioner to be fulfilled. I expect the ACMA to formalise corporate service arrangements with the Commissioner through a memorandum of understanding or a service level agreement within six months of publishing its Sol.

Relationship with regulated entities and other stakeholders

To provide confidence to regulated entities and the wider community, I expect that the ACMA will be open and transparent in the conduct of its regulatory functions. I expect the ACMA to consult with industry, the Government and other relevant stakeholders when exercising powers that may have significant implications for regulated entities or the markets in which they operate.

I expect ACMA to engage with its regulated sectors to understand contemporary market practices, more effective ways for ACMA to perform its functions and emerging trends. I expect ACMA to engage proactively with industry in a way that promotes greater compliance with the law.

Cooperation with Commonwealth, State and Territory agencies

I expect that the ACMA will maintain effective and constructive working relationships with other Commonwealth, State and Territory regulatory agencies. In minimising compliance costs to industry, the ACMA should avoid duplication of the supervisory activities of other regulators and look at opportunities to better coordinate enforcement activity.

I expect the ACMA to work closely with the Australian Competition and Consumer Commission (ACCC) to enable both regulators to consider the economic, competitive and technical impacts of regulatory decisions relating to the telecommunications sector. I also expect the ACMA and ACCC to consult where responsibilities connect.

I expect the ACMA to maintain a productive and cooperative relationship with my Department and other agencies in terms of the resilience of critical telecommunications infrastructure to both natural and cyber hazards. ACMA should provide what assistance it can to these priorities of Government, including through the proactive performance of ACMA's role in enforcement of the *Telecommunications Act*, instruments made under that Act, and chapter five of the *Telecommunications (Interception and Access) Act*.

Governance, Transparency and Accountability

The ACMA is an independent statutory body established to enforce the regulatory frameworks within its remit. The ACMA performs its statutory functions as part of the Australian Government and is accountable to the Parliament, and ultimately the public, through the responsible Minister, the Parliamentary Committee process, the ACMA's corporate plan and tabling of its annual report.

ACMA staff are employed under the *Public Service Act 1999* which requires them to uphold and promote the Australian Public Service (APS) values and comply with the APS Code of Conduct. This includes staff employed by the ACMA but operating under the direction of the eSafety Commissioner.

I expect the ACMA to 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.

The ACMA is also to

- Comply with Government and Parliamentary requirements in relation to the provision of information;

- Comply with Ministerial Directions; and
- Have regard to the Australian Government's international commitments, including treaties.

Michelle Rowland

Minister for Communications

7 December 2022