Australian Communications and Media Regulation

Challenges in creating a single converged regulatory institution

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ACMA – from 1 July 2005

Policy neutral merger of ABA & ACA

- *Holistic response to convergence*
- *Greater efficiencies via a single structure*
- *Spectrum-wide approach to spectrum management*
- *Better stakeholder relationships*
- *Better policies & decisions*
- *Greater ability to target enforcement powers*

Policy under review (1)

- HDTV quotas: are they still necessary?
- Digital radio: what's right for Australia?
- Commercial TV after 31 December 2006: what will be the new arrangements for licensing?
- Multi-channelling, simulcasting & new services: should the restrictions be relaxed?
- Structure & planning of BSB spectrum: will future demand be accommodated?
- Ownership and Control in media

Policy under review (2)

- VOIP: is the current regulatory framework adequate?

- Mobile communications devices: how should content be regulated?

- Telstra basic services: are Telstra's charges reasonable?

- Telstra accounting separation & corporate competition

- Telstra: price control arrangements

ACMA Responsibilities

Areas Covered
- **Broadcasting** (including Digital TV implementation)
- **Telecommunications**
- **Radiocommunications**
- **Internet**

ACMA Responsibilities

Main functions / activities – Not Competition

- Spectrum planning & management
- Licence allocations & renewals
- Setting technical standards
- Content regulation & co-regulation
- Monitoring compliance & enforcement
- Community & industry research
- Consumer education & protection
- Advice to Minister & government

Regulatory Approach

- Regulation tied to degree of influence

- Principle of co-regulation

- Broadcasting as a special case
    - greater reliance on markets in telecommunications and radiocommunications

Regulatory Tools

- Standards, Conditions, Mandatory Rules

- Codes of Practice developed by industry

- Industry Guidelines

- Consumer information and education

- Transparent decision making

- Trials of new technology

Areas Of Regulatory Pressure

- Distinctiveness of broadcasting spectrum
    - "demise" of spectrum boundaries
- Point to point/point to multipoint distinctions
    - often same content on different platforms
- Relative influence by sector
    - changes brought by increases in choice
- Inflexibity of black letter law
    - barriers to innovation
- Miss-match between the regulated and the responsible
    - and can they be regulated

Some Current Issues

- Australian cultural objectives: relevance and methodology
- Plethora of codes covering similar content
- Licencing regime
  - based on enforceable boundaries between uses
  - technical and market changes
- Spectrum planning
  - legacy issues
- Defining a "broadcasting service"
- Broadcast licence structures based on geography
  - as long as the desired content is available
- Satellite delivered services
  _____
- Town Planning meets the New Economy – EMR
- Dominance of Telstra
  - sale

Management Issues

- Move from reliance on Black Letter Law
- Fleshing out range of powers
  - matching regulatory tools to issues
- Persuasion and Education
- Audits rather than extensive reporting
- Skill upgrades
- Mixing the "fluffies" and the "techies"

Structural Difficulties for ACMA

- Relationship with Competition Regulator
- Three major locations: each representing a silo
  - Sydney: broadcasting
  - Canberra: radiocommunications
  - Melbourne: telecommunications
- Commonwealth/State jurisdictions
  - classification
  - some fair trading
  - town planning
- Unpredictability of externally imposed policy setting
  – direction and timing

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