



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 facilitate essential services for communities, businesses and government.

Australian consumers are at the centre of the ACMA's work, with the Authority playing a vital regulatory role in the ever-evolving communications and media sectors.

Communications networks are a key component of Australia's critical infrastructure, with disruptive events such as natural disasters and major network outages serving as reminders of the foundational importance of connectivity and communications services, particularly emergency call services. Where legacy networks are retired as technology evolves – such as the 3G network switchover – the priority for governments and industries continues to be the safety and ongoing access to communications for Australians.

I expect the ACMA to execute its powers and functions taking account of the matters set out below, and that the ACMA will respond with a Statement of Intent within three months from this SoE.

Regulatory role and responsibilities

The ACMA is responsible for regulating telecommunications, broadcasting, radiocommunications, scams, unsolicited communications, interactive gambling and some online content. The ACMA is required to perform its functions in accordance with the *Australian Communications and Media Authority Act 2005* (the ACMA Act), the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), the *Public Service Act 1999* and other relevant legislation, including the *Online Safety Act 2021*.

Regulatory approach

The ACMA's approach to administering regulation should balance innovation, competition and sustainability in Australia's communications and media sectors, while safeguarding consumer protections and minimising harms.

First and foremost, I expect the ACMA to proactively execute its regulatory functions, particularly in relation to matters of public safety, Triple Zero and community safeguards.

This includes being directive in setting expectations for the development of industry codes, using existing powers to make standards and service provider determinations as appropriate, and undertaking investigative and enforcement actions through the application of its broad powers under the ACMA Act and other legislation. Where action is required, I expect the ACMA to respond expeditiously and without delay to reduce the risk of particular conduct.

I expect the ACMA to actively monitor relevant sectors to identify and address regulatory gaps and keep the Government advised about general technological and market trends and matters that may

highlight new and emerging risks. Where potential risks arise, I expect the ACMA to take reasonable measures, consistent with its statutory framework, to minimise harm to consumers and to promote better consumer outcomes.

I expect the ACMA to draw to the Government's attention where existing policy or regulation presents barriers for the ACMA to fulfil its roles and responsibilities. Where the Government considers policy or regulatory change is needed, I expect the ACMA to support such change to the best of its ability.

I expect the ACMA to undertake public education and guidance activities to reduce risks to consumers and promote better outcomes through improved understanding of the communications market, including availability of emerging technology solutions.

I expect the ACMA to leverage the media and other communication channels to actively raise awareness of its role, signal regulatory expectations to industry, and promote public understanding of protections available to consumers and enforcement activities.

I expect the ACMA to be transparent and accountable for its regulatory actions with businesses and consumers. I ask that the ACMA report each year in its Corporate Plan on its compliance and enforcement priorities, and its views on the level of industry compliance.

With respect to the above, I expect the ACMA, in the performance of its regulatory functions, to continue to be guided by the principles outlined in the Government's Regulator Performance Guide.

The Government's policy priorities

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

- protecting access to emergency call services, including through network transitions and to the extent possible, during network disruptions;
- promoting technology neutral, simple and pragmatic frameworks that facilitate early adoption of new and emerging technologies, such as Low Earth Orbit Satellite-enabled direct to device technologies while providing safeguards for consumers and small businesses;
- providing considered advice on a range of matters relating to Expiring Spectrum Licences, having regard to relevant Ministerial Policy Statements;
- working with industry and regulators to protect Australians against scams over telecommunications and messaging services, to improve the integrity of the Australian telecommunications numbering system, and to disrupt scam activity;
- working with industry 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;
- supporting the Government's gambling harm minimisation agenda, including by regulating compliance with the rules supporting BetStop – the National Self-Exclusion Register and other consumer safeguards;
- 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 for 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 use 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, including through the ACMA's Telecommunications and Radiocommunications Training Program.

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 ACMA to maintain a cooperative and productive working relationship with the Department to support its role in advising me on policy, budget and other matters.

In working with the Department, I expect the ACMA to continue to share expertise and data to inform policy development, improve regulatory frameworks and support regulatory changes.

Relationship with the eSafety Commissioner

The eSafety Commissioner is an independent statutory office holder, but remains an official of the ACMA for the purposes of the PGPA Act. The ACMA provides corporate support services to the Commissioner and also provides staff to enable the functions of the Commissioner to be fulfilled. I support the ACMA working closely with the eSafety Commissioner in relation to mutual matters regarding online safety.

Relationship with other stakeholders

To provide confidence to industry and the broader 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 industry or the markets in which they operate.

I expect the ACMA to engage with its regulated sectors to understand contemporary market practices and more effective ways for the ACMA to perform its functions and emerging trends. I expect the 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 look at opportunities to better coordinate enforcement activity with other regulators with a view to avoiding duplication of supervisory activities.

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 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.

The ACMA's 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 in accordance with the PGPA Act.

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 Government's international commitments, including treaties.

Michelle Rowland

Minister for Communications

3 December 2024