

ACMA Review
Department of Communications
GPO Box 2154
CANBERRA ACT 2601

P Tate 07/08/15

Re: ACMA Review

Dear Sir,

Thank you for the chance to have some input to the ACMA Review. Please see below the replies to the questions highlighted in the discussion paper.

- 1) *Are there unique characteristics of the communications sector that require a particular style of regulation and regulator?* **Yes**
- 2) *Do the characteristics of the communications sector mean that a sector specific regulator should be responsible for all aspects of industry regulation including economic regulation? Would switching models enable the regulator to strike the optimal balance between investment and consumer outcomes?* **I firmly believe that certain aspects of the ACMA's functions that should have stayed separate. The line between ACA & ABA should NOT have been taken away!!**
- 3) *What developments in the communications sector over the next 5-10 years are likely to affect the role of the regulator? In what ways will that role be affected?* **Internet is fast shaping modern life and there is no doubt a modern regulator needs to keep pace. However the internet is NOT the ONLY issue at hand! I'd strongly suggest there are other issues that need equal (if not more immediate) attention. Way too many people want to blame (or expect) the internet to do everything or be the answer to all their troubles. I'm very much of the thinking that too many eggs in one basket is a bad idea. For example – turning off all AM/FM radio in favour for a streaming model. What happens when the internet breaks?**
- 4) *What should be the unifying objective and purpose of the communications regulator—is there a succinct way to describe what the regulator should achieve?* **Fairness & consistency in decisions and a respectable outcome for all parties..**
- 5) *Looking at both national and international trends, what are considered the optimal objectives, functions and structures for a best practice regulator in the communications sector?* **Always remember the unique size of this land when looking at overseas trends some "trends" don't scale up well at all! Example - DAB+**
- 6) *What functions are unique to the ACMA (that is, not present or relevant to other regulators or industry sectors) and will these remain relevant in the future?* **No Comment**
- 7) *Are new functions likely to emerge over time?* **To say NO to this you really aren't thinking clearly – of course there will be new things!**

- 8) *When should the Minister be able to give directions to the ACMA in relation to the performance of its functions? Only at a federal level and in relation to overall policy. How the ACMA carries these tasks out needs to a set process and without political input or any "interpretation".*
- 9) *What are the optimal structure and governance arrangements for the Authority and Executive? No Comment*
- 10) *What are the optimal arrangements to support good decision-making and maintain trust (including for managing conflicts of interest for decision makers and delegating decision-making)? No Comment*
- 11) *How does the ACMA perform against the Regulator Performance Framework KPIs? Please provide examples. No Comment*
- 12) *Has the ACMA been effective in progressing or influencing regulatory reform initiatives where there has been a change in risk or market characteristics to warrant change? No Comment*
- 13) *What are the forward looking risk characteristics of the communications landscape? In this environment what is the optimal mix of capabilities and cultural attributes for a high performance communications regulator? Are these characteristics unique to communications? No Comment*
- 14) *What functions currently undertaken by the ACMA could be more efficiently or effectively delivered by someone else? Frequency assignments where there is a clear standard model to follow. This is able to be done now by AP's. Example - Two Way Comms channels.*
- 15) *What functions currently undertaken by other organisations could be more efficiently or effectively delivered by the ACMA? I'm pretty certain this would not be a good idea. Asking the ACMA to take on more duties can't be the best idea.*
- 16) *Would additional quality assurance arrangements be required where a function is provided by another party? Not really the system with AP's now works great if everyone knows the rules or "standard model". It's when ACMA want to change the rules mid game people get upset and confused!*
- 17) *What system improvements should be made to the ACMA? System improvements includes structural changes, process changes, requirements changes, and products or services changes. A more uniform approach to spectrum access fees would be appreciated.*
- 18) *What engagement improvements should be made to the ACMA? Engagement improvements include stakeholder engagement, contractual practices, behavioral and policy incentives to promote compliance or take up of government initiatives. No Comment*
- 19) *What market improvements should be made to the ACMA? Market improvements include partnering with others and outsourcing. No Comment*
- 20) *What funding model would best resource an Australian communications regulator, now and in the future? No Comment*
- 21) *What activities should be cost recovered from industry? Are user charges administered by the ACMA cost effective and efficient? Current policies in this area need minor tweaking.*

- 22) *How should the ACMA's resources be allocated between functions (that is, education, facilitation, enforcement and compliance)?* **Equally**
- 23) *How are the ACMA's functions likely to change as a result of reforms to the communications regulatory framework?* **No Comment**
- 24) *Does the list of 'enduring concepts' capture the policy concepts that are likely to continue to be central to the communications regulatory regime in the future? What are the most important communications sector public policy aims that are likely to require regulation?* **No Comment**
- 25) *What combination of regulatory interventions might be needed in the future?* **No Comment**
- 26) *How should a contemporary communications regulator retain flexibility to adapt its style of regulatory intervention to reflect the changing regulatory regime?* **No Comment**