ACMA's first annual report released

In ACMA's annual report, released in October, Chairman Chris Chapman said that registering the world's first legislative code of practice for internet and email service providers was one of the highlights of the organisation's first year of operation.

The *Australian Communications and Media Authority Annual Report 2005–06* is the first since the organisation's formation on 1 July 2005 as the new converged regulator for broadcasting, the internet, radiocommunications and telecommunications.

'Since my appointment in February 2006, I continue to be struck by the diversity of ACMA's responsibilities, ranging from the traditional modes of communications such as free-to-air broadcasting and fixed telecommunications, to the internet and wireless broadband, to the even more recent realities of mobile television,' Mr Chapman said.

'Looking to our future responsibilities and challenges, I believe that the government has assembled an authority of significant experience, diversity and intellectual capacity. I am struck by the complexity of the communications market, the diversity of the issues, the innovation of the players, the expectations of consumers (principally through their advocate organisations) and the commitment by the newly converged organisation and its staff to do the very best to meet the needs of all stakeholders.'

In his overview of the year, Mr Chapman said a significant and increasingly demanding aspect of ACMA's work covers the management of Australia's radiofrequency spectrum.

'Radiocommunications hasn't had of late the same visibility as its siblings but it's a really important input into this country's future IT and broadband enablement and associated economic prosperity. So spectrum allocation and management will take on new perspectives as demand rises and technologies change. Equally, noise and congestion issues continue to have an impact and this will require a deft touch,' he said.

The release in February 2006 of a major spectrum planning discussion paper—*Strategies for Wireless Access Services*—was part of a strategic consultation process on the management of Australia's radiofrequency spectrum. The paper intended to solicit stakeholder views to guide ACMA in the compilation of strategies to support the development and deployment of wireless access services in Australia.

In an important test case for the *Spam Act 2003*, ACMA completed its first prosecution under the Act in the Federal Court in Perth.

'The clear indication to Australian spammers is that their activities will be vigorously pursued by this organisation. Other successful prosecutions completed during the year sent out the strong message that ACMA takes matters of compliance very seriously,' Mr Chapman said.

In response to spam, ACMA had also launched the user-friendly 'one-click' spam reporting tool SpamMATTERS in May this year after an extensive trial period.

'ACMA is increasingly looking at emerging issues with a view to developing responses before those issues become problems. Network security and integrity are key concerns—in

the online environment, they are fundamental to the continued take up of e-business and business use of technology. Spam, viruses and malware will continue to be profound issues requiring our constant attention.'

Mr Chapman noted that ACMA has begun preparing for possible allocation of two unreserved television channels available across Australia, with its work sure to provide input into the government's Digital Action Plan, the aim of which is to promote and encourage the take-up of digital television.
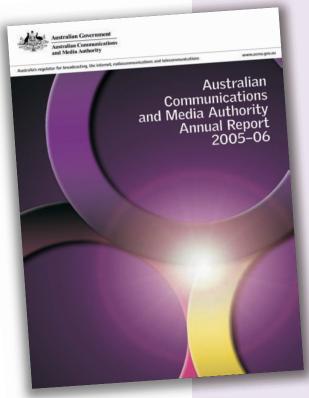
ACMA's enforcement powers under the Broadcasting Services Act have been enhanced to allow more timely and proportionate responses to industry activity.

To assist in delivering effective regulation of the communications industry, and in line with its legislative obligations, ACMA has initiated a review of its regulatory philosophy.

'A coherent and considered regulatory philosophy that is supported by staff, industry, consumers and government will enable us to analyse the merit of any particular regulatory action against our broad regulatory philosophy,' Mr Chapman said.

'The regulatory philosophy will aim to assist staff, the communications industry, government agencies and members of the public to understand how ACMA will approach its regulatory role. This includes ACMA's general attitude and approach toward performing its regulatory functions and exercising its powers under the legislation it administers.'

ACMA is responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications. It was formed on 1 July 2005 effectively as a result of the

'merger' of the Australian Broadcasting Authority (ABA) and the Australian Communications Authority (ACA), with all functions of both agencies transferred to ACMA.

ACMA's regulatory 'territory' extends from the traditional modes of communications such as free-to-air broadcasting and fixed telecommunications, to more recent phenomena like the internet and the even more recent realities of mobile TV and wireless broadband. Issues dealt with by ACMA range from satellites to cable labelling, commercial broadcasting to amateur radio. Its licensees embrace the local community group, some of Australia's largest companies and organisations like the Department of Defence and state utilities. It allocates spectrum and allocates numbers, 17 million last year.

ACMA also investigates complaints, and takes action on breach findings. It has responsibility for technical standards and content standards. It registers codes for broadcasting services, internet content, telecommunications and e-marketing. And it monitors carriers' compliance with their obligations. It also investigates electromagnetic interference, a principal role for its team at the 2006 Commonwealth Games.

Other highlights of 2005–06 outlined in ACMA's annual report included:

INVESTIGATIONS

ACMA undertook significant high-profile investigations during 2005–06, including several into the *Big Brother Uncut* series, some of which originated from unresolved viewer complaints. One of these investigations resulted in a breach finding for sexual references and adult themes which had a cumulative intensity exceeding the limits of the MA classification.

NATIONAL DO NOT CALL REGISTER

Work commenced on the development of the national Do Not Call Register in response to increasing levels of community concern about the growing number of unsolicited telemarketing calls. The register is due to go live in 2007. The development of a national standard for the telemarketing industry will also form an important part of the Do Not Call Register Scheme.

ROLE IN THE COMMONWEALTH GAMES

ACMA played a significant communications role in the staging of the Commonwealth Games in Melbourne, providing on-site guidance and support to Games organisers on the operation of telecommunications and radiocommunications equipment within Australian standards.

IMPROVED PROCEDURES FOR TRANSMITTER DEVICES

Improved procedures were introduced for registered radiocommunications transmitter devices under spectrum licences. These changes were based on extensive industry consultation and provide clearer and more consistent procedures for accredited persons to certify devices as suitable for registration.

CYBERSMART DETECTIVES

Students in remote locations played ACMA's Cybersmart Detectives for the first time. The online game that teaches children key internet safety messages was played by School of the Air students on remote stations in the Eyre and Yorke Peninsulas, the Flinders and Gawler Ranges, and other remote areas of South Australia, along with students in Adelaide schools.

DIGITAL RADIO TRIALS

The Minister's announcement of the policy framework for the introduction of digital radio, required ACMA to update its policy on digital radio trials using the broadcasting services bands. It broadened the scope of the guidelines to include the medium frequency AM band and set out a broader range of factors to be taken into account when considering whether to approve trials.

CONSUMER CONSULTATION

ACMA adopted a new consumer consultation framework during the year that takes a multi-strand approach and includes a revised and reconstituted Consumer Consultative Forum to bring together representatives of consumer, industry and regulatory bodies to discuss issues affecting consumers. This is one method ACMA will use to gather consumer and community perspectives on communications issues. It will also continue its public consultation to gather responses to issues being considered by the authority.