

28 March 2022



Cathy Rainsford, General Manager
Content and Consumer Division
Australian Communications and Media Authority

By email: haveyoursay@acma.gov.au

Dear Cathy,

RE: ACMA compliance priorities 2022-23

Thank you for the opportunity to provide input into the ACMA's compliance priority work program planning for 2022-2023. We are pleased to provide the following comments and suggestions.

Overarching comments

Communications Alliance acknowledges that there are a number of issues that are - or could become - matters of public interest or concern, or that test the effectiveness of the regulatory framework. For some of these issues, we think that a focus on compliance and enforcement is appropriate. For other issues, however, we suggest that it would be more effective for the ACMA to focus its efforts on fixing the underlying problem, rather than expending effort on compliance activities that simply target the symptoms. Examples are provided in this submission, and we would be glad to discuss them further with the ACMA.

Similarly, there are a number of issues that are already in the process of being addressed through new Codes, Guidelines, or other action. We suggest that it would be premature to consider any compliance enforcement activities for these issues, or for emerging issues that may (or may not) require attention in the future. Rather, we suggest that the ACMA monitor these issues and discuss any concerns with industry and Communications Alliance as they arise, allowing them to be addressed in a constructive and timely manner.

We further suggest that the ACMA focuses on prioritising and resolving a few key issues, rather than attempting to address many issues at once.

More generally, Communications Alliance asks that the ACMA explore the idea of highlighting more examples of good industry behaviour detected as part of its compliance and enforcement program, as well as reporting on negative trends or individual examples. We suggest that this approach would positively reinforce desirable industry behaviour, increasing the likelihood that it will continue – and be adopted by others.

Finally, we note that the regulatory environment is very complex, with numerous regulators, quasi-regulators, codes and guidelines to navigate. This creates challenges. We suggest that the ACMA supporting moves to simplify arrangements,

where possible, would arguably lead to increased compliance, and encourage it to consider how it could reallocate resources to help achieve this. We also suggest that additional educational activities by the ACMA may assist compliance, and encourage the ACMA to review and update publications such as the "[know your telecommunications industry obligations](#)" booklet, and ensure that such resources are easily accessible.

Priorities from 2021-22

Communications Alliance recognises the importance of ensuring that disadvantaged and vulnerable members of our society are supported by government; are supported and assisted by business, as appropriate; and are protected from illegal or unscrupulous business practices. We therefore support the ACMA continuing to target issues such as online gambling, financial services marketing, unreasonable sales practices, and phone scams.

As the ACMA may be aware, in 2022, Communications Alliance members are focussing efforts on addressing two specific issues in this space: assisting customers experiencing domestic and family violence (DFV) and reducing scams. A review of the Communications Alliance Guideline on Domestic and Family Violence is about to (re)commence, and a request for public comment on proposed revisions to the Communications Alliance Scam Calls Code to strengthen the current anti-scam code by targeting scam SMS messages, has recently closed.

Communications Alliance looks forward to the ACMA's further input and assistance on the Scam Code and will consult with the ACMA and other key stakeholders on the DFV guideline review, as required. We suggest that the ACMA needs to allow time for these initiatives to be completed and changes implemented before it focuses on specific compliance activities relating to new or changed issues in this space. We would, however, encourage the ACMA to prioritise compliance with the section of the Scams Code that covers requirements to trace scam calls, and to investigate reports that a Notifying C/CSP has informed the ACMA of inactivity by another C/CSP. By increasing the level of investigation into the origin of scam calls, the ACMA's attention to this issue should lead to more scams being blocked.

In relation to measures to protect vulnerable members of the community from online gambling, the telecommunications industry already cooperates with government agencies, the Australian Federal Police and other organisations to block illegal websites, on request. This includes, but is not limited to, illegal online gambling websites. Our members are very keen to protect consumers from such nefarious activities and are happy to provide this service. However, the current approach is inconsistent and inefficient, with numerous organisations individually contacting CSPs to request website blocking. This both diverts resources from other key activities and increases the risk of illegal websites not being consistently blocked. A better solution would be to agree on a common approach to managing this issue, with the federal government potentially developing a platform to centralise and semi-automate such requests. We would be pleased to provide more information and discuss potential solutions with you.

With the continued rollout of 5G technology, it would seem appropriate for the ACMA to continue working to ensure EME emissions meet Australian standards; it is important that the community is confident that safety standards are in place and enforced. We are aware that AMTA has commented on these issues and support their submission. In the era of misinformation and disinformation, including around 5G issues, we also support the ACMA continuing to provide authoritative, up to date, plain-English information on its website about this issue.

Other issues

Interference and licensing compliance issues were a focus area for the ACMA a couple of years ago. Amendments to the Radiocommunications Act in June 2021 were designed to address a number of issues of concern in this space, including the use of illegal mobile repeaters. Communication Alliance members report ongoing issues in this area and suggest that the ACMA prioritise compliance in this area, using its graduated enforcement power, as required.

Although not an enforcement activity, Communication Alliance would also like to see the ACMA prioritise an update to the Numbering Plan. While minor amendments have been made to the Plan over the years, its structure and content is very dated, making it unwieldy and difficult to follow, especially for new market entrants. Differing interpretations of the rules have also caused problems for victims of DFV seeking to gain control of a phone number used by them but controlled by their abuser (the account holder/Customer). Minor amendments and clarifications to the number recall and reallocation rules would remove any uncertainty about a CSP's ability to assist the DFV victim in such situations.

Communications Alliance proposed a new, restructured, updated and streamlined Plan in 2017, but it has not progressed. Our Numbering Steering Group will be writing to the ACMA separately to propose some specific changes that can be made in the short-term (this financial year), and we understand that the ACMA is considering a more major review of the plan in 2022-23. We strongly encourage the ACMA to prioritise resources to this activity.

We trust that you find this feedback helpful. If you have any questions or would like to discuss any aspects of this submission, please do not hesitate to contact Peppi Wilson, Manager Policy and Regulation, or me.

Yours sincerely,



John Stanton
Chief Executive Officer