

Regulator Performance Framework

Performance assessment 2018–19

DECEMBER 2019

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Introduction

The Regulator Performance Framework (RPF) was established by the Australian Government in 2014. The objective of the RPF is to:

- > improve the way regulators operate
- > reduce the costs incurred by business, individuals and the community from the administration of regulation
- > increase public accountability and transparency.¹

This is the Australian Communications and Media Authority's (ACMA) fourth annual self-assessment under the RPF and covers the 2018–19 financial year. It provides an account of the extent to which we met the RPF Key Performance Indicators (KPIs) over the reporting period.

A requirement of the RPF process is that regulators seek stakeholder validation of their self-assessment. In October 2019, we invited feedback from key industry and consumer representative stakeholders. We received two responses which are discussed at Appendix D.

We note that the Independent Review of the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule*, which was finalised in September 2018, recommended that duplicative performance reporting requirements—for example, those under the Regulator Performance Framework—should be reviewed and integrated to reduce the reporting burden and improve clarity. We expect to contribute to implementing this recommendation in the future.

¹ Department of the Prime Minister and Cabinet, *Regulator Performance Framework — Guidance — Key Performance Indicators, V1.0*, January 2015, p. 3

Our approach to assessing performance

As a Commonwealth regulator, the ACMA must report against the six KPIs under the RPF. These KPIs reflect the common activities of regulators. We have structured our report into three sections that reflect complementary pairings of the six KPIs and developed a number of strategies to meet these KPIs.

Figure 1: RPF KPI pairings and strategies



Table 1 is an assessment of our results in meeting the KPIs in 2018-19, supported by implementing our strategies.



MET—achieved or exceeded



MOSTLY MET—substantially met



NOT MET—not met

Table 1: 2018–19 results












KPI	Strategies	Results
KPI 1 and KPI 6  Regulatory efficiency and continuous improvement of regulatory frameworks	1. Improve the efficiency of our transactions and processes 	We met our timeliness targets to a large degree. There were some matters where there was delay due to the complexity of the issues and/or the need to obtain further information.
	2. Streamline and enhance flexibility of our regulations 	We improved the timeliness of nine of our transactional processes compared to last year.
	3. Expand our evidence base to inform improvements and reforms 	Our evidence base was enhanced through research, stakeholder consultation and analysis of the data we collected.
	4. Apply evidence and regulatory analysis to maintain a fit-for-purpose regulatory framework 	We amended and developed regulation in response to changes in our environment and the needs of our stakeholders.
KPI 2 and KPI 5  Communication, openness and transparency	5. Tailor communications to reach our stakeholders and support understanding of regulatory obligations 	The number and variety of communication initiatives we used to reach our diverse stakeholders, the timeliness and relevance of these communications, and the information we made available to promote accountability of our activities supported our delivery of KPI 2 and KPI 5.
	6. Enhance transparency of key information to promote accountability 	
KPI 3 and KPI 4  Proportionate actions and streamlined and coordinated compliance monitoring	7. Use risk-based and graduated compliance and enforcement approaches 	The application of our graduated compliance and enforcement policy and the initiatives we undertook to further streamline and coordinate our compliance and monitoring activities supported KPI 3 and KPI 4 being met.
	8. Avoid unnecessary compliance information requirements and remove duplication 	

Table 2: Performance achievements

Performance achievements, 2018–19	
<p>KPI 1 and KPI 6 <i>Regulatory efficiency and continuous improvement of regulatory frameworks</i></p>	<ul style="list-style-type: none"> > 100 per cent of investigations were finalised within the timeliness benchmark for: <ul style="list-style-type: none"> > radiocommunications > interactive gambling > spam > Do Not Call Register (DNCR) > broadcast content. > Improved average processing times for nine processes were achieved compared to 2017–18. > The Regulatory Futures section was established. > The Scam Technology Project was established to explore practical solutions to scam calls.
<p>KPI 2 and KPI 5 <i>Communication, openness and transparency</i></p>	<ul style="list-style-type: none"> > Enhanced transparency and clarity were supported by: <ul style="list-style-type: none"> > updating the Authority Code of Conduct > completing the design phase of our new website to make our online content easier to locate and understand > informing stakeholders about new rules through forums, presentations and published information > providing a Statement of Intent in response to the Government's Statement of Expectations > publishing the 2018–22 Five-year spectrum outlook (FYSO) and annual spectrum work program. > User satisfaction with our Customer Service Centre increased this year.
<p>KPI 3 and KPI 4 <i>Proportionate actions and streamlined and coordinated compliance monitoring</i></p>	<ul style="list-style-type: none"> > Whole-of-agency compliance priorities for 2019–20 were developed for the first time. > We undertook targeted audits and investigations and used a number of enforcement actions in responding proportionately to breaches.

Self-assessment against the RPF

KPI 1 and 6—Regulatory efficiency and continuous improvement of regulatory frameworks


KPI 1—Regulators do not unnecessarily impede the efficient operation of regulated entities

KPI 6—Regulators actively contribute to the continuous improvement of regulatory frameworks

Strategies to reduce unnecessary regulatory impediments and continually improve our regulatory framework

- > Strategy 1—Improve the efficiency of our transactions and processes
- > Strategy 2—Streamline and enhance flexibility of our regulations
- > Strategy 3—Expand our evidence base to inform improvements and reforms
- > Strategy 4—Apply evidence and regulatory analysis to maintain a fit-for-purpose regulatory framework

Results in 2018–19

Strategy 1—Improve the efficiency of our transactions and processes	
<p>Overall rating: Mostly met</p> <p>We met 88 per cent of our timeliness targets for our processes and transactions.</p> <p>The new Authority arrangements we implemented last year provide more efficient processes to enhance the timeliness of decision-making.</p>	
<p>Summary of results</p> <p>Achievements</p> <ul style="list-style-type: none">> We bedded down a new operational model for the Authority. The new arrangements (including specific areas on which Authority members take the lead), implemented in September 2018, have enhanced the timeliness of decision-making. As a result, the Authority met 38 times in 2018–19 compared to 16 times in 2017–18.> We met or exceeded 32 of our 35 timeliness targets:<ul style="list-style-type: none">> exceeded eight targets> met 24 targets. <p>Timeliness targets for our processes and activities are at Appendix A.</p> <ul style="list-style-type: none">> Improvements in nine of our average timeliness measures compared to 2017–18 are described in Appendix B.	

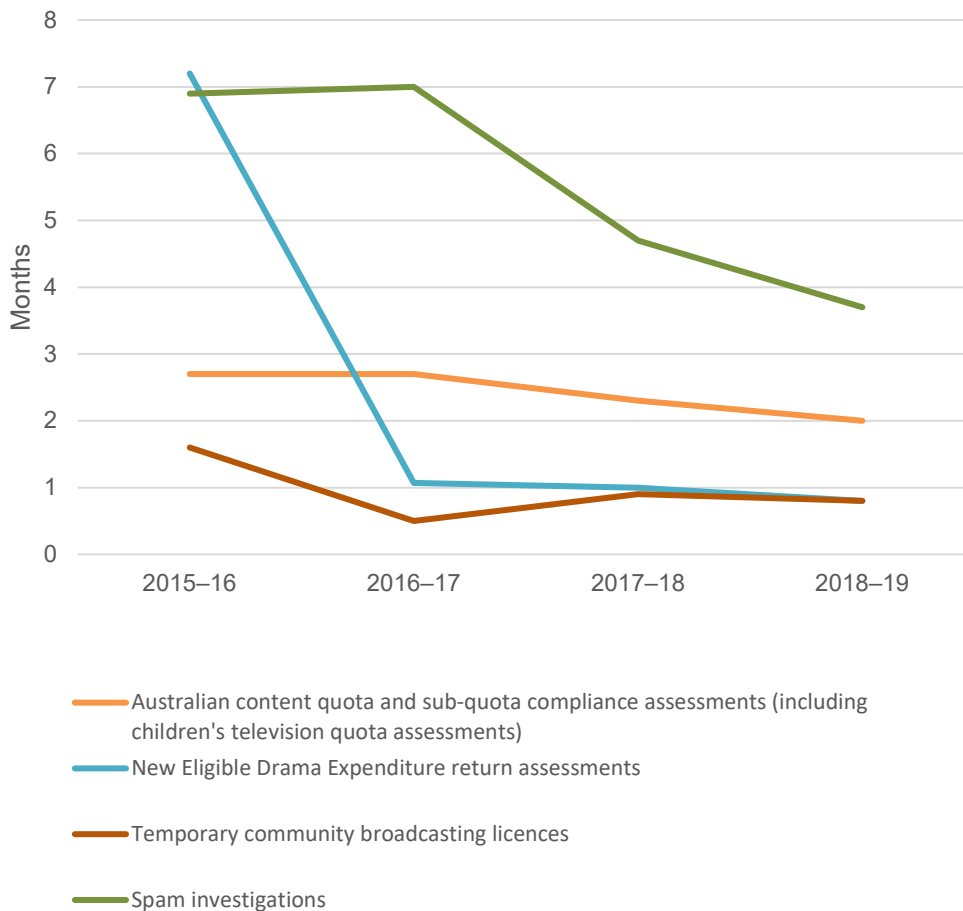
Exceptions

- > Four applications for long-term community radio broadcasting licences required further information from applicants and more detailed consideration of their implications for the future delivery of radio services. This resulted in these applications taking on average 198 days to process, 108 days more than the benchmark of 90 days.
- > Ninety-five per cent of the 56 long-term community radio broadcasting licensing renewals occurred within the time frame target of 90 days. Three renewals exceeded the 90-day time frame by an average of 43 days due to the need for further information from the licensees.
- > Eighty-five per cent of our 104 telecommunication investigations were completed within the benchmark of six months or less.
 - > Sixteen investigations were more complex and required further information before they could be finalised. These took on average 7.1 months.

Trends in improved timeliness

Figure 2 shows improvements in the average time taken for several of our processes over the last four years.

Figure 2: Improvements in timeliness, 2015–16 to 2018–19—average number of months taken to complete processes



Strategy 2—Streamline and enhance flexibility of regulations

Overall rating: Met

A regulatory cost saving to industry was achieved this year. We also reviewed regulatory instruments to streamline our regulation. The amendments we made to licences enhanced the flexibility of the regulation we administered.



Summary of results

Achievements

- > Net regulatory cost savings of \$138,000 were delivered in 2018–19. This included the registration of the Mobile Phone Base Station Deployment Code which streamlined the documentation required as part of consultation processes undertaken by mobile carriers.
- > Instruments that were due to sunset were reviewed in 2018–19 to assess their continued relevance and/or opportunities to streamline compliance requirements:
 - > eighteen legislative instruments were deferred to allow for further review to determine whether they should be left to sunset, remade with amendments, remade without amendments or revoked by the ACMA
 - > four instruments were allowed to sunset
 - > four instruments were revoked and replaced
 - > seven of the ACMA instruments ceased according to the expiry date included in the instrument.
- > We amended marine radio licences to enhance search and rescue services in Australia and protect safety of life, including adding more VHF maritime mobile channels and implementing international regulations. Changes include:
 - > access to new safety of life technologies, agreed under International Telecommunication Union (ITU) regulations, such as Automatic Identification System Satellite, and the integrated functionality provided by VHF Data Exchange System and Application Specific Messages
 - > specifying channels in the relevant licensing instruments to provide greater protection to search and rescue functions.

Strategy 3—Expand our evidence base to inform improvements and reforms

Overall rating: Met



We established a new section with a focus on researching and promoting best regulatory practice in our responses to new and emerging regulatory pressures. Our evidence base was enhanced by the research that we undertook on market trends, evolving communications and content use, and changes in consumer and community attitudes. The findings of this research informed approaches to improving the effectiveness of our regulation.

Our evidence base was also augmented through consultation with our stakeholders and collaboration with other regulators including the Australian Competition and Consumer Commission (ACCC).

Summary of results

Achievements

- > Our new Regulatory Futures section initiated a research program and engagement with stakeholders on best practice regulatory design approaches within a rapidly evolving environment.
- > In August 2018, we released our report on findings from quantitative research on the experience of households and small to medium-sized businesses before, during and after migration to services delivered by retail service providers (RSPs) over the National Broadband Network (NBN). These findings included:
 - > just under half (45 per cent) of households and businesses did not know the data download speed of their current plan
 - > around three-quarters of households who recalled receiving information from NBN Co or RSPs found it useful (74 per cent for NBN Co and 79 per cent for RSPs). Thirty-four per cent of households and 40 per cent of businesses reported being left without a phone and/or internet service during connection
 - > sixteen per cent of households and 14 per cent of businesses were left without a phone and/or internet for more than one week while moving to the NBN
 - > thirty-one per cent of households and 42 per cent of businesses had made a complaint to their current or previous telco since connecting to the NBN
 - > twenty-four per cent of households and 37 per cent of businesses with resolved complaints were dissatisfied with the complaints-handling process, with the most frequently mentioned reason for both groups being that it took too long to fix the problem or take action.
- > This research informed the development of five new sets of rules, which were made in July and September 2018 to address consumer concerns about moving to phone and internet services delivered by RSPs over the NBN.
- > In December 2018, we released qualitative and quantitative research into consumer experience of unsolicited calls in Australia. The research found that nearly two-thirds of landline users and just over a third of mobile users reported receiving unsolicited calls at least weekly. Of those who have received telemarketing calls, 40 per cent with a landline and 45 per cent with a mobile phone are more concerned about telemarketing than five years ago.
- > The research into unsolicited calls also found three quarters of Australian adults believe not enough is done to protect individuals from scam calls with:

- > the proportion of Australians who are extremely concerned or worried about scam calls being significantly higher (23 per cent) compared to telemarketing calls (11 per cent) or charity calls (7 per cent)
- > nearly 9 in 10 Australians (89 per cent) are as, or more, concerned about scam calls compared to five years ago.
- > In addressing the findings related to scam calls, we are leading a project to combat this growing problem in collaboration with the ACCC and the Australian Cyber Security Centre as well as drawing on industry expertise and experience.
- > The results of the NBN modem study provided the basis of a report we prepared and a practical guide for consumers on choosing an NBN Wi-Fi modem and optimising its performance.
- > We undertook 43 consultations and received 335 submissions about the operation of regulation that we administer across:
 - > radiocommunications standards, licence conditions and determinations
 - > spectrum planning
 - > licence area plans
 - > taxes and charges
 - > licensing issues.
- > Our understanding of international trends in spectrum use and management was informed through participation in regional and international meetings in the lead up to the ITU World Radiocommunication Conference 2019 (WRC-19).
- > Results from our annual consumer survey for 2018 were published in our *Communications report 2017–18* and showed:
 - > increasing connectivity and mobility, data sharing and exchange, are all driving change in communications markets and consumer behaviours
 - > Australians aged 18 and over were accessing services over more devices—in May 2018, 40 per cent of Australians used five or more different types of devices to go online
 - > almost all Australians (96 per cent) had used a mobile phone for calls and almost 64 per cent had used an app for messaging/calling
 - > eight in 10 Australians viewed video content online in the six months to May 2018
 - > Australians experienced relatively high satisfaction with their communications services, being most satisfied with their mobile phone followed by fixed-line phone and then internet services.
- > Qualitative and quantitative research on the effectiveness of the new gambling advertising restrictions during live sports events broadcast on television and radio and streamed online was completed, with a report to be released in late 2019.
- > Research has commenced in a number of areas—including news on television and radio and the experience of telecommunications consumers—to inform our understanding of the impact developments in these markets are having on public interest outcomes.
- > We also continued recording, monitoring and analysing complaint and enquiry data to understand issues of concern for our stakeholders. Appendix C provides the numbers of the complaints and enquiries we received from stakeholders.

Case study—International engagement informing domestic spectrum management



We regularly lead a delegation to working parties of the ITU—Radiocommunications Sector (ITU-R) Study Group 5. The delegation comprises other Commonwealth Government agencies (including Department of Communications and the Arts, Department of Defence, Australian Maritime Safety Authority, Airservices, Commonwealth Scientific and Industrial Research Organisation) and industry representatives.

A focus of these working parties is systems and networks for fixed, mobile, radiodetermination, amateur and amateur-satellite services. The studies undertaken enhance our evidence base to better inform spectrum management decisions.

Attendance at these working party meetings enables Australia to influence the development of routine ITU-R reports and recommendations that guide day-to-day spectrum planning domestically. Importantly these meetings also provide opportunities for Australia to influence studies related to WRC agenda items.

Current WRC-19 agenda items being considered by these working parties include identifying potential harmonisation of frequency bands and/or regulatory arrangements to enable services such as:

- > rail communications
- > intelligent transport systems
- > Internet of Things communications
- > expanded Wi-Fi services.

Outcomes at the WRC-19 in relation to these (and other) uses can have significant implications for Australia’s economic interests.

Strategy 4—Apply evidence and regulatory analysis to maintain a fit-for-purpose regulatory framework	
<p>Overall rating: Met</p> <p>To maintain fit-for-purpose regulation we responded to issues being experienced by consumers by introducing new rules for migrating customers to services delivered by RSPs over the NBN and established a project to address scam calls.</p> <p>New legislation and government policy underpinned implementation of:</p> <ul style="list-style-type: none"> > online gambling advertising rules > notification requirements included in a new Register of Foreign Owners of Media Assets. 	
<p>Summary of results</p> <p>Achievements</p> <ul style="list-style-type: none"> > We made new gambling advertising rules for online content providers. This brought online gambling advertising requirements into line with similar rules for television and radio broadcasting services, creating a safe zone for children and families to watch live sport across a variety of platforms. > The five new sets of rules implemented in response to a rapid increase in consumer complaints about moving to and using services delivered over the NBN mean that now consumers: 	

- > are given the information they need to make informed choices about the NBN service that is right for them (our Consumer Information Standard took effect on 21 September 2018)
- > have confidence that their NBN connection can deliver the maximum speed specified in their NBN service plan (our Service Migration Determination took effect on 21 September 2018)
- > will not (where technically possible) have their 'old services' switched off before their new NBN services are working (our Service Continuity Standard took effect on 21 September 2018)
- > have remedies available if their new NBN service is not working at the time of connection (our Service Continuity Standard and Service Migration Determination both took effect on 21 September 2018)
- > have their complaints heard and addressed effectively (our Complaints Handling Standard, complemented by our Complaints Record Keeping Rules, both took effect on 1 July 2018).
- > We tracked the effectiveness and efficiency of our existing regulation through reviews and research, leading to responses to changing markets and consumer expectations and preferences, often driven by new technologies, including the:
 - > Scam Technology Project—consumer experience research published in December 2018, led us to establish a project to explore practical technical solutions to address the proliferation of scam calls over Australian telecommunications networks.
- > We tracked the effectiveness and efficiency of our existing regulation through:
 - > review of the Telecommunications (Emergency Call Service) Determination (ECS Determination)—consultation commenced in June 2019 on a draft revised ECS Determination, the new ECS Determination came into effect on 28 November 2019.
 - > review of the International Mobile Roaming (IMR) Standard which identified a need to retain IMR regulation with a more flexible set of rules in response to changes in consumer preferences.
- > On 1 March 2019, the ACMA published a new Register of Foreign Owners of Media Assets with information about foreign stakeholders and their interests in Australian media assets. This register was established under new legislation which commenced in September 2018 and has new notification requirements for foreign persons with interests in Australian media assets.

KPI 2 and 5—Communication, openness and transparency


KPI 2—Communication with regulated entities is clear, targeted and effective

KPI 5—Regulators are open and transparent in their dealings with regulated entities

Strategies for effective and transparent communication

- > Strategy 5—Tailor communication to reach our stakeholders and support understanding of regulatory obligations.
- > Strategy 6—Enhance transparency of key information to promote accountability.

Results in 2018–19

Strategy 5—Tailor communication to reach our stakeholders and support understanding of regulatory obligations	
<p>Overall rating: Met</p> <p>We commenced a major project to transform our website to improve online communication with our stakeholders by making our content easier to locate and understand.</p> <p>We also continued to use a number of communication avenues and approaches to provide accessible, timely and easy to understand information to our stakeholders about our new approach to identifying whole-of-agency compliance priorities, new rules to restrict gambling advertising during live sports and to protect consumers migrating to services delivered by RSPs over the NBN.</p>	
<p>Summary of results</p> <p>Achievements</p> <ul style="list-style-type: none"> > We completed the design phase of our new website to make it easier for users to find, understand and use content on the site. > In April 2019, we announced our new whole-of-agency compliance priorities for 2019–20 at a CommsDay Conference as well as publishing them on our website. > Information about new rules for online gambling advertising was provided through: <ul style="list-style-type: none"> > a media release to announce the implementation of new rules > consumer advice published on our website, including an online complaints form > information for industry about exemptions to the rules and an application form for exemptions published on our website > presentations on the new rules given at: <ul style="list-style-type: none"> > the EGR Power Summit to online gambling industry stakeholders > an inter-jurisdictional regulators’ conference to state and territory gambling compliance managers 	

- > a Victorian Responsible Gambling Foundation lunchtime learning session.
- > Industry obligations under new regulations to protect consumers migrating to services delivered by RSPs over the NBN were communicated through several avenues including:
 - > seminars for industry to attend in person or online
 - > information published about the new regulations and our approach to compliance
 - > a better practice guide for RSPs, developed in conjunction with the Behavioural Economics Team of the Australian Government, to assist industry to comply with the Consumer Information Standard.
- > We published online consumer alerts about:
 - > 'wangiri' scams
 - > 'sextortion'
 - > scammers targeting Optus, the Do Not Call Register and NBN.
- > We warned consumers about purchasing repeaters, jammers and non-compliant devices, through advertising targeted at buyers in the lead-up to Christmas including Google Ads and on Facebook and Instagram.
- > Our Customer Service Centre had an overall satisfaction rating of 77 per cent this year, which was an improvement on the results of the previous two years (72 per cent and 70 per cent respectively).
- > We continued to provide several channels for consumer and audience enquiries and complaints including online complaint forms, email, phone and post.

Performance snapshot— diversity of communication channels, 2018–19

- > Online content—traffic to our website grew, with over four million-page views.
- > Consultations—we conducted 43 public consultations.
- > Targeted emails—we sent a range of e-bulletins about telecommunications, telemarketing, e-marketing, radiocommunications, spectrum, research, consultations and updates about our activities to more than 20,000 subscribers.
- > Social media—we engaged with a range of stakeholders via our Twitter, Facebook and LinkedIn accounts, with more than 600 posts across these channels. Campaigns included:
 - > scam alerts
 - > tips and advice when migrating to services delivered by RSPs over the NBN
 - > information about the rules for the broadcasting and advertising of gambling content, political matters and elections
 - > updates on investigation and enforcement activities
 - > promotion of our consultations
 - > general advice and information for consumers and industry.
- > Media engagement—we issued 44 media releases and disseminated information to mainstream media through journalist briefings, interviews, radio grabs and subscriber distribution lists.
- > Events—we hosted the two-day RadComms 2018 conference: an industry forum on the future delivery of radio services and two industry forums on the new NBN consumer experience rules.

- > Animations—six animations were developed to inform audiences and stakeholders about:
 - > updating their details to their telecommunication provider
 - > tips to fix slow internet caused by cabling, Wi-Fi or a modem
 - > rules about gambling advertising
 - > grants available through the Regional and Small Publishers Innovation Fund.

Case study—Making our website more user friendly



Our Customer Service Centre surveys reported that some users of our website were finding it difficult to locate information. In response, we commenced the Website Transformation Project to replace our current website with one that better addresses our users’ needs.

We conducted research and analysis of usage statistics on the website as part of the discovery phase in late 2018. This phase included working with subject matter experts and our users to design and build a new website that was easier to navigate.

The new website design focuses on the most common information and tasks that people accessing our site are seeking—for example, understanding what spam is and how to fix TV reception problems. Key changes include the use of plain English, a cleaner design and layout and improved navigation and search functionality.

In June 2019, we released a test (or ‘beta’ version) of the new website to the public and asked for feedback. This feedback and further user testing will be used to inform and improve the ongoing development of the website.

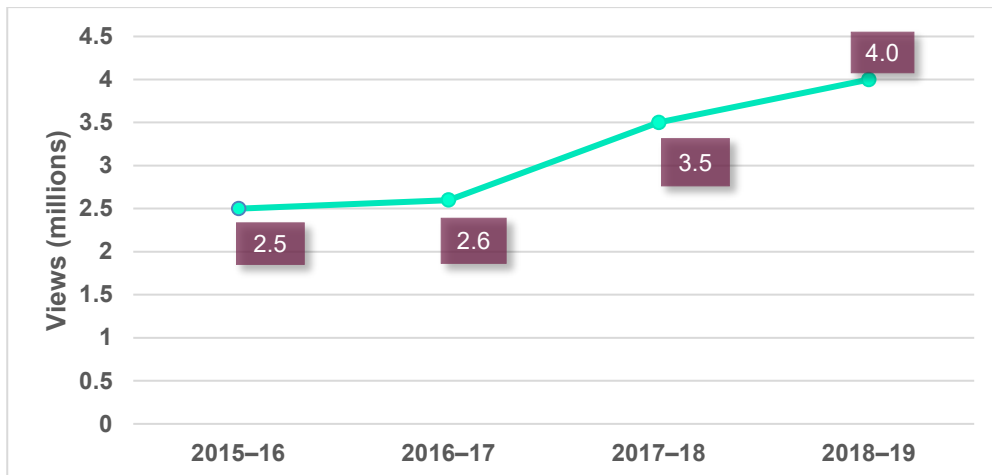
The project has followed the Digital Transformation Agency’s Digital Service Standard to develop a user-centred, secure, responsive and accessible website.

The new website is due to go live in late 2019.

Trends in visits to our website

The last four years have seen an increase in stakeholders visiting our website as we continue to improve its accessibility.

Figure 3: Growth in traffic to acma.gov.au



Strategy 6—Enhance transparency of key information to promote accountability

Overall rating: Met

We have enhanced transparency of our compliance priorities by adopting a more strategic approach to identifying and publishing areas of focus.



Updates to our Authority's Code of Conduct provide greater transparency and clarity of Authority decision-making processes. The publication of the Government's Statement of Expectation (SoE) for ACMA and our Statement of Intent (Sol) in response enhance transparency and accountability in relation to our role and responsibilities.

Following stakeholder consultation, we continued to publish the Five-year spectrum outlook (FYSO). We also continued to publish our investigation reports and enforcement actions.

Summary of results

Achievements

- > We provided greater transparency and certainty for industry and consumers by replacing previously segmented priority compliance areas with a coordinated whole-of-agency approach. Our new approach also includes an outline of the factors we consider in determining our compliance priorities.
- > Transparency and accountability regarding our role, responsibilities and performance as a regulator was enhanced with the publication of our Sol in response to the Government's SoE.
 - > The Government's vision for ACMA is to be a fit-for purpose regulator for the contemporary communications and media environment that:
 - > keeps pace with the market (including emerging technologies)
 - > acts decisively and responsively, balancing the benefits of minimising regulatory burden on the sector while ensuring delivery of public interest outcomes
 - > ACMA's Sol describes how we will fulfil the Government's expectations.
- > In April 2019, we implemented measures to enhance transparency and clarity of Authority decision-making processes with the publication of an updated *Code of Conduct for Authority Members and Associate Members* (the Code of Conduct).
 - > The Code of Conduct sets out the Authority's strategic intent, approach to business, duties, responsibilities and the culture and values guiding its work
 - > Authority members have been given more defined roles in relation to actively engaging with our stakeholders, including 'leading' an area of the ACMA's work and chairing internal committees aligned with their relevant skills and expertise.
- > In planning our spectrum work for 2018–22, we sought stakeholder comment on a draft work program included as part of the FYSO. We considered 33 stakeholder submissions and implemented a number of suggestions to enhance the transparency and accountability of our work including:
 - > adding a summary of forthcoming consultations to assist industry
 - > updating the five-year environmental outlook
 - > adjusting planning priorities relating to specific bands including 2 GHz, 3.3–3.4 GHz, 3.4–3.575 GHz, 3.7–4.2 GHz, 26 GHz and 28 GHz.
- > We continued to publish reports on our investigations and enforcement outcomes and the operation of regulations we administer; for example, in October 2018, we reported on the first 12 months of our administration of new laws to disrupt illegal offshore gambling under the *Interactive Gambling Act 2001*.

KPI 3 and 4—Proportionate actions and streamlined and coordinated compliance monitoring


KPI 3—Actions undertaken by regulators are proportionate to the regulatory risk being managed

KPI 4—Compliance and monitoring approaches are streamlined and coordinated

Strategies for proportionate actions and streamlined compliance monitoring

- > Strategy 7—Use risk-based and graduated compliance and enforcement approaches.
- > Strategy 8—Avoid unnecessary compliance information requirements and remove duplication.

Results in 2018–19

Strategy 7—Use risk based and graduated compliance and enforcement approaches	
<p>Overall rating: Met</p> <p>Our risk-based approach to prioritising our compliance activities was supported by evidence. We monitored compliance issues in our environment using complaint statistics, consumer research, as well as information provided by other regulators and consumer groups. This informed targeted audits and investigations.</p> <p>We continued to apply our graduated compliance and enforcement policy in using a range of enforcement actions.</p>	
<p>Summary of results</p> <p>Achievements</p> <ul style="list-style-type: none"> > In determining our annual compliance priorities for 2019–20, we considered a range of factors including: <ul style="list-style-type: none"> > matters of significant public interest or concern > potential and actual causes of harm to consumers > areas of risk of non-compliance, from technological developments, to specific industries. > As a result, we announced six compliance priorities for 2019–20 across the following areas: <ul style="list-style-type: none"> > telecommunications consumer safeguards: <ul style="list-style-type: none"> > the rules helping consumers move to services delivered by RSPs over the NBN > the rules about the handling of consumers' complaints > the new Telecommunications Consumer Protections Code credit assessment and financial hardship provisions. > small cell base stations for 4G and 5G: <ul style="list-style-type: none"> > electromagnetic energy (EME) emission standards when installing small cell base stations > informing and consulting stakeholders, including the local community, before installing small cell base stations. > unsolicited communications: 	

- > rules on marketing that seek 'hot leads' without consent from consumers
- > rules on solar telemarketers making sale calls without consent from consumers.
- > commercial influence in broadcast news:
 - > distinguishing between commercial content and broadcast news editorial.
- > gambling:
 - > rules on broadcasting and streaming gambling ads during live sport
 - > rules on credit betting and unlawfully offering credit
 - > the provision of illegal offshore gambling services offered to Australians.
- > interference and licensing compliance
 - > solar inverters' interference management licence conditions
 - > unlicensed operations and device compliance with interference rules.
- > The time-critical nature of the NBN rollout gave urgency to early and consistent industry compliance with new rules to protect consumers. We launched a comprehensive compliance program soon after they came into effect, conducting audits of the provision of information and complaint-handling rules, leading to 50 investigations that resulted in 42 breach findings. We undertook a range of enforcement actions depending on the breach including informal warnings, remedial directions and infringement notices.
- > We identified potential inaccuracies in the Integrated Public Number Database (IPND) and opened investigations into 11 providers of phone and/or internet services to consumers. We found large-scale breaches in relation to a service provider rule in the *Telecommunications Act 1997* and the *C555 2017 Integrated Public Number Database (IPND) Industry Code (IPND Code)*.
 - > Enforcement action involved remedial directions being issued along with directions to comply with the IPND Code.
- > We identified apparatus licence holders at risk of unlicensed operations, resulting in 41 high risk licensees being contacted. The outcome was that 557 licences were renewed avoiding the risk of expiry.
- > In response to media reports of community concern we undertook an audit of EME compliance at small cell sites with a desk-based assessment of 967 sites and a formal audit of 30 sites. Overall the audit found high levels of compliance with the EME obligations. This work will help inform our small cells compliance priority work in 2019–20.
- > We actively monitored the operation of new restrictions on gambling advertising during live sporting events broadcast on television and radio and streamed online. We found a high level of compliance but identified some areas requiring additional industry focus and education. This included better notifying viewers and listeners of scheduled times for the start of play as the advertising restrictions apply from this time.
- > We also considered compliance and enforcement tools available to us in the context of spectrum reform and provided advice to government on the potential for a range of new tools, including civil penalties and interim and permanent bans and recalls, to better promote the efficient and effective management of interference.
- > We continued to respond to broadcasting, telecommunications and radiocommunications complaints. Appendix C includes the numbers of complaints and enquiries that we received and responded to.

Case study—Investigations into coverage of the Christchurch terrorist attack



We commenced 10 investigations into coverage by Australian television broadcasters of the March 2019 terrorist attack in Christchurch, New Zealand. The investigations considered news and current affairs programs broadcast over the weekend of 15–17 March 2019 against relevant provisions of various industry codes of practice. The investigations included the review of more than 200 hours of broadcast footage as well as analysis of the detailed information provided by broadcasters about the editorial decisions they made in relation to that footage.

We considered that there was some material, and treatment of that material, that raised questions about whether there was compliance with the broadcasting codes of practice. However, given the level of responsibility shown by the broadcasters and the unique circumstances of this incident, we did not make compliance findings about individual broadcasts.

We prepared a consolidated report with a number of observations arising from our investigation for industry consideration. This report was published in the 2019–20 reporting period.

Strategy 8—Avoid unnecessary compliance information requirements and remove duplication

Overall rating: Met

To avoid unnecessary compliance information requirements and remove duplication, we acted to improve efficiencies in our compliance-monitoring processes.



Summary of results

Achievements

- > As a result of two rounds of public consultation on proposed rules to restrict online gambling advertising, changes were made aimed at ensuring that the rules were practical and not unduly burdensome. These changes included:
 - > reduced record-keeping requirements
 - > an exemption for licensed Australian gambling operators from the rules, as this class of service provider is already subject to strict age-restriction requirements under other legislation.

Appendix A—Timeliness target performance 2018–19

Activity	Sector (transactional processes)	Target	% time benchmark met	Performance
Spectrum licensing	Assigned apparatus licences—allocation	90% within 90 days	100%	Exceeded
	Assigned apparatus licences—renewal	90% within 90 days	100%	Exceeded
	Non-assigned apparatus licences—allocation	90% within 90 days	100%	Exceeded
	Non-assigned apparatus licences—renewal	90% within 90 days	100%	Exceeded
	Radio and TV broadcasting retransmission licences	90% issued within 90 days	98%	Exceeded
	Radio and TV apparatus licences—variations	90% issued within 90 days	100%	Exceeded
Compliance	Spam complaints activities	90% actioned within 15 business days	100%	Exceeded
	DNCR complaints activities	90% actioned within 15 business days	99%	Exceeded
Media control and content assessment	Media control registers—entry, alteration or removal	Completed within 2 business days	100%	Met
	Media control registers—confirm or cancel entry, alteration or removal	Completed within 28 business days	100%	Met
	Australian content quota and sub-quota compliance assessments (including children’s television quota assessments)	Completed within 90 business days	100%	Met
	New Eligible Drama Expenditure return assessments	Completed within 60 business days	100%	Met
	Captioning exemption orders/target reduction orders	Completed within 90 business days	100%	Met
	Children’s and pre-school program classification assessments	Completed within 60 business days	100%	Met
Spectrum licensing	Special event broadcasting licences	Issued prior to event	100%	Met
	Commercial radio broadcasting licences—renewal	Prior to expiry	100%	Met

Activity	Sector (transactional processes)	Target	% time benchmark met	Performance
	Commercial television broadcasting licences—renewal	Prior to expiry	100%	Met
	Actioned complaints about access to VAST	Within 8 weeks	100%	Met
Telecommunications licensing and numbering	Carrier licences issued	Within 20 business days	100%	Met
	Nominated carrier declarations issued	Within 20 business days	100%	Met
	Telecommunications numbering allocations (application for mobile and geographic number resources)	Instantaneous (Fully automated process)	100%	Met
Compliance	Broadcast content complaints/enquiries activities	Actioned within 7 business days	99%	Met
	Telecommunications complaints/enquiries activities	Initial response to IPND complaints and enquiries: within 2 days Initial response to other complaints and enquiries: within 3 days	99%	Met
	Radiocommunications complaints/enquiries activities	Public safety: initial response within 3.5 hours All complaints completed in an average of 45 days Compliance investigations completed in an average of 90 days	100%	Met
	Interactive gambling complaints/enquiries activities	Initial response within 2 business days	100%	Met
Compliance investigations	Radiocommunications investigations	Completed within 90 business days	100%	Met
	Interactive gambling investigations completed	On average within 90 days	100%	Met
	Broadcast content investigations completed	On average 6 months	100%	Met
	Spam investigations completed	On average 8 months or fewer	100%	Met
	DNCR investigations completed	On average 8 months or fewer	100%	Met
Community broadcasting licensing	Temporary community broadcasting licences applications processed	Within 90 days of receipt date	99%	Met

Activity	Sector (transactional processes)	Target	% time benchmark met	Performance
Customer Service Centre	Total enquiries	95% of enquiries resolved in 3 business days or less	95%	Met
Community broadcasting licensing	Long-term community radio broadcasting licences—renewal applications processed	Within 90 days of receipt date	95%	Mostly met
Compliance investigations	Telecommunication investigations completed	On average 6 months	85%	Mostly met
Community broadcasting licensing	Long-term community radio broadcasting licences—applications processed	Within 90 days of receipt date	0%	Not met

Appendix B—Improved average time frames compared to 2017–18

Activity	Target	Average completion time	
		2017–18	2018–19
Media Control Register—entry, alteration or removal	Completed within 2 business days	1.3 days	1 day
Media Control Register—confirm or cancel entry, alteration or removal	Completed within 28 days	12 days	8.4 days
Australian content quota and sub-quota compliance assessments (including children’s television quota assessments)	Completed within 90 days	69 days	61 days
New Eligible Drama Expenditure return assessments	Completed within 60 days	30 days	23 days
Telecommunications—compliance complaints/enquiries	Completed within 2 days	2 days	1.8 days
Telecommunications—investigations	Completed within 6 months	3.6 months	3.5 months
Temporary community broadcasting licences	Applications processed within 90 days of receipt date	27 days	23 days
Do Not Call Register—complaints	Complaints actioned within 15 days	5.9 days	4.8 days
Spam—investigations	Completed within 8 months or less	4.7 months	3.7 months

Appendix C—Numbers of complaints and enquiries

Description (complaint and enquiries by financial year)	Sector	2015–16	2016–17	2017–18	2018–19
Compliance-related spectrum complaints and enquiries	Actioned complaints about access to VAST	251	207	100	131
Customer Service Centre—resolution of enquiries	Broadcasting	866	1,147	968	1,561
	Telecommunications	4,807	4,482	2,869	5,061
	Spam	597	1,084	1,000	1,023
	Radiocommunications	36,656	37,303	25,785	25,794
	Other	7,404	7,246	6,974	6,999
	Total enquiries		50,330	51,337	37,596
Compliance-related complaints and enquiries	Broadcasting content	1,232	1,028	1,166	1,430
	Telecommunications	305	688	878	474
	Radiocommunications	1,557	1,417	1,194	825
	IGA matters	198	283	252	288
Complaints—telemarketing and fax marketing	Complaints received from the public	23,056	28,259	40,134	36,583
Complaints—spam	Complaints received from the public	1,737	2,389	3,309	6,333

Appendix D—Stakeholder validation feedback

In October 2019, we undertook a targeted consultation process, inviting responses from 36 key stakeholders. These stakeholders were asked to rate the extent to which they agreed or disagreed with ACMA's self-assessment against the RPF KPIs as well as provide feedback.

We received two completed surveys through this process—one from SBS and the other was submitted as 'anonymous'. The anonymous stakeholder requested that their feedback not be published, and we will be considering their response internally. SBS generally agreed with our self-assessment results and suggested that we could improve openness and transparency by ensuring that historical investigation outcomes and reports are available on our website. Our new website provides access to the last two years of broadcasting investigation outcomes and reports. In response to this feedback we have included an email link on the relevant web page for our stakeholders to request access to older content investigation reports. We will be monitoring and responding to the requests we receive.