

# Annual report

2021–22



# **Annual report**

## 2021–22

### **Part 1**

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**Australian Communications and Media Authority  
annual report 2021–22**

### **Part 2**

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**eSafety Commissioner annual report 2021–22**



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# Introduction



## **Australian Communications and Media Authority**

The purpose of the Australian Communications and Media Authority (ACMA) is to maximise the economic and social benefits of communications infrastructure, services and content for all Australia.

We do this by fostering a communications and media environment that balances the needs of industry and the Australian community through regulation, education and advice. We maintain, enforce and improve regulation to drive industry performance and protect consumers; manage public resources to enable industry to deliver existing and new services; and understand the changing communications sector to inform decision-making.

By engaging with consumers, industry and government to shape and apply the regulatory framework in the public interest, we encourage and promote an innovative communications and media sector.

This work underpins our vision: a connected, informed, entertained Australia.

Find out more at [acma.gov.au](https://www.acma.gov.au).

## The eSafety Commissioner

The eSafety Commissioner (eSafety) was created to help safeguard Australians at risk from online harm and to promote safer, more positive online experiences.

It achieves this through regulation, national leadership and coordination, research, and educational and awareness activities that promote online safety.

eSafety leads and coordinates online safety efforts across Australian Government departments, authorities and agencies.

The eSafety Commissioner is an independent statutory officer. eSafety administers the *Online Safety Act 2021*. Under this Act, the ACMA makes staff available to assist the eSafety Commissioner to perform their functions and exercise their powers to such extent as the eSafety Commissioner reasonably requires.

Find out more at [esafety.gov.au](https://esafety.gov.au).



## About this report

This report provides details of the ACMA's and eSafety's performance for 2021–22, key corporate information, and details against the mandatory reporting requirements.

As a primary mechanism of accountability to the Parliament of Australia, this report has been prepared in line with the requirements for annual reports for entities under the *Public Governance, Performance and Accountability Act 2013*.

### Guide to the report

**Introduction** outlines the joint nature of this report.

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#### **Part 1: Australian Communications and Media Authority annual report 2021–22**

- > Overview
  - > Report on performance (includes the Annual Performance Statement and financial performance)
  - > Management and accountability (includes information the ACMA is required to report on in relation to eSafety)
  - > Appendices (includes information the ACMA is required to report on in relation to eSafety)
- 

#### **Part 2: eSafety Commissioner annual report 2021–22**

- > Overview
  - > Report on performance
  - > Accountability arrangements and enquiries management
  - > Appendix 2.1: Mandatory reporting under the *Online Safety Act 2021*
- 

#### **Aids to access**

- > Tables of contents
- > Index
- > Glossary
- > List of requirements (Appendix 14)

# **Part 1**

**Australian Communications and  
Media Authority annual report 2021–22**

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**This report is available on the ACMA website at [acma.gov.au/annualreport](https://acma.gov.au/annualreport)**

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The Hon Michelle Rowland MP  
Minister for Communications  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**Australian Communications and Media Authority annual report 2021–22**

In accordance with subsection 46(1) of the *Public Governance, Performance and Accountability Act 2013*, and section 57 of the *Australian Communications and Media Authority Act 2005*, I am pleased to present the annual report on the activities of the Australian Communications and Media Authority (the ACMA) for the 2021–22 reporting year.

The annual report of the eSafety Commissioner (eSafety) is also presented in Part 2 of the report. The eSafety Commissioner is responsible for the annual report on the activities of eSafety, as required by section 183 of the *Online Safety Act 2021*.

Further, in accordance with the Public Governance, Performance and Accountability Rule 2014, I certify that:

- (i) fraud risk assessments and fraud control plans have been prepared for the ACMA
- (ii) appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the needs of the ACMA are in place
- (iii) all reasonable measures have been taken to deal appropriately with fraud relating to the ACMA.

Yours sincerely



Nerida O'Loughlin PSM  
19 September 2022

## Chair's foreword



I am pleased to present the annual report of the Australian Communications and Media Authority for 2021–22.

In 2021–22, as Australians continued the transition to living with COVID-19, the communications and media sectors played a key role in keeping Australians connected, informed, and entertained. These sectors supported hybrid arrangements for education and work, tele-health and, more broadly, provided entertainment and trusted sources of news and information. At the same time, the structural transformation of these sectors continued at pace, shaped by new technologies and evolving consumer expectations and behaviours.

The ACMA continued to support the aspirations of the sector over the period while ensuring that important consumer protections were maintained and enforced.

Australia's communications infrastructure is being transformed by the rollout of 5G networks, bringing higher speeds, improved data capacity and new services for Australians. Our work in spectrum planning, allocation and licensing is supporting that rollout. This included our auction of 16 lots of 850/900 MHz band spectrum completed in December 2021, which also realised total revenue to the Commonwealth of over \$2 billion.

Responding to ongoing consumer concerns around the safety of 5G services, we continued our electromagnetic energy (EME) measurement program. Our audits tested whether phone tower emissions were meeting Australian standards. We found that all measurements recorded were less than 1.2% of the limit for public exposure to EME, set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and a majority of sites were under 1% of the limit.

We also made it easier for the many thousands of licensees in the radiocommunications sector to self-manage their details, make payments and applications for new and renewal of their licenses.

While communications services provide significant benefits to our economy and society, the ACMA is also concerned with protecting Australians from harms that arise from the use of such services.

We continue to respond to the increasing sophistication of the perpetrators of telephone scams and identity theft. In April 2022, we made new enforceable rules to protect consumers against scammers targeting customer transactions with their telcos, including SIM card swap requests and service changes. These new rules require telcos to implement multi-factor authentication processes to prevent unauthorised transactions on customers' telco services.

The scam call blocking rules we introduced in late 2020 have resulted in telcos blocking over 660 million scam calls to 30 June 2022, with 110 million calls blocked between April and June 2022 alone. Complaints about phone scams to the ACMA also dropped significantly in the second half of the reporting year, with a reduction of approximately 70% in January to June 2022 compared to the previous year. Building on these developments, we anticipate focusing on new rules to prevent SMS scams early in the 2022–23 year.

In May 2022, we released a new telco industry Statement of Expectations to improve outcomes for delivering services to consumers in vulnerable situations. We have now set clear expectations that telcos will proactively support customers in difficult circumstances, including through responsible selling, appropriate credit and debt management, and the provision of effective complaints-handling for business and individuals.

The growing dominance and audience use of services delivered on digital platforms is creating new regulatory challenges.

In March 2022, our report into the adequacy of measures taken by digital platforms to address disinformation and news quality on their services was released. We found that most Australians are concerned about misinformation and have experienced misinformation online. Our report recommended the ACMA continue to oversee the industry self-regulatory scheme with new regulatory powers, including information-gathering powers and reserve powers to register industry codes, enforce industry code compliance and make standards relating to the activities of digital platforms. These new powers should provide a mechanism for further intervention if platform administration arrangements prove inadequate, or the voluntary industry code is ineffective.

In June 2022, we also released a position paper, *What audiences want – audience expectations for content safeguards*, along with research on trends and developments in viewing and listening in 2020–21. While current broadcasting codes of practice do not apply to online content, we considered there is an urgent need for broadcasters to apply the same content rules consistently across their multiple delivery platforms. Audiences increasingly do not distinguish between streaming services and terrestrially-delivered services, as they increasingly switch between such services on their smart TVs. The paper also encourages other content providers to consider their self-regulatory arrangements and whether they are meeting the expectations of their audiences.

Importantly, the outcomes we achieved this year are the result of close collaboration with our stakeholders and fellow regulators – both domestically and internationally. This year we collaborated with industry and consumer groups and across government, both formally and informally, on issues including scam disruption, digital platforms, unsolicited communications and international radiocommunications regulations.

To support joint efforts to combat unsolicited communications and scams, we entered into new memorandums of understanding domestically with the Australian Cyber Security Centre in October 2021 and, internationally with the Canadian Radio-television and Telecommunications Commission in December 2021 and the New Zealand Department of Internal Affairs in April 2022.

In March 2022, we became one of the inaugural members of Australia’s Digital Platforms Regulators Forum to promote greater collaboration in regulating digital platforms in Australia.

Finally, throughout this year we have continued our efforts to develop our data and analytical capabilities to support our decision-making processes. We have also had more opportunities to meet face-to-face with our stakeholders at various fora, and we have developed and deployed new digital tools to provide more effective and efficient ways for individuals and businesses to do business with us online.

In the year ahead, we will continue to innovate and adapt to the changing conditions, with the objective that all Australians have access to the communications infrastructure that they need, and that our consumer and audience safeguards remain contemporary and effective in the evolving market.

I thank my Authority colleagues and the ACMA staff for their dedication to these tasks as we look forward to meeting new challenges and delivering public benefit through the regulatory regime we administer.



**Nerida O’Loughlin PSM**  
Chair

## Our year at a glance

### We finalised **254** investigations:

Broadcasting	<b>31</b>
Telco consumer safeguards	<b>36</b>
Online content service providers	<b>1</b>
Interactive gambling	<b>72</b>
Unsolicited communications	<b>10</b>
Phone scams*	<b>3</b>
Integrated Public Number Database	<b>4</b>
Telecommunications	<b>1</b>
Radiocommunications	<b>96</b>

### We issued **4,221** informal warnings/advice:

Radiocommunications	<b>71</b>
Broadcasting	<b>76</b>
Children's television programs	<b>2</b>
Telco consumer safeguards	<b>139</b>
Unsolicited communications	<b>3,925</b>
Phone scams	<b>8</b>

### We issued **62** formal warnings/advice:

Telecommunications	<b>1</b>
Phone scams	<b>2</b>
Telco consumer safeguards	<b>2</b>
Unsolicited communications	<b>1</b>
Interactive gambling	<b>56</b>

### **13** enforceable undertakings were accepted:

Telco consumer safeguards	<b>4</b>
Unsolicited communications	<b>9</b>
Media control and diversity rules	<b>1</b>

\* In the 2020–21 annual report, 3 investigations that were included under 'Number portability' related to phone scams.

**10 infringement notices were paid, totalling \$6 million:**

Telco consumer protection	2
Unsolicited communications	6
Integrated Public Number Database	2

**We issued 11 directions to comply:**

Telco consumer safeguards	9
Integrated Public Number Database	2

**We issued 2 remedial directions:**

Telco consumer safeguards	2
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**One civil penalty proceeding was undertaken:**

Interactive gambling	1
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**Our stakeholder engagement**

Public consultations published	48
Targeted electronic newsletters sent	229
Media releases issued	37
Customer enquiries actioned	32,636

**We allocated or issued 15,163 licences:**

Broadcasting	104
Telecommunications	24
Radiocommunications	15,035

**We renewed 154,069 licences:**

Broadcasting	98
Radiocommunications	153,971

**We made 43 legislative instruments**



# Overview

## Functions and responsibilities

The ACMA's regulatory functions are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005*. During the reporting period, the ACMA was a statutory authority within the Infrastructure, Transport, Regional Development and Communications portfolio, with the Hon Paul Fletcher MP, the Minister for Communications, Urban Infrastructure, Cities and the Arts being the responsible minister. With the change of government in May 2022, the Hon Michelle Rowland MP, became the Minister for Communications from 1 June 2022, responsible for the Communications portfolio. Also on 1 June 2022, the Hon Tony Burke MP was appointed as Minister for the Arts.

The ACMA is responsible for the regulation of broadcasting, radiocommunications, telecommunications and some online content in accordance with 4 principal acts – the *Radiocommunications Act 1992*, *Telecommunications Act 1997*, *Telecommunications (Consumer Protection and Service Standards) Act 1999* and *Broadcasting Services Act 1992*.

There are other Acts that confer regulatory jurisdiction on the agency or are otherwise relevant to the ACMA, such as the *Spam Act 2003*, the *Do Not Call Register Act 2006* and the *Interactive Gambling Act 2001*. The ACMA may make regulatory instruments under primary legislation and may, in certain circumstances, be directed by the minister to do so.

In accordance with the relevant legislation, our specific responsibilities include:

- > regulating telecommunications and broadcasting services, some internet content, interactive gambling and datacasting services
- > managing access to spectrum and planning the availability of radiofrequency bands through licence arrangements, and resolving competing spectrum demands through price-based allocation methods, both for the telecommunications and broadcasting sectors
- > regulating compliance with the relevant legislation, licence conditions, codes of practice, standards, service guarantees and other safeguards
- > upholding community safeguards and protections
- > promoting and facilitating industry self-regulatory and co-regulatory solutions to emerging issues
- > exercising powers, where necessary, to create legislative and other instruments, often in the form of standards or service provider rules
- > providing information to Australians to promote informed decisions about communications products and services
- > reporting on matters relating to the communications industry, including its performance
- > representing Australia's communications interests internationally
- > advising the government on specific matters from time to time.

## The Authority



### **Chair and Agency Head – Nerida O'Loughlin PSM**

*Appointed 14 October 2017 for 5 years*

Nerida O'Loughlin was appointed as Chair of the ACMA from 14 October 2017. From 2011, Nerida was a Deputy Secretary in the Department of Communications, where she led the Digital Television Switchover Program until 2013 and was responsible for a diverse range of policy, program and project areas. She also served as interim Chief Executive Officer (CEO) of the Digital Transformation Agency from 2016 to 2017.

Nerida has worked in Commonwealth and state government agencies, predominantly in technology and content policy and program roles. She also worked at the ACMA from 2006 to 2011 in general manager roles.

Nerida was awarded a Public Service Medal in the Queen's Birthday Honours List on 10 June 2019 for outstanding public service.

Nerida is also a Part-time Associate Member of the ACCC, appointed 6 April 2019 to 13 October 2022.



### **Deputy Chair and CEO – Creina Chapman**

*Appointed 11 June 2018 for 5 years*

Creina Chapman has held several senior executive and strategic adviser roles at commercial media companies Southern Cross Austereo, News Corp, Publishing & Broadcasting Limited and the Nine Network. Her experience in the media and communications sector is gained from organisations spanning television, radio, print, mobile services, podcasting and online services that serve metropolitan, regional and remote Australian markets.

Creina has also been a senior policy adviser to federal members of parliament, including the communications, information technology and Treasury portfolios.



### **Full-time Member – Fiona Cameron**

*Appointed 23 July 2018 for 5 years*

Fiona Cameron joined the ACMA from Screen Australia, where she was Chief Operating Officer since 2008. Prior to this role, she was a General Manager with DMG Radio Australia, responsible for launching the new radio brand Nova in Melbourne.

Fiona has worked across state and federal government in portfolios as varied as education, regional development and communications. She has been a Director of AFTRS and Commercial Radio Australia.



### **Full-time Member – James Cameron**

*Appointed Part-time Member 5 August 2013 for 5 years*

*Appointed Full-time Member 9 July 2015 to 4 August 2018*

*Appointed Acting Deputy Chair 24 February 2016 to 8 June 2018  
(re-appointed as A/g Deputy Chair 3 times)*

*Re-appointed Full-time Member 5 August 2018 to 4 August 2021*

*Reappointed Full-time Member 5 August 2021 to 4 August 2023*

James Cameron has over 20 years of Australian Government public policy experience, including senior executive roles in the telecommunications, radiocommunications, broadcasting and digital economy fields.

James has held executive positions managing government policies and programs supporting Australia's arts and sports sectors and, immediately prior to joining the ACMA, was Chief Executive Officer of the National Water Commission.

James was also a Part-time Associate Member of the ACCC, appointed 6 April 2019 to 4 August 2021.



### **Full-time Member – Chris Jose**

*Appointed 1 May 2018 for 5 years*

Chris Jose has extensive experience in government and private legal practice, with a primary focus on competition and consumer law, and public administration. After various government roles, including with the Trade Practices Commission (predecessor to the ACCC), Chris has advised corporate and government clients on a range of regulatory and consumer affairs matters. Most recently, he was a partner and consultant at Herbert Smith Freehills, specialising in competition and consumer law and the economic regulation of markets.

In his telecommunications regulatory practice, Chris has advised governments and corporate clients on competition, consumer impacts, economic regulation and access to infrastructure. As the principal regulatory adviser to the Papua New Guinea (PNG) Government on comprehensive reforms of the information and communications technology sector in PNG, he guided the government in the reformulation of the National Information and Communications Technology (ICT) Policy and the development and implementation of a new regulatory framework for the ICT sector in PNG.



### **Associate Member – Anita Jacoby AM**

*Appointed Part-time Member 5 August 2013 to 4 August 2018*

*Appointed Associate Member 5 August 2018 for 5 years*

Anita Jacoby is a broadcast executive and company director with more than 25 years' experience in media and communications. A creative with a background as a multi-award-winning television, current affairs and film producer, Anita has created hundreds of hours of original content across almost all genres, and for every free-to-air network and Foxtel. Most recently, she was Managing Director of ITV Studios Australia, responsible for the local operations of this global company.

Anita's work has been recognised with 6 AFIs/AACTAs, a Logie and various other industry awards. She is currently on the National Advisory Board of Women in Media and has been a non-executive director on a number of not-for-profit boards, including Headspace and Arts Law Centre Australia.

Anita was awarded a Member of the Order of Australia (AM) in the Australia Day 2019 Honours List for her significant service to broadcast and print media and to community mental health groups.



**Associate Member – Delia Rickard PSM**

*Appointed 4 April 2019 for 5 years, or until the appointee ceases to be a member of the ACCC, whichever comes first*

Delia Rickard was appointed to the position of Deputy Chair of the ACCC in June 2012 for a period of 5 years and reappointed for a further 5 years in July 2017. She has extensive public service experience. Her passion is for consumer protection, and she has worked in a variety of senior roles, primarily at the ACCC and Australian Securities and Investments Commission (ASIC).

Delia sits on the ACCC’s enforcement, adjudications, communications and strategic compliance committees. She also chairs the ACCC’s market study into the cost of insurance in northern Australia and is a member of the board for a number of other ACCC market studies.

Delia was awarded the Public Service Medal in 2011 for her contribution to consumer protection and financial services. She has also been awarded the Society of Consumer Affairs Professionals Lifetime Achievement award.



**Associate Member – Anna Brakey**

*Appointed 6 May 2021 for 5 years, or until the appointee ceases to be a member of the ACCC, whichever comes first*

Anna Brakey was appointed a Commissioner of the ACCC in December 2020. Anna has extensive experience in regulatory economics and public policy with over 25 years’ experience working with regulators, government and within the private sector. She has had broad exposure to a wide range of infrastructure industries, including energy, water and transport. She has also worked on economic reform to social policy.

Prior to starting at the ACCC, Anna worked as an economist at Frontier Economics and held a number of roles at IPART, including being a deputy Tribunal Member, the Executive Director of Strategy and Economic Analysis and the Chief Operating Officer.

Anna chairs the ACCC’s Infrastructure Committee, Communications Committee, Electricity Markets Inquiry Board and East Coast Gas Market Board and is a member of the ACCC’s Competition Exemptions Committee and Agriculture Board.

**Table 1.1: Details of accountable authority during 2021–22**

Name	Position title/ position held	Period as the accountable authority or member	
		Date of commencement	Date of cessation
Nerida O’Loughlin	Chair and Agency Head	14 October 2017 for 5 years	n/a

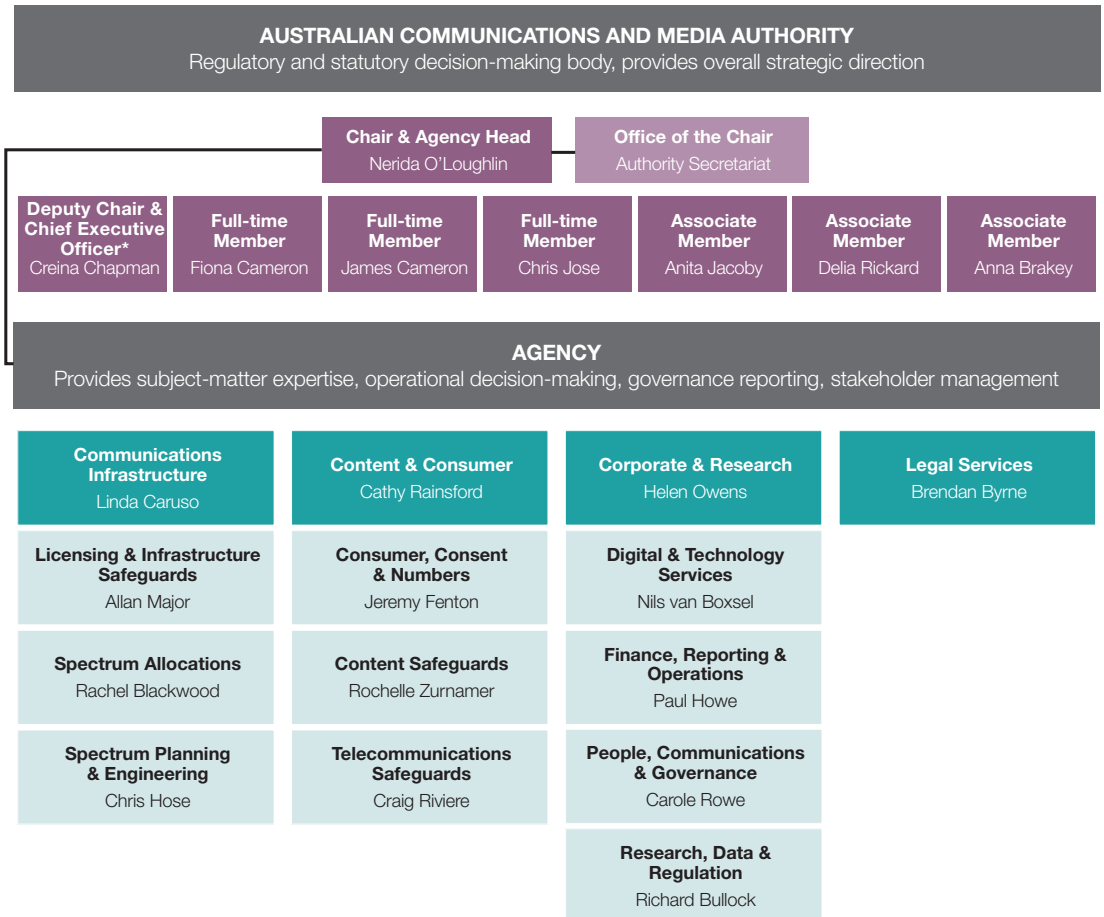
## Agency structure

The ACMA's day-to-day activities are managed by the Chair as Agency Head and the accountable authority, the Deputy Chair/Chief Executive Officer (CEO), 4 general managers and 10 executive managers.

The ACMA's organisational structure at 30 June 2022 is set out in Figure 1.1.

At 30 June 2022, the ACMA had 489 employees under the *Public Service Act 1999*, most of whom were located in our offices in Canberra, Melbourne and Sydney. We also have employees located in Brisbane, Hobart and Lucas Heights. Detailed information about our staff is provided in Appendix 2 of this report.

**Figure 1.1: Organisational structure as at 30 June 2022**



\* The Chief Executive Officer reports to the Agency Head but does not report as Deputy Chair to the Chair.

- General managers
- Executive managers

## Our purpose

The ACMA's purpose, set out in the ACMA's 2021–22 Portfolio Budget Statements (PBS) and corporate plan, is **to maximise the economic and social benefits of communications and media for all Australia.**

## Outcome and program structure

The ACMA's 2021–22 PBS set out the resources allocated to the ACMA by government to deliver Outcome 1 and the 2 programs that contribute to it.

<b>Outcome 1</b> A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice	
<b>Program 1.1</b> Communications regulation, planning and licensing	<b>Program 1.2</b> Consumer safeguards, education and information
This program contributes to the outcome by the allocation and use of critical public resources, radiofrequency spectrum and telephone numbers, to maximise their value to the Australian community.	This program contributes to the outcome by ensuring efficient, effective and contemporary safeguards protect users of media and communication services so that the Australian community can confidently use those services.

# **Report on performance**



# Annual Performance Statement 2021–22

## Introductory statement

I, Nerida O’Loughlin, as the accountable authority of the Australian Communications and Media Authority, present the 2021–22 Annual Performance Statement of the Australian Communications and Media Authority, as required under subsection 39(1) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, this Annual Performance Statement accurately reflects the performance of the Australian Communications and Media Authority and complies with subsection 39(2) of the PGPA Act.

The eSafety Commissioner is an independent statutory officer governed by the *Online Safety Act 2021*. Under section 184 (3) of the Online Safety Act, the ACMA makes staff available to assist the Commissioner to perform their functions and exercise their powers to such extent as the Commissioner reasonably requires. The eSafety Commissioner’s performance is described in Part 2 of the annual report.



**Nerida O’Loughlin PSM**  
**Chair and Agency Head**

## ACMA performance framework

The ACMA’s performance framework includes our:

- > corporate plan – this sets out our purpose, vision, environment, key activities, performance measures, targets, and capabilities
- > Portfolio Budget Statements (PBS) outcome, performance criteria and targets – these are for the programs of work we are funded by the government to deliver
- > Annual Performance Statement (APS) – this provides an assessment of our performance against our key activities to achieve our vision and purpose.

There are several performance measures under each key activity in our corporate plan that we undertake to achieve our purpose. The performance measures have corresponding targets that set out what we aimed to deliver in 2021–22. These form the basis for assessing our performance.

Our methodology (quantitative metrics and qualitative sources) for objectively measuring whether we have met each of our performance measures and targets is set out in the corporate plan.

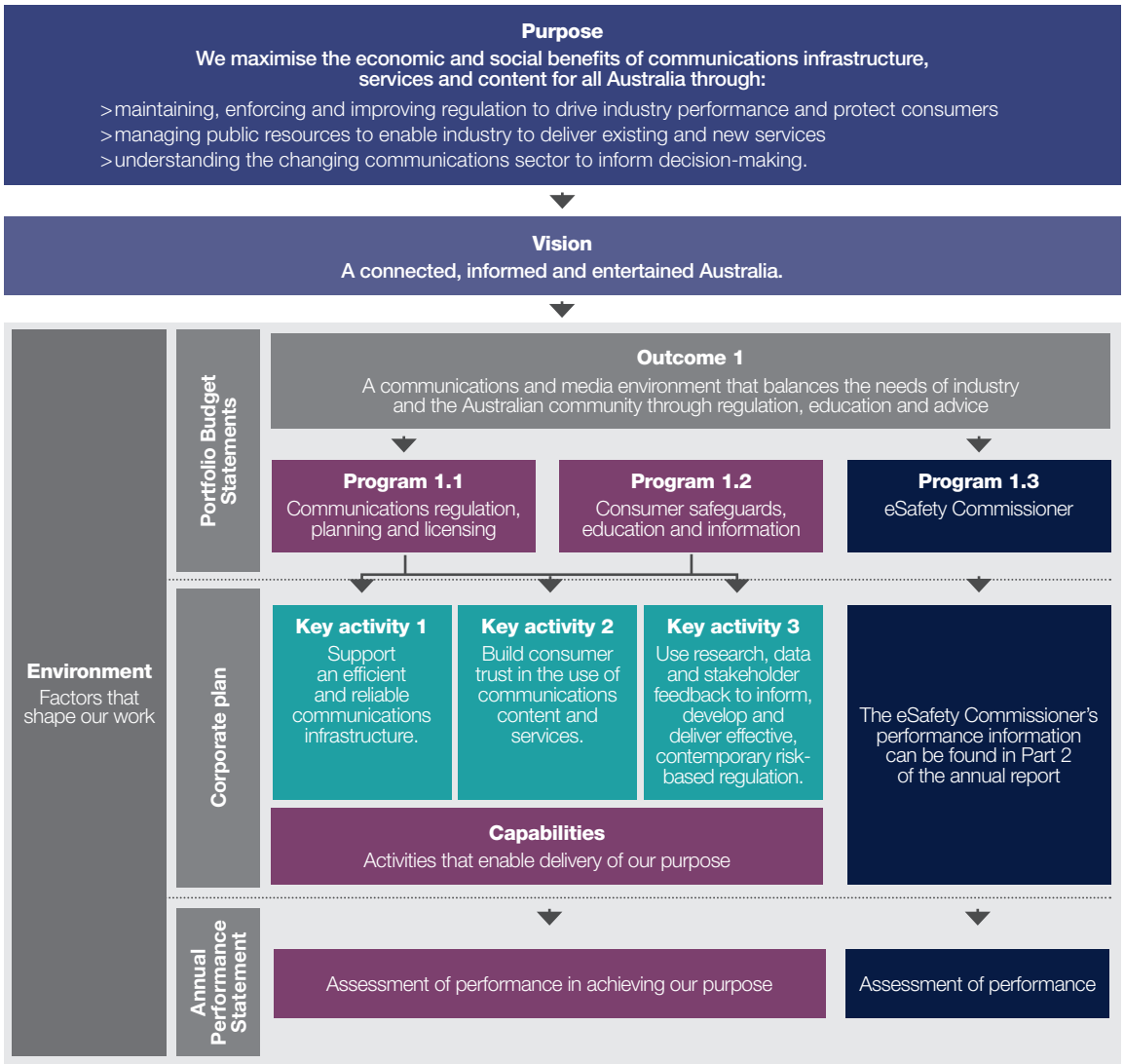
From 1 July 2021, the reporting of regulator performance has been incorporated into performance reporting obligations under the PGPA Act and the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule).

Each performance measure includes a reference to the relevant principle or, where appropriate, multiple principles from the Regulator Performance Guide, which are the criterion we use to assess our performance as a regulator.

Figure 2 shows the relationship between our purpose and key activities in our 2021–22 corporate plan, and programs 1.1 and 1.2 in the 2021–22 PBS.

Program 1.3 relates to the eSafety Commissioner and is reported on separately in Part 2: *eSafety Commissioner annual report 2021–22*.

Figure 1.2: Alignment of the ACMA's PBS 2021–22, corporate plan 2021–22 and APS 2021–22



## Analysis of performance against purpose

During 2021–22, we continued to focus on key activities to maximise the economic and social benefits of communications infrastructure, content and services for all Australia through:

- > maintaining, enforcing and improving regulation to drive industry performance and protect consumers
- > managing public resources to enable industry to deliver existing and new services
- > understanding the changing communications sector to inform decision-making.

These activities supported a connected, informed and entertained Australia.

We achieved our PBS outcomes using regulation, education and advice to balance the needs of industry and the Australian community.

In 2021–22, we continued to respond to the rapidly evolving communications and digital landscape. We recognise that access to efficient, reliable and secure communications infrastructure and services is essential. As we transition to living with COVID-19, home-based work remains prevalent. During the year, the telecommunications and media sectors played a vital role in keeping Australians connected and informed. We have continued our efforts to support industry and help consumers to access the services they need, particularly in regional Australia and for those in vulnerable circumstances.

We continued to undertake extensive radiocommunications spectrum planning, allocation and licensing activities to support the ongoing deployment of wireless broadband (including 5G) services in Australia and are working with a range of spectrum users as their needs evolve. Our work also supported defence, security, emergency and law enforcement services in their use of spectrum.

We have responded to emerging and growing threats, particularly the spread of misinformation and disinformation on digital platforms and the growing sophistication of perpetrators of scams and identity theft. We have considered these challenges against a backdrop of the increased reliance by consumers on digital platforms for access to news and information and that telecommunications services are an essential part of daily life.

## Our performance

Of our 12 performance measures, we fully met 7, mostly met 4 and did not meet 1.

The 7 performance measures that we fully met were:

- > Performance measure 1: Plan and allocate communications infrastructure resources
- > Performance measure 2: Efficient numbering allocation
- > Performance measure 3: Authorisation and licensing of communications infrastructure providers and individuals
- > Performance measure 4: Compliance and enforcement with communications infrastructure rules
- > Performance measure 7: Maintain the Do Not Call Register
- > Performance measure 10: Use data to inform regulatory development and decision making
- > Performance measure 12: Engagement with stakeholders and other regulators.

The 4 performance measures rated as mostly met were:

- > *Performance measure 5: Compliance and enforcement of communications content and services rules.* Two of the 3 targets were met. Target 5.3 was not met, which states that 95% or more of investigations are completed within 6 months and all investigations within an average of 4 months. We completed 85% of investigations within the 6-month target timeframe and all investigations were completed within an average of 4 months. The impacts of the COVID-19 pandemic on the ACMA and regulated entities were a key reason we did not meet this target.
- > *Performance measure 8: Educate consumers on content and service protections and industry on their obligations.* Two of the 3 targets were met. Target 8.3 was not met, which states that finalised investigation or enforcement outcomes are published on the ACMA website within 45 days unless it is not in the public interest to do so. Of the 140 outcomes published, 101 were published within 45 days. The impacts of the COVID-19 pandemic on the ACMA and regulated entities were a key reason we did not meet this target. A change in the way interactive gambling investigations and enforcement actions were published also affected achieving this measure.
- > *Performance measure 9: Deliver an annual research program:* One of 2 targets were met. Target 9.2 was not met, which states the ACMA will deliver an annual research program. We did not complete all of the research deliverables as published on our website; market studies research was deferred to 2022–23 due to resourcing constraints.
- > *Performance measure 11: Inform stakeholders about our regulatory approach:* Two of the 3 targets were met. Target 11.1 was not met, which states annual compliance priorities are developed, informed by consultation with stakeholders and environmental scans, and published by 30 April. This performance measure is partially met because we published our 2022–23 compliance priorities in June 2022 rather than April 2022.

The following performance measure was not met:

- > *Performance measure 6: Establish and maintain the National Self Exclusion Register.* Target 6.1 states that Australians would be able to register on the NSER by the end of 2021–22. The register, now known as BetStop, was not operational by the target date due to a longer procurement process along with delays to ensure it would meet the stringent security requirements following completion of the Information Security Registered Assessors Program report.

## Key to performance results



Met
























Mostly met



Not met

## Overview of results

Measures and targets		Result
<b>Key activity 1: Support an efficient and reliable communications infrastructure</b>		
<b>Performance measure 1: Plan and allocate communications infrastructure resources</b>		
1.1	Spectrum planning and allocation activities are delivered in accordance with the five-year spectrum outlook (FYSO) and annual work program	
1.2	Australia's interests are considered in World Radiocommunication Conference (WRC) and preparatory meeting attendance and delegation briefs	
<b>Performance measure 2: Efficient numbering allocation</b>		
2.1	Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds	
<b>Performance measure 3: Authorisation and licensing of communications infrastructure providers and individuals</b>		
3.1	Licensing and authorisation policies are updated to support technology and service innovation	
3.2	Radiocommunications and telecommunications licences: 90% actioned within 30 days of application	
3.3	The spectrum licensing system is enhanced to improve the licensees' experience	
<b>Performance measure 4: Compliance and enforcement with communications infrastructure rules</b>		
4.1	Investigations are informed by risk assessments and are completed within an average of 90 days	
4.2	Enforcement action is commensurate with realised or potential harm and incentivises improved compliance	
<b>Key activity 2: Build consumer trust in the use of communications content and services</b>		
<b>Performance measure 5: Compliance and enforcement of communications content and services rules</b>		
5.1	Decisions to open investigations are informed by risk assessments and consideration of potential harm to consumers	
5.2	Enforcement action is commensurate with realised or potential harm and incentivises improved compliance	
5.3	95% or more of investigations are completed within 6 months and all investigations within an average of 4 months	
<b>Performance measure 6: Establish and maintain the national self-exclusion register</b>		
6.1	By end of 2021–22, Australians are able to register on the NSER	
<b>Performance measure 7: Maintain the Do Not Call Register</b>		
7.1	The Do Not Call Register (DNCR) service centre and website are available to the Australian public 99.5% of the time	
7.2	80% of calls to the DNCR are answered within 20 seconds	

Measures and targets		Result
<b>Performance measure 8: Educate consumers on content and service protections and industry on their obligations</b>		
8.1	Updated information on consumer rights and protections is available on our website to coincide with the commencement of any changes in those rights and protections	
8.2	Updated information on content and service obligations is available on our website to coincide with the commencement of any changes in those obligations	
8.3	Finalised investigation or enforcement outcomes are published on the ACMA website within 45 days unless it is not in the public interest to do so	
<b>Key activity 3: Use research, data and stakeholder feedback to inform, develop and deliver effective, contemporary risk-based regulation</b>		
<b>Performance measure 9: Deliver an annual research program</b>		
9.1	The ACMA is informed by research and environmental scanning	
9.2	Deliver an annual program of research	
<b>Performance measure 10: Use data to inform regulatory development and decision making</b>		
10.1	Data visualisation tools are delivered annually	
10.2	Use of data to support decision making is enhanced	
<b>Performance measure 11: Inform stakeholders about our regulatory approach</b>		
11.1	Annual compliance priorities are developed, informed by consultation with stakeholders and environmental scans and published by 30 April	
11.2	New or amended regulation is informed by cost/benefit analysis	
11.3	ACMA advice is provided to government to inform policy development and risk-based regulatory approaches	
<b>Performance measure 12: Engagement with stakeholders and other regulators</b>		
12.1	Stakeholder satisfaction of 60% to 70% is obtained	
12.2	An overall customer service user satisfaction rate 70% to 80% is obtained	
12.3	Enquiries and complaints are actioned in accordance with our Client Service Charter	
12.4	Industry is consulted on regulatory approaches, instruments and cost recovery arrangements	
12.5	ACMA will meet with Australian and overseas regulators throughout the year	
12.6	The Authority will meet with industry stakeholders throughout the year	

## Analysis of performance against Regulator Performance Guide

The Regulator Performance Framework (RPF) was replaced by the Regulators Performance Guide (the guide). Taking effect on 1 July 2021, the guide sets out expectations of regulator performance via 3 principles of best practice:

- > Continuous improvement and building trust – regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.
- > Risk-based and data driven – regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
- > Collaboration and engagement – regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

Under the guide, regulators are required to report against these principles of regulator best practice through their corporate plans and annual reports. While this was not a requirement for 2021–22, we have referenced the 3 best practice regulatory principles against each performance measure as they reflect our regulatory functions in our 2021–22 corporate plan.

### Continuous improvement and building trust

As a regulatory agency, we are committed to continuous improvement of our processes, governance and capabilities. We have established and adhere to positive organisational values and a culture that supports best practice in carrying out our regulatory functions. In this context, and as described in our 2021–22 corporate plan, we have defined our culture and values as being purposeful, curious and questioning, and collaborative.

The following examples demonstrate our commitment to continuous improvement and building trust against our performance measures.

*Spectrum planning and allocation activities are delivered in accordance with the FYSO and annual work program.* Our five-year spectrum outlook (FYSO), which includes our annual spectrum work program, is informed by consultation with industry and government spectrum users to ensure it addresses spectrum demand and priorities. Publication of the FYSO, and its regular progress reports, promotes greater transparency about the ACMA's spectrum work program, and provides predictability for spectrum users about planning, allocation, and licensing regulatory activities.

Our graduated *compliance and enforcement program* provides proportionate responses to managing harms for industry and the public, such as radiocommunications interference and public safety. Appropriately robust and defensible investigations are important for building trust with service providers and consumers around the adequacy and enforceability of relevant protections. This also engenders trust with regulated entities so that they are more likely to respond appropriately to ACMA's findings, and where indicated, change behaviours.

## Risk-based and data-driven

We assess the efficiency and cost-effectiveness of our regulatory actions and assess the consequences of whether to act. Our annual compliance program assists us to focus our resources on high-risk matters and seek to minimise the regulatory cost burden on regulated entities. This enables us to respond in a proportionate way to the risk of harm, or actual harm being caused.

We continue to develop our data capability to better inform our decision making and risk management with a verifiable evidence base. This requires an ongoing commitment to data capability supported by appropriate infrastructure, and the continuous improvement of the data and digital literacy of our staff. In May 2022, we publicly released our *Data Strategy and Governance Framework*, which describes initiatives aimed at building our data capability.

This includes implementing:

- > data action projects (DAPs): high-value projects that apply analytics to solve business problems. DAPs improve our regulatory, compliance and/or operational functions, help to develop staff skills in using data, and demonstrate the value from improving data and analytics capabilities.
- > data stewardship program: identifying and working with our data stewards to ensure the ACMA's data is discoverable, useable and safe. The data stewardship program will start with a focus on providing staff with training and support around safe data-handling and data quality.
- > agency-wide data literacy and culture program: building a data-driven and data-fluent culture in the ACMA. The program will focus on learning and development to build data literacy, skills and capability through e-learning and courses tailored to an individual's learning journey; establishing open learning sessions for knowledge exchange; and promoting conferences, workshops and APS initiatives such as the data professional stream activities.

We explored opportunities to collaborate with other regulators and government agencies to use existing data and digital solutions to minimise regulatory burden and cost. For example:

- > becoming a member of the Data Champions Network – senior Commonwealth officials who meet to discuss data-related issues, including how to promote the use, sharing and reuse of data across entities
- > engaging with the Office of the National Data Commissioner on the *Data Availability and Transparency Act 2022*, which came into effect on 1 April 2022 and establishes a scheme for sharing government data.

Our research program helps us to continually monitor our environment to ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations. Importantly, our research is aligned with our annual compliance priorities, ensuring that our risk-based approach to regulation is informed by data, evidence and intelligence.



## Collaboration and engagement

As the communications regulator, we actively engage with other regulators, government and industry. During the reporting period, we released 48 public consultations, 229 targeted electronic newsletters and 37 media releases. We articulate our priorities, decision-making criteria and regulatory approach to our stakeholders to demonstrate our transparency and accountability, build community trust and promote certainty within the communications and media industry.

We are transparent and open about our compliance investigations, enforcement actions and regulatory proposals. We do this by engaging in genuine dialogue with regulated entities, other stakeholders and the community. Each quarter, we published enforcement actions, investigation outcomes, complaint data and trend information, and contacts relating to telecommunications, broadcasting, interactive gambling, spam and telemarketing businesses. We published a revised Code of Conduct for Authority members and associate members in February 2022, which reflects our commitment to ensuring good governance and maintaining high standards to meet community expectations.

Our consultation processes form an intrinsic part of our engagement strategies. Our consultations are targeted to engage the intended audience. We provide multiple avenues for feedback so that stakeholders are aware of and engaged in significant decisions that involve them, with critical information shared in a timely and accessible format. We have established processes to provide the public with opportunities to give feedback on operational regulatory design, including co-design of solutions where appropriate.

Each year, in consultation with stakeholders, we target key areas of focus for improved industry compliance. These are known as our annual compliance priorities. We choose areas that are of significant public interest or those causing negative impacts on the community, including consumer harm. Our compliance priorities for 2021–22 centred around:

1. protecting vulnerable telco customers
2. telco complaints-handling for small business
3. 5G and EME (electromagnetic energy)
4. phone scams
5. financial services marketing
6. online gambling – affiliate services.

## Key activity 1: Support an efficient and reliable communications infrastructure



We manage Australia's radiofrequency spectrum plan and the telecommunications numbering plan to make spectrum and numbers available for existing and new communications services. We license and authorise communications infrastructure providers to operate, set and enforce rules that reflect contemporary standards.

Our spectrum allocation decisions support the rollout of new communications technologies, bringing benefits to Australians using communications services. Our licensing, authorisations, rule-making and compliance and enforcement activities underpin reliable communications networks. Efficient management of numbering allows telecommunications providers to supply services to new customers and promotes competition.

### Performance measure 1: Plan and allocate communications infrastructure resources

Our spectrum planning and allocation activities will be transparent and efficient, consistent with our international obligations, and will address changing demand to support innovative communications services.

The five-year spectrum outlook (FYSO) and associated annual spectrum work program will be informed by industry demand, government policies and the implementation of radiocommunications reforms resulting from the commencement of the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*.

Targets	Result
1.1 Spectrum planning and allocation activities are delivered in accordance with the FYSO and annual work program	
1.2 Australia's interests are considered in World Radiocommunication Conference (WRC) and preparatory meeting attendance and delegation briefs	

### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 17

Outcome 1, Program 1.1: Communications regulation, planning and licensing

### Regulator performance principles

Continuous improvement and building trust, collaboration and engagement

## Target 1.1: Spectrum planning and allocation activities are delivered in accordance with the FYSO and annual work program

In September 2021, we published the final FYSO 2021–26, including our annual spectrum work program that sets out planned activities and milestones for 2021–22. The FYSO focused on our extensive planning activity to support the deployment of wireless broadband (including 5G) services in Australia and continues to inform priorities in our allocation workplan.

We publish 6-month progress reports for the FYSO work program. These progress reports provide a transparent mechanism to communicate reasons for project prioritisation and delivery to stakeholders. Under paragraph 57(h) of the ACMA Act, we are also required to include a report on progress against the work program in our annual report. The report, which refers back to the progress reports, is available at Appendix 10.

Key activities identified in the annual work program for action in the reporting period have largely progressed in accordance with the program, however:

- > some activities were slightly delayed to allow further consultation with stakeholders. These delays have not had a significant impact on the overall delivery of the projects
- > some projects were re-prioritised to enable resourcing to be allocated to emerging issues, such as providing technical advice on the future of broadcasting as part of the previous government's Media Reform Green Paper process.

Changes to the work program were communicated to stakeholders through our 6-month progress report, published in February 2022. Highlights for the reporting period included:

- > allocating 70 MHz of low band 850/900 MHz spectrum via auction in December 2021
- > developing and consulting on technical and licensing frameworks to prepare for the allocation of the 3400–3575 MHz and 3700–4200 MHz bands
- > progressing consultation and key planning activities to implement planning decisions in the 1800 MHz and 2 GHz bands
- > commencing consultation to explore the future use of the 1.5 and 1.9 GHz bands
- > implementing our new exemption powers, including reviewing the permanent bans and exemption determination (for more information about how these work, see *Case study: Permanent bans and exemptions*, page 33)
- > making new spectrum licence tax and other related arrangements for the defence, 26 GHz, 850/900 MHz and 3.4 GHz bands
- > finalising the ACMA's response to the 2018 Spectrum Pricing Review.

## **Target 1.2: Australia's interests are considered in World Radiocommunication Conference (WRC) and preparatory meeting attendance and delegation briefs**

Our international engagement activities are critical to international spectrum harmonisation activities and ensuring these are consistent with Australia's spectrum management interests. They inform our domestic planning processes, help build strong cooperative relationships and partnerships, promote and protect Australian interests and support broader government policies.

Our collaboration and engagement with international spectrum management bodies help to form Australian positions on issues considered at the regional (Asia-Pacific) and international level. We take the lead on Australia's stakeholder engagement in technically-focused international and domestic radiocommunications forums, including those related to the World Radiocommunication Conference (WRC) process. We also support our portfolio department in their leadership of Australian engagement in more policy-focused international and domestic forums related to the International Telecommunication Union's (ITU) WRC.

Through the Preparatory Group (PG) for the Asia-Pacific Telecommunity Wireless Group (AWG), we lead Australian participation in the AWG, which considers aspects of emerging wireless systems (including International Mobile Telecommunications standards) to meet the upcoming digital convergence era in the Asia-Pacific region, cost effective radiocommunications solutions, and the facilitation of the transfer of technology.

Through the Australian Radiocommunication Study Groups (ARSGs) we lead Australian participation in the ITU's Radiocommunication Sector (ITU-R) Study Groups. Among other things, these groups develop the technical basis for decisions taken at WRCs and develop global standards (Recommendations). The ARSGs coordinate and provide stakeholder views and expert advice to the department and ACMA on relevant matters to assist in the development of Australia's positions and contributions for Australian delegations to relevant ITU-R meetings.


Through the department's PG for WRC-23 and our participation in department-led delegations to relevant APT conferences, we provided expert advice on the technical and regulatory matters considered at these conferences.

During the reporting period, our delegates attended the following meetings:

- > ITU-R Working Parties 4A-C (5–28 July 2021)
- > APT Wireless Group Meeting 28 (AWG-28) (6–14 September 2021)
- > ITU-R Working Party 5D (4–15 October 2021)
- > ITU-R Study Group 4 and Working Parties 4A-C (20 October – 5 November 2021)
- > APT Preparatory Group (APG) for WRC-23 Meeting 3 (APG 23-3) (8–13 November 2021)
- > ITU-R Study Group 5 and Working Parties 5A-5C (15 November – 16 December 2021)
- > ITU-R Working Party 5D (7–23 February 2022)
- > APT Intersessional Meeting of the Ad Hoc Group of the APG for WRC – issues related to the working methods of the APG (2–3 March 2022)
- > APT Wireless Group Meeting 29 (AWG-29) (21–29 March 2022).
- > ITU-R Working Party 5B (29 March – 8 April 2022)
- > ITU-R Working Party 5D (19–22 April 2022)
- > ITU-R Study Group 4 and Working Parties 4A-C (4–20 May 2022)
- > ITU-R Working Parties 5A and 5C (23 May – 3 June 2022).

## Performance measure 2: Efficient numbering allocation

Our numbering services will be available and efficiently allocated.

Targets		Result
2.1	Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds	

### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 18

Outcome 1, Program 1.1: Communications regulation, planning and licensing

### Regulator performance principles

Continuous improvement and building trust




## Target 2.1: Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds

Our automated numbering system provides a reliable and user-friendly system for the allocation, transfer and surrender of telephone numbers to carriage service providers (CSPs). Management of the number allocation system and services are outsourced to ZOAK Pty Ltd under contract. The numbering system is also used to sell and allocate smartnumbers (13, 1300 and 1800 numbers).

During 2021–22, numbering services provided by ZOAK (with a target of 99.5%) were available 100% of the time and 100% of transactions were processed within 5 seconds. Performance data from ZOAK is provided monthly to the ACMA.

### Performance measure 3: Authorisation and licensing of communications infrastructure providers and individuals

Our licensing and authorisation activities are efficient and effective and support innovation in communications services. Infrastructure providers and licensees have confidence that they are appropriately authorised to provide communications services.

Targets		Result
3.1	Licensing and authorisation policies are updated to support technology and service innovation	
3.2	Radiocommunications and telecommunications licences: 90% actioned within 30 days of application	
3.3	The spectrum licensing system is enhanced to improve the licensees' experience	

#### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 18

Outcome 1, Program 1.1 Communications regulation, planning and licensing

#### Regulator performance principles

Collaboration and engagement, continuous improvement and building trust

### Target 3.1: Licensing and authorisation policies are updated to support technology and service innovation

Our planning guidelines and procedures provide industry with information about our planning and decision-making practices, upon which they can base their operational decisions.

Policies are updated to support emerging technologies and promote service innovation. All of our updates are developed in consultation with the public and industry to ensure transparency in all spectrum, broadcast planning and licensing decisions. Activities completed during the reporting period included:

- > updating broadcast spectrum planning policies, including the retransmission policy and ACMA's approach to broadcast planning and varying licence area plans
- > varying radio licence area plans to facilitate AM-FM conversions and improve coverage of broadcasting services in Goulburn, Devonport, Albury, Remote Central and Eastern Australia, Brisbane, Deniliquin, and Mount Gambier
- > varying the Queensland digital radio channel plan to improve coverage of digital radio services in Brisbane and finalise the licensing arrangements to enable the commencement of digital radio in Gold Coast in April 2022
- > making the Radiocommunications (Transmitter Licence Tax) Amendment Determination 2022 (No.1) to facilitate early and transitional access to the 850/900 MHz band
- > varying the Radiocommunications (Low Interference Potential Devices) Class Licence 2015 to enable radio local area networks (RLANs) in the lower 6 GHz band
- > amending various instruments for our equipment rules to incorporate the new radiation protection standard published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and consolidating the existing electromagnetic energy (EME)-related standard and labelling notice into the Radiocommunications Equipment (General) Rules.

### Permanent bans and exemptions

The permanent ban regime involves the ACMA exercising its power under the *Radiocommunications Act 1992* to ban specified devices – that is, to ban and make it illegal to possess, supply or operate those devices.

The permanent ban regime protects consumers, businesses, and network and service providers from the potentially adverse effects of devices designed or likely to cause interference to radiocommunications. The regime also facilitates a range of safety, security, law enforcement and defence outcomes that can only be achieved using such devices.

On 26 August 2021, following consultation, we made the Radiocommunications (Exemption) Determination 2021, which established an exemption framework to allow access to equipment that is otherwise banned under the Radiocommunications Act. The exemption framework facilitates and promotes domestic research, development and manufacturing opportunities involving jamming equipment (for example, mobile phone jammers) that is otherwise banned under Australia's radiocommunications laws. This work provided benefits to industry while maintaining appropriate community safeguards.

Other powers under the Radiocommunications Act allow the ACMA to make exemptions in relation to persons involved in national security, defence and emergency services.

During the reporting period, we made the following exemptions:

- > Radiocommunications (Exemption – Corrective Services NSW) Determination 2021 was made on 25 November 2021 and commenced on 26 November 2021. The exemption allows Corrective Services NSW to use mobile phone jammers at its facilities in Lithgow and Goulburn. The exemption follows trials of the technology that showed that use of the technology did not cause interference to outside mobile phone users
- > Radiocommunications (Named Person - DroneShield Limited) Instrument 2021 was made on 9 December 2021 after DroneShield successfully applied under the Radiocommunications (Exemption) Determination 2021 for an innovation and development exemption.

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### Target 3.2: Radiocommunications and telecommunications licences: 90% actioned within 30 days of application

Timely access to spectrum is necessary to support wireless and satellite communications services in an innovative and dynamic economy. Our decision-making supports the long-term public interest derived from the use of the spectrum. We do this by managing spectrum in a manner that facilitates efficient planning, allocation and spectrum use for commercial, defence, national security and other non-commercial purposes (including public safety and community purposes).

Efficient telecommunications licensing supports essential communications infrastructure. Granting carrier licences and making nominated carrier declarations provide the basic transmission infrastructure on which communications and content services are supplied to the public.

During 2021–22, we allocated, varied, and renewed:

- > radiocommunications licences, including apparatus and spectrum
- > telecommunications licences.

We met our timeliness performance indicator with 90% of licensing work actioned within 30 days of application for radiocommunications and telecommunications licensing as shown in Table 1.2

**Table 1.2: Radiocommunications and telecommunications licensing activities 2021–22**

<b>Licence type</b>	<b>Number of licences</b>	<b>Percentage actioned within 30 days of application</b>
Radiocommunications – allocation	15,035	99.9%
Radiocommunications – variation	2,289	99.6%
Radiocommunications – renewal	153,971	100%
Telecommunications – carrier licence	23	100%
Telecommunications – nominated carrier declaration	1	100%

### **Target 3.3: The spectrum licensing system is enhanced to improve the licensees' experience**

Our radiocommunications licensing system underpins our spectrum management activities and assists us to achieve the broader policy spectrum management objectives. Our current system, SPECTRA is reaching end-of-life. As a matter of priority, we commenced preparations for its replacement and continue to make enhancements to our systems to improve licensees' experience in the interim period.

#### **Preparations for the new radiocommunications licensing system**

We have undertaken detailed analysis to establish the core capabilities required of a modern, flexible, spectrum licensing system and have developed a specification for an approach to market for a new system.

As part of the scoping work for the new system, we undertook discovery research with accredited persons, who assist us by issuing certificates for radiocommunications licences. This research allowed us to explore any gaps or opportunities for new services to support them and informed system design and specifications for the new licensing system.

#### **Enhancements to ACMA licensing services**

We also enhanced our existing system to improve licensees' experience. System enhancements included:

- > developing online forms and payments facilities
- > progressing a licensing portal to allow clients to self-manage their details
- > providing a licence fee calculator
- > providing area-wide licensing applications and invoicing.

## Performance measure 4: Compliance and enforcement with communications infrastructure rules

To ensure that communications infrastructure and services operate efficiently, we take a risk-informed approach to our compliance and enforcement activities. Our approach will take into account the public interest and be proportionate to harms caused by non-compliance.

Targets		Result
4.1	Investigations are informed by risk assessments and are completed within an average of 90 days	
4.2	Enforcement action is commensurate with realised or potential harm and incentivises improved compliance	

### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 19

Outcome 1, Program 1.1 Communications regulation, planning and licensing

### Regulator performance principles

Continuous improvement and building trust, risk-based and data-driven

## Target 4.1: Investigations are informed by risk assessments and are completed within an average of 90 days

In 2021–22, we conducted investigations and implemented enforcement outcomes in accordance with our compliance and enforcement policy, with a focus on our compliance priorities.

We investigate licensing, interference management, device supply arrangements, customer equipment and cabling compliance. We employ a streamlined set of compliance and enforcement powers so we can take action that is commensurate with the seriousness of the breach of licence conditions and the level of harm caused by such a breach. As our decisions to investigate are informed by an assessment of the risk of potential harms, our investigations are targeted and reflect the seriousness of non-compliance.

During the reporting period, there were 762 compliance tasks, and 100 investigations. The decision to open an investigation is informed by assessment of the level of harms and factors including:

- > whether it is a current compliance priority for the ACMA
- > the number, currency and duration of complaints (and compliance alerts)
- > the size, reach and compliance history of the entity
- > the nature of the alleged contravening conduct and impact of the activity
- > the type of any goods/services offered
- > the risks involved
- > public interest considerations.

Our decisions to investigate also include reference to procedural guides that set out the necessary information for delegates to make informed decisions, including a risk assessment.

The effects of the COVID-19 pandemic had some impact on the efficiency of our compliance activities. Despite this, we completed all our investigations within the target timeframe of 90 days. A breakdown of the types of enforcement actions undertaken is provided at Table 1.3.



## Target 4.2: Enforcement action is commensurate with realised or potential harm and incentivises improved compliance

We adopt a graduated and strategic risk-based approach to compliance and enforcement. This approach recognises that breaches of the rules established by legislation and instruments should be dealt with effectively and efficiently.

We may investigate if we consider a regulatory breach may have occurred, or a complaint is made to us. We take regulatory action commensurate with the seriousness of the breach and the level of harm, generally using the minimum power or intervention necessary to achieve the desired result, which, in many cases, is compliance with the relevant obligation. We consider the relevant facts to determine whether action should be taken, and if so, when and at what action level intervention should occur.

Compliance and enforcement activities, including investigations, are undertaken in accordance with our Compliance and Enforcement Policy.

Our ongoing compliance and investigation activities, including the continuing electromagnetic energy (EME) measurement program, provides important public assurance about telecommunications and wireless networks compliance with EME safety standards.

In 2021–22, our compliance priority for communications infrastructure focused on 5G and EME. The expanded rollout of 5G technology continues to make EME emissions and 5G compliance a priority.

We conducted audits to test whether emissions meet the recently revised Australian standards set by ARPANSA. We also monitored how telcos follow the rules to consult and give accurate information about rollouts or upgrades of 5G networks in local areas.

**Table 1.3: Communications infrastructure investigations and enforcement actions**

Action type	Relevant legislation	Number of actions
<b>Compliance activities</b>		
Possession of a device that causes interference	Section 197, Radiocommunications Act	46
Possession of a non-standard device	Sections 11, 16 and 21 of the Radiocommunications Equipment (General) Rules 2021 and section 158, Radiocommunications Act	5
Contravention of conditions	Section 113, Radiocommunications Act	1
Emission from non-standard transmitters	Sections 10, 15 and 20 of the Radiocommunications Equipment (General) Rules 2021 and section 160 of the Radiocommunications Act	2
Unlicensed operators	Section 46, Radiocommunications Act	5
<b>Compliance enforcement actions</b>		
Advisory notices	n/a	59
Formal warning issued	Telecommunications Act	1

## Key activity 2: Build consumer trust in the use of communications content and services

We undertake compliance and enforcement activities of rules relating to content and services delivered over communications infrastructure. We educate consumers on the protections they can expect, and industry on their obligations. This contributes to consumer confidence in industry's performance in delivering communication content and services.

During the reporting period, we made significant progress towards establishing a national self-exclusion register (NSER) and maintained the Do Not Call Register (DNCR). The NSER will provide Australians with the option to exclude themselves from interactive gambling; the DNCR provides Australians the option to exclude their telephone numbers from receiving telemarketing calls. We continued to take action against unsolicited communications (telemarketing calls, SMS and emails) under the DNCR Act and the Spam Act.

### Case study

#### Phone scam reduction activities

In 2021–22, we strengthened our response against scammers to help protect Australians from the impacts of phone scams. This included making new rules, taking action under our compliance priority and raising awareness in the community.

In January 2022, we published research into the Australian consumer experience of unsolicited communications. It found virtually every Australian adult (98%) received unsolicited communications on their phone, with 51% of Australians reporting that they had a scam SMS in the 6 months before the survey. SMS scams negatively impact on three-quarters of Australians, with a quarter of these feeling anxious, frustrated or vulnerable.

Working collaboratively with other government agencies, industry and the financial sector, we took a lead role in coordinating scam prevention activities. Our Scam Telco Action Taskforce informs our scam reduction activities and associated regulatory responses. It brings together representatives from government agencies, telcos, law enforcement and the financial services sector to further initiatives to address phone scams. The taskforce met twice in the reporting period. This has built stronger relationships with key government agencies in Australia that have roles to play disrupting scams, such as the Australian Competition and Consumer Commission (ACCC) and the Australian Cyber Security Centre.

We have also established mechanisms to share strategic approaches and intelligence with key international partners dealing with scams in New Zealand, Canada, and the US. This work allows us to leverage off international expertise and share some of the innovative work that is leading to successes in Australia. Building on our 'Combating scams' initiatives, we rolled out additional awareness-raising material for use by consumers, consumer advocacy groups and those assisting people in vulnerable circumstances. We updated and re-launched our *Scams target everyone* resources, which provide consumers with practical tips to manage unwanted calls and texts. We also alerted consumers to emerging and prevalent scams through our social media platforms and e-bulletins.

On 1 April 2022, the ACMA made new enforceable rules that require telcos to have multi-factor authentication processes in place. These measures prevent unauthorised transactions on customers' telecommunications services and accounts, such as SIM swap requests and changes to customer account information. The Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 commenced on 30 June 2022. Contraventions of the rules can lead to significant infringement penalties or court action.

#### Code compliance action

The ACMA completed 2 investigations into compliance with the Reducing Scam Calls and Scams SMS Code (C611:2022) in the reporting period. Symbio Networks Pty Ltd and Symbio Wholesale Pty Limited were issued formal warnings for contravening code rules to investigate, trace and notify other CSPs about alleged scam calls. We also commenced an investigation into compliance with the rules to stop mobile porting fraud.



We prioritised the development of new rules to address SMS scams that require telcos to identify, trace and block SMS scams. Telcos would be required to publish information to assist their customers to proactively manage and report SMS scams, share information about scam messages with other telcos, and report identified scams to authorities. New enforceable rules will be registered in the first weeks of 2022–23.

Our initiatives are having an impact. Under scam call blocking rules introduced by the ACMA in December 2020, telcos blocked over 660 million scam calls. Promisingly, complaints about phone scams to the ACCC and the ACMA dropped significantly in the second half of the reporting year – by around 50% to the ACCC and 70% to the ACMA from January to June 2022 on the previous year. Rules to prevent mobile porting fraud introduced in mid-2020 saw a 95% decrease in reported mobile fraud since these new obligations commenced.

Every scam blocked is a win for consumers and hardens Australia’s telecommunications networks to attack. Our end goals will only be served by continued strong collaboration across government, industry, and the financial sector as we work together against determined and agile adversaries.

### Performance measure 5: Compliance and enforcement of communications content and services rules

We will administer our compliance and enforcement activities efficiently and consider areas of risk and potential harm for consumers and seek to incentivise compliance within industry.

Targets	Result
5.1 Decisions to open investigations are informed by risk assessments and consideration of potential harm to consumers	
5.2 Enforcement action is commensurate with realised or potential harm and incentivises improved compliance	
5.3 95% or more of investigations are completed within 6 months and all investigations within an average of 4 months	

#### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 20

Outcome 1, Program 1.2 Consumer safeguards, education and information

#### Regulator performance principles

Risk-based and data-driven, continuous improvement and building trust

### Target 5.1: Decisions to open investigations are informed by risk assessments and consideration of potential harm to consumers

We undertake a range of compliance and enforcement work, including conducting investigations into communications content and service rules. Decisions to open an investigation are made after an assessment of the risk of harm posed and factors including:

- > whether it is a current compliance priority for the ACMA
- > the number, currency and duration of complaints (and compliance alerts)
- > the size, reach and compliance history of the entity
- > the nature of the alleged contravening conduct, including the potential or realised harms stemming from the impact of the activity
- > the type of goods/services offered
- > public interest considerations
- > issues arising from compliance audits.

During the reporting period, we opened:

- > 8 unsolicited communications investigations due to the number of ongoing complaints and/or potential harms involved. Direct harms included intrusion on the privacy of individuals, aggressive and unwanted marketing practices targeting people in vulnerable circumstances and, at an aggregated level, loss of confidence in telecommunications services and legitimate marketing.
- > 7 telecommunications numbering investigations into telcos not meeting rules intended to mitigate phone scam activity, and allegations of non-compliance with the integrated public number database (IPND) obligations. Phone scams pose a high risk of significant consumer harm including financial loss, identity theft and reduced confidence in telecommunications services. Not complying with IPND rules can hinder law enforcement and emergency services and breach consumer privacy.
- > 32 investigations into telcos not meeting a range of essential telecommunications consumers safeguards including billing accuracy and responsible selling obligations, requirements to suitably notify customers of NBN internet speeds and obligations to comply with the Telecommunications Industry Ombudsman (TIO) scheme
- > 31 broadcasting investigations examining non-compliance of priority concern including accuracy of content, impartiality in news, accessibility of content (captioning), disclosure of commercial arrangements, gambling and tobacco advertising, classification, participation in the operations of a community radio broadcaster and complaints handling
- > one investigation assessing gambling advertising during live sport streamed online by an online content service provider
- > 75 interactive gambling investigations covering services that fell within our 2021–22 compliance priority (affiliate services), see *Case study: Combating illegal online gambling – affiliate marketing websites*, page 41.

Other compliance activities included conducting 2 audits:

- > one that assessed whether 8 telcos were complying with the Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (the Complaints Handling Standard) in relation to small business customers
- > the second reviewed data from 11 telcos over a 6-month period in relation to customer contact and compliance with the Telecommunications Consumer Protections Code (C628: 2019) (TCP Code) and Complaints Handling Standard.

Overall, the results of both audits were positive, with the ACMA finding telcos were largely compliant with relevant rules under the TCP Code and the Complaints Handling Standard.

## **Target 5.2: Enforcement action is commensurate with realised or potential harm and incentivises improved compliance**

We adopt a graduated and strategic risk-based approach to enforcement, recognising that the primary focus in enforcement action is to help regulated entities achieve ongoing compliance with their obligations.

This approach:

- > promotes specific and general deterrence, noting enforcement is generally publicised, and encourages prevention of future breaches. It also promotes greater consumer confidence that breaches of the rules will be investigated and where breaches are found, commensurate enforcement action will be taken
- > fosters industry compliance with, and contribution to, the regulatory framework without imposing undue financial or administrative burdens
- > encourages a compliance culture within the communications and media sector and adherence to regulatory obligations
- > promotes a communications and media sector that is respectful of community standards and diligent in responding to community complaints.

## **Enforcement outcomes**

### ***Content safeguards:***

Broadcasting safeguards under the *Broadcasting Services Act 1992* (BSA) and industry codes of practice:

- > 20 investigation breach reports were published to educate industry and the community
- > 2 enforceable undertakings were monitored for compliance via quarterly reports.

### ***Interactive gambling:***

- > 56 formal warnings were issued, including for a breach of the online in-play betting rules.
- > 245 websites were blocked by internet service providers at the ACMA's request, including 30 affiliate marketing websites.
- > 115 URLs were reported to family-friendly filter providers.
- > 1 referral of an individual was made to the Department of Home Affairs for inclusion on the Movement Alert List.
- > civil penalty proceedings were commenced in the Federal Court against 3 respondents, alleging contravention of subsection 15(2A) of the *Interactive Gambling Act 2001*.

### ***Integrated public number database (IPND):***

- > 2 infringement notices were paid totalling \$2,690,640 for breaches of IPND obligations, comprising a \$2.5 million infringement notice to Telstra and a \$159,840 infringement notice to Lycamobile.
- > 2 directions to comply with industry codes were given to Telstra and Symbio Networks.

### ***Phone scams:***

- > 2 formal warnings were issued to Symbio Networks and Symbio Wholesale for failing to comply with the Reducing Scam Calls and Scams SMS Code.

### ***Unsolicited communications:***

- > 6 infringement notices given and paid totalling \$2,841,600, including one to Sportsbet for \$2.5 million – the highest ever penalty given by the ACMA for a breach of Australia's unsolicited communications laws.
- > 9 enforceable undertakings entered into, including one from Sportsbet committing to refund customers around \$1.2 million compensation after breaching Australia's spam laws. All enforceable undertakings generally require the appointment of independent consultants to review and improve compliance with Australia's telemarketing or spam laws with ACMA oversight over 2 to 3 years.
- > 1 formal warning issued to Investor's Choice Group for failing to accurately identify itself to consumers when making telemarketing calls.

### ***Telecommunications safeguards:***

- > 9 directions to comply with the TCP Code were issued, including one to Southern Phone Company to comply with the rules for the training of sales staff in responsible selling.
- > 4 court-enforceable undertakings were accepted from 3 telcos, including from Telstra to support compliance with the Customer Service Guarantee payment requirements in section 117A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (TCPSS Act).
- > 2 infringement notices paid, with penalties comprising \$506,160 for Telstra and \$26,640 for Lycamobile.
- > 2 remedial directions were issued including one to Optus Internet requiring it to undertake an independent audit of how it notifies customers of their maximum internet speed.
- > 2 formal warnings were issued, one to Commsol Holdings for failing to publish terms and conditions for providing broadband services under the Statutory Infrastructure Provider regime and the other to Protech Solutions WA for failing to comply with the TCPSS Act requirement to join the Telecommunications Industry Ombudsman (TIO) scheme.

### **Combating illegal online gambling – affiliate marketing websites**

The ACMA focused its efforts to combat illegal online gambling services by targeting affiliate services that promote and drive Australian traffic to online casinos, which are illegal services in Australia. These affiliate marketing sites typically portray themselves as independent reviewers of gambling services. They provide direct links to the online casinos, often receiving a commission for people who click-through. We released research looking at the role of affiliate marketing in promoting illegal online gambling in Australia in February 2022.

Illegal online casinos have a significant social and financial impact on the Australian community, particularly through the increased risk to problem gamblers. These gambling services do not have the customer protections we expect in Australia and consumers who access these websites have little or no recourse if they experience poor player treatment or their winnings have been withheld.

We targeted these websites to disrupt the marketing and supply of illegal online gambling services in Australia.

We investigated 20 affiliate marketing websites that were likely to cause the most harm to the Australian community. These websites were identified through complaints data, stakeholder engagement and web traffic analysis as having a significant presence in Australia.

All 20 websites were found to be operating illegally in Australia. These sites were found to contravene the prohibition on advertising illegal gambling services under the Interactive Gambling Act, and/or to be an ancillary to the contravention of providing illegal gambling services by being knowingly concerned in or a party to that contravention.

Our actions have been successful, with the majority of affiliate marketing websites that were being provided illegally either withdrawing access for Australians or blocked by internet service providers at the ACMA's request.

A media release and the publication of the investigation and enforcement outcomes have raised community and industry awareness of these websites.

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### **Target 5.3: 95% or more of investigations are completed within 6 months and all investigations within an average of 4 months**

Timeliness of investigations is important to resolve material questions about whether an entity has complied with their obligations or not. Appropriately robust and defensible investigations are also important for building trust with the public about the adequacy and enforceability of relevant protections and maintaining the integrity of the regulator. Outcomes from investigations also educate regulated entities and encourage behavioural change.

In the reporting period, of the 157 investigations completed, 85% were completed within 6 months and all were completed within an average of 4 months.

The benchmark of 95% or more of investigations completed within 6 months was not achieved. While there were a number of reasons this measure was not fully met, a key reason was effects stemming from the COVID-19 pandemic on the ACMA and regulated entities.

## Performance measure 6: Establish and maintain the national self-exclusion register

We will develop a national-self exclusion register (NSER) for users of licensed interactive wagering services to provide consumers with the option to self-exclude from licensed interactive wagering services in Australia.

### Targets

6.1 By end of 2021–22, Australians are able to register on the NSER



### Result

### Corporate plan and PBS links

Corporate plan 2021–22, p. 21

Outcome 1, Program 1.2 Consumer safeguards, education and information

### Regulator performance principles

Collaboration and engagement, continuous improvement and building trust

## Target 6.1: By end of 2021–22, Australians are able to register on the NSER

The NSER, to be known as BetStop, will allow people to exclude themselves from all Australian-licensed interactive wagering services in a single step. We had indicated in the 2020–21 annual report that trialling and testing was expected to start by the end of the 2021 calendar year, with BetStop released by the end of 2021–22.



Due to delays in the development of the technical solution and completing the Information Security Registered Assessors Program, we were unable to meet the target of releasing by the end of 2021–22. However, significant progress was made towards the launch of BetStop, including:

- > onboarding the operator, Engine Asia Pacific (now known as Big Village)
- > undertaking user research with approximately 80 stakeholders, including consumers, industry, community and advocacy groups and government agencies
- > holding 2 industry webinars to discuss the technical implementation of BetStop. The first webinar was attended by around 100 industry and government stakeholders. Ad-hoc engagement with individual providers, technology providers, advocacy groups, industry bodies, and state and territory authorities has continued throughout the year
- > developing the technical solution
- > testing and trialling with industry stakeholders
- > testing with consumers to incorporate user feedback into the design and usability of the system
- > starting the Information Security Registered Assessors Program assessment
- > developing the BetStop<sup>1</sup> rules under the Interactive Gambling Act, including public consultation between 22 February and 22 March 2022 and other stakeholder engagement.
- > developing the cost recovery arrangements, including public consultation on the Cost Recovery Implementation Statement and National Self-exclusion (Cost Recovery Levy) Determination 2022 between 13 December 2021 and 4 February 2022. The Cost Recovery Implementation Statement was certified by the ACMA's Chair on 10 June 2022. The determination will be made in 2022–23
- > developing a communications campaign for the launch of BetStop and substantial settling of communications collateral.

<sup>1</sup> Interactive Gambling (National Self-exclusion Register) Rules 2022 under the IGA.

## Performance measure 7: Maintain the Do Not Call Register

We will continue to provide consumers with an accessible option to opt-out of receiving unwanted telemarketing calls.

Targets	Result
7.1 The Do Not Call Register (DNCR) service centre and website are available to the Australian public 99.5% of the time	
7.2 80% of calls to the DNCR are answered within 20 seconds	

### Corporate plan and PBS links

Corporate plan 2021–22, p. 21

Outcome 1, Program 1.2 Consumer safeguards, education and information

### Regulator performance principles

Continuous improvement and building trust

#### Target 7.1: The Do Not Call Register (DNCR) service centre and website are available to the Australian public 99.5% of the time

The DNCR is a free service that allows people to opt-out of telemarketing and fax marketing phone calls. Telemarketers and fax marketers are required by law to stop contacting people who have signed up to the register.

The DNCR service centre and website are provided under contract by IVE Group Australia Pty Ltd to fulfill this purpose.

In the reporting period, the DNCR service centre and website were available to the public 100% of the time, as shown in Table 1.4.

**Table 1.4: Contractual service levels for the DNCR for IVE Group**

Service level	Target	Result
Service centre availability	99.5%	100%
Washing service availability	99.5%	99.8%
Website availability	99.5%	99.9%

#### Target 7.2: 80% of calls to the DNCR are answered within 20 seconds




Calls to the DNCR are mostly made by consumers wanting to register their number or make a complaint or enquiry. Calls from industry mostly relate to purchasing ‘washing’ subscriptions and/or washing credits.

During the reporting period, the DNCR answered 83.26% of calls within 20 seconds.



## Performance measure 8: Educate consumers on content and service protections and industry on their obligations

We will support consumers to be informed about their rights and protections in relation to content and services and ensure that industry has access to information to help it comply with their content and service obligations.

Targets		Result
8.1	Updated information on consumer rights and protections is available on our website to coincide with the commencement of any changes in those rights and protections	
8.2	Updated information on content and service obligations is available on our website to coincide with the commencement of any changes in those obligations	
8.3	Finalised investigation or enforcement outcomes are published on the ACMA website within 45 days unless it is not in the public interest to do so	

### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 22

Outcome 1, Program 1.2 Consumer safeguards, education and information

### Regulator performance principles

Collaboration and engagement

## Target 8.1: Updated information on consumer rights and protections is available on our website to coincide with the commencement of any changes in those rights and protections

We provided timely, accurate and accessible information about the rules and regulations we administer via:

- > quarterly updates on compliance and enforcement matters, media releases, guides, information and alerts on the ACMA website and via social media, including as part of information published about our investigations and enforcement actions
- > consumer awareness campaigns, predominantly online, designed to raise awareness in the community of illegal gambling services and the dangers of phone scams information.

The ACMA website contains information about protections for consumers that relate to content and services, including those relating to telecommunications and internet, TV and radio, scams and online misinformation, spam and telemarketing, and interactive gambling.

During the reporting period, we provided information on the following changes to rights and protections:

- > new provisions in the Spam Regulations 2021 released in April 2021, covering how businesses must action unsubscribe (or 'opt-out') messages. These were communicated to consumers through an e-bulletin and social media posts in August 2021
- > information about the operation of the NSER for the public and industry was published in March 2022
- > new rules requiring telcos to use multi-factor ID checks for customer transactions that are commonly targeted by scammers, including SIM swap requests and account changes, were published and promoted in April 2022.

## Target 8.2: Updated information on content and service obligations is available on our website to coincide with the commencement of any changes in those obligations

We use a range of communication channels to reach stakeholders, primarily via our website and targeted outreach activities, including mainstream media, social media, electronic newsletters and/or paid advertising.

We provided updated content and service obligation information on our website and issued e-bulletins to stakeholders about topics including:

- > NSER compliance guidance for industry in March 2022
- > remaking the Broadcasting Services (Remote Indigenous Communities) Determination 2022 in March 2022
- > making the Broadcasting Services (Anti-terrorism Requirements for Television Narrowcasting Services) Standard 2021 in September 2021
- > updating temporary community broadcasting licence guidelines for radio in November 2021
- > making the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2022 in March 2022
- > making the Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 in April 2022.

## Target 8.3: Finalised investigation or enforcement outcomes are published on the ACMA website within 45 days unless it is not in the public interest to do so

Timely publication of investigation and enforcement actions builds trust in the available regulatory protections and the ACMA's enforcement of these.

During the reporting period, 140 investigations and enforcement actions were finalised. Of those, results for 101 were published within the target of 45 days (Table 1.5). Key factors that affected our capacity to meet the target of 45 days are set out below.

The adverse impact of the COVID-19 pandemic during the year affected our resources as well as those of regulated entities. In particular, we encountered delayed responses from regulated entities. This affected our ability to publish investigations and enforcement outcomes action within the target timeframe.

During the reporting period, we changed the way interactive gambling investigations and enforcement actions were published. In November 2021, we released a new webpage that publishes details of the actions taken and took a decision to include on that page all investigations back to the start of the reporting period (1 July 2021). Some of the gambling investigations and enforcement actions that are reflected in this report as being published after 45 days were those completed earlier in the financial year.

Certain investigations and enforcement actions were not published because they were not in the public interest to do so.

**Table 1.5: Finalised investigations resulting in enforcement outcomes**

Action types	Published within 45 days	Total published
Spam and telemarketing	8	9
IPND	4	4
Phone scams	2	2
Broadcasting	15	29
Interactive gambling	53	75
Telecommunications safeguards	19	21
<b>Total</b>	<b>101</b>	<b>140</b>
<b>Total % within 45 days</b>	<b>72%</b>	

## Key activity 3: Use research, data and stakeholder feedback to inform, develop and deliver effective, contemporary risk-based regulation

We undertake research, data analysis, and domestic and international environmental scanning to inform our approach to regulation and regulatory development. We are improving our data capability to enhance decision-making and meet government expectations. We actively engage with our stakeholders and other regulators and seek feedback on our own performance to improve the delivery of our services. This input from stakeholders, research, data and other regulators improves and validates our decision-making and our approaches to effectively address issues in a dynamic and challenging environment.

### Performance measure 9: Deliver an annual research program

Our research capability enhances our understanding of the industries that we regulate and the regulatory environment to support better decision-making.

Targets	Result
9.1 The ACMA is informed by research and environmental scanning	
9.2 Deliver an annual program of research	

### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 23

Outcome 1, Program 1.1 Communications regulation, planning and licensing; Program 1.2 Consumer safeguards, education and information

### Regulator performance principles

Risk-based and data-driven

## Target 9.1: The ACMA is informed by research and environmental scanning

The ACMA has statutory obligations to report to, and advise, the portfolio minister, and inform industry and the public about telecommunications, radiocommunications, broadcasting and some online services.

Our research program assists us in meeting our statutory obligations and supports regulatory decision-making informed by evidence. We also undertake research that informs our internal planning and public consultations, including environmental scanning.

The following research products were released during the reporting period:

- > *Communications and media in Australia* series:
  - > *Trends and developments in telecommunications 2020–21* – overviewed the Australian telecommunications sector during the 2020–21 financial year, released 10 December 2021.
  - > *How we use the internet* – analysed the ways we use the internet, the devices we use to connect and what we do when we’re online, released 10 December 2021.
  - > *How we communicate* – showed the ways we connect and interact using fixed-line and mobile phones, apps and social media, released 10 December 2021.
  - > *How we watch and listen to content* – explored the changes in how we watch and listen to online and offline content over the past 5 years, released 2 June 2022.
- > *Viewer response to reality television in Australia* – examined Australians’ viewing experiences of Australian-made reality TV, focusing on ‘relationship-based’ programs, released 29 October 2021.
- > *Unsolicited communications in Australia: consumer experience research 2021* – highlighted Australian consumers’ experience of unsolicited communications in 2021, including the different types of contact, released 18 January 2022.
- > *Online gambling in Australia* snapshot – examined the prevalence and nature of online gambling in Australia, and changes in recent years, released 17 February 2022.
- > *The role of affiliate services in promoting illegal online gambling in Australia* – explored how gambling affiliates operate across a range of online platforms, released 17 February 2022.

The following environmental scanning was conducted:

- > *Trends and developments in telecommunications 2020–21* – overviewed the Australian telecommunications sector during the 2020–21 financial year, released 10 December 2021.
- > regular updates of industry and market developments and an analysis of this information
- > quarterly reports on domestic and international regulatory developments in the UK, Europe, Ireland, the US, India, China and Hong Kong
- > *In case you missed it* – strategic summaries of domestic regulatory developments relevant to the work of the ACMA.

On 29 June 2022, we released a position paper, *What audiences want – Audience expectations for content safeguards*. It encouraged broadcasters and other professional content providers to take the paper and its accompanying research report on viewing and listening trends into account when reviewing and updating their respective co-regulatory codes of practice or user policies and terms of use. The paper was informed by our regulatory monitoring, compliance and research activities, existing industry safeguards, the findings of previous government reviews, and broader public discourse on community standards.



## Target 9.2: Deliver an annual program of research

Table 1.6: Our delivery against the 2021–22 research program

2021–22 research projects	Description	Delivery outcome
Unsolicited communications consumer survey	Provided insight and understanding into Australians' views and experiences of unsolicited communications – phone calls, SMS and email. Experiences with consent and phone scams were explored in detail.	Released 18 January 2022
Use of affiliate marketing in online gambling	Examined existing research on the use of affiliate services for online gambling – websites that advertise, promote or link to online gambling services. This work supported our 2021 compliance priorities.	Released 17 February 2022
<i>Communications and media in Australia series</i>	Based on annual consumer survey data, this ongoing series featured a range of snapshots, research reports and interactive reports looking at the Australian communications and media landscape.	<ul style="list-style-type: none"> <li>&gt; <i>Trends and developments in telecommunications 2020–21</i>, released 10 December 2021</li> <li>&gt; <i>How we use the internet</i>, released 10 December 2021</li> <li>&gt; <i>How we communicate</i>, released 10 December 2021</li> <li>&gt; <i>How we watch and listen to content</i>, released 2 June 2022</li> </ul>
Market studies	In-depth studies that examined: <ul style="list-style-type: none"> <li>&gt; supply chain developments in the telecommunications sector</li> <li>&gt; Australian and overseas deployment of 5G private networks.</li> </ul>	Deferred to 2022–23 due to resourcing constraints

## Performance measure 10: Use data to inform regulatory development and decision making

Our data capability will enhance our understanding of the industries that we regulate and the regulatory environment leading to better decision-making, improved processes and a better understanding of industry performance and consumer's concerns.

Targets	Result
10.1 Data visualisation tools are delivered annually	
10.2 Use of data to support decision making is enhanced	

**Corporate plan and PBS links**

*Corporate plan 2021–22*, p. 24

Outcome 1, Program 1.1 Communications regulation, planning and licensing;  
Program 1.2 Consumer safeguards, education and information

**Regulator performance principles**

Risk-based and data-driven

### Target 10.1: Data visualisation tools are delivered annually

During the reporting period, we delivered the following public-facing data visualisation tools:

- > the *Communication and media in Australia* series: interactive research reports that provided industry, consumers and regulated entities insight and understanding around market developments and greater understanding of the rationale for ACMA regulatory decision making and action.
- > telco performance reporting: a data project that delivered enhanced financial hardship reporting, enhanced record-keeping rules and TIO complaints reporting, and that creates and connects telco performance reporting to the ACMA cloud-based data analytics platform.
- > spectrum monitoring data project: a project that delivered greater insights through enhanced compliance, investigations, and monitoring reporting.

### Target 10.2: Use of data to support decision making is enhanced

Our Data Strategy aims to improve the discoverability, usability, and safety of the ACMA's data. It outlines data and analytics activities aligned to our key functions, priorities and strategies over a 4-year period.

Over the reporting period, and in line with our Data Strategy, we have focused on the delivery of data action projects (DAPs) that:

- > use data analytics to improve our compliance, regulatory or operational functions
- > use an agile approach to deliver improvements within a short timeframe
- > practically test the people and technology capabilities of the ACMA
- > use key success measures to demonstrate their value.

In 2021–22, we delivered DAPs looking at:

- > telco performance reporting: a data project that delivered enhanced financial hardship reporting, enhanced record-keeping rules and TIO complaints reporting, and that creates and connects telco performance reporting to the ACMA cloud-based data analytics platform
- > spectrum monitoring data project: a project that delivered greater insights through enhanced compliance, investigations, and monitoring reporting.

- These projects have enabled us to leverage our data to support decision making by:
- > visualising data and supporting data analytics such as trend analysis and benchmarking
  - > improving data quality and accuracy
  - > improving data latency (that is, the time it takes to provide reporting to decision makers)
  - > allowing a greater number of ACMA staff to conduct their own data queries in real-time.

### Performance measure 11: Inform stakeholders about our regulatory approach

Our published annual compliance priorities reflect market and consumer issues, and our advice supports risk-based and evidence-based regulation.

Targets	Result
11.1 Annual compliance priorities are developed, informed by consultation with stakeholders and environmental scans and published by 30 April	
11.2 New or amended regulation is informed by cost/benefit analysis	
11.3 ACMA advice is provided to government to inform policy development and risk based regulatory approaches	

#### Corporate plan and PBS links

*Corporate plan 2021–22*, p. 24

Outcome 1, Program 1.1 Communications regulation, planning and licensing;  
Program 1.2 Consumer safeguards, education and information

#### Regulator performance principles

Continuous improvement and building trust, collaboration and engagement, risk-based and data-driven

In 2021–22, compliance issues were monitored using a variety of tools, including complaints, stakeholder feedback, audits and investigations, consumer research, trend analysis and business intelligence from other regulators and consumer groups. This use of intelligence was aimed at reducing the risk of future non-compliance by addressing systemic causes of breaches. We raised awareness of compliance activities by publishing and reporting on our compliance priorities and enforcement outcomes.

We worked closely with the Office of Best Practice Regulation (OBPR) to ensure that our regulatory approach balanced a proportionate response to harms while applying the minimum regulatory burden to achieve our outcome.

### Target 11.1: Annual compliance priorities are developed, informed by consultation with stakeholders and environmental scans and published by 30 April

Each year, we target key areas for improved industry compliance, known as annual compliance priorities. We choose areas that are of public interest or issues having a negative impact on the community, including consumer harm. This guides our efforts to deliver effective compliance and, where necessary, directs our resources to targeted enforcement action.

We released our draft 2022–23 compliance priorities for public consultation in February 2022. We received 15 submissions, which informed the development of the final compliance priorities. The 2022–23 compliance priorities were published in June 2022, after the target date of 30 April 2022.

## **Target 11.2: New or amended regulation is informed by cost/benefit analysis**

We adopt a best practice regulatory approach in compliance with the Australian government framework. We achieve quality regulation through sound analysis, informed decision-making and transparency through our regulatory impact analysis (RIA). We worked with the OBPR to ensure that we maintained a best practice regulatory approach.

### **New regulatory proposals**

During the reporting period, we completed 24 preliminary assessments with the OBPR.

Of these, 20 were found to have minor regulatory impacts, requiring no Regulation Impact Statements (RIS) and 4 progressed to RIS or RIS-like processes.

We undertook 5 RIS or RIS-like processes during the year (one of which carried over from the previous reporting period) and 2 remained in progress at 30 June 2022. Processes undertaken were:

- > reducing the impact of unauthorised high-risk customer interactions – completed
- > the second tranche of spectrum pricing review reforms – completed
- > reducing the impact of SMS Scams (carry over from previous reporting period) – completed
- > area-wide licences in remote areas of the 3.4-4 GHz band – in progress
- > amendments to the 3.4 GHz spectrum licence technical framework – in progress.

The completed processes have been published on the OBPR's website.

## **Target 11.3: ACMA advice is provided to government to inform policy development and risk based regulatory approaches**

We provide advice to government both directly and indirectly through a variety of channels. During the 2021–22 reporting period, this included:

- > working collaboratively with government departments, particularly the portfolio department
- > providing formal advice
- > making submissions to consultation processes and parliamentary inquiries
- > contributing as a member of advisory groups, regulatory organisations and forums.

Advice provided to inform policy development and risk-based regulatory approaches during the reporting period, included:

- > advice to the department regarding the implementation of recommendations in the ACMA's 30 June 2021 report on disinformation and news quality measures. This report was published on 21 March 2022.
- > advice to the department to inform the implementation of measures to support Australian content across platforms, announced by the then government in its media policy statement, following consultation on the green paper. This involved:
  - > providing the then minister with detailed Australian content information for 2019–20 and 2020–21 reported by subscription video on demand (SVOD) service providers participating in the voluntary reporting framework overseen by the ACMA that commenced in 2021
  - > assisting with the development of proposals for a SVOD reporting and investment scheme and the department's related discussion paper that was released for public consultation in February 2022
  - > advising the department about the implementation of the then minister's statement of expectations for the national broadcasters in relation to Australian content reporting
  - > providing, in accordance with subsection 61CZC(3) of the BSA, the minister with the statutory review of the local programming requirements for regional commercial television licences in Division 5D of Part 5 of the BSA on 23 August 2021.



In addition, we appeared before several parliamentary inquiries during the reporting period. This included 2 inquiries into the use of credit cards for online gambling: the Parliamentary Joint Committee on Corporations and Financial Services inquiry into Regulation of the use of financial services such as credit cards and digital wallets for online gambling in Australia, and the Environment and Communications Legislation Committee's Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020. We also undertook a statutory review of the credit betting provisions in Part 2B of the Interactive Gambling Act and provided a report, which was subsequently tabled in the Parliament, to the then minister in August 2021.

We also provided a submission to Treasury consultation regarding the consumer data rights designation of the telecommunications sector.

The ACMA Chair was also an active member of the Regulator Leadership Cohort throughout the year. The Cohort provides the Secretaries Board with a regulator's perspective on the government's regulator performance work program. Meetings were held in September, October and November 2021 and April 2022.

### Performance measure 12: Engagement with stakeholders and other regulators

Seeking feedback on our interactions with regulated entities, the public and other stakeholders and engaging regularly with other regulators will ensure that we are effective in the services we deliver. We also work closely with our industry stakeholders.

We will also measure our efficiency in responding to enquiries and complaints to build trust with the Australian community.

Targets	Result
12.1 Stakeholder satisfaction of 60% to 70% is obtained	
12.2 An overall customer service user satisfaction rate of 70% to 80% is obtained	
12.3 Enquiries and complaints are actioned in accordance with our Client Service Charter	
12.4 Industry is consulted on regulatory approaches, instruments and cost recovery arrangements	
12.5 ACMA will meet with Australian and overseas regulators throughout the year	
12.6 The Authority will meet with industry stakeholders throughout the year	

### Corporate plan and PBS

*Corporate plan 2021–22, p. 25*

Outcome 1, Program 1.1 Communications regulation, planning and licensing; Program 1.2 Consumer safeguards, education and information

### Regulator performance principles

Continuous improvement and building trust

### **Target 12.1: Stakeholder satisfaction of 60% to 70% is obtained**

The stakeholder survey provides us with valuable feedback about the effectiveness of our processes and our interactions with stakeholders. We use this feedback to inform our ongoing review of processes and client interactions. This helps ensure that engagement with industry, consumers and regulated entities meets expectations consistent with our published targets.

In 2021–22, survey participants were key stakeholders who completed an online survey. These stakeholders included government and industry, academics, educators, international entities, consumer groups, industry associations and NGOs. The survey was conducted from 20 October to 10 November 2021 with 46 respondents and a response rate of 37%. No incentives were offered to participate in the survey.

Overall, 64% of surveyed stakeholders were either satisfied or very satisfied with the ACMA's engagement, including our consultation and stakeholder engagement processes, staff engagement with stakeholders, and staff professionalism and knowledge.

### **Target 12.2: An overall customer service user satisfaction rate of 70% to 80% is obtained**

Historically, we have measured customer satisfaction with an annual customer service user satisfaction survey, focusing on customers who have received services through the Customer Service Centre (CSC). Due to the consistency of the reported results across a number of years, this survey is now being undertaken biennially and was not undertaken during the reporting period.

During this reporting period, an online survey was undertaken across 4 weeks in May and June 2022 to assess user satisfaction. The survey was hosted on our website and promoted online through social media, e-bulletins and when customers contacted the CSC. There were 370 responses to this opt-in survey.

Due to the relatively small sample size of the survey, extensive statistical analysis of the results is not possible; however, the results show that:

- > licensing issues remain a large proportion of the queries made to the CSC
- > the majority of the ACMA's customers are satisfied or very satisfied.

Overall customer satisfaction identified through the survey was rated at 77%. The feedback from customers who responded with a lower satisfaction rate will be a focus for continuous improvement activities.

### **Target 12.3: Enquiries and complaints are actioned in accordance with our Client Service Charter**

Our Client Service Charter sets out our target response times for enquiries and complaints for the different functions we undertake and is not limited to the work undertaken by the CSC. The CSC continues to provide a single point of contact for the public, with staff available to answer enquiries between 9 am and 5 pm AEST each working day as stipulated in the Client Service Charter. Complaints received by the CSC are referred to the relevant business area and are managed and reported on based on the complaints-handling timeframes in the charter. Our performance rates are detailed in tables 1.7 and 1.8.

**Table 1.7: Specialist enquiries and complaints, 2021–22**

Enquiries and complaints type	Enquiries	Complaints	Total received	% actioned in timeframe
Telemarketing*	11,355	28,307	39,662	100
Spam*	1,755	21,338	23,093	100
Broadcasting†	1,588	199	1,787	99.4

\* Spam, telemarketing and fax marketing complaints and enquiries are processed within 20 business days.

† Broadcasting complaints and enquiries are acknowledged within 7 business days. Broadcasting ‘complaints’ are those assessed by the ACMA to decide whether to investigate. ‘Enquiries’ includes ACMA referrals of complainants to broadcasters in the first instance under the co-regulatory code complaints process.

**Table 1.8: General enquiries and complaints, 2021–22**

Enquiries and complaints type	Total	% actioned in timeframe
General*	32,636	96

\* General enquiries are processed within 3 business days.

## Target 12.4: Industry is consulted on regulatory approaches, instruments and cost recovery arrangements

We use a variety of mechanisms to consult and exchange information with the industries we regulate.

### Consultations

We released 48 consultations in 2021–22, covering a range of issues within our remit. Consultations usually include a consultation paper setting out the issue and options available and may include draft instruments. They are generally open for 4 to 6 weeks and e-bulletins or social media are used to alert stakeholders to the consultation. After the consultation closes, submissions received and outcome statements are generally published on our website to provide transparency of our processes. During the reporting period, we published consultations on areas including: spectrum and radiocommunications, content, DNCR, NSER, community radio broadcasting and telecommunications.

### Stakeholder forums

During 2021–22, we hosted and/or participated in several stakeholder forums and working groups, including:

- > a spectrum ‘tune-up’ on the 3.4–4.0 GHz band, 28 March 2022
- > a Community Broadcasting Association of Australia webinar
- > separate consumer and industry stakeholder forums on the proposed Consumer Vulnerability Expectations for the Telecommunications Industry
- > quarterly updates to the Implementation Governance Committee (IGC) for the National Consumer Protection Framework for Online Wagering on the progress of the NSER
- > industry briefing webinars on implementation arrangements for the NSER, 16 September 2021 and 8 December 2021.

### **Consumer Consultative Forum (CCF)**

The ACMA convenes a Consumer Consultative Forum (CCF) under section 59 of the ACMA Act. The CCF brings together consumer organisations within the telecommunications industry and government to examine issues that affect consumers using mobiles, the internet, and fixed-line telephones.

The CCF was convened virtually 3 times during the reporting period – 28 October 2021 and 25 May 2022 with the full membership, and 28 February 2022 for a consumer group member forum.

Further information about the CCF is in Appendix 1.

### **Numbering Advisory Committee**

The Numbering Advisory Committee (NAC) brings together telecommunications industry, consumer organisations and government stakeholders to provide advice and recommendations on our numbering functions. It aims to improve the benefits to suppliers and users of carriage services and facilitate competition.

NAC membership during the reporting period included the Australian Communications Consumer Action Network (ACCAN), ACCC, Compete, Communications Alliance (CA), the department, Macquarie Telecom Group, Symbio, Optus, the Telecommunications Industry Ombudsman (TIO), Telstra, TPG Telecom, Verizon and Vocus.

The NAC convened twice virtually during the reporting period – 24 November 2021 and 22 June 2022. Issues discussed included CA's review of the C540:2013: Local number portability and C566:2005: Rights of use of numbers industry codes and its consideration of a converged approach to number portability, the potential updating of the Numbering Plan 2015 and ACMA cost recovery.

Further information about the NAC is in Appendix 1.

## **Target 12.5: ACMA will meet with Australian and overseas regulators throughout the year**

Our knowledge of and approach to regulation in the communications and media sectors has been enhanced through collaboration with a variety of local and international partners in 2021–22. This has provided us with a more detailed understanding of relevant subject matter and how Australia's activity is situated within a broader global context.

### **Meetings and engagement with international regulators**

- > Quarterly meetings with the Unsolicited Communications Enforcement Network (UCENet) to promote international spam, telemarketing and scam enforcement cooperation
- > Quarterly meetings with the New Zealand Department of Internal Affairs' Electronic Messaging Compliance Unit to share intelligence
- > The Online Content Regulators Forum (OCRF) about regulatory objectives and reducing the administrative burden when delivering new statutory objectives, July 2021
- > A meeting with Qatari Ambassador on an agreement with the Qatari Communications Regulatory Authority to discuss areas of mutual interest, August 2021
- > Discussions with the Canadian Radio-television and Telecommunications Commission on the drafting of a new Memorandum of Understanding between the agencies, August 2021
- > The International Institute of Communications' International Regulators Forum, which included a presentation on media harmonisation frameworks by the ACMA Chair, October 2021
- > Meeting with Telecommunications Regulator of Cambodia to discuss regulatory issues, March 2022
- > Meeting with National Information and Communications Technology Authority (Papua New Guinea) to discuss spectrum issues, March 2022
- > Regular discussions with Ofcom on areas of mutual interest related on digital platforms, including approaches to addressing disinformation, respective research activities and the News Media and Digital Platforms Mandatory Bargaining Code.

## **International Telecommunication Union Radiocommunication Sector (ITU-R) meetings**

Our participation in ITU-R meetings for 2021–22 is reported under Target 1.2 above.

### **Meetings and engagement with domestic regulators**

- > Monthly inter-regulator operational forum led by the Australian Securities and Investments Commission (ASIC) to share information on phone scams.
- > Monthly meetings with Online Harms Working Group, subsequently renamed the Digital Industry Engagement Working Group, comprising domestic regulators and other government agencies, to discuss areas relevant to online harms and safety.
- > The ACMA meets quarterly with the ACCC and contributes to a monthly inter-regulator teleforum to share information and approaches to reducing scams.
- > Discussions with the Australian Electoral Commission in the lead up to the 2022 federal election. This led to the development of consumer advice about reporting disinformation and misinformation on digital platforms during the election.
- > Multiple ad-hoc meetings with ACCC, ASIC, the eSafety Commissioner and the Office of the Australian Information Commissioner (OAIC) to discuss approaches to digital platforms regulatory issues. For example, in December 2021, we met with the ACCC to discuss its AdTech inquiry and its Digital Platforms Services Inquiry 5th interim report on competition and consumer concerns identified in digital platform services markets.
- > Multiple ad-hoc meetings with ACCC, ASIC and a range of state and territory regulators to discuss mutually overlapping compliance and investigative issues regarding unsolicited communications.
- > A number of meetings between February and May 2022 with the Victorian Essential Services Commission regarding mutual concerns with complaints about telemarketing calls about the Victorian Energy Upgrades program (VEU). This information sharing resulted in the development of joint communication products to participants in the VEU program.

### **Memorandums of Understanding (MOU)**

- > MoU with the Australian Cyber Security Centre to protect Australians from mobile fraud and scams, signed 13 October 2021.
- > MOU with the Canadian Radio-television and Telecommunications Commission to further support joint efforts to combat unsolicited spam, telemarketing and scams, signed 22 December 2021.
- > MOU with New Zealand Department of Internal Affairs to enhance efforts to combat unlawful spam and scams, signed 22 April 2022.

### **Establishment of the Digital Platform Regulators Forum**

The Digital Platform Regulators Forum (DP-REG) is an avenue for relevant Australian regulators to share information about, and collaborate on, cross-cutting issues and activities relating to the regulation of digital platforms. DP-REG is a joint initiative of the ACMA, the ACCC, the OAIC, and the eSafety Commissioner.

DP-REG originated as a quarterly meeting between the 4 regulators, dating back to late 2020. The group was formally announced on 11 March 2022 and, as part of its terms of reference, committed to meet bimonthly and work collectively on joint projects. This also resulted in the establishment of a data subcommittee to improve collaboration on platform-related data-sharing across agencies.

The DP-REG seeks to:

- > increase cooperation and information-sharing between digital platform regulators on broad areas of intersection, including new and novel regulatory approaches
- > provide members with an opportunity to promote proportionate, cohesive, well-designed and efficiently implemented digital platform regulation.

In June 2022, following the first meeting of agency heads, DP-REG released a joint communique agreeing to a collective set of priorities for 2022–23.

## **Target 12.6: The Authority will meet with industry stakeholders throughout the year**

Our Authority members play a key role in forging links and developing a mutual understanding with industry and our regulator colleagues.

During the year, Authority members attended 118 meetings with industry representatives and peak body groups in the telecommunications and radiocommunications sectors and digital platforms markets. Meetings were also held with television, radio and community broadcasters, government representatives, other regulators and government agencies. Stakeholder meetings included entities such as NBN, Telstra, Optus, Vodafone covering spectrum, radiocommunications and telecommunications issues.

Authority members attended industry association meetings held with organisations, including Communications Alliance, Free TV, Commercial Radio Australia and the Community Broadcasting Association of Australia.

A number of meetings attended by Authority members were held with international bodies, as well as collaborating with international regulators including the UK's Ofcom (Office of Communication), the US's Federal Communications Commission and the Federal Trade Commission, and the Canadian Radio-television and Telecommunications Commission – CRTC.

The Authority also received visits by international delegations.

## Financial performance

The ACMA's 2021–22 financial statements are provided in Appendix 15 of this report.

### Activities administered on behalf of government

The ACMA collected income of \$1,945.5 million on behalf of government in 2021–22. This was primarily made up of:

- > Regional Broadband Scheme (RBS) charge (\$720.1 million)
- > telecommunications Industry Levy (TIL) (\$227.4 million)
- > radiocommunications taxes (including apparatus licence tax of \$194.4 million)
- > telecommunication numbering charges (\$60.0 million)
- > broadcasting apparatus licence taxes (commercial broadcasting tax of \$46.5 million)
- > Annual Carrier Licence Charge (ACLC) (\$30.7million).

Further details on these income items are provided under *Income collected on behalf of government* on page 68.

The ACMA's administered expenses totalled \$11.8 million and primarily comprised eSafety supplier costs (\$4.2 million), grant expenditure (\$5.3 million) relating to the Regional and Small Publishers Innovation Fund and eSafety's Online Safety Grants Program, and impairment losses (\$2.3 million) related to receivables for radiocommunications taxes and telecommunication numbering charges.

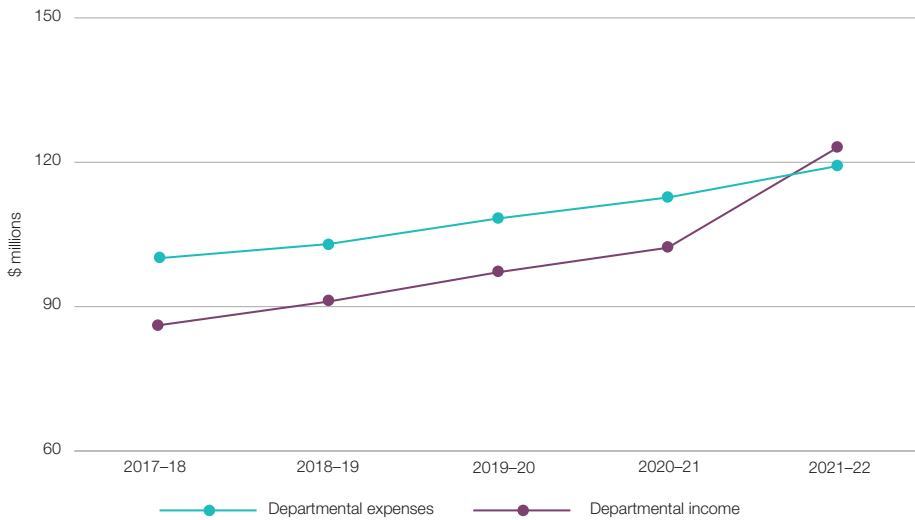
As at 30 June 2022, the ACMA held \$1,327.6 million in administered assets, primarily related to the RBS charge and the ACLC receivable. The ACMA also held \$98.9 million in administered liabilities for unearned revenue related to radiocommunications licences paid in advance.

### Departmental activities

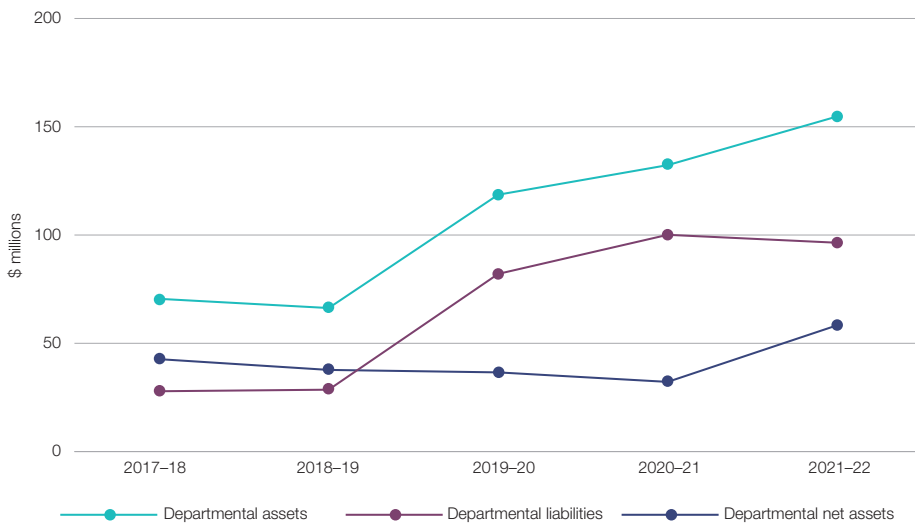
The ACMA reported a technical operating surplus of \$3.8 million. Departmental expenses totalled \$119.2 million, primarily made up of staffing and supplier expenditure, and depreciation charges. Departmental income totalled \$123 million (including revenue from government), comprising sale of goods, rendering of services, resources received free-of-charge and gains on assets.

As at 30 June 2022, the ACMA had a positive net asset position of \$58.3 million. Assets totalled \$154.8 million. Liabilities totalled \$96.4 million, including lease liabilities, employee provisions and supplier accruals.

**Figure 1.3: Analysis of departmental activities**



*Note: Departmental expenses include depreciation and amortisation charges, which are not funded by departmental income.*



*Note: 2019-20 reflects the revised treatment of leases under AASB 16 Leases, which increases both assets and liabilities.*



# **Management and accountability**

The bottom of the page features a decorative graphic consisting of several overlapping, wavy, light gray shapes that create a sense of movement and depth against the white background.

This section details governance, staffing arrangements and financial and property management. It applies to both the ACMA and eSafety, unless specified. For eSafety's specific governance and administrative information, refer to page 207 in Part 2: *eSafety Commissioner annual report 2021–22*.

Under the *Online Safety Act 2021*, the ACMA makes staff available to assist the eSafety Commissioner to perform its functions and exercise its powers. All Australian Public Service staff employed to assist the eSafety Commissioner are staff of the ACMA employed under the *Public Service Act 1999* and are covered by all ACMA entitlements, protections and obligations.

## Governance

The ACMA is a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The ACMA Chair is the accountable authority under the PGPA Act and the agency head for the purposes of the Public Service Act.

The Authority is a collegiate decision-making body of between 3 and 9 members, including the Chair and Deputy Chair. Members are appointed by the Governor-General and associate members are appointed by the minister. Associate members include 2 appointed under cross-appointment arrangements with the Australian Competition and Consumer Commission (ACCC) to support collaboration between the sectoral and economic regulators. The Code of Conduct for Authority members and associate members sets out the Authority's strategic intent, approach to business, duties, responsibilities, and culture and values to guide its work.

The Executive Management Committee (EMC) meets regularly to assist the Chair in the role of accountable authority. The EMC advises on strategic matters and issues of significance, and oversees finance, resource management, risk, compliance, regulatory futures and research, enforcement, and information technology areas. The EMC comprises the Chair/Agency Head, Deputy Chair/CEO and the 4 Senior Executive Service (SES) Band 2 general managers.

The Enterprise Project Group (EPG) supports the EMC through oversight of major projects to ensure they align with the ACMA's strategic direction and deliver agreed outcomes and benefits efficiently and effectively. The EPG meets monthly and is chaired by the Deputy Chair/CEO.

## Corporate planning

The *Corporate plan 2021–22* outlined the strategic approach to achieving our purpose by setting out our medium- to long-term priorities over 4 years. The plan is available on the ACMA website.

During 2021–22, the EMC reviewed the agency's quarterly progress in achieving our performance measures and targets outlined in the PBS and corporate plan. Our success in achieving our purpose, outcomes and the alignment of our activities in relation to the regulator performance principles is reported in our Annual Performance Statement.

## **Risk management and fraud control**

We maintain systems of risk management and fraud control in accordance with the PGPA Act, the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) and Commonwealth policies.

The Risk Management Framework provides guidance to staff on their risk management responsibilities, including making risk-aware decisions, utilising risk management tools to prioritise activities and communicating risks to stakeholders.

During 2021–22, an ongoing program to improve our risk management framework focused on embedding risk management within business processes, which included the development of a work health and safety risk register, capturing responses to lessons from the COVID-19 pandemic, and the inclusion of additional risk controls within the fraud and corruption risk register. Employees were encouraged to identify and understand risk and its impact in their work areas, and further provide opportunities for all staff to undertake risk training to improve their skills, knowledge and capability

Each quarter, we review our strategic, and divisional risk registers in addition to an annual review of the work health and safety, child safety, and protective security risk registers. During these reviews, staff and the senior executive consider new and emerging risks, and identify and examine existing risks.

The EMC holds quarterly risk management discussions to review relevant risk registers, discuss contributing risk factors, identify the controls in place and direct resources to mitigate identified risks.

In 2021–22, a program commenced to lift the maturity of our fraud and corruption control arrangements by aligning processes across the agency with new international standards. The Fraud and Corruption Control Plan was revised and endorsed by the ACMA Audit and Risk Committee (ARC) and the Chair. The Fraud and Corruption Control Plan outlines control arrangements, including designated responsibilities and ongoing strategies for risk mitigation to protect public money, property, and information. The fraud and corruption risk assessment was reviewed and presented to the Chair for consideration. All instances of suspected fraud and corruption and all investigations are recorded in the Fraud and Corruption Register and reported to the ARC. Regular awareness and training is offered to staff to provide guidance on dealing with suspected fraud reporting and detection. Regular review, through internal audit and the ARC, of the ACMA's system for preventing, detecting, and dealing with fraud found full conformance with section 10 of the PGPA Rule during the reporting period.

## **Audit**

We regularly review our governance and assurance systems, as well as our performance frameworks, and take steps to improve our existing strong foundations. The ARC and internal auditors provide expert advice to the ACMA that informs continual improvement activities.

During 2021–22, the ARC met 5 times and considered key corporate and regulatory processes. The ARC reviewed all internal and relevant external audit activity and reported on performance against its charter. Other key areas of focus for the ARC were how the ACMA was managing improvements to the Protective Security Policy Framework, Essential Eight mitigation strategies and audit coverage of eSafety programs.

Over the reporting period, our internal audit services were provided by RSM Australia Pty Ltd. Eight internal audits and 2 management-initiated reviews were completed and accepted by the ARC. The ARC monitors all audit recommendations and reviews a selection of closed recommendations to confirm implementation over the longer term.

Details of the ARC are included in Appendix 1.

## **Australian National Audit Office performance audits**

The ACMA was subject to a performance audit of procurement complaints handling by the Auditor-General during the period. The audit is due for completion in 2022–23.

## External scrutiny

During 2021–22, there were:

- > no decisions of administrative tribunals or decisions of the Australian Information Commissioner that had or may have a significant impact on the operations of the ACMA
- > no reports on the operations of the ACMA by the Auditor-General, a parliamentary committee or the Commonwealth Ombudsman
- > no capability reviews of the ACMA released.

There was one judicial decision, which has had, or may have, a significant impact on the operation of the ACMA and is summarised as follows.

### ***Mosaic Brands Ltd v Australian Communications and Media Authority* [2022] FCAFC 79**

On 21 June 2021, in its decision in *Mosaic Brands Ltd v Australian Communications and Media Authority* [2021] FCA 669, the Federal Court of Australia dismissed an application made by Mosaic Brands Ltd (Mosaic) seeking orders to have a statutory notice issued by the ACMA declared void, and the ACMA's decision to give the notice to Mosaic set aside.

Following complaints about Mosaic's compliance with the *Spam Act 2003*, the ACMA commenced an investigation under section 510 of the *Telecommunications Act 1997*. As part of this investigation, the ACMA issued a notice to Mosaic under subsection 522(2) of the *Telecommunications Act* requiring it to provide to the ACMA information and documents relevant to the investigation. Mosaic filed an application in the Federal Court, under the *Administrative Decisions (Judicial Review) Act 1977*, seeking to have the notice declared void and have the decision of the ACMA set aside, on the grounds that the decision to issue the notice was not authorised by the *Telecommunications Act* and involved an error of law.

The Court found that there is an 'implied entitlement disclosure condition' in subsection 522(2) of the *Telecommunications Act*. This condition requires that a notice given under this provision must specify, with reasonable clarity, that the information required to be given and/or the documents required to be produced, relate to the performance or exercise of one or more of the ACMA's telecommunications functions or powers. The Court found that the notice given by the ACMA to Mosaic complied with this condition and, on that basis, dismissed Mosaic's application.

The Court's decision provides guidance on the detail that should be included in a notice given under subsection 522(2) of the *Telecommunications Act*.

Mosaic appealed the decision to the Full Court of the Federal Court of Australia on the basis that there was insufficient content in the notice to satisfy the implied entitlement disclosure condition.

On 13 May 2022, the Full Court of the Federal Court of Australia unanimously dismissed Mosaic's appeal.

In dismissing Mosaic's appeal, the Full Court found that:

... [t]he primary judge was correct to conclude that the Notice made clear what documents and information were required and why the ACMA was entitled to require their production. The Notice made clear that the information and documents related to matters of the kind described in s 508. It made clear that the information and documents sought by the Notice were relevant to the performance of the ACMA's functions and the exercise of its investigative powers because the ACMA had reason to suspect that Mosaic had contravened the *Spam Act*.

## Our people

The ACMA had 489 APS staff, 116 of whom work in eSafety. These staff were located mainly in our central offices in Canberra, Melbourne, and Sydney.

In 2021–22, we focused on supporting the wellbeing and safety of staff during the COVID-19 pandemic. Staff are now transitioning back into the office, supported by hybrid working arrangements allowing staff to work both from the office and at home. Our working arrangements are informed by any changes of health advice issued by Commonwealth, state and territory governments, and continue to recognise the broader benefits of hybrid working arrangements while balancing the greater levels of collective productivity and agency collaboration that arises when staff work in shared spaces.

### Workforce planning

Throughout 2021–22, we continued to implement the *People Strategy 2021–24* to support the agency to retain and grow an agile and responsive workforce. The strategy is closely aligned to the *APS Workforce Strategy 2025* and outlines our commitment to workforce planning. It aims to create a workforce and workplace to which ACMA staff want to belong. It outlines initiatives to develop a talented, driven, innovative and committed workforce that is working cohesively to achieve a common goal.

### Entry-level programs

The ACMA Graduate Development Program sources graduates for specialist streams through the Australian Government Graduate Program. ACMA graduates developed their skills and capabilities through 2 rotations across the organisation to equip them to contribute to a high-performing, future-focused APS.

### Workplace diversity and inclusion

We are committed to providing a supportive and respectful work environment that recognises, values and accommodates the diversity of our employees and represents the Australian community we serve. We recognise and value individual differences and are working towards creating a more diverse and inclusive workplace, including by:

- > acknowledging and encouraging diversity in organisational and individual performance plans
- > integrating workplace diversity principles into everyday management practice
- > including information in induction material
- > providing information to all staff through the agency's intranet.

As part of our ongoing commitment to a supportive workplace, we will seek to improve our culture and values by building awareness and understanding of diversity and inclusion, as outlined in our *People Strategy 2021–24*. We will strive for a progressive, inclusive, safe and healthy working environment through our diversity initiatives and inclusive leadership.

The ACMA promoted diversity by supporting staff secondment to a First Nations organisation and through celebrating National Reconciliation Week (27 May to 3 June).

## Disability reporting

Australia's *Disability Strategy 2021–2031* (the Strategy) is the overarching framework for inclusive policies, programs and infrastructure that will support people with disability to participate in all areas of Australian life. The Strategy sets out where practical changes will be made to improve the lives of people with disability in Australia. It acts to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia's policies and programs that affect people with disability, their families and carers. All levels of government have committed to deliver more comprehensive and visible reporting under the Strategy. A range of reports on progress of the Strategy's actions and outcome areas is available at [disabilitygateway.gov.au/ads](https://disabilitygateway.gov.au/ads).

Disability reporting is included the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available at [apsc.gov.au](https://apsc.gov.au).

## Ethical standards

During the reporting period, we continued to promote the importance of ethical standards through our Accountable Authority Instructions (AAs), People Management Instructions (PMIs) and training programs.

Each year, employees are required to undertake refresher training on important ethical responsibilities. In 2021–22, this training focused on security, health safety and wellbeing, records management, bullying and harassment, and privacy awareness. Trained Harassment Contact Officers were available across the ACMA to provide advice to employees who may be dealing with workplace bullying or harassment. Additionally, the ACMA WHS induction module was reviewed and updated, and a health and safety training needs analysis was completed.

All new employees are required to undertake online training on the APS Values and principles as part of their induction. Adherence to the ACMA and APS Values and APS Code of Conduct is a mandatory expectation and included in all performance agreements.

## Health and safety

We are committed to safeguarding the health and safety of our staff, visitors and the public by:

- > preventing accidents and ill-health caused by working conditions
- > protecting staff from any health hazard that may arise out of their work or the conditions in which it is carried out
- > consulting with employees and other duty-holders (for example, the employers of contractors)
- > placing and maintaining staff in an occupational environment designed to satisfy their health, safety and wellbeing needs.

We continued to undertake specific actions throughout the COVID-19 pandemic to ensure the health and safety of our staff was maintained. These actions included:

- > monitoring and communicating advice from government sources to staff
- > incorporating health and safety controls and treatments into the ACMA's COVID-19 and work health and safety risk registers
- > providing risk assessments and well-being checks for isolated or vulnerable workers
- > developing transition plans and principles to guide teams transitioning between working from home and the office
- > providing guidance to staff on working safely from home
- > monitoring and reporting on positive COVID-19 cases among staff to better understand the ACMA's COVID-19 risk profile
- > enhancing communications on personal support, such as helpline services and wellbeing resources.

Health and safety information is provided to all new staff through our induction program and staff are required to complete work health and safety (WHS) online training on a regular basis. We also provide:

- > wellness activities and information
- > a flu-vaccination program with both on-site vaccinations and reimbursements available
- > assistance with costs associated with eye-testing and buying glasses for screen-based use
- > access to the Employee Assistance Program.

During the reporting period, we undertook the following WHS compliance activities:

- > completed a corrective action plan in collaboration with Comcare to improve the ACMA's work health and safety management system
- > conducted workplace hazard inspections and first aid risk assessments of ACMA offices
- > refreshed our WHS support contacts to ensure adequate coverage across health and safety representatives, first aid officers, harassment contact officers and work health and safety champions.

No notifiable incidents were reported to Comcare, no work health and safety investigations were conducted, and no notices were given to the ACMA under Part 10 of the Work Health and Safety Act.

## **Capability development**

In 2022, the *Organisational Development Strategy 2022–24* was launched. The strategy is based on a phased approach, starting with building a strong foundation before maturing the HR function to deliver fully strategic initiatives. As part of the strategy, the Organisational Capability Framework was also developed and launched, setting the capability priority areas for the ACMA for the forward year.

The ACMA's net expenditure in 2021–22 for employee learning and development was \$717,495.25 (excluding GST). This figure encompassed both eSafety and ACMA employees and included staff attendance at general training, conferences and seminars, and study assistance. Staff attended a range of learning and development activities, from public service writing courses to industry-related conferences.

During the year, 4 employees were supported under our studies assistance program to undertake tertiary qualifications in specialised fields such as law, business, social work and information technology.

## **Workplace agreements**

The *ACMA Enterprise Agreement 2020–23* sets out the terms and conditions of employment for non-SES employees. In specific circumstances, terms and conditions are supplemented under an individual flexibility agreement. There are no provisions for performance pay in place under the ACMA's current enterprise agreement. More details on individual flexible arrangements are found in Appendix 2 of this report.

We provide employees with a range of non-monetary benefits including salary packaging, purchased leave, airline club membership for frequent travellers, loss or damage to clothing or personal effects and some costs associated with vacation childcare. We also provides a range of benefits to support professional development and health and wellbeing. These include hybrid working arrangements and reimbursement of relevant professional association membership fees, studies assistance and annual flu immunisation costs.

Terms and conditions for the ACMA's SES employees are contained in determinations made under subsection 24(1) of the Public Service Act. There are currently 19 SES employees within the ACMA, 5 of whom are assigned to the eSafety Commissioner. Salary ranges for SES employees are in Appendix 2 of this report.

Non-salary benefits for SES employees may include a mobile phone, airline club membership, reimbursement of professional fees and the allocation of a parking space.

## **Consultation and workplace relations**

Staff consultative forums are established under the ACMA Enterprise Agreement.

The National Work Health and Safety (WHS) Committee provides a consultative forum to consider WHS issues that concern the ACMA at an organisational level.

The National Consultative Forum (NCF) deals primarily with the key strategic and change issues that affect ACMA staff. Convened by the ACMA Chair, the NCF comprises management, union and employee representatives. The NCF met on 3 occasions during the reporting period. Minutes of each meeting were made available to staff via the intranet.

We participate in the Australian Public Service Commission's Employee Census, which enables us to collect employee feedback to help develop strategies to address specific workforce issues. We had a participation rate of 90% for the 2021 APS census.



## Financial management

The ACMA's financial management activities ensure that we appropriately resource our key activities. During 2021–22, we improved access to, and provision of, quality financial information for internal and external stakeholders. We also met all statutory budgeting and reporting requirements, and deadlines as set by the Department of Finance and the Treasury.

In accordance with paragraph 17AG(2)(d) of the PGPA Rule, no issues of non-compliance with finance law were reported to the portfolio minister or the Minister for Finance during the reporting period.

Key achievements during the year included:

- > implementing the Regional Broadband Scheme, including charging and invoicing
- > refining alignment between financial budgeting and reporting with the agency's performance planning and reporting framework
- > further improving accessibility to the financial management information system while laying the foundations for future procurement process automation and improvement.

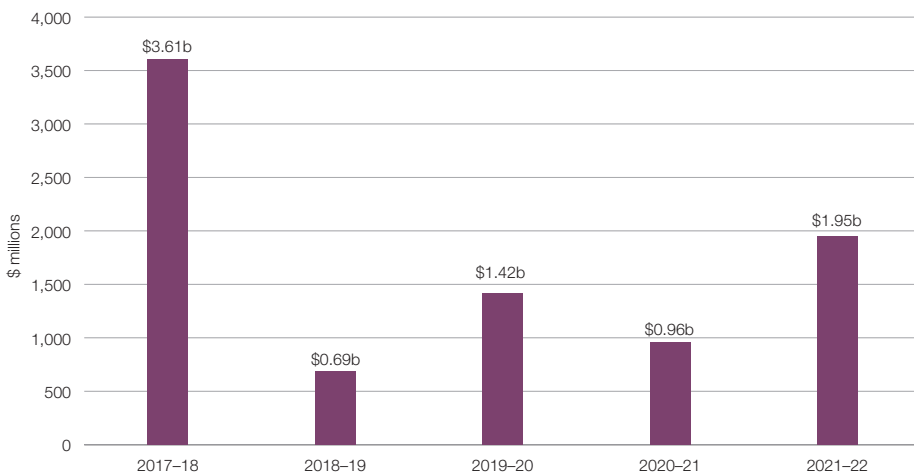
The ACMA's financial statements for 2021–22 were prepared in accordance with section 42 of the PGPA Act. The Australian National Audit Office was given full access to all records and premises to enable it to perform its role and issued an unmodified audit opinion on the ACMA's 2021–22 financial statements and notes (see Appendix 15 of this report).

### Income collected on behalf of government

The ACMA collects income on behalf of the Australian Government through broadcasting, radiocommunications and telecommunications taxes, levies, fees and charges. We also administer nonregular income from spectrum auctions. All administered income collected by the ACMA, including through cost recovery, is returned to the government's Consolidated Revenue Fund.

In 2021–22, we administered \$1,945.5 million in income (2020–21: \$957.8 million) (see Figure 1.4). The current year income includes \$720.1 million for the recognition of RBS charges, and \$652.5 million in auction proceeds from 26 GHz spectrum licences.

**Figure 1.4: Administered income**



## Resource taxes and charges

The use of Australian resources by industry attracts various taxes and charges.

The administration of taxes, levies, fees and charges plays a key role in the planning, allocation and effective use of public resources. Table 1.9 lists these revenue items administered on behalf of government.

**Table 1.9: Resource taxes and charges**

Description	Revenue in 2021–22 (\$m)	Revenue in 2020–21 (\$m)
Regional Broadband Scheme charge	720.1	324.8
Telecommunication Industry Levy	227.4	244.1
Apparatus licence tax	177.8	258.1
Commercial broadcasting tax	46.5	13.5
Annual numbering charge	60.0	60.0
Other taxes and charges	16.6	18.8
<b>Total taxes</b>	<b>1,248.4</b>	<b>919.3</b>

### **Regional Broadband Scheme**

The Regional Broadband Scheme (RBS) was established to provide long-term sustainable funding arrangements to deliver essential broadband services to regional, rural and remote Australians. Under the RBS, for the 2021–22 reporting period, a carrier or declared nominated carrier is required to pay \$7.45 per month for each eligible premise on their telecommunication network with an active fixed line that provides a designated broadband service. Carriers with fewer than 2,000 premises in a month are exempt from paying the charge for that month.

Since the start of the program on 1 January 2021, carriers and nominated declared carriers that own, or are responsible for, local access lines capable of providing NBN-comparable designated broadband services are required to track the number of premises connected to each local access line. The information relating to a preceding financial year is reported to the ACMA by 31 October in the following year to allow us to make a written assessment setting out the RBS charge for each carrier.

In 2021–22, the ACMA recognised the revenue related to the RBS charge to NBN Co based on an estimate of their eligible premises from 1 July 2021 to 30 June 2022. The RBS charge for other carriers recognised in 2021–22 is based on their actual assessed connections for the 2020–21 reporting period.

### **Telecommunications Industry Levy**

Industry contributions to the Telecommunications Industry Levy (TIL) are assessed through the process set out in Division 6 of Part 2 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. A combination of funds raised under the TIL and dedicated government funding continues to be used to meet the costs of service contracts to deliver universal service obligations, the National Relay Service, emergency call services and other public policy telecommunications outcomes. The contracts and grants are administered by the portfolio department.

The Secretary of the Department establishes the overall levy target each year. Participating persons contribute proportionally to the levy based on the ACMA's assessment of their eligible revenue.

### ***Apparatus licence taxes***

The ACMA imposes a tax on behalf of the government for the issue of radiocommunications apparatus licences to support the efficient use of spectrum and recover the indirect costs of spectrum management. The tax is calculated by a formula that makes fees consistent, equitable and transparent. The formula encourages efficiency by making taxes higher in congested locations and spectrum bands, so taxes are proportional to the bandwidth and give discounts for low power.

Through 2021–22, we made changes to apparatus licence taxes in response to the implementation of the Spectrum Pricing Review and introduced a new tax for early access apparatus licences in the 850/900 MHz band. Information about these amendments can be found in the Annual Performance Statement. While we have concluded our work on the implementation of the Spectrum Pricing Review, we expect to undertake further reforms of apparatus licence taxes in 2022–23. Details of the apparatus licence taxes and charging arrangements are in the *Apparatus licence fee schedule, February 2022*, available on the ACMA website.

As part of the implementation of the Spectrum Pricing Review, we reduced apparatus licence taxes by 50–90% for some services above 5 GHz, contributing to the reduction in apparatus licence taxes collected in 2021–22.

### ***Commercial broadcasting tax***

The commercial broadcasting transmitter licence tax arrangements involve taxes being assessed on commercial radio and commercial television transmitter licences that are associated with a broadcast service licence. The amount of tax assessed for each transmitter licence is based on the frequency band, location and power emissions of the transmitter.

Due to the COVID-19 pandemic, the then minister made the Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2020, which applied for a 12-month period and ended on 13 February 2021. This entitled commercial broadcasters to a rebate for the majority of commercial broadcasting transmitter licence taxes imposed. This no longer applied in the 2021–22 financial year, resulting in the increase in commercial broadcasting transmitter licence tax collected by the ACMA in 2021–22.

### ***Annual numbering charges***

On behalf of the government, the ACMA collects an annual numbering charge (ANC), set at \$60 million per annum, from CSPs that hold telephone numbers. CSPs are liable for the charges based on the numbers they hold on a specified census date, which in 2021–22 was 3 April 2022.

In 2021–22, the base number charge for a 10-digit number was \$0.6110197721. Using the opportunity-cost methodology applied in previous years, 9-digit numbers were charged at \$6.110197721, 8-digit numbers at \$61.10197721 and so on. No numbers incurred the maximum cost of \$100,000 allowable under the *Telecommunications (Numbering Charges) Act 1997*. Numbers used for incoming-only international services, internal network services and testing services were subject to a reduced rate of charge. Geographic numbers (numbers starting with area codes such as 02, 03, 07 and 08) allocated to a CSP to provide a standard telephone service to a customer are exempt from the charge.

### ***Other taxes and charges***

Other taxes and charges mainly consist of spectrum licence taxes of \$3.1 million, the instalments of the spectrum access charges for the conversion of apparatus licences to spectrum licences (\$5.7 million), and the renewal of spectrum licences (\$6.6 million).

## Cost recovery charges

In accordance with the Australian Government's Charging Framework, we recover the costs of regulating the telecommunications industry. Revenue raised by the ACMA from cost recovery is shown in Table 1.10.

**Table 1.10: Cost recovery charges**

Description	Revenue in 2021–22 (\$m)	Revenue in 2020–21 (\$m)
Annual Carrier Licence Charge	30.7	30.5
Other cost recovery	6.3	4.6
<b>Total charges</b>	<b>37.0</b>	<b>35.1</b>

The Annual Carrier Licence Charge (ACLC) is imposed under the *Telecommunications (Carrier Licence Charges) Act 1997* on participating carriers. It recovers the cost incurred by the ACMA, the ACCC, and the department for regulating entities within the telecommunications industry. Costs arising from activities on national telecommunications interest issues, such as coordinating engagement with the International Telecommunication Union, telecommunications industry body or association developing industry codes under Part 6 of the Telco Act and financial assistance grants to support consumer representation in the telecommunication sector, are also cost-recovered through the ACLC. The total charge is allocated using the same eligible revenue assessments utilised for the TIL.

## Other administered revenue

The revenue identified in Table 1.11 mainly consists of fees and fines that primarily relate to infringement notices issued following our investigations. Our investigation and enforcement activities are discussed in the Annual Performance Statement.

**Table 1.11: Other administered revenue**

Description	Revenue in 2021–22 (\$m)	Revenue in 2020–21 (\$m)
Fines and penalties	6.1	2.9
<b>Total charges</b>	<b>6.1</b>	<b>2.9</b>

## Administered gains

The proceeds from the sale of 26 GHz spectrum access licences was recognised as a gain under AASB 138 *Intangible Assets*, and subsequently as a finance lease under AASB 16 *Leases*.

**Table 1.12: Administered gains**

Description	Gain in 2021–22 (\$m)	Gain in 2020–21 (\$m)
Resources received free of charge (spectrum licences)	652.5	0.0
Reversal of write-downs and impairment	0.0	0.5
<b>Total charges</b>	<b>652.5</b>	<b>0.5</b>

## Procurement and contract management

Our approach to procurement activity is driven by the core principles of the Commonwealth's financial management framework. The framework encourages competition, value for money, transparency and accountability, as well as the efficient, effective, ethical and economical use of Commonwealth resources.

The policy for procuring goods and services is in accordance with the Commonwealth Procurement Rules (CPRs) and based on the core principle of achieving value for money. We continue to update our resource materials to accommodate legislative changes in Commonwealth procurement policy. Our procurement and contract management capability continues to be enhanced with the introduction of tailored training packages that contribute to the ACMA complying with the requirements of the CPRs for all procurements.

During 2021–22, the ACMA and eSafety incurred a total consultancy contract expenditure of \$3,809,500 and a total non-consultancy expenditure of \$33,474,051. Organisations that received the 5 largest shares or organisations that received more than 5% of the total expenditure for each category of contract for the ACMA and eSafety are shown in tables 1.16 and 1.19.

Annual reports contain information about actual expenditure on reportable consultancy and non-consultancy contracts. Information on the value of reportable consultancy and non-consultancy contracts is available on the AusTender website.

### Consultants

The ACMA and eSafety engage consultants to provide specialised services when the capability or capacity to perform these in-house is not available, or where there is a requirement for independent advice and where it involves the development of an intellectual output to assist with decision making. The majority of consultants were engaged following an open approach to market and use of panel arrangements. The main categories for consultancies in 2021–22 were legal advice and research.

During 2021–22, 60 new reportable consultancy contracts were entered into for the ACMA and eSafety, involving total actual expenditure of \$2,390,157 (Table 1.13). In addition, 41 ongoing reportable consultancy contracts were active during the period for the ACMA and eSafety, involving total actual expenditure of \$1,434,342 (Table 1.14).

**Table 1.13: Number and expenditure on new consultancy contracts, 2021–22**

	Number	Expenditure \$ (GST inc.)
ACMA	37	1,087,578
eSafety	23	1,302,579
<b>Total</b>	<b>60</b>	<b>2,390,157</b>

*This table includes both administered and departmental expenditure on consultancies.*

**Table 1.14: Number and expenditure on ongoing consultancy contracts, 2021–22**

	Number	Expenditure \$ (GST inc.)
ACMA	31	982,391
eSafety	10	451,951
<b>Total</b>	<b>41</b>	<b>1,434,342</b>

*This table includes both administered and departmental expenditure on consultancies.*

**Table 1.15: Total expenditure on consultancy contracts, 2019–20 to 2021–22**

Year	New consultancies \$ (GST inc.)	Continued consultancies \$ (GST inc.)
2019–20	1,734,334	1,835,249
2020–21	1,277,654	1,905,984
2021–22	2,390,157	1,434,342

**Table 1.16: Organisations receiving a share of reportable consultancy contract expenditure, 2021–22**

Name of organisation*	Expenditure \$ (GST inc.)
MXA Consulting Services Pty Ltd (ABN 34 613 307 618)	462,110
Australian Government Solicitor (ACT) (ABN 69 405 937 639)	210,844
The Social Research Centre Pty Ltd (ABN 91 096 153 212)	168,169
Engine Asia Pacific (ABN 39 126 100 276)	160,247
Ionize (ABN 62 132 569 941)	125,343

\*Contracts have been grouped and total accumulated expenditure has been reported on per supplier. This table includes both administered and departmental expenditure on contractors.

### Non-consultants

The ACMA and eSafety procure goods and services to deliver agency outcomes.

During 2021–22, 176 new reportable non-consultant contracts were entered into for the ACMA and eSafety involving total actual expenditure of \$10,001,878. In addition, 196 ongoing reportable non-consultant contracts were active during the period for the ACMA and eSafety, involving total actual expenditure of \$33,840,251.

**Table 1.17: Number and expenditure on new non-consultancy contracts, 2021–22**

	Number	Expenditure \$ (GST inc.)
ACMA	94	3,378,447
eSafety	82	6,623,431
<b>Total</b>	<b>176</b>	<b>10,001,878</b>

This table includes both administered and departmental expenditure on contractors.

**Table 1.18: Number and expenditure on ongoing non-consultancy contracts, 2021–22**

	Number	Expenditure \$ (GST inc.)
ACMA	122	20,785,945
eSafety	74	13,054,306
<b>Total</b>	<b>196</b>	<b>33,840,251</b>

This table includes both administered and departmental expenditure.

**Table 1.19: Organisations receiving a share of reportable non-consultancy contract expenditure, 2021–22**

<b>Name of organisation*</b>	<b>Expenditure \$ (GST inc.)</b>
Evolve FM Pty Ltd Facilities Trust Payment (ABN 52 805 472 580)	8,563,996
Talent International (ACT) Pty Ltd (ABN 95 121 819 305)	5,358,111
Hays Personnel Services (Australia) Pty Ltd (ABN 47 001 407 281)	2,472,947
IVE Group Australia Pty Ltd (ABN 29 090 618 278)	2,351,993
LS Telecom (ABN 31 634 294 732)	1,843,545

*\*Contracts have been grouped and total accumulated expenditure has been reported on per supplier. This table includes both administered and departmental expenditure on contractors.*

### **Contractors**

The ACMA and eSafety engage contractors to perform day-to-day duties under their direction and supervision. The policy for selecting and engaging contractors, including the use of standing panel arrangements, is in accordance with the CPRs and based on the core principle of achieving value for money.

**Table 1.20: Total expenditure on contractors, 2019–20 to 2021–22**

<b>Year</b>	<b>ACMA \$ (GST inc.)</b>	<b>eSafety \$ (GST inc.)</b>	<b>Total</b>
2019–20	\$5,031,149	\$8,543,431	\$13,574,580
2020–21	\$5,209,741	\$10,432,167	\$15,641,908
2021–22	\$6,682,225	\$15,658,681	\$22,340,906

*This table includes both administered and departmental expenditure on contractors. Contractor expenditure reported in this table is included in total non-consultancy expenditure in the above section.*

### **Procurement initiatives to support small business**

The ACMA supports small business participation in the Commonwealth Government procurement market, consistent with the CPRs. Small and medium enterprises (SMEs), and Indigenous participation statistics are available on the Department of Finance's website.

We are Pan-European Public Procurement On-Line (PEPPOL) enabled and support and adhere to the Payment Times Procurement Connected Policy by ensuring all business types are paid on time within 5 business days for PEPPOL compliant e-invoices and within 20 calendar days or fewer for all other invoices.

Our procurement practices support SMEs, consistent with paragraphs 5.5 to 5.8 of the CPRs by adopting initiatives and practices including:

- > using the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000
- > considering the Australian Industry Participation Plans in whole-of-government procurement, where applicable
- > adopting Small Business Engagement Principles (outlined in the government's Industry Innovation and Competitiveness Agenda), such as communicating in clear, simple language and presenting information in an accessible format
- > using electronic systems or other processes to facilitate on-time payment performance, including the use of payment cards.

### **Competitive tendering**

No contracts have been let for the delivery of government activities previously performed by a Commonwealth agency.

### **Access by Auditor-General**

No contracts have been let that prevent access by the Auditor-General.

### **Exemptions from reporting of Commonwealth contracts**

No exemptions have been sought or granted for the non-reporting of Commonwealth contracts on AusTender.

### **Grant programs**

Information on grants awarded by the ACMA under the Regional and Small Publishers Innovation Fund during 2021–22 is available at [grants.gov.au](https://grants.gov.au) and in Appendix 7 of this report. This grants program ceased during 2021–22.

### **Asset management**

Our asset management procedures and policies reflect relevant legislation and best practice. Major asset categories include land, buildings, leasehold improvements, plant, equipment and intangibles such as software that is either developed in-house or bought from third-party vendors. Assets are valued at fair value, with their carrying values and useful lives reviewed annually. Under recent revisions to the accounting standard on leases, AASB 16 *Leases*, the ACMA also recognises a right-of-use asset for its major office leases.

At the end of 2021–22, the ACMA had a total value of \$88.8 million in net non-financial assets (excluding pre-payments).



## Property management

We have continued to undertake a range of activities to ensure continued best practices for a COVID-safe work environment in our tenancies. This includes supporting remote working, increased cleaning and hygiene services, and improved guidance and signage on physical distancing. We are continuing to review our office accommodation in accordance with the Commonwealth Property Management Framework and recommendations from the ACMA Strategic Accommodation Plan, including:

- > ensuring office accommodation and layout supports the workforce during and after the COVID-19 pandemic
- > reducing our accommodation footprint, consistent with the government occupational density target, through the negotiation of new commercial lease terms and conditions
- > pursuing co-location opportunities associated with a whole-of-government approach to strategic decision making
- > developing efficient and effective space utilisation solutions to accommodate new flexible working arrangements.

## Ecologically sustainable development and environmental performance

Integrating energy-efficiency practices allows us to reduce our energy costs and decrease the overall consumption of resources.

In 2021–22, we continued to mitigate the effects of our impact on the environment through:

- > electronic document management systems and web-based information-sharing tools that reduce or eliminate the need to print and retain paper copies
- > videoconferencing to reduce the need for local and interstate travel
- > identifying and implementing ways to improve the energy efficiency of our facilities
- > ensuring that new leases entered into comply with the Australian Government's energy policy
- > procuring energy-efficiency equipment and lighting solutions, including smart lighting systems that activate only when work areas are occupied
- > recycling facilities in all work areas
- > using 100% recycled copy paper
- > producing environmentally sustainable communications products, including using alternatives to paper products and forms whenever possible.

## Environmental impact of our operations

The Energy Efficiency in Government Operations (EEGO) Policy contains minimum energy performance standards for Australian Government office buildings as a strategy for achieving energy targets. This ensures that entities progressively improve their performance through the procurement and ongoing management of energy efficient office buildings and environmentally sound equipment and appliances.

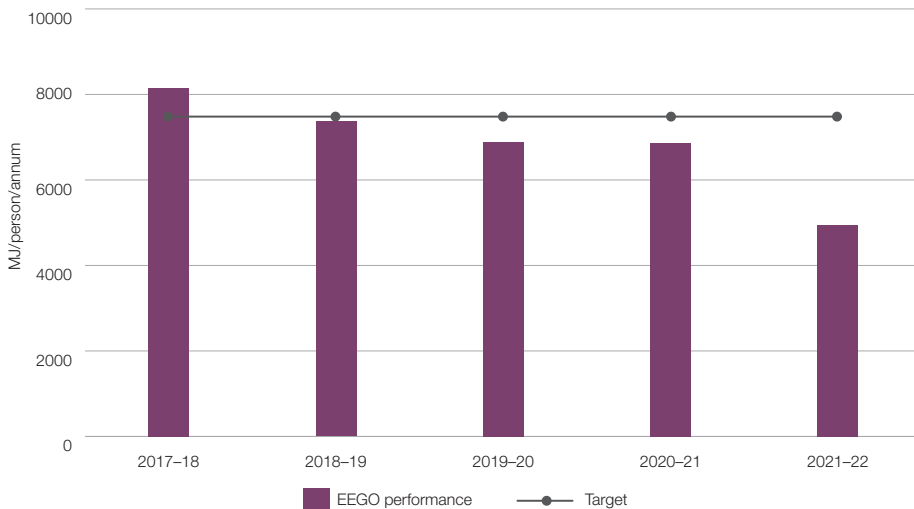
As part of our strategic accommodation planning, we undertake to meet the requirements of the Green Lease Schedule. This provides that for tenancies greater than 2,000 m<sup>2</sup> and with a lease term greater than 2 years, the accommodation will meet:

- > the 'A' grade standard of the Building Owners and Managers Association International guidelines
- > a minimum National Australian Built Environment Rating System rating of 4.5 stars.

## Energy consumption

The ACMA is required to meet the target of no more than 7,500 megajoules (MJ) per person, per annum for office tenant light and power under the EEGO Policy. In 2021–22, we continued to meet this target, using 4,941 MJ per person, per annum, a reduction of 28% from the previous year.

Figure 1.5: ACMA electricity consumption



## Vehicle fleet management

In 2021–22, we operated 15 vehicles, which travelled a total of 155,611 kilometres, resulting in an energy consumption of approximately 4.01MJ/km. As the fleet vehicles are replaced at lease-end with newer and more economical vehicles, average fuel consumption is expected to improve over time.

## Waste management

We are committed to protecting the environment through the implementation of efficient and effective waste management programs, including segregated waste streams to improve the management of general waste, comingled recycling and cardboard and paper recycling. Our aim is to increase the amount of recycled waste as a proportion of total waste. The increasing uptake of digital record-keeping has seen a reduction in office paper consumption and the amount of paper waste being sent for recycling.

Additional material recycling efforts include recycling printer and toner cartridges, batteries, and mobile phones to ensure these items are diverted from landfill and used in sustainable programs. We also have a partnership that provides secure IT asset disposal and e-waste management services. Our partner is an accredited e-waste recycler (AS/NZS 5377) that holds relevant ISO certifications in safety (OHSAS 18001, AS/NZS 4801), information security (ISO 27001), quality (ISO 9001) and environmental management (ISO 14001).

## Security

All statutory reporting requirements were met in 2021–22, including mandatory participation in the Protective Security Policy Framework compliance reporting conducted by the Attorney-General's Department.

## Corporate support services provided by the ACMA to eSafety

To assist eSafety, the ACMA provides accommodation, physical security, and facilities. The ACMA also provides support to eSafety with the following shared services:

- > finance and accounting
- > procurement and contract management
- > human resource management
- > some corporate ICT services.

## Legal

### Freedom of information

The ACMA is subject to the *Freedom of Information Act 1982* (FOI Act), which requires agencies to publish information as part of the Information Publication Scheme (IPS), under Part II of the FOI Act. Information on the ACMA's IPS, including our agency plan, can be found on the ACMA website at [acma.gov.au](http://acma.gov.au).

The agency plan provides a description of, and links to, the categories of information that we are required to publish, as well as information on other material that we voluntarily publish. Further information can be obtained using the contact details provided in the agency plan.

FOI details relating to the eSafety Commissioner can be found on page 207 in Part 2: *eSafety Commissioner annual report 2021–22*.

### Sunsetting

During 2021–22, we continued the work that flows from the 'sunsetting' regime in the *Legislation Act 2003*. Under the sunset provisions of the Legislation Act, most of the legislative instruments made by Commonwealth agencies such as the ACMA 'sunset' (are automatically repealed) 10 years after they are first registered as law.

In the reporting period, 10 instruments were due to sunset. Of those, we revoked and replaced 9 instruments before the instrument's sunset date, and 1 instrument was automatically repealed.

### Directions and instruments

Section 57 of the ACMA Act requires copies of certain directions and instruments to be included in the ACMA's annual report, including directions given to us by the minister under section 14 of the ACMA Act, and instruments (directions) given by us to a carrier or carriage service provider under section 581 of the Telecommunications Act during the financial year.

Additionally, section 67 of the ACMA Act requires us to maintain a register of all directions given to us under that Act or any other Act. The register is published on the ACMA website.

Between 1 July 2021 and 30 June 2022, the minister did not give the ACMA any directions under section 14 of the ACMA Act.

The ACMA did not give any directions during the financial year under section 581 of the Telecommunications Act.

## Corrections to the 2020–21 annual report

Reference in 2020–21 report	Issue	Correction
Page 60	The ACMA reported 386 complainants came to the ACMA after they had complained to a broadcaster and were not satisfied with the response they received.	The figure reported should have been 200.

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## Appendix 1: Committees, memberships and attendance at meetings

### Authority meetings

During 2021–22, the Authority met 49 times.

**Table 1.21: Attendance by members at Authority meetings, 2021–22**

Authority member	No. of meetings attended
Nerida O’Loughlin, Chair	45
Creina Chapman, Deputy Chair and CEO	49
Chris Jose	45
Fiona Cameron	42
James Cameron	46
Anita Jacoby (Associate Member)	19
Delia Rickard (Associate Member)	6
Anna Brakey (Associate Member)	9

*For more details about the Authority, refer to page 14.*

### Executive Management Committee meetings

During 2021–22, the EMC met 16 times.

**Table 1.22: Attendance at Executive Management Committee meetings, 2021–22**

Member of Executive Management Committee	No. of meetings attended
Nerida O’Loughlin, Chair	14
Creina Chapman, Deputy Chair and CEO	16
Brendan Byrne, General Manager, Legal Services Division	16
Linda Caruso, General Manager, Communications Infrastructure Division	15
Helen Owens, General Manager, Corporate and Research Division	15
Cathy Rainsford, General Manager, Content and Consumer Division	14

### Audit and Risk Committee

In its capacity as an advisory committee to the ACMA Chair, the Audit and Risk Committee met 5 times in 2021–22.

The Audit Committee charter is available on the ACMA website at [acma.gov.au/compulsory-reporting#audit-risk-and-committee-charter](https://acma.gov.au/compulsory-reporting#audit-risk-and-committee-charter).

**Table 1.23: Audit and Risk Committee**

<b>Member name</b>	<b>Qualifications, knowledge, skills or experience (include formal and informal as relevant)</b>	<b>Number of meetings attended / total number of meetings</b>	<b>Total annual remuneration \$ (GST inc.)</b>
Ian McPhee AO PSM	Public sector and industry experience including as a company director, audit committee chair/member, chair of various governance reviews, and Auditor-General for Australia 2005–15.  B. Bus (Accountancy), BA (Computing Studies), FCPA, FCA, FIPAA, GAICD	5 / 5	22,000
Jeremy Chandler	Senior executive roles within Commonwealth Government, former Chief Operating Officer and Chief Financial Officer, Gateway Review team leader for major Commonwealth programs and projects, experience in change management, organisational capability, leadership and executive coaching.  FCPA, FIML, qualified Executive Coach	2 / 2	5,967
Karen Toole	Public sector and industry experience including former Chief Financial Officer in the Commonwealth Government, audit committee member, treasurer of a not-for-profit board, experience in audit, systems of control, finance and risk management, program management, stakeholder management, strategic planning and ICT management.  B. Commerce, BSc, FCA	5 / 5	12,650
Mark Ridley	Experience as an independent member and chair of audit and risk committees for several large-sized and medium-sized Commonwealth agencies since 2011 and has also assisted some entities in the oversight of ICT projects. Formerly a senior partner of PricewaterhouseCoopers with leadership roles in risk advice, internal audit, and ICT project assurance for large financial services companies, other industries and state and federal governments.  B. Commerce and Accounting, GAICD, FCA	3 / 3	11,550

## **ACMA advisory and consultative bodies**

### **Consumer Consultative Forum (CCF)**

#### ***Chair***

- > Fiona Cameron, Authority Member, ACMA

#### ***Consumer representatives***

- > Standing member: Australian Communications Consumer Action Network

The following consumer representatives were appointed for a 3-year term in September 2021:

- > Consumer Policy Research Centre
- > NSW Business Chamber (Business NSW)
- > South Australian Council of Social Services
- > WEstjustice
- > Consumer Action Law Centre
- > Isolated Children's Parents' Association of Australia

#### ***Representatives from industry bodies***

- > Australian Mobile Telecommunications Association
- > Communications Alliance

#### ***Regulatory, government and ombudsman representatives***

- > Australian Competition and Consumer Commission
- > Telecommunications Industry Ombudsman
- > Department of Infrastructure, Transport, Regional Development and Communications

### **Numbering Advisory Committee (NAC)**

#### ***Chair***

- > Chris Jose, Authority Member, ACMA

#### ***Consumer representatives***

- > Australian Communications Consumer Action Network

#### ***Representatives from industry bodies***

- > Commpete Incorporated
- > Communications Alliance Ltd
- > Macquarie Telecom Group Ltd
- > SingTel Optus Pty Ltd
- > Symbio Holdings Ltd (formerly MyNetFone Limited)
- > Telstra Corporation Ltd
- > TPG Telecom
- > Verizon Pty Ltd
- > Vocus Group Limited

#### ***Regulatory, government and ombudsman representatives***

- > Australian Competition and Consumer Commission
- > Department of Infrastructure, Transport, Regional Development and Communications
- > Telecommunications Industry Ombudsman Limited

#### ***Observers***

- > Paradigm One Pty Ltd
- > ZOAK Pty Ltd

## Appendix 2: Staffing information

This appendix contains staffing details for the ACMA and eSafety on a headcount basis. Other than the Commissioner, all employees working for eSafety remain employed by the ACMA under the *Public Service Act 1999*.

**Table 1.24: All ongoing employees – current report period (2021–22)**

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	54	2	56	72	19	91	-	-	-	147
QLD	3	-	3	2	-	2	-	-	-	5
SA	-	-	-	-	-	-	-	-	-	0
TAS	1	-	1	-	-	-	-	-	-	1
VIC	71	1	71	60	24	84	-	1	1	157
WA	-	-	-	-	-	-	-	-	-	0
ACT	72	3	75	63	15	78	-	-	-	153
NT	-	-	-	-	-	-	-	-	-	0
Overseas	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>201</b>	<b>6</b>	<b>207</b>	<b>197</b>	<b>58</b>	<b>255</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>463</b>

**Table 1.25: All ongoing employees – previous report period (2020–21)**

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	40	3	43	69	17	81	-	-	-	125
QLD	3	-	3	2	1	3	-	-	-	8
SA	-	-	-	-	-	-	-	-	-	0
TAS	1	-	1	-	-	-	-	-	-	1
VIC	75	1	76	56	22	84	-	-	-	164
WA	-	-	-	-	-	-	-	-	-	0
ACT	70	3	73	57	13	69	-	-	-	137
NT	-	-	-	-	-	-	-	-	-	0
Overseas	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>189</b>	<b>7</b>	<b>196</b>	<b>184</b>	<b>53</b>	<b>237</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>435</b>



Table 1.26: All non-ongoing employees – current report period (2021–22)

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	2	-	2	4	1	5	-	-	-	7
QLD	-	-	-	-	-	-	-	-	-	0
SA	-	-	-	-	-	-	-	-	-	0
TAS	-	-	-	-	-	-	-	-	-	0
VIC	4	-	4	7	2	9	-	-	-	13
WA	-	-	-	-	-	-	-	-	-	0
ACT	1	-	1	4	1	5	-	-	-	6
NT	-	-	-	-	-	-	-	-	-	0
Overseas	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>18</b>	<b>4</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>

Table 1.27: All non-ongoing employees – previous report period (2020–21)

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	3	-	3	1	-	1	-	-	-	4
QLD	-	-	-	-	-	-	-	-	-	0
SA	-	-	-	-	-	-	-	-	-	0
TAS	-	-	-	-	-	-	-	-	-	0
VIC	2	-	2	2	-	2	-	-	-	4
WA	-	-	-	-	-	-	-	-	-	0
ACT	-	-	-	4	1	5	-	-	-	5
NT	-	-	-	-	-	-	-	-	-	0
Overseas	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>

## Australian Public Service (APS) classification and gender

Table 1.28: Public Service Act ongoing employees – current report period (2021–22)

Classification	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-	-	-	0
SES 2	1	-	1	4	-	4	-	-	-	5
SES 1	8	-	8	6	-	6	-	-	-	14
EL 2	35	-	35	31	4	35	-	-	-	70
EL 1	74	4	78	79	31	110	-	1	1	189
APS 6	55	2	57	53	15	68	-	-	-	125
APS 5	15	-	15	11	5	16	-	-	-	31
APS 4	8	-	8	10	2	12	-	-	-	20
APS 3	-	-	-	-	1	1	-	-	-	1
APS 2	-	-	-	-	-	-	-	-	-	0
APS 1	-	-	-	-	-	-	-	-	-	0
Other*	5	-	5	3	-	3	-	-	-	8
<b>Total</b>	<b>201</b>	<b>6</b>	<b>207</b>	<b>197</b>	<b>58</b>	<b>255</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>463</b>

\* In this table, the only staff included in the 'Other' category are ACMA graduates. Base classification.

Table 1.29: Public Service Act ongoing employees – previous report period (2020–21)

Classification	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-	-	-	0
SES 2	1	-	1	4	-	4	-	-	-	5
SES 1	8	-	8	4	-	4	-	-	-	12
EL 2	33	-	33	31	3	34	-	-	-	67
EL 1	70	5	75	71	28	99	-	-	-	174
APS 6	44	2	46	47	19	66	1	-	1	113
APS 5	18	-	18	11	2	13	-	-	-	31
APS 4	10	-	10	12	1	13	-	-	-	23
APS 3	1	-	1	1	1	2	-	-	-	3
APS 2	-	-	-	-	-	-	-	-	-	0
APS 1	-	-	-	-	-	-	-	-	-	0
Other*	4	-	4	3	-	3	-	-	-	7
<b>Total</b>	<b>189</b>	<b>7</b>	<b>196</b>	<b>184</b>	<b>54</b>	<b>238</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>435</b>

\* In this table, the only staff included in the 'Other' category are ACMA graduates. Base classification.

**Table 1.30: Public Service Act non-ongoing employees – current report period (2021–22)**

Classification	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-
SES 1	-	-	-	-	-	-	-	-	-	-
EL 2	-	-	-	1	-	1	-	-	-	1
EL 1	3	-	3	6	2	8	-	-	-	11
APS 6	-	-	-	7	1	8	-	-	-	8
APS 5	4	-	4	-	1	1	-	-	-	5
APS 4	-	-	-	1	-	1	-	-	-	1
APS 3	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-
Other*	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>15</b>	<b>4</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>

\* Base classification.

**Table 1.31: Public Service Act non-ongoing employees – previous report period (2020-21)**

Classification	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-
SES 1	-	-	-	-	-	-	-	-	-	-
EL 2	-	-	-	-	-	-	-	-	-	-
EL 1	3	-	3	1	1	2	-	-	-	5
APS 6	1	-	1	3	-	3	-	-	-	4
APS 5	1	-	1	1	-	1	-	-	-	2
APS 4	-	-	-	2	-	2	-	-	-	2
APS 3	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-
Other*	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>5</b>	<b>-</b>	<b>5</b>	<b>7</b>	<b>1</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13</b>

\* Base classification.

## Employment type by full-time and part-time status

Table 1.32: Public Service Act employees by full-time and part-time status – current report period (2021–22)

Classification	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-
SES 2	5	-	5	-	-	-	5
SES 1	14	-	14	-	-	-	14
EL 2	66	4	70	1	-	1	71
EL 1	153	36	189	9	2	11	200
APS 6	108	17	125	7	1	8	133
APS 5	26	5	31	4	1	5	36
APS 4	18	2	20	1	-	1	21
APS 3	-	1	1	-	-	-	1
APS 2	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-
Other*	8	-	8	-	-	-	8
<b>Total</b>	<b>398</b>	<b>65</b>	<b>463</b>	<b>22</b>	<b>4</b>	<b>26</b>	<b>489</b>

\* In this table, the only staff included in the 'Other' category are ACMA graduates. Base classification.

Table 1.33: Public Service Act employees by full-time and part-time status – previous report period (2020–21)

Classification	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-
SES 2	5	-	5	-	-	-	5
SES 1	12	-	12	-	-	-	12
EL 2	64	3	67	-	-	-	67
EL 1	141	33	174	4	1	5	179
APS 6	92	21	113	4	-	4	117
APS 5	29	2	31	2	-	2	33
APS 4	22	1	23	2	-	2	25
APS 3	2	1	3	-	-	-	3
APS 2	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-
Other*	7	-	7	-	-	-	7
<b>Total</b>	<b>374</b>	<b>61</b>	<b>435</b>	<b>12</b>	<b>1</b>	<b>13</b>	<b>448</b>

\* In this table, the only staff included in the 'Other' category are ACMA graduates. Base classification.

**Table 1.34: Public Service Act employment type by location – current reporting period (2021–22)**

<b>Location</b>	<b>Ongoing</b>	<b>Non-ongoing</b>	<b>Total</b>
NSW	147	7	154
QLD	5	-	5
SA	-	-	-
TAS	1	-	1
VIC	157	13	170
WA	-	-	-
ACT	153	6	159
NT	-	-	-
Overseas	-	-	-
<b>Total</b>	<b>463</b>	<b>26</b>	<b>489</b>

**Table 1.35: Public Service Act employment type by location – previous reporting period (2020–21)**

<b>Location</b>	<b>Ongoing</b>	<b>Non-ongoing</b>	<b>Total</b>
NSW	125	4	129
QLD	8	1	9
SA	-	-	-
TAS	1	-	1
VIC	164	10	174
WA	-	-	-
ACT	137	10	147
NT	-	-	-
Overseas	-	-	-
<b>Total</b>	<b>435</b>	<b>25</b>	<b>460</b>

**Table 1.36: Public Service Act Indigenous employment – current report period (2021–22)**

Ongoing	3
Non-ongoing	1
<b>Total</b>	<b>4</b>

**Table 1.37: Public Service Act Indigenous employment – previous report period (2020–21)**

Ongoing	2
Non-ongoing	-
<b>Total</b>	<b>2</b>

## Arrangements of SES and non-SES employees

**Table 1.38: Public Service Act employment arrangements – current report period (2021–22)**

	SES	Non-SES	Total
ACMA Enterprise Agreement 2020–2023	-	453	453
Individual Flexibility Agreement	-	17	17
Subsection 24(1) Determination	19	-	19
<b>Total</b>	<b>19</b>	<b>470</b>	<b>489</b>

## Salary ranges by classification level

**Table 1.39: Public Service Act employment salary ranges by classification level (minimum/maximum) – current report period (2021–22)**

	Minimum salary	Maximum salary
SES 3	-	-
SES 2	281,865	289,492
SES 1	212,941	228,228
EL 2	125,142	151,514*
EL 1	103,442	128,425†
APS 6	85,132	96,140
APS 5	77,240	83,397
APS 4	69,321	75,351
APS 3	61,891	67,305
APS 2	54,462	60,076
APS 1	48,449	53,394

\* This is the EL 2.5 classification, which is restricted to employees who were grandfathered from ABA/ACA

† This is the top of the ACMA local designation Senior Lawyer, which is an EL 1 equivalent.

## Appendix 3: Executive remuneration

Table 1.40: Remuneration for key management personnel

Name	Position title	Short-term benefits (\$)			Post-employment benefits (\$)			Termination benefits (\$)	Total remuneration (\$)
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
Nerida O'Loughlin	Chair	502,582	-	-	73,215	12,323	-	-	588,120
Creina Chapman	Deputy Chair	377,585	-	10,106	57,268	9,195	-	-	454,154
Julie Inman Grant	eSafety Commissioner	407,703	-	-	27,606	9,674	-	-	444,983
Rebecca Razavi	General Manager	316,644	-	6,176	45,417	7,713	-	-	375,950
Cathy Rainsford	General Manager	296,763	-	-	53,965	7,215	-	-	357,943
Helen Owens	General Manager	291,308	-	-	53,608	7,215	-	-	352,131
Linda Caruso	General Manager	284,602	-	-	53,340	7,215	-	-	345,157
Brendan Byrne	General Manager	292,371	-	-	44,515	7,215	-	-	344,101

**Notes:**

This table includes officers in a substantive key management personnel (KMP) role for any period during the financial year and officers acting in KMP roles for periods greater than 3 months. For these officers, the reported amounts reflect remuneration during these periods only.

Base salary includes wages and accrual of recreational leave entitlements.

Other benefits and allowances include motor vehicle allowances, allowances for higher duties and other allowances under the relevant staff agreements.

Long service leave includes the accrual of entitlements.

For statutory office holders, the total remuneration reported in the above table includes elements outside the Remuneration Tribunal determination, such as the accrual of recreational and long service leave.

Table 1.41: Remuneration for senior executives

Total remuneration bands	Number of senior executives	Short-term benefits (\$)			Post-employment benefits (\$)		Long-term benefits (\$)		Termination benefits (\$)	Total remuneration (\$)
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits	Average termination benefits		
\$0 to \$220,000	11	67,809	-	5,990	13,198	2,103	-	18,931	108,031	
\$220,001 to \$245,000	3	192,392	-	-	37,651	5,361	-	-	235,404	
\$245,001 to \$270,000	3	223,289	-	823	34,807	5,688	-	-	264,607	
\$270,001 to \$295,000	4	231,900	-	9	42,540	5,694	-	-	280,143	
\$295,001 - \$320,000	-	-	-	-	-	-	-	-	-	

Notes:

This table includes officers in a substantive SES role for any period during the financial year and officers acting in SES roles for periods greater than 3 months. For acting roles, the reported amounts reflect remuneration during these periods only.

This table excludes remuneration for officers in a substantive KMP role for any period during the financial year and officers acting in KMP roles for periods greater than 3 months. Base salary includes wages and accrual of recreational leave entitlements.

ACMA SES officers are not paid bonuses.

Other benefits and allowances include motor vehicle allowances, allowances for higher duties and other allowances under the relevant staff agreements.

Long service leave includes the accrual of entitlements.

### Information about remuneration for other highly paid staff

For the 2021–22 reporting period, there are no other highly paid staff requiring additional disclosure.



## Appendix 4: Telecommunications consumer protection compliance and enforcement outcomes

Appendix 4 includes information related to the ACMA's requirements under paragraphs 57(d) and 57(e) of the *ACMA Act 2005*.

### Investigations by the ACMA

Table 1.42 reports on the number and types of complaints made to the ACMA under Part 26 of the *Telecommunications Act 1997* from 1 July 2021 to 30 June 2022. It details the subsequent investigations, arising from the complaints received. Note that a single investigation can concern multiple complaints.

**Table 1.42: Investigations conducted and enforcement outcomes**

Entity/entity type	Substance of complaint	Investigation outcome	Enforcement action
<b>Spam Act 2003</b>			
A total of 4 investigations were conducted under the Telecommunications Act from the 21,338 complaints received about alleged breaches of the Spam Act.			
Sportsbet Pty Ltd	Sending marketing emails and SMS without consent and without a functional unsubscribe facility	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent.  Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	\$2,508,600 infringement notice  Enforceable undertaking
The Wine Group Pty Ltd trading as Oak Road Estate	Sending marketing SMS without consent	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent.	\$124,320 infringement notice  Enforceable undertaking
Phoenix Securities Pty Ltd	Sending marketing emails without consent	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent.	\$26,640 infringement notice  Enforceable undertaking
Pineapple Funding Pty Ltd	Sending marketing SMS without consent	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent.	Enforceable undertaking

Entity/entity type	Substance of complaint	Investigation outcome	Enforcement action
<b>Do Not Call Register Act 2006 (DNCR Act) and Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 (Telemarketing Industry Standard)</b>			
A total of 6 investigations were conducted under the Telecommunications Act from the 28,307 complaints received about alleged non-compliance with the DNCR Act and the Telemarketing Industry Standard.			
Information Support Australia Pty Ltd trading as Super Information Team	Making telemarketing calls to numbers on the Do Not Call Register (DNCR) without consent	Breach of subsection 11(1) of the DNCR Act – making or causing to be made, telemarketing calls to Australian numbers registered on the DNCR without consent.	\$102,120 infringement notice  Enforceable undertaking
The Wine Group Pty Ltd trading as Oak Road Estate	Making telemarketing calls to numbers on the DNCR without consent  Making telemarketing calls and not ending the call immediately when asked  Making telemarketing calls and not providing information immediately upon request	Breach of subsection 11(1) of the DNCR Act – making or causing to be made, telemarketing calls to Australian numbers registered on the DNCR without consent.  Breach of section 128 of the Telecommunications Act by failing to comply with paragraph 13(1) (b) of the Telemarketing Industry Standard – failing to immediately terminate calls when the calls recipient asked for the call to be terminated or otherwise indicated they did not want the call to continue.  Breach of section 128 of the Telecommunications Act by failing to comply with paragraph 9(4) (c) of the Telemarketing Industry Standard – failing to immediately provide upon request by the call recipient, the name and contact details of the person responsible for dealing with inquiries or complaints about the caller.	\$79,920 in infringement notices  Enforceable undertaking
Forex EA Pty Ltd trading as My Alfred	Making telemarketing calls to numbers on the DNCR without consent	Breach of subsection 11(1) of the DNCR Act – making or causing to be made, telemarketing calls to Australian numbers registered on the DNCR without consent.	Enforceable undertaking

<b>Entity/entity type</b>	<b>Substance of complaint</b>	<b>Investigation outcome</b>	<b>Enforcement action</b>
Investors Choice Pty Ltd	Making telemarketing calls and not providing information as soon as the calls starts	Breach of section 128 of the Telecommunications Act by failing to comply with paragraph 9(2) (b) of the Telemarketing Industry Standard – failing to immediately provide as soon as the call starts, the company name or registered business name of the employer of the individual making the call.	Formal warning
Call centre	Making telemarketing calls and not ending the call immediately when asked	No breach of section 128 of the Telecommunications Act by failing to comply with paragraph 13(1) (b) of the Telemarketing Industry Standard – failing to immediately terminate calls when the calls recipient asked for the call to be terminated or otherwise indicated they did not want the call to continue.	n/a
Call centre	Making telemarketing calls and not ending the call immediately when asked	No breach of section 128 of the Telecommunications Act by failing to comply with paragraph 13(1) (b) of the Telemarketing Industry Standard – failing to immediately terminate calls when the calls recipient asked for the call to be terminated or otherwise indicated they did not want the call to continue.	n/a

## **ACMA's operations on industry codes and industry standards**

The following section includes information related to the operation of Part 6 of the Telecommunications Act. During 2021–22, one code was varied by Communications Alliance and registered by the ACMA, and one industry standard was remade by the ACMA.

### **C628:2019 *Telecommunications Consumer Protections (TCP) Code – incorporating variation 1/2022***

Revision was registered by the ACMA on 16 June 2022. This revision updated references to new guidelines in clauses 3.4.1(a) and 6.10.1 of the TCP Code.

The TCP Code provides community safeguards in the areas of sales, service and contracts, billing, credit and debt management and changing suppliers. It also sets out a framework of code compliance and monitoring.

### **Telecommunications (Fax Marketing) Industry Standard 2021**

The ACMA remade the standard on 26 August 2021. The standard sets out the minimum standards for sending marketing faxes.

The ACMA maintains a register of the industry codes and standards on our website at [acma.gov.au/register-telco-industry-codes-and-standards](https://acma.gov.au/register-telco-industry-codes-and-standards).

## Appendix 5: Disclosures of information

Customer information provided to telecommunications carriers and CSPs is protected under Part 13 of the *Telecommunications Act 1997*. Carriers and CSPs are prohibited from disclosing that information to other parties – except in limited circumstances – and are required to report specific disclosures to the ACMA under section 308 of the Telecommunications Act.

The ACMA is required under paragraph 57(f) of the *Australian Communications and Media Authority Act 2005* to include in its annual report information on disclosures of customer information made by carriers and CSPs during the reporting year. The disclosures made under Part 13 of the Telecommunications Act by carriers and CSPs, are included in reports to the ACMA under section 308 and are set out in Table 1.43 for 2021–22.

**Table 1.43: Disclosures made under Part 13 of the Telecommunications Act – by carriers and CSPs**

Reason for disclosure	(Sub) section	Number of disclosures, 2021–22
Authorised by or under law	280	5,483
Made as a witness under summons	281	48
To assist the ACMA*	284(1)	647
To assist the eSafety Commissioner	284(1A)	34
To assist the ACCC	284(2)	26
To assist the TIO	284(3)	45,507
Calls to emergency service number	286	8,403
To avert a threat to a person's life or health	287	25,410
Communications for maritime purposes	288	2
With the knowledge or consent of the person concerned†	289	2,730,021,763,570
In circumstances prescribed in the Telecommunications Regulations 2001	292	0
Voluntary disclosure	177	93
Authorisations for access to existing information or documents – enforcement of the criminal law	178	512,062
Authorisations for access to existing information or documents – locating missing persons	178A	3,051
Authorisations for access to existing information or documents – enforcement of a law imposing pecuniary penalty or protection of the public revenue	179	767
Authorisations for access to prospective information or documents	180	227,386
Enforcement of the criminal law of a foreign country (existing information)	180A	60
Enforcement of the criminal law of a foreign country (prospective information)	180B	1
<b>Total</b>		<b>2,730,022,592,550</b>

\* This relates to information provided to the ACMA for investigations under section 510 of the *Telecommunications Act*.

† This is primarily due to a CSP disclosing anonymised customer data to one of its related companies, with the consent of those customers.

Source: Carriers and carriage service providers.

Part 13 of the Telecommunications Act allows information contained in the IPND to be disclosed for the testing and operation of telephone-based emergency warning systems by state and territory governments. The number and type of disclosures made under subsections 295V(1) or 295V(2) of the Telecommunications Act in 2021–22, as reported to the ACMA under section 295ZC of the Telecommunications Act, are set out in Table 1.44.

**Table 1.44: Disclosures made under Part 13 of the Telecommunications Act – by emergency management persons (EMP) for telephone-based emergency warning systems**

<b>Reason for disclosure</b>	<b>(Sub)section</b>	<b>Number of disclosures, 2021–22</b>
Likely emergency	295V(1)	0
Actual emergency	295V(2)	0
<b>Total</b>		<b>0</b>

## Appendix 6: Lawful disruption of access to online services by government agencies

If an Australian Government agency relies on subsection 313(3) of the *Telecommunications Act 1997* to request internet service providers disrupt access to certain online services, they are required to follow the *Guidelines for the lawful disruption of access to online services*. State and territory agencies are also encouraged to follow the guidelines. Agencies are advised to limit the use of subsection 313(3) in disrupting services to cases involving serious criminal or civil offences, or threats to national security.

The guidelines require agencies to report to the ACMA on the use of subsection 313(3) to disrupt online services and for this statistical information to be included in the ACMA's annual report.

One agency reported using subsection 313(3) of the *Telecommunications Act* to disrupt access to online services during the reporting period. This is reflected in tables 1.45 and 1.46 below.

**Table 1.45: Requests to disrupt online services by agencies under section 313(3) of the *Telecommunications Act***

Reason for requests to disrupt services under section 313(3)	(Sub)section	Number of requests, 2021–22
Enforcing the criminal law and laws imposing pecuniary penalties	313(3)(c)	11
Assisting the enforcement of the criminal laws in force in a foreign country	313(3)(ca)	0
Assisting the investigation and prosecution of: (i) crimes within the jurisdiction of the ICC (within the meaning of the <i>International Criminal Court Act 2002</i> ) (ii) Tribunal offences (within the meaning of the <i>International War Crimes Tribunals Act 1995</i> )	313(3)(cb)	0
Protecting the public revenue	313(3)(d)	0
Safeguarding national security	313(3)(e)	0
<b>Total number of disruption requests</b>		<b>11</b>

Source: *Government agencies*.

**Table 1.46: Online services blocked by agencies under section 313(3) of the Telecommunications Act**

<b>Reason for online services blocked under section 313(3)</b>	<b>(Sub)section</b>	<b>Number of services blocked, 2021–22</b>
Enforcing the criminal law and laws imposing pecuniary penalties	313(3)(c)	245
Assisting the enforcement of the criminal laws in force in a foreign country	313(3)(ca)	0
Assisting the investigation and prosecution of: (i) crimes within the jurisdiction of the ICC (within the meaning of the <i>International Criminal Court Act 2002</i> ) (ii) Tribunal offences (within the meaning of the <i>International War Crimes Tribunals Act 1995</i> )	313(3)(cb)	0
Protecting the public revenue	313(3)(d)	0
Safeguarding national security	313(3)(e)	0
<b>Total number of online services blocked</b>		<b>245</b>

Source: Government agencies.

## Appendix 7: Regional and Small Publishers Innovation Fund

The ACMA is required to report under section 205ZL of the *Broadcasting Services Act 1992* on information about the recipients of grants in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013*.

The *Broadcasting Legislation Amendment (2021 Measures No. 1) Act 2021* was enacted on 29 June 2021 to extend the reporting period by one year to include the financial year commencing on 1 July 2021. The extension did not facilitate any additional grant rounds, provide for additional grant funding, nor any change in the amount of financial assistance. The 4-year grants program concluded on 30 June 2022.

The Advisory Committee – appointed under section 205ZK of the *Broadcasting Services Act* by the then Minister for Communications, Urban, Infrastructure, Cities and the Arts, the Hon Paul Fletcher MP – ceased to exist on 30 June 2021 and hence, this report does not contain any advice from the Advisory Committee.



## Appendix 8: Advertising expenditure and market research

This appendix contains information for both the ACMA and eSafety.

### Advertising

During the reporting period, advertising was placed for a range of purposes, including public notices, legal notices, job vacancies and small-scale campaigns targeted to both consumer and industry audiences.

During 2021–22, the ACMA conducted the following advertising campaigns:

- > e-bulletin promotion
- > phone scams awareness
- > offshore gambling campaign advertising, tranches 5, 6 and 7.

Further information on those advertising campaigns is available at [acma.gov.au](http://acma.gov.au) and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website at [finance.gov.au](http://finance.gov.au).

During 2021–22, the ACMA or eSafety did not undertake any advertising campaigns with expenditure in excess of \$250,000.

Total expenditure on advertising in 2021–22 was \$120,693.

**Table 1.47: Expenditure on media advertising organisations, ACMA and eSafety, 2021–22**

Organisation name	Purpose	Amount of payment (GST inc.)
<b>ACMA expenditure</b>		
Universal McCann	Public notices and general advertising	\$120,693
<b>eSafety expenditure</b>		
n/a	n/a	\$0
<b>Total</b>		<b>\$120,693</b>

## Market research

**Table 1.48: Expenditure on market research organisations, ACMA and eSafety, 2021–22**

Organisation name	Purpose	Amount of payment (GST inc.)
<b>ACMA expenditure</b>		
Woolcott Research & Engagement	ACMA Customer Service Centre satisfaction survey 2020	\$13,844
Social Research Centre	ACMA annual consumer survey 2021	\$168,169
Whereto Research Based Consulting P/L	Research on viewer response to reality television	\$5,000
Action Foresight	Research specialist scenario analysis	\$47,000
Engine Asia Pacific	Unsolicited communications in Australia: Consumer experience research 2021	\$160,247
Roy Morgan	Financial hardships experiences survey	\$15,441
Intelligence Business Research Services	IT research and assurance advisor	\$32,670
Orima Research	ACMA stakeholder survey 2021	\$22,000
Omnipoll	Omnibus research	\$80,000
<b>ACMA total</b>		<b>\$544,371</b>
<b>eSafety expenditure</b>		
Wallis Consulting Group Pty Ltd	Community perceptions of harmful online content research	\$56,140
Ipsos Public Affairs Pty Ltd	Cyber-abuse resource development	\$22,000
Whereto Research Based Consulting P/L	Research on cyber abuse of women	\$38,200
Whereto Research Based Consulting P/L	2022 national adult online safety survey	\$79,475
Whereto Research Based Consulting P/L	Market research CALD parent/carer cohort	\$21,648
Western Sydney University	eSafety youth consultation	\$50,139
Western Sydney University	Safety by design Southeast Asia community consultation	\$63,324
Orima Research	Families capacity building project: CALD parent/carer cohort	\$37,444
Orima Research	Evaluation of women with intellectual/cognitive disability	\$8,533
Australian Online Research Pty Ltd	Be Connected market research	\$71,500
Whereto Research Based Consulting P/L	2021 youth digital participation survey	\$121,880
I-Link Research Solutions Pty Ltd	Community online survey	\$10,956
<b>eSafety total</b>		<b>\$581,239</b>
<b>Total</b>		<b>\$1,125,610</b>

## Appendix 9: Data reported by regulated entities

### Data about control of media assets

#### Notifications by foreign stakeholders

Foreign persons have an ongoing obligation to notify the ACMA if they become, or cease to be, a foreign stakeholder in an Australian media company. These notifications are recorded in the Register of Foreign Owners of Media Assets. Foreign stakeholders have further annual notification obligations, which are required by 30 July each year. During the reporting period, the ACMA provided the annual report required under section 74R of the *Broadcasting Services Act 1992* (the BSA) to the minister. That report reflected that there were 69 foreign stakeholders holding a company interest of 2.5% or more in Australian media companies as at 30 June 2021.

#### Notifications of changes in control

Licensees and publishers are obliged to notify the ACMA of changes in control of regulated media assets; namely, commercial radio broadcasting licences, commercial television broadcasting licences and associated newspapers.

The ACMA received notifications of 16 events that affected the control of media operations, comprising:

- > 13 commercial television broadcasting licences
- > 71 commercial radio broadcasting licences
- > 11 associated newspapers.

The ACMA updated its public register with these new notifications, as well as our public database of regulated media assets and their controllers.

All notifications lodged with the ACMA in the reporting period for change-of-control events were processed within the statutory timeframes.

#### Applications for prior approval

During the reporting period, in accordance with subsection 67(4) of the BSA, the ACMA gave prior approval for a transaction that would result in breaches of the two commercial radio stations to a licence area control limitation, and associated directorship limitations, in Nambour RA1 and Ipswich RA1 in Queensland. The transaction involved the proposed acquisition by Australian Radio Network Pty Ltd (ARN) of 46 commercial radio broadcasting licences. The acquisition caused ARN to come into a position to exercise control of the licences, which caused a breach of the above-mentioned control and directorship limitations.

In accordance with the BSA, before approving the transaction, the ACMA accepted a court-enforceable undertaking given by ARN under section 205W of the BSA to remedy the breach of the control and directorship limitations in the affected licence areas. The undertaking committed ARN to procure the sale of commercial radio station 4KQ in the Brisbane RA1 licence area within a period specified in the notice of approval.

This application was finalised within the statutory timeframe of 45 days.

#### Register of licensed interactive wagering services

In raising awareness of Australian gambling laws to help minimise the supply and use of illegal interactive gambling services, the ACMA is required under the *Interactive Gambling Act 2001* to maintain a register of interactive wagering service providers licensed by an Australian state or territory. At 30 June 2022, there were 153 entries on the register – 52 were TABs, corporate bookmakers and betting exchanges and 101 were on-course bookmakers.

## Australian content

All commercial television broadcasting licensees reported meeting transmission quotas for their primary channel (55%) and non-primary channel (1,460 hours) for Australian content in 2021.

The transmission quotas are specified by the BSA and apply to programs televised by free-to-air commercial television broadcasters between 6 am and midnight each calendar year.

The amount of Australian content provided by metropolitan commercial television licensees on their primary channels remained high, with the Seven Network providing an average of 73% local programming, the Nine Network an average of 77% and Network Ten an average of 68%. All 3 metropolitan networks met the 1,460 hours quota for non-primary channels:

- > Seven Network averaged 5,307 hours
- > Nine Network averaged 2,230 hours
- > Network Ten averaged 1,725 hours.

## Broadcasting Services (Australian Content and Children's Television) Standards 2020

All metropolitan licensees reported compliance with the annual points quota under the Broadcasting Services (Australian Content and Children's Television) Standards 2020 (ACCTS). Seven Network metropolitan licensees broadcast 374 points, Nine Network metropolitan licensees broadcast 271 points and Ten Network metropolitan licensees broadcast 370 points.

Licensees may 'carry over' up to 50 points in excess of the annual points quota in one calendar year to the following calendar year.

The ACCTS establishes a new points quota, in which the number of points per broadcast hour is based on the program's production budget and higher points can be claimed for commissioned Australian drama programs with higher production budgets. The hours of ACCTS first release commissioned content and acquired films broadcasted by metropolitan licensees in 2021 were:

- > Seven Network licensees averaged 192 hours.
- > Nine Network licensees averaged 113.4 hours.
- > Ten Network licensees averaged 187.7 hours.

Compliance data from regional commercial television licensees is also published on the ACMA website.

## Regional radio local content obligations

### Local content and presence obligations due to a regional radio trigger event

The BSA sets out circumstances where a trigger event for a regional commercial radio broadcasting licence causes additional obligations to apply to a regional commercial radio licence.<sup>2</sup>

There were 3 trigger events in 2021–22, affecting 54 regional commercial radio licences. The required local presence reports were provided in the 90-day statutory timeframe.

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<sup>2</sup> Subject to certain exceptions, a 'trigger event' for a regional commercial radio broadcasting licence is defined in section 61CB of the BSA and includes: (a) a change in control of a regional commercial radio licence, (b) the formation of a new registrable media group where a regional commercial radio broadcasting licence is in the group or (c) a change in controller of a registrable media group where a regional commercial radio broadcasting licence is in the group. A trigger event for a regional commercial radio broadcasting licence is different to a trigger event for a regional commercial television broadcasting licence, as introduced by the *Broadcasting Legislation Amendment (Broadcasting Reform) Act 2017*.

## Appendix 10: Spectrum management functions and powers

Appendix 10 includes information related to the ACMA's requirements under paragraphs 57(g) and 57(h) of the *Australian Communications and Media Authority Act 2005*.

### Ministerial policy statements

Paragraph 57(g) of the ACMA Act requires that the ACMA provide a summary outline of the operation of subsection 28C(1) of the *Radiocommunications Act 1992*. That subsection requires the ACMA, in performing its spectrum management functions and exercising its spectrum management powers to have regard to any relevant ministerial policy statements.

On 1 February 2022, the Minister for Communications, Urban Infrastructure, Cities and the Arts, the Hon Paul Fletcher, made the Radiocommunications (Ministerial Policy Statement – 3.4–4.0 GHz) Instrument 2022 (MPS).

The MPS issued under subsection 28B(1) of the Radiocommunications Act sets out the relevant communications policy objectives of the Australian Government for the allocation of spectrum in the 3.4–4.0 GHz band. The 4 policy objectives set out in the MPS are:

- > supporting the deployment of new and innovative technology, including 5G
- > supporting a range of use cases and users
- > supporting digital connectivity and investment in regional Australia
- > promoting competitive markets.

Having had regard to the MPS, the ACMA is preparing an allocation of spectrum in this band to occur in 3 tranches:

- > allocation of apparatus licences in 3.4–4.0 GHz in remote areas
- > auction of spectrum licences in 3.4 GHz and 3.7 GHz bands in metropolitan and regional areas
- > allocation of apparatus licences in 3.8–4.0 GHz in metropolitan and regional areas.

The allocation of these licences will generally advance the 4 policy objectives set out in the MPS. In relation to the auction of spectrum licences, more detail is available in the explanatory statement to the Radiocommunications (Spectrum Re-allocation – 3.4 GHz and 3.7 GHz Bands) Declaration 2022.

We will continue to have regard to the MPS as we progress preparations for these allocations of spectrum in the 3.4–4.0 GHz band.

### The ACMA's work program

Paragraph 57(h) of the ACMA Act requires the ACMA to include in its annual report a report on the extent to which the ACMA's activities during the relevant period gave effect to the work program that was applicable to the period under section 28E of the Radiocommunications Act.

The ACMA's work program for its spectrum management functions and spectrum management powers for the 2021–22 financial year is set out in the *Five-year spectrum outlook (FYSO) 2021–26*. The *FYSO 2021–26 annual progress report* published on 7 July 2022, details the activities undertaken during the 2021–22 financial year to progress the work program.

## Appendix 11: Outcome table

This appendix contains information for both the ACMA and the eSafety and shows how much was spent (on an accrual basis) on achieving the outcome by funding source.

**Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice**

	Budget*	Actual^	Variance
	(1)	(2)	(2) minus (1)
	\$'000	\$'000	\$'000
<b>Program 1.1: Communications regulation, planning and licensing</b>			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	50	-	50
<i>Departmental expenses</i>			
Departmental appropriation	42,928	34,470	8,458
Expenses not requiring appropriation in the budget year†	4,570	7,648	(3,078)
<b>Subtotal for Program 1.1</b>	<b>47,548</b>	<b>42,118</b>	<b>5,430</b>
<b>Program 1.2: Consumer safeguards, education and information</b>			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	-	2,932	(2,932)
Special appropriations	300	-	300
<i>Departmental expenses</i>			
Departmental appropriation	40,869	32,452	8,417
Expenses not requiring appropriation in the budget year†	4,219	7,648	(3,429)
<b>Subtotal for Program 1.2</b>	<b>45,388</b>	<b>43,031</b>	<b>2,357</b>
<b>Program 1.3: eSafety Commissioner</b>			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	8,944	8,887	57
<i>Departmental expenses</i>			
Special account			
<i>Online Safety Special Account – s72 Enhancing Online Safety Act 2015</i>	39,127	37,273	1,854
<b>Subtotal for Program 1.3</b>	<b>48,071</b>	<b>46,160</b>	<b>1,911</b>
Departmental	131,713	119,490	12,223
Administered	9,294	11,819	(2,525)
<b>Total for Outcome 1</b>	<b>141,007</b>	<b>131,309</b>	<b>9,698</b>
Average staffing level	518	444	

\* Budget represents the original budget per the 2021–22 Portfolio Additional Estimates Statements.

^ Actual appropriations are the total available appropriation in 2021–22, including MYEFO budget adjustments.

† This variance is due to the application of the accounting standard on leases on new leases entered into during the 2021–22 financial year.

## Appendix 12: Agency resource statement

This appendix contains information for both the ACMA and the eSafety.

	Actual available appropriations for 2021–22	Payments made, 2021–22	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a-b)
<b>Ordinary Annual Services</b>			
Departmental appropriation*	178,996	130,148	48,848
<b>Total</b>	<b>178,996</b>	<b>130,148</b>	<b>48,848</b>
<b>Administered expenses</b>			
Outcome 1	6,694	6,590	
<b>Total</b>	<b>6,694</b>	<b>6,590</b>	
<b>Total ordinary services</b>	<b>A</b>	<b>185,690</b>	<b>136,738</b>
<b>Other services</b>			
Departmental non-operating	-	-	
<b>Total other services</b>	<b>B</b>	<b>-</b>	<b>-</b>
<b>Special appropriations</b>			
Special appropriations limited by entitlement			
<i>Public Governance, Performance and Accountability Act 2013 - s77</i>		8,636	
<i>Telecommunication Act 1997 – s. 136C(4)</i>		-	
<b>Total special appropriations</b>	<b>C</b>	<b>8,636</b>	
<b>Special accounts</b>			
Opening balance	4,907	4,907	-
Appropriation receipts	44,636	32,660	11,976
Non-appropriations receipts	6,744	6,123	621
<b>Total special accounts</b>	<b>D</b>	<b>56,287</b>	<b>12,596</b>
<b>Total resourcing</b>	<b>A + B + C + D</b>	<b>241,977</b>	<b>189,065</b>

\* The eSafety Commissioner's allocated appropriation is included in the Australian Communication and Media Authority's Appropriation Act 1; however, the appropriation is moved to the Online Safety Special Account s72 Enhancing Online Safety Act 2015.

## Appendix 13: eSafety financial reporting

This appendix contains financial information on the operation of eSafety, presented in accordance with subsection 57(aa) of the ACMA Act.

	2022 \$'000	2021 \$'000
<b>Departmental</b>		
<b>Operating expenses</b>		
<i>Employee benefits</i>	13,959	9,711
<b>Supplier expenses</b>		
Consultants	1,248	668
Contractors	11,984	7,495
Outsourced services	6,941	4,430
IT and communications services	1,259	784
Travel costs	353	101
Other	957	635
<b>Total supplier expenses</b>	<b>22,742</b>	<b>14,113</b>
<b>Total operating expenses</b>	<b>36,701</b>	<b>23,824</b>
<b>Capital purchases</b>		
Internally developed software	2,252	-
<b>Total capital purchases</b>	<b>2,252</b>	<b>-</b>
<b>Total departmental expenditure</b>	<b>38,953</b>	<b>23,824</b>
<b>Administered</b>		
<b>Grants expenditure</b>	4,663	2,495
<b>Supplier expenses</b>		
Consultants	86	41
Contractors	2,249	2,364
Outsourced services	1,251	765
IT and communications services	167	157
Travel costs	1	1
Other	471	519
<b>Total supplier expenses</b>	<b>4,225</b>	<b>3,847</b>
<b>Total administered expenditure</b>	<b>8,888</b>	<b>6,342</b>



## Appendix 14: List of requirements

### Requirements for annual reports

Schedule 2 of the Public Governance, Performance and Accountability Rule 2014.

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	7	n/a
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	Table of contents.	iii–iv	iii–iv
17AJ(b)	Alphabetical index.	219–228	219–228
17AJ(c)	Glossary of abbreviations and acronyms.	214–18	214–18
17AJ(d)	List of requirements.	108–115	108–115
17AJ(e)	Details of contact officer.	6	164
17AJ(f)	Entity's website address.	2	3
17AJ(g)	Electronic address of report.	6	164
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	A review by the accountable authority of the entity.	8–9	166–168
<b>17AD(b)</b>	<b>Overview of the entity</b>		
17AE(1)(a)(i)	A description of the role and functions of the entity.	13	171
17AE(1)(a)(ii)	A description of the organisational structure of the entity.	17	172
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity.	18, 21	21
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan.	18, 21	n/a
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	14–16	n/a
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	14–16	n/a
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	14–16	n/a
17AE(1)(b)	An outline of the structure of the portfolio of the entity.	n/a	n/a

<b>PGPA Rule reference</b>	<b>Description</b>	<b>ACMA page reference</b>	<b>eSafety page reference</b>
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	n/a	n/a
<b>17AD(c)</b>	<b>Report on the performance of the entity</b>		
	Annual Performance Statement		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	19–57	n/a
<b>17AD(c)(ii)</b>	<b>Report on financial performance</b>		
17AF(1)(a)	A discussion and analysis of the entity's financial performance.	58–59, 68–75	58–59, 68–75, 207
17AF(1)(b)	A table summarising the total resources and total payments of the entity.	106	106
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	n/a	n/a
<b>17AD(d)</b>	<b>Management and accountability</b>		
	<b>Corporate governance</b>		
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	7, 62	7
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	7	7
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	7	7
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	7	7
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	61	61, 207

<b>PGPA Rule reference</b>	<b>Description</b>	<b>ACMA page reference</b>	<b>eSafety page reference</b>
17AG(2)(d) – (e)	A statement of significant issues reported to minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	68	68, 207
<b>Audit Committee</b>			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	80	n/a
17AG(2A)(b)	The name of each member of the entity's audit committee.	80	n/a
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	80	n/a
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	80	n/a
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	80	n/a
<b>External scrutiny</b>			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	63	n/a
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	63	n/a
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	63	n/a
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period.	63	n/a
<b>Management of human resources</b>			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	64, 66	64, 66

<b>PGPA Rule reference</b>	<b>Description</b>	<b>ACMA page reference</b>	<b>eSafety page reference</b>
17AG(4)(aa)	<p>Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following:</p> <p>(a) statistics on full-time employees</p> <p>(b) statistics on part-time employees</p> <p>(c) statistics on gender</p> <p>(d) statistics on staff location</p>	83–88	83–88
17AG(4)(b)	<p>Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:</p> <ul style="list-style-type: none"> <li>&gt; statistics on staffing classification level</li> <li>&gt; statistics on full-time employees</li> <li>&gt; statistics on part-time employees</li> <li>&gt; statistics on gender</li> <li>&gt; statistics on staff location</li> <li>&gt; statistics on employees who identify as Indigenous.</li> </ul>	87–89	87–89
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	67, 89	67, 89
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	67, 89	67, 89
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level.	89	89
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees.	67	67
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay.	n/a	n/a
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level.	n/a	n/a
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level.	n/a	n/a
17AG(4)(d)(iv)	Information on aggregate amount of performance payments.	n/a	n/a

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
<b>Assets management</b>			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	75	75
<b>Purchasing</b>			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	72	72
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	72–73	72–73
17AG(7)(b)	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]</i> ”.	72	72
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	72	72
17AG(7)(d)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	72	72
<b>Reportable non-consultancy contracts</b>			
17AG(7A)(a)	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	73–74	73–74

<b>PGPA Rule reference</b>	<b>Description</b>	<b>ACMA page reference</b>	<b>eSafety page reference</b>
17AG(7A)(b)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	72	72
<b>17AD(daa)</b>	<b>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>		
17AGA	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	73–74	73–74
<b>Australian National Audit Office access clauses</b>			
17AG(8)	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor’s premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	75	75
<b>Exempt contracts</b>			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	75	75
<b>Small business</b>			
17AG(10)(a)	A statement that “[ <i>Name of entity</i> ] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	74	74
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	74	74

<b>PGPA Rule reference</b>	<b>Description</b>	<b>ACMA page reference</b>	<b>eSafety page reference</b>
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	74	74
<b>Financial statements</b>			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	116–162	n/a
<b>Executive remuneration</b>			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	90–91	90–91
<b>17AD(f)</b>	<b>Other mandatory information</b>		
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	100–101	100–101
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect.	100–101	100–101
17AH(1)(b)	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	75	75
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information.	65	65
17AH(1)(d)	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	78	78
17AH(1)(e)	Correction of material errors in previous annual report	78	78
17AH(2)	Information required by other legislation	See tables below	n/a

## Requirements in section 57 of Part 6 of the *Australian Communications and Media Authority Act 2005*

ACMA Act reference	Requirement	Page reference
57(a)	A copy of each direction given to the ACMA under section 14 during the period	78
57(aa)	A report on the following matters: <ul style="list-style-type: none"> <li>&gt; remuneration, and other employment-related costs and expenses, in respect of APS employees whose duties relate to the performance of the eSafety Commissioner's functions or the exercise of the eSafety Commissioner's powers;</li> <li>&gt; any other costs, expenses and other obligations incurred by the Commonwealth in connection with the performance of the eSafety Commissioner's functions or the exercise of the eSafety Commissioner's powers</li> </ul>	64, 89, 107
57(b), (c)	A copy, or extract, of each instrument given to a carrier or to a carriage service provider under section 581 of the <i>Telecommunications Act 1997</i> during the financial year	78
57(d)	A report on the number and types of complaints made under Part 26 of the <i>Telecommunications Act 1997</i> . A report on the investigations conducted as a result of complaints made under Part 26. The results of those investigations	92–94
57(e)	A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	94
57(f)	A report setting out statistical information relating to information or documents disclosed under Division 3 of Part 13 of the <i>Telecommunications Act 1997</i>	95–96
57(g)	A summary outline of the operation of subsection 28C(1) of the <i>Radiocommunications Act 1992</i> during the period	104
57(h)	If a work program was applicable to the period under section 28E of the <i>Radiocommunications Act 1992</i> —a report on the extent to which the ACMA's activities during the period gave effect to the work program	104

## Requirement under section 205ZL of the *Broadcasting Services Act 1992*

BSA reference	Requirement	Page reference
205ZL	Reporting on information about the recipients of grants in accordance with section 46 of the <i>Public Governance, Performance and Accountability Act 2013</i>	99

## Other information required to be included by an Act or instrument

Requirement	Page reference
Reporting on work health and safety under Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i>	65–66
Advertising and market research reporting requirements in section 311A of the <i>Commonwealth Electoral Act 1918</i>	100–101
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	76
Reporting requirements under the Guidelines for the use of section 313(3) of the <i>Telecommunications Act 1997</i>	97–98



## **Appendix 15: Financial statements**

For the period ended 30 June 2022.



## INDEPENDENT AUDITOR'S REPORT

### To the Minister for Communications

#### Opinion

In my opinion, the financial statements of the Australian Communications and Media Authority (the Entity) for the year ended 30 June 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2022 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2022 and for the year then ended:

- Statement by the Chair and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Statement of Cashflows;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to and forming part of the financial statements, comprising a summary of significant accounting policies and other explanatory information.

#### Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Chair is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Chair is also responsible for such internal control as the Chair determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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In preparing the financial statements, the Chair is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Chair is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

**Auditor's responsibilities for the audit of the financial statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Fiona Sheppard  
Acting Executive Director  
Delegate of the Auditor-General  
Canberra  
9 September 2022

**Australian Communications and Media Authority**  
**STATEMENT BY THE CHAIR AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2022 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Australian Communications and Media Authority will be able to pay its debts as and when they fall due.

Signed.....  


Nerida O'Loughlin PSM  
Chair

9 September 2022

Signed.....  


Paul Howe  
Chief Financial Officer

9 September 2022

**Australian Communications and Media Authority**  
**STATEMENT OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2022*

		2022	2021	Original Budget 2022
	Notes	\$'000	\$'000	\$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	62,882	62,058	72,410
Suppliers	1.1B	40,302	32,883	40,418
Depreciation and amortisation	3.2A	15,296	16,518	17,199
Finance costs	1.1C	629	780	598
Impairment loss on financial instruments	1.1D	93	-	-
Write-down and impairment of assets	1.1E	5	421	-
<b>Total expenses</b>		<u>119,207</u>	<u>112,660</u>	<u>130,625</u>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	1,514	1,130	100
Other revenue		23	5	-
<b>Total own-source revenue</b>		<u>1,537</u>	<u>1,135</u>	<u>100</u>
<b>Gains</b>				
Reversals of write-downs and impairment	1.2B	9	15	-
Other gains	1.2C	81	81	-
<b>Total gains</b>		<u>90</u>	<u>96</u>	<u>-</u>
<b>Total own-source income</b>		<u>1,627</u>	<u>1,231</u>	<u>100</u>
<b>Net cost of services</b>		<u>(117,580)</u>	<u>(111,429)</u>	<u>(130,525)</u>
Revenue from Government	5.1A	121,382	101,006	118,627
<b>Surplus/(Deficit) attributable to the Australian Government</b>		<u>3,802</u>	<u>(10,423)</u>	<u>(11,898)</u>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation reserve		-	(29)	-
<b>Total comprehensive income/(loss)</b>		<u>3,802</u>	<u>(10,452)</u>	<u>(11,898)</u>

The above statement should be read in conjunction with the accompanying notes.

**Budget Variances Commentary**

Employee benefits are lower than the Original Budget due to recruitment market challenges experienced during the year, which delayed onboarding staff. Additionally, depreciation was lower than budgeted due to issues related to COVID and supply chains delaying build completion and capitalisation of assets.

Revenue from Government is slightly higher than the Original Budget due to the Media Sector Reforms and National Self Exclusion Register Budget measures announced in the 2021-22 Mid-Year Economic Fiscal Outlook. Revenue from contracts with customers is higher than the Original Budget due predominantly to arrangements with other Government agencies, which were not in place at the time the Budget was developed.

**Australian Communications and Media Authority**  
**STATEMENT OF FINANCIAL POSITION**  
*for the period ended 30 June 2022*

		2022	2021	Original Budget 2022
	Notes	\$'000	\$'000	\$'000
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents	3.1A	12,705	4,608	1,881
Trade and other receivables	3.1B	49,326	42,056	35,256
<b>Total financial assets</b>		<b>62,031</b>	<b>46,664</b>	<b>37,137</b>
<b>Non-Financial Assets</b>				
Land and buildings	3.2A	64,815	70,946	65,227
Plant and equipment	3.2A	3,693	4,655	11,473
Intangibles	3.2A	20,248	14,094	15,674
Prepayments		3,973	2,920	2,902
<b>Total non-financial assets</b>		<b>92,729</b>	<b>92,615</b>	<b>95,276</b>
<b>Total assets</b>		<b>154,760</b>	<b>139,279</b>	<b>132,413</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	3.3A	5,549	3,740	2,332
Other payables	3.3B	2,773	4,552	1,972
<b>Total payables</b>		<b>8,322</b>	<b>8,292</b>	<b>4,304</b>
<b>Interest Bearing Liabilities</b>				
Leases	3.4A	64,460	66,655	61,426
<b>Total interest bearing liabilities</b>		<b>64,460</b>	<b>66,655</b>	<b>61,426</b>
<b>Provisions</b>				
Employee provisions	6.1A	20,900	22,325	21,803
Make good provisions	3.5	2,758	2,813	2,686
<b>Total provisions</b>		<b>23,658</b>	<b>25,138</b>	<b>24,489</b>
<b>Total liabilities</b>		<b>96,440</b>	<b>100,085</b>	<b>90,219</b>
<b>Net assets</b>		<b>58,320</b>	<b>39,194</b>	<b>42,194</b>
<b>EQUITY</b>				
Contributed equity		157,488	141,700	157,488
Reserves		2,175	2,175	2,204
Accumulated deficit		(101,343)	(104,681)	(117,498)
<b>Total equity</b>		<b>58,320</b>	<b>39,194</b>	<b>42,194</b>

The above statement should be read in conjunction with the accompanying notes.

**Budget Variances Commentary**

Cash and cash equivalents are higher than the Original Budget primarily due to an increased balance in the eSafety special account resulting from delays in supplier expenditure and lower than budgeted staffing levels. Trade and other receivables are also higher than Original Budget predominantly due to delays in capital and other operating expenditure increasing appropriation reserves. Plant and equipment and Intangibles variances to the Original Budget mostly offset each other, with the budgeted classification of non-financial assets different to the actual additions of the ACMA.

Payables are higher than the Original Budget due to the timing of several large supplier payments around the end of the financial year, and an increase in unearned revenue related to eSafety agreements with other Government entities. Additionally, lease liabilities are higher than Original Budget due to the ACMA entering into a lease for additional office space in 2021-22.

**Australian Communications and Media Authority**  
**STATEMENT OF CHANGES IN EQUITY**  
*for the period ended 30 June 2022*

	2022	2021	Original budget 2022
	\$'000	\$'000	\$'000
<b>CONTRIBUTED EQUITY/CAPITAL</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	141,700	128,624	141,700
<b>Adjusted opening balance</b>	<b>141,700</b>	<b>128,624</b>	<b>141,700</b>
<b>Contributions by owners</b>			
Departmental capital budget	15,788	13,076	15,788
<b>Total transactions with owners</b>	<b>15,788</b>	<b>13,076</b>	<b>15,788</b>
<b>Closing balance as at 30 June</b>	<b>157,488</b>	<b>141,700</b>	<b>157,488</b>
<b>RETAINED EARNINGS</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	(104,681)	(94,258)	(105,600)
<b>Adjusted opening balance</b>	<b>(104,681)</b>	<b>(94,258)</b>	<b>(105,600)</b>
<b>Comprehensive income</b>			
Other movements	(464)	-	-
Surplus/(Deficit) for the period	3,802	(10,423)	(11,898)
<b>Total comprehensive income</b>	<b>3,338</b>	<b>(10,423)</b>	<b>(11,898)</b>
<b>Closing balance as at 30 June</b>	<b>(101,343)</b>	<b>(104,681)</b>	<b>(117,498)</b>
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	2,175	2,204	2,204
<b>Adjusted opening balance</b>	<b>2,175</b>	<b>2,204</b>	<b>2,204</b>
<b>Comprehensive income</b>			
Revaluation decrement on non-financial assets	-	(29)	-
<b>Total comprehensive loss</b>	<b>-</b>	<b>(29)</b>	<b>-</b>
<b>Closing balance as at 30 June</b>	<b>2,175</b>	<b>2,175</b>	<b>2,204</b>

**Australian Communications and Media Authority**  
**STATEMENT OF CHANGES IN EQUITY**  
*for the period ended 30 June 2022*

	2022	2021	Original budget 2022
	\$'000	\$'000	\$'000
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	39,194	36,570	38,304
<b>Adjusted opening balance</b>	<b>39,194</b>	<b>36,570</b>	<b>38,304</b>
<b>Comprehensive income</b>			
Other movements <sup>1</sup>	(464)	-	-
Revaluation decrement on non-financial assets	-	(29)	-
Surplus/(Deficit) for the period	3,802	(10,423)	(11,898)
<b>Total comprehensive income</b>	<b>3,338</b>	<b>(10,452)</b>	<b>(11,898)</b>
<b>Contributions by owners</b>			
Departmental capital budget	15,788	13,076	15,788
<b>Total transactions with owners</b>	<b>15,788</b>	<b>13,076</b>	<b>15,788</b>
<b>Closing balance as at 30 June</b>	<b>58,320</b>	<b>39,194</b>	<b>42,194</b>

<sup>1</sup> Other movements represents Section 51 permanent quarantines against *Appropriation Act (No. 1) 2019-20* of \$0.205m and *Appropriation Act (No. 1) 2020-21* of \$0.259m.

**Accounting Policy**

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

**Budget Variances Commentary**

Total equity is higher than the Original Budget due to total Comprehensive Income being higher than originally expected. This was driven by lower than expected staffing levels, and delays caused by COVID and supply chain issues.



**Australian Communications and Media Authority**  
**STATEMENT OF CASHFLOWS**  
*for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget 2022 \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Sale of goods and rendering of services		808	2,724	100
Appropriations		120,358	101,413	119,869
GST received		5,906	4,413	3,169
Other		5	5	-
<b>Total cash received</b>		<u>127,077</u>	<u>108,555</u>	<u>123,138</u>
<b>Cash used</b>				
Employees		65,991	60,210	72,410
Suppliers		46,705	36,997	43,587
Section 74 receipts transferred to OPA		403	2,298	-
Interest payments on lease liabilities		629	653	598
<b>Total cash used</b>		<u>113,728</u>	<u>100,158</u>	<u>116,595</u>
<b>Net cash from operating activities</b>		<u>13,349</u>	<u>8,397</u>	<u>6,543</u>
<b>INVESTING ACTIVITIES</b>				
<b>Cash used</b>				
Purchase of property, plant and equipment		1,695	974	3,948
Purchase of intangibles		8,095	6,757	11,312
<b>Total cash used</b>		<u>9,790</u>	<u>7,731</u>	<u>15,260</u>
<b>Net cash used by investing activities</b>		<u>(9,790)</u>	<u>(7,731)</u>	<u>(15,260)</u>
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Departmental capital budget		9,790	7,869	15,788
<b>Total cash received</b>		<u>9,790</u>	<u>7,869</u>	<u>15,788</u>
<b>Cash used</b>				
Principal payments of lease liabilities		5,252	5,808	5,301
<b>Total cash used</b>		<u>5,252</u>	<u>5,808</u>	<u>5,301</u>
<b>Net cash from financing activities</b>		<u>4,538</u>	<u>2,061</u>	<u>10,487</u>
<b>Net increase in cash held</b>		<u>8,097</u>	<u>2,727</u>	<u>1,770</u>
Cash and cash equivalents at the beginning of the reporting period		4,608	1,881	111
<b>Cash and cash equivalents at the end of the reporting period</b>	3.1A	<u>12,705</u>	<u>4,608</u>	<u>1,881</u>

The above statement should be read in conjunction with the accompanying notes.

**Australian Communications and Media Authority**  
**STATEMENT OF CASHFLOWS**  
*for the period ended 30 June 2022*

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**Budget Variances Commentary**

Net cash from operating activities – The increase from the Original Budget is primarily due to underspends resulting from delayed recruitment and additional funding for the Media Sector Reforms and National Self-Exclusion Register Budget measures announced in the 2021-22 Mid-Year Economic Fiscal Outlook. The increase in suppliers from the Original Budget is predominately due to the increased use of contractors to fill vacant staff positions.

Net cash used by investing activities – The decrease from the Original Budget is due to delays in capital projects, predominantly caused by COVID and supply chain issues.

Net cash from financing activities – The decrease from the Original Budget is related to the reduced DCB used for capital projects that have been delayed.

**Australian Communications and Media Authority**  
**ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2022*

		2022	2021	Original Budget 2022
	Notes	\$'000	\$'000	\$'000
<b>NET COST OF SERVICES</b>				
<b>EXPENSES</b>				
Suppliers	2.1A	4,224	3,848	4,799
Grants	2.1B	5,254	9,940	4,623
Impairment loss on financial instruments	2.1C	2,341	-	-
<b>Total expenses</b>		<b>11,819</b>	13,788	9,422
<b>INCOME</b>				
<b>Revenue</b>				
<b>Taxation revenue</b>				
Other taxes	2.2A	1,248,358	919,310	1,261,723
<b>Total taxation revenue</b>		<b>1,248,358</b>	919,310	1,261,723
<b>Non-taxation revenue</b>				
Revenue from contracts with customers	2.2B	6,288	4,567	5,033
Fees and fines	2.2C	36,777	33,427	35,513
Other revenue	2.2D	1,565	-	11,238
<b>Total non-taxation revenue</b>		<b>44,630</b>	37,994	51,784
<b>Total revenue</b>		<b>1,292,988</b>	957,304	1,313,507
<b>Gains</b>				
Resources received free of charge	2.2E	652,508	-	655,035
Reversal of impairment of receivables		-	519	-
<b>Total gains</b>		<b>652,508</b>	519	655,035
<b>Total income</b>		<b>1,945,496</b>	957,823	1,968,542
<b>Net contribution by services</b>		<b>1,933,677</b>	944,035	1,959,120

The above schedule should be read in conjunction with the accompanying notes.

**Budget Variances Commentary**

*Expenses* – The increase from the Original Budget is primarily due to the recognition of impairment losses on financial instruments, which is calculated based on the expected credit losses from Taxation Receivables and Trade and Other Receivables.

*Revenues* – Taxation revenue is relatively in line with the Original Budget, with the majority of the balance relating to the full year recognition of the Regional Broadband Scheme charge of \$720m. Other Revenue is slightly lower than the Original Budget partially due to the unwinding of the discount for lease receivables related to the 26GHz spectrum auction. The decrease from the Original Budget for Other revenue relates to the cost recovery for the National Self-Exclusion Register, which is now due to start in 2022-23.

**Australian Communications and Media Authority**  
**ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES**  
*as at 30 June 2022*

		2022	2021	Original Budget 2022
	Notes	\$'000	\$'000	\$'000
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents	4.1A	618	815	436
Taxation receivables	4.1B	742,507	392,156	774,945
Trade and other receivables	4.1C	584,444	61,338	555,560
Other financial assets	4.1D	23	18	-
<b>Total financial assets</b>		<b>1,327,592</b>	<b>454,327</b>	<b>1,330,941</b>
<b>Total assets administered on behalf of Government</b>		<b>1,327,592</b>	<b>454,327</b>	<b>1,330,941</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Unearned revenue	4.2A	98,072	255,771	130,623
Other payables	4.2A	834	823	537
<b>Total payables</b>		<b>98,906</b>	<b>256,594</b>	<b>131,160</b>
<b>Total liabilities administered on behalf of Government</b>		<b>98,906</b>	<b>256,594</b>	<b>131,160</b>
<b>Net assets</b>		<b>1,228,686</b>	<b>197,733</b>	<b>1,199,781</b>

The above schedule should be read in conjunction with the accompanying notes.

**Budget Variances Commentary**

Net assets have increased slightly to Original Budget due to a decrease in unearned revenue resulting from a reduction in apparatus licence taxes paid in advance. Taxation receivables are lower than the Original Budget due to the timing of the collection of Radiocommunication taxes ahead of expectations. Trade and other receivables are also higher than the Original Budget due the timing of the collection of the Annual Carrier Licence Charge.

**Australian Communications and Media Authority**  
**ADMINISTERED RECONCILIATION SCHEDULE**  
*for the period ended 30 June 2020*

	2022 \$'000	2021 \$'000
<b>Opening assets less liabilities as at 1 July</b>	<b>197,733</b>	(73,656)
Income	<b>1,945,496</b>	957,823
Expenses	<b>(11,819)</b>	(13,788)
<b>Transfers (to)/from Australian Government</b>		
Appropriation transfers from the OPA	<b>19,276</b>	22,573
Transfers to the OPA	<b>(357,716)</b>	(451,081)
Transfers to the OPA (collected on behalf on another entity) <sup>1, 2</sup>	<b>(236,571)</b>	(244,138)
Regional Broadband Scheme Charge NBN <sup>3</sup>	<b>(327,713)</b>	-
<b>Closing assets less liabilities as at 30 June</b>	<b>1,228,686</b>	197,733

<sup>1</sup> Relates to the Telecommunications Industry Levy collected on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts Public Interest Telecommunications Services Special Account.

<sup>2</sup> Relates to the collection of the Regional Broadband Scheme Charge collected on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts Regional Broadband Scheme Special Account.

<sup>3</sup> Relates to revenue from the recognition of Regional Broadband Scheme Charge revenue from NBN recognised in 2020-21 where the cash was not collected due to a reciprocal grant paid by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

**Accounting Policy**

Administered Cash Transfers to and from the OPA

Revenue collected by the ACMA for use by the Australian Government rather than the ACMA is Administered revenue. Collections are transferred to the OPA maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of the Australian Government. These transfers to and from the OPA are adjustments to the Administered cash held by the ACMA on behalf of the Australian Government and reported as such in the Administered Cash Flow Statement and in the Administered Reconciliation Schedule.

**Australian Communications and Media Authority**  
**ADMINISTERED CASH FLOW STATEMENT**  
*for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sale of goods and rendering of services		6,287	5,806
Taxes		542,369	546,936
Rental income		-	131,651
Fees		29,629	-
Fines		6,065	2,904
GST received		575	1,140
<b>Total cash received</b>		<b>584,925</b>	<b>688,437</b>
<b>Cash used</b>			
Grants		5,608	10,693
Suppliers		4,503	4,719
<b>Total cash used</b>		<b>10,111</b>	<b>15,412</b>
<b>Net cash from operating activities</b>		<b>574,814</b>	<b>673,025</b>
<b>Net increase in cash held</b>		<b>574,814</b>	<b>673,025</b>
<b>Cash from the Official Public Account</b>			
Appropriations		19,276	22,573
<b>Total cash from the Official Public Account</b>		<b>19,276</b>	<b>22,573</b>
<b>Cash to the Official Public Account</b>			
Administered revenue		(357,716)	(451,081)
Transfer to other entities (collected on behalf of another entity)		(236,571)	(244,138)
<b>Total cash to the Official Public Account</b>		<b>(594,287)</b>	<b>(695,219)</b>
Cash and cash equivalents at the beginning of the reporting period		815	436
<b>Cash and cash equivalents at the end of the reporting period</b>	4.1A	<b>618</b>	<b>815</b>

The above schedule should be read in conjunction with the accompanying notes.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

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## Australian Communications and Media Authority NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### Overview

The entity conducts the following administered activities on behalf of the Government:

- Revenue collection for broadcasting and radio communications licences
- Grant programs under the Regional and Small Publishers Innovation Fund and Online Safety Grants Program
- Revenue collection for the Regional Broadband Scheme Charge
- Charging arrangements related to the Annual Carrier Licence Charge and Numbering charges
- Other programs of work classified as administered activities.

#### Basis of Preparation

The financial statements are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with the:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars.

#### New Accounting Standards

All new Accounting Standards that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on ACMA's financial statements.

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 1060 <i>General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities</i>	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework.  The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the entity.

#### Reporting of Administered activities

Administered revenues, expenses, assets, liabilities, and cash flows are disclosed in the Administered schedules and related notes.

Except where stated below, Administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

#### eSafety Commissioner

The eSafety Commissioner is an independent statutory officer and governed by the *Online Safety Act 2021*. Under this Act, the ACMA makes staff available to assist the eSafety Commissioner to perform their functions and exercise their powers. As eSafety is not a separate Commonwealth entity under the PGPA Act, the ACMA consolidates eSafety's financial balances into the ACMA's financial statements. A disaggregation of these balances is provided in Note 9.

#### Taxation

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).



**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

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**Significant Accounting Judgements and Estimates**

In the process of applying the accounting policies listed in this note, the ACMA has made a judgement for the provision for long service leave which has been estimated using present value techniques, which take into account attrition rates and pay increases through promotion and inflation.

An estimate of the NBN Co's charge for the Regional Broadband Scheme was accrued in Note 2.2 Other Taxes with a corresponding receivable recorded in Note 4.1B Taxation Receivables. This estimate was calculated using the methodology detailed in the *Telecommunications (Regional Broadband Scheme) Charge Act 2020*, and the connection data made publicly available by NBN Co in their Weekly Progress Report.

**Events after the reporting period**

**Departmental**

There are no known events occurring after the reporting period that could impact on the financial statements.

**Administered**

There are no known events occurring after the reporting period that could impact on the financial statements.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**1. Financial Performance**

This section analyses the financial performance of the ACMA for the year ended 30 June 2022.

**1.1 Expenses**

	2022	2021
	\$'000	\$'000
<b>Note 1.1A: Employee Benefits</b>		
Wages and salaries	46,826	43,551
Superannuation		
Defined contribution plans	6,103	4,387
Defined benefit plans	4,247	5,382
Leave and other entitlements	5,515	7,738
Separation and redundancies	191	1,000
<b>Total employee benefits</b>	<b>62,882</b>	<b>62,058</b>

**Accounting Policy**

For accounting policies on employee related expenses please refer to Section 6, People and Relationships.

**Note 1.1B: Suppliers**

**Goods and services supplied or rendered**

Contractors	18,475	12,649
IT and communications services	8,327	7,055
Outsourced services	4,505	5,149
Consultants	3,088	2,813
Travel costs	674	281
Occupancy costs	1,376	1,495
Other	1,696	1,370
Stationery and publications	477	475
Legal costs	1,126	1,105
<b>Total goods and services supplied or rendered</b>	<b>39,744</b>	<b>32,392</b>

Goods supplied	826	600
Services rendered	38,918	31,792
<b>Total goods and services supplied or rendered</b>	<b>39,744</b>	<b>32,392</b>

**Other suppliers**

Low value leases	262	312
Workers compensation expenses	296	179
<b>Total other suppliers</b>	<b>558</b>	<b>491</b>
<b>Total suppliers</b>	<b>40,302</b>	<b>32,883</b>

The ACMA has no short-term lease commitments as at 30 June 2022.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 3.2A and 3.4A.

**Accounting Policy**

Short-term leases and leases of low-value assets

The ACMA has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and low value leases (less than \$10,000). The ACMA recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

	2022	2021
	\$'000	\$'000
<b>Note 1.1C: Finance Costs</b>		
Unwinding of discount	13	127
Interest on lease liabilities	<u>616</u>	<u>653</u>
<b>Total finance costs</b>	<u>629</u>	<u>780</u>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 3.2A and 3.4A.

<b>Note 1.1D: Impairment Loss on Financial Instruments</b>		
Impairment on trade and other receivables	<u>93</u>	-
<b>Total impairment loss on financial instruments</b>	<u>93</u>	-

<b>Note 1.1E: Write-Down and Impairment of Other Assets</b>		
Write-down of property, plant and equipment	5	250
Write-down of intangible assets	<u>-</u>	<u>171</u>
<b>Total write-down and impairment of assets</b>	<u>5</u>	<u>421</u>

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**1.2 Own-Source Revenue and Gains**

	2022	2021
	\$'000	\$'000

**Note 1.2A: Revenue from Contract with Customers**

Sale of goods	13	12
Rendering of services	<u>1,501</u>	<u>1,118</u>
<b>Total revenue from contract with customers</b>	<b><u>1,514</u></b>	<b><u>1,130</u></b>

**Disaggregation of revenue from contracts with customers**

**Major product / service line:**

Service delivery	1,501	1,118
Sales of low value plant and equipment	<u>13</u>	<u>12</u>
	<b><u>1,514</u></b>	<b><u>1,130</u></b>

**Type of customer:**

Australian Government entities (related parties)	967	397
Non-government entities	<u>547</u>	<u>733</u>
	<b><u>1,514</u></b>	<b><u>1,130</u></b>

**Timing of transfer of goods and services:**

Over time	1,501	1,118
Point in time	<u>13</u>	<u>12</u>
	<b><u>1,514</u></b>	<b><u>1,130</u></b>

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Accounting Policy**

Revenue from the sale of goods is recognised by the ACMA when all of the following conditions have been satisfied:

- a. the entity has transferred to the buyer the significant risks and rewards of ownership of the goods;
- b. the entity retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- c. the amount of revenue can be measured reliably;
- d. it is probable that the economic benefits associated with the transaction will flow to the entity; and
- e. the costs incurred or to be incurred in respect of the transaction can be measured reliably.

Revenue from a transaction involving the rendering of services shall be recognised by reference to the stage of completion of the transaction at the end of the reporting period. The outcome of a transaction can be estimated reliably when all of the following conditions are satisfied:

- a. the amount of revenue can be measured reliably;
- b. it is probable that the economic benefits associated with the transaction will flow to the entity;
- c. the stage of completion of the transaction at the end of the reporting period can be measured reliably; and
- d. the costs incurred for the transaction and the costs to complete the transaction can be measured reliably.

When the outcome of a transaction involving the rendering of services cannot be estimated reliably, revenue is recognised only to the extent of the expenses recognised that are recoverable. Revenue is recognised only when it is probable that the economic benefits associated with the transaction will flow to the entity.

For the ACMA, in general, sale of goods is recognised at a point in time when control is transferred to the buyer, and rendering of services is recognised over time as performance obligations are met. Each contract is assessed at inception against AASB 15, or AASB 1058 where AASB 15 does not apply, and determines whether the ACMA will recognise the revenue over time or at a point in time.

The following is a description of principal activities from which the ACMA generates its departmental revenue: sale of minor assets (generally point in time), service arrangements with other Australian Government entities (generally over time), and cost recovery income received for work completed for satellite co-ordination charges collected by the ACMA, Emergency Position Indicating Radio Beacon triangulation (EPIRB) and police investigation assistance (generally over time).

The transaction price is the total amount of consideration to which the Entity expects to be entitled in exchange for transferring promised goods or services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

	<b>2022</b>	2021
	<b>\$'000</b>	\$'000
<b><u>Note 1.2B: Reversals of Previous Asset Write-Downs and Impairments</u></b>		
Reversal of impairment of property, plant and equipment	<b>9</b>	-
Reversal of impairment of receivables	-	15
<b>Total reversals of previous asset write-downs and impairments</b>	<b>9</b>	15

**Note 1.2C: Other Gains**

Resources received free of charge		
Remuneration of auditors	<b>81</b>	81
<b>Total other gains</b>	<b>81</b>	81

**Accounting Policy**

**Resources Received Free of Charge**

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources are recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature. The value of income represents the services provided free of charge by the Australian National Audit Office.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**2. Income and Expenses Administered on Behalf of Government**

This section analyses the activities that the ACMA does not control but administers on behalf of the Government.

Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

**2.1 Administered – Expenses**

	2022	2021
	\$'000	\$'000
<b>Note 2.1A: Suppliers</b>		
<b>Goods and services supplied or rendered</b>		
Contractors	3,953	3,593
IT and communications services	167	157
Consultants	86	41
Travel	1	1
Other	17	56
<b>Total goods and services supplied or rendered</b>	<b>4,224</b>	<b>3,848</b>
Goods supplied	-	-
Services rendered	4,224	3,848
<b>Total goods and services supplied or rendered</b>	<b>4,224</b>	<b>3,848</b>
<b>Note 2.1B: Grants</b>		
Private sector		
Commercial entities	5,254	9,940
<b>Total grants</b>	<b>5,254</b>	<b>9,940</b>
<b>Note 2.1C: Impairment Loss on Financial Instruments</b>		
Impairment on trade and other receivables	512	-
Impairment on taxation receivables	1,829	-
<b>Total impairment loss on financial instruments</b>	<b>2,341</b>	<b>-</b>

**Accounting Policy**

Grants

The ACMA administers a number of grants on behalf of the Australian Government. Grant liabilities are recognised to the extent that (i) the services required to be performed by the grantee have been performed; or (ii) the grant eligibility criteria have been satisfied, but payments due have not been made. Where grant monies are paid in advance of performance or eligibility, a prepayment is recognised.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**2.2 Administered – Income**

	2022	2021
	\$'000	\$'000
<b>Taxation Revenue</b>		
<b>Note 2.2A: Other Taxes</b>		
Broadcasting licence charges	46,477	13,526
Radio communications taxes	194,387	276,815
Regional Broadband Scheme charge <sup>1</sup>	720,055	324,831
Telecommunication numbering charges	60,000	60,000
Industry contributions	227,439	244,138
<b>Total other taxes</b>	<b>1,248,358</b>	<b>919,310</b>
<b>Non-Taxation Revenue</b>		
<b>Note 2.2B: Revenue from Contract with Customers</b>		
Sale of goods	6,288	4,567
<b>Total revenue from contract with customers</b>	<b>6,288</b>	<b>4,567</b>
<b>Note 2.2C: Fees and Fines</b>		
Licence fees	30,712	30,523
Fines and penalties	6,065	2,904
<b>Total fees and fines</b>	<b>36,777</b>	<b>33,427</b>
<b>Note 2.2D: Other Revenue</b>		
Unwinding of discount on lease receivable	1,565	-
<b>Total other revenue</b>	<b>1,565</b>	<b>-</b>

<sup>1</sup> The increase in the current year is due to the full year effect of the Regional Broadband Scheme which commenced 1 January 2021.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

	2022	2021
	\$'000	\$'000
<b>Note 2.2E: Resources received free of charge</b>		
Spectrum licences <sup>1</sup>	652,508	-
<b>Total Resources received free of charge</b>	<b>652,508</b>	<b>-</b>

<sup>1</sup> The sale of 26 GHz spectrum access licences is initially recognised as a resource received free of charge on commencement of the licence. Subsequent treatment of the licences is made under AASB 16 Leases, recognising a lease receivable on the statement of financial position, with the ACMA as the lessor.

**Accounting Policy**

Revenue

All Administered revenues relate to the ordinary activities performed by the ACMA on behalf of the Australian Government. Contributions from industries in the form of taxes, industry levies and fines are recognised as revenue when the economic activity giving rise to the Australian Government's right to the contribution has taken place and the liability to contribution can be reliably measured.

The following is a description of principal activities from which the ACMA generates its Administered revenue:

- a. Collection of taxes associated with broadcasting licences, radio communications, telecommunication charges and contributions from the industry;
- b. Collection of charges associated with the Regional Broadband Scheme;
- c. Revenue from contracts with customers;
- d. Collection of fees and fines levied within the communications and media industry; and

Revenue from broadcasting licence charges is recognised over time, however all other taxes, fees and fines are recognised as at a point in time. Other revenue from contracts with customers are recognised in accordance with the relevant accounting standard after assessing the characteristics of the contract.

Gains

Resources received free of charge for Spectrum are recognised under AASB 138 *Intangible Assets* at the commencement of the related Spectrum Access Charge licence. This reflects the fair value of the spectrum to the ACMA, when the consideration paid for the asset is significantly less than the fair value. At the commencement of the licence, the ACMA recognised a finance lease under AASB 16 Leases, with derecognition of the related spectrum asset and a receivable raised for the 'net investment in the lease'.



**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**3. Financial Position**

This section analyses the ACMA's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

**3.1 Financial Assets**

	<b>2022</b>	2021
	<b>\$'000</b>	\$'000
<b>Note 3.1A: Cash and Cash Equivalents</b>		
Cash in special accounts	<b>12,514</b>	4,453
Cash on hand or on deposit	<b>96</b>	59
Cash held for external parties	<b>95</b>	96
<b>Total cash and cash equivalents</b>	<b>12,705</b>	4,608

**Accounting Policy**

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value; and
- c) cash in special accounts.

**Note 3.1B: Trade and Other Receivables**

**Appropriations receivables**

For existing outputs	<b>48,385</b>	41,423
<b>Total appropriations receivable</b>	<b>48,385</b>	41,423

**Other receivables**

GST receivable from the Australian Taxation Office	<b>613</b>	534
Other	<b>423</b>	101
<b>Total other receivables</b>	<b>1,036</b>	635
<b>Total trade and other receivables (gross)</b>	<b>49,421</b>	42,058

**Less impairment loss allowance**

	<b>95</b>	2
<b>Total trade and other receivables (net)</b>	<b>49,326</b>	42,056

**Accounting Policy**

**Financial assets**

Trade receivables, loans and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

**Australian Communications and Media Authority  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**3.2 Non-Financial Assets**

Note 3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles for 2022

	Land \$'000	Buildings \$'000	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software \$'000	Total \$'000
<b>As at 1 July 2021</b>						
Gross book value	-	-	-	-	46,073	46,073
Fair value	1,595	194	83,185	6,279	-	91,253
Work in progress (WIP)	-	-	122	86	9,108	9,316
Accumulated depreciation and amortisation	-	-	(14,150)	(1,710)	(41,087)	(56,947)
<b>Total as at 1 July 2021</b>	<b>1,595</b>	<b>194</b>	<b>69,157</b>	<b>4,655</b>	<b>14,094</b>	<b>89,695</b>
<b>Additions</b>						
By purchase	-	-	-	523	6,742	7,265
Movement in WIP	-	-	1,544	-	2,486	4,030
Right-of-use assets	-	-	3,058	-	-	3,058
Depreciation and amortisation	-	(17)	(2,272)	(1,489)	(3,074)	(6,852)
Other movements	-	-	(8,444)	-	-	(8,444)
Disposals other	-	-	-	9	-	9
	-	-	-	(5)	-	(5)
<b>Total as at 30 June 2022</b>	<b>1,595</b>	<b>177</b>	<b>63,043</b>	<b>3,693</b>	<b>20,248</b>	<b>88,756</b>

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NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

	Land \$'000	Buildings \$'000	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software \$'000	Total \$'000
<b>Total as at 30 June 2022 represented by:</b>						
Gross book value	-	-	-	-	52,815	52,815
Fair value	1,595	194	86,243	6,844	-	94,876
Work in progress	-	-	1,666	86	11,594	13,346
Accumulated depreciation and amortisation	-	(17)	(24,866)	(3,237)	(44,161)	(72,281)
<b>Total as at 30 June 2022</b>	<b>1,595</b>	<b>177</b>	<b>63,043</b>	<b>3,693</b>	<b>20,248</b>	<b>88,756</b>
<b>Carrying amount of right-of-use assets</b>	<b>-</b>	<b>-</b>	<b>58,167</b>	<b>-</b>	<b>-</b>	<b>58,167</b>

**Revaluation of non-financial and intangible assets**

All revaluations are conducted in accordance with the revaluation policy stated at Note 7.4. No revaluations were conducted this year.

**Contractual commitments for the acquisition of property, plant and equipment and intangible assets**

The ACMA has no commitments for the acquisition of non-financial assets.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Accounting Policy**

Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate. Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$5,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The asset thresholds have not been changed during the current financial year. The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the ACMA where there exists an obligation to restore the property to its original condition. These costs are included in the value of the ACMA's leasehold improvements with a corresponding provision for the 'make good' recognised.

Asset Class	Threshold
Buildings	\$50,000
Leasehold improvements	\$10,000
Plant and equipment	\$5,000
Software	\$10,000

Leased Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

An impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Leased ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, General Government Sector and Whole of Government financial statements.

Revaluations

Fair values for each class of asset are determined:

Asset class	Revaluation cycle	Fair Value Measured at
Land	Tri-annually	Market approach
Building	Tri-annually	Depreciated replacement cost
Leasehold improvements	Tri-annually	Depreciated replacement cost
Plant and equipment	Tri-annually	Market approach

Following initial recognition at cost, property plant and equipment is carried at fair value (or an amount not materially different from fair value) less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve, except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/(deficit). Revaluation decrements for a class of assets are recognised directly in the surplus/(deficit) except to the extent that they reverse a previous revaluation increment for that class. Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the ACMA using, in all cases, the straight-line method of depreciation. Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Asset under construction are not subject to depreciation.

Asset Class	Useful Life
Buildings	5 to 40 years
Leasehold improvements	Lease term
Plant and equipment	3 to 15 years

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

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Impairment

All assets were assessed for impairment at 30 June 2022. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount. The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the ACMA were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Intangibles

The ACMA's intangibles comprise of internally developed and purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses. Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the ACMA's software are 3 to 10 years and have not changed from the prior year.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**3.3 Payables**

	2022	2021
	\$'000	\$'000
<b>Note 3.3A: Suppliers</b>		
Trade creditors and accruals	5,549	3,740
<b>Total supplier payables</b>	<b>5,549</b>	<b>3,740</b>

The majority of suppliers engaged had 20 day payment terms.

**Note 3.3B: Other Payables**

Unearned revenue	1,046	2,370
Salaries and wages	1,230	1,538
Superannuation	486	207
Separations and redundancies	-	426
Other	11	11
<b>Total other payables</b>	<b>2,773</b>	<b>4,552</b>

**3.4 Leases**

	2022	2021
	\$'000	\$'000
<b>Note 3.4A: Leases</b>		
<b>Lease Liabilities</b>		
Leasehold improvements	64,460	66,655
<b>Total leases</b>	<b>64,460</b>	<b>66,655</b>

Total cash outflow for leases for the year ended 30 June 2022 was \$5.869m.

**Maturity analysis - contractual undiscounted cash flows**

Within 1 year	8,748	5,869
Between 1 to 5 years	33,990	33,419
More than 5 years	24,502	30,700
<b>Total leases</b>	<b>67,240</b>	<b>69,988</b>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C and 3.2.

**Accounting Policy**

For all new contracts entered into, the ACMA considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the ACMA's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**3.5 Other Provisions**

	Provision for restoration	Total
Reconciliation of the Other Provisions Account:	\$'000	\$'000
As at 1 July 2021	2,813	2,813
Additional provisions made	13	13
Amounts reversed	-	-
Amounts used	(68)	(68)
<b>Total as at 30 June 2022</b>	<b>2,758</b>	<b>2,758</b>

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**4. Assets and Liabilities Administered on Behalf of Government**

This section analyses assets used to conduct operations and the operating liabilities incurred as a result the ACMA does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

**4.1 Administered – Financial Assets**

	2022	2021
	\$'000	\$'000
<b>Note 4.1A: Cash and Cash Equivalents</b>		
Cash in special accounts	211	458
Cash on hand or on deposit	407	357
<b>Total cash and cash equivalents</b>	<b>618</b>	<b>815</b>

**Accounting Policy**

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value; and
- c) cash in special accounts.

**Note 4.1B: Taxation Receivables**

Other taxes <sup>1</sup>	744,765	392,584
<b>Total taxation receivables (gross)</b>	<b>744,765</b>	<b>392,584</b>
Less: impairment loss allowance		
Other taxes	2,258	428
<b>Total receivables (net)</b>	<b>742,507</b>	<b>392,156</b>

**Note 4.1C: Trade and Other Receivables**

<b>Other receivables</b>		
Annual Carrier Licence Charge	62,668	61,586
Lease receivable <sup>2</sup>	522,473	-
Statutory receivables	118	56
<b>Total other receivables</b>	<b>585,259</b>	<b>61,642</b>
<b>Total trade and other receivables (gross)</b>	<b>585,259</b>	<b>61,642</b>
Less: impairment loss allowance		
Other receivables	815	304
<b>Total trade and other receivables (net)</b>	<b>584,444</b>	<b>61,338</b>

**Note 4.1D: Other Financial Assets**

Prepayments	23	18
<b>Total other financial assets</b>	<b>23</b>	<b>18</b>

<sup>1</sup> The increase in the current year for Taxation Receivables is primarily due to the full year effect of the Regional Broadband Scheme which commenced 1 January 2021.

<sup>2</sup> The 2022 figure for Lease receivable represents the sale of 26GHz spectrum licences and subsequent treatment under AASB 16 Leases.



**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**4.2 Administered – Payables**

	2022	2021
	\$'000	\$'000
<b>Note 4.2A: Other Payables</b>		
Unearned revenue <sup>1</sup>	98,072	255,771
Other	834	823
<b>Total other payables</b>	<b>98,906</b>	<b>256,594</b>

<sup>1</sup> Unearned revenue represents radiocommunication licences paid in advance where the benefit has not yet been realised by the holder. The balance in 2021 related to the cash received ahead of the commencement of the licences as a result of the 26GHz auction held in 2020.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**5. Funding**

This section identifies the ACMA's funding structure.

**5.1 Appropriations**

**Note 5.1A: Departmental annual and unspent appropriations ('Recoverable GST exclusive')**

	2022	2021
	\$'000	\$'000
<b>Ordinary annual services</b>		
Annual Appropriation		
Operating	121,382	101,006
Capital budget <sup>1</sup>	15,788	13,076
Section 74 receipts <sup>2</sup>	403	2,298
<b>Total available appropriation</b>	<b>137,573</b>	<b>116,380</b>
Appropriation applied (current and prior years)	(122,051)	(106,555)
<b>Variance</b>	<b>15,522</b>	<b>9,825</b>
<b>Balance comprises appropriations as follows:</b>		
<i>Appropriation Act (No. 1) 2019-20<sup>3</sup></i>	205	-
<i>Appropriation Act (No. 1) 2019-20 Capital Budget (DCB)</i>	-	1,924
<i>Supply Act (No. 1) 2019-20 Capital Budget (DCB)</i>	-	2,673
<i>Appropriation Act (No. 1) 2020-21<sup>3</sup></i>	259	23,459
<i>Appropriation Act (No. 1) 2020-21 Capital Budget (DCB)</i>	3,096	6,028
<i>Appropriation Act (No. 3) 2020-21</i>	-	391
<i>Appropriation Act (No. 3) 2020-21 Capital Budget (DCB)</i>	506	506
<i>Supply Act (No. 1) 2020-21 Capital Budget (DCB)</i>	6,442	6,442
<i>Appropriation Act (No. 1) 2020-21 cash held by the agency</i>	-	4,608
<i>Appropriation Act (No. 1) 2021-22</i>	26,548	-
<i>Appropriation Act (No. 1) 2021-22 Capital Budget (DCB)</i>	10,279	-
<i>Appropriation Act (No. 3) 2021-22</i>	1,513	-
<i>Appropriation Act (No. 1) 2021-22 cash held by the agency</i>	12,705	-
<b>Total unspent appropriation - ordinary annual services</b>	<b>61,553</b>	<b>46,031</b>
<b>Total unspent appropriation<sup>3</sup></b>	<b>61,553</b>	<b>46,031</b>

<sup>1</sup> Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No. 1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

<sup>2</sup> Adjustments to appropriations includes adjustments to current year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

<sup>3</sup> The total unspent appropriation is shown inclusive of Section 51 permanent quarantines imposed in 2021-22 against *Appropriation Act (No. 1) 2019-20* of \$0.205m and *Appropriation Act (No. 1) 2020-21* of \$0.259m.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Accounting Policy**

Revenue from Government - Departmental

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the ACMA gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

Funding received or receivable from non-corporate Commonwealth entities (appropriated to the non-corporate Commonwealth entity as a corporate Commonwealth entity payment item for payment to this entity) is recognised as Revenue from Government by the non-corporate Commonwealth entity unless the funding is in the nature of an equity injection or a loan.

<b>Note 5.1B: Administered annual and unspent appropriations ('Recoverable GST exclusive')</b>		
	<b>2022</b>	2021
	<b>\$'000</b>	\$'000
<b>Ordinary annual services</b>		
Annual appropriation		
Operating	<b>6,694</b>	12,988
<b>Total available appropriation</b>	<b>6,694</b>	12,988
Appropriation applied (current and prior years)	<b>(9,985)</b>	(14,374)
<b>Variance</b>	<b>(3,291)</b>	(1,386)
Opening unspent appropriation balance	<b>26,745</b>	29,052
Repeal of <i>Appropriation Act (No. 3) 2017-18</i>	-	(921)
Repeal of <i>Appropriation Act (No. 1) 2018-19</i>	<b>(13,938)</b>	-
<b>Closing unspent appropriation balance</b>	<b>9,516</b>	26,745
<b>Balance comprises appropriations as follows:</b>		
<i>Appropriation Act (No. 1) 2018-19</i>	-	13,938
<i>Supply Act (No. 1) 2019-20</i>	<b>1,472</b>	1,472
<i>Appropriation Act (No. 1) 2019-20</i>	<b>7,083</b>	9,333
<i>Supply Act (No. 1) 2020-21</i>	<b>857</b>	2,002
<i>Appropriation Act (No. 1) 2021-22</i>	<b>104</b>	-
<b>Total unspent appropriation - ordinary annual services</b>	<b>9,516</b>	26,745
<b>Total unspent appropriation</b>	<b>9,516</b>	26,745

<b>Note 5.1C: Special Appropriations ('Recoverable GST exclusive')</b>			
		<b>Appropriation applied</b>	
		<b>2022</b>	2021
<b>Authority</b>	<b>Type</b>	<b>\$'000</b>	\$'000
<i>Public Governance, Performance and Accountability Act 2013 s77 Repayments<sup>1</sup></i>	Refund	<b>8,636</b>	7,146
<i>Special Appropriation - Telecommunications Act 1997 - ss136C(4)</i>		-	-
<b>Total special appropriations applied</b>		<b>8,636</b>	7,146

<sup>1</sup> Relates to the refund of radiocommunications licences surrendered before the expiration date.

**Australian Communications and Media Authority**  
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**5.2 Special Accounts**

**Note 5.2A: Special Accounts ('Recoverable GST exclusive')**

	The Online Safety Special Account <sup>1</sup>		Services for Other Entities and Trusts Moneys <sup>2</sup>	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
<b>Balance brought forward from previous period</b>	<b>4,453</b>	1,796	<b>458</b>	75
<b>Increases</b>				
Departmental	<b>45,046</b>	26,254	-	-
Administered	-	-	<b>6,334</b>	686
<b>Total increases</b>	<b>45,046</b>	26,254	<b>6,334</b>	686
<b>Available for payments</b>	<b>49,499</b>	28,050	<b>6,792</b>	761
<b>Decreases</b>				
Departmental	<b>(36,986)</b>	(23,597)	-	-
Administered	-	-	<b>(6,581)</b>	(303)
<b>Total decreases</b>	<b>(36,986)</b>	(23,597)	<b>(6,581)</b>	(303)
<b>Total balance carried to the next period</b>	<b>12,513</b>	4,453	<b>211</b>	458
<b>Balance represented by:</b>				
Cash held in entity bank accounts	<b>127</b>	5	-	-
Cash held in the Official Public Account	<b>12,386</b>	4,448	<b>211</b>	458
<b>Total balance carried to the next period</b>	<b>12,513</b>	4,453	<b>211</b>	458

<sup>1</sup> Appropriation: *Public Governance, Performance and Accountability Act 2013*; section 80.  
 Establishing Instrument: *Online Safety Act 2021*; section 190.  
 Purpose: To enhance online safety for Australians.

<sup>2</sup> Appropriation: *Financial Management and Accountability Act 1997*; section 20.  
 Establishing Instrument: FMA Act (Establishment of SOETM Special Account – ACMA) Determination 2012/03.  
 Purpose: This account was created to disburse amounts held on trust or otherwise for the benefit of a person other than the Commonwealth.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**5.3 Regulatory Charging Summary**

	2022	2021
	\$'000	\$'000
<b>Amounts applied</b>		
Departmental		
Annual appropriations	19,555	19,078
Own source revenue	260	721
Administered		
Special appropriations (including special accounts)	-	-
<b>Total amounts applied</b>	<u>19,815</u>	<u>19,799</u>
<b>Expenses</b>		
Departmental	19,870	19,886
Administered	-	-
<b>Total expenses</b>	<u>19,870</u>	<u>19,886</u>
<b>External revenue</b>		
Departmental	260	721
Administered	36,950	36,237
<b>Total external revenue</b>	<u>37,210</u>	<u>36,958</u>

Regulatory charging activities:

ACMA activities include the Annual Carriers Licence Charge, the Telecommunications Industry Levy and the Do Not Call Register. Cost Recovery Impact Statements for these activities is available at:

[www.acma.gov.au/cost-recovery-implementation-statement-cris](http://www.acma.gov.au/cost-recovery-implementation-statement-cris)

**5.4 Net Cash Appropriation Arrangement**

	2022	2021
	\$'000	\$'000
<b>Total comprehensive income/ (loss) - as per the Statement of Comprehensive Income</b>	3,802	(10,452)
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity appropriations)	6,852	8,868
<i>Plus:</i> depreciation on right-of-use assets	8,444	7,650
<i>Less:</i> lease principal repayments	<u>(5,252)</u>	<u>(5,808)</u>
<b>Net Cash Operating Surplus/ (Deficit)</b>	<u>13,846</u>	<u>258</u>

From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

The inclusion of depreciation/amortisation expenses related to ROU leased assets and the lease liability principal repayment amount reflects the cash impact on implementation of AASB 16 Leases, it does not directly reflect a change in appropriation arrangements.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**6. People and Relationships**

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

**6.1 Employee Provisions**

	2022	2021
	\$'000	\$'000
<b>Note 6.1A: Employee Provisions</b>		
Leave	<u>20,900</u>	<u>22,325</u>
<b>Total employee provisions</b>	<u>20,900</u>	<u>22,325</u>

**Accounting Policy**

Liabilities for 'short-term employee benefits' and termination benefits due within twelve months of the end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as the net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes a provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the ACMA is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the ACMA's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the short hand method prescribed under section 24 of the Financial Reporting Rule. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The ACMA recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the termination.

Superannuation

ACMA staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap) or other superannuation funds held outside the Australian Government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's Administered schedules and notes.

The ACMA makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Australian Government. The ACMA accounts for the contributions as if they were contributions to defined contribution plans. The liability for superannuation recognised as at 30 June represents outstanding contributions.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**6.2 Key Management Personnel Remuneration**

Key Management Personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. The ACMA has determined the Key Management Personnel to be the Chair, Deputy Chair, General Managers and the eSafety Commissioner.

Key Management Personnel remuneration is reported in the table below:

	2022	2021
	\$	\$
Short-term employee benefits	2,785,840	2,660,387
Post-employment benefits	408,934	394,955
Other long-term employee benefits	67,765	65,073
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>3,262,539</b>	<b>3,120,415</b>

The total number of Key Management Personnel that are included in the above table is 8 (2021: 8). There were no changes to the number of KMP positions from the prior year.

Other than annual leave accrued and long-service leave, all expenses reflect cash payments made during the year.

<sup>1</sup> The above Key Management Personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the ACMA.

**6.3 Related Party Disclosures**

**Related party relationships:**

The ACMA is an Australian Government controlled entity. Related parties to the ACMA are Key Management Personnel including the Portfolio Minister, the Chair, the Deputy Chair, General Managers, the eSafety Commissioner and other Australian Government entities.

**Transactions with related parties:**

Given the breadth of Australian Government activities, related parties may transact with the Government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- the payments of grants or loans;
- purchases of goods and services;
- asset purchases, sales transfers or leases;
- debts forgiven; and
- guarantees.

Related party transactions with other Commonwealth entities are exempted from disclosure in this Note, as specified in AASB 1060, paragraph 200.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**7. Managing Uncertainties**

This section analyses how the ACMA manages financial risks within its operating environment.

**7.1 Contingent Assets and Liabilities**

**Departmental**

The ACMA is not aware of any material Departmental quantifiable, unquantifiable or significant remote contingent assets or liabilities (2021: nil).

**Administered**

The ACMA is not aware of any material Administered quantifiable, unquantifiable or significant remote contingent assets or liabilities (2021: nil).

**Accounting Policy**

Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the Statement of Financial Position but are reported in the relevant notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.



**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**7.2 Financial Instruments**

	2022	2021
	\$'000	\$'000
<b>Note 7.2A: Categories of Financial Instruments</b>		
<b>Financial assets at amortised cost</b>		
Cash and cash equivalents	12,705	4,608
Trade and other receivables	423	101
<b>Total financial assets at amortised cost</b>	<b>13,128</b>	<b>4,709</b>
<b>Total financial assets</b>	<b>13,128</b>	<b>4,709</b>
<b>Financial liabilities at amortised cost</b>		
Trade creditors and accruals	5,549	3,740
<b>Total financial liabilities at amortised cost</b>	<b>5,549</b>	<b>3,740</b>
<b>Carrying amount of financial liabilities</b>	<b>5,549</b>	<b>3,740</b>

The carrying value of financial assets and liabilities is a reasonable approximation of fair value.

**7.3 Administered Financial Instruments**

	2022	2021
	\$'000	\$'000
<b>Note 7.3A: Categories of Financial Instruments</b>		
<b>Financial assets at amortised cost</b>		
Cash and cash equivalents	618	815
Fees, charges and other revenue receivables	61,853	61,282
<b>Total financial assets at amortised cost</b>	<b>62,471</b>	<b>62,097</b>
<b>Carrying amount of financial assets</b>	<b>62,471</b>	<b>62,097</b>

## Australian Communications and Media Authority

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### **Accounting Policy**

##### Financial Assets

In accordance with AASB 9 *Financial Instruments*, the ACMA classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the ACMA's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the ACMA becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date. Comparatives have not been restated on initial application.

##### Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

##### Effective Interest Method

Income is recognised on an effective interest rate basis for Financial Assets that are recognised at amortised cost.

##### Impairment of Financial Assets

Financial Assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to lifetime expected credit losses where risk has significantly increased, or an amount equal to 12-month expected credit losses if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

##### Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

##### Financial Liabilities at Amortised Cost

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the Effective Interest Method, with interest expense recognised on an effective interest basis.

Supplier and Other Payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

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**7.4 Fair Value Measurement**

All Non-Financial Assets with the exception of Intangibles are measured at fair value. Other than Assets Held for Sale, these are all recurring fair value measurements.

**Key judgements and estimates**

Valuation of Land and Buildings

Independent valuations are obtained tri-annually as at 30 June for Land and Buildings. These valuations include calculations of estimated market cash flows which are adjusted to take into account physical, economic and external factors relevant to the asset under consideration. All valuations conducted are in compliance with AASB 13. A valuation was last carried out as at 30 June 2021.

Valuation of Leasehold Improvements, Plant and Equipment

Independent valuations are obtained tri-annually as at 30 June for Leasehold Improvements, Plant and Equipment. The estimated cost to replace the asset has been calculated and then adjusted to take into account obsolescence and physical deterioration (accumulated depreciation). The obsolescence has been determined based on professional judgement regarding physical, economic and external factors relevant to the asset under consideration. A valuation was last carried out as at 30 June 2020.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**8. Other Items**

**8.1 Current/non-current distinction for assets and liabilities**

	2022	2021
	\$'000	\$'000

**Note 8.1A: Departmental - Current/non-current distinction for assets and liabilities**

**Assets expected to be recovered in:**

**No more than 12 months**

Cash and cash equivalents	12,705	4,608
Trade and other receivables	49,326	42,056
Prepayments	2,854	2,488
<b>Total no more than 12 months</b>	<b>64,885</b>	<b>49,152</b>

**More than 12 months**

Land and buildings	64,815	70,946
Plant and equipment	3,693	4,655
Other intangibles	20,248	14,094
Prepayments	1,119	432
<b>Total more than 12 months</b>	<b>89,875</b>	<b>90,127</b>

**Total assets**

	<b>154,760</b>	<b>139,279</b>
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**Liabilities expected to be settled in:**

**No more than 12 months**

Suppliers	5,549	3,740
Other payables	2,773	4,552
Leases	8,200	5,271
Employee provisions	5,236	5,051
<b>Total no more than 12 months</b>	<b>21,758</b>	<b>18,614</b>

**More than 12 months**

Leases	56,260	61,384
Employee provisions	15,664	17,274
Other provisions	2,758	2,813
<b>Total more than 12 months</b>	<b>74,682</b>	<b>81,471</b>

**Total liabilities**

	<b>96,440</b>	<b>100,085</b>
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**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

	2022	2021
	\$'000	\$'000
<b><u>Note 8.1B: Administered - Current/non-current distinction for assets and liabilities</u></b>		
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	618	815
Taxation receivables	742,507	392,156
Trade and other receivables	192,022	61,338
Other financial assets	23	18
<b>Total no more than 12 months</b>	<b>935,170</b>	<b>454,327</b>
<b>More than 12 months</b>		
Trade and other receivables	392,422	-
<b>Total more than 12 months</b>	<b>392,422</b>	<b>-</b>
<b>Total assets</b>	<b>1,327,592</b>	<b>454,327</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Other payables	93,727	255,377
<b>Total no more than 12 months</b>	<b>93,727</b>	<b>255,377</b>
<b>More than 12 months</b>		
Other payables	5,179	1,217
<b>Total more than 12 months</b>	<b>5,179</b>	<b>1,217</b>
<b>Total liabilities</b>	<b>98,906</b>	<b>256,594</b>

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**9. Disaggregation of eSafety balances in the statements of comprehensive income**

**Note 9.1A Impact of eSafety on the statement of comprehensive income**

	Departmental (Excl. eSafety) \$'000	eSafety \$'000	Total \$'000
<b>NET COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits	48,923	13,959	62,882
Suppliers	17,560	22,742	40,302
Depreciation and amortisation	15,006	290	15,296
Finance costs	629	-	629
Impairment loss on financial instruments	93	-	93
Write-down and impairment of assets	5	-	5
<b>Total expenses</b>	<b>82,216</b>	<b>36,991</b>	<b>119,207</b>
<b>Own-Source Income</b>			
<b>Own-source revenue</b>			
Revenue from contracts with customers	582	932	1,514
Other revenue	23	-	23
<b>Total own-source revenue</b>	<b>605</b>	<b>932</b>	<b>1,537</b>
<b>Gains</b>			
Reversals of write-downs and impairment	9	-	9
Other gains	81	-	81
<b>Total gains</b>	<b>90</b>	<b>-</b>	<b>90</b>
<b>Total own-source income</b>	<b>695</b>	<b>932</b>	<b>1,627</b>
<b>Net cost of services</b>	<b>(81,521)</b>	<b>(36,059)</b>	<b>(117,580)</b>
Revenue from Government <sup>1</sup>	82,255	39,127	121,382
<b>Surplus/(Deficit) attributable to the Australian Government</b>	<b>734</b>	<b>3,068</b>	<b>3,802</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items not subject to subsequent reclassification to net cost of services</b>			
Changes in asset revaluation reserve	-	-	-
<b>Total comprehensive income</b>	<b>734</b>	<b>3,068</b>	<b>3,802</b>

<sup>1</sup> Departmental appropriation for eSafety is provided in the 2021-22 Budget process and credited to eSafety's Online Safety Special Account.

**Australian Communications and Media Authority**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Note 9.1B Impact of eSafety on the Administered schedule of comprehensive Income**

	Administered (Excl. eSafety)		Total
	\$'000	eSafety <sup>1</sup> \$'000	\$'000
<b>NET COST OF SERVICES</b>			
<b>EXPENSES</b>			
Suppliers	-	4,224	4,224
Grants	590	4,664	5,254
Impairment loss on financial instruments	2,341	-	2,341
<b>Total expenses</b>	<b>2,931</b>	<b>8,888</b>	<b>11,819</b>
<b>INCOME</b>			
<b>Revenue</b>			
<b>Taxation revenue</b>			
Other taxes	1,248,358	-	1,248,358
<b>Total taxation revenue</b>	<b>1,248,358</b>	<b>-</b>	<b>1,248,358</b>
<b>Non-taxation revenue</b>			
Revenue from contracts with customers	6,288	-	6,288
Fees and fines	36,777	-	36,777
Other revenue	1,565	-	1,565
<b>Total non-taxation revenue</b>	<b>44,630</b>	<b>-</b>	<b>44,630</b>
<b>Total revenue</b>	<b>1,292,988</b>	<b>-</b>	<b>1,292,988</b>
<b>Gains</b>			
Resources received free of charge	652,508	-	652,508
<b>Total gains</b>	<b>652,508</b>	<b>-</b>	<b>652,508</b>
<b>Total income</b>	<b>1,945,496</b>	<b>-</b>	<b>1,945,496</b>
<b>Net (cost of)/contribution by services</b>	<b>1,942,565</b>	<b>(8,888)</b>	<b>1,933,677</b>

<sup>1</sup> Administered appropriation for eSafety is provided in the 2021-22 Budget process. In 2021-22, total administered appropriation for eSafety was \$8.944m.

# **Part 2**

**eSafety Commissioner annual report  
2021–22**



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**This report is available on the eSafety Commissioner website at [esafety.gov.au/about-the-office/corporate-reporting](https://esafety.gov.au/about-the-office/corporate-reporting)**

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**15 September 2022**

The Hon Michelle Rowland MP  
Minister for Communications  
Parliament House  
CANBERRA ACT 2600

Dear Minister

In accordance with section 183(1) of the *Online Safety Act 2021* (formerly section 66(1) of the *Enhancing Online Safety Act 2015*), I am pleased to present the annual report of the activities of the eSafety Commissioner for the 2021-22 reporting year.

Yours sincerely

A handwritten signature in black ink that reads "Julie Inman Grant".

Julie Inman Grant  
Commissioner

## Commissioner's foreword



Over the past year, our lives continued to be shaped by the challenges of a global pandemic. The ongoing shift towards learning, working and connecting online exposed us all to more online risks. Some we knew. Others *were* new. All of them remain the focus of eSafety's work.

Our response was straight from our operating model playbook – prevention of harms through research, investigative insights, programs and raising awareness; protection of Australians through regulation and investigations; being proactive by staying ahead of technology trends, encouraging industry to improve user safety, and strengthening our impact at home and across international borders.

When the Australian Parliament enacted legislation on 23 January 2022, it ushered in a new era of wider and more effective regulatory power for eSafety.

The *Online Safety Act 2021* reinforces eSafety's role as a world leader in online safety and keeps Australia at the forefront in the global fight against online abuse and harm.

We spent much of this past year planning for the Online Safety Act and issuing regulatory guidance to prepare industry and the public around eSafety's approach to implementing the legislation.

For the first time, there is a clear set of fundamental safety requirements set out for online service providers – the Basic Online Safety Expectations. The Online Safety Act also provides for the development of new mandatory codes by industry to apply to their online activities. In September 2021, we released our *Industry Codes Position Paper* to help guide industry to develop these codes with clear expectations around those outcomes likely to be found to provide appropriate community safeguards (the statutory test).

Together, the Basic Online Safety Expectations and the new industry codes/standards regime outline how eSafety will work with the tech industry to create a modern and fit-for-purpose online safety ecosystem. We want to make sure these systemic reforms serve their intended purpose – moving away from the status quo and introducing greater levels of safety protection for citizens and much greater levels of industry responsibility, transparency and accountability for society at large.

Our Safety by Design initiative affirms that building safety into tech products and services is not only better for people, but also better for business. We released our risk assessment tools in June 2021 and they have now been accessed in more than 46 countries. These Safety by Design tools can be used to help both start-ups or enterprises identify and address systemic weaknesses to help better prepare them for compliance with the Act's regulatory schemes.

This work has extended to Safety by Design adoption by banks, dating platforms and the augmented reality/virtual reality communities, and to ensuring these principles and practices are embedded into new platforms and paradigms such as the metaverse and the Web 3.0 world.

We are going beyond industry to work with the education sector to make sure Safety by Design concepts are now incorporated into Australia's school curriculum, and at the university level, so we can start building the next generation of ethical engineers, data scientists and product designers.

As the time Australians spent online increased during the pandemic, reporting about all forms of online abuse to eSafety hit record levels.

In remediating cyberbullying harms in 2021–22, we received 1,542 complaints about serious cyberbullying targeting Australian children, made 217 informal removal requests, and were successful in having 88% of material removed.

In responding to adult cyber abuse, our new scheme received 1,243 complaints over the reporting period and we made 212 informal requests to online service providers seeking removal of material, and were successful in having 83% of material removed.

In tackling image-based abuse, we received 4,169 reports, made 485 removal requests, and were successful in having 88% of material removed.

In our fight against illegal content, eSafety investigated 15,654 URLs about potentially prohibited online content, prioritising child sexual abuse material. We identified 11,105 URLs that were referred to global partners for removal and law enforcement.

This past year of research produced new insights into many facets of the online lives of Australians.

In response to identified gaps in online safety education and to identify the best pedagogies to help effect long-term behavioural change, eSafety developed a world-first Best Practice Framework for all Australian schools.

eSafety ramped up efforts to protect at-risk voices online:

- > *Can I just share my story?* investigates how Aboriginal and Torres Strait Islander women living in remote and regional areas experience technology-facilitated abuse.
- > *Protecting LGBTIQ+ voices online* explores how people who identify as LGBTIQ+ are affected by adult cyber abuse and online abuse between members within a community.
- > *For my safety* examines the experiences of technology-facilitated abuse among women living with intellectual or cognitive disability.
- > *Mind the Gap* studies children's online lives and uncovered the 'digital disconnect' between what children are experiencing online and what parents know – or don't know – about what they are encountering online.
- > *Women In The Spotlight: How online abuse impacts women in their working lives* highlights women's lived experiences of targeted online harassment, and points to the need for greater action by online platforms and employers to prevent and respond to online abuse.

This body of research shows how our work at eSafety touches the lives of so many Australians in so many ways and how we leverage this evidence base to inform our education and awareness efforts.

With the vast majority of our regulatory targets domiciled overseas and the online harms regulatory environment rapidly changing, we work with partners at home and around the world, keenly aware that an all-of-society responsibility that knows no borders is critical.

This past year, we maintained dialogue with regulators in the United Kingdom, Ireland, the European Union, the Republic of Korea and Fiji – to share information, strengthen online safety standards, and help build capacity. We also provided insights and operational advice to stakeholders in Canada, the US, and across the Asia-Pacific.

eSafety regularly contributes to global dialogues and projects, including holding board positions on the WePROTECT Global Alliance and INHOPE. This included taking part in more than 25 international fora, including the G7 Future of Tech Forum, the OECD, the World Economic Forum, NetHope and the End Violence Against Children Summit.

With so much of their lives now online, we also turned our attention to bolstering our efforts to represent the lived experiences of younger Australians.

We formed an Online Safety Youth Advisory Council to give young people a voice in shaping future online safety policy and in designing youth-centred initiatives. We also worked with young creatives to launch SCROLL: a youth campaign by Gen Z for Gen Z about what to do when things go wrong online – on the platforms they use and in parlance they identify with.

Safer Internet Day gets bigger each year, and for 2022, we called on Australians to share how they, ‘play it safe and fair online.’ We had 26,000 visits to the Safer Internet Day web page; 5,300 campaign kit downloads; 4,100 resource downloads for educators and families; 41,500 participants in virtual classrooms and webinars; and more than 500 media stories published or broadcast.

As the world’s first regulator dedicated solely to online safety, we are uniquely placed to understand the risks and benefits of being online.

We will continue to build the capability we need to mature as an organisation so we can face the many challenges the online world will generate now and into the future. We’ll get better at fighting the threats we know, and prepare well for the ones we know are coming.

A handwritten signature in black ink that reads "Julie Inman Grant". The signature is fluid and cursive, with the first name "Julie" being the most prominent.

**Julie Inman Grant**  
**eSafety Commissioner**

## Our year at a glance

### Promoting online safety

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We had over **1.59 million** unique website visitors and more than **5.7 million** page views.

### Providing online safety education

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We had over **133,936 participants** through our eSafety outreach and training presentations.

We reached over **48,408 subscribers a month** to our *eSafety news* e-newsletter.

### Empowering Australian women

---

We had **37,514 unique visitors** to the eSafetyWomen website with **69,036 page views**.

We held **142 workshops and webinars** with **2,745 participants** and **353 new registered users** of the eSafety Women online learning management resource.

### Supporting older Australians

---

We had **352,301 unique visitors** to the Be Connected learning portal with **3,001 attendees** at eSafety's Be Connected presentations and webinars and over **2.31 million page views**.

### Tackling image-based abuse

---

We received **4,169 reports** about image-based abuse.

We made **485 removal requests** to online service providers seeking removal of image-based abuse material and were successful in having **88% of material removed** on request.

### Fighting illegal content and abhorrent violent material

---

We received **6,978 reports comprising 15,654 URLs** about potentially prohibited online content.

We identified **11,105 URLs that were referred to global partners for removal**, and law enforcement. More than 99% of these provided access to child sexual abuse material.

We issued **17 notices** to overseas services about highly violent or explicit 'class 1' material.

### Combating child cyberbullying

---

We received **1,542 complaints** about serious cyberbullying targeting Australian children.

We had over **4,565 people click through** to the Kids Helpline website.

### Responding to adult cyber abuse

---

We received **1,243 complaints** from adults from the commencement of the Online Safety Act.

We made **212 informal requests** to online service providers seeking removal of material for terms of service matters or adult cyber-abuse material and were successful in facilitating removal of material in 175 of these.

We issued **3 removal notices** to a social media provider.

# Overview

## Functions and responsibilities

The functions of the eSafety Commissioner were expanded in the reporting period with the commencement of the *Online Safety Act 2021* on 23 January 2022. Prior to its commencement, the eSafety Commissioner's functions were described in the *Enhancing Online Safety Act 2015*.

The functions of the eSafety Commissioner are set out in section 27 of the Online Safety Act and accompanying legislative instruments.

In accordance with the legislation, the eSafety Commissioner's specific responsibilities include:

- > promoting online safety for Australians
- > administering a complaints scheme for cyberbullying material targeted at an Australian child
- > administering a complaints scheme for cyber-abuse material targeted at an Australian adult
- > administering a complaints and objections scheme for non-consensual sharing of intimate images
- > administering the online content scheme covering illegal and restricted content
- > ensuring that social media services, relevant electronic services (for example, messaging and gaming services) and designated internet services (that is, certain sites accessible from Australia) take reasonable steps to keep Australians safe online through a set of Basic Online Safety Expectations
- > co-regulating 8 sections of the online industry for 'class 1' and 'class 2' illegal and restricted content, including imagery depicting the sexual abuse of children or terrorism, through to material that is inappropriate for children, such as online pornography
- > coordinating the activities of Australian Government departments, authorities and agencies relating to online safety for Australians
- > supporting, conducting and accrediting educational and community awareness programs relevant to online safety for Australians
- > making grants of financial assistance in relation to online safety for Australians, on behalf of the Australian Government
- > conducting and evaluating research about online safety for Australians.



## Corporate structure

The Online Safety Act establishes the eSafety Commissioner (eSafety) as an independent statutory office holder, supported by the Australian Communications and Media Authority (ACMA).

The ACMA provides corporate support services and staff to fulfil the functions of eSafety under section 184 of the Online Safety Act. These staff are not under the direction of the ACMA. However, they are employed under the terms of the *ACMA Enterprise Agreement 2020–2023*.

In 2021–22, eSafety was led by the eSafety Commissioner, supported by 116 APS staff employed by the ACMA, along with 77 contractors. Staff were located in the ACMA's Sydney, Melbourne and Canberra offices.

**Figure 2.1: eSafety corporate structure, as at 30 June 2022**



## The Commissioner



Julie Inman Grant was appointed as eSafety Commissioner on 23 November 2016 and began in the role in January 2017.

Julie has extensive experience in the not-for-profit and government sectors and spent 2 decades working in senior public policy and safety roles in the tech industry at Microsoft, Twitter and Adobe.

Julie's career began in Washington DC, working in the US Congress and the not-for-profit sector before taking on a role at Microsoft. Her experience at Microsoft spanned 17 years. She established the DC office and its corporate affairs functions for Australia and New Zealand, and across the Asia-Pacific, ultimately culminating in the role of Global Safety Director for Privacy and Safety. At Twitter, she set up and drove the company's policy, safety and philanthropy programs across Australia, New Zealand and Southeast Asia.

As Commissioner, Julie plays an important global role as Chair of the Child Dignity Alliance's Technical Working Group and as a Board Member of the WePROTECT Global Alliance. She also serves on the World Economic Forum's Global Coalition for Digital Safety and on its XR Ecosystem Governance Steering Committee on Building and Defining the Metaverse. Under her leadership, eSafety has joined forces with the White House Gender Policy Council and Government of Denmark representing Australia on the Global Partnership for Action on Gender-Based Harassment and Abuse.

As Commissioner, Julie has led work to establish world-first regulatory regimes under the new Online Safety Act, with implementation of a sweeping new set of reforms beginning on 23 January 2022. In January 2022, the Australian Government reappointed Julie as Commissioner for a further 5-year term.

# **Report on performance**

This section presents eSafety's performance as set out in the Portfolio Budget Statements (PBS):

Outcome 1: A communications and media environment that balances the needs of industry and the Australian community through regulation, education and advice.

Program 1.3: Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.

I, Julie Inman Grant, eSafety Commissioner, present the following information in relation to the eSafety Commissioner. In my opinion, this information accurately reflects the performance of the eSafety Commissioner in the 2021–22 financial year and has been prepared in accordance with the requirements of subsection 39(2) of the *Public Governance, Performance and Accountability Act 2013*.

A handwritten signature in black ink that reads "Julie Inman Grant". The signature is written in a cursive style with a large initial 'J' and a distinct 'G'.

**Julie Inman Grant**  
eSafety Commissioner

# Assistance and investigations

## Child cyberbullying

<b>Performance criteria:</b>	<b>Operation of a complaints scheme to deal with serious cyberbullying affecting Australian children</b>
Target:	Effectively and efficiently administer a complaints-based scheme to deal with serious child cyberbullying by providing a safety net, high quality advice, support pathways and targeted evidence-based educational resources.
<b>Results:</b>	<b>Met</b>

The Online Safety Act enables the reporting of material targeting an Australian child that is likely to seriously threaten, humiliate, harass or intimidate them.

Before the Online Safety Act began on 23 January 2022, the regulation of child cyberbullying material was enabled under the now-abolished *Enhancing Online Safety Act 2015*.

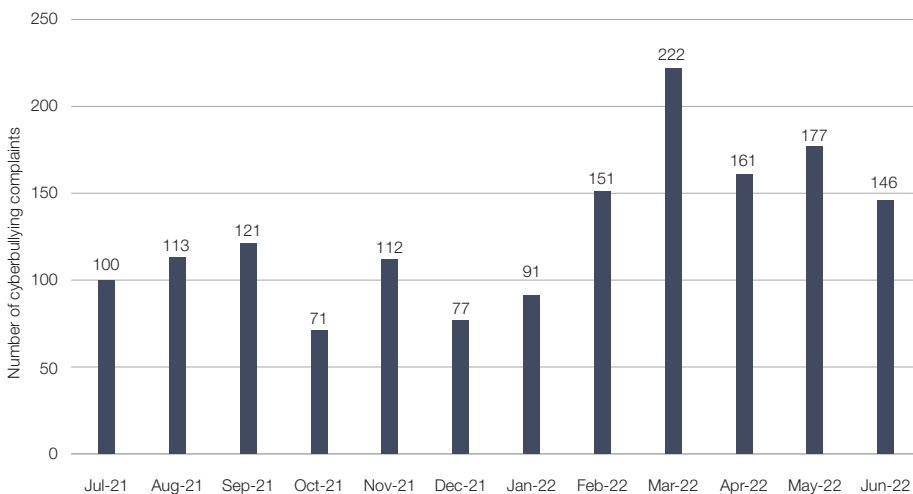
In addition to exercising regulatory powers to tackle child cyberbullying, eSafety provides a range of educational and informative resources to support young people, and their parents and carers, to deal with the effects of child cyberbullying.

### Complaints reporting data

During the reporting period, eSafety:

- > received 1,542 complaints about child cyberbullying, a 65% increase from 2020–21 (Figure 2.2)
- > responded to 523 enquiries about child cyberbullying
- > made 217 informal removal requests and was successful in having 88.02% of child cyberbullying content removed under the Online Safety Act (from 23 January 2022 to 30 June 2022). No formal removal notices were issued for child cyberbullying material during the period.

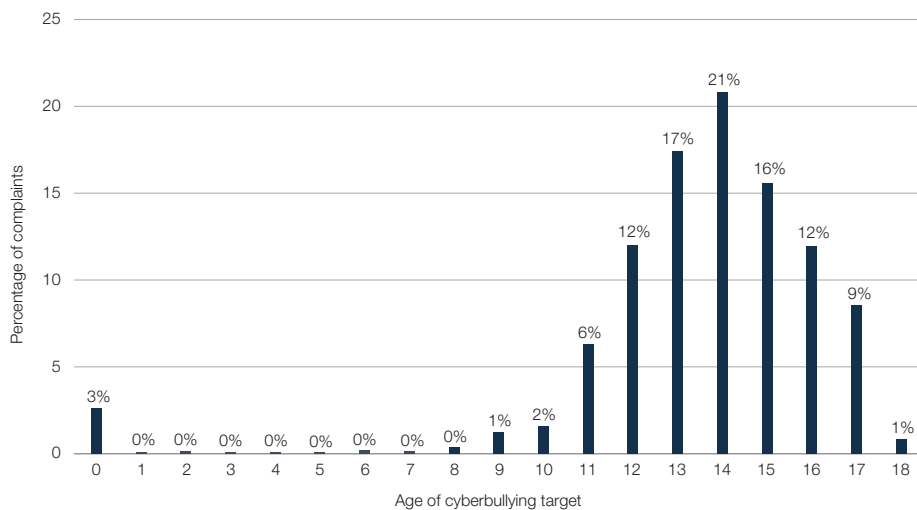
**Figure 2.2: Number of child cyberbullying complaints by month, 2021–22**



While the total number of child cyberbullying complaints received increased significantly, the month-by-month pattern is similar to what we have seen in previous years, with dips that appear to coincide with school holidays. This suggests a degree of overlap between the social dynamic of schools and the way child cyberbullying manifests within peer groups.

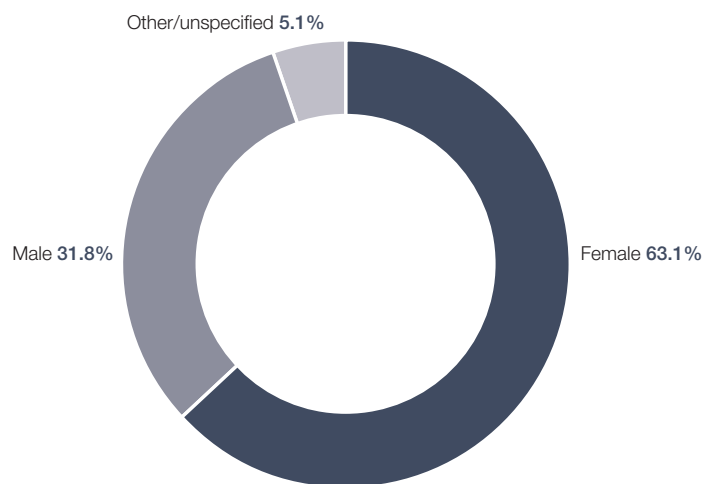
During the period, young Australians aged between 12 and 16 were the primary targets of reported cyberbullying, accounting for about 78% of the complaints received (Figure 2.3). There were more complaints received about girls being the target of child cyberbullying material than boys.

**Figure 2.3: Complaints of child cyberbullying material by age, 2021–22**



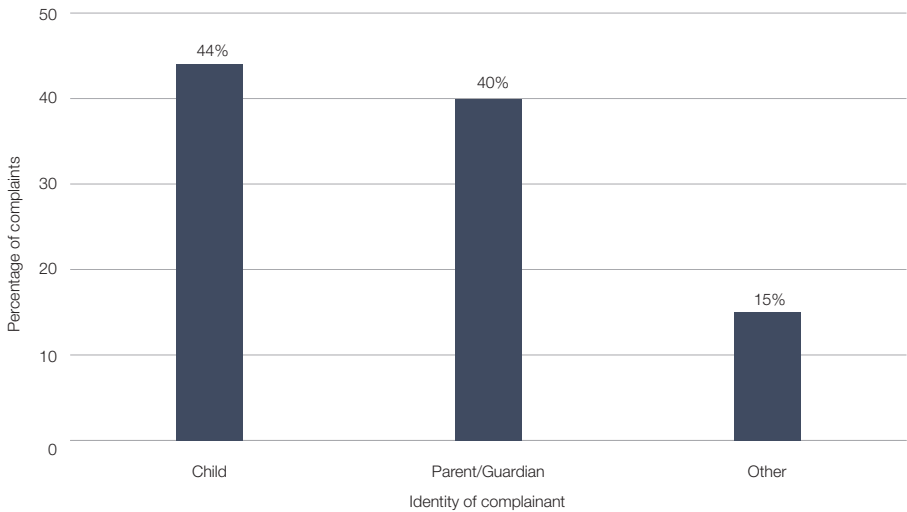
Of the complaints received, 63.1% related to child cyberbullying material targeting females (Figure 2.4).

**Figure 2.4: Complaints of child cyberbullying material by gender, 2021–22**



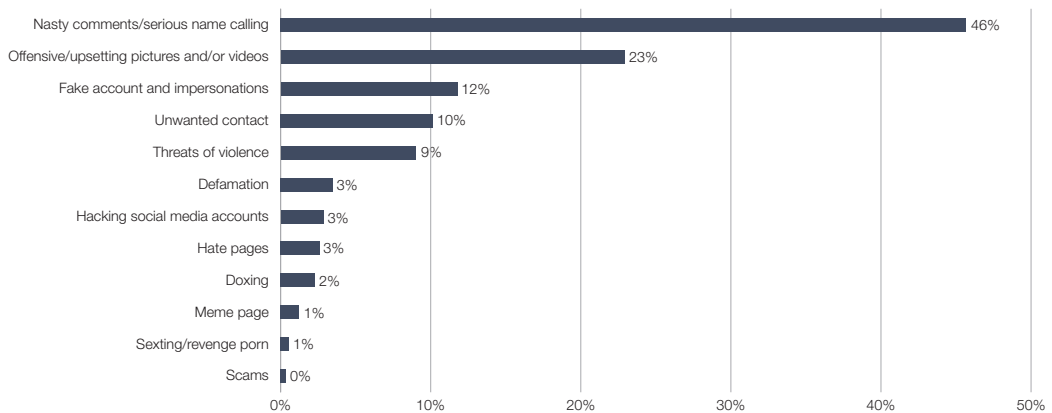
More child cyberbullying complaints in 2021–22 were received from children than parents/guardians (Figure 2.5).

**Figure 2.5: Complaint by group, 2021–22**



The child cyberbullying material referred to in these complaints can be broken into 12 general categories. A complaint may relate to one or more of these categories. Figure 2.6 details the percentage of complaints for each of the categories.

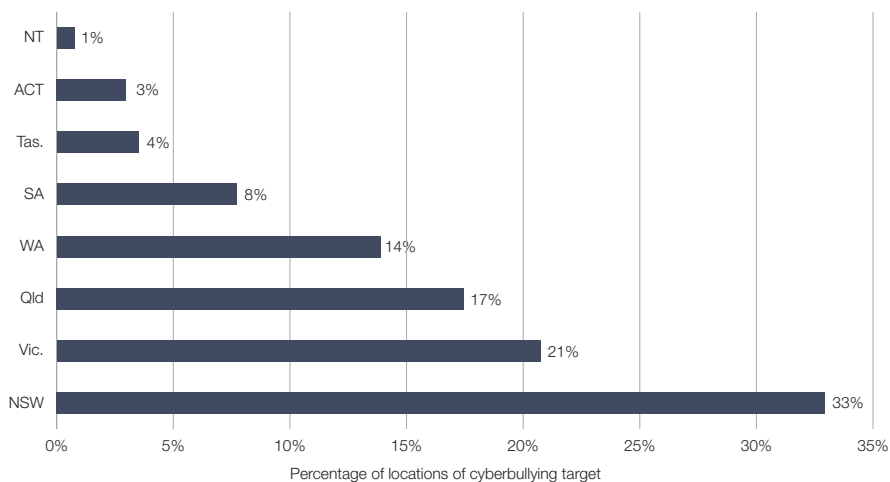
**Figure 2.6: Percentage of complaints identifying general categories of child cyberbullying, 2021–22**



*Note: A complaint may have multiple categories per platform per complaint, so cumulative figures may exceed 100%. Some new categories were introduced part way through the reporting period in response to emerging trends. Open complaints may be re-categorised as investigations proceed. Figure 10 includes both closed and open complaints received from 1 July 2021 to 30 June 2022.*

While not mandatory, 94% of complaints included information about the complainant’s state or territory (Figure 2.7). eSafety received reports from every state and territory in Australia, with the greatest number from New South Wales, followed by Victoria.

**Figure 2.7: Location of child targeted by cyberbullying, 2021–22**



eSafety's complaint-management system has been enhanced with the commencement of the Online Safety Act to enable tracking of specific outcomes following removal requests or notices. Accordingly, removal outcomes related to child cyberbullying material are reported from the commencement of the Online Safety Act on 23 January 2022.

Between 23 January 2022 and 30 June 2022, the eSafety Commissioner received 823 valid complaints about cyberbullying material targeting an Australian child (a complaint may be invalid for reasons including being overseas (the scheme only applies to Australian children), raising issues that do not include cyberbullying, or being assessed as a hoax). From those complaints, the eSafety Commissioner made 217 informal removal requests, and one informal request for preservation of account information related to an end-user. Of all removal requests made, 88.02% succeeded.

Factors relevant to whether a removal request is made or a notice issued include an assessment of whether a complaint is valid. This requires consideration of the evidence, whether the complaint meets the statutory definition of child cyberbullying material, whether the complaint has been made by or on behalf of an Australian child, and whether a complaint was first made to the relevant service as required under the Online Safety Act.

Under the Online Safety Act, the eSafety Commissioner took the actions shown in Table 2.1 in relation to child cyberbullying matters.

**Table 2.1: Child cyberbullying scheme actions**

Child cyberbullying scheme actions	Notices, directions or requests
Informal notices given, and informal requests made, by the Commissioner in relation to cyberbullying material targeted at an Australian child	218*
Removal notice given to the provider of a social media service, relevant electronic service or designated internet service (s. 65)	0
Removal notice given to a hosting service provider (s. 66)	0
End-user notice (s. 70)	0
Notices seeking end-user identity information or contact details (s. 194)	0
Notices requiring appearance for examination (s. 199)	0
Production of documents for inspection (s. 203)	0

\*This figure includes removal requests (217) and one informal request for preservation of account information related to an end-user.



## Referrals to key support services

eSafety aims to resolve child cyberbullying complaints holistically, and in a compassionate and empowering way. Complainants who may need mental health support are directed to support services, such as Kids Helpline and Headspace, or to Parentline. eSafety's website provides a variety of practical resources, including instructions on how to report, harmful content and block abusive content on popular online services and platforms. We often review these strategies with complainants so they can effectively and safely manage their online experiences.

During the reporting period, there were over 4,565 click-throughs from eSafety's website to the Kids Helpline website.

Where appropriate, eSafety works with schools to resolve complaints and make sure policies for child cyberbullying are followed, and we provide advice to schools, parents, and children. Between the commencement of the Online Safety Act on 23 January 2022 and the end of the reporting period, 41 complaints were brought to the attention of schools.

## Image-based abuse

Performance criteria:	Operation of a complaints scheme to address image-based abuse affecting Australians
Target:	Effectively and efficiently administer a scheme to address image-based abuse complaints, including the provision of high-quality advice, support pathways and targeted, evidence-based educational resources.
Results:	Met

In recognition of the serious and harmful nature of image-based abuse, this complaints scheme offers relief by focusing on the rapid removal of intimate images or videos posted or shared online without the consent of the person shown. Rapid removal is best facilitated by early alerts to websites and social media services about the misuse of their platforms in response to individual complaints. Complainants are provided with advice tailored to their individual circumstances and referred to appropriate support pathways. The Online Safety Act also enables eSafety to hold perpetrators of image-based abuse accountable through a range of civil remedies.

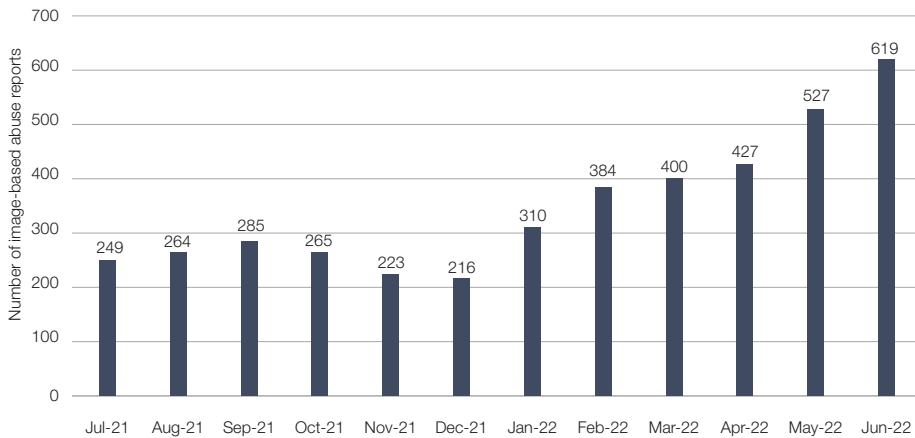
eSafety alerted online services and platforms to common indicators surfaced by complaints and escalated systemic issues to them. We also continued to raise public awareness of image-based abuse and our role in addressing it.

## Complaints reporting data

During the reporting period, eSafety:

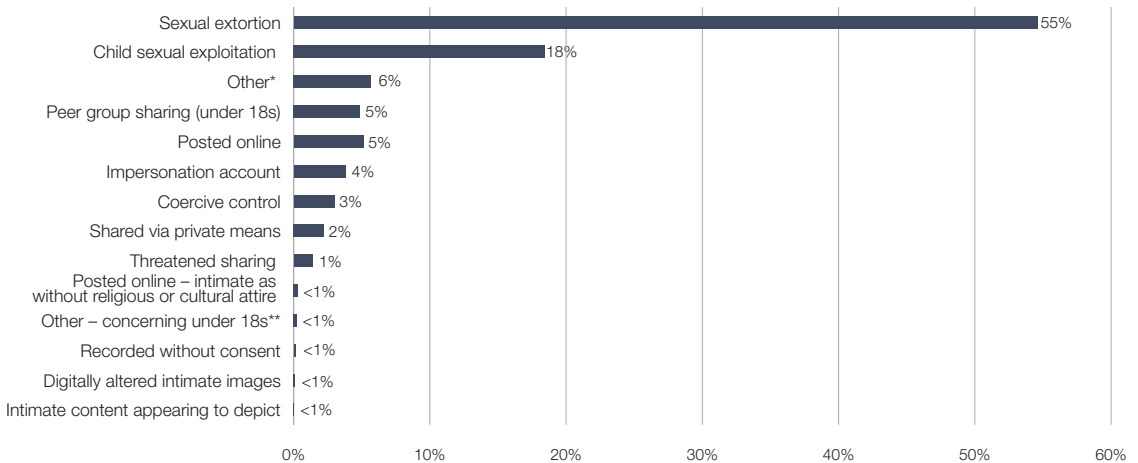
- > handled 4,169 reports of image-based abuse (Figure 2.8) – a 55% increase on the 2,687 reports received in the previous period
- > responded to 1,753 enquiries about image-based abuse
- > made 485 removal requests and was successful in having 88% of image-based abuse content removed
- > issued one removal notice to a website and one to a hosting service provider, both based overseas; neither were complied with
- > issued 4 remedial directions to people responsible for image-based abuse
- > sent written advice to 7 young people responsible for image-based abuse, in circumstances where it was considered appropriate to take a remedial and educative approach to enforcement
- > issued 6 requests to social media services and a website requiring basic subscriber information, and 4 formal notices under section 194 of the Online Safety Act.

**Figure 2.8: Number of image-based abuse reports by month, 2021–22**



The types of harm most often experienced by people reporting image-based abuse to eSafety are summarised in Figure 2.9. Sexual extortion continued to be the behaviour most often reported, and reports of this came predominantly from young men (Figure 2.10). Sexual extortion is a form of blackmail that involves threats to post intimate images of the person targeted unless demands are met, typically for money. It includes the use of fake accounts to threaten distribution of intimate images recorded via video chat, scam email campaigns involving threats to release ‘hacked’ intimate content and dating or ‘romance’ scams.

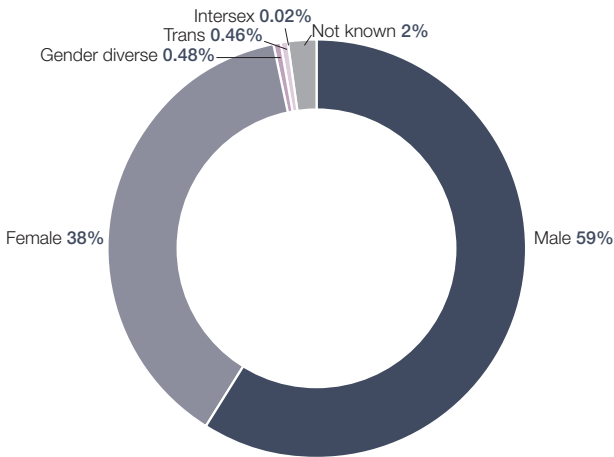
**Figure 2.9: Percentage of reports by type of harm, 2021–22**



\* Other mainly includes reports about concerns that do not amount to image-based abuse and hoax reports.

\*\* Other – under 18s mainly includes threatened peer group sharing, sexting between peers and received unsolicited nude images.

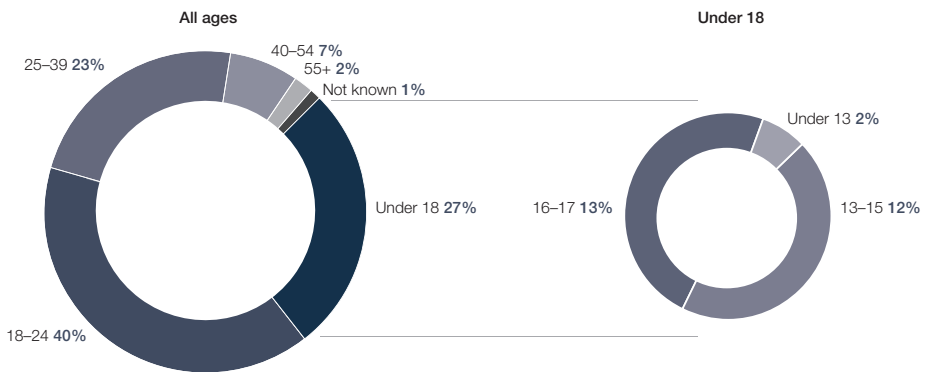
**Figure 2.10: Complainants by gender, 2021–22**



\* 'Not known' includes not provided or the reporter preferred not to disclose.

Most reports (72%) received during the reporting period were from adults, the majority of whom were aged between 18 and 24 (Figure 2.11).

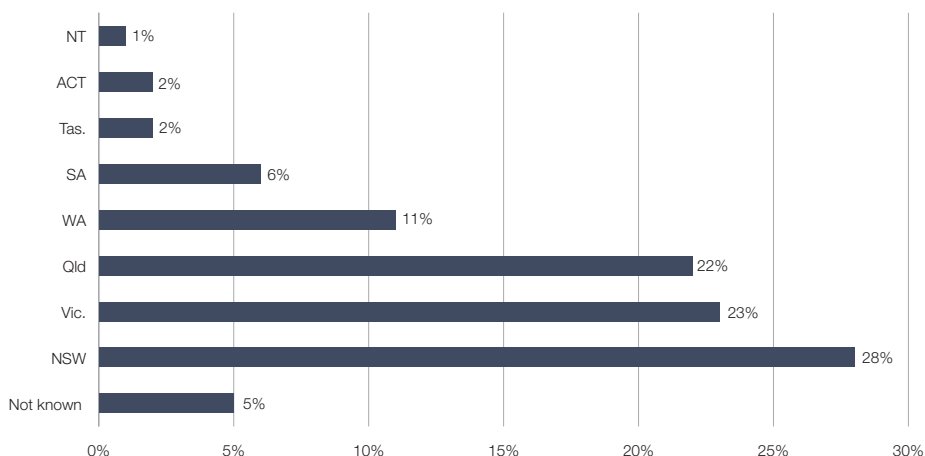
**Figure 2.11: Complainants by age, 2021–22**



eSafety received complaints from every state and territory in Australia during the reporting period, with the greatest numbers from New South Wales, Victoria and Queensland (Figure 2.12).

When deciding whether an image-based abuse complaint is valid or not, eSafety considers if the complaint is from a person who has reason to believe that their intimate image has been posted (or a threat has been made to post it) on a social media service, a relevant electronic service or a designated internet service without their consent and the person shown in the intimate image is ordinarily resident in Australia or the end-user accused of posting (or threatening to post) the intimate image is ordinarily resident in Australia.

**Figure 2.12: Complainants by state or territory, 2021–22**



### Removal actions

During the reporting period, eSafety sought removal of intimate images assessed to be image-based abuse material from over 5,400 locations (generally URLs) across 246 different platforms and services. Most of this material was posted on exposé or pornography sites and hosted overseas. eSafety was successful in having 88% of this material removed following informal removal requests. If eSafety is unable to effect removal of the material, we take steps to limit the discoverability of the material, typically by having links to it removed from search engine results.

**Table 2.2: Image-based abuse scheme actions, 2021–22**

Image-based abuse scheme actions	Notices, directions or requests
Informal notices given, and informal requests made, by the Commissioner in relation to intimate material shared without consent	485
Objection notices	5
Removal notice given to the provider of a social media service, relevant electronic service or designated internet service (s. 77)	0
Removal notice given to an end-user (s. 78)	0
Removal notice given to a hosting service provider (s. 79)	0
Remedial direction given to a person (s. 83)	4
Notices seeking end-user identity information or contact details (s. 194)	4
Notices requiring appearance for examination (s. 199)	0
Production of documents for inspection (s. 203)	0

Over the reporting period, eSafety also alerted social media services to over 3,500 accounts used to elicit, share or threaten to share intimate content, which typically resulted in deletion of the accounts (75%).

## Illegal and restricted material: Online Content Scheme

### Performance criteria:

### Operation of a complaints scheme for the removal of online material that breaches legislative standards

#### Target:

Effectively and efficiently deliver a complaints scheme to take down illegal online material, including referral to Australian and international enforcement mechanisms.

### Results:

### Met

Under the Online Safety Act, the Online Content Scheme addresses the availability and accessibility of a range of illegal and restricted online material. This includes material defined as ‘class 1’ material and ‘class 2’ material. Before the Online Safety Act’s commencement, the Online Content Scheme was established through Schedules 5 and 7 to the *Broadcasting Services Act 1992*.

This scheme is a reporting mechanism for Australians to complain about class 1 and class 2 material. The eSafety Commissioner may take various actions in response to complaints, depending on the nature of the material and its level of harm.

The eSafety Commissioner prioritises complaints about online child sexual exploitation material and other ‘sufficiently serious’ material, such as videos advocating a terrorist act or providing instruction in matters of crime and violence. The global INHOPE network, of which eSafety is a long-standing member, enables rapid removal of child sexual exploitation material around the world.

The class 1 and class 2 categories are defined with reference to criteria established through the National Classification Scheme for the classification of films, computer games and publications.

Whether material is class 1 or class 2 depends on how it has been classified, or would likely be classified, by the Australian Classification Board.

Class 1 material that is, or is likely to be, classified as Refused Classification under the National Classification Scheme. It includes material that:

- > depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified
- > describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not)
- > promotes, incites or instructs in matters of crime or violence
- > advocates the doing of a terrorist act.

Class 2 material is material that is, or is likely to be, classified by the Classification Board as either R18+ or X18+ and includes:

- > adults engaged in consensual sexual activity
- > high-impact material, including violence and simulated sexual activity.

eSafety has established or is renewing a range of cooperative arrangements with Australian police forces to achieve rapid notification of matters that concern their jurisdictions, for example, where child sexual exploitation material is hosted within a particular state or territory.

Through a memorandum of understanding with the AFP-led Australian Centre to Counter Child Exploitation (ACCCE), eSafety assists criminal investigatory efforts to combat the sexual abuse and exploitation of children online. The memorandum also enables eSafety to notify members of the global INHOPE network about the hosting of child sexual exploitation material, achieving rapid removal at scale.

## Complaints reporting data

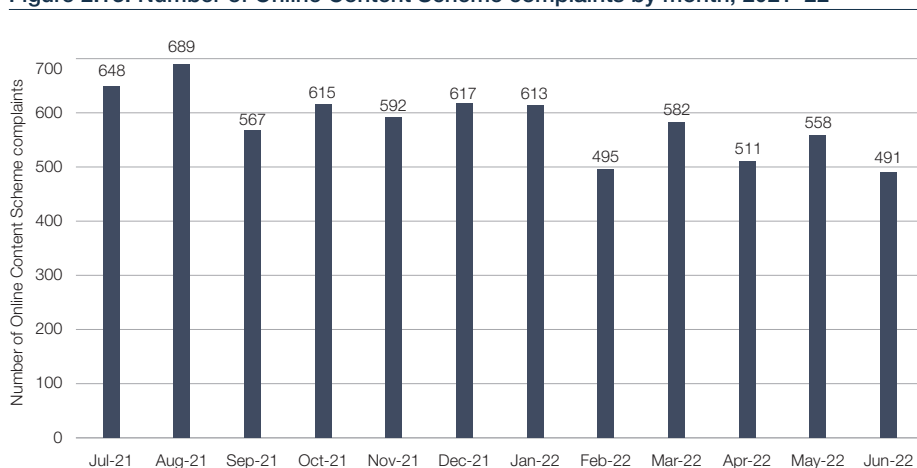
During the reporting period, eSafety received 6,978 complaints concerning 15,654 URLs where Australian residents or bodies corporate were concerned about the availability of illegal and restricted material online. This is a large increase on pre-COVID levels of reporting – up 45% compared to 2018–19.

Table 2.3 shows the breakdown of complaints by complained reason.

**Table 2.3: Online Content Scheme complaints by reason, 2021–22**

Complained reason	Number of reports	Percentage of total report
Advocates a terrorist act	38	<1%
Child sexual abuse/child abuse/ paedophile activity	4,811	69%
Extreme, offensive or adult content	714	10%
Promotion, incitement or instruction in crime	294	4%
Sexually explicit	891	13%
Violence	139	2%
Violent extremist material	88	1%
<b>Total</b>	<b>6,978</b>	

**Figure 2.13: Number of Online Content Scheme complaints by month, 2021–22**



A single complaint to eSafety may lead to multiple regulatory investigations. During 2021–22, eSafety finalised investigations into illegal and restricted content at 11,105 URLs.

Of our investigations, 99% met the definition of child sexual exploitation material and 97% of those were completed within 2 business days and notified to the INHOPE network or the Australian Federal Police.

None of the content was found to be hosted in Australia.

Of all Online Content Scheme complaints received, 97% were actioned within 2 business days. Over 99% of investigations about all illegal and restricted content were completed within 20 business days.

A complaint is valid under the Online Content Scheme where it has been made by an individual who resides in Australia, a body corporate that carries on activities in Australia, or the Commonwealth, a state or a territory. The material needs to be able to be accessed by end-users in Australia, and eSafety requires information that helps to identify the location where it is available (for example, a specific URL).

Table 2.4 shows the breakdown by classification category of completed investigations. It does not include the small number of investigations that were completed into material that was not considered sufficiently serious, such as X18+ and R18+ categories. This is because discretion is used to not investigate this material in the majority of instances, noting the eSafety Commissioner’s regulatory priorities include child sexual exploitation material, terrorist content and material inciting, promoting, or instructing in crime or violence.

**Table 2.4: Sufficiently serious internet content items actions, 2021–22**

<b>Actual or likely classification and description of online content</b>	<b>Online content hosted in or provided from Australia</b>	<b>Internet content items hosted overseas</b>
RC 1(b) (Refused Classification content for offensive depictions/descriptions of children)	0	11,009
RC 1(c) (Refused Classification content for instruction, incitement or promotion of crime or violence)	0	16
RC9A (Refused Classification for films that advocate terrorist acts)	0	17
<b>Total</b>	<b>0</b>	<b>11,042</b>

To facilitate rapid removal of illegal and restricted content, eSafety often prefers to make an informal request of a service provider for removal under relevant terms of service. If there is no response, eSafety will consider issuing regulatory notices, as appropriate. These may include removal notices for class 1 material, and link deletion or app removal notices for non-compliance with a class 1 removal notice.

Most informal removal action for child sexual exploitation material occurs as a result of notifications made by eSafety to the INHOPE network. In 2021, 72% of all notifications made by INHOPE members around the world led to takedown of the material in the host jurisdiction within 3 days.

Comprising 50 hotlines from countries around the world, INHOPE plays a unique role in global efforts to eradicate online child sexual exploitation material. The actions of INHOPE members are key to ensuring quick and effective removal. eSafety is an active member, contributing 10,733 reports through the network in 2021–22.

The remainder of child sexual exploitation material – those not hosted in an INHOPE jurisdiction – were notified to the AFP through routine reporting.

Table 2.5 shows eSafety’s exercise of notice powers under the Online Content Scheme throughout the reporting period (noting that the Online Safety Act commenced on 23 January 2022).

**Table 2.5: Online Content Scheme notices since 23 January 2022, items actioned**

<b>Online Content Scheme actions</b>	<b>Notices, directions or requests</b>
Class 1 removal notice to a social media service, relevant electronic service or designated internet service (s. 109)	8
Class 1 removal notice to a hosting service provider (s. 110)	9
Class 2 removal notice to a social media service, relevant electronic service or designated internet service (s. 114)	0
Class 2 removal notice to a hosting service provider (s. 115)	0
Class 2 remedial notice to a social media service, relevant electronic service or designated internet service (s. 119)	0
Class 2 remedial notice to a hosting service provider (s. 120)	0
Link deletion notice (s. 124)	1
App removal notice (s. 128)	0
Remedial direction – breach of service provider rules (s. 154)	0
Federal Court order to cease providing a social media service (s. 156)	0
Federal Court order to cease providing a relevant electronic service (s. 157)	0
Federal Court order to cease providing a designated internet service (s. 158)	0
Federal Court order to cease supplying an internet carriage service (s. 159)	0
Informal class 1 requests (s. 183(zk))	59
Informal class 2 requests (s. 183(zl))	1
Notices seeking end-user identity information or contact details (s. 194)	0
Notices requiring appearance for examination (s. 199)	0
Production of documents for inspection (s. 203)	0

### **Blocking notices and requests under Part 8 of the Online Safety Act**

Under Part 8 of the Online Safety Act, the eSafety Commissioner may make a request to or issue a notice against Australian providers of carriage services to block certain abhorrent violent conduct material in the case of an online crisis event.

Arrangements to support blocking of domains during an online crisis event have been set out in a mutually agreed protocol between the eSafety Commissioner and relevant industry members.

The eSafety Commissioner did not declare an online crisis event during the reporting period and has not issued any blocking notices (s. 99) or blocking requests (s. 95).



## Abhorrent violent material

<b>Performance criteria:</b>	<b>Operation of a response capability to block terrorist and extreme violent material in online crisis events</b>
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Target:	Effectively and efficiently deliver a response capability to an online crisis event, including blocking or removing of harmful material.
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<b>Results:</b>	<b>Met</b>
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Under the *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019*, the eSafety Commissioner may issue a notice to a provider of content services or hosting services about abhorrent violent material provided via their service.

Abhorrent violent material includes content recorded by a perpetrator (or their accomplice) of conduct including terrorism leading to serious injury or death, murder and attempted murder, rape, torture and kidnapping.

An abhorrent violent material notice issued by eSafety serves to bring the material to the attention of the provider of the service. A failure by the provider to expeditiously remove the material may be a Commonwealth criminal offence.

During the reporting period, eSafety issued one abhorrent violent material notice. Additionally, informal requests to the providers of content services were made for the removal of abhorrent violent material on 3 occasions. These were made before the commencement of the Online Safety Act on 23 January 2022.

## Adult cyber abuse

<b>Performance criteria:</b>	<b>Operation of new schemes in a revised Online Safety Act</b>
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Target:	Effectively implement and operationalise the new components of the Online Safety Act
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<b>Results:</b>	<b>Met</b>
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The Online Safety Act introduced a new scheme for the removal of cyber-abuse material targeted at an Australian adult from a social media service, relevant electronic service, designated internet service or hosting service. The scheme provides a safety net to be used when a complaint has been made to an online service provider, but the online service provider has not removed the material.

The Online Safety Act defines adult cyber abuse as material targeting a particular Australian adult that is both intended to cause serious harm, and menacing, harassing or offensive in all the circumstances.

The term 'cyber abuse' is reserved for the most severely abusive material intended to cause serious psychological or physical harm. The threshold for adult cyber abuse has been set deliberately high to ensure it does not inappropriately stifle freedom of speech, including in the context of political comments, legitimate expression or robust debates online. The threshold is higher than the threshold for the child cyberbullying scheme under the Online Safety Act because adults are expected to have greater resilience than children, as well as a greater capacity to independently seek and locate support.

The scheme is not intended to regulate hurt feelings, defamation, bad online reviews, strong opinions or offensive exchanges between users of a service.

The threshold for adult cyber abuse under the Online Safety Act is high. As a result, eSafety may not be able to take regulatory action for every complaint received. Every situation is unique, and eSafety is committed to helping all Australians who seek assistance with online harm. In situations where a matter does not meet the threshold, eSafety aims to help adults experiencing cyber abuse in a holistic and empowering manner. Most complainants are provided practical advice on how to protect themselves online and are also directed to support services, such as Lifeline, Beyondblue and 1800RESPECT. Where appropriate, eSafety may provide adults with guidance about reporting to police and information about where and how to seek legal advice about their complaint.

For a complaint of adult cyber abuse to be valid under the Online Safety Act, the cyber-abuse material must:

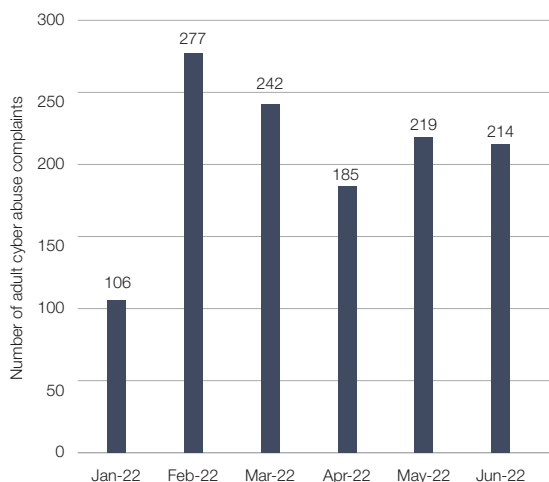
- > meet the threshold of intending to cause serious harm and be menacing, harassing or offensive in the all the circumstances
- > be made by an Australian adult who is the target of the cyber abuse, or by a person who has been authorised to make a report on their behalf
- > have first been reported to the online service provider.

### Reporting data

Since the Online Safety Act commenced, eSafety:

- > received 1,243 complaints
- > issued 3 removal notices under s. 88 to social media services
- > made 212 informal requests to online service providers for terms of service matters or cyber-abuse material, of which 82% resulted in removal of material.

**Figure 2.14: Number of adult cyber-abuse complaints by month, since 23 January 2022**



**Table 2.6: Number and percentage of complaints by category of harm, since 23 January 2022**

<b>Category of harm</b>	<b>Number of complaints</b>	<b>Percentage of complaints*</b>
Defamation	444	36%
Nasty comments/name calling	316	25%
Harassment	294	24%
Fake/impersonation account	114	9%
Unwanted contact	113	9%
Hacking	109	9%
Offensive or upsetting pictures or videos	78	6%
Threats	75	6%
Doxing	54	4%
Scams	47	4%
Intimidation	39	3%
Hate speech	27	2%
Digital surveillance	25	2%
Domestic violence	23	2%
Privacy breach	23	2%
Stalking	13	1%
Recidivist offending	7	<1%
Blackmail	6	<1%
Inciting self-harm or suicide	6	<1%
Closure of social media accounts	5	<1%
Coercive control	4	<1%
Volumetric attacks	4	<1%
Inciting violence or harm	1	<1%

\* Note that a complaint may consist of more than one category of harm. As a result, the percentage total of all the categories of harm exceeds 100%.

## Demographics of adult complainants, since 23 January 2022

Complainants by gender:

- > Female: 66%
- > Male: 31%
- > Gender diverse: 1%
- > Unknown: 2%

Complaints by state/territory:

- > ACT: 3%
- > NSW: 25%
- > NT: 1%
- > Qld: 27%
- > SA: 8%
- > Tas: 2%
- > Vic: 24%
- > WA: 10%

Complaints by age group:

- > 18–24 years: 20%
- > 25–39 years: 39%
- > 40–54 years: 30%
- > 55 years and over: 11%

**Table 2.7: Adult cyber-abuse scheme actions**

<b>Actions</b>	<b>Notices, directions or requests</b>
Removal notice given to the provider of a social media service, relevant electronic service or designated internet service (s. 88)	3
Removal notice given to an end-user (s. 89)	0
Removal notice given to a hosting service provider (s. 90)	0
Notices requiring appearance for examination (s. 199)	0
Production of documents for inspection (s. 203)	0
Informal notices given, and informal requests made, by the Commissioner in relation to adult cyber-abuse material	83
Informal notices given, and informal requests made, by the Commissioner in relation to material likely to contravene terms of service (but not meeting the definition of adult cyber abuse)	129

## Education and awareness

<b>Performance criteria:</b>	<b>Promote online safety for all Australians</b>
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Target:	Provide leadership and audience-specific and research-based advice, content, and programs to raise awareness about online safety issues and empower all Australians to have safer online experiences.
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<b>Results:</b>	<b>Met</b>
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Online safety education is delivered through various platforms and resources, meeting broad community needs as well as providing targeted support initiatives for at-risk groups.

### Online safety programs and resources: young people and families

#### eSafety Early Years

The eSafety Early Years program continues to provide Australian families with education resources for the youngest internet users and their families. The *Swoosh, Glide and Rule Number 5* picture book was re-distributed to primary schools nationally in May 2022 to encourage early discussions about how to stay safe online and digital literacy in the foundation years at school. A total of 20,000 books have been distributed since its release in February 2021 to 30 June 2022.

#### 5-to-8 years cohort

Building on the key messaging of the Early Years program, eSafety released new resources to support the 5-to-8 years audience, including resources for teachers and parents, to address the gap in online safety education for this critical cohort. Research tells us it is important to reach young people at this early age to embed online safety messages, and to reinforce these messages in age-appropriate ways throughout their schooling. A classroom tech agreement and a family tech agreement were launched as part of Safer Internet Day in February 2022, encouraging teachers and families to 'start the chat' about internet safety with their children aged 5 to 8.

#### Youth engagement

Delivering on its commitment to make sure the voice of young people is at the centre of its youth-targeted online safety programs, eSafety established an Online Safety Youth Advisory Council. The Council consists of 25 young Australians aged between 13 to 24 from a diverse range of backgrounds and locations across Australia. It will provide a direct voice to government and eSafety on the challenges and solutions to online safety issues that impact young people. The Council first convened on 22 June 2022.

The establishment of the Council has been informed by in-depth research on youth engagement and online safety, led by the Young and Resilient Research Centre at Western Sydney University on behalf of eSafety. The report, published on the eSafety website in January 2022, highlights young people's recommendations and vision for their online future. It also outlines their expectations of eSafety and how eSafety should engage with young people about online issues.

On 20 June 2022, eSafety delivered new website content for, and co-designed with, young people in 4 key areas: dating and relationships, navigating difficult situations, protecting yourself online, and self-identity and community. The content authentically engages young people by using their voice and covering the real issues young people are experiencing online, with an overarching focus on overcoming barriers to seeking help and ensuring young people are empowered with the tools and information necessary to tackle existing and emerging online challenges.

To coincide with the release of the new website content, in June 2022, eSafety launched a youth campaign called SCROLL, explaining what young Australians can do when things go wrong online. SCROLL was co-created by young people and features real stories and examples of how young people can protect themselves, where to get help, and ways to support friends.

## **Education and school community resources**

eSafety continues to provide best practice guidance for the education sector and to work with the sector to promote a consistent national approach to online safety.

### **Best Practice Framework for Online Safety Education**

In July 2021, eSafety released the updated Best Practice Framework for Online Safety Education along with support materials including an implementation guide. The framework was the result of an extensive research process, followed by consultation with experts to develop the key pillars that need to be in place to support best practice in online safety education.

The framework and support materials have had more than 19,500 page views and 6,000 downloads as of 30 June 2022.

### **Toolkit for Schools**

eSafety's Toolkit for Schools provides evidence-based guidance for schools preparing for and responding to online safety issues. Updates were made in this reporting period to reflect changes to eSafety's powers and reporting pathways. The Toolkit for Schools has received more than 27,000 page views and 12,000 downloads from 1 July 2021 to 30 June 2022.

### **Toolkit for Universities**

In partnership with Universities Australia, eSafety developed Toolkit for Universities, supporting university communities to become well-informed about online safety risks, proactive about online safety measures and prepared to implement best practice responses to online safety incidents.

From 1 July 2021 to 30 June 2022, the toolkit and individual resources have received more than 3,000 page views and 800 downloads. The toolkit resources have been accessed by users in more than 30 countries.

### **Safer Online: Awareness to Resilience (SOAR)**

eSafety rolled out its SOAR program in the reporting period – a pilot initiative that supports Australian universities to develop whole-of-institution, sustainable approaches to online safety. eSafety partnered with Universities Australia and universities across Australia to trial this capacity-building model, working closely with university staff to develop action plans that prevent and respond to online harms for students and staff. The pilot was completed in June 2022. During this period, 13 face-to-face SOAR events were also held with 227 participants.

### **Families Capacity Building Project**

In 2021, eSafety received funding as part of the National Strategy to Prevent and Respond to Child Sexual Abuse to commence a 4-year project. The project delivers targeted education to support vulnerable families to recognise and prevent harmful behaviours online, with a specific focus on online child sexual abuse and child safety.

Phase one of the project is focused on providing tailored advice and resources for culturally and linguistically diverse (CALD) families. During 2021–22, the project team began external stakeholder consultations and a literature review to understand the online safety needs of CALD communities; and a range of resources are in development.

## eSafety education training programs

eSafety delivers webinar-based training to school students, educators, pre-service teachers, university staff, school chaplains, parents and carers, community organisations, mental health and social workers, sporting groups, law enforcement agencies, welfare agencies and corporate groups (Table 2.8).

**Table 2.8: Total outreach activity, 2021–22**

Type of outreach program	Attendees	Events
Virtual Classroom student webinars	113,413	43
Pre-service teachers	2,801	41
Professional learning program for teachers	2,526	45
Community and other presentations	14,233	132
Chaplaincy programs	963	23
<b>Total</b>	<b>133,936</b>	<b>284</b>

### Pre-service teacher program

eSafety's education and training team provide presentations to pre-service teachers, generally in their final year of tertiary study, giving them the skills, knowledge, and confidence to educate their future students about online safety.

During 2021–22, 41 sessions were delivered to 2,801 pre-service teachers.

### Corporate and community education

eSafety provides tailored presentations and workshops for corporate organisations and community groups to build online safety knowledge and skills. During the reporting period, eSafety delivered 132 corporate and community presentations to 14,233 participants.

During 2021–22, eSafety continued the popular parent and carer webinar series. A new schedule was released in early 2022 offering 2 topics each school term – one for parents of primary-aged children and the other for parents of young people in secondary school. Parent and carer topics covered in the reporting period were online sexual harassment and image-based abuse, popular apps, digital technology and mental health, helping kids thrive online, cyberbullying and online drama, parental controls and online gaming.

### National School Chaplaincy Program (NSCP)

This program provides evidence-based, targeted advice on preventing and responding to child cyberbullying. 963 NSCP chaplains completed eSafety's professional learning in 2021–22.

### Virtual Classrooms

eSafety reaches primary school audiences via live webinars on key awareness days throughout the year, which are referred to as Virtual Classrooms. Virtual Classrooms are delivered by expert trainers with interactive elements including live chats and polling. In 2021–22, eSafety held 43 webinars across 3 Virtual Classroom topics to 113,413 students:

- > *Be an eSafe kid: Online Boundaries – it's ok to say "no"* during National Child Protection Week, September 2021
- > *Be an eSafe kid: Your voice counts* during Safer Internet Day, February 2022
- > *Be an eSafe kid: A better internet starts with you* during National Day of Action against Bullying and Violence, March 2022.

## Professional learning program

eSafety's professional learning program was delivered to 2,526 teachers in 2021–22. A new topic, Digital Rights and Responsibilities of Students and Educators, launched in April 2022, comprised a 90-minute live webinar followed by 30 minutes of readings and assessment. The program is accredited by the ACT Teacher Quality Institute and the NSW Education Standards Authority (NESA), allowing teachers from the ACT and NSW to gain accredited professional development hours on completion of the course. All other teachers receive a certificate for 2 hours of professional learning.

Our 2021 teacher professional learning program was externally evaluated as part of eSafety's commitment to continuous improvement. The webinar was found to be a highly valued professional learning opportunity. The follow-up survey demonstrated all respondents were confident embedding online safety concepts in their work and had improved in overall confidence.

## Trusted eSafety Provider Program

The Trusted eSafety Provider Program endorses providers who have demonstrated their expertise, experience and evidence-based approach to online safety education. During 2021–22, eSafety commissioned an independent review that found the program delivered benefits for all stakeholders and identified opportunities to strengthen the administration and promotion of the program. A refresh of the program was initiated, with a revised program agreement to be implemented in the next reporting period.

As at 30 June 2022, there were 35 providers endorsed under the program. Total program reach in schools for 2021–22 (1,087,086 participants) increased by 41% on 2020–21 (772,305 participants).

**Table 2.9: Trusted eSafety Provider Program reach, 2021–22**

<b>Program</b>	<b>Number</b>
<b>School programs</b>	
Sessions	12,253
Student participants	1,008,298
Parent participants	50,960
Teacher participants	27,828
Participants (combined)	1,087,086
<b>Non-school programs</b>	
Sessions	153
Participants	16,242
<b>Total</b>	
Sessions	12,406
Participants	1,103,328



## Online Safety Grants Program

The Online Safety Grants Program provides funding to non-government organisations (NGOs) to deliver practical, innovative online safety education and training projects targeting young people. The program will distribute \$9 million in grant funding over 3 years (2020–21 to 2022–23).

Fifteen successful grant recipients for the second round of the program were announced in October 2021.

**Table 2.10: Online Safety Grants Program – Round 2 recipients, projects and funding**

Organisation	Project name	Funding amount (ex. GST)
Burnet Institute	The Gist	\$658,051
Project Rockit	In real life	\$614,377
Queensland University of Technology	Adapting Common Sense Media's Digital Citizenship resources	\$544,400
Institute for Urban Indigenous Health	Deadly Choices eSafety project	\$536,359
First Nations Media Australia	Keeping our young people safe online, our way	\$413,000
REELise Incorporated	REEL Change	\$372,480
Amaze	An education program for young gamers living with autism	\$252,234
Interaction Disability Services	Cyber safety training for young people living with a disability	\$222,500
Sexual Health Victoria	Youth, cybersafety and sexuality	\$178,600
Daniel Morcombe Foundation	eSafety: Challenges and choices	\$149,767
Community Broadcasting Association of Australia	Online safety co-designed by youth broadcasters	\$140,000
Multicultural Centre for Women's Health	Leaders of the future – Online resilience project	\$128,919
University of Sydney	Emerging online safety issues: co-creating social media education with young people	\$119,298
Catalyst Foundation Incorporated	Enhancing eSafety community connection for LGBTIQ+ young people	\$90,014
Little Dreamers Australia	Little Dreamers online academy	\$80,000
<b>Total funding</b>		<b>\$4,499,999</b>

Applications for the third round of the Online Safety Grants Program opened on 11 April 2022 and closed on 16 May 2022. Successful applicants will be announced in the next reporting period.

## Protecting those most at risk online

eSafety continues to be guided by research, investigative insights and engagement with key stakeholders to better understand the experiences and needs of those members of the Australian community who are most targeted by online abuse. This evidence base frames eSafety's strategic plans to meet each community's unique needs.

Some tailored initiatives during this reporting period included:

- > creating guides to preventing image-based abuse in 4 languages after consultation with community organisations on the impact of image-based abuse on Islamic women
- > integrating support in languages other than English throughout its programs
- > increasing its engagement with First Nations organisations to make sure that future program initiatives support the community from young children through to Elders. Resources are under development for release in the next reporting period.
- > engaging with disability service providers and adults with intellectual disability across Australia to better understand their experiences online and the support required. An expert advisory group was established with national peak bodies, academics and adults with lived experience of intellectual disability. A report of findings will be published early in the next reporting period.
- > hosting community consultations with LGBTIQ+ health providers, including in-depth interviews with LGBTIQ+ organisations and LGBTIQ+ community members. A qualitative research paper, *Protecting LGBTIQ+ voices online*, was released in August 2021. Tailored resources will be launched in the next reporting period.

## Sporting sector strategy

Throughout 2021–22, eSafety developed a strategy to support sporting organisations that are increasingly expected to create and manage safe online spaces for their players, officials and volunteers at both the professional and grassroots level. The sporting sector is also important as a conduit to the broader community of sports fans who may be influenced by elite players' or clubs' endorsement of online safety messages.

eSafety focused on the key areas where it can provide leadership and guidance:

- > In November 2021, eSafety hosted a roundtable with 24 of Australia's leading sports bodies. This culminated in the Online Safety Statement of Commitment, signed between eSafety and 24 major sporting organisations to tackle online abuse in sport.
- > In February 2022, Safer Internet Day in Australia was themed #PlayitFairOnline, to leverage the work eSafety had done with sporting organisations to help raise awareness of online safety in the broader community.
- > In June 2022, eSafety signed an MOU with the AFL to work more closely together to embed online safety into all levels of the organisation and to help deliver online safety messages to the broader Australian community.

## eSafetyWomen program

Since 2016, eSafety has provided specialised information and support to women to enable them to engage safely online and be protected from online harms. The programs seek to address gender-based violence in a range of scenarios, including the use of technology as a means of abuse in domestic and family violence situations, and to empower women in professional careers, small businesses or public-facing roles who disproportionately experience gendered online violence as a result of their work.

## Specialised website pages for women

The Women section of the eSafety website provides practical tools and information to help women navigate their online lives. This includes information relating to online banking, gaming, shopping, dating, privacy and digital security settings.

During 2021–22, the Women section of the eSafety received 37,514 unique visits, with 69,036 page views.

## **Specialised professional development workshops and resources**

The eSafety Women program delivered a total of 109 workshops and webinars focused on technology facilitated abuse in domestic and family violence contexts, reaching 2,110 people across a range of sectors and communities.

In this reporting period, eSafety continued to provide a professional learning program for workers in the domestic and family violence field to raise awareness of technology-facilitated abuse and what can be done in response. These workshops provide workers with the knowledge to support women and families experiencing or recovering from this type of abuse. Workshops are delivered to groups such as family services, crisis housing and welfare organisations, law enforcement agencies and the legal profession. In this core program, 79 workshops and webinars were held, with over 1,581 participants.

In addition, with funding from the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children (2010-2022) and Women's Safety measures in the 2021–22 budget, eSafety continued to develop new programs to address the online safety needs of women with intellectual or cognitive disability, First Nations women and communities, and children impacted by technology-facilitated abuse in domestic and family violence situations. This included:

- > training sessions for service providers from the domestic violence and disability workforces who support women with intellectual or cognitive disability. 17 workshops and webinars were held for 187 participants. Accompanying resources – 3 case study videos, conversation cards, easy read guides, posters and wallet cards – were developed
- > workshops with Aboriginal Community Controlled Organisations aimed at upskilling frontline workers to provide culturally safe supports to Aboriginal and Torres Strait Islander women experiencing technology-facilitated abuse. 12 sessions were held with 297 participants
- > developing new online training modules for professionals and specialists working with First Nations women and/or women with intellectual or cognitive disability, to be delivered in the next reporting period
- > developing a new monthly professional learning workshop aimed at upskilling frontline workers who support children and families impacted by domestic and family violence
- > one (pilot) workshop with 45 attendees on the impact on children of technology-facilitated abuse in domestic and family violence situations.

## **Online events**

Over the reporting period, eSafetyWomen participated in the #16DaysOfActivism campaign through community awareness raising sessions and presenting at external stakeholders' conferences. This campaign also coincided with a special virtual event featuring a fireside conversation between the eSafety Commissioner, the Australian Sex Discrimination Commissioner and the European Union Commissioner for Equality to discuss violence against women online. During this period, eSafety also participated in the International Women's Day campaign with a social media campaign.

In September 2021, the Commissioner provided the keynote address at the National Summit on Women's Safety. This Summit was part of the consultation on the development of the next National Plan to End Violence against Women and their Children.

## **Aboriginal and Torres Strait Islander Technology-Facilitated Abuse Resources Program – Dedicated Project Officer Grants**

A key element of eSafety's work under the Fourth Action Plan to Reduce Violence Against Women and their Children (2010–2022), is the creation of a program of training and resources to support First Nations Australian women.

Two Aboriginal Community Controlled Organisations (ACCOs) received Dedicated Project Officer Grants in the 2021–22 financial year:

- > Many Rivers Family Violence Prevention Legal Services (Gurehlgam Corporation Limited), based in New South Wales, received \$38,808
- > Karadi Aboriginal Corporation, based in Tasmania, received \$40,950.

The grant projects concluded by 30 June 2022, with each grantee having delivered a place-based combination of resources and education programs to respond to technology-facilitated abuse.

### **Women In The Spotlight (WITS)**

In March 2022, eSafety released research entitled *Women in the Spotlight: Women's experiences of online abuse in their working lives*, which found that the women surveyed disproportionately experienced gendered online violence as a result of their online presence for work. The findings highlighted that the experiences of abuse can lead women to step back from public life, avoid taking leadership positions and stop participating in online activities.

eSafety continued to develop its *Social Media Self-Defence* program, a tailored training session aimed at employees, professional networks and community groups. This training grew from 2 sessions in 2020–21 to 20 sessions this reporting period, reaching 408 people.

eSafety also collaborated with the ABC to develop and launch best practice tips for media industry employers preparing for or responding to online abuse.

The Women In The Spotlight content on the eSafety website had 1,269 visitors and 3,770 page views during the reporting period.

### **Digital literacy for older Australians – Be Connected**

Over the reporting period, when COVID outbreaks have limited face-to-face contact and access to essential services has moved online, the Be Connected program has supported 330,347 learners across every state and territory.

This Australian Government initiative developed to address the needs of Australians over the age of 50, with low digital confidence, was launched in 2017. Funding was extended in 2020–21 for an additional 3 years to 2023–24.

The Be Connected interactive learning site, developed and managed by eSafety, now has over 553 learning activities (including quizzes, practice areas and videos), with user traffic for 2021–22 hitting over 2.3 million page views. New interactive topics released in this reporting period include *Accessing State and Territory government services online*, *Advanced Online Security*, *Using Apps that come with Cloud subscriptions* and *Fun things to do with your photos online*. This online content continues to receive an average satisfaction rating of over 93% from learners. Accompanying tip and fact sheets continue to be delivered in 8 languages to support those from linguistically diverse communities.

eSafety delivered Be Connected webinars covering a range of topics, from online scams to how to use myGov. Over 3,000 older Australians attended Be Connected webinars during 2021–22.

In the reporting period, eSafety launched a new Be Connected podcast series to address the different learning styles of older Australians.

Throughout 2021–22, eSafety worked with a range of stakeholders across industry and all levels of government to promote the program – including the Australian Human Rights Commission, Services Australia, various State's Seniors' Card and digital government initiatives, NBN, Probus and over 300 local councils across Australia.

## Proactive and systemic change

### Basic Online Safety Expectations Determination

A key new feature of the enactment of the Online Safety Act is the introduction of Basic Online Safety Expectations. On 24 January 2022, the Basic Online Safety Expectations (the Expectations) Determination commenced. eSafety used the second half of the reporting period to prepare to formally operationalise the Expectations, holding information sessions for industry associations and individual companies in June 2022.

During the reporting period, eSafety also developed a webform to enable in-scope services to register their details with eSafety, in line with the section 21 expectation.

### Safety by Design

eSafety's Safety by Design initiative seeks to modify the way technology is designed, developed and deployed by shifting the responsibility for safety back onto tech platforms and providers. It provides realistic, actionable and achievable measures to better protect and safeguard citizens online, highlighting good practice and tangible steps to make user safety considerations a routine element of product development cycles.

### Key statistics and successes, 2021–22

- > Safety by Design website pages were accessed 15,840 times.
- > Safety by Design assessment tools were accessed in 46 countries, with engagement split 63.49% by start-ups and 36.51% by enterprise.
- > Resources for venture capitalists and investors were shared with 100 identified stakeholders and downloaded 24 times.
- > eSafety's tools and guidance materials supported online safety developments and uplift across the digital ecosystem, including:
  - > the banking sector, including industry associations such as the Australian Banking Association (ABA), and the big 4 banks, to uplift online safety practices and enhance capability, and mitigate tech-facilitated and transactional abuse
  - > the education sector, through integration into the Australian Curriculum, Assessment and Reporting Authority (ACARA) Digital and Technology Curriculum for primary and secondary students, and in higher-education courses across disciplines including business innovation, cyber-security, ethics, and law.
- > Safety by Design has become a common element of new legislation targeting the technology industry and online harms, including new proposals released in Canada, the UK and Europe.

### Collaborative developments with industry included:

- > The Amazon Web Services (AWS) Kik program with AWS and RMIT – building Safety by Design into multidisciplinary design programs.
- > Apple Developers workshops – uplifting Apple staff and educators to better understanding and application of Safety by Design with tech developments and teaching.
- > Meta/Project Rockit Youth roundtables and consultations on young people's experiences with the metaverse and immersive tech.

### International leadership and collaboration

Long-term proactive and systemic change requires the coordinated efforts of the global community to achieve the best outcomes for all citizens online. eSafety has worked to strengthen its impact across borders through targeted information sharing, collaboration and capacity building, and to drive up standards of online safety. Strong international partnerships are essential to our ability to discharge our regulatory duties and perform our work.

## **International engagements**

### ***International regulatory partners***

eSafety maintains ongoing bilateral dialogue with regulatory counterparts in the United Kingdom, Ireland, the European Union, the Republic of Korea and Fiji. In November 2021, eSafety and the Korea Communications Standards Commission signed a joint statement on image-based abuse and digital sex crimes. The eSafety Commissioner also provided evidence to parliamentary committees in Ireland (July 2021) and the UK (December 2021).

Since November 2021, eSafety has been working with new and emerging regulatory bodies to consolidate a Global Online Safety Regulator Network that will facilitate direct intergovernmental dialogue and make sure that there is, to the greatest extent possible, parity between jurisdictions regarding approaches to online safety.

### ***Support for emerging online safety regulators***

eSafety routinely exchanged insights with stakeholders in North America, Europe and the Indo-Pacific as they seek to develop online safety legislation and regulatory frameworks. Additionally, eSafety welcomed representatives from the European Parliament Intergroup on Children's Rights in February 2022 for in-depth discussions about Australia's online safety regulation and child protection framework.

### ***Multilateral forums***

eSafety shared insights and regulatory advice and had direct engagement in a range of multilateral forums, including the G7 Future Tech Forum and Safety Tech Summit (November 2021), the European Parliament Intergroup high-level event on tackling Child Sexual Exploitation and Abuse (December 2021), and the EU Internet Forum Ministerial Event (December 2021). eSafety contributed to Australia's success in the Commission on Crime Prevention and Criminal Justice (CCPCJ) resolution on strengthening national and international efforts, including with the private sector, to protect children from sexual exploitation and abuse (May 2022).

In March 2022, Australia joined the Global Partnership for Action on Gender-Based Online Harassment and Abuse, appointing the eSafety Commissioner as Australia's lead representative. The Global Partnership will pursue opportunities for constructive dialogue with the private sector and technology companies and will facilitate multi-stakeholder engagement through the Advisory Group, with a particular focus on inclusive discourse across platforms of all sizes.

### ***Civil society organisations***

eSafety is involved in several global alliances and initiatives and regularly contributes to global debates, discussions and projects. During this reporting period, eSafety presented at more than 25 international conferences and met with foreign governments and diplomats on online safety and regulatory matters across 19 jurisdictions. The Commissioner also presented at the World Economic Forum in Davos, the WeProtect Global Alliance Summit in Brussels, the International Institute of Communications annual conference in Canada and the International Cybersecurity Forum in France.

### ***Capacity building***

eSafety continues to deliver capacity building initiatives across the Indo-Pacific, including strengthening institutional capabilities through our formal partnership with Fiji's Online Safety Commission, addressing online gender-based violence in the Pacific, and promoting Safety by Design in Southeast Asia as a model for developing online safety policies. These projects are funded under DFAT's Cyber and Critical Technology Cooperation Program (CCTCP).

## Tech trends and challenges

Technology developments are occurring at an unprecedented pace. To make sure our content and programs reflect the most current information, tech developments and global trends, eSafety consults with experts and thought leaders, and scans for new research and policy, legislative and technical updates.

eSafety's approach to selected tech trends and challenges is provided in public position statements on our website, directly tied to the Commissioner's Section 27 powers. The position statements are informed by new research and current information, alongside technological developments and global trends.

During this reporting period, eSafety published a public position statement on decentralisation (or 'Web 3.0'), which was featured in a piece by the Commissioner published in the Australian Strategic Policy Institute's *The Strategist*, as well as an interview on *That Digital Village Show*, Episode 7: 'Decentralised Internet and Cyberbullying'. Over the course of the financial year, eSafety's tech trends and challenges position statements had 10,884 views and much broader influence through earned media. In addition, eSafety has worked collaboratively across government on matters relating to both cyber and critical technologies.

## Age verification roadmap

On 1 June 2021, the Australian Government requested the eSafety Commissioner develop an implementation roadmap for a mandatory age verification regime relating to online pornography.

This roadmap forms part of the government's response to the House of Representatives Standing Committee on Social Policy and Legal Affairs report, *Protecting the age of innocence*. eSafety will make recommendations for a holistic approach including both technical and non-technical measures to address risks and harms associated with children's access to online pornography.

eSafety issued a call for evidence on 16 August 2021, seeking insights into effective age verification techniques, as well as the impact of online pornography on children and proven methods of educating young people about both respectful and harmful sexual behaviours.

From November 2021 through to June 2022, eSafety conducted multiple meetings and roundtables with stakeholders from the international and domestic adult entertainment industry, providers of online platforms and services, digital rights advocates, academics and researchers, children's rights and wellbeing specialists and experts from other sectors.

Thematic summaries of the submissions received in response to the call for evidence and the first round of consultations are available on eSafety's website. Other summaries will be published throughout the year.

## Research

Under the Online Safety Act, eSafety has crucial roles regarding research about online safety, including to:

- > collect, analyse, interpret and disseminate information
- > support, encourage, conduct and evaluate research
- > publish reports and papers relating to online safety.

eSafety's research program takes a leadership role in promoting, coordinating and undertaking research into digital participation and online safety issues. In developing the research program, eSafety continues to engage with leading research agencies and other stakeholders, in addition to undertaking an internal audit of research needs.

During 2021–22, eSafety released a range of research supporting our education and regulatory responses.

eSafety also commissioned new research into:

- > experiences of online abuse among adults with an intellectual disability
- > online experiences of Australian adults
- > young people's perspectives on online pornography
- > the prevention and remediation of online harms (literature review)
- > culturally and linguistically diverse families and the prevention of online child sexual abuse (literature review)
- > the development of tailored advice and resources for culturally and linguistically diverse families (market research).

eSafety continued with research to support the evaluation of eSafety programs, including:

- > the youth marketing campaign
- > the eSafety Women Aboriginal Grants Program
- > technology-facilitated abuse training for workers with clients that have an intellectual disability.

eSafety also continued its research partnerships with ARC linkage grants, including with:

- > Centre of Excellence for the Digital Child
- > Young Children in Digital Society.

## **Communications and stakeholder engagement**

eSafety's communications and media efforts in 2021–22 continued to raise the profile of our resources and reporting services for Australians. Joint stakeholder initiatives and partnerships also helped to extend eSafety's reach into more households, classrooms and workplaces across the country.

### **National online safety hub**

The eSafety website – [esafety.gov.au](https://esafety.gov.au) – provides information, resources and reporting tools that help Australians have safer experiences online.

The award-winning site is the agency's primary digital platform for online safety information and resources. It serves a range of audiences, including young people, parents and carers, educators, older Australians and women experiencing technology-facilitated abuse. The website also provides access to eSafety's complaints-based services, where people can report serious child cyberbullying, image-based abuse, adult cyber abuse, and illegal online content.

During 2021–22, over 1.59 million visitors to the website viewed over 5.7 million pages of content.



## Media

eSafety uses a range of media channels to communicate with stakeholders and the broader Australian community. This included:

- > traditional media – eSafety featured regularly in Australian media across TV, radio, print and online, achieving more than 2,200 media mentions across a range of outlets.
- > social media – eSafety is active on 7 social media platforms, including Facebook, Twitter, Instagram, LinkedIn and TikTok. In 2021–22, eSafety reached 73,634 followers – a 14% increase on the previous year.
- > blog posts – eSafety continued to use its public-facing blog to raise awareness, provide information and thought-leadership, and promote eSafety's services. We published 14 blog posts during 2021–22.
- > electronic direct mail (EDM) – eSafety's e-newsletters provided tailored information to stakeholders, including parents and educators and seniors, reaching more than 48,400 subscribers per month in 2021–22 with news and advice, an increase of 22% increase on the previous year. eSafety's EDMs continue to be the leading driver of traffic to our website, with engagement rates well above industry averages.

## Partnerships

eSafety works with domestic and international organisations to increase education and awareness about online safety. Partners include government agencies, not-for-profit organisations, corporations and community-based groups. The work includes distributing educational material, supporting events and community awareness-raising weeks, and co-developing content.

During 2021–22, projects included:

- > performing an active role in the Digital Platforms Regulators Forum to improve information sharing and regulatory coordination in addressing consumer harms and regulating online technologies, alongside the ACMA, Australian Competition and Consumer Commission and Office of the Australian Information Commissioner
- > a series of eSafety community service announcements for women at risk of technology-facilitated abuse, screened on SBS over a 6-month period to support the award-winning *See What You Made Me Do* documentary series and supported by educational material on SBS Learn
- > our annual Safer Internet Day campaign, calling on Australians to share how they play it fair online, supported by educators, workplaces, community groups, parents, carers and governments, February 2022
- > a public awareness campaign about the Online Safety Act, in partnership with the Department of Infrastructure, Transport, Regional Development and Communications, from January 2022
- > the launch of Jewel Match, an online game for older Australians designed to increase dexterity and boost confidence online (with the Department of Social Services and Good Things Foundation), in August 2021
- > SCROLL, a new youth campaign on what to do when things go wrong online, co-created by young people for young people, in June 2022
- > working with federal, state and territory law enforcement agencies to raise public and police awareness about how to report online harms, by publishing information on their external and internal websites and developing training opportunities (ongoing).

## **eSafety Advisory Committee**

The eSafety Advisory Committee is eSafety's advisory forum attended by key representatives from industry, government, civil society organisations and academia. eSafety formed the committee in early 2020 to replace the Online Safety Consultative Working Group, which did not meet during 2019 while the Statutory Review of the *Enhancing Online Safety Act 2015* was conducted. The eSafety Advisory Committee is tasked with providing technical and policy expertise, research data, coordination and other assistance to eSafety, to make sure Australia's online safety response and support system is consultative, evidence-based, cross-sectoral and effective.

During the reporting period, committee meetings were held in September 2021, December 2021 and February 2022.

### ***Committee membership***

- > Alannah and Madeline Foundation
- > Communications Alliance
- > Department of Education, Skills and Employment
- > Department of Foreign Affairs and Trade
- > Department of Home Affairs
- > Department of Infrastructure, Transport, Regional Development and Communications
- > Department of Prime Minister and Cabinet
- > Department of Social Services
- > Department of Industry, Science, Energy and Resources
- > eSafety Commissioner (Chair)
- > Facebook
- > Google
- > Microsoft
- > Macquarie University
- > RMIT University
- > Telstra
- > TikTok
- > Headspace
- > Twitter
- > University of New South Wales
- > Western Sydney University
- > Yourtown

# **Accountability arrangements and enquiries management**

## Accountability arrangements

Under section 184 of the Online Safety Act, the ACMA is required to assist the Commissioner to perform functions and exercise powers to such extent as the Commissioner reasonably requires, making available resources, facilities and members of staff of the ACMA. eSafety uses ACMA-established structures for a range of functions, such as human resources, information technology, governance and financial operations, purchased under an agreed cost structure. However, some structures are supplemented by bespoke resources to meet eSafety's unique operational needs. As a result of this legislative arrangement, administrative and financial controls are consistently applied across the ACMA and eSafety. For the purposes of the preparation of financial statements, the ACMA and eSafety report as a single financial entity.

Since the commencement of the Online Safety Act, the Commissioner has been an official of the ACMA for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

## Financial arrangements

Funds for eSafety form part of the ACMA appropriation. Specified departmental and administered funds are credited to the Online Safety Special Account.

The Special Account is administered by the ACMA. However, any amount debited from the account requires written approval of the Commissioner.

See Appendix 13 in Part 1: *Australian Communications and Media Authority annual report 2021–22* for eSafety's financial reporting information.

## Staffing eSafety

All employees of the eSafety Commissioner (with the exception of the Commissioner and directly recruited contract staff) are staff of the ACMA.

## Audit and risk management

eSafety is not required to have a separate audit committee. However, the eSafety Risk and Compliance Committee meets regularly to support the system of internal controls and due diligence within eSafety. The Commissioner can undertake independent audits and eSafety falls under the mantle of the ACMA's internal controls, processes and systems. As ACMA employees, the staff of eSafety are subject to the ACMA's risk and fraud management frameworks.

## Freedom of information

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information as part of the Information Publication Scheme (IPS), under Part II of the FOI Act. The Commissioner is an agency for the purpose of the FOI Act.

Information on eSafety's IPS, including the agency plan, can be found at [esafety.gov.au/about-us/corporate-documents/freedom-of-information](https://esafety.gov.au/about-us/corporate-documents/freedom-of-information).

## **Correction of material errors in previous annual report**

The *Office of the eSafety Commissioner annual report 2020–21* contained an error on page 221. In Table 2.3: *Trusted eSafety Provider Program reach, 2020-21* the number of sessions should be 7,717 instead of 2,772 and the number of schools should be 2,772 instead of 7,717.

## **Enquiries management**

eSafety receives large volumes of general enquiries via the [enquiries@esafety.gov.au](mailto:enquiries@esafety.gov.au) mailbox and website 'contact us' form. Over 4,219 responses to general enquiries were sent during 2021–22.

## Appendix 2.1: Mandatory reporting under the *Online Safety Act 2021*

The Online Safety Act sets out mandatory annual reporting requirements for the 4 reporting schemes, the Basic Online Safety Expectations and the industry codes. Table 2.11 fulfills eSafety's reporting requirements under section 183(2) of the Online Safety Act. The figures for 2021–22 are from the commencement of the Online Safety Act on 23 January 2022.

**Table 2.11: Mandatory reporting under section 183(2) of the Online Safety Act, 2021–22**

Section	Description	Number
183(2)(aa)	Objection notices given to the Commissioner by a person depicted in an intimate image (s. 33)	5
183(2)(a)	Periodic reporting notices given by the Commissioner about compliance with basic online safety expectations (s. 49)	0
183(2)(b)	Non-periodic reporting notices given by the Commissioner about compliance with basic online safety expectations (s. 56)	0
183(2)(c)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of cyber-bullying material targeted at an Australian child from the service(s. 65)	0
183(2)(d)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of cyber-bullying material targeted at an Australian child from the service (s. 66)	0
183(2)(e)	End-user notices given by the Commissioner for cyber-bullying material targeted at an Australian child (s. 70)	0
183(2)(f)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of an intimate image from the service (s. 77)	0
183(2)(g)	Removal notices given by the Commissioner to an end-user requiring the removal of an intimate image from a service (s. 78)	0
183(2)(h)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of an intimate image from the service (s. 79)	0
183(2)(i)	Directions given by the Commissioner for contravention of s. 75 Posting an intimate image (s. 83)	4
183(2)(j)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of cyber-abuse material targeted at an Australian adult from the service (s. 88)	3
183(2)(k)	Removal notices given by the Commissioner to an end-user requiring the removal of cyber-abuse material targeted at an Australian adult from a service (s. 89)	0

<b>Section</b>	<b>Description</b>	<b>Number</b>
183(2)(l)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of cyber-abuse material targeted at an Australian adult from the service (s. 90)	0
183(2)(la)	Blocking requests made by the Commissioner to an internet carriage service provider for material promoting, inciting, instructing or depicting abhorrent violent conduct (s. 95)	0
183(2)(m)	Blocking notices given by the Commissioner to an internet carriage service provider for material promoting, inciting, instructing or depicting abhorrent violent conduct (s. 99)	0
183(2)(n)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of class 1 material from the service (s. 109)	8
183(2)(o)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of class 1 material from the service (s. 110)	9
183(2)(p)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of class 2 material from the service (s. 114)	0
183(2)(q)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of class 2 material from the service (s. 115)	0
183(2)(r)	Remedial notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring action to remove or restrict access to class 2 material on the service (s. 119)	0
183(2)(s)	Remedial notices given by the Commissioner to a hosting service provider requiring action to remove or restrict access to class 2 material on the service (s. 120)	0
183(2)(t)	Link deletion notices given by the Commissioner to an internet search engine service provider providing access to class 1 material through a link provided by the service (s. 124)	1
183(2)(u)	App removal notices given by the Commissioner to an app distribution service provider providing access to an app that facilitates the posting of class 1 material (s. 128)	0
183(2)(v)	Notices given by the Commissioner to a person in contravention of an industry code (s. 143)	0
183(2)(w)	Directions given by the Commissioner to a person in contravention of a service provider rule (s. 154)	0
183(2)(x)	Federal Court applications made by the Commissioner for an order for a person to cease providing a social media service (s. 156)	0

<b>Section</b>	<b>Description</b>	<b>Number</b>
183(2)(y)	Federal Court applications made by the Commissioner for an order for a person to cease providing a relevant electronic service (s. 157)	0
183(2)(z)	Federal Court applications made by the Commissioner for an order for a person to cease providing a designated internet service (s. 158)	0
183(2)(za)	Federal Court applications made by the Commissioner for an order for a person to cease supplying an internet carriage service (s. 159)	0
183(2)(zb)	Notices given by the Commissioner requiring a person to provide end-user identity information or contact details (s. 194)	4
183(2)(zc)	Notices given by the Commissioner requiring a person to appear for examination for the purposes of an investigation (s. 199)	0
183(2)(zd)	Notices given by the Commissioner requiring a person to produce documents for inspection (s. 203)	0
183(2)(ze)	Decisions reviewed by the Commissioner under the internal review scheme	0
183(2)(zf)*	Applications received by the Commissioner under the internal review scheme	0
183(2)(zg)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to cyber-bullying material targeted at an Australian child	218
183(2)(zh)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to non-consensual sharing of intimate images	203
183(2)(zi)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to cyber-abuse material targeted at an Australian adult	212
183(2)(zj)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to material that depicts abhorrent violent conduct during that year	3
183(2)(zk)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to class 1 material	59
183(2)(zl)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to class 2 material	1
183(2)(zm)	Number and percentage of complaints made to the Commissioner for cyber-bullying material targeted at an Australian child by ground or category of harm	1,542 complaints – see Figure 2.6 for %
183(2)(zn)	Number and percentage of complaints made to the Commissioner for non-consensual sharing of intimate images by ground or category of harm	4,169 complaints – see Figure 2.9 for %



<b>Section</b>	<b>Description</b>	<b>Number</b>
183(2)(zo)	Number and percentage of complaints made to the Commissioner for cyber-abuse material targeted at an Australian adult by ground or category of harm	1,243 complaints – see Table 2.6 for %
183(2)(zp)	Number and percentage of complaints made to the Commissioner for under the online content scheme by ground or category of harm	6,978 complaints – see Table 2.3 for %

*\* The Commissioner received 3 applications under the internal review scheme, however they were invalid as the applications related to decisions that are not reviewable.*

# **Glossary and index**



## Glossary

<b>4G</b>	<b>fourth generation mobile network technology</b> Enhancements to mobile telecommunications systems that increase the usable data rate to allow the delivery of data-intensive applications such as high-resolution video.
<b>5G</b>	<b>fifth-generation mobile telecommunications</b> The proposed next iteration of broadband mobile telecommunications services that is expected to provide increased data rates and reduced latency to support greater connectivity and enable machine-to-machine services and the internet of things.
<b>ACCC</b>	<b>Australian Competition and Consumer Commission</b> Commonwealth regulatory body with responsibilities derived from the <i>Trade Practices Act 1974</i> .
<b>ACLCL</b>	<b>Annual Carrier Licence Charge</b> An annual charge the <i>Telecommunications (Carrier Licence Charges) Act 1997</i> imposed on each eligible carrier licence that is in force at the beginning of a financial year.
<b>ACMA</b>	<b>Australian Communications and Media Authority</b> Commonwealth regulatory authority for broadcasting, online content, radiocommunications and telecommunications, with responsibilities under the <i>Broadcasting Services Act 1992</i> , the <i>Radiocommunications Act 1992</i> , the <i>Telecommunications Act 1997</i> and related Acts. Established on 1 July 2005 following a merger of the Australian Communications Authority and the Australian Broadcasting Authority.
<b>AFP</b>	<b>Australian Federal Police</b> The national and principal federal law enforcement agency of the Australian Government.
<b>AMC</b>	<b>Australian Maritime College</b> Provides marine radio operator certification and examination services on behalf of the ACMA.
<b>ANC</b>	<b>Annual Numbering Charge</b> A charge that applies to all eligible numbers held by a service provider determined by the ACMA.
<b>APS</b>	<b>Annual Performance Statement</b> Statements prepared by the accountable authority of a Commonwealth entity in accordance with section 39 of the <i>Public Governance, Performance and Accountability Act 2013</i> and section 16F of the PGPA Rule that acquits actual performance against planned performance described in the entity's corporate plan. The statements may be audited by the Auditor-General and must be provided to the entity's minister and the Finance Minister.
<b>ASL</b>	<b>average staffing level</b> The average number of employees receiving salary or wages over the financial year, with adjustments for casual and part-time employees to show the full-time equivalent.
<b>bandwidth</b>	In the internet industry, bandwidth refers to the capacity of a connection to carry information; in radiocommunications, it is the amount of radiofrequency spectrum used for a particular function.

<b>broadband</b>	Describes a class of internet access technologies, such as ADSL, HFC cable and wi-fi, offering a data rate significantly higher than narrowband services. These services are usually ‘always on’ and do not tie up a telephone line exclusively for data.
<b>BSB</b>	<b>broadcasting services bands</b> Parts of the radiofrequency spectrum dedicated to broadcasting services.
<b>CA</b>	<b>Communications Alliance</b> Australia’s peak communications industry organisation that promotes the growth of the Australian communications industry and the protection of consumer interests.
<b>carrier</b>	The holder of a telecommunications carrier licence in force under the <i>Telecommunications Act 1997</i> .
<b>CCF</b>	<b>Consumer Consultative Forum</b> Provides advice to the ACMA on telecommunications issues that affect consumers.
<b>CSC</b>	<b>Customer Service Centre</b> The ACMA’s single point of contact for customer enquiries.
<b>CSP</b>	<b>carriage service provider</b> Person supplying or proposing to supply services to the public using carrier networks.
<b>CTS</b>	<b>Children’s Television Standards</b> Standards designed to provide access for children (aged under 14 years) to quality television programs made specifically for them. The standards regulate timing and scheduling of children’s programs and content of adjacent programming.
<b>datacasting</b>	A service that delivers content in the form of text, data, speech, music or other sounds, visual images or any other form or combinations of forms, where delivery uses the BSB.
<b>the department</b>	see Department of Infrastructure, Transport Regional Development, Communications and the Arts.
<b>Department of Infrastructure, Transport Regional Development, Communications and the Arts</b>	Federal Government portfolio formed in May 2022. Previously Department of Infrastructure, Transport, Regional Development and Communications.
<b>DNCR</b>	<b>Do Not Call Register</b> An Australian Government program administered by the ACMA to allow Australian numbers to be registered to opt out of receiving most unsolicited marketing calls or faxes (with limited exemptions for public interest organisations).
<b>ECP</b>	<b>Emergency Call Person</b> The Telecommunications (Emergency Call Persons) Determination 1999 specifies the operators of the emergency call services. Telstra is the ECP for 000 and 112.

<b>GHz</b>	<b>gigahertz</b> One billion hertz (where one hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).
<b>INHOPE</b>	<b>International Association of Internet Hotlines</b> A network whose member hotlines work together with the goal of identifying and removing online child sexual abuse content worldwide.
<b>IPND</b>	<b>Integrated Public Number Database</b> Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.
<b>ISP</b>	<b>internet service provider</b> Service provider offering internet access.
<b>ITU</b>	<b>International Telecommunication Union</b> United Nations agency that coordinates international telecommunications matters.
<b>ITU-R</b>	<b>ITU – Radiocommunication Sector</b> ITU body dealing with international radiocommunications matters.
<b>kHz</b>	<b>kilohertz</b> One thousand Hertz (see also GHz).
<b>LAP</b>	<b>licence area plan</b> A legislative instrument setting out the licence area and technical specifications for existing and proposed services.
<b>MHz</b>	<b>megahertz</b> One million hertz (see also <i>GHz</i> ).
<b>the minister</b>	Minister responsible for the ACMA and its governing legislation.
<b>MoU</b>	<b>memorandum of understanding</b> A formal agreement between two or more parties.
<b>National Australian Built Environment Rating System</b>	A rating system to measure a building's energy efficiency, carbon emissions, as well as the water consumed, the waste produced and compare it to similar buildings.
<b>NAC</b>	<b>Numbering Advisory Committee</b> ACMA committee established to advise on numbering matters.
<b>NBN</b>	<b>national broadband network</b> Australia's national wholesale-only, open-access data network.
<b>NCF</b>	<b>National Consultative Forum</b>
<b>National Relay Service</b>	Translation service between voice and non-voice telephone users providing access to the standard telephone service for people with communication impairment. Relays voice, modem or telephone typewriter communications.

<b>eSafety Commissioner (eSafety)</b>	Established as an independent statutory office within the ACMA, eSafety leads online safety advice and education for the Australian Government and operates a complaints system so Australian children and young people can report serious cyberbullying. Formerly the Office of the Children's eSafety Commissioner.
<b>Online Safety Consultative Working Group</b>	Advice forum attended by key representatives from industry, government and non-government organisations, providing opportunity for the eSafety Commissioner to consult on issues that contribute to improving the safety of Australian children online.
<b>PBS</b>	<b>Portfolio Budget Statements</b> Informs senators and members of parliament of the proposed allocation of resources to government outcomes by agencies within the relevant portfolio.
<b>priority assistance</b>	Service for people with a diagnosed life-threatening medical condition entitling them to faster connection and fault repair of their fixed-line telephone service.
<b>RPF</b>	<b>Regulator Performance Framework</b> Developed to measure the efficiency and effectiveness with which regulators undertake their roles; in particular, their impact on regulated entities.
<b>SES</b>	<b>Senior Executive Service</b>
<b>SMS</b>	<b>short message service</b> Mobile telecommunications data transmission service that allows users to send short text messages to each other using the mobile handset keypad.
<b>spam</b>	Unsolicited commercial electronic messages sent to email, mobile phone and instant messaging accounts.
<b>spectrum</b>	The span of electromagnetic frequencies used in communications systems.
<b>subscription television</b>	Service providing access, for a fee, to television channels transmitted using cable, satellite or terrestrial microwave.
<b>TIO</b>	<b>Telecommunications Industry Ombudsman</b> Industry-funded independent dispute resolution service for consumers who are unable to resolve individual complaints with their carriers and carriage service providers.
<b>trigger event</b>	Relates to commercial regional radio licences and includes a transfer of a licence; or formation of a new registrable media group which includes a regional commercial radio broadcasting licence; or change of controller of a registrable media group that includes a regional commercial radio broadcasting licence.
<b>Triple Zero (000)</b>	Phone number that provides access to emergency services organisations.

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<b>USO</b>	<b>universal service obligation</b> Obligation under the <i>Telecommunications Act 1997</i> to ensure that standard telephone, payphone and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.
VAST	<b>Viewer Access Satellite Television</b> Australian Government-funded free-to-air satellite that provides digital television to viewers in remote areas of Australia who are unable to receive digital TV through their normal TV antenna.
WRC	<b>World Radiocommunication Conference</b> ITU conference held every 3 or 4 years to review and amend international radio regulations.

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