



ENHANCING MINISTERIAL GUIDANCE TO THE REGULATOR

Introduction

The Bill will reinforce the Minister for Communications' strategic policy leadership role. This will be achieved through the publication of the Australian Communication and Media Authority's (ACMA) annual work program and the provision of Ministerial policy statements (MPS).

Issue

The current spectrum management arrangements under the Act are slow, rigid and administratively inefficient. The current framework calls for significant Ministerial involvement in the primarily day-to-day operations of the ACMA, particularly surrounding the administration and allocation of spectrum licences. This results in a much slower and unresponsive spectrum management system and imposes unnecessary costs on industry and users.

The removal of the Minister from the administration and regulation of spectrum allows the ACMA to proactively exercise its regulatory powers, guided by Ministerial statements of Commonwealth government policy. These powers will still be bound by the Bill to ensure appropriate oversight of the exercise of the ACMA's regulatory powers.

Detail—Annual work program

Under the Bill, the ACMA will be required to prepare and submit a work program at least once every financial year to the Minister identifying priorities over a five-year timeframe. A greater level of detail will be expected to be provided on activities to be undertaken in the upcoming 12 months. The ACMA's annual report will show how it performed

against work programs, making the ACMA accountable to users and industry for scheduling and managing priorities. A Ministerial policy statement may be issued to provide guidance on matters to be addressed in the Annual Work Program. These may include:

- > proposed licence issue, timeframes and consultation requirements
- > progress on implementation of initiatives and any planning changes
- > any Ministerial directions and the ACMA's planned response, and
- > advice on any changes to priorities.

The ACMA will be expected to release updates on the timing and delivery of projects detailed in the Annual Work Program, and provide reasons for any delays to project scheduling. This will encourage increased regulator transparency and accountability.

The ACMA currently annually releases a five-year spectrum outlook report (FYSO) which provides industry stakeholders with a high-level overview of the ACMA's priorities over a three to five year window. As the ACMA is not legislatively required to produce the FYSO, the future requirement to release one will be considered as part of the implementation of the Bill.

Detail—Ministerial policy statements

Ministerial policy statements will provide the ACMA with guidance on the Government's expectations, strategy and priorities for ACMA's spectrum management functions.

They are intended to provide an appropriate level of Ministerial oversight of spectrum policy and management.

What is a Ministerial Policy Statement?

- > A Ministerial Policy statement is a notifiable instrument released as needed that may:
 - provide specific or general policy guidance to the ACMA
 - set Government expectations and strategic priorities
 - be long or short term in duration
 - be updated and withdrawn as needed and
 - be open for public consultation.

The role of the ACMA

- > In the performance of its spectrum management functions and exercise of its spectrum management powers, the ACMA must have regard to any relevant Ministerial policy statement.
- > The ACMA must summarise how regard has been given to Ministerial policy statements in its Annual Report.

Suggested topics or issues to be covered in a Ministerial policy statement

- > Ministerial policy statements may include guidance on the following issues:
 - Establishing the single licensing framework
 - The content of the ACMA's annual work plan
 - Licence renewal
 - Protection mechanisms for the Radio quiet zone and square kilometre array
 - Broadcasting

Ministerial policy statements will provide guidance on the Government's expectations, strategy and priorities for the ACMA's spectrum management functions. To ensure that they remain relevant and fit for purpose, policy statements will be subject to formal and periodic review by the Department of Communications and the Arts.

The timing of when this could occur would be dependent on the nature and content of the policy statement. Reviews would also occur if feedback from stakeholders show that it is necessary to revisit the application of any policy statements. This provides an opportunity for full consideration to be given to the existing statements and how they have been implemented. At this time there may be a decision to continue, vary or cancel the statement.