

Flexible and innovative regulators needed

Regulators will need to be flexible and innovative in the next few years to deal with the dynamic nature of the communications and media environment, Acting ACMA Chair Lyn Maddock told a recent industry conference.

Speaking at the 2005 Australian Mobile Telecommunications Association Conference on the new regulatory environment, Ms Maddock said the task now for regulators is to ensure that barriers to entry are minimal but that consumer protection is effective.

ACMA, as the newly merged telecommunications and broadcasting content regulator, faced a range of issues in the convergent communications and media market.

Ms Maddock said the broadcasting and communications industries, and the Australian community, expected the government and the regulator to recognise that in today's rapidly changing environment, business has to be able to move quickly and in directions that may not always be anticipated by regulators.

Regulators had to be prepared to:

- respond quickly and in a flexible manner, and
- minimise the extent to which any regulatory intervention inhibits the development of industry and the relevant media and communications marketplace.

'ACMA is committed to achieving this type of regulatory approach,' she said.

Ms Maddock said ACMA expects telecommunications and radiocommunications providers and broadcasters to act responsibly in meeting the expectations of the general community and to work co-operatively with ACMA.

As a new organisation, ACMA faced a number of particular issues. One was

creating a new corporate culture from merging two distinct organisations.

Since 1 July, the three pre-existing silos of telecommunications, broadcasting and radiocommunications had 'merged' through a series of strategic planning initiatives. Key corporate areas such as human resources, finance and IT had also been integrated and new website established at www.acma.gov.au.

By early October, ACMA intends to have a new strategic plan and to be working on the details of an organisation restructure that would recognise common areas of work and like responsibilities rather than continue the demarcation based on telecommunications, broadcasting and radiocommunications.

ACMA will be recommitting to the regulatory approach that underpinned its legislation.

There will be strong emphasis on co-regulation with the preferred approach being industry development of codes of practice registered with the regulator. Standards, conditions and mandatory rules will continue to be used.

ACMA will manage compliance with the regulations in a way that is outcome oriented, encourages efficiency, allows innovation, and is fair and consistent.

'However, if industry fails to meet its obligations, ACMA will act decisively by taking enforcement action when necessary, and at a level that is appropriate to the problem,' Ms Maddock said.

'To add to the dynamism of our environment, there is a raft of new policy changes being considered by government—across all aspects of the ACMA's responsibilities from the requirements for high definition television broadcasting through to the regulatory obligations associated with the privatisation of Telstra.'

How will ACMA manage the emerging challenges posed by the telecommunications,

radiocommunications and broadcasting issues?

'As a result of convergence, regulatory agencies in the current market can no longer rely on the "traditional model" of regulation—where the community standards, content-related safeguards and strict definition of categories referred to in legislation were implemented using a command and control model. In its place, regulators have to develop a flexible set of regulatory structures that focus on the achievement of core social policy objectives,' Ms Maddock said.

'The challenges facing ACMA will be significant, but they also provide exciting opportunities for both the industry and the regulator.

'For Australia to take full advantage of the social and economic opportunities presented by technology and service developments, it must have a communications and media industry that is constantly challenged to develop innovative services, increase quality and reduce prices.'

