

Annual report 2020–21

Part 1

Australian Communications
and Media Authority
annual report 2020–21



Part 2

Office of the eSafety Commissioner
annual report 2020–21

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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 and media for 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 provide consumer and audience safeguards; undertake compliance monitoring, investigations and enforcement; manage Australia's spectrum; and respond to changes in our environment by promoting fit-for-purpose regulatory frameworks.

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.

Office of the eSafety Commissioner

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

eSafety 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 Commonwealth departments, authorities and agencies.

The eSafety Commissioner is an independent statutory officer. eSafety is governed by the *Enhancing Online Safety Act 2015*. Under this 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.

Find out more at esafety.gov.au.

About this report

This report provides details of the ACMA's and eSafety's performance for 2020–21, 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* (PGPA Act).

Guide to the report

Introduction outlines the joint nature of this report.

Part 1: Australian Communications and Media Authority annual report 2020–21

- > 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)
- > Appendixes (includes information the ACMA is required to report on in relation to eSafety)

Part 2: Office of the eSafety Commissioner annual report 2020–21

- > Overview
- > Report on performance
- > Accountability arrangements and enquiries management

Aids to access

- > Tables of content
- > Index
- > Glossary
- > List of requirements (Appendix 13)



Australian Communications
and Media Authority
annual report 2020–21

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This report is available on the ACMA website at acma.gov.au/annualreport.

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Chair and Agency Head

The Hon Paul Fletcher MP
Minister for Communications, Urban Infrastructure, Cities and the Arts
Parliament House
CANBERRA ACT 2600

Dear Minister

Australian Communications and Media Authority annual report 2020–21

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 2020–21 reporting year.

The annual report of the Office of the eSafety Commissioner (eSafety) is also presented here. The eSafety Commissioner is responsible for the annual report on the activities of eSafety, as required by the *Enhancing Online Safety Act 2015*.

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

17 September 2021

Chair's foreword



I am pleased to present the annual report of the Australian Communications and Media Authority (ACMA) for 2020–21. This includes our Annual Performance Statement, which identifies major achievements across the ACMA's diverse remit.

In a year of disruption and uncertainty caused by the COVID-19 pandemic, the importance of communications services to Australia's economic and social wellbeing has never been clearer. Communications networks and services have played a central role in Australians being able to move to working and schooling at home, accessing goods and services, keeping informed and entertained, and conducting business increasingly, or exclusively, online.

Our increasing reliance on communications networks and services is reflected in this year's *Communications and media in Australia* series, which showed that 99% of Australian adults accessed the internet in 2020, up from 90% in the previous year. For some sections of society, changing use of technology prompted by the pandemic was even more profound. Australians older than 75 years, for example, increased their use of email from 37% in 2019 to 81% in 2020, and their use of social networking apps more than doubled in the same period, likely driven by the desire to maintain contact while separated from their loved ones.

The ACMA continued to support industry and consumers in delivering and accessing essential communications services over the period. As the sectors recovered from the early impacts of the pandemic, the forbearance decisions made by the ACMA in 2019–20 mainly came to an end. These decisions had allowed the industry to deal with the most urgent matters facing them while maintaining essential consumer protections when they were most needed.

Many of the fundamental shifts in the way we worked and lived in 2020–21 were made possible by government and private sector investment in telecommunications networks, especially the national broadband network and 5G mobile networks.

The deployment of 5G services has been a priority for the ACMA as identified in our five-year spectrum outlook workplan. In April 2021, we conducted Australia's first auction of 'high band' 5G spectrum, which will be used to deliver high speed 5G communications in capital cities and major population centres across Australia.

We were provided with new flexibility in our spectrum management powers through the passage of the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*, allowing us to be even more responsive to industry demand and to further support service innovation.

The deep structural changes to the communications sector wrought by digital platforms continued over the period and remained a key focus of our work. These changes include the ongoing effect of digital platforms on news content, including public interest journalism and local content.

The ACMA continued to manage the Regional and Small Publishers Innovation Fund – specifically designed to support public interest journalism – with the 2020 round awarding approximately \$5 million to 43 applicants. In March 2021, we also opened registrations for applicants under the News Media Bargaining Code, aimed at addressing the bargaining power imbalance between news media organisations and digital platforms, and encouraging commercial deals.

The ACMA also oversaw the development and subsequent release of a new code of practice to address disinformation and misinformation on digital platforms, released by industry in February 2021. This commits signatories to the code to provide safeguards against harms that may arise from disinformation and misinformation on their platforms. As requested by the government, we also provided a substantial report to the minister around misinformation and disinformation on digital platforms by 30 June 2021.

We undertook significant reform of the Australian content standards that place obligations on commercial free-to-air television broadcasters. For the first time, the largest domestic and international streaming services also started to voluntarily report to the ACMA on their investment in Australian content.

While supporting the delivery by the communications sector of public goods, such as news and local content, the ACMA is also addressing a range of harms, some of which have been exacerbated by the dynamics created by the pandemic.

In May 2021, we announced our compliance priorities for 2021–22. This is the third year we have published our priorities following public consultation and based on areas that are likely to cause harm to individuals and negative impacts on the community generally. These included priorities focused on phone scams and illegal online gambling, which build on our work to date on these important issues for consumers.

Scam calls made across telecommunications networks are not new but have become increasingly sophisticated and invasive in recent years. In December 2020, the ACMA registered a new code of practice that, within 7 months of being in force, has seen more than 214 million scam calls blocked by Australia's telecommunications providers.

In 2020–21, internet service providers blocked 206 illegal online gambling websites at the request of the ACMA. This year, we focused our investigations on providers of online casinos and the affiliate marketing services that promote them. We also appointed a provider to deliver Australia's first National Self-Exclusion Register to support people who want to change their gambling habits.

We continued to take action outside these priorities on matters causing considerable consumer harm. In May 2021, Telstra Corporation Ltd paid an infringement notice of more than \$1.5 million after we found it failed to provide consumers with the opportunity to keep their existing local phone number when changing telcos. Also in May 2021, Lycamobile Pty Ltd paid an infringement notice of more than \$600,000 after we found prolonged and large-scale customer data failures that could have put people in danger.

In 2020–21, our research, data management and analytical capabilities continued to alert us to changes in the market and consumer behaviours to inform our compliance work and the advice we provided to the government.

In the year ahead, we will continue to innovate and adapt to the changing conditions created by the pandemic and the long-term structural adjustments affecting the sectors we regulate and the consumers of their services.

I thank my Authority colleagues and all ACMA staff for their responsiveness to change, their hard work, resilience and dedication in delivering for the Australian public in a challenging year for us all.

I also acknowledge the extraordinary efforts of our corporate team to enable us to move to a predominantly remote working environment while keeping us connected, engaged and supported throughout 2020–21.



Nerida O'Loughlin PSM
Chair

Our year at a glance



Investigations

403 finalised:

Broadcasting	42
Telco consumer safeguards	25
Radiocommunications	118
Telecommunications	3
Interactive gambling	184
Online content service providers	1
Media control and diversity	1
Unsolicited communications	23
Number portability	4
Integrated Public Number Database	2



Warnings and advice

4,429 informal warnings/advice issued:

Radiocommunications	83
Telecommunications	6
Broadcasting	53
Children's television programs	6
Unsolicited communications	3,946
Telco consumer safeguards	335

54 formal warnings/advice issued:

Telecommunications	1
Telco consumer safeguards	2
Interactive gambling	28
Media control and diversity rules	12
Unsolicited communications	8
Number portability	3



Enforceable undertakings

12 accepted:

Telco consumer safeguards	4
Unsolicited communications	6
Media control and diversity	1
Integrated Public Number Database	1



Infringement notices and directions

6 infringement notices paid, totalling \$2.9 million:

Number portability	1
Unsolicited communications	4
Integrated Public Number Database	1

3 directions to comply:

Telco consumer safeguards	1
Number portability	1
Integrated Public Number Database	1

5 remedial directions:

Broadcasting	2
Integrated Public Number Database	1
Telco consumer safeguards	2



Stakeholder engagement

Public consultations published	46
Targeted electronic newsletters sent	216
Media releases issued	40
Customer enquiries actioned	35,972



Licensing

12,004 licences allocated or issued:

Broadcasting	124
Telecommunications	20
Radiocommunications	11,860

158,922 licences renewed:

Broadcasting	150
Radiocommunications	158,772



Legislative instruments

54 legislative instruments made

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.

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 in areas such as spam, the Do Not Call Register and interactive gambling.

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 former Senator Richard Alston, Minister for Communications, Information Technology and the Arts, and former Treasurer Joe Hockey MP.



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

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 is 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 August 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 2020–21

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

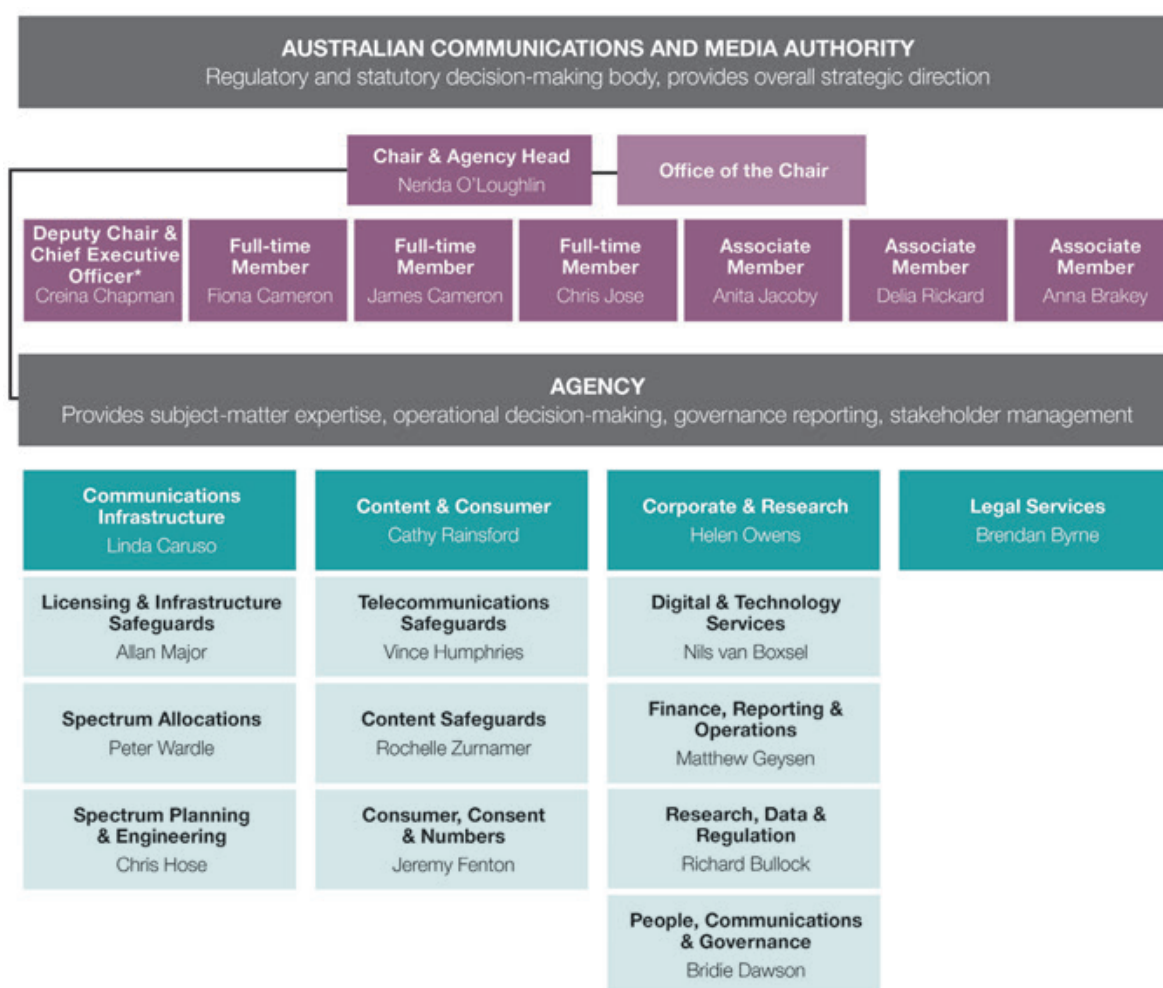
Agency structure

The ACMA's day-to-day activities are managed by the Chair, the Deputy Chair/CEO, 4 general managers and 10 executive managers.

The ACMA's organisational structure at 30 June 2021 is set out in Figure 1.1.

At 30 June 2021, the ACMA had 448 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 2021



* 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 2020–21 Portfolio Budget Statements (PBS) and corporate plan, is to **maximise the economic and social benefits of communications and media for Australia**.

Outcome and program structure

The ACMA's 2020–21 PBS set out the resources allocated to the ACMA by government to deliver Outcome 1, and the 2 programs that contribute to it.

Outcome 1	
A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice	
Program 1.1	Program 1.2
Communications regulation, planning and licensing	Communications 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

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Annual Performance Statement 2020–21

Introductory statement

I, Nerida O'Loughlin, as the accountable authority of the Australian Communications and Media Authority, present the 2020–21 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.

A handwritten signature in black ink, appearing to read 'Nerida O'Loughlin', with a stylized flourish at the end.

Nerida O'Loughlin PSM
Chair and Agency Head

ACMA performance framework

The ACMA's performance framework consists of our:

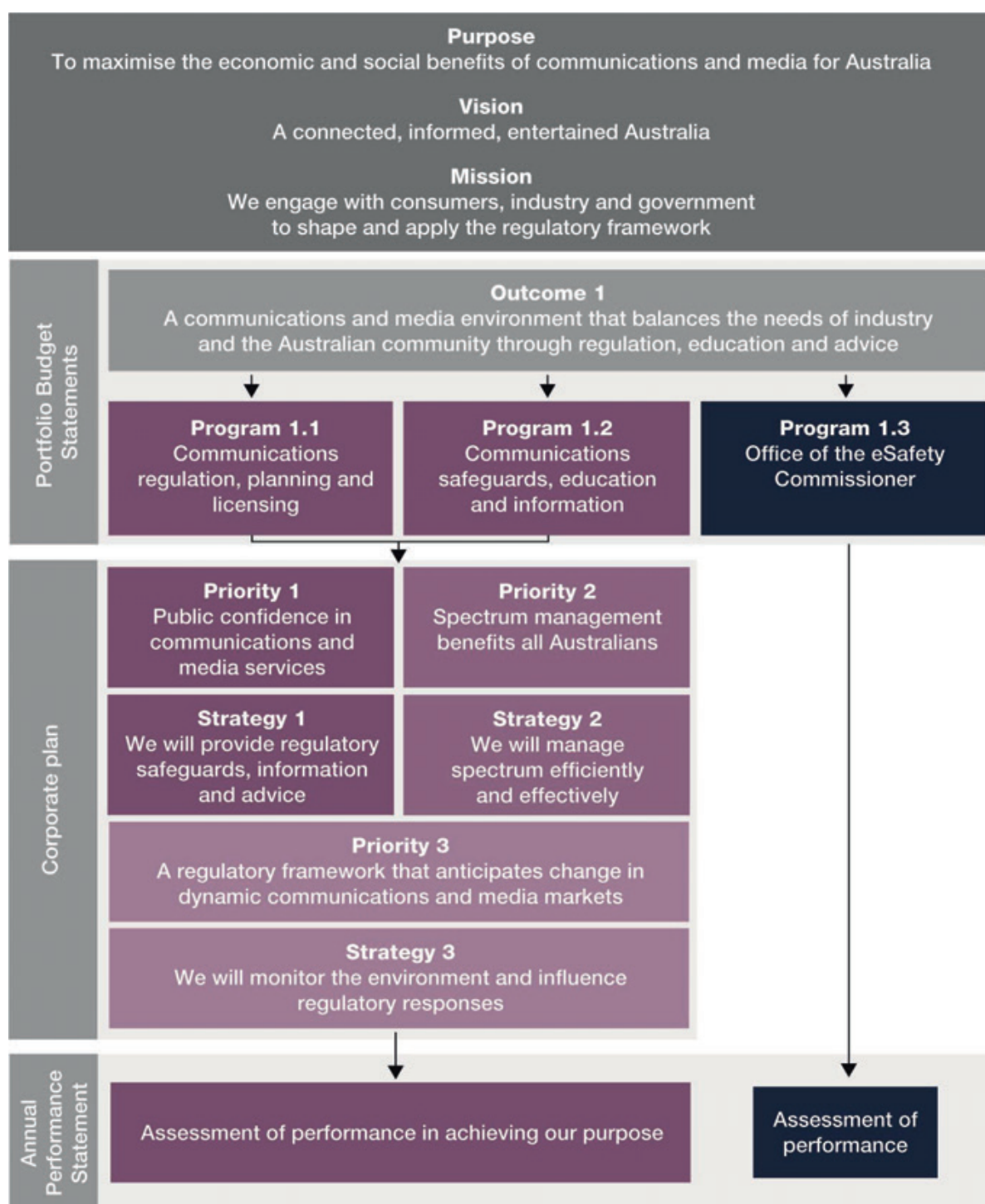
- > corporate plan – this sets out our purpose, vision, mission, priorities, strategies and performance measures
- > Portfolio Budget Statements (PBS) performance criteria and targets – these are for the programs of work we are funded by the government to deliver
- > Annual Performance Statement (APS)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

There are several activities under each strategic priority in our corporate plan that we undertake to achieve our purpose. The performance measures associated with each activity, along with the benefits that each activity aims to deliver, are the basis for assessing our performance in meeting our purpose.

Quantitative metrics and qualitative sources (methods and data) for each performance measure are included in the corporate plan. They outline the tools and metrics we use to deliver an objective assessment of our success against each of the performance measures.

Figure 2 shows the relationship between the purpose and strategic priorities in our 2020–21 corporate plan, with the outcome and programs funded by the government in the 2020–21 PBS.

Program 1.3 relates to the Office of the eSafety Commissioner and is reported on separately in *Part 2: Office of the eSafety Commissioner annual report 2020–21*.

Figure 2: Alignment of the ACMA's PBS 2020–21, corporate plan 2020–21 and APS 2020–21

Analysis of performance against purpose

During 2020–21, we maintained focus on key activities to maximise the economic and social benefits of communications and media for Australia. These activities supported a connected, informed and entertained Australia, promoted public confidence in the communications and media sector, enabled us to manage spectrum to benefit all Australians and provide safeguards, information and guidance, and positioned us to monitor and respond to changes in our environment.

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

The environment in which the ACMA operated in 2020–21 continued to be affected by the COVID-19 pandemic. During the year, the telecommunications and media sectors played a vital role in keeping Australians connected and informed. Ubiquitous and effective communications will continue to be essential to support economic recovery and social cohesion as the pandemic continues.

We fully met 25 of 29 of our performance measures with the remainder 'mostly met'.

The 4 performance measures rated as mostly met were:

- > Evidence of telecommunications consumer experience informs advice to government and rule-making – this had a target of *Consumer vulnerability strategy is developed and implemented*. While the strategy was developed during the year, implementation will start in 2021–22.
- > Effective and efficient investigations and enforcement outcomes – the complexity of some investigations resulted in a small number taking longer than our benchmark timeframes.
- > Efficient and effective delivery of Regional and Small Publishers Innovation Fund grants – the need to seek additional information to ensure the grants were disbursed in accordance with the government's grant requirements resulted in the making of grants exceeding their timeframe.
- > Providing consumers with an option to self-exclude from engaging with licensed interactive wagering service providers in Australia – while we made substantial progress by engaging a provider to develop the self-exclusion register, it was not completed by the end of year.

Key to performance results



Met



Mostly met



Not met

Overview of results

	Result
1. Strategic priority 1: Spectrum arrangements that benefit all Australians through efficient and effective spectrum management	
1.1. Plan the availability of Australia's radiofrequency spectrum to optimise its value to the Australian community	
1.2. Allocate and license access to the radiofrequency spectrum, using both administrative and market-based methods, ensuring adequate provision for defence, public safety and community purposes	
1.3. Manage the risk of interference and other harms through investigations and other compliance and enforcement activities and education programs	
2. Strategic priority 2: Public confidence in communications and media services through the provision of regulatory safeguards, information, and advice	
2.1. Deliver safeguards that meet the needs of Australians using media and communications services	
2.2. Promote compliance with communications and media safeguards and public interest outcomes through compliance monitoring, complaints-handling, investigating, enforcement, and program delivery	
2.3. Build consumer, audience and industry understanding of risks, rights, responsibilities and safeguards	
3. Strategic priority 3: A regulatory framework that anticipates change in dynamic communications and media markets through monitoring our environment and influencing regulatory responses	
3.1. Conduct qualitative and quantitative research to enhance the ACMA's understanding of consumers and audiences	
3.2. Build ACMA capability for data analysis to enable improved understanding of regulatory and market developments	
3.3. Engage with stakeholders and government to support regulatory frameworks and obligations that are fit-for-purpose now, and as markets evolve	
3.4. Improve regulatory practices to reduce regulatory burden, increase transparency and timeliness, and ensure actions are proportionate to risks	

Strategic priorities, benefits to stakeholders and outcomes

Strategic priority 1: Spectrum arrangements that benefit all Australians through efficient and effective spectrum management

Benefit: Spectrum planning balances the needs and interests of stakeholders and the broader community

We continued to balance the competing needs and interests of stakeholders and the broader community when assessing the potential impact of national and international developments. This analysis aided the development of the ACMA's published spectrum work program. Our extensive planning activity to support the deployment of 5G services in Australia continues to inform priorities in our allocation work plan.

During the year, we consulted with industry to identify their requirements for spectrum, with 49 submissions considered in the development of the 2020–24 spectrum work program. This led to adjustments in our planning priorities, updates to our five-year spectrum outlook (FYSO) and the inclusion of planned consultations in the annual spectrum work program.

In December 2020, the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* (the Modernisation Act) received Royal Assent. The ACMA published an *Update to the FYSO 2020–24*, which outlined the key reforms the *Radiocommunications Act 1992* to be implemented in 2020–21. We also released the *Update to the 2020–21 annual work program in the FYSO 2020–24* in February 2021. This outlined the key implementation activities arising from the Radiocommunications Act as amended by the Modernisation Act to be completed during the 2020–21 reporting period. Stakeholder feedback affirmed our spectrum work program and FYSO to be effective planning tools. In particular, the inclusion of a progress report in the FYSO program was favourably received.

In March 2021, we published our draft FYSO 2021–26 for consultation. We received 32 submissions that will inform the final FYSO 2021–26. This will be the first work program to be developed following the amendments made by the Modernisation Act, and we expect to publish the final FYSO 2021–26 in the first quarter of the 2021–22 financial year.

Benefit: Australia's needs and interests are addressed in international harmonisation processes

We contributed to the advancement of Australia's position in international negotiations and achieving better outcomes for spectrum use in Australia by:

- > providing technical and regulatory knowledge and expertise on spectrum matters to support the Department of Infrastructure, Transport, Regional Development and Communications as the lead agency at international forums
- > overseeing consultation in Australia and across the Asia–Pacific in preparation for international meetings and conferences
- > negotiating a joint approach to radiocommunication issues with the Asia–Pacific Telecommunity (APT).

Benefit: Spectrum access terms and conditions are responsive to changing demand and spectrum value; and sufficient spectrum can be accessed for defence, public safety, law enforcement and community use

Spectrum use was optimised by:

- > allocating 358 lots in the 26 GHz band by auction, for the deployment of high band 5G wireless broadband services
- > progressing the allocation process for the 850/900 MHz band
- > completing reviews of the 2 GHz band and the 3700–4200 MHz band

- > reviewing the accredited persons scheme
- > reviewing arrangements for scientific licensing and amateur licensing.

Public safety was enhanced by:

- > making an exemption determination so police can deal with drone security and safety threats
- > amending the ban on of Global Positioning System (GPS) jamming devices to allow trials of GPS repeaters in road tunnels
- > commencing work on making a new exemption determination, under the new exemption power in section 302 of the Radiocommunications Act, to facilitate and promote innovation and industry development opportunities for Australia's defence, technology, and radiocommunications sectors. This new power will be implemented in 2021–22.

Stakeholders benefited from the efficient delivery of our licence administration, with all timeliness benchmarks met. The concessions for licensees affected by the COVID-19 pandemic continued from the previous year, so that licence renewal fees could be deferred or paid by instalment.

Benefit: Compliance and enforcement activities are commensurate with risk and harm and are supported by targeted information and advice

We managed the risk of interference and other harms to the legitimate use of spectrum, and protected public safety by:

- > investigating interference from unlicensed mobile phone repeaters to support network performance
- > investigating interference caused in the construction and resources industries that poses public safety risks
- > undertaking a 5G and electromagnetic energy (EME) measurement study alongside a licence condition audit of a sample of 5G sites
- > ensuring mobile base station emissions meet Australian standards set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
- > investigating equipment standards and customer cabling issues.

Each year we identify and target key areas where there may be a high risk of harms or community concern about compliance. In the context of community interest and concern about 5G rollout, ACMA prioritised this compliance activity to ensure compliance with EME standards and code obligations.

Strategic priority 2: Public confidence in communications and media services through the provision of regulatory safeguards, information and advice

Benefit: Appropriate and relevant safeguards are available to Australians consuming content and using media and communications services

We introduced new safeguards this year that addressed consumer harms, including:

- > overseeing the development of the Australian Code of Practice on Disinformation and Misinformation, a voluntary code produced by Digital Industry Group Inc. for digital platforms to address issues related to disinformation and news quality on their services
- > combating phone scams to protect consumers' access to their phone services and data
- > registering a new version of the Emergency Call Service Requirements Code.

We continued monitoring and conducted audits of:

- > online rules to protect children from exposure to gambling advertising during live sports events broadcast on television and radio, and streamed online
- > rules about responsible approaches to selling, credit assessment and financial hardship in the Telecommunications Consumer Protections (TCP) Code.

We also finalised our review into the effectiveness of the NBN consumer experience rules.

We published:

- > the *Customer financial hardship in the telco industry: State of play report 2019–20* and associated research
- > the *Telco consumer experience – Australian adults, households and businesses – report series*.

Benefit: Compliant businesses, confident consumers and assured audiences

We prioritised and targeted our responses to risks of non-compliance and consumer harm, by:

- > finding new ways to fight phone scams, including making sure carriers and carriage service providers (telcos) follow new rules we introduced to protect Australians from fraud and identity theft
- > acting on telemarketing and spam complaints, with a focus on retail, financial services, solar and gambling promotions
- > blocking the provision of illegal offshore wagering services offered in Australia
- > monitoring telcos' compliance with the NBN consumer experience rules
- > monitoring telcos' compliance with the TCP Code, with a focus on how telcos follow rules around responsible approaches to selling, credit assessment and consumer financial hardship.

The efficiency and effectiveness of our compliance and enforcement work was reflected by:

- > completing 89% of 247 investigations within the benchmark timeframes
- > commencing and finalising 15 investigations into financial services marketing and engaging with 400 financial services entities in response to complaints received.

Benefit: Australians can easily opt out of unwanted telemarketing calls

Consumers were able to register or check their home, mobile and fax numbers on the Do Not Call Register for free, and businesses could check numbers against the register before undertaking telemarketing.

Benefit: Innovation by public interest journalism businesses is promoted

Regional and small publishers were supported by the Regional and Small Publishers Innovation Fund to transition to, and compete more successfully in, the evolving media environment. In the final round in 2020–21, we assessed 319 applications against the eligibility criteria and awarded funding to 43 regional and metropolitan applicants across Australia. This provided support for small and regional publishers and content service providers of public interest journalism.

Benefit: Targeted advice and information is provided to consumers, audiences and regulated entities in a clear and timely manner

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

- > media releases, guides, information and alerts on the ACMA website, including the publication of our investigations and enforcement actions, and through social media on a range of issues
- > the ACMA Regional Radio Refresher in March 2021, which provided an update on the changes to the *Broadcasting Services Act 1992* that came into effect in the previous reporting period

- > consumer awareness campaigns designed to raise awareness in the community of illegal gambling services and the dangers of phone scams
- > information and updates to consumers and businesses on their rights and available safeguards during the COVID-19 pandemic.

Strategic priority 3: A regulatory framework that anticipates change in dynamic communications and media markets through monitoring our environment and influencing regulatory responses

Benefit: The ACMA, the government and the community are informed about communications and media markets and issues relevant to public interest objectives

Regulatory responses were informed by evidence gathered through research. We:

- > released occasional papers on artificial intelligence (AI), the internet of things (IoT) and other emerging technologies in the communications and media sectors
- > published our *Communications and media in Australia* series, featuring a range of snapshots, research reports and interactive reports looking at the Australian communications and media landscape
- > conducted research across the communications sector including broadcasting, radiocommunications, telecommunications, digital platforms and other online services to inform our understanding of the effect that developments in these sectors are having on public interest outcomes.

On 11 February 2021, we commenced a review of temporary community broadcasting guidelines and identified improvements. This follows on from our broader review of the future delivery of radio in Australia.

Benefit: The ACMA has the capacity to make optimal and safe use of data to inform evidence-based regulatory analysis and action

Our focus on building our data capability continued, and in 2020–21, we:

- > developed a data strategy and governance framework to support the effective and efficient delivery of our data program
- > progressed our telco performance reporting and spectrum monitoring data action projects
- > started developing a cloud-based data analytics platform that will support current and future data action projects by offering a secure and accessible data asset repository for analysis.

Benefit: ACMA engagement supports regulatory frameworks to evolve with contemporary markets and consumer and audience needs

We collaborated with the Department of the Treasury, the Australian Competition and Consumer Commission (ACCC), and the Department of Infrastructure, Transport, Regional Development and Communications on the development of the News Media and Digital Platforms Bargaining Code.

To inform the development of fit-for-purpose regulation, we:

- > consulted formally with stakeholders through 46 consultation processes
- > worked closely with other government agencies and industry organisations
- > participated in conferences, meetings and working groups.

We sent 216 electronic newsletters to our 23,237 subscribers and engaged with stakeholders on Twitter, Facebook and LinkedIn via 1,030 posts. We increased our list of newsletters in 2020–21 and published 12 regularly, including *Engage* (our monthly newsletter) and *Telco matters*.

We also made submissions to reviews and inquiries on new and emerging regulatory pressures relevant to our remit.

Benefit: Regulation administered by the ACMA does not impose unnecessary burden on industry or the community

Monitoring the delivery and administration of our regulation led to improvements in our regulatory practice. We achieved this through:

- > our annual customer service user satisfaction survey that guided improvements to our stakeholder interactions
- > responding to stakeholder enquiries via our Customer Service Centre (CSC), which provides timely information about the rules and regulations we administer – an average of 92% of enquiries were resolved within 3 working days
- > our whole-of-agency approach to compliance that provided greater clarity for our stakeholders about our compliance work.

The outcomes of our strategic priorities were achieved through the delivery of our performance measures. An assessment of our performance measures against each of our key activities is detailed in the following section.

Strategic priority 1: Spectrum arrangements that benefit all Australians through efficient and effective spectrum management



1.1 Plan the availability of Australia's radiofrequency spectrum to optimise its value to the Australian community

We provide technical knowledge and expertise to support Australia's participation in international spectrum management forums, including efforts to harmonise international spectrum. This work supports innovation in communications technologies and informs future demand and planning for spectrum use in the Australian market.

Our annual five-year spectrum outlook (FYSO), with its annual spectrum work program, enables our spectrum planning and allocation work to be efficient and effective. It is informed by consultation with industry and government spectrum users to ensure it aligns with the needs and priorities of spectrum users. Publication of the FYSO, and its regular progress reports, promotes greater transparency about the ACMA's spectrum work program, providing more certainty for the spectrum market.

In February 2021, we updated the FYSO to reflect key implementation activities from the Modernisation Act, which amended the Radiocommunications Act. Most of the amendments came into effect from 17 June 2021.

Assessment of results

Performance measure	Targets	Result
<i>Sources: Corporate plan 2020–21, p. 15; PBS 2020–21, p. 153</i>		
Effectively represent, promote and support Australia's spectrum interests at international spectrum meetings and through treaty arrangements	<ul style="list-style-type: none"> > Participate in the preparatory meetings for the World Radiocommunications Conference (WRC-23) cycle including: <ul style="list-style-type: none"> > International Telecommunications Union (ITU) Study Group meetings > ITU Working Party meetings > Asia-Pacific Telecommunity (APT) Conference Preparatory Group for the WRC-23 (APG23-1). 	
Spectrum planning priorities are transparent and take account of stakeholder input	<ul style="list-style-type: none"> > Release draft FYSO and the annual spectrum work program for consultation in final quarter of the financial year and publish final FYSO and annual spectrum work program in the first quarter of the financial year. > The annual spectrum work program is informed by stakeholder consultation. > Six-monthly progress reports are prepared and published on the ACMA website. 	

Effectively represent, promote and support Australia's spectrum interests at international spectrum meetings and through treaty arrangements

In 2020–21, we provided delegation leadership and technical and regulatory advice to support Australia's participation in international spectrum management forums. Our international strategy and forward engagement program provide a consistent approach to international engagement that maximises benefits for the agency and supports whole-of-government policy objectives.

We provided technical support to the Department of Infrastructure, Transport, Regional Development and Communications (the Department), as the lead agency for Australia for the next ITU WRC in 2023. The WRC is the peak international forum for reviewing and revising the international treaty on the use of spectrum and satellite orbits and the Radio Regulations. We provided strategic advice about Australia's position on the technical and regulatory content of WRC agenda items.

This activity is critical to international harmonisation activities and communicating information from other jurisdictions on issues of importance to Australia's spectrum management activities. It informs our domestic planning processes, builds strong cooperative relationships and partnerships, promotes and protects Australian interests and supports broader government policies and activities.

During the reporting period, we represented Australia's spectrum interests at international spectrum meetings through participation in:

- > ITU Radiocommunications (ITU-R) Study Group 4 and Working Party 4A, 4B and 4C block meetings, from 21 October to 6 November 2020 and 15 February to 4 March 2021
- > ITU-R Study Group 5 block meetings, from 7 to 31 July 2020, 4 to 24 November 2020 and 1 to 12 March 2021
- > ITU-R Working Party 5D meetings, from 23 June to 9 July 2020, 7 to 14 October 2020, 17 to 19 November 2020, 1 to 12 March 2021 and 7 to 18 June 2021
- > ITU-R Working Party 5A, 5B and 5C, from 28 April to 21 May 2021
- > APT Wireless Group 26 meetings, from 14 to 18 September 2020 and 22 to 30 March 2021
- > the first meeting of the APT Conference Preparatory Group (Asia–Pacific) for WRC-23 (APG23-1), from 24 to 25 September 2020.

These meetings were all virtual due to the sustained COVID-19 environment and are likely to continue to be for the next 12 months.

Delegation briefs were consistent with ACMA's advice and meeting outcomes aligned with Australian interests.

Spectrum planning priorities are transparent and take account of stakeholder input

Each year, we consult on our spectrum work program priorities through the development of our FYSO. In the FYSO, we consider the drivers likely to shape spectrum demand and spectrum management requirements over the next 5 years. We also provide a detailed annual spectrum work program for the following year. Stakeholder submissions on the draft FYSO inform the work program for the following financial year. The transparency of our decision-making is demonstrated by our response to submissions, published alongside the final FYSO on our website.

During the year, we also engaged with stakeholders at key stages of the individual projects identified in the annual spectrum work program.

FYSO 2020–24

In September 2020, we published the final FYSO 2020–24 and the 2020–21 annual work program. We received 49 submissions during consultation on the draft FYSO 2020–24. Stakeholders included members of industry, industry representatives and peak bodies, government agencies and members of the public. Following Royal Assent of the Modernisation Act in December 2020, we released the *Update to the 2020–21 annual work program in the FYSO 2020–24* in February 2021. This outlined the key implementation activities from the Modernisation Act to be completed during the 2020–21 reporting period.

We published 2 progress reports during the year to provide stakeholders with current information on the status of each of our activities – the FYSO 2019–23 annual progress report in July 2020, and the FYSO 2020–24 6-monthly progress report for July to December 2020 in February 2021.

FYSO 2021–26

In March 2021, we published the draft FYSO 2021–26 for consultation. It included:

- > a broad program of planned spectrum allocations across high, mid and low band spectrum to support the deployment of 5G and other wireless and satellite technologies
- > an annual spectrum work plan for the coming year
- > a revised forward allocation plan, including our program of spectrum auctions.

We received 32 submissions to the consultation. Submissions provide valuable input into the final FYSO 2021–26, which will be published in the next reporting period. This will be the first work program to be determined under the Radiocommunications Act following the amendments made by the Modernisation Act.

1.2 Allocate and license access to the radiofrequency spectrum, using both administrative and market-based methods, ensuring adequate provision for defence, public safety and community purposes






Timely access to spectrum is necessary to support wireless and satellite communications services in an innovative and dynamic economy. We continue to progress market-based and administrative allocation processes for several spectrum bands to ensure efficient and effective allocation and use of spectrum. This includes making sure adequate provision is made for defence, public safety and community purposes. We also implemented recommendations from the Spectrum Pricing Review.

During the reporting period, we successfully sold 358 spectrum lots in the 26 GHz band for the deployment of high band 5G wireless broadband services, with a total revenue of \$647.6 million. We also allocated high band spectrum in the 26 GHz and 28 GHz bands via apparatus licensing and progressed the reviews of the 2 GHz and 3.7–4.2 GHz bands, publishing outcomes papers for each.

For radio broadcasting, we amended several licence area plans to introduce new radio services or to provide improved coverage for existing services. We also continued our work program of conversions from AM to FM of selected commercial radio services in regional Australia and completed a licence area variation to support the digital radio rollout on the Gold Coast, Queensland.

We continued to meet our timeliness benchmarks for licence administration.

Assessment of results

Performance measure	Targets	Result
<i>Sources: Corporate plan 2020–21, p. 16; PBS 2020–21, p. 153</i>		
Effective and efficient preparation and delivery of major spectrum band allocations	> The FYSO and annual spectrum work program align with current spectrum uses that will maximise the overall benefits for the Australian community.	
Rights to access spectrum are developed and revised according to user needs	> Licence administration and allocation arrangements are efficient and meet published performance indicators.	
Spectrum pricing promotes efficient use by being transparent and taking account of market developments	> Evidence of stakeholder engagement, monitoring developments and transparency: > implementation of the Spectrum Pricing Review work program > publish all determined charges and taxes	
Effective and efficient international satellite coordination services	> process timelines published in the FYSO and the annual spectrum work program are met.	
Effective and efficient licence administration and allocation arrangements		

Effective and efficient preparation and delivery of major spectrum band allocations

During 2020–21, we developed and published a forward allocation work plan as part of the FYSO 2020–24, taking into consideration stakeholder feedback. The plan provides information about:

- > the planning status of spectrum bands
- > timing and sequencing of major spectrum allocations to better support strategic network planning by spectrum users.

Key work plan activities and milestones met during the year included:

- > allocating major spectrum bands in the 26 GHz and 28 GHz bands
- > preparing for a major spectrum allocation in the 850/900 MHz bands in the next reporting period
- > implementing the outcomes of the 3400–3575 MHz band review, including:
 - > working to defragment licence holdings in the band. Defragmentation is a 4-step process that is expected to conclude early in the next reporting period. To date, we have completed the spectrum restack, the licence conversion process and provided licensees draft variations for their 3.4 GHz spectrum licences
 - > establishing a technical liaison group (TLG) to develop options for technical frameworks for spectrum use in the urban excise areas that will be available when defragmentation of the band is complete
- > completing a review of the 2 GHz band (1980–2010/2170–2200 MHz) with a decision to replan the band for mobile-satellite services and satellite internet of things, and a similar narrowband services review of scientific licensing arrangements
- > completing a review of the 3700–4200 MHz band, with a decision to replan the band to support wide-area and local-area wireless broadband services such as 5G, in metropolitan and regional areas.

Some milestones and projects were reprioritised during the year to accommodate the preparations for the commencement of the Modernisation Act or as a result of initial project consultations requiring further industry engagement. All re-prioritisations were notified to stakeholders or made in consultation with them, through the initial FYSO consultation, the 6- and 12-month FYSO progress reports, and consultation on the implementation of the Modernisation Act.



Case study

ACMA opens applications for Australia's first 'high band' 5G spectrum auction

In April 2021, the ACMA conducted Australia's first auction of high band 5G spectrum in the 26 GHz band. High band spectrum can enable large amounts of data to be transferred with minimal delay, allowing for faster digital communication and new opportunities for connectivity.

We designed an auction to allocate 2.4 GHz of spectrum in the 26 GHz band. The enhanced simultaneous multi-round ascending auction format is highly adaptable and suited to allocating a large amount of spectrum effectively and efficiently. At auction, 358 of 360 lots of spectrum were sold to 5 telecommunications companies. Spectrum licences have since been issued for a 15-year licence term to the successful bidders.

The 26 GHz band spectrum licence auction was one in a suite of licensing approaches used to provide access to spectrum to support innovative communications services. We also developed the area-wide apparatus licence (AWL), a new licence type, to licence other parts of the 26 GHz and 28 GHz bands that were also made available in the year.

While the spectrum licences allocated at auction can be expected to be used for long-term network deployments, AWLs are flexible licences that will facilitate the provision of wireless broadband services and fixed satellite services across Australia, for new and existing uses.

A total of 70 applications were received for AWLs in the 26 and 28 GHz bands, comprising fixed satellite and wireless broadband uses. Following the 26 GHz spectrum auction, 2 AWLs were issued to successful bidders for early access to spectrum under special circumstance provisions of the Radiocommunications Act. The allocation of high band spectrum through a mix of licensing models provides greater flexibility and fast tracks the availability and accessibility of 5G services to Australian consumers and businesses.

As part of the Australian Government's plan to make 2021 the 'year of 5G', we are progressing the allocation of the 850/900 MHz band in late 2021 to make more 'low band' 5G spectrum available in both metropolitan and regional areas. Our work facilitating 5G deployment ensures spectrum use is optimised to benefit all Australians.

Rights to access spectrum are developed and revised according to user needs

Exemptions and licensing for agencies involved in safety and security

As drone use becomes more widespread, there is growing concern about the risks that malicious use of drones poses to public safety and critical infrastructure. Following public consultation in October 2020, we made a 2-year exemption, the Radiocommunications (Police Forces – Disruption of Unmanned Aircraft) Exemption Determination 2020, to authorise the use of drone jamming devices by Australian federal, state and territory police.

In May 2020, we commenced a review of regulatory arrangements for prohibited radiocommunications devices and exemptions for their use. The exemption element of this regime facilitates a range of safety, security, law enforcement and defence outcomes that can only be achieved using devices that would otherwise be prohibited under the Radiocommunications Act.

Under this review, we sought industry, government and consumer feedback on emerging technologies, changing policy and operational needs, and the impact of the current framework on stakeholders' activities.

Following this consultation, in September 2020, we made the Radiocommunications (Prohibited Device) (RNSS Jamming Devices) Amendment Declaration 2020 (No.1). This amended the prohibition on Global Positioning System (GPS) jamming devices in the Radiocommunications (Prohibited Device) (RNSS Jamming Devices) Declaration 2014 to allow trials of GPS repeaters in road tunnels.

In June 2021, we consulted on a new ‘innovation and industry development’ framework intended to facilitate domestic research and development and manufacturing activities that use or produce equipment that is otherwise banned. The framework has the capacity to provide new opportunities for the Australian defence industry and other parts of the radiocommunications sector, and to make it easier to trial new technologies.

Our review of the regulatory arrangements for prohibited devices and exemptions is ongoing and will continue in the next reporting period.

Viewer Access Satellite Television service

The Viewer Access Satellite Television (VAST) service provides an alternative reception option for viewers unable to receive adequate television services from terrestrial transmission sites. While we do not administer VAST, we can examine formal complaints against the VAST conditional access scheme administrators.

In the reporting period, we received 156 complaints about refusal of permission to access services on VAST. We issued directions to the scheme administrator to grant VAST access to all complainants.

Satellite-delivered telecommunications

There is continuing growth and innovation in satellite-delivered telecommunications and space science services. In this changing environment, we continue to engage internationally on the coordination, development and implementation of measures to enhance spectrum use for satellite communications and space research services.

To support the delivery of new satellite services into Australia, we consulted on a range of proposals to improve spectrum access and pricing arrangements for satellite services. In April 2021, following consultation, we made amended the Radiocommunications (Foreign Space Objects) Determination 2014 to include new entities commencing the regulatory approvals process to operate in Australia. We also reduced apparatus licence taxes for services above 5 GHz and introduced a new systems price for earth stations. These changes are likely to benefit the satellite industry by providing access to new market entrants and setting a price point to incentivise the establishment of new services in satellite bands.

Spectrum licence technical framework review

In 2020–21, we continued the spectrum licence technical framework review to examine the arrangements in bands below 6 GHz. The review of these arrangements will ensure they are efficient and can cater for new technology, such as 5G and active antenna systems (AAS), in addition to updating unwanted (or out-of-band) emissions, device boundary criteria and maximum power levels.

We have updated spectrum licence technical frameworks, publishing outcomes for the 2.3 GHz band and progressing the review of the 1800 MHz and 800 MHz bands.



Case study

Supporting emerging technology uses by law enforcement agencies

In 2020–21, we reviewed the regulatory arrangements for prohibited radiocommunications devices and exemptions for their use. We needed to ensure that these arrangements continued to meet stakeholders' needs, while supporting emerging technology uses of prohibited devices for law enforcement agencies.

We sought industry, government and consumer feedback on law enforcement and related operational requirements, the impact of the current framework on activities and pathways for regulatory reform.

As a result of the feedback received, we prioritised arrangements to facilitate reforms for the transport sector and to implement security arrangements for law enforcement, including:

- > Amending the prohibition on GPS jamming devices to allow trials of GPS repeaters in road tunnels. These devices can provide GPS coverage in complex tunnels where GPS signals cannot penetrate. The reform is intended to boost emergency service response capability and provide navigation-based services for the public and businesses when travelling through tunnels. We are supporting road authorities in trialling the devices.
- > Cooperating closely with law enforcement, the Civil Aviation Safety Authority and the Department of Home Affairs to make an exemption determination so that police can deal with drone security and safety threats at major events, and for other operations where drones can disrupt proceedings or threaten public safety.

Spectrum pricing promotes efficient use by being transparent and taking account of market developments

Apparatus licence taxes

In January 2021, we amended the Radiocommunications (Transmitter Licence Tax) Determination 2015 and the Radiocommunications (Receiver Licence Tax) Amendment Determination 2015 to adjust radiocommunications taxes for inflation. This year, taxes decreased by 0.3%.

In April 2021, we published our Apparatus Licence Fee Schedule and started trialling an apparatus licence fee calculator. The new fee calculator will help licensees understand how apparatus licence taxes are calculated and show the taxes and charges due.

Commercial broadcasting taxes

The ACMA is required under section 216AA of the Broadcasting Services Act to conduct a review of the *Commercial Broadcasting (Tax) Act 2017* (CBTA). In December 2020, we conducted public consultation on whether to repeal or amend the CBTA, including our proposals for a pricing methodology and administrative processes. After considering submissions, the ACMA provided its report with recommendations to the minister in March 2021. The minister tabled the report in Parliament on 22 June 2021. The recommendations in the report about the future of the CBTA focused on creating a more efficient pricing methodology and simplifying the administrative arrangements. The Australian Government is considering the recommendations outlined in the report in the context of its consideration of its Media Reform Green Paper proposals and industry submissions.

New funding arrangements for EME research

In May 2020, following a ministerial direction regarding new funding arrangements for EME research, we amended the Radiocommunications (Transmitter Licence Tax) Determination 2015 to reduce most apparatus licence taxes by 0.8%. This change was consistent with the requirements of the Direction, which reflected the amount collected by these taxes that was previously attributable to the EME research program. This change came into effect at the beginning of the 2020–21 financial year.

On 10 September 2020, the ACMA amended the Radiocommunications (Spectrum Licence Tax) Determination 2014 to include an EME component. The EME component of the spectrum licence tax recovers the costs of the EME program from designated spectrum licensees. In 2020–21, the EME program cost was \$2.6 million.

Spectrum Pricing Review

Spectrum pricing, along with licensing, planning and technical regulation, is a way to manage spectrum for the benefit of all Australians. The government's final report on the review of spectrum pricing was published in February 2018, with a recommendation that we review the apparatus licence taxation arrangements.

We developed a work program to consider changes to apparatus licence taxes. Following consultation, in May 2021, the ACMA reduced apparatus licence taxes by 50 to 90% for services above 5 GHz and introduced a systems price for earth stations and a new discount for micro land mobile services. This first tranche of new taxation arrangements will be effective from 12 July 2021. We have started work on developing the next tranche of changes to respond to the recommendations of the Spectrum Pricing Review, which we expect to consult about in the next reporting period.

Effective and efficient international satellite coordination services

To ensure that Australia meets its satellite coordination obligations as a member state of the ITU, the ACMA represents the interests of 10 Australian satellite operators, which have 52 satellite networks registered. We managed the international satellite coordination services effectively and efficiently through:

- > assessing 833 ITU publications (information published by the ITU on new and modified satellite systems) for compatibility of proposed foreign satellite networks with Australian services
- > submitting technical details of 5 new satellite systems to the ITU and submitting modifications for 2 on behalf of Australian satellite operators
- > requesting further coordination (where necessary) with foreign administrations
- > responding to requests from foreign administrations for coordination with Australian satellite services.

Effective and efficient licence administration and allocation arrangements

During 2020–21, we allocated, made, and renewed:

- > radiocommunications licences, including apparatus and spectrum
- > broadcasting licences, including temporary community broadcasting, community radio broadcasting, and commercial and community television licences
- > telecommunications licences.

We met our timeliness performance indicator with 90% of licensing work completed within 90 days. For these radiocommunications licences, we:

- > allocated 11,860
- > varied 3,146
- > renewed 158,771.

COVID-19 affected licensees – deferral of fees

To support licensees through COVID-19, we continued to offer a deferral of licence fees to licensees whose business or personal circumstances were affected by the COVID-19 pandemic. Licensees could delay paying their renewal fees by up to 12 months from the expiry of their licence or pay by instalments. At this stage, we continue to offer such deferrals to affected licensees.

We received 20 enquiries and 12 applications for either deferral or payments by instalment. All applications were approved. This was a substantial decrease in both enquiries and applications compared to the

previous reporting period where we received 161 enquiries and 75 applications, of which 60 applications were approved.

Spectrum management system capability

As Australia's spectrum manager, the ACMA is responsible for managing the radiofrequency spectrum in a way that promotes the long-term public benefit derived from the use of spectrum. Spectrum management encompasses a range of activities including spectrum planning and management, engineering, radiocommunications licensing and licence fee collection.

Our radiocommunications licensing database underpins our spectrum management activities and makes a substantial contribution to achieving the broader policy objectives of spectrum management.

Our current database is reaching end of life. During the year, we began preparing for its replacement, undertaking detailed requirements analysis, consulting in Australia and internationally on spectrum administration and technological innovation, developing an initial enterprise architecture and approaching the market to gauge market capability and interest via a Request for Expressions of Interest (REOI). This work will ensure that the ACMA can continue to deliver effective and efficient licence administration in the long term.

Amateur radio

The ACMA supports amateur radio through spectrum planning and radiocommunications licensing arrangements. This allows amateur access to certain frequency bands while balancing other demands for spectrum. It also ensures amateur licences continue to be appropriately authorised.

The University of Tasmania's Australian Maritime College (AMC) provides amateur radio examination and call sign allocation services on the ACMA's behalf. Under this arrangement, the AMC is responsible for:

- > conducting amateur radio operator exams
- > issuing certificates of proficiency that certify qualifications
- > managing the allocation of call signs and recommending that the ACMA allocate a nominated callsign to an amateur who has obtained a qualification
- > maintaining a register for publicly available call signs.

During 2020–21, 496 amateur examinations were conducted. Table 1.2 shows the number of amateur certificates of proficiency issued, based on the results of these examinations, for the last 2 financial years.

We issued 1,429 call signs to amateur operators.

Table 1.2: Number of amateur certificates of proficiency issued

Certificate level	Certificates issued	
	2019	2020
Foundation	251	319
Standard	75	68
Advanced	49	78
Total	375	465

Changes to amateur radio operator syllabus

In 2020–21, we reviewed the amateur foundation licence syllabus to ensure it aligned with amendments to the Radiocommunications Licence Conditions (Amateur Licence) Determination 2015 (LCD). After consulting with the amateur radio community, we approved changes to the syllabus to allow prospective foundation licensees to take advantage of the amended LCD, including using digital modes and internet-connected repeater systems and constructing their own equipment.

Review of non-assigned amateur and outpost regulatory arrangements

Between February and April 2021, we consulted on options to improve regulatory arrangements for non-assigned amateur and outpost stations. We sought to identify the best licensing mechanism to reduce regulatory burden and minimise costs for licensees, while also keeping the current benefits and uses. We are considering submissions and will update the amateur and outpost community on our next steps in the next reporting period.

Maritime radio certificates of proficiency and operator examinations

The AMC provides maritime radio operator certification and examination services on behalf of the ACMA. Table 1.3 shows the number of certificates issued for the last 2 calendar years.

Table 1.3: Number of maritime radio certificates issued

Certificates issued	2019	2020
Long Range Operator Certificate of Proficiency	3,374	2,593
Short Range Operator Certificate of Proficiency	1,808	1,068
Marine Satellite Communications Certificate	19	19
Total	5,201	2,582

Review of the accredited persons scheme

The accredited persons (AP) scheme is a critical element of the radiocommunications licensing framework. APs undertake 98% of technical coordination required for assigned apparatus licences and all technical coordination required for the registration of devices under spectrum licences.

As a result of the Modernisation Act, which amended large parts of the Radiocommunications Act, instruments governing the AP scheme needed to be amended, and new instruments made, to provide a seamless transition to the new arrangements. We publicly consulted on the required instruments between 9 March and 6 April 2021. The following instruments were subsequently made, and commenced on 17 June 2021:

- > Radiocommunications Accreditation (General) Rules 2021
- > Radiocommunications Accreditation (Transition) Rules 2021
- > Radiocommunications (Conditions of Frequency Assignment Certificates – Apparatus Licences) Determination 2021
- > Radiocommunications (Conditions of Interference Impact Certificates) Determination 2021.

Broadcasting licensing

In 2020–21, we:

- > issued 26 transmitter licences for commercial radio and television services
- > issued 76 broadcasting retransmission licences
- > varied 39 radio and television apparatus licences
- > issued 65 special-event broadcasting licences for radio and television services.

Broadcasting apparatus licences are counted with other radiocommunications apparatus licences when measuring our performance against our KPIs for the allocation of apparatus licences.

Commercial television broadcasting licences

During 2020–21, we renewed 18 commercial television broadcasting licences. As of 30 June 2021, there were 69 commercial television broadcasting licences. This remains unchanged from the previous reporting period.

Community television (CTV) broadcasting licences

There were 5 CTV broadcasting licences at 30 June 2021. This remains unchanged from the previous reporting period.

Commercial radio broadcasting licences

During 2020–21, we renewed 91 commercial radio broadcasting licences for services using the broadcasting services bands.

As at 30 June 2021, there were 276 commercial radio broadcasting licences.

Community radio broadcasting licences

We approved 32 applications to renew community radio broadcasting licences during 2020–21. Of those applicants, we issued 29 informal advice letters following the renewal assessments on ways to better satisfy the matters specified in legislation.

We also issued a new long-term community radio broadcasting licence in Mount Barker RA1 on 16 September 2020 and a long-term community broadcasting licence in Norfolk Island RA1 was allocated under the *Territories Legislation Amendment Act 2020*, which commenced on 17 June 2021.

On 19 March 2021, we advertised for applications for a new long-term community radio broadcasting licence in Taree RA3. The assessment of Taree RA3 applications is ongoing at the end of the reporting period.

As at 30 June 2021, there were 360 community radio broadcasting licences, 68 of which were remote Indigenous broadcasting services.

Temporary community broadcasting licences

Temporary community broadcasting licences are allocated for up to 12 months. Subsequent licences may be allocated on application. During 2020–21, we allocated 95 temporary licences.

AM to FM conversion

We continued our AM to FM conversion work program, converting 2 regional commercial radio services to provide improved audio quality for listeners in regional areas. FM radio can also be more cost-effective. AM to FM conversions are given effect through changes to the services' technical specifications in the relevant licence area plan.

When deciding whether to accept an application for AM to FM conversion and amending the licence area plan, we consider whether the proposed FM service will maintain sufficient coverage comparable to the AM service and we consult publicly on the proposal.

Table 1.4: AM to FM conversions, 2020–21

Licence area	Radio service	Timing of variation to the licence area plan
Grafton	2GF	November 2020
Taree	2RE	November 2020

Improving coverage of radio services

To assist commercial and community radio services in effectively providing their services, we amended the technical specifications for 13 regional commercial and community radio services to increase coverage of their service within their licence areas.

Table 1.5: Radio coverage improvements in 2020–21

Licence area	Radio service	Timing of variation to the licence area plan
Grafton	2GF	November 2020
Macleay	2TLC	November 2020
Taree	2RE and 2MVB	November 2020
Brisbane	4MMM, 4BFM, 4BNE, 4EB, 4AAA, 4ZZZ and 4MBS	March 2021
Wynnum	4BAY	March 2021
Caboolture	4OUR	March 2021

Other improvements we made to improve the coverage of radio services included:

- > consulting, in September 2020 and July 2021, on the appropriateness of variations to the digital radio channel plan for Brisbane to improve digital radio coverage
- > creating a new licence area, Gloucester RA1, in November 2020 to facilitate a new community radio broadcasting service
- > planning a new long-term community radio broadcasting service in Taree in November 2020
- > varying the digital radio channel plan for the Gold Coast in December 2020, to enable the rollout of digital radio services
- > consulting on the potential for replanning analogue radio services in Perth in April 2021, following the clearance of Band II television in Bunbury
- > varying the Melbourne television licence area plan to extend the channel allocation for the community television service in the Melbourne TV1 television licence area in June 2021, following legislative changes.

Spectrum for low-powered open narrowcasting services

We continued to make spectrum available for low-powered open narrowcasting (LPON) licenses, which are used for niche FM radio services. We conducted 4 LPON auctions during the reporting period. The auctions resulted in the allocation of 61 licences across Australia, valued at \$33,170.

During 2020–21, we published a report and factsheet on the application of the ‘use it or lose it’ (UIOLI) licence conditions. This followed 2 decisions of the Administrative Appeals Tribunal to uphold our decisions to cancel a number of LPON licences. The factsheet clarifies the existing regulatory arrangements and assists LPON licensees to access information. In particular, it provides guidance on the interpretation of court judgements on the application of the UIOLI conditions relating to:


- > commencement of service
- > the regular provision of service for the duration of the licence
- > maintaining records.

It also further clarifies our role in administering this regulatory framework.

1.3 Manage the risk of interference and other harms through investigation and other compliance and enforcement activities and education programs

The development of our spectrum management compliance program is evidenced-based through the analysis of data derived from complaints, audits and a risk assessment of potential interference. It also includes consideration of other harms likely to adversely impact public safety and the legitimate use of the spectrum. This ensures that our compliance program is delivered efficiently and targets where it will be most effective.

Assessment of results

Performance measure	Targets	Result
<i>Sources: Corporate plan 2020–21, p. 16; PBS 2020–21, p. 153</i>		
Annual compliance priorities: address regulatory needs, are developed within broader compliance program and are widely understood by stakeholders The ACMA takes compliance and commensurate enforcement action where appropriate	<ul style="list-style-type: none"> > Annual priority compliance areas are developed and published. > Complaints are received and acted upon in accordance with the ACMA's compliance and enforcement policy. 	

Annual compliance priorities: address regulatory needs, are developed within broader compliance program and are widely understood by stakeholders

The ACMA takes compliance and commensurate enforcement action where appropriate

Our compliance priorities establish key areas of focus for the year. They guide our efforts to deliver effective compliance and, where necessary, targeted enforcement action. We identify specific compliance priorities because they are in the public interest or represent developing areas where we can encourage compliance and boost public confidence in Australia's communications infrastructure and services. As new technologies and markets emerge, we test how well our regulatory framework and laws meet compliance requirements.

Compliance priorities for 2020–21

Following consultation with industry, the annual compliance priorities for 2020–21 were published on 7 April 2020, with compliance activities undertaken during the year reported in quarterly web reports.

The compliance priorities for 2020–21 focused on:

- > protecting telecommunications customers
- > a better move to the NBN
- > 5G and EME
- > phone scams
- > financial services marketing
- > online casinos targeting Australians
- > interference from unlicensed mobile phone repeaters and in the construction and resources industries.

Further analysis of our compliance and enforcement activities, and investigations of issues related to our compliance priorities, such as online casinos targeting Australians, protecting telecommunications customers, NBN migration, phone scams and financial services, appear under Strategic priority 2.

2021–22 compliance priorities

To establish the compliance priorities for 2021–22, we ran a public consultation process to seek input on, and generate greater understanding of, our proposed compliance priorities. The 2021–22 compliance priorities were released and available to industry in May 2021, following consideration of the consultation outcomes.

5G and EME

Every mobile phone base station, including small cell and 5G base stations, must meet Australian standards designed to protect people against EME emissions.

In 2020–21, we made sure mobile base station emissions met Australian standards set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). We also monitored how telecommunications providers follow the rules to ensure people receive accurate information about the rollout of 5G networks in their local areas.

Several programs of work were developed for this compliance priority:

- > a 5G and EME measurement study of a sample of 5G sites
- > a licence condition audit of a sample of 5G sites under the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015
- > a compliance audit of notification and consultation requirements under the Mobile Phone Base Station Deployment Code.

The ACMA completed a measurement study examining EME levels near 5G sites at 129 sites in Victoria. We anticipate extending the 5G measurement program into New South Wales and Queensland over the coming year. To provide a holistic picture of EME compliance, the same sample of 129 Victorian sites was used for all 3 5G/EME programs under the compliance priority. The sample sites were not disclosed to the carriers until the EME measurement program had been undertaken, to ensure an objective assessment of EME conditions was conducted.

The measurement study found that average EME levels at all sites measured was less than 1.5% of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard¹, with most below 1%, and that the maximum EME measured at a site was less than 5% of the ARPANSA standard.

¹ Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), Standard for Limiting Exposure to Radiofrequency Fields – 100 KHz to 300 GHz (Rev. 1), ARPANSA website, n.d., accessed 7 September 2021.



Case study

EME and 5G compliance priority

Regarded as the next step in the evolution of mobile wireless communication, 5G promises improved connectivity and increased data download speeds. With the increasing rollout of 5G deployments across Australia, there is considerable interest in this technology and concern from some members of the community about potential health effects that EME emissions from 5G mobile phone base stations might cause.

EME standards in Australia are based on scientific assessment and established limits of human exposure to radiofrequency fields set by ARPANSA. The ACMA gives regulatory effect to these limits by, among other things, imposing conditions on network operators with respect to the operation of radiocommunications transmitters.

Our objectives for the 2020–21 5G and EME compliance priority program were to:

- > assess the effectiveness of current regulatory measures in managing the risks associated with EME emissions from 5G deployments
- > ensure carriers' compliance with their obligations to notify and consult interested stakeholders before deploying 5G technology
- > ensure carriers' compliance with the EME standard for operating their mobile base stations and by providing and maintaining accurate records
- > ascertain and mitigate any identified risk of EME exposure to the community from 5G deployments
- > educate the community about EME exposure levels.

We audited carrier compliance with the mandatory standards for EME emissions that are given effect through the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 (the Apparatus Licence Condition Determination), and carrier notification and consultation requirements under the Industry Code C564:2020 Mobile Phone Base Station Deployment (the Deployment Code). The audits provided assurance that, for the sites audited, carriers are compliant with their record-keeping licence conditions under the Apparatus Licence Condition Determination and are substantially compliant with the requirements of the Deployment Code.

Interference from unlicensed mobile phone repeaters and in the construction and resources industries

In our role managing the radiofrequency spectrum, we aim to minimise interference between users. This year, we focused on 2 areas that may pose a risk to safety. These were:

- > unlicensed mobile phone repeaters
- > interference in the construction and resources industry.

Unlicensed mobile phone repeaters can cause interference with the signals from legitimate devices and poor mobile network performance. Our analysis of interference and complaints data from the ACMA and carriers found that there has been a steady decrease in reports of interference from unlicensed mobile repeaters over the last 5 years. This indicates the current regulatory framework has been effective in reducing the domestic interference from non-compliant devices.

Interference caused in the construction and resources industry was identified as a concern due to the safety risks it poses in work and mine sites. To address this, we examined compliance with equipment standards and licence conditions on construction and resources industry sites through monitoring and on-site inspections from September 2020 to May 2021. The inspection program found a high level of compliance with licensing requirements and equipment standards. The level of compliance is a positive indicator of the effectiveness of interference mitigation within the industry.

Interference management

We investigated complaints about interference to radiocommunications services and provided a diagnostic and advisory service for television and radio reception interference (domestic systems interference). Table 1.6 provides a summary of interference complaints received and associated compliance and enforcement actions taken in response.

Table 1.6: Interference complaints and associated compliance and enforcement actions

Action type	Radiocommunications interference	Domestic systems interference	Total interference
Total complaints received	259	175	434
Complaints received by service type	Mobile network operator: 171 Non-mobile network operator: 74 EPIRB/public safety: 14	TV: 141 Radio: 34	
Total compliance enforcement actions*	59	12	71
Advice notice	34	10	44
Warning notice	25	2	27

* Compliance enforcement actions issued for interference tasks created in the 2020–21 year.

Equipment standards and customer cabling

In 2020–21, we continued reviewing our regulatory framework for equipment supply to ensure that radiocommunications and telecommunications equipment is fit for purpose.

Key outcomes met during the year included:

- > releasing the outcome of our review into customer cabling in February 2021, which found that the existing regulations will be maintained. We also wrote to state and territory electrical safety regulators to highlight the interaction between customer telecommunications cabling and electrical cabling
- > making the Radiocommunications (Short Range Devices) Amendment Standard 2021 in April 2021, which updated the Radiocommunications (Short Range Devices) Standard 2014
- > making the Radiocommunications Equipment (General) Rules 2021 under the Radiocommunications Act in May 2021. The new rules came into effect on 17 June 2021 when the amendments made to the Radiocommunications Act by the Modernisation Act commenced.

Table 1.7 provides a summary of compliance investigations and actions taken for equipment standards and customer cabling.

Table 1.7: Compliance investigations and enforcement actions in 2020–21

Action type	Number of actions
Total compliance investigation tasks**	330
Priority compliance area	141
Proactive identifications of compliance issues in the course of other duties	59
Customer cabling	14
Electromagnetic compatibility standards (EMC)	3
Low-power open narrowcasting: 'use it or lose it' complaints	5
Electromagnetic energy standards (EME)	108
Other	33
Compliance enforcement actions†	
Advisory notice	15
Warning notice	0
Infringement notice	0
Prosecutions commenced	0
Suspension/cancellation of licence	0

* Including proactive EME measurements, EME records audits and awareness activities.

† Including compliance investigations tasks and site audits.

Strategic priority 2: Public confidence in communications and media services through the provision of regulatory safeguards, information and advice





2.1 Deliver safeguards that meet the needs of Australians using media and communications services


We use reviews and research to monitor the effectiveness and efficiency of existing regulations. This enabled us to implement or amend rules to ensure safeguards continued to meet the needs of Australians.

During 2020–21, we:

- > monitored the operation and effectiveness of rules for gambling advertising during live sport coverage
- > finalised our review into the effectiveness of the NBN consumer experience rules
- > developed a statement of consumer vulnerability expectations to support improved protections for disadvantaged and vulnerable telco consumers
- > oversaw the development and subsequent release of the new Australian Code of Practice on Disinformation and Misinformation.

Assessment of results

Performance measure	Targets	Result
<i>Sources: Corporate plan 2020–21, p. 17; PBS 2020–21, pp. 155–6</i>		
Online gambling advertising rules are effective in protecting children	> Effectiveness of the online content rules for gambling advertising is monitored.	
NBN consumer experience rules assist consumers to move seamlessly to the NBN	> Effectiveness of the NBN consumer experience rules are reviewed. > Compliance with NBN consumer experience rules is monitored.	
Evidence of telecommunications consumer experience informs advice to government and rule-making processes	> Consultative and stakeholder forums are held. > Regular and frequent engagement with consumer advocacy organisations and Australian and overseas agencies responsible for 'essential service' regulation. > Report on telco consumer experience survey results is published. > Consumer vulnerability strategy is developed and implemented.	
Research and development of voluntary code on misinformation and news quality	> Expectations of the code are communicated. > A reporting and monitoring framework is developed and communicated. > Digital platforms are supported during the code development process.	

Performance measure	Targets	Result
	> An initial report on the adequacy of measures and impacts of misinformation is provided to government by June 2021.	
Providing consumers with an option to self-exclude from engaging with licensed interactive wagering service providers in Australia	> Develop a National Self-Exclusion Register (NSER) under outsourced arrangements.	

Online gambling advertising rules are effective in protecting children

Monitoring of online rules to restrict gambling advertising during live sport coverage

Regulations were introduced in 2018–19 to protect children from exposure to gambling advertising during live sports events broadcast on television, radio and streamed online. In 2020–21, we continued to monitor the effectiveness of these rules through compliance audits of selected content and analysis of complaints and investigations data. In November 2020, we published the results of the Broadcasting Services (Online Content Service Provider Rules) 2018 (Online Rules) monitoring. We did not identify major concerns about the operation of the rules. However, there were some inconsistencies in how providers interpreted the rules about record-keeping and the use of exemptions.

We found that online providers are making and keeping records of gambling ads shown during live sporting events, as required by the Online Rules, however, the types of records kept varied. To avoid potential record-keeping breaches, we have encouraged providers to consider whether their records comply with the Online Rules, particularly for advertising that is digitally inserted into a livestream.

We did not identify major concerns about the operation of the rules but noted the following:

- > the Broadcasting Services Act allows for an identical online simulcast of a live sporting event to be exempt from the Online Rules (this is because the live sporting event would already be subject to a broadcasting code of practice). We found that the online simulcast exemption is being widely used, and sometimes combined with an exemption for low audience share subscription television channels, which is available under the subscription broadcasting code of practice
- > if the size of online audiences for live sporting events continues to grow in Australia, it may be relevant to factor in the potential online audience share for live sporting events, so that exemptions continue to apply as intended, that is, where there are genuinely small or niche audiences.

Though our formal monitoring program is now finalised, the environment for broadcasting and streaming live sporting events is evolving and we intend to continue monitoring developments in this sector, including how these interact with gambling advertising restrictions.

NBN consumer experience rules assist consumers to move seamlessly to the NBN

Review of the effectiveness of the NBN consumer experience rules

In 2018, we introduced 5 new rules to improve the experience for households and small businesses moving their phone and internet to services delivered over the NBN:

- > Telecommunications (Consumer Complaints Handling) Industry Standard 2018 (Complaints Handling Standard)
- > Telecommunications (NBN Consumer Information) Industry Standard 2018 (NBN Consumer Information Standard)
- > Telecommunications (NBN Continuity of Service) Industry Standard 2018 (NBN Service Continuity Standard)
- > Telecommunications Service Provider (NBN Service Migration) Determination 2018 NBN Service Migration Determination
- > Telecommunications (Consumer Complaints) Record-Keeping Rules 2018 (Consumer Complaint Record-Keeping Rules)

In September 2020, we finalised a review of the first 4 of these rules. The review led to amendments to enhance consumer safeguards during the final phase of the NBN migration. These improvements benefit both consumers and telco providers, with enhancements commencing at different times during the 2020–21 reporting period. The changes expand the number of businesses protected by the rules, make the rules clearer, and provide more flexibility for telco providers, without sacrificing important consumer safeguards.

Monitoring compliance with the NBN consumer experience rules: a better move to the NBN

While the NBN rollout is complete, there remains a significant number of consumers and small businesses who are yet to migrate their services to the NBN.

In 2020–21, we continued to implement our 'Better move to the NBN' compliance workplan. Our compliance activities were complemented by self-reporting of non-compliance by telcos as part of their obligations.

In July 2020, enforceable undertakings were accepted from 4 major carriage service providers (CSPs), after investigations showed that each CSP had contravened the NBN service continuity rules relating to interim services and preparing action plans to get longstanding non-working NBN connections operating properly. The undertakings are directed at future compliance and require ongoing quarterly compliance monitoring reports to be submitted to the ACMA.

Other significant compliance activities included:

- > concluding a second round of audits of 7 CSPs' compliance with the NBN Service Continuity Standard for migrations to the NBN that can occur while services over the legacy network remain undisturbed
- > commencing investigations into 3 CSPs for potential non-compliance with the NBN Service Continuity Rules following the receipt of negative audit findings, with Optus Internet Pty Ltd found to have breached the service continuity rules
- > completing an investigation into Telstra Corporation Limited that reported to the ACMA that it had failed to comply with NBN speed information requirements in the NBN Service Migration Determination. A remedial direction was issued to Telstra Corporation Limited
- > completing an investigation into J2 Net's compliance with the Consumer Complaints Handling Standard. A formal warning was issued following findings of non-compliance
- > completing an audit to assess the compliance of 31 CSPs with requirements for key facts sheets in the NBN Consumer Information Standard. The audit found that the majority of the CSPs were complying with these requirements. Clear Networks Pty Ltd was found to have breached the requirements and has subsequently addressed this non-compliance.

Table 1.8: Investigations into compliance with NBN consumer experience safeguards, 2018–19 to 2020–21

	2018–19	2019–20	2020–21
Total investigations completed	50	7*	6
Investigations into compliance with the Complaints Handling Standard	42	1	1
Investigations into compliance with the Consumer Information Standard	8	1	1
Investigations into compliance with the Service Continuity Standard	-	3	3
Investigations into compliance with the Service Migration Determination	-	5	1
Investigations into compliance with the record-keeping rules	-	1	0
Total number of breach findings	42	11	4
Complaints Handling Standard breach findings	35	1	1
Consumer Information Standard breach findings	7	1	1
NBN Service Continuity Standard breach findings	-	3	1
NBN Service Migration Determination breach findings	-	5	1
Consumer Complaints Record-keeping rules breach findings	-	1	0
Actions for breach findings			
Formal warnings	28	0	1
Remedial directions	4	2	1
Enforceable undertakings [†]	0	0	4
Infringement notices	7	1	0
No further action	3	0	4
Investigations completed within 4 months[^]	42	1	3
Investigations completed within benchmark timeframe of 6 months[§]	7	7	4
Average time for investigations[§]	2.9 months	5 months	4.7 months

* We completed 4 investigations into compliance with multiple instruments. Three investigations considered compliance with both the Service Continuity Standard and Service Migration Determination and one investigation was conducted into compliance with the Complaints Handling Standard, Consumer Information Standard and Telecommunications Consumer Protections Code.

[†] Enforceable undertakings related to 4 investigations closed in 2019–20.

[^] This benchmark was 3 months in 2018–19.

[§] We did not meet the 6-month timeframe for the completion of 2 investigations into the Service Continuity Standard and Service Migration Determination due to their complexity. The time to complete these 2 investigations also resulted in the average time for investigations exceeding 4 months.

Evidence of telecommunications consumer experience informs advice to government and rule-making processes

Engagement with consumer advocacy organisations and agencies responsible for essential service regulation

In 2020–21, we had regular contact with the Australian Communications Consumer Action Network (ACCAN) and the Consumer Action Law Centre to discuss respective initiatives and programs and to obtain business intelligence about the experiences of consumers relevant to telecommunications consumer safeguards. We also engaged with the Consumer Policy Research Centre in relation to its research and policy reports.

These regular contacts informed our development of a statement of expectations on consumer vulnerability and our reporting on financial hardship.

We also participated in a community of practice relating to consumer vulnerability comprising other regulators at both the federal and state/territory levels, primarily responsible for essential service sectors. The community of practice facilitated sharing of information about approaches to dealing with the consequences of consumer vulnerability in the different markets.

This participation also informed our development of a statement of expectations on consumer vulnerability.

Telco consumer experience survey

Telco consumer research was published in October 2020², presenting an in-depth analysis of the experience of Australian adults, households and small- and medium-sized businesses in relation to their telco services. The research looked at:

- > how consumers engaged with telco services, and their expectations
- > consumers' experience and satisfaction with telcos and their products
- > current and emerging issues that impact consumers' experience.

Consumer vulnerability expectations

The development of a statement of expectations on consumer vulnerability is related to our compliance priority for 2020–21: protecting vulnerable telco customers. Our work in 2020–21 follows our activities in 2019–20 that highlighted telco approaches to their customers' financial hardship and credit assessment. It also recognises an increased focus on vulnerability by regulators responsible for essential services sectors. In June 2021, we prepared a consultation paper on our draft consumer vulnerability expectations for the telecommunications industry, which will be released for public consultation early in the next reporting period.

Financial hardship

On 12 February 2021, we published our quantitative *Customer financial hardship in the telco industry: State of play report 2019–20*. We also published an associated qualitative research report examining the views of financial counsellors on financial hardship practices in the telco industry. The quantitative report delivered a snapshot of customer financial hardship indicators, based on information from 9 major telcos. The associated qualitative research explored the views of 10 financial counsellors about working with telcos on financial hardship matters.

Emergency call service

On 17 December 2020, we registered a new version of the Industry Code Emergency Call Services Requirements (C536:2020) (the ECSR Code). The code was updated to remove obligations related to preventing call delays, network diversity and redundancy, and communication of significant operational

² Australian Communications and Media Authority (ACMA), Telco consumer experience: Australian adults, households and businesses, ACMA website, October 2020, accessed 18 August 2021.

difficulties, which are now obligations under the Telecommunications (Emergency Call Services) Determination 2019, which was made in the previous reporting period.

The code deals with how the emergency call service operates and requires carriers and CSPs to ensure:

- > people have access to the emergency call service in an emergency or where a response is required from an emergency service organisation
- > that carriers and CSPs clearly document and understand what they need to do in relation to the emergency call service
- > public understanding and appropriate use of the emergency call service is promoted
- > relevant parties communicate effectively where technical issues affect the operation of the emergency call service.

Research and development of voluntary code on misinformation and news quality

In response to the ACCC's Digital Platforms Inquiry, the government requested digital platforms develop a voluntary code to address issues of disinformation and news quality on their services. It asked the ACMA to oversee the development of the code and report to government on the adequacy of platform measures and the broader impact of disinformation by June 2021.

The Digital Industry Group Inc. (DIGI) released the Australian Code of Practice on Disinformation and Misinformation on 22 February 2021 and announced that the code had been adopted by Twitter, Google, Facebook, Microsoft, Redbubble and TikTok. Adobe and Apple subsequently signed up to the code. While many of the objectives of the code are opt-in, this code commits all signatories to provide safeguards against harms that may arise from disinformation and misinformation, and to publicise the measures they have taken to combat disinformation and misinformation. Signatories published their opt-in nomination forms and initial transparency reports on their measures on 22 May 2021.

As part of the code, DIGI and code signatories committed to develop a detailed reporting guideline within 6 months of code commencement. This meant it was no longer necessary for ACMA to continue its work on a standalone measurement framework, beyond the information included in our June 2020 position paper on the topic.

The ACMA's report to government was informed by:

- > targeted research on the impacts of misinformation and disinformation in Australia. This included consumer research undertaken with the University of Canberra's News & Media Research Centre examining Australia's consumption of and engagement with COVID-19 news and online misinformation
- > discussions with stakeholders, including DIGI, code signatories, participants in the code consultation process and relevant government agencies, on the code development process and the final code
- > analysis of signatories' initial transparency reports
- > ongoing monitoring and desktop research.

The ACMA provided its report to government on 30 June 2021.

Consumer Consultative Forum

We also convened our Consumer Consultative Forum twice during the reporting period. Further information on the CCF is provided at p. 78 and in Appendix 1.

Providing consumers with an option to self-exclude from engaging with licensed interactive wagering service providers in Australia

The National Self-Exclusion Register (NSER) is part of the National Consumer Protection Framework for online wagering announced by the Commonwealth and state and territory governments in 2018. The NSER will enable consumers to self-exclude from all interactive wagering providers in a single process. Under amendments passed in 2019 to the *Interactive Gambling Act 2001*, the ACMA is to appoint a third-party provider (the register operator) to develop and operate the NSER. The ACMA is responsible for managing the register operator and monitoring compliance with the legislation once the NSER is operational.

In 2020–21, the ACMA undertook a complex procurement process under the Commonwealth Procurement Rules to appoint a provider that has the capacity and capability to deliver a highly secure and functional NSER. The approach to market involved a detailed articulation of the business and systems requirements that would be needed, as well as performance and assurance arrangements around the provision of the service. Engine Asia Pacific Pty Ltd (Engine) was contracted on 15 June 2021 to deliver and operate the NSER. Trialling and testing of the NSER is expected to start by the end of the 2021 calendar year, with the NSER released to the public by the end of 2021–22.

2.2 Promote compliance with communications and media safeguards and public interest outcomes through compliance monitoring, complaints-handling, investigating, enforcement and program delivery






We undertake targeted audits and investigations to promptly address non-compliance. In 2020–21, compliance issues were monitored using a variety of tools, including complaints, stakeholder feedback, consumer research, trend analysis and business intelligence from other regulators and consumer groups. A number of these actions were aimed at reducing the risk of non-compliance in the future by addressing systemic causes of breaches. We raised awareness of compliance activities by publishing and reporting on our compliance priorities and enforcement outcomes.

We measured our efficiency against benchmark response times, with almost all investigations being completed within our 4-month average benchmark timeframe. A small number of investigations exceeded our 6-month benchmark timeframe due to their complexity.

A number of services were effectively delivered through contracts with third-party providers. The arrangements continued to meet key performance indicators for quality, timeliness and cost.

We also administered grants to assist regional and small publishers adapt to changing market conditions.

Assessment of results

Performance measure	Targets	Result
<i>Sources: Corporate plan 2020–21, pp. 19–20; PBS 2020–21, pp. 156–7</i>		
Consumers and audiences have effective and efficient avenues for complaints	<ul style="list-style-type: none"> > Avenues for making complaints are available and accessible to consumers and audiences. > Complaints are handled within published timeframes. 	
Annual compliance priorities: address regulatory needs, are developed within broader compliance program, and are widely understood by stakeholders The ACMA takes compliance and commensurate enforcement action where appropriate	<ul style="list-style-type: none"> > Annual compliance priorities for online gambling, telecommunications, unsolicited communications regulatory frameworks are developed, published and acted upon. 	
Effective and efficient investigations and enforcement outcomes	<ul style="list-style-type: none"> > Investigations and enforcement outcomes are delivered within target timeframes and according to the ACMA's compliance and enforcement policy. 	
Contractual service levels are met	<ul style="list-style-type: none"> > Contractual service levels for Do Not Call Register are met. > Contractual service levels for the Numbering System are met. 	
Efficient and effective delivery of the Regional and Small Publishers Innovation Fund grants	<ul style="list-style-type: none"> > The 2020 round Regional and Small Publishers Innovation Fund grants program is implemented, with grants made within published timeframes. 	

Consumers and audiences have effective and efficient avenues for complaints

We ensured that consumers had access to multiple channels for making enquiries and complaints to the ACMA throughout the year. As well as providing phone, email and mail options, we offer online complaint forms for topics including mobile phone base station deployments, interactive gambling services, broadcasting services, gambling ads during live sports online, telemarketing calls and spam. Our online complaint forms were available on average 99% of the time. We also offer an SMS complaints service for spam.

In addition to providing these complaints and enquiries pathways, we also provide clear information to guide consumers through processes where they have to complain to another entity first, such as broadcasting complaints.

The effectiveness and efficiency of our complaints processes is measured by the number of contacts (complaints and enquiries) made by the public and our response times, as shown in Table 1.9.

Table 1.9: Complaints, enquiries and responses within benchmark timeframes, 2020–21

Topic area	Complaints	Enquiries	Total contacts received	% of contacts actioned within benchmark timeframe*
Mobile phone base station deployments	31	27	58	100%
Carriers' powers and immunities	12	29	41	100%
Installation of fibre-ready pits and pipes	1	0	1	100%
Other telco infrastructure matters	4	33	37	100%
Emergency call service	10	38	48	100%
Interactive gambling	476	53	529	100%
Broadcasting	242	1,856	2,098	100%
Gambling ads during live sport online	4	1	5	100%
Telemarketing	38,601	9,962	48,563	100%
Spam	11,178	1,299	12,477	98%

* Spam and telemarketing complaints have a benchmark timeframe for action within 15 business days. Content complaints have a benchmark timeframe for action within 7 business days. Complaints about mobile phone base station deployments, carriers' powers and immunities, installation of fibre-ready pits and pipes, and the emergency call service have a benchmark of 2 business days.

Unsolicited communications complaints

We received 38,601 telemarketing and 11,178 spam complaints during 2020–21. This represents a 26.1% increase (telemarketing) and a 63% increase (spam) on last year. This increase meant 2% of spam complaints were actioned outside of the 15-business-day benchmark. There were also 9,962 telemarketing and 1,299 spam enquiries received and actioned during the period.

Some of the key drivers of the rise in these complaints have been the pivot towards electronic marketing and online sales platforms by traditional bricks and mortar businesses, as a result of the impact of COVID-19, and scammers targeting people in vulnerable circumstances during related restrictions.

Complaints about retail, gambling, and advertising and marketing services messages were the other most complained-about areas for spam. Financial services, solar, and building and maintenance services were the most complained-about areas for telemarketing.

Complaint avenues for consumers and audiences include a dedicated call centre for telemarketing complaints. All complaint avenues were available to consumers, except for one brief interruption across 2 and 3 February 2021 when the Do Not Call Register (DNCR) complaint form was unavailable due to an outage. During this time, information on the outage was provided to consumers via the DNCR website. Despite this interruption, the ACMA was still able to reach its performance target of ensuring complaint channels were available 99% of the time.

Complaint avenues were promoted in media releases and social media posts during the period.

Annual compliance priorities: address regulatory needs, are developed within broader compliance program, and are widely understood by stakeholders

The ACMA takes compliance and commensurate enforcement action where appropriate

As mentioned previously under Strategic priority 1, our compliance priorities establish key areas of focus for our compliance activities for the year.

Online gambling

Information on our compliance activities focusing on disrupting the services of online casinos that target Australians appears under *Effective and efficient investigations and enforcement outcomes* on p. 59.

Telecommunications

A better move to the NBN

Information on our compliance activities focusing on a better move to the NBN for households and small businesses appears under *NBN consumer experience rules assist consumers to move seamlessly to the NBN* on p. 49.

Protecting telco consumers

The Telecommunications Consumer Protections (TCP) Code is an important part of regulation aimed at protecting consumers. In 2020–21, we focused on monitoring compliance with the TCP Code rules relating to responsible approaches to selling, credit assessment and financial hardship. We completed 2 investigations:

- > one found that Solo Network Pty Ltd failed to sell its services in a responsible manner and obtain the consent of consumers for the transfer of their services. This investigation also revealed that the CSP's failings disproportionately affected elderly consumers. The CSP ceased operating shortly after we started our investigation
- > one found that Telstra Corporation Limited failed to comply with the billing accuracy requirements in the TCP Code by overcharging customers almost \$2.5 million over a 12-year period.

In April 2021, we completed an audit into CSPs' compliance with the TCP Code rules. These rules require CSPs to tailor their dealings with vulnerable consumers, including by ensuring that their sales representatives sell their products in a responsible manner and interact appropriately with disadvantaged and vulnerable consumers. The audit involved reviewing information collected from 9 CSPs about:

- > how they identify vulnerable consumers
- > the actions they take to appropriately train and monitor their sales representatives in responsibly selling to vulnerable consumers
- > whether they have identified any emerging or systemic deficiencies in the conduct of their sales representatives and, if so, what steps (if any) have been taken to address these issues
- > the oversight arrangements and level of senior management engagement in ensuring sales representatives are interacting appropriately with vulnerable consumers.

The report will be released early in the next reporting period.

We also considered referrals of issues from the TIO and other organisations. Based on referrals from the TIO, we completed 12 investigations into CSP compliance with TIO determinations, and 3 investigations into failures to join the TIO scheme during the reporting period.

Phone scams

We remain concerned about the prevalence and impact of phone scams on Australians. They have severe financial and social impacts, especially for those in vulnerable circumstances. Scam calls and messages also undermine confidence in our telecommunications networks.

Under our Combating Scams Action Plan, the ACMA, in conjunction with industry and key government partners, undertook a range of actions to protect Australians in 2020–21.

We registered the new Industry Code C661:2020 Reducing Scam Calls (the Reducing Scam Calls Code) on 2 December 2020. The code places enforceable obligations on telcos to identify, trace and block scam calls. To facilitate identifying and blocking scam calls, we have been providing scam call complaint data to the 5 largest telcos to assist in verifying numbers associated with scam calls.

The registration of the Reducing Scam Calls Code furthers the ACMA's scam reduction work, noting we made new rules to prevent identity theft via mobile porting fraud in early 2020. Across 2020–21, we actively monitored compliance with the Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Industry Standard 2020 (Mobile Pre-Porting ID Verification Standard).

In April 2021, we formally warned Telstra Corporation Limited, Medion Australia (trading as Aldi Mobile) and Optus Mobile Pty Ltd for breaching the Mobile Pre-Porting ID Verification Standard requiring them to undertake enhanced verification of people's identities prior to porting a customer's phone number from another telco.

We found that Telstra breached the rules on at least 52 occasions, Medion Australia on 53 occasions, and Optus on one occasion. These are the first contraventions found under rules that commenced in April 2020 to help prevent mobile porting fraud and related identity theft.

Phone scams were a compliance priority for us in 2020–21 and will remain so in 2021–22.

The ACMA-led Scam Telecommunications Action Taskforce, which includes representatives from government agencies, telcos, law enforcement and the financial services sector, met twice in 2020–21. The taskforce shares information and promotes new approaches to disrupting scam activity. For example, it facilitated a significant extension of a trial to protect government communications on the COVID-19 vaccine rollout from being used by scammers to impersonate government services.

We worked with a range of organisations, including the ACCC, Australian Cyber Security Centre and Australian Financial Crimes Exchange, to share information about scams and uncover and address non-compliance.

We also approached the market to conduct research into the consumer experience of unsolicited calls. The research will assist in measuring the effectiveness of our scam call reduction activities, with a final report due in the next reporting period.

We also released a comprehensive suite of consumer awareness-raising material, including specific material for First Nations peoples, and issued key consumer alerts via social media about the following scams:

- > Home Affairs impersonation, 3 September 2020
- > Amazon impersonation, 1 October 2020
- > eBay impersonation, 4 March 2021
- > COVID-19 vaccination rollout government impersonation scam, 29 March 2021.

We will maintain our focus on phone scams in 2021–22. We anticipate working with industry and government partners to disrupt SMS scams and scammers targeting customer transactions with telcos.



Case study

Combating telco scams

In 2020–21, we stepped up the fight against scammers by undertaking a range of activities aimed at making Australia a hard target for scammers and educating consumers about how to identify and protect themselves from scams.

In December 2020, we registered new enforceable rules that require telcos to identify, trace and block scam calls on their networks. Telcos are also required to share information about scam calls with other telcos and government agencies, including the ACMA. To assist industry to meet its identification and blocking obligations, the ACMA and ACCC have provided de-identified complaint data to key telcos.

Since the introduction of the new rules, over 214 million scam calls have been identified and blocked to 30 June 2021. Every scam call blocked prevents a potential victim, and every call blocked disrupts the business model of the scammers.

This number included approximately 34 million blocked ‘Wangiri’ scam calls, where scammers ring once from an international number, resulting in high premium phone charges for those who call back. A further approximate 151.6 million blocked calls involved scammers using spoofed or made-up customer display numbers.

On 30 April 2020, the Mobile Pre-Porting ID Verification Standard was made by the ACMA requiring telcos to conduct robust identity verification measures before porting mobile numbers came into force. These have proven to be effective in preventing scammers perpetrating identity theft. Key telcos report a 90 to 100% reduction in reports about this type of unauthorised porting, while the ACCC stated in its annual targeting scams report for 2020 that reported losses from mobile porting fraud had fallen over 50% in the year (down from \$1.1 million in 2019 to \$0.5 million in 2020).³

In 2020–21, we also rolled out consumer awareness-raising material for use by consumer advocacy groups and those assisting people in vulnerable circumstances. The material features easy to understand information for consumers to identify and act against scams. We have conducted an ongoing social media campaign using this material and it has been translated into several different languages. Of note are a series of posters designed for use by First Nations peoples and communities.

Financial services marketing

Illegal financial services marketing can cause serious harm, particularly for vulnerable people. Consumers are contacted by SMS, email and phone. Complaints about the financial marketing services sector remain high for both spam and telemarketing. In 2020–21, we targeted cold calling for financial services, including when this marketing is outsourced. As well as undertaking compliance activities and investigations, we educated Australians about their rights, and businesses about their responsibilities. Due to the ongoing indications of non-compliance in the sector, including high levels of consumer complaints, we will continue to focus on unlawful financial sector marketing in the next reporting period.

In 2020–21, we commenced 15 investigations and finalised 15 investigations into financial services marketing as part of our compliance and enforcement strategy.

We took enforcement action when breaches were found. For example, financial services research companies Kalkine Pty Ltd and Kalkine Media Pty Ltd paid infringement notices of \$251,400 and \$100,800 respectively for breaches of the *Do Not Call Register Act 2006* (DNCR Act) and the *Spam Act 2003* (Spam Act). We also accepted court enforceable undertakings from each entity.

³ Australian Competition and Consumer Commission (ACCC), *Targeting scams: report of the ACCC on scam activity 2020*, June 2020, ACCC website, accessed 24 August 2021.

During the year, we also engaged with over 400 financial services entities that we received spam or telemarketing complaints about in 2019–20, to inform them about their compliance obligations. At the same time, we contacted financial services peak and industry bodies to advise them of this mass communicate to their members and proposed exploring further opportunities to engage with and educate their industry on the spam and telemarketing rules. This work remains ongoing.

Effective and efficient investigations and enforcement outcomes

In 2020–21, we continued working towards completing our investigations within target timeframes. We conducted investigations and implemented enforcement outcomes in accordance with our compliance and enforcement policy, with a focus on our compliance priorities. We published enforcement outcomes that addressed compliance issues.

Interactive gambling

Under the *Interactive Gambling Act 2001*, it is illegal to provide or advertise prohibited online gambling services to people in Australia. These services pose a risk for problem gamblers and do not have the consumer protections we expect in Australia.

In 2020–21, we focused our investigations on providers of online casinos that target Australians, as well as affiliate marketing services that promote these illegal gambling services. We also engaged with supporting services, such as software providers and payment services, with a view to causing disruption to the illegal services.

Internet service providers (ISPs) also help us to disrupt illegal online content by blocking access to websites upon our request.

In 2020–21, our actions included:

- > 20 investigations into affiliate-marketing services as part of the focus on services that promote illegal online casinos
- > contacting 52 software providers and payment services with a view to disrupting illegal services
- > 206 illegal online gambling websites blocked by ISPs at our request.

Table 1.10 provides details of investigations and enforcement action taken under the *Interactive Gambling Act 2001* (the IGA). The significant increase in investigations is largely a result of our requests to block websites, which commenced in November 2019. It reflects the ACMA's investigations into 'mirror' sites that have been set up by the operators of illegal gambling websites to circumvent the website blocks.

Table 1.10: Investigations and enforcement action under the IGA, 2018–19 to 2020–21

	2018–19	2019–20	2020–21
Total investigations completed	63	83	184
Number of investigations resulting in a finding of one or more breaches	50	67	161
Total number of separate breach findings	114	106	263
Providing a prohibited interactive gambling service to Australian customers	82	94	235
Providing an unlicensed regulated interactive gambling service to Australian customers	21	11	12
Advertising a prohibited or unlicensed regulated interactive gambling service in Australia	11	1	15
Providing, or offering to provide, credit to Australian customers or facilitating or promoting the provision of credit by third parties	0	0	1
Actions for breach findings			
Formal warnings	13	10	28
Notification to international licensing authorities	5	5	11
URLs reported to family-friendly filter providers	103	70	230
Requests to ISPs to block websites	–	66	206
Investigations completed within 4 months*	44	65	145
Investigations completed within benchmark timeframe of 6 months^	–	81	179
Average time for investigations	2.7 months	2.1 months	2.1 months

* This benchmark was 3 months in 2018–19.

^ We did not meet the 6-month timeframe for 5 investigations due to the complexity of the matters.

Broadcasting, online gambling content and media control and diversity rules

In the reporting period, we received just over 2,100 complaints and enquiries about broadcaster compliance with codes of practice, licence conditions, standards and rules related to the Broadcasting Services Act (BSA). Within this:

- > we referred over 900 complainants to the broadcaster for consideration in the first instance
- > 386 complainants came to the ACMA after they had complained to a broadcaster and were not satisfied with the response they received.

The ACMA exercised its legislative discretion on 172 occasions, commencing an investigation into 44 matters. Multiple complaints may be received about the same matter.

In the reporting period, we completed 44 investigations, with 25 of these finalised within our 6-month benchmark. The 44 investigations comprised:

- > one investigation into compliance with the online content rules restricting gambling advertising during live sporting events that resulted in a non-breach finding
- > 43 investigations into compliance with the codes, licences conditions and standards. Of these, 35 occasions resulted in a breach finding, including of the:

- > control rules in the BSA, where licensees for 13 commercial radio licences did not comply with the requirement to notify us about a change in control within 10 business days of becoming aware of the change in control
- > impartiality standards in the ABC Code of Practice in a *Four Corners* program ‘Cash Splash’
- > provisions in the Commercial Television Industry Code of Practice requiring the disclosure of commercial arrangements by Channel Seven Sydney Pty Ltd in a promotion on *The Morning Show*, and by Nine in a segment on *Today*
- > BSA captioning standards by Network Ten Melbourne in *Ten News First* and by WIN Television Victoria in an episode of *The Big Bang Theory*.

Compliance action that resulted in formal enforcement included:

- > a remedial direction against Radio 2GB Sydney Ltd, to ensure compliance with the Commercial Radio Current Affairs Disclosure Standard, following a breach relating to the *Alan Jones Breakfast Show*
- > a remedial direction issued to FetchTV Pty Ltd for breaching the captioning licence condition by not complying with the requirement to meet annual captioning targets
- > formal warnings issued to 11 commercial radio licensees and one controller of licences for breaches of the media diversity rules.

Where there has been a breach of a code of practice by a commercial broadcaster, the ACMA will generally publish the report and a media release. Under the co-regulatory scheme established under the BSA, the ACMA may accept agreed measures by broadcasters to improve compliance. This can include educating staff or changing procedures to improve compliance. A majority of code breaches are effectively dealt with via agreed measures, however, the ACMA can also accept court enforceable undertakings or impose additional conditions.

In the case of a breach of the BSA, the ACMA may issue a remedial direction requiring action to address the contravention.

Should the ACMA decide to take enforcement action against the ABC or SBS, it may, by notice in writing to the broadcaster, recommend action to comply with the relevant code of practice. If the broadcaster does not take the recommended action, the ACMA may give the minister a written report on the matter.

Table 1.11: Enforcing BSA compliance with the investigations, licence conditions, codes of practice, standards and online content rules, 2018–19 to 2020–21*

	2018–19	2019–20	2020–21
Total investigations completed	67	50	44
Investigations resulting in breach findings	29	20	35
Investigations of compliance with codes of practice	10	11	11
Investigations of compliance with BSA, licence conditions or standards	19	9	24
Investigations resulting in non-breach findings	28	30	9
Investigations of compliance with codes of practice	19	16	4
Investigations of compliance with the BSA, licence conditions or standards	9	14	5
Actions for breach findings			
Publication of investigation reports	23	15	25
Enforceable undertakings	1	1	0
Remedial Directions	0	2	2
Formal warnings	-	-	12
Investigations completed within 4 months[†]	46	25	6
Investigations completed within benchmark timeframe of 6 months	57	48	25[§]
Average time for investigations^{^^}	2.9 months	3.9 months	7.3 months

* In previous editions of the annual report, this table was titled 'Investigations into commercial, national, subscription, narrowcasting, and community broadcasters'. This title has been changed to reflect that BSA investigations into entities other than broadcasters are included.

[†] This benchmark was 3 months in 2018–19.

[§] We did not meet the 6-month timeframe for 19 investigations due to the complexity of investigations and the redeployment of resources to address priorities caused by the impact of the COVID-19 pandemic.

^{^^} We did not complete all investigations within the benchmark average of 4 months due to the number of complex investigations in the period and the redeployment of resources to address priorities caused by the impact of the COVID-19 pandemic.

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 31 July each year. Based on annual notifications provided during the reporting period, there were 92 foreign stakeholders in Australian media companies as at 30 June 2020.

Applications for prior approval

During the reporting period, we received an application under section 61AJ of the BSA from Rural Press Pty Ltd (Rural Press) for prior approval of a transaction that would lead to unacceptable media diversity situations occurring in 2 commercial radio licence areas. Despite our best endeavours, the application was finalised outside the preferred timeframe of 45 days. This was due to the need for us to seek additional information from the applicant.

We also accepted an enforceable undertaking given by Rural Press under section 61AS of the BSA to remedy the unacceptable media diversity situations before the end of the prior approval period.

Unsolicited communications (telemarketing and spam)

In 2020–21, we undertook 23 investigations under Part 26 of the Telecommunications Act into compliance with the Spam Act, the DNCR Act and the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017. Fifteen of these investigations targeted the financial services marketing sector, a compliance priority area.

Outcomes from these 23 investigations included infringement notices we issued totalling \$742,800 to the following parties:

- > Kogan Australia paid an infringement notice of \$310,800 and offered a court enforceable undertaking after it sent commercial emails without a functional unsubscribe facility.
- > Telco First Pty Ltd paid an infringement notice of \$79,800 and offered a court enforceable undertaking after it sent commercial SMS messages without consent, without identifying the sender, or without a functional unsubscribe facility.
- > Kalkine Pty Limited and Kalkine Media Pty Ltd paid infringement notices of \$251,400 and \$100,800, respectively. Kalkine Pty Limited made telemarketing calls to numbers on the DNCR. Kalkine Media Pty Ltd sent marketing emails without consent. We also accepted court enforceable undertakings from both entities.

We also issued 8 formal warnings and accepted 6 court enforceable undertakings.

In addition, we announced in July 2020 the payment by Woolworths Group Limited of an infringement notice of \$1,003,800 for sending commercial emails without consent. We also accepted an enforceable undertaking from Woolworths.

Table 1.12: Investigations into unsolicited communications 2019–20 to 2020–21*

	2019–20	2020–21
Total investigations completed	21	23
Investigations into Spam Act compliance	3	9
Investigations into DNCR Act and related industry standards compliance	18	14
Total investigations with a breach finding	16	14
Formal warnings	7	8
Enforceable undertakings	8	6
Infringement notices	9	4
Ongoing proceedings in the Federal Court of Australia	1	1
Investigations completed within 4 months	11	14
Investigations completed within benchmark timeframe of 6 months	18	23
Average time for investigations	3.9 months	3.5 months

* The 4-month benchmark was not included in 2018–19, and the 6-month benchmark was 8 months in 2018–19, so the 2018–19 column in this table has been removed as the comparison between years would be inconsistent.

Integrated Public Number Database

The Integrated Public Number Database (IPND) is a secure database of approximately 71 million connected numbers and associated customer information. We monitor compliance with obligations that require CSPs to provide information to the IPND for each service they operate. Information in the IPND is important because it is used to support emergency services (Triple Zero), the emergency alert system (the national telephone warning system used to send messages about likely or actual emergencies) and law enforcement and national security matters.

In 2020–21, we completed 2 investigations into CSP compliance with IPND obligations under the Telecommunications Act and the Industry Code 555:2020 Integrated Public Number Database:

- > Lycamobile paid an infringement notice of \$604,800 and offered a 3-year court enforceable undertaking after it failed to provide accurate customer data to the IPND on 245,902 occasions. Lycamobile was also given a formal direction to comply with the IPND Code
- > an investigation into Optus found one breach, with no enforcement action taken.

We also administer the Telecommunications Integrated Public Number Database Scheme 2017 and the Telecommunications Regulations 2021. Under these rules, we can authorise entities to use IPND data to publish public number directories (IPND Scheme only) or conduct permitted research related to public health, electoral matters, or the development of Commonwealth public policy (IPND Scheme and Regulations).

In 2020–21, we granted 5 applications authorising access to the IPND to conduct permitted research:

- > 2 permitted research authorisations were granted to Engine Australia Pacific Pty Ltd under the IPND Scheme (relating to public health and Commonwealth public policy research). We also granted the same entity 2 research authorisations under the Regulations (also relating to public health and Commonwealth public policy research)
- > one research authorisation was granted to McNair yellowSquares Pty Ltd to conduct permitted public health research under the Regulations.

We also concluded one investigation into an authorised entity's compliance with the conditions of its IPND access authorisation to publish public number directories. We found Localsearch Operations Pty Ltd published the names and addresses of 29 unlisted (silent) phone numbers and did not destroy customer data for 24 of the unlisted numbers when required. The ACMA gave Localsearch a remedial direction requiring stronger compliance systems, processes and practices, and training for staff.

Number porting

Number porting is a regulatory obligation that assists a customer to retain their existing local, mobile or inbound number when changing from one telecommunications provider to another.

The ACMA conducted one investigation into local number porting obligations, finding that Telstra Corporation Limited failed to provide consumers with the opportunity to keep their existing local phone number when changing telco providers. Telstra suspended most of its local number porting operations from late March 2020 after experiencing COVID-19-related impacts on its offshore operations. As a result, more than 42,000 services could not be moved from Telstra to other telcos or vice versa as requested by an Australian consumer. Telstra paid a \$1.512 million infringement notice penalty and was given a formal direction to comply with the Industry Code C540:2013 Local Number Portability.

Information about our activities to reduce mobile number porting fraud can be found at pp. 57–8.

Other telecommunications matters

In 2020–21, we monitored telecommunications' industry compliance through TIO referrals, self-reported breaches by telcos, and audits on telco consumer protection obligations. We completed 19 telecommunications investigations.

Table 1.13 provides details of investigations into compliance with telecommunications obligations other than those addressed under *A better move to the NBN* and *Protecting telco consumers*, including the:

- > Telecommunications (Consumer Protection and Service Standards) Act 1999
- > Telecommunications (Service Provider – Identity Checks for Prepaid Mobile Carriage Services) Determination 2017
- > TCP Code.

Our actions included:

- > issuing a formal warning to Cutting Edge Cloud Solutions Pty Ltd for failing to join the TIO scheme as required under the Telecommunications (Consumer Protection and Service Standards) Act
- > giving a remedial direction to Lycamobile Pty Ltd for breaching the Telecommunications (Service Provider – Identity Checks for Prepaid Mobile Carriage Services) Determination 201
- > giving a direction to Telstra Corporation Limited for failure to comply with the TCP Code rules for billing.

Table 1.13 compares the average amount of time taken over the last 3 years to complete investigations into other telecommunications obligations.

Table 1.13: Investigations into compliance with other telecommunications consumer safeguards, 2018–19 to 2020–21

	2018–19	2019–20	2020–21
Total investigations completed	37	38	19
Total number of breach findings	24	19	14
Actions for breach findings			
Formal warnings	17	6	1
Direction to comply with industry code	3	11	1
Remedial directions	3	1	1
Infringement notices	1	0	0
Civil proceedings	—	1	0
Investigations completed within 4 months*	18	22	8
Investigations completed within benchmark timeframe of 6 months†	5	33	16
Average time for investigations	3.9 months	3.6 months	5.3[†] months

* This benchmark was 3 months in 2018–19.

† We did not meet the 6-month average timeframe for the completion of 3 investigations into the Prepaid Determination and compliance with the TCP Code, due to their complexity. The time to complete these 3 investigations also resulted in the average time for investigations exceeding 4 months.

Contractual service levels are met

Do Not Call Register

The DNCR is operated under contract by IVE Group Australia Pty Ltd (IVE Group). Consumers can register, check or remove their numbers and industry can access the number-checking (washing) service and their accounts. In July 2020, the contract with IVE Group was extended by one year to September 2021. The ACMA has the option to further extend the contract with IVE Group until September 2023.

Service levels and KPIs set out in the contract were closely monitored, with IVE Group providing monthly service-level reports to demonstrate their performance. The ACMA and IVE Group also attended monthly contract meetings to discuss service levels, performance and other issues, including an IT incident in February 2021 that disrupted DNCR services for 20 hours. The IVE Group reviewed the incident and took corrective action to ensure all service levels were met.

Contractual service levels and results for 2020–21 for the Do Not Call Register are shown in Table 1.14.

Table 1.14: Contractual service levels for the DNCR by IVE Group

Service level	Target	Result
Service centre availability	99.5%	100%
Washing service availability	99.5%	99.7%
Website availability	99.5%	99.7%

The Numbering System

The Numbering System is the system we use to sell and allocate ‘smart numbers’ (13, 1300 and 1800 numbers). The system is provided under contract by ZOAK Pty Ltd. Service levels and KPIs set out in the contract are closely monitored. Contractual service levels and results for 2020–21 for the Numbering System are shown in Table 1.15.

Table 1.15: Contractual service levels for the Numbering System by ZOAK

Service level	Target	Result
Availability of the numbering system	99.5%	100%

Efficient and effective delivery of the Regional and Small Publishers Innovation Fund grants

The Regional and Small Publishers Innovation Fund is a competitive grants program to support regional and small publishers to transition to, and compete more successfully in, the evolving media environment. The fund, which operates for 4 years until 30 June 2022, is administered by the ACMA.

Grantees from the Regional and Small Publishers Innovation Fund were to complete project activities and provide their final reports by 31 May 2021. However, this was not possible, primarily due to COVID-19-related issues. On 25 March 2021, the Broadcasting Legislation Amendment (2021 Measures No. 1) Bill 2021 was introduced to allow the ACMA additional time to administer the finalisation of the fund. The Bill passed on 23 June 2021 and allows us to assess final reports and make final payments in 2021–22.

We awarded grants under 3 rounds of the fund: Round One, the Regional Grant Opportunity, and the 2020 Round. The 2020 Round was the final round released. It opened for applications in April 2020, having been brought forward to support public interest journalism during the COVID-19 pandemic. As part of the ACMA’s assessment of the applications, an independent Advisory Committee assessed eligible applications and provided advice to the ACMA. For further information on the role of Advisory Committee and its advice to the ACMA, refer to *Appendix 7: Regional and Small Publishers Innovation Fund*.

We awarded just under \$5 million to 41 applicants, with the results announced on 5 August 2020. On 12 November 2020, we awarded funding to an additional 2 applicants. The additional funding was made possible after one grantee proposed that its funding be reduced during grant negotiations, as it was not able to complete the project in full due to COVID-19 restrictions. Our website was updated to reflect the additional successful applicants. All 43 grant agreements were executed by 26 November 2020.

The 2020 Round Grant Opportunity Guidelines stated that it is anticipated that the negotiation and execution of grant agreements will take up to 4 weeks. We took longer than expected to execute all 41 grant agreements, due to the need to obtain:

- > more granular information from grantees about the funded projects, including identifying the evidence that grantees will be required to provide at each milestone to ensure the proper acquittal of government funding

- > additional information from grantees that were also successful under the Public Interest News Gathering (PING) program, to ensure they do not receive funding for the same activities from both the PING program and the Innovation Fund.

2020 Round grantees were informed during the application period that the final payment for all grants must be finalised by 30 June 2021, which meant the completion date for each grant agreement was on or before 31 May 2021.

We will continue to administer all grants issued under the Regional and Small Publishers Innovation Fund until their completion.

To provide assurance of the governance arrangements of the Innovation Fund, we sought independent reviews of the process. In 2020–21, a review assessed the administration of the Innovation Fund, including the monitoring, reporting and acquittal of grants issued under Round One and the Regional Grant Opportunity. The final report of the review was endorsed in November 2020.

We accepted and completed all recommendations of the review and will take actions to facilitate continuous improvements in the administration of the program.


Grant details are included in *Appendix 7: Regional and Small Publishers Innovation Fund*.


2.3 Build consumer, audience and industry understanding of risks, rights, responsibilities and safeguards

Providing accessible, timely and relevant information to help our stakeholders navigate the rapidly changing communications and media environment continues to be a high priority.

Our effectiveness in informing consumers and industry about new rules and emerging risks is enhanced by our use of different communication avenues and channels, including our website, social media, workshops and conferences.

Assessment of results

Performance measure	Targets	Result
<i>Source: Corporate plan 2020–21, p. 20; PBS 2020–21, p. 157</i>		
Information is made available to consumers and audiences about their rights and available safeguards	<ul style="list-style-type: none"> > Accessible and timely information is available about: <ul style="list-style-type: none"> > rights of consumers and audiences > safeguards available to consumers and audiences > responsibilities of businesses. 	
Information is made available to businesses about their responsibilities	<ul style="list-style-type: none"> > Investigation and enforcement outcomes are transparent. 	
	<ul style="list-style-type: none"> > Raise consumer awareness of illegal interactive gambling services and the risk of using them: <ul style="list-style-type: none"> > rollout of consumer awareness raising campaigns and media associated with website blocking activities. 	
	<ul style="list-style-type: none"> > Telecommunications scam reduction activity: <ul style="list-style-type: none"> > level and impact of scam activity perpetrated on Australian telecommunications channels decreases. 	

Performance measure	Targets	Result
Consumer choice is informed by visibility of telco performance	<ul style="list-style-type: none"> > Enhancing consumers' awareness of telco performance by streamlining, enriching and expanding the existing public reporting on complaints-handling performance. > Raise awareness of telco performance to inform consumer choice. 	

Information is made available to consumers and audiences about their rights and available safeguards

Information is made available to businesses about their responsibilities

Our external communications framework guides all public-facing communication and media activities so that we deliver a consistent, clear and effective message that informs our audiences and builds awareness about our role and the work we do, particularly as it aligns with our compliance priorities.

Stakeholder communications

We use a range of communication channels to reach audiences and stakeholders, primarily via the [acma.gov.au](https://www.acma.gov.au) website and targeted outreach activities, including mainstream media, social media, electronic newsletters and/or paid advertising.

In 2020–21, we sent 216 electronic newsletters to our 23,237 subscribers and engaged with stakeholders on Twitter, Facebook and LinkedIn via 1,030 posts.

We increased our list of newsletters in 2020–21 and now offer:

- > *Engage* – monthly, consumer-focused updates on ACMA activities
- > Telco matters – telecommunications industry updates and regulatory issues
- > compliance and labelling supplier updates
- > research, emerging technologies and data analysis updates
- > unsolicited communications compliance updates for e-marketers and telemarketers
- > spectrum management and RadComms conference updates
- > Regional and Small Publishers Innovation Fund updates
- > graduate program updates
- > TV and radio broadcasting updates
- > online content and digital platforms updates
- > consultation updates
- > amateur radio updates.

Our communications activities are regularly evaluated through analysing our key performance indicators against communication objectives, including:

- > web traffic: page views, downloads, time on page, referrals
- > media coverage: volume, audience reach, outlet and medium
- > social media: impressions, clicks, shares, likes, comments, followers
- > electronic newsletters: open rate, click through rate, subscribers
- > advertising: impressions, clicks, cost per click.

Published research

The ACMA has statutory obligations to report to, and advise, the minister responsible for communications, as well as to monitor the environment and inform industry and the public about telecommunications, radiocommunications, broadcasting and some online services. We publish a range of research to inform public policy, industry and regulatory decision making, as described under the performance measures listed under section 3.1.

Transparent investigation and enforcement outcomes

Each quarter we published enforcement actions, investigation outcomes, complaint data and trends, and compliance contacts in relation to telecommunications, broadcasting, interactive gambling, spam and telemarketing businesses. In 2020–21, our range of industry publications included:

- > *Subscription TV captioning compliance report*, July 2020
- > *Free-to-air captioning compliance report*, July 2020
- > *Guide to children's television classification*, December 2020
- > *Our approach to radcomms licensing and allocation*, March 2021
- > *Telecommunications outages – Sydney storms: Report to the Minister*, February 2020
- > *Telco complaints-handling performance*, April 2021
- > *Program expenditure information*, May 2021
- > *Compliance with Australian Content Standard and Children's Television Standards*, May 2021
- > *Commercial broadcasting tax act review: Report to the Minister*, June 2021.

Our website enabled these reports to be easily accessible to users.

Our public-facing information had a focus on consumer safeguards, information and advice, including:

- > consumers' rights (especially in the telco space)
- > illegal online gambling services
- > spam and scam awareness and reduction
- > complaining about media and communications services
- > business' obligations when communicating with customers.

COVID-19 pandemic

In recognition of the vital importance of communications and media services during the COVID-19 pandemic, we provided information on our website and via social media about how to stay safely connected during this time. Topics included recognising false coronavirus information online, warnings about COVID-19 vaccination scams and addressing customer financial hardship issues with telcos. One of our more significant consumer campaigns in the reporting period focused on avoiding and dealing with phone scams, in recognition of the increased numbers of Australians at home during the pandemic, especially those in vulnerable circumstances.

We also provided information on our website about temporary and conditional regulatory relief for the communications and media sectors during the COVID-19 pandemic.

Interactive gambling

In 2020–21, we continued to raise awareness in the community of illegal gambling services and the risks of using them. This included digital advertising campaigns that placed digital banner advertisements on websites likely to be seen by online gamblers. The campaign had the tag lines, 'Even if you win you might lose' and 'Offshore gambling – don't bet on it' and links to the ACMA's website for further information about the types of illegal online gambling services and the risks of using them. The campaigns received a high number of views and there was a significant increase in visitors to our website. For example, the campaign run in June 2021 saw visits to the relevant webpages increase by 863% (14,253 in total).

We also routinely raise awareness through media about our illegal gambling website blocking activities and continue to run social media campaigns around major sporting events that educate Australians about online wagering services operating illegally and direct them to the ACMA's Register of licensed wagering operators if they choose to bet.

We continue to liaise with financial counsellors, state and territory regulators and other stakeholders about our activities regulating interactive gambling services.

Combating scams

We remain concerned about the prevalence and impact of phone scams on Australians. They have severe financial and social impacts, especially for those in vulnerable circumstances, and undermine confidence in our telecommunications networks. For further discussion of our compliance activities aimed at combating scammers, refer to pp. 57–8.

Consumer choice is informed by visibility of telco performance

The ACMA receives complaints data under the Telecommunications (Consumer Complaints) Record-Keeping Rules 2018 from qualifying retail CSPs on a quarterly basis. A qualifying retail CSP is a retail CSP that has 30,000 or more services in operation on the day before a reporting quarter.

In 2020–21, we redesigned our interactive performance reporting dashboard to improve the ability of industry and consumers to understand changes in telco complaints-handling performance over time. The public can now access aggregated performance data complaint volumes, complaints by service type, the type of service associated with complaints about broadband services delivered over the NBN, and time taken to resolve complaints.

As well as providing information about the performance of key telecommunication services, these reports allow us to assess the effectiveness of our interventions and offer improved visibility into provider performance and industry improvements over time.

Due to legal restrictions⁴, we cannot publish telco names or information that would identify them individually. However, the data helps us to decide if there are areas of telcos' complaints-handling performance that we need to look at more closely. We also give individual performance reports to telcos to provide feedback on how they are performing compared to their peers, and where there is scope for improvement.

We also published the *Customer financial hardship in the telco industry: State of play report 2019–20*, containing customer financial hardship data provided by 9 major telcos. Refer to p. 51.

⁴ Under s 59G of the *Australian Communications and Media Authority Act 2005*, statistics derived from authorised disclosure information may only be disclosed in a way that is not likely to enable the identification of a person (or relevantly, a corporation).

Strategic priority 3: A regulatory framework that anticipates change in dynamic communications and media markets through monitoring our environment and influencing regulatory responses

3.1 Conduct qualitative and quantitative research to enhance the ACMA's understanding of consumers and audiences





Our research program is reviewed and updated annually so that it addresses relevant issues in our environment and aligns with the ACMA's broader priorities.

In 2020–21, our research informed our understanding of market trends, the evolving use of communications services and engagement with content, and changes in consumer and community attitudes. It also assisted in identifying the implications of these issues for the effectiveness of our regulation.

We also track the effectiveness and efficiency of regulation through reviews and research, leading to improvements in response to changing markets and consumer expectations and preferences, often driven by new technologies.

The effectiveness of our research is reflected through its use in informing our work and enhancing the understanding of our stakeholders about trends and developments in the communications and media sector. We benchmark our efficiency in delivering our research against the published timeframes in our research program.

Assessment of results

Performance measure	Targets	Result
<i>Source: Corporate plan 2020–21, p. 21</i>		
Research the effectiveness and efficiency of existing regulation	> Develop and deliver the annual research program by September each year.	
Research and develop strategic and regulatory analysis of the evolving communications and media environment	> Work plan aligns with government and community information requirements about developments in the communications and media market. > Research as required to support code changes.	
Commission annual consumer survey	> Annual consumer survey conducted.	
Prepare reporting on the communications and media sector	> Publish annual data on media and communications sector developments.	

Research the effectiveness and efficiency of existing regulation

Our research program focuses on how the evolving communications and media landscape affects public interest outcomes, and our role in regulating the sector. Our research informs and contributes to:

- > advice to government about the operation of regulation
- > regulatory and program design, including the development of fit-for-purpose regulatory solutions to emerging issues in the communications and media sector
- > analysis about how current regulation is functioning in changing markets and whether:
 - > it remains fit-for-purpose
 - > there is a need for reforms to accommodate innovation occurring in the sector
- > examining different aspects of regulatory effectiveness and the emerging risks and harms arising for citizens and businesses in the changing communications and media environment.

The 2020–21 research program was published in September 2020, following consultation with targeted government stakeholders. It explored developments such as:

- > the impact of the COVID-19 pandemic on the communications and media environment, including:
 - > increased reliance on telecommunications service providers
 - > increased reliance on digital platforms
 - > ongoing environmental changes that require us to remain responsive and adaptable when supporting industry and consumers
- > long-term structural changes to traditional communications and media industries in response to competition from digital platforms
- > changing consumer behaviour and expectations in response to increasing interconnectivity, mobility and data-sharing
- > demand for data-driven technologies redefining how individuals and businesses engage with each other
- > the impacts of technological advances and how emerging technologies are reshaping today's regulatory environment
- > the impact of digital platforms on the news industry
- > international and domestic trends driving demand for spectrum, including:
 - > the appetite for wireless broadband, particularly 5G services
 - > ongoing commercialisation of internet of things applications
 - > advances in broadcasting technology
 - > rapid innovations in satellite technologies and services.

In line with our research program, the following research was released in the reporting period:

- > occasional papers on *Artificial intelligence in communications and media* and *Internet of Things in media and communications*, which explored these technologies, the regulatory environment that supported them, and the challenges and opportunities they bring, July 2020
- > the *News in Australia: diversity and localism* package, which included a paper that outlined a potential framework for measuring diversity and localism in news, a review of literature and research, qualitative research that explored consumer behaviour and attitudes; and an overview of international regulatory approaches, December 2020
- > occasional papers on *New tech applications for regulatory outcomes* and *Emerging technologies – Internet of Things and digital twins*, which examined uses of regulatory technology (the application of technology to meet regulatory obligations) in different sectors and regulatory environments, and internet of things applications, March 2021
- > an occasional paper on *Natural language processing in government*, which examined the use of this technology in different sectors and regulatory environments, exploring their benefits and risks, June 2021.

Each quarter we published complaints data, and trends and compliance contacts in relation to radiocommunications. In 2020–21, our range of industry publications included:

- > *Licensing integrity 400 MHz band*, July 2020
- > *Small cells—Carrier notification and consultation audit*, July 2020
- > *Small cells—EME licence conditions audit*, July 2020
- > *Licensing integrity 5.6 GHz band report*, July 2020
- > *Guide to apparatus licences in 26 and 28 GHz*, August 2020
- > *Pathways to cabling registration*, August 2020
- > *Five-year spectrum outlook 2020–24*, September 2020
- > *LPON use it or lose it conditions*, October 2020
- > *Telecommunications Industry Levy (TIL) assessment 2019–20*, November 2020
- > *Telecommunications law enforcement and national security obligations: Monitoring industry performance 2019–20*, December 2020.

Report on telecommunications outages resulting from Sydney storms of February 2020

In April 2021, we published a report, prepared for the minister, on a review of the impact of severe storms that occurred in Sydney between 7 and 10 February 2020 on the major telecommunications networks.

The report provided a detailed and factual analysis of the impact of the storms on telecommunications networks, and the nature and timing of responses from the carriers. It made observations about facility outages and actions taken to restore services and included a detailed analysis of copper cable facility outages – one of the facilities most impacted by the storms and that experienced long outages.

The report also offered observations about fixed-line service outages and mass service disruptions declared under the Telecommunications (Customer Service Guarantee) Standard 2011.

Research and develop strategic and regulatory analysis of the evolving communications and media environment

An important role of the research program is to provide strategic and regulatory analysis of the evolving communications and media environment. It does this through analysis of consumer, market and regulatory developments relevant to our regulatory remit.

We aligned our research work plan with government and community information requirements about market developments by assessing trends in the ACMA's regulatory environment, regulatory priorities and legislative requirements. The work plan also reflects an assessment of domestic and international research activity.

Reporting on this research provides a comprehensive evidence base that supports our understanding of the sectors we regulate and informs our decision making.

The research undertaken as part of the work program to inform strategic and regulatory analysis of the evolving communications and media environment included:

- > a research snapshot, *Trends in online behaviour and technology usage*, which provided insights into Australia's continuing engagement in the digital environment, and how COVID-19 restrictions introduced in March 2020 affected participation in online activities, September 2020
- > a research snapshot, *Trends in viewing and listening behaviour*, which tracked changes in the ways Australians engaged with media and communications, November 2020
- > 2 digital reports, *Kids and mobiles: how Australian children are using mobile phones*, which examined trends in ownership and use of mobile phones by Australian children since 2015, and *Mobile-only*

Australia: living without a fixed line at home, which looked at the use of mobile devices by Australians at home over the last 6 years, December 2020

- > the *Communications and media in Australia* series of interactive reports in May 2021:
 - > *Communications and media in Australia: Supply and use of services 2019–20*, provided information on the delivery of telecommunication, broadcasting and digital platform services in Australia
 - > *Communications and media in Australia: How we communicate*, which showed the ways we connect and interact using fixed-line and mobile phones, communications apps and social media
 - > *Communications and media in Australia: How we use the internet*, showed the ways Australians use the internet, including devices we use to connect, how often we go online, and the activities and services we engage with.

Commission annual consumer survey

The annual consumer survey provides quantitative time-series data to track patterns of consumer communications and media use. It informs regulatory development by providing insights around:

- > consumer behaviour
- > adoption of and attitudes towards communications and media services
- > emerging issues.

The survey assists in addressing our legislative function to report on the telecommunications industry and consumers of carriage services, service and industry trends in the broadcasting and internet industries, and content services.

Results from the 2020 annual consumer survey (July 2020) informed the research reports *Trends in online behaviour and technology usage* and *Trends in viewing and listening behaviour*, discussed under the previous performance measure.

Fieldwork for the annual consumer survey commenced in June 2021, with results to be published in 2021–22.

Prepare reporting on the communications and media sector

In 2020–21, we replaced the ACMA's annual communications report with a series on *Communications and media in Australia*. This change followed an amendment to the Telecommunications Act in December 2019, which removed the statutory obligation to prepare and table a communications report in Parliament.

In December 2020, we also published a report, *Telecommunications law enforcement and national security obligations: Monitoring industry performance 2019–20*, in accordance with subsection 105(5A) of the *Telecommunications Act 1997*.


The report examines how telcos support and assist law enforcement and national security agencies. It also provides details of the cost of compliance with the national interest requirements of Part 14 of the Telecommunications Act and the data retention requirements of Part 5-1A of the *Telecommunications (Interception and Access) Act 1979*.

3.2 Build ACMA capacity for data analysis to enable improved understanding of regulatory and market developments

Data is a key resource for improving our effectiveness and efficiency as a regulator.

Our program to build the necessary data capabilities within the ACMA extends over a number of years. We have developed a data strategy and governance framework to support the effective and efficient delivery of our data program, and have recruited and engaged data experts to deliver the program and provide a capability uplift.

Assessment of results

Performance measure	Targets	Result
<i>Source: Corporate plan 2020–21, p. 22</i>		
Data management and analytical expertise and skills are embedded	<ul style="list-style-type: none"> > Improved data and analytics capability through hub and cross-functional data action project teams. > Data governance structures and processes are developed. > Support data action projects and initiatives through systems and tools. 	
Data governance program is established and implemented		
Data sharing is enhanced		

Data management and analytical expertise and skills are embedded

In 2020–21, progress was made in:

- > growing our data and analytics capability through investing in our data expertise, including recruiting dedicated data analytics and data governance specialists, and partnering across the ACMA to deliver a number of large data projects
- > establishing our operating model for data and analytics, including forming a multi-disciplinary, cross-functional hub of domain experts
- > delivering our data action projects through cross-agency, multi-disciplinary project teams comprising our data visualisation and digital services experts working with line areas to analyse and effectively use data in new ways.

Data governance program is established and implemented

During 2020–21, the first phase of the data governance work stream was completed, including a business impact assessment and business valuation of ACMA data holdings. Work commenced on developing a data stewardship program and data quality framework.

The ACMA is a member of the Data Champions Network, senior Commonwealth officials that meet to promote the use, sharing and reuse of data across entities. We also engaged in broader whole-of-government data activities focused on using government data more effectively to deliver better outcomes.

Data sharing is enhanced

Our broad remit allows us to collect a diverse range of data and information, and to use it to enhance and inform our regulatory decisions.

Over the reporting period, we undertook a number of data projects:



- > Data platform: work has been completed to establish a cloud-based data storage solution that provides a secure and accessible repository for data used for data analytics.
- > Telco performance reporting data action project (DAP): this project delivered enhanced reporting on financial hardship and record-keeping rules, and TIO complaints data. It also automated data transformation and processing through connecting telco performance reporting to the ACMA's cloud-based data analytics platform.
- > Spectrum monitoring DAP: this project delivered enhanced compliance, investigation and monitoring reporting, along with the delivery of a geo-spatial 5G EME reporting platform.

3.3 Engage with stakeholders and government to support regulatory frameworks and obligations that are fit-for-purpose now, and as markets evolve

The effectiveness of our engagement is reflected in our openness to the views, ideas and experiences of our stakeholders to inform our work, and the quality of our contributions to broader debates about issues relevant to our remit.

Measures to support the efficiency of this engagement include the use of diverse channels to seek and provide input, as well as targeting and prioritising the issues that we engage on in response to changes in our environment.

Assessment of results

Performance measure	Targets	Result
Source: Corporate plan 2010–21, p. 22		
Consultations and stakeholder forums, as well as the biennial stakeholder survey, inform rule-making	<ul style="list-style-type: none"> > Conduct stakeholder consultations. > Host or attend stakeholder forums including the Consumer Consultative Forum. > Administer and participate in the Scam Telecommunications Action Taskforce. 	
Authoritative advice is provided to reviews of communications and media regulatory frameworks	<ul style="list-style-type: none"> > Australian content options paper. > Provide advice and implementation support to government as required. 	

Consultations and stakeholder forums, as well as the biennial stakeholder survey, inform rule-making

Consultations

We commenced 46 consultations in 2020–21, covering the following subject areas:

- > spectrum and radiocommunications:
 - > standards, licence conditions and determinations
 - > compliance priorities
 - > spectrum planning, sharing, access and pricing
 - > FYSO work program
 - > licence area plans (LAPs)
 - > digital radio channel plans
 - > taxes and charges
 - > device exemptions
 - > equipment rules
 - > licensing
- > content:
 - > proposed updates to the temporary community broadcasting licence guidelines
 - > proposed streamlining of the application form for new community broadcasting licences
 - > sunset review of the Anti-terrorism Standards
 - > operation of the credit betting prohibitions under the IGA
 - > changes to the Australian content and children's television standards
- > telecommunications:
 - > standards and determinations
 - > compliance priorities
 - > exemptions
 - > customer cabling
 - > new rules to prevent phone scams
 - > consumer protections and safeguards.

Stakeholder forums

During 2020–21, we arranged and/or participated in a number of stakeholder forums and working groups.

Scam Telecommunications Action Taskforce

The taskforce is a key forum to inform our scam reduction activities and associated regulatory responses. It brings together representatives from government agencies, telcos, law enforcement and the financial services sector to discuss initiatives to address SMS scams and scam call data-sharing across industry. The ACMA chairs the taskforce, with the ACCC, the Australian Cyber Security Centre, Communications Alliance and the Department as members. During 2020–21, the taskforce convened in December 2020 and March 2021.

The Numbering Advisory Committee

Our Numbering Advisory Committee (NAC) brings together telecommunications industry 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. The NAC met in November 2020 and June 2021. Issues discussed at these meetings included:

- > the Telecommunications Numbering Plan (which sets out the rules for managing phone numbers)
- > industry-managed numbering
- > number portability review and streamlining of local (fixed), mobile and inbound number portability into a single process
- > rights of use of numbers
- > the ACMA's scam reduction work.

Further information about the NAC can be found in Appendix 1.

Consumer Consultative Forum

The Consumer Consultative Forum (CCF) is the ACMA's communications consumer advisory group. It brings together representatives from consumer organisations, the telecommunications industry and government to discuss issues affecting users of mobiles, the internet and fixed-line telephones and give the ACMA informed and representative advice.

The CCF met online, due to COVID-19 restrictions, twice in the reporting period. Issues discussed included:

- > the impact of COVID-19 on telecommunications services
- > the impact of the 2019–20 summer bushfires on telecommunications networks and resulting initiatives
- > financial hardship and vulnerable consumers
- > online disinformation and scams.

Further information about the CCF can be found in Appendix 1.

Memorandums of understanding

We work closely with other government agencies and industry organisations and use memorandums of understanding (MoU) to establish mutual goals and achieve common objectives.

MoU with the Australian Financial Crimes Exchange (AFCX)

This MoU enables the exchange of relevant data and other information about mobile porting fraud and fraudulent SIM swaps, where this information has been used to facilitate other crimes.

MoU with the US Federal Communications Commission (FCC)

The MoU enables the exchange of information and intelligence between Australia and the United States as we work together to combat unlawful robocalls, unsolicited texts and phone scams.

Authoritative advice is provided to reviews of communications and media regulatory frameworks

Voluntary Australian content reporting by subscription video on demand services

On 30 September 2020, the minister announced a set of new measures to support Australian content, including that large subscription video on demand (SVOD) services voluntarily report to the ACMA about their Australian content expenditure and availability on their services. In December 2020, the minister wrote to Netflix, Stan, Amazon and Disney to request they report against a set of metrics that are broadly consistent with the Australian content obligations for commercial and subscription television broadcasting licensees.

Since December 2020, we have consulted with SVOD providers on the development of a new reporting form and received the first reports for the 2019–20 financial year in April 2021. We are in the process of analysing the data and anticipate publishing aggregated data in the next reporting period.

As indicated in the government's Media Reform Green Paper⁵, SVOD voluntary reports will assist the government to better understand the current investment in Australian content across the spectrum of providers. We continue to provide advice to the Department on the implementation of the voluntary reporting arrangements and proposals to introduce investment obligations for SVOD and advertising-based video on demand (AVOD) services.

Broadcasting codes of practice

The subscription television codes of practice have been under review by the Australian Subscription Television and Radio Association since December 2018. The latest revision to the code was provided to the ACMA in April 2020. However, the ACMA paused further code discussions in 2020 due to the additional pressures on industry because of the COVID-19 pandemic, including staffing and resourcing challenges.

The community broadcast radio code of practice has also been under review by the Community Broadcasting Association of Australia (CBAA) for some time. In April 2021, CBAA provided the ACMA with a draft code for our initial views. We continue to work with CBAA as the code review progresses.

Consumer Safeguards Review: Part C

The Department released its consultation paper for Part C in 2020. The ACMA made a submission, which observed that:

- > telecommunications is an essential service
- > consumers' expectations that they have a reliable service, are treated fairly, and experience reasonable customer service are not consistently met
- > telecommunications services are not consistently supplied in a way that takes account of the vulnerable circumstances of many Australians.

The government is considering submissions it received on the consultation paper before deciding on next steps.

Review of Australian Content and Children's Television Standards

The ACMA made and implemented the new Broadcasting Services (Australian Content and Children's Television) Standards 2020 following a ministerial direction registered on 12 November 2020. We conducted public consultation on the draft new standards between 23 November and 7 December 2020, with the new standards coming into force on 1 January 2021. We are working with Free TV and commercial television broadcasters on the implementation of revised reporting requirements. The first reports are due in March 2022.

Sunsetting review of the Anti-terrorism Standards

In November 2020, ACMA staff led a roundtable with relevant government agencies to discuss the continuing relevance and effectiveness of the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011 for narrowcast television. The discussion provided some valuable insights into the current national security and counterterrorism environment and raised issues for consideration before public consultation on the instruments.

We released a consultation paper on 9 June 2021, inviting public comment on remaking the standards as a single instrument with minor amendments. The public consultation period closes in the next reporting period.

⁵ Department of Infrastructure, Transport, Regional Development and Communications (DITRDC), *Media Reform Green Paper*, November 2020, DITRDC website, accessed 19 August 2021.



Case study

News Media and Digital Platforms Bargaining Code

The *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021* commenced on 2 March 2021. This Act amends the *Competition and Consumer Act 2010* to establish a mandatory code of conduct that applies to news media businesses and digital platform corporations when bargaining in relation to news content made available by digital platform services. The code is designed to improve the sustainability of the Australian news media industry by reducing the bargaining power imbalance and encouraging commercial deals between news media organisations and digital platforms. We have 3 new functions under this code – registering eligible news businesses, appointing mediators and appointing a register of arbitrators if parties are unable to agree.

We worked collaboratively with the Treasury, the ACCC, and the Department of Infrastructure, Transport, Regional Development and Communications in the development of this legislation. We helped to design and implement a scheme appropriately targeted to the sector, building on our knowledge of the news media market and experience in administering the Regional and Small Publishers Innovation Fund grant program.

Our online application portal for registrations opened to news businesses on 3 March 2021, the day after the legislation received Royal Assent. At the same time, we published eligibility guidelines that set out the assessment process, including what information applicants needed to provide. As at 30 June 2021, 24 news businesses had applied for registration.

3.4 Improve regulatory practices to reduce regulatory burden, increase transparency and timeliness, and ensure actions are proportionate to risks

We use our customer survey and the government's Regulator Performance Framework (RPF) to assess the effectiveness and efficiency of our regulatory practices. These assessments are undertaken annually, and the results inform improvements in the delivery of our regulation for both regulated entities and consumers and audiences.

Assessment of results

Performance measure	Targets	Result
<i>Source: Corporate plan 2020–21, p. 23</i>		
Improvements to stakeholder interactions with the ACMA are informed by annual customer service user satisfaction survey	<ul style="list-style-type: none"> > Achieve an overall satisfaction rating of 70% or higher as measured in the customer satisfaction survey. > Conduct survey annually. 	
Improvements to regulatory practice are informed by annual Regulator Performance Framework (RPF) assessment process	<ul style="list-style-type: none"> > Annual Regulator Performance Framework: performance assessment report is validated by stakeholders and published by 31 December each year. > Conduct survey annually. 	

Improvements to stakeholder interactions with the ACMA are informed by annual customer service user satisfaction survey

Customers engage with the Customer Service Centre (CSC) by phone, letter, email and webform, and the CSC provides information, products and services across a range of issues. While the ACMA website remains the dominant source of information for our customers, the CSC supports customers who do not use our website or those who have been unable to find the information they need online.

Since 2016, we have been conducting the annual customer service user satisfaction survey to better understand our customers' experience in interacting with us by phone and/or our website. The results of this survey inform improvements to our services and customer needs.

Our timeliness benchmarks are an important part of our customer service commitment. In 2020–21, the CSC actioned 92% of all enquiries within 3 business days.

The 2020–21 customer survey was conducted by Woolcott Research and Engagement. The results show an increase in total satisfaction levels, from 72% in 2019–2020 to 77% in 2020–21. Other results included:

- > high levels of satisfaction with interactions with CSC staff
- > 87% overall satisfaction with the handling of licensing questions, supported by strong positive feedback.

The 2020–21 survey also found that the experience of our customers compares favourably with other government agencies. More than half (58%) of customers surveyed reported that they regarded their experience with us as being better than their experience dealing with other government entities.

Improvements to regulatory practice are informed by annual Regulator Performance Framework assessment process

Each year we assess our performance against the 6 Regulator Performance Framework (RPF) key performance indicators (KPIs), a government initiative to help improve the regulatory practice of Commonwealth regulators.

In December 2020, we published our fifth annual self-assessment under the government's RPF framework for 2019–20. Results of the RPF show that we fully met 4 of the 6 KPIs. Our response to the COVID-19 pandemic meant that KPI 1 and KPI 6 were substantially, rather than fully met, as we:

- > suspended or delayed consultations and enforcement of new obligations on mobile providers so that the industry could focus on their critical services
- > exercised forbearance on specific provisions of the TCP Code and on commercial television broadcasters' annual quota obligations for Australian drama, children's and preschool drama and Australian documentaries as television production was significantly impacted by the COVID-19 pandemic
- > offered licensees the option to defer or pay licence fees by instalments.

Highlights from the RPF included:

- > 100% allocation within the timeliness targets for:
 - > assigned apparatus licences
 - > non-assigned apparatus licences
 - > radio and TV broadcasting retransmission licences
 - > radio and TV apparatus licences
 - > special event broadcasting licences
 - > commercial radio broadcasting licences

- > improved average processing times for 5 processes compared to 2018–19⁶
- > establishment of the ACMA COVID-19 Taskforce, which advised the Authority on COVID-related requests from industry, including the actions taken above
- > further enhancements to the whole-of-agency compliance setting process through public consultation on the development of the 2020–21 compliance priorities
- > released our updated website, providing users with reliable access to multiple enquiry and complaint channels.

The RPF assessment process included stakeholders validating our self-assessment. Consistent with prior years, we continued to experience a downward trend in the engagement of stakeholders in this process.

⁶ Appendix B of the *Regulator Performance Framework: Performance assessment 2019–20* provides details of the improvements to average processing times.

Financial performance

The ACMA's 2020–21 financial statements are provided in Appendix 14 of this report.

Activities administered on behalf of government

The ACMA collected income of \$957.8 million on behalf of government in 2020–21. This was primarily made up of:

- > Regional Broadband Scheme (RBS) charge (\$324.8 million)
- > radiocommunications taxes (including apparatus licence tax of \$258.1 million)
- > telecommunications Industry Levy (TIL) (\$244.1 million)
- > telecommunication numbering charges (\$60.0 million)
- > Annual Carrier Licence Charge (ACLC) (\$30.5 million)
- > broadcasting apparatus licence taxes (commercial broadcasting tax of \$13.5 million).

Further details on these income items are provided under *Income collected on behalf of government* on p. 92.

The ACMA's administered expenses totalled \$13.8 million and primarily comprised eSafety supplier costs (\$3.8 million) and grant expenditure (\$9.9 million) mainly relating to the Regional and Small Publishers Innovation Fund and eSafety's Online Safety Grants Program.

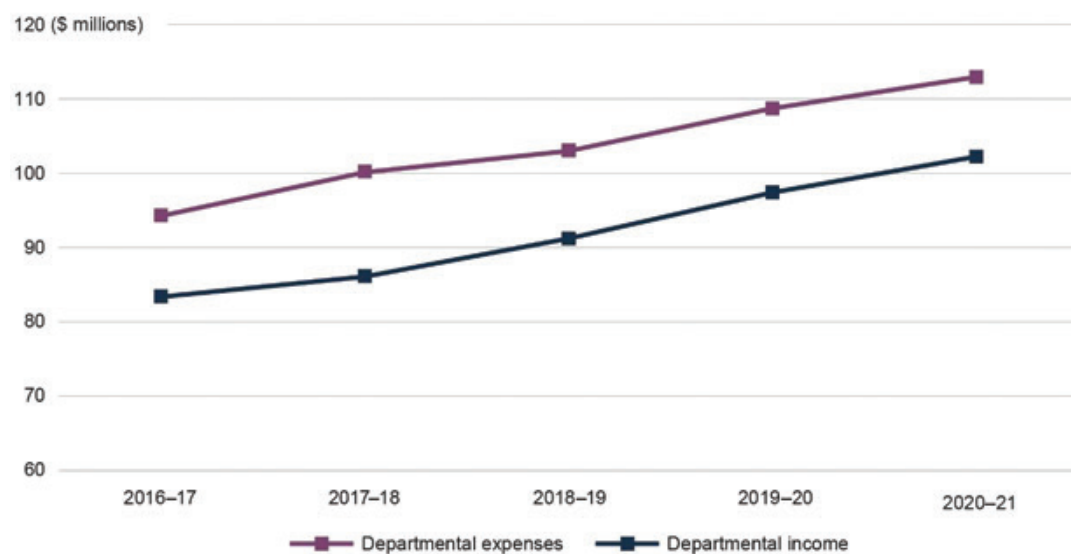
As at 30 June 2021, the ACMA held \$454.3 million in administered assets, primarily related to the RBS charge and the ACLC receivable. The ACMA also held \$256.6 million in administered liabilities.

Departmental activities

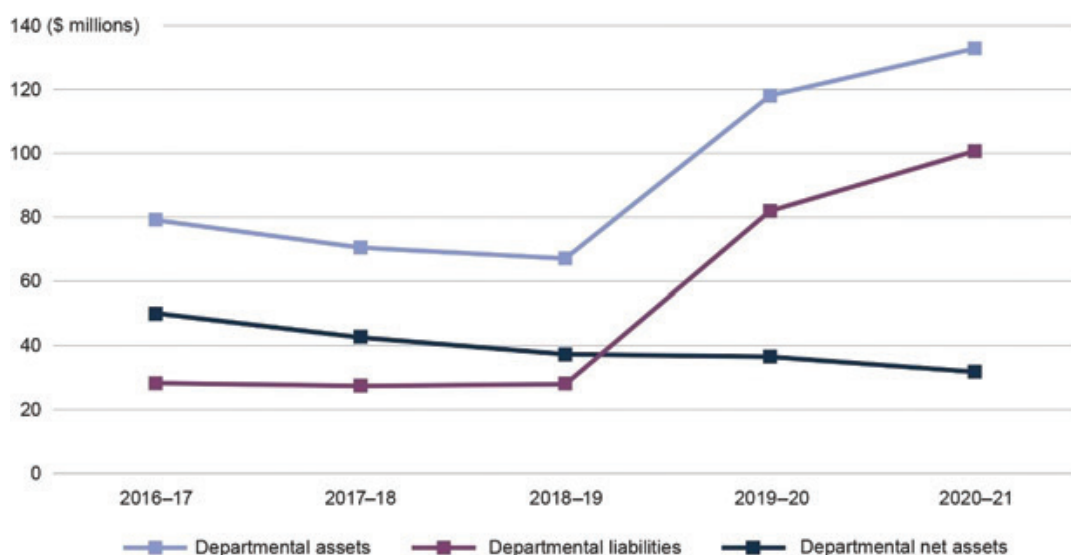
The ACMA reported a technical operating deficit of \$10.5 million. After adjusting for unfunded depreciation and amortisation expenses, non-cash lease accounting items, and changes to the asset revaluation surplus, the ACMA recorded a minor operating surplus.

Departmental expenses totalled \$112.7 million, primarily made up of staffing and supplier expenditure. Departmental income totalled \$1.2 million, comprising sale of goods, rendering of services, resources received free-of-charge and gains on assets.

As at 30 June 2021, the ACMA had a positive net asset position of \$39.2 million. Assets totalled \$139.3 million. Liabilities totalled \$100.1 million, including lease liabilities, employee provisions, supplier accruals and lease liabilities.

Figure 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

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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 p. 231 in *Part 2: Office of the eSafety Commissioner annual report 2020–21*.

Under the *Enhancing Online Safety Act 2015*, the ACMA makes staff available to assist the eSafety Commissioner to perform their functions and exercise their powers. All staff employed to assist the 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 that consists of at least 3 and not more than 9 members, including the Chair and Deputy Chair. Members are appointed by the Governor-General and associate members are appointed by the minister. 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. In 2019, cross-appointment arrangements were instituted between the ACMA and the ACCC.

The Executive Management Committee (EMC) meets fortnightly 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, Deputy Chair/CEO and the 4 Senior Executive Service (SES) Band 2 general managers.

The Enterprise Project Governance (EPG) Committee supports the EMC. This committee meets monthly and is chaired by the Deputy Chair/CEO. The EPG Committee was established to provide key governance oversight and monitoring of the effective and efficient delivery of our major projects.

Corporate planning

The *Corporate plan 2020–21* outlined the strategic approach to achieving our purpose through medium to long-term priorities over 4 years. The plan is available on the ACMA website.

During 2020–21, the EMC met quarterly to assess agency performance against the strategic priorities, activities and performance measures outlined in the corporate plan. Our success in achieving our purposes, as measured through our priorities, activities and performance measures is reported in the Annual Performance Statement.

Risk management and fraud control

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

Our 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 2020–21, an ongoing program to improve our risk management framework focused on building capability and embedding risk management within business processes. This included augmenting risk templates to identify shared risk across the ACMA and with our government counterparts. Employees with regular risk management duties were supported to undertake specialised risk training to improve their skills, knowledge and capability. We encourage all employees to identify and understand risk, and the impact of risk in their work areas.

Each quarter, we review our strategic, divisional and COVID-19 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 factors of risks, identify what controls are in place and direct resources to mitigate identified risks.

In 2020–21, the Fraud Control Plan was revised and endorsed by the ACMA Audit and Risk Committee (ARC) and the Chair. The Fraud Control Plan outlines our fraud control arrangements, including designated responsibilities and ongoing strategies for mitigating fraud to protect public money, property and information. A fraud risk assessment was conducted for the ACMA and considered by the Chair. Any instances of suspected fraud and investigations are recorded in the Fraud Register and reported to the ARC. Fraud awareness and training is offered to staff regularly 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 to enable continual improvement.

During 2020–21, the ARC met 5 times and continued to look at key corporate and regulatory processes. The ARC reviewed all internal and relevant external audit activity and reported on performance against its charter. Continued improvements to the Risk Management Framework and audit coverage of eSafety programs were a focus for the committee.

Over the reporting period, our internal audit services were provided by RSM Australia Pty Ltd. Ten internal audits and one management-initiated review 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 not subject to any performance audits by the Auditor-General during the period.

External scrutiny

During 2020–21, 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 [2021] FCA 669

On 21 June 2021, 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 them to provide to the ACMA information and documents relevant to the investigation. Mosaic filed an application in the Federal Court, under the *Administrative Decision (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 has appealed the decision to the Full Court of the Federal Court.

Our people

The ACMA had 448 APS employees at 30 June 2021 (compared with 460 at 30 June 2020), of whom 69 work in eSafety. Comparative staffing details are in Appendix 2 of this report.

On 17 December 2020, the *ACMA Enterprise Agreement 2020–23* came into effect, which sets out the terms and conditions of employment for all non-SES employees. Salary ranges available under the ACMA enterprise agreement are in Appendix 2 of this report.

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 18 SES employees within the ACMA, 3 of whom are assigned to the Office of 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.

At 30 June 2021, 24 employees (21 ACMA, 3 eSafety) at the APS levels 5 and 6, Executive Level 1 (EL 1) or Executive Level 2 (EL 2) had individual flexibility arrangements for additional salary, retention bonuses, or non-salary benefits. The highest salaries after these additional increases were applied were EL 2 maximums of \$174,586 per annum (ACMA) and \$209,382 per annum (eSafety). The EL 1 salary maximum increase was to \$125,142 per annum (ACMA). The maximum retention bonus was \$5,000 per annum (ACMA).

Performance payments

The new enterprise agreement removed the performance bonus system for Executive Level 2 employees. The ACMA did not make any performance payments during 2020–21.

Workforce planning

During 2020–21, we launched our inaugural *People Strategy 2021–24*. The strategy connects the ACMA's vision and mission to staff initiatives that support the agency to retain and grow an agile and responsive workforce. It is closely aligned to the APS Workforce Strategy and outlines the ACMA's commitment to workforce planning.

Entry-level programs

Our Graduate Program continued this year. Graduates took part in the Australian Public Service Commission's (APSC) Graduate Development Program, which aims to develop skills and capabilities to better enable them to contribute to a high-performing APS. The graduates also develop and learn through 2 rotations in the agency, providing them with exposure to different specialised functions in the ACMA.

We now participate in whole-of-government graduate recruitment streams for our annual program, ceasing the recruitment of graduates through an ACMA-specific campaign. We are also a contributing member in the Australian Government Graduate Recruitment Community of Practice.

The Technical Trainee Program is an entry-level program for people who have completed an advanced diploma of electronics and communications (or equivalent). In February 2021, we recruited our second trainee to assist in capability development and succession management in our Field Operations team.

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 in the workplace by encouraging our EL 1s and EL 2s to participate in the Jawun APS Secondment Program, where staff spend 6 weeks with a First Nations organisation. We also celebrated National Reconciliation Week (27 May – 3 June).

Disability reporting

The *National Disability Strategy 2010–2020* sets out a 10-year national policy framework to improve the lives of people with a disability, promoting participation and creating a more inclusive society. A high-level 2-yearly report will track progress against each of the 6 outcome areas of the strategy and present a picture of how people with disabilities are faring. Further information can be found on the Department of Social Services' website at dss.gov.au.

At the Disability Reform Ministers' meeting on 4 December 2020, disability ministers endorsed the Statement of Continued Commitment to the *National Disability Strategy 2010-2020*. The statement confirms federal, state, territory and local government commitment to the current strategy while a new disability strategy is being finalised.

Ethical standards

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

Each year, employees are required to undertake refresher training on important ethical responsibilities. In 2020–21, 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.

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
- > developing track and trace contingency plans and reports so we are aware of the location of our staff at all times
- > 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:

- > activities and information during 'wellbeing month'
- > reimbursement for flu vaccinations
- > 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:

- > facilitated Comcare's initial assessment of the ACMA's work health and management system and collaborated with Comcare to develop a corrective action plan to improve the ACMA's work health and safety management system
- > 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

To enhance leadership capability across the ACMA, a leadership development program was implemented as part of a wider leadership development framework. The first program delivered in early 2020 was 'Managing Corporate Responsibilities'. This was followed by 2 leadership programs, 'Leading High Performing Teams' for EL 1 employees, and 'Leading Excellence' for EL 2 employees.

These programs were delivered using a combination of virtual and face-to-face sessions. As at 30 June 2020, most of the Executive Level cohort had completed these programs; the final sessions will be

delivered in July and August 2021. Additionally, several virtual learning programs covering management and leadership were delivered to support employees working remotely through the pandemic.

The ACMA's net expenditure in 2020–21 for employee learning and development was \$549,690 (excluding GST). This figure encompasses both eSafety and ACMA employees and includes staff attendance at general training, conferences and seminars, study assistance and the leadership development programs. Staff attended a range of learning and development activities, from public service writing courses to industry-related conferences.

During the year, 16 employees were supported under our studies assistance program, undertaking tertiary qualifications in specialised fields such as law, business, social work and information technology.

Enterprise agreement

The *ACMA Enterprise Agreement 2020–23* sets out the terms and conditions of employment for non-SES employees. It came into effect on 17 December 2020 and has a nominal expiry date of 16 December 2023.

Non-salary benefits for non-SES employees may include a free, confidential employee assistance program for employees and their immediate family, airline club membership for frequent travellers, studies assistance, reimbursement of relevant professional association membership fees, some costs associated with vacation childcare, loss or damage to clothing or personal effects, and annual flu immunisation costs.

Consultation and workplace relations

Staff consultative forums are established under the ACMA enterprise agreement.

The National Work Health and Safety Committee provides a consultative forum to consider issues that need to be addressed at an organisational level (see *Health and safety* on p. 90).

The National Consultative Forum (NCF) deals primarily with the key strategic and change issues that affect the ACMA. Convened by the ACMA Chair, it 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 82% for the 2020 census.

Financial management

The ACMA's financial management activities ensure that we appropriately resource our key activities. During 2020–21, our reporting frameworks improved access to, and the 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 the finance law were reported to the Minister for Communications, Urban Infrastructure, Cities and the Arts or the Minister for Finance during the reporting period.

Key achievements during the year included:

- > ensuring alignment between financial budgeting and reporting with the agency's performance planning and reporting framework
- > providing tailored finance support to budget delegates through a maturing finance manager function and the continuation of finance specific training under the Managing Corporate Responsibilities program
- > further improving accessibility to the financial management information system while laying the foundations for future procurement process automation and improvement.

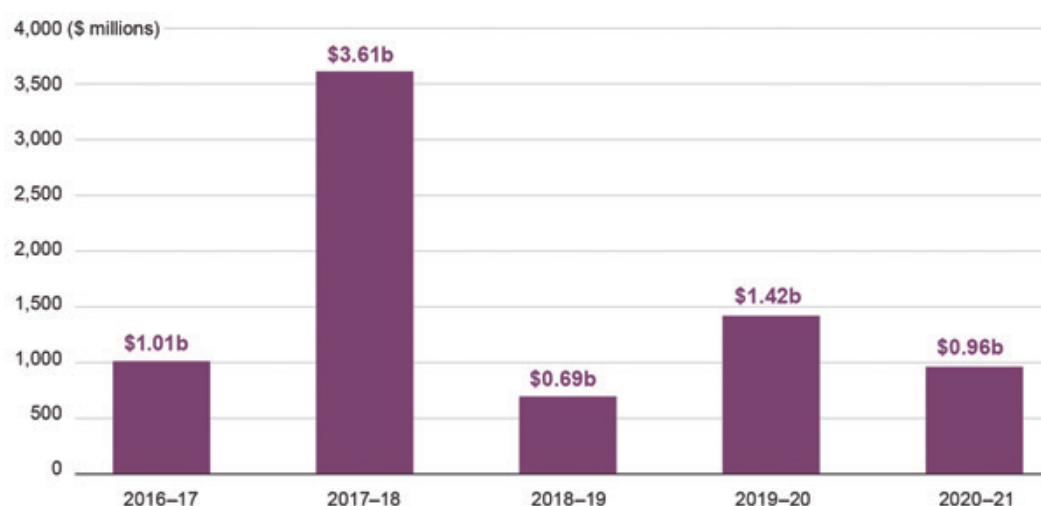
The ACMA's financial statements for 2020–21 were prepared in accordance with section 42 of the PGPA Act. The Australian National Audit Office is given full access to all records and premises to enable it to perform its role and issued an unmodified audit opinion on the ACMA's 2020–21 financial statements and notes (see Appendix 14 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 non-regular income from spectrum auctions. All administered income collected by the ACMA, including cost recovery, is returned to the government's Consolidated Revenue Fund.

In 2020–21, we administered \$957.8 million in income (2019–20: \$1,415.2 million) (see Figure 4 below). The current year income includes \$324.8 million for the first-time recognition of RBS charges. The prior year revenue included \$852.9 million in proceeds for the 3.6 GHz spectrum access licences recognised as a gain in 2019–20, which did not reoccur in 2020–21.

Figure 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 1.16 lists these revenue items administered on behalf of government.

Table 1.16: Resource taxes and charges

Description	Revenue in 2020–21 (\$m)	Revenue in 2019–20 (\$m)
Regional Broadband Scheme charge	324.8	0.0
Telecommunication Industry Levy	244.1	261.9
Apparatus licence tax	258.1	149.6
Commercial broadcast tax	13.5	37.0
Annual numbering charge	60.0	60.0
Other taxes and charges	18.8	0.0
Total taxes	919.3	508.5

Regional Broadband Scheme

The Regional Broadband Scheme (RBS) was established to ensure there are long-term sustainable funding arrangements in place to provide essential broadband services to regional, rural and remote Australians. Under the RBS, a carrier or declared nominated carrier is required to pay \$7.10 per month for each eligible premise on their telecommunication network that has an active fixed line that provides a designated broadband service. Carriers with less than 2,000 premises in a month are exempt from paying the charge for that month.

From 1 January 2021, carriers and nominated declared carriers that own, or are responsible for, local access lines that are capable of providing NBN comparable designated broadband services will be required to track the number of premises that are connected to each local access line. This information will be reported to the ACMA by 31 October each year to allow the ACMA to make a written assessment setting out the RBS charge for each carrier.

In 2020–21, the ACMA recognised the revenue related to the RBS charge to NBN Co based on an estimate of their eligible premises from 1 January 2021, however, additional charges will be made to other carriers on completion of the assessment of their reported connections.

Telecommunications Industry Levy

The Telecommunications Industry Levy (TIL) is imposed under 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 Department.

The secretary of the Department establishes the overall levy target each year. The total levy is allocated to participating carriers 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 timing of licence renewal payments impacts the amount of apparatus licence tax revenue recognised in any given year. For example, the public mobile telecommunications service apparatus licence was paid twice in 2020–21. 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.

Throughout 2020–21, the ACMA made changes to apparatus licence taxes to account for changes in inflation, the funding of EME research arrangements and the implementation of the Spectrum Pricing Review. Information about these amendments can be found in the Annual Performance Statement. We expect to undertake further work associated with the implementation of the Spectrum Pricing Review in 2021–22. Details of the apparatus licence taxes and charging arrangements are in the *Apparatus licence fee schedule, July 2021*, available on the ACMA website.

Commercial broadcast 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 minister made the Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2020, which applied for a 12-month period from 14 February 2020. This entitled commercial broadcasters to a rebate for the majority of commercial broadcasting transmitter licence taxes imposed. This contributed to the reduced amount of commercial broadcasting transmitter licence tax collected by the ACMA in 2020–21.

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 2020–21 was 11 April 2021.

In 2020–21, the base number charge for a 10-digit number was \$0.6083784172. Using the opportunity-cost methodology applied in previous years, 9-digit numbers were charged at \$6.083784172, 8-digit numbers at \$60.83784172 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 first 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). These transactions did not occur in the 2019–20 financial year.

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 1.17.

Table 1.17: Cost recovery charges

Description	Revenue in 2020–21 (\$m)	Revenue in 2019–20 (\$m)
Annual Carrier Licence Charge	30.5	31.1
Other cost recovery	4.6	8.4
Total charges	35.1	39.5

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 Australian Competition and Consumer Commission (ACCC) and the Department for regulating the

telecommunications industry. The total charge is allocated using the same eligible revenue assessments utilised for the TIL.

In 2020–21, other cost recovery charges (\$4.6 million) noted in Table 1.17, mainly comprised \$1.9 million for the direct costs of operating the Do Not Call Register, \$0.9 million recovered on behalf of the Postal Industry Ombudsman, \$1.5 million for smart numbers and \$0.3 million for other fee for service items.

Other administered revenue

The revenue identified in Table 1.18 mainly consists of fees and fines that primarily relate to infringement notices issued following investigations conducted by the ACMA. Our investigation and enforcement activities are discussed in the Annual Performance Statement.

Table 1.18: Other administered revenue

Description	Revenue in 2020–21 (\$m)	Revenue in 2019–20 (\$m)
Unwinding of discount	0.0	2.5
Fines and penalties	2.9	2.0
Total charges	2.9	4.5

Administered gains

The prior year gains identified in Table 1.19 mainly consisted of income related to the proceeds from the sale of 3.6 GHz spectrum access licences recognised as a gain under AASB 138 *Intangible Assets*, and subsequently as a finance lease under AASB 16 *Leases*. There were no proceeds from spectrum auctions recognised in 2020–21.

Table 1.19: Administered gains

Description	Gain in 2020–21 (\$m)	Gain in 2019–20 (\$m)
Resources received free of charge (spectrum licences)	0.0	852.9
Reversal of write-downs and impairment	0.5	9.9
Total charges	0.5	862.8

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 continued to enhance our procurement and contract management capability by conducting staff training as part of a broader Managing Corporate Responsibilities program. Additionally, ongoing revisions were made to our resource materials to accommodate legislative changes in Commonwealth procurement policy. The ACMA met the requirements of the CPRs for all procurements.

During 2020–21, the ACMA and eSafety incurred a total consultancy contract expenditure of \$3,183,638 and a total non-consultancy expenditure of \$35,934,783. Organisations that received the 5 largest shares

and organisations that received more than 5% of the total expenditure for each category of contract for the ACMA and eSafety are shown in tables 1.23 and 1.26.

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. The majority of consultants were engaged following an open approach to market and use of panel arrangements. The main categories for consultancies in 2020–21 were legal advice and research.

During 2020–21, 36 new reportable consultancy contracts were entered into for ACMA and eSafety, involving total actual expenditure of \$1,277,654 (Table 1.20). In addition, 29 ongoing reportable consultancy contracts were active during the period for ACMA and eSafety, involving total actual expenditure of \$1,905,984 (Table 1.21).

Table 1.20: Number and expenditure on new consultancy contracts, 2020–21

	Number	Expenditure \$ (GST inc.)
ACMA	19	696,660
eSafety	17	580,994
Total	36	1,277,654

This table includes both administered and departmental expenditure on contractors.

Table 1.21: Number and expenditure on ongoing consultancy contracts, 2020–21

	Number	Expenditure \$ (GST inc.)
ACMA	20	1,594,366
eSafety	9	311,617
Total	29	1,905,984

This table includes both administered and departmental expenditure on contractors.

Table 1.22: Total expenditure on consultancy contracts, 2018–19 to 2020–21

Year	New consultancies	Continued consultancies
2018–19	\$1,784,768*	\$1,942,089
2019–20	\$1,734,334	\$1,835,249
2020–21	\$1,277,654	\$1,905,984

** This figure has been restated from that published in the Annual report 2018–19 to remove duplicated consultancy expenditure.*

Table 1.23: Organisations receiving a share of reportable consultancy contract expenditure, 2020–21

Name of organisation*	Expenditure \$ (GST inc.)
ACMA	
Australian Government Solicitor (ABN 69 405 937 639)	827,955
Synergy Group Australia Ltd (ABN 65 119 369 827)	292,705
RSM Australia Pty Ltd (ABN 65 319 382 479)	191,785
Marketwise Solutions Pty Ltd (ABN 75 166 481 401)	160,490
Engine ASIA Pacific (ABN 39 126 100 276)	150,751
eSafety	
Australian National University (ABN 52 234 063 906)	109,306
IB.Creative (ABN 86 124 578 141)	88,000
Whereto Research Based Consulting P/L (ABN 65 605 178 603)	79,970
Queensland University of Technology (ABN 83 791 724 622)	61 353
Australian Government Solicitor (ABN 69 405 937 639)	46,319
Deakin University (ABN 56 721 584 203)	44,000

*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 2020–21, 103 new reportable non-consultant contracts were entered into for the ACMA and eSafety involving total actual expenditure of \$8,391,414. In addition, 106 ongoing reportable non-consultant contracts were active during the period for the ACMA and eSafety, involving total actual expenditure of \$27,543,369.

Table 1.24: Number and expenditure on new non-consultancy contracts, 2020–21

	Number	Expenditure \$ (GST inc.)
ACMA	61	5,527,204
eSafety	42	2,864,210
Total	103	8,391,414

This table includes both administered and departmental expenditure on contractors.

Table 1.25: Number and expenditure on ongoing non-consultancy contracts, 2020–21

	Number	Expenditure \$ (GST inc.)
ACMA	55	18,283,723
eSafety	51	9,259,646
Total	106	27,543,369

This table includes both administered and departmental expenditure on contractors.

Table 1.26: Organisations receiving a share of reportable non-consultancy contract expenditure, 2020–21

Name of organisation*	Expenditure \$ (GST inc.)
ACMA	
IVE Group Australia Pty Ltd (ABN 29 090 618 278)	3,252,770
Power Auctions LLC (ABN 29 296 829 580)	3,162,630
LS Telcom (ABN 31 634 294 732)	1,843,545
Zoak Pty Ltd (ABN 68 161 531 880)	1,607,284
Hays Personnel Services (Australia) Pty Ltd (ABN 47 001 407 281)	1,599,098
Data #3 Limited (ABN 31 010 545 267)	1,259,443
eSafety	
Talent International (ACT) Pty Ltd (ABN 95 121 819 305)	3,382,724
Hays Personnel Services (Australia) Pty Ltd (ABN 47 001 407 281)	1,833,356
Servegate Australia Pty Ltd (ABN 56 609 386 156)	1,279,384
Modis Staffing Pty Ltd (ABN 14 007 145 637)	735,019
Hitech Personnel (ABN 41 062 067 878)	673,108

**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 1.27: Total expenditure on contractors, 2018–19 to 2020–21

Year	ACMA \$ (GST inc.)	eSafety \$ (GST inc.)	Total
2018–19	\$4,929,890	\$6,959,270	\$11,889,160
2019–20	\$5,031,149	\$8,543,431	\$13,574,580
2020–21	\$5,209,741	\$10,432,167	\$15,641,908

This table includes both administered and departmental expenditure on contractors.

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 recognise 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.

During 2020–21, we became an e-invoicing-enabled entity under the internationally established Peppol standard. With electronic invoicing, there is no longer a need for businesses that provide goods or services to the ACMA to generate paper-based or PDF invoices that need to be printed, posted or emailed. Utilising this standard for invoices significantly reduces the time it takes the ACMA to pay invoices to 5 days and ensures timely cashflow to suppliers.

Our procurement practices support SMEs, consistent with paragraph 5.5 to 5.7 of the CPRs by adopting initiatives or 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 2020–21 is available at grants.gov.au and in Appendix 7 of this report.

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 being 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 2020–21, the ACMA had a total value of \$89.7 million in net non-financial assets (excluding pre-payments).

Property management

The ACMA's property portfolio includes leased, licensed and Commonwealth-owned premises, ranging from office accommodation in the major capital cities to small radio monitoring sites at remote locations. Despite the impact of COVID-19, 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
- > relinquishing sites surplus to our operational needs.

Ecologically sustainable development and environmental performance

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

In 2020–21, 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 of documents
- > 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.
- > the integration of energy-efficiency practices into the ACMA allows us to reduce our energy costs and decrease the overall consumption of resources.

We also encouraged staff participation in Earth Hour 2021 by switching off non-essential building lights, terminals, monitors and office equipment at all of our properties around Australia.

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.

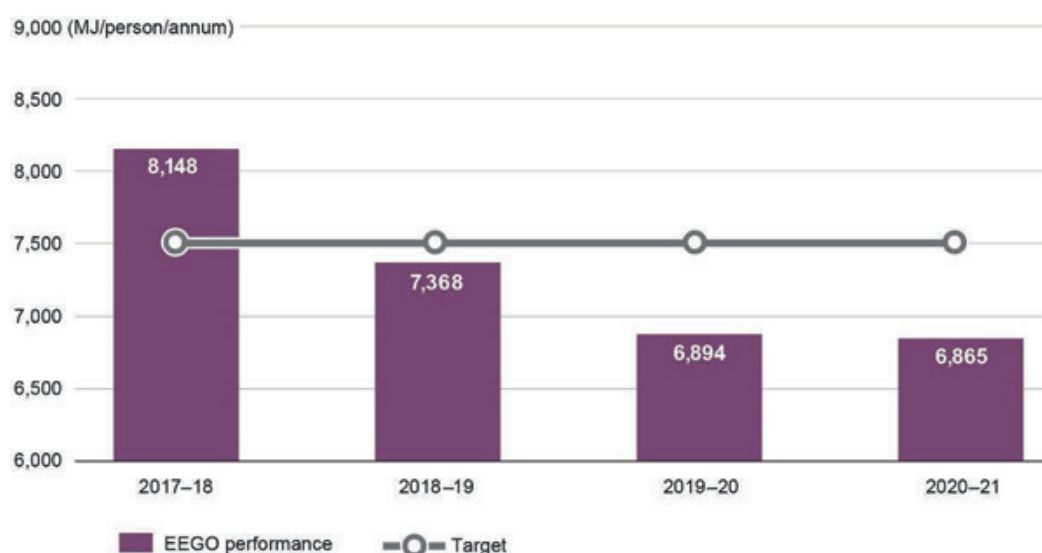
As part of our strategic accommodation planning, we undertake to meet the requirements of the Green Lease Schedule. This provides that for tenancies of greater than 2,000 m² and with a lease term greater than 2 years, the accommodation will meet:

- > 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 2020–21, we continued to meet this target, using 6,865 MJ per person, per annum.

Figure 5: ACMA electricity consumption



Vehicle fleet management

In 2020–21, we operated 14 vehicles, which travelled a total of 195,500 kilometres, resulting in an energy consumption of approximately 4.39MJ/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. In 2020–21, we generated some 17,000 kg of paper waste, all of which was recycled. 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 2020–21, 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 the following services:

- > finance and accounting
- > procurement and contract management
- > accommodation, physical security and facilities
- > human resource management
- > information and communications technology
- > legal 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.

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 Office of the eSafety Commissioner can be found on p. 231 in *Part 2: Office of the eSafety Commissioner annual report 2020–21*.

Sunsetting

During 2020–21, we continued the work that flows from the 'sunsetting' regime in the *Legislation Act 2003* (LA). Under the sunset provisions of the LA, 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, 8 instruments were due to sunset. Of those, we revoked and replaced 2 instruments before the instrument's sunset date, and 2 instruments were automatically repealed. The sunset dates for 3 instruments were deferred to 1 April 2023 and the sunset date for one instrument was deferred to 1 October 2023.

Directions and instruments

Section 57 of the *Australian Communications and Media Authority Act 2005* (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 for Communications, Urban Infrastructure, Cities and the Arts 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 2020 and 30 June 2021, the ACMA was given one direction by the Minister under section 14 of the ACMA Act. The Radiocommunications (Spectrum Access Charges – 26 GHz Band) Direction 2020 (F2020L01333) was made on 19 October 2020 and registered on 21 October 2020.

An additional direction, the Australian Communications and Media Authority (Community Television) Direction 2020 (F2020L00847) was given to the ACMA on 30 June 2020 and was repealed on 30 June 2021.

Copies of both directions can be accessed on the Federal Register of Legislation at [legislation.gov.au](https://www.legislation.gov.au).

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

Ministerial policy statements

Section 57 of the *Australian Communications and Media Authority Act 2005* requires that the ACMA provide a summary outline of any relevant Ministerial policy statements issued that we have had regard to when performing our spectrum management functions and exercising our spectrum management powers. No statements were given by the Minister during the relevant period (from the commencement of the Modernisation Act on 17 June 2021 to 30 June 2021).

Regulatory impact analysis compliance report

The Office of Best Practice Regulation manages and monitors regulatory impact analysis requirements and is required to report annually on regulatory impact compliance by Australian Government departments and agencies.

In 2020–21, the ACMA undertook 27 preliminary assessments and 4 regulatory impact statements, including one independent review for regulations to be made or tabled. This represents an increase from the prior reporting period where we undertook 23 preliminary assessments, 2 independent reviews and one regulatory impact statement.

Regulator Performance Framework

As a regulator, the ACMA measures and assesses its regulatory performance against the key performance indicators provided in the Regulator Performance Framework (RPF). The RPF aims to encourage regulators to be more effective and efficient. As part of the government's work to lift regulator performance, capability and culture, revised expectations for regulator performance and reporting have been released and will be effective from 1 July 2021.⁷

The ACMA's reporting on 2020–21 will be our sixth and final performance assessment under the RPF. Future reporting of our regulator performance will occur under the refreshed expectations detailed in the Regulator Performance Guide.

⁷ The new Regulator Performance Guide can be found at <https://deregulation.pmc.gov.au/priorities/regulator-best-practice-and-performance>.

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Appendix 1: Committees, memberships and attendance at meetings

Authority meetings

During 2020–21, the Authority met 46 times.

Table 1.28: Attendance by members at Authority meetings, 2020–21

Authority member	No. of meetings attended
Nerida O'Loughlin, Chair	44
Creina Chapman, Deputy Chair and CEO	43
Chris Jose	41
Fiona Cameron	41
James Cameron	43
Anita Jacoby (Associate Member)	21
Cristina Cifuentes (Associate Member)*	1
Delia Rickard (Associate Member)	8
Anna Brakey (Associate Member)**	3

*Associate Member Cristina Cifuentes' appointment ceased with effect from 3 July 2020.

**Associate Member Anna Brakey was appointed on 6 May 2021.

For more details about the Authority, refer to p. 13.

Executive Management Committee meetings

During 2020–21, the EMC met 21 times.

Table 1.29: Attendance at Executive Management Committee meetings, 2020–21

Member of Executive Management Committee	No. of meetings attended
Nerida O'Loughlin, Chair	20
Creina Chapman, Deputy Chair and CEO	20
Brendan Byrne, General Manager, Legal Services Division	20
Linda Caruso, General Manager, Communications Infrastructure Division	21
Helen Owens, General Manager, Corporate and Research Division	19
Cathy Rainsford, General Manager, Content and Consumer Division	19

Audit and Risk Committee

In its capacity as an advisory committee to the ACMA Chair, the Audit and Risk Committee met 5 times in 2020–21.

Audit and Risk Committee members employed by the ACMA provide insight to the ACMA's business operations. Internal members are appointed for a 2-year term.

Table 1.30: Audit and Risk Committee

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended / total number of meetings	Total annual remuneration \$ (GST inc.)
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	5 / 5	12,930
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	11,000
Allan Major	Public sector experience including former Executive Manager of Finance and Facilities Branch of the ACMA and audit committee member. M. Comm (Professional Accounting)	5 / 5	0
Patrick Belton	Communications and media law experience, government and administrative law, corporate and commercial law, Commonwealth performance and procurement frameworks and Commonwealth projects. LLB (Hons), BSc (Hons)	5 / 5	0

The Audit Committee charter is available on the ACMA website at www.acma.gov.au/compulsory-reporting#audit-risk-and-committee-charter.

ACMA advisory and consultative bodies

Consumer Consultative Forum (CCF)

Chair

- > Fiona Cameron, Authority Member, Australian Communications and Media Authority

Consumer representatives

- > Standing member: Australian Communications Consumer Action Network

The following consumer representatives were appointed for a 3-year term in September 2018:

- > Consumer Policy Research Centre
- > Country Women's Association
- > Deaf Australia
- > Federation of Ethnic Communities' Council of Australia
- > Legal Aid NSW
- > NSW Business Chamber
- > South Australian Council of Social Services
- > WEstjustice

Representatives from industry bodies

- > Australian Mobile Telecommunications Association
- > Communications Alliance

Regulatory and government 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, Australian Communications and Media Authority

Consumer representatives

- > Australian Communications Consumer Action Network

Representatives from industry bodies

- > AAPT Ltd (now a TPG Telecom group company)
- > Australian Phone Word Association Ltd
- > Communications Alliance
- > MyNetFone Ltd
- > SingTel Optus Pty Ltd
- > Telstra Corporation Ltd
- > Vodafone Hutchison Australia Pty Ltd (now known as TPG Telecom following merger on 29 June 2020)

Regulatory and government representatives

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

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 1.31: All ongoing employees – current 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	19	88	-	-	-	131
Qld	3	-	3	2	-	2	-	-	-	5
SA	-	-	-	-	-	-	-	-	-	-
Tas.	1	-	1	-	-	-	-	-	-	1
Vic.	75	1	76	56	20	76	1		1	153
WA	-	-	-	-	-	-	-	-	-	-
ACT	70	3	73	57	15	72	-	-	-	145
NT	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-
Total	189	7	196	184	54	238	1	-	1	435

Table 1.32: All ongoing employees – previous report period (2019–20)

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	42	2	44	64	17	81	-	-	-	125
Qld	5	-	5	2	1	3	-	-	-	8
SA	-	-	-	-	-	-	-	-	-	-
Tas.	1	-	1	-	-	-	-	-	-	1
Vic.	78	2	80	62	22	84	-	-	-	164
WA	-	-	-	-	-	-	-	-	-	-
ACT	66	2	68	56	13	69	-	-	-	137
NT	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-
Total	192	6	198	184	53	237	0	0	0	435

Table 1.33: All non-ongoing employees – current 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	-	-	-	-	-	-	-	-	-	-
SA	-	-	-	-	-	-	-	-	-	-
Tas.	-	-	-	-	-	-	-	-	-	-
Vic.	2		2	2		2	-	-	-	4
WA	-	-	-	-	-	-	-	-	-	-
ACT	-	-	-	4	1	5	-	-	-	5
NT	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-
Total	5	-	5	7	1	8	-	-	-	13

Table 1.34: All non-ongoing employees – previous report period (2019–20)

Location	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	1	-	1	1	2	3	-	-	-	4
Qld	1	-	1	-	-	-	-	-	-	1
SA	-	-	-	-	-	-	-	-	-	-
Tas.	-	-	-	-	-	-	-	-	-	-
Vic.	5	-	5	4	1	5	-	-	-	10
WA	-	-	-	-	-	-	-	-	-	-
ACT	3	-	3	6	1	7	-	-	-	10
NT	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-
Total	10	-	10	11	4	15	-	-	-	25

Australian Public Service (APS) classification and gender

Table 1.35: Public Service Act ongoing employees – current 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	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	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-
Other*	4		4	3		3	-	-	-	7
Total	189	7	196	184	54	238	1	-	1	435

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

Table 1.36: Public Service Act ongoing employees – previous report period (2019–20)

Classification	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-
SES 2	1	-	1	4	-	4	-	-	-	5
SES 1	8	-	8	4	-	4	-	-	-	12
EL 2	30	-	30	34	1	35	-	-	-	65
EL 1	76	4	80	61	28	89	-	-	-	169
APS 6	46	2	48	48	20	68	-	-	-	116
APS 5	21	-	21	17	2	19	-	-	-	40
APS 4	5	-	5	12	1	13	-	-	-	18
APS 3	1	-	1	1	1	2	-	-	-	3
APS 2	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-
Other*	4	-	4	3	-	3	-	-	-	7
Total	192	6	198	184	53	237	-	-	-	435

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

Table 1.37: Public Service Act non-ongoing employees – current 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	-	-	-	-	-	-	-	-	-	-
Total	5	-	5	7	1	8	-	-	-	13

Table 1.38: Public Service Act non-ongoing employees – previous report period (2019-20)

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	1	-	1	4	2	6	-	-	-	7
APS 6	7	-	7	3	2	5	-	-	-	12
APS 5	1	-	1	1	-	1	-	-	-	2
APS 4	1	-	1	2	-	2	-	-	-	3
APS 3	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total	10	-	10	11	4	15	-	-	-	25

Employment type by full-time and part-time status

Table 1.39: Public Service Act employees by full-time and part-time status – current 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
Total	374	61	435	12	1	13	448

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

Table 1.40: Public Service Act employees by full-time and part-time status – previous report period (2019–20)

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	1	65	1	-	1	66
EL 1	137	32	169	5	2	7	176
APS 6	94	22	116	10	2	12	128
APS 5	38	2	40	2	-	2	42
APS 4	17	1	18	3	-	3	21
APS 3	2	1	3	-	-	-	3
APS 2	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-
Other*	7	-	7	-	-	-	7
Total	376	59	435	21	4	25	460

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

Table 1.41: Public Service Act employment type by location – current reporting period (2020–21)

Location	Ongoing	Non-ongoing	Total
NSW	131	4	135
QLD	5	-	5
SA	-	-	-
Tas.	1	-	1
Vic.	153	4	157
WA	-	-	-
ACT	145	5	150
NT	-	-	-
Overseas	-	-	-
Total	435	13	448

Table 1.42: Public Service Act employment type by location – previous reporting period (2019–20)

Location	Ongoing	Non-ongoing	Total
NSW	125	4	129
QLD	8	1	9
SA	-	-	-
Tas.	1	-	1
Vic.	164	10	174
WA	-	-	-
ACT	137	10	147
NT	-	-	-
Overseas	-	-	-
Total	435	25	460

Table 1.43: Public Service Act Indigenous employment – current report period (2020–21)

	Total
Ongoing	2
Non-ongoing	-
Total	2

Table 1.44: Public Service Act Indigenous employment – previous report period (2019–20)

	Total
Ongoing	4
Non-ongoing	-
Total	4

Arrangements of SES and non-SES employees

Table 1.45: Public Service Act employment arrangements – current report period (2020–21)

	SES	Non-SES	Total
ACMA Enterprise Agreement 2017–2020	-	431	431
Section 24(1) Determination	17	-	17
Total	17	431	448

Salary ranges by classification level

Table 1.46: Public Service Act employment salary ranges by classification level (minimum/maximum) – current report period (2020–21)

	Minimum salary	Maximum salary
SES 3	-	-
SES 2	277,153	284,653
SES 1	209,382	224,413
EL 2	122,689	148,544*
EL 1	101,414	125,907^
APS 6	83,463	94,255
APS 5	75,726	81,762
APS 4	67,962	73,874
APS 3	60,678	65,985
APS 2	53,394	58,898
APS 1	47,499	52,347

* 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 1.47: Remuneration for key management personnel

Name	Position title	Short-term benefits (\$)		Post-employment benefits (\$)	Long-term benefits (\$)		Termination benefits (\$)	Total remuneration (\$)
		Base salary	Bonuses		Superannuation contributions	Long service leave		
Nerida O'Loughlin	Chair	503,566	-	-	73,215	12,319	-	589,100
Creina Chapman	Deputy Chair	373,331	-	4,331	57,268	9,192	-	444,122
Julie Inman Grant	eSafety Commissioner	344,631	-	-	25,096	8,352	-	378,079
Brendan Byrne	General Manager	277,257	-	-	42,709	6,905	-	326,871
Linda Caruso	General Manager	289,068	-	-	52,305	6,905	-	348,278
Helen Owens	General Manager	278,745	-	-	52,305	6,905	-	337,955
Cathy Rainsford	General Manager	275,345	-	-	48,834	6,905	-	331,084
Rebecca Razavi	General Manager	314,113	-	-	43,223	7,590	-	364,926

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 1.48: 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 & allowances		Average long service leave	Average other long-term benefits		
\$0 to \$220,000	2	11,260	-	-	32,748	3,671	-	-	47,679
\$220,001 to \$245,000	2	171,555	1,108	28,881	36,172	5,216	-	-	242,932
\$245,001 to \$270,000	5	217,554	-	-	35,527	5,478	-	-	258,559
\$270,001 to \$295,000	5	227,655	-	2,929	42,184	5,577	-	-	278,345

Notes

- > This table includes officers employed 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. The average bonus in the table above reflects a bonus paid to an EL 2 officer while acting in an SES role in 2020–21. This bonus related to 2019–20 performance when this officer was a substantive EL 2.
- > 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.

Table 1.49: Information about remuneration for other highly paid staff

Total remuneration bands	Number of other highly paid staff	Short-term benefits (\$)			Post-employment benefits (\$)	Long-term benefits (\$)		Termination benefits (\$)	Total remuneration (\$)
		Average base salary	Average bonuses	Average other benefits & allowances		Average long service leave	Average other long-term benefits		
\$245,001 to \$270,000	2	145,521	5,232	2,357	27,976	3,733	-	65,947	250,765

Notes

- > Base salary includes wages, 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.

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.

Investigations by the ACMA

Table 1.50 reports on the number and types of complaints made to the ACMA under Part 26 of the *Telecommunications Act 1997* and details of the subsequent investigations conducted from 1 July 2020 to 30 June 2021. Note that a single investigation can concern multiple complaints.

Table 1.50: Investigations conducted and enforcement outcomes

Entity/Entity type	Substance of complaint	Investigation outcome	Enforcement action
Spam Act 2003			
Telco First Pty Ltd (formerly Lead My Way Pty Ltd)	Sending marketing SMS without consent, without accurate sender information 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 17(1) – sending or causing to be sent, commercial electronic messages that did not clearly and accurately identify the sender or did not include accurate information about how the recipient can readily contact the organisation. Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	\$79,800 infringement notice Enforceable undertaking
Kogan Australia Pty Ltd	Sending marketing emails without a functional unsubscribe facility	Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	\$310,800 infringement notice Enforceable undertaking
Kalkine Media 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.	\$100,800 infringement notice Enforceable undertaking
Ooh Ahh Productions (trading as Rainbow Flag) 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.	Formal warning
IPF Digital Australia (trading as Credit24) 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.	Formal warning
Lastminuteloan.com.au Pty Ltd	Sending marketing emails and 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.	Formal warning

Entity/Entity type	Substance of complaint	Investigation outcome	Enforcement action
Financial services provider	Sending marketing emails without consent	No breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent	n/a
Online retailer	Sending marketing emails without a functional unsubscribe facility	No breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	n/a
Online retailer	Sending marketing emails without a functional unsubscribe facility	No breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	n/a

A total of 9 investigations were conducted under the *Telecommunications Act 1997* from the 11,178 complaints received about alleged breaches of the *Spam Act 2003*.

Do Not Call Register Act 2006 (DNCR Act) and Telecommunications (Telemarketing and Research Calls) Industry Standard 2017

Seek the Deal Pty Ltd	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.	Enforceable undertaking
Kalkine Pty Limited	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.	\$251,400 infringement notice Enforceable undertaking
Salescorp Marketing Solutions Pty Ltd	Making telemarketing calls and not ending the call immediately when asked	Breach of section 128 of the <i>Telecommunications Act 1997</i> by failing to comply with paragraph 13(1) of the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 – 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.	Formal warning
Marketsolve Pty Ltd	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 Australia numbers registered on the DNCR without consent.	Formal warning
National Advice Service Pty Ltd	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.	Formal warning

Entity/Entity type	Substance of complaint	Investigation outcome	Enforcement action
Martin and Hunt Pty Ltd	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.	Formal warning
Chase Edwards and Associates Pty Ltd	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.	Formal warning
Financial services provider	Making telemarketing calls to numbers on the DNCR without consent	No 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.	n/a
Financial services provider	Making telemarketing calls to numbers on the DNCR without consent	No 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.	n/a
Financial services provider	Making telemarketing calls to numbers on the DNCR without consent Making telemarketing calls after 5 pm on a Saturday	No 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. No breach of section 128 of the Telecommunications Act by failing to comply with paragraph 8(1)(d) of the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 – making a telemarketing call after 5 pm on a Saturday.	n/a
Financial services provider	Making telemarketing calls to numbers on the DNCR without consent	No 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.	n/a
Solar products and services provider	Making telemarketing calls to numbers on the DNCR without consent	No 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.	n/a

Entity/Entity type	Substance of complaint	Investigation outcome	Enforcement action
Lead generator	Making telemarketing calls to numbers on the DNCR without consent Making telemarketing calls after 8.30 pm on a weekday	No 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. No breach of section 128 of the Telecommunications Act by failing to comply with paragraph 8(1)(b) of the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 – making a telemarketing call after 8.30 pm on a weekday.	n/a

A total of 14 investigations were conducted under the *Telecommunications Act 1997* from the 38,601 complaints received about alleged non-compliance with the *Do Not Call Register Act 2006* and the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017. Of those investigations, 7 resulted in the ACMA taking enforcement action, 6 resulted in a no breach finding, and one investigation was yet to be finalised.

Telecommunications Integrated Public Number Database Scheme 2017

Localsearch Operations Pty Ltd	Publishing a customer's unlisted telephone number in a phone directory	<p>Breach of subparagraph 3.12(9)(c)(i) – releasing a document containing unlisted number customer data.</p> <p>Breach of paragraph 3.12(9)(d) – did not securely destroy all the unlisted number customer data within 10 business days of being notified the number was unlisted.</p> <p>Breach of subparagraph 3.12(15)(a)(i) – did not advise complainant that if they were dissatisfied with the way in which the complaint was handled, the customer could make a complaint to the Information Commissioner.</p> <p>Breach of paragraph 3.12(15)(b) – did not provide the complainant contact details of the Information Commissioner.</p> <p>Breach of paragraph 3.12(21)(c) – failed to notify the ACMA in writing as soon as practicable after becoming aware that it had breached a relevant requirement.</p> <p>Breach of paragraph 3.12(21)(d) – failed to take all reasonable steps to minimise the effects of the issue as soon as practicable.</p>	Formal warning
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One investigation was conducted under the *Telecommunications Act 1997* from the one complaint received about alleged non-compliance with the Telecommunications Integrated Public Number Database Scheme 2017.

ACMA's operations on industry codes and industry standards

The following section includes information related to the ACMA's operation of Part 6 of the *Telecommunications Act 1997*. During 2020–21, one code was made by Communications Alliance (CA) and registered by the ACMA, one code was remade by CA and registered by the ACMA, one code was varied by CA and registered by the ACMA, and 3 industry standards were amended by the ACMA. Two service provider determinations were allowed to sunset during this period.

C661:2020 Reducing Scam Calls Industry Code

C661:2020 Reducing Scam Calls Industry Code was registered by the ACMA on 2 December 2020. The code requires carriers and carriage service providers to:

- > detect, trace and block scam calls
- > publish information to assist their customers to proactively manage and report scam calls
- > share information about scam calls with other carriers and carriage service providers, and report identified scam calls to authorities.

C536:2020 Emergency Call Service Requirements Industry Code

C536:2020 Emergency Call Service Requirements Industry Code – Revision was registered by the ACMA on 17 December 2020. The revision sought to align the code with the Telecommunications (Emergency Call Services) Determination 2019, which was made in the previous reporting period.

The code deals with how the emergency call service operates and requires carriers and carriage service providers to ensure:

- > people have access to the emergency call service in an emergency or where a response is required from an emergency service organisation
- > what carriers and carriage service providers need to do in relation to the emergency call service is clearly documented and understood
- > public understanding and appropriate use of the emergency call service is promoted
- > relevant parties communicate effectively where technical issues affect the operation of the emergency call service.

C637:2019 Mobile Premium Services (MPS) Code - Incorporating Variation No.1/2021

C637:2019 Mobile Premium Services (MPS) Code - Incorporating Variation No.1/2021 – Revision was registered on 31 March 2021.

The code requires CSPs to allow consumers to bar mobile premium services (MPS). Such a requirement previously existed in Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1) but applied only to MPS delivered by SMS and MMS. The requirement, as expressed in the MPS Code, applies to a broader range of MPS beyond that delivered by SMS and MMS.

Following a review of the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 1) and Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No. 2) (the MPS determinations), the MPS determinations were allowed to cease on their sunset date of 1 April 2021.

The MPS determinations regulated the supply of mobile premium services by carriage service providers. Mobile premium services include ringtones, games, music, chats, news, voting and entry to competitions.

Telecommunications (Consumer Complaints Handling) Industry Standard 2018***Telecommunications (NBN Consumer Information) Industry Standard 2018******Telecommunications (NBN Continuity of Service) Industry Standard 2018***

Amendments to these standards expanded the number of businesses protected by the rules, made the rules clearer and provided more flexibility for carriage service providers.

These instruments are intended to improve the experience of consumers moving services to the NBN, including by ensuring they are not left without a functioning service for extended periods and by setting minimum complaints-handling standards across industry.

The Telecommunications (Consumer Complaints Handling) Industry Standard 2018 sets out rules for carriage service providers to ensure that consumer complaints are handled in a professional, effective and efficient manner.

The Telecommunications (NBN Consumer Information) Industry Standard 2018 requires retail carriage service providers to provide information and advice to consumers to help them make informed decisions about NBN services before entering into a contract with the retail carriage service provider for the supply of those services.

The Telecommunications (NBN Continuity of Service) Industry Standard 2018 promotes the continuity of voice and broadband services for those consumers who are migrating, or attempting to migrate, from a legacy service to a service on the NBN.

The ACMA maintains a register of the industry codes and standards on our website at www.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 1.51 for 2020–21.

Table 1.51: Disclosures made under Part 13 of the Telecommunications Act – by carriers and CSPs

Reason for disclosure	(Sub)section	Number of disclosures, 2020–21
Authorised by or under law	280	4,360
Made as a witness under summons	281	54
To assist the ACMA	284(1)	1,263
To assist the eSafety Commissioner	284(1A)	369
To assist the ACCC	284(2)	14
To assist the TIO	284(3)	37,001
Calls to emergency service number	286	4,482
To avert a threat to a person's life or health	287	28,554
Communications for maritime purposes	288	6
With the knowledge or consent of the person concerned*	289	2,520,248,159,586
In circumstances prescribed in the Telecommunications Regulations 2001	292	0
Voluntary disclosure	177	39
Authorisations for access to existing information or documents – enforcement of the criminal law	178	537,773
Authorisations for access to existing information or documents – locating missing persons	178A	2,219
Authorisations for access to existing information or documents – enforcement of a law imposing pecuniary penalty or protection of the public revenue	179	631
Authorisations for access to prospective information or documents	180	226,721
Enforcement of the criminal law of a foreign country (existing information)	180A	106
Enforcement of the criminal law of a foreign country (prospective information)	180B	2
Total		2,520,249,003,180

** This is primarily due to a CSP disclosing anonymised customer data to one of its related companies, with the consent of those customers. The customer data is combined with other data sources to provide insights about population movements.*

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 2020–21, as reported to the ACMA under section 295ZC of the Telecommunications Act, are set out in Table 1.52.

Table 1.52: Disclosures made under Part 13 of the Telecommunications Act – by emergency management persons (EMP) for telephone-based emergency warning systems

Reason for disclosure	(Sub)section	Number of disclosures, 2020–21
Likely emergency	295V(1)	0
Actual emergency	295V(2)	0
Total		0

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 use of section 313(3) of the Telecommunications Act 1997 by government agencies 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 1.53 and 1.54 below.

Table 1.53: 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, 2020–21
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
Total number of disruption requests		11

Source: Government agencies.

Table 1.54: Online services blocked by agencies under section 313(3) of the Telecommunications Act

Reason for online services blocked under section 313(3)	(Sub)section	Number of services blocked, 2020–21
Enforcing the criminal law and laws imposing pecuniary penalties	313(3)(c)	206
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
Total number of online services blocked		206

Source: Government agencies.

Appendix 7: Regional and Small Publishers Innovation Fund

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

2020 Round of the Regional and Small Publishers Innovation Fund

In August 2020, the ACMA awarded 41 grants of financial assistance to grantees under the 2020 Round. In November 2020, the ACMA awarded funding to an additional 2 applicants. The additional funding was made possible after one grantee proposed that its funding be reduced during grant negotiations, as it was not able to complete the project in full due to COVID-19 restrictions. The ACMA executed grant agreements with 43 grantees in total. Advice about executed agreements was published on GrantConnect within 21 days of execution.

Table 1.55: Grants awarded by the ACMA during 2020–21 under the 2020 Round

Recipient name	Amount (excl. GST)	Purpose of grant
Macquarie Publishing Pty Ltd	\$260,000.00	To expand the reach and readership of the publications by engaging journalists and increasing the production of public interest journalism.
Newstate Media Pty Ltd	\$181,800.00	To expand news coverage through the development of cloud technology, purchase of hardware, engagement of a journalist and provision of training to existing staff.
Budsoar Pty Ltd T/As Koori Mail	\$214,024.00	To build on the capacity to deliver news by engaging Indigenous journalists and writers, developing the digital platform and upgrading computer systems.
Central Coast Newspapers Pty Ltd	\$253,000.00	To increase the sustainability and reach of the publication by developing a sales campaign, upgrading IT equipment, engaging a journalist and sales staff and providing training to existing staff.
Condobolin Argus Pty Ltd	\$60,980.59	To redevelop the website and increase content development, engage a social media regional news officer and provide training to staff.
Echo Publications Pty Ltd	\$36,200.00	To redevelop the website and advertising platform.
King Media Regional Pty Ltd.	\$99,600.00	To develop new content for a niche market by funding a consultant to assist existing journalists with content development and employing a full-time salesperson.
Monaro Media Group Pty Ltd	\$226,136.96	To purchase a digital publishing and technology package to develop a new website and content management system and engage a journalist and a salesperson.
Narrandera Argus Pty Ltd	\$88,411.00	To purchase a digital publishing and technology package to develop a new website and content management system and upgrade photographic equipment.
Newstate Media Newcastle Pty Ltd	\$132,711.00	To expand news coverage and advertising revenue, employ a journalist and sales specialist and conduct a comprehensive sales training program to transition to combined print and digital.
RenewEconomy Pty Ltd as trustee for Renew Economy Trust	\$224,822.00	To upgrade existing digital capabilities with new technology, purchase hardware and software and engage a digital consultant.

Recipient name	Amount (excl. GST)	Purpose of grant
Roundbox Media Pty Ltd	\$191,441.94	To upgrade existing websites, purchase hardware and software to improve digital presence, engage a journalist and advertising/sales.
Skymote Pty Ltd as Trustee for the Martin Family Trust	\$41,685.00	To update and upgrade the website, upskill staff and expand readership.
Warrumbungle Publications Pty Ltd trading as Coonabarabran Times	\$84,854.55	To establish an online local business directory to increase digital advertising revenue to fund the coverage of local news through the funding of an advertising coordinator, digital training and purchase of IT hardware.
Wavelength Group Pty Ltd	\$104,812.25	To expand a successful model of town-based online news via the funding of a journalist and sales staff.
Wilkie Watson Publications	\$130,981.55	To drive digital subscription and digital advertising by introducing a comprehensive multimedia advertising sales training and support program, and hiring a journalist.
Word & Pixel Perfection Pty Ltd	\$216,745.45	To fund the employment of new journalism positions and develop the website to provide local communities access to public interest journalism online.
Word Count Media Pty Ltd	\$42,768.00	To improve the local service delivery through the engagement of local journalists to investigate and deliver an increased volume of news articles.
Cassowary Coast Independent News Pty Ltd	\$139,220.00	To upgrade the website and expand coverage, add an online business directory, employ an online producer/journalist, purchase video and printing equipment and provide training to staff.
Kezkazwin Enterprises Pty Ltd	\$10,000.00	To increase delivery of public interest news and events for local communities employing editorial staff and develop the website.
Mac Group Publications Pty Ltd	\$24,734.90	To grow readership and create sustainable advertising revenue by developing a social media strategy and redeveloping the website.
OurNews Pty Ltd as trustee for The Rogers Family Trust	\$99,582.72	To develop a news website and online directory, undertake digital training, and purchase hardware to support the digital transition and ongoing production of great local stories to the communities.
Somerset Media Pty Ltd	\$175,000.00	To develop an online presence in the local community via the development of a new website and online directory.
The Trustee for Parkes-Brown Family Trust	\$108,200.00	To develop and implement a new website portal, digital content publishing and revenue generation platform to provide sustainability of the publication to continue to bring news to regional communities.
Solstice Media	\$155,875.00	To expand the production of public interest content and revenue by redeveloping the website, and engaging journalists to provide breaking news and investigative journalism.
The Royal Institution of Australia Incorporated	\$264,104.00	To increase audience and sustainable revenue through market research and digital strategy and resourcing journalists.

Recipient name	Amount (excl. GST)	Purpose of grant
Meander Valley Connect Inc. trading as Meander Valley Gazette	\$90,108.18	To improve and expand news reporting and advertising content for the local municipality, building on the capabilities of the current newspaper and website and capitalising on the lack of local news and issue journalism provided by larger local media outlets.
Propeller Media	\$73,089.90	To generate additional public interest journalism by employing an additional journalist and purchase new IT equipment and software.
Alexandra Newspapers	\$90,977.18	To increase productivity and sustainability by redeveloping the website and replacing out-of-date IT equipment.
Buloke Times (VIC) Pty Ltd	\$30,494.58	To improve newsroom and journalist mobility by purchasing computer equipment and developing a new website, including a paywall.
Elliott Midland Newspapers Pty Ltd	\$34,750.00	To increase advertising revenue in the short term and improve the long-term capability of the advertising sales team by introducing a multimedia advertising sales training and support program to generate new revenue to sustain local journalism.
GJ Adams Trust	\$238,086.00	To increase the reach and production of public interest journalism both in print and online by developing a website, upgrading hardware/software and engaging sales staff.
Gladdis Enterprises Pty Ltd	\$8,647.28	To increase the viability of the newspaper by developing a website.
Inside Story Publishing Pty Ltd	\$93,623.00	To expand the audience and open a new revenue stream by producing a monthly magazine in partnership with the local newspaper to be inserted into the paper.
Maryborough Regional Newspapers Pty Ltd	\$149,390.89	To develop capacity to create, curate and monetise digital content by upgrading IT services and equipment, online sales technology and engaging an online producer/journalist.
Moscol Group Pty Ltd	\$46,362.00	To increase the reach, publications and advertising revenue of the online publication by developing online technology and purchasing photographic equipment.
Ncnews Pty Ltd	\$84,754.48	To establish a print and digital hybrid business to meet the needs of the readership and continue producing local stories by upgrading IT equipment and the website, and developing an online directory.
North Central Review Pty Ltd	\$119,410.91	To increase production of public interest journalism, improve social media presence and advertising revenue by engaging a digital marketing officer, upgrading online sales technology and video production equipment.
Phillip Island & San Remo Advertiser	\$73,884.10	To implement the Digital Growth Project and maximise online presence by developing a classified module, upgrading IT and video production equipment and engaging a journalist.
The Local Publishing Group Pty Ltd	\$108,000.00	To expand news coverage with podcast production by engaging a journalist/podcast engineer and purchasing podcast equipment.

Recipient name	Amount (excl. GST)	Purpose of grant
Warragul Regional Newspapers Pty Ltd	\$55,889.00	To increase the capability to create video and podcast content for the current and potential audience and driving this audience back to the website where content can be monetised both behind a paywall and in the free area of the website.
Warrandyte Arts & Education Trust	\$38,750.00	To enhance the quality monthly print journalism provided by employing journalist and sales staff and providing a digital-only edition with a small on-demand print run to keep up with breaking news.
The Chung Wah Association Inc	\$74,682.00	To engage new staff to enhance the quality of public interest journalism and to establish partnerships with other community media, increase usage of social media platforms, and provide training opportunities for journalism and graphic design students.
Total	\$4,978,590.41	

Advice to the ACMA by the Advisory Committee

The Advisory Committee – appointed by the Minister for Communications, Urban, Infrastructure, Cities and the Arts, the Hon Paul Fletcher MP under section 205ZK of the *Broadcasting Services Act 1992* – reviewed 239 of the 319 applications received for the 2020 Round. Eighty applications were not reviewed as they did not pass the eligibility assessment stage. The Advisory Committee recommended that, based on its assessment, 108 applications should be considered for full or part-funding. The total amount recommended by the Advisory Committee was \$10.6 million, noting that this is more than the \$5 million that was made available for the 2020 Round.

Membership of the Advisory Committee is listed in Table 1.56. The advice provided by the Advisory Committee was consistent with the 2020 Round objectives and outcomes and represents the application of the Advisory Committee's collective expertise and experience in publishing, journalism and business.

Table 1.56: Innovation Fund Advisory Committee members

Name	Organisation
Megan Brownlow (Chair)	Principal, Housten Consulting
Louisa Graham	CEO, Walkley Foundation
Michael Malone	Director, NBN Co Limited; Seven West Media Limited
Susan Skelly	Adjudication Panel Member, Australian Press Council
Greg Watson	Secretary, Queensland Country Press Association <i>Country Press Australia nominee</i>

Recommendations to the ACMA

Given the volume of applications, the Advisory Committee recommended part-funding in many cases, with the expectation that the applicants would co-fund or recalibrate quotes from proposed suppliers. In the Advisory Committee's view, business cases were also strengthened where applicants proposed they contribute some resources, such as time and marketing effort, to demonstrate their commitment to their projects.

The Advisory Committee assessed applications according to the 2020 Round Grant Opportunity Guidelines published on GrantConnect and did not seek to limit the number of applicants recommended for funding within the \$5 million funding envelope of the 2020 Round.

In general, the Advisory Committee indicated positive aspects of the applications included:

- > the frequent focus by applicants on professional training to build capability, especially in the area of digital skills
- > the aspiration by many regional publishers to help local businesses in their regions digitise their marketing activities, such as through online local business directories
- > that many regional publishers are becoming multi-media news organisations, as many applicants sought funding for sophisticated cameras and podcasting equipment
- > clear linkages between requests for items and activities and business cases, as opposed to 'shopping list' applications, which sought funding for various items and activities without explaining how those items would support their business cases.

By contrast, the Advisory Committee noted that:

- > some applicants sought funding for technology where their audiences did not warrant the size or complexity of the technology requested
- > many applicants included inflated forecasts for revenue and/or audience growth with unrealistic expectations, especially for digital revenues
- > some applicants sought funding to expand too quickly, for projects that were too ambitious in scope, for untested 'start-up' proposals and/or to enter new markets in which they had little expertise.

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 2020–21, the ACMA or eSafety did not undertake any advertising campaigns with expenditure in excess of \$250,000.

Total expenditure on advertising in 2020–21 was \$104,311.

Table 1.57: Expenditure on media advertising organisations, ACMA and eSafety, 2020–21

Organisation name	Purpose	Amount of payment (GST inc.)
ACMA expenditure		
Universal McCann	Public notices and general advertising	\$75,909
eSafety expenditure		
Facebook	General advertising	\$28,402
Total		\$104,311

Market research

Table 1.58: Expenditure on market research organisations, ACMA and eSafety, 2020–21

Organisation name	Purpose	Amount of payment (GST inc.)
ACMA expenditure		
Woolcott Research & Engagement	ACMA Customer Service Centre satisfaction survey 2020	\$13,844
Social Research Centre	ACMA Annual consumer survey 2020	\$111,438
Where to Research Based Consulting P/L	Research on viewer response to reality television	\$95,000
We Are Social Pty Ltd	ACMA social media and misinformation network research	\$65,340
Engine Asia Pacific	Unsolicited communications in Australia: Consumer experience research	\$137,551
University of Canberra	Consumer research on disinformation	\$53,053
Engine Asia Pacific	Telecommunications consumer experience research	\$13,200
ACMA total		\$489,426
eSafety expenditure		
Wallis Consulting Group Pty Ltd	Community perceptions of harmful online content research	\$43,164
Ipsos Public Affairs Pty Ltd	Cyber abuse resource development	\$35,486
Where to Research Based Consulting P/L	Research on cyber abuse of women	\$30,800
Terri Janke and Company	Cultural review of adult cyber abuse	\$11,825
Where to Research Based Consulting P/L	2021 youth digital participation survey – Aussie kids online	\$49,170
Western Sydney University	eSafety youth consultation	\$19,921
Ogilvy Australia	Digital marketing review	\$29,805
Australian National University	Qualitative research on TFA of Aboriginal women	\$109,306
QLD University of Technology	Qualitative research on TFA of women with intellectual or cognitive disability	\$28,490
IB.Creative	Online resources for Aboriginal and Torres Strait Islanders	\$88,000
Australian Online Research Pty Ltd	Be Connected market research phase 6	\$43,775
eSafety total		\$489,742
Total		\$979,168

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. Based on annual notifications provided during the reporting period, there were 92 foreign stakeholders in Australian media companies as at 30 June 2020.

Notifications of changes in control

Licensees, publishers and persons assuming control 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 11 events that affected the control of media operations, comprising:

- > 21 commercial television broadcasting licences
- > 17 commercial radio broadcasting licences
- > 23 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 61AJ(4) of the *Broadcasting Services Act 1992* (the BSA), the ACMA gave prior approval for a transaction that would have otherwise resulted in breaches of the media diversity laws in 2 commercial radio licence areas – Bendigo RA1 in Victoria and Wagga Wagga RA1 in New South Wales. The transaction involved the proposed acquisition of shares in Prime Media Group Ltd (Prime) by a subsidiary of Rural Press Pty Ltd (Rural Press). The acquisition caused Rural Press to come into a position to exercise control of Prime, which caused an unacceptable media diversity situation to occur in the Bendigo RA1 and Wagga Wagga RA1 licence areas. If the transaction had proceeded without the ACMA's approval, it would have resulted in breaches of BSA prohibitions on transactions that cause an unacceptable media diversity situation to occur.

In accordance with the BSA, before approving the transaction, the ACMA accepted a court-enforceable undertaking given by Rural Press under section 61AS of the BSA to remedy the unacceptable media diversity situations in the affected licence areas. The undertaking commits Rural Press to procure the sale of newspapers it owns in each affected area within a period specified in the notice of approval.

This application was finalised outside the preferred timeframe of 45 days due to the need to obtain further information from the applicant.

Breaches of media control and diversity rules

During the reporting period, the ACMA issued formal warnings under section 205XA of the BSA to 11 commercial radio broadcasting licensees (subsidiaries of the Australian Radio Network Pty Ltd (ARN)) after they failed to notify the ACMA about a change of control of 13 licences in the required timeframe under section 63 of the BSA.

The ACMA also gave HT&E Finance Pty Ltd a formal warning for failing to notify the ACMA within the required timeframes under section 64⁸ of the BSA, after becoming in a position to exercise control of the licences.

The licensees and HT&E Finance are all subsidiary companies of HT&E Limited (HT&E). The change of control occurred as a result of a demerger of companies in the HT&E corporate structure in June 2016, under which HT&E Finance Pty Ltd came into a position to exercise control of the licences.

The licensees and HT&E Finance self-reported these matters to the ACMA during 2020.

Under the BSA, licensees are required to notify the ACMA within 10 business days of becoming aware of a change of control of a commercial radio broadcasting licence.

In 2016, the BSA also required a person who becomes in a position to exercise control of a commercial radio broadcasting licence to notify the ACMA within 10 business days of becoming aware of being in that position.

ARN and HT&E Finance have taken steps to prevent a similar oversight in the future.

The changes in control did not affect media diversity rules in any of the relevant licence areas.

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 2021, there were 131 entries on the register – 41 were TABs, corporate bookmakers and betting exchanges and 90 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 2020.

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 72% local programming, the Nine Network an average of 73% and Network Ten an average of 67%. All 3 metropolitan networks met the 1,460 hours quota for non-primary channels:

- > Seven Network averaged 4,422 hours
- > Nine Network averaged 2,520 hours
- > Network Ten averaged 2,064 hours.

Broadcasting Services (Australian Content) Standard 2016 and the Children's Television Standards 2009

In April 2020, the ACMA agreed to exercise forbearance for non-compliance by commercial television broadcasters with Australian content and children's content obligations for 2020. This recognised the television production sector was particularly affected by COVID-19 physical restrictions and the resultant flow-on effects for commercial television broadcasters. At that time, we encouraged licensees to continue to broadcast Australian and children's content that had already been produced.

⁸ Since this breach occurred, section 64 of the *Broadcasting Services Act 1992* has been repealed.

All licensees reported compliance with the annual sub-quota requirements for first-release documentary and repeat Australian children's drama programs in 2020. In addition:

- > the Seven Network met the annual quota of 250 points for first release Australian drama with a score of 255.2 points, while networks Nine (181.7 points) and Ten (234 points) did not
- > networks Nine and Ten met the annual quota of 260 hours of children's programs, while the Seven Network (87 hours) did not
- > Network Nine met the quota of 130 hours for Australian preschool programs, while networks Seven (41.5 hours) and Ten (102.5 hours) did not.

Licensees were also required to broadcast a minimum of 96 hours of first release Australian children's drama over a 3-year period from 2018 to 2020. In June 2020, the ACMA agreed to exercise forbearance for non-compliance with this obligation, providing each licensee met a reduced amount of 64 hours. All licensees met this reduced target for the triennium, while the Ten Network met the original triennium requirement of 96 hours.

The Broadcasting Services (Australian Content) Standard 2016 and the Children's Television Standards 2009 have been replaced with the Broadcasting Services (Australian Content and Children's Television) Standards 2020. These new standards came into force 1 January 2021.

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.⁹

There was one trigger event in 2020–21, affecting 2 regional commercial radio licences. The required local presence reports were provided in the 90-day statutory timeframe.

Compliance with local content plans¹⁰

Annual reporting for the 2019–20 financial year showed a significant level of disruption caused by the COVID-19 pandemic, leading to lower than usual compliance by licensees with their approved local content plans for trigger event-affected regional commercial radio broadcasting licences. In a response to the COVID-19 pandemic, on 14 May 2020, the ACMA agreed to exercise limited enforcement forbearance for:

- > non-compliance with a commitment in approved local content plans in the 4 months from 1 March to 30 June 2020, provided that licensees met 65% of their commitments in those 4 months, and 80% of their commitments across the entire 2019–20 financial year
- > late submission of approved local content plan annual compliance reports, up to 31 December 2020.

Of the 151 annual compliance reports submitted to the ACMA by 81 trigger event-affected licensees:

- > 76 (submitted by 39 licensees) reported compliance with their approved local content plans
- > 74 (submitted by 41 licensees) reported changed arrangements for the provision of local news bulletins, indicating that in response to COVID-19 (including due to government restrictions related to the pandemic), they had provided state-wide news bulletins in regional areas, in lieu of locally-targeted

⁹ 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*.

¹⁰ Approved local content plans include obligations to meet minimum service standards for local news, weather, community service announcements and emergency warnings, and the requirement to prepare a local content plan and take all reasonable steps to comply with it. On 18 December 2020, the requirement for licensees to make, submit, comply with, and report on, an approved local content plan was repealed by the *Broadcasting Services Amendment (Regional Commercial Radio and Other Measures) Act 2020*. These requirements were replaced with more simplified requirements, including a requirement to prepare and publish (or provide on request) a local content statement that identifies the material that will be broadcast to meet the minimum service standards for local news and local weather.

news bulletins. The ACMA did not take the view that state-wide bulletins fell within the meaning of 'local' for the purposes of the BSA but noted that the use of state-wide bulletins was a response to the COVID-19 pandemic and did not take any further action

- > one reported not complying with the relevant approved local content plan by providing fewer than the statutory minimum weekly number of community service announcements. The ACMA noted that the non-compliance was as a result of the COVID-19 pandemic and did not take any further action.

Appendix 10: Outcome table

This appendix contains information for both the ACMA and 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
Program 1.1: Communications regulation, planning and licensing			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	50	-	50
<i>Departmental expenses</i>			
Departmental appropriation	40,142	37,537	2,605
Expenses not requiring appropriation in the budget year†	4,671	8,259	(3,588)
Subtotal for Program 1.1	44,863	45,796	(933)
Program 1.2: Consumer safeguards, education and information			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	10,089	7,444	2,645
Special appropriations	300	-	300
<i>Departmental expenses</i>			
Departmental appropriation	37,445	34,466	2,979
Expenses not requiring appropriation in the budget year†	4,312	8,259	(3,947)
Subtotal for Program 1.2	52,146	50,168	1,978
Program 1.3: Office of the eSafety Commissioner			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	6,386	6,343	43
<i>Departmental expenses</i>			
Special account			
<i>Online Safety Special Account – s72 Enhancing Online Safety Act 2015</i>	25,254	24,143	1,111
Subtotal for Program 1.3	31,640	30,486	1,154
Departmental	111,824	112,663	(839)
Administered	16,825	13,787	3,038
Total for Outcome 1	128,649	126,450	2,199
Average staffing level	451	431	

* Budget represents the original budget per the 2020–21 Portfolio Additional Estimates Statements.

^ Actual appropriations is the total available appropriation in 2020–21, including MYEFO budget adjustments.

† This overspend is due to the application of the new accounting standard on leases and is offset by the underspend in departmental appropriation.

Appendix 11: Agency resource statement

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

	Actual available appropriations for 2020–21	Payments made, 2020–21	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a-b)
Ordinary Annual Services			
Departmental appropriation*	150,705	109,282	41,423
Total	150,705	109,282	41,423
Administered expenses			
Outcome 1	12,988	10,986	
Total	12,988	10,986	
Total ordinary services A	163,693	120,268	
Other services			
Departmental non-operating	-	-	
Total other services B	-	-	
Special appropriations			
Special appropriations limited by entitlement			
<i>Public Governance, Performance and Accountability Act 2013 - s77</i>		7,146	
<i>Telecommunication Act 1997 – s. 136C(4)</i>		-	
Total special appropriations C		7,146	
Special Accounts			
Opening balance	1,525	1,525	-
Appropriation receipts	25,354	21,805	3,549
Non-appropriations receipts	1,586	228	1,358
Total Special Accounts D	28,465	23,558	4,907
Total Resourcing A + B + C + D	192,158	150,972	

* The Office of 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 12: eSafety financial reporting

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

	2021 \$'000	2020 \$'000
Departmental		
Operating expenses		
<i>Employee benefits</i>	9,711	7,545
<i>Supplier expenses</i>		
Consultants	668	962
Contractors	7,495	4,781
Outsourced services	4,430	3,423
IT and communications services	784	590
Travel costs	101	433
Other	635	763
Total supplier expenses	14,113	10,952
Total operating expenses	23,824	18,497
Capital purchases		
Internally developed software	–	151
Total capital purchases	–	151
Total departmental expenditure	23,824	18,648
Administered		
Grants expenditure	2,495	–
<i>Supplier expenses</i>		
Consultants	41	39
Contractors	2,364	2,976
Outsourced services	765	1,422
IT and communications services	157	166
Travel costs	1	35
Other	519	721
Total supplier expenses	3,847	5,359
Total administered expenditure	6,342	5,359

Appendix 13: 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
17AD(g)	Letter of transmittal		
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
17AD(h)	Aids to access		
17AJ(a)	Table of contents.	1	1
17AJ(b)	Alphabetical index.	237–45	237–45
17AJ(c)	Glossary of abbreviations and acronyms.	233–6	233–6
17AJ(d)	List of requirements.	147–53	147–53
17AJ(e)	Details of contact officer.	6	199
17AJ(f)	Entity's website address.	3	3
17AJ(g)	Electronic address of report.	6	199
17AD(a)	Review by accountable authority		
17AD(a)	A review by the accountable authority of the entity.	8–9	201–3
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	A description of the role and functions of the entity.	12	205
17AE(1)(a)(ii)	A description of the organisational structure of the entity.	16	206
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity.	17, 21	21, 208
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan.	17, 21	n/a
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	13, 15	n/a
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	13, 15	n/a
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	13, 15	n/a
17AE(1)(b)	An outline of the structure of the portfolio of the entity.	n/a	n/a
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

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
17AD(c)	Report on the Performance of the entity		
	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.	19–82	n/a
17AD(c)(ii)	Report on Financial Performance		
17AF(1)(a)	A discussion and analysis of the entity's financial performance.	83–4, 91–100	83–4, 91–100, 231
17AF(1)(b)	A table summarising the total resources and total payments of the entity.	145	145
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
17AD(d)	Management and Accountability		
	Corporate Governance		
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	7, 86–7	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.	86–7	86–7, 231
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.	91	91
	Audit Committee		
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	106	n/a
17AG(2A)(b)	The name of each member of the entity's audit committee.	106	n/a
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	106	n/a
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	106	n/a

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	106	n/a
External Scrutiny			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	87–8	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.	87–8	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.	87	n/a
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period.	87	n/a
Management of Human Resources			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	89–91	89–91
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender (d) statistics on staff location	108–11	108–11
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: > Statistics on staffing classification level; > Statistics on full-time employees; > Statistics on part-time employees; > Statistics on gender; > Statistics on staff location; > Statistics on employees who identify as Indigenous.	112–19	112–19
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> .	88, 119	88, 119
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	88, 119	88, 119
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level.	119	119
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees.	88	88
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

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
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
Assets Management			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	100	100
Purchasing			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	95–6	95–6
Reportable consultancy contracts			
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).	96	96
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> ”	95–6	95–6
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.	96	96
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> ”	96	96
Reportable non-consultancy contracts			
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).	97–8	97–8
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> ”	96	96

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
17AD(daa)	Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts		
17AGA	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	97–8	97–8
	Australian National Audit Office Access Clauses		
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.	99	99
	Exempt contracts		
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.	99	99
	Small business		
17AG(10)(a)	A statement that “[Name of entity] 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.”	99	99
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	99	99
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.”	99	99
	Financial Statements		
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	154–97	n/a
	Executive Remuneration		
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	120–22	120–22

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
17AD(f)	Other Mandatory Information		
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that <i>“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.”</i>	n/a	n/a
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect.	138	138
17AH(1)(b)	A statement that <i>“Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”</i>	99	99
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information.	89	89
17AH(1)(d)	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	102	231
17AH(1)(e)	Correction of material errors in previous annual report	n/a	n/a
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	102–3
57(aa)	A report on the following matters: <ul style="list-style-type: none"> > 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; > 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 	88, 119–22, 146
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	102–3
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	123–6
57(e)	A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	127–8

ACMA Act reference	Requirement	Page reference
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>	129–30
57(g)	A summary outline of the operation of subsection 28C(1) of the <i>Radiocommunications Act 1992</i> during the period	103
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	n/a

Requirement under section 205ZL of the *Broadcasting Services Act 1992* (BSA)

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>	133–7

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>	90
Advertising and market research reporting requirements in section 311A of the <i>Commonwealth Electoral Act 1918</i>	138–9
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	100–1
Reporting requirements under the Guidelines for the use of section 313(3) of the <i>Telecommunications Act 1997</i>	131–2

Appendix 14: Financial statements

For the period ended 30 June 2021.



INDEPENDENT AUDITOR'S REPORT

To the Minister for Communications, Urban Infrastructure, Cities and the Arts

Opinion

In my opinion, the financial statements of the Australian Communications and Media Authority (the Entity) for the year ended 30 June 2021:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements 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 2021 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 2021 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 – Reduced Disclosure Requirements 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.

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

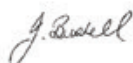
My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that 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



Josephine Bushell
Senior Director

Delegate of the Auditor-General

Canberra

20 September 2021

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

In our opinion, the attached financial statements for the year ended 30 June 2021 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

17 September 2021


Signed.....

Matthew Geysen
Chief Financial Officer

17 September 2021

Australian Communications and Media Authority
STATEMENT OF COMPREHENSIVE INCOME
for the period ended 30 June 2021

		2021	2020	Original Budget 2021
	Notes	\$'000	\$'000	\$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	62,058	58,749	61,832
Suppliers	1.1B	32,883	31,814	33,294
Depreciation and amortisation	3.2A	16,518	16,835	16,113
Finance costs	1.1C	780	716	582
Write-down and impairment of assets	1.1D	421	213	-
Total expenses		112,660	108,327	111,821
Own-Source Income				
Own-source revenue				
Revenue from contracts with customers	1.2A	1,130	1,012	900
Other revenue		5	16	-
Total own-source revenue		1,135	1,028	900
Gains				
Reversals of write-downs and impairment	1.2B	15	3	-
Other gains	1.2C	81	81	-
Total gains		96	84	-
Total own-source income		1,231	1,112	900
Net cost of services		(111,429)	(107,215)	(110,921)
Revenue from Government	5.1A	101,006	96,039	100,615
Deficit attributable to the Australian Government		(10,423)	(11,176)	(10,306)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve		(29)	604	-
Total other comprehensive income/(loss)		(29)	604	-
Total comprehensive loss		(10,452)	(10,572)	(10,306)

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

Budget Variances Commentary

Actual expenses and Revenue from Government are slightly higher than the Original Budget predominantly due to expenditure related to the Spam Intelligence Database measure announced in the 2020-21 Mid-Year Economic Fiscal Outlook. Additionally, depreciation expenses were higher than expected due to the commencement of a new office lease in Sydney in March 2021.

Employee benefits were higher than expected due to an additional superannuation contribution to the Department of Finance for certain members of defined benefit schemes. This was offset by lower than budgeted staffing levels and reduced travel expenditure.

Australian Communications and Media Authority
STATEMENT OF FINANCIAL POSITION
for the period ended 30 June 2021

		2021	2020	Original Budget 2021
	Notes	\$'000	\$'000	\$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	3.1A	4,608	1,881	1,881
Trade and other receivables	3.1B	42,056	35,099	35,256
Total financial assets		46,664	36,980	37,137
Non-Financial Assets				
Land and buildings	3.2A	70,946	62,997	56,802
Plant and equipment	3.2A	4,655	5,600	5,831
Intangibles	3.2A	14,094	10,142	12,520
Prepayments		2,920	2,902	2,902
Total non-financial assets		92,615	81,641	78,055
Total assets		139,279	118,621	115,192
LIABILITIES				
Payables				
Suppliers	3.3A	3,740	2,174	2,332
Other payables	3.3B	4,552	1,973	1,972
Total payables		8,292	4,147	4,304
Interest Bearing Liabilities				
Leases	3.4A	66,655	53,415	47,565
Total interest bearing liabilities		66,655	53,415	47,565
Provisions				
Employee provisions	6.1A	22,325	21,803	21,803
Make good provisions	3.5	2,813	2,686	2,686
Total provisions		25,138	24,489	24,489
Total liabilities		100,085	82,051	76,358
Net assets		39,194	36,570	38,834
EQUITY				
Contributed equity		141,700	128,624	141,194
Reserves		2,175	2,204	2,204
Accumulated deficit		(104,681)	(94,258)	(104,564)
Total equity		39,194	36,570	38,834

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

Budget Variances Commentary

While the Original Budget net assets position is broadly in line with actual results, there are some variances in the categorisation of the balances. The significant movement relates to the commencement of a new office lease in Sydney, increasing the balance of both Land and Buildings and Leases under AASB 16 *Leases* accounting treatment.

Additionally, there has been an increase in trade and other receivables compared to Budget due to delayed spends in a number of high value capital projects. These delays were predominantly driven by complex procurement processes and COVID-19 restrictions. Other payables are also higher than the Original Budget due to unearned revenue related to Office of the eSafety Commissioner agreements with other Government entities, and the Securing Government Data (Department of Home Affairs) measure announced in the 2020-21 Budget.

Australian Communications and Media Authority
STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2021

	2021	2020	Original budget 2021
	\$'000	\$'000	\$'000
CONTRIBUTED EQUITY/CAPITAL			
Opening balance			
Balance carried forward from previous period	128,624	121,274	128,624
Adjusted opening balance	128,624	121,274	128,624
Contributions by owners			
Departmental capital budget	13,076	7,350	12,570
Total transactions with owners	13,076	7,350	12,570
Closing balance as at 30 June	141,700	128,624	141,194
RETAINED EARNINGS			
Opening balance			
Balance carried forward from previous period	(94,258)	(85,164)	(94,258)
Adjustment on initial application of AASB 16	-	2,082	-
Adjusted opening balance	(94,258)	(83,082)	(94,258)
Comprehensive income			
Deficit for the period	(10,423)	(11,176)	(10,306)
Total comprehensive income	(10,423)	(11,176)	(10,306)
Closing balance as at 30 June	(104,681)	(94,258)	(104,564)
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	2,204	1,600	2,204
Adjusted opening balance	2,204	1,600	2,204
Comprehensive income			
Revaluation decrement/(increment) on non-financial assets	(29)	604	-
Total comprehensive income/(loss)	(29)	604	-
Closing balance as at 30 June	2,175	2,204	2,204

Australian Communications and Media Authority
STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2021

	2021	2020	Original budget 2021
	\$'000	\$'000	\$'000
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	36,570	37,710	36,570
Adjustment on initial application of AASB 16	-	2,082	-
Adjusted opening balance	36,570	39,792	36,570
Comprehensive income			
Revaluation decrement/(increment) on non-financial assets	(29)	604	-
Deficit for the period	(10,423)	(11,176)	(10,306)
Total comprehensive income	(10,452)	(10,572)	(10,306)
Contributions by owners			
Departmental capital budget	13,076	7,350	12,570
Total transactions with owners	13,076	7,350	12,570
Closing balance as at 30 June	39,194	36,570	38,834

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

The Departmental capital budget has increased slightly from the Original Budget due to the Spam Intelligence Database measure announced in the 2020-21 Mid-Year Economic Fiscal Outlook.

Australian Communications and Media Authority
STATEMENT OF CASHFLOWS
for the period ended 30 June 2021

				Original Budget 2021
	Notes	2021 \$'000	2020 \$'000	2021 \$'000
OPERATING ACTIVITIES				
Cash received				
Sale of goods and rendering of services		2,724	1,843	900
Appropriations		101,413	93,352	100,615
GST received		4,413	3,578	3,169
Other		5	16	-
Total cash received		108,555	98,789	104,684
Cash used				
Employees		60,210	56,637	61,832
Suppliers		36,997	36,514	36,463
Section 74 receipts transferred to OPA		2,298	4,434	-
Interest payments on lease liabilities		653	647	582
Total cash used		100,158	98,232	98,877
Net cash from / (used by) operating activities		8,397	557	5,807
INVESTING ACTIVITIES				
Proceeds from the sale of land ¹		-	4,100	-
Total cash received		-	4,100	-
Cash used				
Purchase of property, plant and equipment		974	601	12,570
Purchase of intangibles		6,757	2,181	-
Total cash used		7,731	2,782	12,570
Net cash from / (used by) investing activities		(7,731)	1,318	(12,570)
FINANCING ACTIVITIES				
Cash received				
Departmental capital budget		7,869	2,630	12,570
Total cash received		7,869	2,630	12,570
Cash used				
Principal payments of lease liabilities		5,808	6,254	5,807
Total cash used		5,808	6,254	5,807
Net cash from / (used by) financing activities		2,061	(3,624)	6,763
Net increase / (decrease) in cash held		2,727	(1,749)	-
Cash and cash equivalents at the beginning of the reporting period		1,881	3,630	1,881
Cash and cash equivalents at the end of the reporting period	3.1A	4,608	1,881	1,881

¹ Proceeds from the sale of land relates to the funds received from the sale of the Capalaba land asset.

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 2021*

Budget Variances Commentary

Net cash from operating activities – The increase from the Original Budget is related to funding received from the Department of Home Affairs for the Securing Government Data measure, and increased cash received by the Office of the eSafety Commissioner under agreements with the Department of Social Services; the Department of Foreign Affairs and Trade; and the Department of Education, Skills and Employment.

Net cash from investing activities – The increase from the Original Budget is due to delays in capital projects, predominantly caused by complex procurement processes COVID-19 restrictions.

Net cash from financing activities – The decrease from the Original Budget is related to the reduced Departmental capital budget used for capital projects that were delayed due to COVID-19 restrictions.

Australian Communications and Media Authority
ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME
for the period ended 30 June 2021

		2021	2020	Original Budget 2021
	Notes	\$'000	\$'000	\$'000
NET COST OF SERVICES				
EXPENSES				
Suppliers	2.1A	3,848	5,521	4,190
Grants	2.1B	9,940	5,132	12,585
Total expenses		13,788	10,653	16,775
INCOME				
Revenue				
Taxation revenue				
Other taxes	2.2A	919,310	508,451	864,438
Total taxation revenue		919,310	508,451	864,438
Non-taxation revenue				
Revenue from contracts with customers	2.2B	4,567	8,397	5,033
Fees and fines	2.2C	33,427	33,141	39,614
Other revenue	2.2D	-	2,497	5,292
Total non-taxation revenue		37,994	44,035	49,939
Total revenue		957,304	552,486	914,377
Gains				
Resources received free of charge	2.2E	-	852,853	2,500
Reversal of write-downs and impairment		519	9,906	-
Total gains		519	862,759	2,500
Total income		957,823	1,415,245	916,877
Net contribution by services		944,035	1,404,592	900,102

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

Budget Variances Commentary

Expenses – The Original Budget for grants expected the full expenditure of the funding for the Regional and Small Publishers Innovation Fund. Actual expenditure was less than budget due to delays in obtaining additional information from grantees to ensure proper acquittal. Legislation has been passed and a movement of funds agreed to finalise the Regional and Small Publishers Innovation grant program in 2021-22.

Revenues – The Original Budget is lower than actuals, predominantly due to additional revenue related to other taxes collected, in particular Radiocommunications Taxes. Additionally, Regional Broadband Scheme (RBS) revenue was recognised in 2020-21, which is lower than the Budget estimate. The RBS revenue is made up of the estimated charge to NBN Co. Further information is provided in the relevant note disclosure.

Australian Communications and Media Authority
ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES
as at 30 June 2021

		2021	2020	Original Budget 2021
	Notes	\$'000	\$'000	\$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	4.1A	815	436	436
Taxation receivables	4.1B	392,156	25,931	393,880
Trade and other receivables	4.1C	61,338	31,137	31,137
Other financial assets	4.1D	18	-	-
Total financial assets		454,327	57,504	425,453
Total assets administered on behalf of Government		454,327	57,504	425,453
LIABILITIES				
Payables				
Unearned revenue	4.2A	255,771	129,816	131,160
Other payables	4.2A	823	1,344	-
Total payables		256,594	131,160	131,160
Total liabilities administered on behalf of Government		256,594	131,160	131,160
Net assets / (liabilities)		197,733	(73,656)	294,293

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

Budget Variances Commentary

The main driver for the change from the Original Budget is an increase in unearned revenue. This reflects the spectrum allocation charges paid in advance by the winning bidders of the 26GHz auction, with these licences commencing in 2021-22. Additionally, Taxation receivables include \$324.8m relating to the RBS charge recognised for the first time in 2020-21, which is slightly below Original Budget.

Australian Communications and Media Authority
ADMINISTERED RECONCILIATION SCHEDULE
for the period ended 30 June 2020

	2021 \$'000	2020 \$'000
Opening assets less liabilities as at 1 July	(73,656)	454,635
Income	957,823	1,415,245
Expenses	(13,788)	(10,653)
Transfers (to)/from Australian Government		
Appropriation transfers from the OPA	22,573	18,711
Transfers to the OPA	(451,081)	(1,689,731)
Transfers to the OPA (collected on behalf on another entity) ¹	(244,138)	(261,863)
Closing assets less liabilities as at 30 June	197,733	(73,656)

¹ Relates to the Telecommunications Industry Levy collected on behalf of the Department of Infrastructure, Transport, Regional Development and Communications Public Interest Telecommunications Services Special Account.

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 2021

	Notes	2021 \$'000	Restated ¹ 2020 \$'000
OPERATING ACTIVITIES			
Cash received			
Sale of goods and rendering of services		5,806	7,575
Taxes		546,936	617,059
Rental income		131,651	852,853
Fees		-	31,262
Fines		2,904	1,999
Net GST received		1,140	846
Other		-	5
Total cash received		688,437	1,511,599
Cash used			
Grants		10,693	5,517
Suppliers		4,719	5,543
Total cash used		15,412	11,060
Net cash from operating activities		673,025	1,500,539
INVESTING ACTIVITIES			
Cash received			
Revenue from sales of intangibles		-	432,329
Total cash received		-	432,329
Net cash from investing activities		-	432,329
Net increase in cash held		673,025	1,932,868
Cash from the Official Public Account			
Appropriations		22,573	18,711
Total cash from the Official Public Account		22,573	18,711
Cash to the Official Public Account			
Administered revenue		(451,081)	(1,689,731)
Transfer to other entities (collected on behalf of another entity)		(244,138)	(261,863)
Total cash to the Official Public Account		(695,219)	(1,951,594)
Cash and cash equivalents at the beginning of the reporting period		436	451
Cash and cash equivalents at the end of the reporting period	4.1A	815	436

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

¹ Relates to the additional disclosure of 'Net GST received' in the current year which affected the prior year figures for Cash used grants, Suppliers and Cash to the Official Public Account Administered revenue.

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

Objectives of the Entity

The Australian Communications and Media Authority (ACMA) is an Australian Government controlled entity. It is a not-for-profit entity. The ACMA is Australia's regulator for telecommunications, broadcasting, radiocommunications, and certain online content. The ACMA's purpose is to maximise the economic and social benefits of communications and media for Australia.

Basis of Preparation

The financial statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with the:

- *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR)*; and
- Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements 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 where certain assets and liabilities are recorded 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 and are rounded to the nearest thousand dollars unless otherwise specified.

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.

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.

Taxation

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

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 2021.

1.1 Expenses

	2021	2020
	\$'000	\$'000
Note 1.1A: Employee Benefits		
Wages and salaries	43,551	42,025
Superannuation		
Defined contribution plans	4,387	4,333
Defined benefit plans	5,382	3,974
Leave and other entitlements	7,738	8,348
Separation and redundancies	1,000	69
Total employee benefits	62,058	58,749

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	12,649	9,617
IT and communications services	7,055	7,494
Outsourced services	5,149	5,640
Consultants	2,813	3,041
Travel costs	281	1,166
Occupancy costs	1,495	1,432
Other	1,370	1,635
Stationery and publications	475	588
Legal costs	1,105	722
Total goods and services supplied or rendered	32,392	31,335

Goods supplied	600	889
Services rendered	31,792	30,446
Total goods and services supplied or rendered	32,392	31,335

Other suppliers

Low value leases	312	283
Workers compensation expenses	179	196
Total other suppliers	491	479
Total suppliers	32,883	31,814

The ACMA has no short-term lease commitments as at 30 June 2021.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 3.2A and 3.4A.

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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.

	2021	2020
	\$'000	\$'000
Note 1.1C: Finance Costs		
Unwinding of discount	127	69
Interest on lease liabilities	653	647
Total finance costs	780	716

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 3.2A and 3.4A.

Note 1.1D: Write-Down and Impairment of Other Assets

Write-down of property, plant and equipment	250	213
Write-down of intangible assets	171	-
Total write-down and impairment of assets	421	213

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.2 Own-Source Revenue and Gains

	2021	2020
	\$'000	\$'000

Note 1.2A: Revenue from Contract with Customers

Sale of goods	12	101
Rendering of services	1,118	911
Total revenue from contract with customers	1,130	1,012

Disaggregation of revenue from contracts with customers

Major product / service line:

Service delivery	1,118	911
Sales of low value plant and equipment	12	101
	1,130	1,012

Type of customer:

Australian Government entities (related parties)	397	724
Non-government entities	733	288
	1,130	1,012

Timing of transfer of goods and services:

Over time	1,118	911
Point in time	12	101
	1,130	1,012

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:

- the entity has transferred to the buyer the significant risks and rewards of ownership of the goods;
- the entity retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- the amount of revenue can be measured reliably;
- it is probable that the economic benefits associated with the transaction will flow to the entity; and
- 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:

- the amount of revenue can be measured reliably;
- it is probable that the economic benefits associated with the transaction will flow to the entity;
- the stage of completion of the transaction at the end of the reporting period can be measured reliably; and
- 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).

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.

	2021	2020
	\$'000	\$'000
Note 1.2B: Reversals of Previous Asset Write-Downs and Impairments		
Receivables	15	3
Total reversals of previous asset write-downs and impairments	15	3

Note 1.2C: Other Gains

Resources received free of charge	81	81
Total other gains	81	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

	2021	2020
	\$'000	\$'000
Note 2.1A: Suppliers		
Goods and services supplied or rendered		
Contractors	3,593	5,202
IT and communications services	157	166
Consultants	41	39
Travel	1	35
Other	56	79
Total goods and services supplied or rendered	3,848	5,521
Goods supplied	-	-
Services rendered	3,848	5,521
Total goods and services supplied or rendered	3,848	5,521
Note 2.1B: Grants		
Private sector		
Commercial entities	9,940	5,132
Total grants	9,940	5,132

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

	2021	2020
	\$'000	\$'000
Taxation Revenue		
Note 2.2A: Other Taxes		
Broadcasting licence charges ¹	13,526	37,026
Radio communications taxes ²	276,815	149,562
Regional Broadband Scheme charge ³	324,831	-
Telecommunication numbering charges	60,000	60,000
Industry contributions	244,138	261,863
Total other taxes	919,310	508,451
Non-Taxation Revenue		
Note 2.2B: Revenue from Contract with Customers		
Sale of goods	4,567	8,397
Total revenue from contract with customers	4,567	8,397
Note 2.2C: Fees and Fines		
Licence fees	30,523	31,142
Fines and penalties	2,904	1,999
Total fees and fines	33,427	33,141
Note 2.2D: Other Revenue		
Other	-	5
Unwinding of discount	-	2,492
Total other revenue	-	2,497

¹ Broadcasting licence revenue reduced significantly due to the COVID-19 pandemic-related spectrum fee relief.

² Radio communications taxes increased in 2021 due to higher revenue from the sale of Public Mobile Telecommunications Service licences. In 2021, some of these licences were purchased at a one-off cost.

³ An estimate of the NBN Co's charge for the Regional Broadband Scheme was accrued in Other Taxes. See the Overview for further information.

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2021	2020
	\$'000	\$'000
Note 2.2E: Resources received free of charge		
Spectrum licences ¹	-	852,853
Total Resources received free of charge	-	852,853

¹ The sale of 3.6GHz spectrum access licences is initially recognised as a resource received free of charge, with subsequent treatment as a finance lease under AASB 16 *Leases*. The funds were received in full on the commencement of the licences in 2019-20.

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:

- Collection of taxes associated with broadcasting licences, radio communications, telecommunication charges and contributions from the industry;
- Collection of charges associated with the Regional Broadband Scheme;
- Revenue from contracts with customers;
- 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'. The 3.6Ghz licences that commenced in 2019-20 were paid in full prior to the commencement of the licence, which, as per AASB 16 *Leases*, results in a nil '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

	2021	2020
	\$'000	\$'000
Note 3.1A: Cash and Cash Equivalents		
Cash in special accounts	4,448	1,450
Cash on hand or on deposit	64	361
Cash held for external parties	96	70
Total cash and cash equivalents	4,608	1,881

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	41,423	34,325
Total appropriations receivable	41,423	34,325

Other receivables

GST receivable from the Australian Taxation Office	534	477
Other	101	314
Total other receivables	635	791
Total trade and other receivables (gross)	42,058	35,116

Less impairment loss allowance	2	17
Total trade and other receivables (net)	42,056	35,099

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 2021

	Land \$'000	Buildings \$'000	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2020							
Gross book value	-	-	-	-	37,800	7,103	44,903
Fair value	1,380	194	75,646	5,613	-	-	82,833
Work in progress (WIP)	-	-	103	86	2,389	171	2,749
Accumulated depreciation and amortisation	-	(50)	(14,276)	(99)	(31,214)	(6,107)	(51,746)
Total as at 1 July 2020	1,380	144	61,473	5,600	8,975	1,167	78,739
Additions							
By purchase	-	-	279	678	1,096	255	2,308
Movement in WIP	-	-	19	-	6,548	-	6,567
Right-of-use assets	-	-	19,049	-	-	-	19,049
Revaluations and impairments recognised in other comprehensive income	215	67	(311)	-	-	-	(29)
Depreciation and amortisation	-	(17)	(3,459)	(1,616)	(3,138)	(638)	(8,868)
Depreciation on right-of-use assets	-	-	(7,650)	-	-	-	(7,650)
Disposals other	-	-	(243)	(7)	-	(171)	(421)
Total as at 30 June 2021	1,595	194	69,157	4,655	13,481	613	89,695

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	Land \$'000	Buildings \$'000	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
Total as at 30 June 2021 represented by:							
Gross book value	-	-	-	-	38,886	7,187	46,073
Fair value	1,595	194	83,185	6,279	-	-	91,253
Work in progress	-	-	122	86	8,937	171	9,316
Accumulated depreciation and amortisation	-	-	(14,150)	(1,710)	(34,342)	(6,745)	(56,947)
Total as at 30 June 2021	1,595	194	69,157	4,655	13,481	613	89,695
Carrying amount of right-of-use assets	-	-	63,553	-	-	-	63,553

Revaluation of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 7.4.

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 – purchased	\$10,000
Software – internally developed	\$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, GGS 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

Impairment

All assets were assessed for impairment at 30 June 2021. 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

	2021	2020
	\$'000	\$'000
Note 3.3A: Suppliers		
Trade creditors and accruals	3,740	2,174
Total supplier payables	3,740	2,174

The majority of suppliers engaged had 20 day payment terms.

Note 3.3B: Other Payables

Unearned revenue	2,370	1,074
Salaries and wages	1,538	756
Superannuation	207	132
Separations and redundancies	426	-
Other	11	11
Total other payables	4,552	1,973

3.4 Leases

	2021	2020
	\$'000	\$'000
Note 3.4A: Leases		
Lease Liabilities		
Leasehold improvements	66,655	53,415
Total leases	66,655	53,415

Total cash outflow for leases for the year ended 30 June 2021 was \$6.42m.

Maturity analysis - contractual undiscounted cash flows

Within 1 year	5,271	5,806
Between 1 to 5 years	31,704	19,614
More than 5 years	29,680	27,995
Total leases	66,655	53,415

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 2020	2,686	2,686
Amounts reversed	-	-
Amounts used	-	-
Unwinding of discount	127	127
Total as at 30 June 2021	2,813	2,813

The ACMA currently has four major agreements for the leasing of premises that have provisions requiring the ACMA to restore the premises to their original condition at the conclusion of the lease (2020: four).

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

	2021	2020
	\$'000	\$'000
Note 4.1A: Cash and Cash Equivalents		
Cash in special accounts	458	75
Cash on hand or on deposit	357	361
Total cash and cash equivalents	815	436
Note 4.1B: Taxation Receivables		
Other taxes ¹	392,584	27,144
Total taxation receivables (gross)	392,584	27,144
Less: impairment loss allowance		
Other taxes	428	1,213
Total receivables (net)	392,156	25,931
Note 4.1C: Trade and Other Receivables		
Other receivables		
Annual Carrier Licence Charge ²	61,586	31,064
Statutory receivables	56	111
Total other receivables	61,642	31,175
Total trade and other receivables (gross)	61,642	31,175
Less: impairment loss allowance		
Other receivables	304	38
Total trade and other receivables (net)	61,338	31,137
Note 4.1D: Other Financial Assets		
Prepayments	18	-
Total other financial assets	18	-

¹ The increase from the prior year is mainly attributable to an accrual of the Regional Broadband Scheme charge for \$324.8m that commenced on 1 January 2021.

² The increase from the prior year for the Annual Carrier Licence Charge was due to the timing of the payment of invoices due to delays as a result of the COVID-19 pandemic. The actual Annual Carrier Licence Charge recognised in 2021 reduced from the prior year.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

4.2 Administered – Payables

	2021	2020
	\$'000	\$'000
Note 4.2A: Other Payables		
Unearned revenue ¹	255,771	129,816
Other	823	1,344
Total other payables	256,594	131,160

¹ Unearned revenue represents radiocommunication licences paid in advance where the benefit has not yet been realised by the holder. The increase in 2021 relates 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')

	2021 \$'000	2020 \$'000
Ordinary annual services		
Annual Appropriation		
Operating	101,006	96,039
Capital budget	13,076	7,350
Section 74 receipts	2,298	4,434
Total available appropriation	116,380	107,823
Appropriation applied (current and prior years)	(106,555)	(97,729)
Variance	9,825	10,094
Opening unspent appropriation balance	36,206	26,112
Closing unspent appropriation balance	46,031	36,206
Balance comprises appropriations as follows¹:		
Appropriation Act (No. 1) 2018-19 Capital Budget (DCB)	-	5,116
Appropriation Act (No. 1) 2019-20	-	21,959
Appropriation Act (No. 1) 2019-20 Capital Budget (DCB)	1,924	4,577
Supply Act (No. 1) 2019-20 Capital Budget (DCB)	2,673	2,673
Appropriation Act (No. 1) 2019-20 cash held by the agency	-	1,881
Appropriation Act (No. 1) 2020-21	23,459	-
Appropriation Act (No. 1) 2020-21 Capital Budget (DCB)	6,028	-
Appropriation Act (No. 3) 2020-21	391	-
Appropriation Act (No. 3) 2020-21 Capital Budget (DCB)	506	-
Supply Act (No. 1) 2020-21 Capital Budget (DCB)	6,442	-
Appropriation Act (No. 1) 2020-21 cash held by the agency	4,608	-
Total unspent appropriation - ordinary annual services	46,031	36,206
Total unspent appropriation	46,031	36,206

¹ Departmental Capital Budgets are appropriated through Supply and Appropriation Acts (No. 1, 3). They form part of ordinary annual services and are not separately identified in the Supply and Appropriation Acts.

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.

Note 5.1B: Administered annual and unspent appropriations ('Recoverable GST exclusive')

	2021 \$'000	2020 \$'000
Ordinary annual services		
Annual appropriation		
Operating	12,988	23,749
Total available appropriation	12,988	23,749
Appropriation applied (current and prior years)	(14,374)	(10,024)
Variance	(1,386)	13,725
Opening unspent appropriation balance	29,052	16,338
Repeal of <i>Appropriation Act (No. 3) 2016-17</i>	-	(1,011)
Repeal of <i>Appropriation Act (No. 3) 2017-18</i>	(921)	-
Closing unspent appropriation balance	26,745	29,052
Balance comprises appropriations as follows¹:		
<i>Appropriation Act (No. 3) 2017-18</i>	-	921
<i>Appropriation Act (No. 1) 2018-19</i>	13,938	13,938
<i>Supply Act (No. 1) 2019-20</i>	1,472	2,009
<i>Appropriation Act (No. 1) 2019-20</i>	9,333	12,184
<i>Supply Act (No. 1) 2020-21</i>	2,002	-
Total unspent appropriation - ordinary annual services	26,745	29,052
Total unspent appropriation	26,745	29,052

¹ The total unspent appropriation is shown inclusive of Section 51 permanent quarantine against *Appropriation Act (No. 1) 2018-19* of \$0.204m.

Note 5.1C: Special Appropriations ('Recoverable GST exclusive')

Authority	Type	Appropriation applied	
		2021 \$'000	2020 \$'000
Public Governance, Performance and Accountability Act 2013 s77 Repayments ²	Refund	7,146	7,623
Special Appropriation - Telecommunications Act 1997 - ss136C(4)		-	165
Total special appropriations applied		7,146	7,788

² Relates to the refund of radiocommunications licences surrendered before the expiration date.

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5.2 Special Accounts

Note 5.2A: Special Accounts ('Recoverable GST exclusive')

	The Online Safety Special Account ¹		Services for Other Entities and Trusts Monies ²	
	2021	2020	2021	2020
	\$'000	\$'000	\$'000	\$'000
Balance brought forward from previous period	1,796	2,126	75	86
Increases				
Departmental	26,254	18,348	-	-
Administered	-	-	686	255
Total increases	26,254	18,348	686	255
Available for payments	28,050	20,474	761	341
Decreases				
Departmental	(23,597)	(18,678)	-	-
Administered	-	-	(303)	(266)
Total decreases	(23,597)	(18,678)	(303)	(266)
Total balance carried to the next period	4,453	1,796	458	75
Balance represented by:				
Cash held in entity bank accounts	5	346	-	-
Cash held in the Official Public Account	4,448	1,450	458	75
Total balance carried to the next period	4,453	1,796	458	75

¹ Appropriation: *Public Governance, Performance and Accountability Act 2013*; section 80.

Establishing Instrument: *Enhancing Online Safety Act 2015*; section 72.

Purpose: To enhance online safety for Australians.

² 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

	2021 \$'000	2020 \$'000
Amounts applied		
Departmental		
Annual appropriations	19,078	21,011
Own source revenue	721	231
Administered		
Special appropriations (including special accounts)	-	165
Total amounts applied	19,799	21,407
Expenses		
Departmental	19,886	21,323
Administered	-	-
Total expenses	19,886	21,323
External revenue		
Departmental	721	231
Administered	36,237	38,309
Total external revenue	36,958	38,540

Cost Recovered Activities:

The Administered revenue includes the Annual Carrier Licence Charge (2021 - \$30.523; 2020 - \$31.064m) which is based on the cost of services provided by the ACMA, ACCC and the Department of Infrastructure, Transport, Regional Development and Communications. The ACMA is responsible for invoicing and collecting the charges from the telecommunications carriers on behalf of other participating Government organisations.

The Administered revenue also included the money received on behalf of the Postal Industry Ombudsman (PIO) for investigation of complaints (2021- \$0.905m; 2020 - \$0.832m). The ACMA is only responsible for invoicing and collecting the charges on behalf of the PIO.

5.4 Net Cash Appropriation Arrangement

	2021 \$'000	2020 \$'000
Total comprehensive income/ (loss) - as per the Statement of Comprehensive Income	(10,452)	(10,572)
<i>Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)</i>	8,868	9,389
<i>Plus: depreciation on right-of-use assets</i>	7,650	7,446
<i>Less: lease principal repayments</i>	(5,808)	(6,254)
Net Cash Operating Surplus/ (Deficit)	258	9

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.

The difference between the depreciation of Right-of-Use assets and lease principal payment in 2021 includes a rental abatement period on one of the ACMA's office locations.

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

	2021	2020
	\$'000	\$'000
Note 6.1A: Employee Provisions		
Leave	22,325	21,803
Total employee provisions	22,325	21,803

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:

	2021	2020
	\$	\$
Short-term employee benefits	2,660,387	2,470,486
Post-employment benefits	394,955	340,202
Other long-term employee benefits	65,073	58,898
Total key management personnel remuneration expenses¹	3,120,415	2,869,586

The total number of Key Management Personnel that are included in the above table is 8 (2020: 9). The prior year included Executive that acted for period greater than 3 months. 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.

¹ 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.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the ACMA, it has been determined that there are no related party transactions to be separately disclosed (2020: nil).

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 (2020: nil).

Administered

The ACMA is not aware of any material Administered quantifiable, unquantifiable or significant remote contingent assets or liabilities (2020: 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

	2021	2020
	\$'000	\$'000
<u>Note 7.2A: Categories of Financial Instruments</u>		
Financial assets at amortised cost		
Cash and cash equivalents	4,608	1,881
Trade and other receivables	101	314
Total financial assets at amortised cost	<u>4,709</u>	<u>2,195</u>
Total financial assets	<u>4,709</u>	<u>2,195</u>
 Financial liabilities at amortised cost		
Trade creditors and accruals	3,740	2,174
Total financial liabilities at amortised cost	<u>3,740</u>	<u>2,174</u>
Carrying amount of financial liabilities	<u>3,740</u>	<u>2,174</u>

The carrying value of financial assets and liabilities is a reasonable approximation of fair value.

7.3 Administered Financial Instruments

	2021	2020
	\$'000	\$'000
<u>Note 7.3A: Categories of Financial Instruments</u>		
Financial assets at amortised cost		
Cash and cash equivalents	815	436
Fees, charges and other revenue receivables	61,282	31,026
Total financial assets at amortised cost	<u>62,097</u>	<u>31,462</u>
Carrying amount of financial assets	<u>62,097</u>	<u>31,462</u>

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 Fair Value Through Profit or Loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

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

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

	2021	2020
	\$'000	\$'000
<u>Note 8.1A: Departmental - Current/non-current distinction for assets and liabilities</u>		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	4,608	1,881
Trade and other receivables	42,056	35,099
Prepayments	2,488	2,554
Total no more than 12 months	49,152	39,534
More than 12 months		
Land and buildings	70,946	62,997
Plant and equipment	4,655	5,600
Other intangibles	14,094	10,142
Prepayments	432	348
Total more than 12 months	90,127	79,087
Total assets	139,279	118,621
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	3,740	2,174
Other payables	4,552	1,973
Leases	5,271	5,806
Employee provisions	5,051	4,865
Total no more than 12 months	18,614	14,818
More than 12 months		
Leases	61,384	47,609
Employee provisions	17,274	16,938
Other provisions	2,813	2,686
Total more than 12 months	81,471	67,233
Total liabilities	100,085	82,051

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2021	2020
	\$'000	\$'000
Note 8.1B: Administered - Current/non-current distinction for assets and liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	815	436
Taxation receivables	392,156	25,931
Trade and other receivables	61,338	31,137
Other financial assets	18	-
Total no more than 12 months	454,327	57,504
Total assets	454,327	57,504
Liabilities expected to be settled in:		
No more than 12 months		
Other payables	255,377	124,006
Total no more than 12 months	255,377	124,006
More than 12 months		
Other payables	1,217	7,154
Total more than 12 months	1,217	7,154
Total liabilities	256,594	131,160



Part 2

Office of the eSafety Commissioner
annual report 2020–21

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This report is available on the Office of the eSafety Commissioner website at www.esafety.gov.au/about-the-office/corporate-reporting.

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9 September 2021

The Hon Paul Fletcher MP

Minister for Communications, Urban Infrastructure, Cities and the Arts

Parliament House

CANBERRA ACT 2600

Dear Minister

In accordance with section 66 of the *Enhancing Online Safety Act 2015*, I am pleased to present the annual report of the activities of the Office of the eSafety Commissioner for the 2020–21 reporting year.

Yours sincerely

A handwritten signature in black ink that reads "Julie Inman Grant".

Julie Inman Grant

Commissioner

Commissioner's foreword



For eSafety's sixth year of operation, it seems fitting to begin the eSafety story of 2020–21 by mentioning a major milestone achieved at year's end. As the financial year came to a close, Australia's Parliament passed historic new reform legislation, the *Online Safety Act 2021*. The Act gives eSafety wider, more effective powers to help all Australians have safer, more positive experiences online. Passage of these reforms represent a vote of confidence in eSafety's achievements to-date, as the world's first online safety regulator. It's also a very public signal that online abuse will not be tolerated in Australia, and that government is committed to providing a robust safety net to protect its citizens from a range of online harms.

The Online Safety Act came at the culmination of a challenging year when the entire world was grappling with the ongoing impacts of the COVID-19 pandemic. The shift towards online learning, working and connecting continued for millions of Australians, exposing many citizens to unfamiliar and increased online risks. eSafety responded with increased support, delivering heightened levels of compassionate citizen service through our regulatory schemes rolling out new and improved initiatives for both the prevention and mitigation of harms.

At eSafety, we recognise that online safety harms are borderless, so the most effective solutions are global. Accordingly, in 2020–21 we continued to set the international online safety agenda, producing world-leading advice and resources, and demonstrating that innovation can uplift responses in every nation. This was highlighted by the launch of our Safety by Design self-assessment tools and safety resources for investors and venture capitalists. These world-leading tools were developed through close collaboration with the technology industry to help it build user safety from the moment of inception. From investors to start-ups, through to mid-tier companies and corporate giants, the harms have been known for decades and we can demonstrate how technology platforms are typically weaponised. With the release of these free assessment tools, and the information and best technology practice guidance underpinning them, the industry is officially on notice – there's now no excuse for users being left unprotected from known risks, or without reporting and response mechanisms to support them if they experience online abuse.

Never has it been more important to address the harmful behaviour and content that was previously allowed to flourish online without smart and pragmatic regulation. The lives of ordinary people are badly damaged when online abuse goes unchecked. At eSafety, we see first-hand the many devastating impacts – where cyberbullying strips joy and confidence from children and extends their torment beyond the schoolyard; the silencing of voices through targeted online harassment, which is increasingly violent and polarising; the online stalking and intimidation that almost always accompanies domestic and family violence, creating suffocating anxiety to women and children already suffering physical and emotional abuse. We see daily the anguish that can destroy a person's self-esteem when intimate photos or videos are posted and shared online without consent, and we see the devastatingly irreversible effects of child sexual abuse and exploitation.

In 2020–21, a record number of Australians reported all forms of online abuse to eSafety. We continued to work with social media companies and other sites and apps to have seriously damaging posts and comments removed – this included handling 2,684 official complaints about intimate images and videos that had been shared without consent.

Our investigators handled over 23,500 items of potentially prohibited online content – more than ever before. The content ranges from depictions of terrorism and other extreme or violent acts and, of the investigations taken forward, 14,494 concerned child sexual abuse material. Sadly, this was also a record – and not one we want to see broken. We continued to work with our local and international partners to remove this content from the internet and help bring some sense of relief to victims and prevent repeated re-traumatisation.

There were over 1.4 million visits to our website, esafety.gov.au, which is a hub for reporting online abuse and finding self-help and general online safety information. We increased and improved our resources designed to raise awareness of risks, explain preventative strategies and provide tips for dealing with the most common online safety issues Australians grapple with. We launched a new suite of content for young children, their families and educators, including the *Swoosh, Glide and Rule Number 5* picture book and *My Family Rules* song. We continued to support and grow digital literacy programs for seniors, through the 'Be Connected' learning modules to help build confidence while reducing social isolation. Following up on our commitments in our 'Protecting Voices At-Risk Online' declaration, we added more tailored advice for those most at risk of online harms, including First Nations Australians, people who are culturally or linguistically diverse, LGBTIQ+ or who may live with disability.

Our research continued to furnish a solid evidence base for eSafety initiatives. *The digital lives of Aussie teens* report revealed that one in 3 teens had received unwanted contact online – a marked increase from 2017. We also released our landmark report, *Children and technology-facilitated abuse in domestic and family violence situations* and research into the *Online safety of young people with intellectual disability*. Focusing on adults, we released research into negative online experiences, confidence and resilience, and examined how COVID-19 was impacting online activities and attitudes.

In a year when women across the world raised their voices to call out abuse and discrimination, eSafety delivered critical training to disability support workers, and domestic and family violence workers. In addition, eSafety's WITS program was relaunched as 'Women In The Spotlight', with a focus on protecting all women whose working lives require them to have an online presence. We also created a suite of multilingual resources and public service announcements, in conjunction with SBS, to provide information about what to do when digital technology is used as a weapon of coercive control, as highlighted in their ground-breaking series *See What You Made Me Do*.

Throughout the year, eSafety's outreach team delivered professional learning for teachers, mental health workers, social workers and peak sporting bodies, including partnership with the AFL in the #PlayItFairOnline campaign. Our education and training engagement increased by 67%, with the number of primary school students reached through our Virtual Classroom webinars growing by 98%. There were also record levels of attendance at our webinars for parents and carers, and increasing demand across the Australian community for more eSafety live-streamed content.

We know that educating our communities is critical to the online safety of current and future generations. In 2020–21, we expanded our network of Trusted eSafety Providers (TEPs) to provide them with a community of practice to help arm them with the best research, insights and skills to lift the overall standard of online safety education delivery into homes and schools. Indeed, the TEP community is growing and has served to amplify eSafety's reach and impact in schools and communities through 7,835 sessions reaching over 780,000 participants. We also awarded grants to the Australian NGO community to empower and encourage the sector to develop and deploy innovative approaches to reach new and specialised audiences across the country.

Safer Internet Day once again provided an opportunity to highlight online safety and let Australians know they can come to us for information and support. The event was the most successful to date, with more than 61,000 Australians reached through eSafety webinars, 4,000 organisations registered as supporters, and unprecedented nation-wide media coverage.

Staying one step ahead of rapidly changing technologies and understanding their potential impacts – both positive and negative – remained a key focus for eSafety. In 2020–21, our 'Tech trends and challenges' position statements highlighted the reality of online sexual behaviours among young people under 18, the dilemmas posed by anonymity and identity shielding, the growth of sexual extortion and the potentially negative impacts of hyper-realistic immersive technologies.

eSafety shared our experiences and observations with governments and organisations around the globe, supporting their efforts to protect and safeguard their own citizens online. We influenced public debates and legislative responses at the highest international levels, including in the United Nations and the European Parliament. In the Pacific region, we bolstered online safety responses, helping Fiji develop its

own online safety responses and resources and forming a strategic alliance with Fiji's Online Safety Commissioner.

The new Online Safety Act, to take effect from 23 January 2022, will give us a vast new tool kit to help us keep Australians safer online – providing citizen protections no other country in the world can claim. The key changes include the introduction of a world-first adult cyber abuse scheme, enhanced powers for dealing with image-based abuse and the cyberbullying of children, and a modernised scheme for dealing with illegal and harmful content. We have also been given stronger information-gathering powers, a framework to create basic online safety expectations for the technology industry, and a regime for the development of industry codes and standards.

Our preparation for the Online Safety Act now includes establishing the new functions while improving our systems and processes and building our organisational capacity and skills. As always, our teams are already rising to the challenge.

I look forward to 2021–22 being a milestone year for our agency and for the online safety and prosperity of all Australians.

A handwritten signature in black ink, reading '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

We had over **1.4 million website visitors** and more than **5.37 million page views**



Providing online safety education

We had over **161,763 participants** through our eSafety outreach and training presentations

We reached over **39,514 subscribers** a month to our *eSafety news* e-newsletter



Empowering Australian women

We had **36,865 visitors** to the eSafetyWomen website with **68,965 page views**

We held **111 workshops** and **webinars** with **2,170 participants** and **462 registered users** of the eSafetyWomen online learning management resource



Supporting older Australians

We had **212,362 visitors** to Be Connected Digital Literacy for Older Australians learning portal

There were **1,294 attendees** at eSafety presentations and webinars with over **2.89 million page views**



Tackling image-based abuse

We were successful in having over **90% of material removed** on request



Fighting illegal content and abhorrent violent material

We received **10,934 complaints**, comprising **23,568 items** of potentially prohibited online content

We identified **14,531 URLs** that were referred to law enforcement
More than **99%** of these provided access to child sexual abuse material

We issued **5 notices** to Australian and overseas services about abhorrent violent material



Combating cyberbullying

We received **934 complaints** about serious cyberbullying targeting Australian children

We referred over **5,700 people** to the Kids Helpline website



Expanding our influence across borders

We represented at **22 international conferences and fora** and met with officials and diplomats from **16 countries** to discuss our unique Australian model and world-leading initiatives

Overview

Functions and responsibilities

The functions of the eSafety Commissioner are set out in section 15 of the *Enhancing Online Safety Act 2015* (EOS Act) and accompanying legislative rules.

In accordance with the legislation, eSafety's specific responsibilities include:

- > administering a cyberbullying complaints scheme for serious cyberbullying material that targets an Australian child
- > administering the Online Content Scheme for the removal of prohibited or potentially prohibited internet content, in accordance with schedules 5 and 7 to the *Broadcasting Services Act 1992* (BSA)
- > administering a complaints and objections system for non-consensual sharing of intimate images (otherwise known as image-based abuse)
- > issuing notices to content services and hosting services about abhorrent violent material available on their services via amendments to the *Criminal Code Act 1995*
- > coordinating activities of Commonwealth departments, authorities and agencies relating to online safety for children
- > supporting, encouraging, conducting, accrediting and evaluating educational, promotional and community awareness programs relevant to online safety
- > supporting, encouraging, conducting and evaluating research about online safety
- > advising the Minister for Communications, Urban Infrastructure, Cities and the Arts about online safety
- > promoting online safety for people at risk of family or domestic violence including the risks of using technology
- > supporting, encouraging and conducting educational, promotional, training and community awareness programs that are relevant to online safety for people at risk of family or domestic violence.

In 2019, the Commissioner was given a new function through the Enhancing Online Safety (Protecting Australians from Terrorist or Violent Criminal Material) Legislative Rule 2019:

- > promoting online safety for Australians by protecting Australians from access or exposure to material that promotes, incites, or instructs in, terrorist acts or violent crimes.

Corporate structure

The EOS Act establishes the eSafety Commissioner 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 67 of the EOS 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 2020–21, eSafety was staffed by the Commissioner, and had an average staffing level of 66.55 and a number of contractors. Staff were located in the ACMA's Sydney, Melbourne and Canberra offices.

Figure 2.1: Office of the eSafety Commissioner corporate structure, as at 30 June 2021

The Commissioner

Julie Inman Grant was appointed as eSafety Commissioner on 23 November 2016 and began in the role in January 2017.

Ms Inman Grant has extensive experience in the non-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.

The Commissioner's career began in Washington DC, working in the US Congress and the non-profit sector before taking on a role at Microsoft. Ms Inman Grant's experience at Microsoft spanned 17 years, serving as one of the company's first and longest-standing government relations professionals, ultimately in the role of Global Safety Director for safety policy and outreach. At Twitter, she set up and drove the company's policy, safety and philanthropy programs across Australia, New Zealand and Southeast Asia.

As Commissioner, Ms Inman Grant 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 was designated one of Australia's most influential women by the Australian Financial Review in 2019. In 2020, the World Economic Forum and Apolitical designated the Commissioner as one of the #Agile50, the world's most influential leaders revolutionising government.

Report on performance

Assistance and investigations	209
Education and awareness	218

This section sets out 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 Office of the eSafety Commissioner. In my opinion, this information accurately reflects the performance of the Office of the eSafety Commissioner in the 2020–21 financial year.

A handwritten signature in black ink, reading 'Julie Inman Grant'. The signature is fluid and cursive, with the first name 'Julie' being the most prominent.

Julie Inman Grant
eSafety Commissioner

Assistance and investigations

Cyberbullying

Performance criteria:	Operation of a complaints scheme to deal with serious cyberbullying affecting Australian children
Target:	Effectively and efficiently administer a complaints-based scheme to deal with serious cyberbullying by providing a safety net, high quality advice, support pathways and targeted evidence-based educational resources
Results:	Met

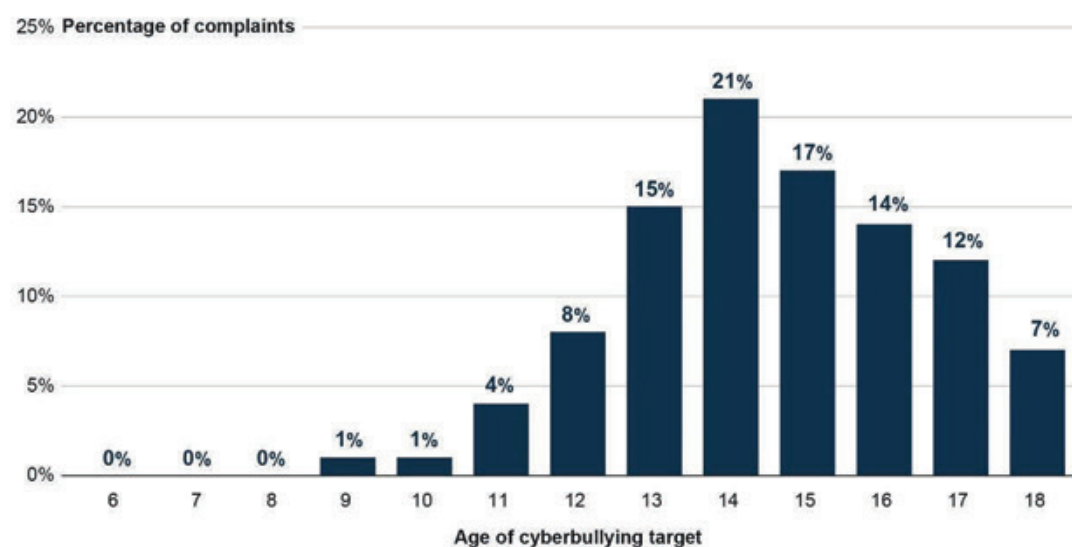
The cyberbullying complaints scheme enables the reporting of material targeting an Australian child that is likely to seriously threaten, humiliate, harass or intimidate. It also encompasses:

- > formal cooperation with key social media services as part of eSafety's social media service tier scheme
- > referrals to key support services, including Kids Helpline
- > a range of educational and informative resources to support young people and their carers to deal with the effects of cyberbullying.

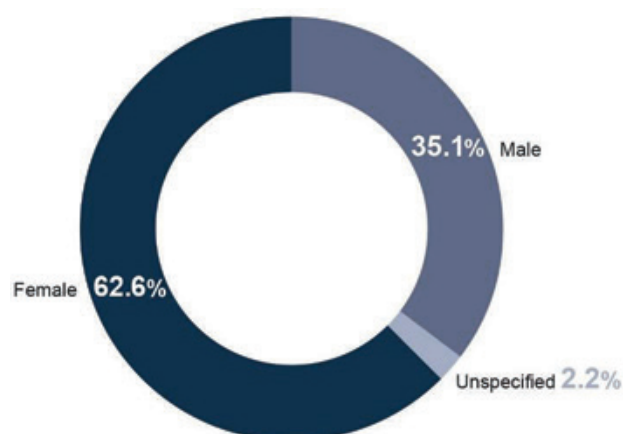
Complaints scheme data

eSafety received 934 complaints about cyberbullying during the reporting period, an increase of 35% from 2019–20. Young Australians aged between 13 and 17 were the primary targets of reported cyberbullying material, accounting for approximately 78% of the complaints received (see Figure 2.1).

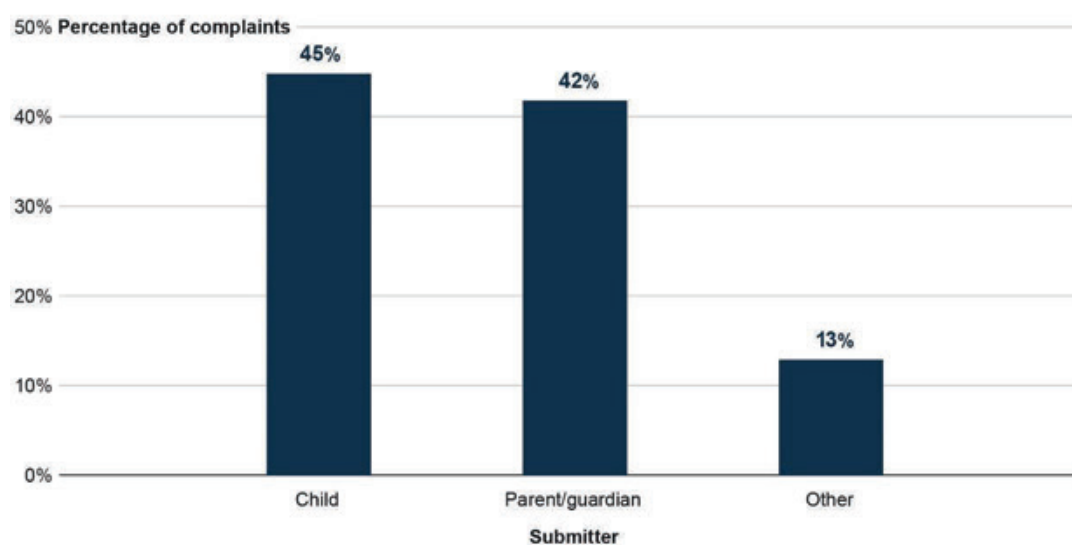
Figure 2.1: Complaints of cyberbullying material by age, 2020–21



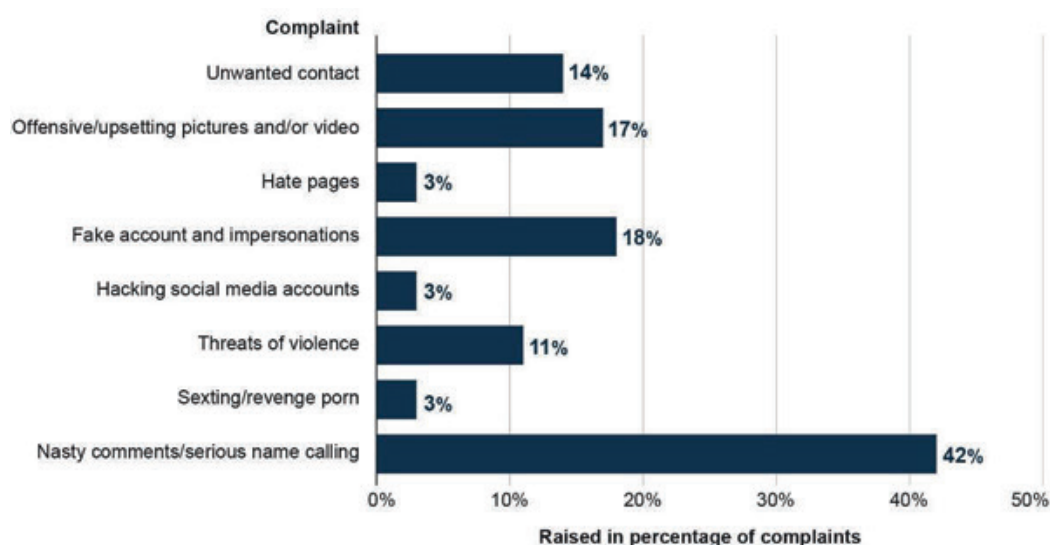
Of the complaints received, 62.6% related to cyberbullying material targeting females (see Figure 2.2).

Figure 2.2: Complaints of cyberbullying material by gender, 2020–21

Cyberbullying complaints made to eSafety in 2020–21 came from roughly equal numbers of children and parents/guardians (see Figure 2.3).

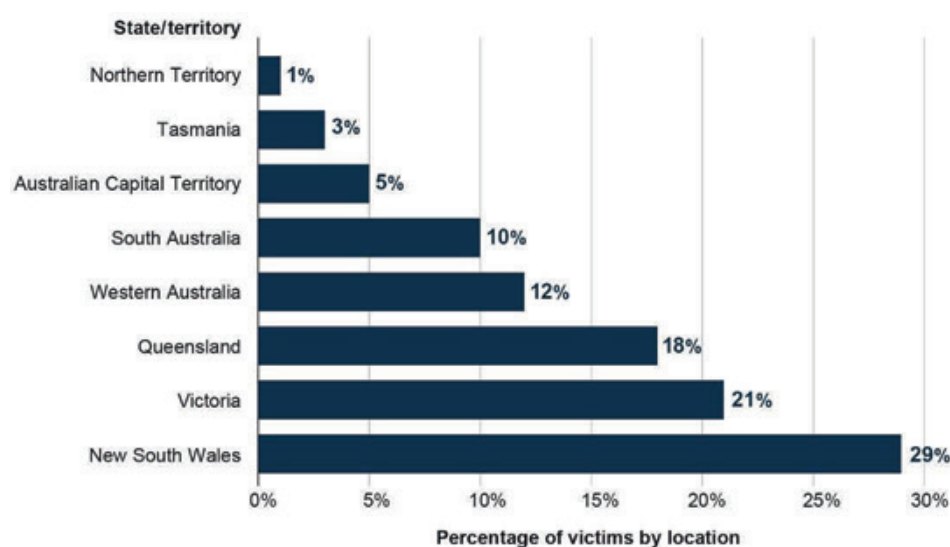
Figure 2.3: Complaint by group, 2020–21

The cyberbullying material referred to in these complaints can be broken into 8 general categories. A complaint may relate to one or more of these categories. Figure 2.4 details the percentage of complaints that relate to each of the categories.

Figure 2.4: Percentage of complaints identifying general categories of cyberbullying, 2020–21

Note: A complaint may have multiple categories, so cumulative figures will exceed 100%.

While not mandatory, 83% of reports included information about the complainant's state or territory (see Figure 2.5). eSafety received reports from every state and territory in Australia, with the greatest number from New South Wales, followed by Victoria.

Figure 2.5: Location of cyberbullying target, 2020–21

Tier scheme social media partners

The EOS Act provides a 2-tiered scheme for the fast removal from social media services of cyberbullying material targeted at an Australian child. Tier 1 social media services participate in the scheme on a voluntary basis, whereas the Minister for Communications, Urban Infrastructure, Cities and the Arts declares a social media service to be a Tier 2 service following a recommendation from the Commissioner.

Referrals to key support services

eSafety aims to resolve cyberbullying complaints in a holistic and empowering manner. Most complainants are directed to support services, such as Kids Helpline, Parentline and Headspace. eSafety's website provides a variety of practical resources, including clear instructions on how to block, delete and report unwanted material on popular social media services.

During the reporting period, there were over 5,700 website click-throughs from eSafety's website to the Kids Helpline website.

Where appropriate, eSafety works with schools to resolve complaints, ensures cyberbullying policies are followed, and provides advice. During the report period, 19 complaints were brought to the attention of schools.

Cyber abuse

As part of its role to promote online safety for all Australians, eSafety provides general guidance and support for adults dealing with cyber abuse. In 2020–21, eSafety received requests for assistance from 1,599 adults, an increase of 52% from 2019–20. The majority of cyber abuse complainants were women. Many of the complaints reflected both the same behaviours and platforms observed in child cyberbullying matters. eSafety currently does not have formal powers to investigate adult cyber abuse.

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, the civil penalties scheme for the non-consensual sharing of intimate images offers victims relief by facilitating the rapid removal of intimate images posted online. The civil penalties scheme also enables eSafety to hold perpetrators of image-based abuse accountable through a range of remedies. These include formal warnings, remedial directions, infringement notices, and seeking an injunction or civil penalty order from a court.

During the reporting period, eSafety continued to raise public awareness of image-based abuse and its role in addressing it. This included a series of social media campaigns explaining image-based abuse and providing advice about reporting to eSafety. A digital pack was also distributed to universities, with the aim of reducing incidents of image-based abuse among students.

Reports data

During the reporting period, eSafety:

- > handled 2,687 reports of image-based abuse (see Figure 2.6).
- > responded to 1,598 enquiries about image-based abuse
- > gave one removal notice to a website based overseas
- > issued 2 remedial directions and 2 warnings to persons responsible for image-based abuse

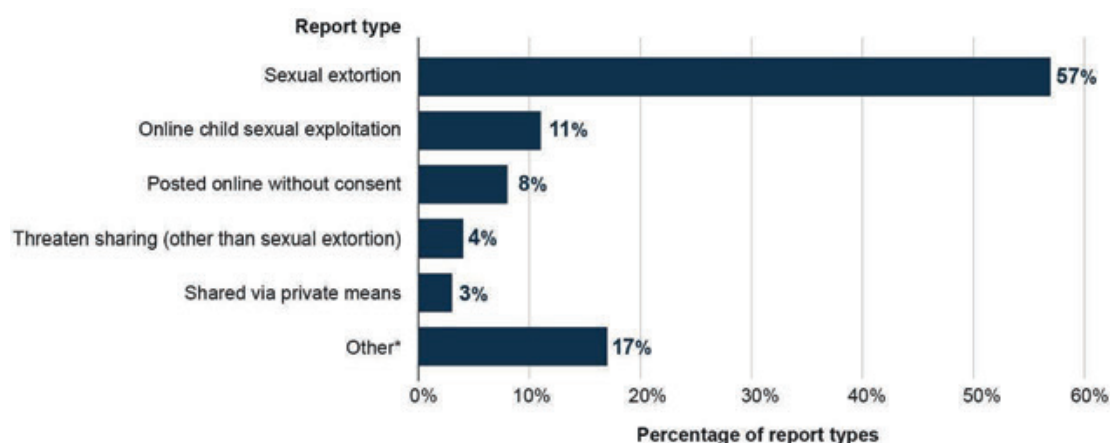
- > sent written advice to 2 young people responsible for image-based abuse, in circumstances where it was considered appropriate to adopt a remedial and educative approach to enforcement.

Figure 2.6: Number of image-based abuse reports by month, 2020–21



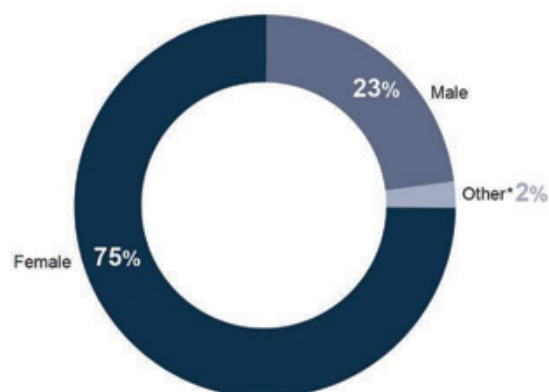
The types of harm most often experienced by people reporting image-based abuse to eSafety during the reporting period are summarised in Figure 2.7. Sexual extortion was the behaviour most often reported. Sexual extortion is a form of blackmail and involves threats to post intimate images of the victim unless demands are met, typically for money. It includes the use of fake accounts to threaten distribution of intimate content recorded via video chat, scam email campaigns where victims are threatened with the release of 'hacked' intimate content and dating/romance scams. Victims of sexual extortion were predominately male.

Figure 2.7: Percentage of reports by type of harm, 2020–21



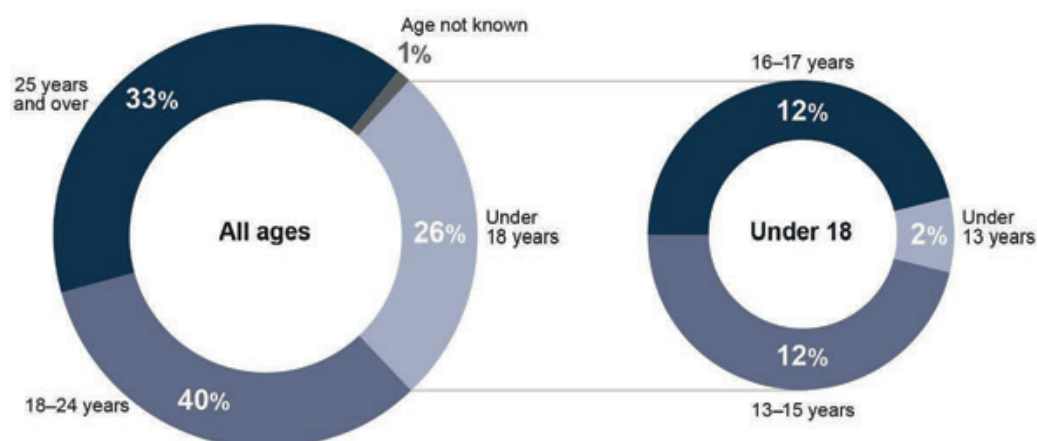
* 'Other' includes harms such as peer group sharing among young people, coercive control, impersonation accounts, receipt of unsolicited intimate images and digitally altered images.

Excluding reports that involved sexual extortion, victims of image-based abuse were predominately female (see Figure 2.8).

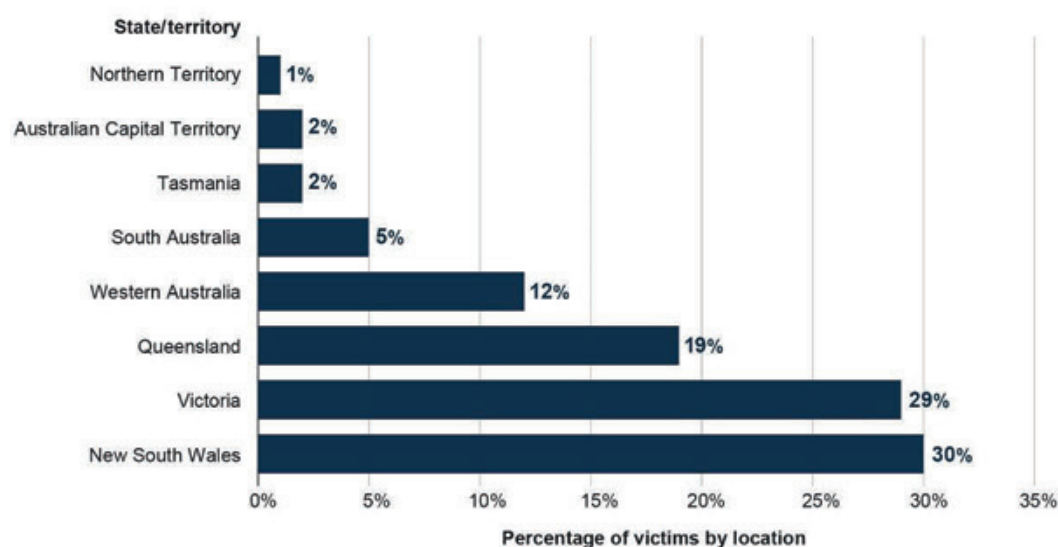
Figure 2.8: Victims by gender, 2020–21 (excluding sexual extortion)

* 'Other' includes not provided or reporter preferred not to disclose.

Most reports received during this period were from adult victims, accounting for 73% of reports. The majority were aged between 18 and 24 years (see Figure 2.9).

Figure 2.9: Victims by age, 2020–21

eSafety received reports from every state and territory in Australia during the reporting period, with the greatest numbers from New South Wales and Victoria (see Figure 2.10).

Figure 2.10: Victims by state or territory, 2020–21

* During the reporting period it was not always mandatory for people to tell us their state or territory.

Removal actions

During the reporting period, eSafety sought removal of intimate images assessed to be image-based abuse material from over 2,500 locations (generally URLs) across 141 different platforms. Most of this material was posted on exposé or pornography sites and hosted overseas. eSafety was successful in having over 90% of this material removed through informal action. If eSafety is unable to effect removal of the material, we take steps to limit the discoverability of the material, typically by having it removed from search engine results.

eSafety also alerted social media services to almost 2,000 accounts misused to elicit, share or threaten to share intimate content, which typically resulted in deletion of the accounts.

Cyber Report

Performance criteria:	Operation of a complaints scheme for the removal of online content that breaches legislative standards
Target:	Effectively and efficiently deliver a complaints scheme to take down illegal online content, including referral to Australian and international enforcement mechanisms
Results:	Met

Cyber Report is the eSafety section responsible for overseeing the operation of the Online Content Scheme established under schedules 5 and 7 of the BSA. The section prioritises reports about online child sexual abuse material (CSAM) and works closely with law enforcement and other bodies in Australia and overseas to achieve the rapid takedown of such material.

Online Content Scheme

The scheme is a reporting mechanism for Australians to complain about prohibited online content. Cyber Report investigates these reports and acts on material found to be 'prohibited or potentially prohibited'. These categories are defined in terms of classification categories under the National Classification Scheme that also apply to offline content such as film and computer games and some publications.

They include:

- > offensive depictions of children, such as CSAM
- > content advocating terrorism
- > instruction, incitement or promotion of crime or violence
- > some sexually explicit content.

Responsibilities under the scheme include:

- > investigating complaints made under schedules 5 and 7 to the BSA into prohibited online content
- > directing take-down of prohibited content if it is hosted in Australia
- > notifying all sufficiently serious Australian-hosted content to law enforcement
- > notifying all overseas-hosted CSAM to the International Association of Internet Hotlines (INHOPE) or the Australian Federal Police (AFP) for rapid police action and take-down in the host country
- > notifying overseas hosted potentially prohibited URLs to optional end-user filters.

Online content complaints data

eSafety prioritises reports about online CSAM and is a longstanding member of the INHOPE network. INHOPE is a global organisation whose member hotlines work together with the goal of fighting to free the world of CSAM. For more information, refer to 'The INHOPE network' section on p. 217.

A single complaint to eSafety may lead to multiple regulatory investigations. During 2020–21, eSafety finalised investigations into 14,633 items of prohibited and potentially prohibited content (see Table 2.1), of which 98% met the definition of CSAM.

Two of these items (prohibited content but not sufficiently serious content) were found to be hosted in Australia, leading to one take-down notice being issued to an Australian content host during the reporting period.

Over 97% of investigations into CSAM items were completed within 2 business days and notified to the INHOPE network or the AFP. Of all online content complaints received, 97% were actioned within 2 business days. Over 98% of all investigations about online content were completed within 20 business days.

All overseas hosted potentially prohibited items of internet content were referred to vendors of optional end-user internet software filters under relevant internet industry codes of practice.

Under the BSA, prohibited content is defined with reference to the classification categories set out in the National Classification Scheme. Table 2.1 shows the breakdown by content type of items actioned as a result of completed investigations into sufficiently serious potentially prohibited content.

Table 2.1: Sufficiently serious internet content 2020–21, items actioned

Actual or likely classification and description of online content	Online content hosted in or provided from Australia	Internet content items hosted overseas
RC 1(b) (Refused Classification content for offensive depictions/descriptions of children)	0	14,494
RC 1(c) (Refused Classification content for instruction, incitement or promotion of crime or violence)	0	24
RC9A (Refused Classification for films that advocate terrorist acts)	0	13
Total	0	14,531

Abhorrent violent material

Performance criteria:	Operation of a response capability to block terrorist and extreme violent material in online crisis events
Target:	Effectively and efficiently deliver a response capability to an online crisis event, including blocking or removing of harmful material
Results:	Met

Under the *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* (the AVM Act), the eSafety Commissioner may issue a notice to content services or hosting services about abhorrent violent material (AVM) provided via their service.

AVM 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.

A notice issued by eSafety (AVM notice) serves to bring the AVM to the attention of the service. A failure by the service to expeditiously remove the material may be a Commonwealth criminal offence.

During the reporting period, eSafety issued 5 AVM notices.

The INHOPE network

Comprising 46 hotlines from countries around the world, INHOPE plays a unique role in global efforts to eradicate online CSAM. Content referred to an INHOPE hotline is passed on to local police or service providers for follow-up action. In around 74% of cases, content is removed within 3 days.

The actions of INHOPE members are key to ensuring illegal child sexual abuse content is actioned quickly and effectively for removal. eSafety is an active member, contributing 13,703 reports through the network in 2020–21.

Education and awareness

Performance criteria:	Promote online safety for all Australians
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
Results:	Met

Online safety programs and resources

eSafety focuses on promoting, coordinating and leading online safety education for Australians nationally. 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.

Young people and families

eSafety Early Years

Launched in 2019–20, the eSafety Early Years program targets young children (birth to 5 years), their families and early childhood educators. Two key new resources were released in February 2021 on Safer Internet Day, marking the final delivery of assets for this program – the *Swoosh, Glide and Rule Number 5* picture book and the *My Family Rules* song and music video. The picture book explores the online adventures of twin sugar glider characters and the song, written and performed by the children's entertainer Lah-Lah, helps to reinforce safe online habits. A video-recorded reading of the picture book by the children's entertainer, Jimmy Rees and Auslan versions of the recordings are also available. As of 30 June 2021, these resources have received more than 24,500 page views.

Two earlier resources, the *Online safety for under 5s* booklet for parents and carers and 4 professional learning modules for educators, were evaluated by an external consultant in 2020 as part of eSafety's commitment to continuous improvement. The results were published on eSafety's website in June 2021. The report found that most parents and half the educators surveyed felt more confident in discussing online safety with their children and taking action after engaging with these resources.

5 to 8 cohort

Building on the success of the Early Years program, eSafety has begun work on a suite of resources for the 5 to 8 years audience, meeting a gap in online safety education for this cohort. This will include a range of resources delivered in a phased approach in 2021–22, incorporating teacher professional learning, classroom-based activities and revised web content for children.

Online advice for young people during COVID-19

Throughout 2020–21, eSafety continued to provide advice and support to young people and parents and carers about staying safe online during the COVID-19 pandemic. As of 30 June 2021, over 9,700 people have viewed this advice.

Youth engagement

eSafety has contracted an external provider for consultation and engagement services to strengthen eSafety's direct and ongoing engagement with young people (13 to 18 years). This will explore young people's experiences of online safety with the aim of supporting eSafety's delivery of trusted and targeted online safety advice and support.

Educational leadership

Education and school community resources

Toolkit for Schools

New resources have been added to the eSafety Toolkit for Schools that was originally launched in February 2020. The new resources include an adaption of the STEPS Framework for selecting online safety education programs and student voice surveys (Foundation to Year 12), adding to the original suite of content that enables school communities to prepare, engage, educate and respond in relation to online safety issues. As of 30 June 2021, the toolkit received more than 47,000 page views and was downloaded more than 19,000 times.

Best Practice Framework for Online Safety Education

In 2019, eSafety engaged the Queensland University of Technology to undertake a 2-stage research process to develop a best practice framework for online safety education for Australian schools (Foundation to Year 12). The second stage of the research was conducted in June 2020 to test, refine and finalise the framework through consultation with a range of stakeholders. The framework and support materials were released in July 2021.

Toolkit for Universities

In 2020, eSafety partnered with Universities Australia to develop an online safety Toolkit for Universities, modelled on the Toolkit for Schools. Resources have been developed to support university students, teaching staff and non-academic staff to build their online safety knowledge and skills. They aim to support 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.

As of 30 June 2021, the toolkit and individual resources were downloaded more than 3,300 times between 20 May 2020 (release date) and 30 June 2020 and have been accessed by users in more than 15 countries.

Safer Online: Awareness to Resilience (SOAR)

In 2020, eSafety commenced SOAR – a pilot initiative that supports Australian universities to develop whole-of-institution, sustainable approaches to online safety. eSafety has partnered with Universities Australia and 4 universities across Australia to trial this capacity-building model, by working closely with senior university executive staff to develop action plans that prevent and respond to online harms. The outcomes of the pilot will inform future capacity-building initiatives across the university sector and will support the development of additional resources under the Toolkit for Universities.

Education and training program

eSafety education and training supports an extensive education program for school students, educators, pre-service teachers, university staff, school chaplains, parents/carers, seniors, community organisations, mental health and social workers, sporting groups, law enforcement, welfare agencies and corporate groups (see Table 2.2).

Table 2.2: Total outreach activity, 2020–21

Type of outreach program	Attendees	Events
Virtual Classrooms	136,488	39
Pre-service teachers	3,011	36
Professional learning program (for teachers)	3,224	38
Community and other presentations	17,997	183
Chaplaincy programs	1,043	22
Total	161,763	318

Pre-service teacher program

eSafety's education and training team continued to provide presentations to pre-service teachers (PST) generally in their final year of tertiary study, giving them the skills, knowledge, and confidence to educate their future students about online safety.

During 2020–21, 36 PST sessions were delivered to 3,011 students.

Corporate and community education

eSafety provides tailored presentations and workshops for corporate organisations and community groups wishing to build online safety knowledge and skills. Due to ongoing COVID-19 travel restrictions, during 2020–21, all presentations were delivered via live, interactive webinar. During the reporting period, eSafety delivered 183 corporate and community presentations to 17,997 participants.

Following positive feedback and high levels of demand for webinars offered during the lockdown in 2020, the 2021 parent and carer series was launched in February. This new series involves the delivery of a new topic each school term and offered several times via free, live webinar. *eSafety's parent guide to cyberbullying and online drama* and *eSafety's guide to parental controls* were delivered in Terms 1 and 2.

Chaplains

National School Chaplaincy Program (NSCP)

This program provides evidence-based, targeted advice on preventing and responding to cyberbullying. 1,043 NSCP chaplains completed eSafety's professional learning in 2020–21.

Virtual Classrooms

The eSafety education and training program reaches primary school audiences via live webinars on key awareness days throughout the year – these are referred to as Virtual Classrooms. Virtual Classrooms are live and delivered by expert trainers with interactive elements including live chats and polling. In 2020–21, eSafety delivered 3 Virtual Classrooms for schools:

- > *'Be an eSafe kid: privacy and security'* during National Child Protection Week, September 2020
- > *'Be an eSafe kid: Fake news, real harms'* during Safer Internet Day February 2021
- > *'Be an eSafe kid: Being an upstander'* during National Day of Action against Bullying and Violence, March 2021.

During the reporting period, 136,488 students participated in Virtual Classrooms, a 98% increase in participation since the last reporting period.

Professional learning program

eSafety's successful professional learning program (PLP) for teachers continued in 2020–21, with 3,224 teachers completing the training. A new topic launched in April 2021, *Online harmful sexual behaviours, misinformation and emerging technologies*, comprising a 90-minute live webinar followed by 30 minutes of readings and assessment. The program is accredited by the ACT Teacher Quality Institute, allowing teachers from the ACT to gain accredited professional development hours on completion of the course. All other teachers receive a certificate for 2 hours of professional learning.

Trusted eSafety Providers Program

During 2020–21, eSafety consolidated the Trusted eSafety Provider Program. The program endorses providers of online safety education who meet high thresholds for content quality and are up-to-date with the latest online safety trends and research. All providers are part of a collaborative community of practice where they work closely with eSafety on best practice approaches to online safety education. As at 30 June 2021, there were 38 providers endorsed under the program.

Table 2.3: Trusted eSafety Provider Program reach, 2020–21

Program	Number
School programs	
Sessions	2,772
Schools	7,717
Student participants	730,092
Parent participants	34,104
Teacher participants	8,109
Participants (Combined)	772,305
Non-school programs	
Sessions	118
Participants	8,479
Total	
Sessions	7,835
Participants	780,784

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) as part of the Australian Government's 'Keeping our Children Safe Online' package.

Eight successful grant recipients for the first round of the program were announced in October 2020.

Table 2.4: Online Safety Grants Program – Round 1 projects, recipients and funding

Organisation	Project name	Funding amount (ex GST)
University of Canberra	Safe Online Together	\$118,000
Alannah & Madeline Foundation	Improve Your Play	\$714,800
Endeavour Foundation	Online Safety for All Abilities	\$100,000
Association of Children's Welfare Agencies	Online Safety in Out of Home Care	\$485,000
YMCA Services	Stay Safe Online, Tell Someone	\$332,500
Queensland Remote Aboriginal Media	Staying eSafe	\$232,480
Souths Cares	Souths Cares Cyber Safety Program	\$121,000
Constable Cares Foundation	Virtual Reality Resources for Cyber-Safety Education	\$145,820
Total funding		\$2,249,600

Applications for the second round of the Online Safety Grants Program opened on 27 April 2021 and closed on 25 May 2021. Successful applicants will be announced in the next reporting period.

Protecting those most at risk online

In August 2020, eSafety released a public statement – Protecting Voices at Risk Online – which provided evidence and investigative insights into which members of the Australian community are most targeted by online abuse and eSafety's strategic plans to meet these communities' unique needs.

Some key targeted initiatives that support this work include:

- > In 2020, eSafety undertook desktop and qualitative research that led to 3 workshops and a community roundtable to help explore the issues faced by members of the LGBTIQ+ community. eSafety's 2020 Online hate speech research demonstrated that this community experiences online hate speech at more than double the rate of the national average in Australia. This work will help frame targeted resources to be released in early 2022.
- > eSafety continues to integrate support in languages other than in English throughout our programs. eSafety also increased our range of languages in our eSafetyWomen and adult cyber abuse areas in direct response from sections of the community who saw a significant increase in online harm.
- > A range of work was undertaken during early 2021 to support First Nations Australians, including a review of *Be Deadly Online*, a resource developed to support Aboriginal and Torres Strait Islander youth.
- > Your Online Journey, a digital literacy and online safety initiative was also reviewed and updated to assist in its release in 2022 as a web-based resource in addition to the current app.
- > A cultural review was undertaken of eSafety's current adult cyber abuse resources. This will inform the development of customised support for First Nations Australians at risk of adult cyber abuse 2021–22.

Digital literacy for older Australians – Be Connected

Be Connected targets older Australians with no, or very little digital confidence and uses interactive learning experiences to help them engage safely and confidently online. This Australian Government initiative was launched in 2017, with funding extended in 2020–21 for an additional 3 years to 2023–24. In 2020, eSafety's work with the Department of Social Services was recognised by the awarding of the Australian Government Digital Awards - Excellence in multi-agency partnership award.

The Be Connected interactive learning site, developed and managed by eSafety, now has over 456 learning activities (alongside quizzes, practice areas and videos), with user traffic for 2020–21 hitting over 2.9 million page views. New interactive topics released in this reporting period include 'Mobile Banking', 'Smart Homes', 'Using the Cloud' and 'Social Media Apps'. This online content continues to receive an average satisfaction rating of over 92% from learners. Tip and fact sheets also continue to be delivered in 8 languages to support those from linguistically diverse communities.

In 2020–21, eSafety released the 'Online safety for grandparents and carers', which covers key advice for grandparents and carers about online safety issues that can affect children and young people in their care. It is available as an online resource or hardcopies can be ordered free of charge. To date, there have been 13,896 physical copies of the guide distributed and a further 797 copies downloaded.

During COVID-19, eSafety responded to the need to equip older Australians to be able to engage safely online by delivering Be Connected webinars covering a range of topics, from online scams to how to use MyGov, to over 1,294 older Australians during 2020–21.

Throughout 2020–21, we worked with a range of stakeholders across industry and all levels of government to promote the program – including the ATO, Services Australia, Commonwealth Bank, ANZ Bank, NAB Bank, various state's seniors card programs, OPAN, Woolworths and SkillFinder.

To date, over 1 million learners in every state and territory across the country have now engaged with the broader Be Connected initiative.

eSafetyWomen

Since 2016, eSafety has provided information and support to women to enable them to engage safely online and be protected from online harms. 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 empowering women in public-facing roles who disproportionately experience gendered online violence as a result of their profession.

eSafetyWomen website

The esafety.gov.au/women website provides practical tools and information to help women navigate their online lives. This includes information relating to online banking, gaming, shopping and dating. It also provides guidance and advice about privacy and security settings and how women can protect themselves and their families against online abuse. The site features how-to videos on the privacy and security features of social media platforms and devices. Case studies illustrate technology challenges women can face and strategies for resolution. Popular topics relate to the use of technology in domestic and family violence situations.

During 2020–21, the eSafetyWomen website received 36,865 unique visits, with 68,965 of content viewed

Specialist training workshops

eSafetyWomen's professional learning program continued to deliver essential training to raise awareness of technology-facilitated abuse and what can be done in response. These workshops provide professionals working in the domestic and family violence field 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, law enforcement and the legal profession. In the reporting period, 100 workshops and webinars were held, with over 1,763 participants.

E-learning modules offer an alternative access path for frontline workers who cannot attend in-person training, such as those in rural and remote areas. During the reporting period, more than 462 frontline workers registered to undertake this training.

In January 2021, we launched a tailored webinar for service providers from the domestic violence and disability sectors who support women with intellectual or cognitive disability. In the reporting period, 7 webinars were held, with 163 participants.

Over the reporting period, we also conducted 2 special events targeting women to coincide with #16DaysOfActivism and International Women's Day, with 164 participants in total.

Supporting diverse communities

With funding from the Women's Safety Package – Technology Trials and from the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children (2010–2022) – eSafety has continued to focus on developing programs to assist the online safety needs of women with intellectual and cognitive disabilities, First Nations Australian women and communities, and children impacted by technology-facilitated abuse in domestic and family violence situations.

This has included:

- > launching a tailored webinar for service providers from the domestic violence sector and the disability sector who support women with intellectual or cognitive disability
- > commencing the development of a range of resources to support women with an intellectual or cognitive disability, including the production of 3 case study videos and the development of conversation cards, posters and wallet cards for frontline workers to use with their clients
- > continuing qualitative research projects on the experiences of technology-facilitated abuse among 2 groups – women with intellectual and cognitive disabilities, and Aboriginal and Torres Strait Islander women living in regional and remote areas. Both research projects will be finalised early in the next reporting period.

- > commencing the development of online resources to support Aboriginal and Torres Strait Islander Elders manage online conflict, including where technology is used as an extension of domestic and family violence. Working with our community partner, Tangentyere Women's Family Safety Group, it is expected that these resources will be completed by October 2021.
- > releasing a research report exploring the impact of technology-facilitated abuse on children in domestic and family violence situations
- > undertaking a scoping study to identify accessible technology support services for women impacted by technology-facilitated abuse in domestic and family violence situations.

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.

Under this program, targeted Aboriginal Community Controlled Organisations (ACCOs) were invited to apply for a Dedicated Project Officer grant.

Each organisation received \$40,950 (excluding GST).

The successful applicants in Phase 1 of the grants program were:

- > Aboriginal and Torres Strait Islander Corporation Family Violence Prevention and Legal Service, trading as Djirra – Victoria
- > Family Violence Legal Service Aboriginal Corporation (SA) – South Australia
- > Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation – Queensland
- > Southern Aboriginal Corporation – Western Australia
- > The Circular Head Aboriginal Corporation – Tasmania
- > Western Australian Family Violence Prevention Legal Service Aboriginal Corporation, trading as Aboriginal Family Legal Services – Western Australia.

Women In The Spotlight (WITS)

Women in public-facing roles disproportionately experience gendered online violence as a result of their profession. This can profoundly damage their confidence, self-esteem and feelings of personal safety, and can lead to them stepping back from public life or from participating in online activities.

In 2020–21, eSafety's Women Influencing Tech Spaces (WITS) program was relaunched as 'Women In The Spotlight', with a focus on all women using technology/social media in their working lives. From early 2021, we have offered *Social Media Self-Defence Training*, conducting 2 sessions with 164 participants. In addition, the Commissioner has participated in special events at Parliament House in October 2020 for female parliamentarians, an eSafety side event at CSW65 and a Cyber Safety Summit at the ABC. The WITS webpages have been updated and rebranded and have received 2,196 visitors, with 4,165 page views during the reporting period. We have also collaborated with Safe Work Australia in the development of 2 guides for employers and employees – *Online abuse in the workplace: information for employers* and *Online abuse in the workplace: information for employees*.

Safety by Design

eSafety's Safety by Design (SbD) initiative seeks to modify the way that 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.

Following the development of the SbD principles in 2019, in 2020–21 eSafety developed a suite of resources and guidance for a broad range of sectors, assisting a wide range of industries to bring the principles to life in meaningful, actionable and achievable ways.

In mid-June 2021, eSafety launched a set of SbD assessment tools. These help companies of all size and structure, from start-ups through to enterprise companies, understand potential harms, assess the risks to users on their platforms, and provide them with ideas and best practice innovations to build safety protections in at the front end. The targeted resources were developed in consultation with over 180 industry representatives, NGOs and advocacy groups, expert advisors and individuals from across the globe. The individual resources were downloaded more than 250 times between 22 June 2021 (release date) and 30 June 2021 and were accessed by users across 23 countries.

In 2021, eSafety has piloted SbD with 4 universities in Australia across business, cybersecurity, ethics and law disciplines. The pilots aim to support students to become well-informed about online safety risks, and proactive about online safety measures, including the consideration and application of SbD, before entering the workforce.

The investment and venture capital community also play a pivotal role in helping to ensure that early-stage technology companies put safety and ethical considerations at the heart of their design processes. During 2020–21, eSafety has worked closely with investors, venture capitalists, start-ups and incubation communities to develop a suite of SbD resources for financial entities. These provide a clear set of standards and an easy pathway to support responsible investment and business decisions and can help tech investors prepare for and manage future online safety risks. The individual resources include an investor checklist and model clauses for due diligence and funding arrangements. The resources were downloaded 60 times between 18 January 2021 (release date) and 30 June 2021 and have been accessed by users in 9 countries.

International leadership and collaboration

Long-term systemic change requires the coordinated efforts of the global community to achieve the best outcomes for all citizens online. eSafety has worked hard 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

eSafety is involved in a number of global alliances and initiatives and regularly contributes to global debates, discussions and projects. Through these, we seek to create safer and more responsible digital environments. During this reporting period, eSafety presented at 22 international conferences and met with 26 foreign governments and diplomats on online safety and regulatory matters across 16 jurisdictions.

eSafety has contributed to Australia's inputs into the G7 Digital and Technology track – as well as the G7 Principles on Internet Safety and the G20 Digital and Technology agenda – in relation to the G20 Framework for Children Protection Online, in collaboration with the Department of Industry, Science, Energy and Resources and the Department of Infrastructure, Transport, Regional Development and Communications. eSafety continues to work closely with the Department of Foreign Affairs and Trade (DFAT) and the Department of Home Affairs on international online harms issues under the new International Cyber and Critical Technology Engagement Strategy.

Capacity building

In February 2021, eSafety and the Fiji Online Safety Commission announced the world's first online safety regulator partnership. This strengthens the Vuvale Partnership, which supports cooperation, consultation and friendship between the 2 nations. This partnership was supported by funding under DFAT's Cyber Cooperation Program. eSafety has also recently signed agreements for 2 new projects supported by DFAT; one focused on addressing online gender-based violence in the Pacific, and the other focused on promoting Safety by Design in Southeast Asia as a model for states in developing cyber and critical tech policies.

Tech trends and challenges

Technology developments are occurring at an unprecedented pace. To ensure our content and programs reflect the most current information, tech developments and global trends, eSafety scans for new research, policy, legislative and technical updates.

eSafety's approach to selected tech trends and challenges are provided in public position statements on our website. The position statements are informed by new research and current information, (including policy, legislative and technical updates), alongside technological developments and global trends. The statements help to position eSafety as a global thought leader on emerging online safety issues.

During this reporting period, eSafety has published 4 public position statements, including on anonymity and identity shielding, immersive technologies, online harmful sexual behaviours, and sextortion. These statements have been downloaded 425 times and accessed in at least 23 countries. In addition, eSafety has worked collaboratively across government on matters relating to both cyber and critical technologies.

Research

Under the EOS Act, eSafety has key roles in 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 2020–21, eSafety released a range of research including:

- > evaluation of eSafety's Early Years program
- > the digital lives of Aussie teens
- > children and technology-facilitated abuse in domestic and family violence situations
- > online safety for young people with intellectual disability
- > building Australian adults' confidence and resilience online
- > adults' negative online experiences.

eSafety continued to commission work to understand the technology-facilitated abuse experiences and support the needs of:

- > Aboriginal and Torres Strait Islander women living in regional, rural and remote communities
- > women living with an intellectual or cognitive disability.

During the reporting period, eSafety became part of the international Global Kids Online (GKO) network. In April 2020, we commissioned our national youth survey to explore online activities and experiences of children and youth aged 8 to 17 years, with questions aligning with GKO to allow cross-national comparison.

eSafety also commissioned new research into:

- > cyber abuse experienced by women in the spotlight – working women who have an online presence for their work
- > community perceptions of what constitutes cyber abuse
- > development of cyber abuse materials for a number of cohorts including LGBTIQ+ and adults with disability.

eSafety continued with research to support the evaluation of eSafety programs, including:

- > eSafety core frontline worker training
- > teacher professional training.

eSafety also continued its research partnerships with ARC linkage grants, including the:

- > Centre of Excellence for the Digital Child
- > Young Children in Digital Society.

Communications and stakeholder engagement

eSafety's communications and media efforts continued to help raise the profile of its resources and reporting services for Australians. Joint stakeholder initiatives and partnerships also assisted extending eSafety's reach into more households, classrooms and workplaces across the country.

National online safety hub

The eSafety website – esafety.gov.au – continues to provide Australians with a comprehensive suite of information, resources and reporting tools to help them have safer experiences online.

The award-winning site is the agency's primary digital platform for online safety information and resources for 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 the public can report serious cyberbullying, image-based abuse and illegal online content.

During 2020–21, the website received 1,403,320 visitors, with 5,374,070 pages of content viewed.

Media

eSafety uses a range of media channels to communicate with stakeholders and the broader Australian community, including:

- > traditional media – eSafety regularly featured in Australian media across TV, radio, print and online. Media coverage increased by 25% in 2020–21
- > social media – eSafety maintained active engagement across a range of social media platforms, including Facebook, Twitter, Instagram and LinkedIn. eSafety's followers increased by 13% during 2020–21
- > blogs – eSafety continued to utilise its public-facing blog to raise awareness, provide information and thought-leadership, and promote eSafety's services. Eighteen blogs were published during 2020–21
- > electronic direct mail (EDM) – eSafety's e-newsletters provided targeted information to subscribers including parents and educators. Over 29,000 subscribers received tailored news and advice, based on their specific online safety interests. eSafety's EDMs continue to be the number one driver of traffic to the website, with engagement rates well in excess of industry averages.

Partnerships

eSafety works cooperatively and productively 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, with work ranging from distributing educational material, supporting events and community awareness-raising weeks, to co-developing content.

During 2020–21, eSafety joined with, and supported, organisations to raise awareness of online safety issues, including for:

- > National eSmart Week, September 2020
- > a joint national child protection campaign with Crime Stoppers, with resources for parents and young people, September 2020
- > YMCA Australia – Stay Safe Online, Tell Someone Campaign, September 2020

- > Stay Smart Online Week, 6–12 October 2020
- > The #PlayItFairOnline campaign in partnership with the AFL
- > Day for Daniel, 30 October 2020
- > a joint initiative with ACCC, OAIC and ACSC to help Australian shoppers to stay safe online over the holiday season, 26 November 2020
- > Safer Internet Day, eSafety's biggest online safety awareness-raising initiative, 9 February 2021
- > Back to school online safety in conjunction with the Australian Federal Police (AFP), February 2021
- > safe social media training for female AFL players, March 2021
- > promotion of 'Trace an Object' campaign with the AFP/Australian Centre to Counter Child Exploitation, April 2021
- > survey to Professional Footballers Australia members to understand prevalence and impact of online abuse of players, April 2021
- > co-branded image-based abuse campaign with Women NSW, April 2021
- > *See What You Made Me Do*, joint SBS and eSafety education resources about technology-facilitated abuse and coercive control in domestic violence situations, May 2021
- > Privacy Awareness Week, 3–9 May 2021
- > SBS community service announcements to help women to address domestic violence and coercive control, May 2021
- > co-creation of online abuse fact sheets with Safe Work Australia for employers and employees, May 2021
- > launch of research into 'The impact of COVID-19 on the risk of online child sexual exploitation and the implications for child protection and policing' with UNSW, May 2021
- > ABC Cyber Safety Summit, bringing together researchers, journalists, industry leaders and experts to tackle the problem of cyber safety in the media, May 2021.

eSafety Advisory Committee

The eSafety Advisory Committee (eAC) is eSafety's advisory forum attended by key representatives from industry, government, civil society organisations and academia. eSafety formed the eAC 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 eAC is tasked with providing technical and policy expertise, research data, coordination and other assistance to eSafety, to ensure Australia's online safety response and support system is consultative, evidence-based, cross-sectoral and effective.

During the reporting period, eAC meetings were held in November 2020 and May 2021.

eAC 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.

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Accountability arrangements

Under section 67 of the EOS 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.

As a statutory office holder, the eSafety Commissioner is not subject to the *Public Governance, Performance and Accountability Act 2013* (PGPA). However, the Commissioner abides by all PGPA requirements, and administrative arrangements are in place to provide assurance to the ACMA that the activities of eSafety are conducted in an efficient, effective and ethical manner, and all transactions are captured and reported within the appropriate ACMA financial and human resource information systems.

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 12 in *Part 1: Australian Communications and Media Authority annual report 2020–21* for eSafety's financial reporting information.

Staffing eSafety

All employees of the Office 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.

Enquiries management

The eSafety enquiries team receives large volumes of general enquiries via the enquiries@esafety.gov.au mailbox and website 'contact us' form. The enquiries team coordinated over 3,508 responses to general enquiries during 2020–21.

Glossary and index

Glossary

4G	<p>fourth generation mobile network technology</p> <p>Enhancements to mobile telecommunications systems that increase the usable data rate to allow the delivery of data-intensive applications such as high-resolution video.</p>
5G	<p>fifth-generation mobile telecommunications</p> <p>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.</p>
ACCC	<p>Australian Competition and Consumer Commission</p> <p>Commonwealth regulatory body with responsibilities derived from the <i>Trade Practices Act 1974</i>.</p>
ACLC	<p>Annual Carrier Licence Charge</p> <p>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.</p>
ACMA	<p>Australian Communications and Media Authority</p> <p>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.</p>
AFP	<p>Australian Federal Police</p> <p>The national and principal federal law enforcement agency of the Australian Government.</p>
AMC	<p>Australian Maritime College</p> <p>Provides marine radio operator certification and examination services on behalf of the ACMA.</p>
ANC	<p>Annual Numbering Charge</p> <p>A charge that applies to all eligible numbers held by a service provider determined by the ACMA.</p>
APS	<p>Annual Performance Statement</p> <p>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.</p>
ASL	<p>average staffing level</p> <p>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.</p>
bandwidth	<p>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.</p>
broadband	<p>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.</p>

CA	<p>Communications Alliance</p> <p>Australia's peak communications industry organisation that promotes the growth of the Australian communications industry and the protection of consumer interests.</p>
carrier	<p>The holder of a telecommunications carrier licence in force under the <i>Telecommunications Act 1997</i>.</p>
CCF	<p>Consumer Consultative Forum</p> <p>Provides advice to the ACMA on telecommunications issues that affect consumers.</p>
CSC	<p>Customer Service Centre</p> <p>The ACMA's single point of contact for customer enquiries.</p>
CSP	<p>carriage service provider</p> <p>Person supplying or proposing to supply services to the public using carrier networks.</p>
CTS	<p>Children's Television Standards</p> <p>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.</p>
datacasting	<p>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 broadcasting services bands.</p>
Department of Infrastructure, Transport, Regional Development and Communications	<p>Federal Government portfolio formed in February 2020 by a merger between the Department of Communications, Cyber Safety and the Arts and the Department of Infrastructure, Transport, Cities and Regional Development.</p>
DNCR	<p>Do Not Call Register</p> <p>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).</p>
ECP	<p>Emergency Call Person</p> <p>The Telecommunications (Emergency Call Persons) Determination 1999 specifies the operators of the emergency call services. Telstra is the ECP for 000 and 112.</p>
eSafety Advisory Committee (eAC)	<p>eSafety's advisory forum attended by key representatives from industry, government, civil society organisations and academia. Replaces the Online Safety Consultative Working Group.</p>
GHz	<p>gigahertz</p> <p>One billion hertz (where one hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).</p>
INHOPE	<p>International Association of Internet Hotlines</p> <p>A network whose member hotlines work together with the goal of identifying and removing online child sexual abuse content worldwide.</p>
IoT	<p>internet of things</p> <p>The interconnection of many devices and objects utilising internet protocols.</p>
IPND	<p>Integrated Public Number Database</p> <p>Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.</p>

ISP	internet service provider Service provider offering internet access.
ITU	International Telecommunication Union United Nations agency that coordinates international telecommunications matters.
ITU-R	ITU – Radiocommunication Sector ITU body dealing with international radiocommunications matters.
kHz	kilohertz One thousand Hertz (see also GHz).
LAP	licence area plan A legislative instrument setting out the licence area and technical specifications for existing and proposed services.
MHz	megahertz One million hertz (see also <i>GHz</i>).
The Department	see Department of Infrastructure, Transport, Regional Development and Communications
the minister	Currently the Minister for Communications, Urban Infrastructure, Cities and the Arts; the minister responsible for the ACMA and its governing legislation.
MoU	memorandum of understanding A formal agreement between 2 or more parties.
National Australian Built Environment Rating System	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.
NAC	Numbering Advisory Committee ACMA committee established to advise on numbering matters.
NBN	national broadband network Australia's national wholesale-only, open-access data network.
NCF	National Consultative Forum
National Relay Service	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.
Office of the eSafety Commissioner (eSafety)	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.
PBS	Portfolio Budget Statements Informs senators and members of parliament of the proposed allocation of resources to government outcomes by agencies within the relevant portfolio.
priority assistance	Service for people with a diagnosed life-threatening medical condition, entitling them to faster connection and fault repair of their fixed-line telephone service.
RPF	Regulator Performance Framework Developed to measure the efficiency and effectiveness with which regulators undertake their roles; in particular, their impact on regulated entities.
SES	Senior Executive Service

SMEs	small and medium enterprises
SMS	short message service Mobile telecommunications data transmission service that allows users to send short text messages to each other using the mobile handset keypad.
spam	Unsolicited commercial electronic messages sent to email, mobile phone and instant messaging accounts.
spectrum	The span of electromagnetic frequencies used in communications systems.
subscription television	Service providing access, for a fee, to television channels transmitted using cable, satellite or terrestrial microwave.
TCP Code	C628:2019: Telecommunications Consumer Protections Code Code of conduct for the telecommunications industry in Australia, providing consumer safeguards for mobile, landline and internet customers.
TIO	Telecommunications Industry Ombudsman Industry-funded independent dispute resolution service for consumers who are unable to resolve individual complaints with their carriers and carriage service providers.
trigger event	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.
Triple Zero (000)	Phone number that provides access to emergency services organisations.
USO	universal service obligation 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	Viewer Access Satellite Television 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	World Radiocommunication Conference ITU conference held every 3 or 4 years to review and amend international radio regulations.

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