



Annual report 2022–23

Australian Communications and Media Authority
eSafety Commissioner

Annual report 2022–23

Part 1

Australian Communications and Media Authority
annual report 2022–23

Part 2

eSafety Commissioner annual report 2022–23



Acknowledgement of Country

We, the Australian Communications and Media Authority, acknowledge First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.

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Introduction

Australian Communications and Media Authority

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

We do this by maintaining, enforcing and improving regulation to drive industry performance and protect consumers. We manage public resources to enable industry to deliver services to the community.

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

Find out more at **acma.gov.au**.

The eSafety Commissioner

The eSafety Commissioner (eSafety) is Australia's independent regulator for online safety. eSafety fosters online safety by exercising powers under Australian Government legislation, primarily the *Online Safety Act 2021*, to protect Australians from online harms and to promote safer, more positive online experiences.

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

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

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

Find out more at **eSafety.gov.au**.

About this report

This report provides details of the ACMA's and eSafety's performance for 2022–23, key corporate information, and responses to the mandatory reporting requirements.

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

Guide to the report

Introduction outlines the joint nature of this report.

Part 1: Australian Communications and Media Authority annual report 2022–23

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

Part 2: eSafety Commissioner annual report 2022–23

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

Aids to access

- > Tables of content
 - > Index
 - > Glossary
 - > List of requirements (Appendix 1.13)
-



Part 1

Australian Communications and Media Authority
annual report 2022–23

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

Enquiries about this report can be directed to the Editorial Manager at info@acma.gov.au or by calling 1300 850 115.

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

Dear Minister

As the accountable authority for the Australian Communications and Media Authority (ACMA) and the Office of the eSafety Commissioner, I am pleased to present you with the annual reports for the year ended 30 June 2023 for presentation to Parliament. The annual reports have been developed in compliance with section 46 of the *Public Governance, Performance and Accountability Act 2013*, section 57 of the *Australian Communications and Media Authority Act 2005* and section 183(1) of the *Online Safety Act 2021*.

Due to its operational independence and statutory obligations, eSafety has produced its own annual report as required by section 183 of the *Online Safety Act 2021*, which is presented in Part 2 of the report.

The reports follow the guidelines approved by the Joint Committee of Public Accounts and Audit, as well as other legislative reporting requirements as listed in:

- sections 17AA to 17AJ of the *Public Governance, Performance and Accountability Rule 2014*
- subsection 183(2) of the *Online Safety Act 2021*.

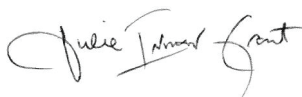
Further, as required by section 10 of the *Public Governance, Performance and Accountability Rule 2014*, I certify that we have:

- prepared fraud risk assessments and fraud control plans
- appropriate fraud prevention, detection, investigation and reporting mechanisms that meet the specific needs of the ACMA and eSafety
- taken all reasonable measures to appropriately deal with fraud.

Yours sincerely



Nerida O'Loughlin PSM
ACMA Chair and Accountable Authority



Julie Inman Grant
eSafety Commissioner

27 September 2023

Chair's foreword



I am pleased to present the annual report of the Australian Communications and Media Authority (ACMA) for 2022–23.

The last 12 months have again proven how essential our communications and media sectors are to a strong economy and a cohesive and connected society.

Australians have continued to embrace digital technologies and services in how we live, learn and work. Most Australian adults (89%) are online at least daily. In the 6 months to June 2023, nearly all Australian adults (97%) had used at least one communication or social media website or app and 84% had used an app for messages, voice or video calls. In this same period, 94% of Australian adults had used the internet to access news and information.

For entertainment, we are just as likely to use online services as we are to use traditional services. In the previous week to June 2023, 66% of adults used a paid subscription streaming service and 68% watched free-to-air TV including catch-up. During this period, 70% of adults used a music streaming service and 69% listened to radio.

The industries that comprise the communications and media sectors also continue to evolve and transform, shaped by technological developments, changing consumer expectations and behaviours, and global market forces. They have also seen continuing disruptions to international supply chains and inflationary pressures over the last year.

Australian consumers and households have also had to manage budgetary pressures and increased costs due to rising inflation and interest rates.

In this environment, the ACMA has an important role in supporting industry and consumers in delivering and accessing essential communications services.

Over the last 4 years, the ACMA has had a strong focus on consumers that may be facing financial pressures in paying their telco bills. This culminated in our major report – *Financial hardship in the telco sector* – being published in the reporting period. This report found that in the previous 12 months, a significant number of Australians had experienced difficulty paying for, or had concerns with, their telco bills.

This, and other ACMA research and analysis underway, will inform the upcoming review by industry of the Telecommunications Consumer Protections Code and whether it should be strengthened in areas such as credit management, disconnection processes, and support for customers experiencing vulnerability.

Scams over telco networks continue to impact Australian consumers, often with devastating effect. This year the ACMA registered new rules for industry to identify, trace and block SMS scams. These rules build on industry requirements that came into force in 2020 to disrupt scam calls.

The telecommunications industry reports that with these rules in place, over the course of 2022–23, more than 747 million scam calls and 257 million scam texts have been blocked from reaching Australians.

We also took action to enforce the anti-scam rules during the year, including directing specific telcos sending bulk SMS to comply after breaches were found to have been used by scammers to send SMS brand impersonation scams to Australians. We also took enforcement action against a number of large corporations after finding non-compliance with Australia's spam unsubscribe rules.

These enforcement actions resulted in significant financial penalties for the companies involved and serve as a deterrent for other entities that may lapse in their compliance with these laws.

Australians also remain concerned about online gambling and the high cost of losses, in particular for vulnerable consumers. The ACMA made substantial progress in the reporting period to establish Australia's first National Self-exclusion Register. The Register was launched in August 2023 and will provide an important new safeguard for consumers wanting to make change to their gambling habits.

The ACMA also prioritised mitigating consumer harms in other areas of increasing community concern, including the broadcasting of gambling advertising outside of allowable times and the availability of illegal online gambling sites in Australia.

More broadly, the growing dominance and use of online services is resulting in a range of regulatory challenges.

More Australians accessed news from social media and other online sources than from traditional news platforms such as TV, radio or newspapers. These changing audience trends, coupled with sustained economic pressures, continue to disrupt the Australian news media environment.

In January 2023, the ACMA opened a public consultation on a new framework for measuring news diversity in Australia. The deliverables from this framework are intended to contribute to the government's policy objective to support a viable, sustainable and diverse media sector.

There is also ongoing public interest in the impact of digital platforms' actions in addressing the spread of online misinformation. In January 2023, the Minister for Communications announced that the government would legislate to provide the ACMA with new powers to strengthen our oversight of the industry self-regulatory scheme, including information-gathering powers and reserve powers to register industry codes.

Demand for advanced connectivity and access to communications services across multiple platforms continued to be a key consideration for the ACMA in our approach to spectrum management.

Our draft *Five-year spectrum outlook 2023–28*, published in March 2023, underpins our spectrum work program, taking into account developments in the market that impact on industry and consumer interests. As part of our consultations, we sought views on specific issues such as mid-band allocations, expiring spectrum licences and satellite communications.

We have also had a large workload in preparing for World Radio Conference 2023, to be held in November 2023. This included working with our portfolio department on the development and negotiation of Australian and regional positions.

In June we released our annual compliance priorities, targeting areas that cause harms or have a negative impact on the community. This is the fifth year we have signalled to industry and consumers of our priorities following an open consultation process. One of our compliance priorities focused on the captioning of broadcast content. We announced a shift away from investigating individual complaints to assessing industry more broadly on whether television broadcasters were meeting their captioning obligations. The results of our auditing program enabled us to form a more comprehensive view of overall broadcaster compliance with the requirements in the Captioning Quality Standard.

We also embarked on a major internal change program involving greater digitisation of our services, updating our people policies and workforce strategy and improving communication tools to facilitate our hybrid working model. This will continue in 2023–24.

In the year ahead, the ACMA will continue to support industry innovation and growth while protecting Australians from harm. We will also deliver on our Statement of Intent (February 2023) setting out how we will respond to the government's Statement of Expectations (December 2022), which outlines the government's policy priorities and objectives relevant to our purpose.

I thank my Authority colleagues and the ACMA staff for a year of achievement in delivering for all Australians.



Nerida O'Loughlin PSM
Chair

Our year at a glance

We finalised 249 investigations:

Broadcasting	26
Telecommunications consumer safeguards	37
Online content service providers	2
Interactive gambling	63
Unsolicited communications	9
Phone scams	10
Integrated Public Number Database	2
Telecommunications	1
Radiocommunications	99

We issued 5,123 informal warnings or advice:

Radiocommunications	106
Radiocommunications interference investigations	200
Domestic services interference investigations	123
EME measurements	166
Broadcasting	85
Telecommunications consumer safeguards	149
Unsolicited communications	4,173
Phone scams	121

We issued 69 formal warnings or advice:

Telecommunications	1
Broadcasting	2
Media control and diversity rules	3
Telecommunications consumer safeguards	12
Phone scams	1
Interactive gambling	50

We accepted 16 enforceable undertakings:

Broadcasting	6
Telecommunications consumer safeguards	2
Integrated Public Number Database	1
Unsolicited communications	6
Radiocommunications	1

9 infringement notices were paid, totalling \$8,679,312:

Phone scams	1
Unsolicited communications	5
Integrated Public Number Database	2
Interactive gambling	1

We issued 19 directions to comply:

Telecommunications consumer safeguards	13
Phone scams	4
Integrated Public Number Database	2

We issued 5 remedial directions:

Broadcasting	2
Media control and diversity rules	1
Telecommunications consumer safeguards	1
Radiocommunications	1

We undertook a civil penalty proceeding

Telecommunications consumer safeguards	1
--	---

We engaged with our stakeholders:

Public consultations published	32
Targeted electronic newsletters sent	210
Media releases issued	41
Customer enquiries actioned	22,132

We allocated or issued 16,628 licences:

Broadcasting	92
Telecommunications	33
Radiocommunications	16,503

We renewed 151,033 licences:

Broadcasting	188
Radiocommunications	150,845

We made 37 legislative instruments



Overview

Functions and responsibilities

The ACMA's regulatory functions are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005*. The ACMA is a statutory authority within the Infrastructure, Transport, Regional Development, Communications and the Arts portfolio, with the Hon Michelle Rowland MP, Minister for Communications the responsible minister. The ACMA also has formal reporting responsibilities to Minister for the Arts, the Hon Tony Burke MP.

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

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

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

- > regulating telecommunications and broadcasting services, some internet content, interactive gambling and datacasting services
- > managing access to spectrum and planning the availability of radiofrequency bands through licence arrangements, and resolving competing spectrum demands through price-based allocation methods, 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

Re-appointed 14 October 2022 for 2 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, and re-appointed 16 December 2022 to 13 October 2024.



Deputy Chair and CEO – Creina Chapman

Appointed 11 June 2018 for 5 years

Re-appointed Deputy Chair 11 June 2023 for 18 months

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

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



Full-time Member – Fiona Cameron

Appointed 23 July 2018 for 5 years

Resigned 12 August 2022

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 Acting Deputy Chair 3 times)

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

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

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

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

James is also a Part-time Associate Member of the ACCC, appointed 6 April 2019 to 4 August 2021, and re-appointed 16 December 2022 to 4 August 2023.

**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/ACTAs, 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**End of term of appointment 23 January 2023*

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

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

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

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

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

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

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



Associate Member – Catriona Lowe

Appointed 19 June 2023 for 5 years, or until the appointee ceases to be a member of the ACCC, whichever comes first

Catriona Lowe was appointed ACCC Deputy Chair for a 5-year term in January 2023. For over 20 years she has had a strong commitment to consumer issues and protection of consumer rights in her varied roles as a regulator, litigator and consumer advocate.

Before joining the ACCC, Catriona was a Board Member of the Australian Energy Regulator. She has also held non-Executive director roles on boards including the Australian Financial Complaints Authority, the Financial Adviser Standards and Ethics Authority and the Telecommunications Industry Ombudsman. Catriona was also Co-CEO of the Consumer Action Law Centre.

Over the years, Catriona has worked extensively on matters involving consumer focused regulation, behavioural economics and effective enforcement and compliance.

Table 1.1: Details of accountable authority during 2022–23

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
		Re-appointed 14 October 2022 for 2 years	

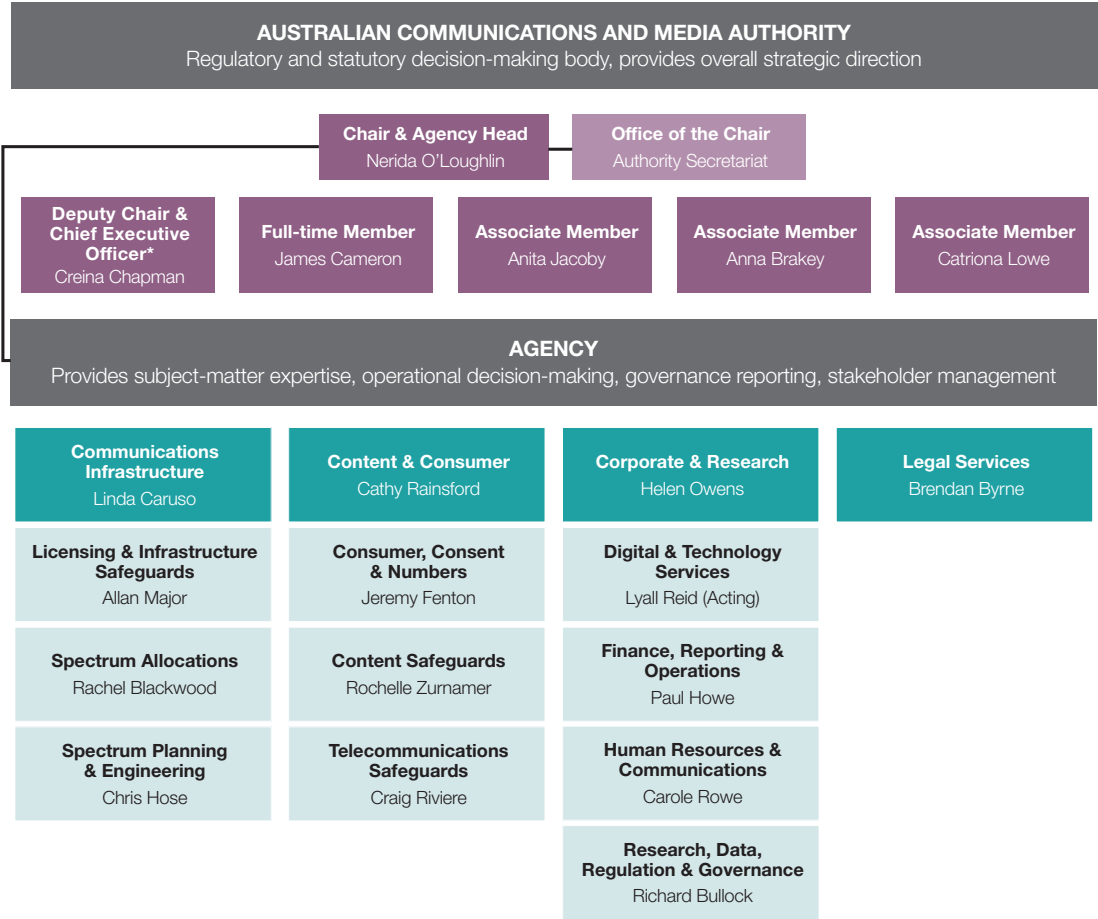
Agency structure

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

The ACMA's organisational structure at 30 June 2023 is set out in Figure 1.1.

At 30 June 2023, the ACMA had 525 staff employed under the *Public Service Act 1999*, 125 of whom work in eSafety. Most staff are located in our offices in Canberra, Melbourne and Sydney, with smaller numbers in Brisbane, Hobart and Lucas Heights. Detailed information about our staff is provided in Appendix 1.2 of this report.

Figure 1.1: Organisational structure as at 30 June 2023



* 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 2022–23 corporate plan and 2022–23 Portfolio Budget Statements (PBS), is to contribute to maximising the economic and social benefits of communications infrastructure, content and services for Australia. We achieve our purpose by:

- > maintaining, enforcing, and improving regulation to drive industry performance and protect consumers
- > managing public resources to enable industry to deliver services to the community.

Outcome and program structure

The ACMA's 2022–23 PBS sets 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 Communications regulation, planning and licensing	Program 1.2 Consumer safeguards, education and information
This program contributes to the outcome by the allocation and use of Australia's critical public resources, radiofrequency spectrum and telephone numbers, to maximise their value to the Australian community.	This program contributes to the outcome by ensuring efficient, effective and contemporary safeguards protect users of media and communication services so that the Australian community can confidently use those services

Report on performance

Annual Performance Statement 2022–23

Introductory statement

I, Nerida O'Loughlin, as the accountable authority of the Australian Communications and Media Authority, present the Annual Performance Statement 2022–23 of the Australian Communications and Media Authority, as required under subsection 39(1) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, this Annual Performance Statement accurately reflects the performance of the Australian Communications and Media Authority and complies with subsection 39(2) of the PGPA Act.

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



Nerida O'Loughlin PSM
Chair and Agency Head

Performance framework

The ACMA's performance framework includes our:

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

There are several performance measures under each key activity in our corporate plan that we undertake to achieve our purpose. The performance measures have corresponding targets that set out what we aimed to deliver in 2022–23. These form the basis for assessing our performance. Our methodology, including the quantitative metrics and qualitative sources used for objectively measuring whether we have met each of our performance measures and targets, is set out in the corporate plan.

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

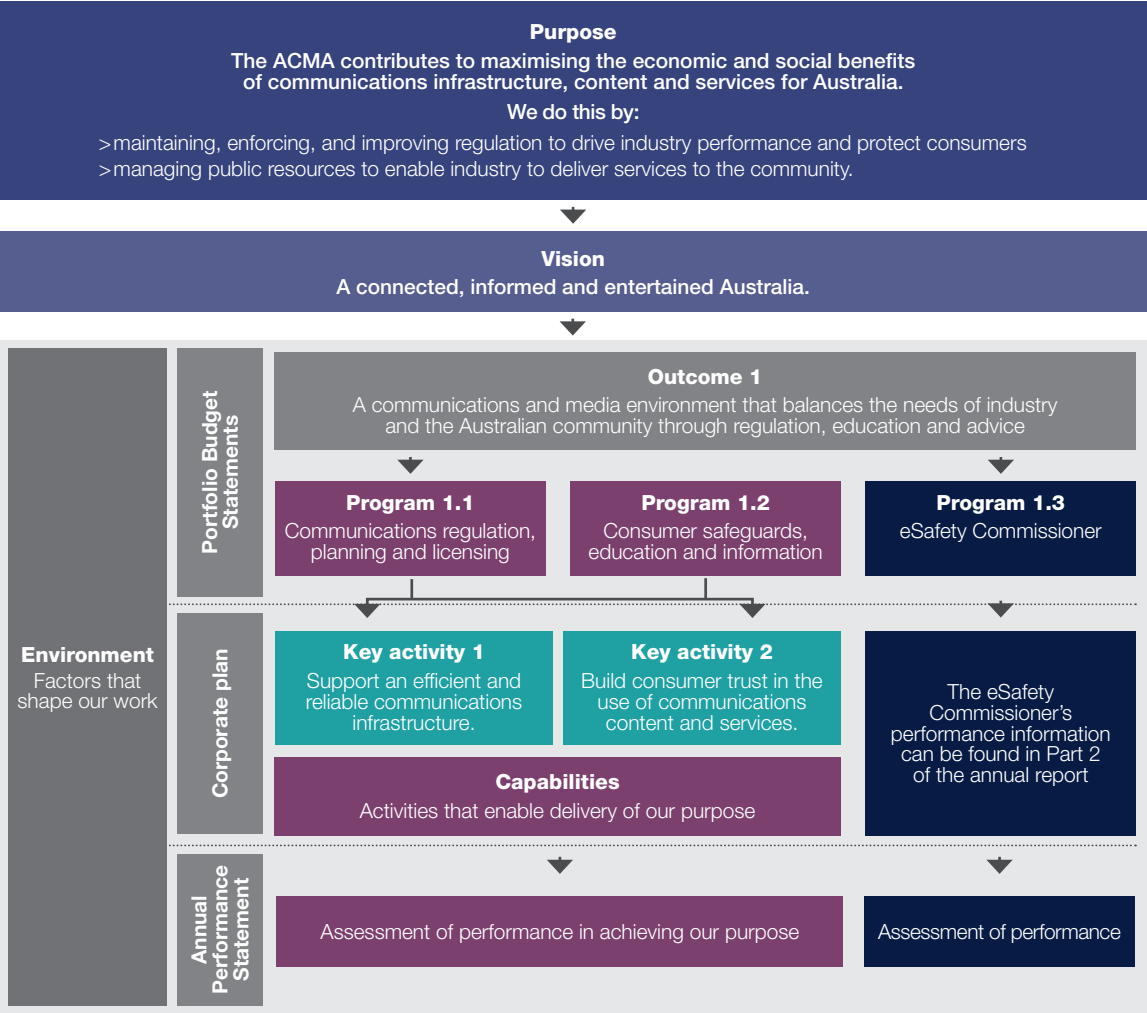
Our performance measures and targets are also aligned with the best practice principles detailed in the government's Regulator Performance Guide (RMG 128).

For our 2022–23 corporate plan, we conducted a comprehensive review of our performance framework, making sure our performance information was streamlined and that there was a clear line-of-sight from the work we do through to our purpose. As part of this process, we refined our purpose statement, reduced our number of activities from 3 to 2 and refined our performance targets. This APS assesses our performance against our updated purpose and the revised performance framework described in our 2022–23 corporate plan.

Figure 1.2 shows the relationship between our purpose and key activities in our 2022–23 corporate plan, and programs 1.1 and 1.2 in the 2022–23 PBS.

Program 1.3 relates to the eSafety Commissioner and is reported separately in Part 2: *eSafety Commissioner annual report 2022–23*.

Figure 1.2: Relationship between ACMA 2022–23 corporate plan, 2022–23 PBS and 2022–23 APS



The Statement of Expectations to the ACMA was issued by the Minister for Communications, the Hon Michelle Rowland MP on 12 December 2022, and our Statement of Intent was published in February 2023. The ACMA's performance reporting framework is consistent with both the Statement of Expectations and Statement of Intent.

Analysis of performance against purpose

During 2022–23, we continued to focus on the following key activities to deliver on our purpose of contributing to maximising the economic and social benefits of communications infrastructure, content and services for Australia:

- > support an efficient and reliable communications infrastructure
- > build consumer trust in the use of communications content and services.

These activities supported our vision of a connected, informed and entertained Australia.

On 12 December 2022, the Minister for Communications, the Hon Michelle Rowland MP issued a Statement of Expectations to the ACMA. The Ministerial Statement of Expectations provides greater clarity about the government's policies and objectives relevant to the ACMA in line with our statutory objectives, and the priorities the minister expects us to observe in conducting our operations. We responded with a Statement of Intent, which was published in February 2023.

Our Statement of Intent sets out how the ACMA will meet these expectations and contribute to broader government policy priorities, including the APS Net Zero by 2030 commitment, and deepening links and cooperation between Australia and the Indo-Pacific.

Our environment

The transformative power of technology continued to have a profound impact on Australian society and our economy. The widespread adoption of digital technologies and the reliance on communications and media services has fundamentally changed the way people live, work and interact with each other, opening up new possibilities and opportunities for industries and individuals alike. We continued to respond to the rapidly evolving communications and digital landscape, as communications and media sectors increasingly saw operations and business performance return to pre-pandemic levels.

Australian consumers are experiencing increased and sustained cost-of-living pressures, including for telecommunications services, due to disrupted supply chains and global drivers including inflationary pressures. We continued our efforts to help consumers to access services they need.

We recognise that access to efficient, reliable and secure communications infrastructure and services is essential, with consumers increasingly expecting faster, more secure, and stronger connections that can support multiple devices. Our extensive radiocommunications spectrum planning, allocation and licensing activities continued to support the ongoing deployments of wireless and satellite communications (including 5G) services in Australia.

We implemented a range of strategies in response to the rising and evolving risks, especially the proliferation of misinformation and disinformation on digital platforms, as well as the increasing sophistication of scammers and identity thieves. Our strategies were developed and implemented against the backdrop of the heightened dependence of consumers on digital platforms to obtain news and information, and the recognition that telecommunications services have become an integral part of daily life.

Our assessment methodology

The 2022–23 corporate plan performance measures are composite measures – a combination of 2 or more individual targets. They are determined to be met, partially met or not met based on the achievement of unweighted targets, as shown in Table 1.2.

Table 1.2: Methodology for assessing our performance against our composite measures

Performance category	Description
Met	All targets must be assessed as being met for the performance measure to be considered 'met'.
Partially met	If at least half of the targets (or an equal number in the case of an even number of targets) are assessed as being met or partially met, the performance measure would be considered 'partially met'.
Not met	A performance measure is considered not to be met if more than half of the targets are assessed as 'not met'.

Our performance

Of our 6 performance measures, we fully met 4 and partially met 2.

The 4 performance measures that we fully met were:

- > Performance measure 1.1: The ACMA's spectrum planning, allocation and licensing activity meets the needs of the communications industry.
- > Performance measure 1.2: The ACMA's contribution to the international spectrum framework supports the needs of the Australian communications industry.
- > Performance measure 1.3: The ACMA's activities contribute to telecommunications infrastructure providers having confidence that they are appropriately authorised and enabled to provide communication services.
- > Performance measure 2.3: The ACMA's activities contribute to Australians' access to a competitive telecommunications market.














As stipulated in the ACMA's 2022–23 corporate plan, Target 1.1.5: Major spectrum allocations are held effectively, will commence in 2023–24 because we did not conduct any auctions of spectrum licences during 2022–23. As a result, the target has been marked as not applicable in the 2022–23 Annual Performance Statement. A reporting baseline will be established in the 2023–24 Annual Performance Statement.







The performance measures rated as partially met were:

- > Performance measure 2.1: The ACMA's activities contribute to Australian consumers having confidence in the content and services available to them. 2 of the 5 targets were met. Target 2.1.1 was not met, Target 2.1.2 was rated not applicable, and Target 2.1.4 was partially met:
 - > Target 2.1.1: 80% or more of surveyed consumers report having confidence in the content and services available to them. To measure performance for this target, the lowest result of 47% is assessed. This result does not meet the target of 80%, nor the partially met target of 60–80%, and is therefore rated as not met.
 - > Target 2.1.2: The National Self-exclusion Register data-checking service is available to the wagering industry 99.95% or more of the time for the year. While considerable progress was made, the Register was delayed due to the previous Register operator, Big Village Australia, entering voluntary administration on 26 January 2023. Following a sale process conducted by the administrators, the ACMA novated the contract to IXUP Limited on 6 June 2023. The Register will be made available in the next reporting period.
 - > Target 2.1.4: 95% or more of investigations undertaken are completed within 6 months of the investigation being opened. We partially met this target as we completed 88% of investigations within the target timeframe.
- > Performance measure 2.2: The ACMA's activities contribute to Australian consumers having access to diverse media content and services. Three of the 4 targets were met. Target 2.2.1 was partially met:
 - > Target 2.2.1: Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity. Our 90% target was partially met, with 83% of enforcement-related reporting deadlines met.

Overview of results

Key:  Met  Mostly met  Not met

Measures and targets		Result
Key activity 1: Support an efficient and reliable communications infrastructure		
Performance measure 1.1: The ACMA's spectrum planning, allocation and licensing activity meets the needs of the communications industry		
1.1.1	The spectrum management work program is informed by ACMA's consultation with spectrum users, industry and government	
1.1.2	The progress of delivering the spectrum management work program is published every 6 months	
1.1.3	Apparatus licensing issue and renewal decisions meet the statutory requirements	
1.1.4	The ACMA's communications infrastructure compliance activities are informed by a risk-based assessment of harm	
1.1.5	Major spectrum allocations are held effectively	n/a
Performance measure 1.2: The ACMA's contribution to the international spectrum framework supports the needs of the Australian communications industry		
1.2.1	Australia's international engagement activities are informed by the ACMA's consultation with industry and government	
1.2.2	The ACMA's international engagement activities at ITU Radiocommunication Sector (ITU-R) and regional meetings support Australia's interests	
Performance measure 1.3: The ACMA's activities contribute to telecommunications infrastructure providers having confidence that they are appropriately authorised and enabled to provide communication services		
1.3.1	Telecommunications carrier licensing and submarine cable permit activities meet statutory requirements	
1.3.2	Equipment regulation appropriately mitigates the risk of harm to communications networks and people using or working on those networks	
1.3.3	Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds	
Key activity 2: Build consumer trust in the use of communications content and services		
Performance measure 2.1: The ACMA's activities contribute to Australian consumers having confidence in the content and services available to them		
2.1.1	80% or more of surveyed consumers report having confidence in the content and services available to them	
2.1.2	The NSER data-checking service is available to the wagering industry 99.95% or more of the time for the year	n/a
2.1.3	The DNCR is available to the Australian public 99.5% or more of the time	
2.1.4	95% or more of investigations undertaken are completed within 6 months of the investigation being opened	
2.1.5	The ACMA's compliance priorities concerning media and content services are on track or implemented on time	

Measures and targets		Result
Performance measure 2.2: The ACMA's activities contribute to Australian consumers having access to diverse media content and services		
2.2.1	Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity	
2.2.2	Community broadcasting licence renewal decisions are made within the statutory timeframes	
2.2.3	Media control notifications and caption order applications are processed within statutory timeframes	
2.2.4	Annual compliance results for Australian content and captioning reporting are finalised within 6 months of reports being received	
Performance measure 2.3: The ACMA's activities contribute to Australians' access to a competitive telecommunications market		
2.3.1	The ACMA's compliance priorities concerning telecommunications services are on track	
2.3.2	Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity	

Analysis of performance against Regulator Performance Guide

We are committed to the 3 principles of regulatory best practice identified in the Australian Government's Regulator Performance Guide:

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

Continuous improvement and building trust

As a regulatory agency, we are committed to continually improve our processes, governance and capabilities. To support best practice in carrying out our regulatory functions, we have established and adhere to our values of being purposeful, collaborative, and curious and questioning, as described in our 2022–23 corporate plan. To do this, we engage in collaborative efforts with various entities, including the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), the Australian Competition and Consumer Commission (ACCC), Office of the Australian Information Commissioner (OAIC) and other regulatory bodies and relevant agencies. We also foster connections across all levels of government. Our interactions with industry and the community are proactive and innovative, grounded in a deep understanding of their concerns and obstacles.

During the reporting period, we also stood up the ACMA Better Practice Project (BPP), a whole-of-agency project to identify and implement changes to our regulatory practice and associated systems and processes.

The outcome of the BPP was an initial whole-of-ACMA reform work program, which was approved by the ACMA's Executive Management Committee (EMC) and Authority in December 2022, and is now being implemented. This includes an ongoing project to review and develop Standard Operating Procedures for each of our regulatory functions to ensure processes are streamlined and efficient, and explore opportunities for innovation. Implementation progress is being monitored through regular reporting to the Authority and EMC.

Over the reporting period, we also demonstrated our commitment to continual improvement by building staff capability. This included:

- > Implementing an organisational capability framework that identified critical capabilities needed by staff, including to support our regulatory craft. Under this framework, centralised funding was provided to support staff in building capability through targeted learning and development initiatives.
- > Creating and delivering a regular environmental scan of international regulator activities, which helped build staff awareness of trends and developments relevant to sectors that the ACMA regulates.

Throughout the year, we remained dedicated to enhancing industry compliance by pinpointing areas for improvement and prioritising them with yearly compliance goals. Our efforts to prevent and disrupt scam activities, which inflict significant consumer harm and undermine trust in communication services, continued with our collaboration with industry and government.

We strive to proactively collaborate with stakeholders to identify and tackle new and emerging regulatory challenges for continual improvement. We also partner with international counterparts to address issues of mutual concern arising from the ever-expanding global nature of communication companies and services.

Finally, we are committed to being transparent about our operations as part of building trust with the community. Examples include publishing the Code of Conduct for Authority members and associate members, which outlines the role and the standards expected of members, and publishing our findings from compliance investigations.

Risk-based and data-driven

Building our data and analytics capability is a key activity that assists us to deliver our purpose: to contribute to maximising the economic and social benefits of communications and media for Australia.

Our data strategy is designed to enable us to better understand the communications and media sectors, and make informed regulatory decisions based on quality data, effective analytics, and evidence-based insights. We have undertaken various data initiatives, including Data Action Projects (DAPs) that aim to improve our compliance, regulatory, and operational functions by adopting new ways of working with data.

During the year, we developed our ACMA Complete Data Catalogue (ACDC) and Data Management and Governance Framework. These aim to improve the discoverability, usability, and safety of ACMA's data, and support the delivery of our Data Strategy while aligning with whole-of-government initiatives. We have also been improving our data literacy, culture and analytics capabilities across the agency through education and awareness and a range of data and analytics training opportunities. We have also developed a range of programs, including the Data Stewardship and Data Literacy programs, that complement each other and promote a 'data-driven' culture within the organisation.

In addition, to ensure our regulatory approaches remain relevant and up to date with changing technology, industry practices and community expectations, we conduct research that is aligned with our annual compliance priorities. Our risk-based approach to regulation is informed by data, evidence, and intelligence, and our research program plays a key role in providing these insights. An important component of our research program is the annual consumer survey, which collects data on consumer behaviour, adoption of media and

communication services and attitudes towards them, and the effectiveness of regulatory interventions. This survey provides valuable information on market developments and consumer trends, helping us make informed decisions as a regulator. In the 2022–23 survey, for example, we canvassed consumer views on public interest issues such as mis- and dis-information, scams and news consumption. Survey results are published each year on the ACMA website.

Our compliance and enforcement policy sets out a graduated and strategic risk-based approach to our compliance and enforcement activities. Each year, we target key areas for improved industry compliance. These are known as our annual compliance priorities. As part of the Authority taking risk-based decisions, it consults on and chooses areas that are of public interest or specific issues that are having a negative impact on the community, including consumer harm. These areas guide our efforts to deliver effective compliance and, where necessary, targeted enforcement action. Following a consultation process, we released our compliance priorities for 2022–23 in June 2022, which focused on:

- > establishing a national self-exclusion register for online and phone gambling
- > protecting vulnerable telco customers
- > enforcing SMS and email unsubscribe rules
- > combatting SMS and identity theft phone scams
- > addressing the online supply of non-compliant radiocommunication devices
- > improving television captioning
- > combatting misinformation and disinformation on digital platforms.

Collaboration and engagement

To carry out our regulatory responsibilities, we collaborate with government, industry, and international partners to achieve outcomes that serve the long-term interests of all stakeholders. This encompasses the millions of Australians who use and depend on communications and media networks, devices and services, as well as the businesses that provide them. We also support defence, security, emergency, and law enforcement services in their utilisation of spectrum.

Domestic collaboration

We work collaboratively with other government agencies, industry, not-for-profits and organisations from across the economy to address the challenge of protecting Australians from online and telecommunications harms. The ACMA-led Scam Telco Action Taskforce serves as a key forum to coordinate scam prevention activities and associated regulatory responses. We are also one of 4 government regulators, along with the ACCC, the eSafety Commissioner, and the OAIC, to be part of the Digital Platform Regulators Forum (DP-REG). DP-REG gives members the opportunity to share information, collaborate on cross-cutting issues and facilitate better coordination across government on digital platform regulation.

We maintain ongoing partnerships with various government agencies and regulators through memorandums of understanding (MoUs) to facilitate collaboration and information-sharing. We have established MoUs with the OAIC, the Australian Securities and Investments Commission, the Australian Cyber Security Centre, Australian Financial Crimes Exchange, the Telecommunications Industry Ombudsman, the Northern Territory Department of Industry, Tourism and Trade, the ACCC, and the Australian Space Agency. These MoUs enable us to exchange information and promote industry compliance and consumer protection.

International collaboration

We collaborate closely with international regulators and participate in global forums to deliver optimal results for Australians and the communications industry. By establishing strong cooperative relationships and partnerships, we promote and protect Australia's interests and support broader government policies and activities.

We maintain robust relationships with international spectrum and telecommunications regulators, and remain actively engaged in the work of the Asia-Pacific Telecommunity and the International Telecommunication Union. Additionally, we participate in preparatory activities supporting the World Radiocommunication Conference 2023 and other international spectrum matters. We provide technical expertise to support Australian engagement in international spectrum management forums and through international consultative frameworks.

We currently have MoUs with the New Zealand Department of Internal Affairs, the Canadian Radio-television and Telecommunications Commission, the US Federal Communications Commission, the UK Information Commissioner's Office, the Unsolicited Communications Enforcement Network (UCENet) and the Info-Communications Media Development of Singapore. A complete list of the national and international MoUs we have in place is available on our website.

We are part of the Media Online Regulation Forum, which provides the opportunity to share common approaches to media and content regulation with our counterparts in Canada, Ireland and the United Kingdom. We are also a member of the International Association of Gaming Regulators and participate in its sub-committees, which provide a framework for collaboration with gambling regulators.

Formal consultation processes

We engage and consult with industry and the public to help us make informed decisions. We employ various consultation processes to obtain feedback from stakeholders, and actively seek opportunities for collaboration and engagements. Through these efforts, we aim to foster productive relationships, enhance transparency, and ultimately achieve outcomes that benefit all involved parties. Examples include the *Five-year spectrum outlook 2022–27*, which explains our spectrum management priorities for the next 5 years, and our 2022–23 compliance priorities program.

Key activity 1: Support an efficient and reliable communications infrastructure

We manage Australia's Radiofrequency Spectrum Plan and the Telecommunications Numbering Plan to make spectrum and numbers available for existing and new communications services.

The ACMA's spectrum allocation decisions support the rollout of new communications technologies, bringing benefits to Australians using communications services. Our licensing, authorisations, rulemaking, and compliance and enforcement activities underpin reliable communications networks. Efficient management of numbering allows telecommunications providers to supply services to new customers and promote competition.

Performance measure 1.1: The ACMA's spectrum planning, allocation and licensing activity meets the needs of the communications industry

Measure description





The ACMA is responsible for managing the radiofrequency spectrum in accordance with the *Radiocommunications Act 1992*. Spectrum management activities include:

- > maintaining the Australia Radiofrequency Spectrum Plan consistent with International Telecommunication Union Radio Regulations
- > developing and maintaining band plans and channel plans
- > authorising the use of spectrum by issuing spectrum licences and apparatus licences (including the development of licence conditions) and developing and maintaining class licences
- > monitoring and enforcing compliance with spectrum management regulations by investigating licensing and interference management and, where required, taking enforcement action.

Measure composition

This performance measure aligns directly to an intermediate impact that the key activity is aiming to achieve, that is, spectrum planning, allocation and licensing meets the needs of the communications industry. This measure will be assessed through 5 evenly-weighted targets – one measures the efficiency of activities, 2 measure the outputs of activities, and 2 measure the effectiveness of activities.

As stipulated in the ACMA's 2022–23 corporate plan, Target 1.1.5: Major spectrum allocations are held effectively, will commence in 2023–24 because we did not conduct any auctions of spectrum licences during 2022–23. As a result, the target has been marked as not applicable in the 2022–23 Annual Performance Statement. A reporting baseline will be established in the 2023–24 Annual Performance Statement.

Targets		Result
1.1.1	The spectrum management work program is informed by ACMA's consultation with spectrum users, industry and government.	
1.1.2	The progress of delivering the spectrum management work program is published every 6 months.	
1.1.3	Apparatus licensing issue and renewal decisions meet the statutory requirements.	
1.1.4	The ACMA's communications infrastructure compliance activities are informed by a risk-based assessment of harm.	
1.1.5	Major spectrum allocations are held effectively.	n/a

Corporate plan and PBS links

Corporate plan 2022–23, p. 19

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

Regulator performance principles

Collaboration and engagement, continuous improvement and building trust

Target 1.1.1: The spectrum management work program is informed by ACMA's consultation with spectrum users, industry and government

Our spectrum management activities are informed by extensive and varied stakeholder engagement. In addition to formal public consultations and meetings, we engage with spectrum users, industry and government through our events such as our radiocommunications conference, RadComms, and spectrum tune-ups.

RadComms 2022 was held in Melbourne from 15–16 November 2022, with the theme of *Making waves*. The conference brought together government and industry specialists, analysts, and researchers to deliver a program that explored spectrum as an economic enabler for the digital and connected economy, including how spectrum will help deliver the applications and technologies that will shape our commercial, social and individual futures.

Spectrum tune-ups are other events where we discuss current and emerging spectrum management issues in Australia with industry experts and spectrum users. During the year we held 2 tune-ups in preparation for the allocation of the 3.4-4.0 GHz bands in late 2023. We also held a tune-up information session with amateur examination assessors, with over 70 attendees participating in the session, which focused on proposed amateur assessment and qualification arrangements.

The five-year spectrum outlook (FYSO) describes our spectrum management priorities for the next 5 years. It considers developments in the environment that impact on future spectrum demand and includes our detailed spectrum work plan for the coming year. The FYSO is updated annually, in consultation with government, industry and the public.

Consistent with paragraph 28F(1)(a) of the Radiocommunications Act, we also consulted with the Minister for Communications on our spectrum management priorities and proposed 2022–23 work program.

In September 2022, we published the FYSO 2022–27, which included the spectrum work program for 2022–23. We made changes to our 2022–23 spectrum work program in response to consultation feedback before we published the final FYSO. Informed by consultation feedback, we adjusted the work program to add the 4500–4800 MHz band to the monitoring stage of our band planning process, included work on arrangements for terahertz spectrum and confirmed regulatory arrangements for non-geostationary satellite orbit (NGSO) systems. Submissions received to the draft FYSO and our detailed response to submissions were also published in September 2022.

We consulted on the draft FYSO 2023–28 for 6 weeks during March and May 2023. As well as inviting comments on the proposed spectrum work program, we sought views on specific issues, such as mid-band allocations, expiring spectrum licences, and regional connectivity and satellite communications.

The public consultation was promoted through our website, social media channels and through e-bulletins targeted to specific industry sectors. We received 50 submissions from members of industry, industry representatives and peak bodies, government agencies and the public that provided feedback about priorities and suggestions for inclusion of additional activities in the work program.

Target 1.1.2: The progress of delivering the spectrum management work program is published every 6 months

We track our progress against the annual spectrum work plan and publish a 6-month progress report and an annual progress report. These reports indicate whether delivery of the work program is on track and provide reasons for any deviations from the established timelines. Publication of the FYSO, and its regular progress reports, promotes greater transparency about the ACMA's spectrum work program and provides predictability for spectrum users about planning allocation and licensing regulatory activities.

The 6-month progress report for the 2022–23 spectrum work program was published in January 2023 and the annual progress report was published in July 2023.

These reports are available on the ACMA website.

Target 1.1.3: Apparatus licensing issue and renewal decisions meet the statutory requirements

There are currently over 175,500 apparatus licences on issue. Apparatus licences represent 98% of all licences issued. Apparatus licences authorise the operation of radiocommunications devices at specific locations or areas and on specified frequencies.

SPECTRA is the radiocommunications licensing system used by the ACMA to issue and renew apparatus licences under Divisions 2 and 7 of Part 3.3 of the Radiocommunications Act.

We allow certain qualified people, referred to as 'accredited persons', to perform certain activities related to radiocommunications licensing. They apply the ACMA's technical planning assignment rules and are aware of what we require for radiocommunications licences. Accredited persons help with licence applications, undertake frequency coordination and assignment and, based on their technical analysis, submit licence applications directly into SPECTRA on behalf of applicants.

This year 20,441 licences were issued or varied in accordance with statutory requirements. Of these:

- > approximately 97% of licences were issued with third-party Accredited Persons undertaking the frequency assignment consistent with ACMA technical planning policy.
- > approximately 3% required 'out-of-policy' approval, which may be for technical or policy reasons.

We employed a variety of checks and technical assessments to ensure the quality of our apparatus licensing met statutory requirements, whether undertaken by a third party or automated through SPECTRA.

These included:

- > conducting technical checks of the information entered into SPECTRA
- > identifying out-of-policy applications and confirming that the technical assessment was appropriately documented and attached to the licence application in SPECTRA
- > reviewing the documentation to ensure it met the statutory requirements for the licence issued
- > checking that SPECTRA upgrades for new Radiocommunications Assignment and Licensing Instructions (RALI) were consistent with the statutory requirements.

During 2022–23, 100% of apparatus licensing issue and renewal decisions met the statutory requirements, providing spectrum users with a reliable and well-managed framework for their operations.

Table 1.3: ACMA apparatus licensing activities

Licensing activities	Number issued in 2022–23	Decisions made in accordance with requirements
Apparatus licensing activities		
Issuing apparatus licences under section 100 of the Radiocommunications Act (including out-of-policy assessments)	16,503	100%
Changes to licence conditions under section 111 of the Radiocommunications Act	3,946	100%
Renewing apparatus licences under section 130 of the Radiocommunications Act	150,845	100%
SPECTRA maintenance activities		
Number of RALI updates		2
Number of SPECTRA system outages		3

Target 1.1.4: The ACMA's communications infrastructure compliance activities are informed by a risk-based assessment of harm

We employ a risk-based assessment of harm, so our communications infrastructure compliance activities effectively target and address potential risks, prioritise the mitigation of such risks to safeguard public safety and uphold the integrity of communication networks.

During 2022–23, we analysed compliance data and consulted with industry and the community to identify infrastructure issues that may cause harms or have a negative impact on the community. Our infrastructure compliance focus areas and the activities undertaken follow.

Tackling online supply of dodgy devices

As consumers increasingly make more purchases online, we are seeing a rise in complaints about non-compliant radiocommunications devices purchased and/or advertised online.

Non-compliant radiocommunications devices, and devices subject to an interim or a permanent ban, can cause harm when operated. Mobile repeaters and jammers can cause significant interference to mobile networks and, in worst case scenarios, can raise safety-of-life issues if they disrupt access to the emergency call service or health monitoring services.

In 2022–23, we focused on supplier compliance with equipment rules and educating Australians about the risks of buying non-compliant devices online. Under this compliance priority, we:

- > conducted a month-long audit of 8 e-commerce platforms, which resulted in the removal of 1,062 non-compliant device advertisements
- > educated consumers about 'dodgy' devices and raised supplier awareness of the regulatory rules via a month-long advertising campaign
- > worked with eCommerce platforms, including eBay and Facebook/Meta, to agree on streamlined processes to identify and remove listings of non-compliant devices.

Low power open narrowcasting compliance

Low power open narrowcasting (LPON) is used for niche radio broadcasting services.

LPON licensees are required to meet a range of licence conditions relating to matters such as power and coverage limitations, anti-hoarding and record keeping. Failure to comply with licence conditions potentially increases interference risk to other users of the radiocommunications spectrum, denies spectrum to other users, and degrades services to listeners. Non-compliance undermines the integrity of the ACMA's planning and licensing frameworks.

During 2022–23, we undertook an audit of LPON services to increase our understanding of LPON compliance issues and trends, assess the effectiveness of education materials available for licensees and increase industry compliance with the rules.

By 30 June 2023, we had audited 53 LPON licensees across Victoria and NSW and found substantial levels of non-compliance. The audit outcome report was published on the ACMA website in December 2022.

Electromagnetic energy (EME) measurement program

The ACMA regulates whether licensed communications transmitters and devices comply with the general public exposure limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard. The ARPANSA standard sets limits for exposure to RF EME.

During 2022–23, we undertook EME measurements at 166 5G-enabled base stations across Victoria, New South Wales, Queensland, Western Australia, South Australia and the Australian Capital Territory. 97% of sites had an average EME of less than 1% of the ARPANSA limit. The highest average EME measured was less than 3.2% of the limit set by the ARPANSA standard. The results are publicly available through our interactive dashboard, EME Checker.

Communications infrastructure compliance investigations

Our decisions to investigate infrastructure compliance matters consider the potential harms of non-compliance, including interference to emergency services, public safety and public confidence in communications and media services.

During 2022–23 we conducted 100 communications infrastructure compliance investigations, which resulted in the following types and numbers of enforcement activities:

- > enforceable undertakings made under the Radiocommunications Act: 1
- > remedial directions issued under the Radiocommunications Act: 1
- > warrants executed: 2
- > formal warnings issued under the *Telecommunications Act 1997*: 1
- > warnings given in relation to the Radiocommunications Act: 106.

No infringement notices were issued under the Radiocommunications Act.

Performance measure 1.2: The ACMA's contribution to the international spectrum framework supports the needs of the Australian communications industry

Measure description

The ACMA is responsible for leading Australia's engagement in the ITU Radiocommunication Sector Study Groups, Working Parties and Task Groups, Australian Radiocommunications Study Groups (ARSGs) and the Asia-Pacific Telecommunity Wireless Group (AWG) and preparatory meetings. We also provide expert technical and regulatory advice to the Department. We participate in these forums to support Australian Government policy and to ensure that the outcomes maximise the social and economic benefits of domestic spectrum use.

Measure composition

This performance measure directly aligns to an intermediate impact that the key activity is aiming to achieve, which is that the ACMA's contribution to the international spectrum framework supports the needs of the Australian communications industry. This measure will be assessed through 2 evenly-weighted targets – one measures the effectiveness of the activities in achieving an impact; the other measures the outputs of activities.

Targets		Result
1.2.1	Australia's international engagement activities are informed by the ACMA's consultation with industry and government.	
1.2.2	The ACMA's international engagement activities at ITU-R and regional meetings support Australia's interests.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 25

Outcome 1, Program 1.1 Communications regulation, planning and licensing

Regulator performance principles

Collaboration and engagement

Target 1.2.1: Australia's international engagement activities are informed by the ACMA's consultation with industry and government

Engagement in international spectrum forums ensures that we can adopt the best spectrum arrangements for Australia to realise the economic and social benefits that come from technological advancements and regional and domestic spectrum use.

ACMA leads Australia's engagement in technical radiocommunication forums, including:

- > International Telecommunication Union (ITU) radiocommunication sector study groups, working parties and task groups
- > Australian radiocommunications study groups (ARSGs)
- > Asia-Pacific Telecommunity Wireless Group (AWG)
- > Australian Preparatory Group for AWG (PG AWG).

To ensure that Australia's domestic interests are properly represented, we develop Australia's positions and contributions in consultation with industry and government, and provide expert advice for domestic and international technical and policy negotiations.

Our approach to consultation is consistent with the Participation in Australia's domestic and international radiocommunications groups: Guidelines and the Australian Radiocommunications Study Group (ARSG) and Preparatory Group for the Asia-Pacific Telecommunity Wireless Group (PG AWG) Handbook (the Guidelines). Table 1.4 summarises our international engagement activities for 2022–23.

Table 1.4: ACMA international engagement, 2022–23

Meeting	Date
ITU-R Working Party 5B	11–22 July 2022
Fourth meeting of the APG (APG 23-4)	15–20 August 2022
ITU-R Study Group 4 and Working Parties 4A-C	7–23 September 2022
APT Wireless Group Meeting 30 (AWG-30)	5–9 September 2022
ITU-R Working Party 5D	10–21 October 2022
ITU-R Study Group 5 and Working Parties 5A-C	14–29 November 2022
ITU-R Working Party 5D	30 January – 10 February 2023
Fifth meeting of the APG (APG23-5)	20–25 February 2023
Second Session of the Conference Preparatory Meeting for WRC-23 (CPM23-2)	27 March – 6 April 2023
ITU-R Working Parties 5A and 5C	8–19 May 2023
ITU-R Working Party 5D	12–23 June 2023
ITU-R Study Group 4 and Working Parties 4A-C	21 June – 7 July 2023

An assessment of Australia's international engagement activities, guided by our consultation with industry and government, reveals positive outcomes.

We engaged with stakeholders through our domestic preparatory processes (including PGs and ARSGs) throughout the reporting period. We consulted with the relevant preparatory groups, including industry members to prepare all meeting briefs, positions and contributions to international forums.

Target 1.2.2: The ACMA's international engagement activities at ITU-R and regional meetings support Australia's interests

We lead Australia's involvement in the ITU's Radiocommunication Sector (ITU-R) Study Groups via the Australian Radiocommunication Study Groups (ARSGs). The ARSGs play a crucial role in creating the technical groundwork for resolutions made at WRCs and establishing international standards. The ARSGs organise and convey input from stakeholders and specialists to the Department and ACMA on pertinent issues to help shape Australia's positions and contributions for Australian delegations at relevant ITU-R meetings.

Delegations at relevant ITU-R meetings must support Australia's policy positions and objectives. Negotiators are expected to prosecute Australia's positions, speak on behalf of Australia and react to developing discussions with the support of the Head and Deputy Head of Delegation.

We measure success in achieving this target using the case study below about Australia's engagement with ITU Study Group 4A.

Case study

Management of the domestic preparatory process for ITU-Study Group meetings

Study Group 4 (SG 4) examines questions on satellite services allocated to it by the International Telecommunication Union (ITU) Radiocommunication Assembly (RA) and the Director of the Radiocommunication Bureau (BR), and additional questions arising from ITU World Radiocommunication Conference (WRC) decisions or approved by correspondence. Working Party 4A (WP 4A) deals with efficient orbit/spectrum utilisation for the fixed satellite service and the broadcasting satellite service.

WP 4A meets several times during the ITU WRC cycle.

The ACMA led Australia's engagement in this meeting by providing the Head of Delegation, Delegation Brief and Delegation Report. The delegation had 17 members and provided expertise to cover the meeting subject matter. Before the meeting, members (including the Department, ACMA staff and industry representatives) produced the Delegation Brief.

In accordance with the *Participation in Australia's domestic and international radiocommunications groups: Guidelines* (the Guidelines), delegates are bound to protect Australia's interests, as published in the Delegation Brief.

For WP 4A, Australian positions were satisfactorily progressed. Delegates spoke on behalf of Australia and provided expert advice in line with the Australian Brief. Industry representatives participated appropriately as advisors, providing support as directed.

Performance measure 1.3: The ACMA's activities contribute to telecommunications infrastructure providers having confidence that they are appropriately authorised and enabled to provide communication services

Measure description




The ACMA is responsible for regulating telecommunications carrier licensees and submarine cable permit holders under the Telecommunications Act. This includes assessing, granting or refusing applications for carrier licenses, nominated carrier declarations, and submarine cable permits within set timeframes.

The ACMA also regulates telecommunications, radiocommunications and electrical/electronic equipment under the Telecommunications Act and Radiocommunications Act. Under this role, we make legislative instruments (technical standards) that impose obligations on suppliers at the point-of-supply to the Australian market.

The ACMA also manages Australia's phone number system by providing phone numbers to telcos that are then provided to customers.

Measure composition

This performance measure directly aligns to and measures the effectiveness of infrastructure providers being appropriately authorised and enabled to provide communication services. This measure will be assessed through 3 evenly-weighted targets – 2 measure the effectiveness of activities in achieving an impact and one measures the output of the activities.

Targets		Result
1.3.1	Telecommunications carrier licensing and submarine cable permit activities meet statutory requirements.	
1.3.2	Equipment regulation appropriately mitigates the risk of harm to communications networks and people using or working on those networks.	
1.3.3	Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 27

Outcome 1, Program 1.1 Communications regulation, planning and licensing

Regulator performance principles

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

Target 1.3.1: Telecommunications carrier licensing and submarine cable permit activities meet statutory requirements

The ACMA regulates telecommunications carrier licensees and submarine cable permit holders under the Telecommunications Act.

We ensure that our telecommunications carrier licensing and submarine cable permit activities are effective by making our decisions in accordance with the statutory requirements. This allows us to assure licence carriers and permit holders that they are authorised and enabled to provide communications services.

During 2022–23, we actioned 44 requests relating to our telecommunications carrier licence and submarine cable permit activities, all in accordance with the statutory requirements (see Table 1.5).

Table 1.5: ACMA carrier licensing and submarine cable permit activities

Statutory activities	2022–23 decisions	Example of statutory requirements	Decisions made in accordance with requirements
Telecommunications carrier licence activities			
Carrier licences issued	17	Generally, carrier licence applications are assessed within 20 business days of starting consultation with the Communications Access Coordinator (CAC) (subsection 59(2) of the Telecommunications Act). However, when further information is requested, or the CAC provides a 56A notice, the 20-business-day timeframe may be extended (section 59 of the Telecommunications Act).	100%
Nominated carrier declarations issued	14	The ACMA may grant a nominated carrier declaration after considering an application from a carrier (section 81 of the Telecommunications Act). There is no statutory prescribed timeframe for these applications.	100%
Carrier licences cancelled	0	The ACMA may cancel a carrier licence in some circumstances (section 72 of the Telecommunications Act). The ACMA must provide at least 7 days' notice before cancelling a carrier licence.	n/a
Nominated carrier declarations revoked	11	A carrier or owner of the network units may request the ACMA to revoke a nominated carrier declaration (subsection 83(2) of the Telecommunications Act). Alternatively, the ACMA may elect to revoke a nominated carrier declaration in some circumstances (subsection 83(1) of the Telecommunications Act).	100%
Carrier licence formal warnings or remedial directions (issued under Part 3 of the Telecommunications Act)	0	The ACMA may issue a remedial direction or a formal warning if a carrier has breached or is contravening a condition of their carrier licence (section 69 and section 70 of the Telecommunications Act).	n/a

Statutory activities	2022–23 decisions	Example of statutory requirements	Decisions made in accordance with requirements
Submarine cable activities			
Submarine cable installation permit issued – protection zone	0	Generally, the ACMA assesses submarine cable permit applications (in a protection zone) in 25 business days (clause 58 of Schedule 3A to the Telecommunications Act). However, if further information is requested or the ACMA is given a notice by the Attorney-General or the Home Affairs Secretary, the 25-business day timeframe can be extended.	n/a
Submarine cable installation permit issued: non-protection zone	2	Generally, the ACMA assesses submarine cable permit applications (not inside a protection zone) in 60 business days (clause 73 of Schedule 3A to the Telecommunications Act). However, if further information is requested or the ACMA is given a notice by the Attorney-General or the Home Affairs Secretary, the 60-business day timeframe can be extended.	100%
Submarine cable installation permit extension	0	A submarine cable installation permit is in force for 18 months from the day it was issued (clauses 59 and 74 of Schedule 3A to the Telecommunications Act). Applicants can apply to the ACMA before the permit expires for a further 180-day extension (clauses 61 and 76 of Schedule 3A to the Telecommunications Act).	n/a
Submarine cable installation permit suspension or cancellation	0	The ACMA may suspend or cancel a submarine cable installation permit (clauses 62 and 77 of Schedule 3A to the Telecommunications Act). The ACMA must give the holder of the permit 30 days' notice before suspending or cancelling a permit.	n/a
Submarine cable protection zones declared	0	The ACMA may declare a submarine cable protection zone (Division 2 of Schedule 3A to the Telecommunications Act). The ACMA can be requested to declare a protection zone or we may, of our own initiative, elect to declare a protection zone.	n/a

Target 1.3.2: Equipment regulation appropriately mitigates the risk of harm to communications networks and people using or working on those networks

The ACMA regulates the supply of certain telecommunications, radiocommunications and electrical/electronic equipment under the Telecommunications Act and Radiocommunications Act. We make legislative instruments (ACMA mandatory technical standards) that impose obligations on suppliers at the point of supply to the Australian market. These obligations include:

- > compliance with applicable technical standards
- > record-keeping obligations
- > labelling with the RCM compliance mark.

During the reporting period we began a program of regulatory reform and review of ACMA mandatory technical standards to ensure that our equipment regulation appropriately mitigates the risk of harm to communications networks and people using or working on those networks.

During 2022–23, we:

- > reviewed 14 ACMA mandatory technical standards and, in February 2023, rationalised them with some minor amendments and incorporated 13 of them into the Radiocommunications Equipment (General) Rules 2021
- > reviewed and remade the Protected Symbols Determination 2014, which was due to sunset on 1 April 2023
- > made consequential amendments to other legislative instruments to give effect to the above reforms, including the Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015.

By maintaining appropriate and effective mandatory technical standards the ACMA minimises the risk of harm to telecommunications infrastructure providers so that they have confidence that they are appropriately authorised and enabled to provide communications services.

Target 1.3.3: Numbering services are available 99% of the time and 99.9% of numbering transactions are processed within 5 seconds

The ACMA is responsible for the administration, allocation, and regulation of Australian telephone numbers. Our automated numbering system provides a reliable and intuitive system for the allocation, transfer and surrender of telephone numbers to carriage service providers (CSPs).

We outsource the management of the allocation, transfer and surrender of telephone numbers, including the sale and allocation of ‘smarnumbers’ (13, 1300, and 1800 numbers), and closely monitor the service levels and KPIs set out in the contract. Contractual service levels for the availability of the ACMA’s numbering service to industry, and the performance result in 2022–23 are shown in Table 1.6.

Table 1.6: Performance achieved against contractual service levels for the ACMA’s numbering system

Service level	Target	2021–22 result	2022–23 result
% of time the numbering service was available	99.5%	100%	100%
% of numbering transactions processed within 5 seconds	99.9%	100%	99.9%

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

We undertake compliance and enforcement of rules relating to communications content and services. This contributes to consumer confidence in industry's performance in delivering communication content and services.

Performance measure 2.1: The ACMA's activities contribute to Australian consumers having confidence in the content and services available to them

Measure description





The ACMA is responsible for delivering activities that contribute to Australian consumers having confidence in the content and services available to them. Our role includes:

- > regulating the communications and media services sector to ensure it follows rules set in legislation and industry codes and standards, and in licences
- > conducting research, performance analysis and reporting relating to media content and services, including complaints, compliance, network reliability and service standards
- > issuing and managing broadcast content licences and community broadcasting licences
- > conducting investigations and compliance and enforcement activities relating to media content and service providers.

Measure composition

The performance measure aligns directly to both the intermediate impact the key activity is aiming to achieve of Australians having trust and confidence in the content and services available to them, and the activities the ACMA delivers to achieve that impact. This measure will be assessed through 5 evenly weighted targets – one measures the effectiveness of the activities, 2 measure the efficiency of the activities, and the remaining 2 measure the outputs of the activities.

As the National Self-exclusion Register (NSER) was not made available in this reporting period, Target 2.1.2: The NSER data checking service is available to the wagering industry 99.95% or more of the time for the year, has been marked as not applicable in the 2022–23 Annual Performance Statement.

Targets		Result
2.1.1	80% or more of surveyed consumers report having confidence in the content and services available to them.	
2.1.2	The NSER data checking service is available to the wagering industry 99.95% or more of the time for the year.	n/a
2.1.3	The DNCR is available to the Australian public 99.5% or more of the time.	
2.1.4	95% or more of investigations undertaken are completed within 6 months of the investigation being opened.	
2.1.5	The ACMA's compliance priorities concerning media and content services are on track or implemented on time.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 31

Outcome 1, Program 1.2 Consumer safeguards, education and information

Regulator performance principles

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

Target 2.1.1: 80% or more of surveyed consumers report having confidence in the content and services available to them

We conduct our annual consumer survey to gain valuable information about consumer behaviour, attitudes towards media and communication services, and adoption rates. The survey also evaluates the effectiveness of regulatory interventions. This research is an essential part of the ACMA's research program, which provides evidence-based decision-making and keeps us informed about market developments and consumer trends.

For 2022–23, the survey was conducted to determine the level of trust that consumers had in the content and services that were available to them. This was the first reporting period for which this measure has been implemented, with the results providing a baseline against which future progress can be assessed.

At June 2023, the net results were:¹

- > 47% of Australian adults who watched free-to-air TV in the survey period reported they were confident or very confident that what is shown on TV meets community expectations
- > 55% of Australian adults who listened to any form of broadcast radio (FM/AM/DAB+) in the survey period were confident that what is broadcast on radio meets community expectations
- > 66% of Australian adults were confident that their telco services would work as promised
- > 55% of Australian adults were confident that they will receive an appropriate level of customer service from their telecommunications provider.

To measure performance for this target, the lowest result of 47% is assessed. This result does not meet the target of 80%, nor the partially met target of 60–80%, and is therefore rated as not met.

There are a number of factors outside of the ACMA's remit that have likely contributed to the low level of confidence reported among Australian consumers. Factors may include scams perpetrated over telephone and internet networks, the shift to online news sources that disrupt the traditional news and public interest journalism model, the spread of mis- and dis-information, and increased use of generative AI technology that may impact consumer trust in the content and services available to them.

Target 2.1.2: The NSER data-checking service is available to the wagering industry 99.95% or more of the time for the year

BetStop – the National Self-Exclusion Register™ will enable individuals to exclude themselves from all interactive wagering services licensed in Australia in a single process. The launch of the Register was delayed due to the previous Register operator entering voluntary administration in January 2023. Following a sale process conducted by the administrators, the ACMA novated the contract to another provider in June 2023. The Register is now expected to be launched in the next reporting period.

As the Register was not made available in the reporting period, this performance target is marked as not applicable.

¹ Australian Communications and Media Authority (ACMA), *Annual consumer survey, June 2023*, ACMA, Australian Government, unpublished, accessed 31 July 2023. The 2023 ACMA annual consumer survey defined 'community expectations' as 'the kinds of protection or safeguards that present-day Australian audiences may expect when watching or listening to professionally produced content'.

Target 2.1.3: The DNCR is available to the Australian public 99.5% or more of the time

The Do Not Call Register (DNCR) is an important consumer safeguard to prevent unwanted telemarketing. The DNCR is a free service that allows people to securely register their home, mobile or fax numbers to reduce most unsolicited telemarketing calls and faxes. The DNCR service centre and website are provided under contract. Table 1.7 shows the contracted service levels achieved during the reporting period.

Table 1.7: Performance achieved against contractual service levels for the DNCR

Service level	Target	2021–22 result	2022–23 result
Service centre availability	99.5%	100%	99.9%
Website availability	99.5%	99.9%	100%
Washing service availability*	99.5%	99.8%	99.9%

**Telemarketers and fax marketers 'wash' their calling lists against the DNCR to enable them to remove any registered numbers from their calling lists.*

Target 2.1.4: 95% or more of investigations undertaken are completed within 6 months of the investigation being opened

We are responsible for investigating and enforcing compliance of communications content and services with statutory requirements.

Conducting investigations in a timely manner is important to address concerns regarding an entity's compliance with its obligations. Additionally, performing investigations that are suitably rigorous and defensible is essential for establishing public confidence in the adequacy and enforceability of relevant protections, and maintains the integrity of the regulator.

In 2022–23, we completed 149 investigations. Of these:

- > 9 investigations assessed compliance with rules to safeguard consumers against unsolicited communications. Breaches included commercial emails and text messages sent without consent, without an unsubscribe function and/or without the inclusion of the necessary sender contact details.
- > 3 investigations examined breaches of obligations with the Integrated Public Numbers Database (IPND), which can hinder law enforcement and emergency services and breach consumer privacy. Breaches included failure to provide and/or update customer details in the IPND.
- > 13 investigations assessed telcos that were alleged to be non-compliant with rules intended to mitigate phone scam activity, which can lead to significant consumer harms including identity theft and financial loss. Breaches included failing to have ID checks in place to prevent scammers accessing mobile accounts, porting a mobile service without additional identity verification checks, and failure to comply with rules that reduce SMS and identity theft scams.
- > 38 investigations assessed compliance with telecommunications rules. Breaches included failure to provide priority assistance to customers who have a life-threatening medical condition, failure to comply with identity check rules when activating prepaid mobile services, and failure to join, or comply with, the TIO Scheme. We also found non-compliance with essential consumer safeguards, including notification of suspensions and disconnections, responsible selling practices, usage notification requirements and statements of compliance to CommCom.
- > 26 investigations across the commercial, national, subscription and community broadcasting sectors assessed compliance with television and radio codes of practice (including privacy, decency and accuracy rules), captioning obligations, advertising rules (such as gambling or political matters), licensing conditions, and media ownership and control rules.

- > 2 investigations assessed compliance against gambling advertising rules during live sport streamed online by online content service providers.
- > 63 investigations assessed compliance with interactive gambling rules. Breaches included the provision and advertising of prohibited and unlicensed regulated interactive gambling services to Australians.²

A total of 88% of investigations (131) were completed within 6 months, meaning this target was not achieved. This slight reduction was due to the complexity of some investigations and, at times, the need to prioritise resources to complete other regulatory work within statutory timeframes.

Target 2.1.5: The ACMA's compliance priorities concerning media and content services are on track or implemented on time

Our media and content compliance priorities guide our efforts to build consumer trust in the use of communications content and services, and contribute to Australian consumers having confidence in the content and services available to them.

In 2022–23, we focused on supporting Australians to self-exclude from online and phone gambling, combatting misinformation and disinformation on digital platforms, and improving captioning quality.

More information about our 2022–23 compliance priorities is available at acma.gov.au/compliance-priorities-2022-23.

We measured our performance using captioning quality audits, as outlined in the following case study.

Case study

Captioning quality audits

The deaf and hard-of-hearing community rely on captioning services to meaningfully access television programs. The quality of captions is of particular concern for live news and current affairs programming, where accuracy is very important. When pre-prepared captioning cannot be used, live captioning occurs, which has a higher risk of errors.

Rather than investigating individual complaints, for the 2022–23 reporting period, we conducted spot audits. The audits examined captioning quality in programs broadcast by metropolitan and regional free-to-air television networks to determine whether broadcasters were consistently and reliably meeting their captioning obligations.

The compliance priority work plan had 3 key activities:

- > Round 1 audits: undertaken between July and September 2022
- > Round 2 audits: undertaken between November 2022 to February 2023
- > Audit outcomes: provide audit results for consideration in review of the Broadcasting Services (Television Captioning) Standard 2013 (the Captioning Standard) by March 2023.

In the reporting period, we met our key delivery objectives to implement this compliance priority on time.

We completed our audit program, with 2 rounds of assessments of 28 live and near-live news or current affairs programs (comprising 595 distinct program segments). The programs were broadcast by commercial and national television networks in metropolitan and regional areas. The first round of audits reviewed 15 programs broadcast in July 2022 and were completed on time. The second round of audits reviewed 13 programs broadcast in October 2022 and were also completed on time.

² Some investigations assessed compliance across multiple regulations, therefore the number of investigations outlined in the summary above will not equal the total number of investigations (149) that were completed in the reporting period.

The first-round audit results showed that 88% of distinct program segments were broadcast with captions of an appropriate quality, compared to 12% of non-compliant distinct program segments.

In Round 2, the audit results showed that 96% of distinct program segments were broadcast with quality captions, while the non-compliant segments represented around 4% of the distinct program segments broadcast.

Our assessment of the results of the audits was completed on time and enabled us to build a better picture of overall broadcaster compliance with the captioning quality requirements in the Captioning Standard.

Outcomes from the audits were incorporated into a consultation on the review of the Captioning Standard in May 2023. Submissions closed in June 2023. The review is ongoing and must be completed before the Captioning Standard sunsets in the next reporting period.





Performance measure 2.2: The ACMA's activities contribute to Australian consumers having access to diverse media content and services.

Measure description

We are responsible for compliance and enforcement of rules around media content and services. If a regulated entity does not comply with the rules set in legislation, industry codes and standards, and in licences, a range of enforcement tools can be used, consistent with our published compliance and enforcement policy. We are also responsible for broadcasting licensing and renewal decisions for the media content and services industry.

Measure composition

This performance measure directly aligns to and measures the intermediate impact of Australian consumers having access to diverse media and contact services. This measure has 4 evenly weighted targets – one measures the effectiveness of the activities in achieving the impact and 3 measure the efficiency of the activities.

Targets		Result
2.2.1	Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity.	
2.2.2	Community broadcasting licence renewal decisions are made within the statutory timeframes.	
2.2.3	Media control notifications and caption order applications are processed within statutory timeframes.	
2.2.4	Annual compliance results for Australian content and captioning reporting are finalised within 6 months of reports being received.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 37

Outcome 1, Program 1.2 Consumer safeguards, education and information

Regulator performance principles

Collaboration and engagement, continuous improvement and building trust

Target 2.2.1: Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity

We adopt a graduated and strategic risk-based approach to enforcement, recognising that the primary focus in enforcement action is to help regulated entities achieve ongoing compliance with their obligations. We evaluate our effectiveness in supporting behavioural change in non-compliant entities by assessing whether entities complied with the obligations set out in agreed measures, enforceable undertakings, remedial directions, or injunctions. Those obligations will have been designed to contribute to improved compliance over time by the entity.

During 2022–23, 83% of deadlines were met in the reporting period against a target of 90%.

Table 1.8: Summary of agreed measures, enforceable undertakings, remedial directions and injunctions, 2022–23

Enforcement decisions	Number of deadlines	Number of deadlines met	Number of subsequent findings of non-compliance	Overall % compliance result
Agreed measures	4	4	0	100%
Enforceable undertakings	17	14	0	82%
Remedial directions	21	17	0	81%
Injunctions	n/a	n/a	n/a	n/a

There were 42 reporting deadlines, of which 7 were not met by the regulated entities. Reasons the deadlines were not met included providing the required report after the due date (5 incidences) and failing to provide the required information in the report (2 incidences).

None of the entities subject to enforcement outcomes with the relevant obligations have had subsequent findings of non-compliance for the same obligations. These types of enforcement actions are designed to drive improvements in behaviour by the relevant entity within particular timeframes, and with a level of oversight by the regulator. To that end, failure to meet deadlines or reporting requirements can be an indicator that the enforcement action is not having its intended outcome.

Under the *Broadcasting Services Act 1992* (BSA) and industry codes of practice, we accepted agreed measures from 1 entity, 3 remedial directions and 8 enforceable undertakings. Under the *Interactive Gambling Act 2001*, we continued civil penalty proceedings against 4 respondents that commenced in the Federal Court in April 2022.

We continued to monitor the agreed measures of 2 entities and 1 remedial direction that we accepted in the previous reporting period.

Target 2.2.2: Community broadcasting licence renewal decisions are made within the statutory timeframes

Community broadcasting is an important sector in Australia's media content and services industry. Community groups that provide community broadcasting services operate under a community radio or television licence on a not-for-profit basis and provide specific services identified for the local community. Community radio and television licences are generally considered for renewal every 5 years.

We make a renewal decision about a licence in line with our statutory obligations under the BSA. In the case of applications that are not late (that is, they are made before 26 weeks prior to the expiry of the licence), the ACMA must make the decision before the licence expiry date, otherwise the licence expires. In the case of late applications (that is, an application

made after 26 weeks prior to expiry, but before expiry), the licence expires if we do not make a renewal decision within 26 weeks of the application being made.

When we assess renewal applications, we generally take into account the extent to which the service meets the community's current and future needs, the nature and diversity of interests in the community, the extent to which the service provides material that is significant to the local community, other broadcasting services in the same licence area, and whether the applicant is able to provide the proposed service. During 2022–23, 100% of community broadcasting licence renewal decisions were made within the statutory timeframe.

Table 1.9: Community broadcasting licence renewals, 2022–23

Licence	Number of renewal applications processed	Number of renewal applications processed within statutory timeframes	Overall % of renewal applications processed within statutory timeframes
Community television (CTV) broadcasting licence	1	1	100%
Community radio broadcasting licences	136	136	100%
Total	137	137	100%

Target 2.2.3: Media control notifications and caption order applications are processed within statutory timeframes

During 2022–23, we delivered timely and accurate processing of media control notifications and captioning order applications within statutory timeframes set out under the BSA. These activities support Australian consumer's access to diverse media content and services.

Media control notifications

We maintain a public register of control and ownership of media assets in Australia, known as the Register of Controlled Media Groups (RCMG). This register provides information about the ownership and control of media companies operating in Australia, including commercial television broadcasters, commercial radio broadcasters, newspapers, and online news services.

In 2022–23, 100% of media control notifications lodged with the ACMA for RCMG changes were processed within the statutory timeframes.

Captioning order applications

Captioning is a vital service that helps Australians who are deaf or hard-of-hearing to have meaningful access to free-to-air and subscription television programs. Under the BSA, broadcasters are required to provide a captioning service for their programs, unless they are wholly in a language other than English or that consist wholly of music. Broadcasters may submit a captioning order application to the ACMA to seek a reduction in its captioning target (a target reduction order) or an exemption from its annual captioning obligations for a set period (an exemption order). We are responsible for processing all captioning order applications within the specified statutory timeframes. Before making a captioning order, within 50 days of receiving an application, we must publish the draft order and invite submissions within 30 days of publication.

If we do not make a decision on a captioning order within 90 days of receiving an application, the ACMA is taken to have refused to make the captioning order.

In 2022–23, 100% of captioning order applications were processed within statutory timeframes.

Table 1.10: Applications completed within statutory timeframes

Application	Number of applications received	Number of applications processed within statutory timeframes	Overall % of applications processed within statutory timeframes
Media control notifications			
Changes to the RCMG	1	1	100%
Captioning order applications			
Target reduction order	4	4	100%
Exemption order	3	3	100%
Total	8	8	100%

Target 2.2.4: Annual compliance results for Australian content and captioning reporting are finalised within 6 months of reports being received

Free-to-air broadcasters and subscription TV licensees must meet minimum targets for captioning and the broadcast of Australian content. Industry provides compliance reports to the ACMA annually and we use this information to assess whether each licensee met its regulatory obligations in the previous reporting period. Annual compliance reports allow us to identify any non-compliance so that appropriate enforcement action may be taken.

Reporting compliance results

Captioning

Free-to-air broadcasters and subscription TV licensees are required to provide annual captioning compliance reports to the ACMA within 90 days after the end of each financial year. This reporting requirement is mandated by the BSA and helps the ACMA to assess compliance with the captioning obligations under the Act.

Our assessment of free-to-air and subscription TV annual captioning reports was completed within 6 months of the reports being received.

Australian content

Commercial television licensees are required to meet minimum standards for broadcasting Australian content and must provide compliance reports to the ACMA by 31 March for the previous calendar year. These obligations are required by the BSA (reporting on Australian content transmission quotas) and the Broadcasting Services (Australian Content and Children's Television) Standards 2020 (reporting on first-release Australian content points quotas).

Annual compliance results for Australian content on commercial television in 2021 were completed within 6 months of the reports from industry being received.



Performance measure 2.3: The ACMA's activities contribute to Australians' access to a competitive telecommunications market.

Measure description

The ACMA is responsible for compliance and enforcement of telecommunication services. This includes ensuring industry follows the rules set in legislation, industry codes and standards, and licences.

Measure composition

This performance measure aligns to and measures the intermediate impact of effectiveness of Australians having access to a competitive telecommunications market. It has 2 evenly weighted targets – one measures the effectiveness of the activities in achieving the impact and the other target is a proxy measure for the efficiency of the activities.

Targets	Result
2.3.1 2022–23 compliance priorities concerning telecommunications services are on track or implemented on time.	
2.3.2 Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 42

Outcome 1, Program 1.2 Consumer safeguards, education and information

Regulator performance principles

Risk based, and data driven, collaboration and engagement.

Target 2.3.1: 2022–23 compliance priorities concerning telecommunications services are on track or implemented on time

Our telecommunications compliance priorities guide our efforts to build consumer trust in the use of communications content and services and contribute to Australians' access to a competitive telecommunications market. In 2022–23, we focused on protecting telco customers experiencing financial hardship and combatting SMS and identity theft phone scams.

More information about our 2022–23 compliance priorities is available on our website.

We measure our performance using the case study below about combatting SMS scams.

Combatting SMS scams

Phone scams have severe financial and social impacts on Australians. In 2022–23, we continued our work to disrupt scams before they reach Australians, by:

- > registering the Reducing Scam Calls and Scam SMS Code in July 2022, which requires telcos to identify, block and report scam calls and scam SMS
- > enforcing anti-scam rules
- > amending the Telecommunications Numbering Plan 2015 in December 2022 to support anti-scam measures
- > exploring new disruption initiatives, including the potential introduction of an SMS sender ID registry
- > working closely with industry, government agencies, and international counterparts.

Our focus

In 2022–23, one of our compliance priorities focused on phone scams. We wanted to enforce rules that required telcos to use stronger ID checks for transactions targeted by scammers and establish and enforce the new rules we registered in July 2022 to disrupt SMS scams.

Our compliance priority work focused on 3 key activities during the year:

- > consumer and industry education and awareness campaigns
- > intelligence gathering and analysis
- > checking compliance via audits and enforcement.

Key outcomes

In the reporting period, we met our key delivery objectives to implement this compliance priority on time.

In July 2022, we contacted approximately 600 telcos to remind them of their obligations under the Reducing Scam Calls and Scam SMS Code and directed them to information on the ACMA's website about how to comply.

Across the reporting period, we issued 13 consumer-focused scam alerts to inform consumers of a variety of phone, SMS and email scams, and provided advice on how to identify and avoid these types of scams.

As of 30 June 2023, we had audited, or were in the process of auditing, the compliance of 42 SMS aggregators (telecommunications providers that send bulk text messages) with the Reducing Scam Call and Scam SMS Code. We opened investigations into 15 SMS aggregators and completed 7 in the reporting period. Investigations revealed that vulnerabilities created by the non-compliance by SMS aggregators were used by scammers to send SMS that impersonated well-known and legitimate brands and organisations.

During the reporting period, we directed 4 companies to comply (breaches of this direction can have penalties of up to \$250,000), issued a formal warning to one company and, at the end of the reporting period, were in the process of finalising enforcement action with one company.

We completed audits of 54 telco providers into their compliance processes with the Telecommunications Service Provider (Customer Identity Authentication) Determination 2022 and Telecommunications (Mobile Number Pre-Porting Additional Identity Verification) Standard 2020. By the end of the reporting period, we completed investigations into 3 CSPs' compliance with the rules, closed one investigation with no breach findings and enforcement action for 2 CSPs was pending.

The ACMA has observed a significant reduction in porting and SIM swap fraud as reported by telcos, major banks and other intelligence sources. This reduction follows the ACMA making rules to address mobile porting fraud in 2020, and new rules to protect SIM swaps and other potential high risk customer transactions from fraud in June 2022.

The ACMA's registration and enforcement of the Reducing Scam Calls and Scam SMS Code saw more than 491 million scam calls and around 172 million scam messages blocked in the first 9 months of the reporting period. Telcos were also required to block scam calls under a previous version of the code, which came into effect in December 2020. Since that time, more than 1.15 billion scam calls have been blocked in total from reaching Australians.

The ACMA's Combating Scams Team won the Better Outcomes Through Regulation Award at the 2023 IPAA Victoria Leadership in the Public Sector Awards. This award recognises innovation and excellence in approaches achieving better outcomes through projects or programs that led to improvements in regulatory design and practice. The team was recognised for delivering positive outcomes for consumers, including through driving activity which has stopped a significant number of scam calls and SMS from reaching Australians, and significantly reduced mobile phone fraud.

Target 2.3.2: Enforcement decisions to accept or give agreed measures, enforceable undertakings, remedial directions or injunctions deliver improved compliance by the relevant regulated entity.

We adopt a graduated and strategic risk-based approach to enforcement, recognising that the primary focus in enforcement action is to help regulated entities achieve ongoing compliance with their obligations. We evaluate our effectiveness in supporting behavioural change in non-compliant entities by assessing whether entities complied with the obligations, including in some cases obligations to report to the ACMA within specified timeframes, set out in agreed measures, enforceable undertakings, remedial directions, or injunctions. Those obligations will have been designed to contribute to improved compliance over time by the entity.

During 2022–23, 90% of deadlines were met in the reporting period against a target of 90%.

Table 1.11: Summary of agreed measures, enforceable undertakings, remedial directions and injunctions and subsequent compliance, 2022–23

Enforcement decisions	Number of deadlines	Number of deadlines met	Number of subsequent findings of non-compliance	Overall % compliance result
Agreed measures	n/a	n/a	n/a	n/a
Enforceable undertakings	17	16	0	94%
Remedial directions	4	3	0	75%
Injunctions	n/a	n/a	n/a	n/a

There were 21 reporting deadlines, of which 2 were not met by the regulated entities. In both instances, the reasons the deadlines were not met was because the required reports were provided after the due date.

None of the entities subject to enforcement outcomes have had subsequent findings of non-compliance for the same obligations. These types of enforcement actions are designed to drive improvements in behaviour by the relevant entity within particular timeframes, and with a level of oversight by the regulator. To that end, failure to meet deadlines or reporting requirements can be an indicator that the enforcement action is not having its intended outcome.

Under the Telecommunications Act, the *Telecommunications (Consumer Protection and Service Standards) Act 1999* and various industry codes, we accepted 3 enforceable undertakings, issued 1 remedial direction and finalised civil penalty proceedings against 2 respondents in the Federal Court.

We continued to monitor a further 3 enforceable undertakings and 3 remedial directions that we accepted in previous reporting periods.



Management and accountability

This section details governance, staffing arrangements, and financial and property management. It applies to both the ACMA and eSafety, unless specified. For eSafety's specific governance and administrative information, refer to page 210 in *Part 2: eSafety Commissioner annual report 2022–23*.

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

Governance

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

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

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

The Enterprise Project Group (EPG) was established in 2020 to support the EMC through oversight of major projects to ensure they align with the ACMA's strategic direction and deliver agreed outcomes and benefits efficiently and effectively. The EPG meets monthly and is chaired by the Deputy Chair/CEO.

Corporate planning

Our *Corporate plan 2022–23* outlined the strategic approach to achieving our purpose by setting out our medium- to long-term priorities over 4 years. The plan is available on the ACMA website.

During 2022–23, the EMC reviewed the agency's progress in achieving our performance measures and targets outlined in the PBS and corporate plan. Our success in achieving our purpose, outcomes and the alignment of our activities in relation to the regulator performance principles is reported in our Annual Performance Statement.

Risk management and fraud control

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

The ACMA 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.

To ensure comprehensive risk management, the EMC holds quarterly discussions on risk management. These discussions involve reviewing relevant risk registers, identifying contributing risk factors, evaluating existing controls, and allocating resources to mitigate identified risks.

The revised Commonwealth Risk Management Policy came into effect on 1 January 2023. A review of the ACMA Risk Management framework has been conducted to address the requirements of the revised policy. Work is underway to strengthen the effectiveness of our risk controls and implement measures to identify, manage and escalate emerging risks.

The ACMA Fraud and Corruption Control Plan outlines control arrangements, including designated responsibilities and ongoing strategies for risk mitigation to protect public money, property, and information. To strengthen our internal controls and governance arrangements, we conduct regular fraud risk assessments, implement fraud prevention measures, raise awareness among staff about fraud and corruption risks, establish clear reporting mechanisms, and conduct investigations into allegations of fraud or corruption. All instances of suspected fraud and corruption and all investigations are recorded in the Fraud and Corruption Register and reported to the Audit and Risk Committee (ARC).

The establishment of the National Anti-Corruption Commission (NACC) by the Australian Government on 1 July 2023 is also relevant to our risk management efforts. A review of the Fraud and Corruption Control Plan is underway to ensure current arrangements cover any new requirements resulting from the establishment of the NACC. Work to establish a dedicated integrity framework commenced in the reporting period to encompass the ACMA workforce, providing support and guidance for all staff to promote a pro-integrity culture.

Audit

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

During 2022–23, the ARC met 7 times and considered key corporate and regulatory processes. The ARC reviewed all internal and relevant external audit activity and reported on performance against its charter. Other key areas of focus for the ARC included arrangements to enhance joint ACMA and eSafety governance and performance reporting, the Australian Cyber Security Centre's Essential Eight implementation, mitigation strategies to address increasing cybersecurity risks, and audit coverage of ACMA and eSafety programs.

Over the reporting period, our internal audit services were provided by RSM Australia. 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, including a link to its charter, are included in Appendix 1.1.

External scrutiny

During 2022–23, 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 parliamentary committee or the Commonwealth Ombudsman
- > no capability reviews of the ACMA released.

Judicial decisions

There were 2 judicial decisions, which have had, or may have, a significant impact on the operation of the ACMA, and are summarised below.

Australian Communications and Media Authority v Limni Enterprises Pty Ltd (formerly known as Red Telecom Pty Ltd) [2022] FCA 795

In this decision of 11 July 2022, the Federal Court imposed pecuniary penalties of \$450,000 against Limni Enterprises Pty Ltd (Red Telecom) and \$115,125 against its sole director.

These are the highest penalties ever imposed on a company and its director for contraventions of the Telecommunications Industry Ombudsman (TIO) Scheme established under section 128 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the TCPSS Act). Section 132 of the TCPSS Act requires a member of the TIO Scheme to comply with the scheme.

The ACMA commenced proceedings following 7 ACMA investigations and multiple breach findings against the company. The investigations followed referrals from the TIO alleging Red Telecom failed to comply with 7 determinations made by the TIO requiring Red Telecom to pay 7 customers a total of some \$63,000.

The ACMA secured full admissions to the principal contraventions and the company paid the due amounts to the customers. Although Red Telecom went into liquidation during the trial, Her Honour Perry J imposed penalties on the company, emphasising that the primary role of penalties is deterrence, both general and specific.

Australian National Imams Council Limited v Australian Communications and Media Authority & Anor [2022] FCA 913

On 11 August 2022, the Federal Court dismissed an application by the Australian National Imams Council (ANIC) for review of the ACMA's decision to renew the community radio broadcasting licence held by Muslim Community Radio (MCR) to broadcast in the Sydney RA1 licence area.

ANIC submitted that the ACMA erred in renewing MCR's licence under section 91 of the *Broadcasting Services Act 1992* (BSA), as (in ANIC's view) the ACMA:

- > was required to consider MCR's suitability to hold a licence under subsection 83(2) of the BSA and it did not do so, or did not do so in a satisfactory manner
- > should have considered whether ANIC, as a potential competitor service, could provide a superior service to the licensee on a renewal application
- > did not provide ANIC with procedural fairness after ANIC made it known to the ACMA that it wished to hold the licence currently held by MCR.

Her Honour Jagot J dismissed each of these grounds of challenge, finding that the ACMA:

- > had no obligation to consider suitability under subsection 83(2) of the BSA when renewing a licence, as this provision applies to the initial allocation of a licence, but that in any event, the ACMA had considered suitability in its decision
- > had complied with its duty to provide procedural fairness to ANIC
- > is not bound to consider a possible competitor service in the context of a renewal decision.

On 13 December 2022, the *Broadcasting Services Amendment (Community Radio) Act 2022* repealed subsection 91(2A) of the BSA, which provided the ACMA with a discretion to refuse to renew a community broadcasting licence and replaced it with a new subsection 91(2A). The revised language in the new subsection 91(2A) serves to further confirm that community broadcasting licence renewals involve the ACMA considering (among other things) the current service provided under the existing licence and not a range of proposed alternative services.

Australian National Audit Office performance audits

The ACMA was subject to a performance audit of procurement complaints-handling by the Auditor-General, which was tabled on 6 April 2023. The objective of this audit was to assess the effectiveness of procurement complaints handling by the ACMA, the Department of Finance (Finance), the Department of Industry, Science and Resources (DISR) and the Reserve Bank of Australia (RBA). The audit found procurement complaints-handling by the 4 audited entities was largely effective but that the framework generally does not encourage complaints. The audit did not identify any recommendations for the ACMA to address, however, some business improvement opportunities were raised that the ACMA is implementing.

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 eSafety Commissioner can be found on page 211 in *Part 2: eSafety Commissioner annual report 2022–23*.

Sunsetting

During 2022–23, we continued the work that flows from the 'sunsetting' regime in the *Legislation Act 2003*. Under the sunsetting provisions of the Legislation Act, most of the legislative instruments made by Commonwealth agencies such as the ACMA 'sunset' (are automatically repealed) 10 years after they are first registered as law.

In the reporting period, 34 instruments were due to sunset. Of those, 21 were revoked and replaced by a new instrument to similar effect, while 13 instruments were either revoked or allowed to sunset without being replaced, as we determined that no replacement instrument was necessary.

Directions and instruments

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

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

Between 1 July 2022 and 30 June 2023, the minister did not give the ACMA any directions under section 14 of the ACMA Act. The ACMA did not give any directions during the financial year under section 581 of the Telecommunications Act.

Corporate support services provided by the ACMA to eSafety

To assist eSafety, the ACMA provides accommodation, physical security, and facilities.

The ACMA also provides support to eSafety with the following shared services:

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

Financial performance and management

The ACMA's financial management activities ensure that we appropriately resource our key activities. During 2022–23, we improved access to, and provision of, quality financial information for internal and external stakeholders. We also met all statutory budgeting and reporting requirements, and deadlines as set by the Department of Finance and Treasury.

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

Key achievements during the year included:

- > successfully administering the Regional Broadband Scheme, including charging and invoicing
- > finalising the ACMA's contribution to the Cost Recovery Best Practice Project, led by the Department of Finance
- > further improving accessibility to the financial management information system, while commencing improvements to our procurement processes, including automating some processes.

The ACMA's financial statements for 2022–23 were prepared in accordance with section 42 of the PGPA Act. The Australian National Audit Office was given full access to all records and premises to enable it to perform its role and issue an unmodified audit opinion on the ACMA's 2022–23 financial statements and notes (see Appendix 1.14 of this report).

Activities administered on behalf of government

The ACMA collected income of \$1,321.4 million on behalf of government in 2022–23. This was primarily made up of:

- > the Regional Broadband Scheme (RBS) charge (\$799.1 million)
- > the Telecommunications Industry Levy (TIL) (\$219.7 million)
- > radiocommunications taxes (including apparatus licence tax of \$153.1 million)
- > telecommunication numbering charges (\$60.0 million)
- > broadcasting apparatus licence taxes (commercial broadcasting tax of \$44.2 million)
- > the Annual Carrier Licence Charge (ACLC) (\$29.2 million).

Further details on these income items are provided under 'Income collected on behalf of government' on page 59.

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

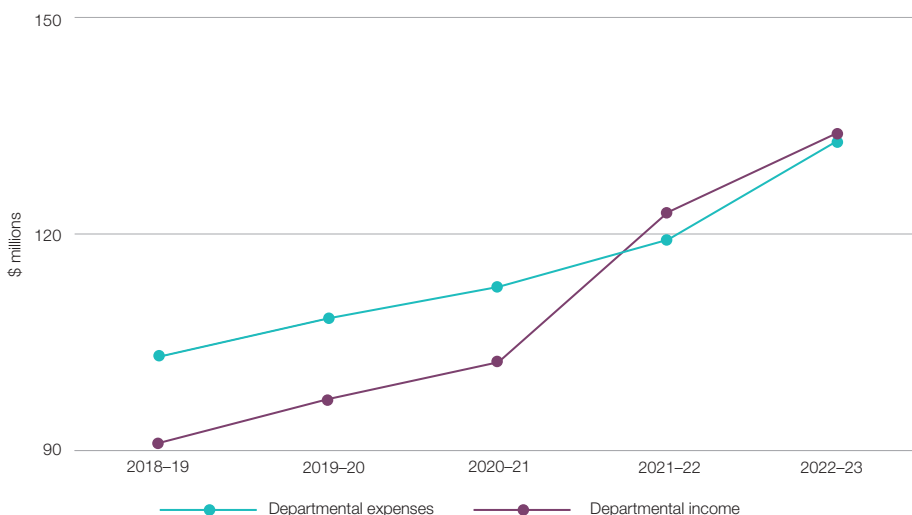
As at 30 June 2023, the ACMA held \$1,205.0 million in administered assets, primarily related to the RBS charge and the ACLC receivables. The ACMA also held \$124.4 million in administered liabilities for unearned revenue related to radiocommunications licences paid in advance.

Departmental activities

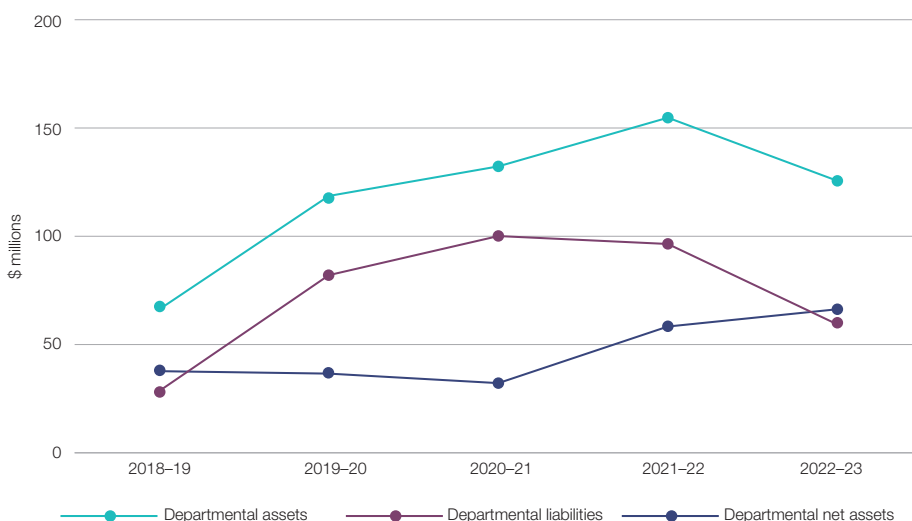
The ACMA reported a technical operating surplus of \$2.1 million. Departmental expenses totalled \$132.9 million, primarily made up of staffing and supplier expenditure, and depreciation charges. Departmental income totalled \$134 million (including revenue from government), comprising sale of goods, rendering of services, resources received free-of-charge and gains on assets.

As at 30 June 2023, the ACMA had a positive net asset position of \$66.3 million. Assets totalled \$125.6 million, with liabilities totalling \$59.3 million, including lease liabilities, employee provisions and supplier accruals.

Figure 1.3: Analysis of departmental activities



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



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

Income collected on behalf of government

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

In 2022–23, we administered \$1,321.4 million in income (2021–22: \$1,945.5 million) (see Figure 1.4). The current year income includes \$799.1 million for the recognition of RBS charges.

Figure 1.4: Administered income



Resource taxes and charges

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

The administration of taxes, levies, fees and charges plays a key role in the planning, allocation and effective use of public resources. Table 1.12 lists these revenue items administered on behalf of government.

Table 1.12: Resource taxes and charges

Description	Revenue in 2022–23 (\$m)	Revenue in 2021–22 (\$m)
Regional Broadband Scheme charge	799.1	720.1
Telecommunications Industry Levy	219.7	227.4
Apparatus licence tax	135.5	177.8
Commercial broadcasting tax	44.2	46.5
Annual numbering charge	60.0	60.0
Other taxes and charges	17.5	16.6
Total taxes	1,276.1	1,248.4

Regional Broadband Scheme

The Regional Broadband Scheme (RBS) was established to provide long-term sustainable funding arrangements to deliver essential broadband services to regional, rural and remote Australians. Under the RBS, for the 2022–23 reporting period, a carrier or declared nominated carrier is required to pay \$7.97 per month for each eligible premise on their telecommunication network with an active fixed line that provides a designated broadband service. Carriers with fewer than 2,000 premises in a month are exempt from paying the charge for that month.

In 2022–23, the ACMA recognised the revenue related to the RBS charge to NBN Co based on an estimate of their eligible premises from 1 July 2022 to 30 June 2023. The RBS charge for other carriers recognised in 2022–23 is based on their actual assessed charge for the 2021–22 reporting period.

Telecommunications Industry Levy

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

The portfolio department establishes the overall levy target each year. Participants contribute proportionally to the levy based on our assessment of their eligible revenue.

Apparatus licence taxes

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

During 2022–23, we made further changes to apparatus licence taxes in response to the implementation of the Spectrum Pricing Review, updated taxes for new Census data and introduced a new tax for area-wide licences in the 3.4 GHz to 4 GHz band. Details of the apparatus licence taxes and charging arrangements are in the *Apparatus licence fee schedule, August 2023*, available on the ACMA website.

As part of the implementation of the Spectrum Pricing Review, we reduced apparatus licence taxes for high-power open narrowcasting services contributing, in part, to the reduction in apparatus licence taxes collected in 2022–23.

Commercial broadcasting tax

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

As provisions for transitional support payments (TSPs) ended in 2021–22, the then minister made the Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2022 (rebate rules) that provide tax relief similar to TSPs for 2022–23 and 2023–24. The rebate rules were made on 5 February 2022, and reduced the amount of commercial broadcasting transmitter licence tax collected by the ACMA in 2022–23.

Annual numbering charges

On behalf of the government, the ACMA collects an annual numbering charge (ANC), set at \$60 million per annum, from carriage service providers (CSPs) that hold telephone numbers. CSPs are liable for the charges based on the numbers they hold on a specified census date, which in 2022–23 was 2 April 2023.

In 2022–23, the base number charge for a 10-digit number was \$0.6080904673. Using the opportunity-cost methodology applied in previous years, 9-digit numbers were charged at \$6.080904673, 8-digit numbers at \$60.80904673 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 have a reduced rate. 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 \$3.2 million, the instalments of the spectrum access charges for the conversion of apparatus licences to spectrum licences (\$5.7 million), and the renewal of spectrum licences (\$6.6 million).

Cost recovery charges

In accordance with the Australian Government's Charging Framework, we recover the costs of regulating the telecommunications industry. Revenue raised by the ACMA from cost recovery is shown in Table 1.13.

Table 1.13: Cost recovery charges

Description	Revenue in 2022–23 (\$m)	Revenue in 2021–22 (\$m)
Annual Carrier Licence Charge	29.2	30.7
Other cost recovery	4.4	6.3
Total charges	33.6	37.0

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

Other administered revenue

The revenue identified in Table 1.14 mainly consists of fees and fines that primarily relate to infringement notices issued following our investigations. Our investigation and enforcement activities are discussed in the Annual Performance Statement.

Table 1.14: Other administered revenue

Description	Revenue in 2022–23 (\$m)	Revenue in 2021–22 (\$m)
Fines and penalties	8.7	6.1
Total charges	8.7	6.1

Administered gains

The prior-year gains identified in Table 1.15 consisted of income related to the proceeds from the sale of 26 GHz spectrum access licences 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 2022–23.

Table 1.15: Administered gains

Description	Gain in 2022–23 (\$m)	Gain in 2021–22 (\$m)
Resources received free of charge (spectrum licences)	0.0	652.5
Reversal of write-downs and impairment	0.1	0.0
Total charges	0.1	652.5

Procurement and contract management

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

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

During 2022–23, the ACMA and eSafety incurred a total consultancy contract expenditure of \$4,482,840 and total non-consultancy contract expenditure of \$54,949,329. Organisations that received the 5 largest shares or organisations that received more than 5% of the total expenditure for each category of contract for the ACMA and eSafety are shown in tables 1.19 and 1.22.

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

Consultants

The ACMA and eSafety engage consultants to provide specialised services when the capability or capacity to perform these in-house is not available, or where there is a requirement for independent advice and where it involves the development of an intellectual output to assist with decision making. The majority of consultants were engaged following an open approach to market and use of panel arrangements. The main categories for consultancies in 2022–23 were legal advice and research.

During 2022–23, 23 new reportable consultancy contracts were entered into for the ACMA and eSafety, involving total actual expenditure of \$2,524,785 (Table 1.16). In addition, 37 ongoing reportable consultancy contracts were active during the period for the ACMA and eSafety, involving total actual expenditure of \$1,958,055 (Table 1.17).

Table 1.16: Number and expenditure on new consultancy contracts, 2022–23

	Number	Expenditure \$ (GST inc.)
ACMA	13	1,522,027
eSafety	10	1,002,758
Total	23	2,524,785

This table includes both administered and departmental expenditure on consultancies.

Table 1.17: Number and expenditure on ongoing consultancy contracts, 2022–23

	Number	Expenditure \$ (GST inc.)
ACMA	20	1,257,931
eSafety	17	700,124
Total	37	1,958,055

This table includes both administered and departmental expenditure on consultancies.

Table 1.18: Total expenditure on consultancy contracts, 2020–21 to 2022–23

Year	New consultancies \$ (GST inc.)	Continued consultancies \$ (GST inc.)
2020–21	1,277,654	1,905,984
2021–22	2,390,157	1,434,342
2022–23	2,524,785	1,958,055

Table 1.19: Organisations receiving a share of reportable consultancy contract expenditure, 2022–23

Name of organisation*	Expenditure \$ (GST inc.)
The Social Research Centre Pty Ltd (ABN 91 096 153 212)	523,637
Power Auctions LLC (ABN 29 296 829 580)	399,000
FreeTV Australia Ltd (ABN 76 101 842 184)	365,423
Faster Horses Pty Ltd (ABN 69 600 189 884)	320,695
Folk Pty Ltd (ABN 87 073 263 457)	283,030

**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 2022–23, 148 new reportable non-consultant contracts were entered into for the ACMA and eSafety involving total actual expenditure of \$10,390,412. In addition, 242 ongoing reportable non-consultant contracts were active during the period for the ACMA and eSafety, involving total actual expenditure of \$44,558,917.

Table 1.20: Number and expenditure on new non-consultancy contracts, 2022–23

	Number	Expenditure \$ (GST inc.)
ACMA	81	5,270,206
eSafety	67	5,120,206
Total	148	10,390,412

This table includes both administered and departmental expenditure on contractors.

Table 1.21: Number and expenditure on ongoing non-consultancy contracts, 2022–23

	Number	Expenditure \$ (GST inc.)
ACMA	108	23,940,255
eSafety	134	20,618,662
Total	242	44,558,917

This table includes both administered and departmental expenditure on contractors.

Table 1.22: Organisations receiving a share of reportable non-consultancy contract expenditure, 2022–23

Name of organisation*	Expenditure \$ (GST inc.)
Evolve FM Pty Ltd Facilities Trust Payment (ABN 52 805 472 580)	11,663,581
Talent International (ACT) Pty Ltd (ABN 95 121 819 305)	6,231,645
Hays Personnel Services (Australia) Pty Ltd (ABN 47 001 407 281)	2,718,541
IVE Group Australia Pty Ltd (ABN 29 090 618 278)	2,306,703
LS Telcom (ABN 31 634 294 732)	1,750,705

*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 1.23: Total expenditure on contractors, 2020–21 to 2022–23

Year	ACMA \$ (GST inc.)	eSafety \$ (GST inc.)	Total
2020–21	\$5,209,741	\$10,432,167	\$15,641,908
2021–22	\$6,682,225	\$15,658,681	\$22,340,906
2022–23	\$3,001,567	\$20,405,951	\$23,407,518

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

Procurement initiatives to support small business

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

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

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

- > using the Commonwealth Contracting Suite for procurements 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.

Asset management

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

At the end of 2022–23, the ACMA had a total value of \$59.3 million in net non-financial assets (excluding pre-payments).

Property management

Our Property Management Plan enables us to continue to proactively meet our core business objectives and provide cost effective and fit-for-purpose office accommodation in a post-COVID environment.

The role of physical property and the application of our guiding accommodation principles informs and drives future discussion between the agile needs of an evolving business model and the relatively static limits of space and fit out.

The collective impact of these considerations on our physical office presence, and what is deemed a productive workspace, will frame our future property strategy.

Ecologically sustainable development and environmental performance

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

In 2022–23, we continued to mitigate the effects of our impact on the environment through:

- > reducing our Canberra office footprint by 30% by committing to a new office lease (commencing 1 September 2023)
- > using electronic document management systems and web-based information-sharing tools that reduce or eliminate the need to print and retain paper copies
- > using 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, including smart lighting systems that activate only when work areas are occupied
- > supplying 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.

APS Net Zero 2030

APS Net Zero 2030 is the government's policy for the Australian Public Service to reduce its greenhouse gas emissions to net zero by 2030.

In 2022–23, the ACMA was accountable for total carbon emissions measured at 936,129 kilograms of CO₂ equivalent. Energy consumption represented approximately 74% of the ACMA's total emissions, with air travel and vehicle fleet management at 22% and 4%, respectively, contributing to the balance of greenhouse gas emissions.

A strategic implementation of renewable energy sources and the acquisition of certified green power offers the ACMA viable solutions to lower our overall carbon-footprint. These eco-friendly alternatives present a sustainable pathway to the future reduction of our carbon emissions originating from electricity consumption. Additionally, we also acknowledge that adopting alternative modes of travel and options for our vehicle fleet, such as low emission vehicles, or leveraging off new technology for virtual meetings will significantly curb carbon emissions associated with business air and land travel.

Table 1.24: Emissions summary: location-based approach, 2022–23

Emission source	Scope: 1 kg CO₂-e	Scope: 2 kg CO₂-e	Scope: 3 kg CO₂-e	Total kg CO₂-e
Electricity	n/a	692,503	58,267	750,770
Natural gas	–	n/a	–	–
Fleet vehicles	38,212	n/a	9,389	47,601
Domestic flights	n/a	n/a	137,758	137,758
Other energy	–	n/a	–	–
Total kg CO₂-e	38,212	692,503	205,414	936,129

Notes: When a particular emissions scope is relevant to the emission source, but no value is present, this is represented by a dash.

Scope 1 covers all direct emissions from owned or controlled sources. Scope 2 pertains to indirect emissions from the generation of purchased energy, such as electricity, steam, heating, and cooling consumed.

Scope 3 encompasses all other indirect emissions that occur in a company's value chain, including both upstream and downstream emissions.

Table 1.25: Emissions summary: market-based approach, 2022–23

Emission source	Scope: 1 kg CO₂-e	Scope: 2 kg CO₂-e	Scope: 3 kg CO₂-e	Total kg CO₂-e
Electricity	n/a	343,908	45,517	389,425
Natural gas	–	n/a	–	–
Fleet vehicles	38,212	n/a	9,389	47,601
Domestic flights	n/a	n/a	137,758	137,758
Other energy	–	n/a	–	–
Total kg CO₂-e	38,212	343,908	192,664	574,784

Notes: The market-based method accounts for activities such as Greenpower, purchased LGCs and/or being located in the ACT. When a particular emissions scope is relevant to the emission source, but no value is present, this is represented by a dash.

Scope 1 covers all direct emissions from owned or controlled sources. Scope 2 pertains to indirect emissions from the generation of purchased energy, such as electricity, steam, heating, and cooling consumed.

Scope 3 encompasses all other indirect emissions that occur in a company's value chain, including both upstream and downstream emissions.

Waste management

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

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

Security

All statutory reporting requirements were met in 2022–23, including mandatory participation in the Protective Security Policy Framework compliance reporting, conducted by the Attorney-General's Department.

Our people

The ACMA had 525 APS staff, 125 of whom work in eSafety. Staff were located mainly in our central offices in Canberra, Melbourne, and Sydney.

During 2022–23, we focused on supporting the wellbeing and safety of staff following the COVID-19 pandemic and transitioning back into the office. Staff are supported by hybrid working arrangements, allowing them to combine work in the office and from home. Our working arrangements are informed by health advice issued by Commonwealth, state and territory governments, and continue to recognise the broader benefits of hybrid working arrangements while balancing the greater levels of collective productivity and agency collaboration that arises when staff work in shared spaces.

Workforce planning

Throughout 2022–23, we continued to implement the *People Strategy 2021–24* to support the agency to retain and develop an agile and responsive workforce. The strategy is closely aligned to the *APS Workforce Strategy 2025* and outlines our commitment to workforce planning. This, along with other HR initiatives aims to create a workforce and workplace to which ACMA staff want to belong. It outlines initiatives to develop a talented, driven, innovative and committed workforce who work cohesively to achieve a common goal. In 2022–23, we began detailed planning of our workforce requirements to ensure we have the necessary workforce to deliver on our objectives for the longer term.

Entry-level programs

Via our entry-level programs, we welcomed graduates sourced through the Australian Government Graduate Program, a participant from the Indigenous Australian Government Development Program (IAGDP), a school leaver and a career starter. Our graduates develop their skills and capabilities through 2 to 3 rotations across the organisation to equip them to contribute to a high-performing, future-focused APS.

Capability development

In 2022–23, we continued to implement our *Organisational Development Strategy 2022–24*, including providing capability development activities under the Organisational Capability Framework. We focused on delivering these activities against priority areas to support our performance against our objectives. Capability activities included offering data governance training, mentoring and coaching, and a tailored investigations program. We also designed a leadership program to be delivered in the next reporting period that will build the capacity of future senior leaders.

The ACMA's net expenditure in 2022–23 for employee learning and development (for both eSafety and ACMA employees) was \$797,974.84 (excluding GST), which included attendance at general training, conferences and seminars, and study assistance. Staff attended a range of learning and development activities, from public service writing courses to industry-related conferences.

During the year, 18 employees were supported under our studies assistance program to undertake tertiary qualifications in specialised fields such as law, business, social work, human resources, and public policy.

We have processes to ensure that each employee's performance and development is managed to achieve the agency's objectives. This includes establishing an annual performance development plan that directly relates to branch plans and the corporate plan, regularly providing feedback, identifying development areas and strategies to address them, and annually assessing each employee's performance against their performance development plan.

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 diversity 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.

A key achievement in 2022–23 was the development of a draft of our first Reconciliation Action Plan (RAP), in consultation with our staff and Reconciliation Australia. We will be implementing our RAP early in the next reporting period. The RAP outlines our commitment to reconciliation between First Nations and non-Indigenous peoples, and identifies clear actions and realistic targets within the ACMA to gain and advance reconciliation.

The ACMA also promoted diversity through the recognition and celebration of a range of significant events such as National Reconciliation Week and International Day of People with Disability.

Workplace agreements and conditions

The *ACMA Enterprise Agreement 2020–23* sets out the terms and conditions of employment for non-SES employees. Salary is currently provided for through a determination made under subsection 24(1) of the Public Service Act. In specific circumstances, terms and conditions are supplemented under an individual flexibility agreement. There are no provisions for performance pay in place under the ACMA's current enterprise agreement. More details on individual flexible arrangements are in Appendix 1.2 of this report.

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

Terms and conditions for the ACMA's SES employees are contained in determinations made under subsection 24(1) of the Public Service Act. There are currently 19 SES employees within the ACMA, 5 of whom are assigned to the eSafety Commissioner. Salary ranges for SES employees are in Appendix 1.2 of this report.

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

Consultation and workplace relations

Staff consultative forums are established under the ACMA Enterprise Agreement.

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

The National Consultative Forum (NCF) deals primarily with the key strategic and change issues that affect ACMA staff. Convened by the ACMA Chair, the NCF comprises management, union and employee representatives. The NCF met on 6 occasions (3 normal meetings and 3 extraordinary meetings) 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 83% for the 2023 APS census.

Disability reporting

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

Disability reporting is included the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available at apsc.gov.au.

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), policies and training programs.

Each year, employees are required to undertake refresher training on important ethical responsibilities. In 2022–23, 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 Australian Public Service (APS) Values and Employment 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.

The ACMA now has a centralised integrity function, allowing staff to refer matters or concerns to a dedicated team for assessment and review. The team also coordinates conflicts of interest and code of conduct issues.

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 meet health, safety and wellbeing needs.

Health and safety information is provided to all new staff during induction, and staff are required to complete workplace health and safety (WHS) online training on a regular basis. In the reporting period, the ACMA workplace health and safety induction module was reviewed and updated, and a health and safety training needs analysis was completed.

We also launched the ACMA Health and Wellbeing Framework 2022–24 in the reporting period, which delivered well-being programs and assistance to staff including:

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

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

- > conducted workplace hazard inspections
- > undertook first-aid risk assessments of ACMA offices
- > refreshed our WHS support contacts to ensure adequate coverage across health and safety representatives, first-aid officers, harassment contact officers and work health and safety champions.

No notifiable incidents were reported to Comcare, no work health and safety investigations were conducted, and no notices were given to the ACMA under Part 10 of the *Work Health and Safety Act 2011*.

Corrections to the 2021–22 annual report

On pages 97–98 of the 2021–22 annual report, there were some errors in *Appendix 6: Lawful disruption of access to online services by government agencies*, due to the late submission of a report under subsection 313(3) of the Telecommunications Act section 313(3) by a law enforcement agency.

In Table 1.45, the figure reported against paragraph 313(3)(c) should have been 19 (instead of 11) and the total number of disruption requests should have been 19. In Table 1.46, the figure reported against paragraph 313(3)(c) should have been 5,726 (instead of 245) and the total number of online services blocked should have been 5,726.



Appendices

Appendix 1.1: Committees, memberships and attendance at meetings

Authority meetings

During 2022–23, the Authority met 43 times.

Table 1.26: Attendance by members at Authority meetings, 2022–23

Authority member	No. of meetings attended
Nerida O’Loughlin, Chair	41
Creina Chapman, Deputy Chair and CEO	40
Chris Jose	28
Fiona Cameron	2
James Cameron	42
Anita Jacoby (Associate Member)	13
Delia Rickard (Associate Member)	1
Anna Brakey (Associate Member)	11
Catriona Lowe (Associate Member)	0

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

Executive Management Committee meetings

During 2022–23, the EMC met 13 times.

Table 1.27: Attendance at Executive Management Committee meetings, 2022–23

Member of Executive Management Committee	No. of meetings attended
Nerida O’Loughlin, Chair	12
Creina Chapman, Deputy Chair and CEO	11
Brendan Byrne, General Manager, Legal Services Division	11
Linda Caruso, General Manager, Communications Infrastructure Division	12
Helen Owens, General Manager, Corporate and Research Division	12
Cathy Rainsford, General Manager, Content and Consumer Division	10

Audit and Risk Committee

In its capacity as an advisory committee to the ACMA Chair, the Audit and Risk Committee met 7 times in 2022–23, inclusive of 5 regular meetings and 2 out-of-session meetings.

Table 1.28: Audit and Risk Committee

Member name	Qualifications, knowledge, skills or experience	No. of meetings attended/ total no. 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	7 / 7	29,600
Karen Michelle	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	7 / 7	17,251
Mark Ridley	Experience as an independent member and chair of audit and risk committees for several large-sized and medium-sized Commonwealth agencies since 2011 and has also assisted some entities in the oversight of ICT projects. Has held leadership roles in risk advice, internal audit, and ICT project assurance for large financial services companies, other industries and state and federal governments. B. Commerce and Accounting, GAICD, FCA	7 / 7	24,126

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

ACMA advisory and consultative bodies

Consumer Consultative Forum (CCF)

Consumer representatives

- > Standing member: Australian Communications Consumer Action Network

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

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

Representatives from industry bodies

- > Australian Mobile Telecommunications Association
- > Communications Alliance

Regulatory, government and ombudsman representatives

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

Numbering Advisory Committee (NAC)

Consumer representatives

- > Australian Communications Consumer Action Network

Representatives from industry bodies

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

Regulatory, government and ombudsman representatives

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

Observers

- > Paradigm One Pty Ltd
- > ZOAK Pty Ltd

Scam Telco Action Taskforce (STAT)

Representatives from industry bodies

- > Australian Mobile Telecommunications Association
- > Commonwealth Bank of Australia
- > Communications Alliance Ltd
- > Singtel Optus Pty Ltd
- > Pivotal Group Pty Ltd
- > Sinch
- > SingTel Optus Pty Ltd
- > Symbio Holdings Pty Ltd
- > Telstra Corporation Ltd
- > TPG Telecom Ltd
- > Twilio Inc
- > Verizon Pty Ltd
- > Vocus Group Ltd

Regulatory, government and ombudsman representatives

- > Australian Competition and Consumer Commission
- > Australian Securities and Investments Commission
- > Australian Taxation Office
- > Department of Home Affairs
- > Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- > Office of the Australian Information Commissioner
- > Services Australia

Observers

- > Australia Post
- > Australian Banking Association
- > Australian Federal Police
- > Australian Financial Crimes Exchange
- > Crimestoppers
- > IDCare
- > NBN Co Ltd
- > NSW Police

Appendix 1.2: 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 1.29: All ongoing employees – current report period (2022–23)

Location	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	52	2	54	81	18	99	0	0	0	0	0	0	0	0	0	153
Qld	2	0	2	2	1	3	0	0	0	0	0	0	1	0	1	6
SA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tas	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Vic	80	2	82	69	22	91	0	1	1	0	0	0	1	0	1	175
WA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ACT	75	4	79	61	15	76	0	1	1	0	0	0	1	0	1	157
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	210	8	218	213	56	269	0	2	2	0	0	0	3	0	3	492

Table 1.30: All ongoing employees – previous report period (2021–22)

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

Table 1.31: All non-ongoing employees – current report period (2022–23)

Location	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	3	0	3	5	4	9	0	0	0	0	0	0	0	0	0	12
QLD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vic	5	0	5	6	0	6	0	0	0	0	0	0	0	0	0	11
WA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ACT	5	0	5	3	2	5	0	0	0	0	0	0	0	0	0	10
NT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	13	0	13	14	6	20	0	0	0	0	0	0	0	0	0	33

Table 1.32: All non-ongoing employees – previous report period (2021–22)

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

Australian Public Service (APS) classification and gender

Table 1.33: Public Service Act ongoing employees – current report period (2022–23)

Classification	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
SES 2	1	0	1	3	0	3	0	0	0	0	0	0	0	0	0	4
SES 1	7	1	8	6	0	6	0	0	0	0	0	0	0	0	0	14
EL 2	37	0	37	30	2	32	0	0	0	0	0	0	0	0	0	69
EL 1	74	4	78	80	30	110	0	1	1	3	0	3	0	0	0	192
APS 6	59	3	62	56	20	76	0	1	1	0	0	0	0	0	0	139
APS 5	24	0	24	20	2	22	0	0	0	0	0	0	0	0	0	46
APS 4	6	0	6	9	1	10	0	0	0	0	0	0	0	0	0	16
APS 3	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	2
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0	2
Other*	2	0	2	6	0	6	0	0	0	0	0	0	0	0	0	8
Total	210	8	218	213	56	269	0	2	2	3	0	3	0	0	0	492

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

Table 1.34: Public Service Act ongoing employees – previous report period (2021–22)

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

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

Table 1.35: Public Service Act non-ongoing employees – current report period (2022–23)

Location	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0
SES 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	2
EL 1	4	0	4	6	0	6	0	0	0	0	0	0	0	0	0	10
APS 6	5	0	5	6	1	7	0	0	0	0	0	0	0	0	0	12
APS 5	1	0	1	0	1	1	0	0	0	0	0	0	0	0	0	2
APS 4	3	0	3	1	2	3	0	0	0	0	0	0	0	0	0	6
APS 3	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	1
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other*	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	13	0	13	14	6	20	0	0	0	0	0	0	0	0	0	33

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

Table 1.36: Public Service Act non-ongoing employees – previous report period (2021–22)

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

Employment type by full-time and part-time status

Table 1.37: Public Service Act employees by full-time and part-time status – current report period (2022–23)

Classification	Ongoing			Non-ongoing			Total
	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	0
SES 2	4	0	4	0	0	0	4
SES 1	13	1	14	0	0	0	14
EL 2	67	2	69	0	2	2	71
EL 1	157	35	192	10	0	10	202
APS 6	115	24	139	11	1	12	151
APS 5	44	2	46	1	1	2	48
APS 4	15	1	16	4	2	6	22
APS 3	1	1	2	1	0	1	3
APS 2	0	0	0	0	0	0	0
APS 1	2	0	2	0	0	0	2
Other*	8	0	8	0	0	0	8
Total	426	66	492	27	6	33	525

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

Table 1.38: Public Service Act employees by full-time and part-time status – previous report period (2021–22)

Classification	Ongoing			Non-ongoing			Total
	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	0
SES 2	5	-	5	-	-	-	5
SES 1	14	-	14	-	-	-	14
EL 2	66	4	70	1	-	1	71
EL 1	153	36	189	9	2	11	200
APS 6	108	17	125	7	1	8	133
APS 5	26	5	31	4	1	5	36
APS 4	18	2	20	1	-	1	21
APS 3	-	1	1	-	-	-	1
APS 2	-	-	-	-	-	-	0
APS 1	-	-	-	-	-	-	0
Other*	8	-	8	-	-	-	8
Total	398	65	463	22	4	26	489

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

Table 1.39: Public Service Act employment type by location – current reporting period (2022–23)

Location	Ongoing	Non-ongoing	Total
NSW	153	12	165
QLD	6	0	6
SA	0	0	0
Tas	1	0	1
VIC	175	11	186
WA	0	0	0
ACT	157	10	167
NT	0	0	0
External territories	0	0	0
Overseas	0	0	0
Total	492	33	525

Table 1.40: Public Service Act employment type by location – previous reporting period (2021–22)

Location	Ongoing	Non-ongoing	Total
NSW	147	7	154
QLD	5	-	5
SA	-	-	0
Tas	1	-	1
VIC	157	13	170
WA	-	-	0
ACT	153	6	159
NT	-	-	0
External territories	-	-	0
Overseas	-	-	0
Total	463	26	489

Table 1.41: Public Service Act Indigenous employment – current report period (2022–23)

Employment type	Total
Ongoing	5
Non-ongoing	1
Total	6

Table 1.42: Public Service Act Indigenous employment – previous report period (2021–22)

Employment type	Total
Ongoing	3
Non-ongoing	1
Total	4

Arrangements of SES and non-SES employees

Table 1.43: Public Service Act employment arrangements – current report period (2022–23)

Arrangement	SES	Non-SES	Total
ACMA Enterprise Agreement 2020–2023	-	475	475
Individual Flexibility Agreement *	-	32	32
Subsection 24(1) Determination	18	-	18
Total	18	507	525

* Employees are subject to an Individual Flexibility Agreement are also covered by the ACMA Enterprise Agreement 2022–23.

Salary ranges by classification level

Table 1.44: Public Service Act employment salary ranges by classification level (minimum/maximum) – current report period (2022–23)

Classification level	Minimum salary	Maximum salary
SES 3	–	–
SES 2	290,321	298,177
SES 1	219,329	235,075
EL 2	128,896	156,059*
EL 1	106,545	132,278^
APS 6	87,686	99,024
APS 5	79,557	85,899
APS 4	71,401	77,612
APS 3	63,748	69,324
APS 2	56,096	61,878
APS 1	49,902	54,996

* 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 EL1 equivalent.

Appendix 1.3: Executive remuneration

Table 1.45: Remuneration for key management personnel

Name	Position title	Short-term benefits (\$)			Post-employment benefits (\$)			Termination benefits (\$)	Total remuneration (\$)
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
Nerida O'Loughlin	Chair	524,394	-	-	73,887	12,662	-	-	610,943
Creina Chapman	Deputy Chair	375,399	-	7,912	57,974	9,448	-	-	450,733
Julie Inman Grant	eSafety Commissioner	410,489	-	-	27,606	9,959	-	-	448,054
Rebecca Razavi	General Manager	61,861	-	-	11,732	2,373	-	-	75,966
Cathy Rainsford	General Manager	282,293	-	-	54,634	7,431	-	-	344,358
Helen Owens	General Manager	302,337	-	-	55,494	7,431	-	-	365,262
Linda Caruso	General Manager	306,943	-	-	55,369	7,431	-	-	369,743
Brendan Byrne	General Manager	288,619	-	-	45,328	7,431	-	-	341,378
Toby Dagg	Acting General Manager	204,470	-	56,438	33,729	6,122	-	-	300,759

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 1.46: Remuneration for senior executives

Total remuneration bands	No. of senior executives	Short-term benefits (\$)			Post-employment benefits (\$)			Long-term benefits (\$)	Termination benefits (\$)	Total remuneration (\$)
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits			
\$0 to \$220,000	6	44,923	-	484	8,809	2,315	-	-	-	56,531
\$220,001 to \$245,000	0	-	-	-	-	-	-	-	-	-
\$245,001 to \$270,000	6	193,111	-	25,853	33,827	5,525	-	-	-	258,316
\$270,001 to \$295,000	5	230,221	-	4,110	40,827	5,925	-	-	-	281,083
\$295,001 to \$320,000	1	247,073	-	25	43,878	5,859	-	-	-	296,835

Notes

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

This table excludes remuneration for officers in a substantive KMP role for any period during the financial year and officers acting in KMP roles for periods greater than 3 months.

Base salary includes wages and accrual of recreational leave entitlements.

ACMA SES officers are not paid bonuses.

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

Long service leave includes the accrual of entitlements.

Remuneration for other highly paid staff

For the 2022–23 reporting period, there are no other highly paid staff requiring additional disclosure.

Appendix 1.4: Telecommunications consumer protection compliance and enforcement outcomes

Appendix 1.4 includes information related to the ACMA's requirements under paragraphs 57(d) and 57(e) of the *Australian Communications and Media Authority Act 2005*.

Investigations by the ACMA

Table 1.47 reports on the number and types of complaints made to the ACMA under Part 26 of the *Telecommunications Act 1997*, from 1 July 2022 to 30 June 2023. It details investigations arising from complaints received. Note that a single investigation can concern multiple complaints.

Table 1.47: Investigations conducted and enforcement outcomes

Entity/ Entity type	Substance of complaint	Investigation outcome	Enforcement action
Spam Act 2003			
A total of 9 investigations were conducted under the <i>Telecommunications Act 1997</i> from the 6,771 complaints received about alleged breaches of the Spam Act. Of those investigations, 6 resulted in the ACMA taking enforcement action and 3 enforcement actions were yet to be finalised. Those investigations with completed enforcement outcomes are included below.			
myCar Tyre & Auto	Sending marketing emails and SMS without consent and without a functional unsubscribe facility	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent	\$1,047,840 infringement notice
		Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility	Enforceable undertaking
Commonwealth Bank of Australia	Sending marketing emails without consent and without a functional unsubscribe facility	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent	\$3,552,000 infringement notice
		Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility	Enforceable undertaking

Entity/ Entity type	Substance of complaint	Investigation outcome	Enforcement action
Noah Rose, trading as BetDeluxe	Sending marketing emails and SMS without consent, without contact details of the sender 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)(b) – sending or causing to be sent, commercial electronic messages without the contact details of the sender of the message Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility	\$50,172 infringement notice Enforceable undertaking
Investbybit Pty Ltd trading as Binance Australia	Sending marketing emails without consent and without a functional unsubscribe facility	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility.	\$2,000,220 infringement notice Enforceable undertaking
Latitude Finance Australia	Sending marketing emails and SMS without consent and without a functional unsubscribe facility	Breach of subsection 16(1) – sending or causing to be sent, commercial electronic messages to electronic addresses with an Australian link without consent Breach of subsection 18(1) – sending or causing to be sent, commercial electronic messages without a functional unsubscribe facility	\$1,549,560 infringement notice Enforceable undertaking
Victorian Institute of Technology 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	Enforceable undertaking

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

The ACMA did not conduct any formal investigations under the *Telecommunications Act 1997* from the 21,190 complaints received about alleged non-compliance with the Do Not Call Register Act and the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017. The largest category of complaints concerned scams.

Entity/ Entity type	Substance of complaint	Investigation outcome	Enforcement action
Telecommunications Act 1997 and C628:2019 Telecommunications Consumer Protections Code			
One investigation was conducted under the Telecommunications Act from one complaint received about alleged breaches of the Telecommunications Consumer Protections Code. The investigation resulted in the ACMA making a breach finding.			
Aussie Broadband Limited	Sending usage notifications which incorrectly advised customers they had used up their data allowance	Breach of clause 6.5 – failing to provide accurate and up to date usage notifications to 3,248 customers	Informal warning

ACMA's operations on industry codes and industry standards

The following section includes information related to the operation of Part 6 of the *Telecommunications Act 1997*. During 2022–23, 4 codes were developed by Communications Alliance and registered by the ACMA, (replacing 5 codes that the ACMA deregistered at the same time). The ACMA also deregistered 1 code without replacement.

C661:2022 Reducing Scam Calls and Scam SMs

The code was registered by the ACMA on 12 July 2022. The code requires telecommunications providers to identify, trace and block scam calls and scam SMs. The code builds on the C661:2020 Reducing Scam Calls Code (deregistered on 12 July 2022), which only dealt with scam calls.

C566:2023 Number management – Use of Numbers by Customers

The code was registered by the ACMA on 1 June 2023 and replaced industry codes C566:2005 Rights of Use of Numbers and C554:2004 Rights of Use of Premium Rate Service Numbers (both were deregistered on 1 June 2023). This code deals with telcos providing numbers to customers. Key changes to the code were to make it easier and faster for customers to reconnect numbers that have been disconnected in error, and assist individuals affected by domestic and family violence to keep their local number.

C540:2023 Local Number Portability

The code was registered by the ACMA on 1 June 2023 and replaced Industry Code C540:2013 Local Number Portability incorporating variation No.1/2016 (which was deregistered on 1 June 2023). The key change to this code was the introduction of timeframes for completing simple ports and complex ports.

C525:2023 Handling of Life Threatening and Unwelcome Communications Code

The code was registered by the ACMA on 16 June 2023 and replaced Industry Code 525:2017 Handling of Life Threatening and Unwelcome Communications incorporating variation No.1 /2018 (which was deregistered on 16 June 2023). The code provides a standard procedure for the cooperative handling of life-threatening communications or a pattern of unwelcome communications. Key changes to the code included reducing the number of warning letters for family and domestic violence matters, reducing the number of business days between warning letters, and expanding the definition of a pattern of unwelcome communications.

C518:2006 Calling Charging and Billing Accuracy Code

The code was deregistered by the ACMA on 6 April 2023. It was an operational code that specified the requirements for checking call charging and billing accuracy, acceptable error margins for billing systems/recording call times and set parameters for this testing. It did not apply to individual customers or individual services. The code was deregistered because it applied to legacy networks, and providers had largely moved away from these networks; it was entirely operational; it was costly for industry to administer; and the billing accuracy provision under the Telecommunications Consumer Protections Code is better suited to safeguarding telecommunications customers.

The ACMA maintains a register of the industry codes and standards on our website at acma.gov.au/register-telco-industry-codes-and-standards.

Appendix 1.5: Disclosures of information

Customer information provided to telecommunications carriers and CSPs is protected under Part 13 of the *Telecommunications Act 1997*. Carriers and carriage service providers (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 in 2022–23, are included in reports to the ACMA under section 308 and are set out in Table 1.48.

Table 1.48: Disclosures of telecommunications data, 2022–23

Reason for disclosure	(Sub) section	No. of disclosures, 2022–23
Authorised by or under law	280	4,449
Made as a witness under summons	281	60
To assist the ACMA*	284(1)	705
To assist the eSafety Commissioner	284(1A)	26
To assist the ACCC	284(2)	13
To assist the TIO	284(3)	11,655
Calls to emergency service number	286	6,128
To avert a threat to a person's life or health	287	39,018
Communications for maritime purposes	288	3
With the knowledge or consent of the person concerned	289	43,381,991
In circumstances prescribed in the <i>Telecommunications Regulations 2001</i>	292	0
Voluntary disclosure	177	60
Authorisations for access to existing information or documents – enforcement of the criminal law	178	523,327
Authorisations for access to existing information or documents – locating missing persons	178A	5,751
Authorisations for access to existing information or documents – enforcement of a law imposing pecuniary penalty or protection of the public revenue	179	65
Authorisations for access to prospective information or documents	180	177,080
Enforcement of the criminal law of a foreign country (existing information)	180A	185
Enforcement of the criminal law of a foreign country (prospective information)	180B	1
Total		44,150,517

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

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 2022–23, as reported to the ACMA under section 295ZC of the Telecommunications Act, are set out in Table 1.49.

Table 1.49: Disclosures made under Part 13 of the Telecommunications Act by emergency management persons or telephone-based emergency warning systems, 2022–23

Reason for disclosure	(Sub)section	No. of disclosures, 2022–23
Likely emergency	295V(1)	0
Actual emergency	295V(2)	0
Total		0

Appendix 1.6: 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.

Three agencies reported using subsection 313(3) of the Telecommunications Act to disrupt access to online services during the reporting period. This is reflected in tables 1.50 and 1.51 below.

Table 1.50: Requests to disrupt online services by agencies under subsection 313(3) of the Telecommunications Act, 2022–23

Reason for requests to disrupt services under subsection 313(3)	(Sub)section	No. of requests, 2022–23
Enforcing the criminal law and laws imposing pecuniary penalties	313(3)(c)	29
Assisting the enforcement of the criminal laws in force in a foreign country	313(3)(ca)	0
Assisting the investigation and prosecution of:	313(3)(cb)	0
(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>)		
Protecting the public revenue	313(3)(d)	0
Safeguarding national security	313(3)(e)	0
Total no. of disruption requests		29

Source: Government agencies.

Table 1.51: Online services blocked by agencies under subsection 313(3) of the Telecommunications Act, 2022–23

Reason for online services blocked under subsection 313(3)	(Sub)section	No. of services blocked, 2022–23
Enforcing the criminal law and laws imposing pecuniary penalties	313(3)(c)	6,549
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 no. of online services blocked		6,549

Source: Government agencies.

Appendix 1.7: 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 2022–23, the ACMA and eSafety conducted the following advertising campaigns:

- > ‘Dodgy devices’ consumer awareness campaign 2023
- > financial hardship awareness campaign 2023
- > phone scams awareness, tranche 3
- > offshore gambling campaign advertising, tranches 6, 7 and 8
- > Google search
- > Safer Internet Day.

Further information on those advertising campaigns is available at acma.gov.au and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website at finance.gov.au.

During 2022–23, the ACMA or eSafety did not undertake any individual advertising campaigns with expenditure in excess of \$250,000.

Total expenditure on advertising in 2022–23 was \$299,624.

Table 1.52: Expenditure on media advertising organisations, ACMA and eSafety, 2022–23

Organisation name	Purpose	Amount of payment (GST inc.)
ACMA expenditure		
Universal McCann	Public notices and general advertising	\$265,690
eSafety expenditure		
Universal McCann	Public notices and general advertising	\$33,934
Total		\$299,624

Market research

Table 1.53: Expenditure on market research organisations, ACMA and eSafety, 2022–23

Organisation name	Purpose	Amount of payment (GST inc.)
ACMA expenditure		
Woolcott Research & Engagement	ACMA Customer Service Centre satisfaction survey 2023	\$29,289
Social Research Centre	ACMA annual consumer survey 2021	\$88,434
Altis Consulting Pty Ltd	Australian business intelligence reporting and insights	\$53,625
Social Research Centre	2023 annual consumer survey and omnibus research	\$353,594
Social Research Centre	Consumer research into captioning 2022/23	\$170,044
ThinkPlace	Design thinking consultant for better practice	\$33,303
Faster Horses Pty Ltd	Telco consumer expectations research 2023	\$320,695
The Neilsen Company (Australia) Pty Ltd	Gambling advertising spot audit survey	\$37,115
Omnipoll Pty Ltd	Omnibus research	\$103,375
Intelligent Business Research Services Pty Ltd	Strategic advice research	\$39,820
Roy Morgan Research Pty Ltd	Financial hardship experiences survey	\$96,264
GlobalData UK Ltd	Bespoke communications equipment research	\$80,250
ACMA total		\$1,405,807
eSafety expenditure		
Deakin University	Boys and men project	\$14,483
Orima Research	Evaluation of Frontline Worker Training Program	\$17,066
Omnipoll Pty Ltd	Evaluation of eSafety's youth social media campaign	\$26,969
Whereto Research Based Consulting P/L	2022 national adult online safety survey	\$100,271
Whereto Research Based Consulting P/L	Market research CALD parent/carer cohort	122,672
Orima Research	Rapid evidence synthesis for eSafety's Theory of Change	\$69,190
eSafety total		\$350,702
Total		\$1,756,509

Appendix 1.8: Data reported by regulated entities

Data about control of media assets

Notifications by foreign stakeholders

Foreign persons have an ongoing obligation to notify the ACMA if they become, or cease to be, a foreign stakeholder in an Australian media company. These notifications are recorded in the Register of Foreign Owners of Media Assets. Foreign stakeholders have further annual notification obligations, which are required by 30 July each year.

During the reporting period, the ACMA provided the annual report for the 2021–22 financial year to the minister, as required under section 74R of the *Broadcasting Services Act 1992* (the BSA). That report reflected that there were 67 foreign stakeholders holding a company interest of 2.5% or more in Australian media companies as at 30 June 2022.

Notifications of changes in control

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

The ACMA received notifications of 3 events that affected the control of one commercial radio broadcasting licence (4KQ) and one associated newspaper (*Shepparton News*).

The ACMA updated the 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, as applicable.

Applications for prior approval

During the reporting period, no applications for prior approval under either subsection 61AJ(1) or 67(4) of the BSA were submitted to the ACMA.

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 2023, there were 149 entries on the register – 69 were TABs, corporate bookmakers and betting exchanges and 80 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 2022.

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:

- > Seven Network averaged 75.88%
- > Nine Network averaged 79.47%
- > Network Ten averaged 70.54%.

All 3 metropolitan networks met the 1,460 hours quota for non-primary channels:

- > Seven Network averaged 5,521.57 hours
- > Nine Network averaged 2,664.62 hours
- > Network Ten averaged 2428.45 hours.

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

All metropolitan licensees reported compliance with the annual points quota under the Broadcasting Services (Australian Content and Children's Television) Standards 2020 (ACCTS). Licensees may 'carry over' up to 50 points achieved in excess of the annual points quota from one calendar year to the next calendar year. The carry over provisions were relied on in 2022, meaning the points were:

- > Seven Network – 324 points (274 points, with 50 points carried forward from 2021)
- > Nine Network – 287 points (266 points, with 21 points carried forward from 2021)
- > Network Ten – 348 points (298 points, with 50 points carried forward from 2021).

The average hours of ACCTS first release commissioned programs and acquired films broadcast by metropolitan licensees in 2022 were:

- > Seven Network – 175 hours
- > Nine Network – 162 hours
- > Ten Network – 130 hours.³

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

Regional radio local content obligations

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

The BSA sets out circumstances where a trigger event for a regional commercial radio broadcasting licence causes additional obligations to apply to a regional commercial radio licence.⁴

There were no trigger events during the reporting period.

³ Figures have been rounded up or down to reflect a whole number.

⁴ Subject to certain exceptions, a 'trigger event' for a regional commercial radio broadcasting licence is defined in section 61CB of the BSA and includes: (a) a change in control of a regional commercial radio licence, (b) the formation of a new registrable media group where a regional commercial radio broadcasting licence is in the group or (c) a change in controller of a registrable media group where a regional commercial radio broadcasting licence is in the group. A trigger event for a regional commercial radio broadcasting licence is different to a trigger event for a regional commercial television broadcasting licence, as introduced by the *Broadcasting Legislation Amendment (Broadcasting Reform) Act 2017*.

Appendix 1.9: Spectrum management functions and powers

Appendix 1.9 includes information related to the ACMA's requirements under paragraphs 57(g) and 57(h) of the *Australian Communications and Media Authority Act 2005* (the ACMA Act).

Ministerial policy statements

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

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

The MPS, made under subsection 28B(1) of the Radiocommunications Act, sets out the communications policy objectives of the government in relation to the 3.4–4.0 GHz band. The 4 policy objectives set out in the MPS are:

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

The ACMA is preparing an allocation of spectrum in this band to occur in 4 tranches:

- > allocation of apparatus licences in 3.4–4.0 GHz in remote areas – applications for this allocation opened on 17 July 2023
- > auction of spectrum licences in 3.4 GHz and 3.7 GHz bands in metropolitan and regional areas, scheduled for Q4 2023
- > allocation of apparatus licences in 3.8–3.95 GHz in metropolitan and immediately surrounding areas, and 3.75–3.95 GHz in other regional areas, scheduled for Q1 2024
- > allocation of apparatus licences in 3400–3475 MHz (urban excise areas) and 3950–4000 MHz (regional and metropolitan areas), with allocation timing to be determined after consideration of technical and licensing arrangements.

In preparing for the allocation of these licences, including undertaking relevant public consultation, the ACMA has had regard to the 4 policy objectives set out in the MPS and considers the allocations will generally advance the MPS objectives. In relation to the auction of spectrum licences, more detail is available in the explanatory statement to the Radiocommunications (Spectrum Re-allocation – 3.4 GHz and 3.7 GHz Bands) Declaration 2022.

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

The ACMA's work program

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

The ACMA's work program for its spectrum management functions and spectrum management powers for the 2022–23 financial year is set out in the *Five-year spectrum outlook (FYSO) 2022–27*. The *FYSO 2022–27 6-month progress report* published on 31 January 2023, details the activities undertaken during the 2022–23 financial year to progress the work program.

Appendix 1.10: 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	46,611	39,905	6,706
Expenses not requiring appropriation in the budget year†	3,412	6,518	(3,106)
Subtotal for Program 1.1	50,073	46,423	3,650
Program 1.2: Consumer safeguards, education and information			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	-	1,962	(1,962)
Special appropriations	300	-	300
<i>Departmental expenses</i>			
Departmental appropriation	41,451	34,764	6,687
Expenses not requiring appropriation in the budget year†	3,150	6,518	(3,368)
Subtotal for Program 1.2	44,901	43,244	1,657
Program 1.3: eSafety Commissioner			
<i>Administered expenses</i>			
Ordinary annual services (Appropriation Act Nos. 1 and 3)	8,214	6,209	2,005
<i>Departmental expenses</i>			
Special account			
Online Safety Special Account – s72 Enhancing Online Safety Act 2015	42,522	45,065	(2,543)
Subtotal for Program 1.3	50,736	51,274	(538)
Departmental	137,146	132,770	4,376
Administered	8,564	8,171	393
Total for Outcome 1	145,710	140,941	4,769
Average staffing level	523	492	

* Budget represents the original budget per the October 2022–23 Portfolio Additional Estimates Statements.

^ Actual appropriations are the total available appropriation in 2022–23, including MYEFO budget adjustments.

† This variance is due to the application of the accounting standard on leases on new leases entered into during the 2022–23 financial year.

Appendix 1.11: Agency resource statement

This appendix contains information for both the ACMA and eSafety.

	Actual available appropriations, 2022–23	Payments made, 2022–23	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a-b)
Ordinary annual services			
Departmental appropriation*	188,373	132,227	56,146
Total	188,373	132,227	56,146
Administered expenses			
Outcome 1	8,214	6,214	
Total	8,214	6,214	
Total ordinary services A	196,587	138,441	
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>		18,384	
<i>Telecommunication Act 1997 – s. 136C(4)</i>		-	
Total special appropriations C		18,384	
Special accounts			
Opening balance	12,596	12,596	-
Appropriation receipts	41,462	34,482	6,980
Non-appropriations receipts	2,671	2,634	37
Total special accounts D	56,729	49,712	7,017
Total resourcing A + B + C + D	253,316	206,537	

* 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 1.12: eSafety financial reporting

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

	2023 \$'000	2022 \$'000
Departmental		
Operating expenses		
<i>Employee benefits</i>	17,635	13,959
<i>Supplier expenses</i>		
Consultants	1,546	1,248
Contractors	13,897	11,984
Outsourced services	7,486	6,941
IT and communications services	1,953	1,259
Travel costs	751	353
Other	1,151	957
Total supplier expenses	26,784	22,742
Total operating expenses	44,419	36,701
Capital purchases		
Internally developed software	3,033	2,252
Total capital purchases	3,033	2,252
Total departmental expenditure	47,452	38,953
Administered		
Grants expenditure	2,167	4,663
<i>Supplier expenses</i>		
Consultants	53	86
Contractors	2,539	2,249
Outsourced services	952	1,251
IT and communications services	167	167
Travel costs	7	1
Other	504	471
Total supplier expenses	4,042	4,225
Total administered expenditure	6,209	8,888

Appendix 1.13: List of requirements

Requirements under 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	7
17AD(h)	Aids to access		
17AJ(a)	Table of contents.	iii–iv	iii–iv
17AJ(b)	Alphabetical index.	225–232	225–232
17AJ(c)	Glossary of abbreviations and acronyms.	222–224	222–224
17AJ(d)	List of requirements.	106–112	106–112
17AJ(e)	Details of contact officer.	6	164
17AJ(f)	Entity's website address.	2	3
17AJ(g)	Electronic address of report.	6	164
17AD(a)	Review by accountable authority		
17AD(a)	A review by the accountable authority of the entity.	8–9	165–167
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	A description of the role and functions of the entity.	13	170
17AE(1)(a)(ii)	A description of the organisational structure of the entity.	18	172
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity.	19, 22	173
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan.	19, 22	173
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	14, 17	n/a
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	14, 17	n/a
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	14, 17	n/a
17AE(1)(b)	An outline of the structure of the portfolio of the entity.	n/a	n/a

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
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
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.	21–51	175–208
17AD(c)(ii)	Report on financial performance		
17AF(1)(a)	A discussion and analysis of the entity's financial performance.	57–65	57–65, 210
17AF(1)(b)	A table summarising the total resources and total payments of the entity.	104	104
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, 53–54	7, 211
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

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	53–54	53, 210
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.	57	57
Audit committee			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	73	n/a
17AG(2A)(b)	The name of each member of the entity's audit committee.	73	n/a
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	73	n/a
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	73	n/a
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	73	n/a
External scrutiny			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	54–56	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.	55	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.	56	n/a
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period.	54	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.	67–69	67–69

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
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	76–86	76–86
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.	80–86	80–86
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> .	68–69, 87	68–69, 87
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	68–69, 87	68–69, 87
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level.	87	87
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees.	68–69	68–69
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay.	n/a	n/a
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level.	n/a	n/a
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level.	n/a	n/a
17AG(4)(d)(iv)	Information on aggregate amount of performance payments.	n/a	n/a
Assets management			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	65	65

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
Purchasing			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	62	62
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).	62	62
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> ”.	62	62
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.	62	62
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> ”	62	62
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).	63–64	63–64

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
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>	62	62
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.	62	62
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.	65	65
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.	65	65
Small business			
17AG(10)(a)	A statement that <i>“[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.”</i>	64	64
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	64	64

PGPA Rule reference	Description	ACMA page reference	eSafety page reference
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.”	n/a	n/a
Financial statements			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	115–161	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.	88–89	88–89
17AD(f)	Other mandatory information		
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	98	98
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect.	n/a	n/a
17AH(1)(b)	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	n/a	210
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information.	69	69
17AH(1)(d)	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	56	211
17AH(1)(e)	Correction of material errors in previous annual report	70	70
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	No new Ministerial directions were given in the reporting period
57(aa)	A report on the following matters: > 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	78–87, 105
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	56
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	90–93
57(e)	A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	90–93
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>	94–95
57(g)	A summary outline of the operation of subsection 28C(1) of the <i>Radiocommunications Act 1992</i> during the period	102
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	102

Requirements under 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>	Not applicable for the 2022–23 financial year
74R	Requires the ACMA to prepare a report about the company interests in Australian media companies that were held by foreign stakeholders at the end of the financial year	100–101

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>	70
Advertising and market research reporting requirements in section 311A of the <i>Commonwealth Electoral Act 1918</i>	98–99
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	65
Reporting requirements under the Guidelines for the use of section 313(3) of the <i>Telecommunications Act 1997</i>	96–97

Appendix 1.14: Financial statements

For the period ended 30 June 2023.



INDEPENDENT AUDITOR'S REPORT

To the Minister for Communications

Opinion

In my opinion, the financial statements of the Australian Communications and Media Authority (the Entity) for the year ended 30 June 2023:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2023 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 2023 and for the year then ended:

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

Basis for opinion

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

Accountable Authority's responsibility for the financial statements

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

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.

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38 Sydney Avenue, Forrest ACT 2603
Phone (02) 6203 7300

Auditor's responsibilities for the audit of the financial statements

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

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

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

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

Australian National Audit Office



Fiona Sheppard
Executive Director

Delegate of the Auditor-General

Canberra

14 September 2023

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

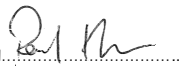
In our opinion, the attached financial statements for the year ended 30 June 2023 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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

14 September 2023

Signed.....

Paul Howe
Chief Financial Officer

14 September 2023

Australian Communications and Media Authority
STATEMENT OF COMPREHENSIVE INCOME
for the period ended 30 June 2023

		2023	2022	Original Budget 2023
	Notes	\$'000	\$'000	\$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	71,424	62,882	75,488
Suppliers	1.1B	48,099	40,302	46,104
Depreciation and amortisation	3.2A	13,036	15,296	15,296
Finance costs	1.1C	332	629	548
Impairment loss on financial instruments	1.1D	13	93	-
Write-down and impairment of assets	1.1E	-	5	-
Total expenses		132,904	119,207	137,436
Own-Source Income				
Own-source revenue				
Revenue from contracts with customers	1.2A	3,301	1,514	100
Other revenue		75	23	-
Total own-source revenue		3,376	1,537	100
Gains				
Reversals of write-downs and impairment	1.2B	-	9	-
Other gains	1.2C	81	81	-
Total gains		81	90	-
Total own-source income		3,457	1,627	100
Net cost of services		(129,447)	(117,580)	(137,336)
Revenue from Government	5.1A	130,788	121,382	130,788
Surplus/(Deficit) attributable to the Australian Government		1,341	3,802	(6,548)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve	3.2A	751	-	-
Total comprehensive income/(loss)		2,092	3,802	(6,548)

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

Budget Variances Commentary

Employee benefits are lower than the Original Budget due to recruitment challenges experienced during the year which delayed the onboarding of staff. Suppliers are higher than the Original Budget due to an increase in contractor costs related to IT projects, and higher than expected travel costs following the end of pandemic-related restrictions. Additionally, depreciation is lower than budgeted due to a reduction related to the Right-of-Use asset for the Canberra office lease, where extension options were derecognised.

Revenue from contracts with customers is higher than the Original Budget which is predominantly due to arrangements with other Government agencies, where some of these arrangements were not in place at the time the Budget was developed.

Australian Communications and Media Authority
STATEMENT OF FINANCIAL POSITION
as at 30 June 2023

				Original Budget 2023 \$'000
	Notes	2023 \$'000	2022 \$'000	
ASSETS				
Financial Assets				
Cash and cash equivalents	3.1A	7,339	12,705	12,705
Trade and other receivables	3.1B	54,559	49,326	49,329
Total financial assets		61,898	62,031	62,034
Non-Financial Assets				
Land and buildings	3.2A	26,008	64,815	58,282
Plant and equipment	3.2A	3,871	3,693	3,304
Intangibles	3.2A	29,391	20,248	19,976
Prepayments		4,426	3,973	3,973
Total non-financial assets		63,696	92,729	85,535
Total assets		125,594	154,760	147,569
LIABILITIES				
Payables				
Suppliers	3.3A	5,214	5,549	5,554
Other payables	3.3B	2,682	2,773	2,773
Total payables		7,896	8,322	8,327
Interest Bearing Liabilities				
Leases	3.4A	25,778	64,460	55,710
Total interest bearing liabilities		25,778	64,460	55,710
Provisions				
Employee provisions	6.1A	22,723	20,900	20,900
Make good provisions	3.5	2,890	2,758	2,758
Total provisions		25,613	23,658	23,658
Total liabilities		59,287	96,440	87,695
Net assets		66,307	58,320	59,874
EQUITY				
Contributed equity		165,590	157,488	165,126
Reserves		2,926	2,175	2,175
Accumulated deficit		(102,209)	(101,343)	(107,427)
Total equity		66,307	58,320	59,874

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

Budget Variances Commentary

Cash and cash equivalents are lower than the Original Budget primarily due to a decreased balance in the eSafety special account as a result of the utilisation of prior year accrued capital funding expended on capital projects. Trade and other receivables are higher than the Original Budget predominantly due to increased appropriation reserves caused by delays in capital and other operating expenditure.

Land and Buildings are lower than the Original Budget due to the derecognition of the extension options on the Canberra office lease, which is accounted for as a reduction of the Right of Use asset and the associated Lease liability. Intangibles are higher than the Original Budget due to increased capital investment into the development of Computer software.

Liabilities are lower than Original Budget due to the derecognition of the Canberra lease options.

Australian Communications and Media Authority
STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2023

		2023	2022	Original budget 2023
	Notes	\$'000	\$'000	\$'000
CONTRIBUTED EQUITY/CAPITAL				
Opening balance				
Balance carried forward from previous period		157,488	141,700	157,024
Adjusted opening balance		157,488	141,700	157,024
Contributions by owners				
Departmental capital budget	5.1A	8,102	15,788	8,102
Total transactions with owners		8,102	15,788	8,102
Closing balance as at 30 June		165,590	157,488	165,126
RETAINED EARNINGS				
Opening balance				
Balance carried forward from previous period		(101,343)	(104,681)	(100,879)
Adjusted opening balance		(101,343)	(104,681)	(100,879)
Comprehensive income				
Other movements ¹		(2,207)	(464)	-
Surplus/(Deficit) for the period		1,341	3,802	(6,548)
Total comprehensive income		(866)	3,338	(6,548)
Closing balance as at 30 June		(102,209)	(101,343)	(107,427)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		2,175	2,175	2,175
Adjusted opening balance		2,175	2,175	2,175
Comprehensive income				
Revaluation increment on non-financial assets	3.2A	751	-	-
Total comprehensive income		751	-	-
Closing balance as at 30 June		2,926	2,175	2,175

Australian Communications and Media Authority
STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2023

		2023	2022	Original budget 2023
	Notes	\$'000	\$'000	\$'000
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		58,320	39,194	58,320
Adjusted opening balance		58,320	39,194	58,320
Comprehensive income				
Other movements ¹		(2,207)	(464)	-
Revaluation increment on non-financial assets	3.2A	751	-	-
Surplus/(Deficit) for the period		1,341	3,802	(6,548)
Total comprehensive income		(115)	3,338	(6,548)
Contributions by owners				
Departmental capital budget	5.1A	8,102	15,788	8,102
Total transactions with owners		8,102	15,788	8,102
Closing balance as at 30 June		66,307	58,320	59,874

¹ Other movements represents Section 51 permanent quarantines imposed against *Appropriation Act (No. 1) 2020-21* of \$0.259m, *Appropriation Act (No. 1) 2019-20* of \$0.205m and *Appropriation Act (No. 1) 2022-23* of \$2.207m.

Accounting Policy

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Budget Variances Commentary

Total equity is higher than the Original Budget due to total Comprehensive Income being higher than originally expected. This was driven by lower than expected staffing levels and delays in the build completion and capitalisation of assets.

Australian Communications and Media Authority
STATEMENT OF CASHFLOWS
for the period ended 30 June 2023

			Original Budget
	Notes	2023 \$'000	2022 \$'000
		2023 \$'000	2023 \$'000
OPERATING ACTIVITIES			
Cash received			
Sale of goods and rendering of services		2,813	808
Appropriations		119,033	120,358
GST received		6,333	5,906
Other		73	5
Total cash received		128,252	127,077
Cash used			
Employees		67,612	65,991
Suppliers		56,677	46,705
Section 74 receipts transferred to OPA		635	403
Interest payments on lease liabilities		200	629
Total cash used		125,124	113,728
Net cash from operating activities		3,128	13,349
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		1,185	1,695
Purchase of intangibles		11,804	8,095
Total cash used		12,989	9,790
Net cash used by investing activities		(12,989)	(8,102)
FINANCING ACTIVITIES			
Cash received			
Departmental capital budget		12,989	9,790
Total cash received		12,989	9,790
Cash used			
Principal payments of lease liabilities		8,494	5,252
Total cash used		8,494	5,252
Net cash from financing activities		4,495	(646)
Net increase/(decrease) in cash held		(5,366)	8,097
Cash and cash equivalents at the beginning of the reporting period		12,705	4,608
Cash and cash equivalents at the end of the reporting period	3.1A	7,339	12,705

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 2023

Budget Variances Commentary

Net cash from operating activities – The decrease from the Original Budget is primarily due to Appropriation being quarantined for whole-of-Government savings measures, and reduced expenditure resulting from delays in recruitment. The variance in cash used for Employees and Suppliers, reflects the recruitment challenges offset by the increase in contractors and travel costs.

Net cash used by investing activities – The increase from the Original Budget is due to growth in capital expenditure on internally generated software.

Net cash from financing activities – The increase from the Original Budget is related to Departmental Capital Budget carried forward from the previous financial year and utilised in the current year to fund the delivery of capital projects.

Australian Communications and Media Authority
ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME
for the period ended 30 June 2023

		2023	2022	Original Budget 2023
	Notes	\$'000	\$'000	\$'000
NET COST OF SERVICES				
EXPENSES				
Suppliers	2.1A	4,043	4,224	4,264
Grants	2.1B	2,174	5,254	4,250
Impairment loss on financial instruments	2.1C	2,103	2,341	-
Total expenses		8,320	11,819	8,514
INCOME				
Revenue				
Taxation revenue				
Other taxes	2.2A	1,276,081	1,248,358	1,278,953
Total taxation revenue		1,276,081	1,248,358	1,278,953
Non-taxation revenue				
Revenue from contracts with customers	2.2B	5,755	6,288	17,259
Fees and fines	2.2C	37,983	36,777	37,659
Other revenue	2.2D	1,570	1,565	1,570
Total non-taxation revenue		45,308	44,630	56,488
Total revenue		1,321,389	1,292,988	1,335,441
Gains				
Resources received free of charge	2.2E	-	652,508	-
Reversal of impairment of receivables		149	-	-
Total gains		149	652,508	-
Total income		1,321,538	1,945,496	1,335,441
Net contribution by services		1,313,218	1,933,677	1,326,927

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

Budget Variances Commentary

Expenses – Grants payments were lower than the Original Budget due to a rephasing of expenditure for eSafety's *Preventing Tech-based Abuse of Women Grants Program*. Impairment losses on financial instruments are not included in the Original Budget, and are related to the movement of expected credit losses on Taxation Receivables.

Revenues – Taxation revenue is relatively in line with the Original Budget, with the majority of the balance relating to the full year recognition of the Regional Broadband Scheme charge of \$799m. Revenue from contracts with customers is lower than the Original Budget due to the delayed implementation of cost recovery for BetStop – the National Self-Exclusion Register, as well as a decrease in the demand for Numbering services. The Reversal of impairment of receivables relates to the movement in the expected credit loss on Trade and other receivables, which was not included in the Original Budget.

Australian Communications and Media Authority
ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES
as at 30 June 2023

		2023	2022	Original Budget 2023
	Notes	\$'000	\$'000	\$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	4.1A	742	618	618
Taxation receivables	4.1B	783,062	742,507	783,289
Trade and other receivables	4.1C	421,150	584,444	498,295
Other financial assets	4.1D	21	23	23
Total financial assets		1,204,975	1,327,592	1,282,225
Total assets administered on behalf of Government		1,204,975	1,327,592	1,282,225
LIABILITIES				
Payables				
Unearned revenue	4.2A	123,682	98,072	98,906
Other payables	4.2A	690	834	-
Total payables		124,372	98,906	98,906
Total liabilities administered on behalf of Government		124,372	98,906	98,906
Net assets		1,080,603	1,228,686	1,183,319

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

Budget Variances Commentary

Net assets have decreased slightly to Original Budget due to no Spectrum access charges being recognised in 2022-23. Trade and other receivables are lower than the Original Budget due to the timing of the collection of the Annual Carrier Licence Charge, and a reduction in the lease receivable for the 26GHz spectrum licence auction sales.

Australian Communications and Media Authority
ADMINISTERED RECONCILIATION SCHEDULE
for the period ended 30 June 2023

	2023 \$'000	2022 \$'000
Opening assets less liabilities as at 1 July	1,228,686	197,733
Income	1,321,538	1,945,496
Expenses	(8,320)	(11,819)
Transfers (to)/from Australian Government		
Appropriation transfers from the OPA	25,212	19,276
Transfers to the OPA	(531,277)	(357,716)
Transfers to the OPA (collected on behalf on another entity) ^{1, 2}	(240,940)	(236,571)
Regional Broadband Scheme Charge NBN ³	(714,296)	(327,713)
Closing assets less liabilities as at 30 June	1,080,603	1,228,686

¹ Relates to the Telecommunications Industry Levy collected on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts Public Interest Telecommunications Services Special Account.

² Relates to the collection of the Regional Broadband Scheme Charge collected on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts Regional Broadband Scheme Special Account.

³ Relates to revenue from the full year recognition of Regional Broadband Scheme Charge revenue from NBN recognised in 2021-22, where the cash was not collected due to a reciprocal grant paid by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Accounting Policy

Administered Cash Transfers to and from the OPA

Revenue collected by the ACMA for use by the Australian Government rather than the ACMA is Administered revenue. Collections are transferred to the OPA maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of the Australian Government. These transfers to and from the OPA are adjustments to the Administered cash held by the ACMA on behalf of the Australian Government and reported as such in the Administered Cash Flow Statement and in the Administered Reconciliation Schedule.

Australian Communications and Media Authority
ADMINISTERED CASH FLOW STATEMENT
for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000
OPERATING ACTIVITIES			
Cash received			
Sale of goods and rendering of services		5,755	6,287
Taxes ¹		544,737	542,369
Rental income		131,601	-
Fees		62,559	29,629
Fines		8,742	6,065
GST received		707	575
Total cash received		754,101	584,925
Cash used			
Grants		2,384	5,608
Suppliers		4,588	4,503
Total cash used		6,972	10,111
Net cash from operating activities		747,129	574,814
Net increase in cash held		747,129	574,814
Cash from the Official Public Account			
Appropriations		25,212	19,276
Total cash from the Official Public Account		25,212	19,276
Cash to the Official Public Account			
Administered revenue		(531,277)	(357,716)
Transfer to other entities (collected on behalf of another entity)		(240,940)	(236,571)
Total cash to the Official Public Account		(772,217)	(594,287)
Cash and cash equivalents at the beginning of the reporting period		618	815
Cash and cash equivalents at the end of the reporting period	4.1A	742	618

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

¹ Cash received for taxes is lower than revenue, predominantly due to the accounting treatment of the Regional Broadband Scheme charge, where revenue from NBN is recognised, but cash is not collected due to a reciprocal notional grant paid by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Australian Communications and Media Authority
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Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Overview

ACMA is responsible for regulating in accordance with legislation related to broadcasting, radiocommunications, telecommunications and online content. ACMA works with all stakeholders to maximise the public benefit, including the extent to which the regulatory framework addresses the broad concerns of the community, meets the needs of industry, and maintains community and national interest safeguards.

ACMA conducts the following administered activities on behalf of the Government:

- Revenue collection for broadcasting and radio communications licences
- Grant programs under the Online Safety Grants Program
- Grant programs under the Preventing Tech-based Abuse of Women Grants Program
- Revenue collection for the Regional Broadband Scheme Charge
- Charging arrangements related to the Annual Carrier Licence Charge and Numbering charges
- Other programs of work classified as administered activities

Basis of Preparation

The financial statements are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with the:

- Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars.

New Accounting Standards

All new Accounting Standards that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on ACMA's financial statements.

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 2021-2 <i>Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates</i> (AASB 2021-2) and	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate. AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2.
AASB 2021-6 <i>Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards</i> (AASB 2021-6)	The details of the changes in accounting policies and adjustments are disclosed below and in the relevant notes to the financial statements. This amending standard is not expected to have a material impact on the ACMA's financial statements for the current reporting period or future reporting periods.

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.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

eSafety Commissioner

The eSafety Commissioner is an independent statutory officer and governed by the *Online Safety Act 2021*. Under this Act, the ACMA makes staff available to assist the eSafety Commissioner to perform their functions and exercise their powers. As eSafety is not a separate Commonwealth entity under the PGPA Act, the ACMA consolidates eSafety's financial transactions into the ACMA's financial statements. A disaggregation of these transactions is provided in Note 9.

Taxation

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Significant Accounting Judgements and Estimates

Departmental

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.

Administered

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 2023.

1.1 Expenses

	2023	2022
	\$'000	\$'000
Note 1.1A: Employee Benefits		
Wages and salaries	50,676	46,826
Superannuation		
Defined contribution plans	6,221	6,103
Defined benefit plans	3,943	4,247
Leave and other entitlements	10,584	5,515
Separation and redundancies	-	191
Total employee benefits	71,424	62,882

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	21,627	18,475
IT and communications services	9,879	8,327
Outsourced services	4,918	4,505
Consultants	3,873	3,088
Travel costs	1,805	674
Occupancy costs	1,427	1,376
Other	1,963	1,696
Stationery and publications	437	477
Legal costs	1,449	1,126
Total goods and services supplied or rendered	47,378	39,744

Goods supplied	570	826
Services rendered	46,808	38,918
Total goods and services supplied or rendered	47,378	39,744

Other suppliers

Low value leases	484	262
Workers compensation expenses	237	296
Total other suppliers	721	558
Total suppliers	48,099	40,302

The ACMA has no short-term lease commitments as at 30 June 2023.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 3.2A and 3.4A.

Accounting Policy

Short-term leases and leases of low-value assets

The ACMA has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and low value leases (less than \$10,000). The ACMA recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$'000	\$'000
<u>Note 1.1C: Finance Costs</u>		
Unwinding of discount	132	13
Interest on lease liabilities	200	616
Total finance costs	<u>332</u>	<u>629</u>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 3.2A and 3.4A.

<u>Note 1.1D: Impairment Loss on Financial Instruments</u>		
Impairment on trade and other receivables	13	93
Total impairment loss on financial instruments	<u>13</u>	<u>93</u>

<u>Note 1.1E: Write-Down and Impairment of Other Assets</u>		
Write-down of property, plant and equipment	-	5
Total write-down and impairment of assets	<u>-</u>	<u>5</u>

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.2 Own-Source Revenue and Gains

	2023	2022
	\$'000	\$'000

Note 1.2A: Revenue from Contract with Customers

Sale of goods	14	13
Rendering of services	3,287	1,501
Total revenue from contract with customers	3,301	1,514

Disaggregation of revenue from contracts with customers

Major product / service line:

Service delivery	3,287	1,501
Sales of low value plant and equipment	14	13
	3,301	1,514

Type of customer:

Australian Government entities (related parties)	3,096	967
Non-government entities	205	547
	3,301	1,514

Timing of transfer of goods and services:

Over time	3,287	1,501
Point in time	14	13
	3,301	1,514

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Accounting Policy

Revenue from the sale of goods is recognised by the ACMA when all of the following conditions have been satisfied:

- a. the entity has transferred to the buyer the significant risks and rewards of ownership of the goods;
- b. the entity retains neither continuing managerial involvement to the degree usually associated with ownership nor effective control over the goods sold;
- c. the amount of revenue can be measured reliably;
- d. it is probable that the economic benefits associated with the transaction will flow to the entity; and
- e. the costs incurred or to be incurred in respect of the transaction can be measured reliably.

Revenue from a transaction involving the rendering of services shall be recognised by reference to the stage of completion of the transaction at the end of the reporting period. The outcome of a transaction can be estimated reliably when all of the following conditions are satisfied:

- a. the amount of revenue can be measured reliably;
- b. it is probable that the economic benefits associated with the transaction will flow to the entity;
- c. the stage of completion of the transaction at the end of the reporting period can be measured reliably; and
- d. the costs incurred for the transaction and the costs to complete the transaction can be measured reliably.

When the outcome of a transaction involving the rendering of services cannot be estimated reliably, revenue is recognised only to the extent of the expenses recognised that are recoverable.

For the ACMA, in general, sale of goods is recognised at a point in time when control is transferred to the buyer, and rendering of services is recognised over time as performance obligations are met. Each contract is assessed at inception against AASB 15, or AASB 1058 where AASB 15 does not apply, and determines whether the ACMA will recognise the revenue over time or at a point in time.

The following is a description of principal activities from which the ACMA generates its departmental revenue: sale of minor assets (generally point in time), service arrangements with other Australian Government entities (generally over time), and cost recovery income received for work completed for satellite co-ordination charges collected by the ACMA, Emergency Position Indicating Radio Beacon triangulation (EPIRB) and police investigation assistance (generally over time).

The transaction price is the total amount of consideration to which the ACMA expects to be entitled in exchange for transferring promised goods or services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

	2023 \$'000	2022 \$'000
<u>Note 1.2B: Reversals of Previous Asset Write-Downs and Impairments</u>		
Reversal of impairment of property, plant and equipment	-	9
Total reversals of previous asset write-downs and impairments	-	9
<u>Note 1.2C: Other Gains</u>		
Resources received free of charge		
Remuneration of auditors	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

	2023	2022
	\$'000	\$'000
Note 2.1A: Suppliers		
Goods and services supplied or rendered		
Contractors	3,759	3,953
IT and communications services	167	167
Consultants	53	86
Travel	7	1
Other	57	17
Total goods and services supplied or rendered	4,043	4,224
Goods supplied	-	-
Services rendered	4,043	4,224
Total goods and services supplied or rendered	4,043	4,224
Note 2.1B: Grants		
Private sector		
Commercial entities	2,174	5,254
Total grants	2,174	5,254
Note 2.1C: Impairment Loss on Financial Instruments		
Impairment on trade and other receivables	-	512
Impairment on taxation receivables	2,103	1,829
Total impairment loss on financial instruments	2,103	2,341

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

	2023	2022
	\$'000	\$'000
Taxation Revenue		
<u>Note 2.2A: Other Taxes</u>		
Broadcasting licence charges	44,188	46,477
Radio communications taxes	153,045	194,387
Regional Broadband Scheme charge	799,117	720,055
Telecommunication numbering charges	60,000	60,000
Industry contributions	219,731	227,439
Total other taxes	1,276,081	1,248,358
Non-Taxation Revenue		
<u>Note 2.2B: Revenue from Contract with Customers</u>		
Sale of goods	5,755	6,288
Total revenue from contract with customers	5,755	6,288
<u>Note 2.2C: Fees and Fines</u>		
Licence fees	29,241	30,712
Fines and penalties	8,742	6,065
Total fees and fines	37,983	36,777
<u>Note 2.2D: Other Revenue</u>		
Unwinding of discount on lease receivable	1,570	1,565
Total other revenue	1,570	1,565

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$'000	\$'000
Note 2.2E: Resources received free of charge		
Spectrum licences ¹	-	652,508
Total Resources received free of charge	-	652,508

¹ The sale of 26 GHz spectrum access licences is initially recognised as a resource received free of charge on commencement of the licence. Subsequent treatment of the licences is made under AASB 16 Leases, recognising a lease receivable on the statement of financial position, with the ACMA as the lessor, which decreases as instalment payments are received. Cash received from instalment payments for the licences are recognised as Rental Income in the Administered Cash Flow Statement in the period they are received.

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; and
- Collection of fees and fines levied within the communications and media industry.

Revenue from broadcasting licence charges is recognised over time, however all other taxes, fees and fines are recognised as at a point in time. Other revenue from contracts with customers are recognised in accordance with the relevant accounting standard after assessing the characteristics of the contract.

Gains

Resources received free of charge for Spectrum are recognised under AASB 138 *Intangible Assets* at the commencement of the related Spectrum Access Charge licence. This reflects the fair value of the spectrum to the ACMA, when the consideration paid for the asset is significantly less than the fair value. At the commencement of the licence, the ACMA recognised a finance lease under AASB 16 Leases, with derecognition of the related spectrum asset and a receivable raised for the 'net investment in the lease'.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3. Financial Position

This section analyses the ACMA's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

3.1 Financial Assets

	2023	2022
	\$'000	\$'000
Note 3.1A: Cash and Cash Equivalents		
Cash in special accounts ¹	7,222	12,514
Cash on hand or on deposit	16	96
Cash held for external parties	101	95
Total cash and cash equivalents	7,339	12,705

¹ See Note 5.2A for additional detail on cash in special accounts held in the Official Public Account and ACMA's bank account.

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	53,681	48,385
Total appropriations receivable	53,681	48,385

Other receivables

GST receivable from the Australian Taxation Office	845	613
Other	142	423
Total other receivables	987	1,036
Total trade and other receivables (gross)	54,668	49,421

Less impairment loss allowance	109	95
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Total trade and other receivables (net)	54,559	49,326
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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 2023

	Land \$'000	Buildings \$'000	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software \$'000	Total \$'000
As at 1 July 2022						
Gross book value	-	-	-	-	52,815	52,815
Fair value	1,595	194	86,243	6,844	-	94,876
Work in progress (WIP)	-	-	1,666	86	11,594	13,346
Accumulated depreciation and amortisation	-	(17)	(24,866)	(3,237)	(44,161)	(72,281)
Total as at 1 July 2022	1,595	177	63,043	3,693	20,248	88,756
Additions						
By purchase	-	-	1,575	78	4,936	6,589
Movement in WIP	-	-	(989)	520	6,867	6,398
Revaluations and impairments recognised in other comprehensive income	-	-	-	751	-	751
Depreciation and amortisation	-	(17)	(2,602)	(1,171)	(2,660)	(6,450)
Depreciation on right-of-use assets	-	-	(6,586)	-	-	(6,586)
Disposals - Gross Value	-	-	-	-	(6,445)	(6,445)
Disposals - acc dep	-	-	-	-	6,445	6,445
Disposals other	-	-	-	-	-	-
Other movements of right-of-use assets	-	-	(30,188)	-	-	(30,188)
Total as at 30 June 2023	1,595	160	24,253	3,871	29,391	59,270

**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 \$'000	Total \$'000
Total as at 30 June 2023 represented by:						
Gross book value	-	-	-	-	51,306	51,306
Fair value	1,595	194	57,630	5,413	-	90,084
Work in progress	-	-	677	606	18,461	19,744
Accumulated depreciation and amortisation	-	(34)	(34,054)	(2,148)	(40,376)	(76,872)
Total as at 30 June 2023	1,595	160	24,253	3,871	29,391	59,270
Carrying amount of right-of-use assets	-	-	21,393	-	-	21,393

Revaluation of non-financial and intangible assets

All revaluations are 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 the thresholds outlined below, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The asset thresholds have not been changed during the current financial year. The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the ACMA where there exists an obligation to restore the property to its original condition. These costs are included in the value of the ACMA's leasehold improvements with a corresponding provision for the 'make good' recognised.

Asset Class	Threshold
Buildings	\$50,000
Leasehold improvements	\$10,000
Plant and equipment	\$5,000
Software	\$10,000

Leased Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

An impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Leased ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, General Government Sector and Whole of Government financial statements.

Revaluations

Fair values for each class of asset are determined:

Asset class	Revaluation cycle	Fair Value Measured at
Land	Tri-annually	Market approach
Building	Tri-annually	Depreciated replacement cost
Leasehold improvements	Tri-annually	Depreciated replacement cost
Plant and equipment	Tri-annually	Depreciated replacement cost

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 2023. 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

	2023	2022
	\$'000	\$'000
Note 3.3A: Suppliers		
Trade creditors and accruals	5,214	5,549
Total supplier payables	5,214	5,549

The majority of suppliers engaged had 20 day payment terms.

Note 3.3B: Other Payables

Unearned revenue	557	1,046
Salaries and wages	1,485	1,230
Superannuation	640	486
Other	-	11
Total other payables	2,682	2,773

3.4 Leases

	2023	2022
	\$'000	\$'000
Note 3.4A: Leases		
Lease Liabilities		
Leasehold improvements	25,778	64,460
Total leases¹	25,778	64,460

Total cash outflow for leases for the year ended 30 June 2023 was \$8.748m.

Maturity analysis - contractual undiscounted cash flows

Within 1 year	6,813	8,748
Between 1 to 5 years	18,857	33,990
More than 5 years	230	24,502
Total leases	25,900	67,240

¹ The reduction from the prior year is attributable to two, five-year lease options not being exercised for the Canberra office lease.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C and 3.2A.

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 Statement of Comprehensive Income 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 2022	2,758	2,758
Additional provisions made	132	132
Amounts reversed	-	-
Amounts used	-	-
Total as at 30 June 2023	2,890	2,890

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 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

	2023	2022
	\$'000	\$'000
Note 4.1A: Cash and Cash Equivalents		
Cash in special accounts ¹	248	211
Cash on hand or on deposit	494	407
Total cash and cash equivalents	742	618

¹ See Note 5.2A for additional detail on cash in special accounts held in the Official Public Account and ACMA's bank account.

Accounting Policy

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value; and
- c) cash in special accounts.

Note 4.1B: Taxation Receivables

Other taxes	787,423	744,765
Total taxation receivables (gross)	787,423	744,765
Less: impairment loss allowance		
Other taxes	4,361	2,258
Total receivables (net)	783,062	742,507

Note 4.1C: Trade and Other Receivables

Other receivables		
Annual Carrier Licence Charge	29,350	62,668
Lease receivable ¹	392,442	522,473
Statutory receivables	24	118
Total other receivables	421,816	585,259
Total trade and other receivables (gross)	421,816	585,259
Less: impairment loss allowance		
Other receivables	666	815
Total trade and other receivables (net)	421,150	584,444

Note 4.1D: Other Financial Assets

Prepayments	21	23
Total other financial assets	21	23

¹ The figure for Lease receivable represents the sale of 26GHz spectrum licences and subsequent treatment under AASB 16 Leases. See note 2.2E for further information.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

4.2 Administered – Payables

	2023	2022
	\$'000	\$'000
Note 4.2A: Other Payables		
Unearned revenue ¹	123,682	98,072
Other	690	834
Total other payables	124,372	98,906

¹ Unearned revenue represents radiocommunication licences paid in advance where the benefit has not yet been realised by the holder.

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')

	2023 \$'000	2022 \$'000
Ordinary annual services		
Annual Appropriation		
Operating	130,788	121,382
Capital budget ¹	8,102	15,788
Section 74 receipts ²	635	403
Total available appropriation	139,525	137,573
Appropriation applied (current and prior years)	(137,388)	(122,051)
Variance	2,137	15,522
Opening unspent appropriation balance	61,553	46,031
Repeal of <i>Appropriation Act (No. 1) 2019-20</i>	(205)	-
Closing unspent appropriation balance	63,485	61,553
Balance comprises appropriations as follows:		
<i>Appropriation Act (No. 1) 2019-20</i>	-	205
<i>Appropriation Act (No. 1) 2020-21³</i>	259	259
<i>Appropriation Act (No. 1) 2020-21 Capital Budget (DCB)</i>	-	3,096
<i>Appropriation Act (No. 3) 2020-21 Capital Budget (DCB)</i>	-	506
<i>Supply Act (No. 1) 2020-21 Capital Budget (DCB)</i>	-	6,442
<i>Appropriation Act (No. 1) 2021-22</i>	-	26,548
<i>Appropriation Act (No. 1) 2021-22 Capital Budget (DCB)</i>	10,279	10,279
<i>Appropriation Act (No. 3) 2021-22</i>	-	1,513
<i>Appropriation Act (No. 1) 2021-22 cash held by the agency</i>	-	12,705
<i>Appropriation Act (No. 1) 2022-23³</i>	2,207	-
<i>Appropriation Act (No. 1) 2022-23 Capital Budget (DCB)</i>	237	-
<i>Supply Act (No. 3) 2022-23</i>	35,538	-
<i>Supply Act (No. 1) 2022-23 Capital Budget (DCB)</i>	3,219	-
<i>Supply Act (No. 3) 2022-23 Capital Budget (DCB)</i>	4,407	-
<i>Appropriation Act (No. 1) 2022-23 cash held by the agency</i>	7,339	-
Total unspent appropriation - ordinary annual services	63,485	61,553
Total unspent appropriation¹	63,485	61,553

¹ Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

² Adjustments to appropriations includes adjustments to current year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

³ The total unspent appropriation is shown inclusive of Section 51 permanent quarantines imposed in 2021-22 against *Appropriation Act (No. 1) 2020-21* of \$0.259m and in 2022-23 against *Appropriation Act (No. 1) 2022-23* of \$2.207m.

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')

	2023	2022
	\$'000	\$'000
Ordinary annual services		
Annual appropriation		
Operating	8,214	6,694
Total available appropriation	8,214	6,694
Appropriation applied (current and prior years)	(6,318)	(9,985)
Variance	1,896	(3,291)
Opening unspent appropriation balance	9,516	26,745
Repeal of <i>Appropriation Act (No. 1) 2018-19</i>	-	(13,938)
Repeal of <i>Supply Act (No. 1) 2019-20</i>	(1,472)	-
Repeal of <i>Appropriation Act (No. 1) 2019-20</i>	(7,083)	-
Closing unspent appropriation balance	2,857	9,516
Balance comprises appropriations as follows:		
<i>Supply Act (No. 1) 2019-20</i>	-	1,472
<i>Appropriation Act (No. 1) 2019-20</i>	-	7,083
<i>Supply Act (No. 1) 2020-21</i>	857	857
<i>Appropriation Act (No. 1) 2021-22</i>	-	104
<i>Appropriation Act (No. 1) 2022-23</i>	2,000	-
Total unspent appropriation - ordinary annual services	2,857	9,516
Total unspent appropriation	2,857	9,516

Note 5.1C: Special Appropriations ('Recoverable GST exclusive')

	Appropriation applied	
	2023	2022
Authority	\$'000	\$'000
<i>Public Governance, Performance and Accountability Act 2013 s77</i>		
Repayments ¹	18,384	8,636
Special Appropriation - <i>Telecommunications Act 1997 - ss136C(4)</i>	-	-
Total special appropriations applied	18,384	8,636

¹ 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 Moneys ^{2,3}	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
Balance brought forward from previous period	12,513	4,453	211	458
Increases				
Departmental	43,713	45,046	-	-
Administered	-	-	236	6,334
Total increases	43,713	45,046	236	6,334
Available for payments	56,226	49,499	447	6,792
Decreases				
Departmental	(49,004)	(36,986)	-	-
Administered	-	-	(199)	(6,581)
Total decreases	(49,004)	(36,986)	(199)	(6,581)
Total balance carried to the next period	7,222	12,513	248	211
Balance represented by:				
Cash held in entity bank accounts	453	127	-	-
Cash held in the Official Public Account	6,769	12,386	248	211
Total balance carried to the next period	7,222	12,513	248	211

¹ Appropriation: *Public Governance, Performance and Accountability Act 2013*; section 80.
Establishing Instrument: *Online Safety Act 2021*; section 190.
Purpose: To enhance online safety for Australians.

² Current year figures under appropriation: *Public Governance, Performance and Accountability Act 2013*; section 78. Establishing Instrument: PGPA Act Determination (SOETM Special Account 2022).
Purpose: This account was created to disburse amounts held on trust or otherwise for the benefit of a person other than the Commonwealth.

³ Comparative figures under appropriation: *Financial Management and Accountability Act 1997*; section 20.
Establishing Instrument: FMA Act (Establishment of SOETM Special Account – ACMA) Determination 2012/03. This special account sunset on 1 October 2022, and was replaced by the ACMA SOETM Special Account 2022, referenced above, with the cash balance transferred to this new account.
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

	2023 \$'000	2022 \$'000
Amounts applied		
Departmental		
Annual appropriations	19,110	19,555
Own source revenue	260	260
Administered		
Special appropriations (including special accounts)	-	-
Total amounts applied	19,370	19,815
Expenses		
Departmental	19,399	19,870
Administered	-	-
Total expenses	19,399	19,870
External revenue		
Departmental	195	260
Administered	33,428	36,950
Total external revenue	33,623	37,210

Regulatory charging activities:

ACMA activities include the Annual Carriers Licence Charge, the Telecommunications Industry Levy and the Do Not Call Register. Cost Recovery Impact Statements for these activities are available at:

www.acma.gov.au/cost-recovery-implementation-statement-cris

5.4 Net Cash Appropriation Arrangement

	2023 \$'000	2022 \$'000
Total comprehensive income - as per the Statement of Comprehensive Income	2,092	3,802
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity appropriations)	6,450	6,852
<i>Plus:</i> depreciation on right-of-use assets	6,586	8,444
<i>Less:</i> lease principal repayments	(8,494)	(5,252)
Net Cash Operating Surplus	6,634	13,846

From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

The inclusion of depreciation/amortisation expenses related to ROU leased assets and the lease liability principal repayment amount reflects the cash impact on implementation of AASB 16 Leases, it does not directly reflect a change in appropriation arrangements.

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

6. People and Relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

6.1 Employee Provisions

	2023	2022
	\$'000	\$'000
Note 6.1A: Employee Provisions		
Leave	22,723	20,900
Total employee provisions	22,723	20,900

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:

	2023	2022
	\$	\$
Short-term employee benefits	2,821,155	2,785,840
Post-employment benefits	415,753	408,934
Other long-term employee benefits	70,288	67,765
Total key management personnel remuneration expenses¹	3,307,196	3,262,539

The total number of Key Management Personnel that are included in the above table is 9 (2022: 8). There were no changes to the number of Key Management Personnel positions from the prior year, with the increase related to an extended acting arrangement.

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.

Related party transactions with other Commonwealth entities are exempted from disclosure in this Note, as specified in AASB 1060, paragraph 200.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

7. Managing Uncertainties

This section analyses how the ACMA manages financial risks within its operating environment.

7.1 Contingent Assets and Liabilities

Departmental

The ACMA is not aware of any material Departmental quantifiable, unquantifiable or significant remote contingent assets or liabilities (2022: nil).

Administered

The ACMA is not aware of any material Administered quantifiable, unquantifiable or significant remote contingent assets or liabilities (2022: 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

	2023	2022
	\$'000	\$'000
Note 7.2A: Categories of Financial Instruments		
Financial assets at amortised cost		
Cash and cash equivalents	7,339	12,705
Trade and other receivables	142	423
Total financial assets at amortised cost	7,481	13,128
Total financial assets	7,481	13,128
Financial liabilities at amortised cost		
Trade creditors and accruals	5,214	5,549
Total financial liabilities at amortised cost	5,214	5,549
Carrying amount of financial liabilities	5,214	5,549

The carrying value of financial assets and liabilities is a reasonable approximation of fair value.

7.3 Administered Financial Instruments

	2023	2022
	\$'000	\$'000
Note 7.3A: Categories of Financial Instruments		
Financial assets at amortised cost		
Cash and cash equivalents	742	618
Fees, charges and other revenue receivables	28,684	61,853
Total financial assets at amortised cost	29,426	62,471
Carrying amount of financial assets	29,426	62,471

Australian Communications and Media Authority

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Accounting Policy

Financial Assets

In accordance with AASB 9 *Financial Instruments*, the ACMA classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the ACMA's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the ACMA becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date. Comparatives have not been restated on initial application.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for Financial Assets that are recognised at amortised cost.

Impairment of Financial Assets

Financial Assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to lifetime expected credit losses where risk has significantly increased, or an amount equal to 12-month expected credit losses if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial Liabilities at Amortised Cost

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the Effective Interest Method, with interest expense recognised on an effective interest basis.

Supplier and Other Payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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 carried out as at 30 June 2023.

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

2023	2022
\$'000	\$'000

Note 8.1A: Departmental - Current/non-current distinction for assets and liabilities

Assets expected to be recovered in:

No more than 12 months

Cash and cash equivalents	7,339	12,705
Trade and other receivables	54,559	49,326
Prepayments	3,640	2,854

Total no more than 12 months

65,538	64,885
--------	--------

More than 12 months

Land and buildings	26,008	64,815
Plant and equipment	3,871	3,693
Other intangibles	29,391	20,248
Prepayments	786	1,119

Total more than 12 months

60,056	89,875
--------	--------

Total assets

125,594	154,760
---------	---------

Liabilities expected to be settled in:

No more than 12 months

Suppliers	5,214	5,549
Other payables	2,682	2,773
Leases	6,806	8,200
Employee provisions	6,046	5,236

Total no more than 12 months

20,748	21,758
--------	--------

More than 12 months

Leases	18,972	56,260
Employee provisions	16,677	15,664
Other provisions	2,890	2,758

Total more than 12 months

38,539	74,682
--------	--------

Total liabilities

59,287	96,440
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Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$'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	742	618
Taxation receivables	783,062	742,507
Trade and other receivables	159,130	192,022
Other financial assets	21	23
Total no more than 12 months	942,955	935,170
More than 12 months		
Trade and other receivables	262,020	392,422
Total more than 12 months	262,020	392,422
Total assets	1,204,975	1,327,592
Liabilities expected to be settled in:		
No more than 12 months		
Unearned revenue	122,657	92,893
Other payables	690	834
Total no more than 12 months	123,347	93,727
More than 12 months		
Other payables	1,025	5,179
Total more than 12 months	1,025	5,179
Total liabilities	124,372	98,906

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

9. Disaggregation of eSafety balances in the statements of comprehensive income

Note 9.1A Impact of eSafety on the Statement of Comprehensive Income

	Departmental (Excl. eSafety) \$'000	eSafety \$'000	Total \$'000
NET COST OF SERVICES			
Expenses			
Employee benefits	53,789	17,635	71,424
Suppliers	21,315	26,784	48,099
Depreciation and amortisation	12,390	646	13,036
Finance costs	332	-	332
Impairment loss on financial instruments	13	-	13
Write-down and impairment of assets	-	-	-
Total expenses	87,839	45,065	132,904
Own-Source Income			
Own-source revenue			
Revenue from contracts with customers	374	2,927	3,301
Other revenue	75	-	75
Total own-source revenue	449	2,927	3,376
Gains			
Reversals of write-downs and impairment	-	-	-
Other gains	81	-	81
Total gains	81	-	81
Total own-source income	530	2,927	3,457
Net cost of services	(87,309)	(42,138)	(129,447)
 Revenue from Government	 88,266	 42,522	 130,788
Surplus/(Deficit) attributable to the Australian Government	957	384	1,341
 OTHER COMPREHENSIVE INCOME			
Items not subject to subsequent reclassification to net cost of services			
Changes in asset revaluation reserve	751	-	751
Total comprehensive income	1,708	384	2,092

¹ Departmental appropriation for eSafety is provided in the 2022-23 Budget process and credited to eSafety's Online Safety Special Account.

Australian Communications and Media Authority
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 9.1B Impact of eSafety on the Administered Schedule of Comprehensive Income

	Administered (Excl. eSafety) \$'000	eSafety \$'000	Total \$'000
NET COST OF SERVICES			
EXPENSES			
Suppliers	-	4,043	4,043
Grants	7	2,167	2,174
Impairment loss on financial instruments	2,103	-	2,103
Total expenses	2,110	6,210	8,320
INCOME			
Revenue			
Taxation revenue			
Other taxes	1,276,081	-	1,276,081
Total taxation revenue	1,276,081	-	1,276,081
Non-taxation revenue			
Revenue from contracts with customers	5,755	-	5,755
Fees and fines	37,983	-	37,983
Other revenue	1,570	-	1,570
Total non-taxation revenue	45,308	-	45,308
Total revenue	1,321,389	-	1,321,389
Gains			
Resources received free of charge	-	-	-
Reversal of impairment of receivables	149	-	149
Total gains	149	-	149
Total income	1,321,538	-	1,321,538
Net (cost of)/contribution by services	1,319,428	(6,210)	1,313,218

¹ Administered appropriation for eSafety is provided in the 2022-23 Budget process. In 2022-23, total administered appropriation for eSafety was \$8.214m.



Part 2

eSafety Commissioner annual report 2022–23

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Commissioner's foreword



A transformative year creating safer online experiences for all Australians

It is with much enthusiasm I present this annual report for eSafety, in what has been a transformative year for us. We have navigated new territories, strengthened partnerships, and made significant strides in creating a safer digital environment for all Australians.

Our pursuit of safer digital spaces: holding tech companies to account

One of the key achievements this year is the exercise of our new regulatory powers under Australia's ground-breaking *Online Safety Act 2021*.

The implementation of our powers in connection with the Basic Online Safety Expectations (the Expectations) and the registration of 5 industry codes are world firsts and set a global precedent. In September 2023, we registered a sixth industry code covering search engine services.

Our statutory powers, alongside the Expectations, compel tech companies to be more transparent about what they are doing to make their platforms safe. By holding tech companies accountable for safety on their platforms, we can help reshape the technology landscape and drive essential change in the industry.

Our pursuit of safer digital spaces led us this past year to issue transparency notices to some of the largest tech companies in the world – exposing shortcomings that should be addressed.

Exercising our powers under the Expectations has begun to yield some important changes within industry for the better. These actions signify a paradigm shift in elevating safety standards and holding companies responsible for any technical weaknesses or management apathy in their approaches to online safety.

Our commitment is unwavering, and we will continue to approach this challenge with constructive determination.

Acting against harmful content: surge in reports shows trust in our protection efforts

Throughout this past year, we saw some concerning trends. For example, cyberbullying was exacerbated by increased technology use.

In terms of our protection efforts, numbers across all our reporting schemes have surged as users increasingly expect eSafety to deal promptly with harmful content. Our success rate in removing harmful content reported to us remains high, up towards 90%, and our focus on rapid response and harms remediation remains steadfast.

We are further meeting these expectations by employing a wide variety of regulatory interventions under the Online Safety Act, going beyond content removal to directly challenging harmful behaviours through remedial actions, educating users and seeking to deter further online malfeasance.

We measure our success not only in the number of reports and notices we issue, but also in the lives we positively affect through our work. The real achievement is in the stories of children who can now explore the internet without fear, parents who are better equipped to guide their children safely online, and educators who have access to the resources they need to foster digital literacy.

Making a difference: eSafety reaches millions with solutions that change lives

As an organisation dedicated to continuous improvement, during 2022–23 we continued to mature as an organisation. With a new operating model in place, we are in a better position than ever to meet our primary function: to help keep all Australians safer online.

Through our commitment to prevention, protection, proactive measures, and driving systemic change, we are reaching an ever-growing number of Australians with solutions that have impact and make a difference.

Achieving this requires raising awareness about eSafety among Australians from all walks of life. Increasingly, Australians are showing strong interest in online safety information, and over the past year, more than 2.5 million unique visitors engaged with our resources provided at esafety.gov.au. This is a 57% increase on last year.

We continue to expand our reach by delivering tailored, co-designed programs and online safety resources to communities including First Nations people, LGBTIQ+ Australians, Australians living with disability and women. We also continue to give teachers, parents, and older Australians more of the knowledge and skills they need to navigate the digital world safely or help people in their care be safer online.

Anticipating the future with tech trend forecasting to safeguard Australians from emerging risks

As more individuals turn to us for support, we must continue to elevate safety standards across the platforms Australians use every day. This demands we stay one step ahead of technology.

We analyse technology trends and developments to anticipate risks and harms. Our goal is to equip Australians with the skills and confidence to avoid these risks, while also urging companies to acknowledge and prevent the perpetuation of such risks and harms through safety by design.

For example, we provided thought leadership on emerging technology issues, such as outlining the safety deficiencies in decentralised platforms and publishing position papers on recommender systems and generative AI.

It is our goal to remain at the forefront of technological advancements and understand the consequences they inevitably bring.

Sharing knowledge, creating impact and co-designing programs for a safer online world

Collaboration is at the core of our strategy as we work with other stakeholders to co-design safety programs. For example, by involving young people through our Youth Advisory Committee, we foster productive discussions with the tech industry on enhancing online safety.

Partnerships play a vital role in our mission as well. We continue to form strong alliances with government bodies, industry stakeholders, educators, and advocacy groups. Together, we amplify our impact and reach wider audiences to make sure the message of online safety gets to every corner of society.

Our commitment to promoting a safer online environment extends beyond Australia's borders. As a founding member and network Chair of the Global Online Safety Regulators Network, we work closely with other regulators and organisations to build capacity, harmonise approaches and share knowledge. By learning from each other's experiences, we are better equipped to together tackle the challenges that arise in this rapidly evolving digital era.

The year ahead

In the coming financial year, we will continue our regulatory work alongside our critical core functions in administering our complaints-based reporting schemes and promoting online safety to all Australians.

We will prepare industry standards for 2 sections of the online industry where codes were not registered to ensure safeguards are in place for illegal content. We will also work with industry in the preparation of the second phase of industry codes, which will deal with content that is harmful to children, such as online pornography.

We will continue to improve transparency and accountability through the Basic Online Safety Expectations, requiring information from providers and reporting on their compliance.

Our commitment does not end there. We will continue to explore how to apply safety by design principles to emerging technologies such as immersive platforms, recommender systems, and generative AI. Our aim is to always stay one step ahead.

Recognising complexities and more to do

As I reflect on our achievements this past year, I am grateful for the dedication of our eSafety team and the support of our stakeholders. Together, we are creating a safer digital landscape for all Australians.

Thank you for your continued trust in eSafety as we forge ahead on our vital mission. We acknowledge the challenges and complexities we face. We recognise there is more to do. However, by staying focused, vigilant and determined, we will forge a safer digital future.

With unwavering optimism,

JIG

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 nearly **2.5 million** unique website visitors to esafety.gov.au and beconnected.esafety.gov.au and more than **8 million** page views.

Providing online safety education

Over **21,000 individuals** participated in front-line training and professional learning sessions.

Nearly **1.4 million people**, including over **1.1 million school students**, **140,000 parents** and **31,000 educators**, participated in training provided by our online safety education providers endorsed under the Trusted eSafety Provider Program.

Empowering Australian women

We had **45,318 unique visitors** to the eSafetyWomen website, with **78,175 page views**.

We held **225 workshops and webinars** with **6,175 participants** and **449 new registered users** of the eSafety Women online learning management resource.

Supporting older Australians

We had **334,997 unique visitors** to the Be Connected learning portal with **3,171 attendees** at eSafety's Be Connected presentations and webinars and over **1.9 million page views**.

Tackling image-based abuse

We received **9,060 reports** about image-based abuse.

We requested removal of material and URLs from **6,500 locations** and were successful in having **87% of material removed** on request.

Fighting illegal content and abhorrent violent material

We received **11,636 reports** comprising **33,129 URLs** about potentially prohibited online content.

We identified **14,975 URLs that were referred to global partners for removal**, and law enforcement. More than **99%** of these provided access to child sexual abuse material.

We issued **3 notices** to overseas services about highly violent or explicit 'class 1' material.

Combating child cyberbullying

We received **1,969 complaints** about serious cyberbullying targeting Australian children.

We had over **3,767** people click through to the Kids Helpline website.

Responding to adult cyber abuse

We received **2,644 complaints** from adults regarding cyber abuse.

We made **601 informal requests** to online service providers seeking removal of material for terms of service matters or adult cyber abuse material and were successful in facilitating removal of material in **466** of these.

We issued **2 removal notices** to a social media provider.



Overview

Functions and responsibilities

The functions of the eSafety Commissioner are set out in section 27 of the Online Safety Act and accompanying legislative instruments. During the reporting period, the eSafety Commissioner was an independent statutory office holder within the Infrastructure, Transport, Regional Development, Communications and the Arts portfolio, with the Hon Michelle Rowland MP, the Minister for Communications, being the responsible minister.

In accordance with the legislation, our specific responsibilities include:

- > promoting online safety for Australians
- > administering a complaints scheme for cyberbullying material targeted at an Australian child
- > administering a complaints scheme for cyber abuse material targeted at an Australian adult
- > administering a complaints and objections scheme for nonconsensual sharing of intimate images
- > administering the online content scheme covering illegal and restricted content
- > ensuring that social media services, relevant electronic services (for example, messaging and gaming services) and designated internet services (that is, certain websites and apps accessible from Australia) take reasonable steps to keep Australians safe online through a set of Basic Online Safety Expectations
- > co-regulating 8 sections of the online industry for 'class 1' and 'class 2' illegal and restricted content, including imagery depicting the sexual abuse of children or terrorism, through to material that is inappropriate for children, such as online pornography
- > coordinating the activities of Australian Government departments, authorities and agencies relating to online safety for Australians
- > supporting, conducting and accrediting educational and community awareness programs relevant to online safety for Australians
- > making grants of financial assistance in relation to online safety for Australians, on behalf of the Australian Government
- > conducting and evaluating research about online safety for Australians.

The Commissioner



Julie Inman Grant was appointed as eSafety Commissioner on 23 November 2016 and began her role in January 2017. She has extensive experience in the not-for-profit and government sectors and spent 20 years working in senior public policy and safety roles in the tech industry at Microsoft, Twitter and Adobe.

Julie's career began in Washington DC, where she worked in the US Congress and the not-for-profit sector before joining Microsoft. She spent 17 years at Microsoft, serving as one of the company's first and longest-standing government relations professionals, ultimately as Global Director for Safety and Privacy Policy and Outreach. At Twitter, she established and drove the company's policy, safety and philanthropy programs across Australia, New Zealand and Southeast Asia.

As Commissioner, Julie plays an important global role as Chair of the Child Dignity Alliance's Technical Working Group and as a Board Member of the WePROTECT Global Alliance. She also serves on the World Economic Forum's Global Coalition for Digital Safety and on its XR Ecosystem Governance Steering Committee on Building and Defining the Metaverse. Under her leadership, eSafety has joined forces with the White House Gender Policy Council and the Government of Denmark, representing Australia on the Global Partnership for Action on Gender-Based Harassment and Abuse.

Julie has led work to establish world-first regulatory regimes under the Online Safety Act, with implementation of a sweeping new set of reforms. In January 2022, the Australian Government reappointed Julie as eSafety Commissioner for a further 5-year term.

eSafety structure

The Online Safety Act establishes the eSafety Commissioner as an independent statutory office holder, supported by the ACMA. During the reporting period, eSafety’s day-to-day activities were managed by the Commissioner, 1 general manager and 6 executive managers and branch heads. The Chair of the ACMA is eSafety’s accountable authority.

The ACMA provides staff to fulfil the functions of eSafety under section 184 of the Online Safety Act. These staff are employed by the ACMA under the *Public Service Act 1999* and under the terms of the *ACMA Enterprise Agreement 2020–2023*, however they are not under the direction of the ACMA. At 30 June 2023, the eSafety Commissioner was supported by 125 APS staff located in Canberra, Sydney and Melbourne.

Detailed information about our staff is provided in Appendix 1.2 of Part 1 of this report.

eSafety’s organisational structure as at 30 June 2023 is set out in Figure 2.1.

Figure 2.1: Organisational structure as at 30 June 2023

eSafety Commissioner Julie Inman Grant					
General Manager and Chief Operating Officer Toby Dagg (Acting)					
Investigations Luke Boon (Acting)	Education, Prevention and Inclusion Paul Clark (Acting)	International, Strategy and Futures Deborah Welsh	Legal, MarComms and Research Morag Bond	Technology and Digital Kathryn King	Corporate Stuart Wise

Our purpose

eSafety’s purpose, set out in our 2022–23 Portfolio Budget Statements (PBS) and corporate plan, is to help safeguard Australians at risk from online harms and to promote safer, more positive online experiences.

Outcome and program structure

eSafety’s 2022–23 PBS set out the resources allocated to us by government to deliver Outcome 1 and the program that contributes to it.

<div>Outcome 1 A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice</div>
<div>Program 1.3 Office of the eSafety Commissioner</div>
<div>Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.</div>

Report on performance

Annual Performance Statement 2022–23

Introductory statement

I, Julie Inman Grant, eSafety Commissioner, present the 2022–23 Annual Performance Statement of the eSafety Commissioner. In my opinion, this information accurately reflects the performance of the eSafety Commissioner in the 2022–23 financial year and has been prepared in accordance with the requirements of subsection 39(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).



Julie Inman Grant
eSafety Commissioner

eSafety performance framework

eSafety's performance framework includes our:

- > corporate plan: This outlines our purpose, vision, environment, key activities, performance measures, targets, and capabilities.
- > Portfolio Budget Statements (PBS): These statements specify the outcomes, performance criteria, and targets for the programs of work we are funded by the government to deliver.
- > Annual Performance Statement (APS): This provides an assessment of our performance in relation to key activities aimed at achieving our vision and purpose.
- > annual report: This includes the APS and meets other reporting requirements prescribed in the *Online Safety Act 2021*.

Each key activity in our corporate plan has specific performance measures with corresponding targets for 2022–23. These measures form the basis for assessing our performance.

Our corporate plan provides details on the methodology (quantitative metrics and qualitative sources) used to objectively measure whether we have met each performance measure and target.

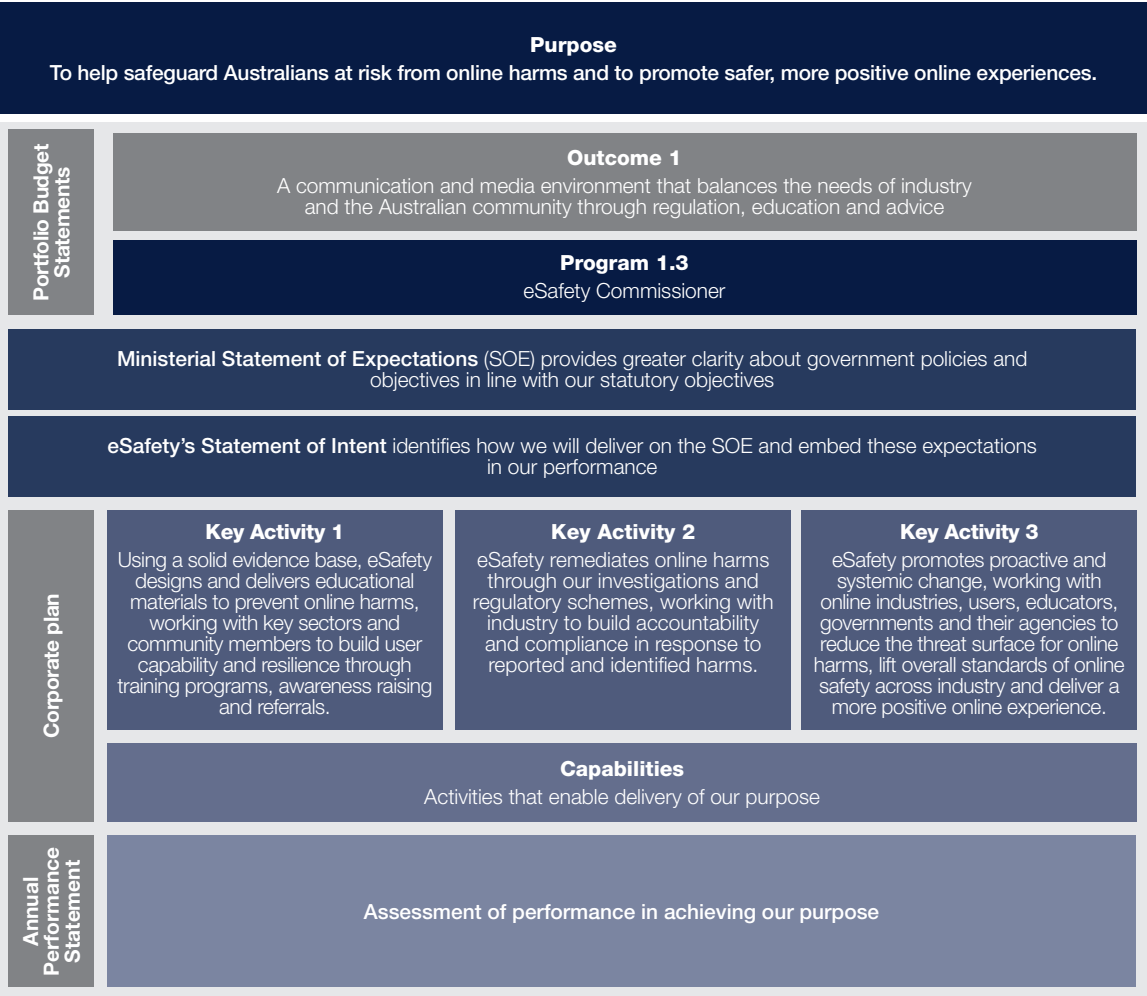
From 1 July 2021, regulator performance reporting has been incorporated into performance reporting obligations under the PGPA Act and the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule).

Our performance measures and targets align with best practice principles outlined in the Regulator Performance Guide.

Figure 2.2 shows the relationship between our purpose and key activities in our 2022–23 corporate plan, and Program 1.3 in the 2022–23 PBS.

Programs 1.1 and 1.2 relates to the ACMA and are reported on separately in Part 1: *Australian Communications and Media Authority annual report 2022–23*.

Figure 2.2: Alignment of eSafety’s PBS 2022–23, Corporate plan 2022–23 and APS 2022–23



Analysis of performance against purpose

During 2022–23, we continued to focus on safeguarding Australians at risk from online harms and promoting safer, more positive online experiences through our 3 pillars:

- > **Prevention:** Using a solid evidence base, eSafety designs and delivers educational materials to prevent online harms, working with key sectors and community members to build user capability and resilience through training programs, awareness raising and referrals.
- > **Protection:** eSafety remediates online harms through our investigations and regulatory schemes, working with industry to build accountability and compliance in response to reported and identified harms.
- > **Promoting proactive and systemic change:** eSafety promotes proactive and systemic change, working with online industries, users, educators, governments and their agencies to reduce online harms, lift overall standards of online safety across industry and deliver more positive experiences for Australians.

Through these key activities, we supported Australians to engage more safely online, while enabling industry to meet legislated safety expectations.

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

In 2022–23, we continued to administer and enforce our 4 reporting schemes under the Online Safety Act: the Cyberbullying Scheme for Australian children, the Adult Cyber Abuse Scheme, the Image-Based Abuse Scheme, and the Online Content Scheme for illegal and restricted content. We provided responsive and compassionate help to people experiencing a range of online harms and we worked to alleviate or reduce the harm as quickly as possible.

We continued to work closely with state and territory police, the Australian Federal Police, and the Australian Centre to Counter Child Exploitation to raise awareness about our regulatory schemes and support the work of these agencies. We also established a National Online Safety Education Council to foster cooperation with government, Catholic and independent school education bodies in each state and territory.

On 25 July 2022, we published regulatory guidance on the Basic Online Safety Expectations (the Expectations). Additionally, we issued:

- > 7 non-periodic reporting notices to companies requiring them to report on the proactive measures they are taking to address child sexual exploitation material on their platforms and services
- > 5 non-periodic reporting notices addressing child sexual exploitation and abuse material, sexual extortion and the safety of recommender systems (which prioritise content or make personalised content suggestions to users of online services)
- > 1 non-periodic reporting notice addressing online hate.

We published a transparency report summarising the findings of the first 7 notices to improve the transparency and accountability of the relevant online service providers.

Following extensive consultation with industry associations, we registered 5 industry codes to regulate harmful online material, specifically child sexual exploitation material and terrorist material. The registered codes establish robust and enforceable obligations and provide appropriate community safeguards for 5 sections of the online industry.

We continued to provide a comprehensive program of evidence-based professional learning and education resources to promote online safety in schools. In developing these resources, we worked closely with education departments, schools, and youth-based mental health organisations. All our school-based education programs are complemented by tools and resources for parents and carers.

Our eSafety Youth Council, comprising 24 young people aged 13 to 24, wrote an open letter to Big Tech and met with local tech industry leaders, the Minister for Youth and the Minister for Communications to talk about their online safety concerns.

We created more online safety resources to support vulnerable Australians, including First Nations people, people with disability, and LGBTQI+ people, as well as frontline workers who support these people.











We conducted research to continue to build our evidence and understanding of the frequency and nature of online harms experienced by different segments of the Australian community. This data supports our regulatory functions and the development of our programs and resources.

Our performance

We fully met 12 of our 13 performance measures and mostly met the remaining one.

Overview of results

Key:  Met  Mostly met  Not met

Measures and targets		Result
Key activity 1: Using a solid evidence base, eSafety designs and delivers educational materials to prevent online harms, working with key sectors and community members to build user capability and resilience through training programs, awareness raising and referrals		
Performance area 1.1: Australians are enabled by education, training and resources to prevent online harms		
1.1.1	8,500 individuals participated in front-line and professional learning training sessions	
1.1.2	There were 1.4 million unique visitors to eSafety websites	
1.1.3	≥ 90% of Be Connected learners were satisfied with training courses	
Performance area 1.2: Educational programs, strategies and tools are based on an understanding of the specific needs of groups most at risk of online harm		
1.2.1	100% of resources were informed by research and insights, and involved co-design or collaboration with targeted cohorts and/or advocates	
1.2.2	eSafety's online harms threat assessment was published	
1.2.3	≥ 90% of participants in front-line professional learning training sessions rated eSafety's educational material and training as relevant or very relevant to their role	
Key activity 2: eSafety remediates online harms through our investigations and regulatory schemes, working with industry to build accountability and compliance in response to reported and identified harms		
Performance area 2.1: eSafety's regulatory decision-making across our 4 reporting schemes is proportionate, consistent, fair and informed by evidence		
2.1.1	≥ 70% of cyberbullying (CB) and adult cyber abuse (ACA) complaints or reports were received, triaged and assigned to an investigator within a 3-hour timeframe	
2.1.2	≥ 90% of image-based abuse (IBA) complaints or reports were responded to within 2 business days	
2.1.3	≥ 90% of critical Online Content Scheme (OCS) investigations were finalised within 2 business days	
Performance area 2.2: eSafety takes effective action to remove material causing online harms		
2.2.1	Material was removed for ≥ 80% of the total actionable IBA, ACA and CB complaints.	

Measures and targets		Result
Key activity 3: eSafety promotes proactive and systemic change, working with online industries, users, educators, governments and their agencies to reduce the threat surface for online harms, lift overall standards of online safety across industry and deliver a more positive online experience		
Performance area 3.1: Industry codes are registered, or industry standards are determined		
3.1.1	100% of industry sections have industry codes registered or industry standards determined	
Performance area 3.2: The Basic Online Safety Expectations are operationalised		
3.2.1	Regulatory guidance for relevant industry on the Basic Online Safety Expectations has been published	
3.2.2	The initial set of non-periodic reporting notices has been issued	

Analysis of performance against Regulator Performance Guide

The Regulator Performance Guide outlines 3 principles of best practice for regulator performance:

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

Our purpose is to safeguard Australians at risk from online harms and to promote safer, more positive online experiences. We have a range of regulatory functions and powers, which we apply in a flexible and integrated way to encourage compliance and achieve good outcomes for all Australians.

Continuous improvement and building trust

We are committed to a culture of continual improvement and building trust with our stakeholders. Our *eSafety Strategy 2022-25* establishes values of innovation and fairness. These values empower our staff to continually improve by challenging the status quo and build trust with the Australian public and industry by approaching all our work ethically and transparently.

Transparency is important in building trust among our stakeholders. This is why we publish our regulatory posture and priorities, our Compliance and Enforcement Policy, as well as guidance for each of our regulatory schemes on [eSafety.gov.au](https://www.esafety.gov.au).

Building trust with regulated entities increases our efficiency and effectiveness. Where appropriate, we work informally with service providers to resolve individual complaints about online content and behaviour. We also consider any systemic online safety problems these complaints may uncover.

Where a cooperative approach is not appropriate or sufficient to keep Australians safe online, we will draw on our range of regulatory options. While we may take graduated actions against online harm, there will be times when immediate and firm enforcement action is warranted due to the circumstances and severity of the harm.

Based on evidence and insights, we apply our powers in a fair, transparent and proportionate way to limit the impact of harm to the user and to deter future wrongdoing by the platform or perpetrator. We drive continuous improvements in online safety by reviewing the effectiveness of online service providers to keep their users safe, and by providing practical recommendations and tools to support better outcomes.

Externally, we use the Basic Online Safety Expectations (the Expectations) as a mechanism to encourage continuous improvement from industry. The Expectations empower us to require online service providers to report on how they are meeting any or all the Expectations and issue statements of compliance and non-compliance with the Expectations.

Risk-based and data-driven

We use the ACMA Risk Management Policy and Guide (the ACMA Policy) as our primary risk guidance. The ACMA Policy meets the requirements of the Commonwealth Risk Management Policy and is regularly updated with input from eSafety. We also maintain an eSafety-specific Risk Management Guide.

We recognise that certain sections of the Australian community face higher online risks, and that these harms can disproportionately affect disadvantaged or marginalised people who may have multiple, intersecting risk factors. This includes Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse communities, people with disability, and people who identify as LGBTQIA+. Depending on the circumstances, it can also include women, older people, and children and young people. Children and young people are particularly vulnerable to social, emotional, psychological and even physical impacts that can result from exposure to harmful content and behaviour online.

In responding to reports from the Australian public, we take a risk-based approach that is proportionate and transparent and uses the best evidence. We allocate resources by identifying the most urgent risks and severe harms to determine the most effective responses. One of our highest priorities remains the rapid removal of child sexual exploitation and abuse material, along with other illegal content that cause the most severe harm through their production, distribution and consumption. We identify and promote better solutions to prevent and reduce the most reported types of harm. This includes exploring technological solutions that allow us to scale up assistance and reduce the spread of harmful online content and behaviour.

As Australia's national regulator for online safety matters, it is critical for us to base regulatory decisions and priorities on research, data, insights and trends captured through various methods. Our strategic goals include building robust evidence to support our programs, with data generated by world-class research, investigations and intelligence. This is supported by an evaluation framework and sharing information, strengthening capacity within eSafety to derive meaningful and actionable insights from data, and then sharing intelligence that contributes to our partners' understanding of the global online harms landscape.

Our Data Strategy involves a phased approach over 3 years to improve our data skills, governance and technology to enable eSafety to become a data-driven organisation. To help in scaling our operations, we have funded a Data and Insights Program to enhance our ability to provide evidence-driven information and services to the public and maintain our strong reputation as a fair and transparent regulator.

Through research, education and training programs, we target disadvantaged or marginalised individuals and communities at higher risk of online harm, and we work to set a foundation to prevent online harm from happening. We aim to provide Australians with the practical skills and confidence to be safe, resilient and positive participants in the online world, and to know where to seek help if issues do arise. We base our approach on evidence and have been building a body of evidence over time to track our progress and to make sure we have real, positive impact. We calibrate our approach to make sure our programs are contemporary, fit for purpose and responsive to the needs of each community or targeted group.

Collaboration and engagement

We operate in a complex ecosystem with a wide variety of stakeholders, including young people, parents, carers, the technology industry, law enforcement agencies, the education sector, mental health services, non-government organisations (NGOs) and a diverse range of domestic and international regulators. Cooperation, collaboration and partnership are all necessary to achieve our desired impact. We build and nurture partnerships at local, state, national and global levels and across many sectors of the economy. As a small organisation, we invest strategically in partnerships with a shared vision that helps us achieve our joint goals, at scale.

We engage with industry formally and informally through our 4 reporting schemes and the Expectations and by setting industry codes and standards. We take a consultative approach, seeking input and feedback from providers and industry bodies and associations. We also consult NGOs, academics and other experts to make sure regulatory practices meet high standards.

Engaging with our stakeholders and partners is also central to delivering and amplifying our education and prevention programs. The eSafety Youth Council had its first full year of operation in 2022–23. In addition, we established new mechanisms to work with key stakeholders on a regular basis. This included an eSafety Sports Network comprising peak bodies of all major sporting codes, and a National Online Safety Education Council with state/territory and non-government school education bodies.

We collaborate in a variety of ways, such as working with NGOs and other providers to promote best practice education, serving on boards and government forums, sponsoring research, and collaborating on joint educational campaigns or through operational partnerships. Through the Trusted eSafety Provider Program, we endorsed 28 providers of online safety education. In 2022–23, these providers reached an audience of nearly 1.4 million Australians with key messages about online safety and our regulatory functions and reporting schemes.

eSafety is a member of the Digital Platform Regulators Forum (DP-REG) in Australia. This group of independent regulators works together to regulate digital platforms by sharing information and collaborating on issues and activities. Other members are the Australian Competition and Consumer Commission (ACCC), the Office of the Australian Information Commissioner (OAIC), and the ACMA.

DP-REG allows us to share our experience and expertise with other members and benefit from their experience and expertise. In 2022–23, the group focused on the impact of algorithms, enhancing transparency of digital platforms, protecting users from harms, and building collaboration and capacity between members.

We established the Global Online Safety Regulators Network, which was launched in November 2022 and now includes regulators from Fiji, Ireland, the Republic of Korea, South Africa and the United Kingdom, as well as observers from Germany, New Zealand and Canada. The network brings together online safety regulators and organisations from around the world to share best practice and insights, and support coordinated approaches to online safety issues. We will encourage wider international membership and cooperation, with the aim of making sure the approach to online safety between countries is as consistent and coherent as possible. As the Chair of the network for 2023, we will oversee its expansion to new members and implement the strategic plan and roadmap for action.

Key activity 1: Using a solid evidence base, eSafety designs and delivers educational materials to prevent online harms, working with key sectors and community members to build user capability and resilience through training programs, awareness raising and referrals

We work to prevent online harm by undertaking research, delivering education and training programs, and producing online safety resources. Our goal is to help Australians develop the practical skills and confidence they need to be safe, resilient, and positive users of the online world, and to know where to seek help if issues arise.

We work with our prevention partners, such as community groups, school education bodies, law enforcement agencies, grant recipients and Trusted eSafety Providers, to spread awareness and extend the reach of our online safety messages and services.

Performance area 1.1: Australians are enabled by education, training and resources to prevent online harms

- Our key functions under the Online Safety Act (s. 27) include:
- > promoting online safety for Australians
 - > supporting and encouraging the implementation of measures to improve online safety for Australians
 - > developing, accrediting and evaluating educational, promotional and community awareness programs about online safety for Australians.

We aim to make sure all Australians have safe and enjoyable experiences online by providing educational resources and training programs. Our focus is on developing and delivering programs for children and young people, parents and carers, educators, frontline workers, and community organisations. We also offer a range of tailored programs and resources for Australians at greater risk of online harms, such as women, older Australians, people living with disability, people who identify as LGBTIQ+, First Nations people and those from culturally and linguistically diverse communities.

We promote Safer Internet Day and participate in other campaigns to raise awareness of online issues and the help we provide to people experiencing online harms.

Performance measure		Result
1.1.1	8,500 individuals participated in front-line and professional learning training sessions	
1.1.2	There were 1.4 million unique visitors to eSafety websites	
1.1.3	≥ 90% of Be Connected learners were satisfied with training courses	

Corporate plan and PBS links

- Corporate plan 2022–23, p. 21*
- Outcome 1, Program 1.3: Office of the eSafety Commissioner:
- > Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians
 - > Promote online safety for all Australians

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

Performance measure 1.1.1: 8,500 individuals participated in front-line and professional learning training sessions

We deliver education and training through the eSafety Education and Training professional learning program and the eSafety Women professional learning program. These programs help workforces who support women, children and young people to improve their online safety knowledge and skills.

Across both programs, 21,778 individuals participated in front-line training and professional learning sessions in the reporting period.

The Education and Training professional learning program

We deliver our professional learning primarily through live webinars. In 2022–23, we also offered on-demand training videos at the request of a Catholic Schools NSW diocese. This training content is now also hosted on the platforms of other dioceses. This year, 15,603 people participated in both the live webinars and the on-demand training sessions.

The main groups targeted by the program were:

- > teachers
- > chaplains/student wellbeing officers
- > pre-service teachers
- > support staff and other educators
- > community sector and other professionals.

The eSafety Women professional learning program

We deliver professional learning via regularly scheduled webinars, an online program, and face-to-face sessions by request across Australia. Our participants come from a wide range of sectors, including domestic and family violence frontline workers, social workers, First Nations community services, disability workforces, allied health, law enforcement and government. We also launched a specialised learning program that focuses on supporting children impacted by technology-facilitated abuse.

Focus areas for this learning program include:

- > identifying technology abuse and the drivers of violence against women
- > the impacts on victim-survivors
- > practical strategies to help clients secure their technology and be safer on social media
- > the importance of including technology in any client risk and safety planning
- > eSafety reporting schemes
- > legal pathways to address technology abuse and other support channels.

Workshop content undergoes a continuous cycle of review through feedback received from participants and incorporates up-to-date research and trends.

In this core eSafety Women program, we had 6,175 frontline workers and other specialists participate in training focused on addressing technology abuse in domestic and family violence situations. This is a 190% increase in the number of participants enrolled in eSafety Women's professional learning programs from the previous reporting period. The higher participant numbers may be attributed to additional eSafety Women trainer resources and targeted promotion of the training program using electronic direct mail and social media channels.

The expertise of our eSafety Women team has contributed to shaping other government initiatives, such as the *National Plan to End Violence against Women and Children 2022–2032*.

Professional Learning Package for the National School Chaplaincy Program and the National Student Wellbeing Program in responding to and preventing cyberbullying

The National Student Wellbeing Program (NSWP) supports student and school community wellbeing in more than 3,000 schools each year.

In April 2023, eSafety and the Australian Government Department of Education (Education) began a new training program for NSWP chaplains and student wellbeing officers (SWO). This was part of a memorandum of understanding (MOU) between the 2 organisations to support the delivery of a professional learning package (PLP). The MOU followed a previous PLP arrangement between eSafety and Education that ended in March 2023 to train 3,200 chaplains as part of the National Schools Chaplaincy Program.

The new PLP will be delivered to a maximum of 10,000 NSWP school chaplains and SWO over the 2023 to 2027 school years. It involves a 2-hour interactive session live-hosted by a specialist online safety trainer that includes:

- > the latest online safety research, case studies and strategies to help chaplains and SWO and integrate online safety into their student support programs
- > bullying and cyberbullying definitions, examples, prevalence rates and characteristics
- > understanding online trends and behaviours on popular platforms used by students
- > the role of respectful relationships in preventing cyberbullying, including an understanding of image-based abuse
- > workshoping of online safety scenarios a NSWP school chaplain and SWO may encounter in a school and appropriate responses to these scenarios; this includes understanding the increased risk of cyberbullying for vulnerable students (for example, students with disabilities)
- > how eSafety can help with a whole-of-school approach to keeping students safe online
- > referral pathways for students experiencing online bullying and abuse.

Participants complete a short online assessment to demonstrate they attended the professional learning webinar and understood key concepts.

From April to May 2023, 4 events were held, with 497 participants completing the training. 96% of those participants said the education and resources were relevant or very relevant to their role.

In November 2022, Education released an evaluation of the National School Chaplaincy Program. Stakeholders said the training exceeded expectations and gave chaplains skills and strategies to help them keep pace with the changing online environment.

Feedback in the evaluation included:

This package is extremely helpful not just in supporting students but in the support of fellow colleagues and parents who lack the time or ability to stay up to date with the ever-changing world of social media/tech.

Chaplain or former Chaplain, WA

I learned far more than I expected to.

Chaplain or former Chaplain, Qld

This is a great program – it should remain mandatory training for all school Chaplains.

Chaplain or former Chaplain, NT

I am [a] Chaplain working at two schools in a small rural community, 350km west from Melbourne. I would like to encourage you and give you feedback. I had the opportunity to be a part of your Professional Learning Package for National School Chaplaincy Program (NSCP) Chaplains in Responding to and Preventing Cyberbully. Since then and because of your training I have been able to help and support a year 8 student to feel empowered to remove bullying video from an online platform. Due to your training, I was empowered to help a parent of a 10 year who was beginning to be groomed to report. Thank you. Thank You.

Chaplain, Melbourne

Performance measure 1.1.2: There were 1.4 million unique visitors to eSafety websites

Our primary websites are eSafety.gov.au and BeConnected.eSafety.gov.au. These websites had 2.5 million unique visitors during the reporting period.

eSafety.gov.au is our main external communications platform. Visitors can use the website to:

- > report online abuse and illegal or restricted online content
- > learn about online safety risks and regulations, as well as prevention and remediation strategies
- > access classroom resources and resources for the public, including tailored advice for audiences at highest risk of online abuse and the people who support them
- > find regulatory information and tools for industry
- > book training sessions
- > enter our learning management systems – Be Connected (digital literacy), Safety by Design, Lower Primary Professional Learning, Domestic and Family Violence and Disability frontline worker training.

We measured unique visitors to eSafety.gov.au using the Google Analytics metric 'Users'. In 2022–23 we saw a strong upward trend and exceeded our target with 2.14 million users.

This was largely due to the implementation of Phase 1 of a Search Engine Optimisation (SEO) strategy in October 2022, designed to increase our reach and traffic.

The SEO work resulted in improved ranking for selected keywords related to our work, with several moving from position 100+ in search engine results pages into the top three positions.

The lift in rankings meant many more people saw information about online safety, prevention and remediation and were made aware of eSafety and our role, as well as being prompted to click through to eSafety.gov.au.

The SEO improvements resulted in a 118% increase in users compared to the same period last year (an extra 636,928 users). This traffic, driven by search engines, is known as 'organic' traffic and it accounts for most of eSafety.gov.au's overall traffic growth.

Other strategies also contributed to positive outcomes:

- > Our participation in Safer Internet Day, a global campaign that raises awareness of online issues, is our largest yearly awareness-raising activity, driving a huge spike in overall traffic to eSafety.gov.au each February. In February 2023, more than 14,000 visitors came to our campaign page for promotional and educational resources and there were thousands of extra visitors to our homepage.
- > Other awareness raising campaigns (from Departmental-led external engagements through to in-house social media and email activations) as well as engagement with a wide variety of stakeholders (through regulation, education and training activities) also drove traffic to eSafety.gov.au. This was reflected in increases in 'direct' traffic (people using a known link to click on our pages) and 'referrals' (other sites linking to our pages).

Our website and learning platform, BeConnected.eSafety.gov.au helps older Australians increase their confidence to get online safely by improving their digital skills. Visitors can use the website for a range of purposes, including to:

- > access free modules on a range of topics, basic digital device usage, how to access the internet, online banking, accessing government services, digital photography and smart home technology
- > register for learning webinars and presentations about online safety and the digital world
- > access supplementary learning content such as podcasts and quick reads on topical issues designed for older Australians including AI, the future of the internet, cryptocurrency and digital surveillance
- > connect with a network of more than 3,500 organisations around Australia that provide free face-to-face classes as part of the initiative.

During the reporting period, the Be Connected website had more than 334,000 active users with more than 1.9m page views.

Our efforts to improve SEO contributed to a 5.1% increase in website reach compared to the previous year, and we participated in Get Online Week, a yearly digital inclusion campaign led by Good Things Foundation Australia aimed at closing the digital divide.

We generate awareness and engagement in the program through various methods including:

- > providing regular updates and new information to an engaged subscriber list of more than 20,000 older Australians
- > free face-to-face training delivered by more than 3,500 organisations that form the program's 'Network Partners'
- > continuous implementation of SEO best practice measures to make sure the website ranks in search engines for critical issues covered by Be Connected.
- > creating stakeholder partnerships with government and industry organisations to create awareness with their various audiences.

Performance measure 1.1.3: ≥90% of Be Connected learners were satisfied with training courses

The Be Connected interactive learning site has 620 learning activities, along with quizzes, practice areas, articles and videos.

Training courses consist of a series of learning activities focused on specific topics. These courses cater for Australians who have beginner to intermediate digital skills. We provide practical steps for everyday tasks, such as using and managing digital devices, accessing the internet safely, managing smart homes and fitness devices, as well as addressing online security issues such as safe online banking and avoiding online scams.

Anyone can complete our learning activities without registering an account on the Be Connected website. However, those who choose to register are prompted to complete a short online survey after finishing their activities. This survey assesses learner satisfaction based on their responses to four statements. Each statement carries equal weight in determining overall satisfaction.

Across the reporting period, 33,078 learners completed 235,000 learning activities. Of these, 5,664 were registered learners, with 3,755 of these registered learners providing responses to the survey when prompted (66% response rate).

These responses showed that, overall, 94% of registered Be Connected learners were satisfied with the training courses.

Responses to the four survey statements show that:




- > 93% of learners feel inspired or confident to continue to practice the skills that were covered
- > 94% of learners found the material interesting and engaging
- > 94% of learners found the content covered was relevant to them
- > 96% of learners thought the content was organised and easy to follow.

Performance area 1.2: Educational programs, strategies and tools are based on an understanding of the specific needs of groups most at risk of online harm

We are responsible for developing educational resources and programs to help all Australians have safe and enjoyable experiences online.

To ensure effectiveness, we use an evidence-based approach to co-design our resources with community members and organisations.

We undertake our own research and commission independent research, to make sure our programs and resources are based on evidence. Our research reports are available on our website.

Performance measure	Result
1.2.1 100% of resources were informed by research and insights and involved co-design or collaboration with targeted cohorts and/or advocates	
1.2.2 The eSafety online harms threat assessment was published	
1.2.3 ≥ 90% of participants in front-line professional learning training sessions rated eSafety's educational material and training as relevant or very relevant to their role	

Corporate plan and PBS links

Corporate plan 2022–23, p. 22

Outcome 1, Program 1.3: Office of the eSafety Commissioner:

- > Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.
- > Promote online safety for all Australians

Regulator performance principles

Continuous improvement and building trust, collaboration and engagement

Performance measure 1.2.1: 100% of resources were informed by research and insights and involved co-design or collaboration with targeted cohorts and/or advocates

Resources developed during the reporting period used research, insights and collaboration with targeted groups or their advocates. We assessed this measure using a case study analysis of all new resources.

Resources to support 5–8-year-olds

In May 2023, we released a new package of resources called *Mighty Heroes* for lower primary students, educators and families. These resources were co-designed with primary teachers and road-tested in classrooms. They include animations, classroom activities, and conversation starters. The classroom resources are supported by a family tech agreement for 5- to 8-year-olds.

The package is supported by 4 online professional learning modules based on feedback from primary school teachers gathered during user-needs workshops.

Resources to support young people

We worked with YLAB, an arm of the Foundation for Young Australians, to co-design and update the content for young people on our website. This project was based on evidence and informed by the research report: *'Consultations with young people to inform the eSafety Commissioner's Engagement Strategy for Young People'*. Our collaboration with YLAB focused on removing any stigma around seeking help and support. We also made sure the information we presented had a clear, easy-to-understand, and helpful tone and style.

We also partnered with SBS Learn, in collaboration with youth agencies the Multicultural Youth Affairs Network NSW and the Centre for Multicultural Youth. Together, we created and released SBS videos featuring young people discussing respectful relationships. These videos form part of our young people web content, and we promoted them on our social media channels.

Our eSafety Youth Council (previously the Online Safety Youth Advisory Council) comprises 24 young people aged between 13-24 from all around Australia who share their insights and experiences of online safety. The Council reviewed and provided feedback to support a refresh of our *Rewrite Your Story* resource during the reporting period.

Resources to support older Australians

Our Be Connected program resources for older Australians follow the Digital Service Standard set by the Digital Transformation Agency. Our approach focuses on putting users at the centre of our strategy and design, ensuring that information and services are relevant, accessible, and provide positive user experiences.

We based new and updated Be Connected content on the following consultations and research:

- > survey responses from Be Connected registered users who have completed learning activities
- > consultations with our Be Connected Network Partners, comprising more than 3,500 organisations across Australia. These partners deliver the Be Connected program face-to-face and free of charge. They include libraries, sub-branches of the Returned & Services League of Australia and Men's Sheds from the Australian Men's Shed Association
- > independent research on the digital learning needs of Australians across different demographics and cultural backgrounds
- > consultations with government bodies and key industry stakeholders that provide services to older Australians.

In 2022–23, we delivered 7 new articles, 7 new podcasts and 5 new learning modules with accompanying fact sheets in 8 languages to support linguistically diverse communities.

Feedback and insights collected during this period highlighted a need for more information about staying safe from online scams, information about the latest tech trends and developments, and guidance on using government services. Based on these themes, the resources included a learning module on identifying and avoiding scams, articles on myGov updates, data breaches, Gumtree scams, and podcasts on cryptocurrency and artificial intelligence.

Resources to support First Nations people

We are committed to working with First Nations people, communities and organisations to make sure online safety prevention and intervention strategies are effective. Our aim is to deliver programs and resources in a culturally safe manner.

According to eSafety research, First Nations people experience online hate speech at more than double the national average (33% vs 14%); are twice as likely to experience image-based abuse; and experience family violence (including technology-facilitated gender-based violence) at much higher rates than non-Indigenous Australians. In 2022–23, we released a comprehensive set of resources aimed at helping First Nations communities continue to thrive online and navigate the risk of negative online experiences.

Our new resources focus on addressing the prevalent forms of online abuse experienced by First Nations adults, such as online hate, image-based abuse, and technology-related abuse in family violence situations. Resources informed by research or developed in collaboration included:

- > place-based content from First Nations eSafety grant recipients
- > audio segments and video animations for use by communities in English, Aboriginal English, NT Kriol, Torres Strait Islander Creole, and Warlpiri
- > case study videos where First Nations people tell their stories
- > a new artwork designed by a First Nations artist
- > culturally appropriate photography.

Following cultural advice, we have placed the First Nations tab at the top level on our website, prominently displaying the new website segment. The new First Nations artwork is applied throughout the new webpages and resources along with new photography of First Nations people. All these tailored, co-designed assets help First Nations people know that the webpages and resources are for them and are culturally safe to explore.

In addition, we worked with First Nations organisations to develop resources, write content, capture the photography and record the First Nations translations. We also tested and reviewed the new and existing resources with First Nations people in different communities.

Resources to support LGBTIQ+ adults

According to eSafety research, LGBTIQ+ people are more than twice as likely to experience online hate speech than other Australians, with 30 per cent targeted compared to 14 per cent of the general population. In 2022-23, we delivered resources to help the LGBTIQ+ community safely navigate the online world, featuring guidance on a range of issues from dealing with trolls to meeting people online.

These resources comprised:

- > 3 online learning modules – meeting online, dealing with online abuse, and building resilience
- > 6 video clips focused on how to stay safe online.

These resources were co-designed with LGBTIQ+ community members from diverse genders and backgrounds, and organisations across Australia, including ACON, LGBTIQ+ Health Australia, Thorne Harbour Health and Twenty10. They are informed by community consultation, feedback from existing programs, and in-depth research, including eSafety's Protecting LGBTIQ+ voices online report. This report highlights how people who identify as LGBTIQ+ are affected by adult cyber abuse and online lateral abuse (abuse between members within a community).

Resources to support frontline workers assisting women at risk of technology-facilitated abuse

Our eSafety Women program adopts an evidence-based approach to developing resources. We regularly consult and work with a broad range of stakeholders, including experts in gender-based violence, domestic and family-violence specialist sectors and law enforcement, as well as First Nations, disability, and culturally and linguistically diverse communities.

Our online professional learning program from eSafety Women is aimed at frontline workers and other professionals who support women at risk of technology-facilitated abuse. It provides guided learning about the prevalence, impacts and types of technology abuse experienced by women, including in domestic and family violence contexts. In 2022-23, we added e-learning content targeting 2 new professional categories: First Nations community services and disability workforces.

The new First Nations learning module offers culturally inclusive content that highlights the voices and experiences of technology abuse by First Nations women. We developed this module in collaboration with First Nations experts and other subject matter specialists from the Australian National University, Macquarie University, RMIT University, government and

non-government organisations, and law enforcement. Course learners explore the drivers behind technology-facilitated abuse within their communities, the impacts of online hate, racism and lateral violence, barriers to reporting online abuse, and help seeking strategies. Video content features First Nations actors and was produced by a wholly Aboriginal-owned creative agency.

The new Disability Workforce learning module gives disability workforces a deeper understanding about the forms of technology-facilitated abuse with a disability dimension, and its impacts on women with disability. It also explores approaches to inclusive practice for frontline workers. We worked with stakeholders, including People with Disability Australia, a disability liaison officer, and an expert in technology-facilitated violence in the context of domestic and family violence to create the module, which uses expert interviews, case studies, videos, and quizzes to teach participants how to better support their clients who are experiencing abuse in digital spaces.

Resources to support frontline workers assisting children and young people

We create learning resources and webinars for organisations and workers who have a crucial role in supporting the health, safety, development, wellbeing and protection of children and young people. These resources are based on contemporary evidence and insights from our reporting scheme investigators, taking into account the sector's needs, and feedback from trials with key stakeholders.

In 2022-23, we conducted 2 pilot webinars to support frontline workers who lead or support the immediate response to critical online incidents impacting school communities, children, young people, and families. These webinars provide strategies for responding, guidance for reporting online harms, and approaches to prevent further harm escalation while supporting recovery.

We developed these resources in collaboration with key education and mental health organisations, such as state education departments, headspace, Orygen and Beyond Blue. Pilot webinars were held with Be You (the national mental health in education initiative delivered by Beyond Blue, in collaboration with Early Childhood Australia and headspace) as well as frontline workers in schools and mental health settings.

These resources are informed by community consultation and feedback from frontline workers, insights from our reporting scheme investigators, and in-depth research, including eSafety studies on the needs of frontline workers our Mind the Gap report on parental awareness of children's exposure to risks online, and external research on sextortion and internet-related mental health difficulties in young people.

We also delivered a webinar to support professionals and practitioners who play a crucial role in keeping children safe online and promoting better digital habits. This webinar considered how these frontline workers can support young people to build digital skills, increase the capacity of families to safeguard children, and make sure their own practices do not increase online risks or minimise online opportunities. We developed this webinar with the Victorian Department of Education, which had identified the need for a prevention-focused role for mental health professionals in schools, and feedback from key mental health organisations.

Performance measure 1.2.2: The eSafety online harms threat assessment was published

On 24 August 2022, we released our Strategic Outlook, providing a long-term view of how we intend to counter online harms within our operating environment.

It includes insights into the trends, issues and technological developments likely to impact online safety and regulation of technology over 5 to 10 years, starting in 2022. We will use the insights to help Australians have a more positive experience online. We looked at the operating environment through the following lenses:

- > technology features
- > international developments in policies and regulation
- > evolving harms
- > harm prevention initiatives
- > new and emerging technology.

Technology features

The design features of platforms or services, originally intended for one purpose, may have significant but unintended consequences once deployed. For example, livestreaming features that are end-to-end encrypted can be exploited to facilitate on-demand child sexual abuse.

More commonly, many mainstream platforms and services allow adults and children to interact without proper age assurance or user authentication measures. This allows sexual predators to groom children, engage in sexual extortion and manipulate them through social engineering tactics. Our regulatory reporting schemes reveal the serious harms caused by this issue, and we have used our non-periodic reporting notices to ask questions on platform and service design features to address these unintended consequences.

Algorithms can also create or contribute to a variety of harms. This can result from intentional efforts to make services 'sticky' so people stay engaged on a specific platform, while other times, algorithm-driven recommendations may lead people towards increasingly extreme and harmful content. In December 2022, we published our position statement on recommender systems and algorithms, which highlights online safety risks and considerations, regulatory challenges, and guidance for industry and users.

International developments in policies and regulation

Since the internet has no borders and most of our regulatory targets are domiciled overseas, we need to understand the international landscape and get involved in global discussions. While we have been working in the online safety space since 2015, there is now growing global recognition that self-regulation by online platforms has failed to protect individuals and communities from online harms, with several countries introducing or amending legislation to regulate online harms. This pivot towards online safety regulation has led to increased demand for us to provide guidance, help build international capability, and make sure regulatory approaches are consistent. The culmination of this work came in November 2022 with the creation of the Global Online Safety Regulators Network, a forum designed to support collaboration between public authorities responsible for tackling online harms.

Evolving harms

Technology-facilitated abuse, or tech abuse, is increasingly becoming an extension of coercion and harassment in situations of domestic and family violence. The most common forms are harassment, stalking, impersonation and threats. Examples include direct messages of abuse or threats of violence or humiliation; tracking someone's movements through location sharing apps; monitoring emails and mobile communications without consent; and humiliation or punishment through sharing intimate images online without consent. This type of abuse can impact a person's psychological and physical health, relationships, and daily life. In the reporting period, we delivered awareness training to professionals in sectors such as domestic and family violence, community support, social work, health and allied health, legal, law enforcement, as well as to disability workforces, and represented Australia

in the Global Partnership for Action on Gender-based Online Harassment and Abuse, a 12-country coalition established to generate global action to address technology-facilitated gender-based violence.

Harm prevention initiatives

The internet was created by adults and decisions about its governance and provision generally imagine it as an adult resource. However, it is estimated that 1 in 3 internet users are children and young people, who shoulder the primary burden of online risks. We need to flip the burden of responsibility so large tech companies consider the online safety of all users and embed safety features into the design and development of their products. Age assurance processes are an important first step, to let services know a prospective or current user is likely to be a child. This allows services to take reasonable steps to reduce risks and harms and create a safer online environment for children.

New and emerging technology

Our Strategic Outlook highlights 3 new and emerging technologies with the potential to create or amplify online safety risks and regulatory challenges: immersive technologies and the metaverse, decentralised services and Web 3.0, and quantum computing.

In the reporting period, we made a submission to the Senate Economics References Committee's inquiry into the influence of international digital platforms, discussing some of the risks of immersive technologies and the metaverse. The submission drew on our existing position paper on this topic. We also released safety guidance for parents and carers considering giving their children immersive technologies such as virtual reality headsets. In addition, we participated in various events, consultations, and working groups, including:

- > the Responsible Metaverse Alliance
- > Interpol Working Groups on Metaverse Governance and Crimes in the Metaverse
- > the World Economic Forum's Metaverse Governance Steering Committee.

We made a submission to the Parliamentary Joint Committee on Law Enforcement's inquiry into law enforcement capabilities in relation to child exploitation. Among other things, the submission raised some of the challenges associated with regulating child sexual exploitation material on decentralised services, building on our existing position statement on this topic. We also monitored the increased popularity of decentralised social media services such as Mastodon following Twitter's change of ownership.

On the quantum computing front, we monitored international and domestic developments, including the Department of Industry, Science, and Resources' release of Australia's first National Quantum Strategy.

In response to rapid developments in technology and the evolving nature of harms, we also considered the online safety risks of recommender systems and algorithms in a new position paper on this topic, published in December 2022.

Performance measure 1.2.3: ≥90% of participants in front-line professional learning training sessions rated eSafety's educational material and training as relevant or very relevant to their role

We provide professional learning training to help frontline service and community group workers build online safety skills. This includes those who work with vulnerable people at risk of gender-based violence and those who work with children and young people.

In our eSafety Women and Education and Training professional learning programs 97% of participants who completed a survey rated our material and training as relevant or very relevant to their role. Satisfaction surveys are voluntary, and methods and response rates vary across programs.

eSafety Education

Our Education and Training Professional Learning Program helps those working with children and young people improve their online safety skills. The program teaches participants about online safety issues and strategies for the safe, responsible, and ethical use of online platforms and internet-connected technologies. Professional learning is primarily offered as live webinars with opportunities to interact with an eSafety expert trainer.

The 2 main target groups for the professional learning are:

- > teachers, wellbeing professionals and support staff in the education sector
- > student wellbeing officers (SWO) and chaplains that are part of the National Student Wellbeing Program (NSWP).

The Australian Government funds the NSWP to support student and school community wellbeing through pastoral care services and student support strategies. As part of a Memorandum of Understanding, all NSWP student wellbeing officers and chaplains must complete our online Professional Learning Package (PLP) on responding to and preventing cyberbullying. This PLP launched in April 2023 and must be completed within 3 months of starting with the NSWP and repeated every 2.5 years while participants remain with the NSWP.

Along with the PLP on cyberbullying we also offered the following PLPs during the reporting period:

- > Responding and reporting: Critical online incidents in school settings – This PLP is for SWOs and school leaders who lead or support the immediate response and reporting of critical online incidents within school communities.
- > Digital rights and responsibilities of students and educators – This PLP is for school educators to help identify digital rights and responsibilities through a safety lens that extends to the whole community. It examines strategies to communicate and model positive online behaviour.
- > Online harmful sexual behaviours, misinformation and emerging technologies – This PLP is for school educators to identify and understand the impacts of online harmful sexual behaviour and misinformation while providing skills to keep students safe online. It also explores the social and safety implications of emerging technologies.

We collect feedback from participants following their training through online surveys. We achieved the following satisfaction and survey completion results for the reporting period:

- > The cyberbullying PLP for the NSWP had 497 attendees with 478 completing the satisfaction survey. The survey must be completed for attendees to maintain their accreditation. To the question “How relevant is eSafety’s educational and training material to your role”, 100% of respondents rated our educational material and training as relevant or very relevant to their role.
- > The Responding and Reporting PLP survey is not mandatory, resulting in a lower response rate than those PLPs where the survey must be completed to receive a PLP completion certificate. Of the 860 attendees, 137 completed the survey. To the question, “Was the training relevant to your role and needs”, 84% rated our educational material and training as relevant or very relevant to their role.
- > The Digital rights and responsibilities of students and educators PLP and the Online harmful sexual behaviours, misinformation and emerging technologies PLP had a combined attendance of 929 with 560 completing the satisfaction survey. The survey must be completed for attendees to receive proof of course completion. Of the 557 respondents to the question, “I am confident embedding online safety concepts in my work” 99% rated eSafety’s educational material and training as relevant or very relevant to their role.

We are investigating alternative feedback collection methods for those PLPs where response rates are low.

eSafety Women

Our eSafety Women professional learning program improves the capability of specialist workers to protect women they support from technology-facilitated abuse. The training increases awareness about gender-based online violence and provides practical tools to identify and respond to abuse through technology. During the reporting period, 6,175 front-line workers and other specialists attended the training.

After the training, participants can voluntarily complete a survey. To the question “How relevant was the presentation content to your role?” 83% of respondents reported the training was very relevant and 17% reported it was somewhat relevant. All respondents said they were “likely to access eSafety Women resources to support [their] work”. Response rates to the survey have been low (1.2%). eSafety Women educators report seeing a downwards trend in survey completions, possibly due to survey fatigue or the pressures of a client-facing work environment, particularly in the domestic and family violence sector. We are considering alternative feedback collection methods.

Case study

Evaluation of the Disability Workforce Frontline Worker Training Program

The eSafety Women professional development program provides training for disability workforces and frontline workers who support women with intellectual or cognitive disability. The capacity-building program is based on qualitative research commissioned by eSafety and offers strategies and resources to help women who are experiencing or are at risk of experiencing technology-facilitated abuse. The research report and an Easy Read translation are available on the eSafety website.

An external agency independently evaluated the program from February to October 2022 using qualitative and quantitative research. The evaluation, along with an Easy Read translation, is published on the eSafety website.

The quantitative research component involved a survey of program participants before and after the webinar presentation or workshop. The qualitative research component involved 8 in-depth interviews with program participants, 4 to 6 weeks after the presentation. The evaluation assessed the impact of the program on three criteria relating to evidence of: awareness, knowledge acquisition, and behaviour change.

The evaluation found the program's training and resources were of high quality and met a current need in the sector. Most interview participants and survey respondents reported they were satisfied with the frontline worker training program content (97%) and delivery (97%). Almost all follow-up survey respondents (94%) reported they were extremely or very likely to recommend the training to colleagues.

The program met or exceeded expectations against all 3 criteria:

- > Awareness of technology-facilitated abuse: 74% of respondents reported they had strong understanding of technology-facilitated abuse, a significant increase from the 39% who said they had a strong understanding before the training. Most interview participants reported the training increased their perception of the relevance of technology-facilitated abuse to their work.
- > Evidence of learning: 97% of respondents reported learning something new in the training. This included knowing where to get resources for technology-facilitated abuse (97%), understanding technology-facilitated abuse (94%) and understanding image-based abuse (91%).
- > Behaviour change: The program demonstrated evidence of behaviour change among participants – 97% of respondents said they intended to use at least one of the eSafety resources mentioned in the training. At longer-term follow up, most interview participants said they had used something from their training as part of their work. This included using the training to update processes used to support the management of clients' devices, discussing technology-facilitated abuse with clients, and searching the eSafety website for additional information.

Key activity 2: eSafety remediates online harms through our investigations and regulatory schemes, working with industry to build accountability and compliance in response to reported and identified harms.

The Online Safety Act gives us powers to protect Australians across 4 reporting schemes:

- > The Adult Cyber Abuse Scheme (ACA) gives us the authority to require online service providers to remove online abuse that targets an Australian adult with the intention of causing serious harm.
- > The Cyberbullying Scheme (CB) for Australian children gives us the authority to require online service providers to remove seriously threatening, intimidating, harassing, or humiliating material that targets Australians under 18.
- > The Image-Based Abuse Scheme (IBA) gives us the authority to require online service providers to remove intimate images or videos posted online without consent, and, in some cases, act against the person who shared these images or videos.
- > The Online Content Scheme (OCS) for class 1 and class 2 material gives us the power to direct online service providers or platforms to remove illegal online content, such as child sexual abuse material and pro-terror material.

We support people experiencing online harms by compelling the removal of abusive and harmful content, limiting the ability of perpetrators to continue their abuse, and taking enforcement action against those platforms and service providers that fail to comply with regulatory notices.




Performance area 2.1: eSafety's regulatory decision-making across our 4 reporting schemes is proportionate, consistent, fair and informed by evidence

We respond to reports of online harm from Australians through our 4 reporting schemes with a risk-based approach that is proportionate, consistent, fair and utilises the best evidence. We allocate our resources by identifying the most urgent risks and severe harms and determining the most effective responses.

We give responsive and compassionate help to people experiencing a range of online harms. Once someone reports harmful content to us, we aim to alleviate or reduce the harm as quickly as possible.

Our Regulatory Advisory Committee (RAC) has been set up to make sure we respond appropriately to emerging significant or potentially significant online harm and novel circumstances within the scope of our regulatory schemes. The RAC considers the nature and impact of significant online harms, determines regulatory responses, assesses their efficacy and impact, reviews our regulatory guidance and regulatory priorities, and sets guidelines for how we should manage future iterations of novel cases.

Measuring the outcome or satisfaction level for individual complainants is difficult due to the need to protect their privacy and the sensitive nature of the harms people report. We will consider methods to quantitatively measure individual outcomes in the future.

Performance measure		Result
2.1.1	≥ 70% of child cyberbullying (CB) and adult cyber abuse (ACA) complaints or reports received, triaged and assigned to an investigator within 3-hour timeframe	
2.1.2	≥ 90% of image-based abuse (IBA) complaints or reports responded to within 2 business days	
2.1.3	≥ 90% of critical Online Content Scheme (OCS) investigations finalised within 2 business days.	

Corporate plan and PBS links

Corporate plan 2022–23, p. 23

Outcome 1, Program 1.3: Office of the eSafety Commissioner:

- > Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.
- > Operation of statutory schemes

Regulator performance principles

Continuous improvement and building trust, collaboration and engagement

Performance measure 2.1.1: ≥70% of CB and ACA complaints or reports received, triaged and assigned to an investigator within 3-hour timeframe

During the reporting period, we received 4,613 complaints or reports to the Cyberbullying Scheme (CB) for Australian children and the Adult Cyber Abuse Scheme (ACA). Of these, we triaged and assigned 99% to an investigator within 3 business hours of receiving the report or complaint.

Cyberbullying Scheme for Australian children

The Online Safety Act provides a scheme to enable people to report cyberbullying material that targets an Australian child and is likely to seriously threaten, humiliate, harass or intimidate them.

We aim to review and allocate matters for investigation within 3 business hours of receiving them. We prioritise cases where the risk of harm is high and involves vulnerable children seeking our help. To assess the severity of each case, we consider the child's level of distress, the context of the cyberbullying behaviour, the age of the targeted child, and the supports already in place to mitigate harm.

During the reporting period, we received 1,969 complaints. This is a 28% increase on the number of complaints received during the previous reporting period (2021–22). More than 99% of the complaints were triaged and assigned to an investigator within 3 business hours of receiving the complaint.

Figure 2.3: Cyberbullying reports by category, 2022–23

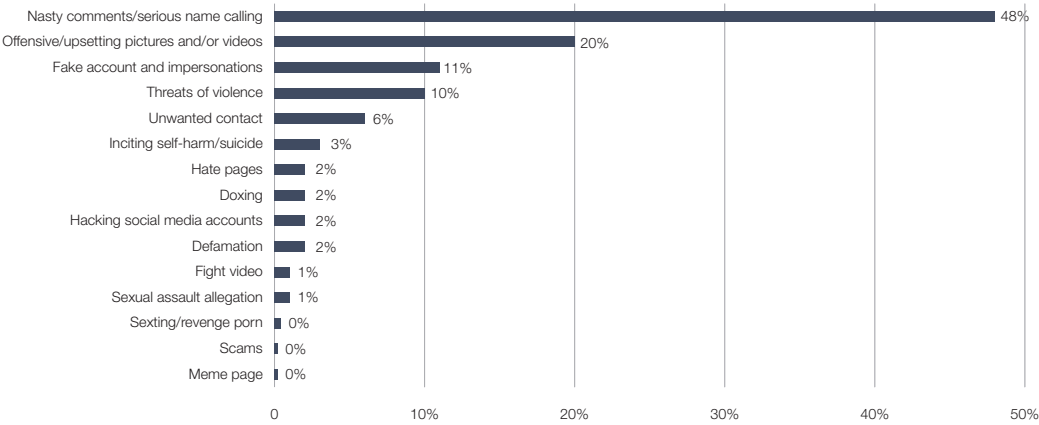
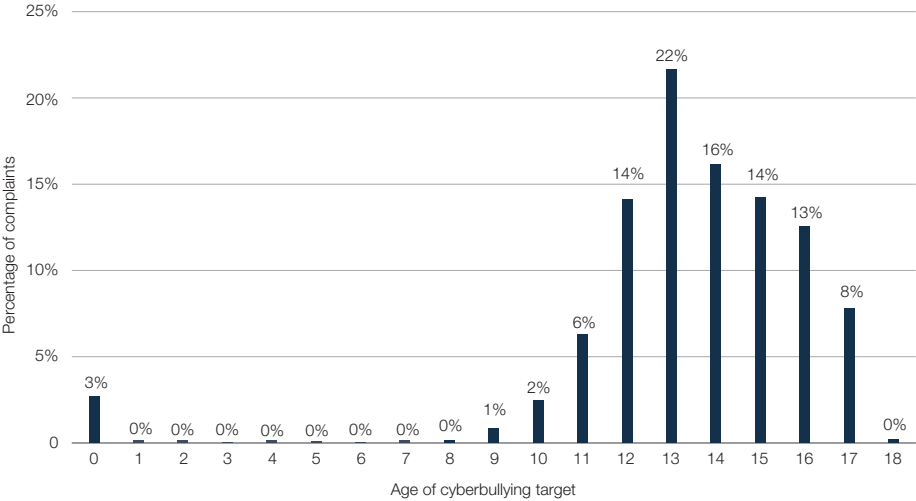


Figure 2.4: Age of cyberbullying target, 2022–23



Adult Cyber Abuse Scheme

The Online Safety Act provides a scheme for removing cyber abuse material targeted at an Australian adult from a social media service, relevant electronic service, designated internet service or hosting service. This scheme provides a safety net when complaints are made to an online service provider, but they do not remove the material.

Under the Online Safety Act, adult cyber abuse material is defined as material that targets a particular Australian adult and is both intended to cause serious harm, and is menacing, harassing or offensive in all circumstances.

The term ‘adult cyber abuse’ is reserved for the most severely abusive material intended to cause serious psychological or physical harm. The threshold for adult cyber abuse has been set deliberately high to make sure it does not inappropriately stifle freedom of speech, including political comments, legitimate expression, or robust debates online.

For a complaint to be valid under the Online Safety Act, the cyber abuse material must:

- > meet the statutory criteria, that is, the material must be found to have been intended to cause serious harm and be menacing, harassing or offensive in all the circumstances
- > be made by an Australian adult who is the target of the cyber abuse, or by a person who has been authorised to make a report on their behalf
- > have first been reported to the online service provider.

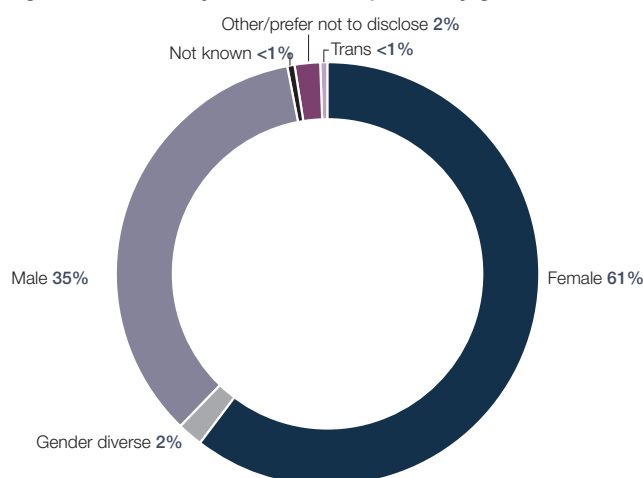
When triaging reports, we consider whether:

- > the material is likely to meet the criteria for action under the Adult Cyber Abuse Scheme
- > the material might contravene the terms of service of the platform where it is made available
- > whether it falls outside the scope of the Online Safety Act.

The triaging process makes sure we act as a matter of priority on reports made by Australian adults experiencing the most acute harms.

During the reporting period, of the 2,644 complaints we received (128 were invalid) more than 99% were triaged and assigned to an investigator within 3 business hours of receiving the complaint.

Figure 2.5: Adult cyber abuse complaints by gender, 2022–23



Performance measure 2.1.2: ≥90% of IBA complaints or reports responded to within 2 business days

Image-based abuse is a form of online abuse that happens when someone shares, or threatens to share, an intimate image or video of a person without their consent. An intimate image shows or depicts an individual as naked, partly naked, in a sexual or private act, or without clothing of religious or cultural significance.

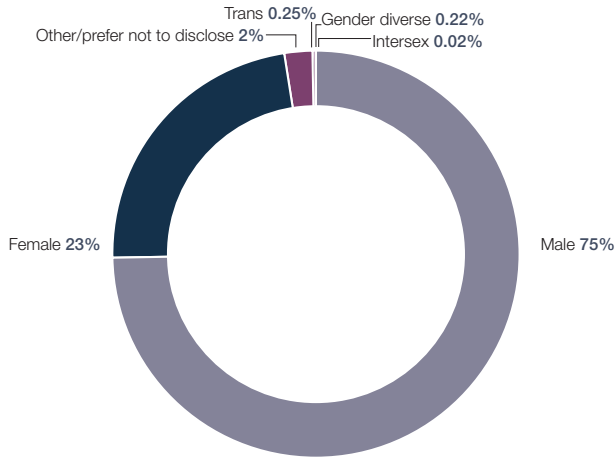
The Image-Based Abuse Scheme (IBA) offers individuals relief by enabling the rapid removal of intimate images that have been posted online where certain thresholds are met. To qualify, the person making the complaint and/or the perpetrator must ordinarily reside in Australia. The post, or threat to post, must have been made on a social media service, a relevant electronic service, or a designated internet service without the complainant's consent.

The Scheme also includes civil penalties, which enable us to hold perpetrators of image-based abuse accountable. These include formal warnings, infringement notices, and seeking an injunction or civil penalty order from a court.

During the reporting period, we received 9,060 reports. This is a 117% increase from the previous reporting period (2021–22).

We responded to 98% of reports within 2 business days. We consider a matter 'responded to' after we contact the person who made the complaint, provide support, offer online safety advice, and request further information about their matter. We also communicate with people by SMS where appropriate as a secondary contact method. This is often to make them aware of our initial email or voicemail.

Figure 2.6: Image-based abuse complaints by gender, 2022–23



Performance measure 2.1.3: ≥ 90% of critical OCS investigations finalised within 2 business days

The Online Content Scheme (OCS) addresses the availability and accessibility of illegal and restricted online material in Australia. This includes material defined as 'class 1' material and 'class 2' material.

During the reporting period, we:

- > received 11,636 complaints concerning 33,129 URLs, with 87% related to child sexual abuse, child abuse, or paedophile activity. This is a 110% increase from the previous reporting period (2021–22)
- > finalised 15,109 critical investigations with more than 91% completed within 2 business days
- > sent 14,975 notifications to the INHOPE network and referred 76 investigations to the Australian Federal Police (AFP).

What is a critical OCS investigation

Critical investigations involve material that describes or depicts child sexual abuse or any other exploitative or offensive description or depiction involving a person believed to be under 18 years old. This material would be classified as Refused Classification (specifically RC1(b)) under the National Classification Code and is considered class 1 material under the Online Safety Act. The eSafety Commissioner considers this material as the highest priority for investigative action.

Finalising a critical investigation

We have an agreement with the Australian Centre to Counter Child Exploitation (ACCCE), led by the Australian Federal Police (AFP), to assist criminal investigations to combat the sexual abuse and exploitation of children online. This memorandum of understanding (MOU) allows us to notify members of the global INHOPE network about child sexual abuse material being hosted online, leading to its quick removal.


Comprising 52 hotlines from countries around the world, INHOPE plays a unique role in global efforts to eradicate online child sexual abuse material. The actions of INHOPE members are crucial to ensuring quick and effective removal.

When an investigation is completed and the material has been confirmed, it is considered finalised. After a critical investigation is finalised, the material (URL) is either sent to INHOPE for rapid removal or to an appropriate Australian law enforcement agency, such as the AFP.

Performance area 2.2: eSafety takes effective action to remove material causing online harms

The Image-Based Abuse Scheme (IBA) enables rapid and thorough removal of intimate images or videos posted or shared online without the consent of the person shown. The Adult Cyber Abuse Scheme (ACA) enables the removal of material that is targeting a particular Australian adult that is both intended to cause serious harm, and is menacing, harassing or offensive in all the circumstances. The Cyberbullying Scheme (CB) for Australian children enables removal of material that was posted with the intention of seriously humiliating, harassing, intimidating or threatening a child.

We use our regulatory powers assertively but judiciously. We take both formal and informal actions to get results for people reporting online harms through the IBA, ACA and CB schemes. We will often approach online service providers informally to ask them to remove adult cyber abuse, image-based abuse or cyberbullying material in the first instance, as this generally results in faster removal of material compared to formal actions.

Performance measure	Result
2.2.1 Material is removed for ≥ 80% of total actionable IBA, ACA and CB complaints	

Corporate plan and PBS links

Corporate plan 2022–23, p. 23

Outcome 1, Program 1.3: Office of the eSafety Commissioner:

- > Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.
- > Operation of statutory schemes

Regulator performance principles

Risk-based and data-driven, collaboration and engagement

Performance measure 2.2.1: Material is removed for ≥ 80% of total actionable IBA, ACA and CB complaints

During the reporting period, we received 9,060 complaints to the Image-Based Abuse Scheme (IBA); 1,969 to the Cyberbullying Scheme (CB) for Australian children; and 2,516 to the Adult Cyber Abuse Scheme (ACA). We achieved removal of material for 81% of complaints where removal was required.

Image-Based Abuse Scheme

The Image-Based Abuse Scheme enables rapid and thorough removal of intimate images or videos posted or shared online without the consent of the person shown. Effective removal of image-based material is assisted through the removal of user accounts or the direct removal of abuse material and is a necessary response to the serious and harmful nature of the abuse.

To remove the material, we first informally ask websites and social media services to take it down. This usually results in faster removal. If an online service provider doesn't respond or doesn't remove the material, we may issue a removal notice. This notice requires the end-user and/or an online service provider to take all reasonable steps to remove the material within 24 hours. If they do not comply with a removal notice, we may issue an infringement notice or take other enforcement action.

During the reporting period, we:

- > received 150 complaints which required removal of image-based abuse material
- > requested removal of material from more than 6,500 locations (generally URLs) across 340 different platforms and services, the majority from pornography sites hosted overseas
- > successfully removed 87% of the material through informal removal requests
- > issued 15 removal notices; 4 notices were complied with
- > issued 2 infringement notices
- > notified social media services of more than 4,500 accounts used to elicit, share, or threaten to share intimate content, with 81% of accounts successfully removed.

It can be difficult to enforce compliance with websites hosted overseas whose operators are uncooperative and hide their location and ownership. If we are unable to remove the material, we take steps to limit its discoverability, which generally involves removing links to the material from search engine results.

Adult Cyber Abuse Scheme

When the criteria for adult cyber abuse are met, we have the authority to issue a removal notice to a social media service, relevant electronic service, designated internet service or hosting service. They have 24 hours to take all reasonable steps to remove the material.

We will often approach online service providers informally to ask them to remove adult cyber abuse material. This informal approach generally results in faster removal of material compared to formal actions. We may also make an informal request to an online service provider where material is likely to contravene its terms of service or policies, even if it does not meet the high threshold for adult cyber abuse. However, we have limited avenues to enforce compliance when the platform or perpetrator are overseas. If the content is not removed after our intervention, we provide advice and guidance to complainants on how they can make themselves safer online as well as offer wellbeing support options.

During the reporting period, we:

- > received 2,516 valid complaints
- > made 601 informal notifications, with material removed in 466 cases (77%)
- > issued 3 removal notices, with material removed in all 3 cases.

Cyberbullying Scheme for Australian children

For eSafety to act on a cyberbullying complaint, it must meet certain criteria: the material should qualify as cyberbullying, it needs to have been reported to the platform more than 48 hours ago, and the material must still be online when we review the complaint.

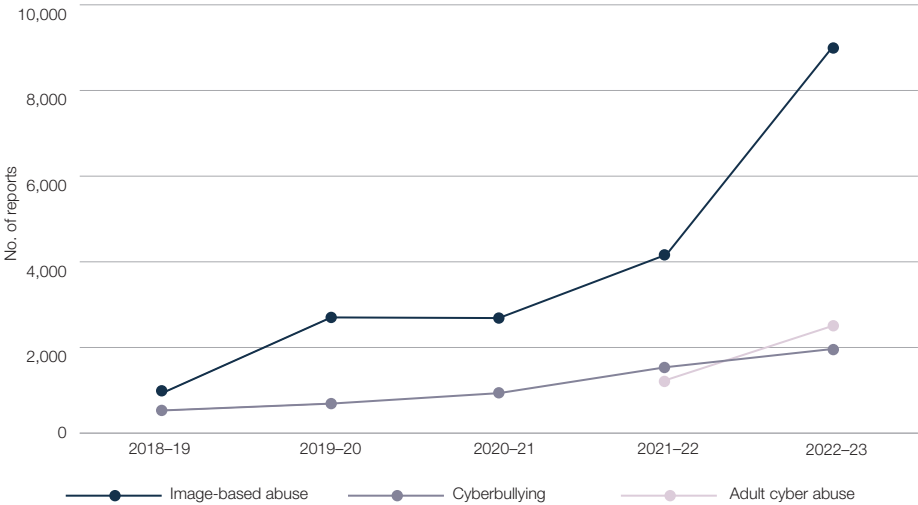
We usually make an informal request to online service providers to remove content because this generally results in faster removal of the cyberbullying material. This is a better outcome for the targeted child as swift removal reduces their anxiety caused by prolonged exposure. Most platforms are responsive to these informal requests. Factors that may prevent material being removed include accounts being hidden behind privacy walls, removal by the end user or platform without our intervention, or the target failing to provide additional information.

During the reporting period, we:

- > received 1,969 child cyberbullying complaints
- > made 636 informal removal requests and were successful in having 84% of child cyberbullying content removed
- > issued 13 formal end-user notices that required individuals responsible to remove the cyberbullying material and cease cyberbullying the target.

We served these notices to the end-users via the principals of their schools. Although targets may not attend the same school as those responsible for cyberbullying, and incidents may occur outside school hours, involving schools in addressing these behaviours helps to disrupt students' cyberbullying behaviours permanently. When all authority figures take a unified stance to call out such behaviour and say it is unacceptable, it can be a powerful motivator for a child to reflect on their actions and modify their behaviour.

Figure 2.7: Five-year trend in reports to image-based abuse, adult cyber abuse and cyberbullying schemes



**Note: Adult Cyber Abuse Scheme began operation in January 2022.*

Sample of feedback received by eSafety investigators in 2022–23

Due to the sensitive and highly personal impact of our work on individuals, the collection of feedback to measure effectiveness can be difficult. eSafety is working to mature our evaluation capabilities to support improved assessment of effectiveness for these areas in future years. Below is a sample of unsolicited feedback received in the last financial year, anonymised for privacy reasons:

Where we helped remove material mocking a child who had recently lost a parent:

Hi (senior investigator), I want to thank you very much for helping me with this. It's a small thing with a big impact that was impossible to resolve on a singular level. I am very grateful and so is (child complainant).

Where we helped remove an impersonation account designed to humiliate and harass the impersonated child:

This comes as a massive relief to (the mother) (the child) and I. The amount of stress this has caused us, and especially (the child), is incredible...

From child experiencing ongoing cyberbullying issues from group of kids he interacts with online:

Just wanna say thank you (senior investigator) you've been an amazing help over the past 2 years...

Where we wrote a letter of support for a child to move schools because the cyberbullying/ bullying towards the child from their classmates was systemic and there were serious concerns for the child's physical safety continuing to attend there:

Thank you so much for doing this wonderful letter for us.

Your letter of support for (the child) to attend a new school means so much to us...I also just wanted to say thank you so much for taking the time to investigate our issue with cyberbullying ... (The child) and I both really appreciate all your amazing help, and we can't thank you enough for everything you have done.

Removed doxing material and impersonation accounts designed to humiliate child:

Thank you so much for all your help to date and for your understanding...P.S. My son is happy that his voice is finally being heard and he wanted me to say thank you to (senior investigator).

Positive feedback received about the work of the ACA team:

This is without a doubt the best experience I've ever had with a government department.

Thank you to you and all those at the office for all you do for everyone in situations like mine.

Key activity 3: eSafety promotes proactive and systemic change, working with online industries, users, educators, governments and their agencies to reduce the threat surface for online harms, lift overall standards of online safety across industry and deliver a more positive online experience.

The Online Safety Act introduced 2 crucial elements to improve tech safety standards, mitigate harms, target failed systems and processes, and hold online service providers more accountable.


The Basic Online Safety Expectations focus on making sure providers of social media services, messaging services, gaming services, file-sharing services, and other apps and certain other sites accessible from Australia, take reasonable steps to keep Australians safe online.

The new industry codes and upcoming industry standards address issues set out in the legislation, including procedures for dealing with class 1 material such as child sexual abuse material and how complaints are to be handled.

Performance area 3.1: Industry codes are registered, or industry standards are determined

The Online Safety Act provides for industry groups to develop codes for 8 sections of the online industry to regulate certain types of harmful online material, and for eSafety to register the codes. If we do not register an industry code, we are able to determine an industry standard.

The 8 sections of the online industry include providers of social media, messaging, app distribution, search engine and online storage services, as well as internet and hosting service providers and the manufacturers and suppliers of equipment used to access online services.

Performance measure		Result
3.1.1	100% of industry sections have industry codes registered, or industry standards determined	
Corporate plan and PBS links		
<i>Corporate plan 2022–23</i> , p. 25		
Outcome 1, Program 1.3: Office of the eSafety Commissioner:		
> Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.		
> Industry codes		
Regulator performance principles		
Continuous improvement and building trust, collaboration and engagement		

Performance measure 3.1.1: 100% of industry sections have industry codes registered, or industry standards determined

As of 30 June 2023, we have registered industry codes for 5 of the 8 industry sections. One code is scheduled for resubmission in early July 2023, and we will be developing industry standards for 2 of the industry sections in 2023–24.

The industry associations adopted the two-phase approach to codes development outlined in our position paper. The first phase focused on class 1 material, including child sexual exploitation material and terrorist material. Following public consultation, the industry associations submitted draft industry codes to eSafety covering class 1 material in November 2022 for registration. However, in February 2023, the eSafety Commissioner informed industry associations of her preliminary views that the draft codes submitted in November did not meet the statutory requirements for registration, provided reasons, and asked for revised draft codes with improved protections.

In March 2023, after considering our feedback and engaging in further dialogue, industry associations submitted a revised set of 8 industry codes for class 1 material. There were material changes to several of the draft codes. After comprehensive assessment, on 31 May 2023 the eSafety Commissioner announced her decision to register 5 industry codes while refusing registration for 2 others because they still failed to provide appropriate community safeguards. We will determine industry standards for these 2 sections of the online industry. The eSafety Commissioner reserved her decision on the search engine services code and asked the relevant industry associations to resubmit a new code by 29 June 2023 that addresses the risks associated with generative artificial intelligence features being incorporated into such services. The relevant industry association requested an extension, with the new code to be resubmitted in July 2023.

We engaged closely with industry associations and industry participants throughout the development of the first phase of industry codes, including through participation in stakeholder workshops and providing oral and written feedback. We recognised the complexity of the issues involved in drafting a robust set of codes and the diverse range of business models of industry participants involved. We extended the timeframe and provided an opportunity for industry to submit revised codes to address our feedback. This approach gave industry the best opportunity to provide robust codes that deliver meaningful online protections to users.



The eSafety Commissioner has been transparent in her decision-making and provided detailed reasons for decisions to the industry associations. A summary of these final decisions is published on our website, providing clear and accessible information on how the eSafety Commissioner has exercised her powers.

We will continue to take a clear, balanced and transparent approach when determining industry standards for the 2 sections of industry where phase 1 industry codes were not registered. We will also focus on assisting industry in the development of phase 2 of industry codes.

Performance area 3.2: The Basic Online Safety Expectations are operationalised

The Basic Online Safety Expectations (the Expectations) are a key element of the Online Safety Act. They outline the Australian Government's expectations that social media, messaging and gaming service providers and other apps and websites will take reasonable steps to keep Australians safe.

Under the Online Safety Act, we can require online service providers to report on how they are meeting any or all of the Expectations. The obligation to respond to a reporting requirement is enforceable and backed by civil penalties and other mechanisms. We can also publish statements about the extent to which services are meeting the Expectations. The requirements are designed to improve providers' safety standards and improve transparency and accountability.

Performance measure		Result
3.2.1	The regulatory guidance for relevant industry on the Basic Online Safety Expectations is published	
3.2.2	The initial set of non-periodic reporting notices are issued	

Corporate plan and PBS links

Corporate plan 2022–23, p. 26

Outcome 1, Program 1.3: Office of the eSafety Commissioner:

- > Support positive online experiences through national leadership and administration of statutory schemes and educational and awareness activities that promote online safety for all Australians.
- > Basic Online Safety Expectations

Regulator performance principles

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

Performance measure 3.2.1: The regulatory guidance for relevant industry on the Basic Online Safety Expectations is published

On 25 July 2022, we published initial regulatory guidance on the Basic Online Safety Expectations. This guidance explained the key principles for using our powers and how to comply with them. For example, it informed providers the first notices would be issued in August 2022, focused on child sexual exploitation and abuse, and set out the types of information we would seek.

Since then, we have issued 13 non-periodic reporting notices, each referring to the regulatory guidance to explain our approach and the steps providers needed to take to comply. The impact of these notices is set out in performance measure 3.2.2.

We engaged with industry and civil society groups before publishing the guidance and have continued to share information with them. The guidance was also shared via stakeholder networks, and through our social media outreach.

During the reporting period, we have also been working to update the guidance and provide further information on the reasonable steps to implement the Expectations.

Performance measure 3.2.2: The initial set of non-periodic reporting notices are issued

The Online Safety Act allows for non-periodic reporting notices, which require online service providers to report on the steps they are taking to comply with the Basic Online Safety Expectations. These notices aim to improve transparency and accountability. eSafety can seek civil penalties for non-compliance with the reporting notices.

In line with our regulatory guidance on the Basic Online Safety Expectations, we issued the first 7 non-periodic reporting notices on 29 August 2022. These notices focused on child sexual exploitation and abuse. As set out in the regulatory guidance, the focus on child sexual exploitation and abuse was in recognition of the acute harm caused by these crimes. These notices were issued to Apple, Microsoft, Skype, Meta, WhatsApp, Snap, and Omegle, and included specific questions to understand the steps being taken to proactively prevent, detect and remove child sexual exploitation and abuse material.

These notices and questions were based on extensive evidence gathering and engagement with government, law enforcement, academia, expert non-governmental organisations, as well as our longstanding engagement with industry. They also incorporated data from our reporting schemes and internal insights.

To improve transparency and accountability of the services receiving the notices, we published a transparency report in December 2022 summarising the findings. We publicised the report to show the public and stakeholders the steps taken by providers that received notices and to improve the accountability of these services. This included print, television, and radio media, and promotion through domestic and international experts.

Since the transparency report, we have engaged all of the providers to identify specific areas where additional information or steps might be required. We have also met with domestic and international experts to understand how the published information is being used to improve safety standards. Experts have used the information to call on industry to make improvements.

In February 2023, we issued a further 5 non-periodic reporting notices to Google, Twitter, TikTok, Discord, and Twitch. These notices focused on child sexual exploitation and abuse, sexual extortion and the safety of recommender systems. The broadening to sexual extortion was a result of the increase in sexual extortion reports seen by investigators working across our reporting schemes, as well as law enforcement and other groups. The safety of recommender systems is of widespread concern in government, academia and civil society, and the notices were informed by our tech trends paper on recommender systems published in December 2022.

We received information from all 5 providers, and we are currently evaluating their responses.

On 21 June 2023, we issued a non-periodic reporting notice to Twitter focused on online hate, following an increase in complaints we received and concerns about the impact of cuts to Twitter's trust and safety teams.



Management and accountability

This section details governance, staffing arrangements and financial and property management. Areas covered by the ACMA have been listed with the corresponding reference to Part 1: *Australian Communications and Media Authority annual report 2022–23*.

Section 184 of the Online Safety Act requires the ACMA to assist the eSafety Commissioner to perform functions and exercise powers to such extent as the eSafety Commissioner reasonably requires, making available resources, facilities and staff of the ACMA. eSafety uses ACMA-established structures for some human resource, information technology and financial operation functions. We purchase these functions under an agreed cost structure. However, we supplement some structures with bespoke resources to meet our 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.

Financial performance and management

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 1.12 in Part 1: *Australian Communications and Media Authority annual report 2022–23* for eSafety's financial reporting information.

Grants programs

Information on grants awarded by eSafety under the Online Safety Grants Program during 2022–23 is available at grants.gov.au and in Appendix 2.2 of this report. Funding under this program has supported non-government organisations to develop and deliver services, resources and products that provide new solutions for improving online safety.

Governance

The eSafety Commissioner is an independent statutory office holder. Since the Online Safety Act came into effect, the eSafety Commissioner has been an official of the ACMA under finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)). The ACMA Chair is the accountable authority under the PGPA Act.

The Regulatory Advisory Committee (previously the Regulatory Action Committee) (RAC) supports the eSafety Commissioner in responding to emerging significant or potentially significant online harm and novel circumstances within the scope of our regulatory schemes. The RAC considers the nature and impact of online harms, determines regulatory responses, assesses their effectiveness, reviews our regulatory guidance and priorities, and sets guidelines for the future management of novel cases.

During the reporting period, the RAC comprised the eSafety Commissioner, Chief Operating Officer, and the Executive Managers of the Investigations Branch, the Legal, MarComms and Research Branch, and the International Strategy and Futures Branch.

The Senior Executive Group (SEG) comprises the eSafety Commissioner, Chief Operating Officer, Executive Managers and Branch Heads. The SEG advises the eSafety Commissioner in the leadership and management of eSafety. It meets regularly as a Board to support the Commissioner in ensuring our legislative obligations are met. The SEG provides the eSafety Commissioner with information and support in setting our strategic direction and responding to emerging opportunities and threats. It also holds accountability for the operation of eSafety, and monitors and addresses any areas of risk or concern.

Corporate planning

Our 2022–23 corporate plan outlined the strategic approach to achieving our purpose by setting out our medium- to long-term priorities over 4 years. The plan is available at [eSafety.gov.au/about-us/who-we-are/corporate-plan-2022-23](https://esafety.gov.au/about-us/who-we-are/corporate-plan-2022-23).

During 2022–23, we reviewed our progress in achieving our performance measures and targets outlined in the PBS and corporate plan. Our Annual Performance Statement reports on our success in achieving our purpose, outcomes and the alignment of our activities with regulator performance principles.

Risk management and fraud control

eSafety is subject to the ACMA's risk and fraud management frameworks. We utilise the ACMA Risk Management Policy and Guide (the ACMA Policy) as our primary risk guidance. The ACMA Policy meets the requirements of the Commonwealth Risk Management Policy and is regularly updated with input from eSafety. We also maintain a Risk Management Guide specific to our needs.

We follow the ACMA Fraud control plan and have zero tolerance for fraud and corruption. The ACMA Fraud control plan meets the requirements of the Commonwealth Fraud Control Framework and is regularly reviewed. Fraud and corruption are serious matters for all Commonwealth entities and the wider community. They have the propensity to undermine the public's confidence in the Australian Government. Fraud is a criminal offence and can compromise our ability to deliver regulatory outcomes and could reduce funds available for delivering public goods and services. When undertaking activities on behalf of eSafety, we must comply with the PGPA Act and Rule, the *Public Service Act 1999* and the *Australian Public Services (APS) Values and Code of Conduct*. These core obligations require us to act in good faith and for proper purposes and not misuse our position or information.

Audit

The ACMA's internal auditors and Audit and Risk Committee (ARC) review our governance, assurance and risk management systems, and performance frameworks. Details of the ARC are included on page 54 and Appendix 1.1 of Part 1 of this report.

We are not required to have a separate audit and risk committee. However, the eSafety Risk and Compliance Committee (RCC) meets regularly to support the system of internal controls and due diligence within eSafety. The RCC monitors our progress against internal audit recommendations and reports to the ARC every quarter on our governance, assurance and risk management systems and activities.

External scrutiny

During 2022–23, 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 eSafety
- > no reports on the operations of eSafety by the Auditor-General, a parliamentary committee or the Commonwealth Ombudsman
- > no capability reviews of eSafety released.

Legal

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 eSafety 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.

Our people

All eSafety employees, except for the Commissioner and directly recruited contract staff, are ACMA staff. They are provided to fulfil eSafety's functions under section 184 of the Online Safety Act. These staff are employed by the ACMA under the *Public Service Act 1999* and under the terms of the *ACMA Enterprise Agreement 2020–2023*. Further information is included on page 67 of Part 1 of this report and Appendix 1.2.

As of 30 June 2023, eSafety had 125 APS staff.



Appendices

Appendix 2.1: Mandatory reporting under the Online Safety Act 2021

The Online Safety Act sets out mandatory annual reporting requirements for the 4 reporting schemes, the Basic Online Safety Expectations, and the industry codes. Tables 2.1 to 2.5 fulfil eSafety's reporting requirements under section 183(2) of the Online Safety Act.

Table 2.1: Mandatory reporting under section 183(2)(aa)–(zl) of the Online Safety Act, 2022–23

Section	Description	Number
183(2)(aa)	Objection notices given to the Commissioner by a person depicted in an intimate image (s. 33)	50
183(2)(a)	Periodic reporting notices given by the Commissioner about compliance with basic online safety expectations (s. 49)	0
183(2)(b)	Non-periodic reporting notices given by the Commissioner about compliance with basic online safety expectations (s. 56)	13
183(2)(c)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of cyberbullying material targeted at an Australian child from the service (s. 65)	0
183(2)(d)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of cyberbullying material targeted at an Australian child from the service (s. 66)	0
183(2)(e)	End-user notices given by the Commissioner for cyberbullying material targeted at an Australian child (s. 70)	13
183(2)(f)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of an intimate image from the service (s. 77)	7
183(2)(g)	Removal notices given by the Commissioner to an end-user requiring the removal of an intimate image from a service (s. 78)	1
183(2)(h)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of an intimate image from the service (s. 79)	7
183(2)(i)	Directions given by the Commissioner for contravention of s. 75 Posting an intimate image (s. 83)	5
183(2)(j)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of cyber abuse material targeted at an Australian adult from the service (s. 88)	2
183(2)(k)	Removal notices given by the Commissioner to an end-user requiring the removal of cyber abuse material targeted at an Australian adult from a service (s. 89)	0
183(2)(l)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of cyber abuse material targeted at an Australian adult from the service (s. 90)	1
183(2)(la)	Blocking requests made by the Commissioner to an internet carriage service provider for material promoting, inciting, instructing or depicting abhorrent violent conduct (s. 95)	0

Section	Description	Number
183(2)(m)	Blocking notices given by the Commissioner to an internet carriage service provider for material promoting, inciting, instructing or depicting abhorrent violent conduct (s. 99)	0
183(2)(n)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of class 1 material from the service (s. 109)	1
183(2)(o)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of class 1 material from the service (s. 110)	2
183(2)(p)	Removal notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring the removal of class 2 material from the service (s. 114)	0
183(2)(q)	Removal notices given by the Commissioner to a hosting service provider requiring the removal of class 2 material from the service (s. 115)	0
183(2)(r)	Remedial notices given by the Commissioner to the provider of a social media service, relevant electronic service or designated internet service requiring action to remove or restrict access to class 2 material on the service (s. 119)	0
183(2)(s)	Remedial notices given by the Commissioner to a hosting service provider requiring action to remove or restrict access to class 2 material on the service (s. 120)	0
183(2)(t)	Link deletion notices given by the Commissioner to an internet search engine service provider providing access to class 1 material through a link provided by the service (s. 124)	2
183(2)(u)	App removal notices given by the Commissioner to an app distribution service provider providing access to an app that facilitates the posting of class 1 material (s. 128)	0
183(2)(v)	Notices given by the Commissioner to a person in contravention of an industry code (s. 143)	0
183(2)(w)	Directions given by the Commissioner to a person in contravention of a service provider rule (s. 154)	0
183(2)(x)	Federal Court applications made by the Commissioner for an order for a person to cease providing a social media service (s. 156)	0
183(2)(y)	Federal Court applications made by the Commissioner for an order for a person to cease providing a relevant electronic service (s. 157)	0
183(2)(z)	Federal Court applications made by the Commissioner for an order for a person to cease providing a designated internet service (s. 158)	0
183(2)(za)	Federal Court applications made by the Commissioner for an order for a person to cease supplying an internet carriage service (s. 159)	0
183(2)(zb)	Notices given by the Commissioner requiring a person to provide end-user identity information or contact details (s. 194)	24
183(2)(zc)	Notices given by the Commissioner requiring a person to appear for examination for the purposes of an investigation (s. 199)	7

Section	Description	Number
183(2)(zd)	Notices given by the Commissioner requiring a person to produce documents for inspection (s. 203)	0
183(2)(ze)	Decisions reviewed by the Commissioner under the internal review scheme	1
183(2)(zf)	Applications received by the Commissioner under the internal review scheme	6
183(2)(zg)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to cyberbullying material targeted at an Australian child	636
183(2)(zh)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to non-consensual sharing of intimate images	674
183(2)(zi)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to cyber abuse material targeted at an Australian adult	601
183(2)(zj)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to material that depicts abhorrent violent conduct during that year	0
183(2)(zk)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to class 1 material	630
183(2)(zl)	Informal notices given, and informal requests made, by the Commissioner to a person in relation to class 2 material	0

Table 2.2: Mandatory reporting under section 183(2)(zm) of the Online Safety Act, 2022–23: Number and percentage* of complaints made to the Commissioner for cyberbullying material targeted at an Australian child by ground or category of harm

Category	Number	Percentage
Nasty comments/serious name calling	891	48%
Offensive/upsetting pictures and/or videos	363	20%
Fake account and impersonations	206	11%
Threats of violence	184	10%
Unwanted contact	104	6%
Inciting self-harm/suicide	51	3%
Hate pages	45	2%
Doxing	38	2%
Hacking social media accounts	35	2%
Defamation	34	2%
Fight video	26	1%
Sexual assault allegation	23	1%
Sexting	9	<1%
Meme page	5	<1%
Scams	5	<1%

* Some complaints relate to multiple grounds or categories of harms, the percentage total may not equal 100%.

Table 2.3: Mandatory reporting under section 183(2)(zn) of the Online Safety Act, 2022–23: Number and percentage* of complaints made to the Commissioner for non-consensual sharing of intimate images by ground or category of harm

Category	Number	Percentage
Sexual extortion	6,152	68%
Child sexual exploitation	1,407	16%
Peer group sharing (under 18s)	390	4%
Other	354	4%
Posted online	207	2%
Coercive control	161	2%
Threatened sharing	106	1%
Shared via private means	100	1%
Other – u18s	77	1%
Impersonation account	68	1%
Digitally altered intimate images	14	<1%
Posted online – religious/cultural	9	<1%
Recorded without consent	8	<1%
Intimate content, appearing to depict	7	<1%

* Some complaints relate to multiple grounds or categories of harms, the percentage total may not equal 100%.

Table 2.4: Mandatory reporting under section 183(2)(zo) of the Online Safety Act, 2022–23: Number and percentage* of complaints made to the Commissioner for cyber abuse material targeted at an Australian adult by ground or category of harm

Category	Number	Percentage
Defamation/reputational harm	878	35%
Nasty comments/name calling	635	25%
Harassment	327	13%
Fake/impersonation account	221	9%
Offensive/upsetting pictures or videos	192	8%
Unwanted contact	175	7%
Threats	116	5%
Hacking	97	4%
Doxing	81	3%
Hate speech	81	3%
Intimidation	80	3%
Inciting violence or harm	73	3%
Privacy breach	69	3%
Scams	54	2%
Violent language	47	2%
Recidivist offending	33	1%
Domestic violence	29	1%
Inciting self-harm or suicide	29	1%

Category	Number	Percentage
Digital surveillance	26	1%
Volumetric attacks	22	<1%
Blackmail	10	<1%
Stalking	7	<1%
Sexting	6	<1%
Coercive control	5	<1%
Overseas	5	<1%
Sextortion	5	<1%
Closure of social media accounts	3	<1%

* Some complaints relate to multiple grounds or categories of harms, the percentage total may not equal 100%.

Table 2.5: Mandatory reporting under section 183(2)(zp) of the Online Safety Act, 2022–23: Number and percentage of complaints made to the Commissioner under the online content scheme by ground or category of harm

Reason	Number	Percentage of total
Child sexual abuse/child abuse/paedophile activity	28,971	87%
Extreme, offensive or adult content	1,744	5%
Sexually explicit	1,501	5%
Violence	304	1%
Promotion incitement or instruction in crime	367	1%
Violent extremist material	190	1%
Advocates terrorism	48	<1%

Appendix 2.2: Online Safety Grants Program

The third and final round of the Online Safety Grants Program opened on 11 April 2022 and closed on 6 May 2022. A total of \$2.25 million was available, with 9 successful recipients receiving funding. Grant agreements were executed from September to November 2022. Grant award details were published to GrantConnect from November 2022 to January 2023.

Recipient name	Amount (excl. GST)	Purpose of grant
Charles Sturt University	\$87,870	To support the delivery of the project, 'Protecting children from smartphone leakage', which aims to raise awareness about the dangers of smartphone data leakage and empower children with the knowledge to protect their sensitive information
University of Tasmania	\$113,689	To support the delivery of the project, 'Chatbot enabled cyber safety for adolescents', which aims to create a purpose-built chatbot to support secondary school students to seek help by connecting them to relevant resources and services to assist with dealing with the risks posed by cyberbullying, grooming and image-based abuse
Western Sydney University	\$127,313	To support the delivery of the project, 'Reconceptualising digital safety in family homes post COVID-19', which aims to create an evidence-based, holistic 'Family Digital Safety' resource that guides the safety of children aged 10 to 13, as newly independent internet users
Western Sydney Community Forum	\$170,539	To support the delivery of the project, 'Our safe community online', which aims to upskill community workers to facilitate online safety learning for at-risk young people, including those from hard-to-reach communities or who are disengaged from formal education
Butterfly Foundation	\$276,938	To support the delivery of the project, 'Body kind online', which aims to strengthen social media literacy in relation to body image, support body image resilience online, and promote help-seeking behaviours among children aged 12 to 16
SCOPE (Aust) Ltd	\$277,976	To support the delivery of the project, 'Be safe online', which aims to target the specific online safety needs of children and young people living with communication disability, cognitive impairment and low literacy levels, who are at higher risk of online abuse and other online harms

K.I.D.S Foundation	\$381,147	To support the delivery of the project 'Netys, the trusted eSafety friend', which aims to deliver a play based ePlayground safety education program for young children and give them a voice in creating safe online environments
CentaCare Catholic Family Services	\$390,773	To support the delivery of the project 'Power up: Online', which aims to create online learning modules that can be integrated into schools' learning management systems. These will cover a range of issues including privacy, contact with strangers, bullying and online grooming
Deakin University	\$423,765	To support the delivery of the project, 'CyberNinjas: Empowering our children to be cyber smart in the metaverse', which aims to co-design, develop and pilot an innovative program aimed at increasing the online safety awareness and preparedness of children aged 8 to 16 years when using the Metaverse



Glossary and index

Glossary

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.</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	Customer Service Centre The ACMA's single point of contact for customer enquiries.
CSP	carriage service provider Person supplying or proposing to supply services to the public using carrier networks.
datacasting	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.
Department of Infrastructure, Transport Regional Development, Communications and the Arts	Federal Government portfolio formed in May 2022. Previously Department of Infrastructure, Transport, Regional Development and Communications.
DNCR	Do Not Call Register 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).
ECP	Emergency Call Person The Telecommunications (Emergency Call Persons) Determination 1999 specifies the operators of the emergency call services. Telstra is the ECP for 000 and 112.
eSafety	eSafety Commissioner Australia's independent regulator for online safety with responsibilities under the <i>Online Safety Act 2021</i> . Formerly the Office of the Children's eSafety Commissioner.
GHz	gigahertz One billion hertz (where one hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).
INHOPE	International Association of Internet Hotlines A network whose member hotlines work together with the goal of identifying and removing online child sexual abuse content worldwide.
IPND	Integrated Public Number Database Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.
ITU	International Telecommunication Union United Nations agency that coordinates international telecommunications matters.
ITU-R	ITU – Radiocommunication Sector ITU body dealing with international radiocommunications matters.
MHz	megahertz One million hertz (see also <i>GHz</i>).
The Department	see Department of Infrastructure, Transport Regional Development, Communications and the Arts
the minister	Minister responsible for the ACMA and its governing legislation.

MoU	memorandum of understanding A formal agreement between 2 or more parties.
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.
Online Safety Consultative Working Group	Advice forum attended by key representatives from industry, government and non-government organisations, providing opportunity for the eSafety Commissioner to consult on issues that contribute to improving the safety of Australian children online.
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.
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
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.
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.
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.
WRC	World Radiocommunication Conference ITU conference held every 3 or 4 years to review and amend international radio regulations.

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