

Communications Alliance - Proposed Regulatory Reform Package

Industry thoughts on how to improve and streamline the Australian co-regulatory framework, while preserving its inherent strengths and value

1. Amend the *Telecommunications Act 1997* (and other legislation/regulation as necessary) to provide:
 - potentially a new definition for companies who resell services (e.g., passing on information, billing etc.) to CSPs or other resellers (i.e., they do not sell directly to 'the public' themselves and, therefore, are not CSPs) – further analysis and discussion with all parties required;
 - an improved requirement for all relevant CSPs (i.e. those serving consumers and/or small businesses) to join the TIO scheme;
 - a simple process for all CSPs to be required to be (publicly) registered by the ACMA, under a framework that is not onerous for CSPs (bearing in mind in particular the relatively limited resources available to many smaller CSPs). *It should be noted there was not necessarily consensus on this question among CA members;* and
 - that all Consumer-related Industry Codes be deemed as directly enforceable, not - as currently is the case - voluntary in the first instance and thereafter enforceable. (Currently, the ACMA first has to identify evidence of a code breach and, subsequently direct a CSP to comply with an Industry Code. In the event that direction is not been complied with, further enforcement action by the regulator can commence.) The ACMA should retain the ability to issue formal warnings and to keep afoot previous directions to comply when a Code is revised or replaced;

 2. Agree that the ACMA should work with CA and TIO on an annual works program with a view to early engagement on regulatory instruments that are due for review. This program should include shared efforts to ensure that all CSPs are aware of their obligations under direct and co-regulatory instruments. It should also include clear and early Statements of Expectation from the ACMA to industry in relation to upcoming reviews/revisions.

 3. Industry and ACMA to commit resources to all steps of the development or review/revision (where possible) within a defined agreed timeframe. The ACMA should examine how to delegate more authority to ACMA staff to provide industry with early and reliable feedback on proposals.
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