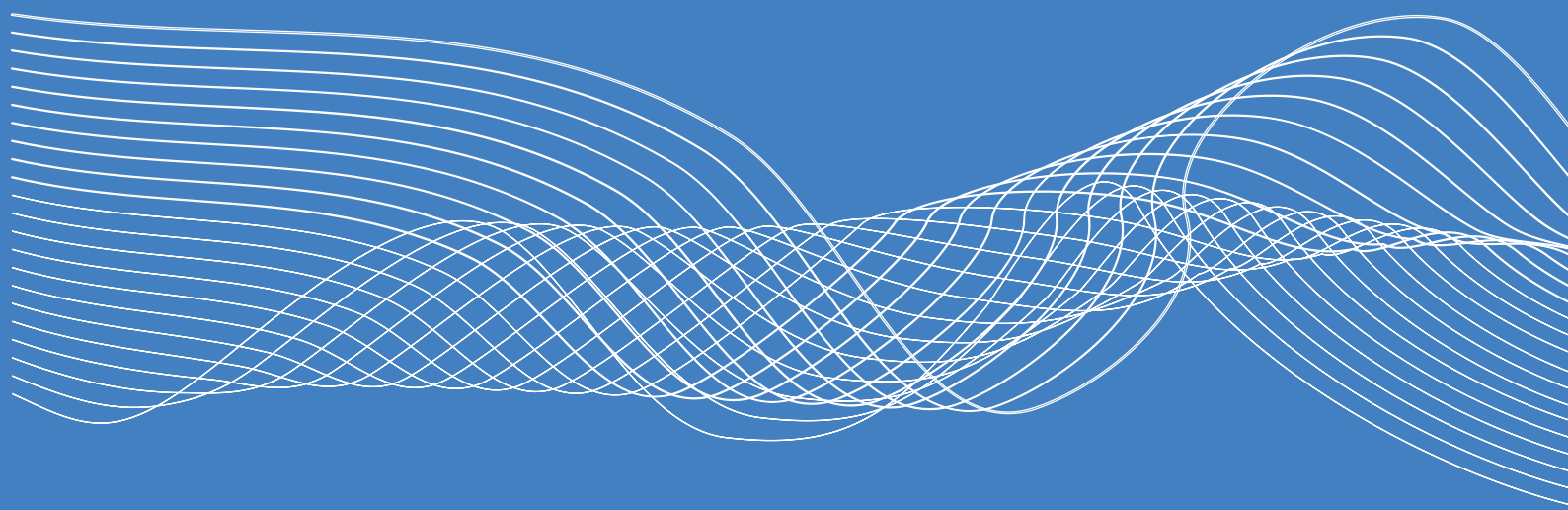


# Code of Conduct for Authority members and associate members

January 2023



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## ACMA strategic intent

The ACMA seeks to be trusted by the Australian community as an expert, independent and effective regulator operating in the public interest. We will use our formal powers and influence with a view to maximise the economic and social benefits of communications and media in Australia.

The ACMA's actions are guided by our legislated powers, functions, and obligations, and by relevant government policy. We seek to enable, as far as is possible, a competitive marketplace that will drive innovation and efficient investment and which is responsive to the needs of consumers. Where regulatory intervention is necessary, we will act promptly on the basis of the best available evidence, and in a manner commensurate with risk.

The ACMA will be transparent, behave in a predictable manner, and be accountable in our decision-making, priority setting and for the outcomes we achieve. We will engage with our stakeholders, including the Australian community, when contemplating action that will affect their interests and seek wherever possible to work with them to achieve common objectives. We will undertake our compliance and enforcement roles with the intent of ensuring those we regulate operate within a culture of compliance.

The ACMA will be an acknowledged expert in the markets and technology fields in which we operate, and an agile actor in the public interest. We will influence and help shape a fit-for-purpose regulatory framework that anticipates a dynamic communications and media environment.

## Introduction

The Australian Communications and Media Authority (the ACMA) is a statutory authority established by the *Australian Communications and Media Authority Act 2005* (the ACMA Act)<sup>1</sup> within the Federal Communications and the Arts portfolio. The ACMA is responsible for the regulation of a wide range of telecommunications functions, spectrum management functions, and broadcasting, content and datacasting functions<sup>2</sup> as well as functions conferred on it under other acts, including the *Spam Act 2003* and the *Interactive Gambling Act 2001*.

The intended outcome of the ACMA's activities is a communications and media environment that balances the needs of industry and the Australian community through regulation, education and advice.<sup>3</sup>

The ACMA is committed to ensuring good governance and maintaining high standards to meet community expectations. This document describes the nature of the role of, and the standards expected of, Authority members and associate members.

Please note that this document is a summary and guide for information only and is not intended to replace reference to the specific terms of the ACMA Act, or other relevant statutes, or the obtaining of specific legal advice in any given case.

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<sup>1</sup> Section 6 (Establishment) of the ACMA Act.

<sup>2</sup> See Part 2, Division 2 (Functions) of the ACMA Act.

<sup>3</sup> 2018–19 Portfolio Budget Statements, Infrastructure, Transport, Regional Development and Communications portfolio, p. 96.

## The Authority

The Authority is a collegiate decision-making body required to make a high volume of statutory and other decisions under the ACMA Act and other legislation.<sup>4</sup> It consists of at least 3, and not more than 9 members, including the Chair and Deputy Chair.<sup>5</sup> Members are appointed<sup>6</sup> by the Governor-General. Members may be appointed on a full-time or part-time basis. The Minister may also appoint as many associate members as seen fit on a full-time or part-time basis.

The current Authority consists of four full time members and two associate members.

The Authority is led by a Chair whose functions are described in the ACMA Act. The Chair also serves as the Head of the Agency and has particular powers, functions and accountabilities under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Public Service Act 1999* (PSA) and various other pieces of legislation.

The roles and responsibilities of the Chair as Agency Head requires the Chair to have direct responsibility for agency governance and management arrangements. This includes oversight of operational governance committees and agency subject matter committees. The Office of the Chair provides support and secretariat assistance to the Chair and the Authority.

In line with the recommendations of the ACMA Review<sup>7</sup>, the Chair has delegated certain powers and functions to the Deputy Chair who acts as the agency's Chief Executive Officer. The CEO reports to the Chair in relation to the performance of their delegated duties; the Chair as Agency Head remains the accountable authority of the ACMA.<sup>8</sup>

It should be noted that in the absence of a delegation from the Chair, such as is referred to in the preceding paragraph, the Deputy Chair and other members do not have any decision-making role in relation to the management of staff and resources of the ACMA.

In carrying out the functions of the Agency Head under the PGPA Act and the PSA, neither the Chair, nor the Deputy Chair in their role as delegate of the Chair, is subject to direction by the other members of the Authority.<sup>9</sup>

The Chair provides regular reports to the Authority in regard to Agency performance. These reports provide information about progress of the organisation in meeting its key performance indicators and include summary financial information and general organisation indicators, such as staff numbers, staff turnover and diversity statistics.

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<sup>4</sup> See Part 3 (ACMA's membership) of the ACMA Act.

<sup>5</sup> Section 19 (Membership) of the ACMA Act.

<sup>6</sup> Section 20 (Appointment of members) of the ACMA Act.

<sup>7</sup> ACMA Review Recommendation 16: Chair is the Accountable Authority, (ability for various powers, duties and functions, to be delegated to CEO).

<sup>8</sup> Paragraph 6(2)(b) (Establishment – accountable authority) of the ACMA Act.

<sup>9</sup> Section 63 (Chair not subject to direction by ACMA on certain matters) of the ACMA Act.

## The business of the Authority

The government has issued a Statement of Expectations to the ACMA and the ACMA has responded by way of a Statement of Intent.<sup>10</sup> These statements are a standard mechanism for providing guidance on government policy to independent statutory agencies. Statements of Expectation and of Intent were both made publicly available in April 2019.

The formal business of the Authority is conducted in 2 main ways: (a) in part through a process of Authority meetings<sup>11</sup>; and (b) in part through a system of delegation.<sup>12</sup> However, some powers of the Authority are not delegable at all to staff or individual members, such as the power to make legislative instruments and various powers arising under the *Broadcasting Services Act 1992*.<sup>13</sup>

Authority meetings are conducted on a weekly basis where members make decisions on important regulatory matters for which the ACMA is responsible. Decisions at Authority meetings are made on the basis of a majority vote of the members present and voting. The Chair has a casting vote as well as a deliberative vote. Decisions may also be made out-of-session by way of a circular resolution. Meeting minutes and records are created to ensure administrative compliance and transparency around decision-making.

The Authority is also committed to setting aside time for strategic discussions to address long-term industry and market developments, agency corporate planning, research strategies, international engagement strategies, and emerging issues.

The ACMA may also set up Authority committees for consideration of issues by Authority members. The intent of the committee structure is to add value to the work of the Authority without unduly influencing the choice of options or outcomes. The committee structure allows for broader opportunities for staff to contribute to the debate of current and upcoming issues that may or may not be going to the Authority for decision. However, Authority committees are not delegated the power to make Authority decisions.

To date, the Authority has established 4 committees: Content Committee, Telecommunications Consumer Committee, Spectrum Committee and the Compliance and Enforcement Committee.

The 3 'subject matter' committees are intended to provide:

- > a forum for strategic discussion
- > an opportunity to escalate issues to the Authority where appropriate
- > enhanced Authority oversight of delegated decisions
- > an opportunity for discussion and consultation regarding submissions being prepared for an Authority meeting.

The Compliance and Enforcement Committee is a forum to develop and implement a strategic approach to compliance and enforcement over and above operational management, including setting priorities.

The Authority has agreed charters for each of these committees, see Attachment A.

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<sup>10</sup> ACMA Review Recommendation 19: Minister to provide ACMA with Statement of Expectations, and ACMA to provide a response in Statement of Intent.

<sup>11</sup> Part 4, Division 1 (Meetings) of the ACMA Act.

<sup>12</sup> Part 4 (Decision-making and delegation by ACMA) of the ACMA Act.

<sup>13</sup> Section 53 (Limit on powers delegable to persons other than Divisions) of the ACMA Act.

## Decision-making

Members may have to account for the exercise of their statutory powers to the Parliament (or its committees), the Auditor-General, the Ombudsman, the Administrative Appeals Tribunal and the courts.

The general grounds for challenging administrative decisions made under legislation are set out in the *Administrative Decisions (Judicial Review) Act 1977*. These include:

- > each decision needs to be within the scope of the power provided by the legislation
- > the procedure for reaching a decision needs to meet basic standards of fairness, allowing all sides to present their case, and must also comply with any special requirements set in legislation
- > each decision needs to be made on the merits of the case, with the decision-maker unbiased and acting in good faith
- > conclusions must be soundly based in reason, in particular, they must reflect a proper understanding of the law, draw on reasonable evidence for findings of fact, take account of all relevant considerations and not take account of irrelevant considerations.

## Authority members' interaction with ACMA staff

Given the extent and volume of its jurisdiction, the Authority relies on the staff of the ACMA to advise it in respect of issues relating to ACMA's many regulatory powers and functions.

The Authority is advised, guided and assisted by staff who are mostly employed under the PSA.<sup>14</sup> The staff are currently structured across 4 divisions, each led by a senior staff member who is the General Manager (SES Band 2) for that division.

Staff are ultimately accountable through their line managers and their General Manager. General Managers are accountable to the Chair as Agency Head.

Staff are not managed by the Authority or by any particular members of the Authority (except in so far as they are accountable to the Chair as Agency Head or to the Deputy Chair in their capacity as delegate of the Agency Head). However, decisions made by the Authority in its collegiate decision-making capacity will affect and guide what staff do, and which matters staff focus upon, in carrying out the regulatory functions of the agency. Individual ACMA members other than the Chair or the CEO as delegate of the Chair, have no formal powers to direct staff or allocate resources and no direct reporting relationship for agency operations.

Authority members may seek additional information prior to consideration by the full Authority, through the relevant Authority Lead (see below) or General Manager, including from the authors of papers.

## The role of individual members of the Authority

The role of Authority members is set out in the ACMA Act. Members of the Authority will generally have been appointed because of their particular skill or expertise in matters relevant to one or more aspects of the business of the agency. It may naturally occur, therefore, that particular members will have special skills, expertise or interest in one or more of the particular industries or other fields in relation to which the ACMA does its regulatory work.

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<sup>14</sup> See Part 5 (ACMA's staff) of the ACMA Act. Note that ACMA staff may also include persons who are not employed under the PSA but who are engaged as contractors performing work for the ACMA (see generally subsection 6(3) of the PSA).

The Chair may ask one or more members to provide focus and leadership in such a field, or another field. Such a member is referred to in this document as an 'Authority Lead'. The role of an Authority Lead may include engagement with stakeholders in the relevant field and/or representing the agency in relevant external forums. In the interests of transparency, the ACMA makes the roles of Authority Leads publicly known (including by notice on its website). The Chair has asked members to perform as Authority Leads in the following fields:

Member	Authority Lead field
Creina Chapman	Content: <i>Broadcasting Services Act 1992, Australian Broadcasting Corporation Act 1983, Special Broadcasting Service Act 1991, Interactive Gambling Act 2001</i>
James Cameron	Spectrum: <i>Radiocommunications Act 1992</i>
Chris Jose	Consumer issues: <i>Telecommunications Act 1997, Telecommunications (Consumer Protection and Service Standards) Act 1999, Spam Act 2003, Do Not Call Register Act 2006,</i> Infrastructure: <i>Telecommunications Act 1997, including the Statutory Infrastructure Provider regime</i> Enforcement and litigation

Authority Leads may represent the Authority in government and/or industry consultation processes. Authority Leads also play a role in informing Authority members and staff about the industry and future trends in regulation and business, and in formulating strategic options for consideration by the Authority.

A role as an Authority Lead provides no special legal status or power. If the Authority is to make a decision about a particular subject or matter, it will be made by a majority of the members of the Authority, and not merely by an Authority Lead or indeed by any single member of the Authority. Moreover, any member who has been assigned by the Chair to take the lead in a particular field retains their capacity, and their duty, to fully participate in all aspects of the Authority's regulatory decision-making, and not just in the field in which they may have special expertise or interest.

Authority Leads may provide a primary reference point for staff wishing to engage on matters arising in their designated field, lead external engagement on relevant matters and, subject to the Chair's agreement, may be the spokesperson in media engagement. They will be expected to build a collaborative relationship with staff, particularly at the senior executive level. Importantly, Authority Leads will not have management responsibility for relevant work areas and will not direct staff on work undertaken or the nature of staff recommendations made to the Authority. Authority Leads may also be nominated by the Chair for specific cross-agency projects, including to sponsor project boards.



## Duties of members

Members, as statutory office holders, are subject to clear and strong duties under a range of statutes, including the ACMA Act, the PGPA Act and the PSA Act. These duties include, but are not limited to, the following in connection with the Authority and the ACMA:

- > the duty to behave honestly and with integrity
- > the duty to act with care and diligence
- > the duty to treat everyone with respect and courtesy, and without harassment
- > the duty to comply with all applicable Australian laws
- > the duty to maintain appropriate confidentiality about dealings involving the Authority or the ACMA
- > the duty to take reasonable steps to avoid any conflict of interest (actual, potential or perceived)
- > the duty to disclose details of any material personal interest that may affect decision-making
- > the duty to use Commonwealth resources in a proper manner and for a proper purpose
- > the duty to ensure that false or misleading information is not provided in response to a request for information that is made for official purposes
- > the duty to not improperly use inside information, power, or status to seek or gain a benefit or advantage
- > the duty to behave in a way that upholds the Australian Public Service (APS) Values and Code of Conduct and good reputation of Australia, including during the course of any official duty conducted overseas
- > the duty to comply with any other conduct requirement that is prescribed by relevant regulations, codes or standards.

These duties are further particularised in the APS Values and Code of Conduct, which have the force of law.<sup>15</sup> Agency Heads and statutory office holders (such as the members of the Authority) are bound by the Code of Conduct.<sup>16</sup>

## Conflicts of interest

As mentioned above, Authority members are duty bound to avoid and manage any actual, potential and perceived conflicts of interest. Members will also declare any interests to the minister<sup>17</sup> (as well as to the Chair and each other) to enable conflicts to be managed effectively.

Conflicts of interests can take many forms and may be actual (where a member's interest compromises the proper performance of their duties) or perceived (which may give rise to a perceived apprehension of bias). Some examples of the latter could be where the member is involved in making a decision about a company or organisation for which they previously worked or acted; or where a personal relationship exists with a key office holder of an entity under investigation. All members, including those who have been assigned a role as an Authority Lead, must be vigilant to avoid the appearance of any conflicts of interest.

Full-time members of the Authority may not engage in paid employment outside their ACMA duties without the approval of the Chair.<sup>18</sup> In considering such requests, the Chair will be careful

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<sup>15</sup> Section 13 (The APS Code of Conduct) of the PSA.

<sup>16</sup> Section 14 (Agency Heads and statutory office holders bound by Code of Conduct) of the PSA.

<sup>17</sup> Section 29 (Disclosure of Interests) of the ACMA Act.

<sup>18</sup> Section 31 (Outside employment) of the ACMA Act.

to ensure that no such external employment could create any appearance of a conflict of interest.

Members will make an annual declaration to the Chair on their relevant interests. However, conflicts or perceived conflicts can arise at any time and members must stay alert as to their disclosure responsibilities.

## **Benefits, including gifts and official hospitality**

Members should not accept benefits in the form of gifts, subsidised travel and official hospitality where that acceptance could be perceived as improper influence. Those perceptions may be greater in the case of the acceptance of benefits of high value.

In the normal course of their duties, members may accept customary official gifts, hospitality, tokens of appreciation, and similar formal gestures, but must not seek or encourage any form of gift in their personal capacity.

As a general rule, benefits should not be accepted from parties that have an active matter before the Authority. They should also not be accepted during competitive processes for the allocation of grant funding or other resources (such as spectrum auction processes). At other times, the acceptance, or provision of a benefit will be a matter for individual judgement, taking into account such matters as:

- > the value and nature of the benefit being proposed
- > the timing of the offer in relation to matters that may be put before the Authority
- > the regularity of offers and acceptance, and whether they may create perceptions of favoured access.

Such gifts, benefits, travel or hospitality must be declared to the Chair in a timely manner and, where relevant, placed on the ACMA's register of hospitality, gifts and benefits, which is published on the ACMA website.

## **End of appointment**

Members who commence discussions with potential future employers should be aware that this can give rise to an actual or perceived conflict of interest. Members should inform the Chair of the fact and nature of such discussions at their earliest opportunity. In the case of the Chair, the minister should be informed.

When a member's term comes to an end, the member will have an ongoing obligation to the ACMA in respect of confidentiality, the use of information and conflicts of interest.

## **The role and responsibilities of associate members**

As noted above, the minister may appoint as many associate members to the Authority as they see fit. The instrument of appointment of an associate member must specify the particular matter or matters in relation to which the associate member has been appointed. Associate members may have deep technical, regulatory or industry-based knowledge that can assist the Authority in its decision-making processes. However, associate members are only allowed to attend Authority meetings and to participate in its decision-making in relation to those matters specified in the terms of their appointment.

The following associate members have been appointed in relation to the following matters:

Associate members	Matters
Anita Jacoby	<i>Broadcasting Services Act 1992, Australian Broadcasting Corporation Act 1983, Special Broadcasting Service Act 1991, Interactive Gambling Act 2001</i>
Anna Brakey	Any matter that relates to the performance of the ACMA's functions or the exercise of the ACMA's powers

## Dealings with regulated parties and other stakeholders

Members (including Authority Leads) may be approached by stakeholders advocating positions on matters in which the ACMA is to make decisions. Members must conduct interactions with stakeholders so that they do not raise, and are not seen to raise, any conflict of interest. They must also avoid giving the impression that they might pre-empt the ACMA's decision-making, because, as mentioned above, all Authority decision-making is collegiate in nature. Members should take all reasonable steps to ensure that the ACMA is not compromised and remains independent.

International negotiations involving Authority members must be compliant with Australia's international obligations and members may (through the Chair) seek advice from the Department of Foreign Affairs and Trade (DFAT) where necessary.

The ACMA may also establish advisory committees<sup>19</sup> on a matter-specific or industry-specific basis to assist it in performing any of its functions. The mandate of those committees involves the provision of advice and recommendations to the Authority. The ACMA will consider existing and potentially new external advisory committees to allow the ACMA to draw on talent and expertise from different areas of government, industry, academia and the community.

## Contact with interest groups

Members (including Authority Leads) may be contacted by interest groups seeking to influence the ACMA on a variety of issues.

Dealings with interest groups should be conducted in a manner that does not give rise to any appearance of improper influence or conflict of interest. It is advisable for members to ascertain what company interests each interest group represents so that informed judgements may be made about the appropriateness of such meetings.

If representations are being made on behalf of a foreign government or the agency of a foreign government, care needs to be exercised as foreign policy or national security considerations may apply. In these circumstances, members should advise the Chair, who may refer the matter to the Department of Foreign Affairs and Trade.

Members are required to adhere to the [Lobbying Code of Conduct](#) administered by the Attorney-General's Department as well as internal guidelines.

The Australian Government [Register of Lobbyists](#) is administered by the Attorney-General's Department.

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<sup>19</sup> Part 7 (Advisory committees and the Consumer Consultative Forum) of the ACMA Act.

## The Authority's values

Authority members are expected to uphold and abide by the APS Values as set out in section 10 of the PSA:

- > **Committed to service** – The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the government.
- > **Ethical** – The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.
- > **Respectful** – The APS respects all people, including their rights and their heritage.
- > **Accountable** – The APS is open and accountable to the Australian community under the law and within the framework of ministerial responsibility.
- > **Impartial** – The APS is apolitical and provides the government with advice that is frank, honest, timely and based on the best available evidence.

Alongside these, the Authority has adopted the ACMA-specific values identified in the ACMA corporate plan for the years 2019 to 2023<sup>20</sup> and summarised below:

- > **Purposeful** – The ACMA is committed to delivering tangible and significant benefits to all Australians.
- > **Curious and questioning** – The ACMA looks around and to the future and explores new ways of addressing ongoing challenges and creating opportunities.
- > **Collaborative** – The ACMA works across all levels of government and engages proactively and creatively with industry and the community.

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<sup>20</sup> *Corporate plan 2019–20*, p. 6.

# Appendix A: Authority Committee charters

## Content Committee Charter

### Objective/Purpose

The Content Committee (CC) is established to facilitate a productive and strong working relationship between Authority members and staff in relation to content enforcement and other content issues relevant to the ACMA.

The purpose of the CC is to:

- > represent the Authority's strategic directions to staff
- > track status and discuss compliance and enforcement activities
- > refer investigations and content issues to the Authority for decision or discussion
- > facilitate visibility, discussion, debate and provide strategic input in relation to current and upcoming content issues
- > facilitate visibility, discussion, debate and provide strategic input in relation to submissions scheduled to be considered by the Authority
- > monitor progress and encourage regular interaction with Authority members on major projects and regulatory reforms
- > provide an opportunity for staff to seek advice or guidance
- > provide an opportunity for Authority members to raise current or future content issues for staff consideration.

### Committee membership

The current members are:

- > Creina Chapman (Chair)
- > James Cameron

### Staff participation

Key staff also participate in Content Committee meetings, including:

- > General Manager, Content and Consumer Division (GM CCD)
- > General Manager, Legal Services Division (LSD)
- > SES 1 or EL2 officers from their divisions nominated by them
- > Such other staff as may be nominated by the Chair or GM CCD from time to time.

### Meetings

- > The CC will meet fortnightly, and meetings may be held in person, by telephone or by videoconference.
- > Additional meetings may be convened by the CC Chair as and when required for the conduct of substantive business.
- > Where one or more CC members are unable to attend a meeting, decisions as to whether the meeting will proceed will be made by the CC Chair on a case-by-case basis.
- > Where the CC Chair is unable to attend a meeting, but has decided that the meeting should proceed, the meeting will be chaired by another Authority member chosen by the CC Chair.
- > The GM CCD and the CC Chair will agree upon meeting agendas. The GM CCD will ensure supporting papers are prepared and submitted in advance of meetings, providing

Committee members sufficient time to prepare for the meetings. Verbal briefings are allowed.

- > The CC Chair and GM CCD will agree on arrangements for the action items from the meeting to be recorded and distributed to relevant staff.
- > The CC is not a decision-making body of the Authority; therefore, the record of meeting actions should be careful not to imply that any regulatory decision has been taken. Meeting actions should be approved by the Committee Chair and tabled at the next meeting. Meeting actions will also be provided by the Committee Chair to the ACMA Chair.
- > Agendas of CC meetings will be made available on the intranet. The Authority Secretariat will be responsible for distributing meeting papers.

## **Responsibilities**

CC members are expected to:

- > make available sufficient time to review papers in advance of meetings
- > exercise objectivity, good analytical skills and good judgement
- > express opinions frankly, ask questions that go to the core of issues and pursue independent lines of enquiry
- > at all times recognise that primary responsibility for management of the ACMA rests with the ACMA Chair.

The CC Chair is expected to:

- > chair meetings with the objective of facilitating and encouraging open debate and discussion by all members of the Committee
- > regularly update the Authority on CC Committee discussions.

## **Review of charter**

This charter will be reviewed annually to ensure it remains relevant and up to date.

## Spectrum Committee Charter

### Objective/Purpose

The Spectrum Committee is established to facilitate a productive and strong working relationship between Authority members and staff in relation to spectrum regulation, enforcement and other spectrum issues relevant to the ACMA.

The purpose of the Spectrum Committee is to:

- > represent the Authority's strategic directions to staff
- > track status and discuss compliance and enforcement activities
- > refer Spectrum Committee issues to the Authority for decision or discussion
- > facilitate visibility, discussion, debate and provide strategic input in relation to current and upcoming Spectrum Committee issues
- > facilitate visibility, discussion, debate and provide strategic input in relation to submissions scheduled to be considered by the Authority
- > monitor progress and encourage regular interaction with Authority members on major projects and regulatory reforms
- > provide an opportunity for staff to seek advice or guidance
- > provide an opportunity for Authority members to raise current or future Spectrum Committee issues for staff consideration.

### Membership

The current members are:

- > James Cameron (Chair)
- > Creina Chapman
- > Chris Jose.

### Staff participation

Key staff also participate in Spectrum Committee meetings, including:

- > General Manager, Communications Infrastructure Division (GM CID)
- > SES 1 or EL2 officers from their division nominated by them
- > Such other staff as may be nominated by the Chair or GM CID from time to time.

### Meetings

- > The Spectrum Committee will meet monthly, and meetings may be held in person, by telephone or by videoconference.
- > Additional meetings may be convened by the Spectrum Committee Chair as and when required for the conduct of substantive business.
- > Where one or more Spectrum Committee members are unable to attend a meeting, decisions as to whether the meeting will proceed will be made by the Spectrum Committee Chair on a case-by-case basis.
- > Where the Spectrum Committee Chair is unable to attend a meeting, but has decided that the meeting should proceed, the meeting will be chaired by another Authority member chosen by the Spectrum Committee Chair.
- > The GM CID and the Spectrum Committee Chair will agree upon meeting agendas. The GM CID will ensure supporting papers are prepared and submitted in advance of meetings,

providing Committee members sufficient time to prepare for the meetings. Verbal briefings are allowed.

- > The Spectrum Committee Chair and GM CID will agree on arrangements for the action items from the meeting to be recorded and distributed to relevant staff.
- > The Spectrum Committee is not a decision-making body of the Authority; therefore, the record of meeting actions should be careful not to imply that any regulatory decision has been taken.
- > Meeting actions should be approved by the Spectrum Committee Chair and tabled at the next meeting. Meeting actions will also be provided by the Committee Chair to the ACMA Chair.
- > Agendas of Spectrum Committee meetings will be made available on the intranet. The Authority Secretariat will be responsible for distributing meeting papers.

## **Responsibilities**

Spectrum Committee members are expected to:

- > make available sufficient time to review papers in advance of meetings
- > exercise objectivity, good analytical skills and good judgement
- > express opinions frankly, ask questions that go to the core of issues and pursue independent lines of enquiry
- > at all times recognise that primary responsibility for management of the ACMA rests with the ACMA Chair.

The Spectrum Committee Chair is expected to:

- > chair meetings with the objective of facilitating and encouraging open debate and discussion by all members of the Committee
- > regularly update the Authority on Spectrum Committee discussions.

## **Review of charter**

This charter will be reviewed annually to ensure it remains relevant and up to date.



## Telecommunications Consumer Committee Charter

### Objective/Purpose

The Telecommunications Consumer Committee (TCC) is established to facilitate a productive and strong working relationship between Authority members and staff in relation to telecommunications and consumer issues (including unsolicited communications and spam issues) .

The purpose of the TCC is to:

- > represent the Authority's strategic directions to staff
- > track status and discuss compliance and enforcement activities (as complemented by the interactions between staff and the Chair of the Compliance and Enforcement Committee (CEC) as outlined below)
- > refer telecommunications and consumer issues to the Authority for decision or discussion
- > facilitate visibility, discussion, debate and provide strategic input in relation to current and upcoming telecommunications and consumer issues
- > monitor progress and encourage regular interaction with Authority members on major projects and regulatory reforms
- > facilitate visibility, discussion, debate and provide strategic input in relation to submissions scheduled to be considered by the Authority
- > provide an opportunity for staff to seek advice or guidance
- > provide an opportunity for Authority members to raise current or future telecommunications and consumer issues for staff consideration.

### Membership

The current members are:

- > Chris Jose (Chair)
- > James Cameron.

### Staff participation

Key staff also participate in TCC meetings, including:

- > General Manager, CCD (GM CCD)
- > General Manager, LSD
- > SES 1 or EL2 officers from their divisions nominated by them
- > Such other staff as may be nominated by the Chair or GM CCD from time to time.

### Meetings

- > The TCC will meet fortnightly, and meetings may be held in person, by telephone or by videoconference.
- > Additional meetings may be convened by the TCC Chair as and when required for the conduct of substantive business.
- > Where one or more TCC members are unable to attend a meeting, decisions as to whether the meeting will proceed will be made by the TCC Chair on a case-by-case basis.
- > Where the TCC Chair is unable to attend a meeting, but has decided that the meeting should proceed, the meeting will be chaired by another Authority member chosen by the TCC Chair.

- > The GM CCD and the TCC Chair will agree upon meeting agendas and the GM CCD will ensure supporting papers are prepared and submitted in advance of meetings, providing Committee members sufficient time to prepare for the meetings. Verbal updates are allowed.
- > The TCC Chair and GM CCD will agree on arrangements for the action items from the meeting to be recorded and distributed to relevant staff.
- > The TCC is not a decision-making body of the Authority; therefore, the record of meeting actions should be careful not to imply that any regulatory decision has been taken.
- > Meeting actions should be approved by the Committee Chair and tabled at the next meeting. Finalised meeting actions will also be provided by the Committee Chair to the ACMA Chair.
- > Agendas of TCC meetings will be made available on the intranet. The Authority Secretariat will be responsible for distributing meeting papers.
- > In his role of enforcement and litigation Authority Lead, Chris Jose will also support the TCC in tracking the progress of investigations by overseeing a 'docket' system to keep a detailed track of the matters within the TCC's stream. This will include meeting with staff to track individual matters on the docket, as appropriate.

## **Responsibilities**

TCC members are expected to:

- > make available sufficient time to review papers in advance of meetings
- > exercise objectivity, good analytical skills and good judgement
- > express opinions frankly, ask questions that go to the core of issues and pursue independent lines of enquiry
- > at all times recognise that primary responsibility for management of the ACMA rests with the ACMA Chair.

The TCC Chair is expected to:

- > chair meetings with the objective of facilitating and encouraging open debate and discussion by all members of the Committee
- > regularly update the Authority on Committee discussions.

## **Review of charter**

This charter will be reviewed annually to ensure it remains relevant and up to date.

## Compliance and Enforcement Committee Charter

### Objective/Purpose

The Compliance and Enforcement Committee (CEC) is established to facilitate and implement a strategic approach by Authority Members and staff in relation to the compliance and enforcement actions of the ACMA.

The purpose of the CEC is to:

- > provide contemporary best practice advice on compliance and enforcement to staff to increase capability and to encourage innovation and continuous improvement
- > create, maintain and update the ACMA's compliance and enforcement manual and guidelines
- > manage the annual compliance and enforcement priorities process
- > provide a forum for strategic discussion and direction-setting in relation to compliance and enforcement that is over and above operational compliance and enforcement activities
- > provide analysis of compliance and enforcement actions including analysis across divisions, branches and industry sectors.

The CEC has no responsibility for the management of investigations and other day-to-day compliance and enforcement activities.

### Membership

The current members are:

- > Chris Jose (Chair)
- > Nerida O'Loughlin
- > James Cameron
- > Creina Chapman.

### Staff participation

Key staff also participate in CEC meetings, including:

- > General Manager, CID
- > General Manager, LSD
- > General Manager, CCD
- > SES 1 or EL2 officers from their divisions nominated by them as required by the agenda from time to time.

### Meetings

- > The CEC will meet monthly, and meetings may be held in person, by telephone or by videoconference.
- > Additional meetings may be convened by the CEC Chair as and when required for the conduct of substantive business.
- > Where one or more CEC members are unable to attend a meeting, decisions as to whether the meeting will proceed will be made by the CEC Chair on a case-by-case basis.
- > Where the CEC Chair is unable to attend a meeting, but has decided that the meeting should proceed, the meeting will be chaired by another Authority member chosen by the CEC Chair.
- > The CEC Chair will formulate the meeting agendas in consultation with the GMs and nominated LSD staff. GMs and Legal Services staff will ensure supporting papers are

prepared and submitted in advance of meetings, providing Committee members sufficient time to prepare for the meetings. Verbal updates are allowed.

- > The CEC Chair and GM LSD will agree on arrangements for the action items from the meeting to be recorded and distributed to relevant staff.
- > The CEC is not a decision-making body of the Authority; therefore, the record of meeting actions should be careful not to imply that any regulatory decision has been taken.
- > Meeting actions should be approved by the Chair and tabled at the next meeting.
- > Agendas of CEC meetings will be made available on the intranet. The Authority Secretariat will be responsible for distributing meeting papers.

## **Responsibilities**

CEC members are expected to:

- > make available sufficient time to review papers in advance of meetings
- > exercise objectivity, good analytical skills and good judgement
- > express opinions frankly, ask questions that go to the core of issues and pursue independent lines of enquiry
- > at all times recognise that primary responsibility for management of the ACMA rests with the ACMA Chair.

The CEC Chair is expected to chair meetings with the objective of facilitating and encouraging open debate and discussion by all members of the Committee.

## **Review of charter**

This charter will be reviewed from time to time to ensure it remains relevant and up to date.