

The current limits on the number of fixed telecommunications carriers (Optus and Telstra) and mobile carriers (Vodafone, Optus and Telstra) ends on 30 June 1997. Presented here is the ABA's submission to the Federal Government's Telecommunications Review.

## Making the connections

**T**he Government is reviewing what changes in policy, legislation and regulation should be introduced after this date. Through the review, the Government intends to introduce a regulatory regime that will be more competitive than is currently the case. This review is being carried out within the Department of Communications and the Arts.

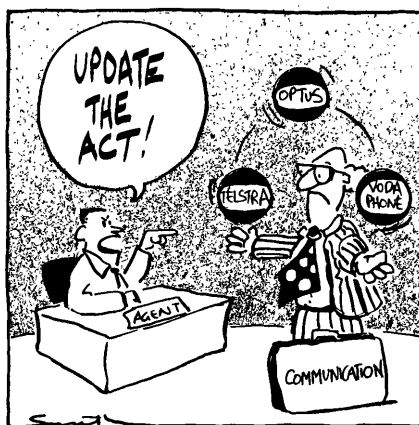
In an era of increasing industry convergence, regulatory regimes for telecommunications and broadcasting need strengthening to facilitate the proper interconnections between these two areas.

The strengthening connection between broadcasting and telecommunications could be reflected in a regulatory environment which enriches and develops these links. This would provide industry certainty while preserving a flexible, responsive framework for broadcasting, telecommunications and broadband services.

A network of regulators with industry specific knowledge and expertise could work together through interlinking powers of referral and co-ordination to ensure that this certainty and flexibility can be achieved effectively.

**Content.** Content is a crucial issue in telecommunications as has been the case in broadcasting. Content in telecommunications is not restricted to entertainment products, but also information, computer software and on-line services. Content is driving the roll-out of new communications infrastructure and proposals for cable networks. Content links broadcasting and telecommunications and provides the basis for emerging broadband services. Previously what was described as 'carriage' issues is now being examined content terms.

**Networked regulations.** Neither AUSTEL nor the ABA have all the powers necessary to address some of the new communications services. For example, the content of interactive multimedia and



online services is not regulated.

Telecommunications networks will increasingly move content from the private to the public domain, and some of these services will bring with them pre-existing forms of content regulation. However, where telecommunications systems combine private and public communications, as in cable systems, the telecommunications common carrier will not be in a position to exercise control over the content carried.

**Regulatory framework.** The Telecommunications Act was not designed to apply to broadband services. The industry and regulators are working with inadequate tools to address new services. The Telecommunications Act could be reviewed to ensure that it supports broadband carriage.

The communications industry operates within a complex, overlapping or complementary institutional network. Both the ABA and AUSTEL determine technical standards; the ABA and the Spectrum Management Agency (SMA) plan the radiofrequency spectrum; and the ABA classifies children's programs and the Office of Film and Literature Classification classifies film and video. Potential for overlap exists and convergence issues need to be addressed in a co-ordinated way.

These agencies serve previously discrete industry segments. In practice, attention to areas of potential duplica-

tion can hide the reality that agencies associated with communications regulation have a particular core area of competency and skill. The ABA's criteria in relation to ownership and control provisions are based on policy objectives related to content, such as diversity of control of broadcasting services. These public interest considerations would not otherwise be taken into account under the Trade Practices Act, which is primarily concerned with competition.

Using the framework provided by the Broadcasting Services Act, like-services should be regulated in like ways, regardless of delivery, to promote stability and confidence within the industry.

**Multi-tier licensing.** The Broadcasting Services Act uses a multi-tier model of licensing and control, based on the degree of influence different types of broadcasting services are able to exert in shaping community views. This model has worked well and it may provide a useful model for a future approach to telecommunications regulation.

**Consumer issues.** The emergence of new communications services is likely to increase the Australian community's concern to see that there is an effective scheme for content regulation.

Public interest issues likely to be raised by the introduction of new services such as interactive products include privacy, consumer protection, copyright protection, universal access, diversity of views and accommodation of technological change will arise.

Regulations should be introduced to address these issues to ensure regulatory consistency against standards and policy goals. Personal information could be collected in an electronic format through new services. Regulation could be introduced to address the use of this information for purposes which violate personal privacy.

**Standards and codes.** The code for subscription broadcasting services may include customer dealings, including methods of billing, fault repair, privacy, credit management and program classification issues.

Codes of practice offer a flexible way to address consumer concerns across many communications services. The ABA believes that this mechanism could be used effectively to deal with emerging communications services. ■