



The Australian Communications and Media Authority Act 2005 will create the new agency, the Australian Communications and Media Authority, by merging the Australian Broadcasting Authority and the Australian Communications Authority.

Towards the merger: update on ACMA

The *Australian Communications and Media Authority Act 2005* establishes a new regulatory authority for communications, the Australian Communications and Media Authority (ACMA).

Parliament passed the Australian Communications and Media Authority Bill 2004 and related legislation on 17 March 2005, and the Bill received Royal Assent on 1 April.

The provisions of the Australian Communications and Media Authority Act provide for commencement of the agency on proclamation, or on 1 July 2005 if no proclamation has been made by that date.

ACMA will comprise a full-time chair, a full-time deputy chair, and from one to seven other members who can be either full or part-time. Each term of membership is to be up to five years. Members may be reappointed, provided the total term does not exceed 10 years. Previous appointment as a member or associate member of the ABA or the ACA will count towards this period.

The chair and the staff of ACMA together constitute the statutory agency with the chair the head of the agency.

On 11 March 2005, the posi-

tion of chair and chief executive of ACMA was advertised in the *Australian Financial Review*, with a similar advertisement placed in the major national newspapers on the following weekend. Applications closed on 29 March.

Functions

The functions of ACMA will essentially be the functions currently undertaken by the ABA and the ACA. ACMA will be able to establish one or more divisions and, if it does so, must determine the kinds of matters that a division can deal with. It will also be able to delegate to a division any or all of its functions and powers so far as they relate to the kinds of matters the division can deal with.

The formation of the new agency will enable a coordinated regulatory response to converging technologies and services.

ACMA, unlike the ABA and the ACA, will be an agency prescribed by the *Financial Management and Accountability Act 1997*. As a Financial Management and Accountability Act agency, the responsibility for management of ACMA is given to the chair as the chief executive of the agency. The

role of the members is to perform the statutory functions required under the Acts to be administered by ACMA.

ABA and ACA working together

The ABA and ACA have been working together to ensure the success of the merger.

Work is progressing on the development of a common corporate infrastructure and the alignment of corporate services delivery. Key corporate functions which need to be operating effectively from the first day of ACMA include communications, financial resources, human and information technology and management.

ABA and ACA staff are also developing a series of strategic options papers to brief ACMA members and inform merger-related decisions: an analysis of the new legislation and its implications, particularly the implications of ACMA being an FMA Act body; options for internal corporate governance arrangements; an organisational analysis of both the ABA and the ACA and preliminary consideration of structural options.



A paper outlining the strategy for the development and implementation of the ACMA day one structure has been circulated to the staff of both agencies for comment.

The ACMA Bill

Before the Bill was passed it was referred to committee: on 8 December 2004 the Senate had agreed to a motion moved by Senator Cherry (Democrats) to refer the provisions of the ACMA Bill and related legislation to the Environment, Communications, Information Technology and the Arts References Committee for inquiry. The committee reported on 10 March 2005. Amendments to the Bill were then proposed in the Senate but these were not ultimately accepted by the Parliament. ☐