

Annual report highlights breadth of the ACMA's work

Radiofrequency spectrum planning and management, consumer protection initiatives, broadcast investigations and the switchover to digital television were key areas of activity for the ACMA in 2008–09, as detailed in the annual report, which was tabled in Parliament on 20 October 2009.

'The ACMA's work continues across the widest geographic scale, from satellites in space to cables beneath the sea and from the most remote rural outpost to congested metropolitan areas,' said Chris Chapman, Chairman of the ACMA.

'We look forward to continuing to undertake our essential work across this broad and diverse landscape, to meet our goals in the face of the challenge of continuous and rapid change, the pace of which is unlikely to slacken in the coming year.'

During the year, the ACMA announced a number of significant proposals for future spectrum arrangements, including a harmonised band for government use and measures to allow more efficient use of spectrum in the 400 MHz band.

'The ACMA continued to promote consultation, transparency and accountability in its radiofrequency spectrum planning and management through a number of key initiatives including the release of both the *Five-year Spectrum Outlook 2009–2013* and the Australian Radiofrequency Spectrum Plan. The ACMA also finalised the spectrum management principles that it is now using in its management of the radiofrequency spectrum,' Mr Chapman said.

The switchover to digital television was another key activity for the ACMA in 2008–09. Working closely with the Digital Switchover Taskforce and the Department of Broadband, Communications and the Digital Economy in relation to the switchover, the ACMA provided technical expertise and regulatory advice to assist with the smooth transition and help scope the digital dividend arising from the switchover.

The development of consumer protection initiatives in the telecommunications area was another important feature of the ACMA's work in 2008–09.

'In the telecommunications area, the ACMA's comprehensive strategy for protecting consumers of premium short message services (SMS) was announced in May 2009,

in response to increasing concern about some industry practices,' Mr Chapman said. 'The package included a determination that will mandate a number of specific protections and a comprehensive monitoring framework. The ACMA also registered the industry-developed Mobile Premium Services Code which includes detailed rules about subscribing to premium SMS services; the banning of advertisements targeted at children under 15; strict rules about how advertisements (and charges) are displayed; and improved complaints-handling obligations for companies supplying premium SMS services.'

In 2008–09, the ACMA received 3,947 complaints about spam, a 31 per cent increase from last year. This increase, in part, is attributed to media coverage of enforcement action and increasing awareness of SMS spam.

'This record number of spam complaints shows an increase of 71 per cent for complaints about SMS spam, the most significant rise since the *Spam Act 2003* was implemented,' Mr Chapman said.

'SMS spam is a growing concern requiring increasing enforcement activity. This year, the ACMA implemented a number of measures to educate and protect consumers from fraudulent spam activity, while continuing to enforce the Act with seven infringement notices issued for the period totalling \$376,200. This enforcement action included the lodgement of the first Federal Court action involving SMS spam.'

The development and implementation of a national cybersafety education program was another significant ongoing project for the ACMA. Activities included internet safety presentations, a professional development program for

teachers and the development of www.cybersmart.gov.au, a practical website that included a comprehensive area for schools—the Schools Gateway.

The Do Not Call Register, which protects consumers from unwanted telemarketing calls, continued to grow with more than 1.12 million new telephone numbers added to the register in 2008–09. This brings total registrations to 3.54 million at 30 June 2009.

Broadcast investigations and enforcement action also featured prominently over the financial year. In February 2009, the ACMA announced that it had accepted enforceable undertakings under section 205W of the *Broadcasting Services Act 1992* from both the Nine Network and WIN Corporation about actions licensees would take to ensure that *Underbelly* and the range of programs featuring chef Gordon Ramsay would be correctly classified. This was the first time the ACMA had accepted enforceable undertakings from commercial television licensees relating to matters covered by a code of practice.

The undertakings included requirements to put in place more rigorous classification procedures and additional training and reporting processes. ☺

The *ACMA Annual report 2008–09* is available on the ACMA website at www.acma.gov.au/annualreport.

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