



Industry forum for codes and standards

CU reports on the role and functions of the Australian Communications Industry Forum

The Telecommunications Act 1997 (the Act) requires that industry develop consumer, technical and access codes for ratification by the appropriate regulatory body and application within the new regime. This is in accordance with the underlying regulatory policy of the Act. Section 4 states:

The Parliament intends that telecommunications be regulated in a manner that:

- (a) promotes the greatest practicable use of industry self-regulation; and
- (b) does not impose undue financial and administrative burdens on participants in the Australian telecommunications industry; but does not compromise the effectiveness of the regulation in achieving the objects [of the Act].

The government has delegated the primary responsibility for the formation of Industry Codes and Standards (that is, consumer codes) and technical standards to the new Australian Communications Industry Forum (ACIF), an industry body growing from the National Interworking Industry Forum (NIIF).

Code development

The ACAF may develop a code at its own instigation or following a direction from the ACA. Once the ACAF has developed a draft code, the ACA will register it if satisfied with its adequacy. Although compliance with a code is said to be voluntary, the ACA may direct a person to comply with a code, with failure to do so attracting civil penalties [Part 6, Division 4]. The

ACA may declare an industry standard where it has requested the ACAF to develop a code or rectify a deficient code and the ACAF fails to do so or fails to adequately progress the matter.

The ACA is required to provide sufficient opportunity for the industry to develop a code or, where a code has been developed, for the code to demonstrate its efficacy. The ACA must wait at least 180 days from 1 July 1997 for a registrable code to be developed or, where a code has been registered, 180 days from its date of registration, before overriding it with a standard. Compliance with a standard is mandatory, with breaches attracting civil penalties [Part 6, Division 5]. The ACA may not register a code or determine a standard unless it is satisfied that the ACAF has adequately consulted (in the case of a code) or it has itself consulted (in the case of a standard), participants in the ACAF or any other body representing relevant industry interests, members of the public, an organisation representing consumer interests, the ACCC, the TIO and, where relevant, the Privacy Commissioner.

Technical standards

The ACIF is expected to take over AUSTEL's previous in the setting of technical standards for customer equipment and cabling and the development of international standards. It will undertake some of its functions itself and delegate others to bodies such as Standards Australia. The Act specifically excludes such technical regulation as equipment design fea-

tures or performance characteristics (regulated separately under Part 21 of the Act) and content regulation (regulated under Part 9 of the *Broadcasting Services Act 1992*). Again, the ACA will consider a draft technical standard submitted by the industry and may register it as a standard, request changes or refuse to register it. It may develop its own standard if dissatisfied with the work of the ACIF.

Structure of the ACIF

The ACIF comprises a small, full-time executive Board and a larger Assembly comprising a representative from each ACIF member. The Assembly is expected to meet approximately three times per year, with membership is open to all industry participants. The structure also includes Working Committees and Reference Panels. Working Committees comprise the basic 'working unit' of the ACIF, developing codes and standards and resolving differences between various industry members at this level; although it is not yet clear whether formal procedures will be developed for the resolution of disputes. Working Committees are to be established on a project by project basis. This work will be supervised by the Reference Panels, which advise the executive on the preparation of appropriate programs, the conduct of Working Committees and the project management of any work delegated to outside bodies such as Standards Australia. The Board will approve the work of the ACIF and set guidelines for the Working Committees and Reference Panels. □