



Australian
Communications
and Media Authority

ACMA snapshot

December quarter, 2015

FEBRUARY 2016

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Introduction

This snapshot has been developed to provide stakeholders with an overview of some of the ACMA's broad and diverse activities, including:

- > broadcasting, radiofrequency spectrum, telecommunications and unsolicited communications complaints, investigations and compliance work
- > allocation and licencing regulatory work
- > cybersecurity
- > activities supporting the nbn
- > the ACMA Customer Service Centre.

The ACMA has a complex regulatory remit spanning some 26 Acts and involving the administration of over 400 regulatory instruments. In broad terms, the ACMA's responsibilities include:

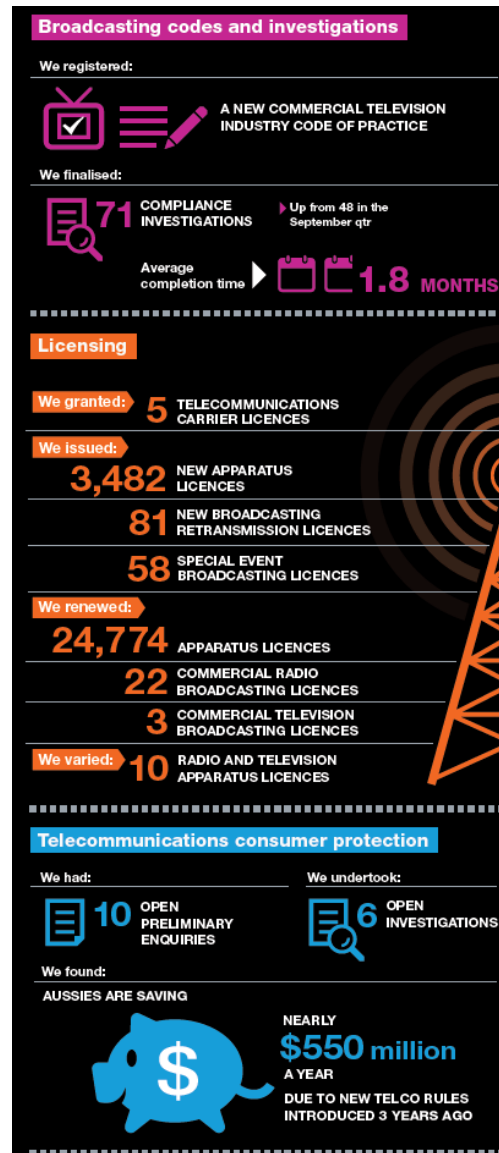
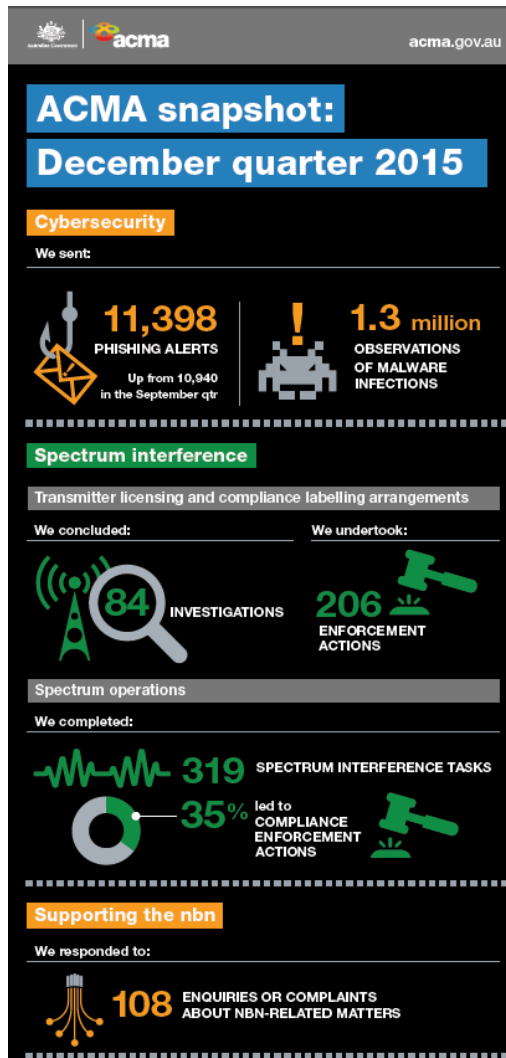
- > promoting self and co-regulation and competition in the communications industry while protecting consumers and other users
- > fostering an environment in which electronic media respect community standards and respond to audience and user needs
- > managing access to radiofrequency spectrum
- > representing Australia's interests internationally.

This snapshot provides an overall 'at-a-glance' feel for the range of our activities, providing insight into that broad diversity that can sometimes be lost in the sectoral specifics of day-to-day engagement in the broadcasting, radiocommunications, telecommunications and internet industries.

Data presented generally covers the December 2015 quarter.

Please tell us what you think and what may be changed or added to enhance the snapshot by emailing media@acma.gov.au.

ACMA snapshot: December quarter 2015 at a glance



Allocations and licensing

Radiocommunications licensing

Under the *Radiocommunications Act 1992*, the ACMA can authorise the operation of devices under an apparatus, spectrum or class licence.

Apparatus licensing

Apparatus licences can be issued for any period ranging from one day to a maximum of five years. The majority of licences are for one year with annual renewals thereafter.

In the December quarter 2015, the ACMA:

- > issued 3,482 new apparatus licences
- > renewed 24,774 licences
- > amended the Apparatus Licence Taxation Determinations to account for the updates for inflation of 1.5 per cent and implementation of opportunity cost pricing in the 400 MHz band. The changes relating to opportunity cost pricing in the 400 MHz band will commence on 5 April 2016 and will lead to:
 - > increasing taxes for licences in the high density area of 15 per cent
 - > reducing taxes to the minimum annual tax of approximately \$39 in the remote density areas.

Accredited persons scheme

The accredited person's scheme provides a market-based solution for frequency coordination and device registration. Under the scheme, the ACMA, via accredited persons (APs) issues frequency assignment certificates for apparatus licences and interference impact certificates for spectrum licences. APs now undertake the majority of frequency assignment activity for the Australian radiocommunications sector.

Table 1: Assignments registered, December quarter 2015

Type of assignment	2015
Frequency assignments registered by APs	4,665 96.5%
Frequency assignments performed by the ACMA	171 3.5%

Broadcasting licence area plans and variations

Television licence area plans

Television licence area plans (TLAP) are the long-term planning instruments for television broadcasting services. They specify and allot channels to providers of television services and determine the characteristics (including technical specifications) for the use of those channels.

In the December quarter 2015, three TLAP variations were completed.

Radio licence area plan variations

Radio licence area plans (LAPs) are the planning instruments for radio services in Australia. There are nine LAP variations (containing 59 separate requests) currently being progressed.

Broadcasting and telecommunications licensing

In the December 2015 quarter, the ACMA:

- > issued 81 new broadcasting retransmission licences
- > varied 10 radio and television apparatus licences
- > issued 58 special event broadcasting licences for radio and television services
- > renewed 22 commercial radio broadcasting licences for services using the broadcasting service bands
- > renewed three commercial television broadcasting licences
- > granted five telecommunications carrier licences
- > received the surrender of three telecommunications licences
- > issued six Nominated Carrier Declarations
- > received the surrender of four Nominated Carrier Declarations
- > issued three telecommunications carrier trial certificates.

Viewer Access Satellite Television (VAST)

Complaints under the conditional access scheme for satellite access to digital television

Viewers who were refused access to VAST services by the scheme administrator can, under certain conditions, complain to the ACMA. The ACMA can direct the scheme administrator to enable VAST access for viewers who cannot access terrestrial digital television services.

In December 2015 quarter, the ACMA:

- > received 72 complaints
- > finalised the investigation of 69 complaints
- > issued 69 directions to the scheme administrator to grant VAST access to the complainants.

At the end of the reporting period, three complaints were still under investigation.

Broadcasting codes and investigations

Under the *Broadcasting Services Act 1992*, Australian radio and television licensees and national broadcasters have primary responsibility for developing codes of practice and ensuring that the material they broadcast reflects community standards.

The ACMA has regulatory oversight in the code development process and may investigate potential non-compliance with the applicable industry code of practice, standard or licence condition.

Code development

Under section 123 of the *Broadcasting Services Act 1992*, industry groups (except the national broadcasters) develop codes of practice in consultation with the ACMA. The ACMA registers an industry code of practice if it is satisfied that:

- > the code provides appropriate community safeguards for the matters covered
- > the code was endorsed by a majority of providers of broadcasting services in that industry sector
- > members of the public have been given adequate opportunity to comment on the code.

In November 2015, the ACMA registered a new Commercial Television Industry Code of practice, submitted by Free TV Australia, the industry group representing commercial free-to-air broadcasters in Australia. The new code came into effect on 1 December 2015.

The development of the new code was significantly informed by the ACMA's *Contemporary community safeguards inquiry* (CCSi) undertaken in 2013. The CCSi was established to explore those matters that should be addressed in contemporary broadcasting codes of practice. The new code reflects and is consistent with the CCSi's findings, which were focused on identifying the minimum level of regulatory prescription needed to address community safeguards. In reaching the decision to register the new code, the ACMA also carefully reviewed and considered the many submissions made to Free TV during the consultation process as well as submissions made directly to the ACMA.

Investigations

The ACMA has a discretion to decide whether to investigate complaints about broadcasting matters in the public interest. When deciding whether to investigate a particular matter, the ACMA considers a range of factors, including the nature and seriousness of the issue raised, whether the licensee or broadcaster has adequately dealt with it, the matter's potential to affect the community at large, and its priority in relation to other matters of public interest.

[Complaints about broadcast material](#) may be made on the ACMA website.

The ACMA publishes its [formal investigation reports](#) on its website.

Table 2: Broadcasting complaints and investigations, December quarter 2015

Type	Number
Total written contacts	348
Total written complaints*	85
Investigations commenced	67
Investigations completed	71
Investigations resulting in breach findings	2
Investigations resulting in non-breach findings	69
Investigations completed within three months**	68 (96%)
Investigations completed within five months	71 (100%)***
Average time for completion of investigations	1.8 months

* Note that multiple valid complaints may concern a single broadcast or matter.

** Includes two investigations where no finding was made.

*** One complex investigation was finalised in November 2015 and two complex investigations were finalised in December 2015. These were the only investigations to take longer than three months in the period.

Unsolicited communications and cybersecurity activity

In response to complaints and reports lodged by the public, the ACMA undertakes compliance activities and investigations of potential breaches of the *Spam Act 2003* (Spam Act), the *Do Not Call Register Act 2006* (DNCR Act), the Telemarketing and Research Industry Standard 2007 and the Fax Marketing Industry Standard 2011. To improve compliance with these Acts and Standards, the ACMA also undertakes general awareness-raising activities aimed at businesses engaged in telemarketing, fax marketing and e-marketing.

Unsolicited communications

Complaints, reports and enquiries

In the December quarter, the ACMA received 5,397 complaints related to the DNCR Act and 113,732 complaints and reports relating to the Spam Act that were sent directly to the ACMA by individuals.

Compliance and enforcement activities

A graduated risk-based approach is followed in relation to compliance with and enforcement of both the DNCR Act and the Spam Act. Compliance warnings are sent to identified businesses that are the subject of complaints or direct reports from the public. In the majority of cases, only one notification from the ACMA is required to address compliance issues. Where voluntary compliance is not forthcoming and the ACMA continues to receive complaints about a business, it may be formally investigated and subject to enforcement actions.

In the quarter to December 2015, the ACMA sent a combined 632 compliance warnings to businesses to notify them about potential compliance problems under the Spam Act and the DNCR Act. Complaints or reports about a number of businesses that warranted escalated action led to the commencement of two formal investigations—one into potential contraventions of the DNCR Act and one into potential contraventions of the Spam Act.

In the same timeframe, the ACMA concluded four investigations: two investigations found contraventions of the DNCR Act by a solar retail installation business and its call centre, one found contraventions of the Spam Act and a further investigation into suspected non-compliance with the Spam Act found that no contraventions had been committed.

Table 3: Summary of complaints, direct reports, enquiries, compliance activities and enforcement for quarter to December 2015

Actions		Number
Complaints and reports	Telemarketing & fax marketing	5,397
	Spam	113,732
Enquiries	Telemarketing & fax marketing	1,363
	Spam	255
Business compliance warnings	Telemarketing & fax marketing	366
	Spam	266
Investigations opened	Telemarketing	1
	Fax marketing	0
	Spam	1
Concluded investigations	Telemarketing	2
	Fax marketing	0
	Spam	2

Increased international cooperation in combatting spam and illegal telemarketing activity

The ACMA enhanced its ability to combat unsolicited communications internationally in the December 2015 quarter, by entering into two Memorandums of Understanding (MoUs). The ACMA and the New Zealand Department of Internal Affairs renewed a MoU aimed at facilitating the exchange of information and intelligence about spam, phishing activity and malware. In addition, the ACMA joined with fellow regulators of the [London Action Plan](#) in a MoU with the purpose of promoting the exchange of information pertaining to current and emerging telemarketing and spam issues and persons of interest.

Cybersecurity

The ACMA's [Australian Internet Security Initiative](#) (AISI) collates malware (malicious software) infection data from a number of sources and analyses it to identify and report infections occurring on Australian networks. It provides daily reports to its partners—mainly ISPs and educational bodies—of malware infections to minimise harm as quickly as possible.

The AISI also provides daily reports of vulnerabilities on web-facing services such as websites, network accessible storage, application programming interfaces, payment gateways, virtual private networks and home routers. Many of the vulnerabilities reported potentially enable the service to be inadvertently used for malicious activities, such as Distributed Denial of Service attacks. Reporting vulnerable services provides affected customers with the opportunity to address the vulnerability before a website or router has been compromised or used for malicious purposes.

Daily AISI data is provided to government partners (CERT Australia and the AFP) relating to malware infections occurring in the entire Australian network to assist them to better identify infected devices on their networks, enhancing the ACMA's ability to protect consumers from the negative impacts of malware infection.

In the December 2015 quarter, 1,306,158 observations of malware infections were made.

During the December quarter, malware affecting Apple iOS and Android mobile devices was reported in significant numbers for the first time through the AISI. The iOS reports related to 'apps' infected with 'XcodeGhost', which enables user data to be obtained from the device and sent to malicious actors. The Android reports concerned 'Marcher' malware that can steal banking and other financial credentials by substituting genuine authentication fields within banking apps on the Android device with its own fake fields, which are recorded and sent to malicious actors.

During the quarter over 20 million vulnerable services reports were sent to AISI partners.

ACMA phishing alert service

Some spam emails reported to the ACMA enable the identification of phishing activities. Phishing emails typically masquerade as being sent from financial institutions, known brands and government agencies. The emails usually direct recipients to fake web pages to fraudulently obtain personal and financial data.

The ACMA sends alerts to partner organisations (especially Australian financial institutions) that are the purported source of each phishing message. The alerts are typically sent within five minutes of the spam being received by the ACMA, and enable recipient organisations to seek to quickly remove webpages hosting the malicious content and advise their clients of the existence of the phishing scam. In the December 2015 quarter, the ACMA sent 11,398 phishing alerts.

Spectrum operations compliance and investigations activities

The spectrum compliance and investigation program focuses on maximising the ACMA’s regulatory reach in a strategic and resource efficient manner (an important issue given unique position of Australia’s large land mass with a high concentration of the population living in urban areas, while 10 per cent of the population is spread across 93 per cent of the landmass). This is underpinned by the annual priority compliance area (PCA) program, which focuses on risks of harmful interference, high risk to spectrum utility, and risk to public safety or public interest.

Spectrum operations compliance investigations

During the December 2015 quarter, the ACMA commenced 82 and concluded 84 compliance investigations in support of the transmitter licensing and compliance labelling regulatory arrangements under the Radiocommunications Act. Tables 4 and 5 provide a breakdown of the investigations commenced and enforcement actions taken by the regulatory arrangement during the December quarter.

Table 4: New investigations

Regulatory arrangement	Investigations
Customer cabling	6
Radiocommunications transmitters	73
Standards—EMC	2
Standards—radio devices	1
Total	82

Table 5: Enforcement action

Action	Breach	Number
Advice Notice	S197—Causing interference, etc.	32
Infringement Notice	S197—Causing interference, etc.	2
	S46—Unlicensed operation	1
	S186—Sale etc. of devices without labels	1
Regulation 40	S113—Contravention of conditions	3
Warning Notice	S46—Unlicensed operation	68
	S421—Cabling provider rules	4
	S160—Supply of non-standard devices	2
	S186—Sale etc. of devices without labels	2
	S197—Causing interference, etc.	69
	S47—Unlawful possession	7

Action	Breach	Number
	S413—Supply of unlabelled customer equipment or customer cabling	1
	S113—Contravention of conditions	10
	S301—Supply radiocommunications devices	1
	S158—Possession of non-standard devices	2
	S157—Emission from non-standard transmitters	1
Total		206

Spectrum operations interference investigations

During the December 2015 quarter, spectrum operations concluded 319 interference tasks. Of these, around 35 per cent (or 113) resulted in compliance enforcement—Advice or Warning Notices.

Table 6: Compliance enforcement actions for interference complaints by interference complaint type

Type of interference	Number of actions
Domestic systems interference	
Advice Notice (RF 169)	14
Warning Notice (RF 168)	9
Radiocommunications interference	
Advice Notice (RF 169)	17
Warning Notice (RF 168)	73
Total	113

Telecommunications consumer protection

The ACMA has consumer protection responsibilities under the Telecommunications Act and the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. The ACMA registers and monitors compliance with codes developed by the communications industry, and investigates compliance with the Telecommunications Industry Ombudsman scheme.

Current activities

In accordance with the Telecommunications Consumer Protection Code (TCP Code), identified priorities, activities relating to complaints-handling, customer information for low-cost fixed line plans, financial hardship, customer transfer, privacy, and Communications Compliance were undertaken in the December quarter.

In relation to telecommunications consumer protection, in the December 2015 quarter, the ACMA:

- > opened one preliminary enquiry into complaints-handling
- > commenced one investigation into complaints-handling
- > opened four preliminary enquiries into the use of financial hardship policies
- > opened eight preliminary enquiries into the adequacy of consumer information for low-cost fixed line plans
- > commenced one enquiry into a provider that failed to join the TIO scheme.

Complaints-handling

The ACMA commenced a preliminary enquiry into the complaints-handling practices of one provider, following the identification of consecutive rises in TIO complaints during the June and September 2015 quarters. It commenced an investigation of a further provider following consideration of its response to an earlier preliminary enquiry.

Consumer information for low-cost fixed line plans

The ACMA examined the online information provided to consumers for low-cost fixed line plans for 17 providers following a request from a member of the ACMA's Consumer Consultative Forum. The ACMA wrote to eight providers seeking a small number of improvements in the information provided, including in Critical Information Summaries. Providers have been responsive in making the improvements to date.

Financial hardship

The ACMA wrote to four providers about the applications each receives regarding financial hardship from its customers and their handling of these applications. The four providers were assessed as compliant with the requirements of the Credit and Debt Management chapter of the TCP Code.

Customer transfer

An investigation into customer transfers remains open. This relates to the mass transfer of customers between entities and whether appropriate notification was given to customers.

Privacy

The ACMA is continuing to investigate a firm's compliance with section 276 of the Telecommunications Act relating to disclosure offences of personal information

TIO scheme

One preliminary enquiry was commenced into a provider that failed to join the TIO scheme. One other investigation remains open.

Figure 1: Overview of telecommunications compliance activity, December quarter 2015

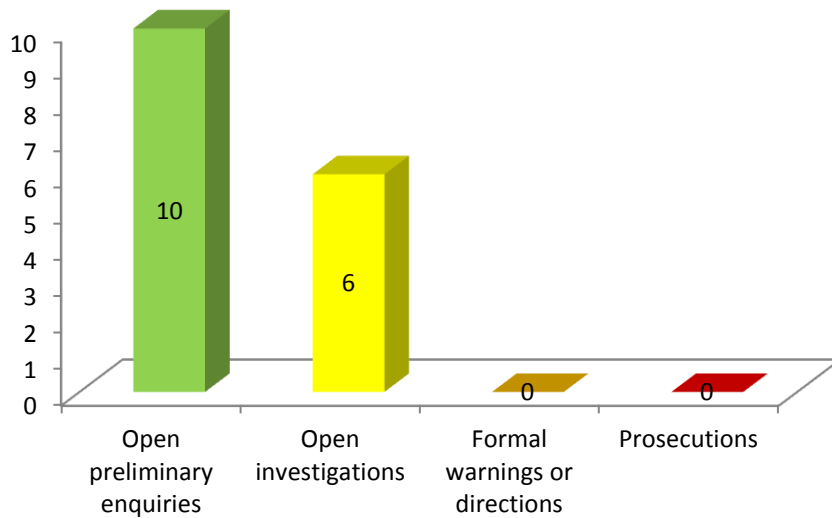


Figure 2: Current TCP Code investigations by specific issue, December quarter 2015

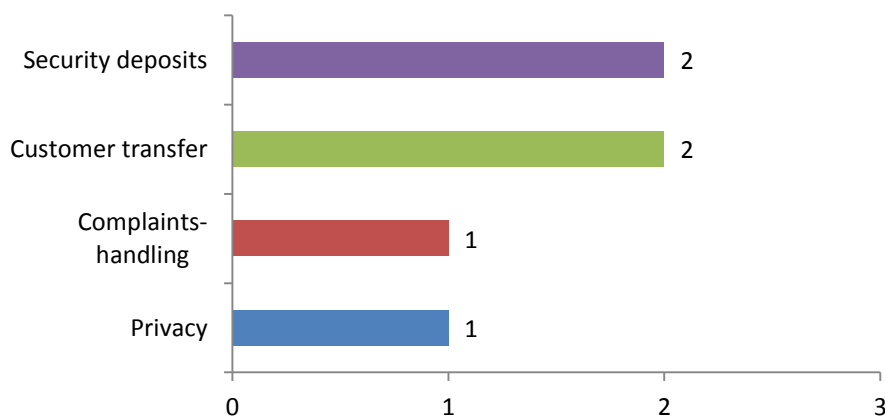


Figure 3: Telco enquiries commenced, July–December 2015

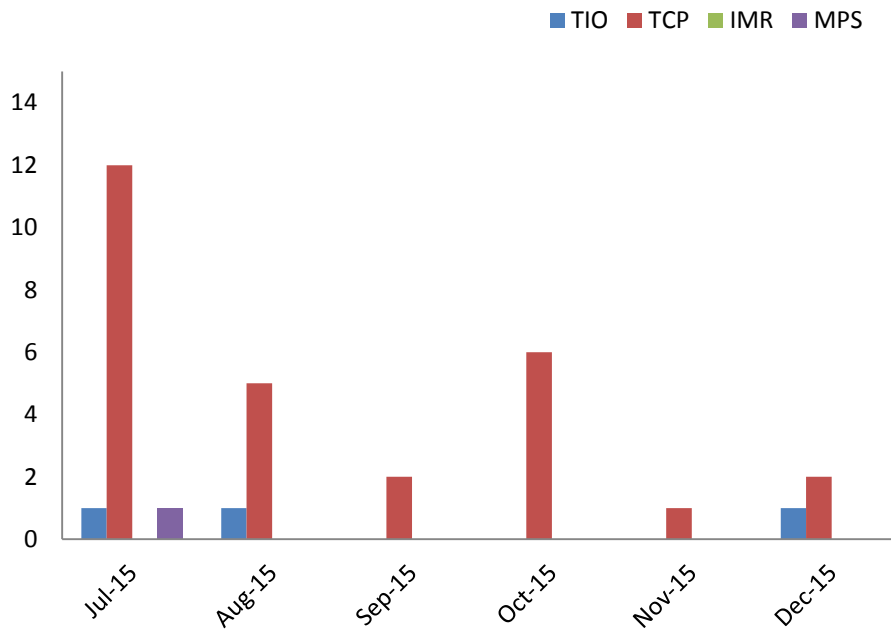
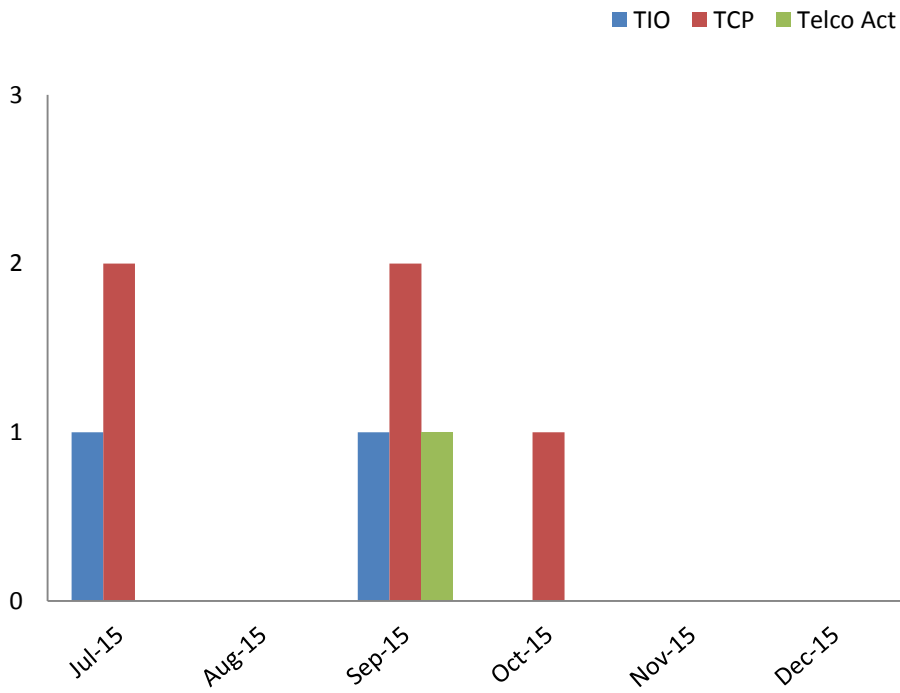


Figure 4: Telco investigations commenced, July–December 2015



Reconnecting the Customer—Estimation of benefits

In November 2015, the ACMA released a report estimating the benefits to telecommunications consumers of the improvements to customer service and customer outcomes. The *Reconnecting the Customer—Estimation of benefits* report indicated that Australians are saving nearly \$550 million a year as a result of rules introduced three years ago for telecommunications service providers.

It is widely acknowledged that there have been significant improvements in telecommunications customer service and consumer outcomes in recent years. These developments are as a result of:

- > our *Reconnecting the Customer* (RTC) public inquiry in 2010–11
- > the development, registration and implementation of a substantially revised Telecommunications Consumer Protection (TCP) Code
- > subsequent changes to industry behaviour.

The telco industry has been instrumental to the success of these customer protection reforms, with the Communications Alliance incorporating 95 per cent of the RTC inquiry recommendations into the revised TCP Code. Furthermore, many industry participants implemented RTC recommendations early on, introducing a number of consumer initiatives over and above the requirements of the TCP Code.

For more information, see our [*Reconnecting the Customer—Estimation of benefits* report](#).

National broadband network

This section provides an overview of ACMA activities of relevance to the nbn.

December quarter activities

During the December quarter 2015, the ACMA has been supporting the development of the nbn through:

- > contributing to industry discussions aimed at developing technical rules that are consistent with the government's policy objectives
- > supporting nbn in its international satellite coordination activities.

Infrastructure

The ACMA continues to support the nbn in its international satellite coordination activities.

To support the government's policy objectives for infrastructure competition in the deployment of fibre-to-the-node or basement (FTTN/B) technologies, Communications Alliance is developing a new industry code to establish technical rules to allow for the deployment of VDSL2 and successor technologies, particularly in multi-dwelling units where infrastructure competition is most likely to occur. VDSL2 is the technology intended for use by nbn in its FTTN/B products.

ACMA staff are contributing to Communications Alliance discussions to develop the new code, which is to be capable of registration under Part 6 of the Telecommunications Act. The code is intended to cater for deployment of competing FTTN/B technologies, while also ensuring that minimum performance levels for FTTN/B systems are achieved.

Industry operational processes

Industry is developing migration and transfer processes through three Communications Alliance working committees. ACMA staff are participating as observers in each of these committees.

Table 7: Enquiries/complaints received by the ACMA on nbn-related matters

Activity	2013	2014	2015
New developments (greenfields and brownfields)	61	19	7
Connection delay	–	22	11
Copper switch off	–	6	12
Network infrastructure to premises	–	17	23
Cabling	8	1	3
Other (e.g. CSG waiver/number portability, MTM/wireless/satellite rollouts, etc.)	–	58	52
Total	69	123	108

ACMA nbn stakeholder liaison

- > **Communications Alliance**—ACMA staff are continuing to participate in various CA technical and operational working committees, including in relation to VDSL2, migration processes, and transfer processes.
- > **Department of Communications and the Arts**—ACMA staff continue to liaise with DoCA on issues including its Migration Assurance Policy, nbn reviews, superfast broadband infrastructure competition, battery backup and service continuity, and the potential advice on the removal of the ACMA's Universal Service Obligation functions in lieu of contractual coverage.
- > **nbn**—ACMA and nbn staff continue to meet on a regular basis to discuss nbn's spectrum related issues, its local area communications plans, development of VDSL2 rules and relevant project and program matters.

Customer Service Centre

The Customer Service Centre (CSC) provides a single point of contact for customer enquiries for a range of matters the ACMA is responsible for, including radiocommunications, telecommunications, broadcasting, internet, billing and complaints-handling.

In the December quarter, the CSC managed 11,977 customer interactions and 97 per cent of enquiries were resolved within three working days. This exceeded the monthly KPI, which is 95 per cent within three days.