



Senator The Hon Helen Coonan

Minister for Communications, Information Technology and the Arts



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MEDIA RELEASE

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Government to look at ACMA's broadcasting powers

The Government will consider giving the Australian Communications and Media Authority (ACMA) a suite of new broadcasting related enforcement powers canvassed in a discussion paper released today by the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan.

In an address to the ACMA Broadcasting Conference in Canberra today, Senator Coonan said there is a clear lack of middle range sanctions available to ACMA. Enforcement powers of regulators ideally comprise a hierarchy of integrated sanctions that range from light touch and escalate in severity for more serious contraventions of the law.

"ACMA's broadcasting regulatory powers are generally concentrated at the higher end of the scale and the imposition of a criminal penalty, or the draconian punishment of licence cancellation, is rarely appropriate," Senator Coonan said.

"Any change to ACMA's powers would be to enable a more responsive regulatory approach, particularly in the area of broadcaster codes of practice and licence conditions, and encourage better industry compliance."

Options canvassed in the discussion paper include the introduction of *civil penalties* for a range of breaches that currently attract criminal sanctions. This would give ACMA greater flexibility to address non-compliance and avoid the need to pursue more draconian responses in all but the most serious of cases.

The paper also canvasses giving ACMA the power to obtain *injunctions* where commercial broadcasting services are being provided without an appropriate licence and a power to accept *enforceable undertakings* from industry.

And the Government is considering whether ACMA should have the capacity to order *on-air statements* of investigation findings and the power to issue

infringement notices for breaches of various notification, reporting and licence fee payment requirements.

“Any changes would enable ACMA to set better compliance strategies, negotiate outcomes and accept voluntary solutions. This can benefit the regulatory process and industry alike,” Senator Coonan said.

“I look forward to seeing the response of industry and other stakeholders on these reforms.”

The issues paper is available online by following the link under 'key issues' at www.dcita.gov.au. Submissions close at 5pm on 9 December 2005.

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