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Mr Soheil Derakhshan
Manager
Community and National Interests Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne VIC 8010

Email: soheil.derakhshan@acma.gov.au



Dear Sir,

Subject: Review of the Law Enforcement Advisory Committee

Please find attached Communications Alliance's submission in response to the review of the Australian Communications Media Authority Law Enforcement Advisory Committee.

Yours sincerely,

Anne Hurley
Chief Executive Officer
Communications Alliance

**COMMUNICATIONS
ALLIANCE LTD**

Level 9
32 Walker Street
North Sydney
NSW 2060 Australia

P.O.Box 444
Milsons Point
NSW 1565

T 61 2 9959 9111
F 61 2 9954 6136
TTY 61 2 9923 1911
www.commsalliance.com.au
ABN 56 078 026 507

REVIEW OF THE AUSTRALIAN COMMUNICATIONS MEDIA AUTHORITY

LAW ENFORCEMENT ADVISORY COMMITTEE

COMMUNICATIONS ALLIANCE

1. INTRODUCTION

Communications Alliance is pleased to have this opportunity to provide comments on the review of the Australian Communications Media Authority Law Enforcement Advisory Committee (LEAC).

Communications Alliance was formed to provide a unified voice for the Australian communications industry (industry) and to lead it into the next generation of converging networks, technologies and services.

Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate. By providing leadership on new trends and directions, Communications Alliance fulfils a vital unifying role on behalf of the industry and its members, particularly in areas of competition, innovation and industry development.

The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance.

2. HOW WELL HAVE EXISTING ARRANGEMENTS BEEN WORKING?

Communications Alliance sees LEAC as providing a valuable forum for all industry stakeholders to come together. It provides all sides of the industry with good opportunities to participate in relationship building and stakeholder management. It is successful in the dissemination of information to stakeholders.

However, it is noted that this value to industry is at odds with the ACMA view of its role, i.e. ACMA sees the primary function of an advisory committee to assist ACMA in performing its regulatory functions by providing information and advice, rather than act as a forum for ACMA to provide information to the industry.

The existing arrangements are less than adequate in providing an effective forum for decision making or the delivery of outcomes. The number of attendees at LEAC has become too large for effective operation. Its size does not lend itself to good facilitation of meetings.

The level of secretariat support limits the functionality of the committee and contributes to a lack of delivery of resolutions or outcomes or progress to completion of agreed actions in a timely manner.

3. WHAT ARE THE ROLES, RESPONSIBILITIES AND FUNCTIONS THAT ARE NECESSARY OR DESIRABLE FOR FUTURE AGENCY-INDUSTRY-REGULATOR CONSULTATION?

Future stakeholder consultation should address the following areas:

- Setting the strategic direction and the setting of policy

- Consideration of the impact of emerging services and technologies
- Dealing with operational issues
- Information dissemination

4. WHAT ARE THE OPTIONS FOR STRUCTURING CONSULTATION BETWEEN RELEVANT STAKEHOLDERS IN ORDER TO BEST MEET NEEDS INTO THE FUTURE?

Communications Alliance proposes that two separate groups be formed, to deal with policy matters and operational matters in separate forums.

A policy forum should:

- enable effective consultation with key relevant groups;
- provide strategic directions and leadership;
- set agreed policy for the industry;
- enable practical industry-led solutions to meet agencies needs considering cost and time impacts; and
- refer technical and operational issues as required to a specially convened sub-group, or to LEAC.

Industry is open to discuss with government as to where a group responsible for policy matters in law enforcement would sit and where responsibility for chairing should lie. Representation in our view must include the major stakeholders including major carriers and representative industry associations, with equal representation of industry and law enforcement agencies. Such representatives to be from a policy rather than an operational role. The continuation of representation of industry groups in any agreed forums is critical; Communications Alliance, AMTA and IIA are all needed to be a part of any group, amongst other reasons to ensure that the interests of smaller members can be gathered and represented.

Communications Alliance proposes that LEAC continue in a reduced size and be restructured to function as an advisory committee to ACMA dealing with operational matters within the existing legislative framework and meeting compliance with existing obligations. The committee must have clear terms of reference and be outcome focussed, with a rigour around any expected deliverables. It is highly recommended that sub groups be convened from time to time as necessary to address specific issues.

Both policy and operational groups could be based on the Communications Alliance model of high level advisory panels with project specific sub groups set up as required. Such sub groups would be set up with appropriate representation, target timeframes and appropriate support to allow timely delivery of outcomes.

The annual National Conference could continue to provide a forum for interaction with the wider industry.

5. CONCLUSION

Communications Alliance would like to see an effective means of having practical and timely outcomes in policy development and dealing with operational and compliance matters. In order to achieve this end industry agencies and the government need to work together. Communications Alliance believes this can be achieved through the establishment of a new policy group and redefining LEAC. This would ensure more effective and focussed groups dealing with specific matters that enable all stakeholders

to interact to deliver practical solutions that meet or support the strategic objectives of the government and agencies. All of this, whilst ensuring that the effect on the industry and its ability to deliver such practical solutions in an effective way is also taken into consideration at a policy and operational level.