

Project Statement – Achieving Effective Self-Regulation: Recommendations for Reform

Overview:

The Australian Communications Industry Forum (ACIF)* is an industry owned, operated and resourced company established in 1997 by the supply side organisations in the telecommunications industry. The prime objective was to implement and manage communications self-regulation within Australia. After 7 years in operation, ACIF wished to determine whether current activities were congruent with objectives and likely to deliver measurable outcomes, as well as what actions would be required to improve the rate and quality of progress towards objectives.

Working closely with the newly-appointed Chief Executive Officer, a project team from ThinkEvans was commissioned to undertake this analysis. In particular, the project team was to undertake a review of the Consumer Advisory Council. An extensive program of interviews was undertaken with staff, Board directors, Consumer Advisory Council members, members of working committees, and representatives of authorities such as the ACCC, the Australian Communications Authority, DCITA, the Privacy Commissioner, and the Telecommunications Industry Ombudsman.

From these discussions, it became clear to the project team that a substantial gap existed between current activities and the measurable outcomes that contribute to effective self-regulation. There was substantial divergence in the understanding of ACIF's objectives, roles, functions, responsibilities and decision rights among the wide range of stakeholders and participants. Two key challenges identified by the team were the extensive time taken to achieve results and the inability, despite all efforts to this end, to achieve genuine and effective consultation with the full gamut of stakeholders.

Project Outcomes:

The final report was delivered to the Board in October 2004. The ThinkEvans project team prioritised almost 80 reforms for ACIF's structure, work processes and practices, and identified the challenges contributing to the lack of shared understanding of the objectives of ACIF - the appropriate role of the Board, the identity of ACIF within the self-regulatory regime, the quality of relationships with regulators, industry and consumer groups, the impact of constrained resources, and the future role of ACIF in a changing industry.

Reform workflow for timely resolution of issues:

The work of ACIF primarily involves developing Codes and Standards to monitor supply-side behaviour within the industry. The recommended workflow is in six key phases, namely, *preliminary*, *internal development*, *public comment*, *pre-publication*, *publication* and *review*. The first four phases were addressed in detail by the project team. The extensive changes to the

workflow are designed to better control and monitor projects, encourage widespread consultation at the earliest opportunity, emplace scope control disciplines, normalise and resource issue resolution and achieve effective results in a more timely way.

Build robust structures for effective consultation:

Unravelling the complicated organisational structure within ACIF was made more difficult by the complex variety of participants and the profound diversity of their viewpoints. Most volunteer their time and expertise as an addendum to the employment for which they are remunerated. In the past, a complex web of Reference Panels and Working Committees undertook the works program, and membership was primarily constituted from supply side representatives. Alternative arrangements were proposed that acknowledged with the tripartite nature of the industry, where outcomes must be achieved in cooperation between representatives of the supply and demand sides and of the broader public or community interest, without losing access to the subject matter expertise which is crucial to ACIF's outcomes.

Overhaul work practice:

The project team found that ACIF's ability to meet expectations of appropriate consultation and timely delivery of results was impeded by two main work practices: decision making by 'consensus' and drafting by committee. ThinkEvans recommended re-defining 'consensus' decision making for greater transparency/visibility of decision making processes and to ensure productive use of limited resources, and the use of appropriately-qualified drafting teams.

Stipulate decision rights:

The project team focused on determining where rights and responsibilities should lie in the work process, as a lack of clarity was adding to difficulties in achieving effective consultation and timeliness. This involved determining who is *responsible* for the outcome, who is *accountable* for delivering the component parts of the outcome, who is required to provide *support*, who is impacted such that they should be *consulted* and who needs to be *informed*. Understanding the difference between the responsibility to make a decision on behalf of a constituency, and the separate and distinct right to be consulted as part of a group impacted by that decision, is crucial in working towards the shared understanding of the role and objectives of ACIF.

ThinkEvans Team Members:

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* Following a merger with SPAN in July 2006, ACIF became the Communications Alliance. Please see: www.commsalliance.com.au