

19 July 2021

Mr Jason Lange  
Executive Director  
Office of Best Practice Regulation  
Department of the Prime Minister and Cabinet

Email: [helpdesk-OBPR@pmc.gov.au](mailto:helpdesk-OBPR@pmc.gov.au)

Dear Mr Lange

**Proposal to remake the *Guidelines relating to the ACMA's enforcement powers under the Broadcasting Services Act 1992***

I refer to correspondence in May of this year between the ACMA and Mr Matthew Tolley of your office regarding a legislative instrument made by the ACMA being the *Guidelines relating to the ACMA's enforcement powers under the Broadcasting Services Act 1992 (the Guidelines)*. Under the sunset provisions of the *Legislation Act 2003* the Guidelines will be automatically repealed on 1 October 2021.

Guidelines of this type are mandatory under subsections 215(5) and (6) of the *Broadcasting Services Act 1992 (the BSA)*. Accordingly, the ACMA proposes to remake the Guidelines in a new legislative instrument and to do so without making any significant amendment to the existing Guidelines. It is proposed that the new instrument will be called the *Broadcasting Services – Enforcement Guidelines of the ACMA 2021*.

The ACMA certifies that the existing Guidelines are operating effectively and efficiently, and that therefore, a Regulation Impact Statement is not required for the instrument to be remade.

The assessment that the instrument is operating effectively and efficiently has been informed by a consultation process which involved consulting with industry stakeholders and the general public over the period 7 May 2021 to 18 June 2021. The ACMA received one submission in response to that consultation. That submission requests some minor changes to the published draft but does not contend that the instrument is not operating effectively and efficiently.

The proposed new Guidelines are, as their name suggests, guidelines about how the ACMA will go about exercising its powers under the BSA. They do not impose any binding obligations upon the ACMA or any other party, and they impose only minimal or no costs upon any party.

I acknowledge that the OBPR will publish this letter for transparency purposes.

If you have any queries about this advice, please contact myself at [brendan.byrne@acma.gov.au](mailto:brendan.byrne@acma.gov.au) or my colleague Belinda Lewis at [belinda.lewis@acma.gov.au](mailto:belinda.lewis@acma.gov.au).

Yours sincerely

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