ACMA - ITU

Asia-Pacific Regulators' Roundtable

21-22 July 2014
Sydney, Australia

SESSION'S OUTCOME

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The ACMA-ITU Regulators' Roundtable on the theme of "*Beyond Convergence -the Networked Society*" was successfully held from 21-22 July 2014 at Sydney, Australia. It was co-organized by the Australian Communications and Media Authority (ACMA) and the ITU with support from the Department of Communications, Government of Australia. The Roundtable was attended by 56 participants from 24 countries from the Asia-Pacific region. The Opening session was also attended by the Australian and Korean (Republic of) media.

Mr. Sameer Sharma, Regional Director ITU Regional Office for Asia and the Pacific delivered the welcome remarks while the Roundtable was opened by Mr. Chris Chapman, Chairman, ACMA. The high level participants held strategic discussions on the role that telecommunication, broadcasting and converged ICT regulators can play in an era of the networked society. They also shared their practices and discussed the challenges facing them. (The session speakers and presentations are available at http://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Pages/Events/2014/Julysydney/ITU-ACMA-Regulators-Roundtable.aspx).

A brief outcome of each session is provided below.

10:00 – 12:00 SESSION 1:   Evolution of the Regulator – in the changing environment of a fully networked society the regulator needs to be agile and adaptive in order to remain relevant. (Addressing national concerns)

Session Chair: Mr. Chris Chapman, Chairman, Australian Communications and Media Authority, Australia
- **Mr. Suthiphon Thaveechaiyagarn, Commissioner, National Broadcasting and Telecommunications Commission, Thailand**

- **Mr. Leong Keng Thai, Director General, Infocomm Development Authority**
- **All Roundtable Participants**

Session 1 Outcome

The role of ICTs has expanded from telecommunication, broadcasting and information sectors to all facets of the society. The stakeholders in the sector have increased significantly, in scale and scope, and the consumers are no longer limited to subscribers of ICT services only but also include citizens at large. In the networked society, new areas of regulatory oversight such as e-applications, cross media issues including online media, cybersecurity, network resilience, personal data protection, new ways of allocating spectrum (dynamic spectrum allocation), TV white space deployment, smart cities-smart nation etc. are emerging. Consumer protection and Quality of Service are two significant issues in this new environment. A regulator needs to maintain a delicate balance between the interests of consumer, the government and the industry in its work.

The enhanced role of ICTs in the networked society is exerting significant pressure on existing regulatory and legislative frameworks. The legislative frameworks need to allow for the regulators to have the necessary flexibility to adapt to this dynamic environment. One possible way is to implement a second layer framework, could be in a form of code of practice, which allows for regulators to quickly adapt to the development of the market. To embrace the change and facilitate innovation in the sector, new alliances, within and across, sectorial and geographic boundaries are considered necessary.

The networked society is moving towards an application-centric cloud-enabled environment. Confidence in the use of these services by the citizens coupled with shared responsibility requires a citizen centric approach. This necessitates an adequate framework for data protection and privacy, as well as network security. It requires empowering digital citizens who can contribute responsibly in the online environment.

Regulators also need to reinvigorate themselves to meet the changes in the new environment by conducting research, reworking processes, acquiring new skills and adopting new means of communication. Organizational resilience, agility and flexibility are key characteristics that modern day regulatory institutions need to possess. While agility is key, there is a need to take an evidence informed approach.

At times, regulators are also challenged by incorrect and demanding public and stakeholders perceptions that require awareness building measures utilizing all forms of communication, from social media to direct meeting at management level with key stakeholders, in order to

communicate effectively. Strengthening public participation and raising their awareness is important for the regulators in order to gain the trust of its stakeholders.

In doing so, fostering international cooperation is key not only to share experiences and learn from each other but also to address issues that are now international in character for example roaming, security, and managing Over-The-Top (OTT) services.

13:30–15:00 – Session 2: Evolution of the Regulator – in the changing environment of a fully networked society the regulator needs to be agile and adaptive in order to remain relevant. (Addressing international concerns)

Session Chair: Mr. Leong Keng Thai, Director General, Infocomm Development Authority, Singapore

- **All Roundtable Participants**

Session 2 Outcome

Cybersecurity is becoming an important regulatory concern as ICT matters impact directly the life of individuals. It is a critical part of the national infrastructure today and as a result requires adequate protection framework. International cooperation is very important for enhancing the security and resilience of CIIP (Critical Infocomm Infrastructure), promoting adoption of appropriate Infocomm security norm and developing the pool of experts.

Cross border data flow driven by technologies such as Cloud computing raises issues of privacy. Regulators are now expected to address issues arising from cloud computing, such as data residency, data sovereignty and lack of control of data. Concerns raised resulting from international data transfer and lack of alignment of national frameworks remain some of the major challenges to address.

Regulators in Asia-Pacific region also continue to grapple with Net neutrality and interoperability related issues. The requirement to strike a balance between preventing unreasonable restrictions to Internet access and addressing competition concerns from OTT services is a challenge that many regulators face.

Reduction in international mobile roaming cost (voice and data) is an issue of common concern to the Asia-Pacific regulators. Some of the countries also experience higher termination rates. To benefit the consumers, there is a need to reduce these rates. It requires international

cooperation at bilateral as well as at regional level; and the cooperation should not be limited between regulators, but operators should be encouraged to cooperate as well. Experiences suggest that the process to reduce these rates in the absence of an international agreement is quite complex and time consuming. This is made even more difficult without the support of the operators. Regulators may consider adopting a light handed approach, such as mandating operators to implement transparency measures and ways to prevent roaming bill shocks.

15:30 - 17:00 Session 3:   The changing communications sector – How user's expectations have changed and how that is driving the sector.

Session Chair: Mr. Syed Ismail Shah, Chairman, Pakistan Telecommunication Authority, Pakistan
- **Mr. Sunil Kanti Bose, Chairman, Bangladesh Telecommunication Regulatory Commission**
- **Mr. Sung-Joon Choi, Chairman, Korea Communications Commission**
- **All Roundtable Participants**

Session Outcome

Mr. Syed Ismail Shah, Chairman, Pakistan Telecommunication Authority, Pakistan

Convergence of devices and networks, and the proliferation of new technologies are changing the consumer's behavior and expectations. More and more data capacity, real time expectations and new application are impacting user trends and increasing pressure on consumer protection frameworks, regulatory responses and allocation of scarce resources (e.g. spectrum)

As broadband becomes ubiquitous, the demand is now moving to the variety of applications and its quality. This has raised the expectations from all stakeholders including the government, regulators, operators and users. On one side there are challenges posed by law and competition (especially from the international OTT services) while on the other side, users expect quality services at affordable prices and are agnostic to the regulatory complexity.

The overall experiences in terms of usage and user behavior is similar across the globe as far as the social media is concerned. However, applications like m-learning, m-banking, m-health etc., are being used more in the developing countries.

Recognizing the wide implication of consumer protection in the networked society, there is a need to build a comprehensive framework including policies, legislations, regulations & codes, institutions, alliances and enforcement plans. There is a need to look at data protection and privacy as well as big data use from a consumer protection point of view. A consumer outreach

program is also required to raise awareness of the protection measures adopted and to seek their concerns in a systematic manner.

Consumers are more concerned with services and as such are not aware of license conditions etc. Therefore, regulators need to go for converged licensing regime and to let the licensee provide a variety of services.

Mobile broadband quality of service (especially the speed of actual delivery vs promised and the fair usage policies) is high on the agenda of regulatory authorities in the Asia-Pacific region. For quality of service, a variety of measures from laying down standards, monitoring and publishing, independent audits to penalty for non-compliance are possible measures for regulatory agencies to examine.

09:30-11:30 SESSION 4: Facilitating regulatory environment for the networked society: The way forward

Session Chair: Mr. Mohamed Sharil Mohamed Tarmizi, Chairman, Malaysian Communications And Multimedia Commission, Malaysia

- **All Roundtable Participants**

The ways and means of communication has changed radically over the years with increasing reliance on ICT and which is expected to grow exponentially going forward. The new means of communication are being adopter at a much more rapid speed putting pressure on ICT stakeholders and the regulatory frameworks inter-alia.

In a networked society, the network and infrastructure is intrinsically linked to content and is becoming inseparable. Regulatory frameworks and alliances need to be aligned with the changing environment. Agility and flexibility is key as regulatory frameworks require consideration of sustainable development, regulation and competition., .

It is also important to understand the interest of industry in implementing policy remedies. An appropriate regulatory response is required based on the challenge in hand and in the best interest of citizens. In times of change, there is also a need for industry to rework their business plans.

There is also a need for regulators and policy makers to cooperate in the networked society on some issues as they have broader implication on the society. One of the key tasks for the regulator is to strike a balance between the various stakeholders such as the policy maker, the industry and the consumers.

Online content is becoming one of the major challenges for some of the regulators and policy makers in the Asia-Pacific region. It is important to enhance greater understanding amongst regulatory authorities internationally taking into account the local environment. It also requires cross-sectoral alliances with other regulatory authorities at the national level. Raising awareness and communication with all stakeholders is important for ICT regulators in the networked society.

It is important that international organizations such as ITU support countries that need support in building institutional capacity and carry out the necessary advocacy and support.

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