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SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION
COMMITTEE

Estimates

Public

WEDNESDAY, 24 MAY 2023

CANBERRA

BY AUTHORITY OF THE SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

Wednesday, 24 May 2023

Members in attendance: Senators Antic, Cadell, Faruqi, Grogan, Hanson-Young, Henderson, Hughes, McGrath, Payman, Rennick, Rice, Roberts, Shoebridge and Thorpe

INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT, COMMUNICATIONS AND THE ARTS PORTFOLIO

In Attendance

Senator Carol Brown, Assistant Minister for Infrastructure and Transport

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Program 5.1

Mr Jim Betts, Secretary

Mr Richard Windeyer, Deputy Secretary

Dr Stephen Arnott PSM, Deputy Secretary

Ms Maree Bridger, Chief Operating Officer

Mr David Hallinan, Deputy Secretary

Ms Marisa Purvis-Smith, Deputy Secretary

Mr David Mackay, Deputy Secretary

Mr Matthew Brine, First Assistant Secretary, Communications Infrastructure Division

Ms Kate McMullan, Assistant Secretary, Telecommunications Resilience Branch

Dr Jason Ashurst, Assistant Secretary, Digital Inclusion and Sustainable Communications

Ms Nicolle Power, Assistant Secretary, Broadband Policy Branch

Ms Shanyn Sparreboom, Assistant Secretary, Competition and Spectrum Branch

Ms Pauline Sullivan, First Assistant Secretary, Online Safety, Media and Platforms Division

Mr Adam Carlon, Assistant Secretary, Media Industry and Sustainability Branch

Ms Bridget Gannon, Assistant Secretary, Online Safety Branch

Mr Andrew Hyles, Assistant Secretary, Platforms and News Branch

Mr James Penprase, Assistant Secretary, Media Reform Branch

Ms Maria Vassiliadis, Assistant Secretary, Classification Branch

Mr Daniel Caruso, Acting First Assistant Secretary, Communications Services and Consumer Division

Ms Kathleen Sillieri, Assistant Secretary, Consumer Safeguards Branch

Ms Karly Pidgeon, Assistant Secretary, Regional Communications Branch

Mr Joshua Cockerill, Acting Assistant Secretary, Post, International Telecommunications and Australian Communications and Media Authority

Mr Philip Mason, Assistant Secretary, Universal Services Branch

Ms Meghan Hibbert, Assistant Secretary, Regional Communications Branch

Ms Cha Jordanoski, First Assistant Secretary and Chief Financial Officer

Ms Gillian Munro, Assistant Secretary, Finance Branch

Mr Lachlan Wood, Assistant Secretary, Assurance, Integrity, Risk and Governance

Ms Sonia Bradley, Assistant Secretary, Business Services Branch

Mr Phil Smith, First Assistant Secretary, Communications, Research, Strategy and Parliamentary Division

Ms Shona Rosengren, Head of Bureau, Bureau of Infrastructure and Transport Research Economics and Bureau of Communications, Arts and Regional Research

Ms Susan Charles, Assistant Secretary, Communication, Ministerial and Parliamentary Services Branch

Ms Stephanie Bourke, Assistant Secretary, Human Resources and Property Branch

Australian Broadcasting Corporation

Mr David Anderson, Managing Director

Ms Melanie Kleyn, Chief Financial Officer

Mr Justin Stevens, Director, News, Analysis and Investigations

Special Broadcasting Service Corporation

Mr James Taylor, Managing Director
Ms Clare O'Neil, Director, Corporate Affairs
Ms Nitsa Niarchos, Chief Financial Officer

Australian Communications and Media Authority

Ms Nerida O'Loughlin, Chair
Ms Creina Chapman, Deputy Chair
Ms Linda Caruso, General Manager, Communications Infrastructure Division
Ms Helen Owens, General Manager, Corporate and Research Division
Ms Cathy Rainsford, General Manager, Content and Consumer Division
Ms Rochelle Zurnamer, Executive Manager, Content Safeguards Branch
Mr Paul Howe, Executive Manager, Finance Reporting and Operations Branch
Mr Christopher Hose, Executive Manager, Spectrum Planning and Engineering Branch
Mr Jeremy Fenton, Executive Manager, Consumer Consent and Numbers Branch
Mr Craig Riviere, Executive Manager, Telecommunications Safeguards Branch
Ms Rachel Blackwood, Executive Manager, Spectrum Allocations Branch

Office of the eSafety Commissioner

Ms Julie Inman Grant, Commissioner
Mr Toby Dagg, Acting Chief Operating Officer and General Manager
Ms Morag Bond, Executive Manager, Legal, MarComms and Research
Mr Paul Clark, Acting Head of Branch, Education, Prevention and Inclusion
Ms Deborah Welsh, Executive Manager, International Strategy Futures
Mr Luke Boon, Acting Executive Manager, Investigations
Mr Stuart Wise, Head of Branch, Corporate
Ms Kathryn King, Chief Information Officer and Head of Technology and Digital

Committee met at 08:59

CHAIR (Senator Grogan): I declare open this hearing of the Environment and Communications Legislation Committee into the 2023-24 budget estimates. I begin by acknowledging the traditional owners of the land on which we meet and paying my respects to their elders past, present and emerging.

The committee has fixed Friday 7 July as the date for the return of answers to questions taken on notice, and the committee's proceedings today will begin with corporate matters and general questions of the Communications and the Arts portfolio. I would remind senators that this is the corporate matters section and matters of policy and other items can be found further down the program.

Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence.

The Senate has endorsed the following test of relevance for questions at estimates hearings: any questions going to the operations or financial positions of the department and agencies which are seeking funds in estimates are relevant questions for the purpose of estimates hearings. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees, unless the parliament has expressly provided otherwise.

The Senate has resolved also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised. I incorporate the public immunity statement into the *Hansard*.

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: I remind all senators that as we continue our work implementing the *Set the standard* report I, as chair, will ensure that proceedings are conducted in an orderly, respectful and courteous way.

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

[09:01]

CHAIR: I now welcome the Hon. Carol Brown, Assistant Minister for Infrastructure and Transport, representing the Minister for Communications. Do you wish to make an opening statement?

Senator Carol Brown: No, thank you.

CHAIR: Welcome, Mr Betts, Secretary of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Would you care to make an opening statement?

Mr Betts: No, thank you.

CHAIR: Excellent. Before we commence with corporate matters and general questions, I remind senators that this part of the program relates to matters concerning central departmental administration, such as building services, ICT, staffing levels and media procurement. Questions relating to individual policies and programs should be addressed to officials when specific programs are considered in subsequent sessions. Senator Hughes.

Senator HUGHES: I'm just making sure I'm in the right section. Actually, I'm going to throw back to you, Chair, because I'm concerned you're just going to tell me that we're going into programs.

CHAIR: Certainly. Senator Henderson.

Senator HENDERSON: Secretary and Minister, good morning. I'm wondering if you could give us an overview of the expenditure in the budget, in light of the substantial increase in expenditure, and give us an understanding as to what is driving that expenditure.

Mr Betts: Expenditure in relation to departmental resourcing?

Senator HENDERSON: That's right.

Mr Betts: Overall, departmental expenditure in this covers, obviously, all of the outcomes for which the department is responsible, one of which is subject to the hearing of the committee today, and will be \$477.5 million in 2023-24. That's up \$36.7 million from last year. Within the figure I've just quoted, \$21.9 million is capital. There are substantial increases as a result of supporting transport priorities, which were discussed in the other committee; supporting sustainable urban development, as discussed in the other committee; and reviving the natural cultural policy, which will be discussed in tomorrow's hearing. So that gives you a bit of an overview there.

In terms of ASL, there's an increase of 245 ASL since the October budget. Some of that is time limited, and we would expect that increase, which arises partly from new policy initiatives and partly from the conversion of external labour, to stabilise an ASL increment of around 100 over the balance of the forward estimates period. Ms Jordanoski may want to add more detail to that—or not.

Ms Jordanoski: As per what the secretary said, we have had an ASL increase. As we noted at the committee on Monday, that increase as a proportion of the total increase was \$27.3 million relating to that increase in ASL.

Senator HENDERSON: Could you please provide an overview of your legal expenditure, including in relation to freedom-of-information matters? Are you able to provide a breakdown of your legal expenditure in the department and the resources that are being used to manage freedom-of-information claims?

Mr Betts: We'll give you the best information we can now about legal resources overall, and we'll come back to you, if we have to, as soon as we can, preferably during the course this session, on any resources dedicated to FOI, assuming that we keep that data.

Ms Jordanoski: With regard to the legal expenditure, I do have the amount from 1 July 2022 to 31 March. This is the legal expenditure that we have currently as a department, and that's \$3.69 million for that period. In terms of FOI specifically, though, we don't have that breakdown available today. But we can take that on notice and come back to you throughout the course of the day.

Senator HENDERSON: Hopefully this will be relevant in this section, but how many pending FOI claims do you have, and what's the status of those claims, including how many claims are before either the Information Commissioner or any other sort of appeal process?

Mr Betts: For clarity's sake, is this FOI requests being managed by the department?

Senator HENDERSON: And also on behalf of the minister and the minister's office.

Mr Betts: Understood.

Ms Bridger: I hope I've got the information you're after. I may not have the degree of detail. As of 31 March, the department had on hand 34 FOI requests, three internal reviews and 30 Information Commissioner reviews. Could you just go to the second part of your question? I'm sorry, I think I've missed that.

Senator HENDERSON: How many FOI claims are currently under appeal either before the Information Commissioner or in any other forum.

Ms Bridger: Three internal reviews and 30 Information Commissioner reviews.

Senator HENDERSON: Are you able to provide the committee with information in relation to each of those matters, on notice?

Ms Bridger: Yes, I think I'll do that on notice.

Senator HENDERSON: So there are 30 requests for information that the department or the minister has declined to provide and are now before the Information Commissioner?

Ms Bridger: That's correct.

Senator HENDERSON: How does that compare? That seems a lot in one year of government. You've got 30 separate matters before the Information Commissioner.

Ms Bridger: With regard to comparison, I would need to provide that to you on notice. I don't think I've got a table that has a comparison from a comparable period. With regard to percentage, again, I would need to provide that one on notice.

Mr Betts: If we were to provide the comparative data, what would be the most useful period for us to compare it to for your purposes?

Senator HENDERSON: I'm probably just interested in the past couple of years. In one year it seems a lot of freedom of information applications that have been denied by the government, and that is concerning because freedom of information is there to assist all Australians in the transparency of the way government operates and government decision-making. I would appreciate it if you could detail what each matter is—

Ms Bridger: Yes, sure.

Senator HENDERSON: a description of each matter and the basis on which the government has declined to provide the information.

Ms Bridger: Absolutely, will do.

Senator HUGHES: Could you update us on the department's budget for the next financial year and what will be spent this financial year on welcome to country and smoking ceremonies?

Mr Betts: Yes, we do have that information. I think the information I'm about to provide relates to the year to date, but Cha may correct me on that. This is welcome to country and other investments we've made related to various First Nations related activities within the department, and the figure I've got is \$22,916. That includes functions of the Office for the Arts, at least in the context of the National Cultural Policy, where First Nations first was the principal or first pillar within that document; the launch of our Innovate Reconciliation Action Plan; and various activities involving First Nations outcomes in the communications sector as well as welcomes to country and smoking ceremonies for other major departmental events.

Senator HUGHES: Do you have that broken down into different sections?

Mr Betts: Yes, we do.

Ms Jordanoski: We do have that.

Senator HUGHES: Could you table that?

Mr Betts: Yes.

Ms Jordanoski: Yes, I think we can. We just have to print it.

Senator HUGHES: If you've got it broken down, can you let me know what it is for welcome to country and smoking ceremonies?

Ms Jordanoski: Yes. It's line by line, so we can table that.

Senator HUGHES: If you could provide that on notice and how many it was, so if you can provide individual ones and their cost, or if you need to provide them as, for example, seven costing X, that would be fine too.

Ms Jordanoski: The information we'll be able to table provides a consolidated figure in relation to the arts and it has individual breakdowns of different activities, so we can table that.

Senator HUGHES: That would be great. That's all for me, Chair. Everything else is programs related, so I will save it.

Senator HENDERSON: Secretary, could I understand for the increases in the total number of public servants within the department what the current numbers are and what the projection is for the cost of the increase in total employees?

Mr Betts: Yes. I'll ask Ms Jordanoski to source that. I've described broadly the initiatives which have additional departmental resourcing associated with them and connected to that ASL. In terms of the Communications portfolio, the principal additional funding relates to external entities, but notably the eSafety Commissioner. But in terms of departmental resourcing, I'll ask Ms Jordanoski to provide that information.

Ms Jordanoski: With regard to our increase for this year, so at the May budget, we had an increase from the October budget of 245 ASL as a department, so that's across all of our six outcomes. That total increase in total

dollars was \$27.3 million. With regard specifically to the Communications portfolio, for this year we had an increase of 35.7 ASL for the 2023-24 financial year.

Senator HENDERSON: In terms of the increase in ASL, are you able to detail the role description for each person, so what APS level and whether all staff will be based in Canberra?

Ms Jordanoski: The information I have in front of me breaks it down by each of the new budget measures. With regard to implementing that in relation to those programs, I don't have the information available to me here. We can seek that, noting that it will be up to the individual program areas to identify how they resource that particular priority, whether that's an APS staff member or an EL, and whether they are based in Canberra. That would be subject to the individual program manager and how they want to implement that measure. We can do our best to give you the information, but it'll be really tricky for me, given that I'm not the one implementing those activities, to be able to identify how they'd implement them through staff.

Mr Betts: We'd be happy to share the assumptions on which that departmental resourcing question was structured, but things may change. We may adjust the levels of seniority or, in accordance with our policy of attempting to broaden our footprint geographically, we may end up with more people outside Canberra than we were anticipating—or we may not have a view of where they're located at this stage, given that we secured the resources only a couple of weeks ago. We'll give you the best information we can.

Senator HENDERSON: I hope you don't think I'm impertinent asking this question, but I notice you don't wear a tie to estimates. Is there any particular dress code that applies to the department?

Mr Betts: No. I ask people to use their skill and judgement.

Senator HENDERSON: I notice Mr Windeyer always wears a tie. I'm not being rude—

Mr Betts: That's fine.

Senator HENDERSON: I'm just interested because there is a dress code in the parliament and I wondered whether you have any particular dress code in your department.

Mr Betts: No, there's no formal dress code for the department. I was sitting in another Senate estimates committee yesterday and Senator Canavan wasn't wearing a tie for a period, and Senator Pocock—

Senator HENDERSON: Maybe the sleeves are rolled up because you're doing lots of hard work.

Mr Betts: Good. I'm glad you got that message.

Senator HENDERSON: I'm not being rude in any way, I'm just interested in whether there's any particular standard.

Mr Betts: Nothing that we specify.

Senator HUGHES: We noticed in the budget that departmental spending increased from \$94 million in 2022-23 to \$103 million in 2023-24. Is it possible to get a breakdown of where this funding will be allocated and if there's any particular reference to salary costs, travel costs or hospitality costs?

Ms Jordanoski: Could you identify where that increase is?

Senator HUGHES: Sorry, I don't have the budget in front of me.

Ms Bridger: I must admit, it's not a figure that jumps out for me, nor for my colleague. If we could get a little bit more detail, we'll be able to track that down for you.

Senator HUGHES: Let me track it down and I can bring it back.

Senator HENDERSON: Again, I don't mean any disrespect, Mr Betts, in asking this question, but there has been a bit of controversy over your attire—

CHAIR: Senator Henderson, can I ask you to give us a sense of the relevance here for what he's wearing?

Senator HENDERSON: Just in relation to the departmental dress code and standards within the department.

CHAIR: If you could stay on track, that would be appreciated.

Senator HENDERSON: I'm very on track and within the standing orders. Mr Betts, your attire when you presented at a supply chain summit in Brisbane—the T-shirt that you wore—has received a bit of media coverage. You may have commented on this, so my apologies if you have—

Mr Betts: I've commented on other T-shirts.

Senator HENDERSON: Are you able to enlighten us to whether you think that sort of attire is appropriate?

Mr Betts: I think the T-shirt you're referring to had on it an image of the highly respected, late US Supreme Court judge Ruth Bader Ginsburg.

Senator HENDERSON: Yes.

Mr Betts: I think that's an explanation, isn't it? Yes, a very well-respected figure, internationally, who, sadly, passed away a few years ago. And I like wearing T-shirts with lawyers on them.

Senator HENDERSON: So you're not wearing T-shirts with—

Mr Betts: Lawyers on them.

Senator HENDERSON: Lawyers?

Mr Betts: I'm not quite sure where you're going with your questioning but, yes, it was Ruth Bader Ginsburg.

Senator HENDERSON: No. As I said, I don't ask with any disrespect; I'm just curious as to the standards. Is it unusual to present, as a secretary of a Commonwealth department, in a T-shirt? I just wondered if that were something that was okay for all members of your department.

Mr Betts: Yes—

CHAIR: Senator Henderson, I do try to be as broad as possible, but I fail to understand the relevance of questioning a witness about their attire.

Senator HENDERSON: Chair, I am within order—

CHAIR: I believe that if there were an issue with the department's dress standards then that would be a matter for the minister.

Senator HENDERSON: Chair, I am within order to ask the question. But, Mr Betts, thank you very much for responding. I do appreciate that.

Mr Betts: Thank you. Obviously, I'm happy to take any questions about the substance of the speech I made about the future of the rail sector in Australia, but if you want—

Senator HENDERSON: Oh, great! Can we ask about Geelong Fast Rail then? I'd love to do that.

Mr Betts: Yes, under the infrastructure outcome next time around.

Senator HENDERSON: I did try to ask you about that yesterday, and I hit a hurdle.

Mr Betts: I know, just—

Senator HENDERSON: Obviously, I'm very concerned that Geelong Fast Rail has been put on pause. If you'd like to respond to that, I'd welcome it.

CHAIR: This is not the appropriate—

Senator HENDERSON: Sorry, Mr Betts just offered to answer about rail—

CHAIR: I'm the Chair—

Senator HENDERSON: and we're deeply concerned about Geelong Fast Rail, and about the Melbourne Airport rail link, Mr Betts. So I'd be very keen—

CHAIR: Senator Henderson, thank you, that's not in this outcome and it's not—

Senator HENDERSON: Oh! Mr Betts just offered—that's a shame.

CHAIR: Thank you. Is that the conclusion of your questions in this area?

Senator HENDERSON: Can I give Mr Betts leave to address the questions in relation to the cuts to, or the pause of, these very significant rail projects in Victoria?

Mr Betts: We covered this for 14 hours at Senate estimates on Monday—

Senator HENDERSON: I'm just taking you up on your offer.

CHAIR: Thank you, Senator Henderson. We're going to move on; it's not in this outcome.

Senator HENDERSON: Thank you, Chair. I just took that opportunity, as you could well see.

[09:22]

CHAIR: Indeed. That concludes our examination of the corporate matters and we will move swiftly to outcome 5, program 5.1—digital technologies and communication services. Senator Hughes.

Senator HUGHES: We're in programs now, so I'll start with the Regional Connectivity Program and see where we go. In October last year, the budget predicted that spending on the Regional Connectivity Program for 2022-23 would be \$111.1 million. But the forecast of spending is now \$44.7 million; that's a pretty significant underspend. Last October, spending in the program for 2023-24 would be \$31.8 million, but in the budget papers the figure rises sharply to \$96.3 million. So there hasn't been spending last year, and it has bumped up next year.

Can you explain how that occurred? At a time we're we should be looking at reducing spending to ensure a reduction in inflationary pressure, why is the government now spending an extra \$65 million?

Mr Windeyer: I'll throw this to my colleagues to take you through a little more detail but, in effect, we're talking about a bunch of movements of funds here which have occurred for a variety of reasons. I think we can probably give you a little bit of detail on what has moved, or what the cause of that increase was, and in which of—

Senator HUGHES: Yes. One year has a significant underspend and the next year we're getting a massive increase, so why?

Mr Windeyer: I'll pass to Mr Caruso.

Mr Caruso: As you'd be aware, we're currently delivering both rounds 1 and 2 of the Regional Connectivity Program. A lot of the movement of funds relates to delays in commencing implementation of programs announced under round 2. Most of the movement has been from this current financial year into the next financial year. The round 2 projects are due to be completed on 30 June 2024, so it reflects our updated understanding of the delivery timetables and deliverability of those projects.

Senator HUGHES: What about Connecting Northern Australia? It's a similar situation, where, in October—which is almost halfway through the financial year—there was a \$44.5 million spend, and now in the current budget papers it's fallen to \$16.2 million. Again, in October, the spending predicted for 2023-24 was \$22 million but it's now \$47.1 million. It seems that there was no comprehension in October, nearly halfway through the financial year, of what the trajectory of spending was going to be. It points to significant underspending in regional areas and communities missing out, and then a scramble at a time when we shouldn't be increasing government spending and putting further inflationary pressures into the economy. That's exactly what's happening.

Mr Caruso: We inform estimates at each budget based on the best information we have available. The Connecting Northern Australia program was effectively—someone can correct me if I'm wrong—announced and went to market at the same time as the Regional Connectivity Program round 2. All of the same sorts of factors that affected the Regional Connectivity Program round 2—it's the same answer for Connecting Northern Australia.

Senator HUGHES: Under both the Regional Connectivity Program and Connecting Northern Australia, can you give us an overview of what projects didn't go ahead? What areas were cut?

Mr Caruso: The changes you're referring to largely reflect movements of funds. They don't reflect any specific cuts in the programs per se. It's just that the delivery of the announced and committed projects is taking longer than was envisaged in the October budget, and therefore the funding has been—

Senator HUGHES: So what's the issue: Supply chain issues? Labour shortages?

Ms Hibbert: There are a number of factors that contribute to project delays: things like acquiring landowner agreements at the locations, obtaining local government planning approvals, and the availability and access of certain materials and infrastructure. There are also things like extreme weather events, bushfires, floods and so on, which have delayed a number of projects.

Senator HUGHES: And that wasn't foreseen in October 2022? You're almost six months in by the time you—

Ms Hibbert: We asked providers to schedule their milestones and the way that they would deliver their work. They do that with the best information they have. None of us can foresee extreme weather events, of course. But with supply chain things and so on we ask them to make their best endeavours to program their milestones that way, and then if there are delays they let us know and we will vary the milestones and move the funds accordingly. The funds will still be spent against those projects and in those regional areas; it's just taking a bit longer. They'll still complete by the same time they needed to.

Senator HUGHES: I want to move to the Mobile Black Spot Program. Chair, do you want to move the call anywhere else?

CHAIR: No. You can keep going.

Senator HUGHES: Lovely. The Mobile Black Spot Program. I know the shadow minister for communications has submitted an FOI on this and was told that it would take too long because there are some 1,200 emails or so to go through, so there has been a fresh application lodged. Can we get an update on what meetings you had with the minister and her staff about round 6 of the Mobile Black Spot Program?

Mr Windeyer: I don't have details before me of particular meetings or a number of meetings. We would have had quite a lot of discussion with the minister and the minister's office as we designed the round. We can take on notice to try and get you details of meetings, but I certainly don't have details in front of me of specific meetings.

Senator HUGHES: During those meetings, when the minister was hand-picking the 54 sites, were any concerns expressed around the difficulty in allocating the funding in that way?

Mr Windeyer: We didn't have any meetings with the minister that involved hand-picking of those sites. We would have had meetings with the minister following the election with respect to implementing a series of election commitments.

Senator HUGHES: Of 30 sites in New South Wales and Victoria—did the department at any stage realise that every single one of them was a Labor electorate?

Mr Windeyer: Our role in this was with respect to implementing the election commitments as made by the now government, so all of our discussion and involvement has been working out how best to implement those commitments. That is being done through a program design very similar to one we have used previously, which ends up allowing the market to respond to those various locations. We are now in the process of assessing a response to that, so we will see what the outcome is.

Senator HUGHES: So there must have been communication between the minister's office and the department around the selection of the sites.

Mr Windeyer: The selection of the sites was done by the then opposition. We had no role in the selection of the sites whatsoever; they were all election commitments.

Senator HUGHES: In the guidelines for round 6, for 20 out of the 54 locations—there's a column for specific area with coverage issue, if known, and it's just blank for 20 of the sites. Why is it blank? Was the minister advised that you couldn't identify any coverage issues in that area?

Mr Caruso: Senator, the table you're referring to actually has five columns. The third column relates to specific areas with coverage issues, if known. That table was included in the draft guidelines which went out for public consultation as well. The primary purpose of that table was to give an indication to people bidding in the round as to how their proposed solutions would be assessed. In the broad, there are three different streams of solutions that we expect to come forward under this round. One relates to areas where there's no mobile coverage whatsoever; a second relates to areas where we're trying to improve mobile coverage specifically on highways; and a third area relates to where there's existing mobile coverage but there are concerns about the quality or capacity of that coverage. The primary purpose of the exercise the department did was to do some desktop analysis and give guidance to companies bidding in the subsequent rounds as to what the problem was and how their bids that came in would be assessed.

Turning to the column which you specifically asked about, that doesn't go to whether there's a problem identified by the department; that just provides, where known, further information to help narrow the geographic scope of the location. I'd note that some of those were identified by the department, but other parts of that column were actually completed as a result of the consultation process on the draft guidelines, and so would reflect actual feedback and actual submissions into the process—

Senator HUGHES: Well, we know that the minister hand-picked each one of the sites, so I don't think they were picked because of need; they were picked because the minister picked them. As I said, 30 out of 30 in New South Wales and Victoria are in Labor electorates, so I don't think that's got as much to do with coverage as it does with politics.

I might turn to you, Minister, if I can. One of the things that I've found extraordinary, with some of the answers we've received and information that the shadow minister has seen, is one of the dot points that says, 'Note that Launceston is pronounced L-o-n-c-e-s-s-t-o-n not 'L-a-w-n-c-e-s-s-t-o-n. Minister, is it usual for ministers of this government to request phonetic spelling of how to pronounce, I would suggest, pretty prominent towns in the country or does this minister just not know how to pronounce the names of towns that she's visiting? It's a little bit embarrassing. She is the president of the New South Wales Labor Party so perhaps needs some explanation of Tasmania, but does she not now know how to pronounce Launceston?

Senator Carol Brown: I would suggest she wouldn't have requested that—

Senator HUGHES: Did her staff?

Senator Carol Brown: pronunciation. I would have thought that—when I get speeches provided to me by departmental people they often do put an explanation around how you pronounce some towns and places in Australia.

Senator HUGHES: I'm not talking about an obscure town like Canowindra.

Senator Carol Brown: Not in Launceston, because I'm Tasmanian.

Senator HUGHES: I know you are. It's not like in New South Wales and you went to 'Cano-wind-ra', and everyone knows it's pronounced 'Canowindra'.

CHAIR: I have to say, it's quite a common one that the locals get quite upset about.

Senator Carol Brown: People do get it wrong. But, as I said, I don't believe the minister would have requested that. It's probably just something that—

Senator CADELL: 'Hyper-bowl'.

Senator Carol Brown: Yes, it could be 'hyper-bowl'.

Senator HUGHES: Hyperbole is not required! I'm also a little bit concerned about—is the Better Connectivity Plan for Regional and Rural Australia referred to as 'BCRRAP' within the government?

Senator Carol Brown: I'm not aware of what you're talking about.

Senator HUGHES: One of the minister's senior advisers, on 9 August last year, said, 'I've suggested that you cover the first light on the better connective plan, formally known as the 'BCRRAP'—is that this government's view towards rural and regional Australians wanting to get connectivity issues resolved? It's very dismissive.

Senator Carol Brown: That's a ludicrous statement, really, but—

Senator HUGHES: It's very dismissive, and I think it's quite denigrating.

Senator Carol Brown: I don't think we've ascertained—

Senator HUGHES: Was it a late-night gag in the office?

CHAIR: Senator Hughes, just for a bit of clarity, can you give us the reference for where this was said?

Senator HUGHES: It's an email that was provided back on—I'll get a copy brought up. I just noticed I don't have copies of it.

CHAIR: If you could. It makes it easier for everybody to refer to.

Senator HUGHES: Yes, alright; we can come back to it. But is this serious, that this is the reference to rural and regional Australians and their mobile coverage, the denigration of a program?

Senator Carol Brown: I don't know what you're looking at.

Senator HUGHES: We'll get a copy of that brought up to the table.

Mr Windeyer: I think that's simply an early acronym based around the title of the program.

Senator HUGHES: But we have a senior staffer joking about the name of a program that affects rural and regional Australians. I can tell you, rural and regional Australians don't think it's crap.

Mr Windeyer: I don't think there's anything said as a joke in there.

CHAIR: Again, Senator Hughes, without anyone seeing what you're referring to, it makes it very difficult.

Senator HUGHES: I'll get a copy of it. I will give you back the call then, and I'll try and track down a copy of this.

CHAIR: Thank you. I have a few questions about the improving mobile coverage round. As Senator Hughes has referred to some of the commitments made by Labor at the 2022 election, were those run past you?

Mr Windeyer: Not at the time. They were selected by the then opposition, and we obviously had no engagement with the opposition in their consideration or generation of election commitments.

CHAIR: Would it be normal for an opposition to talk to a department about election commitments prior to an election?

Mr Windeyer: It does not happen.

CHAIR: So there would be no way that Labor would have been able to come to you and say: 'We've got this list of places. What do you think'?

Mr Windeyer: No, that's right. There wouldn't have been any opportunity.

CHAIR: None whatsoever. Are there any differences between how the IMCR program is being administered by the department now compared to the priority location round under the previous government?

Mr Windeyer: They're ostensibly the same. In both cases, it was an exercise where we have a round where the locations have been established and then we have designed a program which will test or seek solutions to

those identified locations. So, in broad terms, no, the structure of the way we've gone about this is almost exactly the same as the approach taken in that previous round you mentioned.

CHAIR: Following on from some of the points that Senator Hughes raised, it has been said by the coalition that Labor should have sought departmental advice on its election commitments before making them, but you're telling me that that's not something that's possible to do, which was always my understanding. So that's not possible?

Mr Windeyer: That's correct. If they had tried, we would not have been able to engage with—we as a department aren't in the business of being able to provide advice or comment on what, effectively, at the time were matters for the opposition.

CHAIR: So would you say it's not permitted under Australia's system of government?

Mr Windeyer: Correct.

CHAIR: Thank you for clearing that up. Under the mobile priority location round, the coalition made mobile coverage commitments in 125 locations. Is that correct?

Mr Windeyer: Yes, that sounds about right. It is some time ago, but that sounds about right.

CHAIR: At that time, when the coalition was in government, did the department recommend those 125 locations?

Mr Windeyer: Not that I can recall. I don't think we were consulted on the—

CHAIR: But that was when the coalition were in government—

Mr Windeyer: Correct.

CHAIR: so it would have been totally allowable within our system of government for them to have checked those 125 locations?

Mr Windeyer: They certainly could have sought advice from us. I'm not aware, and certainly can't recall, that we were consulted on the identification of those sites.

Mr Betts: We're relying on recollection here, so we reserve the right to take that on notice and confirm.

CHAIR: If you could take on notice whether the coalition government, prior to these 125 locations being committed to in the lead-up to the 2016 election, whether they came—

Mr Windeyer: We will on notice confirm whether that's the case. We may even be able to confirm that later today, but my recollection is no advice was provided, or sought, from the department with respect to those sites.

CHAIR: But they could easily have done that?

Mr Windeyer: Yes, they could have.

Senator HUGHES: When you're confirming that, can you also confirm whether they're in Liberal or Labor electorates at the time? That's the point: the ones Minister Rowland picked were all in Labor electorates. So, if we could get a breakdown of where the 125 were—

Senator HENDERSON: Or marginal seats—

CHAIR: Senator Hughes and Senator Henderson, I'm asking about 125 locations committed to in the lead-up to the 2016 election. When those 125 original mobile priority location commitments were made prior to the 2016 election, my understanding is 124 of those 125 locations were in Liberal electorates. That's over 99 per cent. That's my understanding.

Mr Windeyer: The list of the sites from that round is probably publicly available. I haven't got that detail in front of me, but that may well be right. Certainly the sites are publicly available, so that would be certainly possible to establish.

CHAIR: On my count, 124 of those 125 locations committed to by the coalition government were indeed in Liberal and National electorates. I wonder if you could answer this question, which, again comes off some commentary about what Labor should or shouldn't be doing. With those 99 per cent—on my count—of those locations, did the coalition government refer themselves to the ANAO for an investigation on that?

Mr Windeyer: I don't think there was any reference to the ANAO with respect to that round—no.

Senator HUGHES: I have a point of order, Chair. Is this current budget estimates, or is it 2016 budget estimates?

CHAIR: I don't know, but we can talk about someone's shirt for a while as well if you want!

Senator HUGHES: This is budget estimates. We're here to talk about the budget, not the 2016 budget.

CHAIR: It is, yes, and I'm comparing the current budget to a previous budget commitment. I believe it is—

Senator HUGHES: Seven years ago.

CHAIR: How many of those 125 priority locations were ultimately funded?

Mr Windeyer: I think we probably have the breakdown by round.

Mr Caruso: One hundred and two were funded.

Ms Pidgeon: One hundred and two sites were funded in the PLR round 3 of the Mobile Black Spot Program, and 12 sites have since been frustrated sites and been removed from the program, which leaves 90 sites remaining, of which 83 have been completed so far.

CHAIR: What constitutes a frustrated site? It's spent too much time in estimates!

Ms Pidgeon: It can be frustrated by the carriers, when they've made and exhausted all efforts to deliver a site, but it can't be delivered for certain purposes. Across all rounds of the program, a number of sites have been frustrated.

Senator HUGHES: Are we in 2023 or 2016? I can't keep up with what year we're in.

CHAIR: It's ongoing, isn't it?

Senator HUGHES: Right. So we're still going.

Mr Windeyer: The concept of frustrated sites is a common one.

Senator HUGHES: We've been talking about the 2016 budget and coalition commitments, and now we're in 2023. I just can't work out where we are, Chair.

CHAIR: I try not to interrupt, as best I can.

Senator HUGHES: That's alright. I'm just trying to understand where we're up to.

CHAIR: I've got a couple more questions.

Ms Pidgeon: Could I just correct my answer? So far, frustrated sites have been through rounds 1, 2 and 3, and there are no frustrated sites yet for rounds 4, 5 or 5A.

CHAIR: Lovely. The general reason that they couldn't be delivered on the ground is for—

Mr Windeyer: It might be things like access to land. It would be for practical things that mean that the carrier contracted to undertake it can't actually get the necessary conditions in place.

CHAIR: With this next question, you can think about the answer and tell me how you can or can't answer it. It has been put to me—and I would like to get some confirmation—that the then coalition government threatened up to two mobile carriers and offered inducements related to cooperation or nonpunishment on other areas of policy to encourage their co-investment in the election commitments they made. Is that true?

Mr Windeyer: I'm not sure.

Senator HENDERSON: I have a point of order, Chair. Are you able to provide the evidence for the serious allegation that you've just made, please? That's a very serious reflection.

CHAIR: It is, which is I said it has been brought to my attention—

Senator HENDERSON: Sorry, Chair, I'm just making a point of order. I put to you that that is arguably in breach of the standing orders and that it is not open to you to be make allegations imputing any member of this Senate or the House, the other place, for a start. Secondly, you've made a very serious allegation, without any evidence, so I would say to you, Chair, that you are out of order and that you should withdraw that allegation.

CHAIR: It's not my intention to upset you, Senator Henderson. I will withdraw that question and maybe take it offline, rather than air it in this arena. I'm sorry that it's caused you such a reaction. Senator Hughes, did you wish to further your questioning from here?

Senator HENDERSON: I'd like to pick up from there, Chair, if I could.

CHAIR: I've just asked Senator Hughes a question, and maybe she could answer me.

Senator HUGHES: I am going to answer, when this exchange is finished. I'm happy to go to Senator Henderson. But, in light of that allegation, I'd suggest it's—

Senator Hanson-Young interjecting—

CHAIR: Sorry, Sarah. We will go to Senator Hanson-Young.

Senator HANSON-YOUNG: I'm happy to share it around, but you guys have had a go.

CHAIR: It's totally my fault. I didn't clock you coming in.

Senator HUGHES: We didn't see you sneak in there!

Senator HANSON-YOUNG: You can always rely on me to be the behaved one in this committee!

CHAIR: We rely upon it, Senator Hanson-Young!

Senator HANSON-YOUNG: Mr Betts—or anybody else who needs to come to the table—I'd like to ask about the issues in relation to the anti-siphoning legislation that's coming up.

Mr Betts: We'll do a quick change, and officers will come to the table.

Senator HANSON-YOUNG: We obviously know that the minister put out a statement saying that the current anti-siphoning list would just be extended and that we're now in a review. I'd like to know where that's up to, what the time frame is for that consultation to be finished and when we expect movement in the parliament.

Mr Penprase: There was a consultation process run through part of last year on the anti-siphoning scheme and the composition of the list. That consultation process and the views and positions and evidence presented through that process are being considered by government. The remaking of the old list for a three-year period was intended to provide a level of stability while that review process continues. Government is currently considering the matter. The intention is for any reforms stemming from the review process to be implemented as soon as possible. I can't give you a specific timing on when that legislation may be brought forward. Obviously, it's a matter for broader government legislative priorities, but it is something that's being actively considered at the moment.

Senator HANSON-YOUNG: Why would there need to be legislation? Why would there need to be an amendment rather than some type of regulation?

Mr Penprase: The scheme itself is constructed as a provision in the Broadcasting Services Act. If there's going to be reform to the scheme, and that's yet to be determined, there would need to be an amendment to those relevant provisions in the Broadcasting Services Act.

Senator HANSON-YOUNG: So not just a new list of what's available and what isn't. What this review has been looking at is something more structural than that.

Mr Penprase: Probably the key issue that's being raised and considered through the review is the role of online services in the provision of sports coverage.

Senator HANSON-YOUNG: As in streaming services?

Mr Penprase: Yes, streaming and other providers. The current scheme obviously only applies to traditional broadcasting sectors—free-to-air broadcasters on the one hand and subscription broadcasters on the other. One of the key issues that was raised and continues to be considered is whether or not to the scheme should and could be extended to cover online services. If that were to be the case, that would require legislative amendment to give effect to that.

Senator HANSON-YOUNG: Does the department have any modelling or figures in relation to the extent that Australians are watching sport on streaming services versus traditional television broadcasts?

Mr Penprase: I have no specific figures in relation to sports coverage. Those rating figures for streaming services don't tend to be made available; they're generally not available.

Senator HANSON-YOUNG: From the commercial providers themselves, you mean?

Mr Penprase: Yes. There is certainly plenty of evidence to indicate that Australians have taken up streaming services writ large. That's certainly the case, but we have no specific information to hand about coverage of specific events on streaming services.

Senator HANSON-YOUNG: Therefore, if streaming services were going to be captured by the anti-siphoning regs, then there needs to be an amendment to the act. Got it.

Mr Penprase: Yes.

Senator HANSON-YOUNG: You might need to take this on notice, but I would like to know who the minister has consulted with. You said there's been a process in terms of the key players. That would be helpful.

Mr Penprase: I can give you information on the consultation process and the number of parties that were involved.

Senator HANSON-YOUNG: Great.

Mr Penprase: Through the consultation I mentioned, last year, there were 25 submissions received, 12 of those were confidential and provided to the department on a confidential basis. So the remaining submissions have all been published. I've got the details of those parties that submitted if that's of interest.

Senator HANSON-YOUNG: Yes, thank you.

Mr Penprase: I'll just quickly run through them: Free TV Australia; the Australian Broadcasting Corporation; the Special Broadcasting Service; Foxtel Group; Optus; Australian Professional Leagues; the Coalition of Major Professional and Participation Sports, which represents a range of sporting bodies; Commonwealth Games Australia and Commonwealth Games Federation Partnerships; Australians for a Murdoch Royal Commission; Mr Jon Marquard from Janez Media; Screen Producers Australia; and Professors Rodney Tiffen, David Rowe and Brett Hutchins. Those submissions have been published on the department's site.

Senator HANSON-YOUNG: As to the 12 confidential submissions, on what basis were they kept confidential? Was it simply their insistence or the department's?

Mr Penprase: No, the parties requested it. If they request that those submissions not be published, we honour those requests.

Senator HANSON-YOUNG: Is that for commercial reasons or—

Mr Penprase: It varies, but it's really coming from the parties concerned. It might be for commercial reasons. It may be that they simply don't want their submissions publicly available.

Senator HANSON-YOUNG: Do you have a confidential submission from News Corp?

Mr Penprase: I don't believe so, but I'll take that on notice.

Senator HANSON-YOUNG: I guess I'm asking broadly about News Corp/Foxtel.

Mr Penprase: I can take that on notice.

Senator HANSON-YOUNG: Okay.

Mr Penprase: Sorry, I would note that one of the published submissions was from Foxtel Group.

Senator HANSON-YOUNG: Sorry, I missed that. So Foxtel obviously have put their bid in there. This might be a question for the minister more than for the department, but I would like to know what the government's view overall on this is. Obviously Australians value their sport. They value access to their sport, and the coverage of sport going more and more to streaming services, of course, means there's a financial barrier to access. What is the government's view in relation to people having better access and more access to Australian sport, regardless of what device it is that they're watching it on?

Senator Carol Brown: As you are aware, Senator Hanson-Young, we are in the middle of a review of the anti-siphoning scheme, and, pending the outcomes of the review, there'll be an implementation of reforms. But, of course, Australians do like their sport and they expect to be able to see it in appropriate formats, and that's what this review is all about. We're having a look at issues relating to the anti-siphoning scheme, and we'll see what comes out of that and any related reforms that will be needed.

Ms Sullivan: Senator, I'd also draw your attention to comments made by the minister in her speech to industry—what's now known as the CAMLA speech—which she gave in November last year. In the context of talking about anti-siphoning, she says:

This supports another of the media reform objectives I noted earlier: ensuring that all Australians have equitable access to media services and content, regardless of how much they earn or where they live.

The Albanese Government is committed to equity, and recognises the need for events of national importance and cultural significance to remain free of charge and accessible to the Australian public.

Senator HANSON-YOUNG: Thank you. Given that, what's the free streaming service that's available for sport at the moment?

Ms Sullivan: Sorry? What is free on Australian service?

Senator HANSON-YOUNG: Is there a streaming service that's freely available to the Australian people where they can see their sport?

Mr Penprase: Let's start with the definition of 'streaming service'. The broadcasters all provide broadcast video on demand services, and there's been a trend over recent years for the coverage of those sports to utilise those services. Seven and Nine both provide coverage of sports that they have through that service. I think probably the key example there might be the Olympics. There's pretty extensive coverage on the BVOD platforms for the Olympic Games, and that comes down to the nature of the events. There are so many events taking place that the utilisation of those services improves the consumer outcome, in that sense.

Senator HANSON-YOUNG: What about ABC iview?

Mr Penprase: That's probably a question you could put to the ABC later, but, to the extent that they have sports rights, that would depend on the nature of what rights they've acquired and whether the sports body has provided them or they've been able to acquire rights to the online portion of those events.

Ms Sullivan: That would apply to SBS as well, obviously.

Senator HANSON-YOUNG: Can you remind me: who's got the rights for the Women's World Cup?

Ms Sullivan: SBS.

Mr Penprase: That's correct.

Senator HANSON-YOUNG: Would we expect that Australians will be able to tune in to that on any device through a digital service?

Mr Penprase: I'll have to check the specifics of the coverage of that. I don't have that in front of me, sorry.

Senator HANSON-YOUNG: We'll have SBS in front of us later today, anyway. Through this consultation process, has there been any thought or issue raised in relation to sports betting during the broadcast of these various sporting activities?

Mr Penprase: Not through this specific review, as an issue—no. More broadly, obviously the issue of gambling advertising is being considered. I'll defer to others for that.

Ms Sullivan: In terms of sports betting and so forth, as you would be aware, there's a House of Representatives committee that's currently underway which has quite an extensive terms of reference, which include looking at issues around sports betting and advertising et cetera.

Senator HANSON-YOUNG: Is the government planning on any reforms in that area?

Ms Sullivan: In terms of reforms specific to sports betting at this point in time, obviously the government initiated the House of Representatives inquiry, so we'll wait for the considerations coming out of that.

Senator HANSON-YOUNG: When is that expected to report?

Ms Sullivan: As far as I can recall, a final reporting date has not been published yet, but our understanding is we're expecting it sometime in the middle of the year.

Senator HANSON-YOUNG: Which is not far away then!

Ms Sullivan: It isn't.

Mr Penprase: I have a correction, if I may. I do have details on the Women's World Cup. This year it's Seven Network and Optus as a combination. Seven Network has rights to 15 matches, including: all of the Matildas matches, the opening match, the quarterfinals, the semifinals and the final. They'll be live on Channel 7 and 7plus. That's the streaming outlet that I mentioned before. So that's a correction, and apologies for giving you the wrong steer about SBS before. That's the arrangement for this year.

Senator HANSON-YOUNG: Okay.

Ms Sullivan: Just going back to the gambling piece, the government has also made announcements regarding banning the use of credit cards for online gambling. If you go in to play a pokie or go to the track or whatever, credit cards have been banned for a long time. The government has now announced there will be banning of credit cards for online gambling.

Senator HANSON-YOUNG: Thank you.

Senator CADELL: On mobile black spots, there are lots of, 'He said, she said and who did what and when'. Do you have stats on mobile coverage in Australia by land mass?

Mr Windeyer: We do have information on that, largely drawn from the information from the carriers themselves. We can find the most up-to-date figure we've got, but it's somewhere in the order of 30 per cent, in terms of land mass, I think.

Senator CADELL: Is that combined carriers or individual carriers? I can drive from the Hunter Valley to Dubbo and not have reception half of the way on different phones. I can drive from Bathurst to Canberra to come down here, hit a roo out near Crookwell and have no reception. More needs to be done. We can talk about 100 per cent of round 5A in Labor seats. We can talk about 90 per cent of round 3 in Liberal and National seats. Are we building enough to give Australians what they need for safety?

Mr Windeyer: I think, as you observe, there is always more that can be done. The landmass, obviously, is—

Senator CADELL: A problem.

Mr Windeyer: very significant. In some respects, Australia has got remarkable coverage of the population, given the landmass, and I think we're looking at over 99 per cent of the population covered. But the point you make about safety is a good one, and I think that lies behind or is relevant in thinking about one of the things that are part of the government's current commitments with respect to looking at mobile phone coverage on highways, in particular. So, whilst we—as in government and the commercial market—have addressed an awful lot of population centres, the question of coverage along roads is certainly one that we are turning our mind to, and that is part of this current government's commitment.

I would also observe that the speed with which we can do this is, to some extent, limited by the capacity of the carriers themselves and how quickly they can get access to land and build infrastructure et cetera. There's been a pretty constant rate of investment, both commercially and under various government programs, for quite some years now, and I think, unfortunately, there is a limit to the speed with which new coverage can be deployed, just through the sheer size of the workforce and capacity of the carriers to absorb the work. But highways, road coverage and the question of the role that mobile coverage plays in public safety are absolutely something that we are working on and that is part of the commitments.

Senator CADELL: Is there a working group, or is there discussion in the department or, indeed, with government, to look at mandatory use of towers across carriers? I have two different phones with two different carriers where I'm on SOS-only on one and coverage on the other or something like that. Is there any talk of being able to merge tower sharing of that sort? Is it a technology that exists? Is it a discussion that's happening?

Mr Windeyer: Over the years, there have been quite a lot of discussions about mandating mobile roaming, which would allow that to happen. That has been looked at by the regulator on a number of occasions, most recently, I think, in 2017. That was the ACCC. They've looked at it a few times and they have concluded on balance that it is not the right direction to go in. That is not to say that commercial arrangements for sharing can't emerge. That is a possibility. It does occur and could occur. We have, through the context of various rounds of mobile black spots programs, sought to encourage in different ways sharing, which might be technically different from roaming. So it could be same tower for one of the—

Senator CADELL: Same outcome, different method?

Mr Windeyer: Same outcome, different mechanism. Even technically, there are a number of different ways you can get the same outcome. So looking at options to encourage sharing of infrastructure is something that we are thinking about quite hard. In various rounds of the program, if you look at it over time, there have been changes to the way incentives have been created to encourage sharing. We've further strengthened those in the current round, black spot round 7, which is currently out in the market.

The other thing, which I think picks up on your highways point or your roads point, is that thinking about sharing options on highways certainly makes a bit of sense. That's been something we've turned our mind to as well, because, in the interests of public safety, it's about access. There's a public benefit piece associated with that coverage rather than just a market 'capture the commercial interests' piece, which might drive carriers when they're seeking to cover population centres. So different approaches to getting the same outcome of having multicarrier coverage in locations are something that we are thinking about quite a lot and taking steps on in the program design, and we'll probably have more to say as we design future programs, including the proposed work on mobile phones on highways.

Senator CADELL: Given the overall department, Mr Betts and everyone, as we have infrastructure and arts and stuff like that, is there any integration looking into the charging point rollouts for electric vehicles across a connected highways system and integrating some form of communication link with that in a single installation so we're not doing two things different?

Mr Windeyer: From my perspective, it's been a subject of some very early discussion. I think I'd have to defer to colleagues on the transport side of the department or alternatively even in other departments to think about how that planning and that rollout are beginning to look. I would suspect there may well be things there that end up emerging from a commercial basis rather than government integration, depending on what the telcos themselves wish to do and the need for comms.

Senator CADELL: Understanding that having land-power comms in an area might be helpful.

Mr Windeyer: On that thinking, we do quite a lot of work in a whole lot of contexts in trying to keep in mind, as you talk about delivery of essential services—whether it's power, water, or what have you—how communications do and should fit into that discussion.

Senator CADELL: My last question on this growing technology, is that we're seeing—and NBN will be too late—a growing link to Starlink over NBN and these sorts of things. As satellites become more accessible and

cheaper, are we looking at different technologies for mobile, or would that not work because of the lag? I think I'm getting 0.9 lag in my gaming on Starlink versus my NBN connection. But does that offer anything to enable cheaper or faster rollout in remote areas?

Mr Windeyer: It certainly offers opportunities. The minister has established the Low Earth Orbit Satellite Working Group, ostensibly with the purpose of us exploring and understanding what the possibilities that satellites offer might be. There are a number of things that are relevant here, I think. Your point about lag or latency is one that is longstanding when people talk about satellites. That's where low-earth-orbiting satellites have potentially got the opportunity to possibly change the game a bit, so we're very interested in how those unfold. We've got low-earth-orbiting satellite providers making quite significant promises or statements about the capability of those constellations, including the ability, in due course, to deliver services direct to a mobile phone handset. I think there's quite a lot of work to be done in the market before those are actually live, but it's absolutely an area of promise both for data and for voice. I guess the other early example is you're beginning to see the use of these satellite services in the public safety space. I note recently Apple talking about what can be done with the latest handsets.

Senator CADELL: I got a new icon on my phone the other day I've noticed.

Mr Windeyer: Correct. New technologies are something we've always got an eye to. I think there is a little bit of a lag between the announcements of what's possible and the actual delivery of it in the market, but we are looking at it quite closely. As I say, we're looking at it through the LEOSat Working Group, particularly for public safety and provision of universal service.

Senator CADELL: Thank you.

Senator PAYMAN: Speaking of satellites, I'd like to know more about the viewer access satellite television in terms of when it was introduced and which specific areas in Australia rely on VAST.

Mr Windeyer: We'll get people to the table to talk to you about VAST.

Mr Penprase: The VAST service, or viewer access satellite television service, is a national safety net service for free-to-air television services that's making services available to viewers in remote licence areas and those located outside the remote licence areas who can't receive terrestrial television services because of impediments to that coverage. You asked when it was started. The service was first introduced in 2010. It was part of the broader conversion from analog to digital television. It's delivered by two Optus satellites, D3 and Optus-10, and the service providers that deliver the content are licensed under the Broadcasting Services Act. There's one joint venture licensee that covers northern Australia and south-eastern Australia and another joint venture licensee that covers Western Australia. While the service is predominantly providing commercial free-to-air television services, the Optus satellite platform is also used to provide the full suite of national broadcasting services—that is, the ABC's and SBS's television services—plus a range of radio services as well.

Senator PAYMAN: I'm curious to know what the last decade of funding has been like for VAST.

Mr Penprase: Overall, the services had \$172.7 million in funding over the duration of its life, so that's from 2009-10 to 2023-24. The first agreement for the service was between 2009-10 to 2019-20. That was a 10-year funding agreement. There have been a couple of extensions to that funding agreement over recent years. There was a one-year extension in 2020-21 and then a three-year extension between 2021-22 and 2023-24.

Senator PAYMAN: And the funding in the current budget, are you able to explain how it's restabilised the previously uncertain future?

Mr Penprase: In the 2023-24 budget the government has opted to provide funding for the service between 2024-25 all the way out to 2030-31. The intent of that measure was to provide a measure of stability and certainty, not only for audiences in terms of getting the service but also for industries that make decisions regarding their engagement for satellite services and the provision of those services over that time period.

Senator PAYMAN: Is this service used within First Nations communities? Could this funding certainty be any assistance to helping close the gap?

Mr Penprase: Certainly VAST is a critical component of service delivery in those remote areas. There are a lot of First Nations communities that are in those remote license areas, so VAST is important not only for direct-to-home services, but also for the retransmission of those satellite feeds on a terrestrial basis. So it's certainly pretty important in that sense.

VAST is also used to deliver Indigenous community television, ICTV, along with 14 Indigenous radio services as well. It's an important piece of backbone infrastructure that has particular relevance for First Nations communities. The extension or the provision of funding for that service through until 2030-31 is certainly an

important contributor to meeting the objectives and targets in relation to closing the gap. It's not the only measure, but it is an important foundational piece given the importance of the service to those communities.

Senator PAYMAN: Thank you.

Senator HENDERSON: I want to return to the improving mobile blackspots round and the decision by the Auditor-General, Minister, to scrutinise this program on the basis of our concerns, raised by the shadow minister, Mr Coleman, that this is an acute exercise in pork-barrelling. The Auditor-General sees merit in investigating the government's conduct in relation to this program. What do you say to that?

Mr Windeyer: Senator, just to be clear, I don't think—

Senator HENDERSON: Sorry, Mr Windeyer. I was actually directing that question to the minister.

Mr Windeyer: I was just wishing to clarify something—

Senator HENDERSON: Mr Windeyer, if I could—

CHAIR: Senator Henderson, he's asked for a point of clarity. Could you please just indulge a point of clarity—

Senator HENDERSON: No, I would actually like—

CHAIR: for a moment and then the minister will answer the question.

Senator HENDERSON: Sorry, Chair. It's open to me to ask that question to the minister.

Senator Carol Brown: Could you repeat the question, Senator Henderson?

Senator HENDERSON: I'm asking for the minister to respond. Minister, the shadow minister, Mr Coleman, has raised serious concerns about the pork-barrelling nature of this mobile blackspots round. Most of the funding is going into either Labor electorates or marginal seats that Labor was trying to win. This is clearly a rort, and the Auditor-General has determined there is merit in investigating this program. What do you say to that?

Senator Carol Brown: First of all, it seems like you've already pre-determined the outcome of an investigation that you say is being undertaken. I'll just repeat what I have said at previous estimates—that is, these are election commitments made when the Labor Party were in opposition. We make no apologies for delivering on our election commitments. You would expect us to do so. And as has been demonstrated here today, the then government, in 2016, undertook a number of announcements—

Senator HENDERSON: Point of order, Chair, on relevance.

CHAIR: You've asked the question. Allow the minister to complete her—

Senator HENDERSON: No, I'm actually taking a point of order.

CHAIR: No, Senator Henderson. Allow the minister to finish her answer, and then you can ask her another question.

Senator Carol Brown: I am demonstrating to you—

Senator HENDERSON: Chair, it is open to me to take a point of order on relevance. I would ask—

CHAIR: Senator Henderson, you cannot just insist on ignoring everybody else and running your own agenda. Let the minister—

Senator HENDERSON: Chair, I'm sorry, but under the standing orders I'm able to take a point of order on relevance. The point of order is that I would ask the minister to be relevant to the question. Is there merit in the Auditor-General investigating this Mobile Black Spot Program?

CHAIR: I think your preamble has left it open to the minister to expand on that question, so we will allow the minister to finish her answer.

Senator Carol Brown: Thank you, Chair. Unlike the former government, while they were in government, they undertook funding of a very large number of sites that they announced that we heard today were 99-point-something per cent in coalition seats. The Labor Party, when in opposition, undertook a number of announcements as election commitments. We were fortunate enough to be elected on 21 May and we are delivering on our election commitments.

Senator HENDERSON: Mr Windeyer, are you concerned about the Auditor-General's interest in this Mobile Black Spot Program? Is there merit in investigating this program, do you believe?

Mr Windeyer: I'm not concerned about that at all. The point I was going to make earlier is the Auditor-General—I just wanted to make sure we didn't get the impression that the Auditor-General has actually decided to undertake a piece of work on this. The Auditor-General has indicated there is merit in having a potential piece of

work on a work program, but nothing has actually been confirmed or commenced by the Auditor-General. But, no, I'm not concerned.

Senator Carol Brown: I don't know if it assists, but there are a number of coalition members who have written to the Labor government very keen—

Senator HENDERSON: Sorry, Mr Windeyer, but are you suggesting—

Senator Carol Brown: for the Mobile Black Spot Program that was announced in their electorate to be delivered.

Senator HENDERSON: Minister, I would put to you that there are many—

CHAIR: Can you please not interrupt. The minister is making—

Senator HENDERSON: The minister had finished her answer.

CHAIR: She hasn't finished her answer. Please continue, Senator Brown.

Senator HENDERSON: Had you finished your answer?

Senator Carol Brown: I did while there was a bit of an interjection.

Senator HENDERSON: Minister, I would put to you there are many, many communities across this country that have missed out on this Mobile Black Spot funding because of the pork-barrelling by your government.

Senator Payman interjecting—

Senator HENDERSON: Sorry, if I could ask that I not be interrupted.

CHAIR: Given that you're interrupting everybody else, Senator Henderson, I'm not sure you're in a position to assert that.

Senator HENDERSON: Chair, that is uncalled for and not appropriate.

CHAIR: Please feel free to look back at the *Hansard*.

Senator HENDERSON: Chair, could I please ask my question? Thank you. Minister, I would put to you that there are many, many communities across this country—in regional communities, towns and cities—that are missing out on accessing this funding because of Labor's pork-barrelling of this program.

Senator Carol Brown: I obviously reject the assertions in your question. But I would point out to you, Senator Henderson, that there is another round that has opened that is obviously open to communities to apply.

Senator HENDERSON: So not one community, not one area in any non-Labor electorate in Victoria, has received any of this funding. It doesn't stack up that you just don't agree with my assertion. This is a clear case of pork-barrelling, and now the Auditor-General has recognised there is merit in investigating the government's conduct in relation to this program.

Senator Carol Brown: You can put your question any way you would like, but I will continue to go back to the point that the Labor Party, when in opposition, made a series of election commitments around mobile blackspots and we intend to deliver on those commitments. We now have opened another round of \$160 million through the Regional Connectivity Program and the Mobile Black Spot Program, which are open right now. Senator Henderson, if I were to ask you whether you wanted to apologise for the black spot announcements you made in 2016, you would probably be horrified, because you might say to me that they were election commitments. I'm saying to you that the Labor Party were in opposition. We made a number of election commitments and we intend on honouring those election commitments. There are further rounds in this important Mobile Black Spot Program that are open now for people to apply for.

Senator HENDERSON: Thanks, Minister. Mr Windeyer, when I was the shadow minister and we met, had a departmental briefing and spoke about this program you indicated, as you've said subsequently, that the department would be assessing each of the 54 locations. The shadow minister has sought further information in relation to that assessment, and requests for information have been declined. Could you please provide to this committee the information held by the department in relation to the assessment of each of the 54 locations, either providing now the information you have to hand, in front of you, or providing it on notice? We are seeking a copy of any documents you have before you.

Mr Windeyer: I don't have in front of me details other than the general observation that I think my colleague mentioned earlier about the work we did in preparing the guidelines. I suspect—and I'm happy to say it's just a recollection—when we spoke the nature of the assessment I was talking about was that we will be assessing all of these at the end of the day against a value-for-money criteria, as you would normally expect. That process is

currently underway because the program has been out, we have got responses and we are now doing thorough assessment against the guidelines and we'll be seeking to determine what value-for-money responses we have got.

Senator HENDERSON: If you are doing a value-for-money assessment, that means there's no guarantee that these 54 commitments will be delivered.

Mr Windeyer: It means that, for the purposes of this program, which was designed to give effect to the election commitments, I can't tell you what the outcome will be—

Senator HENDERSON: So there's no guarantee?

Mr Windeyer: I can't guarantee the outcome of a program which we haven't yet assessed. It is quite intentional the locations have been identified. We are now in the hands of the responses we got from the market and the assessment we undertake against those responses.

Senator HENDERSON: Could we also please have a copy of those responses from the market? We're seeking all of the correspondence and assessment between the department and the minister's office in relation to each of those 54 locations, as well as the responses from the market.

Mr Windeyer: Senator, I will take that on notice. I suspect we will be constrained in what we can give you in terms of responses to a competitive grants program.

Senator HENDERSON: You may want to be constrained in relation to dollar figures, but we are asking for those documents please so that we can have complete transparency in what's going on with this program. I draw your attention to the guidelines for round 6 of the program. For 20 of the 54 locations in the column 'specific area with coverage issue, if known' that information is blank.

Mr Windeyer: We can explain that.

Senator HUGHES: I think we asked already.

Senator HENDERSON: Apologies, you're right. Are you able to provide any further—

Mr Windeyer: We've explained that. The key point is that there are three categories of concern against which we are seeking responses and that is made plain in other columns in that table.

Senator HENDERSON: How many market responses have you received in relation to each of the 54 locations? Have you received an expression of interest to deliver a solution to the apparent mobile black spot in each of those 54 locations?

Mr Windeyer: In terms of understanding how many proposals we've got against how many of those locations, I'd prefer to take that on notice and come back to you.

Senator HENDERSON: Okay, I'll ask this question: have you received an expression of interest for every one of the 54 locations, and, if not, how many of the 54 locations have received interest from the market? In other words, has the market, the telcos, expressed interest in working with the government to fix these black spots?

Mr Windeyer: I think at a macro level they've certainly expressed interest in this particular round. I'm very happy to take it on notice and come back to you with an answer.

Senator HENDERSON: I would rather you told me what you do know, because my suspicion would be that, of the 54 locations, you have not received an expression of interest for every one of those locations. Is that correct?

Mr Windeyer: I was going to say: what I can tell you is that we haven't got a response in relation to every single one of them. I'm not part of the assessment process, so have not sought detail of all of the ins and outs of the responses. That is being, appropriately, undertaken by an assessment team. As I understand it, for the vast majority of sites we have had a response. I would point out, though, just to be clear in terms of the process we are running, that the question of how many of these 54 sites are addressed through this particular program will ultimately depend upon the assessment of the proposals. There may be proposals that have come through that are not eligible against the guidelines; there may be proposals that have come through that turn out not to be value-for-money proposals; and, as I say, there possibly are a couple of locations where we haven't got a proposal at all. I'm not privy to that number. But we will get—

Senator HENDERSON: So that demonstrates perhaps that Labor, when it was in opposition, did not do its homework, in that no telecommunications company in this country has shown any interest in delivering a solution at that location.

Mr Windeyer: I don't think that's correct, Senator. I think there's a difference between—

CHAIR: I would suggest you manage your language in terms of your assertions there.

Mr Windeyer: I don't think you can draw that conclusion.

Senator HENDERSON: A point of order, Mr Windeyer. Chair, it's not in order for you to correct me in relation to that question.

CHAIR: Yes, it is.

Senator HENDERSON: My question was totally in order.

CHAIR: Your assertion was not.

Senator HENDERSON: Yes, it was.

CHAIR: No, it was not, Senator Henderson.

Senator HENDERSON: It was totally in order.

CHAIR: It was not.

Senator HENDERSON: It was totally in order, and it was not a breach of the standing orders to make an assertion in relation to a number of these locations not being fit for purpose insofar as the mobile black spot issue which was identified by Labor. So I again say, Mr Windeyer: doesn't this demonstrate that there are at least a number of locations of the 54 that were committed by Labor where no telecommunications company sees any merit in delivering a solution?

Mr Windeyer: I don't think we can draw the conclusion. It is possibly the case that it tells you that the community interest and concerns in a location don't align with the immediate commercial interests of the carriers, but that's doesn't mean you can conclude there isn't an issue there that is worth addressing.

Senator HENDERSON: Have you received an expression of interest for the commitment that Labor made to fix the mobile black spot in St Leonards on the Bellarine Peninsula?

Mr Windeyer: I have no information as to the nature of the proposals we've received or where. I am not involved in the assessment process, and we wouldn't discuss that at this point anyway.

CHAIR: Senator Henderson, I'm going to ask you to make it your last question. We will come back to you on the next rotation.

Senator HENDERSON: Thank you very much, Chair. Mr Windeyer, I've already asked if you could take on notice the expressions of interest that you have received. It's perfectly appropriate and proper that the committee is provided with this information.

Mr Windeyer: I've said I will take that on notice. We will endeavour to provide what we can within the normal constraints of dealing with responses to a competitive grants process.

Senator HENDERSON: Minister, can I direct this to you: with all the flak that the minister has received in relation to round 6, did the government rush out round 7, at the direction of the minister, to try to mitigate the damage the government was suffering as a result of this pork-barrelling exercise for mobile black spots across this country?

Senator Carol Brown: First of all, I don't accept the way that you categorise that, and no.

CHAIR: Thank you. We will move on—

Senator HENDERSON: So you haven't got—

CHAIR: Senator Henderson. We will come back to you. And I would inappropriately say that if the program hadn't rolled out I'm sure you'd be just as cross, if not more cross, about that.

Senator HANSON-YOUNG: I have some questions on the announcements made in the budget in relation to the misinformation and disinformation package and legislation. And I understand that Minister Rowland has this morning issued a press release in relation to the various incidents involving Stan Grant on the ABC and has referenced this package as one of the government's responses. Can we have a conversation about that? I really want to understand what the purpose of this legislative package is and how it will intersect with the various different other regulations.

Mr Windeyer: Thanks, Senator. I'll hand to Ms Sullivan to talk to the misinformation and disinformation proposal.

Ms Sullivan: I haven't seen the minister's press release this morning, so I won't comment on that.

Senator HANSON-YOUNG: We might need it for later on today anyway, so if we can get the secretariat to table it, that would be good. It's on the minister's website, titled 'Statement on Stan Grant'.

Ms Sullivan: In terms of the legislation, to provide a bit of background to where we are now and the approach to the bill, in 2019, coming out of the ACCC inquiry into digital platforms, there was a recommendation around credibility of news and so forth. The then government's response to that was to request that industry develop a voluntary code to deal with misinformation and disinformation and ACMA would oversee that. In asking for that work to be undertaken, there was also the request that ACMA provide a report to government by June 2021 on the effectiveness of that code. ACMA put out a position paper in June 2020, which was to guide the code development. The industry body, which is DIGI, the Digital Industry Group, was the industry association responsible for developing the code. They released their code in February 2021. There were eight signatories. By its very nature it is voluntary, so it was up to companies whether they chose to sign up or not.

In June 2021 ACMA provided its report to government on the adequacy or otherwise of that voluntary code. In March 2022 that was released by the previous government. The then minister for communications, Minister Fletcher, in releasing that report, said that—there were five recommendations in the ACMA report. One was that DIGI be encouraged to take account of the report's findings; that ACMA continue to oversee and report on the code; that a mis and dis action group be established; but most importantly and pertinently to this question, that ACMA be given information-gathering powers and record-keeping powers and also be given code registration and standard-making powers—essentially, that it would have a formal oversight role in regard to misinformation and disinformation. We then went into caretaker. In January this year the minister announced that she would also basically move forward with the same legislative package.

In terms of the nature of the legislation, what it's providing is very consistent with a lot of the approach, particularly in the telecommunications legislation, of using codes as a way to encourage industry compliance and so forth. The starting point is that there is a voluntary framework there. In ACMA's report they said that's a good start but more needs to be done. It provides for a graduated set of powers. In the first instance, particularly that information gathering, that will enable ACMA to ask for information from the platforms. The platforms obviously have their terms of service and say what they're doing and all of this. This will basically give ACMA the power to actually require the platforms to report on what they're doing. Importantly—and this is something that has particularly been an issue—Europe's probably the only other place that has had these sorts of powers and is slightly ahead of us—collecting information in a similar way is quite important so that ACMA can do the detailed analysis. Those information-gathering and record-keeping powers will enable them to say to the platforms, 'This is the type of information we need from you, in this format.' That sort of thing enables systemic analysis by ACMA.

The other suite of powers is particularly around code-making and also scope for standard-making. Currently it's a voluntary code. Once you have a registered code, that means that ACMA will also have powers to enforce that. Then they'll also have a standard-making power if they need to. So if what's an enforceable code is still inadequate they can make a standard to say, 'This is what you need to do.' In broad terms that's what the model is. With enforceability there are then penalties and so forth, which is obviously the other critical part of this.

In terms of the timing on this, drafting is well advanced. The minister has committed to releasing this legislation as an exposure draft for comment. We understand that it's a complex bill and on the issues we're dealing with I think it's generally agreed it's important to be open and transparent. We're committed to an open and transparent consultation process.

Senator HANSON-YOUNG: Could I go back to this intersection between what happens before enforcement powers are established. I just want to understand this properly. At the moment there's a voluntary code. What this is suggesting is that industry will have to be up-front about what they're doing, and if it's not good enough ACMA can respond and enforce something.

Ms Sullivan: Indeed.

Senator HANSON-YOUNG: So it's a two-step process.

Ms Sullivan: Yes. In terms of what industry's doing now, DIGI do release those who have signed up to the code. They do release annual transparency reports. This 12 months reports are due, I believe, later this week. Coming off the back of that, ACMA will undertake analysis on those reports and then provide advice to government on the adequacy of those. While we're doing the legislative process, I do want to assure people that ACMA is continuing, albeit without formal powers, but working with the platforms to improve how these systems work.

The other thing that's important in all of this is a couple of things in terms of limitations of the powers. This is very much focused on systemic issues. For example, under the online safety legislation the eSafety Commissioner and her office can do take-downs of individual pieces of content. That is not how these powers are going to work.

In that situation, with individual pieces of material, the first step is to go to the platforms. So if there is an issue with the platforms they have internal complaints mechanisms and so forth. That would be your first step. One of the issues that could potentially be dealt with in these powers is that ACMA, for example, could say, 'Your complaints handling must meet these criteria, must look like this'. It could be that sort of thing to deal with issues around complaints handling.

Mr Hyles: Essentially the powers will put the onus on platforms to take responsibility for combating misinformation and disinformation on their platforms. In the first instance, as Ms Sullivan mentioned, a user or another party would complain to a platform. They would have a complaints-handling process to process that. ACMA, as part of its record-keeping and information-gathering powers, could gather information about how the platforms are handling complaints processes, how they're being resolved, that kind of stuff. But it puts the onus back on platforms to proactively manage combating misinformation and disinformation on their platforms.

Senator HANSON-YOUNG: When we're referring to 'platforms', can we be clear about what we're talking about? Are we talking about social media platforms? Are we talking about Twitter, Facebook, Instagram, YouTube—

Mr Hyles: Yes, but it'll extend beyond what you would see as pure social media platforms to potentially forums that have open communications, for example. There are other elements. That's part of the definition stuff that we're briefing the minister or the office about at the moment.

Senator HANSON-YOUNG: Because of course, when we come to this issue relating to Stan Grant, the criticism has been that the racist pile-on was fuelled by mainstream media. At what point does this disinformation and misinformation enforcement and regulation start dealing with the disinformation of News Corp papers online or Sky News or Sky News channel on YouTube.

Mr Hyles: It's important to establish that under the framework that we've been working towards, professional journalism would be excluded.

Senator HANSON-YOUNG: Professional journalism?

Mr Hyles: Yes. There would be other exclusions as well in relation to, say, authorised electoral material. This isn't about constraining otherwise public discourse.

Senator HANSON-YOUNG: Just to be clear then, if an article has been posted on the *Australian's* website and there are comments being put in by trolls, the *Australian* and News Corporation would not be a platform by which this regulation would be able to act.

Mr Hyles: No, but they would be covered by the Online Safety Act.

Ms Sullivan: Where the Online Safety Act comes in is where there's a complaint made regarding attacks that have been made against an individual. For example, if there are particular individuals who are making comments regarding, in this case, Stan Grant—or any other adult or child—then it could be caught by the adult cyberabuse scheme under the Online Safety Act. If it meets the threshold in the online safety legislation, that gives the eSafety Commissioner the scope to investigate and take down as required.

Going to Mr Hyles's point about professional news content, as you know it is covered by the Press Council or, for example, the *Guardian* have their own internal processes, that sort of thing.

Senator HANSON-YOUNG: Then, of course, there's the issue of what's online and what's not. Does the Sky channel on YouTube constitute professional journalism?

Mr Hyles: Yes, it would in terms of the kind of interaction of users in comments in relation to that.

Ms Sullivan: There's a question then of interaction with ACMA powers, as well.

Senator HANSON-YOUNG: It seems to me that, regardless of whether this needs to happen, I'm not sure this is the regulation that's going to solve this problem.

Mr Windeyer: I don't know whether this helps, but the point Ms Sullivan was making about the intersection between the Online Safety Act, for example, and these powers is quite important because in a sense we're talking about regulation to deal with types of harm. One way of thinking about it, and this is the Online Safety Act, as Ms Sullivan was saying, allows dealing, if it meets the appropriate threshold, with harms focused on an individual, a person who themselves is harmed. The misinformation and disinformation powers are probably better thought about as dealing with harms associated with, if I can loosely call it, communities, whether it's harm to Australian society or harm to democracy. And activity online could end up falling into both categories. We've got already the Online Safety Act, which deals with, with a high threshold, harms to individuals—children, adults et cetera. This is looking at, again, a type of harm which is a community harm, and putting the responsibility on the platforms to say, 'You need to take some responsibility for that.'

Senator HANSON-YOUNG: Mr Hyles, you said there was two exclusions: professional journalism—and we don't have to get into a debate about who we fit into that particular category, because I'd argue that a lot of the rubbish that's on Sky News has got nothing to do with professional journalism. I think the other exclusion you said was electoral material.

Mr Hyles: There are actually a number of exclusions. Authorised electoral material is another one.

Senator HANSON-YOUNG: Is that in terms of—we don't have rules of truth in political advertising, so is that effectively why that's caught there?

Ms Sullivan: There's probably—correct me if I'm wrong, Mr Hyles—two pieces to the electoral piece. There's definitely the truth in political advertising question, which is obviously being dealt with through JSCEM, and then the AEC, under their legislation, obviously have a range of rules that go to the process of running an election. We obviously want to be clear that we're not cutting across the AEC and their responsibilities. It is critical to make it clear what their independent role is and clarity around their role rather than causing any confusion around that.

Senator HANSON-YOUNG: Okay.

CHAIR: Can we move on—

Senator HANSON-YOUNG: I just want to finish this bit if I can. There are probably only two more points. What are the intended penalties for platforms that don't take down mis- or disinformation?

Mr Hyles: I think that's still subject to engagement with the minister's office. We haven't had a chance to brief the office yet about that.

Senator HANSON-YOUNG: I guess I'm just trying to get an understanding of the scope. Are these going to be financial penalties, criminal penalties, a suspension of the spectrum—

Ms Sullivan: We expect they'll be financial penalties. If you look to the European legislation, they have brought in quite significant penalties which go to a percentage of revenue—that sort of thing—which reflects the nature of the harms and so forth. But obviously this is still subject to the minister's views, given it's her legislation.

Mr Hyles: The penalties would be graduated as well; they'd start low and work their way up from there.

Senator HANSON-YOUNG: Just to be clear: there will be an exposure draft for us to see?

Ms Sullivan: Absolutely.

Senator HANSON-YOUNG: When do we expect that?

Ms Sullivan: Hopefully in the next month. Obviously we need to brief the minister and make sure she's comfortable with that, and then it needs to go through internal clearance processes and so forth within government.

Senator HANSON-YOUNG: Has it been to cabinet yet, minister? Does the bill itself have to go to cabinet, or has the issue been signed off and now it's in the—

Mr Windeyer: The government's decided to proceed with legislating along this line.

Ms Sullivan: We've got agreement to the scope of the legislation. The internal clearance process is basically around—it's the usual Parliamentary Counsel process of making sure we're within the cabinet authority and all that sort of thing.

Mr Windeyer: Many of the things you've touched on—the question of the exclusions and how they work—are exactly the sort of stuff that we are imagining are going to be worked through in a consultation process. Ms Sullivan's point about the need to consult on this—it does raise some pretty tricky issues and points of intersection both with other laws and with the concept of the freedom of the press or freedom of expression et cetera. Hence a lot of what you just canvassed is what we're expecting to be canvassed through the consultation.

Senator HANSON-YOUNG: Can I just go back to that phrase, 'professional journalism'. Is that a phrase that you've settled on as an exclusion?

Mr Hyles: Obviously the detail of it is subject to the discussion with the minister. From that perspective, there is a journalism carve out, so we need to talk to the minister about the way it's described and the definitions specifically to make sure that she's happy with the approach.

Senator HANSON-YOUNG: Thank you.

CHAIR: Senator Cadell, take us through to the tea break.

Senator CADELL: We've got this statement on Stan Grant. Going to that press release that was published—and I will throw to the minister on this one—has there been any communication, through the ABC or otherwise,

on the concerns that were raised by Stan and, I think, Michael Hing about not feeling supported in the ABC when these things happened?

Senator Carol Brown: Sorry; I just missed that first bit.

Senator CADELL: Sorry. This is a communication the minister has put out on what happened. Was there separate communication sent to the ABC or to ABC management about the concerns that both Stan Grant and, I think, Michael Hing raised about not feeling supported within the ABC under racist attacks?

Senator Carol Brown: My understanding is that the minister did reach out to the ABC around this issue. Is that what you're asking me?

Senator CADELL: Setting out expectations or changes? Asking for—

Senator Carol Brown: Minister Rowland spoke to the managing director and asked her office to ensure that ABC management had all complaint avenues and support resources that were available to be used. I also understand that the ABC is undertaking a review of how it can provide greater support to staff experiencing racism. The other thing I would like to say is that this whole issue around the online hate that was directed at Stan Grant is very sad. Not only do I feel it for him but, obviously, every Australian deserves to be welcomed and supported and safe in their workplace. I'm sure everyone across parliament would agree with me there. My understanding is that the ABC have issued a statement. I'm not sure if you've seen it.

Senator CADELL: No, it was just on ministerial stuff. If I can go back to the differences on online safety and the misinformation and disinformation thing. I'm not a very biblical person—though I take Ecclesiastes 11:9, 'Rejoice, O young man, in thy youth,' very seriously—but, 'Hate the sin, not the sinner.' I understand, on online safety, that personal vilification—when you start having a go at the person for their statements or things like that—is wrong. I 100 per cent get that. Where are we setting the bar on misinformation and disinformation where it isn't personally offensive? I have cognitive dissonance around 'free speech that isn't inciting hatred' versus, potentially, something that someone feels honestly.

Ms Sullivan: Once again, given that we still need a piece of legislation signed off by the minister—

Senator CADELL: Yes.

Ms Sullivan: The issue is around serious harm.

Senator CADELL: That's where it is?

Ms Sullivan: Yes—serious harm and also what is the impact of that serious harm? There are the two links to it. For example, there's serious harm in terms of potentially undermining democratic institutions and those societal issues.

Mr Hyles: It goes to what Mr Windeyer was saying before about how it's looking at this at a systemic level; it's not looking at individual pieces of information.

Senator CADELL: That's the real balance for me, and I think that's where you're going to have some difficulty. Anyone saying, 'Ross Cadell is an insert-colour-here so-and-so,' may be accurate, but that's where the vilification comes in and harm can be caused. That's clearly wrong, but it's just: where does the line come in? On the Stan Grant issue, I might have issues with things that he has raised and said and might have a cognitive debate about, 'I disagree with this because blah, blah, blah,' but as soon as I say, 'He is unworthy to say them because blah, blah, blah'—getting that line is really tough on this.

Ms Sullivan: This is one reason why we're very committed to having an open and transparent and, hopefully, calm discussion about this legislation. Clearly, it is how you strike that balance between the two in terms of freedom of speech and also managing the harms arising from misinformation and disinformation. I think that's actually the critical thing: it's not just about misinformation and disinformation in and of itself. It's actually about what the harm arising from it is. As I said, part of the threshold will be serious harm. Going to what Mr Windeyer said, one of the other reasons we need to consult, apart from it being a good thing, is that you can only do so much and, in terms of drafting legislation, we do need to elicit comment to see if there's a bit of a sounding board to see where we've got the balance and so forth. It's useful to note that DIGI, in its voluntary code, has changed some of its language around thresholds around serious harm and so forth. It's something that the European Union has looked at. As I said, we're almost working in parallel, drawing on what they've done as an example of how we actually approach these sorts of things. We appreciate that it's a tricky area but an important one.

Senator CADELL: Thank you. My fellow flat-earthers will be pleased with that answer—and I note that it's 11 o'clock.

Ms Sullivan: I look forward to that.

CHAIR: We're going to break for morning tea.

Proceedings suspended from 11:00 to 11:16

CHAIR: I welcome back officers from the department in relation to program 5.1, and I give Senator Hughes the call.

Senator HUGHES: Can I come back to mobile black spots. I'd like to follow on from where Senator Henderson started. What's been the time frame between round 1 and round 2, round 2 and round 3, round 3 and round 4, round 4 and round 5—since we're looking at modern history—rounds 5 and 6, and rounds 6 and 7? What have been the time gaps between the rolling out of each round?

Mr Windeyer: I think we have the details. I might pass to Ms Pidgeon to run through, in a sense, when each round opened.

Senator HUGHES: Yes—so what was the time difference between 3 and 4, between 4 and 5, between 5 and 6, and between 6 and 7.

Ms Pidgeon: I don't have all the details for when programs were consulted on, and then opened and closed. I have in front of me the dates that announcements were made following the programs. For round 1, in June 2015 the announcements were made for the 499 mobile base stations. Round 2 announcements on the outcomes were made in December 2016. Round 3 announcements were made in April 2018. Round 4 announcements were made in March 2019. Round 5 announcements were made in April 2020. And round 5A announcements were made in July 2021.

Senator HUGHES: What about round 6?

Ms Pidgeon: That's the outcome, sorry—so how many had been selected from a process and announced at the end.

Senator HUGHES: I want to know: when did round 1 open, when did round 2 open, when did round 3 open—if you're looking here, there's anywhere from 11 months to two years between programs being announced.

Mr Windeyer: Yes.

Senator HUGHES: So what was the gap between round 6 and round 7?

Mr Windeyer: I understand. In rough terms, when did we open round—

Ms Pidgeon: Round 6 was opened for applications on 2 February and closed for applications on 13 April. We consulted on round 7 in December 2022 through to February.

Senator HUGHES: Hang on; round 6 was—

Ms Pidgeon: We consulted on that program in November and opened it on 2 February.

Senator HUGHES: Of 2022?

Ms Pidgeon: Yes. For round 7 we consulted on program design from 20 December 2022 through to 10 February.

Senator HUGHES: Round 7?

Ms Pidgeon: Yes. We consulted on round 7, the design of the program.

Senator HUGHES: In December 2022?

Ms Pidgeon: Yes, through to 10 February. We opened the applications on 20 March.

Senator HUGHES: That's super quick, between round 6 and 7, compared to all the others, isn't it?

Mr Caruso: For context, we're not in a normal year for the rollout of regional communications programs. We've basically gone from consultation on one program to another. We're currently in consultation for the Mobile Network Hardening Program, and we expect to be in consultation very shortly for the Peri-Urban Mobile Program, and that follows the previous consultations for the mobile black spot and regional connectivity programs.

Ms Pidgeon: And the On Farm Connectivity Program.

Mr Caruso: Yes. To give you context, Senator, throughout the course of the first half of this year we're going to be open for consultation or open for a round almost continuously, and that reflects the scope and the amount of funding allocated to regional communication programs over the current period.

Senator HENDERSON: Can I clarify on round 7, are you doing anything to bring forward that program?

Ms Pidgeon: No, the decision was made in November that we would merge the programs into two streams, and we consulted on those in December.

Senator HENDERSON: Are you able to provide the relevant correspondence in relation to the decision to announce round 7? All of the internal correspondence between the department and the minister's office in relation to round 7, please.

Mr Windeyer: We can take that on notice.

Senator HUGHES: Minister, just to confirm with you—the department has obviously answered—you've said, no, they weren't asked to bring round 7 forward. Can you confirm that you didn't rush that round forward? Compared to all the others, it definitely looks that way. Also, for round 6—we've been told repeatedly that they were election commitments and that's why the minister hand-picked the 54 sites—have all election commitment sites been included in round 6, or will the minister yet again be hand-picking the recipients in round 7?

Senator Carol Brown: As I've said on a number of occasions—and I'm not sure why you keep asking the question, given that it seems to be a process that the former government—

Senator HUGHES: That's not the question, Minister. Have all election commitment sites been there in round 6? Yes or no?

Senator Carol Brown: What I said previously was, when we were in opposition, the minister worked with candidates across the country to identify areas in need of mobile coverage improvements. She then—

Senator HUGHES: I appreciate that. Have all those election commitments been met in round 6? Yes or no? Are there more election commitments in round 7? I'm trying to understand has round 6—

Senator Carol Brown: The budget of 2022—

Senator HUGHES: I appreciate you're using the cover of election commitments from opposition—

Senator Carol Brown: We're not in an election at the moment—

Senator HUGHES: Point of order—

CHAIR: Senator Brown.

Senator PAYMAN: Chair, I think it's a bit disorderly—

Senator HUGHES: It's my point of order.

Senator PAYMAN: that we keep having questions put to the minister and the officials—

Senator HUGHES: That's not a point of order.

Senator PAYMAN: and there have been interruptions. It would be helpful to the committee and the process if people minded their manners.

Senator HUGHES: Oh, wow! You haven't been here in the past, Senator Payman. You might want to wait for your turn in opposition.

Senator HENDERSON: Can I speak on that point of order, please?

CHAIR: Sure.

Senator HENDERSON: Chair, I would submit to you that Senator Hughes is asking appropriate questions within the standing orders. Robust questioning, as we have seen from Labor when in opposition, is very much in order. This is the purpose of estimates.

CHAIR: Senator Henderson, my take on this would be very much that we're going to get a lot further if we all try not to talk over each other.

Senator Carol Brown: I did think that—

CHAIR: All of us.

Senator HENDERSON: On the point of order, I would say there's no point of order.

CHAIR: Thank you, Senator Henderson. Senator Brown, would you like to complete your answer, and we'll go back to Senator Hughes for further questioning.

Senator Carol Brown: I think I did say earlier that round 6 is a round that was for those election commitments that we've talked about, and round 7 is open for people to apply. There aren't any election commitments in there.

Senator HUGHES: There aren't any election commitments outstanding?

Senator Carol Brown: Yes. We haven't made any further election commitments outside that round 6.

Senator HUGHES: Okay, so, when we find round 7 being allocated and we come back to estimates, there won't be an excuse provided by the minister, or yourself in her place, Senator Brown, that Labor seats receiving

round 7 funding are a continuation of election commitments and the minister hand-picked them, but instead they will actually be decided on merit this time? Will round 7 be done by merit, Minister?

Senator Carol Brown: It's for people to apply, yes.

Senator HUGHES: And the decisions will be made by the department on merit having a review of the sites—

Senator Carol Brown: Yes, unlike when you were in—

Senator HUGHES: not the minister sitting down and picking sites by Labor electorate.

Senator Carol Brown: I've just answered.

Senator HUGHES: That's what I'm asking. Will the department be making a decision on merit—

Senator Carol Brown: There's a process in place.

Senator HUGHES: or will the minister be hand-picking them? It's simple. Merit or hand-picked by the minister? These were all hand-picked—

Senator Carol Brown: There's a process in place, and they will be selected along those guidelines.

Senator HUGHES: Can you explain the process for me and what the guidelines are?

Senator Carol Brown: The department secretary can, if he would like to do that, but I think he did already run through that, and I've already indicated—

Senator HUGHES: No. I don't understand the process. The round 6 process was the minister hand-picked them. What is the round 7 process?

CHAIR: Let's go to Mr Windeyer.

Mr Windeyer: From our perspective with the rounds, both will be a merit based process.

Senator HUGHES: It will be a merit based process?

Mr Windeyer: Both rounds are a merit based process.

Senator HUGHES: So when we're back in October and we see the list—

Mr Windeyer: The distinction between the rounds is how sites funded under the rounds are determined. One is a set of election commitments.

Senator HUGHES: And we've seen that in round 6.

Mr Windeyer: The other will be determined by the nature of the proposals that are put forward by the telecommunications industry. So that is different. I don't think that question is one of merit of the telco industry versus election commitments. The merit process will be applied in both instances to make sure that the applications that we ultimately end up recommending for funding meet the value-for-money test as described—

Senator HUGHES: But round 6 wasn't decided by merit. It was hand-picked sites by the minister.

Mr Windeyer: The outcomes will be the consequence of a merit based assessment process that we will be undertaking of the proposals we have got against a set of criteria set out in the guidelines.

Senator HUGHES: Since we can't seem to get it from the minister's side, do you have a list of outstanding election commitments when it comes to mobile black spots that will be given priority in the next process?

Mr Windeyer: No. There are no—

Senator HUGHES: So we're all done with election commitments? That's all I've been trying to find out.

Mr Windeyer: Correct. And with the way round 7 works, it doesn't provide for that.

Senator Carol Brown: That's what I said.

Mr Windeyer: We—the department or the government—have no say in the locations that will come forward. They will be chosen by the telecommunications industry in consultation with communities. We will assess those, but we have no say.

Senator HUGHES: I'm going to table this: there was an article in the *Sydney Morning Herald* in 2021. There are multiple copies if someone from the secretariat wants to distribute those. Whilst it's being distributed, it was comments made by Mr Albanese when he was opposition leader in December 2021. I'll read the quote:

[Taxpayers] deserve better than to have their funds, their taxpayer funds from their hard work, funnelled into marginal electorates on the basis of a political whim.

The round 6 allocations were election commitments. They were on a political whim. Would you agree, Senator Brown, that Mr Albanese and his ministers are now exhibiting blatant hypocrisy of saying one thing in opposition and doing immediately the opposite as soon as they're elected?

Senator Carol Brown: What I would say is what I've already said earlier, which is that, while we were in opposition, the now minister worked with candidates across the country to identify areas that are in need of mobile coverage improvements.

Senator HUGHES: Is it not hypocritical that, for example, nine of the 54 spots are in Eden-Monaro, a marginal seat? Taxpayers' funds, their hard-earned millions of dollars, are given to the government and to pork-barrelling, and nine—excuse me, minister, this is serious. In fact, you buddied up with the Greens to block an inquiry into this where the Auditor-General decided that it should be looked at. I will not be interrupted, Senator Payman, particularly in light of your recent points of order. The Auditor-General has said that this needs to be reviewed, yet you and your political mates have been buddying up to block any transparent investigation. Remember all that transparency we were going to have in this government? And we want to talk about hypocrisy. It's absolutely a blocking of transparency. The responses received by the minister for questions on notice—which I'm sure we'll get to at another time—have been absolutely appalling. Transparency is not a word you can even say, let alone spell, in this government. These are serious questions of pork-barrelling. It was nine out of 54. We know that 30 out of 30 in New South Wales and Victoria went to Labor electorates. Nine out of 54 went to Eden-Monaro—one of the most marginal seats in the country.

Senator HENDERSON: It's a complete rort.

Senator HUGHES: It is blatant pork-barrelling, Minister, and it is time you gave apologies that are due to the Australian people who contribute these funds, who have now had their taxes used to bribe electorates. It's nine out of 54. Explain that. How are there nine non-meritorious sites—

CHAIR: Senator Hughes, I will call you to order on your language.

Senator HUGHES: out of 54 in Eden-Monaro? That's nine out of 54—

CHAIR: Senator Hughes, you are now badgering the witness.

Senator HUGHES: I can't get an answer.

CHAIR: If you'd stop, she might be able to answer it.

Senator HUGHES: Please explain. I'm just rephrasing the question to finish, to be clear.

CHAIR: You have said the same thing over and over again. I think we've all heard it. I think it's now time to allow the witness to answer whatever question might be buried within that vitriol.

Senator HUGHES: Here's the question: nine out of 54 sites are in Eden-Monaro.

CHAIR: Senator Hughes, enough.

Senator HUGHES: What makes Eden-Monaro so meritorious for nine out of 54 black spot sites, aside from a slim margin?

CHAIR: Senator Hughes, enough!

Senator Carol Brown: The department was on today.

Senator HUGHES: I'm giving Ms Rowlands's office time to text the minister.

CHAIR: You're not. You haven't stopped talking. Let the Senator answer the question, please.

Senator HUGHES: She's waiting for a text to come in, clearly, to be told how to answer it.

Senator Carol Brown: No, I'm not. I'm just waiting for you to finish.

Senator HUGHES: If we're not reading a text, can we table it or put the phone down.

CHAIR: Senator Hughes, that is quite enough. We've had enough of this. We are going to allow Senator Brown to answer the question. Senator Brown is not the minister, in this case.

Senator HUGHES: That's because you gave four ministers to the Senate.

CHAIR: She's representing the minister, and some elements may require some further information to be gained. So can we please allow Senator Brown to answer the question.

Senator HUGHES: I wait with bated breath.

Senator Carol Brown: That was certainly a display of absolutely righteous indignation from a party that entered into 2016 on a number of—

Senator HUGHES: Point of order. We're on the 2022 budget.

Senator Carol Brown: No. You just went on about me—on and on.

Senator HUGHES: You want modern history? Learn the facts.

Senator Carol Brown: It's my turn to answer. I am about to respond with the facts.

CHAIR: We will suspend for a moment if we do not stop this right now.

Senator HUGHES: This is unbelievable. If you're talking about 2016, you must be desperate.

CHAIR: Okay. We're going to take a short break.

Committee suspended from 11:33 to 11:41

CHAIR: We will resume. Senator Hughes has one final question to ask.

Senator HUGHES: I'll try again. Minister, can you please explain why nine out of 54 mobile black spot program locations are in Eden-Monaro? What is so important in Eden-Monaro, or what's so particular or notable about Eden-Monaro, that nine out of 54 black spot programs are in that federal seat?

Senator Carol Brown: Can I just say again in response that these black spot commitments were made during the election campaign. Of course, we are committed to delivering on those election commitments. So that people are aware and to make comparison of what occurred, when the coalition were making election commitments back in 2016—

Senator HUGHES: Point of order, Chair. Could you please direct the minister to be relevant to the question, which is very specifically about Eden-Monaro, not a history lesson.

CHAIR: Senator Brown, could I ask you to refer to Eden-Monaro with a short, sharp answer. We're trying to cut this circular conversation, so if you could be relevant to Eden-Monaro where possible that would be very useful. Thank you.

Senator Carol Brown: As I've said on a number of other occasions, the then shadow minister and now minister conducted a piece of work to talk to candidates across the nation about areas that required mobile black spot assistance, and that included Eden-Monaro.

Senator HUGHES: Just to clarify: we don't have any specific information on why Eden-Monaro had such prevalence in the mobile black spot program other than it was a highly marginal seat. If you are unable to provide that information, just put it on the record that you're unable to provide the information on why Eden-Monaro is such an important seat.

Senator Carol Brown: I just answered the question. I will go back to—

CHAIR: Senator Brown, can I maybe suggest that we take on notice the need in Eden-Monaro and allow some time to get some details about what the elements of Eden-Monaro might be.

Senator HUGHES: That would be great.

CHAIR: Would that be okay?

Senator Carol Brown: Sure. If that's the wish of the committee.

CHAIR: Thank you very much.

Senator PAYMAN: I'd like to ask the department about FECCA funding. The budget provides \$2.5 million for a partnership between the department and the Federation of Ethnic Communities Councils of Australia. Can you please explain how the partnership is to work and what kinds of projects the small grants program will support?

Mr Hyles: The measure is about improving media literacy in vulnerable segments of culturally and linguistically diverse communities. Essentially it's intended to help address harms associated with the spread of misinformation and disinformation, as well as contribute to economic and civic participation in those CALD communities. The partnership with the Federation of Ethnic Communities Councils of Australia, FECCA, will help develop an understanding of vulnerabilities in CALD communities which impact their ability to fully participate in democratic and civil discourse. In particular, the funding will help develop and implement tools focused on improving media literacy and supporting CALD communities to identify misinformation and disinformation in media that may be targeted at their communities. Ultimately, this will help CALD communities to better engage in democratic and civil discourse, as I mentioned, as well as support their participation in our society and economic life.

The partnership will have two components. There will be the development and implementation of improved strategies for engagement with CALD communities, and the second component will be around delivery by FECCA of a small grants program, which will be focused on development and implementation of those media literacy resources for CALD communities that I mentioned before. The funding commitment will leverage—FECCA's obviously got a pretty strong relationship with its diverse CALD communities, along with its experience

in working with government on social and economic issues. For example, FECCA played a role in assisting community groups throughout the COVID pandemic in understanding government messaging.

Senator PAYMAN: Thank you. How does the project align with the department's other work to support media literacy and combat mis- and disinformation?

Mr Hyles: The department's working on a number of things in the media literacy space. We're about to kick off a process where we're looking across government to activities underway. The government has a range of activities run by other departments in relation to media literacy in schools.

Ms Sullivan: In terms of the work Mr Hyles was referring to, I think one of the interesting things about media literacy and so forth is it's a broad term. A piece of work we're kicking off is basically to look across government to see what work is being undertaken by a range of agencies that could fall into the very broad definition of media literacy and digital literacy. That's that piece of work.

Also announced in the budget, and it was an election commitment and then money was provided in the October budget last year, was a \$6 million grant to the Alannah & Madeline Foundation to develop and roll out media and digital literacy products to all Australian schools. Alannah & Madeline have a history in doing this sort of work. The first of these products, the eSmart Media Literacy Lab, will become available to all Australian high schools—that's the critical thing: it will be available to all schools—from 1 July.

In terms of other work we're doing in terms of dealing with mis- and disinformation and so forth, we've talked about the ACMA powers here, so we probably don't need to go into that any more. There are a range of policy levers in terms of how you deal with mis- and disinformation. One of the key things is provision of high-quality public interest news journalism. There's funding for the national broadcasters. Five-year funding was locked in in the recent budget. That is \$6 billion to the ABC over five years and \$1.8 billion to SBS.

We're also doing some other work, which is under the News Media Assistance Program, which is basically to develop a policy framework which will then guide future interventions by government, if it chooses, on how to support and help transition news media businesses to operate in the digital environment. As part of that we've also given money—the government has; I haven't—to AAP in this budget: \$5 million. Also a grant scheme is going to be made available, subject to finalisation of the work program, to LINA, the Local & Independent News Association. I think that grant was about \$1.6 million. I can come back and correct that. That's two other pieces of work that we're doing around supporting public interest news journalism, as well as the range of other grants we've had underway.

Mr Hyles: Just to clarify the commitment: the government made funding available of \$1.5 million to the Local & Independent News Association.

Senator PAYMAN: Thank you very much for that. I'd like to go to the eSafety Commissioner's funding, if I may. I'm wondering if you could explain the base funding arrangements for the eSafety Commissioner in 2022-23.

Ms Gannon: In the 2015 MYEFO, eSafety received \$10.3 million per year ongoing as base funding. In the financial year 2022-23 it remained at \$10.3 million. The government has increased eSafety's base funding in this most recent budget by \$32.2 million per year, so that's from \$10.3 million to \$42.5 million. That's \$132.1 million over the forward estimates. That funding won't terminate, and it's ongoing and indexed.

Senator PAYMAN: Thank you. I'm curious to know: without intervention, what funding would eSafety have received in 2023-24?

Ms Gannon: Had the government not taken this decision then the base funding remains at \$10.3 million but terminating measures start to tail off. So in the financial year 2023-24 eSafety would have had available to it around \$21.3 million.

Senator PAYMAN: That would have been a drop?

Ms Gannon: Yes. In financial year 2022-23 eSafety had available to it \$51.8 million.

Senator PAYMAN: What is the normal practice when it comes to funding for a regulator? Is it standard practice for a government to provide the regulator with terminating funds to deliver on its statutory responsibilities?

Ms Gannon: I wouldn't claim to be an expert in funding regulators, but I guess, typically, you'd expect to see that, if there are ongoing functions being provided to a regulator under legislation, there'd be ongoing funding attached to those functions.

CHAIR: Two minutes left.

Senator PAYMAN: I will wrap up with the current funding. How is that going to enable the eSafety Commissioner to continue serving its statutory obligations and making sure that it's functioning at its best?

Ms Gannon: This is the first time since 2015 that eSafety's base funding has been subject to a decision of government. Since 2015 we've seen an enormous growth in the functions and powers of eSafety, but also the public's expectations of eSafety and the services that it provides. By increasing the base funding from \$10.3 million to \$42.5 million ongoing, it means eSafety is transitioning off terminating measures and going onto a more sustainable, long-term funding base. It means that eSafety can continue to deliver the services it has been providing. But there are efficiencies that come from the long-term planning that that long-term funding provides. We'd be expecting eSafety to also provide some enhanced education and awareness-raising activities and increasing investigations. If more people know about eSafety and the complaints mechanisms, we'd expect there to be more complaints, so we need to make sure eSafety is resourced to deal with the complaints that it receives.

Senator PAYMAN: Thank you very much. Just another measure where the Albanese Labor government is fixing the mess.

Senator HENDERSON: Very briefly, first of all, I want to direct my question to the department on the matter of the eSafety Commissioner. I'm very concerned and I believe that you have not given a full answer in relation to the coalition government's funding of eSafety. I want to make that very, very clear, because in 2021-22, as set out in the PBS in October 2022, the total funding for the eSafety Commissioner was \$53.91 million. Isn't that correct?

Ms Gannon: I actually have the number for 2021-22 at \$52.227 million. I saw—

Senator HENDERSON: Why did you give evidence that there was only funding of some \$10 million?

Ms Gannon: I was referring to base funding.

Senator HENDERSON: Let's just look at the total funding delivered by the coalition government, because I would say that the evidence that you have just given has not been fulsome, and I am concerned about that.

Mr Windeyer: The answers given in relation to some of those questions did go to total funding.

Senator HENDERSON: We now know the total funding in the 2021-22 year was, in fact, some \$52 million. This is a very important agency, initiated by the coalition, which is funded every single year, and we always anticipated, of course, that funding would continue. Can you confirm that every subsequent year and certainly looking forward to 2024-25 there is less funding for the eSafety Commissioner than was provided in 2021-22. There is \$49.15 million in 2024-25; in 2025-26 it's \$50.2 million; and in 2026-27 it's \$45.48 million.

Ms Gannon: Are those numbers from the portfolio budget statement?

Senator HENDERSON: That's right.

Ms Gannon: The portfolio budget statement number for the 2022-23 year is adjusted to take account of some movements of funds, but that number also excludes some capital funding that sits across the ACMA outcomes. Because the ACMA chair is the accountable authority for esafety, and ACMA provides corporate overheads for esafety, some capital funding sits across the ACMA numbers in the PBS. I'd be happy to go through the total numbers of departmental and administered funding for esafety from 2015-16 through. I've got numbers here through until 2027-28 if it would be useful just to give you the totals?

CHAIR: I wonder if you would table those. We've already had an objection from our colleagues on historical lessons going back to 2016, so it might be better just to table them to stop that occurring again.

Senator HENDERSON: Alright. I have obviously raised that very serious concern, and we've now clarified the total funding provided to the eSafety Commissioner. I want to move on because I'm conscious of time. I want to move back to the issue of Stan Grant. Firstly, I want to condemn the racist attacks against Stan Grant. They are appalling. But I want to go to the minister's statement released today. Assistant Minister, there have been multiple allegations of racism by ABC employees against senior ABC management. What concerns has the minister raised about the ABC's conduct, because I am very concerned that there was no reference to the ABC's conduct in her statement today?

Senator Carol Brown: Obviously, that statement was about Mr Grant. As I indicated when I was responding earlier to a question, the minister has spoken to the ABC regarding this particular incident.

Senator HENDERSON: Did she raise concerns about the very serious allegations made against senior ABC management?

Senator Carol Brown: I'm not privy to the whole conversation. So—

Senator HENDERSON: Could you take on notice and provide the committee with any correspondence or emails in relation to allegations against ABC senior management please.

Senator Carol Brown: Sure. I'll take that on notice for you.

Senator HENDERSON: Could I also raise my concerns. Given Minister Rowland is the minister responsible for the ABC, is it an oversight that she didn't reference the allegations made against senior management? In doing so, I want to refer to the comedian Sami Shah, who said:

My time at the ABC was some of the most exhausting and unrelenting racism I've ever experienced. From audiences, but especially from management who dismissed its severity and in the end practised it themselves. And that was just two years in local radio.

I also reference the concerns of Osman Faruqi, who now works for the *Age* and *Sydney Morning Herald*. He said:

The higher up the organisation you go, the fewer and fewer diverse faces you see (of the 17 people that comprise the ABC's leadership team and board, only one is not white), contributing to a culture that is, at best, dismissive of the needs and concerns of staff and audience who aren't white and, at worst, actively hostile to them.

These are damning allegations of racism against senior management at the ABC. What do you say about that?

CHAIR: Can I just say one thing before we continue, Senator Henderson, with all due respect. I think we need to tread very carefully. I'm not taking any objection to your questions, I just want to make—

Senator HENDERSON: On a point of order, Chair: it's not appropriate for you to interrupt me in the middle of questioning which is in order. I ask you to allow me to continue my questioning, please.

CHAIR: Senator Henderson—

Senator HENDERSON: There is nothing that I have done that is out of order—

CHAIR: I've already said that.

Senator HENDERSON: so if you could not interrupt me—

CHAIR: I'm just taking an opportunity. We are calling a private meeting to discuss some of the sensitivities around these issues that are obviously very important. I'm taking no issue with your questioning. I'm just saying that we should all tread very gently here so as to do no further harm. That is not a reflection on you, Senator Henderson. It is merely a point I was going to raise at the private meeting at lunchtime. Senator Brown, please answer the question.

Senator HENDERSON: I'll just put that to the minister again. Minister, what do you say to those very serious allegations of racism which have been levied towards ABC senior management?

Senator Carol Brown: I agree that any complaint around allegations such as the ones you've outlined is serious, but, as I said earlier, every Australian deserves to be welcomed, included, supported and safe in their workplace. We all agree there. I've indicated that the minister has spoken to the ABC managing director, and her office has contacted ABC management to ensure that all available complaint avenues and support resources available through the eSafety Commissioner are used. I've taken on notice those other issues that you raised. I also understand that the ABC has undertaken a review of how it can provide greater support for staff experiencing racism, based on recommendations by the Bonner Committee, and I can take on notice some of your other questions. But, of course, we all expect people to be able to go work, and there should be appropriate workplace mechanisms in place.

Senator HENDERSON: Is the government concerned? You have expressed your concerns in your last answer, but, in relation to the allegations by Stan Grant—that he felt that he was not backed at all by ABC senior management—to what extent is the government concerned about the allegations made in statements by Mr Grant? What action is the government taking to ensure that this alleged racism at the ABC does not continue?

Senator Carol Brown: What has happened to Mr Grant is extremely disappointing. As I said earlier, I personally found it quite a sad situation and it's obviously a very difficult time for Mr Grant and his friends and family. The issue around Mr Grant, from what I have heard being reported, went to other media companies as well. What the government expects is that there will be respectful debates, as I've indicated, and media companies should do more to support respectful debate.

Senator HENDERSON: Minister, with respect, because Minister Rowland has direct portfolio responsibility for the ABC, I'm asking what action the minister is taking in relation to dealing with these very serious allegations of racism amongst ABC senior management.

Senator Carol Brown: I explained to the committee that the minister has called the ABC managing director. I'll take it on notice.

Senator HENDERSON: But what's the action?

Senator Carol Brown: I'll take it on notice.

CHAIR: She's taken it on notice.

Senator Carol Brown: I've taken on notice the other issues that you talked about. The ABC has operational independence, and the ABC management, as I understand it, has responded.

CHAIR: We're going to rotate the call. If you could remind yourself of the conversation we had outside. I've given you some extra time here because this is a very sensitive issue, but we do need to rotate the call as per our agreement previously. We will go to Senator Hanson Young.

Senator HANSON-YOUNG: I would like to go to a different topic. We will come back to this issue of the ABC and the fuelling of racist trolls at some point. Just sticking on this general section, I'd like to go to the streaming quotas and obligations reform.

The references part of this committee has asked for a copy of the targeted stakeholder consultation paper that the department has distributed to some stakeholders in relation to the five options by which the streaming obligations are being discussed. The minister has refused to give that to us. The department says we can't have it. It's out there. Stakeholders have it. Journalists have it. I would like to request that you reconsider, so that we can actually get into this issue over the next day.

Dr Arnott: Yes, you're correct. The government has decided that it wants to respect the confidence of stakeholders during the consultation process and not release the paper at this time.

Senator HANSON-YOUNG: It's not really up to the government to decide whether this committee should have access to it or not unless the minister is going to officially claim public interest immunity. I'd just like to know: Is that going to happen? Are you making a claim?

Senator Carol Brown: I'm happy to take the question around the release of the consultation paper on notice for you, Senator Hanson Young.

Senator HANSON-YOUNG: You'll have to get back to us pretty quickly, because we're obviously going to move into these questions even more tomorrow throughout the day. You can't just say no. You might have a reason, but you can't just say no. There are rules in this place about the type of disclosure. So if there isn't going to be a claim of public interest immunity made by the minister then I'd like the document.

Senator Carol Brown: I'll take it on notice and come back to you during the course of the next couple of days.

Senator HANSON-YOUNG: Thank you. There's no point, Dr Arnott, in going into it until we've got this document and we know what's happening, so I'm sorry for calling you up to the table.

Dr Arnott: That's alright.

Senator HANSON-YOUNG: Could I ask some questions on the issue of News MAP?

Mr Windeyer: You certainly can. We'll just change—

Senator HANSON-YOUNG: Sorry.

Dr Arnott: That's quite alright, Senator.

Senator HANSON-YOUNG: I think it was you, Ms Sullivan, who said earlier that some \$5 million had been put aside in the budget for AAP funding, which will get them to a certain point. Could you just let us know where the News Media Assistance Program is up to? Is there going to be more money for independent journalism going forward out of that?

Ms Sullivan: Thank you, Senator. The starting point for News MAP is that it was an election commitment, and one of the comments made in making that commitment—and the minister has said this in subsequent statements—is that it's very much a program of work that's about getting the evidence and actually having a solid policy framework to then inform future potential investments for public interest journalism. As I think we flagged here at estimates last time, it's not assuming that it's a greenfields site. There have obviously been a number of reviews and all of that sort of thing, so we're going through the process of looking at previous inquiry recommendations, many of which I think you're fairly familiar with.

Senator HANSON-YOUNG: Yes.

Ms Sullivan: The other piece that I think is important in developing a policy framework—and this goes to the greenfields piece—is recognising that a cornerstone of it is that we fund public broadcasters, and they're an important part in delivery of public interest journalism. Also, we've had other interventions, such as the news media bargaining code and so forth.

I note that we've had some more short-term funding such as the PING program back in 2020, the Regional and Local Newspaper Publishers Program and also the AAP funding that we provided first in 2020 and again more

recently. That funding has largely been in response to short-term shocks: COVID-19, newsprint prices going up and that sort of thing. So the aim of the policy framework—recognising that business models for news production are essentially broken with digital disruption; that's well acknowledged—is that we're trying to design a program based on principles et cetera that can actually start moving out from some of this short-term funding into how we actually assist an industry to transition and develop new business models and that sort of thing. That may not always be about funding things. It's essentially: 'Let's have a policy framework. How does that support a longer-term transition of the industry?' We are looking to consult on that policy framework soon, and then we will provide advice back to government on interventions it may want to take, which may include investment in additional programs and that sort of thing.

Senator HANSON-YOUNG: That sounds like a very complex piece of work. Yes, you're right: you're not starting from scratch. There's a lot of thought that's gone into these areas already. Is the government open to providing more support if there still needs to be some short-term funding for different news agencies between that process? You're not ruling out any more support?

Ms Sullivan: That would be a matter for government at the time. I can't comment on that.

Senator HANSON-YOUNG: Okay. Do you know whether the government has a view on further support for independent public interest journalism in the interim before this News MAP is settled?

Senator Carol Brown: I don't have that information before me—unless anything further can be added—but I'll take it on notice and get back to you.

Senator HANSON-YOUNG: Okay. It been raised with me concern, from some independent publishers in South Australia, that there's a bunch of government advertising being spent on the Voice information education campaign in News Corp papers but nothing or very little being booked and spent in some of the more independent, particularly community and regional, papers. Has that concern come across your desk?

Ms Sullivan: Not that specific concern. The question around government advertising, more generally, has obviously come up in previous inquiries. At risk of giving one of those terribly bureaucratic answers, that's managed by the Department of Finance. That specific issue you've raised hasn't, but I'm happy to take further—

Senator HANSON-YOUNG: Could I put that on notice for you? I'd just like it dealt with. If there are community newspapers in regional South Australia where the local community should have the right to know what the Voice campaign is, what the referendum means, and it's being paid for by taxpayers, those communities deserve access to that information as well.

Ms Sullivan: Sure, and I'm happy to talk to you after this, to get more detail. Is it things like the Australian Electoral Commission advertising, that sort of thing?

Senator HANSON-YOUNG: Yes. They are concerned that it seems to be that city metro papers are getting access to this advertising but, particularly, rural and regional and the more independent papers are not.

Ms Sullivan: I'm happy to take that separately.

Senator HANSON-YOUNG: Thank you, I appreciate that. Can you unpack for me how the funding for NITV works? I understand it's in a special fund account that's held by SBS but is separate.

Ms Sullivan: I am, embarrassingly, going to say I can't answer that, at the moment, but I'm happy to take your question on notice.

Senator HANSON-YOUNG: I'm happy to come back to that when SBS are here. If we could get some more information—just for your assistance, I'm interested to see what previous years funding has been, what it is this year and what, perhaps, needs to happen to make sure we can facilitate the obvious increase of work they are going to have to do over the next six months.

Mr Windeyer: I think to the extent it's quarantined within the SBS world rather than within our world giving money to SBS. I think, back some years ago, in effect, it was rolled into the funding of SBS, but we'll take that on notice, separately, and I think SBS can—

Senator HANSON-YOUNG: If you could. I'm very happy to have the discussion when SBS are here but I want the department to be part of that. I didn't ask this during the general corporate section, but I'm imagining that you'll be able to answer these questions anyway. Of course I know there's a whole-of-government look, at the moment, about PwC consultancies. I'm interested as to what if any PwC consultancies have been undertaken within the communications department.

Mr Betts: Over what time period? Consultancies that are currently—I think there are two in the department as a whole.

Ms Jordanoski: With regard to your question, for 1 July 2022 to 31 March the department as a whole has entered into four contracts with PricewaterhouseCoopers. Two of those are currently active, at this point in time, and the other two have been closed.

Senator HANSON-YOUNG: And what's the value of those contracts?

Ms Jordanoski: The total value collectively is \$3.1 million, inclusive of GST.

Mr Betts: And can I emphasise that's for the department as a whole rather than the communications component.

Senator HANSON-YOUNG: When you say 'department as a whole', is there anything specifically within the communications or the arts realm?

Ms Jordanoski: For the two that we have at the moment, one sits in the transport space and the other is a corporate design program which sits across the whole department, so nothing specific to the communications part of the department.

Mr Betts: That's in terms of work under contract.

Mr Windeyer: Just to be clear, there is a procurement of an existing report from PwC that is relevant to the comms and media sector, but no contract.

Senator HANSON-YOUNG: And what is that report?

Mr Windeyer: Bear with me, and we will get the answer.

Senator HANSON-YOUNG: Thank you.

Mr Penprase: That report is known as the 'Global entertainment and media outlook 2022-2026'. It is a report that PwC produces that provides revenue and other information about media sectors across the globe, and we historically have bought that. It comes out each year. It's an off-the-shelf product, and it's one of the few reports that provide forecast projections for revenue for the major sectors. We procure that annually to inform policy advice.

Senator HANSON-YOUNG: How much is the procurement worth?

Mr Penprase: It's \$26,500, and that is converting from US\$17,000 at the time of purchase. It's produced and purchased in American dollars.

Senator HANSON-YOUNG: And is it an annual thing?

Mr Penprase: It's an annual off-the-shelf report. It doesn't get edited or produced specifically for us. It's a fairly common report, one of the few that provides that historical and forecast information around the major sectors of the media industry.

Senator HANSON-YOUNG: Are there any other external consultant contracts beyond PwC that are on foot?

Ms Jordanoski: Again, with regard to the whole department—and these are consultancy and non-consultancy contracts—from 1 July 2022 to 31 March 2023 we have 76 contracts related to consultancies, and that is \$16.5 million for that period. That's for the whole department, not specific to comms necessarily.

Senator HANSON-YOUNG: Could I ask you to take on notice what they are and who they're with—and when they're due would be helpful.

Ms Jordanoski: Yes.

Senator RENNICK: I have some questions in regard to misinformation and disinformation. What constitutes disinformation and misinformation and who gets to be the arbiter of that?

Mr Hyles: Under the powers that are proposed—obviously, nothing's set in stone at this stage—the plan is that the ACMA won't be the arbiter of truth, so the Australian Communications and Media Authority won't have a role in determining what is truth. It will be put back on the digital platforms to determine whether content constitutes misinformation and disinformation, and it needs to meet a threshold of serious harm.

Senator RENNICK: Then what recourse does a poster of a post have if the social media company decides that something causes serious harm? Who gets to judge the judges on that?

Mr Hyles: There will be a range of complaints mechanisms and processes in place, and they will be outlined in codes that are either voluntary codes established by industry or codes mandated by ACMA so that the complaints mechanisms will provide the avenue for users to seek redress.

Ultimately, ACMA will have powers to seek information from platforms so that the record-keeping and information-gathering powers that ACMA have will enable them to request from platforms the nature of complaints that they've received, how those complaints have been handled and what has been done in response to

addressing complaints. Based on that, ACMA will have the ability to consider whether the complaints mechanisms are operating effectively. If ACMA decides that they're not operating effectively then it can take further steps, like mandating elements—

Senator RENNICK: So if someone has a post pulled down, is there a formal process for them to—

Ms Sullivan: Under current arrangements, all the social media platforms have their own complaints processes. In the first instance, the first step for someone who has a concern about a post that has been taken down or whatever is to actually go to the company and complain there. There's currently a voluntary code in place which was put together by DIGI, which is the digital industry body in Australia. That voluntary code commenced in February 2021, and there's a process under that where, if people are dissatisfied with how the complaint has been handled by the platform—and I'll need to come back to you with exactly how the process works—there's a body they can complain to.

Senator RENNICK: Who is that body?

Ms Sullivan: The digital industry has set up an independent body. My recollection is that it's a number of people out of the industry, but I would need to come back to you with the precise details. That's dealt with by an industry body.

Senator RENNICK: Okay. Does the government have some sort of agency that will protect people from—

Ms Sullivan: At this point in time, that's all a voluntary code. What will happen with the new laws which Minister Rowland announced in January 2023 is that they'll give ACMA formal oversight roles.

Senator RENNICK: Right.

Ms Sullivan: One of the things, as Mr Hyles said, is that there will be powers to make industry put together an enforceable code. That means they will also have record-keeping powers and so on. If there are concerns about how complaints are being handled then ACMA could ask questions and seek information about what an individual platform's complaints-handling mechanism is and that sort of thing.

Senator RENNICK: Okay, sure—

Ms Sullivan: Going to Mr Hyles's point—and I think it's really important to keep reiterating this—ACMA will not be looking at individual pieces of content with a view to taking it down. That's with the eSafety Commissioner. Her powers work for individual content take-downs—

Senator RENNICK: Oh, that's what the eSafety Commissioner does?

Ms Sullivan: No, I'm talking more about the mechanism than what it's about. The eSafety Commissioner does not deal with mis- and disinformation. The way her powers work in regard to the issues that her legislation deals with is that she will take things down in response to complaints—individual material if it falls within the scope of that legislation. ACMA will not do that.

Senator RENNICK: So how do you deal with conflicts of interest? If I were to pay Facebook a lot of money for advertising, Facebook would then have a conflict of interest. Let's say, for example, it's about the banks and stock transmission. Guess what? It didn't stop transmission and people have had their posts pulled down and lost their pages because of that. How are we going to deal with conflicts of interest where foreign social media companies, which are basically unregulated here in Australia, are censoring free speech and reasonable speech?

Mr Windeyer: I understand the issue that you've raised. The answer to that will be, in a sense, embedded in what the industry comes up with under any code it puts together. Or, ultimately—

Senator RENNICK: Sorry to interrupt you, but my concern there is that there's conflict of interest within the industry, because often the same people who own the media companies are the same people who own big pharma companies. How are we going to regulate it? What I'm looking for is to protect my constituents from big business and government overreach. Who is going to protect their rights to communication?

Mr Windeyer: This does touch on one of the really tricky design pieces in here: what is the right role for government in this space? It raises complicated questions: what is the right role for the platforms? What is the right role and what are the rights for individuals within that scheme? Quite intentionally, this is a scheme which sees the government establishing rules to deal with the system rather than to deal with individual pieces of content, as Ms Sullivan and Mr Hales have pointed out. I think the expectation is that the industry, the sector, the digital platforms will have mechanisms that will be able to adequately deal with and respond to complaints as a consequence of these rules.

Senator RENNICK: I can tell you now they don't.

Mr Windeyer: This is why I said it depends a little bit on what plays out over time once these rules are established. We haven't yet got the legislation in existence. There will be the opportunity for the industry to produce codes. It may be they're considered unsatisfactory, but that is why, as Ms Sullivan said, there are two important points of this legislative scheme. One is that the regulator will be able to gather information from the platforms. So if there is an overwhelming number of complaints about platforms overreaching and taking down content, that is the sort of information that the ACMA would be able to understand from the platforms, and if they're inadequate in their responses, the ACMA can ultimately impose a standard on how the system should respond.

Senator RENNICK: Do you know when the legislation is coming up in the parliament? The minister might be able to help here.

Ms Sullivan: An exposure draft will be released for public comment before it goes into parliament.

Senator RENNICK: In the next month? How far away?

Senator Carol Brown: A very short time.

Senator HENDERSON: Assistant Minister, I want to pick up on the claim made by Minister Rowland, in an interview by Greg Jennett concerning eSafety funding, that this additional \$132 million over four years is, as you say, a quadrupling of their funding. As we've discussed already—we've read out the figures that have been provided in previous years, including some \$52 million in 2021-22 under the coalition government—that's not true, is it?

Senator Carol Brown: Exactly what the minister said. I didn't see the interview. But what Minister Rowland would have said would be correct.

Senator HENDERSON: In fact, it's not correct. Under FOI, we have a document which sets out the eSafety Commissioner's funding, which is not \$10 million of so-called based funding—it's very misleading—as the minister has said in her media statements. This is a complete politicisation of the eSafety funding.

Ms Sullivan, isn't it correct that you prepared a document for the October 2022 budget estimates, which we now have under FOI, which provided information about the many ways in which the eSafety Commissioner is being funded: 'All current measures relating to the Office of the eSafety Commissioner'—which, as I say, adds up to some \$52 million in 2021-22—includes the safe kids, smart kids program; the National Plan to End Violence against Women and Children; national online safety awareness; women's online safety measures, which is the eSafety component; the transitional strategy to the next National Plan to End Violence against Women and Children; the national strategy to prevent child sexual abuse; prevent online harms; promote safer online practices for children and young people; the online safety reform measure; the COVID-19 Online Safety Response Measure, which in 2020-21 was \$10 million; the Be Connected program; the Online Safety Grants Program; the fourth action plan to reduce violence against women and their children; the Office of the eSafety Commissioner, additional funding of some \$3.3 million over three years; and of course there is the departmental funding of 10.3. Can you explain, Ms Sullivan, why none of this funding was referenced in your earlier answer, and could you please correct the record.

Mr Windeyer: Can I just jump in for a second—

Senator HENDERSON: No. I would actually like to direct that question to Ms Sullivan, because this is her document.

CHAIR: I'm going to say that Mr Windeyer can make his point. I think I know where he's going, and I think he's right. Then we can have your question answered. So if we could just allow Mr Windeyer to say his piece.

Senator HENDERSON: Chair, I am entitled to ask—

CHAIR: You are. And you will have the answer.

Senator HENDERSON: that question of the officer concerned—

CHAIR: Yes, and the officer is entitled to flick it to a more senior officer.

Senator HENDERSON: Ms Sullivan, you're not able to answer this question?

Ms Sullivan: At the risk of throwing to my officer, Ms Gannon actually answered your previous question.

Senator HENDERSON: This is a document prepared by you as the lead, and then the support was Ms Gannon.

CHAIR: Senator Henderson, I think the issue here is that the question that was answered is not the question that I think you think it was. But we will go to Mr Windeyer to make his point.

Senator HENDERSON: My concern is that the department is misleading—

CHAIR: Can we just let Mr Windeyer make his point?

Mr Windeyer: That is the point I would like to respond to. I'm concerned at the suggestion that we have been misleading. We have not been misleading. We are very clear in answering the questions with respect to base funding and terminating funding. There are two different concepts. When Ms Gannon answered earlier she made that plain. The suggestion that we've been misleading in our answers is, I just think, wrong.

Senator HENDERSON: If you are not misleading the committee—and I would put this to Ms Sullivan who is the lead in this area—why did the department, in answering this question, not include all this other money which was provided to the office of the eSafety Commissioner? I would also suggest that the media release put out by the minister saying that there's been a quadrupling of funding is just fundamentally wrong.

Mr Windeyer: Senator, all I can say—and we don't have our previous Senate estimates briefs in front of us—as Ms Gannon said to you earlier we are very happy to, and we've taken on notice, provide you with the funding over time, which will include all of the funding. We are absolutely comfortable providing—

Senator HENDERSON: Good, Mr Windeyer, because that would be very helpful.

Mr Windeyer: We undertook to provide that to you earlier.

Senator HENDERSON: Mr Windeyer, let me just say, as a member of this committee, I am very disappointed that in answering this question about funding for the eSafety Commissioner you've used the word 'base' but in fact you haven't referenced all of the funding that was provided to the office of the eSafety Commissioner.

Mr Windeyer: Senator, we have. Ms Gannon answered a question earlier in which she referenced the total funding and how the total funding would have applied to eSafety.

Senator HENDERSON: In the initial questions. What I will do is I will table this document, which has been made available through FOI, which sets out very clearly the many different measures which go towards the total funding that was provided, which—

Mr Windeyer: We don't think—

Senator HENDERSON: fundamentally demonstrates that the minister's claim that eSafety funding—Sorry, let me just say: this document, and what the Coalition government did, fundamentally demonstrates that the minister is very wrong and has misled Australians when she said that the funding has quadrupled.

CHAIR: Senator Henderson, I would caution you about reflecting on other people. Both myself and others heard the same questions and the same answers and understood the difference. You may not have understood the difference and I think we should check the *Hansard*, but I think you'll find that the department has in no way misled this room—

Senator HENDERSON: Point of order.

CHAIR: Sure!

Senator HENDERSON: My question was the concern that I've raised—

CHAIR: We've heard it.

Senator HENDERSON: Sorry, if I can make the point of order, my concern is totally within order. I've raised very serious concerns that the minister has made claims that funding under this government has been quadrupled for the eSafety Commissioner and that's demonstrably not correct.

CHAIR: Senator Henderson, you keep repeating over and over again an assertion that I've said will be cleared up if you read the *Hansard*. I think it's really important that we do not mislead people—as you agree, I know because you've raised it. I think in looking at the question and answer from the *Hansard* you will find that there is no misleading going on here at all. I will uphold that.

Senator HENDERSON: Just on the point of order, Chair, it is open to me to put to the assistant minister and the officials my concern about the way in which the government has characterised eSafety Commissioner funding.

CHAIR: Indeed, and that's totally fine.

Senator HENDERSON: So what I will do, for the benefit of this committee, is ask that that particular document prepared by Ms Sullivan and Ms Gannon be tabled so that we have full transparency about the total funding for the eSafety Commissioner.

CHAIR: Yes, I believe we'd already put that on notice.

Mr Windeyer: Very happy with that.

Senator HENDERSON: In light of all that, Minister, what do you say to Minister Rowland's claim that funding has been quadrupled under your government? That's clearly, on the facts, quite wrong, isn't it?

Senator Carol Brown: I would say that the minister and the Albanese government:

... will quadruple ongoing base funding to the eSafety Commissioner from 2023-24 onwards, addressing the funding cliff left behind by the Liberals and Nationals. This will provide certainty and stability to the online safety regulator and build a safer experience online for Australians.

eSafety's responsibilities have grown significantly since it was first established in 2015, but base funding has never been increased. Funding decisions taken by the former Liberal-National Government meant this key agency was facing a funding cliff. Without intervention, eSafety's funding would have dropped from \$51.8 million to just \$21.3 million next year, before declining further to just \$10.3 million from 2027-28, severely impacting the regulator's ability to do its important job.

The Albanese Government's investment will allow eSafety to keep up with demand for its takedown schemes, deliver more education programs and hold industry to account for keeping their users safe.

Senator HENDERSON: Based on the figures—\$52 million in 2021, \$47 million in 2022, \$51 million in 2023, \$49 million in 2024, \$50 million in 2025 and \$45 million in 2026—do you accept it's wrong to characterise that the government has quadrupled eSafety Commissioner funding in total terms? Based on your own figures, that's quite wrong, isn't it?

Senator Carol Brown: The statement I just gave mentioned a quadrupling of the ongoing—

Senator HENDERSON: But not the total funding; that's the point I'm making. That's wrong, isn't it?

Senator Carol Brown: The media release says 'ongoing base funding'.

Senator HENDERSON: Do you accept the total funding is less in four years time than now?

CHAIR: Senator Henderson, I'm going to stop you there because we're getting into another circular conversation. There is a difference between base funding and total funding, and that has been expressed. I believe you've asked the question a number of times. There's been some stuff taken on notice. You are now out of time for your block.

Senator HENDERSON: Point of order in relation to your guidance: I was asking a different question, not the same question. Could I ask for clarity so we could finish this round of questioning—if I could have the opportunity to ask that question, please?

CHAIR: Go.

Senator HENDERSON: Assistant Minister, in light of the total funding for the eSafety Commissioner—and I have read out those figures, of \$53 million, \$47 million, \$51 million, \$49 million, \$50 million and 45 million—do you accept it's wrong to characterise the government has quadrupled funding?

Senator Carol Brown: My statement still stands. The statement that was put out by the minister was that there was a quadrupling of ongoing base funding; that's what we're talking about. Base funding is really important because it is difficult, without that ongoing base funding, to plan ahead and secure jobs. That is what the Albanese Labor government have done; we've put in place significant ongoing base funding, quadrupling it.

Senator HENDERSON: Thank you very much.

Senator RICE: I want to ask about meetings Minister Rowland has had with gambling companies. As of the last update in November, we were told the minister had met with gambling companies seven times since the election and harm reduction advocates in one instance. I'm interested in an update since November of her engagement since then with both gambling companies and harm reduction advocates.

Mr Windeyer: I don't think we've got the details of that but we're very happy to take it on notice.

Senator RICE: Can you also take on notice, or would you know, how many times the department has met with gambling companies and harm reduction advocates.

Mr Windeyer: We might have an answer to that. We'll give you what we have, but otherwise we are certainly happy to take that on notice.

Mr Carlon: We have met on a range of occasions with a range of providers, mostly because we're with the implementation of the credit card ban. The government made a commitment to ban the use of credit cards for online gambling. From January to April we met with a number of organisations, the Australian Banking Association, the Australian Lottery and Newsagents Association, the Australian Payments Network and the Lottery Corporation. That was in relation to the credit card ban and the mechanisms we might use to initiate the credit card ban. That was between January and April. On 20 February the minister met with the Alliance For

Gambling Reform. On 1 May I had staff attend a symposium that looked at gambling harms in South Australia and met with a number of gambling harms related stakeholders.

Senator RICE: Can you tell me specifically who you met with?

Mr Carlon: I can be more specific. We spoke to the Aboriginal Drug & Alcohol Council South Australia and Financial Counselling Australia. We also have a meeting set up in future, on 19 June, with Financial Counselling Australia to talk through again their experience internationally and understand a bit more about that for our processes in Australia. We are also shortly, I think next week, meeting the Australian Institute of Family Studies to go through all their gambling harms research and how that might influence the legislation that we need to create for the credit card ban, but also in anticipation of a government response to the House of Representatives inquiry into online gambling.

Senator RICE: Thank you. And you're going to get back to me to see whether there are other ministerial meetings?

Mr Carlon: We will take that on notice.

Senator RICE: I now want to go to the work that's been done by ACMA on BetStop. Last year, at the last estimates, I was told that BetStop would be live no later than March this year. It's now May. Was a decision made to delay the launch of the register, or is it just delayed?

Mr Carlon: There was quite a significant event that happened. The company that was developing the register, Big Village Australia, went into voluntary administration.

Senator RICE: That is pretty significant.

Mr Carlon: That explains the delays. ACMA can talk more about this when they appear. Effectively they are in negotiation with a company called IXUP, who are taking over the parts of the register that Big Village Australia were going to deliver. They are currently negotiating the novation of that contract with IXUP. Once that is settled, we will be in a better position to know the proclamation date and when it will become live. All of the work that needs to be undertaken on the development of the register kept going, and there was additional testing done with industry. All of that testing was successful, and it's very close to implementation. There was a range of security risks that were being considered. I understand that they still have to be developed, but the negotiations with IXUP have been the primary concern.

Senator RICE: I note you said that once you've finished those negotiations you will have a better idea of the timing. What is your estimation of the timing now?

Ms Sullivan: I think that's better directed to ACMA, because the contract is between ACMA and company.

Senator RICE: Has the minister presumably been briefed on this delay?

Ms Sullivan: Yes. The minister is very keen to have BetStop go live.

Senator RICE: What communication has been given to stakeholders about the delay to BetStop?

Ms Sullivan: ACMA has been communicating with all stakeholders through the process.

Senator RICE: So the department hasn't—

Ms Sullivan: The contract is managed by ACMA. Obviously we're briefing the minister, which is our role, but given the contract sits with ACMA, they are best placed to be communicating. Otherwise it can get confusing. Those who own it should be managing it.

Senator RICE: Has the department done any consultation or communication with stakeholders on the BetStop model overall, or has that been ACMA's full responsibility?

Ms Sullivan: Going back historically? BetStop, the idea of the National Self-Exclusion Register, was part of the National Consumer Protection Framework which came out of DSS with states and territories. In terms of how BetStop will work, the register itself, ACMA has largely led that stakeholder engagement. Obviously over the course of BetStop, gambling companies and others have made representations to the minister, both this minister and the previous minister. So as the adviser to the minister there may have been some engagement, but in terms of the register itself and how it will operate, all of that's very much ACMA's responsibility.

Senator RICE: Could you take on notice, over the history of the development of BetStop what consultation with stakeholders, including harm reduction stakeholders, has occurred?

Mr Carlon: Was that from the department's perspective rather than from ACMA's?

Senator RICE: From the, department. I will ask the same question of ACMA.

Ms Sullivan: The other part of that is what stakeholder engagement the Department of Social Services has done, because they are a policy lead from the social policy interview.

Senator RICE: I can ask them too.

Ms Sullivan: My question was more, are you going to ask them or do you want me to? I wasn't shifting my job onto you, that's all.

Senator RICE: I'm happy to ask. In terms of the Big Village Australia going into liquidation—

Ms Sullivan: Voluntary administration.

Senator RICE: When did that happen with regard to the trials that were occurring? What trials ended up occurring before they went into voluntary administration?

Mr Carlon: Generally speaking, my understanding was that largely the trials have been completed. Again, ACMA's best placed to answer this, but I understand there were some physical security concerns that needed to be worked through and that didn't require any more trials with the sector. They did some load testing with the sector. They did a number of trials last year and more trials this year. All of the feedback and results from that were positive.

Senator RICE: So there is no intention to do further trials from here on?

Mr Carlon: Not from here on. They did invite all of the sector to participate in those last trials, and those who responded participated.

Senator RICE: How many trials were there?

Mr Carlon: I wouldn't know. It's probably best to ask ACMA that.

Senator RICE: Do you know whether ACMA is intending to publish the results of those trials?

Ms Sullivan: You would have to take that up with them.

Senator RICE: Does the department have a view on whether ACMA should publish the results of the trials?

Mr Carlon: I'm not sure they are publishable. For example, they will do something like test the load on the system at a particular point in time and run hundreds of thousands of queries and get a 0.006 second response rate.

Senator RICE: Just publishing that sort of data—that this is what they did and this is what the results of that experiment was.

Ms Sullivan: I guess the other thing—once again, this is best directed to ACMA—is that there are going to be specifications around how the register should work, which I assume would all be in contract. So the testing and so forth that's being done would be to ensure that the system can actually meet the specifications that are being contracted. I don't want to verbal ACMA, but they are very conscious of the need to ensure that the register works as procured.

Senator RICE: I will ask further details of them.

Mr Windeyer: I think that's the point. It's more in the territory of system testing to ensure it works rather than—

Senator RICE: Which is critical, knowing whether it is actually going to work. That's why I'm interested.

Mr Windeyer: But I think some of that will be system testing to see whether what's been proposed works, and if there is a load problem then they can go back to the drawing board and adjust the system, rather than 'Oh my goodness, we're settling a system which has a fail rate.'

Senator RICE: Or it may be that adjusting the system might not be possible.

Mr Windeyer: ACMA can talk to that.

CHAIR: We will go to Senator Henderson.

Senator HENDERSON: Chair, first, I want to table those documents to which I referred earlier. This is the FOI document setting out the various measures that contributed to the Office of the eSafety Commissioner, in terms of funding, so I'll hand that over. Also there's the comment made by the minister in an interview with Greg Jennett. This is a transcript from the minister's website, where she erroneously claims a quadrupling of total funding. I'll hand that over as well. Thank you.

Minister, could I ask for an update on the news media bargaining code? I am very concerned—and I've expressed this concern before—that SBS has not got an agreement with Facebook.

Senator Carol Brown: Sorry, I couldn't hear what you said.

Senator HENDERSON: I'll start again. Assistant Minister, can I please raise the news media bargaining code and the fact that SBS does not have an agreement with Facebook, because Facebook blatantly refuses to cooperate. I am concerned and have previously raised these concerns that the government has not made sufficient attempts to resolve this issue. Can you update me on this issue and whether the government is seeking to resolve this, and, if so, what action has been taken?

Senator Carol Brown: Are you able to give me some information here?

Senator HENDERSON: Minister, are you not able to provide any information?

Senator Carol Brown: I'm checking with the department, whether they can provide some information.

Mr Hyles: Since the News Media and Digital Platforms Mandatory Bargaining Code came into effect on 3 March 2021, Google and Meta have entered into 23 and 13 commercial agreements respectively. The code was not intended to address the full range of issues impacting the viability of the news media sector. These broader issues are being considered as part of the government's News Media Assistance Program that we talked about earlier.

In relation to SBS and Meta specifically, there was a review of the code. That explicitly excluded consideration of designation of individual platforms, and it didn't consider the issues relating to SBS not having a commercial agreement with Meta.

Senator HENDERSON: I understand that. The question, really, is more towards the minister: what is the government doing? This is a totally unacceptable situation. One of the two national public broadcasters has got this opportunity for a very significant additional revenue from Facebook, and Facebook is acting with contempt. What is the government doing to resolve this?

Senator Carol Brown: I think the department was just about to give you an answer.

Senator HENDERSON: So you haven't got anything to add?

Mr Windeyer: What I was going to say, and this is possibly an unhelpful answer, was the options available to the government, and that have been the case for some time, going back a couple of years now, relate to—the exercise of powers under the code exist for the Treasurer and in the Treasury portfolio. They are not powers that the legislation provides to the Minister for Communications.

Senator HENDERSON: I'm not interested in—that wasn't my question.

Mr Windeyer: The decision for the government to intervene and the previous government to intervene, with respect for the powers under the code and SBS or any other organisation that might not have reached an agreement, reside in the Treasury portfolio.

Senator HENDERSON: No, I understand that, but that doesn't address my question. The question is: what is the minister doing? This is an intolerable situation, that SBS is being hung out to dry. Minister Rowland is responsible for SBS. Why is she not standing up for them? So, again, to you, Minister—I appreciate that if you can't address the question you may want the department to answer—what is the minister doing? What representations, what communications, what action, is she taking to say that this is not good enough?

Mr Windeyer: My general observation would be that the minister is responsible for SBS. That does obviously mean the minister is, for example, responsible for the funding arrangements for SBS. But with respect to the news media bargaining code and its operation, that is a question associated with the code and its operation, which is in the Treasury portfolio rather than in the communications portfolio. The Minister for Communications—

Senator HENDERSON: I understand you are an official of the department, Mr Windeyer, but that is not—I understand the powers under the news media bargaining code, but it is an intolerable situation, so perhaps this is best addressed to government, to the minister representing Minister Rowland. Could you please provide on notice the communications, messages and emails between the minister, her office and SBS in relation to this issue, because surely the minister should be doing more to stand up for SBS? The ABC has got a great deal with Facebook and with Google courtesy—I have to say—of our government, because we obviously initiated the news media bargaining code. But, when Mark Zuckerberg was trying to tell us to go jump, we stood up to him. So why is your government not doing the same thing?

Senator Carol Brown: I'm not sure where taking it on notice stopped or started, but I will take it on notice. I would say—

Senator HENDERSON: Thank you.

Senator Carol Brown: I understand Minister Rowland has met with SBS to discuss this matter, and, as has been indicated, the government is considering its response to the review of the news media bargaining code. But I will take on notice—

Senator HENDERSON: Thank you. I would greatly appreciate all of the correspondence, communications and messages in relation to this matter between SBS, the department and the minister's office so we can have a better understanding as to why SBS is being hung out to dry by Facebook and why we haven't seen Minister Rowland rattling the cage, because this is not acceptable.

I would like to turn to—

CHAIR: Two more minutes, Senator Henderson.

Senator HENDERSON: I might need a bit more time after that, Chair. I know that Senator Hughes asked some questions, but I want to return to what seems to be a very major cut in funding for regional connectivity and, in particular, for the Regional Connectivity Program and the Connecting Northern Australia plan. I want to understand what's happened between the 22 October budget and the May budget and the very significant cut to the Regional Connectivity Program.

Mr Windeyer: We did discuss some of these issues earlier with Senator Hughes.

Senator HENDERSON: I understand that, but I'm seeking more detail please.

Mr Windeyer: Understood. I'm very happy to explain. Those changes are not a cut. They're associated with movements of funds. There are no projects that have been stopped or cut. What has changed is that we have got, as we do every time we end up preparing estimates statements, the latest update from people who are contracted to deliver projects on when they expect to meet milestones and therefore when payments will need to be made. If they are experiencing delays in the delivery of the projects we end up adjusting the funds accordingly. They're a consequence of the movement of funds with relation to projects that are contracted and still being delivered.

Senator HENDERSON: Are you able to provide the committee with the details of each project under the Regional Connectivity Program and the status of each project, including whether it has been contracted, whether works have commenced and an update as to when those works will be completed?

Mr Windeyer: We can take that on notice.

Senator HENDERSON: Why have there been these delays, Mr Windeyer?

Mr Windeyer: I don't have an answer for every individual project. It's the same sorts of issues that can cause delays across a number of programs. It can range from things like the impact of significant weather events which delay access to sites or the ability to do work; it can be a consequence of people having delays in getting planning approvals, if those are necessary, getting access to or finding appropriate sites to locate infrastructure; it could be shortages of equipment caused by supply chain disruptions; or it may be workforce related issues. There are a number of things that can go into it. We can certainly give you a little bit more detail, perhaps on notice, but those are the sorts of issues.

Senator HENDERSON: I would appreciate that. If you could just outline the reasons for the delay—

Mr Windeyer: I suspect we won't have them for every individual project, but we'll see what we can provide for you.

Senator HENDERSON: including any related correspondence, too, as to the cause of the delay. I imagine that you would be informed as to why a project has been delayed.

Mr Windeyer: We'll provide what we can. This has been updated based on us engaging with the project proponent.

Senator HENDERSON: Obviously, there are many key communities right across the country. The regional connectivity program is a very important program, initiated by the former coalition government, which demonstrates the importance of delivering this connectivity for regional communities.

Mr Windeyer: I don't know whether I'm anticipating a question, but just to be clear, it's exactly the same story with connecting northern Australia.

Senator HENDERSON: It's such a large adjustment, though.

Mr Windeyer: I understand.

Senator HENDERSON: Why wasn't that foreseen back in October 2022? It just seems your forecasting is so massively out of kilter.

Mr Windeyer: We are guided by what we get from the project proponents and what they put forward, in terms of when we initially sign them up for the project. We are guided and we adjust on the information they provide us rather than us making guesses on when we expect them to deliver. It's information coming in from the proponents and it's the same range of issues for connecting northern Australia and the same situation. Projects are still going ahead, nothing has been cut, but funds have been moved.

CHAIR: Senator Payman?

Senator PAYMAN: I'd like to go on to cell broadcast national messaging systems.

Mr Windeyer: I'll get the relevant people to the table.

Senator PAYMAN: My question is: can you explain how the cell broadcast national messaging system will assist in times of emergency to distribute messages to those in need?

Ms McMullan: The cell broadcast national messaging system is an emergency message delivery system. It uses broadcast technology to send emergency alerts to provide public safety information to anyone who's in a particular geographical area. The broadcast technology means that rather than sending individual messages to mobile phones, messages are broadcast to all phones in a particular set geographical area. That target area could be the whole country or a particular city or a small regional area or, potentially, everybody in a shopping centre or a football stadium or any kind of designated area. So, a public safety message could reach the whole population or any subset of the population in almost real time.

Senator PAYMAN: How is that different to the current SMS messaging system that's operated across states and territories?

Ms McMullan: There are a few differences in the technology about how cell broadcast works that gives it some benefits. It avoids network congestion issues. Broadcast technology doesn't get caught up in network congestion and doesn't cause additional network congestion. In an emergency, quite understandably, lots of people are trying to message one another and that can congest the networks. That can be a challenge when those critical messages are trying to get through, so this cuts through that by not being caught up in congestion. It's also not impacted by who your telco service provider is because it doesn't use your phone number specifically to reach you it just sends a broadcast. That means whatever your service provider ordinarily is, if you're in range of any network you will receive the message.

The system is being set up to be able to be delivered in multiple languages, so it will use the settings in your phone to be able to send messages in a primary and a secondary language. We also anticipate that the messages will be a bit longer than those that you can usually use through the EA platform. At the moment, the platform is limited to 612 characters, whereas this would be 1395, so more detailed messages. It won't look like a text message; it'll have a really distinct look and feel. We're hopeful that will mean it will be easily identifiable as a legitimate and trusted message from the government, so it will allow people to rely on and trust the information in the message.

Senator PAYMAN: Has emergency messaging been considered by any particular inquiries or a royal commission?

Ms McMullan: Yes. The 2020 Royal Commission into National Natural Disaster Arrangements found generally that there was a need to improve information and warning systems and focus on technological improvements. There was also a specific inquiry from the Queensland government about the South-East Queensland rainfall and flooding in February and March 2022. That report looked specifically at some of the limitations of emergency alert communications; there were some delays in some time-critical alerts getting to people in Brisbane during that flooding. The NMS is being developed to look at the issues raised through those two reviews.

Senator PAYMAN: Is cell broadcast consistent with those recommendations?

Ms McMullan: Essentially, yes. It is looking at improved and strengthened information and warning systems, and it's looking to address some of the issues that were raised in the Queensland situation about alerts and delays.

Senator PAYMAN: Are you able to explain to the committee why cell broadcast hasn't come into effect earlier?

Ms McMullan: The department's been involved in discussions about cell broadcast and its capability with emergency alerts since late 2020, but the development and standardisation of the technology has evolved over that period. Before rolling out something like this, you want to ensure the effectiveness and its compatibility with operating systems. That tech is now at a point where we are well positioned to roll out the system.

Senator PAYMAN: What kind of funding has been provided by this government to set up the national messaging system, and when do you think it will be operationalised?

Ms McMullan: An initial sum was allocated in the March 2022 budget, and then, following some approach-to-market discussions, it became clear that additional funding was going to be needed. We were able to secure that additional funding in the 2023-24 budget. The totality of that funding covers the national implementation of the system, ongoing sustainment, network integration and investment in a public awareness campaign so that people can understand what the system is. The actual specifics of the funding are not public at the moment because there are commercial contract negotiations and processes involved in setting up the system. I think your other question was about when it will be operationalised. We expect the system to be fully operational by late 2024.

Senator PAYMAN: Fantastic. Thank you.

Senator HENDERSON: Assistant Minister, I want to ask whether the government supports the coalition's plan to ban gambling advertising in live sport.

Senator Carol Brown: Thank you for that. The government is concerned about gambling. As I think we've already mentioned during the discussion, there is an inquiry afoot in the House of Representatives. Once the inquiry has wrapped up, the government will have a chance to consider some comprehensive reforms.

Senator HENDERSON: Why can't the government say now? This is an issue concerning many Australian families. This is insidious in live sport. Why can't you indicate your support for such an important measure?

Senator Carol Brown: I've just indicated the process the government has undertaken to do. We consider that is the best process to go down—that is, after evidence and a report and recommendations are received via the committee, to consider that report, and then we will work from there in terms of any reforms coming forward.

Senator HENDERSON: Has the department discussed this issue with the minister? Is there anything on the table in terms of adopting or supporting the coalition's announcement?

Mr Betts: The announcement was made very recently. I'll defer to Mr Windeyer on that.

Mr Windeyer: We're aware of the issue and the concerns being expressed around gambling advertising; that is something we are looking at. It is something that we, in general terms, have been discussing with the minister, but, as the minister at the table has just pointed out, we're working consistent with the committee inquiry that's underway.

Senator HENDERSON: Are you able to provide any documentation or correspondence between the department and the minister in relation to this matter—which you can do on notice. Can you also indicate whether the minister or her office—Assistant Minister, this might be for you—have asked the department to meet with any gambling companies or their representatives in relation to gambling advertising or gambling in live sport, and can you give me an overview of those meetings, please?

Mr Windeyer: I don't think we have been asked to meet with people in relation to this.

Ms Sullivan: We've just taken on notice from Senator Rice a question on a list of meetings—Mr Carlon read into the *Hansard* the meetings we have taken. We can read it into *Hansard* again or come back to you.

Mr Carlon: We can expand that answer to also include other meetings.

Senator HENDERSON: Thank you very much. And, also, could we please have an update on any meetings that the minister or her office has had with any gambling companies, or related companies, in relation to television gambling advertising?

Mr Windeyer: Happy to take that on notice.

Senator HENDERSON: Thank you very much.

CHAIR: We will let the department go.

Proceedings suspended from 13:17 to 14:22

Australian Broadcasting Corporation

CHAIR: Welcome, everybody. I would just like to take this opportunity to remind all senators that, as we continue our work implementing the *Set the standard* report, as chair I will ensure that proceedings are conducted in an orderly, respectful and courteous way. I now welcome Mr David Anderson from the Australian Broadcasting Corporation and ask if you would like to provide us with an opening statement.

Mr Anderson: Thank you, Chair. No, I don't have an opening statement.

CHAIR: Okay. We will go to Senator Hughes.

Senator HUGHES: Hello, Mr Anderson. Could I just turn your attention to an article in the *Australian* today by James Madden. Have you seen that article? There are plenty there that can be tabled. It was about ABC staff leading false and misleading claims against News Corp, in particular, and other news organisations following on from the coronation coverage and in the wake of Stan Grant's decision to step away. One of the many stories that were written endorsing this view was in the *Guardian*. Again, I can table that if you haven't seen it. It mentions this number of 150 mentions of the ABC's coronation coverage and Stan Grant by the *Australian* and Sky News in two weeks since the broadcast. I'll give you that one. What has come up now is a correction on the *Guardian's* website:

This article was amended on 22 May 2023. An earlier version stated that the data about the number of mentions of the ABC's coronation coverage by the Australian and Sky News in the two weeks since the broadcast was obtained from media monitoring firm Stream. We wish to clarify the information was not provided to the Guardian by Stream but obtained from a third party source.

Mr Anderson, have you got any idea who that third-party source might be?

Mr Anderson: I will confirm with you on notice. I think we were contacted about that. I can't confirm whether it was us that supplied that information or how, for that matter, it was counted. I will confirm there were many, many stories around our coronation broadcast that were covered by many outlets, including News Corp.

Senator HUGHES: Yes. I mean, it was a story. Will you be directing the presenters from the ABC who continue to push this false claim to correct the record, as the *Guardian* has done?

Mr Anderson: If we have contacted anyone, again, with regard to those numbers, then, yes, absolutely we can provide clarification on that, but, again, I will confirm that with you on notice. What I will say is that in amongst all of that reporting there were inaccuracies in what was reported. I think what we were keen to call out and what I've called out is that, through commercial media, when you see spikes in reporting about what the ABC does, particularly about ABC individuals, you then see a correlation in the spikes of abuse that they receive via social media—not necessarily beyond what has been reported, but then people come out, and it fans the flames of abuse that actually come towards our individuals.

I'll add that in my note to staff on the weekend, last Sunday, I wanted to acknowledge that is that is something that I acknowledge and that is real. I am very concerned about staff at the ABC. There is absolutely zero tolerance for racism of any kind, and we want to be able to protect them, particularly when these moments happen and people are coming after them as individuals. I said 'commercial media', but that also happens without commercial media's coverage of certain things. I do see an increased prevalence of that, where people will just, on social media, abuse our staff. It's very hard to stop. So what I need to do is make sure that our staff are as protected as possible.

Senator HUGHES: This has become a bit of a recurring theme as we see you here at estimates. You assure us that the ABC and its staff affirms its charter, to be unbiased and fair in its coverage, yet these sorts of comments by ABC presenters and the actions that they take don't seem to reflect that. Maybe you can update us on what you're doing to try and ensure that ABC staff do abide by the charter of fair and unbiased reporting and how, from a fact-checking perspective, the processes are being looked at to ensure that presenters, particularly on the taxpayer dime, aren't misleading the public with these claims.

Mr Anderson: I would refute that and say that they are not. We do have checks and balances. Our staff are required to adhere to an impartiality standard that is part of our editorial policies. There is legislative obligation for us to be impartial in what we report. When there are instances where people complain, we have always, when it's been an editorial complaint, had a look at it and investigated. Yes, there are some breaches that happen from time to time, where we are found to be in breach of it, but for the vast majority of what we do we're not in breach of our own standards and we're not in breach of impartiality.

As for the mechanisms and processes that we have, apart from those investigations that happen off the back of complaints, we also run editorial training for staff with regard to their obligations for our editorial policies. That is something that happens. If ever we have had a problem with something, we do use that as an example to staff about why that didn't meet our own standard at the time.

Senator HUGHES: There's been some suggestion that some of that misinformation around numbers of mentions et cetera—this might be what you need to confirm—was actually being put up by the ABC communications unit, namely Sally Jackson and Nick Leys. Could you please confirm or, if you don't know already, take it on notice, whether or not the communications team was responsible for putting out those figures that are incorrect to the *Guardian* and other outlets.

Mr Anderson: I'll take that on notice. I don't know for sure, so I'll come back to you on that.

CHAIR: Mr Anderson, I wonder, given the circumstances over the last few days and the situation with Stan Grant, if you would like to walk the committee through what has been occurring over the last few days and what you've been doing to address the situation.

Mr Anderson: I will first address that, and then I might pass that over to Justin Stevens, who is Director of News, Analysis and Investigations, for his perspective as well. It's a very difficult time for Stan Grant. It's a difficult time for many people at the ABC, actually, but in particular for Stan, with what's happened to him and what he has copped. We will always seek to protect our people. I have apologised for not publicly defending Stan soon enough and for letting Stan down, with regard to support that was being provided from the ABC. I think that what this has brought about is that we're coming to a precipice here, particularly a discussion around how we protect our people. There's also a discussion around who we are as an organisation that's prompted by that. I think that Mr Stevens put out a communique on Friday and made a public statement with regard to Stan and support for Stan and for the future for us, and I've done that as well. There's support right through the ABC for Stan Grant. He's on leave at the moment, and we hope that he's okay, and we will obviously welcome him back to the ABC when he is ready.

These are important issues, and they're important issues that come about by having important discussions for what the ABC does. The ABC's job is to present a diversity of perspectives that are held across the Australian community. It's in our charter. It's what we're required to do. Sometimes, when we go about doing that, some people, I accept, will get upset about the fact that we're even talking about some of those things, but it is our job to do it. What's happening at the moment is our people are in harm's way. Our people are suffering as a result of that. They cop the backlash for it. We will need to keep holding difficult and uncomfortable conversations on behalf of the Australian people. That's what we do and it's what we're there for. So I am at this point quite worried. I'm worried about Stan, but I'm also worried about our other staff. I'm worried about our First Nations staff as we head towards a referendum on the Voice, to make sure that they are sufficiently protected. But this goes for all of our staff, particularly those people who are public-facing, and for the jobs that they do.

To me, those instances are increasing over time, and it's time that we have a review of how we're supporting people. Are we doing enough? All the things that we've done in the past and the things that we've put in place, clearly, are not enough, and we've fallen short, certainly, of late. That's the review that we've asked for. Mr Stevens, I might throw to you.

Mr Stevens: Firstly, Stan Grant is one of Australia's best and most respected journalists and broadcasters. We care about him deeply, and it's really, really devastating that he feels let down by the lack of public support for his role in the coronation coverage over the past fortnight. There's a lot to this, and there's a lot to talk about. I think it's clear that the coverage drew a lot of criticism—a lot of criticism from multiple media outlets. As is the case with reporting of media these days, the media likes to put a face to criticism of particular items and segments. Quite often, in the case of the ABC, that will be the most prominent person who took part. On this occasion, Stan was the most prominent person who took part in that discussion, and, unfortunately, he became the face of any and all criticism of the coverage.

In regard to the *Guardian's* reporting, the ABC are not responsible for what the *Guardian* reports. The ABC are not responsible for fact-checking information that they are provided with. That's the *Guardian's* responsibility. I'm very relieved I'm not also responsible for the fact checking of the *Guardian*, or the job might be too big. Stan was very upset that we didn't publicly defend his role in the coverage. I fully accept his criticism of me for that and I've apologised to him. If I had my time over, I would have. But we are operating in a new environment now. It is out of our comfort zone at the ABC—beyond Senate estimates—to publicly defend everything that we do and every piece of journalism that we do. Such is the level of animus and criticism that our reporting draws.

When you look at the nature of the coverage that occurred in the days after—for instance, on Sky News—I'll give just a few examples which I'm sure it wouldn't be too hard for the *Guardian* to find or may or may not have cited. Stan was described very quickly as 'whiner in chief' by Sky News or someone on Sky News. I can see some articles from the *Herald Sun*, for instance, where the headline says: 'Heads should roll at ABC over the coronation coverage', ABC's 'coronation damnation,' and it goes on. Clearly there was a lot of coverage. Sky News, 'The ABC hijacked King's coronation for their own agenda'. Unfortunately for Stan, he becomes the face of this when he takes part in it.

Stan didn't feel that we were out there publicly supporting or clarifying his role in it. I think we should note and clarify at this point that Stan's role was as a guest. He was invited to take part and express his views based on his own personal lived experience as a senior member of the Wiradjuri community. As far as I've seen from all of the coverage and criticism, I haven't seen anyone call out any inaccuracies in anything that was said in that discussion.

We felt, as the managing director indicated, that in eight hours of rolling coverage—not just 40 minutes—it was very important for us to have a discussion that aired a diversity of perspectives, the reason being that it's in our charter to air a diversity of perspectives in what we do. This was 40 minutes of a discussion. It was not a debate. It was a discussion. Our history is not in dispute. Stan grounded everything he said very clearly in his own lived experience.

In future we need to change our approach with respect to how we publicly call this stuff out, when individuals who work at the ABC and do their job are subject to such vitriolic abuse. There's another backdrop here. There are two layers to this. There's the vitriolic coverage that focuses and centres on the personality—the people doing their jobs. In this case it was Stan Grant. At other time it might be David Speers or Leigh Sales or Lisa Millar or Tony Armstrong. Behind that is this discourse on social media now that is toxic, racist, abhorrent. And coverage which is vitriolic and which targets the personality helps rev that up. All media companies need to have a good hard look at how they approach that.

CHAIR: Thank you very much, Mr Anderson and Mr Stevens. This is a very difficult situation, and I pay my respects to Stan Grant and to all of the ABC journos and other journos who are struggling with the kind of abuse that is out there. We will now go to Senator Hanson-Young.

Senator HANSON-YOUNG: I know my colleague Senator Faruqi has some questions as well, so we'll share the call. Mr Anderson, you've said that you regret not publicly backing Mr Grant's participation in the coronation coverage earlier. It's always important to be upfront about when you regret things and when you've made mistakes and when you apologise, but why is it that you didn't publicly back him? Could you just reflect for me on what held you back?

Mr Anderson: Again, it is regretful. We did put out a statement with regard to the coronation coverage. We put that out early. We could see that other media were pulling out individuals such as Stan with regard to it. We didn't want to bring a further focus to any individual. This is not an excuse. This is what sometimes we do get worried about. We're worried that if we stick out a statement, that we're going to give oxygen to this and perpetuate it for longer. But I think the time for dignified silence is over. I think that for this, certainly for our people, that we certainly need to be more publicly supportive of them as well as what we do internally at the ABC.

I will add that I don't think this is just an issue for the ABC. This is an issue for all journalists across media. It would be wise for us to come together as media to think about how we all support each other through this because the worst of society out there come out, and, as much as we do to keep it away from our people, they find ways to still get to them. It is pervasive. There is a long tail on this. While that discussion might move on, I know that for our individuals it lingers as to the damage that it does to them.

Senator THORPE: You should know that answer anyway. Why didn't you stand up for racism in the party, against me?

Senator HANSON-YOUNG: Mr Anderson, thank you.

Senator THORPE: You're asking ridiculous questions.

CHAIR: Senator Thorpe, it's up to each senator to ask whatever questions they like.

Senator THORPE: She needs to look at herself.

CHAIR: Senator Thorpe, I'll ask you not to reflect on others. We'll come to you very shortly for your questions.

Senator HANSON-YOUNG: Mr Anderson, has this issue been discussed at the board level?

Mr Anderson: Not yet. I expect it will be. We have a board meeting coming up in a couple of weeks and I'm sure the board will want to talk about it with me, and I also want to talk about it with the board.

Senator HANSON-YOUNG: And you haven't had a discussion with any individual board members about this, separately to an official board meeting?

Mr Anderson: The answer is: of course there have been some discussions. I'll keep them private for now, before we get to the board meeting. Of course I've discussed this with the chair. The discussions that the chair and I have stay between the chair and me. We will, I'm sure, discuss this as a board. It's a serious matter—of course it's a serious matter—which is not just about what we do for our own staff but about our organisation making sure that we're doing all that we can to make sure that we're in creating the workplace that we want it to be. I'm sure this will come up at board in a couple of weeks.

Senator HANSON-YOUNG: Thank you. I might hand over to Senator Faruqi. When we come back around we'll keep sharing.

Senator THORPE: I've got questions too, Chair.

Senator FARUQI: Mr Anderson, thank you for coming in to answer our questions. The ABC invited Stan Grant to participate in a panel in its pre-coronation coverage, as a Wiradjuri man, to discuss his own family's experiences and his lived experience, and the legacy of monarchy. I think you said earlier that that was the case. Is that correct?

Mr Anderson: That is correct.

Senator FARUQI: How many complaints did the ABC receive in the wake of that panel discussion, let's say two weeks from when it happened until Mr Grant publicly said that he was stepping away from *Q&A*?

Mr Anderson: I'll confirm the exact figure on notice. I know the figure as it stands now is around 1,800 complaints. After the week, I'd say we had about a thousand. There are complaints in there that reflect what I said earlier, about social media. There are people that complained and said, 'Right discussion; I found it incongruous with the vision,' and there are other people who have done an editorial complaint. We've only got about 60 editorial complaints, when I last checked, that are being investigated by the ombudsman, and they are claims that we didn't abide by our own standards of accuracy, impartiality or harm and offence. So the rest is effectively feedback, some of it in good faith, quite a lot of it not in good faith.

Senator FARUQI: That was going to be my next question. Taking away the 60 editorial complaints, how many of those 1,800 complaints were actually racist attacks on Stan Grant?

Mr Anderson: I'll confirm that for you on notice.

Senator FARUQI: Were they in the hundreds?

Mr Anderson: Yes. Again, we're digging into them. There are a lot. There are some pretty hideous things that have been said; and I will not repeat them, so please don't ask me.

Senator FARUQI: I'm not going to ask you to, but were they complaints along the lines that there shouldn't be an Aboriginal man on TV?

Mr Anderson: There were complaints where some people thought it wasn't appropriate to have that discussion at that moment in time. There were other people who thought it was appropriate to have the discussion; it just was not what they were expecting, really reflecting that we hadn't set the audience expectation about this well enough. But, like Mr Stevens, I stand by that discussion having happened. It was necessary.

I've had people suggest to me perhaps it should have been another day. Well, I think it's entirely appropriate to have it on that day. As Mr Stevens said, it was a long coverage. It was over eight hours, and across those eight hours the diversity of perspectives that are held across the Australian community were reflected.

You're right, Mr Grant was asked on as an individual. He wasn't there as the host of *Q&A*; he was there for his own lived experience. He was there for his knowledge and history of our First Nations people and for his experience personally and his family's experience. Editorially I think it was justified, I think it was relevant and I think it was appropriate.

Senator FARUQI: Could you just reflect—sorry, I missed it if you gave me a number. You said you would take on notice the number of racist attacks.

Mr Anderson: I will take it on notice.

Senator FARUQI: You believed it would be in the hundreds.

Mr Anderson: I believe so, but I will confirm that with you on notice.

Senator FARUQI: Do you, at the ABC, have a threshold of how you classify racism?

Mr Anderson: Again, stating racism within the workplace, racism coming towards us, of course. Racism is racism.

Senator FARUQI: So you have a pretty clear threshold?

Mr Anderson: We have a pretty clear idea of what racism is. There was a strong audience response here. Again, we're not walking away from having that discussion; that was an important discussion to have.

Senator FARUQI: I understand that. You said earlier that you did apologise and that you regret not doing something earlier. Did you anticipate that this would happen given the history of how this issue has previously been treated in the public eye? Given that when people speak out about it they do experience vile racism, did you anticipate that? If you did, did you have some kind of a response plan in place to support Stan Grant?

Mr Anderson: It's a good question. Certainly Mr Grant, in his own words on Friday, said that he has experienced racism in the past. We have discussed that with Stan previously. I hadn't personally had a discussion with Stan ahead of the coronation broadcast or immediately after.

Senator FARUQI: You didn't have a response plan in place to support Stan Grant?

Mr Anderson: I might throw to Mr Stevens.

Senator FARUQI: This was anticipated. This shouldn't have been a surprise.

Mr Stevens: It's fair to say that we didn't expect the level of racism, the torrent of racism, that he was subjected to and we did not expect the reaction from some members of the audience that it got—the reason being that whilst some people in the public find it uncomfortable to talk about our history and hear First Nations' perspectives of that, we did not expect it would result in what it did.

There are a few other things. As the managing director indicated, Stan has been subjected to relentless racism for a long period of time, through his whole career, for doing his job. And not only that, on social media particularly, when he does his job there is a particular spike in that level and the amount and volume of the racial vitriol.

Now, we never want to legitimatise or give any of that any agency, and nor does Stan. He has, with a great deal of strength, continued to do his job in the face of that. We underestimated aspects of that audience response, and I think there are some really good lessons for us here, particularly with the Voice discussions coming up and the referendum later this year that whenever we have discussions about race particularly, and when we ask our staff to take part in discussions about this, we need to put additional support around them. Absolutely, that's got to be a lesson out of this.

Senator FARUQI: I'm sorry that it took such a long time to learn that lesson, because another person has lost his job because of it.

Mr Stevens: Just to clarify, he hasn't lost his job.

Senator FARUQI: He stepped away from it. He's had to step away from it because of that vitriol.

Mr Stevens: Just to clarify, he's taken leave for around eight weeks.

Senator FARUQI: Yes, I understand that. I do have more questions, so maybe in the next round, Chair?

CHAIR: Yes. We'll go to Senator Thorpe.

Senator THORPE: Congratulations on the coverage of calling out the coloniser that has created so much harm and hurt in this country since invasion, starting with a war on the First Nations people of this country. So congratulations on the coverage. It is the inconvenient truth that does need to be told. The ABC have a number of plans aimed to develop an inclusive culture and increase diversity throughout the corporation. You have a RAP plan. I think it's at elevate stage.

Mr Anderson: Yes.

Senator THORPE: You also have the ABC Diversity and Inclusion Plan.

Mr Anderson: Yes.

Senator THORPE: Is it right to say that the board and leadership team hold key responsibilities of these plans?

Mr Anderson: That would be right, yes.

Senator THORPE: Yet, of the 17 people that comprise the ABC's leadership team and board, is it correct that only one of them is not white and that not one of them is First Nations?

Mr Anderson: That is correct, but, when it comes to the ABC board, I will preface that with: that is no influence of the ABC or the chair. They are government appointed positions, and very little—virtually no—consultation comes into it. Generally, there's a question, but otherwise the appointments happen independently of the ABC. When it comes to the leadership team, yes, I have one person who is non-Anglo-Celtic out of 10 of us.

Senator THORPE: Do you think there should be some improvements there? Is it something that the ABC can discuss with the government, who are appointing their people that they want on there, to include a few blackfellas, given they want the Voice?

Mr Anderson: We've made representations previously around when board appointments come up that consideration be given to having a First Nations person on the ABC board. When it comes to the leadership team, that has happened. You never want to announce anything at estimates, and it always looks reactionary, but, yes,

this is something that has been considered at board level for the People & Sustainability Committee. We have a board meeting in a couple of weeks, and I'll have more to say about that soon.

Senator THORPE: Thank you. I understand that it's a big deal right now, but racism has been rife in this country for over 200 years. We deal with it every single day as First Nations people. It does appear that no urgent action has been taken, unfortunately, by the ABC in the treatment of First Nations people in the media. Last night, *The Drum* held a panel discussion on Stan Grant and the impacts of racism. Why did it take an intervention to ensure that a First Nations perspective was being included, with Professor Chelsea Watego only being asked to come on at the last minute, with 30 minutes to go? Why was that a last-minute afterthought? She was the only panellist to be also continually interrupted by the host.

Mr Stevens: I will readily admit I missed *The Drum* last night, but I will follow up for you and clarify what happened there. But what I would say about *The Drum* is that they've championed hearing First Nations voices for a long period of time, and they've gone out of their way to make sure that voices that actually are not usually heard in the media are heard. So I would look at *The Drum's* track record over a long period of time. I'm not aware of the circumstances with Chelsea Watego; I'll look into it. But *The Drum* has done a fantastic job over a long period of time leading the way here in terms of hearing First Nations voices. Dan Bouchier, who's a fantastic journalist who happens to be a First Nations man, has also been anchoring the program from time to time as well. Their track record is really strong across a long period of time.

Senator THORPE: The ABC has had a bit of a fraught history with First Nations relations with regard to reporting, and we need look no further than the horrendous *Lateline* coverage that led directly to the Northern Territory Intervention, which had horrific consequences. Is there internal reflection on the continuing impact this has on First Nations people within and outside of the ABC, and how is this reflected in current discussions and policies being actively pursued by the ABC?

Mr Stevens: We are wanting to make sure we show more intention and focused expertise to champion Indigenous perspectives and expertise here. In the last six months we have created for the first time an Indigenous reporting team, which is a really positive move. That's being led by Suzanne Dredge, who's a fantastic journalist and editor and who I have also appointed to my executive, because she's got a great deal to add beyond that job—her journalistic judgement is superb. In terms of the stories and the sorts of stories that they're looking at, they're doing amazing work already. In the past year, Bridget Brennan, Suzanne and Brooke Fryer did some amazing reporting with Stephanie Zillman for *Four Corners* about missing women. They won the Gold Quill for that, as recognition of their reporting. They will not be able to do all of the reporting on matters related to First Nations and Indigenous affairs. However, they are going to be a centre point of this. We have also just recruited Julie Nimmo, from SBS, which is really fantastic. She'll be working in that unit. So we're really excited to see the specialised work they'll be doing with intention over a long period of time.

Senator THORPE: Key recommendation 4 of Media Diversity Australia's recent report stated:

Employers must treat online harassment and abuse of diverse journalists and media workers as an issue of workplace discrimination and harassment.

How is the ABC implementing or how will the ABC implement this recommendation?

Mr Anderson: There are a number of things that we already do, but we are clearly—otherwise I wouldn't have asked for a review into this—doing a good enough job. We have moderation that happens, certainly, on our ABC sites. Our rules are that if you can't moderate it then we can't leave the post up there that sits there. There are other stories that I have heard since last Friday, since my email on Sunday. I've had the story of somebody live on air watching their chat stream and seeing racial abuse come in and having to cope with that. I immediately tried to put measures in place so that didn't happen anymore. I think there is this constant attempt and effort at prioritising how we can make that happen even more than we are at the moment.

There are some things that we can't do. We block emails and we'll turn off notifications, but the people who are evil will find a way around it. They create another profile, of course, and then come back at us again. We have a very long list of emails that we've blocked to try to protect our staff. This isn't an excuse, but, for what we're doing, things are still getting through and we'll still have to work hard at that. Hence the review. It's not just saying we'll do a review for the sake of it. I'm hoping to meet with senior leaders across the organisation this Friday to kick it off. I think we need external expertise. We've had offers of help from people like Julie Inman Grant, the eSafety Commissioner. We need to tackle this in a way that can ensure we're doing our absolute utmost to make sure our people are safe.

Senator THORPE: Thank you for that. I think it's really important. As a black senator in this place I deal with racism all the time, but apparently that's okay. It's accepted in this place. So we've got a lot of work to do in this country get rid of racism. That's certainly why I left my last workplace.

Media Diversity Australia recently released a report called *Online safety of diverse journalists*. This was, in part, funded by the ABC. Key recommendation 10 spoke to how measurable commitments are required to ensure the representation of people from diverse backgrounds. What are the measurable commitments that the ABC will take to ensure that a First Nations perspective is in the top leadership positions and this is reflected in the pathways to board and leadership teams?

Mr Anderson: That's a good question, and it's certainly somewhere where we haven't been idle. We are making sure that we have senior roles certainly the level below the Leadership Team, at the very least. Mr Stevens has appointed a First Nations person to his executive for the content restructure we've just announced. First Nations representation is at that level, peer to the chief content officer. I've got more to say about that, certainly in the coming weeks.

Mr Stevens: In regard to Media Diversity Australia, I would like to say on the record that they do some really positive work. They've really helped lead the conversation in recent years to really get Australian media to lift their standards and expectations. We're all playing catch-up to where we ought to be, and it's slower than we would like. In regard to that particular report about online safety, we will take all of the findings of that very seriously. I think it will be presented to the Leadership Group at some point soon, and there will definitely be training that comes as a result of that. We do value any and all advice that comes from MDA.

Senator THORPE: Thank you.

Senator HENDERSON: I raised this this morning with the representing minister. I don't think I've ever seen more stinging criticism of ABC senior management than what's been reported in previous days. I want to refer you to the comments by Sami Shar, who said:

My time at the ABC was some of the most exhausting and unrelenting racism I've ever experienced. From audiences, but especially from management who dismissed its severity and in the end practised it themselves. And that was just two years in local radio.

Osman Faruqi said:

The higher up the organisation you go, the fewer and fewer diverse faces you see (of the 17 people that comprise the ABC's leadership team and board, only one is not white), contributing to a culture that is, at best, dismissive of the needs and concerns of staff and audience who aren't white and, at worst, actively hostile to them.

Mr Anderson, how do you respond to that criticism?

Mr Anderson: First, I'm very troubled to hear about Sami Shah's experience with the ABC for his time in local radio and as a host with *Melbourne Breakfast*. On hearing that, when it comes to what we're reviewing and what we're looking at, I'd like to offer to hear more from Sami Shah about what went wrong and what happened. I don't have anything before me other than those comments. I take them very seriously and am very concerned by them for his time here at the ABC. For Osman Faruqi, yes, I have heard from Osman previously and, again, I would also invite him to get in touch with me as part of this review process to find out what his experiences were. I have sat in a forum that we had that was looking at how diverse we were as an organisation. We invited people in to it, with Michelle Guthrie. That was back in 2018. I have heard directly from Osman over a couple of things, but I am troubled to hear about that as well. As former ABC employees, it is quite troubling to hear.

Over the last three years, we have certainly looked at who we are as an organisation. We have issued targets and our diversity inclusion plan. We've set up different frameworks. We've set up a diversity advocates network. We've set up resources for people within the organisation. We've increased the diversity of the organisation over that time. I don't, by any stretch of the imagination, suggest the work is done or that we've done enough. It is never enough. Our job is to reflect the community that we serve, and that's our goal.

In content terms, we've also issued our diversity commissioning guidelines. Again, what people see from the ABC should reflect the community back to itself. We measure content diversity as well as the diversity of our staff. Again, while they have improved over time, we have not reached our goal yet. So there are initiatives and there is effort. It is certainly something we prioritise. But to hear of those experiences and experiences of others—since we heard from Stan on Friday—is, of course, very troubling.

Senator HENDERSON: Mr Anderson, you referred to the work you were doing in relation to diversity, but you haven't addressed the stinging and shocking criticism in relation to the racist practices that senior management are alleged to have engaged in. What do you say to that, what will your review do and what immediate action are you taking to address that harm that's already occurred?

Mr Anderson: We will address that. When people come forward, we address it immediately, of course. Since 2019, there have been a handful of—

Senator HENDERSON: Sorry, Mr Anderson. Mr Shah said, when it was raised, management 'dismissed its severity and, in the end, practised it themselves'. Isn't that also evidence that, when this was raised with management, it wasn't taken seriously?

Mr Anderson: I'll obviously be looking into that. There are other things that have been raised in the last few days that, of course, I'll take seriously and look into to, to find out what happened. As I sit here, I don't know the circumstances that were raised at the time, but I will certainly seek to find out internally at the ABC, and, again, I invite any individual who has had an experience that would otherwise be racism to come forward, and we'll deal with it.

Senator HENDERSON: As I said this morning, the racism to which Stan Grant was subjected, and perhaps is continuing to be subjected to, along with his family, is abhorrent. You've touched on the reasons you didn't respond initially and stand up for Stan Grant. Are you able to provide us greater insight into what transpired? Did Mr Grant ask you to stand up for him? What communications occurred with his direct superiors, including Mr Stevens? I'm just trying to understand why you didn't stand up for him. We've talked about many other issues when journalists have been criticised, and bang, Mr Anderson, those media statements are out within minutes. There is a stark contrast between how you've responded in this case and previous cases involving other journalists.

Mr Anderson: I've, again, publicly apologised for not backing Stan in those moments. We chose at the time to back the program rather than take further aim at Stan Grant. That was a mistake, that was wrong and that wasn't good enough. As for what transpired during that particular point in time, out of respect for Stan, I don't want to go into too much detail, but clearly it wasn't enough. We're admitting it wasn't enough. Stan said it wasn't enough.

Mr Stevens, do you have anything to add to that?

Mr Stevens: Sure. I think there's a lot we're talking about, and it's important to separate out what we're contending with and the issues. The first is Stan. We do care about him deeply, and we care about his and his family's general support a lot. When we talk about the racism and we talk about the racism that occurred in recent weeks, we're talking about a really large volume and torrent of racial abuse and threats to Stan and his family over the course of a number of days. That's the racism that he's been relentlessly subjected to for doing his job.

Separate to that is the criticism of the coverage and the fact that Stan, who was a guest and who was invited by us to take part, was the face of that criticism. We're not saying all of that criticism was racist. We're saying there was a torrent of criticism, and I think he has very clearly expressed that he felt we ought to have defended his role in it. I accept that we could have, on reflection, more publicly done that. That prospers the question: why didn't we defend him at the time? I've done a lot of reflecting on that, and I think there are a few reasons. The first is it's not in our nature at the ABC to be the story. It's not in our nature to agitate on a daily basis to make ourselves the story. However, due to the climate that we function in, our approach will have to change, and there are lessons in this in terms of how Stan felt we managed it.

The vacuum of us not publicly defending the coverage meant that Stan, being the face of it, felt that he was unfairly treated in that sense. I totally hear and understand and see why he feels that way, and there's a lot for us to learn with that. He was a guest. He wasn't a presenter on the night; he was a guest. A lot of criticism was inaccurate and unfair. The way his role was characterised was not fair. As far as I could see, no-one could pinpoint the response.

We received media inquiries about the coverage the morning after the coverage. We did respond immediately. It was a very detailed and general response defending the coverage. Clearly what happened over the course of the week after was that criticism continued, as did the criticism of Stan. So while we initially defended it, the initial defence didn't explicitly defend Stan in a way that, perhaps, it could have, and secondly, we didn't see that we needed to get out there quicker for him, and we ought to have. We've been very transparent about that.

Senator HANSON-YOUNG: Mr Stevens, you've made some comments here today, and also in the last couple of days, about the fuelling of these racist attacks and demeaning commentary in relation to Stan Grant—and not just Stan but other members of the ABC. Is this something that the ABC has decided to now just call out? From where I sit, News Corporation have been attacking the ABC for years, and it's basic sport for them to beat up on the public broadcaster. They have a track record of going after individuals. They've done it to women. They've done it to women of colour. They've done it to First Nations people. They go after them, they whip up the frenzy of haters and then they sit back and watch good people be torn down. You can't sit here today and tell me that you haven't seen that pattern happen until now, surely. This is not new.

Mr Stevens: A few things: the first is that the Murdoch family and the ABC have had an interesting relationship since the 1930s. There's nothing new there. Secondly, the coverage of the ABC and the criticism of the ABC's coverage was not limited to News Corp. Nine and other publishers were very critical as well. My point this week is about what I think is actually a new dynamic. I think the last thing the public want is media companies arguing with each other and making themselves the story. They don't want that. But I think all media companies, including the ABC, including News Corp and including Nine, need to figure out how we foster a kinder, fairer discourse. Much like, I'm sure, you all endeavour to do this in parliament, it's in our interest to foster a kinder, fairer discourse that is not driven by conflict.

There are two to three dynamics at play which are new here. Social media is an inescapable new force to give people a platform who never had a platform. What media companies do to get clicks, to get readers reading about the ABC, is focus on an individual and then elevate the criticism, whether it's sexist, racist, not kind, and they will legitimise it by reporting on it on their publications to get an audience. All media companies need to come together and have a really good, positive discussion about this needing to stop. The reason it needs to stop is that—I'm not saying those media businesses are racist, I'm not saying that they're sexist, but what I am saying is they carry a massive responsibility on their platforms to their audience in legitimising this abuse, and it needs to stop.

Senator HANSON-YOUNG: This trawling of ABC journalists' social media feeds, this obsession with individuals to set up to tear down is a business model. Racist attack by media organisations on the staff of their opponents is a business model.

Mr Stevens: What's the question, sorry?

Senator HANSON-YOUNG: I'm just asking if that's effectively what you're saying. Is this a business model for them?

Mr Stevens: That's not what I'm saying.

Senator HANSON-YOUNG: Okay. Do we see the Nine newspapers trawling through ABC journalists' social media feeds?

Mr Stevens: I'm not sure.

Senator HANSON-YOUNG: Some people are asking—and I'd like to know, perhaps, Mr Anderson, your response to this: why does the ABC continue to provide a platform for representatives from News Corporation, when they so clearly, as a corporate entity, have such disdain for the public broadcaster?

Mr Anderson: What I'd say is that there are some good journalists at News Corp. We've got good journalists in our ranks that have come from News Corp. David Speers, Patricia Karvelas and Nour Haydar, who's here, are examples that have come over. I think we're quite judicious about who we invite onto our panels. I think there is a role that we have that is a diversity of perspective and, sometimes, that's what we're doing. We don't have, nor would we have, a blanket ban on what we do with regard to News Corp and News Corp journalists. I think there are some journalists from other outlets that we wouldn't have on either. There's a valid question as to whether we would think about it. But there are some journos that we do want to include—whether it's on *Insiders* or *Q&A*, or whether it's on *The Drum*—for we are seeking their view and perspective. Mr Stevens, do you have any more?

Mr Stevens: We're not in the business of censorship and we're not in the business of censoring different perspectives in our journalism. Putting aside the discussion of which media businesses we're talking about, we don't want to get into the practice of picking and choosing whose views we do and don't want to hear. It's incumbent on us, as a public broadcaster, to hear a diversity of perspectives, whether we agree with them or not.

The second thing is that it's not the journalists who work for these businesses who are necessarily making the decisions. They're not the ones driving the agenda. Some of those journalists and publications have done some really important public-interest investigations. I think of Hedley Thomas's work for the *Australian*, through the floods in Brisbane to some of his more recent investigations, and there's been some really strong reporting. I will always feel uneasy about censoring views and perspectives. I think the thing we need to tackle is having a really good, constructive conversation with the people who make decisions. The managing director and I are happy to meet with those individuals any day of the week, to come together privately and have a discussion about that.

Senator HANSON-YOUNG: Reflecting on your comments and your answers to my other question—have you sought any meeting or conversation with Michael Miller, or anybody else at News Corp, to discuss what has happened here? Or any other executives from the other media organisations? I take what Stan Grant said. This is a problem: the mainstream media fuels and creates the environment where social media is then unregulated and does even further harm. What's the responsibility of media executives to get together and stamp out racism in this country?

Mr Anderson: Not since last Friday, certainly, but I do intend to. I will say that there was a previous incident where I did get in touch with Michael Miller. I've got a respectful professional working relationship with Mr Miller. It was over another issue, and I did suggest that perhaps we should get together and look at how we tackle the abuse of our journalists, together, and have a united force on that—much like we have around press freedom. I got a positive response, I think, from Michael, at that particular point in time, so I will absolutely follow up on that.

Senator HANSON-YOUNG: My final question because I know others have bits and pieces is: I imagine you've seen the minister's response to this issue, the press release put out today by Minister Rowland referring to the upcoming disinformation and misinformation legislation as a reference to this issue. It strikes me that a whole bunch of the attacks and unfair targeting of your journalists is not even going to be caught by that legislation because journalism is exempt from those rules and laws. We heard that today, and I don't even know why the minister bothered to name it, frankly. It seems like it's going to be useless in a discussion like this.

Mr Anderson: I can't speak to the statement that was released today. I will say that I did take a call from the minister on Monday morning with regard to this, expressing concern about what had been put forward both by Stan Grant and in my email to staff, reminding me about the eSafety Commissioner and resources available through Julie Inman Grant. That's pretty much it, but we didn't talk about that. But the minister did express concern about what had happened to Mr Grant.

Senator HANSON-YOUNG: Thank you.

Senator McGRATH: I want to go to a different issue if that's possible. It relates, Mr Anderson—and this may shock ABC staff—to concerns that they have not been properly paid. My understanding is—and I think this has been discussed a couple of times here—that on 17 June 2020 the Fair Work Ombudsman accepted an undertaking from the ABC and, as part of that undertaking, the ABC committed to having annual independent audits in relation to compliance with the act. I believe an audit report is due and there's going to be implementation of an electronic record-keeping system. Can you give the committee an update on how that's proceeded or how it's going?

Mr Anderson: It's a rather complicated technical project which is still underway. We're going through testing phases at the moment. We hope to have that implemented certainly by the end of October—that's the way that that is planned to go. We have been on it. As an organisation we use SAP, like many government entities. We've had to spend a lot of time on the interface between the solution we've got for a time and attendance system and the SAP system. It's quite complex. We're working our way through that, and we'll successfully deploy that in October this year.

Senator McGRATH: That's the electronic record-keeping system.

Mr Anderson: It is, yes.

Senator McGRATH: I think the undertaking said it would be in place by 17 June 2022.

Mr Anderson: For the records-keeping system?

Senator McGRATH: Yes.

Mr Anderson: Yes.

Senator McGRATH: There was a variation to the undertaking which you had signed on 23 November 2021, so it's not implemented; it's being implemented?

Mr Anderson: It's in the process of being implemented, yes.

Senator McGRATH: Do you have an internal name for it within the ABC?

Mr Anderson: We do. Its project is People Hub Workforce.

Senator McGRATH: What's the cost of it?

Mr Anderson: It is quite a high cost for this particular project. What's the total cost of it?

Ms Kleyn: The total cost is around \$30 million.

Mr Anderson: It's around \$30 million.

Senator McGRATH: Perhaps on notice if we could get a precise number.

Mr Anderson: Yes, we'll give you a precise number.

Senator McGRATH: Thank you. What's caused the delay with the implementation of the People Hub?

Ms Kleyn: Again, it might make more sense if we take this on notice, but it really was in a testing phase, in a rollout phase, quite a technical 'glitch' for want of a better word—and it's not a technical word—in the way a

certain element of payroll was calculated, which meant that we had to stop, reconsider, actually fix that and then move forward again. It was quite a glitch in the technical rollout of the system.

Senator McGRATH: You're a large organisation. There are lots of other large organisations around the world. Have you been trying to build it from scratch?

Ms Kleyn: No, we haven't.

Senator McGRATH: Do our good friends at the BBC have something, because you are in a similar—

Ms Kleyn: No. We're using obviously a very well-established system. It's UKG, Kronos. Again, we can take it all on notice. I might be getting my terminology a little wrong, but we're using a very well-established system. It will integrate with our SAP payroll system. Every organisation has to configure the system in line with its enterprise agreement and its terms and conditions of the way we pay people. It is still unique in its configuration, even though it is a very well-established system that many other organisations would use.

Senator McGRATH: How many people are working on the implementation of People Hub?

Ms Kleyn: Do you mean how many people are in the actual project team?

Senator McGRATH: Yes.

Ms Kleyn: I'd have to take that on notice.

Senator McGRATH: Do you still have employees doing rostering in the ABC at the moment? How many people will be doing rostering?

Ms Kleyn: In terms of how many people do rostering, it is spread throughout our organisation. Again, I could give you an exact number on notice. What the system is trying to do is to bring that to a more centralised single way of rostering. That's the purpose of the system. At the minute we would have rostering spread a long way around our organisation, in different pockets. There are not many people who have this as their single full-time role. There will be people who do a few hours here and a few hours there. Again, that's the point of the system—to bring us to a single way of rostering in a centralised way. In terms of your exact question, Senator, I can get you that information.

Senator McGRATH: What will be the economic benefits of a fully implemented and successfully operating People Hub?

Ms Kleyn: There are many benefits, obviously. Under the enforceable undertaking that we have accurate time and attendance records, it's an incredibly important benefit. And then there is the resource efficiency that comes with having a platform that everybody rosters in the same way across the organisation. We can look at rostering in the most effective way possible and share resources and share rostering capability across the organisation.

Mr Anderson: There's better workforce planning in addition to what Ms Kleyn said. Better workforce planning is the visibility we haven't had previously, and we'll get it by having one single system that has more forward workforce planning than we have at the moment in our current SAP system. The SAP system stays underneath as the base layer and this comes over the top. We can have better unified workforce planning into the future so that we have better mobility of staff between certain areas. That's in addition to everything that Ms Kleyn just said.

Senator McGRATH: Do you need to go back to the Fair Work Commission? I know it says 'implementing'. Do you need to go back, because you had a date of 17 June 2022, and say it's still being implemented?

Mr Anderson: My understanding is that we have done that. We have given an update to the Fair Work Ombudsman. Of course, when we get to the end of the successful implementation we will do that as well.

Senator McGRATH: I have other questions, but I will hand back.

CHAIR: Thank you. Senator Faruqi?

Senator FARUQI: Last June you issued a public apology for the discrimination and racism experienced by ABC news staff following an internal report on whether Indigenous and culturally diverse staff felt supported when they received abuse or were victims of discrimination. Has this report been released publicly?

Mr Stevens: It hasn't, though we did consider it at the time. The primary reason was that the backdrop to the report was the news leadership team which, prior to me getting the job as director of news, had commissioned and was in discussions with the News Diversity Advisory Group. They do really great work; they're one of many groups which are leading the way constructively to improve the sense of inclusion in our workforce. Given that over the course of time the issues of diversity and inclusion have come up regularly in the last five years, the news leadership team actively asked them—there was, effectively, a commitment between the two groups—to do a

piece of work to get an update and stocktake of the experience of staff in the workplace. That's First Nations staff, people from a culturally and linguistically diverse background and people with a disability.

A few of the staff involved in that went out actively and did a fantastic job in speaking to a number of the staff about their experiences. Effectively, they were anonymous witness statements as such, and they collated a series of themes and recommendations around them. The people who took part in the interviews or discussions with the people who led the work did it on the basis that what they said wouldn't be made public. We really respected that. However, when I released the email that you've referred to I tried to include as much detail as possible and be transparent. There were recurring themes that came through that report. I felt strongly that I wanted to call that out in terms of the culture we want in news. We want it to be one that's inclusive and we want people to have a positive experience. But we also want to remind staff that there are processes in place and groups that they can reach out to if and when this occurs. The ABC has actively gone about making sure that it has the most robust processes. What we want to say to staff, and what I did in that, was to trust the process and to take part in that.

So that's the bigger picture and background to it. My apology and putting out the emails were a means of being as transparent as possible, and then also committing to a whole lot of work off the back of that. Some really positive work has emerged from that, including training in inclusive workforce and inclusive teams—

Senator FARUQI: Does that include anti-racism training?

Mr Stevens: We have separate protocols in place around ensuring that staff and managers are absolutely aware of antiracism and—

Senator FARUQI: I'm asking particularly about anti-racism training. Does that occur at the ABC?

Mr Stevens: I can follow that up and get you more precise details on the actual training—

Senator FARUQI: If you wouldn't mind. And not just for the staff and management but for the executive leadership and the board as well.

Mr Stevens: I'm happy to follow up on that.

Senator FARUQI: Yes. I'll come to the recommendations of the report in a minute, but I just want to ask something else. This report happened last year. Had there been any other similar reports or reviews done within the ABC before this report? Have any other similar reviews been conducted on racism, discrimination and other things before this?

Mr Stevens: I can't speak about whether there have been other reports or reviews. The managing director might be able to do that. However, in terms of reviews since: none that I'm aware of. I wasn't in the role, but I was in receipt of that piece of work, so I'm not privy to what reviews—

Senator FARUQI: Mr Anderson, were there any similar reviews or reports that happened before this one last June?

Mr Anderson: I will confirm with you on notice, Senator; I will go away and ask. I seem to think that we might have done surveys previously but, again, I'll have to come back to you on notice.

Senator FARUQI: Yes, you could let us know. Of course, Mr Anderson, following the relentless racism that targeted Stan Grant, you apologised, and the ABC is now conducting another review into responses to racism affecting staff. I understand that this review that you announced came from the Bonner Committee's recommendation—is that right?

Mr Anderson: That's right—

Senator FARUQI: When was that recommendation made?

Mr Anderson: It was between Friday and Sunday, so—

Senator FARUQI: Oh, so it was made just then, after this all happened?

Mr Anderson: Yes. It was off the back of Mr Grant's announcements. I was contacted by the chair of the Bonner Committee, Mr Dan Bouchier, with regard to that. They were in discussion and it was their recommendation to me. I agreed to that and then wanted to notify staff as soon as possible, hence I put a note out on Sunday.

Senator FARUQI: Who will conduct this review? Will it be someone internal or someone external?

Mr Anderson: Again, I think I've mentioned earlier that we're still stepping through that. I think it's a mix of both. I think I need external expertise on this. It's a review that is being conducted with recommendations that come to the ABC. I see myself being involved in this quite closely as we go through. But, again, I would like to talk to staff with lived experience within the ABC, including senior leaders, about their recommendations about what that is before I jump to a conclusion about who that might be.

Senator FARUQI: Yes. Will the review be open to First Nations former staff of the ABC?

Mr Anderson: Yes.

Senator FARUQI: Do you have a time line yet for the review and when it will conclude and whether it will be released publicly?

Mr Anderson: No, I don't. Again, this was put to me less than a week ago, ahead of being here at Senate estimates. We will step through it. I'll start to meet with people to start to put that together by the end of this week.

Senator FARUQI: How many complaints of racism has the ABC received from its staff in the past year?

Mr Anderson: I don't have that information to hand for the past year.

Senator FARUQI: Have you received any?

Mr Anderson: I have not received formal complaints of racism. For those formal complaints and the process that we've got with regard to that, I did ask the question about what we've had in the past few years. I was advised that we had seven complaints from 2019 until now that were investigated. But I will confirm with you on notice for the last year.

Senator FARUQI: Yes. Could you look into that—formal or informal—and how many of them relate to racism within the ABC and how many of relate to racism, I guess, targeted to your staff but from external sources, if you have that information. You can take that on notice.

Mr Anderson: If I have it, Senator. I will give you the information I have.

Senator FARUQI: Yes. Earlier, Mr Stevens, you gave some reasons for why Stan Grant wasn't defended, and you also said that you hadn't anticipated this. Could I posit something to you: the reason Stan Grant wasn't defended earlier and you didn't anticipate this level of hatred and vitriol towards Stan Grant is that your board and your executive and leadership team are overwhelmingly white and have no lived experience of racism. Is that something you would agree with?

Mr Stevens: It's not for me to agree or disagree with you, Senator. I respect your views. What I would say, though, is that I'm not going to go into the details of private conversations Stan and I have had.

Senator FARUQI: I'm not asking you to, though.

Mr Stevens: No, but—

Senator FARUQI: I'm just saying: given that you had not anticipated this hate when we know there's a history of it, and you didn't defend Stan Grant, was it because there is an overwhelming lack of lived experience?

Mr Stevens: What I was going on to say, though, is that I have spoken with Stan over time about the racism he's been subjected to, and I proactively contacted him a couple of months before the coronation coverage to say, 'I feel uncomfortable raising this, and by raising it I don't want to legitimise it or draw your attention to it'—because he's not on social media—but there is disgusting racism on social media about you for the work that you do.' We talked about it, and he pointed out to me that he has been subjected to this sort of racism all his career, and that's due to the burden he's carried as one of the most experienced First Nations broadcasters in this country, and often the only one. So at that point in time I asked what I could do, and to be honest in this situation what we can do feels very limited, when you've got social media companies that seem to not care for what is being published on their platforms and there doesn't seem to be a great deal of accountability for the racism that they publish on their platforms every day. The ABC, as a result of that conversation, complained to Twitter. I think you'll note that in Stan's column on Friday he mentioned that. I believe we also complained to Facebook, and I think you can probably hazard a guess as to whether the complaint resulted in anything.

Senator FARUQI: Chair, I have one last question and then I'm done. When stepping away from Q&A, Stan Grant said, 'This is an institutional failure,' and a former ABC radio presenter, Sami Shah, recently wrote a piece that said:

... this is an *ABC executive board* problem. This is an *ABC management* problem. The national broadcaster has had too many chances to fix this, and instead does superficial presentations of course correction and continues perpetuating the same practices.

How are you going to fix this institutional problem? You did a review last year; you're doing another review now; you said there may have been other surveys that have been conducted. What's going to change from now on—because you have said it needs to change. Obviously, we can see something needs to change. What is it that will change? Will you change the nature of the leadership team? Will you make antiracism training mandatory? What else needs to change now?

Mr Stevens: We will do anything and everything to improve culture, like any workplace in this country should. I think we would be transparent that we are playing catch-up and that we have been for some time. We are moving as quickly as possible to improve diversity in our workplace. The thing we would emphasise is that we're not doing it for the sake of making ourselves feel better or to be able to sit here in future and say, 'The statistics are better.' We're doing it because it will improve our journalism and the content that we make, and we're doing it because the charter talks about reflecting the country back to itself. I think we would fully say that we're not where we want to be, and we will do everything we can to improve representation at all levels and advance people wherever possible.

Mr Anderson: I echo Mr Stevens's testimony. It is something that we are actively pursuing. I accept that it's not happening as fast as we would like it to. I do open myself up to forums where I give access to myself to staff—to whoever wants to take it. It is consistent feedback that people cannot be what they cannot see, and they want to see themselves reflected in their leaders more and more. It is something that we are focusing on actively at the moment.

Senator FARUQI: The ABC is a much-loved institution, as you know. We all love our ABC, but it is unacceptable that it is completely unrepresentative of our communities.

Senator ROBERTS: I'd like to [inaudible] for a third set of questions that I have, so I'll do that now rather than wait for it. Thank you for appearing here today. You're dealing with accusations and a perception of bias from substantial parts of the community. I know you strongly deny any bias and say that the ABC is impartial. One of the claims of bias is that ABC gives leniency to what is commonly termed left-leaning politicians—which, to me, is the control side of politics—and is more critical of conservative politicians. You'd obviously be aware that even Media Watch slammed the ABC's coverage of an incident involving Senator Thorpe outside of a strip club, calling the ABC's lack of coverage 'pathetic'. Are you aware of Media Watch's own criticism?

Mr Anderson: Yes.

Senator ROBERTS: I'd like to compare that to some of your other coverage. When there was a story critical of the New South Wales One Nation leader, Mark Latham, over a tweet, ABC mentioned the story 131 times, yet you only mentioned the Senator Thorpe incident 21 times. Just for comparison, the Nine Network covered the same incidents, mentioning Mark Latham's incident 80 and Senator Thorpe's incident 90 times. That's fairly balanced. Here we have a conservative politician and a politician on the left who were, I would argue, involved in incidents of similar significance, yet you've mentioned the negative story about the conservative 131 times and the story of the left-leaning politician only 21 times. How can you maintain that there is no bias in the ABC in the face of those statistics?

Mr Anderson: Firstly, I'd say that, in the complaints we receive and in the way they're investigated, I don't see evidence of systemic bias, which is what is levelled at us on a regular basis. I'll defer to Mr Stevens when it comes to the coverage particularly about Lidia Thorpe and that incident.

Mr Stevens: Thanks for the question. I respectfully disagree; we are not biased. We take an impartial approach to any and all stories. But the bar is also high around the outsourcing of journalism and the accuracy of it. On that particular story which you've identified, regarding Senator Thorpe—and I note that Senator Thorpe is no longer in the committee room—the ABC did cover it, for starters. Secondly, the vision you refer to was not the ABC's. Channel 7 had in possession the raw footage of Senator Thorpe, not the ABC. I back the editorial judgement of my editorial leaders to be very careful about not using video that we haven't sourced ourselves, and we don't know what comes before and after it, and not rush to report it.

The emphasis on rushing to reporting it is because we did report on it during the course of the week. *Afternoon Briefing* covered it on the Monday after, and on the Wednesday, when the Prime Minister made additional comments. When it went from being something that happened in the private sphere, outside of parliament, outside of the Senator's time in Canberra, when the Prime Minister elevated it to the discussion being relevant to Canberra, we did cover it.

If there is some implication from the question, and I might be mistaken, that we are not covering Senator Thorpe as forensically as we would others, I'd respectfully point out to Senator Roberts that it was the ABC which broke the story about Senator Thorpe, in October last year, regarding the questions around whether she had a conflict of interest by sitting on a particular committee. It was that story, broken by the ABC, which was referred to the privileges committee. I understand the privileges committee reported back in March, and the committee found that Senator Thorpe did not disclose any sensitive information to Dean Martin, for the record, and we reported that at the time. But it was the ABC that broke that story, in October, which should demonstrate that we do not shy away from investigative journalism regarding any politician of any political affiliation.

Senator HENDERSON: Chair, I'm sorry to interrupt. In light of these discussions, Senator Thorpe was previously here and I wonder whether someone should alert her to these discussions. She may or may not know, but, out of fairness, could someone let her know this discussion is taking place?

Senator ROBERTS: This is not about Senator Thorpe, it's about the way the ABC treats her compared to others. Are we going to invite Mark Latham?

Senator HENDERSON: There are certain discussions being—I think, to be fair, we need to give her that opportunity, to let her know that this discussion is taking place.

CHAIR: Thank you, Senator Henderson. Senator Roberts, would you like to continue?

Senator ROBERTS: This is what Paul Barry from *Media Watch* said: 'But it was a proper news story and the ABC should have covered it from the start.' You said when the Prime Minister got involved it increased the importance of it. So you wouldn't have covered it if the Prime Minister hadn't got involved?

Mr Stevens: We covered it before the Prime Minister said anything.

Senator ROBERTS: In a very subdued way compared to what you did with Mark Latham.

Mr Stevens: I don't have to hand our coverage of Mark Latham, and the fact that he's in New South Wales politics these days I'm not sure what the New South Wales newsroom did with that. I'm happy to follow up and look at that.

Senator ROBERTS: If you live in a bubble, you won't see what people in Australia are seeing. With topics like climate change the ABC is considered heavily biased. It doesn't present the data. It doesn't present the evidence. It just presents opinion. So let's move on.

Mr Anderson: Sorry, just on that, I would respectfully disagree when it comes to that. We follow the weight of evidence when it comes to our coverage on climate and the weight of scientific evidence that sits with it.

Senator ROBERTS: Perhaps you could take on notice—

Mr Anderson: I can take it on notice and respond to you.

Senator ROBERTS: Take it on notice to provide me with the sources of your climate change evidence that—

Mr Stevens: Can you provide some examples, please, as to where we have not done fact based reporting on climate change?

Senator ROBERTS: Sure.

Mr Stevens: Right now?

Senator ROBERTS: I can't do it right now because I don't have the data.

CHAIR: Thank you, Mr Stevens; that can be provided to you later.

Senator ROBERTS: Let's go back to last Senate estimates. I asked the ABC about the presence of Bruce Pascoe and *Dark Emu* related material on the ABC education site and why it was there. We had a conversation about the fact that many of his claims about Indigenous history are highly contested, and some of them have been completely debunked. You answered me then that whatever was on the ABC website would be reflecting the national curriculum.

After you told me that, I asked the Australian Curriculum, Assessment and Reporting Authority in a subsequent Senate estimates session: 'What's in the curriculum about this topic?' I have to say that ACARA were pretty shocked, to put it mildly, that you had claimed that material was in the curriculum. Specifically, which part of the national curriculum are you claiming that material of Bruce Pascoe's reflects? Keep in mind that I'm going to be asking ACARA about this too in a few days.

Mr Anderson: I will have to get back to you on notice with regard to that. Did we give you a response to that on notice after my appearance at estimates last time?

Senator ROBERTS: No.

Mr Anderson: We didn't? We will as to why, and I apologise if that was the case. My knowledge of what we do for ABC education, the resources sit there. There are state and territory curriculums as well as what we have nationally and we do put assets there that do align to it. That said, I'll respond to what you've just put to me on notice.

Senator ROBERTS: Can you please take it on notice, as you just agreed, to provide the specific part of the ACARA curriculum you claim to be reflecting.

Mr Anderson: Yes.

CHAIR: Senator Hughes?

Senator HUGHES: I've got to say, it sounds like you're shocked that there's online trolling and that it's vile. This has been going on for a really long time, and I can assure you from those of us on the conservative side of politics, particularly women, we've been receiving both prolific and vile trolling a lot and some pretty awful things are said. I don't actually go on Twitter anymore because it's so vile. There's still an account there, but I don't look at it.

I went on ABC *Afternoon Briefing* yesterday to discussing trolling and then was heavily trolled last night, so clearly your viewers don't get irony. Somehow being referred to as Bronwyn Bishop, whose hair I've tried to emulate in honour of today, but also Hitler was a particularly delightful series of references last night after appearing on ABC. Last time I appeared on the ABC, I think it was you, Mr Stevens, or someone from the ABC, had to send me an apology, after a frenzy of vitriol was whipped up because the strap that was put up was, as you acknowledged, completely unrepresentative of what I had said in full.

Mr Stevens: Yes, it was. Sorry, I didn't mean to interrupt.

Senator HUGHES: Is this new to you—

Mr Stevens: No.

Senator HUGHES: that you're shocked that this vitriol has occurred? You seem to only be focused though on racist vitriol. Mr Anderson, you and I have discussed tweets put out by Mr Fouad Abu Gosh that were blatantly antisemitic, and it was one of your employees saying these things and trolling people with antisemitism. The misogyny is disgusting on these platforms and it's across the board. They can't find you on Twitter or get a response so they try other platforms. Are you shocked by this or is this a new phenomena because it's impacting people on the left now not just people on the right?

Mr Anderson: I'm sorry to hear that you've been trolled.

Senator HUGHES: It's par for the course.

Mr Anderson: Yes, but I'm just expressing remorse that that has happened.

Senator HUGHES: Yes, but that's what it is.

Mr Anderson: I'll start the response and throw to you, Mr Stevens. You're right that this is not new. It has been escalating over time, particularly for the women who we have on air—whether that be on radio or be on television—where it's particularly hideous and has again escalated over time. It happens for LGBTQI+ presenters as well. It happens for anyone of any cultural diversity and our First Nations staff. This is escalating and the nature of it is escalating as well. Again, I don't want to do the opposite. I don't want to give a platform to some of the things that are happening at the moment, but the threats to personal safety have also escalated, and it is of concern. We're referring more things to the police over time and it is something that, in recent weeks after what has happened to Stan Grant, something that we're hitting. We believe that we need to make sure and double down on what it is we're doing. We're doing quite a lot, but it isn't stopping this getting through externally to our staff.

Senator HUGHES: I want to talk about something else, but you can turn comments off.

Mr Anderson: We are.

Senator HUGHES: Why don't you just turn comments off and then people are gonna tweet whatever they want. You know what? They're normally sitting in their mother's basement with their sweat pants on, typing to the three people that follow them, who are probably related to them. You don't read it, but if you've got it on the comments section it's going to be coming directly back.

Mr Anderson: We take it seriously with regard to having what is, if you like, a cyber town-square to be able to hold a conversation. We are increasingly withdrawing from the Twitter platform for that very reason. We have been turning off comments, certainly on what we'd have for an ABC site—for instance on Facebook. Part of that is giving victory to the trolls in not being able to for other people. But increasingly that is something that we are either doing or looking at doing more of.

Senator HUGHES: We've just got to let these, quite frankly, lunatics yell into their own echo chamber. They wouldn't come and say it to you personally; they'll only say it behind a keyboard. We know how weak and irrelevant most of them are, but giving them a platform to be able to put these toxic views across is just building them up.

Mr Stevens: Senator Hughes, can I just say for the record that you should not be subjected to any abuse or any sexism. That is disgusting and should be called out. Whoever is doing that on social media should be ashamed of it. That should be stated really clearly.

Senator HENDERSON: Can I just—

CHAIR: Senator Henderson, can we just check with Senator Hughes. You are next up after her.

Senator HENDERSON: I'm pretty angry at your testimony right now, because for a number of years I have pleaded with the ABC to turn off comments on Twitter. I've raised specific complaints, Mr Anderson, that when you promote someone like me going on Q&A, we get hit with hundreds of the most disgusting, vile, defamatory comments. I pleaded with you to turn your comments off because of what we were being subjected to, and you refused to do so. Could we perhaps get a commitment that you are now going to take this seriously?

Mr Anderson: Yes, we take it seriously. I should add that our concern is also for the panellists who come onto our programs.

Senator Henderson interjecting—

Mr Anderson: I hear you, Senator.

Senator HENDERSON: I've been pleading with you to do this for a couple of years—including that you're liable in defamation under the current law when you are publishing the comments of others. Thank you, Senator Hughes, for letting me interject. I find this testimony galling when this has been such a big issue and it's caused so much trauma and you haven't acted. It goes to your mismanagement of your social media policy more broadly, which I've been very, very vocal about. Thanks, Senator Hughes.

Senator HUGHES: What I actually want to talk about is the complaint handling process. I know that you mentioned it in your earlier evidence, Mr Anderson. I'm trying to understand the complaint handling process, particularly once it goes to the ombudsman's office.

If they determine that there is an issue and a complaint must be upheld, under the ABC complaint handling process the relevant ABC division is responsible for determining, implementing and recording any remedy arising from a complaint investigation. Does that mean that if, for example, you and I had a chat about some *Four Corners* reporting, I decided to take that complaint to the ombudsman and the ombudsman decided that that complaint should be upheld, it would then go back to the same people at *Four Corners* to determine whether or not they would act on it?

Mr Anderson: It's a new process that the ABC Ombudsman has just implemented and communicated. Again, this is early days for the ABC Ombudsman in this process. It would normally come with a recommendation that would otherwise say, 'This is the remedy that should be considered with regard to this', whether it's an editor's note, whether it's a change or whether it's republishing et cetera. Again, we're in the early days of this new system and having a separate independent ombudsman for the ABC. I don't think there is an instance yet where anyone's gone against what the ombudsman is recommending. I think that's taken very seriously.

Senator HUGHES: But they could. This is what it's saying.

Mr Anderson: I would think that that would be an exceptional circumstance by which the ombudsman's decision is final. It can't be overturned. That was previously different. This is the independence of the ombudsman providing those recommendations. The ombudsman also provides recommendations to the board and reports to the board directly. So, at the moment, yes, that is possible. There is no evidence to suggest that that hasn't happened or wouldn't happen. But there is due process to be followed between the program department the ombudsman is investigating and the ombudsman. The program department get a chance to go through that process, then maybe have different material that they can put back. And then the ombudsman's decision is final, and that comes with a recommendation that says, 'This should be the remedy.'

Senator HUGHES: Is that something that there'll be a close watch on to make sure the remedies are acted on, as opposed to independent executive producers going: 'Yeah, well, we're not going to acknowledge that'?

Mr Anderson: I'm happy to report whenever there is any disagreement that happens with this. I'm quite open about being transparent about that. The ombudsman will provide updates and make updates publicly available. So, yes, we'll make sure that we can do that.

Senator HUGHES: There are, on the website, summaries of upheld and resolved complaints.

CHAIR: Last question, Senator.

Senator HUGHES: Could you have given me a bit more notice, Chair? I would have asked another one. Maybe take this on notice, Mr Anderson, because I do want to ask a final question. Could you maybe provide some information on rejected complaints so that people know which ones aren't being dealt with.

I will finish with Mr Fouad Abu Gosh, whom you and I have discussed at the last couple of estimates. Has a replacement for him been found in Jerusalem, and, if so, who is that?

Mr Anderson: On the first part of your question, with regard to the ombudsman, I'll provide an answer on notice. The ombudsman is planning an update to be made public. That is coming after it goes to the board.

On the replacement for Mr Abu Gosh, Mr Stevens?

Mr Stevens: We'll have to take that on notice as well. I know that after Mr Abu Gosh no longer worked at the ABC we were looking for a replacement but I'm not sure where that's up to.

Senator HUGHES: Alright. Thank you.

Senator HENDERSON: Mr Anderson, I want to ask you more generally about your role as editor-in-chief. Can you confirm that you are the ABC's editor-in-chief.

Mr Anderson: Senator, I am.

Senator HENDERSON: What do those responsibilities entail?

Mr Anderson: Wide-ranging responsibilities, Senator, where I'm responsible and accountable for what the ABC publishes broadly. I put processes in place, make sure there is accountability that sits with editorial management, such as Mr Stevens next to me and other editorial managers as well, to ensure that we have the right processes in place to abide by the fact that we are abiding by our editorial policies and our charter, which the ABC is required to do.

Senator HENDERSON: When the ABC fails to meet appropriate journalistic standards, does the buck stop with you?

Mr Anderson: The buck stops with me. It has to stop with me, as editor-in-chief. I do take action. I do inquire when we fail to meet our own standards and make sure that we're doing all that we can to make sure that that never happens again.

Senator HENDERSON: Are you accountable to the board when you're presiding over a failure to meet journalistic standards?

Mr Anderson: I am accountable to the board, yes.

Senator HENDERSON: Has the board raised any concerns with you in recent times about issues with the way in which the ABC meets its journalistic standards?

Mr Anderson: Not specifically, no. We do look at individual issues as they arise, as a board, as you would expect the board would. I would not normally talk about board deliberations, because there are a number of mechanisms here, another one being the ombudsman reporting into the board during board meetings, which is one way that they can exercise their duty under the act—when it comes to the PGPA. Yes, I am held to account at board level.

Senator HENDERSON: Do you believe it's appropriate for any high-profile ABC journalist or presenter to be a commentator or to provide or publish opinions?

Mr Anderson: We do have guidance, under our impartiality standard, when it comes to the difference between analysis and opinion, where we spell it out quite clearly between those two. We do have commentators who will provide analysis. When it comes to opinion, we do not allow our journalists to provide opinion. There are some exceptions. *Media Watch* is more commentary and will provide an opinion, for instance, over what we do. But when it comes to our journalism we should abide by that impartiality standard.

Senator HENDERSON: I say that because the ABC has previously operated on very strong rules which prohibit high-profile presenters or journalists from being commentators or giving opinions, and that is critical for the integrity and impartiality of the ABC. So in my day, for journalists such as the late and wonderful Andrew Olle, the late Paul Lyneham, Kerry O'Brien and Maxine McKew, it was absolutely unheard of and prohibited for them to be casting opinions, because this was critical to the impartiality of the ABC and their work. The same rules applied to me: I was not able to give any opinion when I was a presenter and journalist at the ABC. That was critical to maintaining journalistic impartiality, credibility and integrity.

I would put to you, Mr Anderson, that these standards have slipped. I have to say that Stuart Littlemore and David Salter, in their column this week, have called that out. They have said:

The ABC has catastrophically undermined its authority and independence by permitting journalists to post personal commentary on the corporation's digital outlets, and to parade their egos on social media. Thus, we get defamatory stupidities on Twitter that cause huge reputational (and financial) damage to the ABC.

The criticisms go on. It goes back to, over several years, my ongoing concerns about your failure as editor-in-chief to instil appropriate standards of journalistic impartiality. It should be prohibited for any high-profile journalist or journalistic presenter to be running commentary in any respect. If that happens, the most significant

sanctions should be applied to those journalists, and that is no longer the culture at the ABC. What do you say to that?

Mr Anderson: I respectfully disagree and refute the fact that standards have slipped. I would say that the standard that we have on impartiality—the standard that we've had previously—is a standard that we haven't moved our position on. With respect to recent criticism from Mr Salter and Mr Littlemore, they have not provided specific examples there. I think they have not recognised the distinction between analysis and opinion. Our position on this hasn't changed over time. I can go into more detail about that because I otherwise disagree with regard to—

Senator HENDERSON: I have raised so many examples of this and I respectfully disagree. If I, Kerry O'Brien or any of your other esteemed journalists in years gone past had done things like posting 'Linda Burney is a legend', that's a sackable offence. The same standards are no longer applying, and even Stuart Littlemore has called this out, because he was very familiar with the standards of the ABC in years gone by. So I would put to you that, on your watch, standards are slipping and the same level of training and seriousness with which you enforce the policies of impartiality are no longer applying. If you were deadly serious, you would not allow your journalists to be running commentary on social media.

Mr Anderson: The standards I speak of are about what we have for official ABC publications. Your reference then was to personal use of social media. Yes, I've acknowledged it's a problem. We've put in place measures to make sure that people understand their obligations outside of the work that they do, and I would say that we do not take editorial responsibility for them doing that. I do agree that personal use of social media is a risk and remains a risk. We've taken measures. We're constantly looking at the policy we have and strengthening it over time. We'll be issuing that again soon. We've now got TikTok to deal with as well. So there are measures that we have put in place to make sure that people don't undermine their effectiveness at work through personal use of social media. When it comes to our publishing of content, I would again respectfully disagree with regard to this point. What evidence do we have that our editorial standards are slipping?

Senator HENDERSON: Senator Cadell is going to raise another example of this shortly. It is consistent. And I would again say to you, Mr Anderson, that still having a problem is not good enough. Why are journalists not prohibited in their contracts from running social commentary, opinions and the like? For so many other workplaces this is standard in contracts. It was standard in my contract at the ABC. So there's no doubt that standards have slipped, because this was strictly prohibited when I worked at the ABC.

Mr Anderson: In response, in people's contracts, there are obligations with regard to policies and procedures for the ABC. It is there with regard to what they do for their journalism. When it comes to, again, personal use of social media, we have clamped down on that. We have enforced it. To take people's civil liberties away from them is not enforceable. It's not legal for me to be able to say they are prohibited from doing it. They will do it.

Senator HENDERSON: That's rubbish, Mr Anderson. That's complete rubbish. As a matter of contract law, that is not true.

Mr Anderson: What I do under our code of conduct is make sure that they have behaviour outside of work that is consistent with what I've said before—that does not undermine their effectiveness at work. If so, it is a disciplinary offence. And they undermine the reputation of the ABC.

Senator HENDERSON: The other part of this coin—and, again, I've had many journalists who have privately expressed how they feel unsupported by the ABC—is that, while some high-profile journalists are looked after when they make very serious mistakes on social media, other journalists are told, 'If you go out there and make a mistake on your Twitter account, we are not going to give you any legal support or cover you for any legal risk that might flow.' So there are a whole lot of journalists at the ABC that feel they are not supported by the ABC because of the contradictory and inconsistent way in which you've enforced this policy. You've got it wrong, and you've continued to get it wrong, and so many of your staff know it, Mr Anderson.

CHAIR: Senator Henderson, we'll take that as a comment.

Senator HENDERSON: Yes, you can take that as a comment.

CHAIR: Senator Cadell.

Senator CADELL: On that point—glove hand, whip hand, nice thing first—last time we spoke about Phillip Adams's tweet about Kamahl and Bradman. You said there was a response there. Kamahl said there wasn't. I questioned that. Thank you for your honest response that Kamahl had not found that email that had been sent. I acknowledge that allegation was wrong.

Keeping on that point where we're talking about social media, we're talking about the consequences of people trolling journalists, trolling PMs and this sort of stuff. It is never right. Satire doesn't work in a tweet, historically. We've had candidates disendorsed for that. Have there been more complaints that you are dealing with of serious misconduct in personal use of social media since we were here last here?

Mr Anderson: I will have to get back to you on notice, Senator. The answer is: I don't believe so. I don't know of any since we were last here, actually. But I'll come back to you on notice. There are none top of mind for me.

Senator CADELL: I have to give notice of another one. This is one of concern to me. Josh Taylor from the *Guardian*, of all things—I'll be kicked out of the National Party if people know I follow him!—tweeted this: 'You know when you use a tweet you can immediately hear the Senate asking about it in estimates.' Well, here I am, Josh. Phillip Adams tweeted, 'Just finished decorating the garden for the coronation.' Have you seen that tweet?

Mr Anderson: No, I have not.

Senator CADELL: It is a guillotine.

Mr Anderson: Okay.

Senator HENDERSON: You might want to table it.

Senator McGRATH: Show it.

Senator CADELL: Right. A guillotine.

Senator McGRATH: Not a Lego one, a real one.

Senator HENDERSON: Are you serious, Mr Anderson?

Mr Anderson: No, I haven't seen it.

Senator CADELL: On 5 May.

Mr Anderson: I have not seen this.

Senator HENDERSON: This is appalling behaviour.

Mr Anderson: That I don't follow—

Senator HENDERSON: No, this tweet. This is your social media policy at work.

Senator HANSON-YOUNG: Order, Chair. Order, Chair.

CHAIR: Absolutely.

Senator CADELL: This is personal use of media, I get that. Where my concern is: on his profile, he's linked to the ABC. We're talking about the problems between Mr Grant and everything that he faced, and this is one of your staff engaging in the very behaviour we have been putting down here today. Where does that stand? Where does that go? Why don't we know?

Mr Anderson: I would believe less instances of people actually, on personal use of social media, breaching the code that we've got. I will afford Mr Adams due process with regard to this.

Senator CADELL: It's still there right now. I just checked.

Mr Anderson: I will follow up on that and I will get back to you.

Senator CADELL: Okay.

CHAIR: On that point, we will break for afternoon tea.

Proceedings suspended from 16:15 to 16:31

CHAIR: We'll resume. Senator Cadell, would you like to continue?

Senator CADELL: Mr Anderson and Mr Stevens, obviously that's the first time you've seen that tweet. I accept that. But what are your initial thoughts about that? Is that within the guidelines of what you would hope to see from an ABC presenter?

Mr Anderson: The tweet that was just here?

Senator CADELL: Yes.

Mr Anderson: No, I don't know anything about that. I don't know if it's part of a thread or if it's a shared meme from something else. But, no, it's not what we want to see. I will, again, as I stated before, afford Mr Adams due process with regard to questions here about that.

Senator CADELL: Did you make any calls during the break or have someone make calls during the break to see if it was real?

Mr Anderson: No.

Senator CADELL: I notice that, since then, it's been shared. Since I raised it, during the break, there's been a post from a journalist who's not an ABC journalist. It says:

GOAT poster Phillip Adams comes up in ABC estimates for his Queen guillotine tweet.

Another ABC journalist, Matt Bevan, said that 'his record of estimate mentions will surely never be broken. It's a Bradman-level gap between first and second on the leaderboard.' Is that cheering on this behaviour from another staff member?

Mr Anderson: I don't know. I will say that the vast majority of staff do the right thing. To see any transgression against what we have in place, it's disappointing, but, no, I don't know that tweet. I haven't seen it.

Senator CADELL: Fair enough. But doesn't this go to Senator Henderson's question? We're going back to the Littlemore and Salter thing, where this engagement, whether it's allowed or not, in social media and the use of that invites reciprocity. If some ABC personalities are putting stuff like that out—baiting—it does invite some level of reciprocity that hurts good people, doesn't it?

Mr Anderson: With regard to hurting good people, I have many concerns about people's personal use of social media, if they're an ABC staff member and when they don't abide by the obligations as they are, in the course of their employment. The biggest one is that they undermine the ABC's reputation or they become ineffective to be able to do their work. It is not published ABC material, but, with the advent of social media, then, yes, it exists as a real risk, and we're tackling it. I might add that there are other agencies that do what we're doing. They have similar policies that we have across government. I think that it is never one to be complacent about. We don't monitor what people do in their personal use of social media but, certainly, when it's brought up with us, we'll look to ensure that people abide by their obligations.

Senator CADELL: I just do a quick pivot now. There have lots of questions and discussion about what happened post the coronation program with Stan Grant. I'd like to examine what happened before that. Mr Stevens, you said you had a conversation with Mr Grant a couple of months earlier. You went to trouble to raise that. He was asked to go on. He was invited to go on. It wasn't in his normal contract. This was above and beyond his normal duties.

Mr Stevens: Stan Grant was invited to take part in the coverage as a guest. He was not presenting the coverage. We had some fantastic presenters presenting the coverage, in Julia Baird and Jeremy Fernandez. They did a superb job because they're really terrific presenters.

Senator CADELL: Was he paid extra money to appear, or just as a guest—

Mr Stevens: Nothing.

Senator CADELL: You said that previous racist stuff you'd raised with him before. You also testified here today that you were surprised by the amount of racial trolling that happened afterwards. It exceeded your—did you do a risk assessment of what might happen should you put that segment in the broadcast?

Mr Stevens: I'll have to follow up for you whether an explicit risk assessment took place in regard to the coverage. We are very alert, generally, with our programming around ensuring that we're alert to what's going on in social media. My personal opinion about Twitter is that it has become a cesspool. Over the course of a decade—it perhaps started as an avenue for more-quality discourse where people could tolerate disagreement, but now it doesn't. It's a cesspool, and I don't think that's a surprise to anyone, really. What I'm saying, just to be clear, is that what's abundantly clear out of this coverage is that when we're going to facilitate conversations that are difficult or controversial or uncomfortable for members of the audience we want to have a good look at what more and additional support we can provide. This is a new landscape. Social media wasn't around when Mr Littlemore and Mr Salter worked at the ABC. There are new dynamics at play.

Senator CADELL: Going through this before—a couple of months ago was your evidence that you spoke to him about the social media trolling of Mr Grant and the horrible things and racist things. That is what you said.

Mr Stevens: I don't want to go into details—

Senator CADELL: No, I don't want you to.

Mr Stevens: of private conversations I've had with Stan. The reason I alluded to that is that it's something we've been aware of and have discussed with Stan before.

Senator CADELL: A hundred per cent. You're not sure if you did a proper risk assessment before, or not. Even after what's happened 'we didn't review if we did a risk assessment'.

Mr Stevens: In regard to the coverage itself—I'll certainly follow up if a specific risk assessment was done in regard to that.

Senator CADELL: The other evidence was that it exceeded the negative that we thought it would be, not that 'we thought there would be none'. Weren't you throwing a guest out there with known risks, a known history of abuse, in a broadcast. Wasn't he clickbait for you? Did you not regard that guest with enough safety and enough duty of care right from the beginning? Forget what's happened after: 'We failed to apologise and we failed to do this and we didn't do it quick enough.' Didn't you not assess the risk to a person on your show well enough to even put him up there?

Mr Stevens: I respectfully disagree. He was not clickbait to us. Stan Grant is not clickbait to us. He might be to other media outlets, but he certainly isn't to us. Stan Grant was not the only guest that appeared. He was also not the only First Nations person to appear. We had Teela Reid appear. We had other people from a culturally diverse background appear across eight hours of coverage.

Senator CADELL: Is he the only guest that you've previously discussed online trolling about?

Mr Stevens: Was he the only guest—

Senator CADELL: The only guest that you had previously had to warn about his online racist trolling.

Mr Stevens: Stan was a guest, but he is also an employee of the ABC. We are absolutely taking very seriously the risks that our journalists are exposed to on social media, including Stan.

Senator CADELL: I'm not questioning that. Yes or no—was he the only guest that you'd previously spoken to?

Mr Stevens: I'll follow up what explicit discussions happened ahead of time.

Senator CADELL: Thank you very much.

Senator HANSON-YOUNG: Following on from Senator Cadell's questions, were there other people that you invited to present or be part of that conversation and that panel?

Mr Stevens: What happens with major coverage of this nature is that it's eight hours of coverage. The ABC made a decision that we would be what's described as 'mounting' our own coverage, which ensured that in the lead up to the official ceremony, beginning at 8 pm Sydney time, we would have Australian perspectives on the event. We thought that was an important thing to do. For the event itself, we took the BBC audio feed of the event, to describe in more detail what was occurring.

For major coverage, we have outstanding producers who work behind the scenes, who work tirelessly to get the best possible guests and to get a diversity of perspectives. I'm led to believe that they did approach a number of people and, as is always the case, people weren't available. I think—and I'll have to follow up and check for sure—for instance, they invited former prime minister Tony Abbott. They invited Alexander Downer. They invited George Brandis. Neither of those individuals were available to take part. One observation out of the coverage is: something we can consider going forwards is to be more transparent with the audience about the efforts we've made to hear from a diversity of perspectives. But, when you look at the coverage across the eight hours, the guests didn't just turn on those 40 minutes. There were a series of guests from 4 pm through to 8 pm.

Senator HANSON-YOUNG: At what point did you realise that there was a concerted campaign against one of your guests on the panel?

Mr Stevens: It was clear in the coverage over the course of the 10 days immediately afterwards that there was no sense that it was easing off. There was a succession of coverage across the board from multiple media outlets about Stan's role in it and, generally, criticism about the coverage itself. I don't think it necessarily subsided, to be honest.

Senator HANSON-YOUNG: Are there other examples or incidents where you've seen your journalists go out, be front facing and then have such a concerted campaign against them?

Mr Stevens: It's happened a lot. And it varies: sometimes it'll be from other media outlets, sometimes it'll be a pile-on on social media. I've worked closely over the years with Leigh Sales, and I think, to be honest, Leigh has experienced trolling enormously—particularly on Twitter—relentlessly, for years, for doing her job and asking impartial questions and being objective. I think we've seen this as a pattern across the board for lots of presenters. However, clearly in this case the tenor of it was racist, and racism needs to be called out for what it is, which is abhorrent and intolerable. That's exactly what it was in this case.

Senator HANSON-YOUNG: Absolutely it was and continues to be. Even the discussion today is creating vitriolic commentary from trolls about the fact that it's even being discussed here in Senate estimates. How often does the ABC get questions from other media organisations about your staff, your employees, your journalists?

Mr Stevens: We get bombarded with questions about our journalists. The key thing, I think, to state on the record is we're not beyond scrutiny. We should be scrutinised, and we should be held to account. Actually, we should be held to account as highly as possible, because of how highly we hold to account institutions, political parties and public entities. So we should be held to account and we should be scrutinised. However, the relentless pursuit of individuals who work for us is unseemly and is so cumulative over such a long period of time that we would prefer it not be so relentless. We will engage where possible. Sometimes we will engage and the response won't be utilised. Sometimes we will respond and a minimal part will be. Then, at times, we won't respond because there's little to add by responding. There's a relentlessness to it. We'll do all we can to defend the reputations of our staff, because we have incredible journalists working for us.

Senator HANSON-YOUNG: How do you handle those questions when representatives from News Corp call up asking questions about your individual staff's private activities—their own personal Twitter accounts—or making criticism about who they might be spending time with? At what level is that just intimidation of the competition, versus public-interest journalism, on their behalf? It seems to me this isn't just a situation where a news organisation has journalists, there's a story and they're going for it. You're in a very particular situation because you are a media organisation yourself, so when other media organisations are asking questions and doing relentless pursuit of your journalists, that is actually about tearing down the competition, isn't it?

Mr Stevens: That's your opinion, Senator. I won't agree or disagree with that, but what I would say is I think the public don't like the media talking about themselves. They don't like us talking about ourselves. They don't like media companies talking about other media companies. I think they're not actually that interested in it. What other media businesses know is that when their websites write articles about Stan Grant or Leigh Sales or Lisa Millar—I think there was one today about Michael Rowland going on leave for four weeks—people will click on them, because they're interested in our staff. They're interested in the role our staff play in public discourse. But our presenters don't want to be the story. Our journalists don't want to be the story. They do exceptional journalism. They expose themselves to a great deal of risk in the jobs that they do. They put themselves out there, and the stakes are high for that. I think this climate of targeting and singling out individual journalists and the work that they do and the scrutiny of them needs to stop. However, when our journalism is criticised, I'm quite happy to bear the brunt of that criticism, because I run the news division. I'm responsible for what we publish. It's very, very important that our individual journalists aren't targeted for doing their jobs, because they're contending with enough to do it at the best of times, and they carry a lot of stress as well.

Senator HANSON-YOUNG: Have you received any complaints since Monday night's *Q+A* program?

Mr Stevens: Do you mean editorial complaints? I'll have to follow up for you. I'm not sure.

Senator HANSON-YOUNG: Okay. Thank you. These racist attacks are abhorrent, but these relentless attacks are not always racist, are they? There is a gender element to a lot of them. You've named Leigh Sales, but it was only a few weeks ago that Lisa Millar was also the subject of some terrible online abuse—which was promoted directly by a competitive media organisation, wasn't it?

Mr Anderson: Yes, that's right—very sickening, awful, disgusting social media trolling of Lisa Millar. That does have real-world consequences for people, and to see that given a platform beyond what it otherwise would have received was certainly very disappointing. Mr Stevens wrote directly to Ms Millar. I sent an email as well. Again, it comes under the heading of 'we need to support each other moving forward'—certainly in the media—when it comes to how we look after our people and what respect we have in the face of those cowardly trolls.

Mr Stevens: I'll clarify that as well, just for the record. I haven't contacted Mr Miller directly, but, via questions that came in from the *Australian*, I asked them to relay to Mr Miller that I'd be very keen to have a private meeting with him to discuss how our companies can constructively do that.

Mr Anderson: My apologies, that was a mistake: you actually issued a statement, Mr Stevens, I think, off the back of that?

Mr Stevens: Oh, okay—I thought you were talking about Michael Miller. My apologies.

Mr Anderson: I was, but you issued a statement about—

Mr Stevens: About Lisa Millar, yes. I was at cross-purposes.

Senator HANSON-YOUNG: Yes. I'm happy to hand the call over, Chair, but I do have another block of questions.

CHAIR: Senator McGrath.

Senator McGRATH: I'd like to go back to the People Hub Workforce. You said that so far it has cost about \$30 million?

Mr Anderson: The total budget will be \$30 million by the time we end—

Senator McGRATH: When you were drawing up the budget for the cost of the people hub, what was the cost then?

Mr Anderson: I'll confirm it on notice, but it was certainly lower when we first started the project. It was around \$12 million or \$13 million. We hadn't put everything in scope with that price. As Ms Kleyn said, we did have a technical issue for a lot of the way. We were quite fortunate at that particular time to have Ms Fiona Balfour on the board, with her technical expertise. We formed a subcommittee of the board which led us through resolving that issue and, in the end, this will cost a bit over \$30 million.

The savings that are predicted from this from within the ABC are in the realm of around \$15 million per annum, so we think the investment is sound. We did have a technical hiccup with regard to this. We changed over some of the program personnel at the time and we're on track now. That's not to say that any technical project of this magnitude is likely to be smooth sailing but, at the moment, things are looking good to be able to deliver this in October.

Senator McGRATH: I know we've sort of touched on this, but when you say a 'hiccup' or a 'technical issue' are you able to explain what you mean by that?

Mr Anderson: I'll give it a go. It had to do with the coding of the new system and the way that it interprets information that otherwise exists beneath the system that's currently in existence. So it's the broad interpreter of the information that's put in—what that references and then the accuracy of the information that comes out on the other side.

We do have external expertise with us on this. We have Deloitte partnering with us—they have expertise in doing this. And we have brought people into the ABC, again, who have expertise to do it. After that issue, which was discovered some way into that project, was resolved we're now going to be able to deliver this in October.

Senator McGRATH: Is it in your budget at the moment?

Mr Anderson: Yes.

Senator McGRATH: Whereabouts in your budget is it listed, Ms Kleyn?

Ms Kleyn: It sits as a project in our technology budget.

Senator McGRATH: Okay. When was the start date?

Mr Anderson: The start date was—I'll get back to you on that, Senator. I think the start date for this was in 2022, but possibly before that. It might have been the end of the year before.

Ms Kleyn: I think we'll have to come back on that.

Mr Anderson: I'll come back on that.

Senator McGRATH: On the start date?

Mr Anderson: Yes.

Senator McGRATH: I'm a bit confused about the end date. Maybe I use the wrong language, but is there a subsequent variation to the one that's dated November 2021?

Mr Anderson: The variation to the—

Senator McGRATH: The variation to the enforceable undertaking.

Mr Anderson: I'm not certain, Senator; I'll come back to you on that because—

Senator McGRATH: This one says:

1. The ABC has advised the FWO that a pilot of the electronic record keeping system was completed by June 2021 and that implementation will be completed by 17 June 2022.

That's what this one says, so there must be a second variation, then.

Mr Anderson: Yes, and, if not, we'll be advising the Fair Work Ombudsman shortly. We have a working system at the moment, so we're going through testing and then implementation. That is broadening out across the greater cohort of staff. We do parallel pay run testing, and then we do quality acceptance testing. Parallel pay run testing has gone well, in that we examine what people are getting paid and whether they are getting paid correctly

versus what the system is doing. Then we head into quality assurance testing, and then we start rolling it out across the organisation.

Senator McGRATH: In relation to what I think you called the audits that were part of the enforceable undertaking, were they completed?

Mr Anderson: I believe so. Again, I'll confirm that on notice. On the audits that we've had and the assurances that we have to provide with regard to remediation for what was originally the Fair Work finding, we've worked through and updated the Fair Work Ombudsman—that is my understanding. If there's an audit specifically on this particular system, that wouldn't have been completed yet, because we haven't rolled the system out yet. So I think there's a nuance to my answer to that, which I'll confirm on notice.

Senator McGRATH: Okay. My understanding is that employees of the ABC are receiving an 11 per cent pay rise over the next three years, with four per cent in the next year alone. Are there productivity trade-offs to fund this from the budget?

Mr Anderson: Are there productivity trade-offs? We are always searching for efficiency, and we have a history of finding efficiency that offsets either downward budget pressure or upward cost pressure. I'll answer honestly: we do face a budget issue from this year to next year, which we're planning for at the moment, to find efficiencies to offset that. Indexation for the ABC sits at a lot less than half the cost base that's going up in salary and wages increase. Indexation is less than that. The other half of the cost base, when it comes to other costs to the ABC, including supply costs, is rising, again, more than the indexation that's provided to the ABC. I'm very happy we have indexation, but, probably like other entities, we are facing similar upward cost pressure, and we are working through what the efficiency measures are in order to offset that for the next financial year.

Senator McGRATH: You're looking for efficiency dividends.

Mr Anderson: Yes.

Senator McGRATH: And you're looking for productivity improvements, but you haven't found any yet?

Mr Anderson: We're working through it at the moment. We haven't reached decisions on what it is. There are some measures that you could say affect services. Some of it is productivity. It is work that we're working on at the moment. I've been quite open with the staff about it. I don't begrudge people a pay rise. We went through a process. We put it to a vote. It got voted down, and we're back. We negotiated in good faith with the unions, and we landed where we landed. Again, that is only half the budget. At the same time, we are working on what those measures are both for efficiency and, I will add, for strategic reinvestment. We are thinking about how we prioritise our expenditure. In the coming weeks, we will issue a new five-year plan. We have a five-year plan that's in existence at the moment. We'll issue a new one that will go from July this year for another five years. That gives us priority settings. We've established what that is at the moment; we just haven't released it yet. No decisions have been made on what we're doing to adjust what our cost pressures are to be able to pull them back down, but we hope to get back to the organisation by the end of June.

Senator McGRATH: In terms of the total ABC budget, did I hear you correctly? Half would be staff costs?

Mr Anderson: Yes, a bit over half.

Senator McGRATH: What is the financial impact of the pay rise on accrued annual leave?

Ms Kleyn: We estimate the impact is approximately \$1 million.

Senator McGRATH: Just \$1 million dollars? That's a lot of money. But for the ABC it's probably not much. What is the financial impact of the pay rise on the crude provision in the balance sheet for long-service leave?

Ms Kleyn: Let me correct that—and maybe I should also double-double-check this—and come back on notice. Leave provisions collectively we estimate at around \$1 million.

Senator McGRATH: Including long service?

Ms Kleyn: Correct.

Senator McGRATH: And accrued annual leave?

Ms Kleyn: That's right. But I should confirm that for you on notice.

Senator McGRATH: What is the total amount of accumulated leave for employees at the ABC?

Ms Kleyn: In annual report FY 2022 I think it's around \$140 million, from memory.

Senator McGRATH: That's a lot of money, isn't it?

Ms Kleyn: It's not a small amount of money, no. I would agree with that. I think it's proportionate to an organisation of our size. I don't think it's an alarming balance by any stretch of the imagination. Certainly it is a significant balance on our balance sheet. At financial year end last year the amount was around \$150 million.

Senator McGRATH: The chair wants me to move on, so I'm handing back to the chair. I have further questions.

Senator ROBERTS: Before I start my questions, I have an apology. I made an error, Mr Anderson. You did in fact reply to my question on notice last time about the curriculum, but you didn't state specifically from where you got it in the curriculum. You've undertaken to come back with that this time.

Mr Anderson: I have, and I still will.

Senator ROBERTS: I tabled a screenshot of a tweet from the ABC Media Watch Twitter account. It was in response to a tweet I made about—

CHAIR: Sorry, just to clarify: that wasn't tabled; it was circulated—just to be clear.

Senator ROBERTS: Thank you. It was made about a protest in front of Parliament House, the Let Women Speak movement. Do you know what happened to that tweet and why it was removed?

Mr Anderson: No, I do not.

Senator ROBERTS: It was deleted about a second after that screenshot was taken. Do you have any information on why it was deleted?

Mr Anderson: No, I don't.

Senator ROBERTS: Could we have that information?

Mr Anderson: I will investigate and respond.

Senator ROBERTS: Do you keep logs of tweets and deleted tweets?

Mr Anderson: We don't monitor people's personal use of social media, because we don't take legal or editorial responsibility for it. That was a change we made some time ago, which I've canvassed heavily here. No, we don't keep a log of it. There are certainly records when things are raised to our attention, we investigate and disciplinary action is taken—yes, that is recorded.

Senator ROBERTS: This is not a personal account. It looks like it's the media watch account, @ABCmediawatch.

Mr Anderson: Which, as an official ABC account, I will investigate.

Senator ROBERTS: Thank you. I'm concerned that the ABC is sending tweets which could be considered antagonistic to a sitting Senator and then deleting them like nothing happened. That doesn't bode well for accountability. If that screenshot weren't taken and I couldn't table it, people would rightly question me for trying to talk about this with you now. Social media seems to be a real, ongoing problem for the ABC, not just from your journalists but even from your official accounts. What are you going to do to get this under control?

Mr Anderson: Again, the vast majority of staff do the right thing. We have been getting it under control. People have been disciplined for this. For those people who have gone against the code and been found to be in breach, they have had disciplinary action against them. We're now up to individuals that have been terminated from the ABC as a result of their personal use of social media. That is personal use of social media.

This appears to be an official ABC social media account, subject to our ABC social media policy with regard to that. If it is, we do take editorial responsibility for it—for which we have very few problems, I will say. I will investigate it and come back to you.

Senator ROBERTS: It's just that it's been raised quite a bit on social media. Moving onto another issue: there have been reports that the ABC has never received more complaints about a show than you did for the King's coronation coverage. Can you confirm that?

Mr Anderson: That is incorrect. We have received more complaints than that in the past. I wouldn't hasten to give examples because they're sometimes not great moments in ABC history as they go back some way. In recent times, it is one of the larger amount of complaints, yes.

Senator ROBERTS: What is the total number of complaints that you received on that?

Mr Anderson: I believe it's around 1,800 at the moment, of which, I gave evidence earlier to say approximately 60 are editorial complaints being investigated by the ombudsman, some complaints are categorised in a different way and some of it is outright racism.

Senator ROBERTS: While I didn't watch the coronation, I'm wondering why Australians who are interested in the coronation, interested in the pomp and ceremony—if that's what they want—interested in who's arriving and all of the proceedings et cetera—what a show it is—and who turned on the ABC to watch the coronation found, inserted into that live coverage, commentaries about Indigenous rights and the proposal for a Voice to parliament for Indigenous people. What was the aim and the thought process in structuring your coverage like that?

Mr Anderson: I'll defer to Mr Stevens for his response.

Mr Stevens: I note you said that you didn't see the coverage, so I'm happy to give you a bit more information about what it did cover. It was eight hours of coverage over the course of the evening, from 4 pm onwards. The official ceremony itself started at 8 pm Sydney time. We had four hours of coverage leading into the ceremony proper starting. We used the BBC commentary for the actual formal proceedings of the event itself from 8 pm onwards. That was a concerted decision because we knew that the BBC would have access to information that we weren't privy to around the order of proceedings and the extra, additional historical details behind the order of proceedings. We obviously had a broad picture of what would happen, however not the level of detail that they had. Obviously, they've got knowledge of individuals in the abbey that we didn't have. For the course of the four hours leading into it commencing, we, from time to time, showed vision of what was unfolding in the lead up. Three to four hours out, can you believe, people were being led into the abbey, in terms of guests. We were showing that visually, and there was music as well. The presenters did a really good job of trying to navigate saying what was unfolding with that vision. That's a key tenet of good TV—to say what is happening, but then to return to the discussions that we wanted to have three to four hours out of the ceremony starting.

Senator ROBERTS: I understand what you're saying, and I thank you for the explanation. It makes perfect sense, and what you're saying about making good TV makes perfect sense. But still some of the chatter around the presentation was dealing with things like Indigenous rights and the Voice proposal to parliament et cetera. Is that appropriate?

Mr Stevens: For a portion of the coverage, for about 40 minutes, we had a really important discussion about our history. We aired First Nations perspectives of that and colonisation; and their view and experience of the Crown in their lives. That was 40 minutes of eight hours of coverage. Actually, a really important part and remit of the ABC, as you know, is to have discussions which are in the national interest, that reflect on history, that are factually based on history. It's very important in our coverage of the news and major events that, over the course of that coverage, we have a diversity of perspectives. That was a 40-minute discussion for which there has been a lot of attention; however, we had a multitude of guests over the eight hours and people speaking to the events itself.

Senator ROBERTS: Do you still think your coverage was impartial, that way?

Mr Stevens: Absolutely.

Senator ROBERTS: Okay. Before we finish, what was my commitment to you? To get you an understanding of why you're biased on climate change, for example—is that what I undertook to do?

Mr Stevens: You did. You undertook to provide evidence of non-fact-based reporting of climate change.

Senator ROBERTS: Sure. Thank you very much.

CHAIR: Senator Hughes?

Senator HUGHES: No, I'll pass.

CHAIR: Senator Henderson, you're next.

Senator HENDERSON: Mr Anderson, I just want to, firstly, refer to your response to question on notice SQ23003321. That's in relation to my questions seeking the relevant correspondence about your coverage of the situation in Alice Springs. You have responded by saying that you've received a legal complaint relating to some of your Alice Springs coverage. Can you describe to me the nature of the legal complaint? Is it the commencement of legal proceedings? What has actually happened?

Mr Anderson: I'm advised by ABC legal that this is the first step in what could be legal proceedings. As such, I don't want to potentially undermine what the ABC might need to do by speaking about it. I would otherwise be more prepared to talk to you about what happened throughout that period of time that led to that AM report. But I am advised that it would be potentially damaging to the ABC's position until we can sort out the matter.

Senator HENDERSON: Mr Anderson, it's not open to you to not answer the question. We did canvass various issues in the last estimates. I was seeking relevant correspondence relating to the matter. It is not open to you to not answer the question. Could I ask you to address the question today?

Mr Anderson: As I said, we received a legal complaint regarding the coverage. I don't want to prejudice the ABC's position, so I will be making a public interest immunity claim with regard to that. That does not mean that I can't answer this in future, should that situation be resolved.

Senator HENDERSON: It is a legal complaint. Many complaints arguably have a legal overtone to them. What is the nature of the complaint which makes this a special case?

Mr Anderson: I took advice before appearing at estimates that I would be prejudicing the ABC's position in this legally should I go into the circumstances surrounding that Alice Springs coverage.

Senator HENDERSON: We would welcome you making a public interest immunity claim so it could be properly considered by the committee. Can I ask about your legal fees and the outsourcing of legal work? Are you able to provide to the committee a total of all money spent on external lawyers over the past two financial years?

Mr Anderson: I'm not going to be able to lay my hands on that right now, but I will provide that to you on notice. Just to make sure I got the question right, is it just external legal fees?

Senator HENDERSON: Both the total amount and also a breakdown on each particular matter.

Mr Anderson: I'm not sure—I will take that on notice and take advice and provide the information to you.

Senator HENDERSON: In doing so, could you please provide the total amount of legal fees spent on the defamation case involving the war veteran Heston Russell?

Mr Anderson: Again, I will take that on notice and take advice about what I can provide. With regard to that, as you know those legal proceedings are currently on foot. If there was a settlement or something happened there, I don't want to prejudice that either, nor do I want to break any confidentiality undertakings. I will just take it on notice.

Senator HENDERSON: I would argue that revealing your legal fees would not impact on your ability to settle the matter.

Mr Anderson: Probably not, but I will take advice and get back to you.

Senator HENDERSON: This is a pretty contentious case, because the ABC has repeatedly refused to apologise to Mr Russell, despite the fact that in these proceedings—I appreciate they are on foot—the ABC has now withdrawn its truth defence. Can you confirm you are no longer defending the publication of the stories involving very serious allegations on the basis the allegations were true?

Mr Anderson: We stand by the reporting that we put forward with regard to the Afghan files, which is where this stems back to in our reporting over time. At the moment we do have legal proceedings on foot and again I will claim public interest immunity, given the fact that this is before the courts at the moment.

Senator HENDERSON: What are you claiming public interest immunity in relation to?

Mr Anderson: In relation to the fact that you asked me why we dropped our truth defence while these proceedings are on foot and sitting before a magistrate.

Senator HENDERSON: I have already prefaced my questions by saying I appreciate these proceedings are on foot. There are very different considerations before the ABC in canvassing this matter. Many of these issues have obviously been canvassed publicly. They are proceedings before an open court. Are you able to explain to the committee while you are now only relying on a new defence of public interest?

Mr Anderson: My answer is the same as the last. Given those legal proceedings are on foot, I am unable to answer your question. We will be claiming public interest immunity relating to that. I will provide you an answer on notice.

Senator HENDERSON: On a related matter, what is your policy about the coverage of criminal investigations, particularly material that may be prejudicial if those investigations result in a subsequent criminal trial?

Mr Anderson: We obviously do our investigations that are in the public interest. If you mean if there is a subsequent criminal trial after our journalism—is that what you specifically mean?

Senator HENDERSON: No. I'm referring to covering an issue relating to a criminal investigation, a story which involves a criminal investigation, particular material which may be prejudicial in relation to any subsequent criminal trial which results from that criminal investigation.

Mr Anderson: We would approach our journalism with a degree of caution when it comes to not prejudicing what the outcome might be of a trial on foot. Our journalism—

Senator HENDERSON: I'm not asking about a trial on foot. I'm asking about prior to any charges being laid. I'm asking about a story about issues where a criminal investigation is underway.

Mr Anderson: The processes we have in place, not just what we have for editorial judgement with our journalism, but also what we put around it with edpols, there are also legal assessments before we publish anything with regard to that that would take that matter into account. Sometimes that means the stories change with regard to that, but I think it would depend on the situation.

Senator HENDERSON: Sub judice contempt is obviously a very well-known matter for all of your journalists, I expect. But do you have any policies or procedures in relation to covering a story where a criminal investigation is underway?

Mr Anderson: We certainly have training that is given to our journalists through edpols training with regard to that, and we have legal training as well, which does cover this, to answer your question directly. That is available. Plus we have advice from ABC legal as well as what we have for edpols managers.

Senator HENDERSON: Are you able to provide the committee a copy of those training notes and legal advice and guidance to journalists in relation to this particular matter?

Mr Anderson: I don't know the particular matter you're speaking of.

Senator HENDERSON: I'm talking about the issue.

Mr Anderson: Yes, I can. I'll provide you with information with regard to what we would do and what we put in place that provides that information to journalists.

Senator HENDERSON: Including the training notes and guidance and the guidance from lawyers. Do your lawyers give lectures to your journalists? How do you go about making sure that journalists are properly informed on these matters?

Mr Anderson: We have formal training from ABC legal that is available to journalists on a regular basis. Of course there's also the experience—certainly what we do for investigative journalism—of getting that legalised, which then provides information to them as well. So the answer is yes, I can provide you details of that.

Senator HENDERSON: Is that training mandatory?

Mr Anderson: We do training that is annual with regard to that, yes.

Senator HENDERSON: But is it mandatory?

Mr Anderson: I would consider it mandatory, in that we want to make sure our journalists are trained.

Senator HENDERSON: Obviously the issue of training has come up this week. There has been very strong criticism from David Salter and Stuart Littlemore that the training is substandard at the ABC. Could you provide the committee with an overview of how your journalists are trained, what your minimum standards are in terms of qualifications, your ongoing professional journalistic and legal training, what the mandatory requirements are, who provides that training and, as I said, a copy of all of the relevant training materials.

Mr Anderson: Yes, I will.

Senator HENDERSON: Thanks very much.

CHAIR: Senator Cadell?

Senator CADELL: This is change from what I was going to ask, on the basis of those previous questions, and I note that some regarding Heston Russell are being covered. How many unsettled defamation cases are afoot at the moment?

Mr Anderson: I will respond to you on notice.

Senator CADELL: Not a problem. On a settled case, there has been some media in the Hunter, where I'm from, about councillor Len Roberts, whose case is settled and finalised. The truth defence was not used. I want to get down to editorial standards and work out why. Is the truth defence not used because we don't believe it will stand up—that is, in retrospect, the story is not as accurate as we would hope? Or is it withdrawn on legal grounds, generally—or, specifically, because the case is settled, in the Len Roberts matter?

Mr Anderson: It could be either, to be honest. It could be that it is a legal argument with regard to imputations that happen through the course of the legal process, or it could be that there is an issue with the information that we have and how that's interpreted. So it could be either, but, just because we withdraw a truth defence, it doesn't mean that our journalism isn't held to the highest standard.

Senator CADELL: Why was it withdrawn specifically in the Len Roberts case?

Mr Anderson: I can't give you an answer to that at the moment, but I can possibly give you an answer on notice. What I will say is that the terms of that settlement were confidential and they remain confidential. But I will give you an answer on notice if I can.

Senator CADELL: On that point, I have been told that, in some of your settlements, there is a clause that says they may be disclosed by the ABC or others in the form of government requests and/or requirements. Is that true?

Mr Anderson: Sometimes, yes.

Senator CADELL: Did that happen in the Len Roberts case?

Mr Anderson: I will check and get back to you. Again, I will get back to you about whether or not we had a truth defence with regard to the Len Roberts matter, and I'll do what I can with regard to whether or not we have a carve-out in that settlement that allows us to speak about this under parliamentary privilege. Sometimes we do put it in—

Senator CADELL: I understand. I think the way forward on this bit is for me to put some questions on notice if there is a carve-out clause. Would that be a suitable way to go forward?

Mr Anderson: Yes.

Senator CADELL: That's fine. I will do that. There was some coverage in local media that the matter had been settled—in the *Newcastle Herald*, the *Manning River Times* and these sorts of things. Then there was a follow-up thing that the ABC had been requesting any conversations and/or correspondence between Mr Roberts and journalists after the case had been settled. The *Australian* reported—and I will table it if required—on 16 April:

Former NSW MidCoast councillor Len Roberts recently settled a defamation case with the ABC but days later received "threatening" correspondence from the public broadcaster demanding information about interviews he did with media on the legal action.

There was no amount of settlement given. Nothing was mentioned other than that it had settled and some facts around the case. Why would we be going after someone after the matter had settled?

Mr Anderson: I will respond to you on notice.

Senator CADELL: Where I get to is that we've seen an increase—the previous testimony was that 21 legal fees were through the roof. Sorry, I'm exaggerating—they were higher. I think we're seeing truth defences withdrawn to justify that we're telling a true story. I'm not saying it was, but this certainly has the hallmarks of a political execution of Len. He was a councillor. In the 2017 election his ticket received just under 10 per cent of the vote: 9.8 per cent of the vote. This story on *Four Corners* ran in November 2021, which was just a couple of weeks before the local government elections, on 4 December 2021, where his vote halved. This was a story that linked him to Obeid and said he sold property without due process and did these sorts of things. If we had doubts about the process and the editorial standard, if we're not running truth defences, how do we justify the risk of running a story two weeks before the election of a local councillor that causes that result?

Mr Anderson: I'll give you a general response, and that is that public interest journalism can be inconvenient in its timing. I wouldn't say that we do our public interest journalism for any reason other than to inform the public the way we should as per the ABC's charter. I will repeat again that a withdrawal of truth defence does not necessarily mean that we got it wrong. It could mean that we got something wrong, but it doesn't always mean that we got it wrong. It is sometimes used in legal proceedings as a tactic to settle a matter or get it to a certain point. I will leave that to the lawyers.

Senator CADELL: Was an apology given to Mr Roberts over this?

Mr Anderson: I don't know if there was an apology given to Mr Roberts.

Senator CADELL: I understand there was. Would you apologise if you weren't wrong?

Mr Anderson: I have no reservation apologising to people when we get it wrong. But on this particular matter I will get back to you on notice with regard to that.

Senator CADELL: Thanks, Chair.

Senator HENDERSON: Chair, do you mind if I just do a quick follow up? Mr Anderson, in relation to your comments about why sometimes the ABC withdraws its truth defence, can I make an assumption that the ABC has withdrawn the truth defence regarding Mr Russell's defamation proceedings because it relates to a tactic to settle?

Mr Anderson: I think there are many different reasons that are given, and that is one of them. It might not be in this case with Heston Russell. Again, I'm not going to comment as to why, but there are many reasons as to why we might settle the matter or withdraw the truth defence.

Senator HENDERSON: Is one of the reasons that you've got the story wrong?

Mr Anderson: At the moment I don't think we are settling the matter. I'm just suggesting—

Senator HENDERSON: But you're not ruling that out?

Mr Anderson: I'm not ruling anything out because I'm not suggesting or confirming anything with regard to that matter as we move through legal proceedings on it. I won't speak to the withdrawal of truth defence because it is currently on foot.

Mr Stevens: I might just add to the managing director's comments that I'm not going to make any specific comments about that case because it's in the courts and it would be entirely inappropriate to. But what I would like to say generally on the record is that Mark Willacy is an exceptional investigative journalist and one of the country's most formidable public interest journalism journalists in this country. His journalism is beyond disrepute. He has done some of the most important investigations in this country. He is one of the country's best foreign correspondents and spent a hundred days straight, or thereabouts, covering the Iraq War for this country. He's a fantastic journalist, and I think it's important that, aside from the specifics of legal cases, his journalism is beyond repute. More broadly, I assume senators are alive to the fact that defamation law can at times constrain good public interest journalism. The bar is extremely high with truth defences with regard to the deployment of truth defences in defamation cases, sometimes to the detriment of good journalism.

Senator HENDERSON: Thanks, Chair.

Senator CADELL: On notice—I'm not expecting it today—on top of the legal cost questions, I wonder if we could go back. Provided there are more than three, so we can't identify individual settlements, can we get a chart of the cost of defamation actions—of the costs to go to court and of settlements—over the last four years, year by year. Provided there are more than—would more than three be a fair number? I'm happy if it's more than five.

Mr Anderson: I will take that on notice, and I will get you what information I can.

Mr Stevens: I might also add that with regard to coverage of ABC legal sending what was described as threatening correspondence, I would massively reject that. Our legal department are immensely professional. They never do anything that is threatening in any nature. We have all received letters of a legal nature, and at times some might describe that as being robust correspondence. Clearly, in legal correspondence generally between lawyers it's confidential and privileged, often. Secondly, there are very serious regulations around the confidentiality of any agreement between parties. That should be taken very seriously in terms of the dissemination of information that is discussed privately and confidentially and agreed to.

Senator CADELL: If we're going back to that, have you ever requested other conversations or records of conversations between journalists and complainers before?

Mr Stevens: What do you mean? Sorry, Senator.

Senator CADELL: You specifically talked about that point of these non-threatening requests for—

Mr Stevens: I'm regularly looped into correspondence from our legal department and individuals, and they are immensely professional in their correspondence.

Senator CADELL: I'm not asking that. Have you ever asked anyone with whom you have settled, post, for all records of conversations with journalists?

Mr Stevens: What do you mean, sorry?

Senator CADELL: Post the settlement.

Mr Stevens: Have I specifically requested correspondence between the journalists—

Senator CADELL: No, have your legal team at the ABC requested, post settlement, correspondence between the legal team, the complainant and journalists?

Mr Stevens: I'm not aware of what you're describing, but I'm happy to follow up for you.

Senator CADELL: Thank you.

Senator HANSON-YOUNG: Mr Anderson, I'm interested in knowing where the ABC is up to with the new round of negotiations with Facebook and Google in relation to the news media bargaining code. Have they started?

Mr Anderson: The arrangements that we have with both Meta and Google are confidential in nature. They're highly confidential, in that they were some of the first to be struck around the world as a result of the news media bargaining code—not designated under the code. At the moment, I do not believe we're negotiating with either one of those parties, to answer that directly. But it's confidential about when we would.

Senator HANSON-YOUNG: Okay. But the next round must be happening soon, I imagine. These things take some time.

Mr Anderson: I think it's in our imminent future. I will say that the funding that we got through those negotiations has helped deploy over 60 journalists in regional, rural and remote Australia. We abided by the undertaking that, if it were possible for the ABC—as well as SBS, for that matter—to get revenue, that's where we'd make the investment. That investment has happened. We deployed journalists in an additional 10 locations over what we already had, and it supports that. So we're keen, obviously, for that revenue to continue.

Senator HANSON-YOUNG: Have you had any conversations with government about what will happen if it doesn't? Will the government fill the gap?

Mr Anderson: What I will say is that, when we look at our projected revenue into the future, it is something that is not a given. It's a consideration for us, of course, as to what is available budget pressure for us into the future. You can see that in our financial profile when it's sitting there. We're hopeful. We're ambitious. We want that funding to continue, but we are realistic about what that might be. We haven't crossed that bridge yet, but there is a risk that it may not continue into the future.

Senator HANSON-YOUNG: Obviously, SBS hasn't been able to strike the same type of deal. Have you had any communications with your counterpart at SBS? It seems incredibly—it's not just about being unjust. It shouldn't be allowed. You shouldn't be allowed to take somebody's work, put it on your platform, make money from it and not have to contribute for any of the content you've ripped off. That's the purpose for which the news media bargaining code exists.

Mr Anderson: That is true, despite the fact that I don't believe any other organisations are designated under that code at present. But, for the possibility of being designated under that code, the deals were done. When it comes to my interactions with Mr Taylor at SBS, we have not discussed with each other what deals we have. We wouldn't do that. We do not collude in that way. We take notice of what the other broadcaster is doing. We collaborate on many things. We have not collaborated on that. Our deals are just for us. They are completely separate to SBS. So it's probably a question for Mr Taylor.

Senator HANSON-YOUNG: Yes, okay. Thank you. Could I go to the government's review into the antisiphoning list and the proposed changes that they're considering for that. How much consultation has the ABC had with the government department or the minister's office about the antisiphoning rules?

Mr Anderson: I believe that we've been consulted on that. I think we offered what our position is on this. We consult with the department about a great many things. It could be SVOD quotas. We put a submission in for that, and certainly have other submissions as well. When it comes to sport quite often we're bid out of the market. We can't commercialise sport. Our interest certainly still exists with radio—radio is still important. We're interested in women's sport and para-sport as well, should we be able to get there. We're in contact with the department and government a bit about that, and to be able to be consulted on it. Our IP is there for others as well.

Senator HANSON-YOUNG: It bugs me that we have a national broadcaster and the national broadcaster doesn't have access to the national sports. Surely through this process, if this is about making sure that Australians can have free access, the ABC's platform, whether it's through broadcast or the various digital platforms, is well placed to ensure that every Australian can see some of the most important sporting events in this country.

Mr Anderson: That's true. We highlighted that, and I think our submission was at the end of last year and we attended a roundtable. For the ABC that is in the public interest, not for any commercial interest whatsoever, which differentiates us from just about everybody else. We are there to highlight that sport, but we can do a lot more with that as well. We have storytelling right across the country. With regard to storytelling, whether that be on local radio or through our other platforms and programs, it is of interest—the Australian public are interested in it—but in the end you want it to be positive for participatory sport in this country. So that is our motivation for doing it, apart from the fact that people in Australia love sport. We're not interested in the big-ticket items. I understand that that is a whole other commercial arrangement that we welcome the commercials to take, but we do think that there are some things, some codes or some sport that would have a great home on the ABC.

Senator HANSON-YOUNG: What about the prominence discussion and changes to prominence on devices and smart televisions? What conversations have you had with the government in relation to that?

Mr Anderson: We consider that a high priority. I think we're aligned certainly across the free-to-air media landscape here with regard to this. We participated in what was the green paper at the time. We think that there should be regulatory guarantees for prominence for broadcast services on smart TVs and other connected TV platforms. We think that's the gatekeeper for Australian media. It should be easy to find and come preloaded when it is shipped to people when they do get these devices. We would all benefit for it. It's important particularly for the ABC because, if the public has paid for the content that is otherwise available, then why not put it in people's homes and hands and make sure that they have got good access to it?

Senator HANSON-YOUNG: So they don't have to download this, that and the other and go through this page, that page and this page in order to find ABC News or ABC Kids. Accessibility also needs to be considered easability.

Mr Anderson: That's right. So it is not having to download an app on your smart TV, but rather it coming preloaded with ABC iview, ABC Listen and ABC News that are there for all Australians to enjoy, because it is there for them.

Senator HANSON-YOUNG: Do you think the government is open to that. I know that's an opinion, but I'm trying to judge how serious the government is on this. They keep saying the word 'prominence', but I'm not hearing them put any concrete examples on the table as to what that looks like.

Mr Anderson: My understanding is the government has committed to a framework that exists around prominence. We'll continue to work with the government and industry on how that is implemented. For the industry, we do think the time is now—it's right now. The fight for relevance and for Australian content to be consumed by Australians is important as well as that investment in Australian content by Australians. In a sea of international content, that is all important, and with infinite choice for everyone we need to make it easy for people to access.

Senator HANSON-YOUNG: In relation to Australian content there is the discussion around the content rules, and that's a reminder. I don't know, Minister, whether you have a response on whether you are going to claim public interest immunity on that document I have asked for.

Senator Carol Brown: No, but I've asked the necessary people. I've taken that question on notice and given a commitment to come back over the next day or so.

Senator HANSON-YOUNG: Hopefully it is within the next day because we're running of time.

Senator Carol Brown: I'm sure the necessary people are attending to it.

Senator HANSON-YOUNG: Mr Anderson, have you seen this mysterious document that the government will not show us, which has the five options for local content regulation?

Mr Anderson: Is this regarding SVOD quotas?

Senator HANSON-YOUNG: Yes.

Mr Anderson: Yes, I have. We put forward a submission.

Senator HANSON-YOUNG: So you've been lucky enough to see it?

Mr Anderson: If it is with regard to the five potential models and to provide a response ahead of the round table, then yes.

Senator HANSON-YOUNG: Yes, the 'targeted stakeholder consultation paper'.

Mr Anderson: Yes.

Senator HANSON-YOUNG: So you've got a copy of that, Mr Anderson? Is there any one of those five options that the ABC prefers?

Mr Anderson: We did respond to the questions that came along with those five models. From memory, I think our response was, if the intention were to spend more money in the independent production sector, then we had a preference over a couple of models that would otherwise see that investment happen. But it's around the intention of what regulation is meant to do. I didn't attend that round table; we sent our chief content officer, Chris Oliver-Taylor. He's well-placed having just come from Netflix and now being chief content officer for the ABC. If that were the intention, our response was to say that, if you somehow take the earnings from the SVOD players in Australia to reinvest those via an independent agency back into screen production that is contestable to get more jobs and make it more sustainable, then that would be our preference. That said, we don't want quotas put on us, content quotas on the ABC, so that is our policy position on that. We are not suggesting that content quotas should be put on the SVODs either.

Senator HANSON-YOUNG: One of the other issues that is being raised by the industry in relation to these obligations and the amount of investment particularly the big international streaming giants have here concerns the terms of licence and trade for the commissioning of programs. Has the ABC got a view on this: if something is made in Australia by Australians, should an international—say, an American—company have the rights for decades to come, even if they don't show it here?

Mr Anderson: My answer to that is that these deals can be quite complex. I'd look at where the funding comes from. If the majority of what we're making comes from public funding, then, on principle, at some point it should be available.

Senator HANSON-YOUNG: Including though offsets?

Mr Anderson: I would include that—

Senator HANSON-YOUNG: I would argue that offsets are a form of public funding. If there's a tax incentive, surely that's a form of support.

Mr Anderson: Up to 20 per cent of the content budget is coming from the ATO, in some instances. Well, it's been raised now to 30 per cent—this is for the smaller screen. I do look at the percentage of public funds that have gone into these; that's just my principle, and it's a principle that I have, having worked as part of the independent production sector for a long period of time. But those rights negotiations are pretty tricky. The amount of money being put into this content now is skyrocketing; it's gone up by quite a bit, whichever Screen Australia report you look at. There was a time where \$1 million dollars per hour would have got you the kind of really high-quality piece of content that Australians would expect, but it has gone well north of that at the moment; I'd say it's over \$2 million, sometimes pushing \$3 million. The money has to come from somewhere in order to get it done. At the moment, the SVODs are present. When I look at the amount of money being spent in the independent production sector, it is quite high. So they're here, and it does have an inflationary effect on the cost of content for everyone.

Senator HANSON-YOUNG: Thank you.

CHAIR: Senator Hughes.

Senator HUGHES: Mr Stevens, you might be able to help me out here. If a media outlet, a competitive, rival media outlet, makes an inquiry to the ABC media communications team, is it usual for that complaint to be relayed by the communications team to the relevant journalist?

Mr Stevens: Just to clarify, are you describing complaints? Are you talking about people complaining to the ABC?

Senator HUGHES: If an inquiry is made by a rival organisation about a journalist or an employee, is it standard practice for the media team to go and alert the relevant journalist or staff member?

Mr Stevens: So it's an inquiry, not a complaint. Our communications team do a great job. They're on the receiving end of a lot of questions about what we do. They do an excellent job in taking in the questions and trying to get the necessary and relevant information. Sometimes the questions are so specific to what a journalist may or may not have done or their motivations for, or background to, a story that, of course, they absolutely need to speak to the program team, which is quite regularly the journalist involved. But it would be dependent on the journalist. I think it would be a case-by-case thing. In endeavouring to get the right information and provide that back, they often need to speak to the journalist to get that.

Senator HUGHES: Would they leave the matter with the journalist to then engage directly with this rival media institution?

Mr Stevens: I'm not sure if there are explicit examples that you could reference.

Senator HUGHES: I'm coming to it. I'm trying to get a sense of whether this is standard behaviour, because I think you're aware that late last year there was an inquiry from 2GB radio in Sydney with regard to the journalist Mark Willacy, who we were just talking about in the last block. It was an inquiry in relation to his coverage of alleged war crimes in Afghanistan. Mr Willacy made contact, directly, with one of the producers from the 2GB breakfast show, despite having no contact with them previously. So 2GB makes an inquiry to the media and communications team, who go and speak to Mark Willacy, and somehow or other this producer's number is given to Mr Willacy—or Mr Willacy has this number—and he proceeds to phone this producer at 2GB. I understand it was quite a tense phone call, quite an angry phone call, with a bit of yelling towards this producer. Are you aware of that incident?

Mr Stevens: Firstly, in terms of the chain of events as to the specificity of the email inquiry that came in, I'm happy to follow up and take that on notice. We receive so many inquiries, relentlessly, every day. I want to make

sure we give you the accurate answer there. I do know, and I can say with confidence, that 2GB have been extremely interested in Mark Willacy's journalism—relentlessly interested—and often attack his journalism and the credibility of it. Quite generally, I'm happy to take it on notice and get an account for you but there is quite a large volume of information. We discourage our journalists from speaking directly to queries. Sometimes they themselves have the information and can help. In that case I will get the specifics. My recollection—I emphasise 'recollection'—is that 2GB were asking specifics about information already publicly available, that related to court matters. I should be careful what I say because I think it relates to a matter subject to a defamation court case, and it would be inappropriate to go into details.

Senator HUGHES: It's disturbing that, apparently, Mr Willacy was angrily ordering this producer at 2GB to stop critiquing his reporting, and was quite angry and threatening in regard to the tone. Is this okay? Does the ABC think this is okay behaviour from one of its employees?

Mr Stevens: In regard to that, I assume you haven't spoken to Mark Willacy to ascertain that.

Senator HUGHES: No.

Mr Stevens: I know he always endeavours to act professionally. Sometimes journalists speak robustly to each other, peer to peer—

Senator HUGHES: Sometimes it happens here too!

Mr Stevens: Indeed! I'm happy to get further information and come back to you, but, given the matter 2GB was reporting on is related to a live defamation suit, I don't think it'd be helpful for either of us to talk about it anymore.

Senator HUGHES: I appreciate that. Ms Kleyn, does the ABC have a specific budget for welcome to country, smoking ceremonies et cetera? If so, what is it?

Ms Kleyn: We budget broadly for diversity and inclusion, and there are a range of initiatives within that. There is not a specific budget I can answer on now, but I'm happy to provide more information on notice.

Senator HUGHES: With regard to that inclusivity and diversity budget.

Ms Kleyn: Yes, absolutely.

Mr Anderson: We'll give you the expenditure we've got. We haven't got the budget set in advance.

Senator HUGHES: That's okay—and then we can just have a look. We're back in October—joys of joys for you all!

Senator McGRATH: I will table the enforceable undertaking and the variation deed at the back of that, to ensure there is no confusion amongst anyone. I might follow-up on something: in relation to the Voice, have there been information sessions conducted for ABC staff not just on how to deal with the issue of the Voice from a news perspective but as general information sessions for staff at the ABC? Have such sessions been conducted?

Mr Stevens: Can I clarify: when you describe the Voice, just to be very precise about this, are you referring to the Uluru Statement from the Heart, which mentions and refers to the idea of a voice, or are you referring to coverage of the upcoming referendum, where there is—

Senator McGRATH: The latter. It's to do with the Voice referendum.

Mr Stevens: There is a clear delineation between the mention of the Voice as a broad concept of the Uluru Statement from the Heart and the upcoming referendum, which is now being subject to the referendum reference group and the government's work on that and the prospective legislation. Yes, we have commenced training—we've offered that to journalists—to have a discussion about how to ensure we all uphold the utmost and highest standards in regard to impartiality. That's not irregular; we regularly conduct training around impartiality to ensure everyone is constantly reprising our high standards and expectations around training covering things in an impartial manner.

Senator McGRATH: Who conducts the training?

Mr Stevens: We have an editorial policies team who do a very good job of training journalists and reminding them of our editorial policies.

Senator McGRATH: You might need to take this on notice. How many training sessions have taken place?

Mr Stevens: Specifically on the Voice or generally?

Senator McGRATH: Yes, on the Voice.

Mr Stevens: I'll follow up and let you know. But I know that it was offered to staff and a number to it up. I would assume we'll do more in the coming weeks and months.

Senator McGRATH: And if you're able to table copies of any slides that are presented at these training sessions too to the committee.

Mr Stevens: Sure. I can't speak to the quality of their PowerPoint skills but I'm happy to inquire whether there were any.

Senator McGRATH: Mr Anderson, I commented before about the ABC employees getting a pay rise. Did you get a pay rise also?

Mr Anderson: My pay is set by the Rem Tribunal and so, such with parliamentarians, if agency heads get a rise, then, yes, I get one as well. I did last year in July. I haven't received advice about this July.

Senator McGRATH: Is it the same with the chair of the ABC and the board? What do the chair and board members get?

Mr Anderson: I will get back to you on notice, but they are part time. Yes, their salary is set by the Rem Tribunal. The salaries are in the annual report. Ms Kleyn is turning to that right now. Off the top of my head, and I'll confirm on notice, I believe the chair is about \$150,000 and I think board members are around \$60,000 per annum. Correction, Senator: the chair's salary, as reported in the last annual report, is \$178,000 base but then we add post-employment benefits, which takes it to \$205,000. For the other directors, it averages between \$64,000 and \$69,000, and that would probably depend on their start date. The deputy chair received \$86,000 in that particular period.

Senator McGRATH: With the position that Laura Tingle's taken up, the staff director position—I don't know if there's a better—

Mr Anderson: Staff elected director.

Senator McGRATH: Is there a conflict-of-interest policy or arrangement for how a staff member, especially someone in Ms Tingle's very high-profile role, deals with working for the ABC and being on the board?

Mr Anderson: Yes. We haven't had a board meeting with Ms Tingle yet, but certainly, with the previous staff elected director—for any board meeting we go through what are potential conflicts of interest, they're tabled and then if there is any potential conflict a board director will leave the room. It doesn't happen very often. In the case of a staff elected director, on the very rare occasion, there are some occasions when the staff elected director will remove themselves from the board meeting depending on what the subject matter is. So, yes, conflicts are managed in that way—or that are potential or perceived as well as actual conflicts.

Senator McGRATH: There's no formal protocol though. Was there a formal protocol?

Mr Anderson: There was. I can assure you that the chair of the ABC runs a pretty tight ship, when it comes to running those board meetings, and it is certainly thought of in advance. The protocol is that you would identify a matter in advance, and if a matter arises that otherwise might generate a conflict it is called out pretty quickly and then the person excuses themselves from the meeting, should they need to.

Senator McGRATH: Forgive me, I've forgotten the name of the staff elected director who was before Ms Tingle, but—

Mr Anderson: Jane Connors.

Senator McGRATH: when board members or directors leave, is there an exit interview? Do you as managing director or does the chair sit down with those who have left? Mr Gersh and Ms Balfour have left recently, so we've got a change of three directors. Has anyone sat down with them to do an exit interview?

Mr Anderson: If it would be anyone it would be the chair. I will come back to you on notice. I don't know. I don't believe so, to be honest. As board members we spend a bit of time together. I don't know whether there's an exit interview or not. I don't believe so.

Senator McGRATH: With those three, did any of them send in a goodbye note or resignation letter or something like that to you or the chair?

Mr Anderson: No, Senator. It's usually acknowledged that when they're leaving their last meeting will be at a certain point in time—sounds like time's up—and that is then noted in the board meeting itself.

Senator McGRATH: Ms Balfour resigned. Was her resignation letter there?

Mr Anderson: Again, it's a question I'll take on notice. Ms Balfour wouldn't have resigned to me. She would have resigned to the minister and the chair—probably to the minister, actually, and advised the chair.

Senator McGRATH: Or maybe the Governor-General?

Mr Anderson: Or maybe the Governor-General, yes—sorry.

Senator McGRATH: Can you, on notice, check that out and can you please table a copy of Ms Balfour's resignation letter or note. And can you do the same for Mr Gersh, if he also sent one in.

Mr Anderson: I'll take that on notice. In the case of Mr Gersh, his term expired. He came to the end of it, and he wasn't renewed. That end was known. In the case of Ms Balfour, she resigned. For Jane Connors, her term expired as well. So for two of them there wouldn't be the existence of a letter to resign. The only recent resignation we've had has been Ms Balfour.

Senator McGRATH: Good. If you could do that on notice, that would be good. You might need to take this on notice too. Do you know how many people voted in the triple J Hottest 100 in 2023? Senator Cadell knows!

Senator Cadell interjecting—

Senator McGRATH: Do you know how many voted?

Mr Anderson: Not to hand, Senator. I can take that on notice for you.

Senator McGRATH: And also in relation to 2022, 2021, 2020, 2019 and 2018. Do you know if there has been a decline or increase in the number of votes in the triple J Hottest 100 since it was moved from Australia Day?

Mr Anderson: I'll have to take that on notice.

Senator McGRATH: Has the board or any senior executive members raised the feasibility of moving triple J Hottest 100 back to Australia Day?

Mr Anderson: No, it hasn't been discussed.

Senator McGRATH: We had a comment in the room earlier today, and I just want to talk about the difference between how those from the centre right are treated compared to those from the centre left. We had Senator Thorpe interrupt Senator Hanson-Young. Senator Thorpe said, 'Why didn't you stand up for racism in the party, against me?' 'Ridiculous questions.' 'She needs to look at herself.' That was a reference to Senator Thorpe's experiences in the Greens party. Will the ABC be reporting on that?

Mr Stevens: Reporting on what?

Senator McGRATH: On the allegations that Senator Thorpe has made against the Greens party and her experience of racism within the Greens party.

Mr Stevens: As you know we have a fantastic bureau in Canberra—you probably interact with them. I'm sure they will have heard the comments, or will hear the comments, and will look at them at face value and make relevant inquiries and then make a decision as to whether there's anything that is reportable. That's the process we follow for everything.

Senator McGRATH: So you don't think that a senator at an estimates hearing calling out her experience of racism within a political party is not newsworthy?

Mr Stevens: With respect, Senator McGrath, that's not what I said. I said I respect the editorial judgement of my team in Canberra. The comment was made while I've been sitting here. I fully expect they will assess it in the same way they would any other story.

Senator McGRATH: Alright.

Mr Stevens: I won't prejudge that; the story hasn't been referred to me. I don't dictate or arbitrate, or determine from the Senate chamber whether they should cover a story or not.

Senator McGRATH: All I can say is that if Senator Nampijinpa Price or Senator Liddle had made those allegations about the Liberal Party, or the National Party, or the Country Liberal Party or the Liberal-National Party it would be the lead story on ABC news at the moment. Such is our experience with how the ABC treats serious allegations and seems to delineate between the centre left and the centre right. I look forward to following up this issue at estimates in a few months time, because I'm pretty certain that the ABC will not report on what happened. I'm good, thank you, Chair.

CHAIR: Senator Henderson.

Senator HENDERSON: Mr Anderson, I just want to raise concerns about the number of public interest immunity claims taken by the ABC in response to a range of questions that I've asked. I do believe that the ABC has improperly taken a number of PII claims in an attempt to avoid answering proper questions by this committee. I refer to our discussion a short time ago in relation to the Alice Springs coverage and that you've declined to provide relevant documents, correspondence and messages in relation to that matter. I asked you to respond to the fact that, as I refer to page 662 of *Odgers*, there is no basis to make a PII claim on the basis of threatened legal proceedings unless it's because the information may prejudice law enforcement proceedings, which is a separate

basis or ground on which you may seek to submit a PII claim. So I'll ask this: in relation to the legal threat made by the man from Alice Springs, is this a matter which relates to law enforcement proceedings on foot?

CHAIR: I'll just intervene here for a moment. The witness has the opportunity to come back and provide the information to enable the claim to be assessed. If the committee upholds any PII claim that any senator is unhappy with, as this committee has, they have every opportunity to present that to the Senate.

Senator HENDERSON: Chair, just a point of order. I am asking Mr Anderson about questions—

CHAIR: Yes, and Mr Anderson can answer them—

Senator HENDERSON: in relation to questions that are before this committee which I have asked and where he has indicated that he intends to make a PII claim. I have put it to Mr Anderson, legitimately, that it's not proper to do so. That's because, as I refer to pages 662 to 667 of *Odgers*, it's not open as a general rule for the ABC to make a PII claim in relation to threatened legal proceedings. You can make a PII claim in relation to proceedings on foot if information could prejudice a trial by influencing magistrates, jurors or witnesses; or where a case involving only questions of law before superior court judges is not likely to be influenced; and the other ground is where the giving of information to a committee could create material which is unexaminable in court due to parliamentary privilege—again, in relation to proceedings on foot.

So, Mr Anderson, I am deeply concerned that you are declining to answer these questions when there are no grounds, based on *Odgers*, to make a PII claim. Again, I ask if you could provide that information, please.

Mr Anderson: Senator, I do take my obligations seriously when I attend parliamentary hearings—particularly Senate estimates. I have legal advice that says walking into this chamber, I would prejudice our legal position here if I were to speak on—

Senator HENDERSON: But that's not the issue before us. Whatever you regard as prejudicial is irrelevant. What I'm referring to is the grounds on which you may decline to answer a question according to the rules of the Senate, which is a very different matter. The rules of the Senate require you to answer this question, Mr Anderson.

CHAIR: Mr Anderson can take that on notice and provide us with his rationale, and then it can be assessed against the issues—

Mr Anderson: And I will do it quickly, Senator. If I can get it to you by the end of the week, I will. But I am sitting here with advice, as per what I stated earlier, that it would prejudice the ABC's position in what is, potentially, a legal case, given what we received. I don't have that in front of me at the moment—

Senator HENDERSON: That's not a proper ground to make a PII claim, as I pointed out. Even when we were talking before about core proceedings on foot, it hasn't even been accepted in the Senate that legal professional privilege provides a ground for refusal of information in a forum such as this unless it can be established there is a particular harm to the public interest. In taking the rules of the Senate very seriously, Mr Anderson, I would put to you, *prima facie*, that it's not open to the ABC to decline to answer these questions. I would ask you to consider your position and provide this additional material on notice please.

Mr Anderson: I'll respond to you on notice.

Senator HENDERSON: Thank you very much. I have a couple of quick questions that I didn't ask before in relation to your coverage of the coronation. Who made the decision to schedule the panel leading up to the broadcast of the King's coronation?

Mr Anderson: We have Mr Stevens here. He can answer your question.

Mr Stevens: The schedule for the coronation coverage ran for coverage and ongoing coverage which commenced at 4 pm on the news channel and continued for eight hours thereafter. The news channel and programs producers behind-the-scenes had a schedule that would run over the course of four hours. That wasn't limited to just a plan around a particular hour. That was a plan across four hours.

Senator HENDERSON: But who made that decision? I just want to clarify that.

Mr Stevens: Sure. For any coverage like this there's an EP. We've also got a managing editor of TV, Tim Ayliffe, who was across the decisions being taken with regard to the coronation.

Senator HENDERSON: Who was the EP?

Mr Stevens: I'll have to triple check the EP from the news channel, and I'll follow-up. I just want to make sure I've got it right.

Senator HENDERSON: EP is the executive producer, of course.

Mr Stevens: Yes.

Senator HENDERSON: The EP would normally then get approval through his or her superior?

Mr Stevens: In this case, for major coverage, the managing editor of TV was across their plans.

Senator HENDERSON: So he approved those plans?

Mr Stevens: Yes

Senator HENDERSON: Can I just quickly check: is Mr Grant on paid leave?

Mr Stevens: I'll have to take on notice the type of leave that he's on.

Senator HENDERSON: Thank you.

Senator HANSON-YOUNG: I have a response to the accusation that was just put up.

CHAIR: Certainly.

Senator HANSON-YOUNG: I'd just like to put on the record that I reject any accusation made by either Senator McGrath or Senator Thorpe—for the record.

CHAIR: Thank you. Did you have one last question?

Senator CADELL: Two weeks ago you announced a restructure of the ABC into news and content. I'm not going to ask you to put numbers around that yet and I don't want you to. You haven't told staff the numbers of potential redundancies, I think you said.

Mr Anderson: With regard to the content restructure, the first step was to announce where we'd landed with regard to two divisions coming into one—that's entertainment and specialist, regional and local. We did that at the highest level of the organisation. We then consider consultation that goes thereafter. No, I haven't released the amount of redundancies there are as a result of that, but there are some. I'll confirm that on notice with you. We're going through consultation.

Senator CADELL: I'm happy not to pre-empt that. I don't want people worried. From a regional focus, let's talk about radio, especially, which is strong in the region being put into content. Is that all newsrooms? Even if they're newsrooms, that's going into content, not staying with news? Is that correct?

Mr Anderson: All of the regional bureaus are going to news.

Senator CADELL: All news?

Mr Anderson: All of them. We're keeping those teams together. Our presence and our commitment to regional, rural and remote Australia is enduring. Through this I've given undertakings that we will not reduce the amount of people that we've got outside a capital city. The only caveat I have is that, if some of that funding that was mentioned earlier with Google and Meta disappears, we'll have to look at that. Otherwise we've given the commitment, and we're keeping the teams together. The local radio component is important. We're looking for the other people in those bureaus—and of course they range in size—to have a closer relationship with newsrooms.

Senator CADELL: So you're not going to change your mind on it, but, if you have to make a new decision with new information, it may vary in future. I get that a hundred per cent. Thank you for supporting Aboriginal communities with that. All the newsrooms will be there with no closures?

Mr Anderson: There are no closures. People might move around between our presence that sits in there. So numbers might go up and down. But the total presence will stay the same.

Senator CADELL: That's all.

CHAIR: Mr Anderson, thank you so much for coming along today and sharing with us your knowledge and your experience. We will now release you.

Mr Anderson: Thank you, Chair.

Mr Stevens: Thanks for having us.

Special Broadcasting Service Corporation

[18:15]

CHAIR: I welcome the Special Broadcasting Service Corporation and Mr James Taylor, Managing Director. Would you like to make a statement?

Mr Taylor: No, Senator. I'm pleased to be here, and I'll take your questions.

Senator HANSON-YOUNG: Welcome, Mr Taylor. I have a couple of questions. Firstly, I would like to know what's going on with the news media bargaining code. Has there been any movement in that space in relation to negotiations?

Mr Taylor: No, I have no pertinent updates.

Senator HANSON-YOUNG: One of the questions I was asking of the department earlier today—they didn't have the figures and said they couldn't answer—is about how much funding there is in the bucket for NITV. Could you explain to me how it works? I understand it's separate or quarantined in some regard.

Mr Taylor: I'll let Ms Niarchos answer that.

Ms Niarchos: The amount that NITV receives in appropriations is part of SBS's overall appropriation, so there is no quarantining or line item in the budget.

Senator HANSON-YOUNG: So how much is put aside for NITV?

Ms Niarchos: NITV's budget for this financial year is in the order of about \$24 million.

Senator HANSON-YOUNG: How much was it in the last financial year?

Ms Niarchos: It has been steadily increasing because of our initiatives around advertising and sponsorship and particularly the Beyond 3% initiative, which is reinvested back into NITV. So it has been steadily increasing over the last few years.

Senator HANSON-YOUNG: Are you able to give me the last decade?

Ms Niarchos: Yes, absolutely.

Senator HANSON-YOUNG: The reason I ask this is because I did ask the Parliamentary Library to get me the figure, but they struggled to find anything on the public record. I find that extraordinary. It must be written somewhere?

Ms Niarchos: The initial funding when NITV became part of SBS?

Senator HANSON-YOUNG: Each year, how much gets put aside and spent for NITV.

Ms Niarchos: We don't necessarily disclose publicly all the divisional spends for each area of activity within SBS.

Senator HANSON-YOUNG: So going forward we would need to make sure we ask that question every budget estimates. On notice, if you could take the last decade that would be helpful. If you're saying it's increasing, could you give me an indication of how much it's increasing?

Ms Niarchos: Yes, absolutely. It has steadily been increasing.

Senator HANSON-YOUNG: But you can't tell me right now how much by?

Ms Niarchos: Over the last financial year?

Senator HANSON-YOUNG: Let's just take the last financial year to this financial year.

Ms Niarchos: Probably in the order of \$2 million year on year to arrive at the \$24 million budget this year.

Senator HANSON-YOUNG: Has there been any extra government money allocated specifically for NITV, given the discussions that are happening in terms of the Voice?

Ms Niarchos: No. It's just part of SBS's overall appropriation.

Senator HANSON-YOUNG: Did SBS get any increase in funding at all since the change of government?

Ms Niarchos: In the budget that was just announced, SBS's triennial funding arrangements were changed to a five-year funding arrangement. Our current funding has now been maintained for the next five years. Within that we had a couple of terminating measures for enhanced language services and audio description, which were due to terminate, but that funding has been provided on an ongoing basis as part of the five-year funding transition. So our current funding has been maintained.

Senator HANSON-YOUNG: So you haven't gained anything but you haven't lost anything?

Ms Niarchos: We have gained the funding that was attached to the specific terminating measures with respect to language services and audio description services.

Senator HANSON-YOUNG: So that funding has been put to other things now—is that the suggestion?

Ms Niarchos: No. They were dropping out, effectively. We would have had in the order of \$11 million or \$12 million ceasing. For language services we previously were funded a extra \$10 million per annum. That money was due to cease at the end of FY24. As part of this latest budget the funding now is ongoing.

Senator HANSON-YOUNG: Has advertising revenue increased?

Ms Niarchos: Yes.

Senator HANSON-YOUNG: How much by? The last financial year, whatever figures you can give me. I'm trying to work out whether SBS has enough money.

Ms Niarchos: Our advertising revenue has increased and proportionally represents about 30 per cent of our overall funding. That has been increasing over time. We did have the World Cup as well in this financial year, so we've seen a steady increase. Between FY21 and the last reported annual statements in FY22, total SBS revenue has increased by about 14 per cent.

Senator HANSON-YOUNG: Have there been any conversations with the government about any extra funding for SBS, given the role you have in funding NITV and the specific role of making sure that the community knows what the Voice referendum is about? There's a lot of government money being spent on other commercial outlets. I'm wondering whether the government has given any thought to boosting SBS's ability at this time?

Mr Taylor: We have always advocated and will continue to advocate for SBS to be better funded and to have more money. We are very grateful for the five-year funding. We are also grateful for the flexibility that we have to earn our own commercial revenue. It's fair to say that despite not having any commercial territory to monetise, our commercial revenues have gone up at a rate higher than the government funding. We will continue to advocate for more money for First Nations content and more money for Australian drama, and we welcome any more discussions and opportunities to present our case.

Senator HANSON-YOUNG: But you haven't had any direct conversation with the government about the role of SBS and the role of NITV, given this is the year of the Voice?

Mr Taylor: We have had many conversations with government, past and present, about the role of SBS and in particular the role of NITV and the role that First Nations content plays, particularly First Nations journalism and First Nations drama plays in creating agency and representation of Indigenous issues and Indigenous journalism. We will continue to welcome any opportunity to have those discussions.

Senator HANSON-YOUNG: What about children's content? What is the current investment in children's content from the SBS spend?

Mr Taylor: We'll take that on notice. Our children's content tends to be made by NITV. *Little J and Big Cuz* is one of the most prominent examples. It's Logie award winning—I'd be very upset if I didn't mention that. That finds a home on NITV and of course in SBS On Demand. It's also been translated into other languages and Indigenous languages. We tend to not generate children's content in our market. It is provided by other providers.

Senator HANSON-YOUNG: Can you give me a figure on the children's spend?

Mr Taylor: I'd have to take that on notice.

Senator HANSON-YOUNG: Alright. Could I ask—and we've had this discussion before, Mr Taylor, but it's been awhile—about the revenue SBS gets from certain types of advertising. I'm particularly interested in advertising for betting and gambling. Where is that discussion up to, and how much money does the broadcaster generate through gambling advertising?

Mr Taylor: We comply with all the relevant legislation in relation to gambling. You'd note that we carry five minutes of advertising per hour, not 15 or thereabouts, which is what most commercial operators carry. It's also worth noting we don't carry long-running, week-in week-out sporting events that our commercial competitors carry, so we tend to attract less gambling advertising as a percentage of our total. It tends to be in the order of three per cent of our total advertising revenue per annum.

Senator HANSON-YOUNG: During the World Cup coverage were there gambling ads running during the broadcast?

Mr Taylor: Yes, but of course in keeping with the regulations that apply to live sporting events.

Senator HANSON-YOUNG: I'm not suggesting you're not following the same rules that everybody else has to. But—as I have put to you before, Mr Taylor, I think—there is an increased sense of unease that the community has with the public broadcasters having advertising at the best of times, let alone gambling advertising. Would you be able to get for me on notice how much gambling advertising was worth to SBS during the World Cup?

Mr Taylor: I'll take the question on notice. I suspect I will be very reluctant to reveal that number. Obviously, these sporting rights are very expensive. We have to commercialise them. We are soon to be in a period of what I imagine will be a formal tender process to attempt to secure, should we decide to bid, the rights to the next men's World Cup, which will be in 2026. I think forcing us to reveal the amount of advertising revenue we earned against that event would place us at a significant commercial disadvantage.

Senator HANSON-YOUNG: I'd like you to consider it, Mr Taylor, because, as you know, there is a live conversation now about further restrictions on gambling advertising during sport. If indeed this is something that

you use in order to be commercially viable, to get access to the rights to broadcast this sport so that every Australian can watch it for free, I think that in the public interest it's important for us to understand how much that's costing. So take it on notice, but I guess I'm putting you on notice now that I won't accept just a 'no' answer. We'll have to come up with some way—

Mr Taylor: Absolutely, Senator.

Senator HANSON-YOUNG: whether it's in camera or some other avenue, because, unless you're going to claim public interest immunity, I want access to that information.

Mr Taylor: Absolutely, Senator. I'm very happy to pursue it.

Senator HANSON-YOUNG: Thank you. Thank you, Chair. Once we've got those answers I'll come back at another time.

Senator HENDERSON: I also want to raise concerns about gambling advertising. As you would be aware, Mr Taylor, the coalition has announced a policy to ban television gambling ads during live sport and one hour before and one hour afterwards. Are you able to quantify, in more specifics, how much revenue you are receiving from that type of advertising currently?

Mr Taylor: I will take on notice the specific number. As I answered earlier, it's in the order of three per cent of our total advertising revenue. To give you a point of comparison, I understand that for the metro market television companies tend to earn about 12 per cent of their total revenue from advertising. Ours is three per cent. We carry a lot less advertising and, of course, we don't carry the sorts of sporting events week-in week-out that attract that sort of advertising.

Senator HENDERSON: There was very heavy TAB promotion during the Football World Cup. I'm just wondering: did you sign up on that advertising, or did you do that deal, given the scope of that deal?

Mr Taylor: No, I did not. I'm aware of the deal. I can't recall the quantum at the moment, but, no, that was done in the ordinary course of affairs by our media sales division.

Senator HENDERSON: Given the fact that you are a public broadcaster with special responsibilities to the community, do you have any standards that apply to your advertising which are over and above the normal regulatory standards?

Mr Taylor: We've spoken a lot before about our commitment to impartiality, and being open to all market participants is a demonstration of impartiality. We are not in the business of picking winners and making decisions about which products are acceptable or not. That said, we apply sensitivity to the placement of certain types of advertising within certain programs. Perhaps an example would assist. We did a program called *Addicted Australia*—I've used this example before. This was a factual program which followed the treatment journey of people suffering from various forms of addiction. When we program a piece of content like that, we are very careful about what ads we choose to and not to place during that program. On a program like that, we will not put any payday lending advertising. We will not put any fast-food advertising, any pharmaceutical advertising, any gambling advertising or any alcohol advertising because of the sensitivities of the topic and the sensitivities of participants and audience. But those circumstances are unique, I would say, in our schedule.

Senator HENDERSON: Could you also provide a breakdown of your revenues of your YouTube channels as well—channel or channels? Could you outline what your YouTube activities are and what sorts of revenues you receive from gambling advertising during live sport, one hour before and one hour afterwards?

Mr Taylor: I'm happy to take that on notice.

Senator HENDERSON: Can you detail which YouTube channels you run?

Mr Taylor: We place some content on YouTube. Our normative model is that long-form video content is presented within the SBS ecosystem, so either on our linear channels or on SBS On Demand. That said, there is some catalogue that we will place on YouTube: short news clips, and, for example, at the moment, we're placing older episodes of *Dateline* onto YouTube as a way of promoting the brand and attracting people back to SBS On Demand. I can give you more comprehensive response, and I'm happy to take the other questions around revenue et cetera on notice.

Senator HENDERSON: I'm just wondering if you have any view in relation to the appropriateness of running gambling advertising during live sport. Do you think it meets community expectations?

Mr Taylor: I really think that's a matter for legislators. We are custodians of a public good at SBS. We have to act in a way that's fair and impartial. We have a policy position of not picking winners. There are any number of products that have the potential to cause harm; gambling is but one of them. Our policy position is that all legal market participants have access to public spectrum that SBS is the custodian of in absolute and faithful

compliance with the regulations that comply. We will of course faithfully apply any regulations that this place or others decide to implement as they go through these processes.

Senator HENDERSON: Could I just, more generally, take you to Budget Paper No. 2 page 171, which sets out your budget funding. SBS will be receiving \$1.8 billion over five years. I know you referenced this in general terms, in terms of your overall advertising revenue, but could you just quantify your advertising revenue each year for the next five years—what your forecast is?

Mr Taylor: I'm not sure we have a forecast for five years in front of us. I can give you an estimate of this financial year.

Senator HENDERSON: Yes.

Mr Taylor: Our total commercial revenue this financial year will be in the order of \$180 million, noting that we have a couple of months to run. I would also note this is a World Cup year, so clearly that's an event that provides additional revenue in the year in which it falls.

Senator HENDERSON: And are you projecting an increase in advertising revenue each year?

Mr Taylor: Optimistically, we would expect our advertising revenues to go up. We are finding a good audience. We've got great relationships with our clients. Whilst our levers to increase revenue are not increasing—we're still restricted to five minutes of advertising on linear television, and we abide by that restriction in SBS On Demand without any legal obligation to do so—we believe that clients are finding additional value in SBS.

Senator HENDERSON: Perhaps that goes back to my point. I'm a bit concerned that you talk about your values and your decision-making in relation to your advertising, applying a greater community expectation than is set out in the law, yet in relation to the broadcast of gambling advertising you don't see any merit in doing anything other than following the current law. Given your responsibilities as a public broadcaster, given your values statement, which makes it clear that you're very audience obsessed—very focused on the needs of Australians, including Australian families—I'm just wondering why you're not taking those values into account when you're making decisions to broadcast gambling advertising during sport.

Mr Taylor: I think we take into account audience feedback about our product, absolutely. We comply with the law in relation to all forms of gambling. It's worth noting that audience feedback in relation to gambling advertising constitutes a very small percentage of our total audience feedback, complaints et cetera. It's in the order of about three to four per cent. That goes up and down a bit, and that includes campaign emails, too. Absent individual campaigns that are run from time to time, it's more like one to two per cent of total feedback from audiences. As I described, in certain circumstances we do go well beyond the law in terms of demonstrating sensitivity to audience need.

Senator HENDERSON: Can I turn to NITV. For full disclosure, I used to work for NITV, before it merged with SBS. You referred to the fact that NITV has funding of some \$24 million a year. Is that total funding, or does that just relate to the NITV's programming budget?

Mr Stevens: That's the total budget for all NITV activities, and it includes the commercial revenue that is earned by NITV. The commercial revenue has gone up materially in the last couple of years because we launched the Beyond 3 Per Cent initiative, which was encouraging advertisers to commit a greater portion of their total advertising spend to Indigenous platforms, not just NITV but including NITV. That has been received well by clients, and we hope for further success. To be clear, any and all money earned associated with that activity is invested back into NITV to produce more and better content over time.

Senator HENDERSON: Of that \$24 million, how much of that is derived from commercial advertising?

Mr Taylor: It's in the order of \$4 million a year.

Senator HENDERSON: And do you charge NITV for all the other back-end services, HR, finance? Do they pay an apportioned amount?

Mr Taylor: No.

Ms Niarchos: There is a cost allocation amount, but it doesn't necessarily move each year. We've continued to increase NITV's funding. So there is an element of attribution, but primarily the budget reflects the people and activities of NITV.

Mr Taylor: Can I answer that question—

Senator HENDERSON: Sure. But I will flag I am concerned about, frankly, the low level of funding for NITV. Back in 2009, NITV was receiving around \$14 million in federal funding. Taking into account the

commercial revenue that it now generates, that's not much of an increase. Frankly, if you are also effectively charging NITV costs for a lot of those back-end services, or the cost allocation, then how much is actually allocated to NITV's programming budget?

Mr Taylor: I'll take it on notice. What I was going to add is that when NITV was independent, nearly 11 years ago now, its administrative costs were significantly higher than they are within SBS.

Senator HENDERSON: It was an appallingly low amount of money—nothing, frankly, that the then federal government should be proud of. But my question is: how much programming money does NITV receive?

Mr Taylor: I would also be very pleased to show you a trendline over the last 10 years. What I'd say is that NITV's budget has gone up at a rate faster than other parts of SBS, and we are assiduously focused on protecting NITV so that we can get as much money on screen as possible.

Senator HENDERSON: But it's starting at such a low base, it doesn't matter what it's increased by.

Mr Taylor: I agree. We serve communities in 63 languages, and we have an enormous array of responsibilities as a multicultural and Indigenous broadcaster. We have had no funding increases for NITV and would welcome them. We have to make a series of difficult and invidious trade-offs across the overall operations of SBS.

Senator HENDERSON: How many channels do you run, though?

Mr Taylor: Television channels?

Senator HENDERSON: Yes.

Mr Taylor: We have six free-to-air channels.

Senator HENDERSON: Yes. NITV is a complete channel in its own right.

Mr Taylor: Absolutely.

Senator HENDERSON: So, when you refer to 63 different languages, you don't have 63 channels.

Mr Taylor: No, but we don't just have TV operations either. We have a very large streaming service, we have a very large audio service, we engage in podcasting, we have a comprehensive array of media services and, of course, we have some very significant fixed costs relating to things like transmission.

Senator HENDERSON: I would be grateful if you could provide a breakdown of the \$24 million, including the programming budget—and the budget for news and current affairs, if you do differentiate that—so we can have greater transparency as to the resources that NITV has to produce its programming.

Mr Taylor: Absolutely.

Senator HENDERSON: Maybe this one is more for the minister: I also want to raise concerns about funding for Imparja Television, which is facing very difficult circumstances. Of course, Imparja was the original Indigenous broadcaster. It is really struggling. Minister, can you describe the funding that has been provided to Imparja and what work the government is doing to ensure the future viability of Imparja.

Senator Carol Brown: I don't have that information with me, but I can get it on notice for you.

Senator HENDERSON: Thank you very much, Assistant Minister. Can I also ask, Mr Taylor, about your broadcast of Voice advertising. Are you going to be allocating the same amount of time to the 'yes' case as to the 'no' case? Do you have any policy in that regard?

Mr Taylor: Senator, I think you're referring to our free airtime policy, which I don't believe applies in relation to the Voice referendum, because the government is not funding the 'yes' and 'no' campaigns—

Senator HENDERSON: No, I'm asking about your policies, not asking about the government's policies.

Mr Taylor: I'll continue. We will take advertising from any and all market participants that wish to advertise a position, in the same way that we'll take advertising from any commercial operation that wishes to engage our advertising services.

Senator HENDERSON: Obviously, these are not commercial operations. These are campaigns. You are running, I understand, advertising for the 'yes' case. In the interests of fairness and reflecting your concern for impartiality, have you made a decision to run the same amount of 'no' campaign advertising?

Mr Taylor: No. Our spectrum is available to any and all participants that wish to advertise, and we will happily take an array of perspectives on the Voice, depending on who wishes to—

Senator HENDERSON: But you've only got limited airtime. Has your airtime been—

Mr Taylor: I lament to say we're not full, so I'm sure we will have the advertising capacity to take advertising from those that wish to. It's a competitive market.

Senator HANSON-YOUNG: But they'd have to pay.

Mr Taylor: Absolutely.

Senator HANSON-YOUNG: They have to have some money to run it.

Mr Taylor: That's the way advertising works.

Senator HENDERSON: I'm not disputing that. Do you have any truth-in-advertising policies? The one thing does concern me about the 'yes' campaign television advertisement is that it talks a lot about Indigenous recognition, which, of course, I think, has got bipartisan support across this parliament, but it doesn't mention the Voice itself. Does that concern you insofar as the importance of truth in advertising?

Mr Taylor: Sorry, I'm not sure I'm following the question, which I'm sure is my fault. Could you perhaps re-express it?

Senator HENDERSON: I'm just asking about your policies with respect to truth in advertising. My concern about the 'yes' campaign television advertisement is that it is a little bit misleading because it refers to Indigenous recognition, which has very broad support across this parliament, but it doesn't actually mention the words 'the Voice'. Therefore, I am concerned that it is somewhat misleading. Do you share those concerns?

Mr Taylor: I don't share your concerns about whether or not that particular ad is misleading, because I'm not sure which advertisement you're referring to. We don't have a truth-in-advertising policy per se, but there are certain standards that apply to advertising across the industry. What I will say is that we do have the right within our policies to decline advertising to individual parties and to make decisions about where advertising is placed in our schedule.

Senator HENDERSON: Have you received any complaints? There is obviously an advertising regulatory process in relation to complaints.

Mr Taylor: Yes.

Senator HENDERSON: Have you received any complaints?

Mr Taylor: I'm not aware of any complaints in relation to this matter, but I will take it on notice to give you an accurate answer.

Senator HENDERSON: Thank you very much, Mr Taylor. I just want to ask for an update on the relocation of SBS to Western Sydney.

Mr Taylor: The minister made an announcement some two or three weeks ago in relation to the constitution of the steering committee. The first formal meeting of the steering committee will occur in the next couple of weeks. I will be representing SBS on that body. There is an intention to work through that process over the next eight to 12 months, at which point a report will be presented to cabinet, I believe, and to the SBS board for consideration.

Senator HENDERSON: What are the merits in moving SBS to Western Sydney?

Mr Taylor: That is the purpose of the feasibility study, so I will—

Senator HENDERSON: But I'm asking you as the managing director. You are required, obviously, to answer the question to the best of your ability and otherwise take it on notice, so I am keen to understand the merits.

Mr Taylor: This is a government policy position. We will constructively work through the process. SBS has not been advocating, per se, for a move to Western Sydney or anywhere else. That said, I'm encouraged by the quality of the people on the steering committee. I'm engaging in the process. I look forward to testing the merits of any move to Western Sydney, and, should SBS and the SBS board agree that there are merits, then we will pursue that appropriately, as you would expect.

Senator HENDERSON: At the end of the day, isn't this a matter for SBS and for its board?

Mr Taylor: Yes, and I'm very pleased that that's a point that the minister has made on multiple occasions, that ultimately this is an SBS board decision, and you would expect us to be utterly rational about any decision to move our facility.

Senator HENDERSON: Given it is a board decision and, obviously, you would make lots of recommendations to the board in relation to board decisions, what work have you done to assess the merits of the move? Are you able to provide the committee with any briefing notes, correspondence, messages or other economic assessments—independent or third-party assessments—in relation to the merits of the move?

Mr Taylor: We have done no work in relation to the merits of any move, because it would seem to me to be worthwhile to do that as the feasibility study is unfolding. We will certainly be participating in a process which includes economic analysis and other forms of assessment of the appropriateness of a move and appropriate locations, but that work is yet to commence.

Senator HENDERSON: To save money, is one option to share the premises with the ABC in Parramatta?

Mr Taylor: If saving money is one of the objectives of the exercise, then co-locating with another agency may be one of the opportunities explored.

Senator HENDERSON: And you would be open to that?

Mr Taylor: I've given no thought to the notion of co-locating with another agency. I have no view on that at this point.

Senator HENDERSON: Broadcaster, not agency—the ABC.

Mr Taylor: Yes, broadcaster.

Senator HENDERSON: What provisions have you made for a possible relocation, including any revenues that you would derive from selling your current site?

Mr Taylor: We've made no provisions. Our site has a book value which is assessed periodically. It's stated in our financial statements. We have not turned our mind to the cost of relocation or the benefits of relocation.

Senator HENDERSON: Thanks very much, Mr Taylor. On a final note, are there any programs that you recommend that all Australians watch on SBS?

Mr Taylor: That's my favourite question of the night!

Senator HENDERSON: That's a dixer and a half, isn't it?

CHAIR: That's a great question!

Mr Taylor: I hope that you and others in the room are enjoying *Alone Australia*, which is the most successful program SBS has made in its 48-year history and is doing incredible business and demonstrating SBS at its best. I would encourage you to watch *Safe Home*, which is a drama that we launched quite recently and which is Australian content at its best, exploring a very difficult topic in relation to domestic abuse and coercive control and the legal system surrounding it. I would also like to acknowledge that *Living Black* has celebrated its 20th anniversary this year, on SBS and NITV, led by the inimitable Karla Grant, and it continues to showcase the best of Indigenous current affairs in this country.

CHAIR: Hear, hear!

Senator HENDERSON: Mr Taylor, thank you very much. There's one other question I have, but I might put that on notice. Thank you all very much, and thank you, Chair.

CHAIR: Thank you, Senator Henderson. Thank you very much, Mr Taylor. We will release you. Thank you very much for coming along. We love your shows.

Mr Taylor: Thank you, Chair. Thank you all.

CHAIR: We will suspend now, and we will return at 7.45 with ACMA.

Proceedings suspended from 18:51 to 19:49

Australian Communications and Media Authority

CHAIR: Welcome to officers from the Australian Communications and Media Authority. Ms O'Loughlin, would you care to make an opening statement?

Ms O'Loughlin: No need for an opening statement. I'm happy to take questions.

CHAIR: Fantastic. Senator Cadell.

Senator CADELL: I want to talk about the National Anti-Scam Centre. Do we have numbers on how many we think this will employ?

Ms O'Loughlin: Not at this stage. The National Anti-Scam Centre is being established by the ACCC; they're going through the process of establishing that. My understanding from the ACCC's report is that they're looking to have at least an initial stand-up of the centre by 1 July this year, which may start off quite small, and that will grow over time.

Senator CADELL: How will that work with you? Will you have a presence in the centre, or will you be dovetailing?

Ms O'Loughlin: I think the centre is based on some of the experience in the UK, where they did something called fusion cells, which brought together the appropriate regulators plus industry into the centre. It was more a coordination role to make sure that, when scams came through, through complaints, they could be dealt with effectively by all the people who needed to be involved. We're closely working with the ACCC and will be closely involved with them in the establishment of the centre.

Senator CADELL: When we talk about fusion cells, we're talking about industry and all those sorts of things. Will there be private sector involvement in this?

Ms O'Loughlin: In the fusion cells?

Senator CADELL: Yes.

Ms O'Loughlin: The intention is that it would include the private sector, such as banking and, in our remit, the telecommunications companies.

Senator CADELL: That won't be expertise hired as part of this; they'll be integrated into the operation of the centre?

Ms O'Loughlin: In the coordination process between all the parties. At the core of that is a tech build, as the ACCC is looking to build a data sharing technology build to support high-frequency data sharing with a range of agencies, law enforcement and the private sector. So all the intelligence that comes from those parties will be able to be shared through a secure data sharing device.

Senator CADELL: I'm a visual person. When I hear 'National Anti-Scam Centre', is it looking like another ASIO building, or are we just talking about an office in the back of ACCC?

Senator HUGHES: You want James Bond!

Ms O'Loughlin: I think it's fair to say it will be a distributed centre. That's still very much for the ACCC to establish. I think the main thing is we won't be putting people into the centre, but we will be engaged with the centre and contributing our data to that centre as well.

Senator CADELL: When we're talk fusion cells, we're talking a network of people assigned to that across different departments?

Ms O'Loughlin: I might pass to my colleague Jeremy.

Senator CADELL: Sure.

Mr Fenton: Fusion cells can be formed in a number of ways, and I believe the concept is around the problem, so you form the cell around the nature of the problem. So it's a very adaptive way of dealing with issues like scammers, which is appropriate because the scammers themselves are highly adaptive. Further to the chair's comments, we see a key role for the ACMA and for other regulators, like ASIC, to play in the antiscam space, because we're about upfront disruption. The powers and functions we have can really assist in that way.

Senator CADELL: So it's like an agile response team spread across—would that be a different way to describe it?

Ms O'Loughlin: I think that's a good way of thinking about it. Having all the people involved who can actually both deal with scam activity as it arise—or, in our case, in the telecommunications area, the interventions that we've made with the telecommunications industry have been really focused on stopping scams getting through. So there will be that role that we play. ASIC will deal with the banks, and the ACCC has its own role with Scamwatch. We will bring in the banks and the telco sector to try and deal with large amounts of scam activities and particular scam activities, which may also need law enforcement involved.

Senator CADELL: To understand the jurisdictional thing, when we talk of the SMS ID register, will that fall under that, or is that still under you?

Ms O'Loughlin: That's under us.

Senator CADELL: How is that system going to work, in practice?

Ms O'Loughlin: I'll pass over to Mr Fenton, who can describe how that works.

Mr Fenton: I should say it's early days, so some of the details are to be settled.

Senator CADELL: How do we conceive it might operate at this point?

Mr Fenton: Indeed, thank you, Senator. A register would help to remove a key vulnerability in the way SMS are sent which is used by scammers to perpetrate campaigns—what are effectively industrial-scale scams against Australians. The scheme would enable well-known brands in Australia and government agencies to register their message headers in SMS. They could be Australia Post or myGov—

Senator CADELL: I've had the fake NAB one already—

Mr Fenton: Indeed! Or it could be a number. Then that data would be used by telcos to block illegitimate messages. What it's actually dealing with is a scam where scammers send their IDs to gain consumer trust—

Senator CADELL: You get history from before and all that sort of stuff—yes.

Mr Fenton: That's exactly right. It's a key scam type used and it comes from offshore, predominantly. A registry would help to address that issue.

Senator CADELL: Is it early stages? Not putting a specific date, but a range of dates when you think this might be operating—up and going—by?

Mr Fenton: I think it's probably premature to talk about exact dates. But we're looking at the potential for a phased approach to have protections in place—or, certainly, some protections in place—sooner rather than later. We're all keenly aware of the scale of harm being perpetrated here, and even the frustration from people who aren't falling victim to the scams in having to deal with things like, 'Is this a legitimate message or not?'

Senator CADELL: My chief of staff and I have a competition going about who can keep them on the line the longest. It's actually quite a good thing—he has 28 minutes, which is quite good!

Ms O'Loughlin: I'll just add to that: prior to the provision by the government of funding in the budget, we had done quite a lot of work to understand scam ID registers which have been up and running in the UK for a while, and which have also been in development in Singapore and Ireland. We've been looking at those, and we also undertook consultation across, I think, 70 or so organisations to help us understand how they would engage with the SMS ID registry. So we feel like we're very ready to go, but we do need to settle some important parts of the scheme—mainly whether it's mandatory or whether it's voluntary, and who runs it. That's what we're thinking through at the moment but, as Mr Fenton said, we're quite keen to see if we can pilot something earlier and we recognise the urgency.

Senator CADELL: We've mentioned commercial enterprises and things like that; have there been active examples recently of government department or government IDs being used in spoofing schemes or any of these? MyGov is a frequent one that I get texts from—

Mr Fenton: Yes, absolutely. Unfortunately, we're in the position of having ACMA's telephone numbers and email addresses used within these scams. We've been doing some work with the telcos to see what we can do to put in place interim blocking arrangements. We've also issued some consumer-facing alerts so they can help identify these scams and not fall victim to them.

Ms O'Loughlin: I think it's important also to put the message out that scams used to be fortuitous interventions where somebody had perhaps given away their credit card details. We're now looking at criminal gangs who are doing the scamming. I think that's important for the Australian community to understand, that these aren't little, fortuitous things which happen. These are scams where if you click on links then people can access your entire bank account, and we're seeing more and more of that. Scam numbers may have gone down, but the losses from scams have gone up significantly. That's what we're focusing on: what else we can do and—

Senator CADELL: You're saying that it's more high value?

Ms O'Loughlin: More high value, yes.

Senator CADELL: My anecdotal evidence is that they're getting more—

Ms O'Loughlin: Sophisticated.

Senator CADELL: I actually enjoy engaging with them, as I said, just to see where they're going. I think I got one last Thursday: it was an Australian voice on the phone, saying they were from NAB, 'You can either do it here or go into the branch, what would you like?' It was actually quite a—

Ms O'Loughlin: These gangs have HR departments and comms departments. They're highly sophisticated, so we're doing everything we can in our space and with the telecommunications industry to see if we can stop the scams getting through to people. And we're working with the ACCC, ASIC and others for when they do get through.

Senator CADELL: With my previous life hat on, I used to be the director of my political party, and political parties aren't immune from using text IDs at the front to send out in bulk, maybe to represent Medicare—I think that was used once in a campaign. It wasn't from Medicare. Would this stop that sort of thing?

Senator HENDERSON: Not for the National Party?

Senator CADELL: It was not by the Nationals. Will this stop that sort of thing? Would it stop anyone purporting to be from a different group in a text, or only scammers?

Ms O'Loughlin: It's really about misuse of the headers.

Mr Fenton: It would fundamentally depend on the model that's adopted. At one end of the scale, every sender ID may have to be registered, and that would require information to be provided that the person wanting to register it had a legitimate reason to use the sender ID. At the other end of the scale, things would be more voluntary. In that environment you may have circumstances where sender IDs are used by other parties.

Senator CADELL: If we go voluntary, do you think it would be likely that all of government would be strongly encouraged to take up and protect the government's IP and tags?

Ms O'Loughlin: I think they would see the benefit of doing so.

Mr Fenton: There are already government agencies and departments engaged in initiatives exactly like this. They're at a relatively limited scale, though, and what we would talk about doing as an interim arrangement would be scaling those up. There are some protections out there for some government departments already; they're just not universal in coverage.

Senator CADELL: I get it 100 per cent. I think it is a good initiative by government. I see some irony in the fact that the party that introduced the Medicare campaign is the one introducing it, but I support it. Thank you.

CHAIR: Thank you. Senator Payman.

Senator PAYMAN: Thank you, Chair. There are some people in the community who want to host forums and educate community members. Are there any informational resources that you would direct us towards or that may be available to educate people about scams and what to watch out for?

Ms O'Loughlin: Certainly. We have some resources on our website. They're probably more directed to how to avoid being a victim of a scam: what to watch out for, don't click on links, make sure it's a trusted source—all those sorts of things. There's material on our website. There's also material on the ACCC's website. They have Scamwatch, which is their major website for reporting scams.

Mr Fenton: We've also provided versions of some of our material that are specifically targeted to First Nations Australians. We have versions in simplified Chinese, traditional Chinese, Arabic, Vietnamese and Italian. We have some very good, available resources.

Senator PAYMAN: Is that on your website?

Mr Fenton: Yes.

Senator PAYMAN: Great. Could ACMA please tell us about the recent enforcement action that it has taken against telecommunication companies failing to comply with the SMS scam code?

Mr Fenton: I might just start by saying we're actively monitoring compliance across the various sets of rules that we've made, given the harms that can occur to consumers if telcos are non-compliant. In fact, it's a publicly articulated compliance priority for the agency at the moment. We've actually been focused on auditing parts of the telco industry that are responsible for bulk SMS coming onto Australia's telco networks. We've been focusing on that because there's clearly a potential for SMS scams to enter through those particular providers. At the moment, I think we're up to about 44 separate audits, and we have identified non-compliance with the Reducing Scam Calls and Scam SMS Code. Specifically the rules require telcos to confirm that customers sending bulk SMS using numbers or text based headers, as we talked about before, have a legitimate reason to do so.

What the announced investigations and enforcement actions concerned was where we found four telcos in total that did not have processes or adequate processes to confirm that customers using or wanting to send SMS had a legitimate reason to use the message headers. In two of those cases, we uncovered evidence that scammers had used the weaknesses created by the non-compliance to send road toll, Medicare and Australia Post SMS impersonation scams.

Senator PAYMAN: What kinds of penalties would such telco providers face for breaching a direction to comply with the code?

Mr Fenton: For breaching a direction to comply, the penalties can be up to \$250,000 per contravention.

Senator PAYMAN: Do they get that in stages? Is there a warning that's sent out, or is it per intervention?

Mr Fenton: I should explain that, for a breach of an industry code, the enforcement powers initially available to the ACMA, under the Telecommunications Act, are to give a formal warning or to direct a telco to comply. Once a telco is directed to comply then the stronger enforcement action is available to the ACMA for future non-compliance.

Ms O'Loughlin: The reason why we're very focused on telco compliance is how successful the intervention has been. The telco industry has been working alongside us very much over the last few years, and we're seeing

quite significant results in terms of a reduction in scam phone calls by 1.15 billion and a reduction in SMS scams getting through by 171.9 million over the last couple of years. We're seeing that it's a highly effective intervention. The telcos are taking it seriously, and we want to make sure that all telcos do their bit to stop scams getting through to consumers.

Senator PAYMAN: Thank you very much. Thank you, Chair.

CHAIR: Thank you. Senator Rice.

Senator RICE: Thanks. First of all, I want to talk about limiting gambling advertisements during the broadcast of sporting games. The idea is to ban gambling advertisements altogether or to ban gambling advertisements during the broadcast of sporting games, as proposals have been put up. What has ACMA done in terms of preparing any briefings or consideration of these ads?

Ms O'Loughlin: I think we've been more observing the debate. There's a strong debate in the community at the moment, and, as you're aware, the House of Representatives is doing a very considered look at the gambling issues across the board and gambling advertising in particular. We are aware of that debate. We are making sure that we're enforcing the current rules as they apply both to the broadcasters and online. I think it's fair to say that we're looking at how that debate emerges, and we expect that we'll be responsible for implementing anything that comes out of that debate after consideration by the government and the parliament.

Senator RICE: While the debate is going on, have you had any internal forums or consideration of these issues?

Ms O'Loughlin: No. We continue to deliver on compliance with the current rules, but, that said, we are doing some more research around gambling advertising, particularly on broadcasting, to better inform ourselves about how much is actually going on out there. We are doing some additional research to inform ourselves.

Senator RICE: Has that research been completed?

Ms O'Loughlin: Not as yet, no.

Senator RICE: Could we get a copy of that research?

Ms O'Loughlin: It has not been completed. It's not in the field at the moment. I'm happy to take that on notice and let you know when that might be completed.

Senator RICE: When do you expect it to be completed?

Ms Chapman: We expect it at the end of the month or by the middle of June. I can also add that there's a natural course. When there are major sporting events, we do actually monitor those events. We did that for the last Olympics, and we will also be looking at monitoring the upcoming FIFA Women's World Cup. When there are high-profile events, we actually do extra monitoring.

Senator RICE: Are the results of that monitoring made public?

Ms O'Loughlin: Where there have been breaches, they are made public.

Ms Chapman: When we find breaches, we then investigate. We had some in relation to the Tokyo Olympics last year. Then they would be published. We have our normal monitoring, we respond to complaints that come in to us and we do investigations. We have a number of investigations on the go at the moment.

Senator RICE: When your research is finished, will that be made public? Can it be provided to us as soon as it's done?

Ms O'Loughlin: I'm not sure there is any reason why it wouldn't be made public, but we can certainly take that on notice. I would just go back to say that our responsibilities at this stage for gambling advertising are really about compliance and enforcement of the existing rules. In broadcasting, that's set out in the code of practice for the industry. Online rules are set in legislation, so those rules would need to be amended by the parliament. We are focused very much on compliance with the current rules, but doing our own research to inform ourselves about what else is happening in the broadcasting space.

Senator RICE: Do you have a role to be proposing to government how the rules should change?

Ms O'Loughlin: No. That would be a matter of government policy.

Senator RICE: I want to go on to where we're at with BetStop. I heard earlier today that the company implementing BetStop has gone into liquidation.

Ms O'Loughlin: Voluntary administration.

Senator RICE: Sorry, I made that mistake earlier today as well. Can you tell me the timeline of that occurring please?

Ms O'Loughlin: We were advised in January of Big Village going into voluntary administration. I think it's fair to say that if that had not occurred we would have been confident to deliver BetStop in the March time frame that we have discussed previously, but of course that has set us back somewhat. We are currently doing our due diligence with the company around whether or not to novate the contract. I don't really want to get into that too much at the moment because that's a live negotiation. But we do hope that if we settle on that we will be advising the government very soon as to when that proclamation date may be made by the minister and BetStop can be up and running. In the meantime we've been continuing to test and trial. I know you asked some questions earlier today, which I'll pass on to my colleagues, to give you an indication of what that trial involves, and also working with the sector to make sure that they're ready to roll once BetStop is up and running. But I will pass to my colleagues.

Senator RICE: Before that, just a bit more detail on the process with Big Village having gone into voluntary administration. I was told earlier that there has been another company that has taken up the work.

Ms O'Loughlin: That's correct.

Senator RICE: How does that intersect with your decision whether or not you're ending the contract with Big Village?

Ms O'Loughlin: The company that bought that part of the business from Big Village is called IXUP. That's the company that we are negotiating with at the moment to do our due diligence to decide whether or not to novate the contract to them.

Senator RICE: Those negotiations, when do you expect to have them completed?

Ms O'Loughlin: They are one of our highest priorities.

Senator RICE: Has there been a cost to government through Big Village having gone into voluntary administration?

Ms O'Loughlin: Not necessarily at this stage. That's part of the negotiations we are undertaking at the moment. We'll be better placed to understand that after we've completed our negotiations.

Senator RICE: As part of those negotiations, are you looking at other providers that could provide it, given you've been landed with a new company because they happened to buy the part of Big Village?

Ms O'Loughlin: I think our view would be that under the Commonwealth Procurement Rules we would probably need to go back to market. But we have already made sure that we have the ability to access all the work that has already been done. We would be going to market with a product that was almost ready to go. I'll see if I need correcting on that.

Mr Fenton: No.

Senator RICE: So that in itself is going to put a delay in the rollout of BetStop, having to go back to market.

Ms Rainsford: Just to clarify there, we're in negotiations with IXUP, and should we get to a point where our due diligence exercise results in the chair feeling that she can novate that, then we will not need to go back.

Senator RICE: What does that actually mean, to novate?

Ms Rainsford: At the moment we have a contract that is between us representing the Commonwealth and Big Village. Big Village has gone into administration, so it would mean in effect shifting it, so agreeing legally that there was a contract between the Commonwealth and IXUP. It's the legal mechanism to transfer responsibility for delivery under the contract.

Senator RICE: So you're saying that even if you did that you would still have to go out to market?

Ms Rainsford: No. That's the piece I was trying to clarify. If we got to a point where we were not comfortable novating the contract, then under the Commonwealth Procurement Rules we would have to go back to an open market tender to seek a provider for the service. At the moment our focus is on the inquiries and working with IXUP to see if it can meet the legal requirements and we are satisfied that it has both financial and operational capability to deliver BetStop for the Commonwealth. That will play out as a commercial negotiation. As the chair said, it's one of our highest priorities. We have people working around the clock on that. If that's successful we will not need to go to market.

Senator RICE: You mention two criteria, to meet the legal requirements and their capability. Are they the only two criteria? What are the criteria that you're using to decide whether to novate the contract?

Mr Fenton: I'm happy to put a bit more. These are sensitive commercial negotiations, so we need to be a bit careful. Probably the core requirement is that the Interactive Gambling Act specifies that firstly, the ACMA can't operate it; and secondly, the registered operator cannot provide or be part of a company group that provides

gambling services or undertakes gambling related lobbying. So that's a key threshold for us. The financial capacity is hopefully self-explanatory. That's about the entity's viability. The organisational capability also goes to the question of the provider being able to meet the Commonwealth security arrangements. There are standard security arrangements that apply in relation to the type of information that BetStop will contain. It's protected information, so the security requirements are quite high.

Senator RICE: At your best, most hopeful circumstances, when would you expect to have BetStop up and running?

Ms O'Loughlin: I don't think I can answer that here tonight, but I'm happy to take it on notice. Once we've been through this process and if we novate the contract, I will be able to give you more certainty about that date.

Senator HENDERSON: I want to ask you about the budget allocation of \$10.9 million going to ACMA for the SMS ID registry. The minister's budget media release says that ACMA will receive \$10.5 million to establish an SMS sender ID registry. Are you able to explain the discrepancy there?

Ms Rainsford: The \$400,000 is an allocation to our portfolio department to support the work we do in implementing that SMS sender ID registry.

Senator HENDERSON: So that's the administrative allocation?

Ms Rainsford: That's departmental, so that's funding that goes to the department of Infrastructure, Transport, Regional Services, Communications and the Arts, with the balance being the \$10.5 million coming to the ACMA.

Senator HENDERSON: There's just one other issue I want to raise. We also note the minister's media release said the funding would prevent scammers from spoofing industry or government brand names, such as Linkt or myGov. The minister didn't mention Medicare. Of course, we know of the infamous Mediscare campaign run by the Labor Party, which misappropriated the name of a Commonwealth agency in a highly misleading and improper way. Is it open to use Medicare as well? Are you including Medicare in this as well?

Ms O'Loughlin: If it were spoofing a legitimate Medicare number, then yes.

Senator HENDERSON: That's not mentioned; I'm just raising concerns about that, perhaps because of the Labor Party's conduct in previous years.

Ms O'Loughlin: I'm not quite sure of the circumstances in terms of how that was used.

Senator HENDERSON: I want to pick up on Senator Cadell's questions about the Anti-Scam Centre, and I would have to suggest that it's a bit of a scam to suggest that this is a centre when we now clearly find out it's not a centre, like a separate agency. It appears to be more of a division within the ACCC. I think it's very misleading to suggest to Australians that this is a centre.

Ms O'Loughlin: I don't think I would agree with that characterisation. Perhaps I can use the term 'virtual centre', but it is very much bringing in expertise from across the Commonwealth. With the ACCC at the centre of that, developing a data-sharing system that we can all feed into, I think it is very much about a centre which is pulling people together to deal with scam activities.

Senator HENDERSON: With respect, I don't believe that that's the ordinary meaning of the word 'centre'.

Ms O'Loughlin: I don't accept that characterisation.

Senator HENDERSON: Pulling in resources from other departments based in the offices of the ACCC—and I'm sure the ACCC does need more resources, because it's very much under strain—is not a centre. That is not an anti-scam centre as an ordinary Australian would interpret 'centre' to mean.

Ms O'Loughlin: I think it has a contemporary meaning which people would understand. We don't necessarily establish separate agencies to deliver on things, particularly when there is shared responsibility across the Commonwealth. We have different responsibilities with regard to scams. This will have us working together with industry and with other government agencies to deliver on it.

Senator HENDERSON: Would you be able to provide all correspondence in relation to the establishment of the so-called centre to the committee?

Ms O'Loughlin: I don't believe I have any correspondence. I think we've been talking to the ACCC. There have been budget announcements.

Senator HENDERSON: There must be correspondence between you and the ACCC about how this would be established.

Ms O'Loughlin: It's a process. It has been worked through by an IDC. I can certainly check for you, and I'll take it on notice.

Senator HENDERSON: Thank you. I would appreciate that. I want to refer to the work of the former coalition government and the very important regulatory amendments that we made empowering the telecommunications sector to identify and block both SMS and telephone scams. Of course, the most recent amendments in relation to SMS scams came into force in July 2022, and my understanding is that that has now blocked some 200 million scam calls and some 80 million scam texts, in general numbers, in the first quarter of this year. But I am deeply concerned—and I've raised this with you before—that we've seen no action in relation to scams on over-the-top platforms, such as WhatsApp. Why has there been no action? I had a woman call my office yesterday. She lost \$30,000. My office was helping her find somewhere to stay, because she had no money to pay the rent. We were actually assisting her. The wonderful Kerry, in my office, was assisting her in finding a place to stay for the night. What is going on with the fact that the government is not taking action on these other digital scams?

Ms O'Loughlin: As we've discussed previously, we do recognise that scammers move to whatever they can, and the actions that have been taken around SMS mean that we do see more scams moving into WhatsApp. We currently do not have a regulatory responsibility to deal with over-the-top services. It's a matter that was raised by the ACCC in their digital platforms inquiry and is currently being considered by the government.

Senator HENDERSON: The chair of the ACCC has absolutely rung the alarm bells. You have rung the alarm bells. Why do you not have the regulatory powers to act on this insidious conduct that is responsible for, we know, at least a billion dollars or more—I haven't seen a breakdown between telephone SMS and over-the-top platforms. The ACCC estimates Australians are losing up to \$4 billion a year in scams. This is horrific. ACMA could take further action in relation to over-the-top platforms, including the likes of WhatsApp, Facebook and Meta if you had the powers.

Ms O'Loughlin: Yes, but we do not currently have the regulatory powers.

Senator HENDERSON: What steps have you taken the say to the government: 'This is not good enough. We need these powers'?

Ms O'Loughlin: I think we've had this discussion, and we've been clear with the government that we think this is an area where we need regulatory responsibilities. That is being thought through by the government through the digital platforms inquiry in which the ACCC raised precisely this question.

Senator HENDERSON: Chair, this is far too slow. This is one of the highest priorities, surely, of this minister. I have been rattling the cage and screaming from the rooftops on this ever since May last year when I took on responsibilities initially for this portfolio. It is not good enough. What powers do you need? Can you describe those powers and, if you had those powers, how you would be able to make a difference?

Ms O'Loughlin: I'm not quite sure I have in my head exactly the precise powers, but in other areas it would be something like what we have in the telecommunications sector where we have service provider rules which would allow us to make specific rules for particular providers. In the case of both the scam and SMS codes, they're actually industry co-regulatory codes, and we would like some powers to be able to work with the industry to develop co-regulatory powers if we think they are appropriate.

Senator HENDERSON: Chair, you gave this evidence last October. It's now May. Every single day Australians are losing thousands upon thousands of dollars in scams. I ask you, Assistant Minister, what is going on in your government that you can't give ACMA these powers?

Senator Carol Brown: Well, what I would say is that of course the problem of scams is something that is not new. The government has already done a number of things, but, most importantly, part of that is the National Anti-Scam Centre, which does go to digital platforms. The centre is about bringing together resources from banks, telcos, digital platforms, to better enable collaboration on information-sharing but, most importantly of all, to bring about a coordinated disruption of scams. It goes across digital platforms as well, and we're taking unprecedented steps. Yes, I accept that it's overdue, Senator Henderson; it should have been done years ago. But we are taking these steps now.

Senator HENDERSON: Assistant Minister, that's not accurate. The proliferation of scams has really accelerated on the digital platforms only in recent times. I understand you are the representing minister; you are not the responsible minister. But I say to you, Assistant Minister, it is shocking that ACMA has been asking for these powers—desperately asking—and the ACCC chair has been desperately flying the red flag, saying, 'We need more powers.' They cannot rein in the digital platforms, the likes of Meta and Twitter and Google, without the powers. Assistant Minister, could I ask you—if you need to take it on notice, that's fine—to come back to the committee and urgently update the committee on what the government is doing? Back to you, Chair, could you please provide the submissions or documentation that you have provided to the minister and her office or the

department in relation to the powers that you need to bring in and rein in the digital platforms when it comes to stopping these scammers?

Ms O'Loughlin: I'll take that on notice, Senator.

Senator Carol Brown: Can I just say—I think Senator Henderson did ask me a question—the Albanese government has taken unprecedented steps to protect Australians from scams. In this budget alone, the government is spending \$86 million over the next four years to fight scammers. I've already detailed what—

Senator HENDERSON: Assistant Minister, this doesn't require any money. This requires political will.

Senator Carol Brown: I have already detailed issues around the National Anti-Scam Centre.

Senator HENDERSON: This requires action. This requires the minister to say, 'Here are the powers.'

CHAIR: Senator Henderson, I've asked previously today, and I'm going to remind you that it is disorderly to be shouting over each other.

Senator HENDERSON: I wasn't shouting, Chair. I am being robust in my questioning—

CHAIR: Robust in your questioning is fine.

Senator HENDERSON: because I am so frustrated that we cannot get action on this important regulatory change to give ACMA and the ACCC the powers that they have been crying out for.

CHAIR: Your time is up. We're going to rotate the call. I will ask for one point of clarity. My understanding is scams have been increasing for years. Obviously, the more digital we become, the more it becomes more prevalent. What has been the pace of that change over the last five years?

Mr Fenton: I think we'd have to take that on notice for specific figures, but I think your characterisation that they have been increasing is accurate, and they've been fairly dramatically increasing across that period.

Ms O'Loughlin: I think I'd go back to my previous point, which is that we're seeing an increase in criminalisation of scammers, which means that you're not just dealing with somebody sitting in their house having a go at trying to get money off people; you've got criminal gangs looking at this. So it is very serious, and that's why I think the scam centre, which brings in law enforcement, brings in us, brings in ASIC and the banks and the telco services, will make a real difference.

CHAIR: It certainly sounds like it to me. Assistant Minister Brown, you were cut off. Did you have something else you wanted to complete as part of my round of questioning?

Senator Carol Brown: I was going to go to some of the former government's legacy on this, because, as has been identified, the issues around scams have been around for years. The latest ACCC report shows that Australians lost a record \$3.1 billion to scams last year, and \$3.1 billion was lost after a decade of policy inertia from the opposition. Online scams are nothing new and have been proliferating due to a complete lack of policy development from the former government over the last nine years. According to Scamwatch, in 2020 Australians lost over \$62 million in scams through emails and social networks. In fact, one of my own staff did as well. But no new policies were announced or introduced. We finally have a government that's taking this issue seriously and putting in place policies that will bring all the industry players together to combat scams. As Senator Henderson said when she was referencing the poor woman that had been caught up in a scam, just like my staff member, it can ruin lives. So we need to work together to make sure that we're doing the very best by Australians.

CHAIR: Thank you very much, Senator Brown. Senator Roberts, over to you.

Senator ROBERTS: Thank you for being here tonight. The issue I want to step through has got three steps to it. I'd like to take one step at a time and deal with a conclusion at each step. You may not have said this, but many people have been parading your decision against Rowan Dean as proof that he was peddling lies. It's important to be clear about what you actually found, so let's step through it. I'm going to quote a particular part from the decision—what ACMA concluded about the facts. Everyone likes to throw around words like misinformation, but let's deal with some facts. The ACMA report said about one of the complaints—this is a long excerpt so I would ask you to bear with me:

The segment presented information about how ice cores can be used to analyse air trapped at the time the ice formed—up to 400,000 years ago in this case.

Foxtel responded with:

The analysis does show a connection between the global temperatures and carbon dioxide levels, but the striking feature is that a change occurs in the temperature before the carbon dioxide level changes.

ACMA then said:

This statement about what the analysis showed was factual in character as it simply plotted the changes in carbon dioxide and temperature, as derived from the ice cores, over time. The statement about the changes was specific, unequivocal and capable of independent verification.

That's the end of the quote from ACMA. So, you actually concluded that the material Rowan Dean presented was factual, that the analysis of the ice cores showed a connection and changes in temperature occurring before changes in carbon dioxide in the past, correct?

Ms O'Loughlin: Senator, I don't have the investigation report in front of me.

Ms Zurnamer: I think you're referring to a finding in relation to the ice cores.

Senator ROBERTS: Rowan Dean, yes.

Ms Zurnamer: In relation to that, I think what you're quoting from the report might be our assessment of whether there was factual material—

Senator ROBERTS: Correct.

Ms Zurnamer: rather than whether that was necessarily accurate. But my understanding on that finding is that the finding we made a breach on there was whether there was an adequate distinction between factual material and commentary, which is a requirement under the ASTRA Codes.

Senator ROBERTS: I'd like to go to the next step. The first thing is that it's factual, and you confirmed that it is factual. The second—

Ms O'Loughlin: I think, Senator, if I heard Ms Zurnamer correctly, we said it was 'factual information'.

Senator ROBERTS: Yes, that's an important distinction. Let's get to the next step then and to confirm: did you conclude that the segment had presented that factual material accurately?

Ms Zurnamer: Senator, I am just checking my notes. We did not find a breach on accuracy on that issue.

Ms O'Loughlin: But we found a breach.

Ms Zurnamer: On the distinction between—

Ms O'Loughlin: We did not find a breach on accuracy, but we found a breach on distinguishing between accuracy and opinion or commentary.

Senator ROBERTS: So, he had factual material, and it was accurate and presented in a factual way that is accurate. You've concluded that the analysis was factual. You've concluded that factual material was presented accurately. Can you explain what, exactly, was wrong with that segment to say that Foxtel had breached the code in the complaint? I understand you have three steps in this: is it factual? Yes. Is it accurately presented? Yes. Is it opinion or commentary or news?

Ms Zurnamer: As I said before, our finding was that there was a mixture of commentary and factual material in the statement and that—

Senator ROBERTS: In his segment?

Ms Zurnamer: In the discussion about the Vostok ice cores, yes. We noted that the statement by the host featured both factual assertion and commentary. We were of the view that it would not have been sufficiently clear to the audience whether the statement was an argument derived from the analysis or a separate factual assertion.

Senator ROBERTS: So, the third step, depending on that. There has been media reporting stating that these complaints came from former prime minister Kevin Rudd. Can you confirm that?

Ms Zurnamer: Yes, it came from the office of Kevin Rudd.

Senator ROBERTS: I appreciate your openness, thank you. I think you are being incredibly hypocritical to allow political activists to harass anyone on Sky News over material that you have literally concluded is factual, yet you haven't investigated one media company or journalist for peddling blatantly false claims about the COVID-19 injections. Why?

Ms O'Loughlin: The co-regulatory framework in which content is investigated is reliant on, in the most, complaints that come to the ACMA. We investigate complaints that come to us against the co-regulatory codes that are in place for commercial broadcasters or subscription broadcasters, television or radio. In most cases it is not our role to go out and identify content for investigation. It is our role to investigate complaints that come to us that might enliven our responsibility to look at whether or not there's been a breach of the code.

Senator ROBERTS: Thank you, that was clearly put. So you don't act unless there is a complaint?

Ms O'Loughlin: In most cases we don't act unless there's a complaint, though we have a way of doing what we call own motion investigations.

Senator ROBERTS: What's it called?

Ms O'Loughlin: We can prompt an investigation ourselves in certain circumstances. That is normally when, for example, there's widespread public commentary or something comes to us where we think there's a considerable harm, but in most cases we rely on complaints.

Senator ROBERTS: Can you take your own initiative on an issue but there have to be widespread complaints about it? Without complaints, specifically, did you get complaints across society?

Ms O'Loughlin: One example I can give you is we did an own motion investigation of all the coverage across the broadcasting sector of the Christchurch massacre because we thought it was important to step in quickly to look at how broadcasters were dealing with that content.

Senator ROBERTS: Do you need further powers to investigate without complaint?

Ms O'Loughlin: The co-regulatory framework doesn't envisage that. It envisages that broadcasters should be allowed to deal first with complaints that come to them. If complainants are not happy with what the broadcasters have responded in terms of dealing with their complaints, they can come to us.

Senator ROBERTS: You cover all broadcasters and paper publishers.

Ms O'Loughlin: Not paper publishers.

Senator ROBERTS: Just broadcasters, except the ABC?

Ms O'Loughlin: We can investigate matters relating to the ABC. We have slightly different powers, though.

Senator ROBERTS: What's the difference?

Ms O'Loughlin: The ABC has its own code of practice that is agreed by the ABC. With the commercial broadcasters, their codes of practice are registered by the ACMA, so that's one difference. The other difference is that if we found a breach of ABC against their own code, we can notify the ABC and we can make a notice of that. Under the commercial broadcasting codes we can take other action, so it's a slightly different framework.

Senator ROBERTS: How many times have you dealt with the ABC breaching its code?

Ms O'Loughlin: I probably have something in my pack. My colleagues will hunt it out. We can probably give you over a certain time period.

Senator ROBERTS: Say, the last 10 years?

Ms O'Loughlin: We probably don't have 10 years. We would probably have to take 10 years on notice.

Senator ROBERTS: Up until your statement there, my understanding was that the ABC pretty much dealt with its own complaints.

Ms Rainsford: As Ms O'Loughlin was saying, across the board—for the commercial broadcasters, the subscription broadcasters and ABC and SBS—the co-regulatory framework envisages that, in the first instance, the relevant broadcaster will be given an opportunity to address the complaint. That is the same for the ABC as it is for Channel 7 or Channel 10.

I do have some data for the last two financial years dealing with our work with the ABC in terms of broadcasting complaints. In the 2021-22 financial year, we received 49 complaints. We completed 36 complaint assessments, which is our initial assessment of the merits of the complaint. That resulted in five investigations being opened. During that financial year we finalised three investigations into ABC content. Each of those investigations resulted in a no breach finding. In the following financial year, 2022-23, we received 27 complaints, we completed 22 complaint assessments and opened one investigation. We finalised four investigations that year, of which three resulted in a breach finding. There was one investigation that resulted in a no breach finding. I should add that the data for the 2022-23 financial year is for the first nine months through to 31 March 2023, given we're still in that financial year.

Ms O'Loughlin: The other thing I'd add is that it predates the recent decisions by the ABC to establish an ABC ombudsman, who will also be able to deal with complaints that go directly to the ABC, and it will be able to also launch its own investigations, if need be.

Senator ROBERTS: Could I have the last 10 years data on notice, please?

Ms O'Loughlin: We can certainly take that on notice for you.

Senator ROBERTS: How could I compare the way the ABC is treated with other stations, other broadcasters? Could you give me the figures for 2GB?

Ms O'Loughlin: I'm just looking at some of the complaints data I have in my pack. That tends to be aggregated up to commercial television, subscription television, national broadcasters, rather than individual commercial radio.

Senator ROBERTS: Could I have that, please?

Ms O'Loughlin: We can certainly take that on notice. I've got 2022 and 2023 in my pack, so we might need to do a bit of work on that, but we're happy to take that on notice for you.

Senator ROBERTS: Thank you, and I appreciate the clarity and succinctness of your answers.

Senator HENDERSON: Further to Senator Roberts' questions, could you give a more general update on ACMA's work in relation to regulating media code breaches?

Ms O'Loughlin: Is there a particular area you'd like me to—

Senator HENDERSON: I'm wanting to get a snapshot of your work in the last 12 months. Are you seeing more breaches than before? Are you taking a tougher stand? We did discuss, at previous estimates, the ABC's criticism of one of your findings and then, in subsequent correspondence, which was provided on notice, your fairly strong stand, in relation to the ABC's criticism, was noted and, I think, respectfully, noted by the managing director of the ABC. I'm wanting to get a general understanding. Are you seeing an improvement in standards?

Ms O'Loughlin: I think, across the board, we see the commercial, national broadcasters in both radio and television take their code responsibilities very seriously. We do get complaints that come to us. We also get complaints that might come prematurely to us that we pass on to the broadcasters. But, generally, we see that there are relatively high levels of compliance across the sectors that we deal with. They're probably not as problematic these days as some of the other sectors we deal with, as we've discussed previously, around things like scams and other matters.

In terms of the ABC, specifically, following the exchange of correspondence that you've seen between ourselves and the managing director, myself and Creina Chapman, we met with the managing director of the ABC on 4 April and with the ABC's new ombudsman. I have to say, that was an extremely useful and helpful meeting on both sides. I think, as my letter pointed out, what we wanted to talk about was the different perspectives that the ABC and ourselves have about how we look at content, reminding the ABC that the way we look at content is not necessarily the way a producer or journalist may look at content. We look at it from the point of view of what an ordinary, reasonable viewer takes from the content presented. That's where we came down on the breach findings.

We also, as my letter indicated, reminded the ABC that we had previously raised concerns about the construct of their code and how difficult it was for that code to be clear to audiences, as to what they should expect.

Senator HENDERSON: But isn't that also because the ABC writes its own code?

Ms O'Loughlin: We think that the ABC can improve the writing of their own code, and that was a discussion—

Senator HENDERSON: You'd put Dracula in charge of a blood bank?

Ms O'Loughlin: I think we had a very useful and productive conversation with the managing director and, of course, with the new ABC Ombudsman. I know it's on the ombudsman's desk also to think about how improvements to the complaints handling process may be useful and how the code might be improved.

Senator HENDERSON: Have you suggested how the code should be improved?

Ms O'Loughlin: I think my letter outlined some of the things we had pointed out. Also, our previous submission to the ABC's independent complaints handling review pointed out some of the things that we were concerned about. And I think we've discussed previously matters like how 'over time' is interpreted.

Senator HENDERSON: So isn't it a problem that the ABC is responsible for writing its own code, because it ensures the bar is pretty low?

Ms O'Loughlin: I'd have to say the commercial industry are also responsible for writing their own codes. The only difference is that the commercial broadcasting industry register their code with us.

Senator HENDERSON: That's right, and that registration process means that they can't have their codes registered unless they meet an appropriate standard.

Ms O'Loughlin: It's appropriate community safeguards. That's not necessarily about the drafting; that's about whether it meets the safeguards.

Senator HENDERSON: No, but it is about what's in the code and meeting the standards, and the same standard does not apply to the ABC. Shouldn't it apply?

Ms O'Loughlin: Senator, that's the construct of the ABC Act and the Broadcasting Services Act.

Senator HENDERSON: So perhaps one more area of the ABC Act that needs reform?

Ms O'Loughlin: I think that would be a matter for the government and the parliament—

Senator HENDERSON: I realise that.

Ms O'Loughlin: and I think, in general terms, we think we've now had a very productive conversation with the ABC. I think they are alert to the fact that there are improvements they could make in their code, and we think we can have a constructive discussion with them about those improvements.

Senator HENDERSON: Apart from the letters and the submission, which are public, in relation to your concerns, are you able to provide to the committee on notice any other correspondence to the ABC about defects or shortfalls with its code?

Ms O'Loughlin: I think in summary that's presented publicly in that submission that we provided. That really put together all the issues that we had.

Senator HENDERSON: Alright. Well, if you could just check your records.

Ms O'Loughlin: Certainly.

Senator HENDERSON: If there is anything else or there are any other messages or emails that you could provide on notice, we would be grateful.

Ms O'Loughlin: I think we've been quite public about our concerns, both in my letter and in the submission.

Senator HENDERSON: You have, and that's very important in terms of holding all media companies to account.

Can I turn now to the work of ACMA in relation to AI, particularly from the point of view of the protection of Australian media companies. When various different AI applications rip off the content of Australian media companies—and perhaps other media companies but particularly, given your jurisdiction, with respect to Australian media companies—do you have concerns about that?

Ms O'Loughlin: I think we're alert to the discussion that the media industry themselves are putting forward—their concerns about copyright, intellectual property and how that is handled in AI. There are various issues. We've not got firm responsibilities in that area. It's probably something that is a little bit akin to the news media bargaining code about how these platforms are regulated. There is a whole-of-government process being managed through the department of industry, which is looking at various aspects of AI, which we are engaged with. There are things in place like an AI ethical framework that industry has developed previously. I think we are collectively looking at what future regulation might look like around AI in a variety of ways.

AI is already embedded in many systems. With some of the work that we talked about earlier, about SMS scams and scam calls, the ability for telcos to deal with that level of scam calls and SMSs is facilitated by AI. So there are things embedded in the system which are useful and good and work well and are ethically dealt with.

Senator HENDERSON: Of course.

Ms O'Loughlin: I think the ChatGPT-type generative AI is a new area that a whole-of-government process is looking at currently.

Senator HENDERSON: Have you made any recommendations to government in relation to AI?

Ms O'Loughlin: No, we haven't.

Senator HENDERSON: Have you had any discussions with news companies in relation to their concerns?

Ms O'Loughlin: News companies haven't raised it directly with us, but they have made that public, and we're aware of some of their concerns.

Senator HENDERSON: Are you engaging with your counterparts overseas, or have you had any other discussions with other agencies in other jurisdictions?

Ms O'Loughlin: I don't believe so. I think we've certainly had Commonwealth agency engagement. But we always observe what our counterparts are doing, particularly colleagues in the EU and Ofcom. I think we're all grappling with some of these issues currently.

Senator HENDERSON: We have heard that the science minister is holding AI round tables. Assistant Minister, are you aware of any similar types of arrangements that Minister Rowland is putting into place in relation to having these important discussions on AI?

Senator Carol Brown: I'm sorry; I have to take that on notice, and I'll get back to you as soon as I can.

Senator HENDERSON: Are you able to inform the committee as to whether the government is considering any similar type of scheme, such as the news media bargaining code, so that news media companies are remunerated when the material is used—

Senator Carol Brown: The news media bargaining code has just gone under review, and the government is considering that review.

Senator HENDERSON: No, no. I asked: are you looking at any scheme similar to the news media bargaining code which might remunerate Australian news companies in relation to the use of their content by AI applications?

Senator Carol Brown: Oh, sorry. We are looking at those issues, but I will have to take the detail of it on notice. I'll get back to the committee.

Senator HENDERSON: Thank you. Chair, are you concerned about the rise of AI? Obviously, this is happening very, very rapidly in the context of your work. Do you foresee that you will need greater powers in relation to the applications that are springing up left, right and centre?

Ms O'Loughlin: It depends what harm we are trying to regulate against. Some of that will fall in our remit, and some of that might fall in the remit of others. We're very conscious that it is emerging very quickly. We're also very conscious that some of the things that are already in place may provide some protections around AI. There's the misinformation and disinformation code: where there's AI generated stuff on digital platforms, we're turning our minds to whether that code can cover AI as well. What you're talking about in terms of the remuneration for companies is really more in the bailiwick of copyright and copyright payment, which of course sits within the Attorney-General's Department. I think it's fair to say that we're keeping ourselves abreast of what's happening internationally. I don't see anything currently happening internationally around this issue of remuneration for media companies, but we will be keeping an eye on that with like-minded regulators around the world.

Senator HENDERSON: That's just one issue.

Ms O'Loughlin: Yes.

Senator HENDERSON: The world of AI is very far reaching. It's very difficult for government to operate in silos, because it's permeating every part of Australians' lives and every aspect of the operation of government.

Ms O'Loughlin: That's why the industry department and minister are taking the lead on that to coordinate actions across government on identifying issues and dealing with what may be done about them.

Senator HENDERSON: Which minister is taking the lead?

Ms O'Loughlin: That would be Minister Husic.

Senator HENDERSON: Within your jurisdiction, what do you consider to be the big challenges with respect to AI?

Ms O'Loughlin: Some of the challenges which are in our bailiwick will be things like misinformation and disinformation generated by generative AI or the ability for generative AI to generate scams, which we've discussed previously. And, of course, our colleagues in the eSafety Commissioner will be looking at generative AI and things that are in their remit, like adult cyberabuse and sexual exploitation of children. So we're all looking at it from where our current remits are and seeing what the implications might be.

Senator HENDERSON: I want to finish off by asking you about the administrative arrangements between ACMA and the Office of the eSafety Commissioner. Currently, you're providing—

Ms O'Loughlin: Corporate services.

Senator HENDERSON: all the corporate services, or the back-end services. Could you just describe the services that you are providing and whether you believe that going forward it might be appropriate to separate out the Office of the eSafety Commissioner altogether from ACMA so that it does have greater independence and it can operate as its own agency independently from ACMA?

Ms O'Loughlin: I'd say that there's a great deal of independence already. The eSafety Commissioner is not part of the ACMA. The commissioner is a separate, standalone statutory officer who can make all her decisions around her staffing, appointments and funding, so I think there is already a great deal of independence and there has been since the—

Senator HENDERSON: No, I'm not asking about her independence as the commissioner, just the independence of the agency as a whole. I'm not critical, because I understand that it's been a very important way in which the office was able to get up and running and, obviously, use all of the efficiencies that you offered as an

existing agency. But do you see a time when, as the Office of the eSafety Commissioner grows with more and more work, it might become a standalone agency?

Ms O'Loughlin: That would not be a matter for my decision-making. That would be a matter for government. We think the arrangements work very well. We think there are efficiencies in the ACMA providing corporate services. We think the Office of the eSafety Commissioner have the right level of independence that they need, both operationally and as a regulatory agency, now, and that's increasingly a large part of their role. What the future of a standalone agency would be is a matter for government, not for me.

Senator HENDERSON: Thank you very much, Chair. I do appreciate that.

Senator CADELL: This is a little bit from left field. ACMA is responsible for the whole of the interactive gaming act; is that right?

Ms O'Loughlin: Interactive Gambling Act? Yes.

Senator CADELL: We're talking about all sorts of things around advertising in gaming. As the son of a person that owned a couple of TAB agencies when I was growing up in the Hunter Valley and as someone whose first job was at phone TAB, I'm not allergic to the punt. One of the concerns I have in the industry is the in-play betting restrictions in Australia. I understand the reason they were brought in at the time, but, at the moment, I have a concern that the rest of the world can bet in-play quicker, faster and sharper than people in Australia who want to change their bets, modify their bets or get out of their bets. As we wind back the advertising, is there any mechanism to review that in-play? Would there have to be legislative change? What would be the process?

Ms O'Loughlin: I expect it would require legislative change.

Ms Chapman: That would be correct, yes.

Senator CADELL: What were the origins of the act? What were the real reasons it was put in? What were the concerns? What was the harm minimisation to this?

Ms Rainsford: The origins of that came from the concern around the repetitive and quick nature of in-play betting and the increased risk or manifestation of harm that flowed in those circumstances compared to, if you like, being able to bet on something at the start and then see where the end result gets to.

Ms Chapman: A secondary reason, I think, at the time was that there was a concern of integrity of sport and of betting on short-term elements within a game and whether that would lead to match-fixing and match manipulation—those types of things. So it had a dual purpose at the time. Firstly, it was to prevent a casino type service being created by doing in-play betting, for example, on every ball in a tennis game; and, secondly, there was an integrity of sport issue at the time.

Senator CADELL: Does that apply to horseracing per se as well?

Ms Rainsford: No. Horseracing and dog racing are some of the exclusions, given the relatively short period of time between the start and end of those types of races.

Senator CADELL: I have seen software in the last 12 months that must use a VPN or something in Australia. It's a professional betting set-up that's in Australia. We have our guidelines, but while using a VPN they can get in and out. Is anything being done to block that, or is that the way it is and, if you're using a VPN, it happens?

Ms Rainsford: Betting in play is prohibited in Australia, outside of those exceptions we've discussed here. Part of our work is about investigating and taking action against what ultimately are illegal predominantly offshore wagering services, which would otherwise allow Australians to engage in that type of behaviour, when it would not be allowed if they were engaging with the licensed wagering operators here. Once we've found that they are contravening the act in that way, a very effective way of disrupting those activities, if we can't find who is providing it and convince them to withdraw their services from the Australian market, is by blocking access to those services—the website blocking mechanism. It is possible for people to use a VPN to get around those, and it is a very difficult thing for us to stop. That said, we do see a very significant decrease in Australian traffic going to those sites when we do put in place blocks through the ISPs. Importantly, when we put those blocks on, we use it as an educative tool, so a message comes up to alert someone who might be trying to use it to the dangers, if you like, of using those sites. Given that they are unregulated, they don't have the same consumer protections that the licensed wagering industry provides and where consumers have protections in place through various state, territory and Commonwealth regulators here in Australia.

Senator CADELL: I know this is hypothetical, Chair, so I may be sailing a little close to the wind here.

CHAIR: You do the hypothetical, and we will all decide whether we're going to say anything else.

Senator CADELL: It's technically possible for someone who has an overseas mailing account and has set up an account legally or otherwise in a foreign jurisdiction to use a VPN to pretend they're in the country and bet live, isn't it?

Ms Rainsford: Yes, that's my understanding.

Senator CADELL: And it would not be breaking the law?

Ms Rainsford: It is not an offence or breaking the law for the punter as such in those instances. The way that the IGA works is that the obligations are on the wagering operators in the same way that online casinos are prohibited under the IGA in Australia, so our work is about investigating, finding and disrupting those illegal operating services in the Australian market.

Senator CADELL: Next Wednesday night when I am on the mighty Blues smashing the Queenslanders and Tedesco is going across and scoring, I might get nervous and want to get out, but I can't do it in Australia, can I?

Ms Rainsford: No, I don't think so. Sorry, that's not my code, Senator!

CHAIR: You're not looking for any advice on tipping or bets, are you?

Senator CADELL: No, no, I'd do it on the phone!

Senator HENDERSON: I may have to rule the question out of order!

Senator CADELL: I'm just looking at the difference in access to markets as a concern.

Ms Rainsford: Most of the work we do around prohibited services is in that online casino space. There are very few offshore illegal wagering services trying to provide services here. When they come across our radar, we prioritise looking at them because of the consumer protections around our concern that, if you're going to engage in wagering, we would prefer that Australians do that with the licensed wagering operators here in Australia, where those protections are in place. We also prioritise because of the market impacts if you have an illegal offshore market competing with licensed and legal operators here in Australia.

Senator CADELL: Not that social media listens to you, but as I was going through Twitter a few minutes ago, the top two things on my Twitter feed were both gambling related, so thank you very much.

CHAIR: We will not comment on the algorithm behind that. Thank you very much. We really appreciate you sharing your knowledge and wisdom in answering all of our questions.

Proceedings suspended from 21:09 to 21:24

CHAIR: We might resume. I call the officers from the Office of the eSafety Commissioner. Welcome, Ms Inman Grant. Commissioner, would you care to make an opening statement?

Ms Inman Grant: I do have an opening statement that's about six minutes long, and I gather that you would probably rather get to questions.

CHAIR: Maybe you could give us a high-level precis and table the opening statement.

Ms Inman Grant: I will give you the highlights. I will submit this to Hansard, and it's also on our website at esafety.gov.au.

The statement read as follows—

Thank you Chair, and Committee members, for the opportunity to make a brief opening statement.

The May Budget marks the start of a new era for eSafety, by providing baseline funding certainty to take us into the future.

This funding allows us to plan for ongoing delivery of compassionate citizen service and education to meet the ever-growing demands of complaints and to better navigate an unpredictable operating environment.

We are also taking significant regulatory action and driving systemic change to make the online world as safe as possible for all Australians.

This important injection of predictable funding comes at a time when life online has never held so much promise or posed so such potential peril.

Our role has evolved markedly from our early days as the Children's eSafety Commissioner, including the layering on of functions and responsibilities following significant events such as the Christchurch atrocity, and the COVID-19 pandemic, which supercharged both the frequency and gravity of online harms that all digital first responders are now contending with.

What we expected would be a peak of online malfeasance during the pandemic has become much worse than just a "COVID hangover." We see evidence of this every day through our complaint-based schemes, and of particular concern to us is what we are seeing through our Illegal Content and Image-based abuse schemes.

In the first three months of 2023 alone, we've seen a 285% increase in reports under our Online Content Scheme. Most of these reports concern child sexual exploitation material, including coerced CSEM that is generated by children themselves, often in the bedrooms or bathrooms of their own homes.

Over the same period, we've also seen a more than doubling of reports through our Image Based Abuse scheme, which deals with the non-consensual sharing of intimate images and videos. The vast majority of these reports involved sexual extortion, a harm type perpetrated by overseas criminal syndicates and one which has almost tripled during the first three months of this year. Young Australian men between the ages of 18-24 are represented in 90% of reports to my office.

Australia's Online Safety Act commenced in January last year. It not only strengthens our powers to remediate harms to individuals, but also grants us powerful new tools to tackle systemic failures within industry at-scale.

The Act includes a set of Basic Online Safety Expectations—a world-first transparency tool that is allowing us to finally lift the lid on what companies are—and are not doing—to tackle child sexual exploitation and abuse.

In August last year, we put tech giants like Apple, Meta, Snap and Microsoft under the microscope asking them some tough questions, with their answers revealing where they are not doing nearly enough to protect children on their services—or to respond to reports of child sexual abuse being livestreamed, hosted or shared on their platforms.

And earlier this year we issued another set of legal notices to Twitter, TikTok, Twitch, Discord and Google, extending the questions beyond CSEM to cover actions they are taking to counter sexual extortion and the amplification of harmful content through their algorithms.

We have now received responses from all of the companies and will be providing further insights through a public report in the near future.

In the coming weeks, I will be making a determination on the first phase of the draft industry codes to address illegal content, including child sexual exploitation and terrorist violent and extremist material.

If I come to the conclusion that any of the codes submitted to us by industry do not meet appropriate community safeguards, then I have the power to move to a binding industry standard.

These codes or standards will effectively set a new global benchmark in terms of what is expected of companies within the online eco-system when it comes to their obligations around the most grievous forms of illegal content.

This is another important way that Australia is setting the global pace in online safety regulation, championing systemic reforms, and working hard to markedly lift online safety standards and practices across the board.

But as you all know, this is a whole of society challenge, so we must also continue to strengthen our partnerships, and empower parents, educators, young people and the rest of the community with the necessary information and skills to navigate the online world safely.

And of course, we must also keep an eye to the future for new threats coming over the horizon. The race to colonise the metaverse combined with astonishing advances in generative AI have dominated the headlines. While these technologies promise great benefits, we can't allow safety considerations to be forgotten in the rush by industry to conquer these new technological frontiers.

Safety By Design is an initiative we have long championed at eSafety, and I am happy to say it is now gaining greater traction within parliaments, multi-stakeholder bodies like the OECD and G7, and boardrooms around the globe. It's vitally important that we continue our mission to encourage—and perhaps compel

- industry to make user safety a key consideration rather than an afterthought and to build effective guardrails upfront.

In fact, Safety by Design will also be a key component of the recently announced formation of the "Australia-United States Joint Council on Combatting Online Child Sexual Exploitation" which was announced by Prime Minister Albanese and President Biden last week.

As our new baseline funding indicates, eSafety performs a critical ongoing function and we remain keenly focused on discharging our responsibilities under the Online Safety Act.

And we are confident that through this Budget process we are now in a more stable and sustainable position to deliver and meet the expectations of the Australian Government and the wider community.

Thank you, and I welcome your questions.

Ms Inman Grant: The headline issues are really that we're pleased to have been given this injection of predictable baseline funding. It helps us to plan, move forward, realign and become a stronger regulator, focused on education and awareness and the execution of our regulatory and investigative schemes. That's really necessary, because in the first three months of this year we have seen a tripling of child sexual abuse image reports. We've also seen a tripling of sexual extortion reports into our office. What is interesting about that is that image based abuse has traditionally been something that women and girls have been experiencing, but, with this surge of sexual extortion reports, almost 90 per cent of the reports are coming from young men between the ages of 18 and 24.

We hope to talk a little bit more about our codes process. I'm getting very close to making a determination about whether I will be registering the eight industry codes or perhaps moving to binding standards in some cases.

We also have received reports through our second Basic Online Safety Expectations legal notices from Twitter, TikTok, Twitch, Discord and Google, so that should make for some interesting insights. Thank you.

CHAIR: Thank you so much. We'll start with Senator Henderson.

Senator HENDERSON: Thank you very much, Chair. I might hand over to another coalition senator.

CHAIR: Okay. We'll go to Senator Cadell, who's next on the list—no? Senator Payman.

Senator PAYMAN: Thank you, Chair. Commissioner, what does the funding certainty provided by the Albanese government through the budget mean for e-safety? As you've outlined, the increase in incidents has been rife, so how is that going to help?

Ms Inman Grant: As I think you know and as you heard earlier today, without this injection of permanent baseline funding of \$42.5 million in the year we would have been forced to cut our budget and operations in half, to about \$21 million this year, and it would have dipped back down to \$10 million next year. This gives us certainty so that I can execute my responsibilities under section 27 of the Online Safety Act. We can focus on regulatory strength and certainty. We can work on building certainty for people in their jobs. Also, as a result of this, we have also received 36 new ASL, so in line with the government's APS reform budget we're going through a workforce uplift project where we're turning more contractor jobs, which we were forced to undertake, into permanent APS roles.

Senator PAYMAN: Fantastic. In terms of education and outreach, how is that level of increased resourcing going to assist?

Ms Inman Grant: This is a really important point, because this certainty of funding allows us to realign, using a regulatory operations model, in a way that will be much more effective. It will even enable us to create a new structure around strategic communications and raising awareness. But we're also doing a lot more through formal stakeholder engagement structures—for instance, through our youth advisory council and our National Online Safety Education Council, which brings together more than 27 education departments and agencies around the country. That also involves more direct outreach with our law enforcement partners and NGOs. Just last week we signed a strengthened MOU with the Queensland police. We've done the same with New South Wales, and we've got strengthened MOUs with all of the state, territory and federal police that we're close to signing.

Senator PAYMAN: Can you outline what these agreements, MOUs, typically involve?

Ms Inman Grant: I will turn over to Mr Dagg to explain some of the strengthened protocols in these MOUs.

Mr Dagg: We've had memorandums of understanding in place with Australian police forces for some time. We inherited a set of MOUs from the ACMA when we became the Children's eSafety Commissioner. What we've been doing over recent months since the commencement of the Online Safety Act is to work with police to create upgraded MOUs that accommodate for the various elements in the Online Safety Act. Primarily, the agreements provide greater certainty about what kinds of matters we might notify to police forces, but they also enhance police understanding of what kinds of matters they can notify to eSafety as well. The essence of the MOUs is a statement of working to support and complement the work of law enforcement. The MOUs don't legally provide for anything that the Online Safety Act doesn't but they enhance understanding between our organisations.

Senator PAYMAN: Thank you. In terms of that, with the videos that were depicting youth crime being shared on social media, I'm curious to know what role eSafety takes in responding to those kinds of materials in particular.

Mr Dagg: We've been working closely with several police forces around the country, notably Western Australia, Queensland and New South Wales, in relation to this issue, which, I should say, is not a new issue. When I was a detective back in 2010, in the very early days of social media, we were dealing with young people who were posting images and footage of their criminal offences on Facebook. Of course, there have been some recent instances that have sharpened attention on how serious some of these crossovers between real-world criminal activity and online expressions may become. We have, through the Queensland and New South Wales police MOUs, really emphasised the role that we play under the Online Content Scheme to take action against material that promotes, incites or instructs in matters of crime and violence.

Until the Western Australia MOU is finalised, we have a bridging protocol in place with Western Australia that sets out in similar terms how we're prepared to provide support. That support could take the form of taking referrals directly from police so that we can review the material in place and then take action against the live material through the Online Content Scheme. We've also been able to broker connections between police forces and social media services. So, rather than act as the middleman or the conduit for information to social media

services, which can delay action and create unnecessary friction, we connect those two organisations and they can work directly together. That's been quite effective.

Senator HENDERSON: Thank you so much for your time this evening and to your office. I firstly want to raise some concerns with you, Commissioner, in relation to my question asking for all of the correspondence to the minister's office, requests for funding, resources and other support for online safety. This was in the context of the last budget, where the government provided you with no additional funding. I raised very serious concerns about the fact that there was no funding certainty provided by the Albanese government in the October budget. Firstly, I am concerned that you've responded to that question on notice by saying:

Discussions about eSafety's funding, resourcing and other support are a matter for government.

Commissioner, that's not proper, in terms of denying this committee this information. That does not accord with the Senate's rules. It's not a proper basis on which to deny this committee this information. I would ask—

Ms Inman Grant: I'm afraid I'll have to take that on notice. I'm not aware of the information you're referring to. I can say that there was not consideration of our budget in October. We had to go through a very extensive funding and budgetary review. I can turn over to the department, if they're here, to walk you through the process that they went through, but, where the government arrived with the current budget outlay, we had to do a comprehensive budget review and the proposal had to be put before ERC.

Senator HENDERSON: On this issue, I asked you in February:

Please provide all correspondence between the Office of the E-Safety Commissioner and the Minister for Communications and her office in relation to requests for funding, resources and other support for online safety.

We were very concerned that you had not received the ongoing recurrent funding that you needed in the last Labor budget, of course. You responded:

Discussions about eSafety's funding, resourcing and other support are a matter for government.

Matters considered in the context of the Budget are cabinet in confidence.

You can find more information about eSafety's funding and how eSafety allocates its resources in its annual report: <https://www.esafety.gov.au/sites/default/files/202210/ACMA%20and%20eSafety%20annual%20report%202021-22.pdf>

You provided us with a link which doesn't work. It goes to a page not found. So that's one issue. But, more importantly, it's not open to your office to deny this committee this information. We are entitled to receive information about discussions about funding, so I ask that you urgently provide the committee with that information.

Ms Inman Grant: I think that information would be provided by our department. That was not information I had at my disposal. I was told that that information was cabinet in confidence. I couldn't even tell my staff what the outcomes of the budget were until I had explicit permission.

Senator HENDERSON: Sure. If it's a cabinet document, that is absolutely an exemption, but I sought all requests for funding, resources and other support for online safety. So I ask you to urgently reconsider my request. If you are going to deny the committee this funding, you do need to take a public interest immunity claim and set out your reasons. With the exception of a cabinet document, which is not what you've said here—because advice to government or requests for funding are not necessarily cabinet documents—

Ms Inman Grant: We did not put in requests for funding. The department does that on our behalf, and we fed into the department process. So I—

Senator HENDERSON: I'm not asking the department. You are a separate, independent agency, and you're a statutory officer. So I'm asking for your correspondence to the minister.

Ms Inman Grant: I will take that on notice. I will look at what was sent to you, and I will send everything that I can.

Senator HENDERSON: Nothing was sent to us at all—just that response and a broken link.

Mr Windeyer: In response, Commissioner, I think that, if you take that on notice, that makes sense.

Senator HENDERSON: Mr Windeyer, were you involved in providing that advice to the eSafety Commissioner?

Mr Windeyer: I don't know whether we provided advice specifically in terms of the response to that QON. We certainly were talking to the eSafety Commissioner all the way through in the lead-up to the budget about what was and wasn't appropriate to discuss in terms of the preparation for the budget, but I'd have to take—

Senator HENDERSON: The test is not about what you consider to be appropriate. The test is about what you are required to provide to this committee under the Senate rules.

Mr Windeyer: I understand that. I said I can't recall whether we provided advice around the response to that particular question on notice. The general point was that we certainly were providing advice on how the eSafety Commissioner and staff could and should discuss the preparation in the lead-up to the last budget. But, in terms of the specifics of the QON, I can't remember whether we provided advice on that, and I think the commissioner has just taken on notice revisiting that issue for you.

Senator HENDERSON: Could you also provide the committee with any correspondence between yourselves and the department as to how you should answer this question, any advice you've received in what to say and not say, and any draft responses, as well as the final response that was provided. Obviously, I raised a really serious concern. Funding was not delivered in the last budget. So I was very keen to prosecute the case for more funding for the eSafety Commissioner. To that effect, I was obviously very keen to see the information as to what you were seeking.

Ms Inman Grant: I appreciate that, Senator. I did not have the answer or the information myself until March, but, again, as I said, I will take that on notice, and we'll be as fulsome as we can in terms of what we provide to you.

Senator HENDERSON: Thank you so much. I want to turn to the funding. You've made some comments, and I've already raised concerns today about the characterisation by the minister that the funding for the Office of the eSafety Commissioner has quadrupled. I raise those concerns because in 2021-22 the total funding provided to the Office of the eSafety Commissioner was \$53.91 million. That's from Labor's October 2022-23 PBS. In 2022-23 it was \$47.7 million; in 2023-24 it is \$51.18 million; in 2024-25 it is \$49.15 million; in 2025-26 it is \$50.22 million; and in 2026-27 it is \$45.48 million, as forecast in the forwards. So the most you've received, of any year, was in 2021-22 under the former coalition government. I am concerned about this characterisation, because it is the case, isn't it, that you received a very substantial amount of funding, in fact the most funding of any year, in 2021-22 under the former coalition government? That's correct?

Ms Inman Grant: Not precisely. There were terminating measures, and we can speak to that.

Senator HENDERSON: No, I'm asking about the funding. There are always terminating measures. There are terminating measures in Labor's budget, because it ends at some point. As you know, Commissioner—and, I think, to be fair—the coalition funded and established the office and has funded the office since 2015, and incrementally that funding has gone up.

Ms Inman Grant: Yes, that's correct.

Senator HENDERSON: I'm looking at all the figures. It's gone up every single year. You had a huge increase in the demands on your office, and we responded. Under FOI, we have a document which brings together all of the funding measures, and all of those decisions were taken by the former coalition government. They're measures which encompass funding from a number of different portfolios, but they all go to the operation of your office.

Ms Inman Grant: I'm happy to turn over to Mr Dagg, our COO, to talk you through those measures.

Mr Dagg: In relation to the 2021-22 financial year data, as reported in the 2022-23 PBS, there are a couple of adjustments that probably need to be taken into account to understand what the operational budget of that year was. One of the things that needs to be adjusted from that total is that there was a movement of funds of about \$2.25 million from the previous financial year.

Senator HENDERSON: Just to go back, the total we're talking about is the \$53.91 million?

Mr Dagg: Yes, that's right.

Senator HENDERSON: Can I put it to you that it's not correct to suggest that the funding of the eSafety Commissioner has quadrupled.

Mr Dagg: It's not true to say—

CHAIR: Can I just intervene here. Senator Henderson, the characterisation was the minister's. I think what Mr Dagg is trying to do is unpack those numbers.

Senator HENDERSON: I understand, but—

CHAIR: We had a really similar situation this morning that got a little bit out of hand over the differences between various funding. I think what Mr Dagg would like to do is just step that out for you.

Senator HENDERSON: Chair, my question was in order—

CHAIR: I didn't say it wasn't. I was merely providing some assistance.

Senator HENDERSON: and I am concerned about the characterisation of the funding. Therefore, I want to firstly confirm: when you refer to the total, you're referring to the total funding of \$53.91 million?

Mr Dagg: That needs to be understood with some adjustments. I'd be happy to take you through those.

Senator HENDERSON: Sure. Thank you.

Mr Dagg: One of the adjustments is a movement of funds from the prior financial year of \$2.25 million dollars. This is a reflection of what was operationally available to eSafety that year as a result of new funding through that budget. There's another adjustment of just over \$5 million, which was for capital expenses. That was provided as a one-off injection of funds through the departmental capital budget, and that allowed for us to provide capital funding for several projects, including the fit-out of accommodation for our investigation teams on level 1. That just provides a bit of additional detail to understand the components that comprise the \$53.9 million, as reported.

Senator HENDERSON: Thank you very much. I just want to emphasise that we're very proud of our work in creating the Office of the eSafety Commissioner. We're very proud of the work that you are doing on behalf of all Australians. But we are very concerned—and perhaps, to be fair, I direct this to the assistant minister—about the way in which Minister Rowland has misled Australians by suggesting that, all of a sudden, the Labor government has quadrupled the funding to the eSafety Commissioner when that in fact is not the case, is it, Assistant Minister?

Senator Carol Brown: We had this discussion earlier today, and I will repeat what I said on a number of occasions earlier. The Albanese government—and this has been repeated by Minister Rowland—quadrupled the ongoing base funding to the eSafety Commissioner from 2023-24 onwards, addressing the funding cliff left behind by the Liberals and Nationals, and this will provide certainty and stability to the online safety regulator and build a safer experience online for Australia. It will enable them to plan and to provide job security for the personnel they need to carry out their role—this very important role, as you say.

Senator HENDERSON: There's no such measure as base funding. I'm referring to the document prepared by Ms Sullivan and Ms Gannon for budget estimates in October 2022—this is one that we were able to access under freedom of information—and it's known as 'ongoing departmental funding measure'. Assistant Minister, I want to remind you—and I would ask you to respond to this—that the total amount of funding, the \$53.91 million, which is more funding on an annual basis than in every subsequent year provided by your government, is derived from a whole range of different programs, including programs such as the National Plan to End Violence against Women and Children and the National Online Safety Awareness Campaign. I won't go through them all; I have tabled this document. But I just make the point that it's very important that this committee is not in any way misled in relation to these matters.

Senator Carol Brown: I maintain and will continue to repeat the same answer: that the minister's statement is correct. I continue to say to you that the online base funding that is required for the eSafety Commissioner to conduct their business has quadrupled. I've already gone through it. I think that you're not ever going to agree with me, but it is in black and white. So you keep asking that question, Senator Henderson, and I will keep repeating my answer.

Senator HENDERSON: Can I ask you to confirm that the total funding has not quadrupled. I'm talking about the total funding. I'm not talking about your arbitrary so-called base funding, which has no meaning in this document, Assistant Minister. Can I ask you to confirm, as is the case, that total funding for the eSafety Commissioner has not quadrupled and, in fact, has declined on a year-on-year basis from the year when the most funding was provided, which was in 2021-22?

Senator Carol Brown: Again, I'm going to say exactly what was in the minister's media release.

Senator HENDERSON: I know you are, but that's wrong. You can read those talking points, but I asked you a different question.

Senator Carol Brown: It's not wrong.

CHAIR: Senator Henderson, I'm going to draw it to a close. We have had this conversation previously. There were a bunch of things placed on notice this morning or early this afternoon when we had this exact same conversation.

Senator HENDERSON: Chair, do I have time to ask any more questions?

CHAIR: You are well over.

Senator HENDERSON: I'm happy to share.

CHAIR: I will come back to you.

Senator HENDERSON: Thank you.

CHAIR: When we receive that detailed information, we'll be able to see exactly how the two stories line up.

Senator HENDERSON: It's already been tabled.

CHAIR: That's October, and you said the budget measure you tabled this morning was from October, not from now.

Senator HENDERSON: No, it was prepared in October.

CHAIR: Yes, which means it didn't have any reflection of what has happened now. What we need to see is the two things together. We will now move on to Senator Roberts.

Senator HENDERSON: That's a relevant document.

CHAIR: Thank you, Senator Roberts.

Senator ANTIC: That's Senator Rennick.

CHAIR: No, Senator—oh, he's moved! Sorry, Senator Roberts was here earlier. Senator Rennick, you can go, or Senator Antic can, because he put his name on the list first.

Senator RENNICK: You go first. You were in front of me.

Ms Inman Grant: You're not Hollie Hughes.

CHAIR: I know! I turned around and was like, 'Hang on, that's not Hollie!'

Senator ANTIC: We're so polite here. Thank you very much, Senator Rennick. Commissioner, I want to ask you about a matter involving the deletion of a Facebook account of a spokeswoman for Binary Australia, Kirralie Smith, in February. Is anyone here familiar with that matter?

Ms Inman Grant: There was no matter that I'm aware of that was reported to the office. I have seen some of her allegations in the media that her Facebook account was deleted. To my knowledge, we have no reports. All I would say is that Facebook took that determination on its own, and Facebook does not delete accounts unless there are at least five strikes of serious suspensions or violations of their terms of service.

Senator ANTIC: So there were no reports made through your office—no complaints?

Ms Inman Grant: There were no complaints and no action taken by our office around her account.

Senator ANTIC: I raise that because there had been some suggestion that that was the case, but I thank you for that clarification. In 2022, you attended Davos and declared that we needed to recalibrate a range of human rights, including free speech. Do you want to clarify what—

Ms Inman Grant: That's not exactly what I said.

Senator ANTIC: Would you like to tell us what you said?

Ms Inman Grant: Okay. We were talking about the ePrivacy Directive in the context of scanning for child sexual abuse material, and I talked about pitting the privacy rights of adults against violence against children and the dignity of children and said that we had to look at recalibrating or rebalancing a range of human rights when we're thinking about the online world. I also did say that the Australian parliament determined that, when online speech veers into the lane of serious adult cyberabuse, they have drawn the line, and we have laws that enable us to tackle targeted online harassment, which actually leads to a suppression of speech.

Senator ANTIC: I actually did have some further questions, but I might hand the call over to Senator Rennick. I think we had some crossover in what we were going to ask. Thank you.

Senator RENNICK: Hi. How are you going?

Ms Inman Grant: Good.

Senator RENNICK: Does the eSafety Commissioner monitor social media for COVID posts?

Ms Inman Grant: No, we do not. We don't have any proactive monitoring powers whatsoever, and COVID disinformation and misinformation are not within our remit. That's with the ACMA.

Senator RENNICK: If that's the case, this question may be redundant, but I'll ask it anyway. How many posts has the eSafety Commissioner referred to the social media companies since it began?

Ms Inman Grant: Which social media company? All of the social media companies?

Senator RENNICK: Yes.

Ms Inman Grant: We've had tens of thousands of reports. In any particular area?

Senator RENNICK: No, okay. Of those tens of thousands of reports, for how many would you take the step further to advise the social media companies—Meta?

CHAIR: Can I just have a point of clarification? Are you talking about COVID particularly?

Senator RENNICK: No, just in general.

CHAIR: Thank you.

Ms Inman Grant: We have four separate schemes. We have an online content scheme. I believe we've had at least 80,000 reports since 2015.

Senator RENNICK: Wow! That's a lot.

Ms Inman Grant: I think we've had 40,000 URLs reported to us this year alone. We have an image based abuse scheme which deals with non-consensual sharing of intimate images and videos. Toby can provide the numbers. We have a youth based cyberbullying scheme and then we have an adult cyberabuse scheme. Our preference is always in working informally with the platforms when there is a terms of service violation. What we're trying to do here is remediate harm.

Senator RENNICK: Sure.

Ms Inman Grant: The more quickly we do that, the more effective the impact is on the person. For instance, we have a 90 per cent success rate in getting youth based serious cyberbullying taken down just through informal engagement or terms of service violations. I don't know if you want to add anything. In terms of where we take formal action, the numbers are much smaller. That is usually when there's a grey area or edge case and a company says, 'Give us a formal report,' which needs to stand up in law. It needs to stand up to all kinds of scrutiny.

Senator RENNICK: Thank you. When a post is reported to the social media company, does the person who made that post get advised that they've been reported as well? How does that work? I guess where I'm coming from is that there's genuine abuse, and then the cynic in me thinks that there are people who are also trying to shut down debate.

Ms Inman Grant: When a complaint is made, with two of our schemes—with serious cyberbullying abuse and with serious adult cyberabuse—the act requires that they report to the social media site first. We're set up as a safety net. We would not divulge any of that private or confidential information about who is reported or any reports.

Senator RENNICK: I realise that.

Ms Inman Grant: Are you talking about Twitter?

Senator RENNICK: I'll be more specific. Let me hone down. I'm talking about political communication and people reporting posts of political communication to shut down their opponents.

Ms Inman Grant: No. The Online Safety Act excludes journalistic content and political discussion. It's not about mere opinions, particularly where the adult cyberabuse scheme is concerned. It's at a very high threshold that parliament depended on. There is a stringent legal test that each complaint must go through once an investigation is triggered.

Senator RENNICK: Okay, cool. So political communication is more or less excluded unless it's over-the-top bullying?

Ms Inman Grant: Yes.

Senator RENNICK: Thanks. That's all I need to know. Thank you. That's easy.

CHAIR: Senator Antic, do you have any more questions?

Senator ANTIC: I do not, thank you, Chair.

CHAIR: Fantastic. Senator Shoebridge.

Senator SHOEBRIDGE: It's nice to see you, Commissioner, and your team. I think as recently as 16 May you made some quite strong comments about Twitter, describing Twitter as toxic and unsafe. You referenced the 'sewer rats'—I think that was your term—that Elon Musk had allowed to run loose on the platform. I'm assuming you stand by those comments.

Ms Inman Grant: I should describe what I meant by 'sewer rats'. Having worked at Twitter, I know that to be permanently banned from that platform—even before Elon Musk was there—it's the most vile of abusers: people who are issuing death threats or maybe inciting violence. So the people that were permanently banned and let back on—

Senator SHOEBRIDGE: Inciting revolutions against the US government.

Ms Inman Grant: are the worst of the worst offenders, so I do stand by that characterisation of those particular permanently banned users.

Senator SHOEBRIDGE: People who are attempting to incite the violent overthrow of a government might fit in the 'sewer rat' definition?

Ms Inman Grant: I would say that that pestilence would meet that definition.

Senator SHOEBRIDGE: The Minister for Communications has also indicated that her letter of concern that she sent, I think, in February to Twitter has to date still not received a response. Is that your understanding?

Ms Inman Grant: As recently as last week, when she was asked that same question, she did indicate that she hadn't received a response, but I would refer to the government on that for verification.

Senator SHOEBRIDGE: Looking at those two things together, there's a real problem with Twitter, isn't there? We've got 'sewer rats' loose. We've got a toxic and unsafe culture. Then we've got a platform that is refusing to even engage with the relevant minister in the space. You can put one and one together and say, 'Yes, we have two, and two is a very big problem,' couldn't you?

Ms Inman Grant: What I would add to that is the fact that they have severely diminished their trust and safety teams and their public policy teams. What I will say, in fairness to the remaining public policy person here in the region, is that she has engaged with us when we have escalated.

Senator SHOEBRIDGE: She's in in Singapore, isn't she?

Ms Inman Grant: She's in Singapore. She's an Australian living in Singapore. Twitter has responded. We are still assessing that content. They have responded to our legal compulsion notice around basic online safety expectations, and we're assessing that content now. In terms of Elon Musk himself, other than tweeting at me around a few issues, he hasn't formally responded either to the eSafety Commissioner or to the minister, to my knowledge.

Senator SHOEBRIDGE: What's the next step? Is it an angry letter? Is it a media release? Or is it some sort of meaningful action against Twitter?

Ms Inman Grant: There are a few regulatory processes at play right now that are in process around codes and, potentially, standards but also through the legal compulsion notices we sent through the basic online safety expectations. There are of course also the individual complaint schemes that we're issuing.

Senator SHOEBRIDGE: We might come to those individual issues later. To regulate the platform to actually make it respond to Australian government directions and regulatory response—they're simply treating our regulatory framework with contempt at the moment. It's hard to be more contemptuous than refusing to even respond to the minister's letter for month after month after month after month.

Ms Inman Grant: I agree. It's terrible practice. I don't think we are alone. There isn't actually a lot of online safety regulation in other parts of the world. It's in a very nascent phase. I do know that Elon Musk has engaged with European Commission officials when he has been in Europe. He was just meeting with President Macron last week.

Senator SHOEBRIDGE: He responded to the Turkish president within 24 hours when he was told to censor Twitter for the Turkish election. He's responded to tyrants quickly. Is he just contemptuous of democratic governments?

Ms Inman Grant: The implication I saw from the Twitter post and some of his tweets was that the Turkish government effectively threatened to throttle Twitter, and they thought that this was the least bad decision. Again, I'm not defending it. The way that they are responding to different governments is very inconsistent. I would 100 per cent agree with you.

Senator SHOEBRIDGE: What's the next step? Do we just diarise to send another letter? Do we diarise to put a cranky media release out? Do we diarise to put an angry tweet out?

Ms Inman Grant: I think we let the regulatory processes that I'm undertaking now play out for the time being.

Senator SHOEBRIDGE: What's the consequence for a failure by Twitter to respond to those regulatory processes?

Ms Inman Grant: We have a range of remedial actions at our disposal.

Senator SHOEBRIDGE: What's the harshest consequence?

Ms Inman Grant: I suppose there's the reputational damage.

Senator SHOEBRIDGE: That doesn't seem to fuss him.

Ms Inman Grant: There is the potential for fines. Again, enforceability overseas—

Senator SHOEBRIDGE: What's the maximum fine?

Ms Inman Grant: It depends on which—

Senator SHOEBRIDGE: What's the maximum fine under the harshest offence?

Ms Bond: There are two regulatory processes underway. In relation to the basic online safety expectations, our recipients are required by law to provide the information requested. We have a range of enforcement options open to us. One of them is a civil penalty. We have to go to court to seek a civil penalty. My understanding is that the maximum currently is just short of \$700,000, but that would be the maximum.

Senator SHOEBRIDGE: He won't notice that. That's like a rounding error for Mr Musk.

Ms Bond: I think it would send an important signal.

Senator SHOEBRIDGE: I think he wouldn't notice it. I think it's like threatening him with a wet lettuce. A maximum fine of \$700,000? He would be laughing at that.

Senator HENDERSON: It's per offence, though, isn't it?

Ms Bond: Yes.

CHAIR: It's worth noting, Senator Shoebridge, that it wasn't set up specifically for him.

Senator SHOEBRIDGE: So that's the worst? That probably explains not responding to the letter and not responding to your regulatory action. There's no stick.

Ms Bond: Just to clarify—

Senator SHOEBRIDGE: It's not like in Turkiye, where they said, 'Actually, unless you comply with that demand, Twitter will be taken down,' which obviously motivated some kind of venal response from Elon Musk. When it comes to Australia, there's no stick. With no stick with this bloke, he doesn't care, does he?

Ms Bond: Just to confirm, we do have a response from Twitter to the notice. There is a response, which the team is closely considering.

Senator SHOEBRIDGE: I'm sure he's willing to spend up to \$700,000 responding to it. If he could deal with it for less than \$700,000—or have a minion deal with it for less than \$700,000—he would. But, in terms of the platform itself, he will not care. And he's proving himself—

CHAIR: Senator Shoebridge, do you have a question or just a statement?

Senator SHOEBRIDGE: That's the truth of it. What's the response from an eSafety point of view?

Ms Inman Grant: We can keep issuing notices. If you believe the answer is a higher quantum of fines, that is a question for government over time. But you could—

Senator SHOEBRIDGE: Or a temporary suspension of service?

Ms Inman Grant: Do you mean blocking Twitter?

Senator SHOEBRIDGE: A temporary block: 'If you fail to do this, it's 24 hours the first time; it's 48 hours the second time.'

Ms Inman Grant: Again, that would be a question for government and parliament. Those would be very significant powers.

Senator SHOEBRIDGE: Have you looked to good international examples to compel these kinds of platforms to treat this seriously?

Ms Inman Grant: Again, we're ahead of the rest of the world when it comes to online safety and harms. What I can say is that, with the digital services bill, the new Irish online safety bill and the online safety bill pending in the UK, the quantum of fines is much higher. It's generally 10 per cent of global operating revenue or 20 million euros—whichever is higher. So, possibly.

Senator SHOEBRIDGE: There were competition law offences of market manipulation. Given the recent offences that incurred maximum penalties in the privacy space, is there any policy work being done in this space to make these things meaningful?

Ms Inman Grant: You looked at a multibillion dollar fine of Meta that just happened through the data protection authority there; they're going to fight it. There was a very significant fine from the FTC against Facebook. They paid it, and their stock price went up the following week. So you are talking about very, very

wealthy companies. But they don't always just respond to fines. Reputational harm does move them, as does any kind of regulation that would hinder their—

Senator SHOEBRIDGE: We've gone down that. We had that exchange earlier, about whether or not Mr Musk cares much about reputation in this space. He seems to have a different view of it to most people.

Ms Inman Grant: I think he cares very much about his reputation in certain circles.

Senator SHOEBRIDGE: Perhaps! On that, I think we firmly agree. Moving onto another point—

CHAIR: Senator Shoebridge, we're working in 10-minute blocks to get around the room. I'm not sure which people have got questions left. I think it's just Senator Henderson? If you've got another line of questioning, we'll move across to Senator Henderson and then come back to you.

Senator SHOEBRIDGE: Thanks, Chair.

Senator HENDERSON: I want to pick up on Senator Shoebridge's questioning. But I just need to understand and go back to the fundamentals of what the issue is with Twitter. Twitter has responded to your request for information in relation to the basic online safety expectations. When did you receive that response?

Ms Inman Grant: We gave them a couple of different extensions to make sure that we were getting factual and fulsome responses. I believe 5 May was when we received their final submission. It came through some of their lawyers out of Melbourne.

Senator HENDERSON: So after some extensions and negotiation you received a response from Twitter in early May. That was the response to legal notices that were served to not just Twitter but TikTok and Google, requiring them to answer tough questions about how they are tackling online child sexual abuse. I'm looking at your media release from February 2023—

Ms Inman Grant: That was around Twitch and Discord and also around sexual extortion and what actions they're taking to address that, as well as harmful amplification of harmful content through their algorithms.

Senator HENDERSON: Notices have also been issued to live streaming site Twitch and messaging service Discord. What has been the response to those notices, and, as a result of receiving that information, what action will you be taking?

Ms Inman Grant: We are right in the middle of that regulatory process. I haven't even seen the final compilation of the report. We are assessing the content. As you can imagine, these are huge multi-billion-dollar companies with thousands of lawyers providing us with a lot of information. We've got a small but mighty team. We're going through all of the information right now, we're fact-checking against our knowledge and we're also getting additional legal advice around certain questions.

Senator HENDERSON: In relation to the other failures of Twitter to comply with the Online Safety Act, can you detail what those alleged offences are?

Ms Inman Grant: Through our complaints scheme?

Senator HENDERSON: I'm struggling to understand. You were talking about Twitter not complying. What has Twitter failed to do in response to your powers?

Ms Inman Grant: What I was discussing with Senator Shoebridge was whether or not they've responded to correspondence. One of the questions around compliance would be about whether or not they responded to our basic online safety expectations—legal notice. In terms of other complaints or removal notices, for instance, that we've sent through our complaints schemes, they have complied.

Senator HENDERSON: So they have complied when they were legally required to do so. They're not legally required to respond to letters. But, when you've issued a compliance notice, has Twitter complied?

Ms Inman Grant: With the letter of the law. I probably won't say more—

Senator HENDERSON: It's things like requests for removal of harmful content or the shutting down of harmful or abusive accounts. When you've asked for Twitter to respond, has it done so?

Mr Dagg: There are a few different components there. In relation to questions around shutting down accounts, the eSafety Commissioner doesn't have the power to compel a social media service to remove an account. We have the power to require a social media service to remove certain material under the schemes but not accounts per se. Where we've engaged with Twitter operationally, we have found there to be a consistent response to our requests for removal and cooperation to help us execute the schemes. In relation to the BOSE notices, we've received responses from all of the companies that were targeted through those BOSE notices. As the commissioner said, we're now working through a lot of detail. There is quite a bit of data that came back from the process overall, and we'll be advising the commissioner shortly about the fruits of that process.

Senator HENDERSON: Commissioner, are you prepared to throw the book at Twitter or any other online platform if they don't comply once you have assessed their responses to your legal notices?

Ms Inman Grant: Absolutely. Those are my duties under the Online Safety Act.

Senator HENDERSON: How many fines have you issued, or what's the total quantum of fines that you've issued to date?

Ms Inman Grant: We're not a punitive agency. We're a regulator, where we remove content. Law enforcement agencies are punitive agencies. We have a range of remedial powers that we use in a graduated fashion. When the different scenarios lend themselves to it, we utilise discretion and fairness as well. We've issued a number of serious removal notices. They've all been complied with.

Senator HENDERSON: So there's been—

Ms Inman Grant: We don't move to fines. We've just issued some infringement notices for someone who has been noncompliant, and there are a number of steps that we would have to take to move to going to Federal Court or the fining stage. But I don't think that not using fining powers is a measure of our efficacy or success because we haven't had to move to those powers because we have success through other means.

Senator HENDERSON: That's what I was trying to clear up. It was confusing in terms of the questions asked by Senator Shoebridge. So there's been no need to impose any financial punitive penalty on any company to date?

Ms Inman Grant: Not to date.

Senator HENDERSON: You've issued an infringement notice in a number of different cases, but you're not at the stage where you've determined that a fine will be applied?

Mr Dagg: We haven't established breach such that we'd be seeking orders through the Federal Court, for example.

Ms Bond: That's correct. We don't fine per se. There's an infringement notice option available to us, or else we can go to the Federal Court and seek a civil penalty.

Senator HENDERSON: Have you ever gone to the Federal Court and sought such an order?

Ms Bond: No, we have not.

Senator HENDERSON: So you haven't needed to do so?

Ms Bond: No. That's right.

Senator HENDERSON: As you say, it takes enormous resources when you're dealing with these big digital platforms. At this stage, is the regulatory scheme working effectively?

Ms Inman Grant: When you consider that every single website and online company that we're dealing with is domiciled overseas, and we have such high rates of compliance and success—it's 90 per cent in the cyberbullying space and almost 90 per cent with removal of image based abuse videos. Most of those that are resistant are rogue porn sites and sites that are set up in very permissive hosting environments for the purposes of humiliating people or sharing gore or child sexual abuse material. There are some that are going to be very difficult for us to reach, but they're a small proportion.

Senator HENDERSON: Would you like tougher powers, and have you made any requests of government for tougher powers?

Ms Inman Grant: The minister did note that, within this term of government, she will be holding another online safety review. We are keeping a register of where things are going well, where we think our powers could be strengthened and where there might be areas where we could look at enhancing powers. We work in a very unpredictable operating environment, and the threat trends change all the time. We always say that policy is going to lag behind both technology and the way people are misusing it. I think we've got a pretty flexible, robust set of powers as it stands now.

Senator HENDERSON: Would it be possible to have a copy of that register so we can understand your assessment as to the powers which are working effectively and where you've identified the need for further powers?

Ms Inman Grant: I will have to take that on notice because this is about some of our standard operating procedures. Let me take that on notice.

Senator HENDERSON: And any other correspondence or submissions that you've made to government in relation to the need for further powers. That would be terrific. Chair, I've got one other smallish block of questions. Would you like me to hand back to you?

CHAIR: Yes, that would be lovely. Back to you, Senator Shoebridge.

Senator SHOEBRIDGE: I might ask these quickly, because I've actually got to go down to another committee, which is about to end. Can I ask you about take-down notices. If you haven't got the numbers now, you could provide them on notice. Since 1 January 2022—perhaps you could break it down to 2022 and 2023—how many take-down content requests have you made? I have a list here: Twitter, Facebook, Instagram, TikTok, Google, YouTube and then rather usefully it says 'other'. You may have a better breakdown than 'other'.

Ms Inman Grant: I don't have that broken down in terms of company. We break it down in terms of scheme, and we do it on a quarterly basis.

Mr Dagg: We can certainly take that on notice.

Senator SHOEBRIDGE: The other one to take on notice is: when you've been working through the age verification road map, have you addressed concerns about the possible dangers of an age verification program being weaponised to prevent access to information regarding reproductive health and sexual and gender identity? Is that part of the consideration?

Ms Inman Grant: A hundred per cent. It was a very wide-ranging consultation, as you know. In fact, I think that's noted in some of our consultation papers on the website. We've said all along there is no technical solution that's going to be the silver bullet. You can't treat an eight-year-old the way that you would a seventeen-year-old, but—

Senator SHOEBRIDGE: It's the weaponisation, and we've seen it in US states, for example—using that to prevent core information being given to young people.

Ms Inman Grant: Like Utah?

Senator SHOEBRIDGE: Could you provide that on notice.

Ms Inman Grant: I can provide that on notice.

Senator SHOEBRIDGE: Thank you. I don't mean to be rude, but it's an impossible jam I'm in.

Senator HENDERSON: Commissioner, I want to move to the media conference that you held with Minister Rowland on 28 March this year, when you spoke about the importance of taking down online hate speech relating to the voice referendum. You said:

But we need to make sure that we're minimising online hate. And again, my entreaty to everyone in Australia is, when you see online hate happening, report it to the platform and report it to eSafety. We have the powers to take it down.

I refer to a letter from the Institute of Public Affairs, which wrote to you on 6 April—and that has been published on their website—seeking your advice on whether specific examples of speech targeting critics of the Voice amounted to examples of hate speech. In that context, are you able to describe how you define hate speech?

Ms Inman Grant: We responded to the IPA with a letter where we said that the Online Safety Act does not specifically refer to hate speech. I was referring to hate speech in the context of previous research that we had done around online hate and the prevalence of targeted online abuse—which you could consider to be online hate—and online racism in the context of Indigenous Australians, which is twice the level of the broader population for adults and three times the level for young people. We explain in our regulatory guidance—of course, our scheme is about adult cyberabuse, and there are legal thresholds that we apply without fear or favour with regard to where anyone stands on the Voice. We explained to them—

Senator HENDERSON: So it doesn't matter what side of the debate you're on; if it's serious adult cyberabuse—

Ms Inman Grant: That is correct.

Senator HENDERSON: then you would take action.

Ms Inman Grant: We make these decisions impartially, taking the facts and applying them to the rules.

Senator HENDERSON: Commissioner, are you able to provide the committee with details about how many such orders you've issued in relation to the Voice?

Ms Inman Grant: I don't think we've done any in relation to the Voice. We have had some serious cyberabuse cases that we've dealt with. I think we indicated that we've seen an uptick from five per cent to 5.6 per cent of adult cyberabuse reports coming from those who identify as Indigenous Australians. We have noted things like that during the Indigenous round of the AFL, which we saw last year between 27 May and 3 June, we saw a 13.2 per cent increase in reports of adult cyberabuse—

Senator HENDERSON: Targeted to Indigenous Australians?

Ms Inman Grant: Yes. That is when the AFL sees a huge spike in online hate and online racism.

Senator HENDERSON: That's very concerning.

Ms Inman Grant: Yes, it is.

Senator HENDERSON: I'm wondering if you could provide the committee with a copy of your letter to the IPA in response or, if you've got it with you, if you could table that letter.

Ms Inman Grant: I can take that on notice and table it.

Senator HENDERSON: Commissioner, thank you very much, and thank you and your office for all your hard work.

Senator CADELL: I have a quick follow-up on that last part of the question. You mentioned that the AFL round increased the spike. In domestic violence, strangely enough, it's State of Origin and these things. Do we see the same spike across other sporting events on e-violence? Do we see persecution in sporting events other than the AFL round?

Mr Dagg: We did some comparison as well in relation to the NRL Indigenous round for the same three-year period. You might have seen our response to a question on notice from a previous committee. Interestingly, we didn't see nearly the same degree of incidence or the same increase in the proportion of Indigenous complainants coming through to the adult cyberabuse or child cyberbullying schemes. It seemed to be focused on the Indigenous round to a greater extent than was the case through the NRL Indigenous round.

Senator CADELL: In domestic violence, it actually peaks over that season.

Ms Inman Grant: Yes, and there's often alcohol involved in that context. It's the same with major sporting events around the globe, like the Super Bowl.

Senator CADELL: The Super Bowl—come on!

CHAIR: Thank you so much. We really appreciate you coming along.

Ms Inman Grant: Thank you.

CHAIR: We will now conclude this hearing. I'd like to thank all the witnesses who have appeared today, and I'd also like to thank Hansard, Broadcasting and our excellent secretariat. I remind senators that the committee has agreed that any written questions on notice should be lodged with the secretariat by 2 June.

Committee adjourned at 22:25