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Proof Committee Hansard

**HOUSE OF
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STANDING COMMITTEE ON PETITIONS

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[10.18 am]

MILLETT, Mr Michael, Director, Communications, Australian Broadcasting Corporation

RITTER, Ms Jonquil Olivia, Executive Manager, National Licensing and Allocations Branch, Australian Communications and Media Authority

BURKE, Mr Paul, Manager, Board and Shareholder Liaison, Australia Post

PELLING, Dr Simon, First Assistant Secretary, Broadcasting and Content Division, Department of Broadband, Communications and the Digital Economy

RIZVI, Mr Abul, Deputy Secretary, Department of Broadband, Communications and the Digital Economy

CHAIR—Welcome. Although the committee does not require you to speak under oath you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

I will start the questions. I want to refer to a petition regarding Goldfields Community Radio in Bendigo. We have got a response here from Minister Conroy dated 22 December. Given the response was written in December—I know a lot could have happened between then and now—can the department provide a comment as to the progress on the relocation of a spectrum, a time frame, and the results of the consultative process, both of which are mentioned on page 2 of the minister's response?

Dr Pelling—Yes. I will pass over to my colleague from ACMA in a moment, but my understanding is that there has been consideration given and consultation with the broadcasters regarding the provision of low-power frequencies to the two community broadcasters Fresh FM—that is the Pulse, I think—and Phoenix FM. They currently time share, as you know, one frequency. The proposal originally proposed by ACMA was to have all three of them share a different frequency with a third temporary community broadcasting service, which is the Central Victorian Gospel Radio. Since that time the communications authority has identified two additional frequencies in the FM band which could be suitable for community broadcasting, and it is now consulting with the broadcasters as to whether they would be prepared to move to those, which would, as I understand it, result in all three of the temporary community broadcasters in that area having their own frequency as well as the ABC service having their own high frequency.

CHAIR—When do you hope that consulting process will be completed or when might we have some indication of the outcome?

Ms Ritter—We have completed that initial consultation. Initially only Phoenix FM has expressed a real interest in the lower power frequencies. The other two broadcasters, Fresh FM and Gospel Radio are, quite understandably, more enthusiastic about the higher power frequency. As you will appreciate, they are temporary broadcasters and they have been on notice that they

have no tenure on any frequency at all, so we certainly think that when they get a chance to compete for whatever frequencies there are, they are likely to put up their hand for the higher power and also, as a possible consolation, the lower power.

Where that is at is that we will be taking that option of making those lower power frequencies, which are 105.1 and 101.67 MHz, go to the authority to get their agreement to go ahead with an amendment to the draft variation, which under the Broadcasting Services Act we are required to consult widely on. Assuming that goes ahead, we would get further submissions on that. We would then go back to the authority with the overall position in terms of the community views that we have received and also the minister's intended desire for the PNN to be available in the Bendigo area and move forward with a LAP variation according to the authority's decision on that issue.

After that they would share frequencies until we would then move quite quickly to allocate the long-term frequency—the long-term licences for whatever frequencies are available for community—so that they could get some certainty moving forward as to which one would be allocated the long term and which ones might be allocated the lower power. That process is done on merit so that the best community group, according to the criteria in the act, would get the high-power frequency.

CHAIR—Fine. Have any other members of the committee got any further questions on this particular petition?

Ms GEORGE—I notice in the minister's reply to the petition that it stated:

I would also note that the Government considers that the extension of the ABC's NewsRadio service to large centres such as Bendigo is important ...

I concur with that assessment. I would point out, though, that Wollongong is the ninth largest city in Australia and the short-term extension of NewsRadio in our region was done at the expense of denying people access to Radio National, so it was like robbing Peter to pay Paul.

CHAIR—Jennie, I am sorry to interrupt. We have actually really got to concentrate on the petitions that are before us today and the response from the minister. We are here virtually asking questions on behalf of the principal petitioner on a particular petition that has been tabled in the House.

Ms GEORGE—It is in relation to the minister's reply that the government considers the extension to large centres is important, so I guess I am asking: you have done it in Bendigo; is it going to be done in other centres that are larger than Bendigo?

Mr Millett—We can take that on board and work out where we are up to with the rollout of ABC NewsRadio and what is planned for your area.

CHAIR—So you could take that on notice for Ms George and get back to us.

Mr Millett—Sure.

CHAIR—Thank you. Are there any further questions on that petition?

Mr ADAMS—The issue is of digital radio becoming the reality into the future. I take it these are the temporary licences until digital radio comes through.

Dr Pelling—This is a different matter. This is about extension of analog NewsRadio services.

Mr ADAMS—Extending analog?

Dr Pelling—Yes. The program was initially started by the previous government, and funding was confirmed by this government. It is a proposal in several stages to do a fairly significant extension of the NewsRadio service via the ABC. But it is an analog service. Digital radio is a separate activity. It is likely that digital radio services by ABC and SBS and the commercial broadcasters will start in the five state capital cities about the beginning of July, I think, on the current schedule. But there are at this stage ongoing discussions with the industry about proposals to extend digital radio services into the regions. But there are a range of technical considerations which would have still to be worked through.

Mr ADAMS—It is a shame there are only five capitals.

CHAIR—As we have got a number of other petitions in front of us and we have only got the department for half an hour, I think we will go now to a petition regarding the relocation of the Wanneroo post office. We have a ministerial response, as you would be aware, dated 11 February. The minister has stated:

Australia Post has further advised that, in consultation with the building's owner, a refurbishment and upgrade is planned for completion this financial year.

Can you give the committee an update on the consultations with the building owner regarding the refurbishment and upgrade?

Mr Burke—That refurbishment has taken place. It was completed at the end of February this year. It incorporated an upgrade to the current standard Australia Post retail fit-outs. Access to the outlet has been improved considerably. A disabled parking bay at the front of the outlet has been widened and extended to provide easier access as well. Feedback from our customers has been positive. The office is fresh, bright and uncluttered and we are not aware of any negative feedback with regard to the disability access.

CHAIR—That is quite good. I think that was mainly the concern of the petitioners, where they stated that the car parking was poor and the disabled access was poor. So that is good news and it is good feedback to know that people are now happy about the situation there. Has anyone got any further questions on the petition regarding Wanneroo post office?

Mr ADAMS—I think this has been where a petition has achieved something for the petitioners. It has brought discussion and improved especially the disability access to the post office. I think that is a positive and it is a positive for Australia Post to have responded in such a positive way. I congratulate you on that.

Mr Burke—Thank you.

CHAIR—Wonderful. I want to go now to a petition—to which there was a response from the minister on 21 October—regarding mobile phone coverage at Walker Flat. The minister stated:

Telstra's online coverage maps indicate that mobile phone coverage is available throughout the Walker Flat district. However, an external antenna may be required to obtain a signal in some areas, including in the township itself.

He went on to say:

Telstra has advised that, within recent months, the transmission towers in the area have been revisited and some adjustment was done. Telstra also advised that they had received feedback indicating that coverage had improved.

This petition came to the petitions committee and was tabled by Mr Secker, who stated that he received 489 signatures on this particular petition, so I think every adult in Walker Flat signed it! How much has coverage really improved? Is it at 50, 60, 70, 80, 90 per cent or are you going to tell me it has been fantastic and they have got 100 per cent now?

Mr Rizvi—We have some good news for the residents of Walker Flat.

CHAIR—More good news for the principal petitioner!

Mr Rizvi—I will pass the committee a few maps of the Walker Flat area.

CHAIR—This is a good news day today!

Mr Rizvi—There is some good news here. As you can see, the grey parts of the map highlight where mobile coverage is currently available, and there are difficulties with coverage—as shown by the little white spaces—near the river, particularly where there are high cliffs or things that might interfere with the mobile coverage, and that is where the difficulties have arisen. But there has been some good news, in that Telstra has decided and recently announced that they will be placing a new mobile phone tower very near Walker Flat that will address the black spots in that particular area, just near the river or very close to the community, so that the black spots that the community previously had will be addressed. They have indicated that the tower will be built by July this year.

CHAIR—By July 2009? That is wonderful news for the 489 people who signed the petition who all live in Walker Flat.

Mr CHESTER—There are a lot of regional communities who obviously have a similar situation to the residents of Walker Flat. Is the decision to put a tower in there purely a commercial decision driven by Telstra, or is there a black spots program at the moment to assist that type of investment? Is there a government funded program at the moment to assist with black spots?

Mr Rizvi—No, that was a commercial decision by Telstra to respond to the representations they had received. At present, the government does not have a specific black spots program for mobile coverage.

Mr CHESTER—In relation to this petition—and I know that I, as a regional MP, get quite a few representations from people as a matter of course; on a daily basis, almost—and the process of people petitioning: does that put it on your map or on Telstra's map as an issue? How is it received within the department when you are alerted to a black spot? Are you already aware of that black spot, or does it tend to bring your attention to it more?

Mr Rizvi—It highlights it and draws our attention to it. What we then do is to contact the relevant carriers—Optus, Telstra or Vodafone—and draw their attention to it. At the end of the day, however, it is a commercial decision of the carriers.

Mr CHESTER—But it is a reasonable course of action by the petitioners or by the residents to start a petition and draw attention to their plight?

Mr Rizvi—I think it helps to draw attention to the issue and it focuses the attention of the carriers.

Mr CHESTER—I appreciate that. Thank you.

Mr ADAMS—As to the economic decision to do this, was it 109 people who petitioned—did I hear correctly?

Mr Rizvi—No, it was 489 people.

Mr ADAMS—That is a substantial number of people. So is there anything in the economic and business model to say when the new tower will be paid off or how long that will take? One gets into these discussions, as my colleague has just said, with some of the carriers about who is going to do the hard ones and who is not. I understand economics so I understand the economic needs. The switching off of CDMA and going to digital was probably what started this, and there are a few areas that have that difficulty.

Mr Rizvi—I cannot talk specifically about the economics of it or the commercial decisions that are made by the individual carriers, but I can perhaps highlight a few of the factors they take into account.

The first factor is the building of the tower itself. Most of the carriers tell us that the cost of a single tower is in the vicinity of \$400,000, plus or minus, depending on the location and the difficulty of the terrain.

The second dimension is how far the location of that tower will be from the back haul, so getting back to the base. If it is a long distance then that really does ramp up the costs quite considerably. The cost per kilometre of building that back haul is quite substantial.

The third factor that they will take into account is the population in the area and the passing population and what kind of revenue that will generate. They will compare that to their ongoing costs, maintenance et cetera, and weigh that up. If that comes to a positive commercial outcome then they will proceed to build.

Mr ADAMS—I would just like to ask one more question, because of digital TV in the future, about education and understanding that there are black spots and areas. We just put signals out there and they do not just float—there are gullies, valleys, hills, trees and many things. Information is always difficult. People do not really understand how coverage works. Is there any opportunity of lifting that knowledge base in the general public at all?

CHAIR—Is your question regarding coverage overall?

Mr ADAMS—Yes. A lot of people have achieved their result here, but I am thinking about information for the general public.

Mr Rizvi—My understanding is that, as part of the digital switch-over program, there will be a very substantial awareness campaign that will be run by the government. Through that, we are hopeful that people will get a much better understanding of both what they need to get a reception and what issues there might be in terms of signals in their particular area. The government will be looking at options to deal with black spot issues within a digital context.

CHAIR—I want to go to a petition that has been tabled in the House and to a reply from the minister—it was received on 13 April—concerning funding for the Special Broadcasting Service, SBS. The minister's response refers to the triennial funding review for SBS. Can the department provide more information with regard to the timetable for this funding review and was the triennial funding submission for 2009 supported by the government, as requested by petitioners in the petition?

Dr Pelling—The triennial funding review was done in the budget context, so it provided input into the government's decision in the budget for funding for both the ABC and the SBS for the next triennium, which is starting at the beginning of the next financial year, so that is next year and the two following years. In that decision the government announced it would provide new funding for the ABC, totalling \$20 million over the triennium. That is, \$4 million in 2009-10; \$5 million in 2010-2011; and \$11 million in 2011-2012. That would obviously be ongoing in terms of the base for the ABC, subject to a review at the end of the next triennium, which is the normal process. So each three years they go through a triennial funding review process. That will mean, as published in the portfolio budget statements, that SBS will receive government funding in excess of \$631 million in total over the forthcoming triennium.

CHAIR—Has any member got a further question on this petition? No. Mr Simpkins wants to ask a question on a petition that was presented on sexual advertising and access to internet pornography. We have received a response from the minister today. Before passing on to Mr Simpkins, I should say I have not had a chance to fully read the letter, but what monitoring exists with regard to sexual advertising within the media, radio, television and the internet? What sort of monitoring do you do?

Dr Pelling—The regulation of advertising is generally at two levels. Firstly, there is a level of self-regulation in the industry itself, so there are a number of advertising codes relating to different aspects of advertising, which is handled by the Advertising Standards Bureau's Advertising Standards Board. The standards bureau is responsible for the process and there is a complaints process directly to the industry-organised authority, which does not have any direct regulatory status but they take the issue of advertising very seriously. They have codes in place

which deal with a range of matters, ranging from the process for adult material and adverts for alcohol and all sorts of things relating to advertising. At the first level there is a self-regulatory structure set up by the advertising industry.

The second level of regulation with regard to advertising is put in place by the codes of practice developed by the television industry and also the radio industry. Those codes of practice set down a series of rules about how advertising is handled, when particular types of adverts can be shown on the television and on the classification of those adverts. I do not have the codes in front of me, but basically there are a series of rules about, for example, when adult material can be shown. It is restricted to certain times of the day. Material which is classified over a certain level—MA 15 +—is not allowed to be shown on television and so on. There is both a level of regulation at the advertising industry level, who are responsible for their own content, and a level of regulation at the broadcasting industry level about when that content can be shown in the form of ads and how it is classified under the broadcasting rules.

Mr SIMPKINS—This matter came into sharp focus on a number of occasions last year when I reported—and I have heard plenty of other people have reported this stuff as well—people who do the nasal delivery male dysfunction product ads during the day. The classic example was where they advertised one of these sorts of ads on one day and the next ad, which was over in Perth, was for free entry for kids to the royal show. It is just outrageous. The advertising standards people had a chance to fix this up, to be more specific about it and they have not done so. What more can be done?

Dr Pelling—There are complaints processes at both the advertising standards level, which, as far as I am aware, they take quite seriously, but then there are also regulated complaints processes under the codes of practice. So if there are complaints about the types of material shown on commercial television then a person can, first, make a complaint to the broadcaster. The broadcaster has, I think, 30 days to respond. If the complainant is not satisfied with the broadcaster's response then the complainant can take that matter to the Australian Communications and Media Authority and the authority then has the capacity to investigate and to take action against the broadcasters, if necessary. Indeed, they have taken action against broadcasters on a range of aspects of television, both in commercial broadcasting and in other areas of broadcasting, in response to complaints. So there are mechanisms available. There is a set of rules which govern the types of programs you see on television, including the types of advertisements, and there are processes in place whereby the public can make complaints to deal with those matters. If your constituents or you are concerned about the programs that you see on television and about the times you see those programs then the process available to you is to go through the formal complaints process—firstly, to the broadcaster and, if that does not satisfy you, to ramp it up to the Australian Communications and Media Authority. They have a range of powers to deal with these things.

Mr SIMPKINS—Just in regard to—

CHAIR—Sorry to interrupt, but if it could be a quick question. We only have the room until quarter to 12, and we have two other departments to hear from. So one quick question from Mr Simpkins; I know Mr Chester wants one as well.

Mr SIMPKINS—No, it is all right; I will pass.

CHAIR—Mr Chester.

Mr CHESTER—I do not want to be shooting the messenger but I do have some grave concerns about how this self-regulation is working at the moment. It seems to me that there is a lot of matter of opinion involved and that as society's values may change then I am not sure how the minister's depiction here of how the codes of practice are being applied in practice is working. My concern relates to the screening of commercials for M-rated programs during G-rated programs. The networks will promote a show that is coming up at 9.30 that night during the local rugby league or football match. I have personally made complaints along those lines, and having gone through the process I can see why the residents just will not go through it. It was a very unsatisfactory process and basically just came back as a matter of opinion. I just flag that there is an issue out there amongst residents. If they have got their children watching a G-rated program, they do not expect them to see a promotion for *CSI Miami* or whatever else. Without picking on that particular show, there is an issue out there that is building in the community. I just alert you to it rather than seek your response. I think the industry has a problem.

Dr Pelling—One final quick comment from me is that there is a process underway at the moment whereby the code of practice for commercial radio and television broadcasters is being reviewed. That happens periodically. The authority is in the middle of that process at the moment. I do not have to hand precisely the timeframes of that process but there may be an opportunity for those comments to be made in that context.

Mr CHESTER—I would not be surprised if this was quite a widely held view amongst parents. It is coming through more often through my office anyway just in comments, but there is no real groundswell at the moment. But I am picking it up.

CHAIR—I would like to thank the department for coming before us today and giving us some good news for some of the petitioners. Regarding the petition that we had just been discussing, the sexual advertising and access to internet pornography, we might revisit that at a later date when you come before us. Thank you again.