

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program:** 1.7 National Security and Criminal Justice

**Question No. BE16/020**

**Senator Ludlam asked the following question at the hearing on 5 May 2016:**

Senator LUDLAM: PM&C—that is fine; I will skip that. In that case, my final one was: could you provide us with an update of the moneys that have been appropriated to partially compensate internet service providers and telcos for implementing the mandatory data retention scheme?

Could we just get an update from somebody as to how much of that money has been disbursed?

Thank you, Mr Rice. I am sorry we did not have a bit more time with you.

Senator Brandis: Ms Jones might be the person to do that for you, Senator.

Senator LUDLAM: Thank you.

Ms K Jones: In terms of the funding under the reimbursement program in relation to the expenditure for capital works associated with complying with the data retention regime, we are still processing the applications and finalising the detailed elements of the funding model, so no funding actually has been allocated yet. We are still in the process of working through the funding.

Senator LUDLAM: How oversubscribed would you say you are?

Ms K Jones: I would need to take that on notice. Certainly, in terms of the number of applications—I might get one of our colleagues here—I think it is approximately 200 applications that we have received. At this stage, we are processing all of them. Whilst there is no expectation that every applicant will receive the total amount that they have sought, because the government's program was a contribution to their costs—not a substantial contribution to their cost, not the total cost—at this stage, we are still looking at the total number of applications that have been made. Some, I understand, have withdrawn their applications and then the rest are still being considered.

...

Senator LUDLAM: Okay. That must have been a relief to them so that is not giving up hope at all. I withdraw that imputation. Could somebody provide us with an update of the implementation process: how close is industry to actually complying with this new obligation?

Ms Chidgey: As at 27 April, we received implementation plans and some applications for exemptions or variations from 347 providers. We have notified 343 of those of decisions on their applications, and there have been 155 implementation plans approved. I think the priority is to work cooperatively with industry to achieve compliance by 13 April 2017.

Senator LUDLAM: Are you able to provide us with a breakdown, either on notice or from the table, of what proportion of the total user pool, if you like, or the connected population, is in terms of numbers of people? Given that the industry participants you are dealing with range in size all the way from Telstra to little backyard operators, what proportion of the Australian population is presently covered by implementation plans that you have signed off on?

Ms Chidgey: We would need to take that on notice, so we will do that.

Senator LUDLAM: I figure. You would not want to even throw an estimate at us—something from the ballpark?

Ms Chidgey: No.

Senator LUDLAM: If you could provide that on notice.

**The answer to the honourable senator's question is as follows:**

The department does not hold this information.

It is common for Australian telecommunication consumers to use a number of different telecommunications services from a number of different service providers, resulting in overlapping customer bases. The department does not collect information on which provider's services each consumer uses.

The Australia Communications and Media Authority's (ACMA's) annual Communications Report<sup>1</sup> provides information on Australia's consumption of telecommunication services.

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<sup>1</sup> *Communications report 2014-15*, Australian Communications and Media Authority,  
[www.acma.gov.au/theACMA/Library/Corporate-library/Corporate-publications/communications-report-2014-15](http://www.acma.gov.au/theACMA/Library/Corporate-library/Corporate-publications/communications-report-2014-15)