

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Additional Budget Estimates Hearings February 2013
Broadband, Communications and the Digital Economy Portfolio

Question No: 252

Program No. Program 1.3

Hansard Ref: Page 90 (12/2/2013)

Topic: Gap Fillers – Mandurah, Pinjarra & Falcon Areas

Senator Birmingham asked:

1. For the gap filler in this area (Mandurah/Singleton), are you able to give us any indication of where that is, how it is going and what the total area of the service is, please?
2. So when would you expect to resume service in those areas?

Answers:

1. The new gap filler that broadcasters are proposing to establish in Mandurah/Singleton will be located at the Cellular Mobile Telecommunications Service (CMTS) site off Scarp Road Pinjarra.

This new transmission facility will provide additional metropolitan commercial TV coverage to an area that extends west of the Darling Range, including Pinjarra and Mandurah, north to the southern parts of Rockingham and south to Falcon and the eastern parts of Wannanup.

The broadcasters have advised the Department that the new gap filler service is currently scheduled to commence from this site on 15 April 2013.

2. Household Assistance Scheme (HAS) installations in Mandurah were put on temporary hold in February but have now recommenced. All customers whose installations were on hold will be serviced prior to switchover.

Installations were put on hold while it was determined whether households would receive a robust digital signal from the existing tower or would need to rely on the proposed new gap filler tower. This is standard practice to avoid people receiving an inappropriate installation for their location. Television broadcasters advised on 7 March 2013 that residents in the Mandurah area should be able to receive a digital signal from an existing tower, so HAS installations were recommenced on that basis.

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Department of Broadband, Communications and the Digital Economy

Question No: 253

Program No. 1.3

Hansard Ref: In Writing

Topic: Convergence Review

Senator Birmingham asked:

1. Why would the Convergence Review negate the need to undertake the planned review relating to the uses of broadcasting services bands spectrum?
2. Has a decision been made regarding the review since the Broadcasting Services Act required it to be undertaken by 1 January 2013?
3. What are the consequences if the 6th multichannel review doesn't occur? Is the Minister potentially already in breach of his requirement under the Broadcasting Services Act?
4. What is the current status of the Convergence Review? Has the department drafted any legislative amendments? Have recommendations been taken to cabinet? If so, when?

Answer:

For general information on the Convergence Review, please refer to the response to Question on Notice 258.

The Convergence Review considered the potential future uses of unallocated broadcasting spectrum, known as the 'sixth channel', and recommended that it should not be used for a new commercial television network, but should continue to be used for the distribution of community television and also used to promote and encourage innovative services. The Minister considered these recommendations in formulating the initial government's response to the review, along with other relevant inputs such as the Australian Communications and Media Authority's assessment of developments in digital broadcasting technologies.

As announced by the Minister on 30 November 2013, these deliberations informed the government's decision that no spectrum or licences to enable a fourth commercial television network should be allocated, and that the sixth channel spectrum should continue to be used by community television broadcasters until at least 31 December 2014.

The obligation to conduct a formal review of the future uses of the sixth channel is therefore redundant given the consideration of spectrum issues undertaken through these recent processes, and the government's decisions in relation to commercial television licences.

The *Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013* includes provisions that would repeal the statutory obligation to conduct the initial or subsequent sixth channel reviews, and set a cap of three for the number of commercial television licences that can be issued for the one licence area. This Bill was introduced into Parliament on 14 March 2013.

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Question No: 254

Program No. Program 1.3

Hansard Ref: In Writing

Topic: HAS - EQAP

Senator Birmingham asked:

- 1) Is the Government concerned by the significant flaws exposed by the Ernst and Young report on the Queensland HAS?
- 2) Does the Government believe that Techlife and Skybridge cooperated to an acceptable level with the auditors?
- 3) Should they have provided all documents requested?
- 4) Are there safety reporting procedures and record keeping practices acceptable?
- 5) Was the level of missed inspections acceptable?
- 6) What action has been taken in response to the report?

Answer:

- 1) The Government does not consider the External Quality Assurance Program (EQAP) report for regional Queensland (Ernst & Young report) exposes 'significant flaws' in the HAS as implemented in regional Queensland. Given the largely unregulated and fragmented nature of the installer industry, the Government anticipated the potential need to work with its service contractors to ensure that installations are performed in accordance with Work, Health and Safety (WHS) procedures. The Government implemented the EQAP to identify potential WHS issues and assist the Department in working with the antenna installer industry to improve its work practices and approach to safety.

The program has identified a very small number of potential unsatisfactory work practices. Of the 19 potential category three (high or significant) issues identified, 15 related to potential disturbance of asbestos containing material (ACM), two to working at heights without a harness and two related to potential electrocution issues. Subsequent testing of the ACM findings resulted in only nine being confirmed. The concentration of airborne findings during the sample period was found to be at the lowest detectable level of 0.01 fibres/mL for all dwellings. All issues have been safely remediated. The significant issues raised that were in relation to WHS behaviour have been addressed through tighter controls implemented shortly after being escalated to the service contractors.

The overall level of significant issues represents approximately 1% of households inspected.

The work conducted by Ernst & Young is an intrinsic part of the commitment by the Government to ensure household, installer and public safety. The Department constantly reviews issues identified to ensure that potential risks can be identified and properly mitigated in existing and future areas.

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- 2) Yes, both Techlife and Skybridge have co-operated with the EQAP inspections. Where installation issues were identified, the service contractors revisited the house and performed the necessary remediation. Where WHS issues were identified, the service contractors sought to modify installer behaviour to ensure compliance.

Since the release of the Queensland report both service contractors have committed to reinforce to their installers the need to fully co-operate with EQAP inspectors. The service contractors have also provided Ernst & Young, the EQAP provider, access to their respective scheduling systems to enable Ernst & Young to confirm installer installation times and location for their inspectors.

- 3) Ernst & Young, as part of their EQAP process, conducted a desk top audit of the service contractor's policies and procedures as they relate to WHS. Both Techlife and Skybridge have fully co-operated with Ernst & Young in providing all documentation that they had available. Where gaps in their documentation were identified the service contractors were notified and given time to develop the necessary policy and procedures. Techlife provided all documents requested. Skybridge did not provide all documentation requested by completion of the EQAP inspection program in Queensland. Skybridge has subsequently completed this documentation and provided it to Ernst & Young for the EQAP in future rollout regions.
- 4) Yes, the service contractors have actively worked with Ernst & Young to improve their WHS reporting procedures and record keeping practices. Adherence to these requirements will continue to be monitored by Ernst & Young, as the contracted EQAP provider, and where further improvements can be made they will be brought to the Department's attention to enable it to seek remediation by the service contractor.
- 5) The EQAP for regional Queensland refers to the difference between the number of 'live' WHS inspections originally planned and actually completed as "missed inspections". The reasons for the difference include weather and lack of access to timely information about scheduled appointments. Before finalising the EQAP report for regional Queensland, the Department considered and accepted advice from Ernst & Young, the EQAP provider, that a meaningful sample of 'live' WHS inspections had been conducted and additional testing would not be beneficial. Notwithstanding this advice, the Department has worked closely with the service contractors to reduce "missed inspections" in current switchover regions, including negotiating access to the service contractors' scheduling systems.
- 6) All findings identified by Ernst & Young in the report have been remediated and the Department continues to work with the service contractors to address issues as they arise in current switchover regions. Further the Department has re-engaged Ernst & Young to provide EQAP services in all the remaining switchover regions across Australia. The Department, Ernst & Young and the service contractors are actively working together to identify and modify installer behaviour in a way that improves WHS practices within the antenna industry. For instance the service contractor installers are now all required to complete an asbestos awareness training course to minimise the potential risk of an installer disturbing potential asbestos containing material during an installation.

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Question No: 255

Program No. Program 1.3

Hansard Ref: Written

Topic: Switchover

Senator Birmingham asked:

- 1) What assistance is available to a person who currently receives an analog signal but can't get an adequate digital signal but is not living in an area where a self-help tower is not being converted?
- 2) Will all such people be entitled to assistance?

Answer:

- 1) The Government's Household Assistance Scheme (HAS) is available to help eligible people get ready for digital-only free-to-air TV signals.

The Household Assistance Scheme will provide, free-of-charge to eligible recipients who are unable to receive an acceptable digital reception from terrestrial signals, a complete installation of equipment to receive the Australian Government funded direct-to-home digital Viewer Access Satellite Television (VAST) service, including a high definition VAST set-top box and satellite dish, and in-home aftercare support for 12 months.

People who are not eligible for HAS will be responsible for their own set-up costs associated with accessing VAST. However, the VAST service is a free-to-air service, and once the service is set up, there are no ongoing fees or charges to access the VAST service. The retail cost for a high definition VAST set-top box with the smart card is about \$280 (including GST). A satellite dish is about \$100–\$500, depending on the size of the dish required. In most parts of Australia a small to medium dish will be adequate; however, in some parts of remote Australia a larger dish will be needed.

The VAST service consists of at least 17 digital TV channels carrying a comparable level of services available terrestrially in metropolitan areas. It features channels carrying programs sourced from Southern Cross Seven, Imparja Nine and the Ten network, and the main national broadcaster services, ABC1 and SBS ONE, together with digital SD channels ABC2, ABC3, SBS TWO, 7TWO, GO!, and Eleven, and the high definition channels ABC News 24 HD, SBS HD, 7mate (Seven HD), GEM (Nine HD), and ONE HD (Ten HD). The ABC and SBS also provide a wide range of radio services on VAST.

The Rural Health Channel delivers the latest health news information and training to health professionals and communities and is the first specialised free-to-air non-commercial channel to be provided on VAST. The VAST service also provides National Indigenous Television Service (NITV) and Indigenous Community Television (ICTV) which greatly expands the availability of Indigenous information and content for all Australians.

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- 2) A person may be eligible for HAS if they have not switched to digital TV, have a working analog TV and receive the full rate of:
- Age Pension
 - Disability Support Pension
 - Carer Payment
 - Department of Veterans' Affairs (DVA) Service Pension
 - DVA Income Support Supplement.

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Question No: 256

Program No. 1.3

Hansard Ref: In writing

Topic: 'Sixth Channel' Spectrum Review

Senator Birmingham asked:

1. Did the Minister cause a review to be conducted before 1 January 2013 as required by the BSA?
2. If not, why not?
3. How have the legislative requirements been met?

Answer:

See the answer to Question on Notice 253.

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Question No: 257

Program No. 1.3

Hansard Ref: In writing

Topic: Multichannel content review

Senator Birmingham asked:

- 1) Did the Minister cause a review to be conducted before 31 December 2012 as required by the BSA?
- 2) If not, why not?
- 3) How have the legislative requirements been met?

Answer:

On 30 November 2012, the Minister for Broadband, Communications and the Digital Economy announced a range of measures that form the Australian Government's initial response to the Convergence Review, including new Australian content requirements for multichannels provided by the commercial television broadcasters.

The Minister also announced that the government would start consultations in 2013 on how captioning levels will be increased on multichannels provided by commercial and national broadcasters following digital switchover.

The Minister noted that these measures address content and captioning levels that were to be separately reviewed. In light of this, the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 includes a provision that would repeal the statutory obligation to conduct the statutory review. This Bill was introduced into Parliament on 14 March 2013..

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Question No: 258

Program No. 1.3

Hansard Ref: In Writing

Topic: Convergence Review

Senator Birmingham asked:

- 1) Has a response to the convergence review been drafted?
- 2) When will the response be finalised?
- 3) When will the response be released?
- 4) Have any legislative amendments flowing on from the convergence review been drafted?
- 5) How many times has cabinet considered the response to the convergence review? On what dates?

Answer:

1-5. On 30 November 2012, the Government announced a package of measures in response to the Convergence Review. On 12 March 2013 the Government made a further announcement concerning additional measures in response to the Convergence Review and the Independent Inquiry into the Media and Media Regulation.

These measures appear in the following Bills that were introduced into the Parliament on 14 March 2013:

- the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013
- the Television Licence Fees Amendment Bill 2013
- the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013
- the News Media (Self-regulation) Bill 2013
- the News Media (Self-regulation) (Consequential Amendments) Bill 2013
- the Public Interest Media Advocate Bill 2013

It is not appropriate to disclose details of Cabinet processes concerning the consideration of these measures.

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Question No: 259

Program No. 1.3

Hansard Ref: In Writing

Topic: Audio Description Trial Report

Senator Birmingham asked:

- 1) Did the Minister receive the ABC's report of the audio description trial at the end of 2012? When does the Government plan to release to the public the ABC's report into the audio description trial on the ABC?
- 2) What are the outcomes of the report?
- 3) What were the major technical concerns raised in the report?
- 4) Does the government plan to permanently extend audio description services to either the national broadcasters, or place obligations on commercial broadcasters?

Answer:

The Minister for Broadband, Communications and the Digital Economy received the ABC's final report on the audio description trial on 21 December 2012. The ABC's report will be released once the Government has considered the issues it raises.

The Minister issued a media release about the conclusion of the audio description trial on 5 November 2012, noting that there were significant technical concerns raised during the trial, with over 1000 complaints from viewers whose reception of ABC1 was disrupted because of the audio description broadcast.

The Government is considering the outcomes of the technical trial, and will use the ABC's report to inform its consideration of future requirements for audio description.

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Question No: 260

Program No. Program 1.3

Hansard Ref: Written

Topic: HAS

Senator Birmingham asked:

- 1) What processes are in place to ensure that people who have notified the relevant authorities that they are digital ready and therefore not entitled to the HAS, are not subsequently offered to have a set-top box installed and approached by an installer?
- 2) What system is in place to ensure installers are not installing digital set-top boxes in households who are already digital ready and not eligible for the HAS?
- 3) Has the Department received any complaints of households informing them they are not eligible for a set-top box after receiving correspondence from the Government, and then being approached by an installer who installs a set-top box despite their ineligibility?
 - a. If so how many complaints?
 - b. Where have these complaints originated?

Answer:

- 1) The current processes to ensure that customers who have self-converted do not receive assistance include the following:
 - Potentially eligible customers are sent an invitation letter by the Department of Human Services which sets out the eligibility criteria, including that they must not already have upgraded to digital TV. Potentially eligible customers who consider they meet the eligibility criteria are invited to contact DHS to test their eligibility and apply for assistance under the Household Assistance Scheme (the scheme). At this time, customers are asked a series of questions to determine if they already have access to digital services, in which case they would be ineligible for assistance. Customers are also informed that prior to receiving an installation they will be asked to sign an official declaration stating they do not have access to free to air digital television on any TVs they own or are borrowing and advised that making a false declaration is an offence.
 - If a customer is successfully opted into the scheme by DHS, the service contractor appointed by the government follows a similar screening process at the time of making the appointment to ascertain whether the person may have upgraded to digital since opting in and also reiterates the requirement about the declaration. This requirement is reiterated by the service contractor at the time the customer is contacted to schedule an appointment.
 - Prior to commencing an installation, installers are required to obtain a signed declaration from the customer stating that they do not have access to free to air digital television on any TVs they own or are borrowing. If at the time of the installation an installer discovers the customer already has access to digital services and can receive adequate digital reception, no assistance is provided.
 - Service contractors only receive details of customers that have successfully opted into the scheme.

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- 2) As mentioned above, prior to commencing an installation, installers are required to obtain a signed declaration from the customer stating that they do not have access to free to air digital television on any TVs they own or are borrowing. If at the time of the installation an installer discovers the customer already has access to digital services and can receive adequate digital reception, no installation will be undertaken. However, a customer who has already self-converted to digital television and cannot receive adequate digital reception may be entitled to receive external antenna and cabling assistance under the scheme providing they meet the eligibility criteria.
- 3) No. The Department would take any complaints of this type very seriously, given the vulnerability of HAS customers.

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Question No: 261

Program No. 1.3

Hansard Ref: In Writing

Topic: Digital Radio

Senator Birmingham asked:

Has the Department made any progress towards selecting the technology platform (or platforms) to be used for the rollout of digital radio in regional Australia since the release of the “Review of technologies for digital radio in regional Australia” report in October 2011?

Answer:

- The Government has not made any decision about the technology platform (or platforms) to be used for any future digital radio rollout.
- The Government understands that the commercial radio industry supports the rollout of digital radio services to regional Australia using DAB+, the same technology standard as is currently used for metropolitan digital radio services. The Government understands that this technology is unable to match the coverage achieved by some analog radio services.
- These issues are matters that will be further considered in the review the Minister for Broadband, Communications and the Digital Economy must cause to be conducted by 1 January 2014 of:
 - digital radio broadcasting services and restricted datacasting services in Australia;
 - the implementation of those technologies in foreign countries; and
 - the operation of the *Broadcasting Services Act 1992* insofar as it deals with the licensing and regulation of digital radio broadcasting services and restricted datacasting services.
- There is currently a lack of suitable spectrum for digital radio services as they use the same part of radiofrequency spectrum as many existing analog and digital television services. This situation is unlikely to improve before the switch off of analog television in 2013 and, in some areas, the restack of digital television services to realise the digital dividend is completed. The latter process is expected to be completed by the end of 2014. On 14 July 2010, the Minister directed the Australian Communications and Media Authority, in planning metropolitan television services following the analog switch off, to consider making available 14 Megahertz of spectrum to facilitate the future rollout of digital radio in Regional Australia.