

Senate Standing Committee on Environment, Communications and the Arts
Answers to Senate Estimates Questions on Notice
Supplementary Estimates Hearings October 2010
Broadband, Communications and the Digital Economy Portfolio
Australian Communications and Media Authority

Question No: 38

Hansard Ref: EC 77

Topic: Referrals to rate online content

Senator Ludlam asked:

Has the big jump in referrals been reflected in a jump in referrals of child sexual abuse material and/or referrals across the Federal Police?

Has there been any material difference in the kinds of content that are being reported?

Answer:

- Yes. In 2008/09, 930 items investigated by the ACMA were found to contain potential prohibited or prohibited content related to child sexual abuse material and were referred to either the AFP, state or territory police and/or, INHOPE (the International Association of Internet Hotlines). In 2009/10 this number rose to 1068.
- The most significant differences in the material being reported between 2008/09 and 2009/10 are as follows:
 - Of the items investigated, a lower proportion of the 2009/10 items were found to contain potential prohibited and prohibited material (a 10% decrease).
 - Although more child abuse material was actioned in 2009/10, it decreased as a percentage of the total potential prohibited and prohibited items of content investigated (from 68% to 55%)
 - Of the total potential prohibited and prohibited items of content investigated, there was an increase in the relative percentage of material rated X18+ (from 17% to 22%) and R18+ (from 3% to 9%) in the 2009/10 period.

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- A full breakdown of potential prohibited and prohibited content investigated by the ACMA across 2008/09 and 2009/10 is as follows.

	2008/09	%	2009/10	%
MA 15+ – Violence	0	0%	2	0%
MA 15+ – Sex	0	0%	0	0%
MA 15+ – Themes	0	0%	0	0%
MA 15+ – Drug Use	0	0%	0	0%
MA 15+ – Nudity	0	0%	0	0%
MA 15+ – Language	0	0%	0	0%
R 18+ – Violence	4	0%	15	1%
R 18+ – Sex	17	1%	25	1%
R 18+ – Themes	17	1%	32	2%
R 18+ – Drug Use	0	0%	13	1%
R 18+ – Nudity	19	1%	70	4%
R 18+ – Language	0	0%	0	0%
X 18+ – Actual sexual activity	229	17%	433	22%
RC – Crime – promotion/instruction	3	0%	25	1%
RC – Violence – depiction	2	0%	21	1%
RC – Paedophilia – promotion/instruction	7	1%	3	0%
RC – Child – depiction	923	68%	1065	55%
RC – Bestiality – depiction	13	1%	37	2%
RC – Sexual violence – depiction	36	3%	28	1%
RC – Sexual fetish – depiction	64	5%	128	7%
RC – Sexual fantasy – depiction	28	2%	16	1%
RC – Drug use – promotion/instruction	0	0%	5	0%
RC - Crime - depiction	0	0%	6	0%
RC - Violence - promotion/instruction	0	0%	1	0%
RC – Cruelty - depiction	0	0%	1	0%
RC – Terrorist Material	0	0%	1	0%
RC - Offensive/Abhorrent phenomena	0	0%	5	0%
RC – Publication	1	0%	0	0%
Cat 1 – Publication	0	0%	0	0%
Cat 2 – Publication	0	0%	0	0%
	1363	100%	1932	100%

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Question No: 39

Hansard Ref: EC 77

Topic: Working Committee on captioning

Senator Fifield asked:

- a) Can you provide a list of the organisations that were represented at the meeting convened to discuss matters relating to captioning?
- b) Can you also provide a list of those who are on the working committee that has been established to discuss issues relating to captioning?

Answer:

a)The list of organisations were:

- ABC
- Ai Media
- Arts Access Australia
- ASTRA
- Australian Communications Consumer Action Network (ACCAN)
- Australian Communication Exchange
- Australian Communications and Media Authority (ACMA)
- Australian Human Rights Commission (AHRC)
- AUSTAR
- Better Hearing Australia
- Blind Citizens Australia
- Captioning Subtitle International (CSI)
- Department of Broadband, Communications & the Digital Economy (DBCDE)
- Deaf Australia
- Deafness Forum
- FOXTEL
- Free TV Australia
- Media Access
- Network Ten
- Nine Network
- Red Bee Media Australia
- SBS
- Seven Network
- Southern Cross Media
- Vision Australia

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b) The Captioning Committee comprises:

Consumer Representatives

Deafness Forum – Alex Jones, Deaf Australia – David Parker
ACCAN – Wayne Hawkins, Media Access – Chris Mikul

Industry Representatives

Ten – Ian Wilson
Nine – Scott Briggs
Free TV – Holly Brimble
ASTRA – Shona Fury
SBS – Therese Iverach and Pip Gordan
SEVEN – Paul Richardson
ABC – Michael Brealay

Caption Providers

CSI – Malcolm Beech-Allen
Red Bee Media Australia – Chris Howe
Ai Media – Tony Abrahams

ACMA Representatives

Kathleen Sillari – Executive Manager, Content and Consumer Branch
Rochelle Zurnamer – Manager, Broadcasting Investigations Section
Angela Zahos – Senior Investigations Officer, Broadcasting Investigations Section

Chair – Johanna Plante

Ms Plante recently retired as a member of the ACMA Authority where she served as a member since 2005. She is the former Chief Executive Officer of the Australian Communications Industry Forum and has held senior positions with KPMG, Telstra, Pacific Star Communications, and Coopers and Lybrand. She was a member of Austel and a board member of *Networking the Nation*. Ms Plante also chaired the ACMA Captioning Workshop on 16 September 2010.

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Question No: 40

Hansard Ref: EC 78

Topic: ACMA Investigations

Senator Fifield asked:

- a) You mentioned that for the current financial year there were eight investigations? Does that mean that there were only eight complaints that year or only eight that warranted investigation?
- b) Can you provide by financial year from 2006-07 through to the current financial year the number of ACMA investigations, the number of breaches and the remedies for each of those years?

Answer:

- a) In the financial year 2009-2010 the ACMA received sixteen complaints in relation to captioning matters. The ACMA finalised eight investigations during the period.

Not all complaints proceed to investigation. This is for a range of reasons including insufficient specificity of detail (in the complaint) in relation to the broadcast material of concern, failure to follow the correct complaint process and matters raised out of the ACMA's jurisdiction.

- b) Details for financial years 2006-07 to 2009-10 are as follows:

Financial Year 2006/2007

Financial Year	Number of investigations into Captioning	Number of Breaches
2006/2007	1	0

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Financial Year 2007/2008

Financial Year	Number of investigations into Captioning	Number of Breaches
2007/2008	10	1 (see details below)
<p>Investigation 1808 Finalised 7.12.2007</p> <p>Network Ten (Sydney) Pty Ltd - <i>The Simpsons</i></p> <p>In response to the breach finding, the licensee submitted that:</p> <ul style="list-style-type: none"> • there were mitigating factors in existence at the time of broadcast which factors had subsequently been resolved. • these mitigating factors arose from TEN's implementation of new digital captioning processes and equipment in 2007. <p>The licensee undertook to:</p> <ul style="list-style-type: none"> • continue to rigorously test and monitor the infrastructure and address any viewer feedback. <p>The ACMA:</p> <ul style="list-style-type: none"> • considered the actions taken commensurate noting that it was the licensee's first breach of this clause since the change in legislation on 1 January 2007. 		

Financial Year 2008/2009

Financial Year	Number of investigations into Captioning	Number of Breaches
2008/2009	2	2 (see details below)
<p>Investigation 1945 Finalised 10.07.2008</p> <p>NBN Limited (NSW) – <i>NBN Evening News</i></p> <p>In response to the breach finding, the licensee agreed to an extensive equipment improvement</p>		

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process to ensure future compliance. This included:

- replacement of aged technical equipment in news production to ensure future reliability between graphics, the auto-prompter and news output, including captioning.
- production of all news items for evening news bulletins and updates via electronic news production software (ENPS) to ensure all news items are captioned;
- captioning of all breaking news stories taken from Nine Network via ENPS;
- monitoring of the captioning services through NBN's newly formed technical committee comprising senior news, technical, operations and information technology staff; and
- monthly reporting on technical issues and captioning services by the committee to the CEO.

ACMA noted that it would continue to monitor the licensee's performance to ensure that these measures result in ongoing compliance.

Investigation 2131
Finalised 23.03.2009

Network Ten (Sydney) Pty Ltd – *The Inauguration of President Obama*

In response to the breach finding, the licensee agreed to:

- a review its current process to ensure that programs are captioned in accordance with the BSA;
- distribution of the investigation finding to relevant personnel from the Programming, Operations and News Departments at TEN
- preparation of an updated handout summarising captioning obligations under the BSA and Free TV Code, with particular emphasis on the relevant definition of 'news or current affairs program'
- provision of a tailored training session with relevant personnel from the Programming, Operations and News Departments in June 2009, which included detailed discussion of the ACMA's finding, and will repeat tailored captioning training on an annual basis or as staff turnover requires
- inclusion of captioning as a topic in both regular Legal and Code training for the News department

The ACMA noted it would continue to monitor the licensee's performance to ensure that these measures result in ongoing compliance. The ACMA noted that while the licensee breached the captioning provisions during 2007, there were no recorded breaches in relation to captioning during 2008.

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Financial Year 2009/2010

Financial Year	Number of investigations into Captioning	Number of Breaches
2009/2010	8	3 (see details below)
<p>Investigation 2152 Finalised 6.08.2009</p> <p>NBN Limited (NSW) – <i>NBN Evening News</i></p> <p>In response to the breach finding the licensee proposed:</p> <ul style="list-style-type: none"> • the installation of a ‘live’ caption service for its news service (the licensee advised that this represented a significant improvement as it permitted an operator to manually enter dialogue not included in the script. <p>The ACMA noted that this was the second breach, by the licensee, since July 2008 and undertook to continue to monitor the licensee’s performance to ensure that the new ‘live’ system resulted in ongoing compliance.</p>		
<p>Investigation 2271 Finalised 30.11.2009</p> <p>TCN Channel Nine Pty Ltd – <i>various programs broadcast on GO!</i></p> <p>In response to the breach finding, the licensee submitted that:</p> <ul style="list-style-type: none"> • the failure to provide a captioning service was due to complex technical difficulties which precluded full system pre-checks on the transmission of captioning on the new <i>GO!</i> Multi-channel, prior to its commencement on 9 August 2009 • it became aware of the problem on 10 August 2009 and corrected the error by 12 August in Melbourne, Brisbane and regional areas, by 13 August in Sydney. <p>The ACMA noted that in view of the quick resolution of this particular fault and the fact that the breach occurred during the first week of broadcast on <i>GO!</i>, it would take no further action but would continue to monitor the licensee’s performance in relation to its captioning obligations.</p>		
<p>Investigation 2272 Finalised 3.03.2010</p> <p>TCN Channel Nine Pty Ltd – <i>National Nine News and RPA</i></p>		

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In response to the breach finding, the licensee agreed to the implementation of several remedial measures. These included:

- enhanced quality control and supervision
- targeted ‘spot’ audits and reports to the ACMA on the outcome of these
- regular meetings with the caption provider and other stakeholders to review and resolve issues relating to transmission and quality
- the upgrade its captioning transmission monitoring to allow for quick identification and resolution of transmission problems

The ACMA is closely monitoring the licensee’s performance.

Financial Year 2010/2011 (to end of October 2010)

Financial Year	Number of investigations into Captioning	Number of Breaches
2006/2007	1	0

General Comment regarding remedial/compliance action

The ACMA takes a graduated approach to enforcement action and uses the enforcement powers available to it according to the seriousness of the breach. Generally, this involves using the minimum power or intervention necessary depending on the scale, risk and urgency of the breach. The ACMA may also informally accept measures by broadcasters to improve compliance. For example, the ACMA has on many occasions agreed to measures with licensees involving action intended by them to ensure compliance problems are addressed.

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Question No: 41

Hansard Ref: EC 83

Topic: Cyber-safety Pre-Service Teacher Program

Senator Wortley asked:

Previously we have had discussions about the pre-service teacher program and contacting the universities, and I understand that this has been done. Have all universities responded? Where at university level do you direct the contact from the ACMA to get the universities involved?

Answer:

The ACMA's new Cybersafety Outreach Pre-Service Teacher program (PST) was piloted at Australian Catholic University's Strathfield campus in Sydney on 12 October 2009, and officially launched at Deakin University in Melbourne on 10 June 2010. This program equips final year student teachers with the skills, knowledge, tools and resources (including lesson plans) to ensure they are able to engage and teach their future students to stay safe online.

The program has been enthusiastically received with confirmed bookings for the University of South Australia; Flinders University; the University of Melbourne and the Australian Catholic University.

The ACMA's roll out strategy involves contacting each university individually via the Deans of the Faculty of Education, their delegate or Heads of Schools. Contact is also with specific lecturers across Australia who have a public profile in Cybersafety.

Promotion of the program is also occurring through the ACMA's Cyberzine newsletter, state teacher registration bodies and state departments of education. A four minute promotional video clip of the PST will become available by mid November 2010 to be hosted on the ACMA's Cybersmart website.

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Question No: 42

Hansard Ref: EC 83

Topic: FM Reception Issues

Senator Colbeck asked:

I have been working with the ABC in Tasmania for a while regarding some FM reception issues on the north-west coast, particularly around Wynyard and Burnie. I understand they have been in discussions and formally written to the ACMA to seek some assistance to mitigate some of the problems they have in that area. Can you give me any information on where that process might be at please?

Answer:

The ABC wrote to the ACMA on 7 October 2010 asking for assistance to improve the reception of ABC local radio services in north-west Tasmania.

The ACMA has investigated the request, and believes that it may be possible to relocate the existing low power local radio service to a more prominent site and increase its power. This is expected to significantly improve reception of ABC local radio services in the area. The ABC has been advised of this informally, and a formal response to the request is being prepared.

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Question No: 43

Hansard Ref: In Writing

Topic: Voluntary euthanasia legislation

Senator Birmingham asked:

Was ACMA consulted by any parties about the commercials advocated support for voluntary euthanasia legislation that were recently refused air time? If so, when, by whom and what advice or information was provided?

Has ACMA reviewed these advertisements at all? If so, did ACMA find them in breach of any codes or legal obligations that would prevent them from being aired? If so, please detail.

Do any codes or legal obligations prevent the airing of advertisements that advocate support for voluntary euthanasia legislation? If so, please detail.

Would ACMA or the Government be concerned if free to air networks were to collude to ban the airing of advertisements that do not breach any established and approved codes or legal requirements? What options would be open to ACMA in this event?

Answer:

- The regulation of broadcasting content operates under a co-regulatory model in which industry and government each have a role to play. In line with the responsibilities conferred on industry by the co-regulatory scheme, it is the role of licensees to classify content screened on commercial free-to-air television. Commercials are classified by Free TV's commercials classification service, Commercial Advice Pty Ltd (CAD). Decisions relating to acceptance of a commercial for broadcast, the times during which it can be broadcast, and the terms of agreement with any advertiser or advertising agent, are a matter for each television station.
- Clause 2.17.5 of the Commercial Television Industry Code of Practice (the Code) states that realistic depiction of methods of suicide, or promotion or encouragement of suicide will invariably be unsuitable for television.
- Section 129 of the BSA specifically limits the ACMA's ability to require that content be pre-approved by the ACMA prior to broadcast. Section 129 states:
Subject to subsection (2), the ACMA must not determine a standard that requires that, before programs are broadcast, the programs, or a sample of the programs, be approved by the ACMA or by a person or body appointed by the ACMA.
- The ACMA was not consulted by any parties about the commercial advocating support for voluntary euthanasia legislation prior to the commercial being denied classification by Free TV's commercials classification service, CAD.

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- Subsequently, on 14 September 2010, Neil Francis, Chairman and CEO of YourLastRight.com Limited, contacted the ACMA to enquire about the ACMA's role in the classification of commercials, and the interpretation of the Code. Mr Francis was advised that the ACMA has no power to investigate or review CAD's decision.
- The ACMA has not reviewed the commercial in the context of potential broadcast on television. Section 129 of the BSA specifically limits the ACMA's ability to require that content be pre-approved by the ACMA prior to broadcast. Section 129 states: Subject to subsection (2), the ACMA must not determine a standard that requires that, before programs are broadcast, the programs, or a sample of the programs, be approved by the ACMA or by a person or body appointed by the ACMA.

Online content complaint

- The ACMA did receive a complaint concerning online content at a specific URL (a single webpage), where the commercial was available as an embedded video clip within a webpage that also contained images, text and a second video relating to euthanasia and assisted suicide.
- In relation to the ACMA's investigation of online content, under the *Broadcasting Service Act 1992* (the BSA):
 - The ACMA must investigate all complaints made by an Australian resident or body corporate that carries on activities in Australia if they have reason to believe that end-users in Australia can access prohibited content.
 - Content that is classified RC or X18+ is prohibited. In certain circumstances, content classified R18+ or MA15+ is also prohibited.
 - If prohibited or potential prohibited content is hosted in Australia, under Schedule 7 of the BSA the hosting service provider is required to remove or restrict access to the prohibited or potential prohibited content.
 - If prohibited or potential prohibited content is hosted outside Australia, the ACMA must notify the content to Internet Industry Association (IIA) filter providers under an Internet Industry Code of Practice.
- Following receipt of the complaint, the ACMA referred the online content to the Classification Board for classification:
 - The Classification Board classified the webpage (the specific URL complained about only) as a whole R18+ for containing themes that are high in viewing impact. However, in its written reasons for the decision, the Classification Board noted that the commercial in isolation could be accommodated at a lower classification (MA15+ or lower).
- As the content (all the contents of the specific URL) was classified R18+ by the Classification Board and is not subject to a restricted access system, the content is prohibited. The content is hosted outside Australia (in the United States) and therefore, the ACMA notified the specific URL to IIA accredited filter providers.

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Question No: 44

Hansard Ref: In Writing

Topic: Investigation into Al Manar

Senator Birmingham asked:

1. Please detail what organisations were consulted as part of ACMA's investigation into Al Manar television.
2. Did ACMA, in the course of this investigation, seek further information from the Intelligence and Terrorism Information Centre or the Middle East Media Research Institute? What other international organisations were contacted?
3. Did ACMA invite or receive submissions from parties during the course of this review? If so, who from, have they been made public and, if not, will they be made public?

Answer:

1. As indicated by the Terms of Reference and ACMA methodology for the investigation¹, the ACMA has consulted with the Australian Federal Police, the Attorney-General's Department and the Department of Foreign Affairs during its investigation into Al Manar television.
2. The ACMA did not contact the Intelligence and Terrorism Information Centre in the course of its investigations, but did seek advice from the Middle East Media Research Institute. As indicated by the Terms of Reference and ACMA methodology for the investigation, the ACMA has obtained information from public sources on international regulatory approaches and relevant literature in relation to Al-Manar Television programming as well as commissioning research regarding geo-political and religious events in Lebanon for the purposes of providing detailed background to the investigation.
3. The ACMA called for submissions to be made by 5 March 2010. Submissions were received from a member of the public and the Australian-Israeli Jewish Affairs Council. The submissions have not been made public but information contained in the submissions will be detailed in the report on the investigation when published.

¹ http://www.acma.gov.au/WEB/STANDARD/pc=PC_100311

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Question No: 45

Hansard Ref: In Writing

Topic: Contractors -ACMA

Senator Birmingham asked:

Has the department/agency ever employed Hawker Britton in any capacity or is it considering employing Hawker Britton? If yes, provide details.

Has the department/agency ever employed Shannon's Way in any capacity or is it considering employing Shannon's Way? If yes, provide details.

Has the department/agency ever employed John Utting & UMR Research Group in any capacity or is it considering employing John Utting & UMR Research Group? If yes, provide details.

Has the department/agency ever employed McCann-Erickson in any capacity or is it considering employing McCann-Erickson? If yes, provide details.

Has the department/agency ever employed Cutting Edge in any capacity or is it considering employing Cutting Edge? If yes, provide details.

Has the department/agency ever employed Ikon Communications in any capacity or is it considering employing Ikon Communications? If yes, provide details.

Has the department/agency ever employed CMAX Communications in any capacity or is it considering employing CMAX Communications? If yes, provide details.

Has the department/agency ever employed Boston Consulting Group in any capacity or is it considering employing Boston Consulting Group? If yes, provide details.

Has the department/agency ever employed McKinsey & Company in any capacity or is it considering employing McKinsey & Company? If yes, provide details.

Answer:

A review of the ACMA's financial data has not provided any evidence of the ACMA employing any of the above listed individuals or entities.

At the 31 October 2010 the ACMA is not considering employing any of above listed individuals or entities.

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Question No: 46

Hansard Ref: In Writing

Topic: Media Subscriptions - ACMA

Senator Birmingham asked:

1. Does your department or agencies within your portfolio subscribe to pay TV (for example Foxtel)? If yes, please provide the reason why, the cost and what channels.
2. Does your department or agencies within your portfolio subscribe to newspapers? If yes, please provide the reason why, the cost and what newspapers.
3. Does your department or agencies within your portfolio subscribe to magazines? If yes, please provide the reason why, the cost and what magazines.

Answer:

1. The ACMA subscribes to the Foxtel Business Package.
The subscription provides information in relation to the broadcasting, the internet, radiocommunications and telecommunications industries and environment that the ACMA regulates.
Cost for the period from 1 July 2010 to 30 September 2010 is \$5,823.
2. The ACMA subscribes to the following newspapers: The Financial Review; The Canberra Times; The Bulletin; The Australian; The Sydney Morning Herald; The Age.
The subscriptions provide information in relation to the broadcasting, the internet, radiocommunications and telecommunications industries and environment that the ACMA regulates.
Cost for the period from 1 July 2010 to 30 September 2010 is \$4,654.

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3. The ACMA subscribes to a range of magazines. The following table identifies subscriptions managed corporately. The ACMA may subscribe to other magazines, however these are managed by individual line areas and information regarding the subscription is not readily accessible, nor material in nature.

NAME OF SUBSCRIPTION
AdNews
B & T magazine
Communications Day
Communications law bulletin
Computer choice
Computers and law journal
Crikey
Electrical connection
Encore
Exchange
Future Mobile Networks
Harvard Business Review
IEEE Communications magazine
IEEE Transactions on Broadcasting
Internet Law Bulletin
Media International Australia
Media week
Mobility
Privacy law bulletin
RadiInfo
Screen digest
Silicon Chip
Small screen
Sound & image
Telecommunication Journal of Australia
Telecommunications policy

The subscriptions provide information in relation to the broadcasting, the internet, radiocommunications and telecommunications industries and environment that the ACMA regulates.

Cost for the period from 1 July 2010 to 30 September 2010 is \$8,885.

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Question No: 47

Hansard Ref: In Writing

Topic: Advertising and Marketing - ACMA

Senator Birmingham asked:

How much has the Department and portfolio agencies spent on advertising and marketing since Budget Estimates? Ask for justification of expenditure.

Could the Department provide a complete list of current contracts. Please indicate the rationale for each service provided and its intended use.

What communications programs has the Department and portfolio agencies undertaken since additional estimates and what communications programs are planned to be undertaken? For each program, what is the total spend?

Answer:

Within the ACMA's financial system, advertising and marketing expenditure from 10 May 2010 to 30 September 2010 was \$0.962m. Expenditure related to the Do Not Call Register, Cyber-Safety programs, Smart Numbers, public notices and employee recruitment.

The ACMA has a current contract with Services Stream Solutions Pty Ltd for the Do Not Call Register which contains a component for promoting general awareness of the Register.

The ACMA is planning to undertake a communications program in relation to general awareness of the Do Not Call Register. Total expenditure is expected to be \$0.125m for 2010/11.

(by 'communications program' it is meant communication of a government message to the public – possibly by advertising (print, television etc), possibly through the erection of signs, plaques etc, or through other mediums. The recent Government TV advertising campaign on health reform and specific health initiatives are examples, BER signage is an example, advertising on the Government's proposed new tax system would be another example.)

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Question No: 48

Program No.

Hansard Ref: In Writing

Topic: Staffing Levels - ACMA

Senator Birmingham asked:

- a) What is the total expenditure on staffing for the Department and for all portfolio agencies? What is the SES and non-SES breakdown?

Answer:

As per the ACMA Annual Report 2009-10 total expenditure on staffing was \$62.570m (refer to page 234), comprising SES expenditure of \$4.840m (refer to page 269) and non-SES expenditure of \$57.730m.

- b) What are the current staffing levels for SES and non-SES officers?

Answer:

This information is included in the ACMA Annual Report 2009-10 – refer to Table 38, page 169.

- c) How many SES were employed in your Department and portfolio agencies on 10 May 2010?

Answer:

The total number of SES employed as of 10 May 2010 was 22.

- d) How many SES were employed in your Department and portfolio agencies as of today?

Answer:

The total number of SES employed as of 19 October 2010 was 22.

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- e) What is the breakdown by each level (each SES band, each Executive Level band and each APS band)?

Answer:

This information is included in the ACMA Annual Report 2009-10 – refer to Table 38, page 169

- f) What is the gender breakdown by each level (each SES band, each Executive Level band and each APS band)?

Answer:

This information is included in the ACMA Annual Report 2009-10 – refer to Table 38, page 169.

- g) What is the breakdown by location for each level (each SES band, each Executive Level band and each APS band)?

Answer:

This information is included in the ACMA Annual Report 2009-10 – refer to Table 38, pages 170-173.

- h) What is the breakdown by each level of ongoing staff and non ongoing staff (each SES band, each Executive Level band and each APS band)?

Answer:

This information is included in the ACMA Annual Report 2009-10 – refer to Table 38, page 169.

- i) What has been the general staffing trend in your department and portfolio agencies since the 2007 election?

Answer:

The ACMA's staffing trend based on average staffing levels as reported in the ACMA annual reports has increased 6.7% (for 2009/10 refer to the ACMA Annual Report 2009-10 page 221).

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- j) What have been the changes in staffing levels since Budget Estimates 2010? Why have these changes occurred? What have been the budgetary implications? In the case of reductions in staff numbers, how have these reductions been absorbed by the Department? What functions these staff performed have been sacrificed and why?

Answer:

- (i) The ACMA's full time equivalent staffing levels have increased by 32 since Budget Estimates.
- (ii) The increase in staffing levels represents additional staff required to undertake work associated with new policy proposals (NPP).
- (iii) Budget for the additional staff was provided from NPP funding.
- (iv) N/A
- (v) N/A

- k) Are there expected changes to current staffing levels over the next 12 months? If yes, provide details including a breakdown of each level staff (each SES band, each Executive Level band and each APS band) detailing the changes. Will this be different to what was reported in the 2010-11 Budget?

Answer:

- (i) In line with our current budget position it is likely that there may be some reductions in staffing, however this will be determined in line with the outcome of the ACMA's annual budget process and the finalisation of the Governments budget process for 2011/12.
- (ii) This level of detail is not available until the finalisation of the ACMA's annual budget process and the Governments budget process for 2011/12.
- (iii) At this point in time there is no change in the 2010/11 Portfolio Budget Statement position.

- l) Has there been a target for staff reductions to achieve savings? What is that target and what strategy is being implemented to achieve this? Will staff reductions be used to achieve the Government's election commitment to maintain the 1.25 per cent efficiency dividend?

Answer:

- (i) No.
- (ii) N/A.
- (iv) The ACMA reviews all expenditure, including employee expenditure, to determine how to best meet the efficiency dividend target. The requirement to use staffing reductions to meet future efficiency dividend will not be known until after the

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outcome of the ACMA's annual budget process and finalisation of the Governments budget process for 2011/12.

- m) Have any voluntary or involuntary redundancies been offered to staff? If so, how have staff been identified for such offers? (iii) Are there such plans for the future?

Answer:

- (i) Yes.
- (ii) Staff were identified for redundancy on the basis that their skills could no longer be used because of technological or other changes in the work methods of the ACMA or changes in the nature, extent or organisation of the functions of the ACMA.
- (iii) The ACMA has no plans to offer large scale redundancies in the future, however if budgetary reductions were required to be achieved, redundancies would represent one of the options available to the ACMA.

- n) How many permanent staff recruited since Budget Estimates 2010? What level are these staff? Where is their location?

Answer:

There was 40 permanent staff recruited during this period, as per the following tables:

Canberra	
APS 4	4
APS 5	4
APS 6	5
EL 1	7
EL 2	3
Total	23

Melbourne	
APS 6	3
EL 1	4
EL 2	1
Total	8

Sydney	
APS 4	1
APS 5	1
APS 6	3
EL 1	1
EL 2	3
Total	9

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- o) Since Budget Estimates 2010, how many employees have been employed on contract and what is the average length of their employment period?

Answer:

The ACMA employed 27 staff on contract. The average length of their non ongoing contracts was 6.7 months.

- p) Have staffing numbers been reduced as a result of the current efficiency dividend and/or other budget cuts since Budget Estimates 2010? If so, where and at what level?

Answer:

No.

- q) Are there any plans for staff reduction? (ii) If so, please advise details.

Answer:

- (i) In line with our current budget position it is likely that there may be some reductions in staffing, however this will be determined in line with the outcome of the ACMA's annual budget process and the finalisation of the Governments budget process for 2011/12.
- (ii) Details at this stage are not available until the finalisation of the ACMA's annual budget process and the Governments budget process for 2011/12.

- r) If your Department/agency has been identified in the 2010 election as delivering efficiencies (savings), how will these be delivered? (for example, savings commitments included reducing program funding, rationalising grants etc how will these impact the department and staffing)

Answer:

The ACMA was not identified.

- s) What changes are underway or planned for graduate recruitment, cadetships or similar programs? If reductions or increases are envisaged please explain including reasons, target numbers etc.

Answer:

No changes are planned.

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Question No: 49

Hansard Ref: In Writing

Topic: Government Payments of Accounts - ACMA

Senator Birmingham asked:

- a) Has the department/agency paid its accounts to contractors/consultants etc in accordance with Government policy in terms of time for payment (i.e. within 30 days)? If not, why not, and what has been the timeframe for payment of accounts? Please provide a breakdown, average statistics etc as appropriate to give insight into how this issue is being approached.
- b) For accounts not paid within 30 days, is interest being paid on overdue amounts and if so how much has been paid by the portfolio/department agency for the current financial year and the previous financial year?
- c) Where interest is being paid, what rate of interest is being paid and how is this rate determined?

Answer:

- a) In relation to the Government's '*30 Day Payment Policy for Small Business*' the ACMA achieved a compliance rate of 100%.
- b) N/a
- c) N/a

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Question No: 50

Hansard Ref: In Writing

Topic: Travel Costs ACMA

Senator Birmingham asked:

- (i) The 2009-10 Mid Year Economic and Fiscal Outlook detailed a whole-of-government coordinated procurement arrangements for travel and related services. How has this applied to your department and portfolio agencies? Please explain the changes that have occurred to your department and portfolio agencies in relation to its travel and related services.
- (ii) Is purchasing of travel and related services less expensive under the new arrangements?
- (iii) Is purchasing of travel and related services more efficient under the new arrangements?
- (iv) Have savings been achieved in your portfolio because of the new arrangements?
- (v) How much did your department and portfolio agencies spend on travel in 2008-09, 2009-10 and to date this financial year?
- (vi) How have staff within your department and portfolio agencies found the new arrangements? For example is it more efficient to arrange travel?

Answer:

- (i) The ACMA has implemented the Whole of Australian Government (WoAG) travel processes effective 1 July 2010. The ACMA's travel provider has remained the same, so there has been no administrative change from previous arrangements.
- (ii) Yes
- (iii) The ACMA has found the same level of efficiency under the new arrangements compared to the previous arrangements.
- (iv) Yes.
- (v)

2008/09	\$3,101,000	Refer ACMA annual report 2009-10 page 255
2009/2010	\$3,589,000	Refer ACMA annual report 2009-10 page 255
2010/11 YTD	\$ 780,665	
- (vi) As the ACMA's travel provider has remained the same there has been no changes.