

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Supplementary Budget Estimates Hearings October 2011
Broadband, Communications and the Digital Economy Portfolio
Australian Communications and Media Authority

Question No: 244

Program No: ACMA

Hansard Ref: In Writing

Topic: ACMA Divisions and Staffing

Senator Birmingham asked:

- a. Within The Australian Media and Communications Authority, how many divisions are there and what are their names?
- b. How many staff are there in each of these divisions?
- c. Where is each division located and what are their staffing numbers?

Answer:

- a. There are 6 divisions within the ACMA, and a small number of employees working in the Office of the Chair:
 - o Communications Infrastructure
 - o Content Consumer and Citizen
 - o Digital Economy
 - o Digital Transition
 - o Legal Services
 - o Corporate Services and Coordination
- b. The number of ongoing and non-ongoing employees in each division as at 25th October 2011 were:

Division	No. of staff
Communications Infrastructure	174
Content Consumer and Citizen	110
Digital Economy	98
Digital Transition	84
Legal Services	29
Corporate Services and Coordination	111

- c. The divisions are spread across 3 central offices (Canberra, Melbourne & Sydney), with some employees in Communications Infrastructure located in Brisbane, Hobart and Parramatta. The number of ongoing and non-ongoing employees across the divisions and locations at 25th October 2011 were:

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Division	Location	No. of Staff
Communications Infrastructure	Brisbane	15
	Canberra	70
	Hobart	2
	Melbourne	70
	Parramatta	9
	Sydney	8
Content Consumer and Citizen	Canberra	1
	Melbourne	54
	Sydney	55
Digital Economy	Canberra	1
	Melbourne	76
	Sydney	21
Digital Transition	Canberra	54
	Melbourne	14
	Sydney	16
Legal Services	Canberra	4
	Melbourne	12
	Sydney	13
Corporate Services and Coordination	Canberra	84
	Melbourne	8
	Sydney	19

The Office of the Chair employs 21 staff located in:

Office of the Chair	Canberra	2
	Melbourne	8
	Sydney	11

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Question No: 245

Program No. ACMA

Hansard Ref: In Writing

Topic: ACMA Offices

Senator Birmingham asked:

- a. How many office locations are there within The ACMA and where is each located?
- b. What is the size of each of these offices and are they leased or owned?
- c. If the office is rented, what is the amount and what is the breakdown of rent per square metre?
- d. What is the value of the buildings owned and what is the depreciation of those buildings?

Answer:

- a. There are six ACMA office locations as follows:

- i) Level 44, Melbourne Central Tower
360 Elizabeth St
Melbourne
- ii) Purple Building, Benjamin Offices
Chan St
Belconnen, ACT
- iii) Level 5, The Bay Centre
65 Pirrama Rd
Pyrmont (Sydney)
- iv) Level 3, 100 George St
Parramatta (Sydney)
- v) 424 Upper Roma St
Brisbane
- vi) 601 Back Tea Tree Rd, Richmond
Tasmania

- b. The size of the ACMA's offices are as follows:

Sydney- Leased--- 3,289 sqm

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Melbourne-	Leased---	4,668 sqm
Canberra-	Leased--	5,774 sqm
Brisbane-	Leased---	355 sqm
Parramatta-	Leased---	146 sqm
Quion Ridge-	Owned---	366 sqm

- c. The rental amount as at the 30th of June 2011 on a per annum basis, and the breakdown of rent per square metre is as follows:

Office	Annual Cost	Cost PSM
Sydney	\$1,677,390	\$ 510
Melbourne	2,334,000	500
Canberra	1,882,928	326
Brisbane	124,250	350
Parramatta	49,640	340

- d. The buildings owned by the ACMA are to support infrastructure necessary for interference monitoring. The value of the buildings owned and depreciation as at the 30th of June 2011 is as follows:

Description:	Asset Cost	Accum Depr	Written Down Value
Building Quion Ridge, Tasmania	190,725.00	(8,292.32)	182,432.68
Building Brooklyn Park, Adelaide	45,350.00	(2,273.70)	43,076.30
Building South Morang, Melbourne	24,000.00	(2,406.60)	21,593.40
Building Birkdale Park, Brisbane	27,572.45	(1,856.80)	25,715.65
	<u>287,647.45</u>	<u>(14,829.42)</u>	<u>272,818.03</u>

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Question No: 246

Program No. ACMA

Hansard Ref: In Writing

Topic: Hospitality and Entertainment

Senator Birmingham asked:

Provide details on expenditure for The Australian Media and Communications Authority on the following (2010-11):

- a. Advertising
- b. Travel (including breakdown: of business versus economy, domestic versus international)
- c. Hospitality and Entertainment
- d. ICT
- e. Consultancy
- f. Education/Training to Staff
- g. External Accounting
- h. External Auditing
- i. External Legal
- j. Memberships or grants paid to affiliate organisations

Answer:

The ACMA's total expenditure for the 2010-11 financial year is as follows:

- a. advertising- \$293,716
- b. travel- Business \$ 220,708¹ Domestic \$2,925,257²
Economy \$ 1,130,884¹ International \$ 451,589²
- c. hospitality and entertainment- \$40,476
- d. information and communications technology- \$5,898,868
- e. consultancy- \$1,789,117
- f. education/training to staff- \$1,107,841
- g. external accounting- \$Nil
- h. external auditing- \$417,990
- i. external legal- \$739,248
- j. memberships or grants paid to affiliate organisations- \$Nil

1. Travel figures represent the amount spent on airfares.

2. Includes all travel costs

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Question No: 247

Program No. ACMA

Hansard Ref: In Writing

Topic: ACMA Expenditure

Senator Birmingham asked:

Provide a further breakdown of the above expenditure for each division with The ACMA:

- a. Advertising
- b. Travel (including breakdown: of business versus economy, domestic versus international)
- c. Hospitality and Entertainment
- d. ICT
- e. Consultancy
- f. Education/Training to Staff
- g. External Accounting
- h. External Auditing
- i. External Legal
- j. Memberships or grants paid to affiliate organisations

Answer:

See table on following pages:

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External Legal	Nil	Nil	Nil	Nil	739,248	Nil	739,248
Memberships to Affiliate Organisations	Nil	Nil	Nil	Nil	Nil	Nil	Nil

- Note that this figure includes the ACMA's Leadership Program expenditure of \$427,524

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Australian Communications and Media Authority

Question No: 248

Program No. ACMA

Hansard Ref: In Writing

Topic: ACMA Expenditure Executive Manager

Senator Birmingham asked:

Within each divisional area, provide a further breakdown of expenditure under each Executive Manager:

- a. Advertising
- b. Travel (including breakdown: of business versus economy, domestic versus international)
- c. Hospitality and Entertainment
- d. ICT
- e. Consultancy
- f. Education/Training to Staff
- g. External Accounting
- h. External Auditing
- i. External Legal
- j. Memberships or grants paid to affiliate organisations

Answer:

The following tables provide an expenditure breakdown for each Executive Manager for the 2010-11 financial year.

Communications Infrastructure Division			
Expenditure for Executive Managers	Operations	Infrastructure Regulation	Spectrum Infrastructure
Advertising	Nil	Nil	Nil
Travel- Business	10,309	12,717	9,757
Economy	8,434	9,715	9,757
Domestic	30,669	39,427	37,258
International	Nil	16,198	26,645
Hospitality & Entertainment	118	Nil	388
Information and Communication Technology	7,765	18,007	15,052
Consultancy	1,407	Nil	Nil
Education/training for staff	13,583	Nil	4,507
External accounting	Nil	Nil	Nil
External auditing	Nil	Nil	Nil
External Legal	Nil	Nil	Nil

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Memberships to affiliate organisations	Nil	Nil	Nil
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Content, Consumer & Citizen Division			
Expenditure For Executive Managers	Citizen & Community	Content & Consumer	Unsolicited Communications
Advertising	Nil	Nil	3,472
Travel- Business	5,166	21,728	5,828
Economy	6,314	4,938	3,885
Domestic	34,278	50,125	20,190
International	11,805	Nil	23,751
Hospitality & Entertainment	Nil	Nil	Nil
Information and Communication Technology	15,522	13,566	12,530
Consultancy	6,707	Nil	Nil
Education/training for staff	4,275	Nil	Nil
External accounting	Nil	Nil	Nil
External auditing	Nil	Nil	Nil
External Legal	Nil	Nil	Nil
Memberships to affiliate organisations	Nil	Nil	Nil

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Digital Economy Division			
Expenditure for Executive Managers	NBN & Industry Monitoring	Security, Safety and e-Education	Regulatory Futures
Advertising	Nil	Nil	Nil
Travel- Business	18,575	8,348	4,382
Economy	2,185	13,485	1,593
Domestic	24,974	53,569	21,643
International	Nil	21,926	1,369
Hospitality & Entertainment	Nil	1,057	184
Information and Communication Technology	11,777	17,663	20,302
Consultancy	4,015	Nil	Nil
Education/training for staff	1,260	767	1,618
External accounting	Nil	Nil	Nil
External auditing	Nil	Nil	Nil
External Legal	Nil	Nil	Nil
Memberships to affiliate organisations	Nil	Nil	Nil

Digital Transition Division & Legal Services			
Expenditure for Executive Managers	Technical Planning & Evaluation	Allocation, Coordination & Policy	Legal Services
Advertising	Nil	Nil	Nil
Travel- Business	1,512	5,713	8,127
Economy	7,939	11,427	6,876
Domestic	21,004	37,602	30,981
International	7,558	Nil	Nil
Hospitality & Entertainment	Nil	Nil	Nil
Information and Communication Technology	15,534	13,064	20,863
Consultancy	Nil	Nil	Nil
Education/training for staff	Nil	3,480	Nil
External accounting	Nil	Nil	Nil
External auditing	Nil	Nil	Nil

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External Legal	Nil	Nil	Nil
Memberships to affiliate organisations	Nil	Nil	Nil

Corporate & Coordination Division			
Expenditure for Executive Managers	Information Services	People & Coordination	Finance & Facilities
Advertising	578	Nil	Nil
Travel- Business	1,922	1,025	346
Economy	3,203	2,050	5,539
Domestic	13,096	6,400	13,343
International	Nil	Nil	Nil
Hospitality & Entertainment	Nil	27	173
Information and Communication Technology	21,519	10,355	12,002
Consultancy	17,359	Nil	5,600
Education/training for staff	10,399	Nil	1,700
External accounting	Nil	Nil	Nil
External auditing	Nil	Nil	8,727
External Legal	Nil	Nil	Nil
Memberships to affiliate organisations	Nil	Nil	Nil

Within the Office of the Chair, the following tables provide an expenditure breakdown for each Executive Manager for the 2010-11 financial year:

Media Communications & Public Enquiry		
Expenditure for Executive Managers	Media Communications	Telecommunications Public Enquiry
Advertising	1,492	14,106
Travel- Business	9,097	6,266
Economy	18,195	17,543
Domestic	44,708	49,782
International	Nil	Nil
Hospitality & Entertainment	168	2,253
Information and Communication Technology	144,561	20,615
Consultancy	9,050	264,125
Education/training for staff	1,420	222

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External accounting	Nil	Nil
External auditing	Nil	Nil
External Legal	Nil	Nil
Memberships to affiliate organisations	Nil	Nil

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Question No: 249

Program No. ACMA

Hansard Ref: In Writing

Topic: Forward Estimates for Programs

Senator Birmingham asked:

Please provide a breakdown over the forward estimates of each program and activity including:

- a. program title;
- b. program summary;
- c. is the program ongoing, lapsing, or terminating;
- d. Breakdown of administered and departmental costs; program staffing numbers and location?

Answer:

- a. The program titles are:
 - Program 1.1 - Communications regulation, planning and licensing; and
 - Program 1.2 - Consumer safeguards, education and information.

- b. See table below – Program summary

Please refer page 103 of the 2011-12 Portfolio Budget Statement

Please refer page 106 of the 2011-12 Portfolio Budget Statement

- c. Both the programs are Ongoing
- d. See table below – Breakdown of administered and departmental costs; program staffing numbers and location

Please refer page 103 of the 2011-12 Portfolio Budget Statement

Please refer page 106 of the 2011-12 Portfolio Budget Statement

The staffing level of 625 employees, are engaged across both the programs. We are unable to quantify the staff numbers per program, as they perform duties across both the programs and can be located anywhere within Australia.

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Question No: 250

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Please provide an update on progress in relation to the 2.5 GHz mid-band gap spectrum which the free-to-air networks use to transmit from outside broadcast facilities?

Answer:

In accordance with the ACMA's replanning process for the 2.5 GHz band it is intended that apparatus licences in the frequency range 2570-2620 MHz ('the mid band gap') will be converted to spectrum licences via an administrative process. This is one important element that will assist the ACMA in achieving its objectives and outcomes from the review of the 2.5 GHz band. Before the conversion of apparatus licences to spectrum licences can occur, it is necessary for the Minister to give the ACMA a written notice under subsection 36(1) of the *Radiocommunications Act 1992* (the Act) designating that part of the spectrum be allocated by issuing spectrum licences. On 27 May 2011, the ACMA released the draft designation notice for a period of public consultation. The consultation period closed on 15 July 2011 and the ACMA considered the submissions received before recommending to the Minister that he designate the mid-band gap for spectrum licensing in August 2011. The draft designation notice and the recommendation from the ACMA are currently with the Minister for a decision.

The effect of a notice from the Minister designating a part of the spectrum to be allocated by issuing spectrum licences is that the ACMA must undertake a range of processes to issue spectrum licences that replace any apparatus licences that are within that part of the spectrum. The new spectrum licences must, so far as is practicable, authorise the operation of radiocommunications devices to the same extent as, or to a greater extent than, the apparatus licences they replace. This process is referred to as 'conversion'. All radiofrequency spectrum in the mid band gap is currently regarded as encumbered spectrum and therefore the notice will not have the effect of allocating new or additional spectrum.

The ACMA is developing a conversion plan in accordance with section 38 of the Act that will detail procedures for issuing spectrum licences that will replace the existing apparatus licences in the mid-band gap and anticipates making the draft plan available for consultation with free-to-air broadcasters in 2012. Further information on the how spectrum licences are allocated in a conversion process is provided in the ACMA's responses to Questions on Notice 251 and 258.

In addition, the ACMA is also working to develop an appropriate spectrum access charge or conversion fee that will be applicable to spectrum licences issued in the mid-band gap. This is discussed further in the ACMA's response to Question on Notice 259.

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Question No: 251

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Will 50 MHz of this 2.5 GHz spectrum be allocated to the free-to-air networks and if so on what basis will it be allocated: 1) via an auction, consistent with the ACMA's spectrum management principles or 2) via an administrative allocation?

Answer:

There is an implication in the question that an allocation of spectrum via an auction process is consistent with the ACMA's *Principles for Spectrum Management* whereas an administrative allocation process is not. This is not the case as the allocation method chosen for a spectrum band is particular to the regulatory objectives to be achieved, including the type of licensing arrangements to be applied. As a result, both the auction and administrative allocation methods are consistent with the *Principles for Spectrum Management*.

As discussed in the ACMA's response to Question on Notice 250, the ACMA intends to issue spectrum licences in the frequency range 2570-2620 MHz of the 2.5 GHz band ('the mid-band gap') to the incumbent free-to-air broadcasters via a conversion process undertaken in accordance with the relevant provisions of the *Radiocommunications Act 1992* (the Act). This process is consistent with the objects of the Act, the identified outcomes of the review of the 2.5 GHz band, and the *Principles for Spectrum Management*.

The segment of the 2.5 GHz band referred to as the mid-band gap has a bandwidth of 50 MHz; but only 40 MHz of the mid-band gap is considered useable by the free-to-air broadcasters. This is because of the need for a guard band between the different types of services operating in the mid-band gap and the balance of the 2.5 GHz band (2 x 70 MHz). An associated outcome of the ACMA's review of the 2.5 GHz band included the identification of alternative bands that may be used by broadcasters to provide electronic news gathering (ENG) and outside broadcasting services. Further discussion on alternative bands is provided in the ACMA's response to Questions on Notice 261 and 262.

The conversion of apparatus licences in the mid-band gap to spectrum licences is an approach that has been consistently put forward by the ACMA to its stakeholders as a means of ensuring that part of the 2.5 GHz band is allocated to its highest value use; while retaining some spectrum in the mid-band gap to balance the need for broadcasters to have certainty of access to spectrum for ENG operations in the longer term, as technology and equipment options for the alternative bands develop and become more widely available over time.

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A conversion process is essentially an administrative allocation of a spectrum licence that replaces an apparatus licence held by an incumbent licensee. Section 38 of the Act requires the ACMA to, after receiving a designation notice from the Minister, prepare a conversion plan that sets out the timeframe and procedures for issuing spectrum licences that are to replace existing apparatus licences in the frequencies and geographic area/s identified in the notice. The ACMA must also prepare a draft spectrum licence authorising the operation of radiocommunications devices to the same extent, or greater extent than, they are authorised under the apparatus licence that the spectrum licence will replace. The draft spectrum licence will be provided to the incumbent licensee for comment for a period of at least one month. After this period of consultation, the ACMA will offer the spectrum licence to the incumbent licensee subject to an agreement on the amount of spectrum access charge. Further discussion on the spectrum access charge applicable to the conversion process is provided in the ACMA's response to Question on Notice 259.

In August 2011, the ACMA varied the free-to-air broadcasters existing television outside broadcast network (TOBN) apparatus licences to enable the issue of a spectrum licence to each of the free-to-air broadcasters in an assigned 10 MHz channel of the mid-band gap. This variation, undertaken in accordance with section 111 of the Act, will ensure that the conversion process described above will occur efficiently and effectively.

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Question No: 252

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

If the Government proposes to allocate this spectrum on the basis of an administrative allocation, on what basis has the Government decided to breach the ACMA's spectrum management principles?

Answer:

See response to Question on Notice 251.

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Question No: 253

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

If the Government proposes to allocate this valuable public spectrum on the basis of an administrative allocation on what basis will the license fees be set? Will the license fees reflect the value of the spectrum to ensure the public a return on this asset?

Answer:

Under section 294 of the *Radiocommunications Act 1992* (the Act) the ACMA may determine the spectrum access charges for the mid band gap. The ACMA is yet to make such a determination about the 2.5 GHz mid band gap.

The ACMA has acknowledged the importance of the ENG operations to the Australian people and considers that use of the mid band gap for these operations is an important element in implementing the new arrangements in the 2.5 GHz band. In determining a value of the spectrum access charge for the mid band gap the ACMA would take into account the objects of Act, its *Principles for Spectrum Management* and the importance of the use of the mid band gap for electronic news gathering.

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Question No: 254

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

What is the growth in demand for spectrum for mobile broadband services? What does the rollout of 4G mobile services mean from a spectrum perspective?

Answer:

On 4 May 2011, the ACMA released the discussion paper *Towards 2020—Future spectrum requirements for mobile broadband* (available at http://www.acma.gov.au/WEB/STANDARD/pc=PC_312514#subs). This paper considers a broad range of issues regarding the longer term spectrum needs of the Australian mobile broadband industry. The ACMA expects that the demand for spectrum to support mobile broadband services will increase over time in response to the increased proliferation of machine to machine (M2M) interactions but that the level of spectrum demand from portable screens will flatten or plateau. Significant and continuing advances in the spectrum efficiency offered by mobile broadband technologies, that is its capacity to carry data, have occurred since 2005 and these advances are expected to continue until at least 2020.

While the rollout of 4G mobile services is one driver to increase the amount of spectrum allocated to mobile broadband services, the ACMA also expects industry to deploy infrastructure more extensively and use more efficient technologies within the spectrum which is already allocated to mobile broadband services in order to ease the pressure for additional spectrum allocations. However, even with these efficiencies, it is expected that additional spectrum will need to be allocated to mobile broadband services to satisfy increasing demand for these services.

In the *Towards 2020* discussion paper, the ACMA details an estimate of the predicted increase in demand for mobile broadband services until 2020 and its affect from a spectrum perspective.

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Question No: 255

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Have discussions between ACMA and the rail authorities concerning their 1800 megahertz frequency concluded? If so, what are the outcomes of these discussions? How is this spectrum to be used?

Answer:

The ACMA anticipates that its discussions with the rail industry with respect to spectrum in the 1800 MHz band, which will be conducted on a state-by-state basis, will be concluded early in 2012, with outcomes reported to the department at that time.

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Question No: 256

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Please provide an update on progress in relation to the 2.5 GHz mid-band gap spectrum which the free-to-air networks use to transmit from outside broadcast facilities?

Answer:

Question on Notice 256 is a duplication of Question on Notice 250. Please refer to the ACMA's response for Question on Notice 250.

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Question No: 257

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Will 50 MHz of this 2.5 GHz spectrum be allocated to the free to air networks and if so on what basis will it be allocated: A) via an auction, or 2) via an administrative allocation?

Answer:

Question on Notice 257 is a duplication of Question on Notice 251. Please refer to the ACMA's response for Question on Notice 251.

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Question No: 258

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

If the ACMA intends to allocate this spectrum on the basis of an administrative allocation, on what basis has the ACMA decided not to follow its spectrum management principles which support auctioning spectrum over administrative allocations?

Answer:

See response to Question on Notice 251 and 252.

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Question No: 259

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

If the ACMA proposes to allocate this spectrum on the basis of an administrative allocation on what basis will the licence fees be set? Will the licence fees reflect the market value of the spectrum?

Answer:

See response to Question on Notice 253.

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Question No: 260

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

Will the future holder(s) of spectrum licences for 2.5 GHz mid-band gap spectrum be able to trade this spectrum at a later time for their own private benefit?

Answer:

No decisions have been made on the conditions applicable to spectrum licences in the mid-band gap.

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Question No: 261

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

In relation to the 2010-2110 MHz and 2200-2300 MHz bands of spectrum which the ACMA has indicated in its spectrum papers will also be allocated for outside broadcasting, when will the ACMA finalise its decision on the allocation of this spectrum?

Answer:

In addition to access to some of the 2.5 GHz band, in order to provide spectrum to enable provision of services equivalent to that currently provided, the ACMA intends to provide ENG access to a range of “alternative bands”:

- shared use of the bands 2025–2110 MHz and 2200–2300 MHz (incumbents: earth stations, Defence aeronautical mobile telemetry, fixed links, and radio-astronomy);
- exclusive use of the band 2010–2025 MHz, at least in capital city areas (incumbents: fixed links); and
- ENG access to 1980–2010 MHz and 2170–2200 MHz, with the caveat that mobile-satellite services may be introduced into these bands in the future, with ACMA investigating the viability of long-term sharing between ENG and mobile-satellite services (incumbents: fixed links).

The 2010-2110 MHz and 2200-2300 MHz bands were the subject of a public consultation in late 2011 about draft frequency band plans to facilitate television outside broadcast access to 1980-2110 MHz and 2170-2300 MHz (see

http://www.acma.gov.au/WEB/STANDARD/pc=PC_410182). The closing date for submissions was 21 November 2011.

The ACMA is now considering the 12 submissions that it received in response to the consultation process. The ACMA expects to finalise arrangements for ENG use of the 2010-2110 MHz and 2200-2300 MHz bands in 2012.

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Question No: 262

Program No. ACMA

Hansard Ref: In Writing

Topic: Spectrum Allocation

Senator Birmingham asked:

There is 200 MHz of spectrum in these bands, how will this spectrum be allocated to each of the media companies that require certainty of access to this spectrum to provide critical broadcasting services to Australians?

Answer:

In addition to access to some of the 2.5 GHz band, in order to provide spectrum to enable provision of services equivalent to that currently provided, the ACMA intends to provide ENG access to approximately 200 MHz of spectrum in a range of “alternative bands”:

- shared use of the bands 2025–2110 MHz and 2200–2300 MHz;
- exclusive use of the band 2010–2025 MHz, at least in capital city areas; and
- ENG access to 1980–2010 MHz and 2170–2200 MHz, with the caveat that mobile-satellite services may be introduced into these bands in the future, with ACMA investigating the viability of long-term sharing between ENG and mobile-satellite services.

The ACMA recently released a discussion paper, *Review of the 2.5 GHz band and long-term arrangements for ENG - Band plan for television outside broadcast services* (www.acma.gov.au/WEB/STANDARD/pc=PC_410182), proposing that the operations of the current incumbents of the 2.5 GHz band – free-to-air commercial television broadcasters and the ABC – be supported in the 2010–2110 MHz and 2200–2300 MHz bands. The consultation period closes 21 November 2011.

In addition, the ACMA proposes that the 1980–2010 MHz and 2170–2200 MHz bands be made available on a shared non-exclusive basis. This includes support for the activities of subscription television operators, such as FOXTEL, and other television outside broadcast production houses. However, the utilization of the 1980–2010 MHz and 2170–2200 MHz bands by television outside broadcast services is with the caveat that mobile-satellite services may be introduced in these bands in the future.

It is important to note that the ACMA has not yet made any decisions on the licensing or allocation arrangements applicable to the alternative bands.

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Question No: 263

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

What is the process for individuals having their details registered with the Do Not Call Registry?

Answer:

Individuals may apply to register numbers:

- by telephone at 1300 792 958;
- via the internet at **www.donotcall.gov.au**; or
- in writing by downloading and completing an application form and lodging it by:
 - Fax to: 1300 793 514
 - Post to: Do Not Call Register
PO Box 42
North Melbourne VIC 3051
 - Email to: enquiries@donotcall.gov.au

The ACMA's contracted service provider, Service Stream Solutions Pty Ltd, processes all applications and maintains numbers on the register.

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Question No: 264

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

How long does this take to come into effect?

Answer:

30 days from date of receipt of application.

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Question No: 265

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

What is the process for a business having their phone or fax list washed by the Do Not Call Registry, and what is the role of ACMA in this?

Answer:

1. Set up an account.
2. Purchase an annual subscription. There are eight annual subscription types to choose from. These range from subscription type A, which is free, through to subscription type H at \$90,000. Subscriptions are chosen according to the user's estimated washing needs, with additional subscriptions able to be purchased at any time.
3. Submit a list of numbers via one of five secure methods.
4. The list is returned with each number identified as being on the register or not on the register.
5. Under the *Do Not Call Register Act 2006*, a telemarketer or fax marketer who submitted a list for washing can rely on the information received from the washed list for 30 days.

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Question No: 266

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

How long does it take for a business to be assured their phone or fax list has been cleared?

Answer:

The processing time for washing a list of several thousand numbers using the washing method most commonly used by telemarketers and fax marketers (web upload) is typically less than one minute.

Completion of the washing process is displayed on the telemarketer's or fax marketer's computer screen and a list-washing receipt is always emailed to the telemarketer or fax marketer. This usually occurs within one to two minutes.

The processing time for other methods of washing lists of numbers may be different ranging from real time (less than one minute) to several days (with the posted CD-ROM option). Timing depends upon the size of the list, the chosen washing method, the load on the system at that time and the requested format for returning the results.

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Question No: 267

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

How long should approval from ACMA take?

Answer:

Accounts are activated immediately when a telemarketer or fax marketer provides all requested information.

For applications that were initially incomplete, the process generally takes 72 hours once all required information is provided.

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Question No: 268

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

What could cause potential delays in this process?

Answer:

1. An incomplete application.
2. Information in an application that indicates a potential credit risk.
3. An applicant not being readily contactable when further information is required.
4. An applicant not responding to a request for information.
5. In rare cases, a technical or administrative error.

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Question No: 269

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

Mr Stephen Ashley, of Civic Pest recently underwent this process, and waited for more than 500 hours for a response from ACMA. Can you explain why business owners such as Mr Ashley have complained of waiting for more than ten times the stated usual 72 hours for approval by ACMA?

Answer:

In general, applications are approved within 72 hours. In a small number of cases, applications to set up an account may take longer. The most common reason is that a telemarketer or fax marketer does not provide all the required information to establish an account and when asked for further information either takes some time to provide a response or does not respond.

Additionally, conducting a credit check for those applicants that are determined to be a potential credit risk can be a time intensive part of the approval process especially when telemarketers and fax marketers do not respond to communications. The credit check is necessary due to the large sums for which telemarketers and fax marketers may become liable to the Commonwealth.

The case of Civic Pest is addressed in the answer to Question on Notice 270.

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Question No: 270

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

Can you explain why repeated enquiries by staff from the DNCR on Mr Ashley's behalf have remained unanswered by ACMA?

Answer:

Mr Ashley of Civic Pest made enquiries of the Do Not Call Register operator by telephone on 30 September 2011, 4 October and 6 October 2011.

Between 6 October and 7 October 2011, the ACMA and the Do Not Call Register operator made in total four attempts to contact Mr Ashley by telephone about this enquiry. As these were unsuccessful, the operator responded to the enquiry by email on 7 October 2011.

Civic Pest made a further enquiry by telephone on 10 October 2011 which was responded to on the same day.

Civic Pest's application was approved and the account was opened on 12 October 2011.

Two main factors contributed to the delays in responding to Civic Pest:

1. Difficulty contacting Mr Ashley for further information.
2. A technical fault that incorrectly flagged the application as a potential credit risk. Once the fault was detected, that application was speedily reviewed. The technical fault has since been rectified.

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Question No: 271

Program No. ACMA

Hansard Ref: In Writing

Topic: Do Not Call Register

Senator Birmingham asked:

When Mr Ashley spoke to someone at ACMA directly he was informed that this was due to his details being mistaken for another person wishing to be approved for the Do Not Call Register. As a someone with a pest control business, Mr Ashley has a very small window during which he can advertise his business and much of his time was lost with waiting for approval from the register. What process or lines of communication are in place between the ACMA and the DNCR to ensure mistakes are quickly and efficiently resolved?

Answer:

Enquiries and complaints are lodged with the Do Not Call Register operator. If required, the operator electronically transfers an enquiry for action to the ACMA. Urgent enquiries are also communicated by telephone.

The circumstances in the case of Civic Pest were unusual. However, the ACMA continuously reviews its Do Not Call Register processes in order to identify opportunities to enhance the efficiency of processes. Several changes had already been made to minimise the risk of delays. These include:

- Technical improvements – providing additional automatic redundancy checks to ensure that applications are not incorrectly flagged as potential credit risks.
- Process improvements – providing additional instruction to the Do Not Call Register Customer Service Representatives to ensure they capture all the pertinent information required for timely and efficient resolution of complaints.