

Senate Standing Committee on Environment, Communications and the Arts
Answers to Senate Estimates Questions on Notice
Additional Estimates Hearings February 2009
Broadband, Communications and the Digital Economy Portfolio

Question No: 1

Hansard Ref: ECA70

Topic: Consultative Working Group on Cyber-safety

Senator Ludlam asked:

Can you please provide the terms of reference of the Consultative Working Group on cyber-safety?

Answer:

As part of the Australian Government's cyber-safety plan, the Consultative Working Group will:

- consider those aspects of cyber-safety faced by Australian children
- provide information to Government on measures required to operate and maintain world's best practice safeguards for Australian children engaging in the digital economy and
- advise the Government on priorities for action by government and industry.

The Consultative Working Group's considerations will include:

1. the online environment in which Australian children currently engage, including key physical points of access (schools, libraries, internet cafes, homes, mobiles) and stakeholders controlling or able to influence that engagement (governments, parents, teachers, traders, internet service providers, content service providers)
2. the nature, prevalence and implications of cyber-safety threats, such as:
 - abuse of children online (cyber-bullying, cyber-stalking and sexual grooming)
 - exposure to illegal and inappropriate content
 - promotion of inappropriate social and health behaviours (technology addiction, anorexia, drug usage, underage drinking and smoking)
 - identity theft and
 - breaches of privacy.
3. Australian and international responses to current cyber-safety threats (education, filtering, regulation, enforcement) and their effectiveness
4. opportunities for cooperation across Australian stakeholders and with international stakeholders in dealing with cyber-safety issues
5. information required to realise the potential for achieving and continuing world's best practice safeguards and

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6. ensuring that their deliberations take account of new technologies and the changing nature of the cyber-safety environment and continue to remain relevant.

The Consultative Working Group will consider the reports of its Sub-Committees and a Youth Advisory Group on cyber-safety issues for children and how to deliver effective solutions.

The Committee is also to inquire into and report on such other matters relating to cyber-safety that may be referred to it by the Minister for Broadband, Communications and the Digital Economy.

The terms of reference and other information regarding the Consultative Working Group on cyber-safety are available from the Department of Broadband, Communications and the Digital Economy website www.dbcde.gov.au.

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Question No: 13

Hansard Ref: ECA 115

Topic: ISP Filtering

Senator Ludlam asked:

1. I just want to find out about the trials that are currently underway and are you expanding with other ISPs?
2. How much are you anticipating will be expended in this trial and how much does that leave?

Answer:

1. As at 23 March 2009 seven ISPs have signed Deeds of Agreement and are participating in the ISP filtering pilot. These ISPs are:
 - Highway 1 Pty Ltd
 - Nelson Bay Online
 - Netforce Pty Ltd
 - OMNIconnect Pty Ltd
 - Primus Telecommunications Pty Ltd
 - TECH 2U Pty Ltd
 - Webshield

Negotiations are continuing with a number of other ISPs.

2. Funding of \$44.2 million (Administered and Departmental) was committed over four years in the 2008-09 budget for PC and ISP filtering. Of this \$5.4 million is available for ISP and PC filtering in 2008-09, including funding for the running of the ISP filtering live pilot.

ISPs participating in the live pilot are eligible to receive financial assistance provided they applied to participate in the trial by 9 December 2008. Funding may be used for the procurement of a filtering solution, the installation and configuration of that solution, and any necessary modifications to their network infrastructure. ISPs currently participating in the live pilot are receiving the following financial assistance (GST exclusive):

- Highway 1 Pty Ltd - \$87,023
- Nelson Bay Online - \$10,250
- Netforce Pty Ltd - \$37,000
- OMNIconnect Pty Ltd - \$23,450
- Primus Telecommunications Pty Ltd - \$64,000
- TECH 2U Pty Ltd - \$29,040
- Webshield - \$10,500

Total funds allocated to ISPs participating in the live pilot will not be known until negotiations with the remaining ISPs have been finalised.

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Question No: 19

Hansard Ref: Written

Topic: ABC Local Radio – Wynyard/Burnie

Senator Colbeck asked:

Can anything be done or advice provided which can improve the reception of ABC Local Radio (broadcast on 102.5 MHz) from Round Hill to the Burnie/Wynyard area of North West Tasmania?

Answer:

The ABC has advised that its Local Radio service broadcast from Round Hill near Burnie on 102.5 FM is operating to normal specifications. As at 19 March 2009, the ABC has not received any listener complaints regarding poor coverage from Round Hill since improving the audio quality of this service during 2008. The ABC has searched its Reception Advice Line records which indicate that it has not received any comments or complaints regarding this service since 1 November 2008.

The Australian Communications and Media Authority (ACMA) is responsible for the regulation and planning of broadcasting and radiocommunications services. The ABC has advised that it will ask ACMA to monitor the performance of the commercial broadcast service, *SeaFM*, which operates on 101.7 FM from Table Cape, to the west of Burnie. The *SeaFM* frequency is close to the ABC Local Radio frequency. Given this, if the *SeaFM* service is not operating to specification, it could make it difficult for local residents to tune to the ABC Local Radio service.

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Question No: 20

Hansard Ref: Written

Topic: Youth Advisory Group on Cyber-Safety

Senator Bushby asked:

What criteria did schools have to meet to be invited to participate in the Department of Broadband, Communications and the Digital Economy's Youth Advisory Group Program? When were schools first approached to participate in the Youth Advisory Group program and which schools were approached?

What is the representation from each state or territory? How many of these are non-Government schools?

Will the membership of this group expand in the future to include young individuals who do not attend the specified schools?

What date is scheduled for the first meeting of the Youth Advisory Group and where will this be held?

Will the Youth Advisory Group be asked to provide comments and suggestions regarding compulsory ISP-level Internet filtering and their understanding of how to bypass such measures?

Answer:

The 15 schools were selected from a list of schools identified by the Commonwealth/State government Safe and Supportive Schools Committee and members of the Minister's Consultative Working Group as being schools known to be actively interested in cyber-safety issues. The 15 schools were chosen to provide for effective representation from state, independent and Catholic schools across urban, regional and rural areas.

During November 2008, the following schools were invited to participate in the Youth Advisory Group: Ascham (NSW); Cabramatta High (NSW); Monaro High (NSW); Telopea Park (ACT); Sanderson High (NT); Rose Bay High (TAS); St Bede's College (Vic); Caroline Springs College (Vic); Wonthaggi Secondary (Vic); Narembeen District High (WA); John XXIII College (WA); Redcliffe State High (Qld); St Joseph's College Gregory Terrace (Qld); The Heights (SA).

The State/Territory distribution of schools is:

New South Wales – 3

Victoria – 3

Queensland – 3

Western Australia – 2

South Australia 1

Tasmania – 1

Australian Capital Territory – 1

Northern Territory – 1

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Five of the fifteen schools are non-Government Schools.

Membership of the Youth Advisory Group will be revisited at the end of each school year.

Consultation with the Youth Advisory Group members will commence in the first half of 2009. It is anticipated that the consultation will occur online. There will also be meetings at individual schools.

Initial topics for consultation with the Youth Advisory Group will be considered by the Consultative Working Group at its meeting of 6 April 2009. These will be refreshed based on the views of the Youth Advisory Group itself, findings of cyber-safety research that has been commissioned and other topical issues that are identified. It is highly likely ISP filtering will be a topic of discussion.

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Question No: 45

Hansard Ref: Written

Topic: Kalorama TV black spots

Senator Birmingham asked:

1. In relation to funding made available to address TV black spots at North and South Kalorama, is the Department or Minister's Office seeking approval from the Department of Finance and Deregulation to rollover the funding into next financial year?
2. If so, is there any possibility of making available any further funding, on top of that for which a rollover is being sought, if that further funding is required to implement a successful solution?

Answer:

1. Funding will not be rolled over for the Kalorama blackspots projects.
2. Refer to the response to Question 1.

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Question No: 53

Hansard Ref: Written

Topic: Music broadcasts – AGD proposal to remove 1% Cap on royalties paid by commercial radio stations for playing copyright music.

Senator Birmingham asked:

1. Has the Minister or the department received representations from Commercial Radio Australia or radio broadcasters regarding any possible reviews of or changes to fees paid for broadcasting protected music?
2. What assurances have been given to industry in this regard?
3. What representations have been made to the Attorney-General or other Ministers?
4. Can an increase to fees be ruled out?

Answer:

1. Yes.
2. The Government has advised that it is considering the issue.
3. It would be more appropriate for the Senator to seek this information from the Attorney-General and other Portfolio Ministers directly.
4. Please refer to Question 2.

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Question No: 54

Hansard Ref: Written

Topic: Anti-Siphoning

Senator Birmingham asked:

1. When will the review of the anti-siphoning list commence?
2. Who will it be conducted by?
3. What are the terms of reference?
4. When will it be completed?

Answer:

1. Section 115A of the *Broadcasting Services Act 1992* (the Act) requires the Minister to cause to be conducted a review of the anti-siphoning provisions in the Act before 31 December 2009. The Government will shortly announce the timing and process for this review.
2. See answer to (1) above.
3. See answer to (1) above.
4. See answer to (1) above.

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Question No: 55

Hansard Ref: Written

Topic: ABC/SBS Board Appointments - Nomination Panel

Senator Minchin asked:

- a) Was there any communication between the Minister's Office and the Nomination Panel during the advertisement process?
- b) Were any nominees suggested to the Nomination Panel from the Minister's Office either directly or via the Department?
- c) When were the short listed applications provided to the Nomination Panel?
- d) Did the Nomination Panel only receive the details of the shortlisted applications?
- e) What processes have been set by the Nomination Panel?
- f) As for the "core set of selection criteria" - will these be "supplemented where necessary by additional criteria as agreed by the Minister" and if so how?

Answer:

- a) Yes – the Minister met with the Chair of the Panel on 7 November 2008.
- b) No.
- c) Short listed applications were despatched to Panel members on 28 November 2008.
- d) No – the Nomination Panel were sent the details of all applicants on 28 November 2008.
- e) The Panel followed the procedures described in the Policy and guidelines for merit-based appointments to the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS) Boards, October 2008 (see: http://www.dbcde.gov.au/media_broadcasting/abc_and_sbs/abc_and_sbs_board_appointments).
- f) The Minister did not supplement the core set of selection criteria described in 2.6.2 of the Guidelines.

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Question No: 56

Hansard Ref: Written

Topic: ABC and SBS Board Appointments – Legislation

Senator Minchin asked:

- a) When did the Department commence work on the legislative changes required to implement the Government's announcement on SBS/ABC Board Appointments?
- b) When were drafting instructions issued?

Answer:

- a) The Department commenced work on the legislative changes required to implement the Government's announcement on SBS/ABC Board Appointments in early 2008.
- b) Drafting instructions for the legislative changes required to implement the Government's announcement on SBS/ABC Board Appointments were issued in October 2008.

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Question No: 57

Hansard Ref: Written

Topic: ABC and SBS Board Appointments – Staff-elected representative

Senator Minchin asked:

- a) Is the Government abandoning the recommendations of the Uhrig Review in relation to Board appointments?
- b) Did the Government consult with the Chair of the Board about this change prior to the official announcement?
- c) What process will be adopted for the appointment of the staff elected representative and will this process be included in the legislative amendment?
- d) Will you be moving to have a staff representative on the SBS Board?

Answer:

- a) This Department does not have responsibility for Uhrig Review matters.
- b) This policy was outlined in a media statement of 5 June 2007.
- c) A Bill to provide for the appointment of a staff-elected director on the ABC Board will be introduced into Parliament shortly.
- d) The Government has no current plans to include a staff elected representative on the Board of the Special Broadcasting Service.

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Question No: 58

Hansard Ref: Written

Topic: Government Board Appointments

Senator Minchin asked:

Will the Government be proposing similar eligibility conditions for potential candidates for other Government Boards? Will the Government be moving to prevent former politicians being appointed to other boards of Government bodies?

Answer:

In 2008, the Government introduced a policy implementing transparent and merit-based assessment in the selection of most Australian Public Service (APS) agency heads and other statutory office holders working in, or in conjunction with, APS agencies.

Australian Public Service Commission guidelines '*Merit-based selection of APS agency heads and statutory office holders*' refer.

Further questions on this matter should be directed to the Australian Public Service Commission.

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Question No: 59

Hansard ref - Written

Topic: ABC/SBS review

Senator Minchin asked:

How many of the submissions received in relation to the Review of the ABC and SBS were “form” or “standard” submissions from a Friends of the ABC, or similar, campaign?

Answer:

A total of 821 “form” and “standard” submissions were received from Friends of the ABC (518 submissions), Save our SBS (276 submissions) and the Community and Public Sector Union (27 submissions).

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Question No: 60

Written

Topic: Freeview – ABC and SBS Involvement

Senator Minchin asked:

1. Are you pleased with the Freeview advertisements and your involvement in them?
2. How often have these advertisements been screened on ABC/SBS since commencement?
3. Has there been an increase in the number of complaints or inquiries about digital TV since the commencement of the advertisements?

Answer:

The ABC has provided the following advice:

1. Yes, the ABC is pleased with the promotions of Freeview.
2. The promotions were run on ABC TV 125 times between 25 November 2008 and 31 January 2009.
3. Freeview Pty Ltd has received in excess of 300 queries. The queries are mostly Freeview specific.

Since 25 November 2008, the ABC has had 12 complaints about the Freeview promotion. Seven of these were claims that the promotion was inaccurate, two were that it was unclear, two were from viewers who questioned the point of Freeview and one was that the promotion contained a mispronunciation.

The ABC has run specific digital television awareness campaigns. It also regularly promotes ABC2 programs on ABC1, which raises awareness of digital television. It is not possible to isolate what effect the Freeview promotions specifically have on inquiries about digital TV.

SBS has provided the following advice:

1. SBS is a participant in Freeview and offers a marketing representative to work with marketing representatives from all participating networks on the communication strategy. SBS's representative – the Director of Marketing – helped to guide the direction of the campaign and was happy with the outcomes.
2. The advertisements have been screened 641 times since commencement (as at 25/3/09).
3. There was no increase in the number of complaints or inquiries about digital TV.

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Question No: 73

Hansard Ref: Written

Topic: NetAlert Filter Program

Senator Minchin asked:

1. Under the NetAlert free filter program, which closed on 31 December 2008, 163 000 filter licences were said to be licensed, but departmental advice given to the Minister's office was that 29 000 were still in use. How did the department arrive at the lesser figure of 26 000?
2. Was consideration given to the likelihood that originally provided filters are still in use on PC's around Australia but have not been recently updated?
3. How much of the Net Alert budget had been re-allocated to support the government ISP-level filtering policy?
4. What resources have been allocated to support existing licence holders of Net Alert filters?

Answer:

1. The National Filter Scheme provided people residing in Australia with access to free PC filters until 31 December 2008 (six months earlier than originally planned). The number of ongoing users of PC filters obtained under the National Filter Scheme varies over time as new users installed and used a filter, or as some ongoing users discontinue use of a filter.
2. All PC filters provided under the National Filter Scheme continue to receive automatic updates whenever the user connects to the internet and the filter is switched on. In accordance with their contracts, the PC filter vendors continue to be responsible for the provision of automatic PC filter updates and associated technical support to existing users until 30 June 2010 (as originally planned).
3. \$188.7 million was allocated to the NetAlert-Protecting Australian Families Online (PAFO) program, including funding to the then Department of Communications, Information Technology and the Arts for ISP and PC based filtering. \$38.7 million was spent in 2006-07 and 2007-08:
 - \$11.5 million was spent on the National Filter Scheme including PC filters, website and call centre;
 - \$14.3 million was spent for the information campaign ; and
 - \$13.8 million was allocated to the Australian Communications and Media Authority, the Australian Federal Police and the Commonwealth Director of Public Prosecutions.

\$125.8 million from 2008-09 to 2011-12 was reallocated to the Cyber-Safety initiative in the 2008-09 Budget. This included \$44.5 million for filtering (\$7.0 million for PC filtering and \$37.5 million for ISP filtering).

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4. In accordance with their contracts and as originally planned, PC filter vendors continue to be responsible for the provision of free technical support to existing users until 30 June 2010. Existing users can access this support by calling the Cybersafety helpline on 1800 880 176 (open 8am – 10pm, seven days per week in all Australian time zones), or by submitting a request for technical support via the NetAlert website (<http://www.netalert.gov.au/>) enquiries and feedback form.

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Question No: 74

Hansard Ref: Written

Topic: AFP Funding Cuts (Online Child Exploitation Task Force funded through DBCDE)

Senator Minchin asked:

1. Why has the AFP Online Child Exploitation Task Force's cyber-safety funding been reduced by more than \$2 million?
2. What impact will this have on the operations of the OCETF and its capacity to employ additional officers?

Answer:

There are no changes in committed staffing numbers for the AFP between the previous Government's NetAlert-PAFO program and the Government's Cyber-safety initiative. The \$2.7 million difference in funding relates to a reduced allocation for advertising (\$2 million) and changes in the way the program was costed.

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Question No: 81

Hansard Ref: Written

Topic: Community Broadcasting

Senator Ludlum asked:

What measures will the Federal Government implement to address the decline in funding to the community broadcasting sector over the past fifteen years?

What has the Federal Government done to improve support for community television, radio and television infrastructure, sector coordination, training, and content development, in the context of the 2008-09 Federal Budget?

When will the Federal Government respond to the Community Broadcasting report which followed a twelve-month Inquiry into Community Broadcasting?

Answer:

In the 2008-09 Budget the Australian Government provided a total of \$8,808,119 (plus \$880,812 GST) to support the community broadcasting sector. The 2008-09 funding maintained the previous year's funding in real terms and introduced new funding for the Australian Music Radio Airplay Project (AMRAP).

Funds for 2008-09 were available for expenditure on sector coordination and research, ethnic and Indigenous program grants, general program grants, transmission support, training, digital radio and to promote contemporary Australian bands and musicians on community radio.

The community sector will receive \$600,000 per annum from 2008-09 to 2011-12 for the AMRAP, which implements an election commitment. The AMRAP produces and distributes radio content and promotes Australian music as well as developing an online resource for community broadcasters, musicians, industry bodies and audiences to learn about emerging artists.

The 2008-09 Budget also included \$600,000 to continue the community broadcasting National Training Program which enables the community radio sector to plan and deliver accredited training. Through this initiative, community broadcasting stations are eligible to benefit from increased access to both on-air and off air training. The program also has, as a priority, the training needs of radio for the print handicapped, Indigenous and ethnic community broadcasting.

The Government is considering its response to the House of Representatives Standing Committee on Communications, Information Technology and the Arts reports *Tuning in to Community Broadcasting* and *Community Television: Options for Digital Broadcasting*.

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Question No: 82

Hansard Ref: Written

Topic: Digital Radio

Senator Ludlum asked:

What has the Federal Government done to ensure the involvement of the community broadcasting sector in the first stage of the digital radio rollout?

Answer:

To ensure the participation of the community broadcasting sector in the first stage of digital radio rollout the Government indicated in the 2008-09 Budget that it would provide \$11.211 million in funding over three years commencing in 2009–10.

In addition, the *Broadcasting Legislation Amendment (Digital Radio) Act 2008* amended the *Broadcasting Services Act 1992* and the *Radiocommunications Act 1992* to provide a further opportunity for the community sector to take up the option of participating in the ownership and management of the digital radio transmission infrastructure that would jointly provide commercial and community services.

On 5 February 2009 the Government allocated an additional \$100,000 for digital radio related technical planning and policy consultancy services to be administered by the Community Broadcasting Association of Australia (CBAA).

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Question No: 83

Hansard Ref: Written

Topic: Digital Radio

Senator Ludlum asked:

Is the Federal Government committed to allocating equal and affordable digital radio spectrum for the community broadcasting sector?

Answer:

The legislative framework for digital radio provides community broadcasters with guaranteed access to capacity on the transmission infrastructure that will be used to deliver commercial and community digital radio services.

The Government extended the right of the community sector to obtain shares in the joint venture companies managing the digital radio transmission infrastructure for commercial and community broadcasters through the *Broadcasting Legislation Amendment (Digital Radio) Act 2008*.

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Question No: 84

Hansard Ref: Written

Topic: Digital Radio

Senator Ludlum asked:

In the context of the 2008 Federal Budget, what has the Federal Government done to ensure that the community broadcasting sector has equal access to digital platforms and new technologies and ensure that the community broadcasting sector receives appropriate support to make the transition from analogue to digital broadcasting?

Answer:

See answer to Question 82, and 83.

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Question No: 85

Hansard Ref: Written

Topic: NewsRadio Roll Out

Senator Ludlam asked:

1. Will the Federal Government be providing adequate compensation to those community broadcasters affected by the rollout of NewsRadio?
2. In one instance, Geelong in Victoria, the community broadcaster being asked to change frequencies to accommodate the NewsRadio rollout has held a Temporary Community Broadcasting Licence (TCBL) since 2001. This is before the Minister made the decision to reserve capacity NewsRadio. Further, community broadcasters are granted a Temporary Community Broadcasting Licence (TCBL) in order to establish their credentials for a permanent licence. Seven years on a temporary licence would appear to be sufficient time for the broadcaster to prove it can provide an ongoing service and meet the requirements of *the Broadcasting Services Act 1992*. Would the Federal Government consider compensation for the community broadcaster and a permanent community broadcasting frequency in the Geelong area to counter the impact of the NewsRadio policy decision?

Answer:

1. There are no plans to provide compensation to community broadcasters, including those on Temporary Community Broadcasting Licences (TCBLs) or other broadcasters, including narrowcasters, affected by the rollout of NewsRadio.
2. The LAP variation being considered by the Australian Communications and Media Authority (ACMA) in Geelong is for the purpose of accommodating a new ABC Local Radio service rather than a NewsRadio service. That LAP variation proposes that *The Pulse* move to a new frequency so that an ABC Local Radio service can be introduced for Geelong. The Geelong TCBL, *The Pulse*, is participating in the community consultation process being conducted by ACMA for the proposed variation to the Geelong Licence Area Plan (LAP). The timing of a decision on the outcome of the LAP variation proposal is a matter for ACMA.

ACMA advises that the process to allocate a permanent Geelong community broadcasting licence will commence once the LAP variation is finalised. Long-term community broadcasting licences are allocated by the ACMA using a strict merits-based process, and an application from the existing Geelong TCBL would be assessed along with any other applications.

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The Government is aware of the request for compensation by *The Pulse* in the event of its relocation to another frequency. Consideration of compensation is premature, given that ACMA has not yet made a determination in regard to the proposed LAP variation.