

The Senate

Environment and Communications
Legislation Committee

Australian Broadcasting Corporation
Amendment (Restoring Shortwave Radio)
Bill 2017

August 2017

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Committee membership

Committee members

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Chapter 1

Introduction

1.1 The Australian Broadcasting Corporation Amendment (Restoring Shortwave Radio) Bill 2017 was introduced by Senator Nick Xenophon on 13 February 2017.¹

1.2 On 16 February 2017, the Senate referred the bill to the Senate Environment and Communications Legislation Committee (the committee) for inquiry and report by 10 May 2017.² This was later extended to 9 August 2017.³

Conduct of the inquiry

1.3 In accordance with its usual practice, the committee advertised the inquiry on its website and wrote to relevant individuals and organisations inviting submissions. The date for receipt of submissions was 5 May 2017. The committee received 59 submissions, which are listed at Appendix 1. The public submissions are available on the committee's website at [www.aph.gov.au/senate ec](http://www.aph.gov.au/senate_ec).

1.4 The committee held a hearing in Canberra on 16 June 2017. A list of witnesses is at Appendix 2.

1.5 The committee thanks all of the individuals and organisations that contributed to the inquiry.

Purpose of the bill

1.6 The bill proposes to amend the *Australian Broadcasting Corporation Act 1983* (ABC Act) to require the Australian Broadcasting Corporation (ABC) to restore its shortwave transmission services. The ABC ceased shortwave transmission services in the Northern Territory and to international audiences from 31 January 2017.

1.7 The bill proposes to insert a new section—section 27A—in the ABC Act. Proposed subsection 27A(1) will require the ABC to maintain three domestic shortwave transmission services providing wide area coverage across the Northern Territory which will broadcast the proximate local radio service. The proposed subsection will also require the ABC to maintain at least three domestic shortwave transmission services which were operating up until the cessation of the domestic shortwave transmission on 31 January 2017.

1 *Journals of the Senate*, No. 27, 13 February 2017, p. 914.

2 *Journals of the Senate*, No. 30, 16 February 2017, p. 992.

3 *Journals of the Senate*, No. 39, 9 May 2017, p. 1305.

1.8 Proposed subsection 27A(2) requires the ABC to maintain an international shortwave transmission service for Papua New Guinea and parts of the Pacific which will use at least three transmitters and broadcast the ABC's international service. The proposed subsection also requires the ABC to broadcast in the relevant language of the population that it is broadcasting to. The Explanatory Memorandum stated that this clause ensures that people in those regions have access to important news, weather and emergency information.⁴

Scrutiny of bills committee

1.9 When examining a bill or draft bill, the committee takes into account any relevant comments published by the Senate Standing Committee for the Scrutiny of Bills (the Scrutiny of Bills Committee). The Scrutiny of Bills Committee assesses legislative proposals against a set of accountability standards that focus on the effect of proposed legislation on individual rights, liberties and obligations, and on parliamentary propriety.

1.10 In its third Scrutiny Digest, the Scrutiny of Bills Committee stated it had no comment on the bill.⁵

Structure of the report

1.11 This first chapter sets out the background to the inquiry. Chapter 2 discusses the issues raised in evidence and the committee's views and recommendations.

ABC shortwave services

1.12 Shortwave radio (or high-frequency AM) uses broadcast frequencies from 1.6 to 30 megahertz. Shortwave radio has major advantages for long distance communication as it utilises 'sky-wave or skip propagation, in which the radio waves are reflected or refracted back to Earth from the ionosphere, allowing communication around the curve of the Earth'.⁶

1.13 The ABC has used shortwave transmission for both domestic and international radio services for many years. Radio Australia, for example, commenced its charter in 1939 as an overseas shortwave service, 'Australia Calling', run jointly by the ABC and the Department of Information. Radio Australia came under the sole control of the ABC in 1950. By the mid-1990s, Radio Australia broadcast in English

4 Explanatory Memorandum, [p. 3].

5 Scrutiny Digest 3/17, 22 March 2017, p. 1.

6 ABC, 'ABC Exits Shortwave Radio Transmission', 6 December 2016, <http://about.abc.net.au/press-releases/shortwave-radio/> (accessed 10 May 2017).

and eight other languages to a wide audience throughout Asia, to Papua New Guinea, the Pacific Islands and Micronesia.⁷

1.14 From 1944, Radio Australia's transmission site was based in Shepparton. The 200 hectare site was home to seven transmitters of 100 kilowatt capacity.⁸ The transmitters continue to be owned and operated by Broadcast Australia International (BAI).⁹

1.15 Over the years, domestic shortwave ABC services utilised a number of transmitter sites including at Carnarvon in Western Australia and at Roe Creek, Tennant Creek and Katherine in the Northern Territory. The ABC ended its shortwave services in Western Australia and Queensland in the 1990s.¹⁰

1.16 In December 2016, the ABC announced that it would end its shortwave transmission service in the Northern Territory and to international audiences from 31 January 2017,¹¹ and that savings from this measure would contribute to implementing a renewed digital strategy which would result in increased digital radio coverage in Darwin, Hobart and Canberra.¹²

1.17 During the Senate Environment and Communications Legislation Committee's previous inquiry into the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015,¹³ the committee also received evidence about the cessation of domestic shortwave services. Critics of the termination of the shortwave service contended that:

- the decision was the result of centralised decision-making;
- there was no consultation with users in the Northern Territory;

7 Senate Foreign Affairs, Defence and Trade References Committee, *The Role and Future of Radio Australia and Australia Television*, May 1997, pp. 9–10.

8 ABC, 'Beaming Radio Australia around the world on shortwave', <http://www.radioaustralia.net.au/international/radio/onairhighlights/beaming-radio-australia-around-the-world-on-shortwave/1094588>

9 ABC, *Submission 39*, p. 9.

10 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17. See also Mr Darryl Fallow, *Submission 4*, pp. 1–2.

11 ABC, 'ABC Exits Shortwave Radio Transmission', 6 December 2016, <http://about.abc.net.au/press-releases/shortwave-radio/> (accessed 10 May 2017).

12 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 21.

13 Senate Environment and Communications Legislation Committee, *Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015*, April 2017. Available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/ABC_Rural_Regional_Bill/Report.

- shortwave is highly important to remote communities, travellers and those working on the land and at sea in particular for weather and emergency information; and
- the Viewer Access Satellite Television (VAST) system is an inadequate substitute for shortwave as it is not suitable to use in vehicles, is unreliable in storms and is only effective close to the receiver.¹⁴

1.18 These issues have been raised again in evidence to the current inquiry, and are considered in Chapter 2.

Note on references

1.19 References to the committee Hansard transcript for the public hearing on 16 June 2017 are to the proof transcript. Page numbers may vary between proof and official Hansard transcripts.

14 Senate Environment and Communications Legislation Committee, *Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015*, April 2017.

Chapter 2

Issues raised in evidence

Introduction

2.1 This chapter discusses the issues raised in evidence in relation to the cessation of both international and domestic shortwave radio services by the Australian Broadcasting Corporation (ABC). Issues relating to specific provisions of the bill and the independence of the ABC are also discussed.

2.2 The committee's views on the bill are provided at the end of this chapter.

Cessation of international shortwave services

2.3 The committee received a number of submissions which raised concerns about the impact of the cessation of the ABC's international shortwave services. These concerns included the perceived neglect of remote communities in the Pacific; the loss of capacity for emergency warning broadcasts; and the potential loss of an avenue for diplomacy and the pursuit of Australia's regional interests in the Pacific. Submitters also disputed the ABC's argument that other technologies now available provide greater access to ABC international broadcasts.

Perceived neglect of remote communities in the Pacific

2.4 It was argued in evidence that the ABC's decision to cease shortwave services did not reflect the continuing importance of shortwave for communities in remote and isolated areas in the Pacific.¹ Submitters pointed to the limited opportunities for some communities to access radio broadcasts through the internet, mobile phones and via FM transmissions.

2.5 The Pacific Freedom Forum, for example, commented that 'from the Western border of Papua New Guinea, across the PNG highlands and islands, in all but the main centres in Solomon Islands and Vanuatu, in Fiji and beyond, people rely on shortwave'.² Mr Graeme Dobell, a journalist fellow at the Australian Strategic Policy Institute (ASPI), highlighted that for the people of the South Pacific, shortwave radio is not outdated technology but 'cheap, low tech, resilient, vital in emergencies, and still used beyond the cities'.³

1 Government of the Republic of Vanuatu, *Submission 15*, p. 1; Mr Michael Butler, *Submission 32*, p. 2; Mr Graeme Dobell, *Submission 35*, p. 2; DFAT, *Submission 42*, p. 1; Pacific Freedom Forum, *Submission 45*, p. 2.

2 Pacific Freedom Forum, *Submission 45*, p. 2.

3 Mr Graeme Dobell, *Submission 35*, p. 2.

2.6 Mr Roger Cragg commented particularly on the use of shortwave in Papua New Guinea and stated:

Short Wave is still the only cost effective method of covering 100% of the population in PNG, the majority of whom live in very remote areas and because of the incredible mountainous terrain, cannot possibly be covered by a VHF broadcast service. Certainly, given a great deal of money, anywhere in the world can have a satellite service, but the grass roots people of PNG do not have money. But they do have battery powered Short Wave receivers and replacement batteries can easily be purchased at the local Trade Store.⁴

2.7 Similarly, Mr David Alford, a former broadcast technician, stated that the international target areas for shortwave transmission were:

...mostly pacific islands where infrastructure and information availability [can] be poor or non-existent. The availability of power can be erratic in these island nations and susceptible to storm/natural disasters however with a battery powered radio, transmissions are able to be heard and vital information conveyed...⁵

2.8 Other technologies were seen as providing less available and reliable services in Papua New Guinea and the Pacific. The journalist and commentator Dr Alexandra Wake stated that 'in remote places in the Pacific, particularly in Melanesian nations such as Papua New Guinea, Vanuatu and the Solomon Islands, there is no access to an FM signal, limited internet and, where internet is available, it is expensive'.⁶ It was also stated that, in many areas, FM signals are delivered through low power FM transmitters which have very limited range and are vulnerable to extreme weather events.⁷

2.9 Submitters also questioned the ABC's assertions that very few listeners accessed Radio Australia's shortwave service. Mr Nigel Holmes, for example, argued that 'the ABC has actually, disingenuously, engineered a decline in listenership' by reducing the number of shortwave transmitters and frequencies used, which meant listeners have greater difficulty accessing shortwave and thus 'tune out'.⁸

4 Mr Roger Cragg, *Submission 9*, p. 1.

5 Mr David Alford, *Submission 6*, p. 1.

6 Alexandra Wake, 'Pacific nations lose shortwave radio services that evade dictators and warn of natural disasters', *The Conversation*, December 9, 2016, <https://theconversation.com/pacific-nations-lose-shortwave-radio-services-that-evade-dictators-and-warn-of-natural-disasters-70058> (accessed 15 May 2017).

7 Mr Peter Parker, *Submission 23*, p. 2; Mr John Faulkner, *Submission 29*, p. 4.

8 Mr Nigel Holmes, *Committee Hansard*, 16 June 2017, p. 14.

Response to concerns

2.10 The ABC responded to concerns about access to its broadcasts following cessation of shortwave transmissions. The ABC noted that audience behaviour has changed with many listeners using technologies other than shortwave, for example, internet streaming, FM transmissions and radio streamed via mobile phone.⁹ The ABC cited research which indicated that in Papua New Guinea, FM remains the dominant waveband. In addition, the ABC noted that mobile coverage across Fiji, Samoa, Solomon Islands, Tonga and Vanuatu has jumped from less than half of the population in 2005 to 93 per cent in 2014, the cost of mobile calls declined by one third between 2005 and 2014, and international internet bandwidth jumped over 1500 per cent between 2007 and 2014.¹⁰

2.11 The ABC's data on audience reach in the Pacific reflects these changes. Mr Michael Millet, Head of Government Relations at the ABC, commented:

...in 2016 ABC Online received more than 5½ million visits and nearly 12 million page views from audiences in the Pacific across mobile and web. Radio Australia and Australia Plus Pacific Facebook accounts have more than 64,000 followers. Radio Australia has 2.1 million podcasts downloaded from the region, including 191,000 for the *Pacific Beat* program.¹¹

2.12 In addition, the ABC noted a citizen access report in Papua New Guinea published in June 2014 which stated that there was a 50 per cent decline in shortwave listenership from 2012 to 2014.¹²

2.13 In support of its view that shortwave was no longer a primary means of accessing broadcasts, the ABC stated that it had received very few complaints following the cessation of the international shortwave service.¹³ Mr David Hua, Head of International Audience Strategy, commented that feedback received by the ABC indicated that 'there had been no impact from the cessation of shortwave services' with Radio Australia being received via FM transmissions.¹⁴

9 ABC, *Submission 39*, p. 7.

10 ABC, *Submission 39*, p. 7. See also Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 19.

11 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17.

12 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 21.

13 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 20. See also Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 22.

14 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 22.

2.14 The ABC also provided information on the data gathering methods it used to determine the size of its shortwave audience in the Pacific. Mr Hua stated that the figure was hard to determine because listeners live in areas that are difficult to survey.¹⁵ Mr Hua also stated that 'it would probably be more costly to do a very comprehensive survey than to provide the service itself—so we have to make some best estimates about this and look at global trends'.¹⁶

2.15 In light of the declining shortwave audience share, the ABC commented that it was a suitable juncture to end shortwave services and to rethink its international audience engagement strategy.¹⁷ However, Mr Millett stated that 'changes in distribution should not be interpreted as a withdrawal from the region'.¹⁸ Rather, the ABC is changing its engagement and content delivery strategies to match audience trends. Mr Millett went on to state:

We are developing a new international strategy that recognises these trends and provides a better service to the region, harnessing the strength of Radio Australia and programs like *Pacific Beat*.¹⁹

2.16 Ms Michelle Guthrie, Managing Director, ABC, informed the committee at the May 2017 Budget Estimates that the ABC is 'looking at a number of different ways of making sure that our transmissions are effectively received across the Pacific'.²⁰ Mr Hua provided further details of the expansion of FM transmission in Papua New Guinea and commented that three new transmitter towers will be located in Bougainville, Mount Hagen and Goroka.²¹

15 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 25.

16 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 21.

17 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17.

18 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17.

19 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17.

20 Ms Michelle Guthrie, Managing Director, ABC, *Budget Estimates Hansard*, 24 May 2017, p. 124.

21 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 22.

Loss of capacity for emergency warning broadcasts

2.17 Submitters raised concerns that, with the loss of shortwave services, crucial emergency warnings would no longer be broadcast to domestic or Pacific audiences.²² It was noted that other forms of media such as FM and digital services can be damaged or be unavailable during a time of crisis because of power failures. In these circumstances, shortwave transmissions from Australia can provide vital information that assists Pacific island nations to prepare for, and respond to, emergencies.²³

2.18 This view was supported by a range of submitters with knowledge of conditions in the Pacific. The Hon Charlot Salwai, Prime Minister of the Republic of Vanuatu, stated that removing the Radio Australia shortwave service to Vanuatu 'could cost many, many lives in the likelihood of a major natural disaster'.²⁴ The Prime Minister went on to comment:

The cost of providing shortwave to our region (said to be around A\$2 million) is very small compared with the huge sums Australia provides to Pacific countries after natural disasters. It could reasonably be stated that Australia's shortwave service helps save Pacific lives and taxpayers' money.²⁵

2.19 The Prime Minister commented on the contribution of Radio Australia's broadcasts during Cyclone Pam and stated that the reliable and comprehensive early warnings and post-disaster information 'assisted communities to prepare for, survive and recover from a terrible natural disaster'.²⁶

Response to concerns

2.18 The Department of Foreign Affairs and Trade (DFAT) acknowledged that in emergencies ABC shortwave services 'deliver warnings and updates, in complement to national disaster warning systems'.²⁷ However, DFAT reiterated that ABC weather broadcasts were never intended to act as replacements for national warning systems. Mr Daniel Sloper, DFAT, commented:

22 Tecsun Radios Australia, *Submission 7*, p. 3; Mr Roger Cragg, *Submission 9*, p. 1; Mr Matthew McKernan, *Submission 17*, pp. 2–4; Mr Michael Butler, *Submission 32*, p. 2; Mr Graeme Dobell, *Submission 35*, pp. 2–4; Pacific Freedom Forum, *Submission 45*, p. 6; ActionAid, *Submission 46*, pp. 1–2.

23 Mr David Alford, *Submission 6*, p. 1; Government of the Republic of Vanuatu, *Submission 15*, p. 1; Mr Matthew McKernan, *Submission 17*, pp. 2–4; Mr Graeme Dobell, *Submission 35*, pp. 2–4; Pacific Freedom Forum, *Submission 45*, p. 6; ActionAid, *Submission 46*, pp. 1–2.

24 Government of the Republic of Vanuatu, *Submission 15*, p. 1.

25 Government of the Republic of Vanuatu, *Submission 15*, p. 1.

26 Government of the Republic of Vanuatu, *Submission 15*, p. 1.

27 DFAT, *Submission 42*, p. 2.

...the ABC broadcasts provided a complementary warning capability there. Their capability relates to weather forecasting. They do not actually broadcast emergency information—that is not part of their charter and it is not part of the practice—but that complementary information is useful sometimes.²⁸

2.20 Mr Sloper went on to note that Australian development programs support international disaster management officers and early warning systems that have been determined by regional governments.²⁹

2.21 The ABC, similarly, argued that while they have taken the opportunity to broadcast weather warnings to the Pacific, it has never been the responsibility of the ABC to do so. Mr Hua commented that the ABC undertakes emergency coverage in the Pacific 'but we do not do emergency broadcast in the sense of what the ABC does locally'.³⁰ It was noted, for example, that during emergencies such as Cyclone Pam in Vanuatu, Radio Australia directed audiences to local sources for on the ground emergency information.³¹

Loss of avenue for diplomacy in the Pacific and Australia's regional interests

2.22 A number of submitters contended that Australian broadcasting services were an avenue for soft diplomacy in the Pacific.³² Submitters also pointed to the high regard for Radio Australia which was seen as providing unbiased, independent news and public affairs broadcasts.³³ The Pacific Freedom Forum commented:

The ABC's shortwave service is valued in the Pacific for its independence and quality and for the role it plays in maintaining media freedom. In a region in which it is all too common for governments to put pressure on their own media or national broadcasters or to resort to censorship, the ABC's dedication to the values of public service broadcasting is an important role model.³⁴

28 Mr Daniel Sloper, First Assistant Secretary, Department of Foreign Affairs and Trade, *Committee Hansard*, 16 June 2017, p. 5.

29 Mr Daniel Sloper, First Assistant Secretary, Department of Foreign Affairs and Trade, *Committee Hansard*, 16 June 2017, p. 6.

30 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 24.

31 ABC, *Answer to question on notice No. 6*.

32 Mr David Alford, *Submission 6*, p. 2; Mr Michael Butler, *Submission 32*, p. 2; Mr Graeme Dobell, *Submission 35*, pp. 6–8; Mr Nigel Holmes, *Submission 40*, p. 1.

33 Mr Stephen Coleman, *Submission 11*, p. 2; Mr Gary Page, *Submission 12*, p. 2; Mr John Rich and Ms Kathryn O'Brien, *Submission 26*, p. 2; Mr Rodney Champness, *Submission 27*, p. 3; Mr Michael Butler, *Submission 32*, p. 2; Mr Nigel Holmes, *Submission 40*, p. 3.

34 Pacific Freedom Forum, *Submission 45*, p. 5.

2.23 Concerns were also raised about the vulnerability of local transmissions during instances of civil unrest or from government actions. Submitters pointed to the closure of local ABC FM radio stations during the military coup in Fiji in 2009.³⁵ Mr Richard Wiltshire, for example, commented:

The vulnerability of future local Solomon Islands FM transmitters to being switched off at will by governments – or even locally sabotaged, means that they are less likely to allow objective reporting. It is hard to imagine foreign governments accept critical international news broadcasts from local transmitters, or even allowing SIBC to rebroadcast Pacific Beat.³⁶

2.24 However, submitters noted that governments cannot turn off shortwave being broadcast from an offshore source.³⁷

2.25 In terms of regional defence and security strategy goals, Mr Dobell argued that the cessation of shortwave services contradicted other measures the Australian government was implementing in the region to shore up its foreign policy interests. These measures included expenditure of \$3 billion to rebuild the government of Solomon Islands and millions of dollars on aid for Papua New Guinea. Mr Dobell asserted that 'accurate news and information are vital to keeping Pacific peoples informed and engaged'.³⁸

2.26 Mr Dobell also contended that reducing avenues for Australia to export cultural products puts soft diplomacy at risk.³⁹ Mr Dobell drew attention to reports completed by ASPI and the British Council which suggested cultural exports were an effective mechanism for influencing foreign populations.⁴⁰

2.27 These reports also highlighted that internationally a 'great game of the airwaves' is being carried out in which competing powers vie for international

35 Mr Peter Marks, *Submission 18*, p. 3; Mr Graeme Dobell, *Submission 35*, p. 10; Mr Stephen Dowding, *Submission 36*, p. 5; Pacific Freedom Forum, *Submission 45*, p. 5.

36 Mr Richard Wiltshire, *Submission 3*, pp. 4–5.

37 Mr John Faulkner, *Submission 29*, p. 3.

38 Mr Graeme Dobell, *Submission 35*, p. 9.

39 Mr Graeme Dobell, *Submission 35*, pp. 6–8.

40 Mr Graeme Dobell, *Submission 35*, pp. 6–8; see also Geoff Heriot, 'The crowded Pacific: re-considering the sharp edge of broadcasting's soft power', *The Strategist*, 1 May 2017, <https://www.aspistrategist.org.au/crowded-pacific-re-considering-sharp-edge-broadcastings-soft-power/> (accessed 20 May 2017); British Council, 'Influence and attraction: culture and the race for soft power in the 21st century', June 2013, <https://www.britishcouncil.org/organisation/policy-insight-research/research/influence-and-attraction> (accessed 20 May 2017).

audiences.⁴¹ Some submitters echoed this argument, contending that Chinese shortwave broadcasts of news and other information would fill the void left by the ABC, and that consequently it was in Australia's interest to not only continue shortwave broadcasts, but enhance content produced for international audiences.⁴²

Response to concerns

2.28 The committee notes that the ABC has acknowledged previously the importance of broadcasts for international audiences. The Managing Director of the ABC, Ms Michelle Guthrie, discussed the ABC's capacity to wield soft power in an address in August 2016. According to the press release on the ABC's website, 'Ms Guthrie told an audience at the Lowy Institute that the ABC is looking closely at strategies to increase its audience in China, Indonesia and the Pacific, where there will be new content in English and Tok Pisin'.⁴³

2.29 Ms Guthrie also stated that she believed the ABC's approach to soft power was underpinned by its reputation for independence, rather than acting as a medium for government opinion.⁴⁴ Mr Millett reinforced this view and stated that:

One of the great assets the ABC has is that it is regarded as an independent, quality news service. That is very good to distribute to the region.⁴⁵

2.30 The ABC responded to comments about soft power by emphasising that it is the content of programs as well as the distribution of programs that is important.⁴⁶ Mr Millett stated:

The ABC is looking at how it best provides a service based on its content and its many distribution platforms. Yes, we have made changes to some of

41 Mr Geoff Heriot, 'The crowded Pacific: re-considering the sharp edge of broadcasting's soft power', *The Strategist*, 1 May 2017, <https://www.aspistrategist.org.au/crowded-pacific-re-considering-sharp-edge-broadcastings-soft-power/> (accessed 20 May 2017); British Council, 'Influence and attraction: culture and the race for soft power in the 21st century', June 2013, <https://www.britishcouncil.org/organisation/policy-insight-research/research/influence-and-attraction> (accessed 20 May 2017).

42 Mr John Rich and Ms Kathryn O'Brien, *Submission 26*, p. 2; Mr Rodney Champness, *Submission 27*, p. 3; Mr John Faulkner, *Submission 29*, p. 3.

43 Available at <http://www.abc.net.au/news/programs/pacific-beat/2016-08-12/new-content-for-abc-pacific-services:-abc-md/7728940>.

44 Available at <http://www.abc.net.au/news/programs/pacific-beat/2016-08-12/new-content-for-abc-pacific-services:-abc-md/7728940>.

45 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 19.

46 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 19.

those distribution platforms. To an extent, it is about how we best get the mix that provides the best service.⁴⁷

2.31 Mr Millett explained that the ABC is developing an international strategy with all content divisions are contributing to the international service. Mr Millett added:

What we are doing with the new strategy is trying to leverage the entire ABC to provide a bigger range of services. What we would like to do is, in fact, provide iview and our main news service, once we can clear contractual rights, to all our audiences in the region, which I think would be a much better way. It provides a much broader range of services, and provides the best of Australian content. We can leverage across our entire content makers to provide services to the region...⁴⁸

2.32 Specific allocation of ABC services to international audiences sits at approximately \$9.7 million per year.⁴⁹

2.33 The ABC thus presented the case to the committee that, rather than a cessation of services, the end of shortwave signifies a realignment of overall strategy with organisation-wide content, and a renewed engagement by the broadcaster with international audiences.

2.34 DFAT also provided evidence on soft power. Mr Andrew Byrne, First Assistant Secretary, DFAT, stated that the ABC's broadcasts 'into the region contribute to a broader perception of Australia as engaged in the Pacific and as a country that cares about the Pacific...it is one of many elements, one of many factors, that contribute towards a positive perception of Australia in the Pacific'.⁵⁰

2.35 In its submission, DFAT stated that the ABC's services to the Pacific advanced Australian public diplomacy and that it 'has strongly encouraged the ABC to maintain broadcasts throughout the region that maintain quality of service for Pacific audiences'.⁵¹ Mr Sloper informed the committee that DFAT 'left the decision about the technology to the ABC' because DFAT does not have 'the expertise on the particular technology'.⁵²

47 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 28.

48 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 27.

49 ABC, *Answer to question on notice No. 10*.

50 Mr Andrew Byrne, First Assistant Secretary, Department of Foreign Affairs and Trade, *Committee Hansard*, 16 June 2017, p. 2.

51 DFAT, *Submission 42*, p. 2.

52 Mr Daniel Sloper, First Assistant Secretary, Department of Foreign Affairs and Trade, *Committee Hansard*, 16 June 2017, p. 2.

2.36 Mr Sloper also commented that DFAT did not consider that coverage in most of the region had been lost and added:

Our understanding is that the ABC is looking to further its coverage through other technologies. Shortwave certainly has a certain coverage that other technologies do not, but I do not think, in terms of projection of information about Australia, that there is a significant drop-off.⁵³

Cessation of the domestic shortwave services

2.37 The committee received submissions which raised concerns about the impact on domestic audiences arising from the cessation of domestic shortwave services. The concerns reflected those canvassed extensively in the committee's inquiry into the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 and included that certain segments of the Australian audience were being neglected in terms of the ABC's radio coverage, and the reliability of shortwave emergency broadcasts in extreme weather events such as cyclones.⁵⁴

Issues raised in relation to the bill

2.38 Some submitters commented on the provisions of the bill and suggested possible amendments to the bill.

Proposed subsection 27A(1)

2.39 With regard to the requirements for domestic services proposed under subsection 27A(1) of the bill, Mr Stephen Dowding suggested making the requirements more explicit to mandate that the towns of Katherine, Tennant Creek and Alice Springs be the centres for local radio broadcasts. Mr Dowding also suggested that the primary local radio programme in each centre be broadcast over an area of 450km radially from each centre.⁵⁵ Mr Alan Hughes advocated that the broadcast should extend to the territorial limit, that is, up to 370 km from the shoreline.⁵⁶

2.40 Another submitter suggested that the bill needed to incorporate a degree of flexibility to 'optimise or improve the efficiency of the restored services'.⁵⁷ Specific measures proposed by this submitter included:

- transmission of all services from Shepparton;
- a reduced number of transmitters in the Northern Territory;

53 Mr Daniel Sloper, First Assistant Secretary, Department of Foreign Affairs and Trade, *Committee Hansard*, 16 June 2017, p. 2.

54 Senate Environment and Communications Legislation Committee, *Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015*, April 2017.

55 Mr Stephen Dowding, *Submission 36*, p. 6.

56 Mr Alan Hughes, *Submission 31*, p. 4.

57 Name Withheld, *Submission 44*, p. 10.

- restoration of services from mothballed facilities; and
- temporary contracting of a portion of the service provision from an internationally located transmitter.⁵⁸

2.41 Mr Dowding also suggested amendments which would require that the program broadcast in each primary coverage area must be sourced from the ABC Local Radio network as broadcast in the town at the centre of coverage area. As a consequence, if Alice Springs and Tennant Creek shared the same programming, one transmitter could be used to serve both coverage areas.⁵⁹ Mr Dowding went on to comment that it was possible for the ABC to cover the southern and central parts of the Northern Territory using a shortwave site located interstate. He stated that 'given that both the Tennant Creek and Alice Springs transmitters carry the same programme feed it is wasteful to have two transmitters running provided thatn interstate-based service does not reduce the service quality'.⁶⁰

Proposed subsection 27A(2)

2.42 With regard to the proposed reinstatement of shortwave services to Papua New Guinea and parts of the Pacific, Mr Dowding suggested the bill be amended to specify the target countries and boundaries or to list the target countries.⁶¹ Mr Darryl Fallow similarly commented that the proposed requirement was 'a bit "open"' as the bill does not specify which parts of the Pacific must be served.⁶² In order to clarify this requirement, Mr Hughes suggested that the bill be amended to require transmission to all International Telecommunications Union Region 3 countries.⁶³

2.43 Mr Fallow submitted that the bill should be amended to require that three 'active' transmitters with appropriate frequencies be required to address any ambiguity in the requirement.⁶⁴

Sunset provision

2.44 One submitter, while supporting the proposed amendments, described the amendments as 'extraordinary, in the circumstances, since they direct the ABC in [a] manner not normally appropriate given its governance structure'. The submitter, therefore, argued that the bill 'should also contemplate a mechanism to remove the prescriptive nature of the direction of the amendments provide as they will become

58 Name Withheld, *Submission 44*, p. 10.

59 Mr Stephen Dowding, *Submission 36*, p. 6.

60 Mr Stephen Dowding, *Submission 36, Supplementary Submission*, p. 1.

61 Mr Stephen Dowding, *Submission 36*, p. 6.

62 Mr Darryl Fallow, *Submission 4*, p. 4.

63 Mr Alan Hughes, *Submission 31*, p. 5; pp. 5–8.

64 Mr Darryl Fallow, *Submission 4*, p. 5.

overly restrictive and inappropriate once more considered analysis of the evolution of these aspects of the ABC's broadcast services has occurred'.⁶⁵

ABC response to the bill

2.45 The ABC does not support the bill and argued that if passed, the bill would impinge on its independence by directing it to utilise certain broadcast technologies that have limited and diminishing audiences.⁶⁶ The ABC went on to note that section 25 of the ABC Act makes it clear that the ABC is responsible for managing its programs and services, including the management of its transmissions services, without external interference.⁶⁷

2.46 Mr Millett further explained the ABC's position and commented:

Legislation which overrides the board's responsibilities and forces the corporation to commit to certain technologies which have limited utility and forces it to do this over an extended period is at odds with that charter mission. It denies the ABC the ability to use savings to deploy to other technologies or to invest in new content.⁶⁸

2.47 The ABC also highlighted that, should the bill be passed, there would be significant consequences for the ABC.

- The reconstitution of terminated transmission contracts—the ABC noted that the former shortwave services were delivered by Broadcast Australia International (BAI). Reinstatement of shortwave services would require the ABC to negotiate new contracts 'at a commercial disadvantage' as the ABC would have little choice but to accept the terms set out by BAI in order to fulfil the requirements of the amendments.⁶⁹
- Transmission infrastructure—the ABC commented that it has no oversight of BAI's international shortwave transmission facilities at Shepparton and it is possible that the facilities have been decommissioned by BAI 'due to the paucity of demand for shortwave transmitters and the equipment repurposed for alternative transmission purposes'.⁷⁰
- Provision of costly shortwave broadcasts to diminishing audiences—the ABC emphasised that it is expert in the field of broadcasting and should be free to determine the best methods of transmitting its services and to be responsive to technological and audiences changes. The reinstatement of shortwave services

65 Name Withheld, *Submission 44*, pp. 9–10.

66 ABC, *Submission 39*, p. 2.

67 ABC, *Submission 39*, p. 8.

68 Mr Michael Millet, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 17.

69 ABC, *Submission 39*, p. 9.

70 ABC, *Submission 39*, p. 9.

would cost approximately \$4 million per annum which require funding to be divested from elsewhere, potentially at the expense of other ABC programs and services.⁷¹

2.48 The ABC raised a number of issues in relation to the requirement in proposed paragraph 27A(2)(c) that the ABC 'broadcasts programs in languages appropriate for the countries to which they are broadcast'. It stated that the proposed paragraph does not define which countries are to be covered by this proposal nor does it recognise that some countries have numerous dialects.⁷²

2.49 The ABC went on to comment:

Should the current Paragraph 27A(2)(c) be passed into law, it would require the ABC to expend significantly more resources than it did or currently does on servicing an unspecified international audience in their "appropriate" language. With no additional funding, it is clear that such an impost would, against the ABC's wishes, necessarily come at the expense of the ABC's domestic audience.

The inclusion of Paragraph 27A(2)(c) also impinges upon the ABC's independence to make programming decisions, prescribing not only the technology utilised to broadcast Radio Australia programs to the audience, but also imposing certain, albeit unspecified, content requirements on the Corporation.⁷³

Committee view

2.50 The committee is of the view that the measures proposed in this bill are not an appropriate way to address the concerns raised by some submitters about the cessation of the ABC's shortwave services.

2.51 In relation to the cessation of domestic shortwave services, the committee considers that the recommendations made in its report on the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 will address many of the concerns raised by those living in rural and regional communities. The committee also notes the ABC's commitment to the delivery of improved services through the allocation of funding for up to 80 new content roles in regional Australia.⁷⁴

2.52 Regarding concerns about the cessation of the international shortwave service, the committee notes that the ABC is working to ensure its continued presence in international broadcasting by developing a new international strategy across all its

71 ABC, *Submission 39*, p. 9.

72 ABC, *Submission 39*, p. 10.

73 ABC, *Submission 39*, p. 11.

74 Senate Environment and Communications Legislation Committee, *Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015*, April 2017.

content divisions. The ABC is also expanding the provision of broadcasts through an array of technologies and investing in more FM transmitters in Papua New Guinea. The new strategy will enable the ABC to align its services to the way in which audiences access news, current affairs and other programs. The committee supports the ABC's approach to ensuring that it remains a recognisable source of independent, high quality broadcasting in Papua New Guinea and the Pacific.

2.53 The committee acknowledges the concerns expressed by some submitters that emergency broadcasts will no longer be received by certain domestic and overseas audiences. However, it is not the sole responsibility of the ABC to ensure that communities, especially communities outside Australia, are briefed on weather warnings. Rather, this responsibility lies with government authorities with ABC broadcasts serving as an alternative source of emergency information.

2.54 The committee is also concerned that the measures in the bill would, if enacted, impinge on the independence of the ABC and could lead to increased costs. While the committee notes that the proposed amendments do not affect the ABC's editorial independence, the committee is not convinced that dictating the broadcaster's choice of technology is in line with the established tradition and understanding of independence that has been fostered over many decades. The ABC has made the decision to terminate its shortwave broadcasts, and is seeking a modern and efficient way forward for the dissemination of content, which are legitimate activities for the broadcaster to undertake.

2.55 The committee therefore does not support the bill. However, the committee emphasises that it will continue to monitor developments in this area. In particular, the committee's Senate estimates hearings will facilitate ongoing scrutiny of the ABC's commitment to the delivery of improved services to regional Australia and the effectiveness of the ABC's new international strategy.

Recommendation 1

2.56 The committee recommends that the Senate not pass the bill.

Senator Linda Reynolds CSC
Chair

Labor Senators' Additional Comments

1.1 Labor Senators believe that the Australian Broadcasting Corporation (ABC) is one of Australia's most important public institutions. We believe the ABC plays a crucial role in adding to the diversity of news in our media landscape and providing an opportunity for Australian content to be shown and heard—both in Australia and overseas. The ABC also plays a vital role in providing news, public announcements and emergency messages.

1.2 Labor Senators affirm and advocate the independence of the ABC and understand the importance of safeguarding our national broadcaster from political interference. In Government, Labor implemented measures to protect the institutional independence of our public broadcasters and their governing boards.

1.3 Labor notes that in 2014, and in breach of an election promise, the Liberal-National Coalition imposed funding cuts on the ABC amounting to \$355 million over a five-year period.

1.4 Labor Senators note that, in this context, the Government commissioned the ABC and SBS Efficiency Study 'to identify potential savings from the many "back of house" functions of the public broadcasters' operations. This included administration, use of equipment, property and technologies'.¹ The study report identified the discontinuation of shortwave radio services as an area of potential savings,² among other things.

1.5 Labor Senators are concerned that Coalition budget cuts are putting pressure on the ABC to find efficiencies in ways that may undermine important service provision. It is our view that the ABC's decision to cease shortwave radio transmissions in the Northern Territory (NT) and the Pacific is an example of the national broadcaster having to make trade-offs as it is being stretched to deliver on its mandate to, among other things, provide both 'comprehensive broadcasting services'³ and 'digital media services'⁴ in a media landscape undergoing transformational change.

1.6 Labor Senators note that efficiencies were cited in the ABC's December 2016 announcement on shortwave cessation as follows:

1 The Hon Malcolm Turnbull, 'ABC and SBS Efficiency Study—release of report', *Media release*, 1 December 2014.

2 Department of Communications, *ABC and SBS Efficiency Study: Draft Report*, April 2014, p. 91.

3 *Australian Broadcasting Corporation Act 1983*, s 6(1)(a).

4 *Australian Broadcasting Corporation Act 1983*, s 6(1)(ba).

Michael Mason, ABC's Director of Radio said, "While shortwave technology has served audiences well for many decades, it is now nearly a century old and serves a very limited audience. The ABC is seeking efficiencies and will instead service this audience through modern technology".⁵

1.7 Further, we note evidence from the Director of Regional at the ABC to the Committee's previous inquiry in to the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015, earlier this year, who stated:

[T]he ABC must make clear-headed and rational decisions about the services it can provide within a finite budget envelope...[T]he ABC's recent decision regarding the Northern Territory short wave services...is a case in point.⁶

1.8 Labor Senators acknowledge the ABC's ongoing commitment to providing services to remote and regional Australia as well as in the Pacific, but are concerned that the ABC has ceased shortwave radio without sufficient regard to how appropriate digital technologies are for many living in rural and remote areas, given that digital technology is limited in rural and regional areas due to insufficient internet and mobile phone coverage. Satellite technology is unreliable during rain and heavy smoke, and some technologies require a fixed base station and power supply. In some areas there is no mobile reception or radio reception, which is highly concerning in emergency situations.

1.9 Labor has been campaigning on the ABC's decision to cease shortwave transmissions since it was announced in mid-December, and has had regular contact with the ABC and affected communities and stakeholders ever since. We believe that ongoing consultation is necessary to ensure that Australian policy goals are realised in Australia and the Pacific.

1.10 Labor has made representations to Government on its concerns about the cessation of shortwave radio. This includes Opposition Leader the Hon Bill Shorten writing to the Prime Minister in January 2017 asking him to step in and fund the ABC to continue the shortwave service in the NT, as well as the Hon Mark Dreyfus QC MP and Mr Stephen Jones MP writing to Communications Minister, Senator the Hon Mitch Fifield, requesting that the Minister work with ABC management to ensure the ABC can support continued provision of the shortwave radio service in the NT.

1.11 Despite Labor's direct representations, and the valid concerns of the many people who rely on shortwave radio, the Government has failed to act.

5 Australian Broadcasting Corporation, 'ABC Exits Shortwave Radio Transmission', *Media Release*, 6 December 2016.

6 Mrs Fiona Reynolds, Director of Regional, Australian Broadcasting Corporation, *Committee Hansard*, 6 March 2017, p. 33.

1.12 While Labor Senators are sympathetic to the concerns that prompted the Australian Broadcasting Corporation Amendment (Restoring Shortwave Radio) Bill 2017, we have reservations about the bill for the following additional reasons.

1.13 Firstly, the bill does nothing to address the real issue of ABC budget pressures, brought about by Liberal-National Coalition funding cuts, which mean the ABC is being spread too thinly, being asked to do too much with too little and being forced into making 'efficiencies' that undermine its ability to serve both the spirit and the letter of the ABC Charter.

1.14 Secondly, mandating or prescribing technology choice for the delivery of broadcasting services in legislation goes against the long-standing technology-neutral stance adopted for broadcasting regulation,⁷ as embodied in the *Broadcasting Services Act 1992* (Cth), which creates the category of 'national broadcasting services'.⁸

1.15 Labor Senators are of the view that the measures proposed in this bill are not an appropriate way to address the concerns about the cessation of the ABC's shortwave services and we wish to reiterate Labor's calls on Government to work with the ABC to explore options for reinstating shortwave radio.

Senator Anne Urquhart
Senator for Tasmania

Senator Anthony Chisholm
Senator for Queensland

7 Explanatory Memorandum, Broadcasting Services Bill 1992.

8 *Broadcasting Services Act 1992* (Cth), ss 11 and 13.

Senator Bridget McKenzie's Additional Comments

1.1 These additional comments to the Senate Environment and Communications Legislation Committee's report into the Australian Broadcasting Corporation Amendment (Restoring Shortwave Radio) Bill 2017 are prefaced with acknowledgement that the independence of the ABC is embedded in its Charter and is without question; equally, its critical role as a provider and facilitator of news and information to Regional Australia is acknowledged.

1.2 However, while the ABC operates independently, evidence to the Inquiry highlights significant concerns about the ABC Board decision of December 2016 to cancel ABC shortwave services to the Northern Territory, Papua New Guinea, and other parts of the Pacific. These comments are made with the objective of finding a way to restore those services, whilst respecting the ABC's independence as a statutory authority.

1.3 The ABC's decision to unilaterally withdraw without consultation its remaining shortwave services is unacceptable as the ABC cannot guarantee that listeners who previously used these services will be able to access the replacements. Until it can provide such a guarantee, shortwave must remain an integral component of the ABC's strategy to meet its Charter obligations in the Pacific, as well as to consumers in regional and remote areas.

1.4 Inevitably, shortwave will be withdrawn. However, this cannot occur until solutions that are better in quality, reliability, coverage and access are available. Whilst the shortfalls of proposed shortwave replacements are examined below, the problem is exemplified by the admission AM and FM transmissions (offered as a bedrock solution in place of shortwave both domestically and to the Pacific) covers some 4% of the NT landmass but 84% of the population:¹ the other 16% of the population is essentially excluded.

1.5 The independence of the ABC is essential, and the community's expectations of the public broadcaster are articulated in its charter. The Australian Broadcasting Corporation Amendment (Restoring Shortwave Radio) Bill 2017 challenges the independence of the ABC by mandating multiple transmitters to reinstate the services along with imposing other specific requirements on content that the ABC would be bound to meet. This is unduly prescriptive in nature, and so cannot be supported.

1.6 However, given the weight of evidence to both this inquiry and the committee's previous inquiry into the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015, the ABC is strongly encouraged to reconsider its decision to terminate shortwave services to the Northern Territory and the Pacific.

1 Mrs Fiona Reynolds, Director of Regional, ABC, *Committee Hansard*, 6 March 2017, p. 33

1.7 The issues raised in both inquires include:

- the apparent lack of consultation engaged in by the ABC in its decision to terminate shortwave services to the Northern Territory and to the Pacific;
- questionable research used to substantiate a contention that fewer than 500 people are affected by the decision to now summarily terminate the ABC's remaining shortwave services;
- the shortfalls of purported replacement technologies as alternative platforms with which to deliver ABC content that will guarantee most, but not all, affected listeners coverage;
- the apparent refusal by ABC personnel to satisfactorily answer directly relevant questions put to it, both in the course of this Inquiry and others the Senate has conducted, and its refusal to disclose documentation said to support the ABC's shortwave decision;
- evidence heard by this and other Senate inquiries that directly contradicts the ABC's claims that minimal numbers of complaints have been received, and from where;
- implications for the ABC's role and reliability as an emergency broadcaster; and
- the apparent breach of the ABC's Charter obligations the withdrawal of ABC shortwave constitutes.

Lack of Consultation and Questionable Research Methods

1.8 It has been impossible to satisfactorily quantify consultation the ABC Board claims it undertook in arriving at this decision, partly through a reluctance to supply relevant documentation on demand, and partly through conflicting answers given by ABC officials to questions on notice. This constitutes a failure of the Board to subject itself to the scrutiny of the Senate over its expenditure of public funds.

1.9 The ABC has been unable to quantify the listenership of ABC shortwave in the Northern Territory, admitting in evidence to a Senate Committee on 16 June 2017 that it had undertaken no surveys of shortwave listeners prior to its decision to axe the service.²

1.10 It did however make the statement that 'the estimation' of 500 regular shortwave listeners in the NT was partly the result of an ABC Radio listener report in May 2016.³

2 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 25.

3 Mr Michael Millett, Head, Government Relations, ABC, *Committee Hansard*, 16 June 2017, p. 24.

1.11 These answers are contradictory, and further complicated by the fact the National Association of Shortwave Broadcasters reported shortwave usage at approximately 1% of the population (or some 225,000 users at the time).⁴ Even accounting for the fact the NT represents roughly 1% of the Australian population, this would suggest shortwave usage at roughly 2,400 users, not 500 as the ABC claims.

1.12 Either way, it fails to take into account users of the ABC service including cattlemen, farmers, tourists, fishermen and truck drivers and others who used shortwave services, but who are by their nature impossible to incorporate into any accurate assessment of actual shortwave usage in the NT. Many of these workers made submissions to the ABC (Rural and Regional Advocacy) Bill Inquiry.

1.13 In relation to usage of ABC shortwave in PNG and the Pacific, the ABC stated in an answer to questions on notice that it estimated 300 Radio Australia shortwave users in Papua New Guinea, on the basis of a 2016 media survey by Tebbutt Research that identified 15,000 regular Radio Australia listeners.⁵

1.14 This answer also appears to contradict other ABC evidence, further stating that approximately 2% of the PNG population uses shortwave to access Radio Australia transmissions (which equates to 160,000 people).⁶ It further stated that the ABC was not aware of a survey conducted in 2014 by Radio Australia that found 80% of PNG-based respondents received content via shortwave.⁷

1.15 In any case, the ABC did not provide details of those surveys in its account on notice of listener numbers⁸—in Australia and the Pacific—preventing any meaningful examination of the fieldwork, methodology used, or the veracity of the conclusions and estimates drawn from them.

1.16 This lack of consultation by the Board extended not only to affected communities, nations and industries but also internal mechanisms within the ABC to assist with decision making.⁹ The ABC neither sought nor received advice from its Advisory Board in deciding to terminate shortwave services, nor did it consult with the Friends of the ABC.¹⁰ This was received despite the ABC stating, that 'internal

4 ABC, *Answer to question on notice, No. 3.*

5 ABC, *Answer to question on notice, No. 4.*

6 *Ibid.*

7 ABC, *Answer to question on notice, No. 5.*

8 ABC, *Answer to question on notice, No. 3.*

9 ABC, *Answer to question on notice, No. 8.*

10 ABC, *Answer to question on notice, No. 26.*

consultation with ABC Executives and ABC Radio management' occurred prior to the ABC Board reaching a decision.¹¹

1.17 Given the impact on NT communities, cattle industry, road users outside Darwin, Alice Springs and Katherine, the ABC did not consult the Northern Territory government on the decision to withdraw shortwave services from the Territory. Despite monies saved from ABC shortwave broadcasts were earmarked for boosting digital services in markets including Darwin,¹² where reliable internet services mean ABC Radio content can already be accessed. In over 80% of the NT landmass, they now cannot.

1.18 Given the lack of meaningful listenership surveys undertaken to guide its decision, and in view of its admission that various key stakeholders were not consulted, it is difficult to accept either the ABC's stated estimates of shortwave listenership numbers or its claim that adequate consultation had been undertaken.

Shortfalls in Proposed Replacement Technologies

1.19 The ABC management claims that a suite of other technologies and platforms are viable alternatives to shortwave. Evidence to both committee inquiries would suggest otherwise, at this present time.

1.20 Whilst these will prove efficacious in delivering content to some listeners affected by the shortwave decision, the reality is that known shortcomings of each of these technologies make it inevitable that some listeners will now be prevented from receiving this content altogether.

1.21 Some of the inherent problems in these technologies, as reported in testimony to the Inquiry, include:

- The limited reach of AM and FM broadcasts (20km to 90km from the broadcast point) as opposed to shortwave showers, which can cover vast tracts from a single transmission point.
- Both AM and FM broadcasts are adversely affected by topography and weather events.¹³
- Mobile telephony, as a content platform, is limited by signal strength and coverage.¹⁴

11 Ibid.

12 Ms Michelle Guthrie, General Manager, ABC, *Proof Additional Estimate Committee Hansard*, 28 February 2017, pp. 80–81.

13 Ms Susan Pinnock, ABC Friends National, *Committee Hansard*, 6 March 2017, p. 17; ABC Friends, *Submission 32*, Attachment 1, p. 1; see also Mr Alan Hughes, *Submission 43*, p. 2; Four Wheel Drive Northern Territory, *Submission 53*, p. 1; Mrs Vena Oliver, *Committee Hansard*, 9 March 2017, p.15.

- Satellite telephony, which does not directly receive radio signals, is too slow and prohibitively expensive for users to use internet radio streaming of those signals it does receive.¹⁵
- Viewer Access Satellite Television (VAST) is a static delivery platform—unable to be moved—and thus unsuitable for travellers and mobile commercial operators. In any case, it is also adversely impacted by bad weather and topography.¹⁶

1.22 Some of these technologies (such as VAST) require users to make upfront capital outlays on hardware in order to receive broadcasts via those platforms;¹⁷ prohibitive user costs must also be taken into account.

1.23 The shortfalls in the ABC's proposed replacements for shortwave apply equally to the Northern Territory and to the Pacific. In fact, some areas of the Pacific would seem more compromised by the abolition of shortwave on account of the susceptibility of FM to adverse weather events.

The ABC's Refusal to Disclose Evidence and Complaints Received

1.24 During a Senate Budget Estimates hearing on 24 May this year, the ABC was asked on notice to provide a document associated with its Transmission Strategy that ostensibly substantiated ABC estimates of fewer than 500 regular shortwave users in the NT, but which was redacted. The answer provided referred to alternative technologies, but stated the requested document was 'outside the scope of the shortwave issue' and that it had thus been redacted. It was not provided as requested.¹⁸

1.25 Taken in tandem with the stated failure to conduct any surveys at all of shortwave listenership in the NT and the conflicting accounts of listenership in PNG and the Pacific, it is difficult to accept the ABC Board decision to terminate shortwave broadcasts has been made on any firm basis of small listener numbers.

14 Department of Corporate and Information Services, Inquiry into the ABC (Rural and Regional Advocacy) Bill 2015. *Answer to questions taken on notice*, p. 1.

15 Mr Stephen Dowding, Inquiry into the ABC Amendment (Rural and Regional Advocacy) Bill 2015, *Submission 34*, p. 1.

16 Northern Territory Cattlemen's Association, Inquiry into the ABC Amendment (Rural and Regional Advocacy) Bill 2015, *Submission 44*, p. 2.

17 Mr Stephen Dowding, Inquiry into the ABC Amendment (Rural and Regional Australia) Bill 2015, *Submission 34*, p. 3; Mr Philip Brennan, *Submission 42*, p. 1; Northern Territory Government, *Submission 46*, p. 2; Mr Malcolm Stewart, Four Wheel Drive Northern Territory, *Committee Hansard*, 9 March 2017, p. 23; Mr Bruce Davey, *Committee Hansard*, 9 March 2017, p. 28; Mr Chris Schilling, *Committee Hansard*, 9 March 2017, p. 41.

18 Budget Estimates 2017–18, *Answer to question on notice*, No. 119.

1.26 This apparent unsatisfactory basis for the ABC's decision to withdraw shortwave is also reflected in accounts of complaints received in relation to the decision.

1.27 The ABC told an Estimates hearing that two complaints were received from listeners in the Pacific,¹⁹ and both were said to have originated from Fiji.²⁰

1.28 A separate answer to a different question on notice, this time during the Inquiry into the ABC Amendment (Rural and Regional Advocacy) Bill 2015, stated that 18 NT residents had made complaints about the withdrawal of shortwave broadcasts, in addition to the two from Fiji, as well as a further nine complaints from as far afield as the USA, India, Laos and France.²¹

1.29 It is understood these complaints were made through formal ABC complaint channels, and do not include complaints from listeners made by telephone to its Alice Springs office or other less formal means of providing feedback, or submissions made to Senate Inquiries representing thousands of affected listeners.

1.30 The appearance given by all of this is that on one hand, the ABC has either withheld material that may undermine the veracity of ending shortwave broadcasts, or lacks evidence to validate the decision; and on the other, that it has downplayed adverse feedback it has received in relation to the decision by restricting the admissions of complaints to those made through its official complaint mechanisms.

1.31 However in evidence to an earlier Senate hearing into the termination of shortwave transmission services, there was no doubt from witnesses to the loss of the service.

1.32 Like Mr Bruce Davey, a cruise boat operator in the NT who gave evidence that:

We have had absolute silence now. I do not know what is happening to the world...I would implore the Senate committee to fully understand the hunters, fishermen and numerous other stakeholders that have just been thrown to the wind here.

19 Mr Michael Millett, Head, Government Relations, ABC, *Proof Budget Estimates Hansard*, 24 May 2017, p. 123.

20 ABC, Inquiry into the ABC Amendment (Rural and Regional Advocacy) Bill 2015, *Answer to question on notice*, No. 18.

21 ABC, Inquiry into the ABC Amendment (Rural and Regional Advocacy) Bill 2015, *Answer to question on notice*, No. 34.

1.33 Or the Northern Territory Cattlemen's Association:

Mental health problems are already a considerable problem in remote areas—sitting in silence while the rest of the country has a radio dial chock full of stations, internet-capable phones in their pockets and newspapers doesn't help any of that.

1.34 The NTCA contended that the ABC had 'seriously underestimated' the number of people adversely affected by the termination of shortwave transmissions.

Implications for the ABC as an Emergency Broadcaster

1.35 One answer to a question on notice stated that 'whilst the ABC took the opportunity to broadcast weather warnings into the Pacific, it has never been the ABC's responsibility to do so.'²² Whilst this may be true, past practice has clearly created the expectation the ABC will continue to perform such a role. Indeed the ABC promotes itself as an emergency broadcaster, a role the community would recognise.

1.36 The fact remains that shortwave is unaffected by weather, is reliable, and is a cheap and effective way to broadcast such warnings.

1.37 The value of the ABC's activity in this regard is underlined by testimony from the Prime Minister of Vanuatu, Hon Charlot Salwai, who told the Inquiry that terminating Radio Australia shortwave services 'could cost many, many lives in the likelihood of a major natural disaster.'²³ It went on to state that ABC shortwave helps save Pacific lives and saves taxpayers money²⁴ by virtue of the warnings it provides and the resultant mitigation of later disaster relief expenditure.

1.38 From evidence to both committee inquiries, it is clear that the ABC promotes itself as the emergency broadcaster and is viewed as such by the broader community, here and abroad.

1.39 Given the ABC's Charter obligations, it is not unreasonable to expect that it will continue to play a role in providing warnings and information ahead of cyclones, tsunamis, bushfires and other natural disasters in these areas.

1.40 The excuse given by the ABC that the Bureau of Meteorology was now able to provide such information failed to recognise that this BOM service only extended to coastal areas and not inland Northern Territory.

22 Mr David Hua, Head, International Audience Strategy, ABC, *Committee Hansard*, 16 June 2017, p. 24.

23 Government of the Republic of Vanuatu, *Submission 15*, p. 1.

24 Government of the Republic of Vanuatu, *Submission 15*, p. 1.

1.41 The ABC Charter specifies the publicly funded broadcaster's main role as defined in clause 1, subclause (b):

- (b) to transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment that will:
 - (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
 - (ii) enable Australian citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs.

1.42 The evidence to the ABC (Rural and Regional Advocacy) Bill 2015 highlighted the need for better reporting and increased consultation processes for the ABC Board's decision making.

Conclusion

1.43 The ABC deserves support, and its right to operate independently to be respected. This is certainly true in the case of the ABC's decision to terminate shortwave services to the NT and the Pacific.

1.44 Shortwave is a cheap, low-tech, reliable medium that is ideally suited to broadcasts over significant distances, and which is ideal for transmissions during emergencies and disasters.

1.45 The overall picture painted by the ABC's collective statements and disclosures to various Senate committee hearings simply doesn't add up: figures have been provided to assert tiny listenership of ABC shortwave, with no concrete evidence to validate them, but an avalanche of anecdotal and circumstantial evidence showing the number of people affected is much, much higher than the ABC acknowledges.

1.46 This appears to be at best a failure by the ABC to clearly account to the Senate for its decision making processes or to consult appropriately and at worst, a failure of due diligence on the part of the ABC Board.

1.47 It is deeply concerning that the decision to unilaterally withdraw the domestic shortwave service will impact residents and travellers in regional and remote NT communities, compounding the isolation and detachment they may already experience.

1.48 Additionally, the Charter clearly states the ABC's role in the Pacific, a service that is compromised by their desire to save 1% of a \$1bn Budget.

1.49 Finally, the ABC is a corporate Commonwealth entity operating under *Public Governance, Performance and Accountability Act 2013* (the PGPA Act). As the governing body of the entity, the ABC Board is responsible for meeting and maintaining standards of governance the Act prescribes.

1.50 The lack of proper information and consultation guiding the Board's decision to terminate shortwave calls into question best practice governance principles.

1.51 Recommendations follow for the ABC shortwave decision to be subjected to further action. Alternatively, the decision may be referred to the Commonwealth Auditor-General.

1.52 The objective of these extensive comments to this report is to find a way forward that balances the ABC's independence and operational expertise on the one hand with a cost-effective restoration of shortwave services, undertaken and overseen by the ABC, on the other. The inconsistencies shown in the process of making the decision to terminate shortwave, and the contradictory justifications used to defend it, merely illustrate why the decision needs to be revisited.

Recommendations

1. That the ABC Board revisits its decision to terminate shortwave radio services to the Northern Territory, Papua New Guinea and the Pacific.
2. That the Australian Broadcasting Corporation Amendment (Regional and Rural Access) Bill 2015 be passed, to ensure a similar failure of process is unable to occur in the future.
3. That given the conflicting evidence submitted by the ABC, the ABC Board's refusal to submit to Senate scrutiny and the defective decision it made as a result of failure of process, the Minister for Communications consider referring the matter to the Finance Minister under the PGPA Act 2013.

Senator Bridget McKenzie
National Party Senator for Victoria

Senator Nick Xenophon's Dissenting Report

ABC – A Bad Call Shutting Down of ABC Shortwave Radio

1.1 On 6 December 2016 the ABC announced that it was shutting down its long running short wave radio service. Just over month later the transmitters were switched off and receivers across northern Australia and the South Pacific went silent.

1.2 For Australian in remote parts of our vast nation it was their only service and one relied upon for basic news, information and entertainment.

1.3 For international audiences it provided impartial and reliable news and information and a point of connection to Australia.

1.4 In emergency situations, it was a service that was used to save both Australian and International lives.

1.5 The service has been turned off ostensibly to save a small amount of money—but comes at enormous cost.

Senate Examination

1.6 The Committee and Secretariat has done terrific work in its compilation of the facts relating to the history and great utility of the ABC's shortwave service and to reveal the shallow consideration of relevant issues by the ABC board before it ordered the service to be shutdown.

1.7 The report complements the good work carried out by the Senate Committee examining Senator McKenzie's ABC Amendment (Rural and Regional Advocacy) Bill. This Inquiry also took evidence in relation to the shutdown of ABC Shortwave.

The Importance of Shortwave

1.8 An Inland Shortwave Radio Services was established in 1939 to transmit to the 5% of Australians that had no access to medium wave stations. It was established as 'Australia Calling' and in until 1950 was operated by the ABC and the Department of Information. Sole responsibility for the service transferred to the ABC in 1950. Over the years domestic shortwave ABC services operated from a number of sites; in WA, NT and QLD. From 1944, Radio Australia operated from Shepparton in Victoria. By the mid 1990's Radio Australia were broadcasting internationally in English and eight other languages to a wide audience throughout Asia, Papua New Guinea, the Pacific islands and Micronesia.

1.9 Mr Garry Cratt, Director of Tecsun Radios Australia (a company that imports and resells portable shortwave receivers) provided a useful and contemporary analysis of the audience derived from his extensive customer contact.

1.10 Australian audiences included:¹

- People travelling in remote parts of the NT, WA, NSW and SA. Examples include stockmen, mining camp operators, outback tour operators and 'Grey Nomads'.
- People travelling by boat around Australia and operators of commercial fishing vessels.
- People travelling overseas to locations such as Papua New Guinea, China, Vietnam, Cambodia, Indonesia and the Philippines where Radio Australia signals propagated.

1.11 International audiences included:²

- People residing in the Pacific regions who want to listen to shortwave broadcasts as their own country has no or poor shortwave coverage.
- People residing in Pacific region who rely on weather reports such as cyclones, tsunami and earthquake warnings.

1.12 The importance of the service to some cannot be overstated. ABC Shortwave was not just about news, information and entertainment. To appreciate ABC Shortwave's true importance one only needs to consider the submission from the Prime Minister of the Republic of Vanuatu, the Honourable Charlot Salwai, who outlined how the people of Vanuatu relied on shortwave radio when Cyclone Pam struck in 2015. Prime Minister Salwai stated in his submission:

In times of crisis when other forms of media like FM and digital services are damaged or unavailable such communities rely on broadcasts safely transmitted from outside the disaster zone. This is exactly the role Radio Australia shortwave broadcasts played during Cyclone Pam... people around our nation relied on Radio Australia's shortwave broadcasts to stay up-to-date about the cyclone's progress and they took the thorough and expert advice on the shortwave service very seriously indeed. It is undoubtedly the case that Radio Australia's shortwave service helped save Ni-Vanuatu lives.

1.13 ABC shortwave radio also played a valuable role in providing information to communities during the civil disturbance that occurred in East Timor in the lead up to independence.

1.14 Closure of the service will impact significantly on Australia's near neighbours where these broadcasts have been a reliable source of news and current affairs and an important and unique connection to Australia.

1 Mr Garry Cratt, Tecsun Radios Australia, *Submission 7*, pp.1–2.

2 Mr Garry Cratt, Tecsun Radios Australia, *Submission 7*, pp.1–2.

A Valuable Foreign Policy Tool

1.15 A number of submissions and witnesses highlighted the foreign policy value of shortwave and provided examples of where it had positive impact. It was an effective tool in Australia's own 'soft power' toolbox and it beyond comprehension that the system has been shut down.

1.16 Documents I sought under Freedom of Information laws from the Department of Foreign Affairs and Trade (DFAT) earlier this year relating to the discussion that took between the ABC and DFAT in the lead up to the decision to shut the service down, show the dialogue between the two entities was disturbingly limited.

1.17 I gained no further comfort at hearing when the following exchange occurred between myself and Mr Daniel Sloper, First Assistant Secretary, Pacific Division, DFAT:

Senator XENOPHON: Does the department have a view about the importance of shortwave as an exercise in soft power? I am not sure what the lingo is in diplomatic speak. I mean something—having that level of Australian news or giving emergency news, which is what the Republic of Vanuatu highlighted in its submission—that does build bridges with communities. Does the department have a view about the benefit of that in terms of Australia's reputation in those countries?

Mr Sloper: We made clear to the ABC that we want them to continue to meet their international charter, that they need to continue coverage within the region, but we have not given a particular view about shortwave itself. We have left the decision about the technology to the ABC. We do not have the expertise on the particular technology.

1.18 I asked Mr Andrew Byrne, First Assistant Secretary, Public Diplomacy, Communications and Scholarships Division, DFAT, a further questions relating to DFAT's knowledge of Chinese shortwave activities in the region.

Senator XENOPHON: China has been expanding shortwave broadcasts, has it not, in the region?

Mr Byrne: I am not sure about that.

1.19 The question was answered by Mr Dobell later in the hearing:

...My understanding of China's shortwave investment is that it is taking up as many of allotments of shortwave frequencies and shortwave slots as it possibly can. Its investment in broadcasting is ratcheting up at a very large rate. So my answer is that China is investing in shortwave in a big way.

1.20 As Australia ramps down, China is filling the void. This is Australia's mistake and Australia's mistake alone. Its impact on a nation such as Timor-Leste cannot be understated.

A Bad Call

1.21 The Committee report deals with the size of the ABC Shortwave audience prior to shut down. The ABC suggested the size was relatively small; others suggested the ABC had significantly underestimated the size. What is clear is that there was no serious effort made to actually measure audience size. I am of the view, considering all of the evidence, the audience size was much larger than the ABC calculated.

1.22 But even if the ABC were right (which I doubt) they did not factor the foreign policy importance of the service. They should have factored this into their decision, noting the requirement in the ABC charter to provide a 'comprehensive broadcasting services', and they did not. By shutting down shortwave, the ABC has failed the 'comprehensive' test.

1.23 The same can be said in relation to ABC's Shortwave international audience, nothing the second requirement in the charter to 'transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment'. By shutting down shortwave, the ABC has failed the charter a second time. The ABC Board should be condemned for this decision.

1.24 Finally, the decision to shut down ABC Shortwave is a significant foreign policy failure. The board cannot really be blamed for this oversight; foreign policy is a responsibility of the whole of government. In allowing the ABC Board to shut down ABC shortwave, the Government has failed.

1.25 Shortwave must be restored. I urge all of my Senate colleagues to support the Australian Broadcasting Corporation Amendment (Restoring Shortwave Radio) Bill.

1.26 Finally, I want to pay special thanks to long distance truck driver Mr Gary Williams of South Australia who alerted me to this issue. Mr Williams, on his regular 6000 km round trip from Adelaide to Darwin, and the many hundreds, if not thousands, like him can no longer receive ABC radio on a significant part of journey. At the Darwin public hearing into the ABC Amendment (Rural and Regional Advocacy) Bill, Mr Williams responded to the ABC's suggested remedy plainly and simply, stating:

Mobile phone coverage only covers about 2,200 kilometres of the round trip. To be told by people at the ABC that you can access ABC via the app on your phone or over the internet or by VAST satellite service is physically impossible. You just cannot do it.

Recommendation 1

That the bill be passed.

**Senator Nick Xenophon
Senator for South Australia**

Appendix 1

Submissions and answers to questions taken on notice

Submissions

1	Mr Julian Lawrence
2	Name Withheld
3	Mr Richard Wiltshire
4	Mr Darryl Fallow
5	NT Farmers
6	Mr David Alford
7	Tecsun Radios Australia
8	Regional Development Australia Northern Territory
9	Mr Roger Cragg
10	Mr Rick Morris
11	Mr Stephen Coleman
12	Mr Garry Page
13	Digital Radio Mondiale (DRM)
14	Australian Radio DX Club
15	Government of the Republic of Vanuatu
16	ABC Friends National Inc.
17	Mr Mathew McKernan
18	Mr Peter Marks
19	Mr Richard Nowak
20	Mr W Andrew Miller
21	Mr Trevor Bird
22	Mr Frank Fedrick
23	Mr Peter Parker
24	Ms Roslyn Miles
25	Mr Frank Holden
26	Mr John Rich and Ms Kathryn O'Brien
27	Mr Rodney Champness
28	Mrs A Peacock
29	Mr John Faulkner
30	Mr Tony Falla
31	Mr Alan Hughes
32	Mr Michael Butler
33	Mr Dan Van Roy
34	Mr Michael Payne
35	Mr Graeme Dobell

36	Mr Stephen Dowding
37	Mr David Stuart
38	Mr David Hewitt
39	Australian Broadcasting Corporation
40	Mr Nigel Holmes
41	Networks on Demand
42	Department of Foreign Affairs and Trade
43	PCJ Radio International
44	Name Withheld
45	Pacific Freedom Forum
46	ActionAid Australia
47	Ms Claire Bettington
48	Mr Terje Isberg
49	Mr Tom Reitzel
50	Mr Greg White
51	Mr Gary Baker
52	Mr Mike Patterson
53	Mr Benjamin Quilliam
54	Ms Edna O'Kane
55	Toyota Landcruiser Club Darwin Branch
56	Mr Roderic Steel
57	Mr Spud Murphy
58	Mr Bill Passey
59	Mr Jay Mohr-Bell

Answers to questions taken on notice

Australian Broadcasting Corporation – Answers to questions taken on notice (public hearing, Canberra, 16 June 2017)

Department of Foreign Affairs and Trade – Answers to questions taken on notice (public hearing, Canberra, 16 June 2017)

Department of Communications and the Arts – Answer to question taken on notice (written)

Appendix 2

Public hearing

Friday, 16 June 2017 – Canberra

Department of Foreign Affairs and Trade

Mr Daniel Sloper, First Assistant Secretary, Pacific Division

Mr Andrew Byrne, First Assistant Secretary, Public Diplomacy, Communications and Scholarships Division

Mr Gary Baker – Private capacity

Mr Nigel Holmes – Private capacity

Australian Broadcasting Corporation

Mr Michael Millett, Director, Government Relations

Mr David Hua, Head, International Audience Strategy

Mr Graeme Dobell – Private capacity

