



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION  
COMMITTEE

**Estimates**

(Public)

TUESDAY, 10 FEBRUARY 2026

CANBERRA

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## ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

**Tuesday, 10 February 2026**

**Members in attendance:** Senators Ananda-Rajah, Faruqi, Ghosh, Hanson-Young, Henderson, Hume, McGrath, Nampijinpa Price, Payman, David Pocock, Roberts, Ruston, Dean Smith, Walker and Whitten.

## **INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT, COMMUNICATIONS, SPORT AND THE ARTS PORTFOLIO**

### **In Attendance**

Senator Green, Assistant Minister for Northern Australia, Assistant Minister for Pacific Island Affairs, Assistant Minister for Tourism

### **Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts**

#### **Executive**

Mr Jim Betts, Secretary

Ms Maree Bridger, Chief Operating Officer

Mr David Mackay, Deputy Secretary, Communications and Media Group

Dr Stephen Arnott PSM, Deputy Secretary, Creative Economy and the Arts Group

Ms Lisa Rauter, Acting Deputy Secretary, Sport, Territories and Regions Group

Ms Ruth Wall, Acting Deputy Secretary, Financial Sustainability Taskforce

#### **Enabling Services**

Ms Susan Charles, Chief People Officer

Ms Cathie Kennedy, Assistant Secretary, Communication Branch

Ms Sonia Bradley, Assistant Secretary, Integrated Services Branch

Ms Susan Cattermole, Assistant Secretary, Government and Business Services Branch

Mr Panny Anastasiades, Acting Assistant Secretary, People Branch

#### **Enterprise Resource Planning Program**

Mr Anthony Howatson, Assistant Secretary

#### **First Nations Partnerships**

Mr David Lindenbaur, Acting First Assistant Secretary

Ms Bek Hendriks, Assistant Secretary

#### **Finance, Strategy, Budget and Research**

Ms Cha Jordanoski, Chief Financial Officer

Ms Jodi George, Assistant Secretary, Financial Management Branch

Mr Mike Hogben, Assistant Secretary, Budget Engagement and Strategy Branch

Ms Georgia O'Cianain, Assistant Secretary, Bureau of Infrastructure and Transport Research Economics and Bureau of Communications, Arts and Regional Research

Dr Justin Iu, Assistant Secretary, Strategy, Economic Policy, Performance and Evaluation Branch

#### **Information Technology and Data**

Mr Jeff Goedecke, Chief Information Officer

Mr Andreas Bleich, Chief Data Officer

#### **Legal and Integrity**

Mrs Christie McClure, Chief Counsel

#### **Outcome 5**

#### **Broadcasting, Media and News Policy**

Ms Margaret Lopez, Acting First Assistant Secretary

Mr Andrew Verdon, Acting Assistant Secretary, News and Journalism Branch

Mr James Penprase, Assistant Secretary, Television, Radio and Streaming Branch

Ms Ruvani Panadoga, Acting Assistant Secretary, Broadcasting and Gambling Branch

#### **Communications and Markets**

Ms Lisa La Rance, First Assistant Secretary

Dr Jason Ashurst, Assistant Secretary, Digital Inclusion and Deployment Branch

Ms Nicolle Power, Assistant Secretary, Universal Services Branch

Mr Andrew Irwin, Assistant Secretary, Spectrum, International and Markets Branch

Ms Shanyn Sparreboom, Assistant Secretary, Broadband and Post Branch

### **Connectivity**

Mr Samuel Grunhard, First Assistant Secretary

Ms Kate McMullan, Assistant Secretary, Consumer Safeguards Branch

Ms Karly Pidgeon, Assistant Secretary, Regional Connectivity Branch

### **Online Safety and Classification**

Ms Sarah Vandenbroek, First Assistant Secretary

Ms Anthea Fell, Assistant Secretary, Online Safety Branch

Mr Andrew Hyles, Assistant Secretary, Digital Platforms, International and Policy Branch

Mr Mitchell Cole, Assistant Secretary, Classification Branch

Mr Ben Phelps, Assistant Secretary, Group Strategy, Internet Governance and AI Branch

### **Triple Zero Custodian**

Ms Clare Chapple, First Assistant Secretary

Mr Chris Fogarty, Acting Assistant Secretary, Custodian Implementation Branch

Mr Seaton Cairns, Acting Assistant Secretary, Custodian Operations Branch

### **Outcome 6**

#### **Office for the Arts**

Mr Phil Smith, First Assistant Secretary

Mr Jake Budd, Assistant Secretary, First Nations Policy Branch

Ms Marie Gunnell, Assistant Secretary, National Cultural Policy and Program Support Branch

Mr Jesse Fatnowna, Assistant Secretary, Creative Industries Branch

Mr Jason Potkins, Acting Assistant Secretary, Screen, Inclusion and Workforce Branch

Ms Alison Todd, Assistant Secretary, Arts Development and Investment Branch

Ms Ann Campton, Assistant Secretary, Collections and Cultural Heritage Branch

### **Outcome 7**

#### **Office for Sport**

Mr Travis Haslam PSM, First Assistant Secretary

Ms Carolyn Peterson, Assistant Secretary, Major Events Branch

Mr Greg Perrett, Assistant Secretary, Policy and Programs Branch

### **Portfolio Agencies**

#### **Australian Broadcasting Corporation**

Mr Hugh Marks, Managing Director

Ms Melanie Kleyn, Chief Operating Officer

Mr Gavin Fang, Editorial Director

#### **Australian Communications and Media Authority**

Ms Nerida O'Loughlin, Chair

Ms Helen Owens, General Manager, Corporate and Research Division

Ms Autumn Field, General Manager, Content Division

Ms Cathy Rainsford, General Manager, Consumer Division

Mr Michael Brealey, General Manager, Communications and Infrastructure Division

Ms Rochelle Zurnamer, Executive Manager, Gambling and Mis/Disinformation Branch

Ms Elizabeth Quinn, Executive Manager, Telecommunication Safeguards and Numbers Branch

Mr Jeremy Fenton, Executive Manager, Unsolicited Communications and Scams Branch

Ms Alana Fraser, Executive Manager, Content Safeguards Branch

Ms Sam MacCready, Executive Manager, Finance, Reporting and Operations Branch  
Mr Chris Worley, Executive Manager, Spectrum Planning and Engineering Branch  
Mr Robert Crofts, Executive Manager, Spectrum Allocations Branch  
Mr Allan Major, Executive Manager, Licensing and Infrastructure Safeguards Branch  
Mr Chris Dale, Executive Manager, Digital and Technology Services Branch

**Australian Film, Television and Radio School**

Dr Nell Greenwood, Director and Chief Executive Officer  
Ms Joanne Herron, Chief Financial Officer  
Mr Mathieu Ravier, Director, Partnerships and Development  
Ms Sharon Zeeman, Director, People and Culture

**Australia Post**

Mr Paul Graham, Group Chief Executive Officer and Managing Director  
Ms Jane Anderson, Executive General Manager, Community, Sustainability and Stakeholder Engagement  
Mr Nick Macdonald, General Manager, Corporate Secretary and Board  
Mr Damien Power, Deputy Convenor

**Australian Sports Commission**

Mr Kieren Perkins OAM, Chief Executive Officer  
Mrs Brooke De Landre, Chief of Staff  
Dr David Hughes AM, Chief Medical Officer  
Mrs Necia Fisher, General Manager, Projects

**Creative Australia**

Mr Adrian Collette, Chief Executive Officer  
Mrs Nicola Grayson, Head, Public Affairs

**Museum of Australian Democracy**

Mr Andrew Harper, Acting Director  
Ms Lee Pluis, Deputy Director  
Mr Peter Gilmore, Chief Finance Officer

**National Archives of Australia**

Mr Simon Froude, Director-General  
Ms Gill Savage, Deputy Director-General and Chief Operating Officer

**National Gallery of Australia**

Dr Nick Mitzevich, Director

**National Museum of Australia**

Ms Katherine McMahon, Director  
Mr Rohan Haslam, Acting Deputy Director, Corporate

**NBN Co Limited**

Ms Ellie Sweeney, Chief Executive Officer  
Mr Simon Atkinson, Chief Financial Officer  
Mr Gavin Williams, Chief Development Officer, Regional and Remote  
Mr Dion Ljubanovic, Chief Network Officer  
Ms Anna Perrin, Chief Customer Officer

**Office of the eSafety Commissioner**

Ms Julie Inman Grant, Commissioner  
Ms Heidi Snell, Acting General Manager, Regulatory Operations Group  
Ms Kathryn King, General Manager, Corporate and Strategy Group

Mr Richard Fleming, General Counsel

**Screen Australia**

Ms Deirdre Brennan, Chief Executive Officer

Ms Grainne Brunson, Chief Operating Officer

**Special Broadcasting Service Corporation**

Ms Jane Palfreyman, Acting Managing Director

Ms Nitsa Niarchos, Chief Financial Officer

Ms Clare O'Neil, Director, Corporate Affairs

Ms Mandi Wicks, Director, News and Current Affairs

**Committee met at 09:01**

**CHAIR (Senator Ghosh):** I declare open this hearing of the Environment and Communications Legislation Committee into the 2025-26 additional estimates. I begin by acknowledging the traditional custodians of the land on which we meet and pay my respects to elders past and present. These are public proceedings being videostreamed live via the parliament's website, and a *Hansard* transcript is being made. If there are no objections, the committee authorises media recording and photography of the committee's proceedings in accordance with Senate resolution 3. I remind the media that this permission can be revoked at any time, and the media must follow the directions of secretariat staff. The committee has fixed Friday 10 April as the date for the return of answers to questions taken on notice. The committee's proceedings today will begin with corporate matters and general questions of the Communications and Arts portfolio. Under standing order 26, the committee must take all evidence in public session. This includes answers to questions on notice.

I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence. The Senate has endorsed the following test of relevance of questions at estimates hearings. Any questions going to the operations or financial positions of the departments and agencies which are seeking funds in estimates are relevant questions for the purposes of estimates hearings.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. The Senate has resolved that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given a reasonable opportunity to refer questions asked to the officer to superior officers or to a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Witnesses are reminded of the Senate order specifying the process by which a claim of public interest immunity should be raised. I incorporate the public interest immunity statement into the *Hansard*.

*The extract read as follows—*

**Public interest immunity claims**

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

*(13 May 2009 J.1941)*

(Extract, Senate Standing Orders)

**CHAIR:** An officer called to answer a question for the first time should state their full name and the capacity in which they appear. Senators are aware that one of the roles of the committee chair is to ensure that proceedings are conducted in an orderly way. This is not intended to prevent rigorous questioning of witnesses but to help ensure that senators exercise their rights and privileges in a careful, civil and responsible manner. I remind senators of their obligations under the Behaviour Code for Australian Parliamentarians to treat witnesses with dignity, courtesy, fairness and respect, and, as chair, I intend to uphold these standards.

#### **Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts**

[09:04]

**CHAIR:** I now welcome Senator the Hon. Nita Green, Assistant Minister for Northern Australia, Assistant Minister for Tourism and Assistant Minister for Pacific Island Affairs, representing the Minister for Communications and the Minister for the Arts. Minister, do you wish to make an opening statement?

**Senator Green:** No, thanks, Chair.

**CHAIR:** I also welcome Mr Jim Betts, Secretary of the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts. Mr Betts, do you wish to make an opening statement?

**Mr Betts:** No, thank you, Chair.

**CHAIR:** Before we commence with corporate questions, I remind senators that this part of the program relates to matters concerning central departmental administration, such as building services, ICT, staffing levels and media procurement. Questions relating to individual policies and programs should be addressed to officials when specific programs are considered in subsequent sessions. On that note, I will turn over to Senator Henderson.

**Senator HENDERSON:** Good morning to you. Thank you very much for your appearance today. Secretary, I wanted to start by asking you some staffing questions, and I refer to an article by John Buckley in the *Sydney Morning Herald*, dated 5 February and entitled 'Michelle Rowland taps bureaucrat of Optus debacle fame as chief of staff'. I also note the title printed in the newspaper was 'Rowland picks comms flop boss to run the office'. Are you familiar with those articles?

**Mr Betts:** I'm familiar with the general media coverage which has occurred here.

**Senator HENDERSON:** I'm happy to table them. I just don't have a copy of them; I've only got an e-copy of them.

**Mr Betts:** I get the gist.

**Senator HENDERSON:** Secretary, when advising departmental staff of Mr Chisholm's departure, you sent an internal email noting that Mr Chisholm would be taking a period of extended leave. Can you confirm what date that email was sent, and could you table a copy for the committee?

**Mr Betts:** I'll need to check exactly what the date was. It was early in the new year, and there's no secret about that internal communication, so we'll see if we can source a copy for you.

**Senator HENDERSON:** Can you confirm the exact date on which the former deputy secretary Mr Chisholm was placed on extended leave?

**Mr Betts:** He had already booked leave through to, from memory, around 13 or 14 January. We had a conversation early in the new year. I'd made a decision at that point that, as happens from time to time, I wanted to make some adjustments in the senior executive ranks of the department. Having done that, it was a good opportunity for him to take some extended leave. Obviously, Mr Chisholm had overseen a big and ambitious program for a period of 18 months. It was a good opportunity for him to take a bit of a breather while we reorganised internally. Subsequent to that, he landed the position as chief of staff to the Attorney-General, which is a great outcome.

To the extent that you're giving me an opportunity to make a comment on this, I'd like to commend Mr Chisholm's outstanding record—notwithstanding that adverse media comment—in overseeing a whole series of reforms, whether it was the review of the Online Safety Act, media reforms, the News Media Assistance Program, Journalism Assistance Fund, the 3G transition, the development of the Universal Outdoor Mobile Obligation, USO reform and, obviously, most recently, the social media minimum age. It is an outstanding record of delivery for the government, and I think Mr Chisholm can be very proud of his time as deputy secretary.

**Senator HENDERSON:** There was a scathing article, and I'll just read the first part of it:

It was only in October last year that **James Chisholm**, then-deputy secretary of the department of communications, was torched by senators for his department's failure to set up automatic email replies after Optus emailed the wrong address to notify them of a catastrophic Triple Zero outage.

You might also recall that—I didn't name Mr Chisholm—I made a speech in parliament where I raised concerns about the way in which Mr Chisholm, over a period of hours, declined to answer our questions about when the Minister for Communications first knew about the Optus outage. There were, I would say, attempts to conceal the true nature of when that communication landed with the minister. The reason I ask that is because I wanted to ask you whether the minister was consulted or informed before Mr Chisholm was directed to take extended leave.

**Mr Betts:** I'm the employer, and it was my decision to move Mr Chisholm and to put him on extended leave, by agreement with Mr Chisholm. But, obviously, I inform the minister and the minister's chief of staff as I go. But it was my decision.

**Senator HENDERSON:** Following Mr Chisholm's appearance at the Optus Senate inquiry, did the minister or her office raise concerns with you about Mr Chisholm's conduct or performance at that inquiry?

**Mr Betts:** No. Obviously, we had a discussion around how Senate estimates had gone at that time, but that was largely around making sure that we were taking all the actions that were appropriate, which I think we were. So I stand by the department's record and I stand by Mr Chisholm's record. We were legitimately held to account by the committee. But, to the extent that there was any reflection on how that went, it was about making sure that the custodian was stood up with speed, which it was, with the legislation subsequently enacted and resourcing put into that function. I'm happy to take questions and provide information during the course of today about the steps that we have taken since that Senate estimates session in early October.

**Senator HENDERSON:** Did the minister or her office advise you at any point, or anyone else within the department, that the minister no longer wished to work with Mr Chisholm?

**Mr Betts:** No, that's not the case. I am the employer, as I say, and it was my choice to make that change, as I do from time to time.

**Senator HENDERSON:** I appreciate it was your choice, but did—

**Mr Betts:** As you know, I write to committees routinely in the run-up to Senate estimates hearings, describing the changes in senior management teams. They occur frequently. It is the prerogative of secretaries to reshuffle their teams from time to time.

**Senator HENDERSON:** So no-one in the minister's office, or the minister, at any time spoke with you or anyone else within the department saying that she no longer wished to work with Mr Chisholm.

**Mr Betts:** Correct, and it's my decision. Obviously I am in constant contact with ministers and their offices about how the department is travelling, but it's my decision.

**Senator HENDERSON:** Can you confirm whether Mr Chisholm was the subject of any formal or informal performance management process following that inquiry?

**Mr Betts:** I can absolutely confirm that he wasn't.

**Senator HENDERSON:** Why were staff advised that Mr Chisholm was taking extended leave rather than that he had been relieved of his duties or reassigned?

**Mr Betts:** Because he was still an employee of the department. Whilst he stepped out of the role of Deputy Secretary for Communications and Media, he was taking leave while he and I had discussions around what his next appointment would be within the department. It was at that point that the opportunity arose in the Attorney-General's office, which Mr Chisholm took.

**Senator HENDERSON:** Did the department negotiate Mr Chisholm's departure while he was on leave, including discussions about future employment?

**Mr Betts:** No.

**Senator HENDERSON:** So there were no discussions at all about where he might end up?

**Mr Betts:** Correct.

**Senator HENDERSON:** Because it looks to me like he was sacked.

**Mr Betts:** Well, he wasn't sacked, so that's the end of that conversation.

**Senator HENDERSON:** Well, my information is that the minister was very unhappy with his performance and that there was, in fact, a screaming match in her office. Is that the case? Did that occur?

**Mr Betts:** I don't even recognise that characterisation. The minister will speak for herself about her views on these things, but, no.

**Senator HENDERSON:** The minister was so unhappy and, I would put to you, to some degree quite unfairly, because it's my understanding that Mr Chisholm was given guidance that he should not be disclosing any incriminating emails which implicated the minister. Did that occur at all? Was there any sort of guidance or direction about the form of the evidence that he should be giving in the inquiry?

**Mr Betts:** Which inquiry?

**Senator HENDERSON:** The Optus Senate inquiry.

**Mr Betts:** No.

**Senator HENDERSON:** There was no direction?

**Mr Betts:** Mr Chisholm was a deputy secretary. He was very familiar with his obligations, including under the code of conduct, and required no reminder as to what is appropriate or inappropriate for public servants to disclose in line with their obligations.

**Senator HENDERSON:** That's what I was concerned about—if there was any suggestion that any public servant was being instructed as to how to give evidence.

**Mr Betts:** Well, no. You were here, Senator, and you saw that evidence was given in great detail under quite significant pressure by the communications and media team—extensive questioning, quite legitimate questioning, and extensive and detailed informative answers given by my team.

**Senator HENDERSON:** One of the concerns I raised—and I raised it in parliament without naming Mr Chisholm—was that it took us a period of hours to establish that the minister's office had, in fact, received the email in relation to the Optus outage after he, I would put to you, misrepresented that they had no knowledge of that email. Then, when we finally got that email, we saw 'MO'—minister's office—in the copy line. At that point only did we learn that the minister's office received a copy of that email. I put to you that there were very, very significant attempts not to disclose what occurred and that we were led a merry dance during that particular hearing.

**Mr Betts:** We're under corporate; if you want to relitigate all of that, that's your choice. I would point out that Mr Chisholm not only referred to that email in his opening statement; he provided copies of two emails, including the second one from Optus, which said that the issue had been resolved and there was nothing further to see and, from memory, that only 12 people had been affected. That was clearly not an accurate representation of the events, and that subsequently became apparent in the ensuing 24 hours, where there was a much more serious breach—as you know, Senator—where, tragically, people died. We can go over all that ground, but it was extensively rehearsed in Senate estimates, and I don't think it's a fair characterisation to say that Mr Chisholm was

anything other than forthcoming about that. You may take a different view, but that's my view as secretary, commenting on the professional conduct of my deputy secretary.

**Senator HENDERSON:** Minister, are you aware of whether the Minister for Communications took any issue or had any sort of altercation with Mr Chisholm?

**Senator Green:** First of all, on the characterisation of the hearing that you are putting forward, I was in the hearing and I don't agree with that. I'm not aware of any issues that the minister took. I can speak to her and see if there's any information.

**Senator HENDERSON:** Thank you. That would be great.

**Senator Green:** But I think the secretary's expressed, pretty confidently, that those allegations that you're making didn't occur

**Mr Betts:** I can say—

**Senator HENDERSON:** Well, you've just taken it on notice, so we're yet to determine—

**Senator Green:** For completeness—but, Senator, I said—

**Senator HENDERSON:** The secretary said he's not aware of aware of this. Thank you for taking it on notice. What date did Mr Chisholm inform the department that he would cease his extended leave and take up employment with Minister Rowland's office?

**Mr Betts:** To answer a prior question, the email that I sent to staff about Mr Chisholm's extended leave was on 12 January 2026 at 11.26 am. On 6 February, I sent an email notifying the department that Mr Chisholm was taking up the chief of staff role. I had a conversation with the Attorney-General, who notified me that she was intending to appoint Mr Chisholm, and subsequently a text exchange with Mr Chisholm to congratulate him on the role, but I don't have the precise date of that.

**Senator HENDERSON:** Could you come back on those dates—

**Mr Betts:** I'd be happy to.

**Senator HENDERSON:** and also table that correspondence. To clarify, do you know the date that Mr Chisholm informed the department he would cease his extended leave?

**Mr Betts:** I'll have to check that for you. It's some time obviously ahead of the email of 6 February. It would have been right at the end of January, I think, but I'll check that for you.

**Senator HENDERSON:** Thanks. Chair, I've got more questions. Do you want to share the call around?

**CHAIR:** I'll perhaps go to your colleagues if they've got any questions. Senator Smith.

**Senator DEAN SMITH:** I might turn to the matter of the \$1.2 million Perth Hills commitment that we talked about at the previous estimates. Is this the correct place?

**Mr Betts:** I don't think that's a corporate matter. I'm happy to talk about that under outcome 5.

**Senator DEAN SMITH:** In which section would that be better prosecuted?

**Mr Betts:** The next section after corporate. You can ask anything about communications and media after that.

**Senator Green:** Very soon.

**Senator DEAN SMITH:** You've got some prior notice, Senator Green!

**Senator McGRATH:** I've got some questions. What international travel has been undertaken by the minister or her office since November 2025?

**Mr Betts:** I believe that there is a question on notice on that which has been answered recently. Otherwise, I will see if I can source the information for you. In terms of international travel, I don't think the minister has undertaken any international travel since November, but I will need to check that; I don't want to mislead the committee.

**Senator McGRATH:** Are there any planned international trips for the minister or her office?

**Mr Betts:** I will have to check that as well.

**Senator McGRATH:** So you'll take that one on notice?

**Mr Betts:** Yes I will.

**Senator McGRATH:** In relation to the infamous New York trip, has the department established why the minister's deputy chief of staff's flights were \$4,000 more expensive than the minister's flights?

**Mr Betts:** Well, as you know, the minister has referred all of this to the Independent Parliamentary Expenses Authority, and it is subject to review by them. They will no doubt look into the costs of the travel in regard to specific tickets. I can't make any comment on that in the sense that I wasn't part of the approval chain, other than to say that the minister and by extension her deputy chief of staff rearranged their travel in the light of the Optus outage and impacts on triple zero so that she could ensure that appropriate direction was given to the department and other agencies before she travelled to New York. That last-minute change came with the cost, not least because business class travel into New York during major events of this kind is intrinsically extremely expensive. But it's not for me really to provide comment on this other than to say that it is with the appropriate Independent Parliamentary Expenses Authority for scrutiny. The minister may want to add something to that.

**Senator McGRATH:** What about the department itself? Have there been any international trips for executive members or staff since November last year?

**Mr Betts:** I will take that on notice, but I will also see if I can answer that in the session this morning, if I can get access to that information. As you know, a single staff member with the department travelled with the minister on that trip to New York, an assistant secretary, and that was approved in accordance with standard departmental travel policies and that's fully documented.

To the extent that departmental staff travel internationally, it's often for the purposes of engagement in International Telecommunications Union, Universal Postal Union, representation of Australian interests in international forums. But I'll take that on notice or provide information sooner.

**Senator McGRATH:** Are there any trips currently being organised or planned?

**Mr Betts:** I'll get you that information as well. It's on its way.

**Senator HENDERSON:** I've got some other questions I wanted to ask, just to check with you. Mr Betts, you mentioned in your evidence that you determined to reorganise the executive of your department. What was the basis for your decision? What prompted you to make that decision?

**Mr Betts:** From time to time, it's appropriate to refresh responsibilities. I've described the extremely busy period that Mr Chisholm had been through as deputy secretary, delivering some major reforms, including most recently the social media minimum age. I think it's a good thing for public servants to move between positions and to occasion reshuffles just to keep things fresh. It was just a judgement call that I made. But there was no disciplinary or other matter associated with any of that decision making.

**Senator HENDERSON:** Well, it was some freshening up because it was not just moving positions. Mr Chisholm was placed on extended leave, and it looked like he was moved out of the department.

**Mr Betts:** Well, he wasn't moved out of department, so what it looked like is kind of irrelevant. I made that choice. He was on extended leave. He's on the department's payroll. I moved an established deputy secretary, Mr McKay, who you'll meet very shortly, into the communications and media role. Whilst Mr Chisholm was on leave, I was available to have conversations with him when he was ready and refreshed about the next opportunity within the department. It happens that he landed the job as chief of staff to the Attorney-General, and that's a good outcome for him and for the Attorney.

**Senator HENDERSON:** I just want to return to the minister's travel expenses. Obviously, there's been quite a scandal about her various travel expenses, but I wanted to particularly ask about the business class return fare between Australia and New York for nearly \$35,000. That's well above the going rate for a business class fare. Why was it so expensive?

**Mr Betts:** Well, that is something that the Independent Parliamentary Expenses Authority can scrutinise. I should also add that my understanding is that procurement of international travel is undertaken at arm's length through an corporate provider called CTM, which, as part of its contract, has an obligation to seek out the cheapest available fare. As I've said, when you are travelling into New York when major functions, including United Nations functions, are under way, tickets are in high demand and therefore airlines tend to jack up the prices. The minister obviously had to rearrange her travel at the last minute to ensure that appropriate arrangements in place to handle the Optus breach. So those may have been contributing factors, but there is certainly no question that the minister would not have sought to pay anything more than whatever the stipulated going rate was, as specified by the travel agent engaged by the government.

**Senator HENDERSON:** By CTM. So she changed her flight. What was the original flight on which she was booked and what was the cost of that flight?

**Mr Betts:** I would have to take that on notice. But, as I say, this is all subject to scrutiny by the Independent Parliamentary Expenses Authority, so I'm a bit reluctant to provide running commentary on something which is already under investigation at the minister's instigation.

**Senator HENDERSON:** Secretary, that's immaterial to the work of this committee. As you know, under the rules of estimates, I'm seeking these answers. So could you, on notice, provide the details?

**Mr Betts:** Yes.

**Senator HENDERSON:** If you could bring them back, maybe in this outcome, that would be appreciated. Did the minister fly Qantas? Do you know?

**Mr Betts:** I'm not sure, so I'll have to check.

**Senator HENDERSON:** So that nearly \$35,000 return business class fare was the cheapest fare available given she changed her flight within a couple of days? Was that the issue?

**Mr Betts:** My understanding was it was actually on the record that the minister had deferred her travel in order to ensure that there was an appropriate response to the Optus outage, but I will check what her original travel arrangements were. But, as I say, this is all subject to independent investigation, so you can rest assured that it will all come to light subject to independent scrutiny.

**Senator HENDERSON:** The role of our committee is to interrogate the expenditure of the department—

**Mr Betts:** And the role of the Independent Parliamentary Expenses Authority is to do precisely that, and it was referred by the minister herself.

**Senator HENDERSON:** As I say, Secretary, from the perspective of our committee, that's immaterial. So if you could provide the details of the original flight. Yes, it is on the record that it was deferred. But do you know how many days it was deferred by?

**Mr Betts:** I think it was by no more than 36 hours, but I would have to check. I'll come back to you with those details.

**Senator HENDERSON:** Have there been any other changes in processes within the department, including approval processes concerning international travel since that whole incident?

**Mr Betts:** I don't believe so but I'll double-check.

**Senator HENDERSON:** So there were no other changes—

**Mr Betts:** No, not that I'm aware.

**Senator HENDERSON:** to internal processes?

**Mr Betts:** No, we already have quite stringent processes for approval of travel, both domestic and international, established within the department.

**Senator HENDERSON:** I want to ask about the spending commitment, given the government has already spent a significant amount on ads for television, radio and social media on the social media minimum age advertising campaign. In MYEFO, the government allocated an additional \$10 million to extend the social media minimum age advertising campaign through to April 2026. Could I ask how much was initially allocated for the advertising campaign and over what period?

**Mr Betts:** Sure. Ms Charles will be able to answer this. My understanding is that an initial \$10 million was allocated and a further \$10 million after that, bringing the total to \$20 million. That social media minimum age expenditure or campaign will roll through until April. As at 30 November, my understanding is that \$8.26 million had been spent. But I will turn to Ms Charles to correct anything if I got it wrong.

**Ms Charles:** The secretary is correct in the numbers.

**Senator HENDERSON:** Secretary, was there any analysis done of the success or otherwise of that advertising campaign?

**Mr Betts:** The advertising campaign is ongoing, but I'll turn to Ms Charles and Ms Kennedy to talk about the standard evaluation processes that followed.

**Ms Charles:** The campaign is currently still in market, and it was a continuation. So the additional money continued the campaign. We have ongoing tracking and evaluation and that's still in progress, but we can provide some early indications. I'll pass to my colleague, who can provide some early indications of what the proponents of the campaign are.

**Ms Kennedy:** As with all government campaigns, we undertake benchmark tracking and evaluation. That final evaluation report won't be available until after the conclusion of the campaign. The campaign is running

through until 11 April. But we do have some early tracking results of that, showing that it has been very successful in raising awareness of the social media minimum age. Our early tracking shows that there's 96 per cent awareness, with all audiences, of the introduction of the social media minimum age. The campaign drives people to the eSafety website to find out more information, and we've had a significant increase in traffic to the website. We've had about 1.2 million people visiting the website.

**Senator HENDERSON:** I might ask on notice whether you could provide the details that you have in relation to the performance of the advertising campaign to date. I'm just conscious of time. What will the additional \$10 million be spent on?

**Ms Kennedy:** That's an extension of our media buy. We invested more into the media buy so we could—

**Senator HENDERSON:** Do you have a breakdown?

**Ms Kennedy:** I do, yes—well, I've got a breakdown of the complete media buy; I don't have a breakdown of what portion of that \$10 million went to the media buy. Would you like a breakdown of the complete—

**Senator HENDERSON:** So you've got a breakdown of the \$20 million spend?

**Ms Kennedy:** I've got a breakdown of the \$20 million.

**Senator HENDERSON:** Yes please.

**Ms Kennedy:** Would you like the percentage of the budget, or the actual figures?

**Senator HENDERSON:** The figures will be fine.

**Ms Kennedy:** Okay. So television was, \$3,000,012; digital video, \$3,127,000—I'm rounding these up a little bit—social video, \$1,000,046; radio, \$2,000,306; digital audio, \$867,000; integrated partnerships, \$350,000; regional newspapers, \$530,892; out of home, which is things like school buses, bus stops and retail centres, \$2,267,000; cinema, \$346,000; and some government advertising placement fees, \$144,000.

**Senator HENDERSON:** Is any new content being developed for this advertising campaign or the extension of it?

**Ms Kennedy:** The content did change slightly. Up until the introduction of the new laws on 10 December the messaging was around the fact that the new laws were coming into place. Then after 10 December the messaging changed to let people know that the new laws were now in place, and then the information on the website changed.

**Senator HENDERSON:** Thank you. I want to move to the last estimates. There was an election commitment of \$450,000 to SmackTalk for educating teens and parents about sextortion scams. At the time, the commitment had not yet progressed. However, I want to ask about what's been allocated in MYEFO. The MYEFO funding is for \$500,000 rather than the \$450,000 committed at the election. I want to understand the change in funding.

**Mr Betts:** There's a risk we're moving out of corporate and into online safety as a policy matter here. But we can do that.

**Senator HENDERSON:** Thanks for being flexible, Secretary.

**Ms Vandenbroek:** Senator, I'm not sure what you're looking at in the additional estimates. The funding for SmackTalk through MYEFO was \$450,000 over two years. It was \$300,000 in the current year and \$150,000 next year.

**Senator HENDERSON:** Well, I'm having a look at the MYEFO extract, which states that it's \$500,000 total to 2028-29, \$100,000 in 2025-26 and until 2027-28, the total being \$500,000. I'm just wondering why there's been the variation.

**Ms Vandenbroek:** Those aren't the correct figures. I'm not sure where that's coming from.

**Senator HENDERSON:** The Parliamentary Budget Office.

**Ms Vandenbroek:** We'll need to check with them. My copy of additional estimates has \$300,000 this year and \$150,000 next year.

**Senator HENDERSON:** Alright. Well, we might come back to you on that.

I want to go back to the point you made, Secretary. I understand your point about corporate as an outcome, but are you able to discuss how this funding has been used for this campaign?

**Ms Vandenbroek:** Ms Fell might have some details on that. We are at the point where the grant guidelines have been approved. The round was opened in January, the application was received and the team is currently assessing the application to determine whether it meets value-for-money requirements. So there isn't a contract in place yet.

**Ms Fell:** The SmackTalk grant is a grant to deliver information sessions about the dangers of online sextortion. SmackTalk offers free educational presentations to groups on recognising the signs of distress, on listening skills and on how to have difficult conversations. SmackTalk partners with schools, sporting clubs and other organisations to deliver this information to people aged over 16. The organisation was established in April 2024, and over 10,000 people have been reached already.

**Senator HENDERSON:** I've just gone back and found that MYEFO extract. It's on pages 273 and 274. In the extract out of MYEFO, the 2025-26 Mid-Year Economic and Fiscal Outlook, it says \$0.5 million over two years from 2025-26 for SmackTalk. That's been confirmed in MYEFO. I'm wondering what the reason for the variation is.

**Ms Vandebroek:** We'll need to come back to you on that.

**Senator HENDERSON:** If you could, that would be appreciated.

**Ms Vandebroek:** The \$0.5 million figure has been rounded up. It's \$450,000 rounded to the nearest one decimal place.

**Senator HENDERSON:** So that's just normal practice—that you would do that.

**Ms Vandebroek:** Yes, it is. Everything's reported to one decimal place.

**Senator HENDERSON:** Is there any reason that wasn't the commitment in the beginning?

**Ms Vandebroek:** I don't have information on that.

**Senator HENDERSON:** It's a rounding issue. It's still a lot of money for some people, \$50,000.

**Ms Vandebroek:** Yes. That's the way it's reported. In the financial tables it is \$450,000, so the funding that's available through the appropriation bills is \$450,000. It's just that the way it's written in the narrative is that it's rounded to one decimal place.

**Senator HENDERSON:** I'm trying to race through as many issues as I can. I want to move to the issue of the amount spent on external legal fees. To ensure that I fully understand the situation: how many legal staff do you have within the department, Secretary? Could you provide me with a breakdown of staff at the APS and SES levels?

**Mr Betts:** Yes, we can provide that. To the extent that we don't have information readily to hand, given that time is tight we're happy to take your questions on notice to give you the detailed breakdown. But we'll give you as much information as we can now, and we'll take anything else you've asked on notice.

**Senator HENDERSON:** Yes, if you could. I'll race through these questions. Looking at SQ25-002420—that was a response to a question on notice—you provided a financial year breakdown of external legal fees. Do you have a copy of that question on notice to hand?

**Mr Betts:** I don't, but my colleagues may.

**Senator HENDERSON:** I'll just keep going. The amount has more than doubled since 2022-23. It was around the \$5 million-a-year mark.

**Mr Betts:** If that figure relates to whole-of-department external legal expenditure, it's likely to be dominated by our reliance on external legal advice for the purposes of the Rex voluntary administration in the aviation sector.

**Senator HENDERSON:** Right. It's now gone to more than \$12 million spent on external legal advice. So you think that it's primarily—

**Mr Betts:** Primarily that, yes.

**Senator HENDERSON:** Because of Rex?

**Mr Betts:** Because of Rex, yes.

**Senator HENDERSON:** Can you give us a breakdown about how that expenditure was—

**Mr Betts:** Sure.

**Senator HENDERSON:** It is obviously a substantial increase. Can you provide some advice on staffing numbers for the internal legal teams within the department?

**Mr Betts:** Yes. We can provide that now, I believe.

**Mrs McClure:** I don't have the breakdown of the exact staffing numbers and their levels for our internal legal team, but we can absolutely get that for you. In relation to—

**Senator HENDERSON:** Can you break it down between lawyers and support staff or paralegals as well?

**Mr Betts:** Yes, we can take that on notice.

**Senator HENDERSON:** Thank you.

**Mrs McClure:** In terms of the external legal spend, to add to the evidence the secretary has given, there were a number of reasons or drivers for increases to that spend. There were several large matters that the department was dealing with, including the Rex matter and other matters that did require intensive legal support, including various litigation matters. There were a number of other reasons as well. There was an increase in the number of lawyers in the department, and we'll come back to you with those numbers. There were also increases in the hourly rates charged by our law firms, which all flow through. And there was a small change resulting from the machinery-of-government changes, where the expenditure for the whole year for the sport portfolio was reported by our department, and that was only partially offset by not reporting legal expenditure for the city's portfolio, which was transferred out.

**Senator HENDERSON:** Can I ask what those other major litigation matters are.

**Mrs McClure:** I don't have them all in front of me. From the top of my mind, I do recall we were in the High Court. There were the usual range of litigation matters as well.

**Senator HENDERSON:** Which matter took you to the High Court?

**Mrs McClure:** I don't have the name of the matter in front of me, but I can get that for you.

**Senator HENDERSON:** Was this the social media age ban?

**Mrs McClure:** No, that was a completed matter that I'm referring to.

**Senator HENDERSON:** Alright—could you bring that back.

Can I ask about the social media age ban challenge in the High Court later this month. When I asked about this last time, your response was that these costs were being shared. What has been incurred on that matter to date, and how are those costs being shared with the Attorney-General's Department?

**Mrs McClure:** I don't have the details of the costs for that matter with me.

**Senator HENDERSON:** If you could bring them back to the table at some point as soon as possible, that would be good.

**Mrs McClure:** Yes, we can take that on notice and bring it back.

**Senator HENDERSON:** Do you know what amount has been spent to date?

**Mrs McClure:** No, I'm not sure that it would be appropriate to give the amount that has been spent on active litigation, because that may well be the subject of cost discussions or costs orders in the future.

**Mr Betts:** We'll take it on notice, Senator. We'll try to provide you what we can, but, for the reasons Mrs McClure has outlined, there may be some constraints on our ability to disclose expenditure in relation to matters which are still before the courts.

**Senator HENDERSON:** I do understand that. How are those costs being shared between your department and the Attorney-General's Department? It looked like it was a group effort before. Is there a lead litigant in terms of which department is leading the litigation?

**Mrs McClure:** The department is the lead.

**Senator HENDERSON:** Your department?

**Mrs McClure:** Yes.

**Senator HENDERSON:** Can you give us an update on that litigation? Where is that at?

**Mrs McClure:** Yes, we can provide the publicly available information on where the case is at. I don't have that with me at the moment. We can bring that back.

**Senator HENDERSON:** You can bring that back—perhaps in the next outcome?

**Mrs McClure:** Yes.

**Senator HENDERSON:** Thank you very much.

**Senator Green:** Senator Henderson, for completeness, I undertook to confer with the minister's office about an allegation you made about a screaming match. I just want to make it very clear, on the record, that there absolutely was no screaming match. The minister respects the Public Service. Any decisions about Mr Chisholm's employment were, as the secretary put to you, a matter for the department.

**Senator HENDERSON:** Was there a terse discussion, Minister?

**Senator Green:** No. I've ruled all of that out, Senator. I've been very clear. The minister had no issues. There was no screaming match. I have been very clear about that. The matter of Mr Chisholm's employment is for the secretary.

**Senator HENDERSON:** Was there a terse discussion or any discussion between the minister and Mr Chisholm?

**Senator Green:** No. We've addressed those questions.

**Senator HENDERSON:** No, we haven't, because you've taken that on notice.

**Senator Green:** No, I undertook to come back to you so that we didn't need to take it on notice, because you wanted an answer this morning, and I've done that for you now.

**Senator HENDERSON:** What I'm asking is: was there a discussion between the minister and Mr Chisholm?

**Mr Betts:** The minister and Mr Chisholm had many discussions over a period of many months. I wouldn't characterise them as terse or the other characterisations that you used.

**Senator HENDERSON:** Did the minister have any discussion with Mr Chisholm about his performance following that particular Senate inquiry hearing?

**Senator Green:** I think the secretary explained that there are always discussions about—I'm not sure whether it was an internal conversation about the estimates hearing, but what I've said to you is that the minister respects the Public Service.

**Senator HENDERSON:** Yes, I understand that. Minister, on notice, could you please establish whether there was a discussion with Mr Chisholm in relation to this particular hearing or his performance at that particular hearing?

**Mr Betts:** There was no discussion about his performance at that hearing, but there are discussions all the time. We meet with the minister on a regular basis and we have discussions about matters which were discussed in Senate estimates, important matters.

**Senator HENDERSON:** Secretary, did the minister ever raise any concerns in relation to that hearing and Mr Chisholm's conduct or performance in that hearing?

**Mr Betts:** Not with me. The minister was mainly focused on ensuring that the department and other agencies took appropriate responses to the triple zero outage and the deaths that occurred. That was her overwhelming focus.

**Senator HENDERSON:** So it's your evidence that at no point did the minister ever raise any concerns in relation to Mr Chisholm's performance?

**Mr Betts:** We discuss all the time how the department is travelling in terms of the delivery of the government's agenda, but beyond that, that's right.

**Senator HENDERSON:** Was there a meeting in her office immediately following that hearing?

**Mr Betts:** I would have to check that. We meet on a regular basis with the minister, so it's quite possible.

**Senator HENDERSON:** If you could. It's my understanding there was, and it's my understanding—and I'm asking you to be very careful with your evidence here, Secretary—that the minister did very clearly raise concerns about Mr Chisholm's performance in that Senate inquiry hearing.

**Mr Betts:** That's certainly not my recollection. The minister would meet regularly with me and with the deputy secretary. It's very likely, and I'm sure we can confirm this, that meetings took place around the time of Senate estimates, but that's just the normal order of business. I have no recollection of the minister providing any negative feedback to Mr Chisholm about any aspect of his performance at Senate estimates.

**Senator HENDERSON:** Did she provide any negative feedback to anyone else about his performance?

**Mr Betts:** I can't comment on conversations when I don't know if they even happened or not. That's such a hypothetical question, I can't even begin to answer.

**Senator HENDERSON:** It's not hypothetical at all. I'm just asking—

**Mr Betts:** Am I aware of any conversation that I'm not aware of? No, I'm not.

**Senator HENDERSON:** Were you on leave during that time?

**Mr Betts:** I came back from leave towards the back end of the week in which the Optus outage occurred, so I think I was back—

**Senator HENDERSON:** So you were on leave immediately following that hearing, so you're not—

**Mr Betts:** No, I was in the room for that hearing.

**Senator HENDERSON:** From my recollection, he was acting secretary, wasn't he?

**Mr Betts:** Yes, that's right. He was acting secretary through to the Friday, I believe, on which Optus communicated with us around the triple zero outage. I returned to the role of secretary on the Monday, and Senate estimates happened, I think, a week after that.

**Senator HENDERSON:** It's my understanding that there was a meeting in her office immediately following that hearing where the minister expressed her unhappiness to Mr Chisholm, and that triggered your decision to place him on extended leave.

**Mr Betts:** I have no reason to believe that's an accurate representation. I don't recognise any of that as being true.

**Senator HENDERSON:** You were on leave during that period. Could you please take that—

**Mr Betts:** I was on leave up until the end of the week in which the Optus outage occurred. I came back into the role of secretary on the Monday after that. Mr Chisholm had been standing in for me. I was secretary at the time when we gave evidence to the hearing of Senate estimates to which you're referring and I was secretary at the time when any subsequent conversations would have taken place with the minister, and I don't recognise your characterisation of any discussions that took place.

**Senator HENDERSON:** Secretary, I'll ask on notice also for any messaging, correspondence, emails, WhatsApp messages or messages on any other platform in relation to these matters and Mr Chisholm and any other correspondence in relation to Mr Chisholm between your department and the minister's office in any form, please.

**Mr Betts:** I'll take that on notice.

**Senator HENDERSON:** Thank you. Chair, I'll hand over to Senator McGrath.

**CHAIR:** Before I give Senator McGrath the call, I'll give Senator Hanson-Young an opportunity to ask questions.

**Senator HANSON-YOUNG:** Mr Betts, I'm just wondering what the legislative agenda for 2026 is going to be for your department.

**Mr Betts:** This is for the department insofar as it relates to the matters being considered by this committee?

**Senator HANSON-YOUNG:** Comms and arts, yes.

**Mr Betts:** Sure. The principal forward agenda in terms of legislation for the communications portfolio relates to the universal outdoor mobile obligation, where legislation was introduced on 27 November. There are the consumer safeguards, where legislation was introduced late last year. We are undertaking consultation on amendments to the ABC and SBS acts to provide full five-year funding terms, and the government is undertaking consultation and development work on digital duty of care.

As you'll be aware, late last year, Australian content quotas for streaming platforms hit the statute book. There are some other commitments within the Revive national cultural policy around First Nations intellectual property and culture around movable cultural heritage and around the Archives Act. It's the minister's intention to legislate for this, if possible, during the coming year.

**Senator HANSON-YOUNG:** Where are we up to with legislation in relation to the commitments following the news media bargaining code? I know that's also Treasury, but there's an obvious communications element to this.

**Mr Betts:** There is. I'm questioning whether we're still in corporate here.

**Senator HANSON-YOUNG:** We are. I'm not going to get into the details; I'm just trying to work out what the workload is.

**Mr Betts:** The principal area of activity is around the news media bargaining incentive. On 13 November 2025, Treasury, who, as you rightly observe, are the lead agency, released a consultation paper. Submissions on that closed on 19 December. Following consideration of those submissions, exposure legislation will be developed for the purposes of public consultation. The Assistant Treasurer is the lead minister. We are working closely with our Treasury colleagues, who have the lead on this, because of our important interest in public interest journalism and journalism assistance.

**Senator HANSON-YOUNG:** That will require legislation?

**Mr Betts:** Yes, that's my understanding.

**Senator HANSON-YOUNG:** But, yes, Treasury is in charge of it. In terms of the ABC and SBS amendments, that must be a pretty easy piece of legislation to draft. That mustn't be far away.

**Mr Betts:** You're asking the wrong person, but I can get somebody to the table who can tell you whether it's easy or difficult.

**Senator HANSON-YOUNG:** Sure.

**Ms Lopez:** The government expects to consult on the proposed legislative changes in due course for the ABC and SBS five-year funding commitment.

**Senator HANSON-YOUNG:** But the only change is locking in the legislation for five-year blocks, isn't it? Or are there going to be other changes?

**Ms Lopez:** The election commitment relates to legislating five-year funding terms. In terms of the other recommendations from the review looking into the independence of the ABC and the SBS, that's still subject to further government consideration.

**Senator HANSON-YOUNG:** So there's no legislation that's been drafted thus far? You're still in kind of dot points, are you?

**Ms Lopez:** That's correct. We don't have legislation to consult on.

**Senator HANSON-YOUNG:** What about the digital duty of care legislation? Where is it? Mr Betts, you said that there's consultation on that. Is that correct?

**Mr Betts:** There's consultation and development work, yes. I'll let Ms Vandebroek speak to that.

**Ms Vandebroek:** We have done the first round of consultation on the duty of care bill. That happened through November and December last year.

**Senator HANSON-YOUNG:** Could you give us an outline of who you've consulted with?

**Ms Vandebroek:** I think Mr Hyles probably has that detail.

**Mr Hyles:** If you give me two seconds, I will look it up for you.

**Ms Vandebroek:** Would you like me to run through—we had a number of roundtables and one-on-one meetings. I can run through when they were.

**Senator HANSON-YOUNG:** Sure. Thank you.

**Ms Vandebroek:** The first roundtable was on 27 November. That involved Amazon, the Australian Telecommunications Alliance, .au Domain Administration, Google, Microsoft, Optus, Samsung, Telstra and Yahoo. Then we had a social media, messaging and gaming roundtable, also on 27 November, with Discord, Meta, Roblox, and Xbox. The following day, 28 November, we had a roundtable with Snap, TikTok, Reddit and LinkedIn. There was a one-on-one meeting with Apple on 3 December.

There was another industry roundtable on 5 December, with Digi, the Interactive Games and Entertainment Association, the International Social Games Association, the Consumer Electronics Suppliers Association, the Tech Council of Australia, and the Australia New Zealand Screen Association. We had a one-on-one meeting with the independent reviewer of the social media act, Delia Rickard, on 5 December. There was a community roundtable on 8 December with the Australian Childhood Foundation, UNICEF and the International Justice Mission. On 8 December, there was also a one-on-one meeting with the eSafety Commissioner.

On 9 December, there was a child safety roundtable with the Alannah and Madeline Foundation, the Australian Human Rights Commission, the Australian Institute of Family Studies, the Australian Council of State School Organisations, the Australian Parents Council, Catholic School Parents Australia, headspace, the International Centre for Missing & Exploited Children, Life Ed, Movember, Orygen, Project Rokit, ReachOut, SmackTalk, Triple P, yourtown and Kids Helpline. Also on 9 December, we had a roundtable with the Eros Association, OnlyFans, Steam, Twitch and Kick.

There was a one-on-one meeting with Reset Tech on 10 December. On 11 December, we met with some of the online dating organisations—Match Group, Grindr and Bumble. There was another roundtable on the same day, 11 December, with Canva, Discord, Dropbox, Pinterest, Reddit, Strava and Yahoo. On 17 December, there was a roundtable with Deakin University, University of Western Australia, the Butterfly Foundation, La Trobe University and the University of Sydney. On 18 December, there was a one-on-one meeting with Teach Us Consent.

Then on 8 January there was a roundtable with the eSafety Youth Council. On 22 January there was a one-on-one meeting with Google and, on that same day, a meeting with the Alannah and Madeline Foundation.

**Senator HANSON-YOUNG:** How far away are we from seeing any legislation on this?

**Ms Vandenbroek:** That's a matter for the government. We've provided what we heard through that consultation to the minister, and we're discussing the next steps in the process with her.

**Senator HANSON-YOUNG:** Who's leading the duty of care policy work from your department? Is it you?

**Ms Vandenbroek:** That's Mr Hyles and me.

**Senator HANSON-YOUNG:** What type of international experience are you drawing on?

**Mr Hyles:** We've had conversations with researchers, for example, that are based overseas. We have regular conversations with counterparts from the UK, for example, including to discuss specifically with them how their duty of care model works. We've also had conversations at different points in time in the past with counterparts from the EU and some of the other governments in the EU.

**Senator HANSON-YOUNG:** Is there specific work being done on algorithms and the option for people to opt out of algorithms and be in control of their own feeds?

**Mr Hyles:** Certainly algorithms are part of the review of the Online Safety Act, so there was discussion about that. It's one of the things that, obviously, is in the mix of things that we're providing advice to the government on.

**Senator HANSON-YOUNG:** Does the government have a current position on whether it thinks people should have the freedom to turn their algorithms on or off?

**Senator Green:** I think the department has taken you through the work that we're doing to develop the duty of care. Obviously, we've committed to legislating that. We will be putting responsibility on big tech to proactively protect users, and that's all part of the considerations.

**Senator HANSON-YOUNG:** I am conscious that we're getting into detail, but I will have other questions. In terms of the next steps of Revive, Mr Betts, you said there's legislation coming. I assume that will crack down on fake Indigenous art and intellectual property rights.

**Mr Betts:** Correct. I mentioned three things: modernisation of the Archives Act, movable cultural heritage and First Nations intellectual property and culture and, within that, cracking down on fake art. It's all set out within the Revive document. Dr Arnott is coming to the table now. Obviously this gets into outcome 6, which we'll be discussing tonight.

**Senator HANSON-YOUNG:** I'm just conscious we might not get there, to be perfectly honest.

**Mr Betts:** I hope you're right!

**Senator Green:** I believe in the committee's ability to stick to the program, Senator!

**Senator HANSON-YOUNG:** Dr Arnott, lovely to see you again. Is the Revive policy at a review stage now? Is there a review or an evaluation being done?

**Dr Arnott:** Revive commenced in 2023; it goes through till 2027. It's a five year policy. The minister's on the record as saying that he intends to consult on the follow-up to Revive. In the first half of this calendar year we've completed 74 of the 85 actions in Revive—about 87 per cent in its first three years or 2½ years—and, obviously, we're working hard to complete the remaining actions as soon as possible.

**Senator HANSON-YOUNG:** You're going to consult on it in the first half of this year. What does that look like? What does 'consult on it' mean?

**Dr Arnott:** That's still to be determined. I imagine the minister will have more to say on that in due course.

**Senator HANSON-YOUNG:** Is there going to be work done on protecting artistic freedom of expression?

**Dr Arnott:** That's already a requirement under Creative Australia's legislative mandate. It's part of their function to promote the freedom of artistic expression.

**Senator HANSON-YOUNG:** They haven't been very good at leading by example, though, to be perfectly honest. You said 74 out of 85 actions had been completed. What are the 11 that are still sitting there?

**Dr Arnott:** I don't have that in front of me, but I can take it on notice, if you'd like, and ask one of the team to bring it.

**Senator HANSON-YOUNG:** Yes, that would be great. Thank you.

**Dr Arnott:** Just so you know, all of the completed actions are published on the Office for the Arts website. Information on which ones we've done and which ones are still to be implemented is quite public.

**Senator HANSON-YOUNG:** Good. Thank you. In terms of the First Nations art and intellectual property rights, is that purely in your department or is it something that has to be shared with another minister or

department? I've been waiting for action on this for quite some time, and it never seems to really come off. Who is actually driving it, and who is responsible?

**Dr Arnott:** The responsibility is in our department. We have been doing the consultation with First Nations leaders in this area since Revive came out. The final policy direction and how that's going to be implemented is still to be determined by the government.

**Senator HANSON-YOUNG:** So you're not waiting for sign-off from the Minister for Industry and Innovation on any of that?

**Dr Arnott:** No, we're not.

**Senator HANSON-YOUNG:** Chair, I'm just conscious that I want to get stuck into detail.

**CHAIR:** Understood, as do I.

**Senator DEAN SMITH:** While we're on this matter, can you share how the department intends to progress modernisation of the national archives act?

**Dr Arnott:** Yes, certainly. We're currently working on that process, as you know. We have now set up a working group with leadership in the National Archives to provide advice to the minister on the next steps in that process. We hope to have progress on that during this calendar year.

**Senator DEAN SMITH:** How long has that working group been in existence for?

**Dr Arnott:** I believe it was only recently established, but I can get the exact date for you.

**Senator DEAN SMITH:** Who is on that working group?

**Dr Arnott:** It'll be senior people from both the department and the National Archives, but I don't have a list of members now. But I can certainly provide that.

**Senator DEAN SMITH:** You can provide that on notice. What is the starting point for the consultation? Are you going to the Tune review? What is the first you evidence piece or information piece that the working group might be using in which to start to guide its thinking and formation of its thinking?

**Dr Arnott:** I understand that there have been quite detailed discussions between the department and the National Archives on various areas for modernising the act. I imagine that we will advise the government on the range of updates that we think need to be made in consultation with the National Archives, and then it will be a government decision about what amendments—

**Senator DEAN SMITH:** About what elements of that advice are incorporated in a modernised act?

**Dr Arnott:** Yes, correct.

**Senator DEAN SMITH:** So it could be a very modernised act or it could be a partially modernised act.

**Dr Arnott:** We haven't yet determined the nature of those amendments and that advice.

**Senator DEAN SMITH:** Is the intention to have the legislation introduced into the parliament this calendar year?

**Dr Arnott:** As you know, Senator, the timing of legislation is a matter for the government and the minister, but we would like to be ready this calendar year.

**Senator DEAN SMITH:** That's the ambition.

**Dr Arnott:** That's the ambition, yes.

**Senator DEAN SMITH:** Thank you.

**CHAIR:** Senator McGrath.

**Senator McGRATH:** I refer you to question on notice SQ25-002714. Last financial year, the department spent \$52,496.44 on indoor and outdoor plant hire and servicing. Is that correct?

**Mr Betts:** I don't have the answer to that question on notice on hand. I will ask the relevant people to come to the table.

**Ms Bradley:** Can I get you to repeat the QON number just to make sure that I've got the right one here.

**Senator McGRATH:** The question is in relation to expenditure on indoor and outdoor plant hire. The question on notice is SQ25-002714. I just want to confirm that last year the department spent \$52,496.44 on indoor and outdoor plant hire and servicing.

**Ms Bradley:** That is correct.

**Senator DEAN SMITH:** Are they real plants or are they plastic plants?

**Ms Bradley:** They're real plants, as far as I know.

**Senator DEAN SMITH:** I thought an outdoor plant was called a garden plant.

**Senator McGRATH:** I'll go to the question on notice. In financial year 2022-23 you spent \$41,942.33. The next financial year it was \$47,300.62, and then last year it was \$52,496.44. And so far in the current financial year it's \$12,000 or so. That's \$153,000 in the last couple of years on plant hire. That's an awful lot of money, isn't it?

**Ms Bradley:** I can't comment on that in terms of its scale. That's the amount that we've spent.

**Senator McGRATH:** Where are the plants located?

**Ms Bradley:** They're in a range of our office buildings.

**Senator McGRATH:** How many plants are there?

**Ms Bradley:** I'd have to take that one on notice.

**Senator McGRATH:** Are there any in the minister's office?

**Ms Bradley:** I would have to take that one on notice and provide you with that detail. I can do that this morning.

**Mr Betts:** Obviously the minister doesn't have an office in our buildings. Her office is in Parliament House.

**Senator McGRATH:** So these plants are not in the minister's office in Parliament House.

**Mr Betts:** We need to check that, but the minister doesn't have an office in our buildings.

**Ms Charles:** We've got more premises in Canberra, in which we have plants.

**Senator DEAN SMITH:** It should be called the department of environment and communications!

**Senator McGRATH:** Minister, we're in the middle of a cost-of-living crisis. Do you think it's appropriate to be spending \$150,000 on plant hire?

**Senator Green:** I think the department's given you the information about the costs, as is appropriate. I'm not going to comment on the scale. We can take on notice whether any of those plants are in the minister's office, but I'm not sure that they would be. We'll continue to report those costs, as is appropriate.

**Senator McGRATH:** But that's not the question I asked, Minister, with all due respect.

**Senator Green:** That's the answer I gave you.

**Senator McGRATH:** Do you think it's appropriate, in a cost-of-living crisis, for the department to be spending over \$150,000 of taxpayers' money on indoor and outdoor plant hire?

**Senator Green:** I think it's appropriate that all of these costs are reported and scrutinised by this committee.

**Senator McGRATH:** So you think it's okay for the department?

**Senator Green:** No, don't put words in my mouth. I said it's appropriate for you to scrutinise those costs and for us to report them so they're transparent.

**Senator McGRATH:** I'm asking whether you support the expenditure of \$150,000 of taxpayers' money on plant hire.

**Senator Green:** I've answered your question.

**Senator McGRATH:** So the Labor government thinks it's appropriate to spend \$150,000 on plant hire in the middle of a cost-of-living crisis.

**Mr Betts:** Perhaps I can help because I'm the accountable authority here, including for this expenditure. I've never received any direction from any minister in relation to plants, to be honest. So it's on me. We are, as has been reported, in the process of consolidating our property footprint in Canberra. That will involve a 40 per cent reduction in leased floor space, and I think, not least given the scrutiny that this has attracted in Senate estimates, quite properly, we need to review our policies to make sure that any expenditure on this kind of thing would be regarded as acceptable by the community.

**Senator McGRATH:** Minister, following the secretary's answer there, will the minister be giving a direction to the department to reduce spending on indoor and outdoor plant hire?

**Senator Green:** I don't know on this particular issue. I think the minister would be asking the department to scrutinise all the costs that they are incurring, whether it's plants or other things, and look for ways to reduce those costs, as is appropriate, given, as you say, the context of the fiscal environment that we're in.

**Senator McGRATH:** So you would agree that we should cut the spending on indoor and outdoor plant hire.

**Senator Green:** I'm saying we should certainly scrutinise these costs and reduce them where we can.

**Senator DEAN SMITH:** But the costs have been increasing. They've gone from \$41,942 in the year 2022-23 to \$52,496. So it looks as if there's absolutely no attention to cost management when it comes to greenwashing the department.

**Mr Betts:** That may be a function of new offices opening—for instance, a new office in Brisbane—which reflects the growth in the functions of the department but also the geographic footprint. But your point is well made, senators, and I will take this on board as accountable authority and make sure that these expenses are scrutinised, and I'm happy to discuss it at future Senate estimates.

**Senator McGRATH:** As someone who knows a little bit about gardening, what types of plants are they? Are they monsteras? Are they jade plants?

**Mr Betts:** To be honest, I have no recollection of even seeing a plant in our building, and I wouldn't know what it was if I saw it.

**Senator McGRATH:** Are they invisible plants? Do we have an audit on these? If you haven't seen plants, that worries me, Secretary—if we're spending \$150,000 on plants and you haven't seen any.

**Senator HANSON-YOUNG:** Are they still alive or did they die?

**Mr Betts:** I don't know. I'll have to take that on notice.

**Ms Bridger:** Noting the commentary around the costs, we have recently reviewed the pricing structure as a result of a change in contractor. The forecast spending for 2025-26 is just over \$40,000. We have been working on getting a reduction in the costs of plants, though I do note the other commentary in the committee and the secretary's commentary.

**Senator McGRATH:** No worries. Thank you on that. For my final line of questioning, how many Qantas Club or Virgin Lounge memberships have been purchased by the department for staff or SES officers?

**Mr Betts:** We'll see if we can get that information. This relates to memberships which have been purchased by the department? Is that for Virgin as well as Qantas?

**Senator McGRATH:** Yes.

**Ms Bridger:** Give me a moment, Senator, and I'll see if I can track that down for you.

**Ms Jordanoski:** I can confirm that, as of 30 November 2025, 45 departmental staff held Qantas Club memberships and 49 departmental staff held Virgin Club lounge memberships.

**Senator McGRATH:** And those ones were purchased by the department?

**Ms Jordanoski:** Yes, they are the ones purchased by the department.

**Senator McGRATH:** Is there a certain level at which staff have to be for membership to be purchased?

**Ms Jordanoski:** Yes. Per the department's policy, SES staff are entitled—so 31 of those staff have Qantas Lounge membership and 49 of those staff have Virgin Lounge memberships. Per our policy, SES staff as well as staff that travel more frequently can apply for these lounge memberships. That's something that would be approved by the SES band 2 officer.

**Senator McGRATH:** What's the total cost?

**Ms Jordanoski:** I've got that here in front of me. The department's total spend on lounge memberships for 2025-26, year to date—that's as of 30 November, per the details I gave you previously—is \$25,218.

**Senator McGRATH:** Can you break that down—the split between Qantas and Virgin?

**Ms Jordanoski:** I can. I don't have that exact breakdown, but I can get that breakdown because I've got 45 with Qantas and I've got 49 with Virgin. We can give you that breakdown as a follow-up.

**Senator McGRATH:** Cool. On notice, could you provide a copy of the internal corporate policy applicable to airline memberships.

**Ms Jordanoski:** Yes, we can do that for you.

**Senator McGRATH:** Thank you.

**CHAIR:** We're now 40 to 50 minutes behind schedule.

**Senator HENDERSON:** Chair, I'll endeavour to be very quick. Secretary, I refer to many answers to questions on notice that have just landed in our inbox at 9.30 this morning. Apparently, these were lodged with the secretariat at 10.30 last night—well overdue. They were due on 29 January. It's very hard for us to do our job when we can't scrutinise responses to questions from the last estimates. Are you able to explain why these are so

overdue, such that I'm literally reading them now, in relation to matters that I've actually already asked you about without having all the information?

**Mr Betts:** My understanding is that as of last night there were 10 outstanding questions on notice from the October and December hearings, and seven of those were lodged this morning. I do apologise for late lodgement. There are a variety of reasons for this. Obviously, we need to make sure that we provide drafts to the ministerial office and the minister in a timely fashion so that she and her team are able to scrutinise them. We will then, obviously, rigorously fact check them to the extent that there are any amendments. Sometimes questions on notice take a considerable period of time to coordinate where they affect multiple parts of the department or multiple agencies. But your point is well made, Senator, and I take responsibility for the late tabling of those QONs. I intend to have a quite direct conversation with heads of agency. Sometimes the delays arise in agencies outside the department; but, nonetheless, they have accountability for making sure that the Senate is appropriately serviced, so I take accountability for that.

**Senator HENDERSON:** I don't just lay blame on the department; I'm keen to understand when batches of questions were delivered in draft to the minister's office, because I do understand that it is the practice of some ministers to sit on draft responses with the intention of purposely delaying the delivery of answers to questions on notice. In terms of batches, could you provide on notice when batches of draft questions were delivered to the minister's office? Just the number would be fine.

**Mr Betts:** We can provide information along those lines. I'd simply point out that we had Senate estimates in October, then in December, then in February. I have not observed any systemic delaying of responses in the minister's office at all. It's just that those things have tended to bank up a bit, and it is entirely the prerogative of the minister to satisfy herself that those answers are appropriate, so it's on the department to make sure that she and her team have enough time to do that, but we will provide you with that information.

**Senator HENDERSON:** Thank you so much, Secretary. I do appreciate that. Minister, I just want to return to the issue of Mr Chisholm. Clearly, there are people within this building who are concerned about the facts, and that's what I'm concerned about. I've been told that, after this particular Optus inquiry hearing, Mr Chisholm was hauled into the minister's office for a dressing down, and Mr Chisholm yelled at the minister. She then said that Mr Betts needed to go. Do you have any understanding of what transpired in the office?

**Senator Green:** I don't have anything further to add to my previous answer to your multiple questions, which was that there was no screaming match and that Mr Chisholm's employment is a matter for the department.

**Senator HENDERSON:** No. That's why I'm now coming back and giving you more detail.

**Senator Green:** There are quite a lot meetings that happen in and around estimates, as you would understand, so we've taken on notice whether there was a meeting.

**Senator HENDERSON:** Yes.

**Senator Green:** I know that you are using parliamentary privilege, but I would just suggest to you that you should consider that I have now on three occasions ruled out the allegations that you are making.

**Senator HENDERSON:** I'm now putting more detail to you, Minister. I'm told that Mr Chisholm yelled at the minister and that she basically said that he needed to go and that that's what triggered him being put on extended leave. Mr Betts, are you able to confirm whether that's correct, because you have given evidence that suggests that that's not correct?

**Mr Betts:** It's not correct.

**Senator HENDERSON:** Right. Do you know anything at all about the minister saying that Mr Chisholm needed to go?

**Mr Betts:** You might want to correct *Hansard*, because you said earlier on that it was me that had to go.

**Senator HENDERSON:** No! That was a Freudian slip.

**Mr Betts:** It might be an accurate prophecy in a minute!

**Senator HANSON-YOUNG:** You might be next, Mr Betts.

**Senator HENDERSON:** That's right.

**Mr Betts:** I think we've answered these questions, to be honest. After the Senate estimates hearing—it was a strongly contested hearing; there was a lot of passion in the room—there was no conversation in which the minister gave Mr Chisholm a dressing down or in which he shouted at her or anything like that. That did not happen.

**Senator HENDERSON:** You were on leave at the time. Are you able to verify that?

**Senator Green:** No, he wasn't.

**Mr Betts:** No. I was not on leave at the time. As I explained to you, I came back from leave before the end of September, and my recollection is that the Senate estimates hearing was on 8 or 9 October.

**Senator HENDERSON:** Okay. If you could, please provide any further information on that on notice, because there are clearly people who are concerned about these matters, and we would like to get to the bottom of it.

**Mr Betts:** I think that you have got to the bottom of it and it's now on the record in the parliament. Just to complete the picture, Mr Chisholm's appointment was communicated to me by the Attorney-General on 28 January.

**Senator HENDERSON:** Thank you very much. That is it, Chair.

**CHAIR:** Wonderful. That concludes the examination of corporate matters of the communications and the arts portfolio.

[10:25]

**CHAIR:** I now call officers from the department in relation to outcome 5, Promote an innovative and competitive communications sector, through policy development, advice and program delivery, so all Australians can realise the full potential of digital technologies and communications services; and program 5.1, Digital technologies and communications services. Senators should ask questions for Closing the Gap outcome 17, digital inclusion, in this session as well. I think there will be many questions in this session. I'm flagging that I'll probably go to 10-minute question blocks. I'll hand the call initially to Senator Hanson-Young.

**Senator HANSON-YOUNG:** Firstly, I want an update on what the responses are to the recommendations made when we had the antisiphoning and prominence legislation. This committee's report to that inquiry included a number of recommendations, including the need for prominence to be looked at in terms of smart speakers and radio. I'm keen to know where that is up to.

**Mr Penprase:** In late 2024, the government released a proposals paper for a framework for radio prominence for smart speakers. That process was run, and the government is obviously considering the views and perspectives put and the next steps in relation to that proposal, but there's no particular decision point or announcement that's been made to this point.

**Senator HANSON-YOUNG:** What about prominence on radios in cars?

**Mr Penprase:** At this stage, the proposals paper focused on smart speakers. Obviously, the inquiry process examined the potential for the application to cars. The committee inquiry actually concluded that cars are a more complex proposition and would need to be considered potentially at a later point. But obviously that's a matter for government as to how it shapes its approach to radio prominence.

**Senator HANSON-YOUNG:** It's a long way off. That's what I'm hearing.

**Mr Penprase:** I can't provide commentary on timing, Senator, but it's obviously a matter for government as to when it wants to bring forward a proposal.

**Senator HANSON-YOUNG:** What about the prominence legislation that was passed and the requirements in relation to smart TVs—is it working?

**Mr Penprase:** It's early days. The framework for television prominence commenced on 10 January. It's only been a little over a month that it's been in place. There is a statutory requirement for review of the framework, and that's probably the most logical point to assess the effect of the framework itself.

**Senator HANSON-YOUNG:** Was there any industry pushback on it starting on 10 January? Is everybody up to speed?

**Mr Penprase:** There were certainly concerns raised, through the development of the proposals paper, about the impacts and implications for television manufacturers. It was part of the reason the commencement period was set at 18 months—to give those manufacturers sufficient time to get into a position to be able to adhere to the requirements of the prominence framework. We know that manufacturers engaged very closely with the ACMA as they oversaw and administered the framework in the lead-up to the 10 January date. That's been quite productive, and I think there's been a lot of useful engagement between the regulator and the entities, who are dealing with what is a new framework. It's a new and novel framework in Australia. There's nothing like it. But, as I understand it, it's progressing well.

**Senator HANSON-YOUNG:** Remind me, when is the review due?

**Mr Penprase:** I'll double check that. It's two years from the commencement of the framework. Do you have it to hand?

**Ms Lopez:** Yes, I do. A statutory review of the framework is required to commence as soon as practicable after January 2028.

**Senator HANSON-YOUNG:** One of the other recommendations and a commitment from government following this legislation was in relation to regulations for SVODs and BVODs and digital platforms—advertising prominence, antisiphoning and all of those things in the digital space got put into that commitment to do a review and come back with regulation options. Where are we up to with regulating BVODs?

**Mr Penprase:** I'm not aware of a commitment in that respect.

**Senator HANSON-YOUNG:** Well, it was a government report.

**Mr Penprase:** I'd have to be refreshed as to the specific commitment.

**Senator HANSON-YOUNG:** It was a Senate inquiry into this legislation, controlled by government members; it was in the recommendations of that report.

**Mr Penprase:** Yes, I'm familiar with the recommendation. But the response was that those matters would be considered as part of future policy development processes.

**Senator HANSON-YOUNG:** Yes, and I'm asking: where are we up to?

**Mr Penprase:** Obviously those matters are being considered by government. There's been a framework implemented, introduced and passed in relation to the regulation of Australian content on streaming services. Broader regulation of BVODs and SVODs is a matter being considered, but timing and the next steps are matters for government.

**Senator HANSON-YOUNG:** So there's no meat on the bone in terms of regulating BVODs?

**Mr Penprase:** There's nothing I can indicate at this point. There's no decision being taken in that regard.

**Senator HANSON-YOUNG:** Mr Betts, it wasn't listed in your list of legislative overview that I asked you about earlier—the legislative 2026 plan. But I'm surprised. We're now 18 months down the track from when the government said, 'Oh, well, we'll get to it.'

**Mr Betts:** Noted.

**Senator HANSON-YOUNG:** Who in your department would be responsible? Is it you?

**Mr Penprase:** Yes.

**Senator HANSON-YOUNG:** And you haven't been asked to do it?

**Mr Penprase:** We continue to provide advice to the government and the minister. It's part of our job. As to timings and decisions, those are a matter for government.

**Senator HANSON-YOUNG:** Okay. What about the review into the new antisiphoning rules? There was a commitment from the government to review that. Where are we up to?

**Mr Penprase:** The statutory requirement is the review be commenced as soon as practicable after 17 December this year. It's as soon as practicable after that date. We will be working towards that, and the review will commence at a point after that date. But that's where the statutory requirement sits.

**Senator HANSON-YOUNG:** So people just have to miss out on being able to access their favourite sporting team. It hasn't worked, has it?

**Mr Penprase:** I'll take that as a comment.

**Senator HANSON-YOUNG:** Where are we up to with a response to the Peta Murphy report?

**Ms Lopez:** The government takes seriously its responsibility to protect Australians, particularly children and young people, from the harms of online gambling. The government has delivered a number of significant gambling harm reduction initiatives. This includes launching BetStop, the National Self-Exclusion Register, which had over 54,000 registrations as at December 2025. The government has also banned the use of credit cards for online wagering, with that legislation commencing in June 2024. The government's also introduced mandatory minimum classifications for gambling-like content. This includes for loot boxes and simulated gambling in computer games, which was introduced in September 2024. The government also introduced mandatory customer pre-verification in September 2023. This requires wagering service providers to verify a customer's identity before they can place a bet. They also introduced new evidence based taglines with stronger messages about the risks and harms of online wagering.

**Senator HANSON-YOUNG:** What about the commitments to ban gambling advertising? Where are we up to with that?

**Ms Lopez:** Since being sworn in, the Minister for Communications has met with harm reduction advocates, broadcasters and sporting codes to discuss the online gambling inquiry report and the harms of gambling.

**Senator HANSON-YOUNG:** How many meetings has the minister had in relation to banning gambling advertising?

**Ms Lopez:** I don't have that information on hand, but I understand there have been a number of FOIs and other questions on notice which have gone to this matter.

**Senator HANSON-YOUNG:** Has the minister had any meetings in the last two weeks in relation to this matter?

**Ms Lopez:** Not that I'm aware of. We'd need to take that on notice.

**Senator HANSON-YOUNG:** Are there any other ministers that the department has briefed or facilitated in relation to gambling advertising?

**Ms Lopez:** We don't generally brief other ministers besides our own.

**Senator HANSON-YOUNG:** I know. That's why I'm asking. Have there been any other briefings or meetings facilitated or organised by the department for any other minister?

**Ms Lopez:** Not to my knowledge.

**Senator HANSON-YOUNG:** Can we get that checked?

**Mr Betts:** We can take it on notice.

**Senator HANSON-YOUNG:** I've got a lot of questions on the gambling space, so I'm happy to put a pin in it there and then come back.

**CHAIR:** Thank you. Senator Henderson.

**Senator HENDERSON:** I want to ask about an issue close to my heart: the commitment made by the member for Corangamite to the people of St Leonards in Victoria that a new mobile tower would be established in St Leonards and operational by mid-May 2025. As I understand it, this mobile tower is not yet operational. Could I ask for an update?

**Mr Grunhard:** I'm sorry, could you outline the commitment you're referring to?

**Senator HENDERSON:** It was a commitment made by the member for Corangamite to construct a new mobile tower in St Leonards, Victoria.

**Mr Grunhard:** Can I clarify—was that one of the 'Improving mobile coverage' round commitments in the 2022 election? Is that what you're referring to?

**Senator HENDERSON:** It was a specific Mobile Black Spot Program item under MBSP6-VIC-002 as part of the 'Improving mobile coverage' round in October 2023.

**Mr Grunhard:** Yes, that was conducted under the 'Improving mobile coverage' round of the Mobile Black Spot Program. I don't have the details of every tower in front of me, but I'm very happy to check that and we can get you an answer.

**Senator HENDERSON:** If you could come back to the table on that, because—

**Mr Grunhard:** We'll try to get you an update.

**Senator HENDERSON:** I understand Ms Coker had informed her constituents it would be completed in May 2025, but this has been delayed and not delivered. Is it possible for you to call the relevant person?

**Mr Grunhard:** When we get down to individual towers, obviously I don't have every single one in front of me, but we'll try to get you an answer—no problem.

**Senator HENDERSON:** Thank you. We can ask for further details about that. I want to move to the social media ban. The minister's social media minimum age information kit was delivered to MPs' and senators' offices in this place. Who else was the kit provided to?

**Ms Vandenbroek:** I'm not sure if we have that level of detail with us. We might have to take that on notice.

**Senator HENDERSON:** Do you know how many kits were produced, and the cost of designing and printing and distributing those kits?

**Ms Vandenbroek:** It would come under the campaign costs. I believe our colleagues might have that information.

**Senator HENDERSON:** Sorry?

**Mr Mackay:** We think those costs would be covered as part of the campaign expenditure. I think our colleagues might have that answer for you.

**Senator HENDERSON:** Is this the \$20 million campaign?

**Unidentified speaker:** I believe so.

**Ms Kennedy:** We distributed a range of kits. The majority were digital, and some were hard copy. We did do some printing internally for the hard-copy kits, and I can give you the cost of those.

**Senator HENDERSON:** Yes, please.

**Ms Kennedy:** The hard-copy information kits included flyers, some talking points, a poster, a fact sheet and a cover letter. The cost, excluding GST, was \$4,555. And then we also did a reprint of around 1,000 of those contents. We did those internally, and they were the cost of \$298 for posters and \$125 for flyers. We then did a third print run, and that was \$318, \$128 for flyers and \$204 for fact sheets. There was a final reprint of \$2,775. I'm sorry I don't have the total of all of those, but they were the individual costs.

**Senator HENDERSON:** On the social media ban itself, has the department been provided with information on the implementation of the measure, including the number of accounts which have been deactivated?

**Ms Vandebroek:** We've been provided with the aggregated number, which is the 4.7 million that you would have seen in various media articles. We haven't been provided with a breakdown of that figure.

**Senator HENDERSON:** What information have you received in relation to the 4.7 million, and where did that come from?

**Ms Vandebroek:** The eSafety Commissioner advised us of the 4.7 million, but we have not been provided with a breakdown by platform of that number.

**Senator HENDERSON:** Have you sought a breakdown?

**Ms Vandebroek:** Yes. The eSafety Commissioner said that is relevant to investigative work that they're doing and it's not something that they would share.

**Senator HENDERSON:** It's a very big claim, because I think the minister has now relied on that claim in terms of the so-called success of the social media—

**Mr Betts:** When she made that announcement, she had the eSafety Commissioner standing next to her. The eSafety Commissioner is scheduled to be on the stand at 3.15 this afternoon.

**Senator HENDERSON:** This figure has been contradicted by Meta and other platforms. They say it's nothing close to 4.7 million. Have you sought a breakdown? It looks like a discredited figure.

**Mr Mackay:** As Ms Vandebroek said, we have asked eSafety for a breakdown, which they were not prepared to provide us for the reasons that Ms Vandebroek outlined. Questions about the figure are really best put to the eSafety Commissioner.

**Senator HENDERSON:** Well, no, I'm asking you about this figure because the eSafety Commissioner published this figure as a hallmark of the success of the social media ban, and yet this has been grossly contradicted by the platforms.

**Mr Mackay:** It's not our figure, and so we're not really in a position to address a contradiction of it.

**Senator HENDERSON:** Why won't eSafety share this with your department and the minister?

**Mr Mackay:** That's really a question for eSafety.

**Senator HENDERSON:** So you can't direct the eSafety office?

**Mr Betts:** The eSafety Commissioner is an independent regulator operating within a statutory framework established by the parliament.

**Senator HENDERSON:** But wouldn't you be concerned that this figure is out there and that it's potentially very wrong or misleading? Wouldn't you want to try and ascertain the facts?

**Mr Betts:** I have the highest regard for the eSafety Commissioner and the integrity of her organisation, and I think we're entitled to rely on information provided by her. She will front up to Senate estimates this afternoon and answer any questions that you have.

**Senator HENDERSON:** What briefings have you provided to the minister on the implementation of the measure?

**Ms Vandenbroek:** The eSafety Commissioner briefs the minister on implementation rather than the department. The eSafety Commissioner is capturing the data about implementation and also doing the longer term evaluation, so that's a matter for the eSafety Commissioner.

**Senator HENDERSON:** So you're not seeking regular updates from the eSafety Commissioner?

**Ms Vandenbroek:** The minister is seeking regular updates. We receive those updates when they're given to the minister.

**Senator HENDERSON:** On notice, can we have a copy of those updates—the correspondence between the eSafety Commissioner and the minister's office and the department?

**Mr Mackay:** We will take on notice the things we have received, but, if you're seeking correspondence between eSafety and the minister, that should properly be put to eSafety.

**Senator HENDERSON:** I'm also putting it to you or through the minister, if you could take that on notice. This number has been ridiculed. The platforms are saying it's nowhere near 4.7 million. This gives rise to a real credibility issue which reflects on the government. Through you, Secretary, you haven't sought to ascertain what the correct figure is and reconcile two very different stories.

**Mr Betts:** We have, but I rely on the eSafety Commissioner, who is the authority established by you, by the parliament, to undertake the statutory functions assigned to her. You will have the opportunity, for at least an hour this afternoon, to ask questions of the eSafety Commissioner.

**Senator Green:** If it helps, those questions obviously will be directed to eSafety, and I'm sure you'll have many for her when she's here. The government trusts the independent regulator, which was set up by the parliament. We certainly would trust her advice over the big platforms, who opposed this ban in the first place.

**Senator HENDERSON:** Minister, do you have any information at all in relation to this very large discrepancy?

**Senator Green:** I don't have anything more to add than what I've just said and what information the department has given to you. eSafety will hopefully be here in the afternoon to address more of your questions.

**Senator HENDERSON:** You've taken those questions on notice about the correspondence between the minister's office—

**CHAIR:** You're at the conclusion of your 10 minutes, Senator Henderson, so I will move on the call on now, and we will come back to you. Senator Walker.

**Senator WALKER:** I have a few questions regarding digital inclusion programs for First Nations communities.

**Mr Betts:** I'll just say that I'm very proud of the work that Dr Ashurst and the team have undertaken, working with First Nations communities around Australia to give effect to socioeconomic target 17 under the Closing the Gap agreement, and they'll be able to take you through more detail on that.

**Senator WALKER:** The minister announced last year that additional remote communities will receive free community wi-fi through the \$20 million First Nations Community Wi-Fi program. How many communities are we expecting to receive?

**Dr Ashurst:** The minister announced that 52 communities across Australia will be receiving additional free wi-fi services.

**Senator WALKER:** How are contract negotiations going with that at the moment, and when are we expecting these locations to be announced?

**Dr Ashurst:** Contract negotiations are going well. I can probably reveal that there are six providers that we're contracting with to provide those services. Most of those contracts are advancing well and should be in place shortly. Once those contracts are in place, I expect an announcement can be made about those communities. For your information, the communities are across Western Australia, Northern Territory, South Australia, Queensland and Tasmania.

**Senator WALKER:** How has the department partnered with local communities in developing and rolling out these programs?

**Dr Ashurst:** The department is working closely with states and territories, who often have relationships with local communities, as well as with the providers, who are engaging themselves closely with those communities, to make sure that the services being provided are appropriate and those communities actually want these services in community. As part of the installation process, which will take place going forward, the department will be

working closely with communities on the nature of the service, whether those communities want that service 24/7 or limited hours, and what sort of products and websites are available through those free wi-fi services.

**CHAIR:** I just have a couple of follow-ups on that. Are you able to elaborate on how this program will assist to meet our Closing the Gap initiatives or at least goals?

**Dr Ashurst:** As I said at the last hearing, the gap is quite large, and some of the data we're seeing shows, particularly in remote and very remote Australia, that there's quite a discrepancy between what Australians living in cities, even First Nations Australians living in cities, can get compared to very remote areas. The target of a lot of this community wi-fi is on very remote communities, where there is no connectivity, in many cases, of any form, or very limited connectivity, making sure that they can access that connectivity and participate economically and socially in society more broadly. That's the real focus there. It's worth noting too that, of those 52 communities, there are some large communities involved, but there are also some homelands and outstations as well. So it's providing connectivity to a wide range of communities.

**CHAIR:** Are you able to elaborate on what is either planned or in the works for regional Western Australia?

**Dr Ashurst:** At the moment there are communities under the NBN community wi-fi program, which has already been rolled out. There are seven communities in Western Australia, particularly around Fitzroy Crossing, that are receiving free wi-fi services. We're expecting additional communities from Western Australia under this new round of 52 communities to be announced, and those announcements will be made shortly.

**CHAIR:** Senator Hanson-Young.

**Senator HANSON-YOUNG:** I want to go back to the lack of action on gambling advertising. I might ask the minister. Is it the government's policy to crack down on gambling advertising?

**Senator Green:** The government take seriously our responsibility to protect Australians, particularly young and vulnerable people, from the harms of online gambling. As we've said to you today and have said to you before, we are actively working on this piece of work, and that includes the minister meeting with stakeholders. We will get some information to you about what meetings have taken place recently, but I can tell you that those meetings include harm reduction advocates in particular.

**Senator HANSON-YOUNG:** Does the government intend to introduce legislation to curb online gambling and gambling advertising?

**Senator Green:** I'm not going to pre-empt any government decision. We are working on responding to the Peta Murphy report. We have undertaken significant gambling harm reduction measures, which the department took you through in depth, and we'll continue to do that work. We know that this is something that is of very keen interest across the parliament, and, when there is a decision, we will announce that.

**Senator HANSON-YOUNG:** Ms Lopez, has the minister asked for any specific work to be done on banning online advertising versus advertising on broadcast television?

**Ms Lopez:** We've provided advice to the minister in terms of a range of options and restrictions that could be applied in this space.

**Senator HANSON-YOUNG:** Is there a preferred option?

**Ms Lopez:** As the minister said, the government hasn't taken a decision in terms of a preferred option in this space or made a decision on which way it wants to act.

**Senator HANSON-YOUNG:** Was any draft legislation worked on prior to the new minister coming in? Was there any draft legislation being worked on under the previous minister?

**Ms Lopez:** No.

**Senator HANSON-YOUNG:** So the previous minister didn't do anything in this space.

**Ms Lopez:** I think we've previously talked about the work that the previous minister has done in this space. There has been extensive consultation undertaken since the committee handed down its report. There was a range of other work that was also happening outside of just the gambling advertising work.

**Senator HANSON-YOUNG:** But, in terms of gambling advertising, there was no draft legislation or instructions for legislation agreed on or signed off on by the previous minister?

**Ms Lopez:** No. It hadn't progressed to that point.

**Senator HANSON-YOUNG:** Are there any drafting instructions that have been given by this minister?

**Ms Lopez:** No, Senator.

**Senator HANSON-YOUNG:** Has the department done any work on the cost to broadcasters of a ban on advertising? Do you have any idea what the cost to TV broadcasters may be?

**Ms Lopez:** Yes, we have done work in that space.

**Senator HANSON-YOUNG:** What does that show?

**Ms Lopez:** In terms of the specifics, I don't think we can disclose that, given the commercial sensitivities around broadcasters—

**Senator HANSON-YOUNG:** But the department has figures?

**Ms Lopez:** We do.

**Senator HANSON-YOUNG:** Where did you get those figures from?

**Ms Lopez:** That was done using a range of data. We got some figures from Nielsen, who collect data in this space, and we also did consult with broadcasters themselves.

**Senator HANSON-YOUNG:** When you consulted with the broadcasters yourself, did you ask them whether the data you had used from Nielsen was correct, or is it a combination?

**Ms Lopez:** A combination.

**Senator HANSON-YOUNG:** Were the figures you got from Nielsen commissioned specifically by the department?

**Ms Lopez:** Yes, that's correct.

**Senator HANSON-YOUNG:** So the department owns that data?

**Ms Lopez:** Yes.

**Senator HANSON-YOUNG:** It's not commercial-in-confidence then?

**Ms Lopez:** It is commercially sensitive. We can't publicly disclose the specifics under our contract with Nielsen.

**Senator HANSON-YOUNG:** So, it's sensitive to Nielsen, not to the broadcasters?

**Ms Lopez:** I'd need to check what the specifics around the contract are. I'm not sure if that—

**Senator HANSON-YOUNG:** When was that contract agreed upon?

**Ms Lopez:** We've done a number of data requests with Nielsen. Our first request was in 2023. We had a second request in 2024 and a further request in 2025.

**Senator HANSON-YOUNG:** It's taxpayers' money that's been spent to acquire this data, isn't it?

**Ms Lopez:** Yes, Senator.

**Senator HANSON-YOUNG:** So taxpayers should have a right to have access to the data. The fact that it's being kept secret seems a bit ridiculous to me.

**Mr Betts:** I'm not sure that it's a universal principle that everything that taxpayers fund should be made public.

**Senator HANSON-YOUNG:** But if you're going to be using it for public policy, it'd be good to know why.

**Mr Betts:** And if you're using it for the purposes of cabinet consideration, for instance, it would be subject to confidentiality—similarly if it contained commercially sensitive information. There are many circumstances in which things—

**Senator HANSON-YOUNG:** Has this data gone to cabinet?

**Mr Mackay:** We wouldn't comment on specifics of what we provide in cabinet documents.

**Senator HANSON-YOUNG:** Hang on. If you're claiming cabinet-in-confidence, then I need to know whether it's gone to cabinet. You can't claim cabinet-in-confidence for something that hasn't been there.

**Mr Mackay:** I understand. If your request is to see the data, I think that, given what Ms Lopez has said, the appropriate thing for us to do would be to take that on notice so that we can properly consider the requirements of the contract and the committee's request to see it.

**Senator HANSON-YOUNG:** I'd like to see the data.

**Mr Mackay:** We'll take that on notice.

**Senator HANSON-YOUNG:** I'd also like to see the contracts.

**Mr Mackay:** We will take that on notice.

**Senator HANSON-YOUNG:** They're separate requests.

**Mr Mackay:** I understand.

**Ms Lopez:** The details of our purchases of the Nielsen data are on AusTender.

**Senator HANSON-YOUNG:** Why did you have three goes at it? Was it because you put three different options, so they've had to refine that data? Why are there three contracts?

**Ms Lopez:** They're for different time periods. My recollection is that we purchase the data from Nielsen on a calendar basis, so those would be for calendar years that Nielsen's provided the data for us.

**Senator HANSON-YOUNG:** What's the purpose of this data? Is it to ascertain how much the broadcasters would lose from gambling advertising?

**Ms Lopez:** Nielsen was engaged to provide data on the volume of wagering advertising and wagering advertising revenue across all platforms, not just broadcasting.

**Senator HANSON-YOUNG:** Okay. Could you outline that for me then? You've got the data in relation to televisions broadcast advertising.

**Ms Lopez:** Yes.

**Senator HANSON-YOUNG:** You've got data in relation to what else?

**Ms Lopez:** Radio, as well as online—and I think outdoor as well. I'll need to take the specifics on notice. I don't have that in front of me, because I think there is a range in terms of what specific data we did get and the breakdowns—for example, metro radio, or did we get regional as well. I would need to take the specifics on notice.

**Senator HANSON-YOUNG:** Is there any data on inducements—the impact of the gambling companies sending direct messages to people?

**Ms Lopez:** No. That's not something that we have data on.

**CHAIR:** Senator Hanson-Young, that's 10 minutes. We're due to go to our break. I'll come back to you in the round.

**Senator HANSON-YOUNG:** Thank you.

**CHAIR:** I'm in a position now to release the officials from the Australian Film, Television and Radio School. Thank you, and I thank my colleagues for their assistance in that respect.

#### **Proceedings suspended from 11:00 to 11:15**

**CHAIR:** Before I hand over to Senator Henderson, I give the call to Mr Betts.

**Mr Betts:** Thank you. I have a couple of follow-ups on questions asked by Senator Henderson in the first couple of hours. I might start with Ms McClure.

**Mrs McClure:** In response to a question around legal expenditure, I have the name of the High Court case that I referred to earlier. That is Palmanova Pty Ltd v Commonwealth of Australia, and the citation is [2025] HCA 35.

**Senator HENDERSON:** What was that matter about?

**Mrs McClure:** That was about the seizure of a Bolivian artefact, and the matter before the High Court was a statutory interpretation question.

**Senator HENDERSON:** Is there any other information that you've been able to obtain?

**Mrs McClure:** You asked for a breakdown of lawyers and other staff. I will give you the ASL numbers because some people work part time, of course. There is one SES band 2 lawyer. We have two SES band 1 lawyers. We have 7.8 EL2 lawyers, 15.4 EL1 lawyers, 6.7 APS6 lawyers, 2.8 APS5 lawyers and 0.4 APS4 lawyers. We have a legal practice management unit, and that's staffed by 1.7 EL1 admin officials and 3.6 APS5 officials. I also have some information about the social media minimum age litigation that you asked about.

**Senator HENDERSON:** Yes, please.

**Mrs McClure:** I confirm that the department is leading that matter. In doing so, it's consulting with relevant stakeholders, namely the Office of the eSafety Commissioner and the Office for Constitutional Law in the Attorney-General's Department. There is no cost-sharing arrangement with that matter.

**Senator HENDERSON:** So you're bearing all of the costs?

**Mrs McClure:** The department is paying for this matter. You wanted the next steps—

**Senator HENDERSON:** Is that set down? What's the status of the litigation? Does that have proceeding dates? It's actively on foot. Is there a case set down to be heard?

**Mrs McClure:** There is. The matter is next listed for further directions on or after 28 April 2026. The court has ordered steps prior to that date, which I can share with you. The plaintiff's draft special case is due to be served by 20 February 2026. The Commonwealth's revised draft special case is due to be served by 27 March 2026. An agreed special case between both parties is due to be served on 24 April 2026.

**Senator HENDERSON:** Thanks very much.

**Mr Betts:** We also have some information in relation to the tower in Corangamite.

**Senator HENDERSON:** Thank you.

**Mr Grunhard:** You asked about the tower at St Leonards.

**Senator HENDERSON:** Yes.

**Mr Grunhard:** You're right; that was part of the improving mobile coverage round of the Mobile Black Spot Program. It was contracted in February 2024. Since that time—Telstra is the proponent—Telstra has been working to get the appropriate land approvals, acquisitions and so on that they always need to get for this sort of project. I'm pleased to say that they have achieved all of those, so they're now in a position to commence the build, and they're expecting it to be on air and broadcasting by the second quarter of this year.

**Senator HENDERSON:** Do you know where it will be?

**Mr Grunhard:** I don't have the coordinates on me, but Telstra is required to keep an update on their website. They've got a dedicated page for these sites. It may be there, but we can check that.

**Senator HENDERSON:** Alright. If you could provide any further information on notice about where it is and what the hold-up was and any other information, that would be appreciated.

**Mr Grunhard:** No problem.

**Senator HENDERSON:** Secretary, I just want to return to the issue I raised before about the claim that 4.7 million social media accounts have been deactivated since the social media minimum age law was passed by the parliament. The reason this is important—it's particularly important from the government's perspective—is that the Prime Minister, with the Minister for Communications, put out a media release on 16 January claiming that 4.7 million under-16 accounts had been deactivated, removed or restricted within days of the law coming into effect, yet this contradicts the public information available from Meta, Snapchat and the like. For instance, Meta is saying that they've deactivated 550,000 accounts, which, of course, includes Instagram, Facebook and Threads. I think Snapchat are saying 415,000 accounts. So that's around about a million. Clearly there are other platforms involved in the social media ban, but it looks like there's a very significant gap between what the platforms say they've deactivated and what the eSafety Commissioner has stated.

The Prime Minister and the Minister for Communications have relied on eSafety's representations. I'm not attributing blame to the Prime Minister, other than to say that if the government is not seeking to verify the right figure, given these two different, conflicting figures, then surely that's an issue that you would want to see rectified.

**Mr Betts:** The eSafety Commissioner is the government. She is a creation of the government. She is a government regulator. So I think it is legitimate for us and for ministers to rely on information provided by the eSafety Commissioner. As I explained earlier, she'll be on the stand later on today to answer any questions you might have. Ms Vandebroek may want to add—

**Senator HENDERSON:** Just in response to that, though, I'm not questioning that. There is now evidence that contradicts the eSafety Commissioner's claim, which the Prime Minister and the Minister for Communications have relied on—by reason of the fact that we've got the big platforms with their figures. Based on that, it doesn't look like the eSafety Commissioner is correct, and I'm just seeking answers as to why you, the department, on behalf of your own minister, are not urgently seeking to ascertain the factual matters in relation to this claim.

**Mr Betts:** It is because we are legitimately relying on information provided by a government entity, a statutory authority created by law by the parliament, which I think is a reasonable thing for us to rely on. And the eSafety Commissioner will front up and be able to explain this to you.

**Senator HENDERSON:** But you don't want the minister or the Prime Minister to be wrong in terms of the claims they've given the Australian people, which, of course, have been broadcast and published very widely in many different media organisations.

**Mr Betts:** I don't want them to be wrong, which is why I think it's important that they rely on advice from well-regarded public authorities like the eSafety Commissioner.

**Senator HENDERSON:** Thanks. We will look forward to that further information and the information that I've already asked for on notice.

**Senator DEAN SMITH:** Just to be clear, the department has not been asked to make any inquiries about the discrepancy between the four-million-plus number and data that is available publicly from Meta and others?

**Ms Vandenbroek:** We're not aware of any discrepancy. The eSafety Commissioner is not disputing the numbers released by those two platforms. The 4.7 is an aggregate across 10 platforms, and our information from the eSafety Commissioner's team is that the numbers are reliable. There is no discrepancy.

**Senator HENDERSON:** Can we ask for a copy of the information you've received from the eSafety Commissioner.

**Ms Vandenbroek:** We haven't received any information. That was from a conversation where they said they didn't have any concerns with the data released from those two platforms. But they are two of 10 platforms that make up the aggregate number.

**Senator HENDERSON:** Can you give us the breakdown of the other platforms?

**Ms Vandenbroek:** No, we don't have that information.

**Mr Mackay:** That's a question for eSafety, Senator.

**Senator HENDERSON:** You haven't sought that information? You were obviously worried about it, though.

**Mr Mackay:** No, I don't think that's what we're saying.

**Ms Vandenbroek:** No, we have no concerns about the validity of the number 4.7.

**Senator DEAN SMITH:** The use of the term 'deactivation' is specific to the deactivations resulting from the social media ban. It's not to be interpreted more broadly than that. There's a similar understanding between the department and the eSafety Commissioner in terms of what the deactivations actually represent.

**Mr Betts:** Yes. Again, that's a question for the eSafety Commissioner, but it's deactivations in the days immediately prior to and following the activation of the social media minimum age on 10 December 2025.

**Senator HENDERSON:** I would like to turn to the Optus outage. I'm wondering whether all telecommunications operators complied with the outage register requirements that were required to be in place from 16 December.

**Mr Betts:** While the team is coming to the table, I can tell you that we have the Triple Zero Custodian team now established by statute within the department. As of 19 January, 28 staff are dedicated full time and funded through the telecommunications services special account and the telecommunications industry levy.

**Ms Chapple:** So that I can correctly answer your question about the Optus outage, can you tell me the date you are referring to and what information you are after.

**Senator HENDERSON:** Sorry; I know you were coming to the table when I was asking the question. I was asking about whether the telco carriers complied with the outage register requirements that were required to be put in place from 16 December.

**Ms Chapple:** I will pass to my colleague Mr Fogarty.

**Mr Fogarty:** Yes, the mobile network operators did have their public websites up and available on 15 December, as it was, and they were all available for the public to see in accordance with what's known as the service provider determination.

**Senator HENDERSON:** Since that date, how many outages to the triple zero network have there been for each carrier?

**Mr Fogarty:** I'll just see if my colleague has that information. If not, we'll get it on notice.

**Ms Chapple:** It's important to draw the distinction between network outages and triple zero outages. They are sometimes the same thing but not always the same thing. So the information that we might ask our colleague Mr Cairns to provide will be in relation to outages rather than triple zero outages.

**Senator HENDERSON:** Could you please provide on notice the details of each outage for each operator and the length of time and the geographical location for each outage.

**Ms Chapple:** Yes. We're happy to take that on notice.

**Senator HENDERSON:** Are you aware of any specific triple zero outages since that date?

**Mr Fogarty:** I think a better way to describe it is as a triple zero disruption because it's not an outage to the network as such. There is no triple zero network. It's a system. But there have been some incidents that we've

been advised of, and they've been followed up on through the carriers and also through the emergency service organisations in regard to welfare checks.

**Senator HENDERSON:** Can you provide some more detail?

**Mr Fogarty:** We'll take that on notice to provide that level of detail.

**Senator HENDERSON:** Was anyone not able to call triple zero?

**Mr Fogarty:** There were instances where there were some circumstances where calls didn't get through, and that's where the welfare checks were undertaken. Our knowledge from discussing this with the emergency service organisations and the mobile network operators is that there weren't any incidents where there were—the follow-up and the welfare checks made sure that everyone was okay.

**Senator HENDERSON:** Are there certain events which describe each outage or each disruption?

**Mr Fogarty:** Certain events—I believe there was one recently where there were incidents with some networks that weren't able to get through to the emergency call person due to some hardware issues. However, there was a redundancy process in place with those that kicked in and enabled those calls to continue. But there was a certain limited number that were then followed up through welfare checks.

**Senator HENDERSON:** If it's possible to bring those back to the table so we can have a look at that, that would be appreciated. Could you also update the committee on the device issues with iPhones and access to triple zero.

**Ms Chapple:** This is the iPhone 8 issue on the Telstra network?

**Senator HENDERSON:** Yes. There are various iPhone issues, but there's a recently published iPhone issue.

**Ms Chapple:** Certainly. It's an issue that we were made aware of by Telstra and by Apple as soon as it happened. We were in really close contact with both of those organisations over the duration of the incident, and we were advised—we can get the date for you—fairly quickly, I think, when that incident was resolved.

**Mr Fogarty:** The resolving of the incident was on 30 January this year.

**Senator HENDERSON:** And how was that resolved?

**Mr Fogarty:** It was resolved between Telstra and Apple by organising a software update to address the issues that impacted a selected number of older iPhones, the iPhone 8, 8+ and X. But it only impacted the Telstra network. Essentially, it made the phones just not able to work. It was a software update that happened. What happened was Telstra and Apple worked together to fix and address the issue and made that information available to the public, and then the software update was able to be put in place, and it's all been addressed.

**Ms Chapple:** It's probably worth noting for the record, too, that the issue was to do with all calls received and outward bound, not just triple zero calls.

**Senator HENDERSON:** After a particular software upgrade?

**Ms Chapple:** Yes—a global iPhone update.

**Senator HENDERSON:** How many customers were impacted during that time?

**Ms Chapple:** We did receive advice.

**Mr Mackay:** About 14,000 devices were affected.

**Senator HENDERSON:** That advice was from Telstra?

**Ms Chapple:** Yes.

**Senator HENDERSON:** Were there any consequences of people not being able to dial triple zero?

**Mr Fogarty:** No, there weren't. What actually occurred, also, was that the SOS capability and camp-on facility still worked, so there were other avenues to dial triple zero.

**Senator HENDERSON:** Is that correct in all cases?

**Mr Fogarty:** I wouldn't say all cases, but I'd take that on notice.

**Ms Chapple:** If it was a Telstra customer that had access to another network, they may have been able to access the camp-on function if they were calling triple zero. We have not had any reports via Telstra or our stakeholders that there were any issues calling triple zero during that incident.

**Senator HENDERSON:** From previous questions on notice we've learned that 70-75 outage notifications occur each week to the department. ACMA says it also receives reports, with 35 major outages and 1,794 significant local outages occurring between 31 December 2024 and 31 October 2025. Given the magnitude and

frequency of these outages and incidents, what work has the department undertaken to quantify the economic and social impacts of these outages on communities?

**Mr Betts:** Our principal focus has been on ensuring public safety through the work of the custodian to ensure the triple zero functionality continues to be available.

**Senator HENDERSON:** Do you have continuing concerns about access to triple zero—

**Mr Betts:** We have to. It's our job to be continually concerned about it. We have an ecosystem of responsibilities with carriers and with the emergency call person. We have a regulator in the form of ACMA. We have emergency services organisations operated by the states and territories. The role of the custodian is not always to be the first responder in every circumstance but to look across that ecosystem and make sure that it is absolutely tuned up to minimise any risk to the community and to coordinate responses in the event that an outage occurs which illustrates any vulnerability in that system, plus undertaking proactive testing through the work that University of Technology Sydney have been undertaking on our behalf.

**Senator HENDERSON:** By asking about concerns, I mean: are there any outstanding significant issues concerning Australians' access to triple zero right now? Is there anything else that has emerged that has not been made public?

**Mr Mackay:** As in, an outage that's affecting triple zero today?

**Senator HENDERSON:** An outage or a device issue or any other information that you're holding that has not been made public which impacts on Australians' access to triple zero.

**Ms Chapple:** Not to my knowledge. As you'd be aware, there are a number of incidents that the ACMA is currently investigating, and that may reveal things that are of additional concern to us. But our job, as outages occur—as any issues are identified with handsets or the interactions between handsets and networks—is to hear about them and find out whether that's an isolated incident or whether it's a sign that there's something more systemic and concerning from a triple zero access perspective.

**Mr Mackay:** And then act on it.

**Ms Chapple:** Yes—and then act on it.

**Senator HENDERSON:** So you're not aware of any current issues with the triple zero network that have not been made public?

**Ms Chapple:** No, not significant issues.

**Senator HANSON-YOUNG:** Chasing up on the Apple issue, what was the fix?

**Mr Fogarty:** I could go into some detail on it if you wish. Essentially, when an update is occurring between a manufacturer, in this case Apple, and a provider, Telstra, they send out a level of information that includes what's known as a carrier bundle, which is the details that are inside the phone that apply directly to that carrier. As you'd understand, Apple would have over a thousand carriers, so they're all different bundles, and they all have a digital ID attached to them. In this instance, the digital ID didn't read on those particular devices, so therefore the device didn't understand that it was talking to a network, and that was the problem. The fix was basically addressing the digital ID so that it could then identify the network.

**Senator HANSON-YOUNG:** But did the fix have to be implemented by the individual who had the phone?

**Mr Fogarty:** With a software update.

**Senator HANSON-YOUNG:** Which they proactively had to do.

**Mr Fogarty:** Which was communicated through Apple and Telstra's channels.

**Senator HANSON-YOUNG:** Belatedly.

**Mr Fogarty:** Once they knew the issue, yes, and they had the fix.

**Senator HANSON-YOUNG:** How do we know how many of those phones have been updated?

**Ms Chapple:** The issue affected phones that had installed the update—the faulty update, if you like—and the fix was to reinstall a new update with the correct information in there. So it wasn't all users of those phones; it was the ones that had installed the original update.

**Mr Fogarty:** That was the 14,000 devices that we touched on earlier.

**Senator HANSON-YOUNG:** The fix required individuals to proactively update the software?

**Mr Fogarty:** As opposed to a normal software update that occurs through devices?

**Senator HANSON-YOUNG:** Yes. So then how do we know how many people have done it?

**Mr Fogarty:** What we've been advised through Telstra and Apple is that they've notified all their people. We'd have to ask Telstra and Apple for that information. We can—

**Senator HANSON-YOUNG:** So presumably there are some people who have phones that are still not able to access triple zero.

**Ms Chapple:** It wouldn't be able to work—it wouldn't make any calls.

**Mr Betts:** Yes. It's not a situation where you think you've got access to triple zero but in fact you don't, which is the most dangerous circumstance. Your phone doesn't work.

**Senator HANSON-YOUNG:** Yes: your phone's not working, so you're getting a bit frustrated.

**Mr Betts:** And you're seeking ways of fixing it, and that's where the information dissemination comes in.

**Senator HANSON-YOUNG:** Some of those models were very old, but iPhones are very expensive. Has Telstra handed out any free phones to people as a result of this?

**Ms Chapple:** Not that we're aware of, no.

**Mr Fogarty:** As I said, once the software update is in place, the phones are fine.

**Senator HANSON-YOUNG:** I understand that, but we're talking about often older Australians who have the older model phones.

**Mr Fogarty:** Understood.

**Senator HANSON-YOUNG:** It's not their fault that the first update didn't work. You can imagine how confusing this would be.

**Mr Betts:** But once it's fixed, they've got their phone back, and it's working just as it was before, so no reason—

**Senator HANSON-YOUNG:** If they know how to do that, Mr Betts, or if they understand that that's what they need to do.

**Mr Betts:** If their phone stops working, then that's a call to do something about it.

**Senator HANSON-YOUNG:** We've had a long line of these issues over the last few months. Despite all the promises that these big telecommunications companies would make sure that the most vulnerable people were looked after, I'm shocked at how few Australians have actually been helped out with updated and free devices, despite the fact that they've all promised to do it. Do we have any sense across Optus, TPG or Telstra of how many people have been given new phones as a result of their companies not being able to guarantee access to triple zero?

**Ms Chapple:** We'd need to check and come back to you on notice.

**Senator HANSON-YOUNG:** I think that would be good. Thank you. I've still got a little bit longer, do I?

**CHAIR:** You have six minutes.

**Senator HANSON-YOUNG:** When do we expect the duty of care bill to be tabled in the parliament?

**Ms Vandebroek:** We don't have any timing yet for that.

**Senator HANSON-YOUNG:** So the minister hasn't given you any direction as to when that needs to be ready or a timetable for legislation to be drafted?

**Ms Vandebroek:** No, we haven't received any instructions on timing.

**Senator HANSON-YOUNG:** Mr Betts, are there still complaints within government departments around drafting resources? That was something that continued to be raised in the last term.

**Mr Betts:** It's a matter for the Attorney-General's Department, but some considerable work has been undertaken—which they could no doubt speak to—around ensuring that OPC is given every opportunity to make best use of the resources it's got, including by departments like ours, making sure that when we go to OPC we have fully developed and fully considered policy proposals to reduce the burden on the Office of Parliamentary Counsel. But it's not something unique to the Commonwealth government; drafters are in short supply at state government level as well.

In the case of the duty of care, that is something which is before government. We're not suggesting that it's constraints in drafting resources that are compromising the timing of that legislation. Rather, it's about enabling cabinet to give it proper consideration.

**Senator HANSON-YOUNG:** I'm just thinking that there's quite a long list of pieces of legislation you've outlined for the 2026 program, and if we don't have a timetable for when things are going to happen, how believable is it that any of it's going to happen?

**Mr Betts:** If you look at the legislative program for 2025, that was ambitious too, and we delivered a lot of stuff in that year. But we are not the only department that wants legislation drafted. There is a lot going on across government, and it's for cabinet to set priorities around how drafting resources—

**Senator HANSON-YOUNG:** And they haven't prioritised duty of care as yet?

**Mr Betts:** It would come forward to cabinet, and then decisions are taken on an ongoing basis about how drafting resources are prioritised. The Attorney-General's Department can talk to you about that.

**Senator HANSON-YOUNG:** Minister, when is the government proposing to introduce the duty of care? I mean, it's been promised for two years.

**Senator Green:** I think, as the secretary said, we're working on the legislation. We will—

**Senator HANSON-YOUNG:** Well, you're not working on the legislation.

**Senator Green:** Yes, we are.

**Mr Betts:** Talk about the consultation we're undertaking.

**Senator Green:** We're consulting, particularly on the 67 recommendations from the Online Safety Act Review. That's driving quite a lot of the conversation. But, as we've said, we've got an ambitious legislative program this year, and we'll be working to bring it forward as soon as possible.

**Senator HANSON-YOUNG:** Is there an agreed objective of the duty of care bill? What is the purpose of it, from the government's perspective?

**Ms Vandenbroek:** The purpose is to strengthen the Online Safety Act and the framework for regulation to move from a reactive system where harms are dealt with after they've been identified to a more proactive system, where the onus is on the platforms to proactively identify and mitigate risks that are known.

**Senator HANSON-YOUNG:** In order to do that, what consideration is being given to the legal requirements of platforms to share their data and to make data available—transparency?

**Ms Vandenbroek:** Yes, that's certainly an area that is of a lot of interest, particularly to researchers. We're well aware of the interest in data access. We are looking at different options. We know that there have been changes to the content libraries that some of the platforms have had available over the last couple of years. And we know that some people feel that they're not as accessible and there's not as much data available as what there was previously. So it's something we have discussed with platforms, and we are looking at different options for how we could make data more accessible.

**Senator HANSON-YOUNG:** Yes, I don't think it's just about whether it is 'some people'. It's a fact these companies have closed the door on transparency, haven't they?

**Ms Vandenbroek:** They would argue that they've brought in different schemes. But what we're hearing is that those schemes are not as effective.

**Senator HANSON-YOUNG:** Yes, I don't think we trust anything that Meta says. In relation to the social media ban, obviously, when the eSafety Commissioner is before us, there are some obvious questions for them as well. But there is nowhere for somebody to go to complain, is there? There's no complaint mechanism.

**Mr Mackay:** About what?

**Senator HANSON-YOUNG:** Well, about whether the ban has worked, hasn't worked, has had problems. If a parent is upset that their kid is still able to access TikTok and they're 14, who do they complain to?

**Ms Vandenbroek:** A lot of complaints are being made directly to the platforms. A lot of people are also contacting eSafety and having conversations with them about their issues.

**Senator HANSON-YOUNG:** But eSafety is not a complaints mechanism. It is not set up to be a complaint-handling platform, though, is it?

**Ms Vandenbroek:** No, they're not.

**Senator HANSON-YOUNG:** Why would anyone have any trust in complaining to Facebook or Meta or TikTok? They don't give a damn about what's going on.

**Mr Betts:** So eSafety is continuously monitoring the effectiveness of the social media minimum age, which commenced on 10 December. So, to the extent that it's receiving feedback from the community, that is reflected in its consideration around levels of compliance with the law, whether reasonable steps are being taken by

platforms, methods of circumvention, migrations between platforms. Every aspect of the design of the system is being reviewed and continuously evaluated by eSafety, so feedback from the community is important and will provide the basis for our advice to government as and when the legislation or accompanying regulations come up for review in due course.

**Senator HANSON-YOUNG:** Mr Betts, I understand the point you're making: that, in being able to pinpoint systematic problems, obviously that information and feedback is helpful to the eSafety Commissioner. But, in terms of an individual parent or an individual young person, they have nowhere to go, do they?

**Mr Mackay:** Well, I think, as Ms Vandebroek outlined, the first point of contact would be to the entity providing the service to make a complaint to the platform.

**Senator HANSON-YOUNG:** Who do you complain to at TikTok if your kid is still accessing TikTok and they're under 16?

**Ms Vandebroek:** I understand that there are complaint mechanisms available through the platforms. I'm not familiar with the specifics of them, but the usual avenue for people to complain is directly to the platform.

**Senator HANSON-YOUNG:** These are platforms who don't even respond to governments, don't respond to parliamentary inquiries, ignore subpoenas, and you think that a young person or a parent is going to be able to access, is going to know where to put their complaint and is going to have their complaint heard? I mean, what a joke.

**Mr Betts:** Well, the eSafety Commissioner operates within the framework which was established by the parliament through legislation.

**Senator HANSON-YOUNG:** Yes, but the eSafety Commissioner is not set up to take individual's complaints and to deal with them. There is no-one who can do that, so we're just sending people back to the platforms, who do not give two hoots. They don't care.

**Mr Betts:** I'm not sure there's much that the Public Service can do to respond to that. The legislation is on the statute book.

**Senator HANSON-YOUNG:** Chair, you can come back to me.

**Senator HENDERSON:** I just want to ask about the delivery of all of the recommendations of the Bean review. There have been previous commitments made. In a previous question on notice, we asked whether the minister or her office had made any representations about accelerating the implementation of the Bean review. Your response stated ACMA was issued with a ministerial direction on 21 August 2024 to implement all recommendations by 1 November 2025. Where is that at, please?

**Ms Chapple:** Of the 18 recommendations of the Bean review, all have been actioned bar three. One of the remaining three, recommendation 18, is in relation to a review of all legislation and regulation to do with the emergency call service. The custodian has that on foot now. That is something that we will be initiating over the coming months. And the remaining two, I believe—although I will defer to my colleague Mr Cairns—are for industry to implement. Do you have any details on that?

**Mr Cairns:** That's correct. Recommendations 14 and 15 are with industry to deliver temporary disaster roaming and a memorandum of understanding for mutual assistance arrangements. Those are in train and proceeding well and, hopefully, are quite close.

**Senator HENDERSON:** When you say 'temporary disaster roaming', surely, this is also a role for government.

**Mr Cairns:** At this stage, given the technical requirements of introducing TDR, we've been working with the network operators to work out the best way that it can be implemented in a safe way so that its functionality is one that actually does no harm.

**Senator HENDERSON:** Can we, on notice, receive the relevant correspondence in relation to those outstanding recommendations. There was a direction, as I mentioned, that would have been made to the former minister for communications, Ms Rowland. Could we get a copy of that ministerial direction issued by then minister Rowland.

**Mr Mackay:** Sorry, you mentioned one before. I just want to make sure we're getting the right one. That's in relation to implementation of the Bean review recommendations?

**Senator HENDERSON:** Yes.

**Mr Mackay:** We'll take that on notice.

**Senator HENDERSON:** In relation to the Bean recommendations, what direction or instructions have been issued since Minister Wells took over the portfolio in May 2025?

**Ms Chapple:** Directional instructions to—

**Senator HENDERSON:** In relation to the implementation of those outstanding Bean review recommendations.

**Ms Chapple:** I'm not sure I would characterise them as instructions. Certainly, the minister is incredibly interested and keen to see all of the recommendations progressed. It's something that we provide to her in status updates.

**Senator HENDERSON:** Well, Minister Rowland issued a ministerial direction. So my question is: has a ministerial direction been issued by Minister Wells—

**Ms Chapple:** Do you mean to the ACMA?

**Senator HENDERSON:** or to any other party in relation to those recommendations?

**Ms Chapple:** Not to my knowledge.

**Mr Cairns:** I know the minister did write to the telecommunications providers about those two outstanding recommendations, but that was not formal. I wouldn't characterise that as a formal direction.

**Senator HENDERSON:** Could we just get a copy of that correspondence as well, including any other correspondence or advice or briefs?

**Ms Chapple:** Sure.

**Mr Mackay:** We'll add that to the material we've already taken on notice in respect to the recommendations.

**Senator HENDERSON:** Yes, please.

**Mr Cairns:** Obviously, the centrepiece of the minister's action on Bean review recommendations has been the establishment by statute of the custodian, the resourcing of that and its full operationalisation now.

**Senator HENDERSON:** Has there been any response received from the telecommunications carriers to the minister's letter?

**Mr Cairns:** As I understand it, yes.

**Senator HENDERSON:** What was that response?

**Ms Chapple:** We can include those details as part of the answer to the questions on notice.

**Senator HENDERSON:** Do you have a timeline for the implementation of disaster roaming? This is a critical question, particularly for Australians living in disaster prone areas and in areas of high-bushfire risk. The need to have access to all the support they need in times of disaster is critical.

**Mr Betts:** Yes. It relies on interoperability between the different mobile network operators and, as has been explained, that's at an advanced stage. We understand the importance of it, and we will give you the information that you've requested on notice.

**Senator HENDERSON:** Can we also get a copy of the responses from the telecommunications companies as well?

**Ms Chapple:** Absolutely.

**Senator HENDERSON:** If it's possible, can you bring that to the table today?

**Mr Mackay:** We'll see what we can do in the time we have; otherwise, we'll add it to that bundle of material.

**Senator HENDERSON:** Thank you. I'm looking forward to receiving it before 9.30 on the morning of the next estimates.

**Ms Chapple:** We do have an answer to one of your questions about outage notification numbers which we can provide to you now.

**Senator HENDERSON:** Yes, please.

**Mr Cairns:** The department understands that, from 1 July 2025 to 31 January 2026, there were just under 2,000 outage notifications provided to the department. The number I've got here is 1,973.

**Ms Chapple:** We can give you a breakdown, We haven't got it now, but we can give you a breakdown per telco if you would like.

**Senator HENDERSON:** I just want to return to disaster roaming. There was an absolute commitment by the former minister that this would be implemented by 1 November. What's the reason for the delay?

**Mr Cairns:** In terms of the progress on temporary disaster roaming, I understand a first phase of testing was completed in December last year. The telco providers have been working through the data from that and are putting a paper together for government imminently on how that progressed. We are hoping that a second phase of real-world testing will take place very soon. I believe it'll be in February or the first quarter of calendar year 2026. That should provide additional useful insights into the rollout of TDR and how it can proceed so that's it's safe and can be rolled out before the next high-risk weather season, starting 1 October.

**Senator HENDERSON:** Where is the government up to with the trial of a text messaging service to contact triple zero? There was a discussion about a trial.

**Ms Chapple:** That's correct. Yes, it was a text relay to triple zero rather than text direct. Mr Fogarty and his team have been working through that procurement process. He can give you an update.

**Mr Fogarty:** In regard to the SMS relay pilot, we are working closely with a potential provider. That was undertaken through a tender process, and we are working towards a contract negotiation.

**Senator HENDERSON:** So that trial is not yet underway?

**Mr Fogarty:** It's not yet underway.

**Senator HENDERSON:** On notice, can we have all correspondence in relation to the establishment of that trial? When will that be underway?

**Mr Fogarty:** We're just about to commence contract negotiation with the potential provider. Then there's a little bit of time where they will need to be able to up-staff to cover and have enough capability to undertake the trial.

**Senator HENDERSON:** When is it feasible that this could be operating and available to all Australians?

**Mr Fogarty:** We're trying to get it up and running as soon as possible; however, we believe we should have a contract in place in the first half of this year.

**Senator HENDERSON:** Next month the Triple Zero Custodian division will have been established within the department for one year. Can the department table a detailed account of the custodian's activities since 30 October 2025, including how it's responded to recent triple zero issues? I'm happy for you to take that on notice.

**Mr Betts:** We have provided a submission to the committee on exactly that just in the last few days.

**Mr Mackay:** It was to the triple zero inquiry. I think that will cover the essence of that question.

**Ms Chapple:** We are also looking to publish a progress report for the first quarter of this year. I am very happy to provide that to you when that's published.

**Senator HENDERSON:** Well, we'd like the progress report now, if that's possible. I understand that there might—

**Mr Mackay:** It's still under preparation.

**Senator HENDERSON:** Could you, on notice, extract that data so we can have it tabled as soon as possible.

**CHAIR:** Is that the end of your questions on this outcome?

**Senator HENDERSON:** No—just on this block.

**CHAIR:** Okay. I'll move the call, then. Senator Hanson-Young.

**Senator HANSON-YOUNG:** I'm sorry if Senator Henderson asked this while I was out of the room. Was there any triple zero service impacted by yesterday's Optus outage?

**Mr Mackay:** It's a very recent event. I think one thing that we can say with confidence about the outage yesterday is that it did not affect triple zero. I think it's too soon to say with confidence what the nature of the outage is, but our information is that it did not affect the ability to call triple zero. The camp-on facility continued to operate.

**Senator HANSON-YOUNG:** And how quickly was the department made aware of the outage?

**Ms Chapple:** Incredibly quickly.

**Mr Fogarty:** Yes.

**Ms Chapple:** One of the pleasing aspects was that Optus called our on-duty-officer hotline, let them know immediately about the outage, provided the details and continued to update us as they were working through it.

**Senator HANSON-YOUNG:** So there was no missing email yesterday?

**Ms Chapple:** I don't believe so, no.

**Senator HANSON-YOUNG:** Good-o. Could I come back to the questions I was asking about duty of care and the duty of care bill. I'm keen to understand what work is being done between the Australian government and other jurisdictions. You've mentioned the UK, but what about Europe? We know they've got some of the strongest regulations in relation to online platforms.

**Mr Mackay:** I think, in Mr Hyles's earlier evidence, he did refer both to the UK and to the EU.

**Mr Hyles:** We're definitely looking at the EU model.

**Senator HANSON-YOUNG:** What type of engagement are you having with the EU?

**Mr Hyles:** It won't surprise you that, over a number of years, we've had engagements with officials from both the EU and the UK. It's more of an ongoing dialogue with them. As I said, we have regular engagements with the UK. We're probably talking at least every month with officials.

**Senator HANSON-YOUNG:** The UK legislation is much weaker than what we've got in the EU and, indeed, in specific EU jurisdictions. Would you agree with that?

**Mr Hyles:** We've definitely heard views from stakeholders that suggest that the EU model, as a broad based duty of care, is a stronger model. But we've also heard from stakeholders that there are advantages to the UK approach, because the regulator works quite closely with platforms to ensure that they are complying with their duties of care.

**Senator HANSON-YOUNG:** Do you mean co-regulation?

**Mr Hyles:** As I understand it, the regulators provide quite extensive guidance to industry about how they comply with their duties of care.

**Senator HANSON-YOUNG:** Okay. I've asked about algorithms and whether there's a desire to give people the option to opt out of algorithms. We haven't got a government position on that, but are you looking at how those rules could be implemented properly?

**Mr Hyles:** We're certainly looking, as I think Ms Vandebroek mentioned before, at a very broad range of things that came out of the Online Safety Act review. We're looking at how they could be implemented and embedded in a duty of care. We're looking at a range of different options and opportunities.

**Senator HANSON-YOUNG:** What about holding executives of these platforms responsible? We say Meta, we say Google, we say TikTok. But, unless somebody is actually held legally responsible, the behaviour of these corporations doesn't change.

**Mr Hyles:** That's, for example, one of the approaches that the UK have taken so that they have the power to hold executives to account for systemic and serious breaches of their duties of care.

**Senator HANSON-YOUNG:** Like criminal negligence?

**Mr Hyles:** Yes.

**Senator HANSON-YOUNG:** Is that something that you're considering?

**Mr Hyles:** We've certainly looked at it, but, in terms of the advice that we provide to government, that's obviously subject to cabinet confidentiality.

**Senator HANSON-YOUNG:** When the eSafety Commissioner tried to take Twitter to court, and you had Elon Musk parading around the world calling our officials a whole variety of expletives and names, it showed that, if you don't hold individuals to account, there's nothing that can be done. Is there work being done to make sure that there's some kind of legal footing in Australia so that there's some onshoring of these companies so that you can actually enforce these laws?

**Mr Hyles:** Obviously, penalties, compliance and enforcement are things that we are actively looking at. The review made recommendations around needing to ensure that there are very serious consequences for systemic and serious breaches of the duty of care, for example. We're actively considering it.

**Senator HANSON-YOUNG:** What about the promotion of hatred, misogyny, sexism? Can we hold these tycoons to account?

**Mr Hyles:** The nature of the duty of care would be going to those systemic ways that they develop and present their platforms and services, so we would be saying that—as I think Ms Vandebroek mentioned earlier—the expectation is that platforms would need to take proactive steps to ensure that their services are safe, and that would go to things like services perpetuating hate speech and that kind of stuff.

**Senator HANSON-YOUNG:** Who then ends up being responsible for making that happen? Is that an ACMA enforcement? Is that an eSafety enforcement?

**Mr Hyles:** eSafety.

**Senator HANSON-YOUNG:** So the eSafety Commissioner's remit is going to have to change?

**Mr Hyles:** Yes. There would obviously need to be fairly extensive legislative amendments to the Online Safety Act to implement a duty of care.

**Senator HANSON-YOUNG:** When are we going to see the full, published report of the online safety review? We still haven't had that published properly, have we?

**Ms Vandenbroek:** The review itself has been published—that was done last year—but the government response is still being worked through to look at, across all 67 recommendations, how they might be sequenced, and what the interactions are between the different recommendations. There's quite a lot of analysis required to understand the depth and breadth of all of the 67 recommendations.

**Senator HANSON-YOUNG:** What you're telling me, though, is that you're working on responses, but we haven't had a full, open, transparent government response?

**Ms Vandenbroek:** Not as yet, no.

**Senator HANSON-YOUNG:** Is that coming, or is it just going to keep being piecemealed away, the way this is?

**Mr Betts:** The government is committed to introducing a legislated duty of care, and we've undertaken consultation. Ms Vandenbroek described that in some detail earlier on.

**Senator HANSON-YOUNG:** But there are other recommendations than just that, Mr Betts.

**Mr Mackay:** You're right, and, as Ms Vandenbroek said, we are still working through the detail of a response to each of those recommendations, including how they interact with each other.

**Senator HANSON-YOUNG:** Okay. Could I ask about a totally different topic—the news media bargaining code and news incentive?

**Mr Betts:** We'll make the preliminary point that Treasury has to lead on policy for both of those line-ups.

**Senator HANSON-YOUNG:** You've had the levy out for consultation, and submissions have closed—I think that's right; that's what you told me earlier today. When do we expect a response?

**Ms Lopez:** As Mr Bett said, this work is being led by the Treasury. I don't think they have confirmed a time in terms of when those submissions will be considered and for next steps in that process.

**Mr Betts:** The next step is likely to be the release of an exposure draft of legislation, but there are government processes to be gone through before we get to that point.

**Senator HANSON-YOUNG:** When do the contracts with Meta, Google and various news agencies expire or run out?

**Ms Lopez:** Those are commercial deals that were entered into with those platforms. I don't think we've got visibility in terms of the timing on those.

**Senator HANSON-YOUNG:** I don't think that's true, Ms Lopez. Surely you do. We all know. It's March or April, and then these news companies are going to start laying off staff and firing journalists. That's why this is urgent. Are you telling me the department doesn't know the timeframes of these contracts?

**Mr Betts:** We're explaining the commercial confidentiality that surrounds those contracts. If you have further questions, direct them to Treasury.

**Senator HANSON-YOUNG:** So the communications minister is not aware of the impact of the expiring contracts and what they're going to mean for journalists in Australia?

**Mr Betts:** One of the comments that has been extensively made around the news media bargaining code relates to the confidentiality of the deals that are done between platforms and the news providers.

**Senator HANSON-YOUNG:** Yes, but it is also the minister's job to make sure that there is a viable news landscape in this country.

**Mr Betts:** Correct, and we can talk to you about the News Media Assistance Program, about the support for Associated Press and about the Journalism Assistance Fund, but lead responsibility for the News Bargaining Incentive—and indeed for the news media bargaining code—rests with the Assistant Treasurer.

**Senator HANSON-YOUNG:** Has the minister been briefed or have you, as the department, briefed the minister on how many journalists are going to get the sack this year unless something new is put in place?

**Ms Lopez:** We've been providing advice to the minister in terms of news and journalism across a range of issues.

**Senator HANSON-YOUNG:** Are you worried that hundreds of journalists are going to be laid off this year?

**Ms Lopez:** In December 2024, the government announced quite extensive funding in relation to news and journalism. This includes over \$99.1 million, which is being provided over three years from 2025-26. Mr Betts just mentioned the Journalism Assistance Fund. The first tranche of sector grants, which were worth \$67.6 million, opened for applications in November last year and closed in December, with payments commencing in December last year as well.

**Senator HANSON-YOUNG:** Can you give us a list of the payments that have been distributed and to which media agencies?

**Ms Lopez:** Those grants are published on GrantConnect.

**Senator HANSON-YOUNG:** Yes. Can you table a copy of that, please?

**Mr Mackay:** We'll take that on notice.

**Senator HANSON-YOUNG:** Has the minister sought any advice as to what the media landscape will look like if Meta and Google do not re-sign contracts with Australia's media agencies?

**Ms Lopez:** As Mr Betts said, in terms of next steps and the work that Treasury is doing in terms of news media bargaining and the incentive, that is a matter for the Treasury.

**Senator HANSON-YOUNG:** I understand that, but you—

**Mr Betts:** The incentive is intended to support Australia's news sector by incentivising large digital platforms to renew or enter into commercial deals with news organisations, as envisaged by the news media bargaining code, so that is precisely the intent of the incentive.

**Senator HANSON-YOUNG:** I understand that, Mr Betts. The problem is that the money's run out now.

**Mr Betts:** We've talked to you about the financial assistance that we're providing and we've talked to you about the process that Treasury is following to develop the incentive.

**Senator HANSON-YOUNG:** Under the incentive program, are there any companies that are receiving taxpayer money that don't pay tax in Australia?

**Mr Mackay:** Under which program?

**Senator HANSON-YOUNG:** Any of the grants programs that Ms Lopez has just referenced or any of the money that may come from the incentive scheme.

**Ms Lopez:** In terms of the grants that have been provided under News MAP, there's a range of eligibility criteria, which go to things like the production of core news. In terms of taxation arrangements, that's not something that the grants consider. The Journalism Assistance Fund, though, is designed to fund journalists. That's the intent of that program.

**Senator HANSON-YOUNG:** So it could be going to media companies that are not Australian owned or don't pay any Australian tax.

**Ms Lopez:** No. In terms of that clarification, it is only for Australian-owned news and journalism organisations.

**Mr Verdon:** The guidelines do state that excluded from these grant programs, including the Journalism Assistance Fund, is a foreign-controlled Australian entity. So they're excluded.

**Senator HANSON-YOUNG:** Can I ask about any further work that's being done on supporting the independent newswire AAP?

**Mr Verdon:** As part of the News Media Assistance Program, News MAP, which was announced in 2024, further funding of \$33 million has been committed to the Australian Associated Press. The first payment of \$7 million was provided to AAP in August 2025, and a second payment will be made in April this year on receipt of a report. Then the remaining \$22 million will be provided over the next two years.

**Senator HANSON-YOUNG:** Does the government have a position on whether having an independent newswire is important for the public good?

**Senator Green:** I think our commitment of \$33 million indicates our support for AAP.

**Senator HANSON-YOUNG:** Chair, depending on how many questions other people have, I could put the rest on notice, and we can move on to ACMA.

**CHAIR:** That would be fantastic. I would be very keen to do that. We've got a small block of questions from Senator Ananda-Rajah and then from Senators Smith and Henderson, so I'm hopeful we can do that as soon as we can. Senator Ananda-Rajah.

**Senator ANANDA-RAJAH:** You might have touched upon this. I just want to talk to you about the News Media Relief Program. Have we got the right people here?

**Ms Lopez:** Yes.

**Mr Verdon:** We do.

**Senator ANANDA-RAJAH:** Great. Can you just tell us a little bit about this program?

**Ms Lopez:** The News Media Relief Program provided urgent grants to regional, independent, suburban, multicultural and First Nations news publishers. It was announced in October 2024 and ran from 29 November 2024 to 31 March 2025. The News Media Relief Program provided \$12.22 million in grants to eligible regional, independent, suburban, multicultural and First Nations news publishers creating news content distributed online to assist with the costs of employing eligible journalists working on public interest journalism. That program supported 1,161 journalists across 147 newsrooms, including 98 regional, 21 suburban, three First Nations and 25 multicultural media organisations.

**Senator ANANDA-RAJAH:** So these are small, local publishers, by the sounds of it.

**Ms Lopez:** Yes.

**Senator ANANDA-RAJAH:** What do you think the impact of this program has been on local journalism?

**Mr Verdon:** As Ms Lopez noted, it has supported 1,161 journalists across 147 media organisations. Many of those, 25, were multicultural media outlets, and three were First Nations. Most of them are the local and regional ones, which do seem to be impacted by a number of financial pressures. So it has been a big impact, and that was \$12.2 million. That's why we've followed up with the Journalism Assistance Fund, which is providing \$67.6 million. There'll be a second grant opportunity, which we're currently drafting at the moment.

**Senator ANANDA-RAJAH:** What's the second grant? Is it of the same relief program?

**Mr Verdon:** It is part of the News Media Assistance Program. There was \$99.1 million in sector grants. There was \$67.6 for the Journalism Assistance Fund, which Ms Lopez has outlined. There's a second grant opportunity. We held a roundtable on 13 November with 26 experts, industry peak bodies and academics, and that was to inform the design of a second grant opportunity, which is going to be aimed at business innovation and definitely those local, suburban, regional news outlets.

**Senator ANANDA-RAJAH:** That sounds great. What measures is the government delivering to support our free-to-air broadcast sector? Could you elaborate?

**Ms Lopez:** In terms of—

**Senator ANANDA-RAJAH:** Anti-siphoning and access, the prominence arrangements—could you elaborate on those two areas?

**Ms Lopez:** In terms of the support that's being provided to free-to-air broadcasters, if they're producing core news, they're also eligible for Journalism Assistance Fund. They also received support in terms of television prominence. There's also currently a pause of the commercial broadcasting tax until June this year, as well as things like, as you pointed to, anti-siphoning, which operates to support events of national and cultural significance.

**Senator ANANDA-RAJAH:** Can you give us a sense of what the impact has been regarding changes to the anti-siphoning laws?

**Ms Lopez:** The reforms strengthen the anti-siphoning scheme by extending it to regulate online streaming services. Those changes affirm that free-to-air broadcasting provides a safety net for free access to nationally important and culturally significant events. The changes also support the likelihood that they will be broadcast on free-to-air television.

**Senator HENDERSON:** I want to go back to the Triple Zero Custodian. The legislation empowering the Triple Zero Custodian entrenches a series of retroactive functions for the custodian with minimal proactive powers. Can the department detail the proactive actions taken by the custodian in the period since 30 October 2025?

**Mr Betts:** I thought we'd taken on notice to provide you with a full report on that, but we'll run through the headlines.

**Mr Mackay:** I think that really will be covered by the progress report we talked about.

**Senator HENDERSON:** That's fair enough. I'm happy with that. I also want to ask about the out-of-hours roster. I did ask with a little bit of scepticism about the 24/7 capability of the Triple Zero Custodian. You provided evidence that you had 24/7 capability. We were concerned about the nature of the roster. Have you updated your out-of-hours capability since December 2025?

**Ms Chapple:** I wouldn't say we've updated it. We've perhaps clarified it and—

**Mr Betts:** Streamlined.

**Ms Chapple:** Yes—streamlined it.

**Senator HENDERSON:** I'm just worried about you not getting enough sleep, Ms Chapple, if you're lying in bed every night with your phone waiting for an alert.

**Ms Chapple:** Thank you.

**Senator HENDERSON:** On that 24/7 capability, I'd like to give you the opportunity to give us some more clarity in relation to that.

**Ms Chapple:** I know it will reassure you to hear that it is not just me with my phone. The roster does two things. It rosters on staff from the custodian during business hours, and that happens on a daily basis: we have a different staff member monitoring the inbox and taking the calls. And then, after hours, we have a separate roster where staff are rostered on a week at a time. They have a phone that has a single number where telcos can call us at any time to let us know of an incident. That was used in the most recent iPhone situation.

**Senator HENDERSON:** Does that phone sit at night by the bed of the person who's on the roster?

**Ms Chapple:** Yes, they take it with them 24/7.

**Senator HENDERSON:** Are people paid an additional—

**Ms Chapple:** Yes, they can access an on-call allowance. Those terms are stipulated in the department's enterprise agreement.

**Mr Fogarty:** It's currently around \$640 per week.

**Senator HENDERSON:** Extra?

**Mr Fogarty:** For being on call.

**Mr Betts:** We have on-call allowances in the aviation sector, for instance.

**Mr Mackay:** For curfew requests at airports, for example.

**Senator HENDERSON:** What happens if someone's having a very good sleep and they don't wake up when the phone rings?

**Ms Chapple:** The telcos don't just have that single point of contact; they also have an escalation point to me and to other senior executives within the custodian. There's not just one point of failure, if you like. There are multiple ways they can contact. Primarily, to streamline it and make sure it's as simple as possible, there's one number to call, and that should be the duty roster phone.

**Senator HENDERSON:** That's a nice handy bonus, \$646 extra a week to be on the roster—

**Mr Fogarty:** It's \$641.

**Mr Mackay:** I wouldn't characterise it as a bonus. It's an allowance for being on call out of hours.

**Ms Chapple:** There are requirements with that, you know.

**Senator Green:** 24/7.

**Senator HENDERSON:** No, it's not 24/7.

**Mr Betts:** The coverage is 24/7.

**Senator HENDERSON:** It's overnight. It's an overnight roster.

**Mr Mackay:** The allowance is for overnight.

**Senator HENDERSON:** Yes, people should be paid. I'm just interested in the amount of money. Has there been any use of that 24/7 roster out of hours?

**Mr Mackay:** Yes, I think Ms Chapple just mentioned that in relation to the most recent outage that we were discussing earlier on.

**Senator HENDERSON:** I know Senator Smith's got some questions. We've got lots of other questions which we will need to put on notice because of the time, but I just wanted to hand over to Senator Smith.

**CHAIR:** Thank you, Senator Henderson. I appreciate that.

**Senator DEAN SMITH:** At the last election, \$1.2 million was allocated for a resilience upgrade of 23 mobile base stations across the Perth Hills area—everywhere from Muchea, in the north, to Wundowie, in the east, down past Byford, in the south. That \$1.2 million is to be used to build capacity to provide at least 20 hours of redundancy, I think, as well as install automatic transfer switches. I'm just keen to understand what the progress is on delivering that \$1.2 million in an area which is very, very prone to bushfires, particularly at this time of the—

**Senator Green:** Do you want to table that map, Senator Smith, or are you just holding it up for social media clips?

**Senator DEAN SMITH:** I can table it. But that's a very good idea. I might use it for social media as well.

**Senator Green:** You can't use props in the Senate, but you can table it, if you like.

**Senator DEAN SMITH:** Would you like to be in the social media clip?

**Senator Green:** If you stop using the prop, that would be great.

**Senator DEAN SMITH:** I'll direct a question to you just to give you a special appearance! We are at the communications estimates, so we may as well use the opportunity for a bit of social media broadcasting.

**CHAIR:** I stepped away from the chair for a moment. As I've said numerous times in this committee, let's keep it questions and answers, as much as we may enjoy alternative formats.

**Senator DEAN SMITH:** And star appearances!

**Senator Green:** I'd love to appear on your social media, Senator Smith!

**Senator DEAN SMITH:** I'm not sure what reaction you'll get!

**Senator Green:** I'm sure your followers are very kind.

**Senator DEAN SMITH:** I'll do my best.

**Mr Grunhard:** You asked for an update on how this one's going. As we discussed last time, we developed draft guidelines for how this grant program will run. We issued those for public consultation on 23 December, and that closed on 30 January. We received consult responses from a range of mobile network operators, mobile network infrastructure providers, state and local governments and other interested parties.

We're just going through those submissions now to see what kind of response we've received to the proposals in the draft guidelines that were made public. Our intention is to finalise those guidelines very shortly, seek the appropriate approvals and open for applications for the grant program in the second quarter of this year.

**Senator DEAN SMITH:** Second quarter of this year is when you'll open applications for the actual grant itself?

**Mr Grunhard:** That's right.

**Senator DEAN SMITH:** Can you read out for me the list of those that made submissions?

**Mr Grunhard:** Yes, I'm happy to. We will, as per our usual practice, go through the submissions and publish all that we can. We do ask submitters to identify whether their submission might be confidential, for example. But we will be publishing those submissions that we can. But, as I say, they came from mobile network operators; what we call MNIPs, the network infrastructure providers; as well as a couple of the local councils; the local government; and some other interested parties. We'll publish whatever information we can about those shortly.

**Senator DEAN SMITH:** When do you expect the resilient upgrade to be operational?

**Mr Grunhard:** With this sort of upgrade, they are typically quite quick to roll out because what they're doing is upgrading the—

**Senator DEAN SMITH:** They are or they aren't?

**Mr Grunhard:** They are because they are upgrading the equipment that's on an existing tower. We're not talking about building new towers. We're upgrading a site that has already been built. There's already a site established. There are already approvals in place. They are typically quite quick to roll out. Ms Pidgeon might be able to help me with some more detail about the speed at which these normally roll out.

**Ms Pidgeon:** Because it is contained to a smaller geographic area, we expect that the assessment process will be a lot faster than a normal round of the mobile network hardening program. Once that is complete, we provide a briefing to a minister, take decisions, contract the grantees for those commitments, and then there's a delivery process. As Mr Grunhard said, these are updates to battery power and the installation of automatic transmission units or systems, depending on the terminology for the type of proprietary technology owned by the telcos.

They are a narrower set. It will depend in part on how many applicants we have as to how many sites are approved—the commitment is up to 23 sites—and on how much funding, given that the technologies can cost

different amounts of money. For a normal round of mobile network hardening, we provide two years from contracting. So I think we will be working with our grantees to see how fast they can deliver these, given these are a much narrower set of commitments.

**Senator DEAN SMITH:** Did you say two years from the contracting?

**Ms Pidgeon:** That's for a normal round of the mobile network hardening. For round 2, there were 303 sites. I think round 3 was 386 sites. Usually for grantees, there is a two-year period to deliver those sites. This is only up to 23 sites, so we'll be working with the grantees to determine whether or not they can be delivered faster.

**Senator DEAN SMITH:** When is it your expectation that they'll be delivered and operational? Surely, you must be working to some sort of indicative timeframe.

**Mr Grunhard:** We'll need to take soundings from the telcos or the MNIPs when they submit their grant proposals to us. That's something we'll consider as part of the contracting process.

**Senator DEAN SMITH:** There's no timeframe for implementation and operational—there's not an operational date at the moment.

**Mr Grunhard:** We'll take advice from the grantees, but we'd expect them to be rolled out, as Ms Pidgeon said, reasonably quickly.

**Senator DEAN SMITH:** But there can't be an open-ended timeframe to this.

**Ms Pidgeon:** No. When we publish grant guidelines, we are required to put the financial profile of the funding for a commitment in those guidelines. So they will be published in the final set of guidelines when they are released, as Mr Grunhard said, which is expected in quarter 2.

**Senator DEAN SMITH:** The second quarter of this year is almost a year after the commitment was given. That's a 12-month implementation timeframe thus far. Can residents across the Perth Hills area expect to have this resilience upgrade in place by next summer? That's 2026-27.

**Mr Grunhard:** We're happy to update our public information when we have clarity from the grantees, or the potential grantees, about what that will look like.

**Senator DEAN SMITH:** Is there any sense of urgency being applied to this particular program or upgrade?

**Mr Grunhard:** As we've outlined, we're progressing through the public consultation to final approvals as quickly as we can.

**Senator DEAN SMITH:** In the normal way—

**Mr Grunhard:** As quickly as we can.

**Senator DEAN SMITH:** without any urgency.

**Mr Grunhard:** As quickly as we can.

**Mr Mackay:** Ms Pidgeon did say earlier that, because it is a smaller round, we'd be working with the grantees to identify whether it's possible for it to be done faster than usual.

**Senator DEAN SMITH:** It's up to 23.

**Mr Grunhard:** Up to 23 sites—that's the commitment.

**Senator DEAN SMITH:** I thought it was 23 sites.

**Mr Grunhard:** The commitment was up to 23 sites.

**Senator DEAN SMITH:** Does \$1.2 million get you 23 sites?

**Mr Grunhard:** That will depend on the cost of the solution that people propose to us. That's why it's framed as up to 23. There's \$1.2 million available. It will depend to some degree on the cost of solutions that are submitted to us.

**Senator DEAN SMITH:** Will \$1.2 million be spent on the resilience upgrade?

**Ms Pidgeon:** It would depend on the nature of the applications we receive. There are three different types of proposals that—

**Senator DEAN SMITH:** So it could be less.

**Ms Pidgeon:** It will depend on the number of the applications we receive and the type of upgrade that they are proposing: a site that requires both a battery and an automatic transfer system, a site that has an ATS but requires battery or a site that has a battery but requires an ATS. The cost of the solutions will differ depending on what applications are put forward by the applicants.

**Senator DEAN SMITH:** How did the department come to the 23-site limit?

**Ms Pidgeon:** That's the commitment itself.

**Mr Grunhard:** That's the election commitment.

**Senator DEAN SMITH:** Some people might be expecting sites known to them or adjacent to them to be eligible and to be upgraded, but that's actually not correct—their understanding is not correct.

**Mr Grunhard:** The commitment was up to 23 sites for \$1.2 million. There was no commitment that specific towers would be specifically upgraded. It will depend on the applications that come to us. We'll assess them for value for money and against the eligibility, as we normally would.

**Senator DEAN SMITH:** Have any concerns been raised with the department about the speed of the implementation of this commitment?

**Mr Grunhard:** I'm not aware of any.

**Senator DEAN SMITH:** Have any concerns been raised with the department about the speed of the delivery of this commitment?

**Senator Green:** We can take it on notice.

**Mr Mackay:** Mr Grunhard has said he's not aware of any. We can take it on notice.

**Mr Grunhard:** We'll check it.

**Senator DEAN SMITH:** In a question on notice from questions I raised at the last estimates—this is question on notice SQ25002526—I asked: has the local federal member of parliament, who I think is Ms Cook, the member for Bullwinkel, made any representations to the government about the speed at which this election commitment is being progressed? And your answer was yes.

**Mr Grunhard:** I'm just looking at the QON now.

**Senator DEAN SMITH:** Have you got the letter from Ms Cook?

**Mr Grunhard:** I don't have that before me.

**Senator DEAN SMITH:** Does someone have the letter from Ms Cook?

**Mr Grunhard:** Ms Cook contacted the minister's office, rather than the department.

**Senator DEAN SMITH:** In writing?

**Mr Grunhard:** I believe so, but I'll check that for you.

**Senator DEAN SMITH:** Senator Green, this is your auditioning moment. Will you make Ms Cook's letter available to the committee? I think that might shed some light on whether or not representations have, in fact, been made about the speed of the rollout of this commitment.

**Senator Green:** We'll take it on notice—the letter.

**Senator DEAN SMITH:** So there is a letter.

**Senator Green:** We'll take on notice whether there's correspondence and we'll get it to you. But I think we've answered, in that QON, that there was a representation made.

**Senator DEAN SMITH:** The question was: has the local federal member of parliament, Ms Cook, made any representations to the government about the speed at which this election commitment is being progressed? The answer was yes. I doubt very much—

**Senator Green:** The answer is yes.

**Senator DEAN SMITH:** that members of parliament write to the government thanking them, congratulating them, on quickness, expeditiousness. So I suspect—correct me if I'm wrong—that the member for Bullwinkel is complaining about the government's tardiness in implementing this election commitment.

**Mr Betts:** We've taken that on notice, and you'll find out.

**Senator Green:** We've taken it on notice. You say complaining; we say advocating on behalf of her community.

**Senator DEAN SMITH:** About the slowness of the rollout of this \$1.2 million commitment—

**Senator Green:** I think you're using a few of your own words.

**Senator DEAN SMITH:** which is not going to 23 base stations but to up to 23 base stations. We look forward to the letter from Ms Cook.

**Senator Green:** We note your interest in it as well and we look forward to getting you as much information as possible.

**Senator DEAN SMITH:** If she's watching, she can flick a copy to me by email as we speak.

**Mr Mackay:** I think Mr Grunhard was clear earlier on that 'up to 23' is the text of the original commitment. There's no change to that.

**Senator DEAN SMITH:** No. That's right—except that I think people are thinking it is 23.

**Mr Betts:** Well, that's what we've just clarified.

**Senator DEAN SMITH:** That's right.

**Ms Pidgeon:** As I said before, it will depend on the applications we receive because there are different types of upgrades that can be done to achieve the outcome.

**Senator DEAN SMITH:** I understand that. I think that the expectation across the Perth Hills is for 23.

**Mr Grunhard:** I'm looking at the media release from that time, during the election, and it does indeed say 'up to 23'.

**Senator DEAN SMITH:** Yes, that's right. I'm thinking that many people are thinking that it is 23. I'm not disputing what the media release says. I'm just letting you know what I think the community expectation is in the Perth Hills.

**Mr Mackay:** Understood.

**Senator DEAN SMITH:** Congratulations on your appearance, Senator Green.

**Senator Green:** I can't wait. I'm sure your followers are very kind.

**Senator DEAN SMITH:** I'll boost it.

**Senator Green:** Wonderful. In Queensland, or just in WA?

**Senator DEAN SMITH:** In the Perth Hills.

**Senator Green:** In Perth Hills. The good people of Perth Hills will—

**CHAIR:** At this stage, we're in a position to release the officials for outcome 5 and program 5.1.

#### **Proceedings suspended from 12:38 to 13:32**

#### **Australian Communications and Media Authority**

**CHAIR:** We now welcome officers from the Australian Communications and Media Authority. Thank you for being here. Do you wish to make an opening statement?

**Ms O'Loughlin:** There is no opening statement. I'm happy to take questions.

**CHAIR:** Thank you very much. I'll go to Senator Pocock.

**Senator DAVID POCOCK:** I might start with the chair. Thank you for your time this afternoon. It was reported on the ABC on 31 December 2025 that Sportsbet had pressured ACMA into 'watering down an enforcement announcement'. As I understand it, this relates to the case where Sportsbet continued to text and email tens of thousands of customers even when they'd opted out of marketing—they'd unsubscribed from Sportsbet—and the ACMA hit them with a fine. As I understand it from the article, these were quotes from the media release:

It is highly likely that some of these people are vulnerable to gambling-related problems and were trying to address the issue by unsubscribing from Sportsbet's promotions ...

And:

It is a significant decision for individuals to choose to cease gambling and Sportsbet's failures in this matter had the real potential to cause financial and emotional harm to these people and their families.

This drew a sharp response from Sportsbet, which emailed ACMA to say that the first quote should be 'tempered/changed, as the force, breadth or basis for the statement is questionable'. Then they apparently made a similar claim about the second quote. After this intervention, your quotes changed to say that ACMA had received complaints from people experiencing gambling related problems and the company's failures had the 'real potential to contribute to financial and emotional harm'. Chair, did Sportsbet get you to change your actual quotes in a media release?

**Ms O'Loughlin:** Thanks, Senator. My notes say that we didn't change—well, certainly, nothing that we spoke to Sportsbet about changed the outcome of the investigation and the enforcement action that we took. There was no change to that.

**Senator DAVID POCOCK:** I'm not alleging that at all.

**Ms O'Loughlin:** No. I will pass to my colleagues, but my understanding is there was some discussion on the factual nature of the press release, rather than the tone of it, and there were some small changes made. We do, from time to time, provide media releases in advance to the companies that we're dealing with, to make sure that we have our facts accurate. Sometimes it gets down to matters like company names—there may be a number of company names that we're dealing with—but that doesn't mean that we negotiate outcomes of our enforcement action and of those things. I'll pass to my colleagues for the specifics.

**Senator DAVID POCOCK:** Can I maybe ask a follow-up here. My question goes very specifically to after the enforcement action. It's all been done, there's been procedural fairness, you've decided on the fine. You're now putting out a media release. What is alleged—and I'd like you to say whether this is true or not—is that you sent your media release to Sportsbet, they came back and said, 'We don't really like your direct quotes from the chair,' and, after that feedback, you actually watered down your quotes in a media release. Is that true?

**Ms O'Loughlin:** I will pass to my colleagues for the detail.

**Senator DAVID POCOCK:** You surely must know.

**Ms O'Loughlin:** I will ask my colleagues to address—

**Senator DAVID POCOCK:** Sorry, I'm asking the Chair of ACMA. You don't know if your quotes were—

**Ms O'Loughlin:** And I'm referring you to my colleagues who've got the detail of that.

**Mr Fenton:** Sportsbet did provide comment on a draft media release. It made several claims around what it said were factual inaccuracies in the media release—specifically, that the ACMA's media release was drawing a direct line between harms to consumers resulting from the investigation. The ACMA's investigation concerned whether commercial electronic messages were sent without an 'unsubscribe' and didn't establish, as part of that investigation, that specific harms had occurred to individuals. As a consequence, that quote was changed slightly to step back from the direct statement to a more general statement.

**Senator DAVID POCOCK:** Okay. Was the press release you sent them checked by legal and your team beforehand or not?

**Mr Fenton:** It would have gone through standard clearance processes within the ACMA, yes.

**Senator DAVID POCOCK:** So ACMA has fined Sportsbet and put out a media release. ACMA and your legal team think, 'This is a fair representation of what we think and what the chair thinks.' Sportsbet, who you're meant to be regulating, then say, 'Well, actually, we dispute that,' and then you change the chair's direct quotes. And, Chair, I take exception to you palming this off. These are your direct quotes in a media release.

**Ms O'Loughlin:** I was passing to my colleague who knows the details. We want to get media releases accurate. I don't believe it would have gone through legal; it would have been through the normal clearance process. We felt that, in that circumstance, where we were putting forward a view that there was a direct correlation, we could change, appropriately, that media release to be accurate on that point. That did not in any way impact the enforcement action we were taking against the company.

**Senator DAVID POCOCK:** Please confirm, maybe on notice, if it went through legal. So, Chair, you agree with Sportsbet's claim that saying:

It is highly likely that some of these people—

the victims—

are vulnerable to gambling-related problems and were trying to address the issue by unsubscribing ...

was factually incorrect?

**Ms O'Loughlin:** I'm not quite sure that was the particular quote.

**Mr Fenton:** No. I will confirm that I do not believe that media release went through our legal services. Sportsbet's feedback in relation to factual accuracy was that a specific statement was being made that attributed harm to its noncompliance.

**Senator DAVID POCOCK:** No, Mr Fenton. I'm reading directly from FOI documents that the ABC received, so I do not accept that you can come in here and try and rewrite history. I am so concerned that the regulator of this predatory industry, after slapping them with a fine—a pretty small fine, it seems to me—then say, 'Hey, this is our media release; what are your thoughts?' And then you change the chair's quotes. Chair, do you regret this? Do you think this is a good look?

**Ms O'Loughlin:** I think it is something we have reflected on over the last many months. As I said at the outset, what we have attempted to achieve in sharing media releases in advance of their release has been to make

sure that they are accurate. We understand that sometimes that may be interpreted differently, and it may be that the reason why we changed it is a little more opaque.

So what we have done internally is that I've instigated a review to look at the way we approach our media releases and stepped back from those processes. We found that we had quite inconsistent processes across the organisation. There were some areas where we were providing media releases well in advance; there were some areas where we weren't. So we've taken on board the criticism that has been put to us by this committee and we will amend those processes, and in future we will not be consulting on media releases before they go public. I accept the criticism from the committee, and we will change our processes accordingly.

**Senator DAVID POCOCK:** Given you did change your media release, going to the FOI document, can you point out what was factually incorrect that you changed?

**Ms O'Loughlin:** I don't believe I have the FOI documentation in front of me. I'm very happy to take that on notice.

**Senator DAVID POCOCK:** I'm happy to read it for you again.

**Ms O'Loughlin:** I think it would be useful for us to be able to go through the document and reflect on it and take it on notice and provide you with something on notice, and we're very happy to do that.

**Senator DAVID POCOCK:** Former Supreme Court judge Anthony Whealy has said:

The reason Sportsbet didn't want those sentences in there was because it magnified the harm of what they had done, but it magnified the harm correctly.

Do you agree that this—

**Ms O'Loughlin:** I'd have to go back and read those comments, but I think what—

**Senator DAVID POCOCK:** I'm reading directly his comments. There's no need to read them again.

**Ms O'Loughlin:** What my colleague pointed out was that Sportsbet were indicating that it wasn't an accurate reflection of the harm, which is what we chose to reflect in the changes. We recognise there has been criticism of that approach, and we're happy to take that criticism on board.

Under some parts of our act, we do have the requirement to consult with affected entities. If either the publication of investigation reports or, indeed, media releases associated with those would have an impact on the company, we are required under section 180 of the Broadcasting Services Act to consult with people on those. That's the approach that we were taking. We recognise, though, that we've been criticised for those approaches, and we will adjust our processes accordingly. The risk there is that we may get something wrong, but we're prepared to take that risk.

**CHAIR:** Senator Pocock, I need to move the call. Do you have one final question?

**Senator DAVID POCOCK:** Sure. I assume you have a legal team at the ACMA?

**Ms O'Loughlin:** We do. But most of the time, in terms of media releases, they're actually developed by the line area rather than Legal. Sometimes, in finalising investigation reports—as I said earlier, some of this comes down to company names and entities more than the flavour of quotes. But we do have a strong legal team. We don't usually necessarily pass our media releases through that team, but we're happy to consider that if that's necessary. Most of the detail of the investigations actually resides in the line areas who are doing it. But we take your criticism on board, Senator.

**Senator DAVID POCOCK:** I'm going to pass the call. Could someone on your team just check if Legal looked at that release?

**Ms O'Loughlin:** Certainly, we will.

**Senator DAVID POCOCK:** Maybe they could come back to us as soon as possible. I'm sure we'll be here for a while.

**CHAIR:** Hopefully not for too long, Senator Pocock, but we'll see. Senator Hanson-Young.

**Senator HANSON-YOUNG:** Ms O'Loughlin, you've just released the new commercial radio and audio code of practice; is that correct?

**Ms O'Loughlin:** That's correct. It was registered today.

**Senator HANSON-YOUNG:** Is it this document I'm holding?

**Ms O'Loughlin:** I believe so, yes.

**Senator HANSON-YOUNG:** 'Commercial Radio Code of Practice, effective 1 July 2026'.

**Ms O'Loughlin:** Yes, that's correct.

**Senator HANSON-YOUNG:** Could I take you to page 4 of the code. I assume you must have a copy with you, seeing as this has been released today and you are fronting Senate estimates today. You must have expected questions about this.

**Ms O'Loughlin:** I don't, but we're very well across the code, so we're happy to take your questions.

**Senator HANSON-YOUNG:** I'm interested in Chapter 2: material not suitable for broadcast. Section 2.6 says:

During the periods between 8:00am and 9:00am and between 3:00pm and 4:00pm, on school days in the Licensee's licence area, a Licensee must exercise special care when broadcasting Programs by giving due consideration to the fact that children may be listening to the relevant Program.

Is that about Kyle and Jackie O?

**Ms O'Loughlin:** That was a new provision that CRA volunteered to put in the code after we had raised this. As you know, we have been talking to the broadcasting sector on codes for quite some time. We released our *What audiences want* report some time ago. We've been in discussions with CRA over a considerable length of time. Something the authority and our team were concerned about generally was the concerns of when people are in the car with their children, first thing in the morning and later in the afternoon. It certainly has been raised in investigations, including *Kyle & Jackie O*, but it was a broader consideration by the industry, who volunteered to put that in their code. I will ask my colleague Ms Field if she wanted to add anything to that.

**Ms Field:** As the chair said, this provision was put forward by CRA through the course of our consultations with them and in response to community concerns that had been raised around a range of programs, including the *Kyle & Jackie O* program.

**Senator HANSON-YOUNG:** What does 2.6 actually mean? What does it stop from happening?

**Ms O'Loughlin:** I think what it does is it specifically asks stations to turn their minds to the fact that at those particular hours of the day there may be children who are travelling with their parents in cars. It asks them to turn their minds to those facts in their programming during those times. It is what it says: it's that they must take special care in the broadcast of material during those times.

**Ms Fraser:** The special care provision builds on the existing decency provisions. Nothing changes, in terms of how that provision operates. I guess what we're expecting with that provision is that something extra is considered by broadcasters—that, like the chair was saying, extra consideration is given to the kind of content that's broadcast during those hours and whether additional steps might need to be taken, such as warnings before certain segments are aired. So, yes, we're looking for something extra. It doesn't change the existing obligation around decency.

**Senator HANSON-YOUNG:** Kyle and Jackie O have breached the decency provisions as they are, haven't they?

**Ms O'Loughlin:** That's correct.

**Senator HANSON-YOUNG:** So the decency provisions weren't able to stop their vulgar, disgusting, misogynistic, sexist rubbish, but you think this new care provision will?

**Ms O'Loughlin:** As Ms Fraser said, the existing decency provisions stand, and they are the matters on which, multiple times, we have found the *Kyle & Jackie O* program in breach. That is a separate process that we're going through at the moment. As you know, we've issued a notice of intention to place a licence condition on the licensees, and that's the pathway that those investigation briefs are going through.

**Senator HANSON-YOUNG:** But this is in addition?

**Ms O'Loughlin:** The special care is in addition. It's a new addition to the code on top of the decency provisions. But that will come into effect when the new code comes into effect on 1 July this year.

**Senator HANSON-YOUNG:** On the licence conditions that will be placed on the *Kyle and Jackie O Show* or the licensee, which is the radio station itself—what are those conditions? What will they be?

**Ms O'Loughlin:** Our notice of intention indicates that there are a couple of different limbs of the licence condition. For a period of five years, from the date that this condition comes into effect with respect to the program, they will comply with clause 2.2 of the CRA code or any equivalent provision in any replacement code. That's condition 1. On condition 2, without limiting paragraph 1, they must ensure the program does not broadcast content which is highly offensive to an ordinary reasonable listener or which contains strong and explicit sexual references. Condition 3 is about commissioning an independent audit of their governance frameworks and implementing those. That was the proposed licence condition that we issued in our notice of intention. At this

stage, the licensees are allowed under the law to make representations to us on those licence conditions. They're under active consideration at the moment, and we expect to settle the matter in the coming weeks.

**Senator HANSON-YOUNG:** The first part of those conditions are simply saying that they must abide by the existing code.

**Ms O'Loughlin:** That's right. Under the Broadcasting Services Act, that's one of the provisions where you can—I'll put it colloquially—lift a provision out of a code into a licence condition, which means that it's the same provision but the consequences are quite different. Obviously, with a code, we can't do much. With a licence condition, it lifts that bar significantly. So it may be the same provision, and we have 'breached' the licensees on that provision a number of times, but it lifts the consequences of it.

**Senator HANSON-YOUNG:** So what will be the consequence of *Kyle and Jackie O* breaching that condition?

**Ms O'Loughlin:** I will ask my colleagues to refresh my memory.

**Ms Fraser:** That would be remedial directions and suspension or cancellation of licences for breach of an additional licence condition.

**Senator HANSON-YOUNG:** When was the last time that happened?

**Ms O'Loughlin:** I don't think we have breached on a licence condition.

**Ms Fraser:** Not on an additional licence condition.

**Ms O'Loughlin:** The then authority introduced a licence condition breach on the former licensees for *Kyle and Jackie O* when they were at a different station. But we did not need to proceed any further with that, because Mr Sandilands and Ms Henderson moved from that licensee to another licensee.

**Senator HANSON-YOUNG:** This sounds like predators in the church being moved around and not being held to account.

**Ms O'Loughlin:** I expect that's a question for the new licensees, as to why they picked up the program.

**Senator HANSON-YOUNG:** What else is new in this code of practice?

**Ms O'Loughlin:** The other part that's new is that the radio industry has introduced transparency provisions about the use of artificial intelligence. There was a particular program where it wasn't clear to listeners that the whole program was actually an AI bot. I'll ask my colleagues to talk about that. But that was something that CRA also thought was timely, given they may use AI, particularly for something like a music program, and important for their audiences to know—that they were using artificial intelligence. Ms Fraser, did you want to add to that?

**Ms Fraser:** Under the new code, with this new transparency provision, radio stations must tell listeners when a synthetic voice generated by AI is being used to host a regular program or news bulletin. A 'regular program' means something that's broadcast on a repeating schedule at least once a month. Stations can disclose this on air, in a later episode or on their website, social media or any other suitable platform. It's the first time in a broadcasting code that we've had a provision considering AI transparency.

**CHAIR:** Senator Hanson-Young, you have got a minute left.

**Senator HANSON-YOUNG:** I'm interested as to why in the updated code you haven't taken the opportunity to strengthen protection rules around Australian music.

**Ms O'Loughlin:** We had extensive discussions with the industry about the Australian music provisions. There were proposals that were put to us that we considered sat outside the Australia-US Free Trade Agreement, so they were not things that we felt we could pursue. They would be matters for the government. So we didn't pursue those. What we did focus on was some of the concerns put to us by the radio industry about how stations are categorising their programs and the relationship between how they categorise their programs and what level of Australian content is required. The music industry were very concerned that people were mischaracterising their programs and delivering a lesser amount of Australian content. So we have committed and CRA have committed to produce better guidance in that area. Also we have committed to looking very carefully at how stations are categorising to make sure they are delivering on the commitments that they should be delivering on Australian content.

**Senator HANSON-YOUNG:** How will we know that?

**Ms O'Loughlin:** That's a matter that we'll be working with CRA and the music industry on over the coming months.

**Senator HANSON-YOUNG:** About how that will be monitored and regularly audited?

**Ms O'Loughlin:** Yes.

**CHAIR:** I need to rotate the call.

**Senator HANSON-YOUNG:** I've nearly finished this line of questioning. Who in the music industry will you be working with?

**Ms O'Loughlin:** At this stage most of the representations to us have come from ARIA.

**Senator HANSON-YOUNG:** Okay. Thanks, Chair.

**CHAIR:** Senator Hume.

**Senator HUME:** I want to ask some questions about ACMA's interpretation around the antisiphoning laws and specifically how they apply to the winter Olympics telecasts that we're seeing right now. Just to put this into context, I have some old family friends whose daughter is skiing in the cross-country team—go Maddie Hooker! It's very exciting. Her first race of the winter Olympics was on Saturday just gone, and the race was at 11 pm. So I sat up well past my bedtime to watch Maddie in her first race. They'd advertised throughout the evening that the women's skiathlon was going to be at 11 o'clock. Come 11 o'clock, they said, 'If you want to keep watching the skiathlon, you can turn to Stan Sport.' I thought: 'Oh, that's a bit of a bugger. Oh well, the good news is I've got Stan.' So I go over to Stan, but it's not Stan but Stan Sport that I need to have. So there's this whole bunch of fiddling to try and pay an extra \$20 to start subscribing to a system that I would never otherwise use simply to watch one of only four events, I think, that day where Australians were participating. This was incredibly frustrating. I want to understand whether, from your perspective, the intent of the government's antisiphoning laws is to ensure that significant events are broadcast on free-to-air TV and whether the minister's antisiphoning instrument outlines that the Olympics—that's summer and winter—are declared significant events.

**Ms Fraser:** Yes, the winter Olympics are on the antisiphoning list. So it's a designated event. But the way that the rules operate is to ensure that the free-to-air broadcaster purchases the rights. In having the rights, there are no obligations in relation to broadcasting that content. It can air content on its streaming services. So that's within the rules. We have received some inquiries about the winter Olympics along those lines, but content that has been purchased by Nine and aired on Stan through their arrangements is within the rules.

**Senator HUME:** Nine purchased the broadcast rights to both the summer and the winter Olympics, and they purchased them for a period of 10 years. That's my understanding. That includes the winter Olympics all the way through to the 2032 Olympic Games in Brisbane, which are going to be very important. This idea that you can choose or even, dare I say, mislead as to what is going to be shown on free-to-air and what is going to be shown on a subscription TV service is incredibly frustrating. Nine said that it promotes full replays, all live content, access-all content and every event content in certain sports categories, and then it says 'exclusively on Stan Sport'.

**Senator HANSON-YOUNG:** You should have backed our amendments, Jane. We were trying to fix this.

**Senator HUME:** Do you think that this constitutes a contravention at all of the intention of those antisiphoning laws—pushing Australians onto a paid subscription to watch content in full or live, as Channel 9 has committed to and continues to commit to?

**Ms O'Loughlin:** I think we can only comment on whether it's compliant with the existing law.

**Senator HUME:** What about when presenters say: 'Welcome back. The cross country is just getting underway. You can watch all that action. It's on Stan Sport right now,' or 'If you'd like to continue watching this tense match between Canada and Sweden, you can go to Stan Sport and stay across it,' or 'We're about to head to the women's downhill at Cortina in just a moment, but, if you'd like to watch the skiathlon, Stan Sport's the place to get live action'? All of that gatekeeping of live and full content behind a streaming service is so frustrating for those who are trying to watch the broadcast, particularly in a different time zone. Is this something that the minister has expressed a view to you about?

**Ms O'Loughlin:** As I said, I think our focus would be only on whether it was compliant with the existing rules. As Ms Fraser said, it would appear that it is. Whether or not there are any contemplated changes would be a matter for the government, but I don't believe it's been raised with us in the context of the winter Olympics.

**Senator HUME:** Minister, do you want to comment on this one?

**Senator Green:** I think generally the intention of those changes that the government brought in and also our ongoing policy position is that we are fully committed to ensuring that people can see free sporting events. Of course, every time there's a major event like this, it does raise how those laws are being interpreted. There is a review that the parliament agreed to, I think, within the laws that we passed, so there'll be an opportunity to review how the laws are being complied with and how they're operating. This is an ever-changing environment,

with lots of different platforms and the way that sports are being broadcast, but it's definitely something that we are keeping an eye on.

**Senator HUME:** Do you know the timing of that review, Minister?

**Senator Green:** I think it might have been three years after commencement, but I can take it on notice and double-check. It'll be in the legislation.

**Senator HUME:** You can hear the frustration. I've got reams and reams of complaints. You can see them on websites from Australians who are trying to watch the winter Olympics. Knowing that Australians are fed up with the current broadcast arrangement, does ACMA commit to doing an investigation to see if there is a breach or if Nine is being compliant, whether it is a concurrent investigation or whether it's a retrospective investigation?

**Ms O'Loughlin:** I don't believe we have anything on the desk at the moment, but we can certainly take that offline and consider the issues that you've raised. Again, from the discussion we've had here today, it would seem that nothing that Nine is doing is inconsistent with the current framework. But we're happy to take that on notice and see if it needs to be drilled into a little more.

**Senator HUME:** Are you getting feedback from the public on this issue?

**Ms Fraser:** I'm aware we've received two complaints. We've only just received those. We will be looking at any complaints we receive. We will consider them, and, if any more are received about particular issues raised, then we will look at those.

**Senator HUME:** I'll finish here. I'll just say that we don't actually have a lot of Australians competing in the winter Olympics. When they do compete, I would have thought it would be a moment of extraordinary national pride. It's incredibly frustrating to know that somehow Channel 9 is happy to broadcast sports or events where there are no Australians competing but makes Australians pay to watch their own people compete. I would hope that ACMA would take a forward-leaning position in this, and I would hope too that the minister might have something to say about it.

**Senator Green:** Thanks, Senator. We wish her all the best in her events.

**CHAIR:** Senator Pocock.

**Senator DAVID POCOCK:** While I was listening to other senators asking questions, I was having another look at that ABC article by Michael Atkin and Alison Branley. They reported that ACMA declined an interview. I'm interested in knowing why you declined an interview given the allegations.

**Ms O'Loughlin:** I'd have to refresh my memory, but I'm not quite sure that we knew what the allegations were when we answered the interview, so we felt it was best to provide a written response to written questions.

**Senator DAVID POCOCK:** You surely must have known the gist of it. You'd changed your direct quotes at the behest of Sportsbet.

**Ms O'Loughlin:** I'd have to go back over my records, but my recollection was that we weren't told what the interview was about. We took the approach of asking the journalist what questions they wanted to ask, and we responded to those.

**Senator DAVID POCOCK:** You surely see the irony of the media regulator declining an interview with the media when they're under scrutiny.

**Ms O'Loughlin:** It's always an option in terms of the way we approach things. Sometimes when we're asked for interviews it's preferable, particularly when it comes down to detail, to actually get those questions put to us in writing for us to respond to those in writing.

**Senator DAVID POCOCK:** But where's the accountability here? You're on the big bucks to be the Chair of the ACMA. When I asked you—

**Ms O'Loughlin:** Accountability is—we are here. We are asked questions by the media. We respond to those questions by the media. I think we're totally accountable.

**Senator DAVID POCOCK:** I think many Australians would disagree with that, and I think they would expect you, given you changed your quotes at the behest of Sportsbet, to actually front up to the media and be able to explain, as you've tried today.

**Ms O'Loughlin:** We answered the questions that were put to us directly to the media, so we are accountable.

**Senator DAVID POCOCK:** Providing a bland statement is very different to actually fronting up.

**Ms O'Loughlin:** I don't think it was a bland statement. It was a response to the questions that were put to us.

**Senator DAVID POCOCK:** I want to go to some of the things that you were saying earlier. You said that you share these media releases to pick up factual inaccuracies. But, if you go to the FOI documents, Sportsbet don't allege anything was factually incorrect. They just took exception to the tone, and they asked that your quotes be tempered or changed as the force, breadth or basis for the statement is questionable.

**Ms O'Loughlin:** I think that goes to what Mr Fenton pointed out earlier. It was their concern that those particular things were pointing to a causal relationship between what they'd done and an actual identifiable consumer harm rather than a general consumer harm. But I'll ask Mr Fenton to go back over it.

**Senator DAVID POCOCK:** Just before we hear from Mr Fenton, it seems to me that any reasonable person would read that and say, 'These people just don't like what you're saying.' They're not saying: 'This is wrong. You need to change it.' They're saying, 'Tone it down a little bit.'

**Ms O'Loughlin:** That was the only part that we changed, because we thought they had a point on that particular point only.

**Mr Fenton:** Yes is the answer. I can confirm what the chair is saying. The intent with the change was to keep the general sense of the quote but to address the particular concern about the causal relationship.

**Senator DAVID POCOCK:** Maybe on notice, can you outline to me the errors in fact that you corrected. When I read the two differences, it seems like you've basically just toned down the quote, which is exactly what Sportsbet asked you to do, and you didn't change anything in terms of the facts. So maybe just on notice, if you could do that—

**Ms O'Loughlin:** We're happy to take that on notice and do that.

**Senator DAVID POCOCK:** Thank you. ACMA investigations found that Tabcorp, LightningBet, Betfocus, TempleBet, Picklebet and BetChamps all failed to comply with rules that protect people who registered with BetStop. I was interested that this just included one penalty, which was to Tabcorp, of \$112,680. Is that correct?

**Ms O'Loughlin:** There were a number of actions taken. I think one included a penalty, but there were other matters pursued, including remedial directions.

**Senator DAVID POCOCK:** But just the one penalty?

**Ms O'Loughlin:** And formal warnings and one—

**Senator DAVID POCOCK:** Fine.

**Ms O'Loughlin:** I think with Tabcorp there was a penalty plus an enforceable undertaking, but my colleagues can go into that detail for you.

**Senator DAVID POCOCK:** Thank you for confirming that. Which companies were found to have been marketing to people who self-excluded on BetStop?

**Ms Field:** I do have that material. It'll just take me a moment to let you know. Betfocus was found to have sent two regulated electronic messages to a self-excluded individual. BetChamps was found to have sent an electronic message on one occasion to one individual. I believe those are the only ones that had sent messages to registered individuals.

**Senator DAVID POCOCK:** Which companies allowed people to open accounts even though they had self-excluded?

**Ms Field:** The findings were that TempleBet had provided wagering services to one person who was excluded. Betfocus had provided wagering services to three individuals who were excluded. And there were a number of others where wagering accounts were opened but bets weren't placed, a slightly different category.

**Senator DAVID POCOCK:** Okay, but it still shouldn't be happening if you're on BetStop.

**Ms Field:** No, absolutely. But, yes, it was just that services were not provided but accounts were opened.

**Senator DAVID POCOCK:** How much money was lost by people who had self-excluded and then opened accounts with these companies?

**Ms Field:** I don't have that. I'll just check with my colleague. No, I don't have that information to hand, but I'm very happy to provide that on notice to you.

**Senator DAVID POCOCK:** In your release you said:

If these companies fail to comply with self-exclusion rules in the future, the ACMA may take stronger enforcement action ...

I was interested in how you arrived at \$112,000 for a company with \$2.6 billion of revenue. I think for many it seems like a bit of a slap on the wrist.

**Ms O'Loughlin:** I think that was the penalty provision available to us. These are quite aged investigations. They date back to 2024. We've completed those. They were very much some of the earliest investigations we were doing around the NSER. We've settled those, but my understanding of the Tabcorp investigation would be that that was the penalty open to us, because the Tabcorp findings were in regard to opening a wagering account for two registered individuals. That's why it's of that quantum. Obviously, if there were many, many more—but we thought that, even though there were low numbers here, it was important to investigate those matters, come to conclusions that there were breaches and put in place the actions that we put in place.

**Senator DAVID POCOCK:** Thank you. That's useful to know. Given some of the other companies there also allowed accounts to be opened by individuals, why didn't they get a fine as well?

**Ms O'Loughlin:** I might just ask my colleague, but I think it was possibly because infringement notices—it's a little frustrating for us—have to be given within a particular time, and with some of these, because they were novel and new investigations, we had run out of time to do infringement notices. It is a bit of an ongoing frustration for us, but we're trying to improve our processes so that that doesn't occur again.

**Senator DAVID POCOCK:** Have you raised with government the need potentially for more powers and the ability to levy higher fines?

**Ms O'Loughlin:** We have. Infringement notice provisions, though, tend to be whole of government. But we would like some ability to have more time to impose infringement notices because we find that they are an effective tool, particularly if you've got large quantities of compliance issues.

**Senator DAVID POCOCK:** Do you have any ongoing concerns about compliance with BetStop? Are there any other investigations afoot?

**Ms O'Loughlin:** I think we probably do have some investigations afoot. My notes tell me that, as at 31 December, we'd commence 21 investigations, but we have announced a number of those investigations recently, including the ones we talked about.

**Senator DAVID POCOCK:** Does that include an investigation into UltraBet, which I raised at the last estimates? They were sending out marketing material to people who had self-excluded with the phrase 'happy punting'.

**Ms Zurnamer:** I'm just checking my list. We have previously investigated UltraBet, and we published that investigation on 5 June 2025. That breach related to reopening the account of one self-excluded individual and marketing sent to one self-excluded individual. I would have to take on notice whether or not it related to the person that you specifically raised with us previously.

**Senator DAVID POCOCK:** Can you let us know who's currently being investigated?

**Ms O'Loughlin:** We might take that on notice. We don't tend to make that public, but may I take that on notice for you?

**Senator DAVID POCOCK:** No, that's fair enough. Finally, I was keen to get an update on where you're at with your work on alcohol advertising during sports. We covered this last estimates.

**Ms O'Loughlin:** As we've discussed previously, we have developed terms of reference for that review. We've been undertaking some refinement on that, and I expect that we will release those terms of reference in the next few weeks.

**Senator DAVID POCOCK:** And then what?

**Ms O'Loughlin:** And then there will be an open consultation process.

**Senator DAVID POCOCK:** How long does that go for?

**Ms O'Loughlin:** I don't think we've settled that as yet, have we?

**Ms Field:** No. I think we're anticipating six to eight weeks. We understand that there will be a number of organisations who will have an interest, and we are continuing to meet with stakeholders. We have a meeting with FARE in a couple of weeks, so we are continuing to meet with people who are interested in the outcomes of that.

**Senator DAVID POCOCK:** And then what happens after that? I've had lots of concerns raised with me that this is just taking so long, on such an important issue.

**Ms O'Loughlin:** We understand that. It's a matter of our resourcing in many respects, but we want to move it forward as quickly as possible. We do think, though, that an extended consultation period is necessary—so six to eight weeks—to allow us not only to get written submissions in but, as Ms Field said, to actually consult directly with organisations such as FARE, who we've talked to previously. Then it will be a matter of the authority coming to a view about what it finds through that process.

**Senator DAVID POCOCK:** Do you have a date?

**Ms O'Loughlin:** I don't think we have a date at this point in time, but I'm hoping that it'll be done by the middle of the year.

**Senator DAVID POCOCK:** Thank you. That's all from me.

**CHAIR:** Senator Hanson-Young.

**Senator HANSON-YOUNG:** Can I go back to the new Commercial Radio Code of Practice, please, Ms O'Loughlin. Your statement that accompanied the release of the code of practice today says that there were a significant number of submissions to the review that called for strengthened rules around the broadcasting of local music. You haven't put strengthened rules in the code. You seem to have kicked that to another process or down the road. I don't understand why you didn't take the opportunity with the code itself.

**Ms O'Loughlin:** Obviously, the code is developed by the industry. We spent quite a lot of time going through those provisions. As I mentioned earlier—and my colleagues can go into further detail. My memory is that some of the proposals, particularly around shortening timeframes for when Australian content is broadcast on radio, were options that we considered were not available under the Australia-US Free Trade Agreement.

**Senator HANSON-YOUNG:** Can I ask about that. Who gave you that advice?

**Ms O'Loughlin:** That was our internal legal advice.

**Senator HANSON-YOUNG:** Who in your team?

**Ms O'Loughlin:** That would be our lawyers.

**Senator HANSON-YOUNG:** Okay. You asked them what the impact of the US free trade agreement would be?

**Ms O'Loughlin:** We turned our mind to whether the proposals that were being put forward to us would be consistent with the US free trade agreement.

**Senator HANSON-YOUNG:** That's a big call to make, if you think that the US free trade agreement is restricting Australia from doing things that protect our own culture and our own cultural sovereignty. There are carve-outs in the US free trade agreement specifically for culture. Did you seek to get that advice checked, or—

**Ms O'Loughlin:** It was on a particular provision around the timeframe. The US free trade agreement—please correct me if I'm incorrect—gives a scope of hours for that material to be delivered between 6 am and midnight, and what the industry had been putting to us was that they wanted to bring that back to between 6 am and 6 pm. It was our view that that was not open to us to agree to. If that was—

**Senator HANSON-YOUNG:** Because of a trade agreement that the US president himself has trashed.

**Ms O'Loughlin:** We did not consider it in the gift of the regulator to address that. If there were changes to be made which had consequences for the US free trade agreement, that would be better discussed with the government.

**Senator HANSON-YOUNG:** Why didn't you ask government for their view?

**Ms Fraser:** The chair has written to the Minister for the Arts on these matters and raised the issues that came through the consultation on the review, including around the performance period.

**Senator HANSON-YOUNG:** Around the what?

**Ms Fraser:** The performance period—those hours in which the quotas apply.

**Senator HANSON-YOUNG:** Have you sought advice from Foreign Affairs and Trade?

**Ms O'Loughlin:** No. We have written to the Minister for the Arts and the Minister for Communications on the matter.

**Senator HANSON-YOUNG:** When did you write to them?

**Ms O'Loughlin:** Quite recently.

**Senator HANSON-YOUNG:** As in this year?

**Ms O'Loughlin:** Quite recently, yes.

**Ms Fraser:** About a week and a half ago.

**Senator HANSON-YOUNG:** And have you had a response?

**Ms O'Loughlin:** No. It was quite recent.

**Senator HANSON-YOUNG:** Has anyone in government previously raised this issue of the US free trade agreement impacting how much local content is aired and broadcast on Australian radio? I'm genuinely interested.

**Ms O'Loughlin:** Senator—

**Senator HANSON-YOUNG:** Because I don't know why we are letting the United States dictate how much Australian content we have on our radio and our airwaves.

**Ms O'Loughlin:** The point that we were turning our minds to was the restrictions on hours. There was no change to the requirement for local content on radio.

**Senator HANSON-YOUNG:** So why would the US free trade agreement impact the hours?

**Ms O'Loughlin:** That's the construct in the—

**Ms Fraser:** There are very particular reservations to do with these time periods in the free trade agreement. I think we'd need to take any further detail on notice.

**Senator HANSON-YOUNG:** It doesn't seem as though the United States president gives two hoots about what's in any of these agreements. So Australian content and Australian music gets left on the shelf because of this. I think it's pretty appalling.

**Ms O'Loughlin:** There's been no change to the requirements in the code for local content.

**Senator HANSON-YOUNG:** No, but, Ms O'Loughlin, I've asked you why you didn't strengthen it, and you've cited the US free trade agreement.

**Ms O'Loughlin:** In terms of the timing, yes.

**Senator HANSON-YOUNG:** But you haven't strengthened it at all.

**Ms O'Loughlin:** We have to be aware of the international obligations of the government.

**Senator HANSON-YOUNG:** But you actually haven't sought any independent advice on that.

**Ms O'Loughlin:** I think our advice was very clear.

**Senator HANSON-YOUNG:** Could you table that advice for us, please.

**Ms O'Loughlin:** I will take that on notice.

**Senator HANSON-YOUNG:** Why do you need to take that on notice? You can answer it on notice. Are you taking on notice whether you will give us the advice or not?

**Ms O'Loughlin:** I'd like to turn my mind to matters of legal professional privilege.

**Senator HANSON-YOUNG:** Whether you're seeking—

**Ms O'Loughlin:** Yes.

**Senator HANSON-YOUNG:** Whether you keep it secret?

**Ms O'Loughlin:** Legal professional privilege is an important reason why legal advice is kept internally focused.

**Senator HANSON-YOUNG:** That's not a reason.

**CHAIR:** The chair has taken it on notice. She's entitled to consider whether she makes a public interest immunity claim, and one of the elements of that may be the nature of the advice and its potential—

**Senator HANSON-YOUNG:** But that's what I'm trying to understand. Are you making a public interest immunity claim, or are you—

**Senator Green:** She's taken it on notice.

**Senator HANSON-YOUNG:** I understand that. Is she taking on notice whether she even answers the question? Or is she taking on notice answering the question?

**Senator Green:** You asked for the advice. It's not a question.

**Senator HANSON-YOUNG:** What was the question: to provide the advice?

**Ms O'Loughlin:** I'm taking on notice the question about whether to provide the advice.

**Senator HANSON-YOUNG:** Okay. Could I ask you some questions about telecommunications and the spectrum of the big three telcos? I've asked you previous questions about this, Ms O'Loughlin, and each time you haven't been able to give fulsome answers. I'm hoping that today you can give a bit more information. Where are we up to with the spectrum licences?

**Ms O'Loughlin:** I'm not quite sure I haven't given fulsome answers in previous discussions. Where we're up to with the spectrum licences is that we issued our preferred views on those licences in December last year.

**Senator HANSON-YOUNG:** You've advised government not to go to auction?

**Ms O'Loughlin:** We've made public our preferred views, and that's our preferred view.

**Senator HANSON-YOUNG:** That view has gone to the minister? Or what's the process there?

**Ms O'Loughlin:** It's been made public. They are our preferred views.

**Senator HANSON-YOUNG:** Has the government responded?

**Ms O'Loughlin:** There is no requirement for the government to respond. We have put out our preferred views. In terms of the process of the renewal of expiring spectrum licences, we are consulting at the moment on the fair market price of that spectrum. That's a consultation process that's out publicly at the moment.

**Senator HANSON-YOUNG:** You don't want to go to auction; therefore, you have to come up with what the fair price is.

**Ms O'Loughlin:** We believe that it is in the public interest to renew these licences, and that's our preferred view.

**Senator HANSON-YOUNG:** Even if providers are doing a shoddy job at it.

**Ms O'Loughlin:** I'll take that as a comment.

**Senator HANSON-YOUNG:** How are you going to determine what a fair market price is?

**Ms O'Loughlin:** I will pass over to Mr Brealey and his colleagues to go through that process.

**Mr Brealey:** We've engaged a range of consultants and we're undertaking a international benchmarking exercise to determine a fair market rate for those licences.

**Senator HANSON-YOUNG:** Which consultants have you engaged?

**Mr Brealey:** Mr Crofts can take you through, we've got a couple.

**Mr Crofts:** We have, I think, nine consultants that we've engaged so far over the course of this project. I believe seven of those are on pricing. We've engaged Plum Consulting and Ian Martin Advisory—and both of those were engaged multiple times. We've also engaged Frontier Economics and DotEcon. We've engaged Plum Consulting twice on pricing and Ian Martin Advisory three times.

**Senator HANSON-YOUNG:** How much have these consultants cost?

**Mr Crofts:** For the valuation, for the pricing, it has been \$370,225.50.

**Senator HANSON-YOUNG:** That's to who?

**Mr Crofts:** Plum Consulting, Ian Martin Advisory, Frontier Economics and DotEcon.

**Senator HANSON-YOUNG:** All together, they've all had a piece of that—

**Mr Crofts:** \$370,000. Yes.

**Senator HANSON-YOUNG:** Is there a current price by which ACMA is predicting is fair at this stage? Last time we spoke, you were talking about giving companies like Optus a cut-price extension.

**Ms O'Loughlin:** We weren't talking about a cut price; we were talking about a fair price. Our updated preliminary prices for renewal of all ESLs held by the mobile network and NBN Co is \$7.34 billion. That's more than the upper end of our previous estimates, and that's mainly because, through the consultation process that we went through, we had additional evidence provided to us about other international benchmarks that we should take into account, which we have done. That's the process that we are undergoing at the moment, through an additional consultation process.

**Senator HANSON-YOUNG:** So is that what you value the spectrum at?

**Ms O'Loughlin:** That's what we consider would be a fair market price for the range of spectrum available under these expiring spectrum licences.

**Senator HANSON-YOUNG:** So, in totality?

**Ms O'Loughlin:** That's correct.

**Senator HANSON-YOUNG:** How much of that spectrum would Optus currently hold?

**Ms O'Loughlin:** I don't think we've done that analysis.

**Mr Crofts:** We can give you answers in terms of bands as opposed to megahertz. Optus has holdings—in terms of what's in this process—in the 700 megahertz band, the 1,800 megahertz band, two gigahertz, 2.3 gigahertz, 2.5 gigahertz and 3.4 gigahertz.

**Senator HANSON-YOUNG:** Out of that \$7.34 billion, how much is that worth, at a fair price?

**Mr Crofts:** We currently have Optus at \$1.89 billion.

**Senator HANSON-YOUNG:** That's your current valuation of what all of their licence spectrum is?

**Ms O'Loughlin:** Across all those bands.

**Mr Crofts:** Across all those bands.

**Senator HANSON-YOUNG:** What did they pay last time?

**Mr Crofts:** Over the course of, I think, about 10-odd years through a range of allocation processes, auctions, renewals and other processes, they have paid \$1.72 billion in nominal terms.

**CHAIR:** Senator Hanson-Young, you have one minute.

**Senator HANSON-YOUNG:** Yes. That doesn't even take into account inflation, does it?

**Mr Crofts:** No, it does not.

**Senator HANSON-YOUNG:** So they'd be getting a cut price in real terms?

**Ms O'Loughlin:** The work that we have done on international benchmarking, which is the basis for the work that the team has done and the peer review process we've been through, recognises that, over the last 10 or 15 years, spectrum prices internationally have fallen significantly. That is partly what has influenced our assessment of what would be a fair market price today, rather than the prices that might have been paid through previous administrative processes or previous auction processes. Mr Crofts?

**Mr Crofts:** If I can also add to the chair's answer, I think, if you look beyond the headline figures, there's a more complex story. Some of the low-band spectrum in the early years of this was all very highly valued, very useful for coverage across the country and some of the only bands available, early on. We've seen significant decreases in that, in the order of 39 to 55 per cent. But the mid-band spectrum, which is what is used more for 5G and more data-intensive processes, has seen much more significant changes in value, in the order of beyond 400 per cent, according to our model.

**Senator HANSON-YOUNG:** What's the incentive of a big telco like Optus to improve their service when they get to pay less for the same access, to keep the same customers, to sell the same products? What's the incentive?

**Ms O'Loughlin:** As we explained, our pricing is based on international benchmarking and what has happened across those spectrum bands over years. We believe we've come to a fair market price for those different bands and those different spectra. We've also been asked previously about whether or not, through this process, this spectrum licence process, other matters should be considered, including things like coverage. We believe, under the radcomms act, that the licences that we provide really don't lend themselves to that, and any matter in terms of improved coverage or improved service would be a matter for government and would be through the Telecommunications Act licence conditions, not the spectrum licences for which we're responsible. We expect that that's an ongoing conversation with the government from various people who are asking the government to consider those matters.

**CHAIR:** Senator Hanson-Young, I'll have to move the call, but I will come back to you. Senator Smith.

**Senator DEAN SMITH:** Thank you very much to officials for being available. Can you just update the committee on the status of your review in regard to the 18 September Optus outage.

**Ms O'Loughlin:** Certainly. Where we're at at the moment is that we're undertaking investigations in a number of areas against a number of different instruments. There's the fundamental instrument called the Telecommunications (Emergency Call Service) Determination, which is the primary determination that puts the obligations on carriage service providers and carriers to provide triple zero. Then there are the newer obligations in terms of the Telecommunications (Customer Communications for Outages) Industry Standard, which are the obligations put in place to notify customers, the public and relevant stakeholders. Then we're also looking at some requirements under the Emergency Call Service Requirements Industry Code. We have issued notices to Optus, we've received an extensive amount of information following those requests, and we expect to move that investigation forward as quickly as possible. I don't have a final date for you, but I can tell you that is one of the highest priorities of the authority currently. I'll ask my colleagues if they want to add anything to that.

**Senator DEAN SMITH:** While I appreciate there's not an exact date or an expected date for completion, what quarter of the year are you working towards? We're in the first quarter now.

**Ms O'Loughlin:** I can't really indicate that at this moment, given where we're at in the investigation and the complexity of the information that's being provided to us. I can only assure you that we are proceeding as quickly

as we possibly can with this investigation, and we will make it public as soon as we have come to our conclusions.

**Senator DEAN SMITH:** Are you engaging any external experts to assist you in the examination of the material that Optus has provided?

**Ms O'Loughlin:** No, we're not.

**Senator DEAN SMITH:** How many staff are dedicated to this investigation?

**Ms O'Loughlin:** I might need to take that on notice, because there are our line area staff and also our legal team. Probably under 10.

**Ms Rainsford:** The hesitation there is that many of our investigators are carrying more than one investigation. What I can assure you and the committee of is that the work on this investigation is our highest priority. There are at least, I think, three staff who have it at, if you like, the top of their to-do lists to action it so that we can provide advice to the authority.

**Ms O'Loughlin:** But that also involves not only the staff but the senior management of the staff in terms of escalation and also the engagement of the authority, which is intense.

**Senator DEAN SMITH:** So the intensity is going to be maintained over many months.

**Ms O'Loughlin:** Indeed.

**Ms Rainsford:** That's correct.

**Senator DEAN SMITH:** Excuse my ignorance, but isn't it more efficient to be working to a deadline and then be seeking an extension of a deadline?

**Ms O'Loughlin:** Senator, what I'm saying to you is—

**Senator DEAN SMITH:** You understand the point that I'm making?

**Ms O'Loughlin:** Yes, but investigations are always very difficult to put a deadline against because, for example—and I'm not saying in this case this is the case—in some of our investigations we may need to go back and seek additional information from the company. We have that quite a lot, I'd have to say, where we don't consider that we have sufficient information. We also may, depending on our investigative processes, recognise that, again, there might be new material or further material that would enhance our consideration of the matter. Also, in some circumstances—again, not here—we may need to seek additional information if, for example, we want to pursue something in the court. So it really is a matter of working through those issues before we can come to a conclusion.

**Senator DEAN SMITH:** How would you characterise Optus's cooperation thus far?

**Ms O'Loughlin:** I think they have been very strongly cooperative in this process.

**Senator DEAN SMITH:** You haven't found it necessary to go back to them seeking large amounts of information, or Optus hasn't come and provided—

**Ms O'Loughlin:** Not at this stage, but we're still working through the information that we have.

**Senator DEAN SMITH:** Optus hasn't found it necessary to bring forward any updated information, based on, perhaps, lack of thoroughness in the original information they might have provided to you?

**Ms Rainsford:** No. Certainly, to date, they've provided the information fully that we had requested from them. Optus has not come to us since and said that they have further information that they wish to provide or amendments to any of that. I think what the chair was referring to there is that, in our investigations, it is fairly common, albeit not inevitable, that the analysis we do on that material then prompts the need for us to make further inquiries and elicit further information to inform the conclusions.

**Senator DEAN SMITH:** At what level is ACMA engaged with Optus?

**Ms Rainsford:** At my level. There are a number of people, but this fits within my division, and I'm responsible for overseeing that investigation so we can get advice to the authority. But I deal with Optus very regularly.

**Senator DEAN SMITH:** So the ACMA investigation in Optus—

**Ms Rainsford:** Into Optus.

**Senator DEAN SMITH:** is a high priority.

**Ms O'Loughlin:** Yes.

**Ms Rainsford:** Yes. It's very high priority.

**Ms O'Loughlin:** Senator, just to your previous point about additional information, while we had not necessarily sought it, obviously Optus itself released the independent investigation done by Dr Kerry Schott back in December, which also goes through what the independent reviewer sees as the circumstances. We're also looking at that review to see whether that is consistent or inconsistent with the data we're getting. That's also an important piece for us to take into account in the investigation.

**Senator DEAN SMITH:** What observations would you make about the Schott review?

**Ms O'Loughlin:** I think it was a very comprehensive and well-conducted review. What surprised me was that the Schott review uncovered quite a lot of failures in internal risk management, at each stage of risk management—your initial stage, your escalated stage and your independent audit. I think that was surprising in such a large organisation. There were other matters in there that were consistent with our observations, but I think that was something that Optus really need to look very carefully at, and it was surprising to us.

**Senator DEAN SMITH:** I'm happy to be corrected, but I think that was a line of inquiry from some senators when they were interrogating Singtel officials at our Optus inquiry as well. What, if any, verbal updates have you provided to government?

**Ms Rainsford:** From time to time we provide status updates to the minister's office, in terms of where we're at in the process of our investigation. Those don't go to the substance of the matter. The substance of the matter in terms of our analysis and where that might lead in terms of conclusions around noncompliance are matters purely for the authority and are not shared outside of the ACMA.

**Senator DEAN SMITH:** How many status updates has ACMA provided to the minister?

**Ms Rainsford:** I'd have to take that on notice. I'm confident in saying it'd be under half a dozen since the investigation opened in late September.

**Senator DEAN SMITH:** Do you provide them under your own initiative, or does the minister's office and/or the department request them?

**Ms O'Loughlin:** We've tended to provide them under our own initiative. That might be an update on process—that is, 521 notices have been sent to Optus and 521 notices have been responded to. It's very much that process stuff.

**Senator DEAN SMITH:** On notice could you identify the number of status updates that have been provided and, if you are able to, which ones you initiated and which may have been requested by the minister or her office. Does the ACMA investigation have a formal terms of reference?

**Ms O'Loughlin:** No. Our investigation is against those pieces of the law that I described earlier.

**Senator DEAN SMITH:** And I identified three.

**Ms O'Loughlin:** Yes.

**Senator DEAN SMITH:** Is the review into the 18 September Optus outage going to capture any other Optus outages?

**Ms Rainsford:** That particular investigation isn't. We have a separate investigation open into an outage around the Dapto area in New South Wales. That is progressing largely in parallel, although with slightly lesser priority.

**Senator DEAN SMITH:** Have ACMA sought any additional resourcing for this investigation?

**Ms O'Loughlin:** Not for this investigation, although in MYEFO the government did allocate additional funding to us over the forward estimates. That takes into account the number of new regulatory responsibilities that have been introduced around triple zero but also the new role of the Triple Zero Custodian, who can also request us to do things like directions to the industry. So it's increasing our resources across the board on these triple zero matters.

**Senator DEAN SMITH:** The Optus outages brought to life what might loosely be called device issues. What approach is ACMA taking to these device issues that have been exposed as a result of the Optus and other outages? Samsung comes to mind. Are you dealing with them separately to each specific inquiry, or will they be captured within each inquiry? I'm assuming, rightly or wrongly, that there might be some generic issues.

**Ms Rainsford:** There are a number of device matters that we're dealing with. The 18 September Optus outage is actually a matter that didn't relate. It was a pure network outage that related to the access to triple zero. That said, there are some further matters related to TPG services. There's one around the Wentworth Falls area and one around the Ingleburn area where there are device compatibility or accessibility issues in question. Both of those are subject to a formal investigation by us.

I think device issues probably came particularly to the fore with the then upcoming closure of the 3G networks in Australia. As a result of the analysis around that, the then minister had directed us to amend the emergency call services determination to require what's colloquially called 'blocking' of devices that would not be able to reach triple zero if the user tried to do that. There were a number of devices blocked to coincide with the closure of the 3G networks by Telstra and Optus in late October 2024. Those obligations are ongoing. They're not specific to the particular VoLTE related issues that came to light during the 3G closure process.

We became aware in October last year of the Samsung device issues. Then, I think, last week or the week before, some matters came up around certain Apple iPhones. So, from the ACMA's perspective, our primary focus is which of those raise compliance issues. Where it looks to us like a telco has not met their obligations to block those phones, we can and do open investigations into those matters.

That said, 'device issues' is a very simple way of explaining what is a complex interoperability connection that needs to work for people to get access through to triple zero, and I think some of these have shown up for us that the blocking obligations we've got in place probably need to be looked at to see whether or not they're properly calibrated for the range of issues that are coming up through devices. Some of those relate to firmware updates, some relate to software updates, and some relate to how devices are connecting to and then transiting through the various networks in there. We're in discussion with the Triple Zero Custodian as we try and unpack what that looks like and whether or not there's further advice that we need to provide to government on whether some adjustments to that regime might be worth considering.

**Senator DEAN SMITH:** These device issues, are they a global phenomenon? Are other jurisdictions going through a similar experience?

**Ms O'Loughlin:** It's a very interesting question. We expect it is probably the case, but we haven't really looked into it. As Ms Rainsford said, this very much came to light in the 3G closure, when the networks found that there were hundreds of thousands of phones that would not be able to connect at all after 3G closure because they were reliant on the 3G network. With the Samsung devices, what we found is that they also were falling back to the TPG 3G network for emergency call services when that network didn't exist anymore. We think there are probably similar issues internationally. I think what's possibly unique in the Australian environment is the new requirement that networks must find out those devices on their networks, let people know that there's an issue with them, then proceed to encourage people to update or replace their phones, and then block them. I think that approach is quite different to what we've seen internationally.

**Senator DEAN SMITH:** Does the investigation just involve a desktop analysis, reading documentation that has been provided to you, or does ACMA go and interview individuals?

**Ms O'Loughlin:** In terms of the 18 September investigation, our role is to look at the circumstances against the rules that we expressed previously. We don't have a role in dealing directly with people who may have been affected.

**Senator DEAN SMITH:** The report gets concluded; do you share a draft of that report with Optus?

**Ms O'Loughlin:** Not necessarily.

**Senator DEAN SMITH:** But you may?

**Ms O'Loughlin:** It will depend on what that finds and indeed, if we do, what contraventions are made.

**Senator DEAN SMITH:** Based on your exchange with Senator Pocock, I'm assuming that the media release you issue with your report won't be shared with Optus?

**Ms O'Loughlin:** I think that would be the case. It also depends what the next stage is. Obviously, we're looking at compliance at the moment, but then, if we do find contraventions, we need to turn our attention to enforcement. Our 2022 investigation of the Optus data breach, the big Optus data breach which affected so many Australians, has gone through a process of looking at compliance and looking at enforcement options. That is currently before the courts, and we expect it will not be heard until possibly the middle of next year. That process is ongoing but, obviously, subject to the timing of the court.

**Senator DEAN SMITH:** And the report is made available to government and to the minister at the same time that it's publicly available?

**Ms O'Loughlin:** That would be my expectation, yes.

**Senator DEAN SMITH:** Thank you very much.

**CHAIR:** Senator Pocock.

**Senator DAVID POCOCK:** I had some further questions about the ACMA sharing media releases with companies that you're meant to be regulating. This is, again, reported in the ABC by Michael Atkin and Alison Branley. I understand that you sent the draft media release to Commonwealth Bank. Let's talk about what actually happened: CBA was caught pushing rewards programs, insurance, credit and loan products, and bank promotions onto millions of customers, including some who'd never consented to this or had removed it and some who couldn't actually unsubscribe from these marketing materials. It's reported that a staff member from the bank's legal team called a senior ACMA executive. I'm interested in who was called.

**Mr Fenton:** I believe there were several conversations between the CBA and ACMA staff, and indeed I had at least one conversation.

**Senator DAVID POCOCK:** Which other senior executives spoke to CommBank?

**Mr Fenton:** I would have to take that on notice.

**Senator DAVID POCOCK:** Anyone else here talk to CommBank?

**Mr Fenton:** Nobody else at the table.

**Senator DAVID POCOCK:** And how was the decision made to delay your media release until after their AGM?

**Mr Fenton:** There are a range of factors that go into the ACMA deciding when media releases go out, including other priorities on the ACMA's agenda. The fact is in this matter CBA made the request and the ACMA considered it not unreasonable.

**Senator DAVID POCOCK:** Mr Fenton, that's ludicrous. This is the biggest fish you've ever landed as a regulator, and you're telling me that CommBank—the biggest company in the country—says to you, 'Hey, do you reckon you could delay this till after our AGM? Could be a bit of a bad look,' and you say, 'Yeah, probably we can do that for you.' Who had the final sign-off to delay your media release until after CommBank's AGM?

**Ms O'Loughlin:** I expect it was the authority. I think it was put in terms of the availability of CBA senior management on the day of the release—

**Senator HANSON-YOUNG:** Who cares? That's not—

**CHAIR:** Senator—

**Senator HANSON-YOUNG:** That's their problem.

**CHAIR:** Senator Hanson-Young.

**Ms O'Loughlin:** We did not think it was unreasonable at the time, and we also had other releases going out on the same day. Obviously, we accept the criticism that's been made.

**Senator DAVID POCOCK:** This enormous company was asking you to delay a media release that you had found very serious breaches till after the AGM, and you didn't think, as the regulator, (1) 'Probably a bit fishy,' or (2) 'If we do it, it could be a bad look if people find out'? Surely that is part of your discussion as the senior management team, as the regulator. We're all relying on you, and here we find time after time you find someone's done something wrong, slap them on the wrist and say, 'Here's the media release,' and they say, 'Could you edit this?'—sure!—or: 'Hey, could you delay this till after our AGM? Might be a bit uncomfortable.' Why is that happening, Chair?

**Ms O'Loughlin:** In those circumstances, we didn't think it was unreasonable. It was also a matter of the priorities we had in terms of releases going out.

**Senator DAVID POCOCK:** Sorry; how is this not the biggest priority you have? This is Commonwealth Bank.

**Ms O'Loughlin:** There were a number of other activities that week. We accept your criticism.

**Senator DAVID POCOCK:** Did you sign off on the delay till after the AGM?

**Ms O'Loughlin:** I would expect that the authority did. I can't remember.

**Senator DAVID POCOCK:** Who's the authority and who's the chair?

**Ms O'Loughlin:** The chair and the authority members.

**Senator DAVID POCOCK:** So you signed off on it?

**Ms O'Loughlin:** I can't remember, but I would expect it was something I made a decision on or was asked to make a call on for the team.

**Senator DAVID POCOCK:** What do you say to CommBank's shareholders who accuse you of knowingly denying them the ability to ask questions of a company that they've invested in and that you have taken action against?

**Ms O'Loughlin:** We've taken on board the criticism. I think CommBank released statements to the ASX in regard to it.

**Senator DAVID POCOCK:** After their AGM?

**Ms O'Loughlin:** After their AGM, that's correct. We take on board the criticism, and we'll consider that in improving our processes. I would say, though, that none of this impacts on the very significant penalty that we applied to CommBank in these circumstances.

**Senator DAVID POCOCK:** But, Chair, this reflects terribly on you and the ACMA. You tell these two examples to any Australian—I hope there aren't more, but there are probably more—and they would say: 'That's not a regulator. That is someone who is—'

**Ms O'Loughlin:** We've taken strong regulatory action against the CBA. I take on board your criticisms. That is something that we are absolutely aware of, and we're changing our processes accordingly.

**Senator DAVID POCOCK:** Do you take accountability for this? I'm so concerned—

**Ms O'Loughlin:** I'm happy to take accountability for it, Senator, and I'm happy to inform you that I ordered a review across the organisation into the way we process these matters. We will change our processes, but I'm happy to take that accountability.

**Senator DAVID POCOCK:** Will this review be made public? How will we know what processes are in place?

**Ms O'Loughlin:** We don't intend to make it public. I think it will be made public by the approaches that we make going forward. I'm happy to take on notice to give you a bit more information about what we're proposing if that would be helpful.

**Senator DAVID POCOCK:** Thank you.

**CHAIR:** Senator Hanson-Young?

**Senator HANSON-YOUNG:** Ms O'Loughlin, you've said to Senator Pocock that, going forward, this isn't going to be the practice. Of course, we've seen the example with CommBank, with SportsBet, with radio stations, with Optus and with Telstra. How many times did this have to be revealed before you thought it wasn't a good idea to get the companies you regulate to sign off on your homework?

**Ms O'Loughlin:** We didn't ask people to sign off on our homework. We were merely going through a procedural fairness process of advising those companies on which we were making public statements of the facts of what would be in the release. Various people came back to us wanting to change tone; we didn't. Some people identified, as I've mentioned previously, that there needed to be some corrections around things like company names. We felt at the time that the process we were taking under the obligations under the law and the general obligations for procedural fairness were appropriate. We take on board the criticisms that have been put to us, and we will change our processes accordingly.

**Senator HANSON-YOUNG:** What will the process be now?

**Ms O'Loughlin:** I expect we will not be giving people an opportunity to check any full press releases.

**Senator HANSON-YOUNG:** And draft reports?

**Ms O'Loughlin:** It will depend on what the report is and what it's directed to. We do tend to, under, as I said, things like section 180 of the Broadcasting Services Act, provide draft investigation reports to, for example, the broadcasters for them to provide additional information and evidence back to us. It will depend on the report, and it will depend on the process under which we're taking the investigation.

**Senator HANSON-YOUNG:** Of course January last year—12 months ago—you allowed Optus to sign off on a press release before you issued the statement in relation to the fine that they were slapped on the wrist with. In relation to Senator Smith, you said that won't happen this time. I just want 100 per cent confirmation that Optus are not going to get a draft copy of the investigation report from 18 September and that they won't be getting a copy of the press release.

**Ms O'Loughlin:** Senator, I'm not quite sure what you're referring to, but it is usually in good practice, where an investigation report may come to findings, to allow procedural fairness with an investigated company, to comment on those processes. That does not mean that we change things. It is a process.

**Senator HANSON-YOUNG:** I understand that, Ms O'Loughlin. You keep trying to justify why you've done it so many times in the past, but you're telling us that you won't keep doing it in the future. So whether you understand that it was wrong, or whether you're asking us to just move on or gloss over—

**Ms O'Loughlin:** No, I am reflecting on the criticism, particularly around media releases.

**Senator HANSON-YOUNG:** So Optus will not be given the heads-up of what is in the investigation report before it's published?

**Ms O'Loughlin:** In terms of the report, we're obliged under procedural fairness to provide that opportunity. What I'm saying is that, in terms of media releases, we will not be providing that opportunity in the future.

**Senator HANSON-YOUNG:** Okay. When is the investigation and the report due, in relation to the 18 September outage?

**Ms O'Loughlin:** As we discussed with Senator Smith earlier, I can't give you a date on that. That will depend on the processes that we currently have underway, which are a very high priority for us.

**Senator HANSON-YOUNG:** The last time we asked you this you said you needed to make sure the Schott review was completed. That's been completed; that's out.

**Ms O'Loughlin:** That's correct.

**Senator HANSON-YOUNG:** That's been out for two months now. How much longer do you think this is going to take?

**Ms O'Loughlin:** As we advised Senator Smith, it will take as long as it takes, given the process that we have to go through and given that we're looking at compliance with three separate pieces of law. We will move as quickly as we can. We've done a huge amount of work on this investigation to date. We've had significant information provided to us by Optus. We now have the Schott report, and we will move forward as quickly and expeditiously as we can.

**Senator HANSON-YOUNG:** Is the new legislation that passed in November last year, which increased the fines on telcos to \$30 million, being considered in the investigation?

**Ms Rainsford:** The changes to the relevant act, which sets the penalties for breaches of the emergency call services determination, increased the potential civil penalties to \$30 million per contravention for contraventions from 31 October 2025 onwards. So in terms of 18 September—

**Senator HANSON-YOUNG:** So they get to squib it. What's the maximum penalty you can slap on Optus for the 18 September outage?

**Ms Rainsford:** That will be at a function of whether we find contravention. If so—

**Senator HANSON-YOUNG:** But what is the possible maximum penalty?

**Ms O'Loughlin:** We could only give you the rate per contravention.

**Ms Rainsford:** For breaches of the emergency call services determination, it is civil penalties of \$250,000 per contravention.

**Senator HANSON-YOUNG:** Is that per call that fails? What do you describe a contravention as?

**Ms Rainsford:** We are looking at Optus's compliance with a range of different provisions in the emergency call services determination. That includes their obligation to maintain their networks—to be able to carry triple zero calls, to connect calls, to transit calls, to terminate calls—through the emergency call services determination. We look at each of those against, certainly, the calls that failed. But our focus is not just on those. It's the broader set of circumstances in there. Where we might land, in terms of the number of contraventions against each of those provisions, is still under consideration through our analysis.

**Senator HANSON-YOUNG:** When you've spoken to us before you've admitted that there were failings within ACMA itself in relation to the 18 September—

**Ms O'Loughlin:** I think what we reflected on was that—having been given information from Optus and then having complete radio silence from Optus, for more than 24 hours—our processes should have kicked in to make more calls into Optus to find out what was going on. We've reflected on that. I would say that one of the critical changes since that time has been the establishment of the Triple Zero Custodian. As they indicated this morning, they're taking a very active and real-time—

**Senator HANSON-YOUNG:** I understand that. You have acknowledged that there were failings within ACMA and to be proactive. You've previously accepted that in this committee.

**Ms O'Loughlin:** The failing that we talked about was that we should have followed up.

**Senator HANSON-YOUNG:** It was a lack of proactiveness.

**Ms O'Loughlin:** Yes, that's right.

**Senator HANSON-YOUNG:** You said you were going to review your own practices. Have you done that, and can we see the results of that?

**Ms O'Loughlin:** Yes. I think we went through this last time—that we reviewed our standard operating procedures. We did this through a question on notice, from memory. We've reviewed those to make sure there are much quicker escalation processes internally. We are also working very strongly with the Triple Zero Custodian about their role in finding out information in the first instance. That is proving to be a significant improvement for all of us.

**Senator HANSON-YOUNG:** The department said that yesterday's Optus outage impacted about 14,000 customers yesterday. Did Optus tell you about that in a timely manner?

**Ms Rainsford:** The reference to the 14,000 related to the Apple issue that affected Telstra customers.

**Senator HANSON-YOUNG:** Oh, sorry. It was more like 100,000, wasn't it?

**Ms Rainsford:** Certainly Optus contacted us as well as the custodian. We had two separate phone calls. One of those was to me yesterday to let us know what they were seeing, and what they were doing about that.

**Senator HANSON-YOUNG:** How many customers do you understand were impacted?

**Ms Rainsford:** We haven't had direct advice from Optus on that at this time. I've seen the media reports but—

**Ms O'Loughlin:** I think the custodian raised that this morning—that they were still matters they were liaising with Optus about to find out the detail.

**Senator HANSON-YOUNG:** Did you ask Optus yesterday when they called?

**Ms Rainsford:** Yes, I did ask. At the time, the person I was talking to said that the relevant technical staff at Optus were working with their partner, Ericsson, to understand what was happening and what the impact was. They were certainly aware that there were a number of their customers whose devices were going into SOS mode. They confirmed that that mode does not affect that user's ability to contact triple zero if they want to.

**Senator HANSON-YOUNG:** I understand that. It still has an impact on their customers though.

**Ms Rainsford:** Yes, it does.

**Senator HANSON-YOUNG:** What's the process? If 100,000 people are impacted as Optus customers, do we just think that's a blip? What's the recourse for them?

**Ms Rainsford:** Consistent with our role, we will continue to work with the custodian to understand where Optus has got to, to make an assessment about whether this raises questions about their compliance with the regulatory framework. If that raises concerns, we will open an investigation.

**Senator HANSON-YOUNG:** When will we know that? This happened yesterday. You're fronting estimates today. I'm just amazed you don't have a bit more information.

**Ms Rainsford:** At this point in time, we have a limited amount of information. There's certainly nothing in what I heard which causes me to immediately think there have been compliance issues, but there will certainly be further inquiries before we finalise any view around that.

**Senator HANSON-YOUNG:** Can I ask you to take on notice how many customers you understand have been impacted, how long they were impacted for and what recourse customers may have, given that that service was not available for them, and seeing as they're still being charged for that service?

**Ms O'Loughlin:** We're happy to take it on notice. I'm not sure we have that information at the moment

**Senator HANSON-YOUNG:** But it's your job to get it. You're the regulator.

**Ms O'Loughlin:** We will acquire such information as we can before we respond to your question on notice.

**Senator HENDERSON:** I want to ask you about the new SMS sender ID register. Under the new scheme businesses are required to register the text sender name with you. Is that correct?

**Ms O'Loughlin:** That's correct.

**Senator HENDERSON:** How many businesses have registered to date?

**Ms Rainsford:** I think we do have that.

**Ms O'Loughlin:** I think we do have that data. We're going through a process of trying to get information out as broadly as possible to all the organisations that we think may need to register through the SMS ID register. There are the telecommunication companies themselves. They also are looking to communicate with their

customers to get them informed. But, separately, we've been writing, for example, to all Commonwealth government agencies, as well as all industry associations that we can turn our mind to, to raise the awareness that the sender ID will be coming in mid-year and to make sure that as many organisations as possible have the opportunity to sign up before the register comes into play.

**Senator HENDERSON:** I'm also seeking the how many unique sender names have been approved as well.

**Ms Rainsford:** Yes, certainly. As at 4 February, we had 1,163 sender IDs registered across 901 different entities. One entity might use more than one sender ID. We had 1,436 that were in the process. They'd been lodged and were being reviewed to see whether they met the conditions.

**Senator HENDERSON:** I understand from an article in the *Fin Review* on 20 December last year that the system was supposed to do identity checks before approval was issued by ACMA, but the register went live with only a basic setting that required the name and the email address. Is that correct?

**Ms Rainsford:** The register is not live at the moment. It will go live on 1 July. What is happening at the moment is the preparatory work to get the telcos who are responsible for part of the chain to send SMSs through onto the system and to get the sender IDs registered so that, when the system goes live on 1 July, all of the settings are in place so that any non-registered sender IDs will not will not land as, effectively, impersonation scams in people's SMS threads.

**Senator HENDERSON:** Did the register go live at any point in time?

**Ms Rainsford:** No.

**Senator HENDERSON:** What ID checks are required before an entity can register?

**Mr Fenton:** The rules that the ACMA have made require robust identity checks and authentication. There are several levels to this, but one is a digital ID check that establishes that the person who is registering is who they say they are. That's essentially a government program.

**Senator HENDERSON:** Can I just cut to the chase here? My understanding is that people were able to register their names with either a false email or a false name and, after this was reported in the media, it was then corrected. Is that the case?

**Ms O'Loughlin:** That's correct. How you get into the ID register is through a general application that's used across the ACMA called 'ACMA Assist'. That covers all our licensing and a whole range of other things, and that only had a basic verification process to it. For the sender ID register alongside that, there are other very processes that needed to go through. But it was pointed out to us that it wasn't requiring documentary information, which was the intent of it, so we've upgraded the system to require that. As we've indicated, that's well in advance of the system going live.

**Senator HENDERSON:** So anyone could register any name up until you corrected it—'Mickey Mouse' or the like, as was pointed out in this article?

**Ms O'Loughlin:** And then people need to reverify.

**Senator HENDERSON:** What have you done about those entities or names that have been registered without the appropriate verification?

**Ms O'Loughlin:** We've gone out to everybody in that ACMA Assist process and required that they reverify their documentation.

**Senator HENDERSON:** How many fake names were picked up and removed from the register?

**Ms O'Loughlin:** I think the process will be that, now we've put in place that people need to reverify, that will eliminate those names on there that aren't verified.

**Senator HENDERSON:** But can I just ask—you've corrected the way that people could sign up. You've toughened the ID verification requirements. So how many individual names have been removed which were not genuine names or were fake names or emails?

**Ms Rainsford:** Firstly, I'd say this was one level of verification. Once a user has got through the initial ACMA Assist piece, before a sender ID could be registered, there are additional checks that are built into the system, including things like with the Australian Business Register, that need to be met before a sender ID can be registered. That said—

**Ms O'Loughlin:** Is it fair to say that—

**Senator HENDERSON:** Hang on a minute. There were fake names registered. What I'm trying to understand is how many of those fake names have now been removed.

**Ms O'Loughlin:** Can I just clarify? The incident that you were talking about was only about that very basic sign-up. It did not go through the additional processes that are required.

**Senator HENDERSON:** No, I understand that. But, given the reports of fake names—

**Ms O'Loughlin:** We can take in terms on notice. I certainly don't have the figures with us.

**Ms Rainsford:** No. My understanding is that we're also doing an additional level of manual assurance against any IDs that were registered before that change to the level of verification went in place, and we have the powers we need if we identify that any sender IDs were registered fraudulently, erroneously or without the right characteristics. But we haven't identified any to date. It's an ongoing process, but we will be checking all of them.

**Senator HENDERSON:** Right. What timeframe have you provided to get this right before it goes live?

**Ms Rainsford:** We've done the testing so that we are satisfied that the additional level of identity verification through ACMA Assist is in place. That's been there since 29 January. The team is working through the additional assurance on those matters which came through ahead of that time, and that will certainly be completed before 30 June, ahead of the register going live on 1 July.

**Senator HENDERSON:** Alright. I ask for a copy of any briefings or correspondence in relation to this matter. I also wanted to ask if there were any briefings provided to the minister or the department about what's happened here.

**Ms Rainsford:** We're happy to take that on notice.

**Senator HENDERSON:** You don't recall whether you told—

**Ms Rainsford:** We certainly briefed the department and the minister's office that we'd been alerted to this issue and about what we were doing about it, but we can provide details of that on notice along with the other things you've requested.

**Senator HENDERSON:** Alright. If you could provide the details of any meetings, correspondence, meeting notes, email correspondence—

**Ms O'Loughlin:** Yes, we'll take that on notice. I think the issue came up through the media process identified by somebody who had signed on. We met with that person to understand the concerns, so some of this would have been in the context of us responding to those inquiries, but we're very happy to take your question on notice.

**Senator HENDERSON:** Who in ACMA signed off on this original set-up such that fake names could be registered?

**Ms O'Loughlin:** I will take that on notice. I think it seems to have arisen in an update done some quite considerable time ago, from what I remember the circumstance. So I will take that on notice. As I said, it was partly because the ACMA Assist process goes much broader than this. I'm happy to take it on notice and respond to your questions.

**Senator HENDERSON:** Has everything been fixed now? I understand it was fixed on 29 January?

**Ms O'Loughlin:** The original problem was fixed on 29 January.

**Senator HENDERSON:** So you've now got these additional layers of ID verification before anyone can register.

**Ms O'Loughlin:** That's right. There's the requirement for documentation.

**Senator HENDERSON:** On notice, if you could provide the details of that fix—the technical details—I would be grateful.

**Ms O'Loughlin:** Of course.

**Senator HENDERSON:** Thank you very much.

**CHAIR:** On that note, thank you to the officials of ACMA. You've taken a number of questions on notice, and there's a time for the return of that. We appreciate your attendance and your evidence here today, as well as the work that sits behind it and that of many of your colleagues.

### **Australian Broadcasting Corporation**

[15:29]

**CHAIR:** Welcome. Would you like to make an opening statement?

**Mr Marks:** Thanks, Senator. It's great to be able to make a brief statement. I'm pleased to report the ABC continues to post strong audience figures across all of our platforms. We reach more Australians than any other media organisation across digital news, free-to-air television, free on-demand television and audiostreaming. I'm

also pleased to report the ABC is the most trusted media brand, according to the Roy Morgan Risk Monitor, and the most trusted news brand, according to the *Digital news report: Australia 2025*, by Canberra uni's News and Media Research Centre, with both trust in the ABC and value to the Australian community strengthened since FY25 and that accords with our own internal numbers that we've been tracking.

But we know that audience figures and trust are only two measures of performance. National institutions such as the ABC have important, wider civic responsibilities. Bringing Australians together is a responsibility that's at the core of our role as the national public broadcaster and one we must continue to invest in and deliver on. Strengthening community engagement, creating shared experiences and encouraging respectful dialogue are vital to our democracy. For the ABC, that must mean being open to a diversity of ideas, listening to community feedback and playing an important role in fostering harmony and social cohesion in our great country. This is particularly so when there's a growing tendency towards polarisation in the media and society generally. The ABC must play a leadership role. That means providing a public space for a greater exchange of ideas, being prepared to listen and better understand each other, and to hear different perspectives.

That's why I was particularly pleased that we were able to announce the launch of a new discussion program, ABC National Forum, with the first program to be in March. It'll be a program that brings together ordinary citizens, community leaders, experts and policymakers to discuss issues of national significance. It will be a public square, healthily pluralistic, which aims to elevate discussion on important issues affecting Australia. It is because some conversations can be difficult that as a nation we can't shy away from discussing them—importantly, drawing on factually accurate information and being impartial in the focus of exploration, which are both core tenets of our charter. The first forum will focus on the lives of Jewish Australians, including issues arising from the Bondi terrorist attack, and I hope, if it's a success, there will be more to follow soon. Also, this is not the only new addition to our slate that enables these sorts of discussions.

We must also remember that, while the ABC must play a leadership role in facilitating discussions of issues of importance to the nation, we also have an equally important role to play in serving and connecting Australians and communities, delivering content that is a source of entertainment, comfort and familiarity to Australians and that provides timely information, especially in times of need. There was no greater example of this recently than the ABC's coverage of the numerous emergency events across the country. I myself spent the day listening to and watching the ABC's coverage of the Victorian bushfire emergency—I was tuned into ABC Central Victoria—and by all measures it was excellent.

We have a really excellent slate of television content to share with audiences this year, which I'm increasingly proud of—it will be helped by the additional investment the ABC received this year—and which I hope to make some exciting announcements about soon. Thank you, and I'm obviously happy to take questions.

**CHAIR:** Thank you, Mr Marks. Before I go there, I'll just take this opportunity to formally release officers from the National Archives. I thank those in attendance, and you are excused with the committee's thanks. I'll now go to Senator Henderson.

**Senator HENDERSON:** Mr Marks and all, good afternoon. Thank you very much for your attendance today. I wanted to start by asking you about the Australian documentary *Silenced*. The ABC appears to be a funder of this documentary. Are you aware of it? It premiered at the Sundance Film Festival.

**Mr Marks:** I'm aware of the documentary. I have not seen it. It was a cooperation across multiple broadcasters, and we were not the originating broadcaster but a participant in the production.

**Senator HENDERSON:** What arrangements have you made in relation to the broadcast of the documentary here in Australia?

**Mr Marks:** I'm not sure when it's due to be scheduled, and it will go through, of course, our normal editorial policy review processes before it's telecast.

**Senator HENDERSON:** The synopsis of the film is this:

From Amber Heard's public scrutiny, to Catalina Ruiz-Navarro's fight for press freedom in Colombia, to Brittany Higgins' struggle within Australia's political establishment, *Silenced* reveals a global pattern: When women speak out, powerful systems move to discredit and punish them.

And one of the Instagram posts talks about international human rights lawyer Jennifer Robinson fighting against 'the weaponization of defamation laws to silence survivors'. You understand about the premise of the documentary?

**Mr Marks:** Again, I haven't seen the detail of it. I've seen it on the slate of programs that have been acquired. I'm not sure whether we received the screening copy or whether it's been subject to editorial policy review. I don't know if you're aware, Mr Fang.

**Mr Fang:** I understand that the documentary has gone through the normal processes, as it would do with the ABC, through its editorial policies. I'm not aware of when it's to be screened or what else will happen with it before then.

**Senator HENDERSON:** What was the internal ABC-Screen Australia process to approve funding for the documentary, and how much was provided towards the production of the documentary?

**Mr Fang:** I'm sorry; I don't have that information with me. I'm happy to take it away and see what we can reasonably provide about that.

**Senator HENDERSON:** If there's anyone who can bring that to the table, I would be grateful. Do you know what the total budget of the documentary is?

**Mr Marks:** Again, we are an acquiring party. I don't know if that was a Screen Australia funded production—

**Senator HENDERSON:** Yes, Screen Australia was one of the funders.

**Mr Marks:** We can certainly see what we can reasonably provide.

**Senator HENDERSON:** Did the ABC make any contribution to the Sundance Film Festival premiere at all? Did any of your staff attend?

**Mr Marks:** Not that I'm aware of.

**Senator HENDERSON:** Did the ABC—or, if you know, Screen Australia—fund for Brittany Higgins or David Sharaz to attend the premiere?

**Mr Marks:** I'm not aware. Again, we're not in charge of that particular production. That was produced externally. The ABC was a participant but not the main participant. I'm not aware of the information that you're seeking.

**Senator HENDERSON:** Is there anyone here today who can provide information about the basis on which the ABC decided to acquire the film?

**Mr Marks:** I know it's part of our acquisition budget, so it would have been handled by our acquisitions team. Mr Hanlon is here, I'll see if there's any extra information that we can gather to share with you today.

**Senator HENDERSON:** When you're approving the funding or acquisition of a program such as this, do you review the script, the premise for the film and the editorial or story basis for the documentary?

**Mr Fang:** I can provide general comments, if you like, without being aware of the exact process for *Silenced* and also without being aware of the arrangements around this particular documentary. Like everything that we do at the ABC, it needs to go through editorial review, and there needs to be an editorial owner within the ABC who's across the documentary. I'm not aware of the level of engagement on this particular documentary, but we've got a pretty comprehensive process when it comes to ensuring our independence and that what we're involved in meets our editorial standards.

**Senator HENDERSON:** The particular concern I have is the premise of the program—that women are fighting against the weaponisation of defamation laws to silence survivors. You would, no doubt, be aware that two Australian courts have found that Ms Higgins was not silenced and, in fact, made dishonest claims in asserting that the former Western Australian senator Linda Reynolds and Fiona Brown improperly covered up a rape in Parliament House. Two courts have now found that that was completely untrue, and, of course, there were defamation proceedings which followed—and, in one case, ruled, obviously, very much in favour of Ms Reynolds. The concern—

**Senator HANSON-YOUNG:** They'd also found that he did rape her—

**Senator HENDERSON:** I'm not disputing that at all.

**Senator HANSON-YOUNG:** Going after a rape victim is pretty low.

**Senator HENDERSON:** Excuse me; I am not doing that. I would ask that I can finish my questions. My concern is that the former senator—

**Senator HANSON-YOUNG:** Yes, it is disgusting.

**Senator HENDERSON:** Linda Reynolds and Fiona Brown, who was within minutes of committing suicide after being subjected to these horrendous false allegations that they had both covered up a rape in Parliament House—which was found to be completely untrue. This appears to be the premise for the documentary insofar as Ms Higgins is concerned. Have you sought to verify what's in this documentary? Have you sought to establish what's in the script, what is claimed and whether it is defamatory of either Ms Reynolds or Ms Brown?

**Mr Fang:** I haven't seen the script, but I would assure you that all of the commissioning and the work that goes on with these documentaries will ensure that it meets our editorial standards. A documentary like that, I imagine, will explore some of the issues that you've raised.

**Senator HENDERSON:** How can you be sure if you haven't looked at the script, Mr Fang? You can't just make a blanket statement like that without checking the facts.

**Mr Fang:** Well, Senator, I know that we have the processes in place to make sure that these documentaries meet our standards.

**Senator HENDERSON:** Well, you failed in relation to this matter in a very egregious way previously in relation to the broadcast of certain matters before the courts in the National Press Club. So what I'm asking is whether your acquisition of this documentary meets those standards and whether you have considered what's being claimed. It appears, based on what has been published, that there are erroneous claims in relation to former senator Linda Reynolds and her former chief of staff, Fiona Brown. Linda Reynolds has told me that the producers of the movie have declined to provide her lawyers with the transcript or the link to the documentary, which is available for streaming in the USA but is geoblocked here in Australia. Do you have anything further to add in that regard, Mr Fang?

**Mr Fang:** No, I don't.

**Senator HENDERSON:** Who commissioned this program?

**Mr Fang:** I don't have that information.

**Senator HENDERSON:** Is it a particular department in your factual department or whatever you call the department?

**Mr Fang:** It's not in my area. We'd have to go away and find out what we can provide in answer.

**Senator HENDERSON:** Given the topic of this documentary concerned a very high-profile political scandal which is subject to ongoing legal proceedings, I am raising very big alarm bells about this acquisition and about the ABC's due diligence. Mr Marks, I guess—

**Mr Marks:** Senator, I can assure you that we will perform all reasonable reviews of the program before airing it to ensure that it meets all standards and does not fall foul of the areas that you're suggesting it has the potential to fall foul of. We will of course make sure that that's done.

**Senator HENDERSON:** The irony is that there is a court judgement that confirms the contrary to what is being claimed in this documentary. I don't have access to the script, I haven't seen it, and we can't access this documentary. I do know—it could be completely unrelated—Sarah Ferguson and her husband were in Sundance. Was that for another ABC—

**Mr Marks:** That was for a project that her husband was releasing.

**Senator HENDERSON:** I assumed so, but I just wanted to double-check. Is it possible to find out how much has been contributed to this documentary at all in the time we're here? Could someone send a message?

**Mr Marks:** Yes, I think Mr Hanlon is working on that.

**Senator HENDERSON:** Mr Marks, I think this might have been before your time, but you're aware that the ABC has already made one payment—I don't know the details—in relation to the broadcast of matters in relation to this matter. What guarantees can you provide this committee that you're not proposing to broadcast something which is defamatory in this country?

**Mr Marks:** We would obviously have a very strong review of any program to ensure it should not be defamatory. Again I can assure you that I will make sure that the program has gone through all appropriate editorial reviews before it's broadcast. Again, I haven't seen the script. I've only heard of the treatment. The program is about a number of women around the world, of whom Brittany Higgins is one. Again, I understand it deals with important issues, so it's an appropriate program for us to be acquiring and broadcasting, and we will make sure that all appropriate editorial reviews have been conducted.

**Senator HENDERSON:** What about legal reviews?

**Mr Marks:** That would include a legal review of the program.

**Senator HENDERSON:** I hope that the lawyers involved in reviewing some of your other programs are not involved in reviewing this program, given some of the previous wrong determinations that have been made in relation to matters of defamation.

**Mr Marks:** We have a great legal team operating at the moment under the direction of our new general counsel, Kiah Officer, who came from Nine. I think the team is working very effectively at the moment.

**CHAIR:** May I share the call?

**Senator HENDERSON:** I may have further questions about this, but I'm happy to come back to it.

**CHAIR:** Senator Whitten.

**Senator WHITTEN:** I've got some questions about the *Behind the News* program that's played in schools. What age group is the *Behind the News* classroom program aimed? I know there's a *Behind the News High*, which presumably is aimed at high school students.

**Mr Marks:** Obviously, there are a couple of different programs. One is obviously targeted at what I would call the tween age group, and *Behind the News High* is obviously targeted at older children.

**Senator WHITTEN:** Would you say the younger age group were teenagers?

**Mr Marks:** Yes—10 to 13.

**Senator WHITTEN:** The program seems to be designed to assist teachers in a classroom setting. Presumably, it's designed to be suitable for the youngest children in the age group, which, in my understanding, is potentially as low as nine. Is that the—

**Mr Marks:** I'm not sure about nine-year-olds, and I can't give you specifics about how teachers are using the program in aid of their education, but it was important that we have a focus on ensuring that there is news content available for younger Australians so that we increase news literacy at an earlier age in this country to ensure that those children come through with an awareness of things happening in the nation.

**Senator WHITTEN:** I'd like to refer to episode 1 of 2026 that featured a lengthy piece on the unrest between US citizens and ICE agents in the US. I've had numerous complaints from constituents that their children have been shown this in class and found it distressing, with some even asking if they or their families are going to be taken away by ICE agents. Do you believe that this content is suitable for nine or 10-year-olds?

**Mr Marks:** I'll have to have a look at the program in question that you're asking about and come back to the committee on our views.

**Senator WHITTEN:** But do you believe it would be suitable?

**Mr Marks:** It could be. I guess it would be looking at the story in question. Certainly, making school students aware of things that are happening in global affairs and their impact on families could be something appropriate for children of that age. It would have to be dealt with delicately. I'd have to look at the detail of the program to be able to give you a proper assessment.

**Senator WHITTEN:** I believe that young children couldn't possibly understand the nuances around those sorts of interactions and it's beyond their years to be able to understand what's actually going on. One of the messages I received was from a recent immigrant family that their child was at home having nightmares about whether they were going to be taken away by ICE agents. I would suggest that's pretty confronting for young children. I remember *Behind the News* when I was in high school a long time ago, and it was much more topical. I don't know, I don't remember fully, but I would suggest there was a lot of Australian content, and it was a good way to have exposure to grown-up topics that you wouldn't normally have. But I don't see children being shown that.

**Senator HANSON-YOUNG:** Have you seen it?

**Senator WHITTEN:** Yes, I did. It was pretty confronting.

**Senator HANSON-YOUNG:** It is pretty confronting That's what's going on. There are a lot of families that are worrying every night that someone is going to come in and rip them out of their beds.

**CHAIR:** Senators. Senator Hanson-Young.

**Senator WHITTEN:** Do you want to sit over there, and I'll ask you the questions?

**CHAIR:** Senators, as I've said numerous times today and across these estimates in the last six months, this process works best if there are questions asked from senators to the officials or relevant agencies. Senator Whitten, please continue.

**Senator WHITTEN:** Given that you're not familiar with the content, you wouldn't be able to tell me how it fits with your directive of impartiality.

**Mr Marks:** Unfortunately, with the way the world is at the moment and communication services that are available, with the availability of content to children of all ages, many of these issues are in the face of children already. I guess, *BTN*, at its best, should be a program that's able to take that content and put it in context in a way that does enable kids to get a better and broader understanding of how it might affect them or what the relevancy

might be in this country or itself. I would hope that would be the ambition of the program. But, again, the detail of it, we'll have to look at. I don't know if you've got anything to add, Mr Fang?

**Mr Fang:** Sorry, Senator, I haven't seen the program either, but I echo the comments of the managing director. We'd have to have a look at it, to have a look and see. The point of *BTN* is to provide kids with education about things that are happening that are relevant to them and around the world. That's the intent. It's also to work with teachers about what's appropriate for whatever the age group it's shown to. We would be concerned if children were upset by the program, so we'd have to take that away and have a look and see what has gone on there.

**Senator WHITTEN:** Would you agree that there are some topics that we should shield young, impressionable minds from?

**Mr Marks:** Of course. There would be topics where it would be difficult to give the appropriate context for children, in a program like that. But, unfortunately, we live in an age where children are exposed to this content whether they like it or not. So having a program that's able to give that some context should be our ambition.

**Senator WHITTEN:** I don't accept that, that children are exposed to that no matter what. Some of the children involved are my grandchildren, and they are not exposed to this sort of stuff. They're not shielded from—they're not wrapped in cotton wool, but there are certain topics that just aren't appropriate for that age group. I think it's up to the parents when to introduce some of these things so that they can do it in a balanced way, perhaps. I believe in the idea of having the program, but I think it should be scrutinised much more heavily for the content that is delivered to young children that I don't agree should be exposed to all these things.

**Mr Marks:** We will have a look at the program in question. I appreciate it.

**Senator WHITTEN:** Thank you.

**CHAIR:** I'll go back to Senator Henderson.

**Senator HENDERSON:** Just to pick up on the issue of the Sundance documentary, Mr Marks, have you been able to obtain any further information?

**Mr Marks:** Our contribution looks like it's \$340,000, which is 14 per cent of the total budget of \$2½ million. The program has just been released at Sundance. It may have a year-long theatrical window, and I guess it'll be released in America first, before it's released in Australia. I don't know what the implications of that are for its broadcast here. As I said before, we will ensure that it goes through all the appropriate reviews, both from a legal and an editorial policy perspective.

**Senator HENDERSON:** My concern is that, if the premise of the film is that Brittany Higgins and other women were silenced by the weaponisation of defamation laws, in the case of Ms Higgins that is a false claim and also, potentially, very defamatory. So how did this program get through the greenlight process, given the premise of the film?

**Mr Marks:** You haven't seen the script. I haven't seen the script. My understanding of the project is it deals with matters that are more general in nature, around the world, and it's not specific to the particular facts that you're talking about. But, again, we will ensure that it goes through all the appropriate reviews to ensure that the matters that you are concerned about are not matters that should be a problem, in the broadcast of the film.

**Senator HENDERSON:** Could I ask, on notice, if I could have all documentation in relation to the commissioning of this program, including the funding agreement, the preliminary discussions and any preliminary synopses or scripts? Could we have, on notice, all relevant documentation, please.

**Mr Marks:** We will see what is there to provide. The one thing I'd also give you some assurance on is often, with these bigger international productions, the script is not available at the time. It's a process that some parties go through to get funding from different countries around the world for some of these bigger projects. So it would be in those documents, I would imagine, reserving our rights to editorial review and compliance with all relevant laws and policies.

**Senator HENDERSON:** You wouldn't ordinarily acquire a program like this unless it were of interest to your viewers, I assume. The involvement of Ms Higgins and this notorious case would no doubt be central to the commissioner's thinking. Do you know how much was contributed by Screen Australia? And I think Screen NSW were also funders.

**Mr Marks:** I don't know, unfortunately. But I'm sure you would agree that the film's topic in general is a matter of some interest to the audience. Obviously—

**Senator HENDERSON:** No, I don't agree. If this film is making false claims about defamation being used to silence a woman under circumstances where in fact—

**Senator HANSON-YOUNG:** These women took defamation action and lost! A court found that Brittany Higgins had been raped. Defamation was used against her and others.

**CHAIR:** Senator Hanson-Young, we'll come to you.

**Senator HENDERSON:** I just want to make it clear I am not in any way reflecting on the terrible incident that happened in this place. I have great empathy for Ms Higgins in relation to the findings of the court in relation to the sexual assault, but I am disgusted that two innocent women, being the former WA senator Linda Reynolds and her former chief of staff, were improperly implicated in covering up this alleged crime—I say that because there is a further appeal underway in relation to Justice Lee's finding, which is before the High Court. But, putting that to one side, I am disgusted by the false allegations which have destroyed the lives of these two women for the last four years. So I look forward to your—

**Mr Marks:** I hear your concerns, Senator. We will make sure that the project obviously goes through all appropriate reviews, legal reviews and editorial reviews, before broadcast. Obviously defamation is something that we cannot contemplate. I would imagine that it deals with general topics of women's experiences around the world. Again, I haven't seen the program, so it's not safe to make assumptions, but, as I said, we will make sure that the project goes through all appropriate reviews.

**Senator HENDERSON:** I would appreciate if we could get a copy of the production agreement, or the funding agreement, because that would ordinarily provide the contributions from all funders.

**Mr Marks:** It would and it would also hopefully provide—again, I'm assuming—the rights of broadcasters such as us to ensure that all appropriate steps are taken for compliance with law and appropriate editorial policies.

**Senator HENDERSON:** Thank you very much, Mr Marks. I want to move to the issue of the improper use of the character Bluey by teachers in New South Wales, where—I can table this article, which was in the *Sunday Telegraph* last Sunday—the character Bluey is holding up a sign saying, 'From the river to the sea, Palestine will be free.' This is an article entitled 'Play lunch then intifada: students being taught to hate Israel in secret lessons'. Now, clearly Bluey is a much-loved character. Have you taken any action in relation to the appalling misuse of the intellectual property of this character?

**Mr Marks:** I only became aware of this briefly earlier today. The matter is in discussion with the person who's got the rights to *Bluey*, which I think is the BBC, in terms of what we will do in relation to this matter. Obviously it has no involvement of or endorsement by the ABC, and we're as horrified as you are with the use of the character's image or costume.

**Senator HENDERSON:** So you've sought further clarification?

**Mr Marks:** We're obviously ensuring what action can be taken in relation to this misuse of the property.

**Senator HENDERSON:** Doesn't it also breach your rights here in Australia?

**Mr Marks:** It doesn't breach our broadcast licence. It breaches the intellectual property of the intellectual property rights holders in the character Bluey, which is obviously both the original producers that created it—they're based in Queensland—and the funders and IP owners of Bluey, which, as we've spoken about before, we are unfortunately not one.

**Senator HENDERSON:** So you don't have any rights in relation to the reproduction of the image of Bluey in this country?

**Mr Marks:** To the extent that it may have created a false impression of endorsement by the ABC, there may be some rights, but the most appropriate and immediate action is a breach of intellectual property.

**Senator HENDERSON:** More broadly, the loss of rights of the *Bluey* program is a devastating blow to the ABC, given that this is probably a billion-dollar juggernaut. Can you briefly explain why the ABC didn't protect those rights given it was one of the original co-producers?

**Senator HANSON-YOUNG:** Coalition budget cuts, I guess.

**Mr Marks:** Sure. As you would appreciate, with all program funding arrangements, there is nuance that goes to each particular program. There are various funding windows or responsibilities that happen. In the case of children's programming, there's often what would be called a gap, which you might find as well in a feature film or a television series, and that gap is an advance effectively against an estimation of worldwide licensing or television sales income that might be achieved from any particular property. I wasn't there at the time. I can only assume the decision was made that it wasn't appropriate that the ABC take the risk on that future income. The BBC stepped in and took the risk on that future income, and they've, as a result, received the benefit.

As we've spoken about—I think we spoke about this at the last estimates—with the additional money recently that was secured for investment in high-profile premium projects, as we go forward under some of those things we are looking at where it might be appropriate for the ABC to take additional risk to protect the intellectual property that you referred to in the future.

**Senator HENDERSON:** I want to move now to the issue involving—

**CHAIR:** Senator Henderson, you've got another minute in this block.

**Senator HENDERSON:** I might come back to that issue, then.

**CHAIR:** Senator Hanson-Young?

**Senator HANSON-YOUNG:** Thanks for being here today. I've got a bunch of questions on different topics, but I firstly wanted to ask about the order from the National Archives of Australia that's been given, a disposal freeze on anything relating to antisemitism, and then the consequence of the message sent from ABC management to your journalists that they can't use apps with disappearing messages like Signal or delete emails. I'm interested to understand if it's using those apps at all and removing any emails. How do you determine it? As somebody who believes in free and fearless journalism, I don't want to see journalists being stopped from being able to access important information from sources.

**Mr Marks:** I'll ask Mr Fang to start obviously because Mr Fang's been involved in the detail and the rollout of that particular messaging.

**Mr Fang:** There are a couple of principles, I suppose. Firstly, we would always seek to protect our confidential sources and to meet our journalistic ethics. Of course, as we should do, we'll cooperate with the royal commission. In relation to the particulars of the order, my understanding is that relates to matters which might come up or be part of the royal commission. For the moment, that's the advice we're giving to staff. We will have to engage with the royal commission in the appropriate way to see how far that extends and what that actually means going forward. But at this stage we haven't received anything further.

**Senator HANSON-YOUNG:** Just to be clear, journalists have not been directed to not use messaging apps like Signal for other stories or for other conversations, simply for anything that is captured by the royal commission terms of reference?

**Mr Fang:** My response to that would be that we engage in a number of different ways to protect confidential sources, and we will continue to do that. How we do that and what we do behind the scenes is done in a variety of different ways. We want our journalists to continue to do that to protect whistleblowers and people that come forward so that we can continue to do that kind of accountability journalism.

**Senator HANSON-YOUNG:** Have you had advice specifically on what sources of information are able to be kept confidential so that journalists can guarantee protection for those that come forward?

**Mr Fang:** My understanding, having had conversations internally and with our legal team, is that it's a pretty broad order. But, understandably, we would need to have a discussion with the royal commission, when and if these issues arise, about whatever the particular cases might be for which they are seeking our communications.

**Senator HANSON-YOUNG:** I'm still a little bit confused as to whether news staff, for example, are still permitted to utilise encrypted communications, or does this order and your interpretation as the ABC mean that journalists can't use those applications at all?

**Mr Fang:** No. My understanding is that we will continue to protect our sources using the variety of different means that we would use, and that would obviously extend beyond that type of messaging app. My view at the moment is there's nothing to change that. We'll have to deal with that on a case-by-case basis as it relates to the royal commission.

**Mr Marks:** I think, Mr Fang, it's also a reminder to journalists of the fact that relying on services like Signal is often a mistake or folly in terms of the protection of confidential sources. There are appropriate steps that journalists should take that are well documented to do that, and relying on services like Signal aren't really the answer. It's a reminder of how important it is to take all of the appropriate steps when you're dealing with sources such as that, to make sure that they are subject to the appropriate protections.

**Mr Fang:** And maybe some consistent national shield laws might help us as well, Senator.

**Senator HANSON-YOUNG:** Yes. In the event that a production order is requested, what steps will you take to protect your journalists and their sources? What powers do you have?

**Mr Fang:** Again, we would need to approach that on a case-by-case basis. I think the reality is that we would use the same steps that we take in any kind of legal proceeding. It's not the first time; I understand that this type of application has been made before. I think there was one in 2020 in relation to another matter.

**Senator HANSON-YOUNG:** Well, I was going to ask about the Afghan inquiry.

**Mr Fang:** Yes.

**Senator HANSON-YOUNG:** There's synergy there.

**Mr Fang:** Our experience with these matters is that we need to work with the royal commission to ensure that we're meeting the requirements. But the bottom line, again, is that we're doing everything that we can to protect our sources and to protect our journalists and the confidentiality of those conversations.

**Senator HANSON-YOUNG:** Was there any consultation with the ABC before this order was made?

**Mr Fang:** Not that I'm aware of. There may have been, but not that I'm aware of.

**Mr Marks:** Nor me.

**Senator HANSON-YOUNG:** I've had journalists contact me who are worried about another ABC raid type of incident, such as the one we saw a few years back, which did really create a chilling effect. What types of things will you do to make sure that doesn't happen? Yes, complying with the order of the royal commission is obviously important, but seeing our public broadcaster raided and the chilling effect that that creates not only for journalists but also sources is damaging. It's damaging to the role of the ABC.

**Mr Fang:** Notwithstanding that type of action, we've demonstrated through our journalism that we've continued to do high-quality accountability journalism. We've continued to protect our sources. Our staff have continued to be defended and protected. We face a variety of different legal challenges through courts and other types of matters where we're expected to—obviously, which we do—comply with the law. But that hasn't stopped us from doing that kind of journalism, and our commitment is that we'd continue to do that.

**Senator HANSON-YOUNG:** Obviously the ASIO has already taken issue with one of your reports in relation to the *Four Corners* episode that aired last night. Have there been any orders in relation to the information that related to that source?

**Mr Marks:** No. Again, there have been no orders about that. Obviously ASIO released a very strong statement about that particular program. They wrote to me. They didn't seek to call me or contact me. They did get my email address wrong.

**Senator HANSON-YOUNG:** ASIO got your email address wrong? Okay.

**Mr Marks:** But I think the program stood up for itself. It was transparent. It raised matters simply in a way that I think warranted further discussion, particularly at a royal commission. We can all assess the program on its own merits. I think the program was transparent about where we were one source or not. It was transparent about the various points of contact and what were reasonable decisions at the time. I thought the program stood up very well on a transparent basis.

**Senator HANSON-YOUNG:** And you haven't had any further complaints?

**Mr Marks:** Not that I'm aware of. I've had no further contact from ASIO.

**Senator HANSON-YOUNG:** I think it says more about ASIO if they can't even get the email address of the managing director of the ABC right. It shows how closely they're looking at detail.

**CHAIR:** I'm going to turn to Senator Henderson. We've got a break at 4.15, which is four minutes from now. Did you want us to go earlier and come back earlier, or did you want to start the line of questioning and then do five and five?

**Mr Marks:** I have an answer to your earlier question, Senator Henderson.

**CHAIR:** That might solve our problem.

**Mr Marks:** I'm assured there is no mention of Fiona Brown or Linda Reynolds in the documentary.

**Senator HENDERSON:** That doesn't mean that there's not a defamatory imputation.

**Mr Marks:** That's the detail that I have in front of me, and I can only assume that therefore those matters aren't covered in the documentary.

**Senator HENDERSON:** What do you know of the documentary then?

**Mr Marks:** I was just getting a response in relation to that specific question. As I mentioned earlier, it'll still be subject to and has been through, obviously, editorial review, but I will ensure that all editorial reviews have been done appropriately and to my assurance.

**Senator HENDERSON:** How did you get that assurance about the content of the documentary?

**Mr Marks:** It just came through, obviously—

**Senator HENDERSON:** Who provided that information to you?

**Mr Marks:** Mr Tapley, who is our—what's Mark Tapley's new title?—head of corporate partnerships and development, I think, who's watching Senate estimates in Canberra. He provided that information.

**Senator HENDERSON:** Could Mr Tapley provide further details about what's in the program?

**Senator HANSON-YOUNG:** So you're asking questions about this when you haven't even seen it. You don't even know what's in there.

**CHAIR:** Senator Hanson-Young.

**Senator HANSON-YOUNG:** No, I'm—

**Senator HENDERSON:** Senator Hanson-Young.

**Mr Marks:** I think, Senator, I will make sure all the—

**Senator HANSON-YOUNG:** You're making accusations and assertions. I assumed that you knew.

**Senator HENDERSON:** Senator Hanson-Young, I am asking questions based on the material that's been published about this documentary, and my concern is that there was a very prominent defamation case by Linda Reynolds against both Ms Higgins and Mr Sharaz, which found in favour of Linda Reynolds.

**Senator HANSON-YOUNG:** There was also—

**Senator HENDERSON:** Stop interrupting me!

**CHAIR:** Senator Hanson-Young.

**Senator HANSON-YOUNG:** a very drawn-out defamation case—

**Senator HENDERSON:** Please stop interrupting me.

**Senator HANSON-YOUNG:** brought by Bruce Lehrmann, and he lost.

**CHAIR:** Senator Hanson-Young.

**Senator HENDERSON:** In fact, Senator Hanson-Young, I really ask you to tread carefully here. Those defamation proceedings are actually under appeal in the High Court, so you need to know your facts. So what I'm seeking—

**Senator HANSON-YOUNG:** He still lost. That is as it stands today, Senator Henderson.

**CHAIR:** Senators, come to order, please. This is your final question, and then we'll go to a break, please, Senator Henderson.

**Senator HENDERSON:** Mr Marks, as I went through earlier, I'm very concerned about—

**Mr Marks:** I hear your concerns. I think the information indicates that the matters that you're concerned about—maybe you shouldn't be concerned about. But, as I said, I will ensure that I—

**Senator HENDERSON:** I'm very concerned about the premise of the documentary. As you would well know, under defamation law, just because Ms Reynolds or Ms Brown is not named, it does not mean that there is serious defamatory imputations that may or may not have arisen. In relation to the content of the documentary, Mr Tapley obviously knows what's in it. Can you obtain a copy of the script?

**Mr Marks:** I think Mr Tapley was just getting that information about that particular thing, but, as I said, I will ensure that—

**Senator HENDERSON:** Thank you.

**Mr Marks:** Fortunately, I'm an ex-lawyer and I'm aware of the defamation laws and how they work.

**Senator HENDERSON:** Yes, you're well aware of how defamation works. Maybe you could pop up to the legal department and give them a bit of a helping hand, particularly.

**Mr Marks:** We have an outstanding new general counsel, who is so much better than I am at these matters.

**Senator HENDERSON:** You certainly didn't in the case of Heston Russell, and there have been various other defamation cases where the ABC has been disgraceful in its behaviour in relation to the management of defamation matters.

**CHAIR:** On that happy note, let's go to a 15-minute break.

**Proceedings suspended from 16:15 to 16:30**

**CHAIR:** We will now recommence with the Australian Broadcasting Corporation. Senator Henderson.

**Senator Green:** Before we do that, can I just put on the record that I think we're in a pretty untenable position with the program. I know that you know that we are not going to get to the end of this program—getting through all of these witnesses. The situation that I would like to avoid is having an enormous amount of witnesses here late at night who don't get called. Perhaps at the dinner break the committee could have a conversation about that. I'd appreciate it, thank you.

**CHAIR:** I understand that, Minister. I can assure you that I am constantly having these conversations about our opportunities to permit witnesses to be released and will continue to do so.

**Senator HENDERSON:** Chair, to defend your honour—as we discussed, Minister, the chair has been very diligent in endeavouring to release witnesses who we may not get to. He has done a very good job in that respect, and we're continuing to work very closely together because we don't want to see witnesses held back late at night, particularly when they won't be called.

**Senator Green:** That sounds like an undertaking from you, Senator Henderson!

**CHAIR:** That's how I've heard it too.

**Senator HENDERSON:** You can take it as an undertaking because I am working very hard with my colleagues in that regard.

**CHAIR:** Thank you.

**Senator HENDERSON:** I want to pick up on the earlier questions of Senator Hanson-Young in relation to the concerns raised by ASIO over the *Four Corners* story. ASIO has made a very strong statement. I'm not necessarily suggesting that ASIO is correct; I just want to put this to you. Frank and fearless journalism must be a hallmark of the ABC, and, just because ASIO has concerns about a program, it doesn't make those concerns right. I want to be very clear about that. But ASIO has stated that the person with whom the program spoke is disgruntled and that his claims were investigated but found to be baseless. *Four Corners* has itself said the claims could not be independently verified. What's the basis for airing those claims?

**Mr Marks:** Sometimes you will get a sole source witness, and that's just the nature of how some of these things happen. Obviously, we're not able to verify many of the things that he said, the conversations that he described or the events that he was part of. Nevertheless, I think in broadcasting the documentary we made those things clear to the audience so that the audience is able to see the claims made in the context of those facts. Ultimately, I imagine these are things that will be subject to further investigation by royal commissions or in other instances where there might be more opportunities to examine some of those particular matters. Sometimes our job in media is just to raise things of concern, to point to areas that people should look at, to point to things that we think warrant further investigation, not necessarily to draw a final conclusion, and I thought the show did that very well.

**Senator HENDERSON:** *Four Corners* said last night that the alleged former human source, Marcus, received threats and is in danger after he previously appeared on *Four Corners*. Does *Four Corners* take responsibility for this, given it chose to show his face on camera? It also reported that he penetrated terrorist groups. Did you consider or did the program consider whether there was a high risk of identifying someone who says that they spied on terrorists?

**Mr Marks:** Yes, I think in this particular case that was an area of real focus before the original *Four Corners* show, the risks that were present to the witness, to the informant or the—

**Mr Fang:** Former—

**Mr Marks:** 'Whistleblower' might be a good term. Those risks were discussed with Marcus, and with people who are responsible for Marcus, and were talked about exhaustively. So those were real considerations, and yet he still wanted to speak.

**Senator HENDERSON:** I guess the concern is that, in identifying him, you have or the program has potentially exposed him to very high risk, including perhaps risk to his life. Were those matters considered, and did you seek any advice from police or ASIO about that risk?

**Mr Marks:** No, not from police or ASIO—but we certainly had a detailed discussion with the witness in hand, and I think he felt that his appearance was important to the impact of the information that he wanted to share.

**Senator HENDERSON:** Given that you have a separate responsibility—there is a very significant responsibility that you carry—did you consider disguising his voice or face just to mitigate the risk of reprisals because of the activities he had been involved in?

**Mr Marks:** Yes, all of those matters were considered, and, in conjunction with the whistleblower in question, the decision was made to go with the way that the program went.

**Senator HENDERSON:** The program said that this person faced assault charges. What was the nature of those charges, and why was that not disclosed?

**Mr Marks:** Mr Fang, are you aware of the particular details of the charges?

**Mr Fang:** I'm not aware of the specific details. The *Four Corners* team is aware of the allegations in relation to that source. I don't have that information in front of me, Senator.

**Senator HENDERSON:** The other main person interviewed was Neil Fergus. *Four Corners* said that he'd previously complained about ASIO on a separate matter. I understand it's on the public record that ASIO raided Neil Fergus as part of a security investigation. The ABC has previously reported on this. It could well stand to reason, prima facie, that Mr Fergus is disgruntled with ASIO. Why was that matter not disclosed?

**Mr Fang:** The program disclosed in the script that there had been an issue for Mr Fergus. We felt that we reasonably disclosed that information that the audience needed. It did not prevent his statements and his comments and his view from being credible and worth putting into the program. We also provided the opportunity for ASIO, for example, to respond to the variety of different allegations that had been made in the program.

**Senator HENDERSON:** You said there was an issue; you didn't disclose all of the details, though. And I have to say I haven't seen the program, so I'm relying on second-hand information. I didn't see it myself.

**Mr Fang:** It's a great program. I urge you to watch it. Senator, we always make decisions, in a 40-minute, 45-minute or hour-long documentary or any piece of content that we make, about what the relevant disclosures are and what the relevant pieces of information are that the audience needs to understand the story. Sometimes it's not necessary or not relevant to go into a full disclosure about a particular matter. As you know, it can be distracting; it can take away from the audience. But we weigh that up.

**Senator HENDERSON:** Except in this case it goes to motive, doesn't it? If your audience understands the details—that he actually was raided and that maybe he's got a grudge to bear against ASIO—it may not denigrate or diminish the allegations he's making, but it allows the audience to make a judgement about whether he has got motivations to get back at ASIO. By not including all of that information, I would put to you that that was not appropriate.

**Mr Fang:** We thought it was relevant to include the issues between Mr Fergus and ASIO in the way that we did in this particular program in terms of the comments that he was making, and that that was sufficient to allow the audience to make up their own minds, particularly given that Mr Fergus and his conduct were not the focus of this program.

**Senator HENDERSON:** Was either man, Marcus or Mr Fergus, paid for their commentary?

**Mr Fang:** We don't pay our sources for commentary.

**Senator HENDERSON:** No. I didn't think so, but I'm just checking. I'm not suggesting that you would ordinarily do that. ABC News has repeatedly reported that ASIO has investigated Naveed but could not substantiate the allegation that he was radicalised. Can I ask you to respond to those concerns?

**Mr Fang:** Apologies, Senator. What's the specific question?

**Senator HENDERSON:** Well, I guess there is some concern that this misquotes what ASIO said in its statement—that the allegations were not substantiated. So I'm just asking you to drill down—

**Senator HANSON-YOUNG:** He ended up being a terrorist, so they clearly got it wrong.

**CHAIR:** Senator Hanson-Young!

**Mr Fang:** In relation to the *Four Corners* program, it's the type of program which needs to be viewed in its entirety. It provides a variety of different allegations which have been multiply sourced. There were a few occasions, as we've discussed, where we relied on one particular source, but we were able to provide attribution around the location that that particular source was in and a variety of other things. We also provided a very detailed response, as ASIO provided, in the program. I would say that I can't think of anything that ASIO put in that statement that we didn't put into the program other than things that might not have been relevant to particular allegations that were eventually made.

**Senator HENDERSON:** I'm not questioning your editorial judgement; I'm putting these questions to you. Just because someone is poorly motivated or has been subjected to a security investigation doesn't mean what they say is legitimate. I'm not questioning the ABC's allegations in relation to ASIO; I'm just putting these questions to you. These are obviously very, very serious matters and matters that the ABC needs to consider very carefully.

I do want to move to another topic. How much more time do I have, Chair?

**CHAIR:** You would have had time for one more question, so it's probably not fruitful to begin a separate topic. I will now move the call to Senator Faruqi.

**Senator FARUQI:** Good afternoon, everyone. I have a few questions about the ABC's Middle East conflict guidance. I'm sure you recall that, after enormous pressure from the community and under an FOI, the ABC did finally release its rules for covering Palestine and Israel. I think that happened on 21 November last year. The document that was released in November was last updated on 22 September 2025. Have there been any updates to that guidance since?

**Mr Fang:** In relation to the guidance, there have been a number of occasions where I have answered these questions. I've always said that we're happy to provide the guidance. We didn't release the guidance because of public pressure; we were asked, and we released the guidance. It's internal guidance, but I was happy to release it. To my knowledge, the last update to the guidance was in September last year, as you pointed out.

**Senator FARUQI:** The guidelines begin by stating that, in such a highly contested space:  
... accurately presenting context and material facts is extremely important.

I agree with that. They go on to say:

... balance should follow the weight of evidence.

On page 10, the guidelines state:

There is still also a requirement for Israel's perspective to be included over time ... and Israeli responses to specific allegations should be sought ...

But there is no requirement anywhere in the guidelines that Palestinian perspectives are included. I guess I'm a bit concerned. Does that seem to be balanced reporting to you?

**Mr Fang:** Where you refer to the guideline that Israel's responses 'should be sought', the guidance is speaking about particular allegations that are made about Israel's conduct or about the State of Israel, the IDF or others. So what you're reflecting is that, in those situations, we're saying it is a requirement—because these are contested issues—to get a response. What underlines the whole guidance is that we need to be always attributing and always getting appropriate responses. But, as you know, many of the contentious matters which are laid out in that guidance—we're guiding our staff to get a response to those specific matters.

**Senator FARUQI:** Yes, but shouldn't that be the same case for Palestinians? Shouldn't Palestinian voices be required to answer to any allegations as well?

**Mr Fang:** Absolutely. Where there are contested claims and elements, the guidance says that you are to seek to accurately report and provide the relevant perspectives on these matters.

**Senator FARUQI:** It doesn't provide the same sort of guidance for Palestinian voices. That is what I'm trying to highlight. I think you probably know that, with the ABC having written those guidelines. The guidelines on page 7 state that interviewers alleging crimes against Israel should be challenged on the substance of their allegations. So are Israeli spokespeople also then required to be challenged on their allegations?

**Mr Fang:** Absolutely, and that aligns with our editorial policies. But what you're reflecting there is that there are specific allegations that often get made in relation to this conflict about the conduct of the State of Israel. Our guidance is supposed to be proactive and helpful to staff, so, as it relates to those specific allegations, we're providing staff with more direct guidance about what they should do. But like any comment, any claim, any contentious issue that we report on, we need to seek relevant perspectives from all sides or all parties that are relevant to that issue where we can.

**Senator FARUQI:** It would be good if that were explicit in those guidelines because, at the moment, it seems very imbalanced towards Israel and their responses to allegations but not towards Palestinians and their responses to allegations.

**Mr Fang:** I'll take that on board, but I would just say that the guidelines are not our only editorial guidelines. They, of course, are specific guidelines that support our editorial policies, which make it clear—very clearly in our guidance about impartiality—that relevant perspectives need to be sought where appropriate, whatever the story.

**Senator FARUQI:** On page 8 of the guidelines, there's a section titled, 'Reporting and discussing allegations of genocide'. It begins with the sentence, 'Critics of Israel and families of victims in Gaza now routinely describe the Israeli actions of genocide.' It's not only critics of Israel, though, and the families of victims in Gaza who do that; Amnesty International, Human Rights Watch, international genocide scholars and a myriad of other really

well-known human rights organisations across the world have found that Israel is committing a genocide. I know that this section does refer to the UN commission of inquiry that found that Israel is committing genocide, but it does not refer to any other evidence. So my question is: is it really appropriate, given the overwhelming evidence of genocide, to direct journalists that it is critics of Israel who describe Israel's actions as genocide?

**Mr Fang:** I think that section that you're referring to is around clarifying, particularly for teams that are doing live coverage, breaking news and the like, and I believe it would go on to cite some examples around the types of coverage that might be being done where we don't believe it's necessary to question people if they've had a personal experience or where they're making an allegation of genocide. So that section is really about that type of coverage; it's not more broadly talking about our entire guidance about genocide.

**Senator FARUQI:** I have one quick follow-up question on Senator Hanson-Young's line of questioning about the royal commission directive. Are you concerned that the quality of ABC reporting on the royal commission and associated topics might be diminished if your journalists and their sources are under this directive? I'm asking this especially, given that the directive is very broad. I've seen the directives from other royal commissions, but I think this one goes beyond that. Please correct me if you think otherwise. It covers social cohesion, antisemitism, religious and ideologically motivated extremism, radicalisation, the capabilities and powers of law enforcement, border control, immigration and security agencies. It is a very, very broad directive. So I am concerned about how, with this really broad remit, you give assurances to protect your journalists and their sources. Are you also concerned about attacks from the right-wing media in particular—because that has happened to ABC journalists before—if this information is out there?

**Mr Fang:** I'll provide a similar answer to what I provided to your colleague earlier. I have faith in the ability, the skill and the quality of our journalism that it will continue to be of the highest standards. We will meet our principles and our ethics and continue to protect our sources and also continue to support our journalists to do their jobs to the high standards that they currently do.

**Senator FARUQI:** Thank you.

**CHAIR:** Senator Ananda-Rajah.

**Senator ANANDA-RAJAH:** I want to know what the additional \$50 million that we announced at the end of last year means for the ABC.

**Mr Marks:** It comes at an important time. We have probably unlimited demand from content makers to access funding to make a wide range of really quality programs. Obviously we've been limited in budget. We're finding at that, at the same time, a number of other broadcasters are dropping out of the market, particularly in drama. But, of course, we are now probably the only commissioner of premium children's products in Australia. We're finding as well that the streamers, as in the international streamers, are doing some content, but, what I would say, not with particular conviction. So being able to deliver more Australian stories to Australians at this time is something that's very important. There's no shortage of material or stories to tell, coming from some of the best producers I would say globally let alone in Australia.

That extra money also enables us to operate at a level that I think means we can compete more effectively with the quality of production that is being delivered by some of those international streamers. So, I think, when we get our announcements out, hopefully within the next couple of weeks or at least within the next month, you'll see that the ambition level of the shows that have been enabled by the particular additional investment is reflective of a higher ambition and a real sense of purpose to deliver really excellent content to the audience. So, yes, it's a critical time for the industry. The ABC, we accept, has a really important role in obviously servicing the needs of the audience but also being a key participant in a pretty important industry at a time when it's probably increasingly reliant on us as opposed to others to tell those stories. So that additional funding, which amounts to about \$16 2/3 million a year, is very important in what it will enable.

**Senator ANANDA-RAJAH:** What does it mean for the content producers here in Australia? Do you have a sense of how this money is going to be directed?

**Mr Marks:** Yes, particularly for children's producers. Children's content has become a very difficult category, and there's been much enthusiasm from those children's producers supporting the ABC as almost the sole commissioner of children's content in this market—and they're very important stories to tell. So being able to have more throughput into that sector will help support some of those industries to remain based and focused in Australia to tell Australian stories and not have to overly rely on the internationalisation of their content in order to secure funding. On the Australian side of it, that's what it really enables. We've actually got a couple of really good kid shows ready to go, so I'm really pleased with what we're going to be able to deliver with that extra money.

**Senator ANANDA-RAJAH:** On the topic of the content you're creating for kids, what does that mean for Australian families?

**Mr Marks:** We know from our audience statistics that the ABC, in terms of reach to children of Australia, is light years ahead of every other broadcaster in the market. We know the streamers do have a lot of children's consumption, but that's increasingly of American or British content. So, in terms of the ability to access Australian stories with Australian accents and Australian narratives, Australian themes and values, it's very important. It will mean that we can fill out the service that we provide to children in a way that parents can be satisfied that there is more than *Bluey* and a couple of other shows. The volume of material and the environment that we can provide to families for children will be something that's really competitive on a global landscape. I think it's in the children's area where we must place the most focus and we will get the most return.

**Senator ANANDA-RAJAH:** Interesting. There could be another *Bluey* in the pipeline—we don't know.

**Mr Marks:** As Senator Henderson would say, we only hope that we find another *Bluey* that generates income as well for the ABC and that will enable us to reinvest even more in children's programming. We might all laugh about it, but the reality is that being able to do more means improves our chances of coming across that next *Bluey* and being able to create that funding that will further supplement the income base of the ABC and the taxpayer. To do even more is something that we must focus on.

We're doing some work at the moment to understand the return on incremental investment in the ABC in terms of the economic activity that comes from that. We know that there's a really positive ratio that comes from that economic activity from investment in the ABC. Hopefully, through the year I'll be able to provide some more information on those outcomes.

**Senator ANANDA-RAJAH:** That multiplier effect would be something we would love to hear more about. Can you talk to us a little bit about what five-year funding means for the ABC?

**Mr Marks:** With anything that we're looking at now, from a scripted perspective or from a children's perspective, we're already looking at 2027 or 2028 broadcast—possibly even into 2029 if it came to adult drama production, as an example. These are big ticket items that really move the dial in terms of our budgeting. Having the certainty to understand that we can continue to invest in those premium stories—because we're taking producers along a development pathway in the reliance that the end product is going to be able to be commissioned—is really important, I think, not just for the ABC but for the whole industry. These things don't just happen; I can't click my fingers and change the schedule in any year. It really takes three to four years for that momentum to start to play, so longer term funding certainty, I think, gives the greater ability to invest with confidence—not just for the ABC but for the whole industry.

**Senator ANANDA-RAJAH:** Fantastic. With respect to news content, accurate and reliable news is more important than ever. How has the ABC maintained trust with the Australian public?

**Mr Marks:** It's a constant exercise. We can always, and we should always, strive to be better. Mr Fang and I talk constantly about the things that we need to focus on as an organisation to continue to drive better outcomes from across the organisation. One of the big projects that we're working on at the moment is the use of language. The use of language is a very important factor in accuracy and accurately describing the particular things that happen or don't happen as part of news reporting.

When we talk about impartiality, one of the things that can be quite difficult in a news organisation, especially at the moment, is, when you're always reporting the news, it can be quite heavy, and it can be quite global. So being able to do new programs like *ABC National Forum* enables us to focus on a domestic discussion of ideas and not be overly impacted by having to report news of global events. It enables us to balance that coverage in a way that I've been talking about wanting to do more of for some time—being able to have that town square effect rather than the news-reporting effect. Getting that balance right between the two is also something that's very important. Do you want to add anything to that, Mr Fang?

**Mr Fang:** No, I think you've summed it up. The audience responds and tells us how they feel. Our trust scores showed that, I think, 79 per cent or 81 per cent of Australians suggested they trusted the ABC, so those are numbers that suggest to us that what we're doing is being effective.

**Senator ANANDA-RAJAH:** How often do you do that survey? Is it annual?

**Mr Marks:** I think we do the survey of a panel bimonthly—or it might be monthly; I'm not sure. It's something that we're constantly surveying. It will be no surprise to you that, when there are events where the ABC doesn't perform as well, those trust scores do drop. It is responsive to what's happening in the environment. But I've worked in various organisations around the country, and anyone getting more than 75 per cent as a trust score is pretty much unheard of, so I think there is recognition of the value of the ABC. Having said that, we get

constant feedback, as we should, about all sorts of matters—that we can do better. We would be the first to recognise that being better is something that we should always be striving for.

**CHAIR:** Just one more question.

**Senator ANANDA-RAJAH:** One more really quick question. With a third of Australians living in regional communities, how does the ABC reach those communities?

**Mr Marks:** We have the largest workforce in rural and regional Australia. It's a very important part of the ABC. Mainly that's through audio, in terms of a local market delivery. Our television tends to be more national services, or news may be a more state based service. It is something that I think we could do more of. It is certainly something that is a big part of my focus. In an area where we're seeing—just from the realities of commerciality—many of the commercial media players doing less in rural and regional Australia, it's an important part of our responsibility.

I think we might not regard some of the programs that we've delivered over time—*Muster Dogs, Back Roads*—as being rural and regional, but they do feature the wonderful stories of those places and characters that we find in those locations. In terms of news and current affairs, it's also something that I've been asking our team to do more of so that we see more of rural and regional Australia in the metropolitan areas as well. I think that's another way we can get that information.

We have a big, ongoing project this year which is about localisation. What we're endeavouring to ascertain is whether we can take the content that we create in local markets, often for audio, and, by use of technology, ensure that that content be available on multiple platforms. So, if you're consuming ABC News Digital in the central west of New South Wales or in central Victoria, you'll be able to elect to receive a local version of the news digital website that is specific to your area and to preference local stories. We can get more content by using the content that we have, the people we have and the technology we have available to us now to enable us to do that. That's a big push for this year—that prominence of localisation. That's something I hope we get going in the middle of the year and further on.

We've also had some discussions with services like AAP. We announced that we were going to make our emergency content, in particular, available to other local media providers. We saw in the case of the bushfires in central Victoria, for example, that there were a couple of local providers that opted in to make that content available to their audiences, which I think is another great value-add. We imagine that a service like AAP may be able to help us leverage that at scale so that anyone that is on the AAP wire is able to access ABC materials. Again, that's another focus for the year—making sure that the content that we generate doesn't just have to go through ABC channels. It can be available in news deserts or other areas where more services and more content would be of value to local communities. Those are two big focuses for the year.

**Senator ANANDA-RAJAH:** Thank you.

**CHAIR:** At this point, I'm able, with the cooperation of my colleagues to release the officials from Australia Post. Thank you for your attendance here and the work that goes into it.

**Mr Marks:** I thought that was going to be us!

**CHAIR:** No, Mr Marks. I think there is great interest in your work, so I think we will continue for a little while longer.

**Senator HENDERSON:** Mr Fang, I've raised concerns about ensuring that there's no activism in the ABC. I think it is a continuing issue. I particularly raise concerns about the withdrawal of four ABC staff from the Adelaide writers festival. It's been reported that you wrote to one person, and you deny that this constituted a boycott. I put to you that the withdrawal of Sarah Ferguson, John Lyons, Laura Tingle and Louise Milligan does constitute support of the boycott in support of Dr Randa Abdel-Fattah, who has made some incredibly disparaging and hateful comments about Israel and about Jewish people. So can I ask you to explain your position because, in the case of Mr Lyons and Ms Tingle, you say there's no evidence of this claim that they support the boycott, but they walked out. They walked out of the Adelaide Writers' Week. Surely that is evidence in itself of activism such that it reflects on the reputation of the ABC.

**Mr Fang:** Thank you for the question. It's good to be able to clarify these matters. I did not write back to one particular person; I provided a response to a group of letters that were very similar in nature and suggested that they had been part of a campaign, which is fine. I'm happy to respond to the audience. What those letters suggested was that there was a clear reason for those ABC staff withdrawing from Adelaide Writers' Week, and my point to those people was that at that point there had been no comment made by some of those particular ABC staff and it was not fair to infer any reason or any motivation for why they had withdrawn. I don't think it is fair to

suggest that a no comment can be inferred as somebody's motivation, and so that was the point of the letter that I wrote back to those people.

**Senator HENDERSON:** I'm referring to one letter written to one person. I'm not going to identify this person. I don't have this person's permission, but this person is known to you. And that's not the case. You're mischaracterising your letter because you state very clearly, you assert, that John Lyons and Laura Tingle chose to withdraw from Adelaide Writers' Week in support of Dr Randa Abdel-Fattah. You provide no evidence of this claim. At no stage did either Mr Lyons or Ms Tingle make any such suggestion. In his only public statement—Mr Lyons did make a public statement—he referred to the controversy surrounding the event and said he would be withdrawing. Ms Tingle, as you correctly said, made no public comment.

I would put to you that when you allow your reporters and your staff to be involved in these sorts of events and when then they withdraw and join a boycott then that is conduct equivalent to activism in support of someone who has made the most hateful and horrendous comments about Jewish people, who has encouraged children to chant 'intifada', who has implicitly celebrated the Hamas terrorist attack, and who, in my view based on some of the terrible comments that she has made which were why she was cancelled initially, has made what I think amounts to some antisemitic comments. And yet you've got Mr Lyons, Ms Tingle, Ms Milligan and Ms Ferguson all withdrawing. I would put to you that their action in withdrawing from the festival constituted a boycott, and all we needed to see was their action not their words.

**Mr Fang:** I think that what I just outlined to you then accurately reflected the letter which has been published in the newspapers and which you've read out so people can see that. Unfortunately, I disagree that somebody not commenting or somebody making a comment on social media where they said they are withdrawing indicates that they have taken a position supporting the comments of Dr Randa Abdel-Fattah. I simply do not think that that inference is accurate.

**Senator HENDERSON:** Well, that doesn't stand to reason because suddenly there was a boycott and suddenly many participants in the Adelaide Writers' Week started withdrawing and they joined the boycott. So how can you say with any credibility that there's no evidence to suggest that they support Dr Randa Abdel-Fattah? They joined the boycott.

**Mr Fang:** They chose to withdraw from the festival, and they did not provide a reason that supported Dr Randa Abdel-Fattah.

**Senator HENDERSON:** Mr Lyons did. Mr Lyons spoke about the controversy and he withdrew. And Ms Ferguson has posted on Twitter, and she's actually made some comments that very clearly make clear that she was supporting Louise Adler and her cause. Ms Milligan—and I'm happy to table these posts—made even stronger comments. I assume Ms Milligan is still working for *Four Corners*?

**Mr Fang:** She still works for the ABC.

**Senator HENDERSON:** For the ABC—not for *Four Corners*?

**Mr Fang:** She still works at times for *Four Corners*. Yes, she still works for *Four Corners*.

**Senator HENDERSON:** Right. She said:

This woman is one of the dearest friends I have ever met. Principles of steel. Heart of a lion. A woman who goes out on a limb. My dear, dear other Louise. My publisher, my friend, my fellow natterer on the phone. A true public intellectual. No one will fight in your corner like this woman. Strength to your arm.

Now, Louise Adler, in stepping down, led the boycott. So, you've now got ABC journalists participating in the boycott. What I'm particularly concerned about is—

**Senator HANSON-YOUNG:** What do you mean she 'led the boycott'?

**Senator HENDERSON:** that you are pretending, Mr Fang, that there was no evidence to suggest that ABC employees were supporting Dr Randa Abdel-Fattah.

**Mr Fang:** I responded to audience complaints about a particular aspect. I didn't make any other claims or any other inferences, other than that they had not commented and that it was not fair to infer any motivation. Louise Milligan's comments on social media stand for themselves. She was supporting her friend Louise Adler. As you well know, there was a significant amount of controversy—

**Senator HENDERSON:** But she also joined the boycott. She was due to appear, and she joined the boycott.

**Mr Fang:** She chose not to continue to participate in the writers' week, correct.

**Senator HENDERSON:** That's right. She joined the boycott.

**Mr Fang:** And she made her position—

**Senator HANSON-YOUNG:** Surely people are allowed to not participate in something! You're not allowed to have friends, not allowed to—

**CHAIR:** Senator Hanson-Young, I will come to you in a moment.

**Senator HANSON-YOUNG:** Talk about the freedom party!

**Mr Fang:** So, Senator, as you know, there was a high degree of contention around the writers' week. Many people outside of the ABC withdrew. Louise Milligan is on the record and suggesting that she was supporting her friend Louise Adler.

**Senator HANSON-YOUNG:** You're allowed to have friends.

**Mr Fang:** But other ABC reporters, who were there for external work, have not made a comment that says they're supporting the comments of Dr Randa Abdel-Fattah.

**Senator HENDERSON:** Well, they weren't withdrawing because their grandmother was sick. They were withdrawing because they were joining the boycott in support of Dr Randa Abdel-Fattah. And while others may choose to do so, in the case of ABC staff, where there are very strong obligations of impartiality, I would put to you that they were not demonstrating impartiality in relation to their conduct. I mean, the ABC must insist on the very highest standards of conduct when it comes to ABC journalists. You can't allow your journalists to run their own political activism, because it reflects on the ABC.

**Senator HANSON-YOUNG:** But you can't force people to participate in something that they don't want to participate in!

**Senator HENDERSON:** It reflects on the ABC.

**Mr Fang:** I agree we need to hold ourselves, in particular our news staff, to the standards of impartiality that we're obligated to. In this particular case, those reporters have not provided, in those public statements, any motivation for why they chose to withdraw. So, it's not possible to infer, just from their public statements—and that's what I was responding to for the letter writer—why they withdrew.

**Senator HENDERSON:** Well, that is just factually wrong. Of course it's possible, because they joined the boycott. As I said, they didn't suddenly decide not to participate because their grandmother was sick. I look particularly at what Sarah Ferguson put on Twitter on 12 January—141,000 views:

Returning to Sydney today—on Adelaide: withdrawing from festival role as interlocutor. AWW and Louse Adler created a place where debate flourished—with respectful conversation including on our most difficult subjects—that should be defended in our cultural life.

Now, come on, Mr Fang. The problem I have is that, unlike journalists from other media organisations—except for the SBS—there are very, very important obligations on ABC staff to be impartial, and when you have ABC journalists participating in a boycott in support of someone who has celebrated implicitly the Hamas terrorist attack, who has encouraged children to chant 'intifada' and who has demonised Jewish people, I would say that that's completely inappropriate. Mr Marks, I turn to you. That's not on. On your watch you should not be permitting this sort of activism in the ABC, I would put to you.

**Mr Marks:** Senator, even the comment you read from Sarah Ferguson, which I've only just heard from you, talks to me more about the politicisation of the event. It certainly doesn't say anything about the particular author that you've been discussing or support for that author; it talks about the politicisation of the event. Surely, principles of freedom of speech and political interference in creative debate are principles that journalists are entitled to stand up for. Just to support what Mr Fang said, that in no way means that they're in support or making any statement, implicitly or otherwise—

**Senator HENDERSON:** I think that's just nonsensical.

**Mr Marks:** other than what their words say.

**Senator HENDERSON:** It's nonsensical, Mr Marks.

**CHAIR:** Senator Henderson, I'm giving you a one-minute warning. I'm going to move the call on and we'll come back.

**Senator HENDERSON:** And so perhaps—

**Mr Marks:** I think that, in many cases, the matters were taken out of their hands. If someone's there to interview a person who's no longer at the conference, what point do they have in continuing to turn up?

**Senator HENDERSON:** So it was just a happy coincidence, was it, that they all decided to withdraw?

**Mr Marks:** I think each individual will have their own reasons. But I think the message of the Twitter comment that you read out from Sarah Ferguson talks quite aptly to what I think would have been going through a

lot of their minds, which is: what happened to our creative event that was about the free expression of ideas and discussion—something that we talk about often as wanting to promote in society? It was politicised to such a degree that it was closed off and people felt that it was an inappropriate thing to happen. So I don't think that, by implication, that means that they're supportive of comments or posts or other things made by the particular author that you refer to.

**Senator HENDERSON:** So why did they withdraw?

**Mr Marks:** I think there would be a variety of reasons for each one.

**Senator HENDERSON:** Sick grandmother?

**Mr Marks:** I don't think sick grandmother was one of them.

**Senator HENDERSON:** Lost their voice? Got a bit shy—a bit of stage fright?

**Mr Marks:** One would be—

**Senator HENDERSON:** For goodness' sake, there's only one credible reason why they withdrew, and that's because they were joining the boycott in support of Randa Abdel-Fattah.

**Senator HANSON-YOUNG:** Some of them were supporting the right to freedom of expression, which is something, apparently, the Liberal Party is meant to stand for.

**CHAIR:** That's an appropriate juncture, I think. Thank you, Senator Henderson. We'll come back to you. Senator Hanson-Young.

**Senator HANSON-YOUNG:** Mr Marks, the ABC is being given an extra \$50 million, as a result of the Greens' negotiation with the government at the end of last year, specifically for the creation of local content and children's content. I'm keen to know where you're up to with the discussions with the government on that and what's going to be done with that money.

**Mr Marks:** On where we are with the discussions, I think we have clarity around that now. Ms Kleyn, I'll just give you an opportunity, in terms of the profile of that particular funding over the next three years.

**Ms Kleyn:** Yes, we've got clarity that we will receive that money in equal instalments over the next three years. It's \$16.7 million or thereabouts.

**Mr Marks:** We had a number of ideas that had been pitched to the organisation which we were unable to proceed with in the absence of the additional funding. I'm hoping that within, as I said, the next couple of weeks, or the next month at least, we'll be in a position to make announcements about a number of children's programs and adult dramas that we're ready to proceed with and get into production, including one in South Australia.

**Senator HANSON-YOUNG:** Really. I'm looking forward to that. Can you tell us anything about that?

**Mr Marks:** As you know, Senator, announcements are difficult, but, if I could drop some breadcrumbs, it'll be a well-known brand coming back to life for the benefit of children and will be produced by a company in Adelaide for the ABC. Sorry, that was cryptic. I'm not sure Senate estimates is the best place for program announcements.

**Senator HANSON-YOUNG:** Fair enough. When do we expect to have some announcements about that?

**Mr Marks:** I'll be in Adelaide early next week, and I expect we'll announce that particular program next week.

**Senator HANSON-YOUNG:** Great.

**Senator ANANDA-RAJAH:** Don't forget Victoria.

**Mr Marks:** Or Western Australia, yes. It is important, and we do recognise the need to support productions and producers outside the two big states—New South Wales and Victoria—who get a disproportionate share of premium television production. We're also always very conscious of supporting companies in other markets.

**Senator HANSON-YOUNG:** The ABC had a good night at the AACTAs last week. One of the awards went to *Play School*, which is a favourite of most of us. Is it 60 years this year?

**Mr Marks:** It's three months older than me.

**Senator HANSON-YOUNG:** I don't know who's looking better, Big Ted or you!

**Mr Marks:** Definitely Big Ted.

**Senator HANSON-YOUNG:** However, there is this Federal Court case in relation to *Play School*. I think this is in relation to casual staff and then transferring to permanent—

**Mr Marks:** It's in relation to contract staff. It's a well-known practice in the film and television sector that programs are ordered in seasons and staff go with the season of a particular show and the contract relates to that

season. New legislation was introduced that requires corporations like us, if someone had been on the second contract, to then offer that person full-time employment. We found on review that we hadn't done that with a number of individuals, including the one at *Play School* that you raised. When that was raised with us, we instantly said we would translate that person to a full-time role in accordance with the law, and we've done that with a number of other people. We would like there not to be litigation because we instantly accepted that we had to make that that transfer to a full-time role, which we did.

**Senator HANSON-YOUNG:** How has it ended up in the court then?

**Mr Marks:** The union is still insisting that we be penalised for not having done it earlier, so they're pushing ahead with taking action against the ABC to seek a penalty for not having done that in compliance with that particular new law that was recently introduced.

**Senator HANSON-YOUNG:** How much has this cost the ABC so far?

**Ms Kleyn:** I'm not sure, but we can take that on notice.

**Senator HANSON-YOUNG:** How many employees does this impact?

**Mr Marks:** I'd have to give you a range—about 10 per cent of our staff. Our workforce is around 4,400. About 10 per cent of our staff at any time are on contract. Some of them might be maternity leave fills or whatever, which is appropriate. We think about half of that number probably were in this range of being on a project contract rather than a full-time contract, so it doesn't affect a significant number of staff in the organisation. But there were, I think, something in the order of about a couple of hundred people that were transferred to full-time contracts.

**Senator HANSON-YOUNG:** I get the idea that, when you're shooting season by season, that's different to just having a full-time journalist up in the press gallery or somebody in the editing suite or someone in admin. So, going forward, how are you going to manage that? It won't just be in relation to *Play School*. There are various different people that are brought on for seasonal work.

**Mr Marks:** There are. I think the argument would be that many of these shows like *Play School* pretty much continue production even though it says season to season. So we should be able to manage that for those more full-time shows with appropriate leave provisions et cetera in the relevant times and discussion with staff. Most of the shows that it applies to are pretty much on a full-time production schedule. Where there are shows that may be more intermittent, hopefully we can continue just to manage it in a different way by consultation directly with the staff member impacted about whether it is a full-time role or not. What I wouldn't want to see is people sometimes losing roles because we don't necessarily have a role for them on a full-time basis. So it is an area we will just need to continue to be proactive in.

**Senator HANSON-YOUNG:** Can I ask about the commitment made by the government at the last election to reinstate our engagement with the Pacific and the role of the ABC in that. Where are those conversations up to? I know that what the government committed was nowhere near the budget that had been cut from Tony Abbott's days.

**Mr Marks:** No, I think we are still awaiting final formal decision on the renewal of the funding, which I think runs out—I'm not sure. Ms Kleyn?

**Ms Kleyn:** This financial year.

**Senator HANSON-YOUNG:** So 30 June?

**Ms Kleyn:** On 30 June for the bulk of the funding. There is a smaller amount of funding, more specific to transmission, that's ongoing, which is approximately \$1.3 million—something in that order on an ongoing basis. But the bulk of the funding, which is around \$8 million per annum, runs out at the end of this financial year.

**Mr Marks:** In positive news, we're also—just to make an announcement—going to be able to change our DAB spectrum to make available the Pacific service for the benefit of Pacific communities in Australia in the near future. So we're taking advantage of what's an excellent service to also engage with Pacific communities who are living in Australia as well. That's an addition to what we're going to be able to do.

**Senator HANSON-YOUNG:** Is there any money coming to you from the department of foreign affairs in relation to this, given the obvious soft diplomacy and security element of it all?

**Ms Kleyn:** Yes. Sorry, I don't have the specifics in front of me, but we certainly do have what we would characterise more as grant funding that comes from the department of foreign affairs. This particular \$8 million—I appreciate I'm stating the obvious—was rolled into our appropriation funding. But then we do, separate to that, yes, still receive certain grant funding for very specific outcomes.

**CHAIR:** Senator Nampijinpa Price.

**Senator NAMPIJINPA PRICE:** I would like to begin by asking questions with regard to the program *Always Was Tonight* with Tony Armstrong. Mr Marks and Mr Fang, if you could provide a yes-or-no response for each of the following questions, I'd appreciate it. Firstly, would you agree that our nation has an Indigenous heritage, a British foundation and an immigrant character?

**Mr Marks:** Do you mind just repeating that question?

**Senator NAMPIJINPA PRICE:** Would you agree that our nation has an Indigenous heritage, a British foundation and an immigrant character?

**Mr Fang:** Is this in relation to a program consideration or about something the ABC's done, or are you just seeking my personal opinion?

**Senator NAMPIJINPA PRICE:** I'm asking, I suppose, your opinions; if you don't want to provide your own opinions, then the ABC—you are the broadcaster for the nation. I'm trying to get a feel for how the ABC views our country. It's a simple yes or no. It's not a complex question.

**Senator HANSON-YOUNG:** You can't ask for opinions.

**Senator NAMPIJINPA PRICE:** Excuse me, but I didn't interject to any of your questions—

**Senator HANSON-YOUNG:** I'm taking a point of order with the chair.

**Senator NAMPIJINPA PRICE:** so, if you could use your manners—which, clearly, you don't have—I would appreciate that. Thank you. I'll take direction from the chair.

**Senator HANSON-YOUNG:** I raised a point of order. It's the process.

**Senator NAMPIJINPA PRICE:** You didn't raise a point of order. You interjected, because that's what you're good at.

**CHAIR:** Senators! I appreciate that point. Senator Hanson-Young, if you're raising a point of order, could you just begin with that phrase, then that way—

**Senator HANSON-YOUNG:** I'm raising a point of order. You can't ask officials for opinions.

**Mr Marks:** What I can say, Senator, is that the charter is pretty clear. The charter talks about—

**CHAIR:** Sorry, hold on. A point of order has been raised. I think the way to deal with this is to permit Mr Marks and Mr Fang to respond to the question as they see fit, whether it be in their personal capacity or not. If they don't want to offer an opinion, then that's understandable—or if they want to offer a view from the ABC. They're capable of dealing with this question. If you need further assistance from me, then I will interject once more.

**Senator HENDERSON:** On the point of order, Chair, can I just respond?

**CHAIR:** Yes, sure.

**Senator HENDERSON:** I don't believe there is any basis for the point of order, because the prohibition on providing or being asked opinions relates only to officials—essentially, public servants. Mr Marks and colleagues don't fit that description, so I just want to clarify the position.

**CHAIR:** I don't want to rule on that, because I'm not sure whether it's either advisable or appropriate for people who hold an office within a public authority like the Australian Broadcasting Corporation to give their personal opinions or to be forced to give their personal opinions. But, given the position that I reached just before that point was raised, the question has been put. I'll give the officials of the Australian Broadcasting Corporation a chance to answer. And then, if we need to resolve any further issues, we can take them up at that time.

**Senator HENDERSON:** Just for the benefit of this committee, the asking for opinions, as set out in *Odgers'* page 568, refers only to officers of departments.

**CHAIR:** Thank you, Senator Henderson.

**Senator HENDERSON:** Rules of estimates—thank you.

**Mr Marks:** Our charter requires us to reflect the broad diversity of Australia. I'm sure many of the elements you referred to are part of that broad diversity of Australia.

**Senator NAMPIJINPA PRICE:** That's a yes, I suppose.

**Mr Marks:** We are a broad country.

**Senator NAMPIJINPA PRICE:** Would you say our nation is better off thanks to British settlement?

**Mr Marks:** I don't think that's an appropriate matter for me to offer an opinion on. That's an opinion matter, I think.

**Senator NAMPIJINPA PRICE:** I suppose the ABC wouldn't exist. It's difficult, I know. The historical record is clear that British colonisation did result in Aboriginal people being killed in large numbers from diseases to which they had no immunity, from violence on the frontier and also from internal tribal conflict. But I suppose, as many historians have noted, like Geoffrey Blainey, Geoff Bolton and Nigel Biggar, the term 'genocide' is not an accurate word because it's not supported in evidence. So, Mr Marks, is it the ABC leadership's view that, in colonial Australia, genocide was committed against Aboriginal people? That is the definitional sense—the deliberate and systematic killing of Aboriginal people with intent to bring about their destruction in whole or in part.

**Mr Marks:** Again, my role here is not to provide opinions. Our role is to produce content or create content and make that available to the audiences and to ensure that content meets editorial standards and appropriate accuracy and impartiality. Obviously, in various forms of content, that can be differently interpreted. In this case, it was a satirical comedy program. To the extent that any factual assertions were made in that program or any assertions were made as to facts, if I remember the program, those facts were referred to 'as some commentators said' or 'some historians said'. There was no definitive fact alleged or asserted. As a result, I think that meets editorial standards.

**Senator NAMPIJINPA PRICE:** So I suppose the ABC supports that concept, I would suggest. It certainly appears that way, and the average Australian, in my view, would see it that way.

**Mr Marks:** I don't believe that's what I said.

**Senator NAMPIJINPA PRICE:** I'm asking this question because *Always Was Tonight* host Tony Armstrong asserted genocide as fact. He did. This is what he said. He said: 'By the way, did you know that no member of the First Fleet was recorded as having been infected by smallpox? It makes you wonder. How did the locals get infected by it in the first place unless, as some experts have argued, it was deliberately introduced to decimate a population who colonists have described as primitive and barbaric, which would have been a deliberate use of biological warfare leading to a genocide?' The ABC is defending the *Always Was Tonight* program as satire, as you've sat here and suggested. But let me remind you of something else that Mr Armstrong said during the show. To be honest, I don't know how it's even supposed to be comedy. Mr Armstrong said, 'We want *Always Was Tonight* to not just entertain—and sometimes not even entertain—but also inform and ask the hard-hitting questions.' This program peddled falsehood of genocide and a wild, deliberate distortion of historical events. Can you explain to me how that's actually satire?

**Mr Marks:** Looking at the program as a whole, obviously there are important issues that many members of the Indigenous community feel strongly about. The program was a reflection of many of those issues in a satirical context, where there were, as you say, assertions. What you would allege as assertion of factual material I would say was presented as a hypothesis in a satirical context. We had some complaints. The program has been through a review by the ombudsman, who found that the program did not breach editorial standards. I think we can take comfort from the finding of the ombudsman. If you watch the show itself, I think it raises many important issues for Indigenous Australians that were important for the ABC to air.

**Senator NAMPIJINPA PRICE:** Except you don't provide any other context to the contrary from Indigenous Australians, do you?

**Mr Marks:** There are many articles that we deal with—

**Senator NAMPIJINPA PRICE:** Can you provide a list of those articles and those contexts that are contrary to such views as were presented on this program through the ABC?

**Mr Marks:** I'm not aware of programs done by the ABC that talk to the historical nature of the events that you're talking about, but there are many Indigenous content issues that we feature on a weekly and monthly basis across the organisation which, I think, provide much information about the issues that are faced by Indigenous Australians.

**Senator NAMPIJINPA PRICE:** Are you saying that there are views contrary to the specific views that have been raised by Mr Armstrong—a sense of appreciation for this country and our history; a view of our history in the round that doesn't suggest that Indigenous Australians are victims of colonisation and white people in this country; and a view that doesn't demonise white Australians through racial prejudice? Can you specifically point to anything, any of your programs, that actually does that?

**Mr Fang:** We're happy to go away and provide a list of what we can reasonably provide. I suppose, in a general sense, there are a myriad of times—across the ABC and across its output—where we have done stories

that examine all types of issues as they relate to Indigenous Australians: success stories, stories that celebrate the contribution of Indigenous Australians to Australia and stories that explore their lives. This is something that we are consistently doing.

**Senator NAMPIJINPA PRICE:** In the context of race relations, right now our country is so divided. How does this program actually help race relations in our country? Who made the editorial decision to allow this program, which clearly intended to demonise British settlement and peddle falsehoods, to air?

**Mr Marks:** It was a program commissioned by the Indigenous unit in the screen sector of the ABC. I think the program raised important issues for Indigenous Australians. I think it did that in a satirical context. Yes, it's one half-hour program in isolation, but I think all of the various things that you refer to—things that you say were asserted as facts—are introduced as 'people may have said' or 'it has been alleged'. I think any audience member watching the program would understand the nuance of that. Again, I'd point to the ombudsman having reviewed the program and not finding any breach of editorial standards.

**Senator NAMPIJINPA PRICE:** Here are some of the examples of the content that appeared on the news ticker on *Always Was Tonight*—and I've tabled these. The first one said, 'Stickler historian wants you to remember Arthur Phillip was also a c-u-n-t.' Then there was, 'Second fleet also shit,' and, 'ABC announces more manageable series: stuff the British didn't steal.' Later in the program, Mr Armstrong interviewed the rainbow serpent, who said, 'Like, how can anyone support colonisation?' Mr Armstrong replied, 'Well, it beats me.' In your National Press Club address, you said that the ABC's role is to protect and promote our national identity. Were these just hollow words, given that the content on the news ticker on *Always Was Tonight* was clearly intended to vilify British settlement?

I'm personally offended. My great-great-great-grandmother was brought here as an orphan through the Irish potato famine. But she's white, so she's less valued by the ABC. There's no nuance in any of this. This is just vilification of our history and of those of us with heritage that relates to those who were brought here under difficult circumstances and against their own will in many ways. We're supposed to sit here and venerate Aboriginal people and our history, but we're told to hate the rest of our history. You, as the broadcaster, are paid taxpayer dollars, and this is the disrespect you come up with, and you call it satire—seriously. Were they just hollow words that you provided at the National Press Club address?

**Mr Marks:** Not at all. They're really important words and they're important words that we intend to govern by in our roles in the organisation going forward. There are a number of programs that we're working on today that would talk to exactly the things that you would say we would want to achieve across the organisation. This particular program was part of a multitude of programs that the ABC presented over the Australia Day period. We had *Always Was Tonight*, we had the Australian of the Year awards and we had the Australia Day concert. I think there was plenty of celebration of Australia and Australian values across that period. This was an opportunity to present issues of importance to a part of the community in which many have feelings about the particular part of Australia Day and the celebration. It's important for us to be aware of it. We need to air and discuss these issues, as difficult as they might be to talk about, as uncomfortable as they might be and as distasteful as many people might find them. It is still appropriate for a creative organisation to be able to explore these ideas. We of course have to provide a range of content across the year, across our organisation and across the years. Many of these shows take time to create. Regarding the show in question, *Always Was Tonight*, yes, many people will find it distasteful. It may confront. But there were many important issues that needed to be aired.

**CHAIR:** Senator Nampijinpa Price, if you're going to continue, you have one more question, and then I'll share the call, and we can come back to you.

**Senator HENDERSON:** Can I just also clarify—

**CHAIR:** No, sorry. We've got one more question in this block. We'll come back.

**Senator HENDERSON:** Sure.

**Senator NAMPIJINPA PRICE:** Do you then endorse Tony Armstrong's desire to 'give the colony a colonoscopy'?

**Mr Marks:** I'm not sure what you're asking me.

**Senator NAMPIJINPA PRICE:** You're obviously endorsing those concepts.

**Mr Marks:** No. You can't take that conclusion from my statement.

**Senator NAMPIJINPA PRICE:** Perhaps it's the ABC that needs one.

**Senator HANSON-YOUNG:** Fun police.

**Mr Marks:** There was a multitude of programming that we provided over the Australia Day period. It was excellent. I don't know if you tuned in to the Australian of the Year awards.

**Senator NAMPIJINPA PRICE:** I don't really tune in to the ABC.

**Senator HANSON-YOUNG:** I did.

**Mr Marks:** They were inspirational. I think the Australia Day concert was great. There were many other programs that we did as well. I think as an organisation we cannot be accused in any way of not recognising the importance of that event, but, in recognising the importance of that event, it is also important that we recognise it has an impact on a section of the community that we need to be able to honour.

**Senator NAMPIJINPA PRICE:** Agreed: it has an impact on race relations in this country as well, and we're at a heightened state right now. The ABC should be doing its best, as a publicly funded broadcaster, to ensure that it doesn't heighten those race relations in this country or teach our children that white kids should see themselves as colonisers who need to be demonised and that black kids are victims. Seriously! You know what? My stepson is a white kid in this country, and he feels it and he feels like his brothers, who he shouldn't have to see a difference with, are treated differently. In fact, my sons that I gave birth to feel like they're treated differently, and they don't feel like the broadcaster—I'm told quite often by young people in this country—actually serves to allow them to feel proud to be Australian in this country.

I've got other questions that I need to come back to.

**CHAIR:** Certainly. I've got some questions in relation to ABC radio in Perth. I understand that there's going to be, or there has been, a move in the change of frequency of ABC radio in Perth from AM frequency to FM frequency. I want to understand what prompted that change. What was the rationale?

**Mr Marks:** There are a few things that are Perth specific that have, over time, really impacted the quality of the AM services in Perth—sandy soil, transport infrastructure. As you know, AM is transmitted best from swampy ground, which is not a common element of the Perth landscape. So it was actually an amazing opportunity for us to make the shift to FM to improve the quality of those services for residents in the Perth area and surrounds. No-one will lose coverage as a result of that. They will have to retune their ABC services to the FM dial, but what they'll find when they get there is a significantly improved quality of service. We will do it in a way that ensures there is no break in emergency services broadcasting coverage. There will actually be a simulcast period between the AM and FM services. But Perth residents and surrounds will find themselves with significantly improved quality.

**CHAIR:** You've referred to improvements in quality. Will it allow more people to listen to ABC services?

**Mr Marks:** FM is a strange beast compared to AM. FM generally has a narrower reach than AM. But I think the way that the planning has happened will mean that most of the people covered by the current services will now receive the FM service. There may be some small areas where audience members will have to tune into a different ABC service, but in totality everyone will be covered.

I might just add that one of the benefits of the AM to FM switch will be an efficiency outcome. It will be less expensive for the ABC to provide those transmission services. That's a saving that we'll be able to secure, which will enable us to invest in other content.

**CHAIR:** What steps have you taken to make Western Australia, particularly Perth listeners of the ABC, aware of those changes?

**Mr Marks:** I'll be in Perth the week after next as part of the start of communications to the audience and the community about the changes. There is a comprehensive plan in place that hopefully will reach all affected people in a way that no-one should be surprised as to either the switch or the timing.

**CHAIR:** Wonderful. I look forward to seeing you in Perth.

**Mr Marks:** There'll be higher-quality Perth services.

**Senator DEAN SMITH:** On the same issue, if I may, what impact, if any, is there to community broadcasters?

**Mr Marks:** My understanding is the community broadcasters have been repointed to a different spectrum or frequency. That will mean that those services are still available to all relevant listeners of those services. All the different shifts have been accommodated in the shift in the licence plan.

**Senator DEAN SMITH:** So Kalamunda Community Radio have been consulted with? They're fully aware and they're fully on board?

**Mr Marks:** That's my understanding.

**Senator DEAN SMITH:** In the Perth Hills, Senator Green! That's a private joke. So Kalamunda Community Radio are fully aware and fully on board, and there are no stakeholder issues?

**Mr Marks:** That's my understanding. I'm sure they would prefer not to have had any change, but the benefits of the change overall, I think, outweigh that inconvenience.

**Senator DEAN SMITH:** Thank you.

**CHAIR:** To change tack slightly once more—

**Senator DEAN SMITH:** Senator Green, you need to take your opportunities!

**Senator Green:** I missed it.

**Mr Marks:** He was talking about the Perth Hills.

**Senator Green:** This is not my chance to star; it's Mr Marks's chance!

**CHAIR:** I'd like to ask some questions about triple j's Hottest 100.

**Senator DEAN SMITH:** You haven't had the call, Senator Ghosh.

**CHAIR:** Well, I'm not cool, Senator Smith, but I am interested in the promotion of Australian artists, and that's really where I'm going with this line of questioning. There has been some discussion at least about the quantity of Australian artists featured in the recent countdown of the triple j Hottest 100, but I'll start one step before that. What role does triple j play in promoting Australian artists to its listeners?

**Mr Marks:** Without triple j, I think the local music industry would really suffer. There was a beautiful segment lately where Keli Holiday, who I think came second—

**Senator Green:** Holiday was robbed!

**Mr Marks:** According to the senator, he was robbed. But as a result of that featuring in the hottest 100 it was picked up by international broadcasters who featured that song on their playlists. I think it stands to play on BBC One, in the UK, so just the featuring and the packaging of that content available to Australians and the platform that provides for artists to be able to make their work available to broadcast audiences can't be underestimated.

We take the role of Australian music and our role in promoting Australian music very seriously. We were very pleased that this year in the hottest 100 about 50 per cent of the artists were Australian. I think more than 50 per cent of the music played by triple j is Australian. I think double j has about 40 per cent. Classic and country—all these services that the ABC provide feature heavily, often more than 50 per cent, Australian music. It is a significant commitment by the ABC to continue to work with local artists to feature their music. Again, it's an area a bit like children's programming—without the ABC I think there would be a huge loss to a significant part of the industry who've achieved many fantastic artists over a long period of time. It's not to say that people can't succeed otherwise, but the ABC has a significant part in doing that. That commitment to Australian music is, I think, a big part of our future platform.

**CHAIR:** I think last year's hottest 100 had the lowest number of Australian artists in a number of years, and that's what prompted some of the discussion that I'm talking about here, whereas this year's had significantly more, as you've just referred to. What do you put that down to? Was that a deliberate evaluation or choice that went on?

**Mr Marks:** I think it's hard to say there are specific factors. In our management team discussions, one of the things, since I've started, that we've spoken about is our custodianship of Australian music and the importance of that to the industry. That's something that I think is fed down through the whole organisation, as to its importance. It's something I'd like to see more of from our screen industry, for example—supporting Australian artists. I think there is more to do in the way that triple j itself features and promotes artists, the work we do with Unearthed, the work we do with One Night Stand and the work we do with Like A Version. I don't know if you know many of these brands. You're nodding; you're a big music fan. Some of the Australian artists and their cover tracks through Like A Version—the music is fantastic. I think featuring that more and taking that on as a responsibility and a real custodianship role are the things that the ABC has to commit to.

Here we get to talk a lot about the news and current affairs organisation, but the music part of the ABC and the local radio part of it are significant, as are the television part of it, our children's programming, our emergency broadcasting and our local radio in every market. There are many tentacles to the ABC where we reach into communities in an important way. Of course, we can always be better and do better, but acknowledging the importance of our role in promoting Australian music is something that's very important to us.

**CHAIR:** You mentioned Like A Version and One Night Stand. One Night Stand came to Busselton last year, which was fantastic to see. What else is triple j doing in the live music space to provide opportunities for Australian artists?

**Mr Marks:** They're expensive, One Night Stands. As you know, we don't run a significant ticket price, and the revenue that comes in often goes to charity, which has been the history of the organisation. I'm currently working with the team to understand what the implications would be if we were to shift that mentality in any way. One of the implications would be that we could do more, because I think that live music scene, particularly presented in the way triple j presents it—featuring local artists—is so important. As we all know, with the change in media and real-life events, live events are becoming things that are in demand, particularly from younger Australians, so it's something that I'd like to do a lot more of. I'm just being told the next One Night Stand will be in September. I don't know if we know where it's going to be yet, but I'd like to do more than one per year.

**CHAIR:** You're more than welcome to come back to Western Australia. Thank you very much. I'm going to pass the call on now to Senator Nampijinpa Price.

**Senator NAMPIJINPA PRICE:** I've got a few more examples of what appeared on the news ticker: 'Dispossession: the only true crime white people don't love investigating'; 'Government announces people with "white saviour complex" now eligible for NDIS'; and 'All white Australians officially declared bankrupt over incalculable debt to mob'. Then there was a segment of the show called Whitre 10—based on Mitre 10, obviously. Why is the ABC leadership endorsing racism?

**Mr Marks:** I don't believe we are endorsing racism; I think quite the opposite. I think we're—

**Senator NAMPIJINPA PRICE:** Well, why don't you have a white comedian saying such things about black people or Aboriginal people in the same vein? Would you do that?

**Mr Marks:** I don't know.

**Senator NAMPIJINPA PRICE:** Would the ABC do that? I think it's pretty evident you wouldn't.

**Senator ANANDA-RAJAH:** Chair, I think Mr Marks needs to be given the opportunity to actually answer the question without constant interruptions.

**CHAIR:** I will take that as a point of order, but, as I indicated to Senator Hanson-Young before, if a point of order is being raised, would you mind saying 'point of order' first. I wasn't in the chair at the moment that that was happening. I was speaking to Senator Henderson, so I missed what happened. But I will now pay closer attention. Please continue, Senator Nampijinpa Price.

**Senator NAMPIJINPA PRICE:** Yes.

**Mr Marks:** Sorry, Senator, I've forgotten the question.

**Senator NAMPIJINPA PRICE:** Why is the ABC encouraging racism?

**Mr Marks:** I don't think we are encouraging racism. I think exactly what that show was designed to do—and we can all have a view on whether it achieved it or not—was to raise awareness of important issues.

**Senator NAMPIJINPA PRICE:** Sorry, stop. Specifically, how do these attacks on white Australians—'the only true crime white people don't love investigating'. Can you please tell me how that is, supposedly—

**Senator HANSON-YOUNG:** It's called satire.

**CHAIR:** Senator Hanson-Young, please don't interrupt.

**Senator NAMPIJINPA PRICE:** Thank you, Senator Hanson-Young. How about you stand by your principles and stop whitesplaining?

**CHAIR:** Senators! I appreciate this—

**Senator HANSON-YOUNG:** You've had half an hour—

**Senator NAMPIJINPA PRICE:** That's one of your principles.

**Senator HANSON-YOUNG:** and you just don't like the answers to the questions.

**CHAIR:** Senators!

**Senator NAMPIJINPA PRICE:** That's one of your principles, hey. Stop whitesplaining.

**Senator HANSON-YOUNG:** I'm not going to sit back and let the ABC be attacked because you're trying to win preselection.

**Senator NAMPIJINPA PRICE:** Stop whitesplaining.

**CHAIR:** Senators!

**Senator HANSON-YOUNG:** It's an audition for Angus Taylor's frontbench.

**CHAIR:** Senators! Senator Hanson-Young, let's take the temperature down in the room for a moment. Let me say—I've said it so many times I'm sure people are sick of me saying it—that this process works better when a senator asks questions and the witness answers them. That is the process we're going through at the moment. Senator Nampijinpa Price is asking a question. Senator Marks will be given an opportunity—

**Mr Marks:** I've been promoted!

**CHAIR:** Sorry. I've done this to you twice now. Apparently it was 'Dr Marks' last time. But you will be—

**Senator Green:** Senators are entitled to ask their questions without interruption, but witnesses are also entitled to provide their answers without interruption.

**CHAIR:** Absolutely, and that is the process that we will—

**Senator HENDERSON:** As long as they don't repeat or filibuster.

**CHAIR:** No, hold on, Senator Henderson.

**Senator Green:** I think that goes both ways, especially in this session.

**CHAIR:** That doesn't need qualification.

**Senator NAMPIJINPA PRICE:** We're not getting any answers.

**Mr Marks:** I think I've given you an answer, Senator. It's a satirical comedy program. We may not like the comedy. We may have comments on it. We may have views on it. But that is the point of comedy. The point of comedy, often, particularly good satirical comedy, is to raise serious questions and to be confronting. We can all have discussions about the individual jokes that are raised, but I don't think that's going to be productive for us today. It was a comedy show. It was designed to be satirical. It is going to be confronting by its nature. I stand by the program and the importance of it in terms of the ABC's overall offering, as you say, of the material that we provide to the public. We can go backwards and forwards about each joke, and we can have different views on each joke, but—

**Senator NAMPIJINPA PRICE:** But it's really not a joke. It's racism, and you're dressing it up as a joke.

**Mr Marks:** Senator, I'm not dressing up each one as a joke. The whole comedy, the whole program, is a satirical look at an important issue faced by Indigenous Australians in the context of what is a very—

**Senator HENDERSON:** Not all Indigenous Australians—maybe some.

**Senator NAMPIJINPA PRICE:** No, that's exactly right—maybe some.

**CHAIR:** Senators, I appreciate—

**Senator NAMPIJINPA PRICE:** Now you're whitesplaining.

**CHAIR:** Senator Henderson and Senator Nampijinpa Price—

**Mr Marks:** Senator, I've said 'some' many—

**CHAIR:** No, sorry, Mr Marks—just for one moment. Just as I will endeavour to prevent interruptions, you must also allow the witness to finish their answer, and then you'll have a chance to ask the question after that. Mr Marks, had you finished your answer, or did you want to complete?

**Mr Marks:** I think so. I think it's a satirical comedy program. I don't think there's real gain to be had in this forum of looking at each individual piece of dialogue and examining its worthiness to the context of the program. I think, looking at the program overall, as a whole, the program was an important contribution to an important issue that a lot of people feel strongly about. And there will be many people that will feel—

**Senator NAMPIJINPA PRICE:** What issue?

**Mr Marks:** Many people feel strongly, particularly younger Australians, about colonisation, about the issues faced by Indigenous Australians, about the disproportionate number of people in detention, about Indigenous healthcare outcomes, and sometimes the way to do those and to make awareness of those issues is through satirical comedy. That's what this show was, and I stand by its important contribution to that discussion.

**Senator NAMPIJINPA PRICE:** I think it fails. It fails miserably to draw any attention to those, especially when in the closing monologue Mr Armstrong says:

I'm sure you're expecting me to use this moment to do a big viral speech about what January 26 means, and why you, the good white people watching—

that's not satire; that's denigration—

ought to feel real sad. But the problem is you already know. You've heard it before, you know it's wrong. Don't be a dog.

'Don't be a dog.' Seriously? Is the ABC's intent for Australians to feel sad about 26 January, and, if they don't feel sad, they are a dog?

**Mr Marks:** Senator, there's a presentation style that also goes with that dialogue. Again, I stand by my comments. We can all have views about the success of the program. We can all have views about its appeal—or no appeal. It was a satirical comedy program about issues faced by an important part of the community. Many people have strong opinions. You have strong opinions. Others have strong opinions. That's kind of what the ABC often is here to do. It is one part of the town square of discussion. It's done in a satirical comedy way. I can sense how offended you are by it. I also know that many people really liked the program, so—

**Senator NAMPIJINPA PRICE:** The offence comes from the fact that you do not offer the other side of the argument in any form whatsoever, whether satirical or whether straight down the line. You fail miserably to do that. But you continually project these concepts into the Australian audience, where there are young, impressionable Australians that look to you, and you fail to offer anything to the contrary of any of this. Let me put something to you. Someone like myself who stands up for the fact and points this out to our broadcaster is attacked by supporters of your position and this racism—by calling me a sellout, a coconut, a Jacky Jacky, an Uncle Tom. They're the sorts of things that your satire—ha-ha-ha, funny, funny—actually encourages in this country, and I would urge you, as the public broadcaster, to take these issues far more seriously, especially in the current climate. We're dealing with a divided nation where racial vilification of any kind, whether or not it's presented in a satirical way, is unacceptable because you would not do it from a white person's perspective to a black person. You just would not do that. And you know you wouldn't as the ABC.

I've got my last lot of questions here that I'd like to go to. On 16 December, during the *Politics Now* podcast, journalist Laura Tingle said that the actions of the Bondi terrorists had nothing to do with religion. Contrary to all evidence, Ms Tingle dismissed the connection between the terrorists and radical Islam. In short, Ms Tingle distorted the truth. But consider the following distortions of the truth in the context of the ABC's commentary around former prime minister Scott Morrison's ideas to tackle radical Islam. On 28 January, on *ABC Radio National Breakfast*, host Sally Sara quoted a text message from a listener that asked whether the Christian community should take responsibility for Nazi hate speech. Then, on 29 January, on *ABC Sydney Mornings*, the host Hamish MacDonald said:

... when we look at the language used by Neo-Nazi groups, for example, they rely on Christian tradition or thought.

Why is the ABC dismissing the true connection between Islam and terrorism, which is evident in a litany of examples from the September 11 attacks through to Bondi?

**Mr Fang:** I'm happy to take that one if you'd like, Mr Marks. Firstly, if I can work my way through these things—you mentioned the *Politics Now* podcast. I think it's worth noting that were a number of complaints. There was an investigation into that by the ombudsman's office, and that was cleared of being any editorial breach. I think, with a program that is a podcast, the program needs to be listened to in its entirety. I think, when you listen to the program, it is very clear that the program was not suggesting that there was no connection of religion around the terrible attack at Bondi. It was clear that Jewish Australians were targeted, and the program made that very clear on a number of occasions.

I am not aware of all the detail about the comments that you raised about the *RN Breakfast* program, but I would note that, as you said, it was a letter or a comment from an audience member that was read out. We'd have to go and have a look at that a little bit more. But clearly that was a question that was put to, I think you said, Mr Bragg, in that interview, and we put questions to politicians all the time to ask for their reaction. On the final point about Islam that I think you raised, the ABC has done extensive reporting, for a very long period of time, about the impact of radicalisation and radical links between radical Islam and some acts of terrorism.

Our *Four Corners* program has broken a number of stories over the past couple of years, including, only just last year, about links to radical Islamic preachers and claims and allegations of connection to radicalisation and to illegal acts. We are doing extensive reporting in these areas, and we don't shy away from doing that. What we don't seek to do is to broadly suggest that any particular religious ideology broadly is responsible for all types of attacks.

**Senator NAMPIJINPA PRICE:** Why is the ABC confecting a non-existent connection between Christianity and Nazism?

**Mr Fang:** I think that, in that instance, from my understanding of the question that came from the audience member, it was essentially attempting to draw an analogy—if some people suggest that all Islam is responsible for terrorism, why is the question not asked: why is all Christianity not responsible for other issues? The audience member asked the question and a response was sought.

**Senator NAMPIJINPA PRICE:** That was Hamish Macdonald's comment. His comment was: 'When we look at the language used by Neo-Nazi groups, for example, they rely on Christian tradition or thought.'

**Mr Fang:** I'd have to go back and have a look at that full program to be able to give you a proper response to that.

**Senator HENDERSON:** Chair, are you happy if I—I know time is marching on, so we are endeavouring to get through the issues as quickly as we can. Mr Marks, one of the ways in which I believe the ABC frequently misrepresents the facts or fails to tell both sides of the story is by its decision of who it selects as third-party commentators who have a particular view. For instance, the Jewish Council of Australia is frequently relied upon by the ABC, when it has a very distinct and different view to many other Jewish organisations. Amy Remeikis is part of the extreme left institute the Australia Institute. She's their chief political analyst. I don't see the IPA and the Australian Jewish Association, for instance, appearing nearly as frequently—very infrequently, if at all, in the case of the AJA—as commentators such as Amy Remeikis and Sarah Schwartz from the Jewish Council of Australia. What I'm seeking from you is an audit over the last two years. Are you able to provide this committee with an audit of which spokespeople have appeared on which television programs? There is a real tendency to push a particular view through the spokespeople who are selected to appear on ABC television programs. I'm talking news and information programs. Clearly, there are very important impartiality obligations on the ABC, but I am very concerned about this trend. I know, in the case of the Jewish Council of Australia, this has been raised before. As I say, accuracy and impartiality are paramount. Are you happy to do that?

**Mr Marks:** Let me answer the question briefly, and then I'll ask Mr Fang to respond to that, because looking at the balance of those matters over time is part of the work that Mr Fang regularly does, so there will already have been some work done.

**Senator HENDERSON:** We're not asking whether you're happy. What I'm asking is if you can provide that information.

**Mr Marks:** We can look at what we can provide. A bit like in the discussion we're having today, the Jewish community as well is often not one community. There are many different components of every community, and—

**Senator HENDERSON:** I didn't say that; I'm just saying—

**Mr Marks:** No. I'm just answering your question, and the question sometimes means that you do need to seek other voices in attempting to find other parts of the community who may have a different, similar or contrary view. So I do think it's important that we don't just rely on one commentator to represent a community, acknowledging—

**Senator HENDERSON:** No, I'm not suggesting that. What I'm suggesting is that there's been a tendency to favour those commentators who sit very squarely on the left of politics and there is not impartiality exercised in relation to seeking a diversity of views.

**Mr Marks:** I don't believe that's the case. But, Mr Fang, you've done many reviews on this and can talk to what we can provide to the senator.

**Mr Fang:** Yes. I believe that a question like this occurred last year, and we did provide on notice what we could reasonably provide about a variety of different sources and perspectives that we'd put on. It is difficult to do a broad capture of all of our output, given what's archived et cetera, but I can say that, when I last looked at this, we had done more than 350 stories about antisemitism over a period of the last 18 months. We'd had a wide variety of Jewish Australians on the ABC. We'd had parents of kids at schools talking about issues around security and everybody from the Executive Council of Australian Jewry and the Special Envoy to Combat Antisemitism. We had spoken to multiple rabbis and community leaders. We had tackled a wide variety of perspectives across the community. You are correct that we have, at times, interviewed members of the Jewish Council of Australia where they are relevant, but what I have looked at previously and what I can give you a commitment around is that we have spoken to many people in the Jewish community regularly, including over the past couple of years. You only have to look back at some of the reporting we've done in the past couple of weeks to see the wide variety of people from the community that we have spoken to.

**Senator HENDERSON:** Mr Fang, I'm going to ask for that audit over the last two years, perhaps from 1 July 2004 until this point in time. There may well have been some improvements in relation to antisemitism matters in recent months. We certainly have raised this before, but I am concerned that there has been an inherent problem within the ABC where left-wing commentators such as Amy Remeikis and others like her have been very frequently relied upon in terms of running commentary.

The other one I will ask about is Paul Bongiorno. Is he still a regular contributor to the ABC?

**Mr Fang:** In relation to 1 July 2024, we'll see what we can do to answer that question. We would have to see what we still hold. So we'll see what we can reasonably do to answer that question appropriately.

On Paul Bongiorno, I have not heard—

**Senator HENDERSON:** You're not deleting all the tapes like you did with Countdown, are you, Mr Fang? Surely you're keeping records of all your programs.

**Mr Fang:** We make a wide variety of content across radio news and live content and the like, so we'll try to capture that appropriately.

**Senator HENDERSON:** I might take this offline and perhaps provide a question on notice which stipulates perhaps a range of programs that are not too open-ended—

**Mr Fang:** It would be helpful to make it easier for us to help.

**Senator HENDERSON:** and make it more confined and doable, which focuses on news and current affairs, because I do think there is a problem and I would like to see that rectified in terms of your statutory obligations. I'll come back to you, and I will confine my request within certain parameters.

**Mr Fang:** That would be helpful. Thank you. On Paul Bongiorno, I have not heard Paul Bongiorno on the ABC for a while. I'm sorry, I can't confirm that he's still working or contributing, and, if Paul is, I apologise that I haven't heard him on the radio for a while. It's not deliberate.

**Senator HENDERSON:** I'm really concerned about whether you are going to choose commentators. Paul Bongiorno, frankly, has espoused some disgraceful views: 'Violent oppression begets violent resistance' and 'The federal royal commission into Bondi is wrong option'—that's just his view; whatever, that doesn't bother me as much.

**Mr Fang:** Were these on the ABC or somewhere else?

**Senator HENDERSON:** No, this is Paul Bongiorno. He was a regular contributor to ABC Radio National, but I am particularly concerned about that post where he says, 'Violent oppression begets violent resistance', in the context of the antisemitism crisis facing our country. There are other comments which are deeply offensive, which I will also provide on notice as well.

**Senator HANSON-YOUNG:** But you're not suggesting that he's saying that on the ABC? You've just read some things out. Can we clarify where that's from?

**Senator HENDERSON:** Yes, that's right. What I'm concerned about, again, Senator Hanson-Young, is the selection of commentators by the ABC where the ABC has a predisposition to select left-wing commentators without having regard to impartiality across the board. I think that's something that really does need to be addressed.

**Mr Fang:** I understand the question, and we can certainly check.

**Senator HENDERSON:** Alright. I'm trying to move—

**Mr Marks:** It would be great if we could narrow the timeline a bit on the programs.

**Senator HENDERSON:** I will, because I'm interested in the outcome here and I'm interested in—

**Mr Marks:** I think you'd be more interested in what's happening now and over the last, maybe, 12 months. If we go back two years, I think it's more difficult. Over the last 12 months—that is just a suggestion.

**Senator HENDERSON:** I will confine my question. I understand the difficulties. Can I quickly please move to the ABC's partnership with ACON? You indicated in the last estimates that you were going to review that partnership. Mr Marks, have you reviewed the partnership, and do you have anything to update the committee on?

**Mr Marks:** I think we discussed at the last estimates that Mr Fang and I would do a review of all of our potential partnerships across the organisation, with an understanding that the integrity and independence of the ABC is paramount. Mr Fang and I have made a lot of progress on that review. We're now in the final stages of assessing the recommendations that we are considering out of that. I would imagine by the time we're back in estimates, which, I think, is not too far away, we'll be able to provide a final view on all of that.

**Senator HENDERSON:** Mr Marks, this is Senate estimates, so, if you have formed a view, I'm asking for that answer now, please.

**Mr Marks:** I think our view is that we are concerned about things that have any essence of a perception of implicating the independence or integrity of the organisation.

**Senator HENDERSON:** What action are you going to take in relation to this partnership?

**Mr Marks:** Those are the steps. We need to fully understand what those steps will be. We take on board the concern, we share it, and we intend to act to protect the perception of the integrity of the organisation.

**Senator HENDERSON:** Can I read into that that you are going to discontinue your partnership with ACON?

**Mr Marks:** There might be various options that we can consider. I don't want to prejudge the actual decision, but all I'm saying is that we've made good progress on the work. I would imagine that, before the next estimates, we will be finalising that activity. By the way, it's not just ACON; there are a number of things that we have to look at.

**Senator HENDERSON:** I made the point that you shouldn't be having partnerships with any organisation which seeks to influence the ABC or impinge on the editorial independence of the ABC.

**Mr Marks:** We are concerned about anything that implies an obligation on our editorial content or creates a high risk of perception of interference in the ABC's integrity and independence.

**Senator HENDERSON:** What do you pay for that partnership?

**Mr Marks:** Ms Kleyn might have the exact number. It's part of an indexed participation. It's under \$10,000, I think. Mr Fang's got it.

**Mr Fang:** The membership fee for last year was \$6,990.

**Senator HENDERSON:** So that's the total amount that you're paying to ACON?

**Ms Kleyn:** I think there are a few other elements. I think we've provided some information on question on notice 2874 that we have, on average, paid \$10,000 per annum or thereabouts over the last few years. Another question that was asked within that question on notice was, 'Why haven't you disclosed the expenditure in the ABC's annual report?' with the answer being that there is no reporting requirement to do so. That is in QON 2874.

**Senator HENDERSON:** Mr Marks, you've said you're concerned about this partnership. Can you just expand on the reasons for your concern?

**Mr Marks:** It's not just that partnership. We're concerned about anything that exists in the organisation that requires us to submit to assessment against editorial content that has any editorial content matters to it, because we accept that that has the risk of perception of interference in our editorial matters. It's a wide-ranging review. Our partnership with ACON is one part of that review, but we felt it was important to extend that review to not just that particular organisation. That's got some complexity to it. There are a number of different aspects to that. But, again, as I said, we're well progressed. I've expressed the basis on which we are approaching that review, and I think you can take comfort from that fact.

**Senator HENDERSON:** I'm cognisant of the time. I have many other issues before me. The chair is looking at me eagerly to encourage me to move.

**Senator HANSON-YOUNG:** How much more do you guys—

**Senator HENDERSON:** I'm trying to finish before dinner, Senator Hanson-Young. I don't want to dwell on this one—the Bonnie Blue Facebook issue.

**Mr Marks:** My understanding is that it was as much a Meta issue as it was an ABC issue. Our technology teams remain in discussion with Meta about whatever vulnerabilities that might exist that might open those potentials. Obviously, we quickly identified it and fixed it. But, yes, our technology teams remain in discussion with Meta.

**Senator HENDERSON:** Which social media platform was hacked?

**Mr Marks:** Facebook.

**Senator HENDERSON:** Facebook. Was it hacked?

**Mr Marks:** Yes, it was, and someone took control of the content. But we quickly rectified it and shut it down. As I said, we're still talking to Meta about how that could happen.

**Senator HENDERSON:** Do you know how it happened?

**Mr Marks:** We haven't finished the review until we really get all that information out of Meta.

**Senator HENDERSON:** Was there any involvement of ABC systems, platforms or staff?

**Mr Marks:** As you know, all of these things are probably an individual decision or action at a time. But, again, I understand that it's the systems of Meta that also have an implication here, which, to be able to fully answer your question, I need to have that information.

**Senator HENDERSON:** If we could, could we have that? Obviously the publication on one of your social media platforms of any inappropriate material or any pornographic material—was the material pornographic?

**Mr Marks:** I didn't actually see it. Mr Fang is shaking his head. I think it was tasteful Bonnie Blue.

**Senator HENDERSON:** Right. But obviously the hacking—

**Mr Marks:** Is a concern.

**Senator HENDERSON:** is a very serious concern. What actions have you taken to secure your accounts?

**Mr Marks:** Again, to be able to fully answer that question, I need to have the resolution of the conversations with Meta. That's something that we can look at, providing when that process is completed.

**Senator HENDERSON:** I will put my other questions on notice. I did commit to the chair that I would try and finish by 6.30. Can I just thank you all very much for your time and for the commitment that you've made to be here today.

**CHAIR:** Thank you, Senator Henderson, I really appreciate that.

**Senator HENDERSON:** I'm sorry, I forgot one thing.

**CHAIR:** Okay, I spoke too soon.

**Senator HENDERSON:** This is a light-hearted comment. My interaction with Sarah Ferguson in the parliamentary corridor, which happened before the last estimates—I wasn't planning to raise it. I didn't raise it in the last estimates. I'm happy to have robust discussions in relation to my work, in relation to my observations about the ABC, but I think it was leaked by Sarah or someone close to Sarah. But, in all seriousness, Mr Marks, my door is always open. If ever there are issues in relation to my prosecution of issues concerning the ABC, I'm very happy to meet with anyone, including Sarah Ferguson.

**Mr Marks:** Thank you, Senator. Ms Ferguson is not someone that I have to worry about. She is a very strong individual, as I'm sure you are. I unfortunately missed the conversation. I only heard reports of it.

**Senator HENDERSON:** Well, Raf Epstein was the witness. She's a strong individual, as am I. I think she was a bit stronger than I was on that occasion, but, be that as it may, I look forward to continuing robust discussions. Thank you.

**CHAIR:** Thank you very much, Senator Henderson. I will now do two things. I will excuse the officers of the Australian Broadcasting Corporation. Thank you for your attendance here today, your evidence and the work that goes into preparation for these hearings. We will call officers from the Special Broadcasting Service after dinner, at 7.15. I'm also in a position to release officers from the Museum of Australian Democracy, the National Gallery of Australia and the NBN Co. I thank my colleagues for their cooperation in that respect. We're adjourned for dinner.

### **Proceedings suspended from 18:29 to 19:24**

#### **Special Broadcasting Service Corporation**

**CHAIR:** Welcome. Thank you for your attendance here today. Do you wish to make an opening statement?

**Ms Palfreyman:** I do, with your blessing. It is brief.

**CHAIR:** That's wonderful to hear. Please go for it.

**Ms Palfreyman:** As committee members will appreciate, Australia is experiencing demographic, cultural and technological change. Population growth, diversification, fragmentation of the media ecosystem and the rise of AI are reshaping how Australians engage with media, culture and public institutions. For national broadcasters like SBS, this has direct implications on how our services are delivered and requires ongoing review of our organisational presence and capability to drive three outcomes: relevance, accessibility and effectiveness.

Last year SBS marked 50 years as the national broadcaster, which was established to ensure that culturally and linguistically diverse communities are informed, represented and connected to Australia's civic life. Importantly, we were established to service all Australians. That responsibility remains central to SBS's role and always informs how our organisation operates.

Considering the current environment of uncertainty, growing social tension and declining trust, SBS's role is practical, but it's also increasingly essential to provide trustworthy, impartial and responsive information through our news, audio, factual and scripted content across SBS services and platforms to reflect the lived experiences of contemporary Australia in a way that contributes meaningfully to the national conversation, and to support community cohesion by helping Australians stay informed, see each other clearly and, we hope, to find common ground. In other words, our work has never been more meaningful or relevant to the challenges and opportunities faced by our community. I look forward to answering your questions.

**Senator FARUQI:** I might start off with some questions on Eurovision. The United Nations Special Commission of Inquiry has found that Israel is committing genocide in Gaza. Countries across Europe, including Iceland, Ireland, Spain, the Netherlands and Slovenia, are now boycotting Eurovision because they refuse to normalise a state responsible for the mass killing and starvation of Palestinians. My question, given all of this, is: why is SBS still planning to beam Israel into Australian living rooms as if none of this matters? I know we had a long conversation last time about impartiality. What does SBS think its impartiality means in the face of a genocide?

**Ms Palfreyman:** SBS has a long history of broadcasting Eurovision. It is a music event designed to bring culture and community together through song. If SBS were to withdraw from Eurovision, that would be seen as taking a position. As such, taking a position would bring into question our impartiality. Our impartiality, our balance, is the cornerstone of who we are. As such, that's a position we can't undermine by being seen to take a position.

**Senator FARUQI:** So you think that supporting a nation committing a genocide, by beaming them into our living rooms, is impartial?

**Ms Palfreyman:** SBS's broadcast—

**Senator FARUQI:** It's the exact opposite.

**Ms Palfreyman:** My apologies?

**Senator FARUQI:** It's the exact opposite of impartial.

**Ms Palfreyman:** SBS's broadcast of Eurovision is—as I said, it's a music contest. Yes, we're aware there are some broadcasters who have withdrawn. There are also more than 30 broadcasters who are participating in the event, including BBC UK, Denmark and France. It is a celebration of music. It is designed to bring people together. Late last year, the EBU, the organiser of the event, in fact, strengthened their rules to ensure that Eurovision remains a neutral space.

**Senator FARUQI:** Are you implying that Iceland, Ireland, Spain, the Netherlands and Slovenia are not impartial?

**Ms Palfreyman:** That's not the position I'm taking. As I said, we respect the views of communities and broadcasters. We've had to make a decision, based on our long history of broadcasting the event, that if we were to withdraw, that would be seen as us taking a position. To do that would undermine that impartiality that is enshrined in the act and in our code of practice.

**Senator FARUQI:** During estimates hearings in October, I asked you about SBS staff not being allowed to use the term 'Palestine'. They were instead required to refer to 'Occupied Palestinian Territories'. At the time the *Sydney Morning Herald* reported that other terms, such as 'genocide', are strictly, but unofficially, still not permitted in most circumstances, except in direct quotes. When I asked about the guidelines, you said that SBS was in a transition period and that you would expect to continue to evolve within the next few months. Now, it has been a few months, and the SBS news website heading is still 'Israel-Palestinian Territories Conflict News'. Are your journalists still being told that they cannot call Palestine Palestine?

**Ms Palfreyman:** I have Ms Wicks here, who can talk you through the detail on that issue.

**Ms Wicks:** Firstly, I would say that the editorial guidance at that time was, absolutely, that we asked our journalists to refer to the context of the decision made by the government. That is, we refer to the 'Occupied Palestinian Territories', which is correct. But we have asked journalists, as we did at that time, to also acknowledge that Australia now recognises Palestine. That's the guidance that was issued. Unfortunately, it was misreported at the time, and we did issue a clarification.

Having said that, you're absolutely right, in that the guidance that has been issued around this for the last couple of years has always acknowledged that the language would evolve over time. So we have taken the time—I particularly have taken the time—to talk to each of our news and current affairs teams in the past couple of months to seek their feedback on the guidance that we have issued now, insights and feedback that they might want to pass on to us and questions about our editorial guidance process, to which they can contribute anonymously or otherwise. Indeed, when we reviewed our editorial guidance during the past couple of years, most of that guidance was issued after questions from journalists.

We've done that work, we've gathered that work, and I'm now in discussions with the head of our codes and guidelines and I'm liaising with the key editorial leaders across SBS. We took the time to, basically, stop down and discuss it with all our news and current affairs teams and seek their feedback, with the view that we will evolve this language over time. As you note, SBS is editorially independent of government.

**Senator FARUQI:** I'm just flabbergasted. I don't even know what to say. How many months of consultation do you need, when the Australian government has accepted and recognised Palestine as a state, to allow your journalists to call Palestine Palestine? But I will move on.

Are your journalists still being told to tiptoe around the word 'genocide' as well, or can they call a genocide a genocide?

**Ms Wicks:** We certainly refer to, and use, the word 'genocide' and we attribute that term to the person or the organisation that is using that term.

**Senator FARUQI:** But SBS itself does not call Israel's genocide a genocide in reporting. You attribute it to the people who are saying it.

**Ms Wicks:** We do use it in our reporting, and then we do attribute it to the organisation that's stating it.

**Senator FARUQI:** I have a final few questions, Chair. I think it was last year that you launched some new research with the University of Canberra with a report titled *Sense of belonging and media representation among multilingual audiences in Australia*. I think you launched it in parliament in November 2025. And SBS shared research on representation in Australian news in general, but in multilingual communities as well. You reported that Arabic speakers felt the least represented. As well, specific to SBS representation, your survey showed that Arabic speaking people reported the second lowest representation in terms of both fairness and coverage. My office, at that time, queried whoever from SBS was presenting that report on the question of why Arabic people aren't feeling represented by news coverage. The response to that was, 'We don't know why Arabic people aren't feeling represented by our news coverage.' Do you know why Arabic people aren't feeling represented by your news coverage?

**Ms Palfreyman:** That research you're referring to was to draw out the link between representation, as you say, in news and in media more generally and how that links to belonging, to civic participation, to a raft of measures that allow different communities to feel at home in this country. To your question on the why, that research was more about making the point around representation links to feeling heard, feeling seen and therefore to an inclusive society. I don't have that specific detail in front of me, but it was more about drawing the link—the importance of representation, the importance of being represented across the news and across all media. And therefore feeling—

**Senator FARUQI:** It actually wasn't just across all media. It was specifically SBS representation as well. There was no answer provided, but my office was told that they do try and answer this question for other communities, but they just didn't have a response for Arabic communities. So maybe you could take this on notice and provide an answer, if you have one, and what steps you might have taken to then ensure that Arabic communities do feel represented.

**Ms Palfreyman:** We'll do that.

**CHAIR:** Senator Henderson.

**Senator HENDERSON:** Good evening to you all. Our apologies for keeping you so late in the day. I just want to ask you some quick questions on expenditure on hospitality and functions. I have a copy of the QON SQ25-002281, for which the department has provided a grouped answer on behalf of a number of agencies. The SBS functions are from page 10 through to page 14. There are 19 functions in total across the 2025 calendar year up until 25 September. Did you have any additional events from 25 September through to 31 December? And, if so, what were the cost and nature of those events?

**Ms Palfreyman:** Off the top of my head, I can't bring that information to bear. I'm happy to provide that to you on notice, if helpful. I don't have that in front of me.

**Senator HENDERSON:** If you could provide it on notice, I would be grateful—and also any events held this year, as well.

**Ms Palfreyman:** Yes.

**Senator HENDERSON:** I want to work through some of those events because when I tallied them up for the first nine months of 2025, SBS spent \$768,000 on these functions, which is a substantial amount of money, particularly when you are funded by the taxpayer—albeit I understand you raise some commercial revenue. But, as you are a public broadcaster, I am obviously concerned. Can you explain what the Tour de SBS function is?

**Ms Palfreyman:** I can. As you referenced, part of our organisation generates commercial revenue. That allows us to invest that into content and services. The Tour de SBS is an event to engage the advertising community, who generate that revenue, to better understand the Tour de France being a tentpole piece of content in our schedule and one that generates substantial advertising revenue. That event is to engage that cohort.

**Senator HENDERSON:** We're talking about venue hire for \$18,000, catering for \$21,000, AV and production for \$19,000—I'm talking in general terms—activities for \$13,000 and the photographer for \$525. The agency fee was \$20,000, prizes were \$2½ thousand and the MC was \$4,300. Who emceed the function?

**Ms Palfreyman:** I can't recall off the top of my head. It's usually personalities who are aligned to the piece of content. In this example, it would be cycling. As you've mentioned, the ability to generate revenue relies on us informing and educating our advertising agencies and clients about these events. It's a part of doing business in the commercial landscape, and this event is part of that.

**Senator HENDERSON:** Why would you be paying an agency fee of \$20,000?

**Ms Palfreyman:** Again, I don't have that in front of me, but I believe that fee would be the assistance of a company to help us organise and orchestrate that event.

**Senator HENDERSON:** That is an enormous commission or fee. Could you please come back and explain the nature of each of these costs? Why wouldn't you have one of your SBS presenters emceeding this at no charge?

**Ms Palfreyman:** Not all of our SBS presenters are on long-term contract with us. They're engaged for moments across our schedule. But I'm happy to take it on notice and come back to you.

**Senator HENDERSON:** How many people attended this event?

**Ms Palfreyman:** I don't have that number in front of me. I would think that, in Sydney, the numbers would be circa 100 or 150, agency and clients, but again I can confirm that on notice.

**Senator HENDERSON:** These costs look very disproportionate. So this was just a one-day marketing exercise?

**Ms Palfreyman:** It was an evening event.

**Senator HENDERSON:** An evening event. What is Hoops Capital East? Is that a restaurant?

**Ms Palfreyman:** Again, I don't have that detail in front of me. That may well be catering, but I'm happy to confirm that on notice for you.

**Senator HENDERSON:** What is the charge denoted by the description 'activities' of \$13,228?

**Ms Palfreyman:** Again, I'll have to confirm that on notice. I don't have that specific line item in front of me.

**Senator HENDERSON:** This particular event raises a big red flag. I appreciate you have commercial obligations, you are working closely with advertisers, and you are running limited advertising on SBS. This seems like an awful lot of money for a marketing event or a marketing evening. So please provide a full explanation as to each cost and whether you considered any way of running the event other than to incur those costs. The next one I want to ask about is the chief marketing officer dinner at Chez Beckett's in Chippendale, New South Wales, though this was a lot cheaper at \$10,505. How many people attended that dinner?

**Ms Palfreyman:** I believe that dinner was attended by around 25 or 30 people. That included, as it states, chief marketing officers from big advertising brands to educate them about the Belonging research that we've just talked about and better understanding the research and the discussion around how to better reflect the Australia we all see when we walk out our front door and how that might impact marketing plans and advertising communications.

**Senator HENDERSON:** Can you please provide a breakdown of that cost as well?

**Ms Palfreyman:** Yes.

**Senator HENDERSON:** How much was spent on food, alcohol and the like? Please provide on notice also an attendee list for both that function and the Tour de SBS function.

**Ms Palfreyman:** Yes.

**Senator HENDERSON:** Thank you. I want to move to the Eurovision events in four capital cities: Melbourne, Brisbane, Adelaide and Perth. These four functions cost a total of \$43,404. Why was there no event in Sydney?

**Ms Palfreyman:** I believe this year we provided the Tour de SBS in Sydney and the Eurovision events around the country. It's in line with our local markets activity and working through how best to engage our agency and clients in service of driving revenue.

**Senator HENDERSON:** So this was not a community event. This was for clients. Who was invited?

**Ms Palfreyman:** Different cohorts of our media agency partners.

**Senator HENDERSON:** Again, if I could ask on notice for a list of attendees. Also, could you provide more detail in the breakdown of the costs?

**Ms Palfreyman:** Yes, we can look at that for you.

**Senator HENDERSON:** These charges, they're not recoverable at all?

**Ms Palfreyman:** No. Corporate hospitality and engaging both media agencies and clients to better understand the overall SBS product and the opportunity it affords to partner with us to reach all Australians in service and marketing goals is very important. It's a very competitive sector, and we need to play the right role there. All events generate commercial revenue. *Eurovision*, as pertaining to the Eurovision events you've mentioned, alongside *TDF* are two of the biggest events from a revenue generating perspective, so these events help in those efforts.

**Senator HENDERSON:** Okay. I guess the *creme de la creme* is the Upfront events. There were five of those—Sydney, Adelaide, Melbourne, Brisbane and Perth. The total cost for the five events was \$538,677. Now that is a lot of money. The Sydney event alone was \$361,110. Can you please explain why such astronomical costs were incurred for these events?

**Ms Palfreyman:** The Upfront event is an event that, indeed, all television broadcasters and broader publishers undertake to inform the market about the future year's plan. That event underpins our revenue negotiations for calendar year 2026, in this example, and helps outline our slate, our audience proposition and our brand proposition to then conduct those negotiations. As a percentage of our overall revenue, it is relative to that revenue performance, and, as previously mentioned, our revenue contributions to the overall funding of SBS is a third and allows us to invest in more content and services.

**Senator HENDERSON:** I would put to you that these are exorbitant costs. At the Sydney Upfront event—I mean, you're a broadcaster. You've got access to large studios. You've got access to extensive AV equipment, broadcasting equipment, video screens, and yet AV and production at the Sydney Upfront was \$207,000. Why can't you do your own AV and production? You're a national broadcaster.

**Ms Palfreyman:** I don't have the figures in front of me, but that event hosts around 500 to 600 people. We don't have that capacity at Artarmon. As I said, that event pre-dates the commercial negotiations for the calendar year and is an incredibly important anchor in any commercial organisation's planning for revenue in the following year.

**Senator HENDERSON:** I would dispute that because you can certainly run a showcase of what you're going to be doing for the next 12 months to your advertising partners without having to spend more than half a million dollars doing so. I understand that people might want a great night out with lots of bells and whistles and great wine and great food, but you are utilising taxpayers' funding and—

**Ms Palfreyman:** That's an afternoon event. As I said, it's designed to directly impact the revenue contribution for the following calendar year. It's an important part of our schedule if we are going to compete with the commercial landscape. It is increasingly competitive with streaming players advertising and with Google and Meta competing in the advertising space, and so it's an important investment in our commercial revenue return.

**Senator HENDERSON:** I don't dispute the need for the event, not at all, but what I'm concerned about is the quantum of the costs that are being incurred. For each of those items, could you please give us a full narrative as to what the reason is for and the detail of each particular cost so we can get a full understanding. What were you displaying? What AV and production was going on in Sydney?

**Ms Palfreyman:** We produce a range of collateral reels for all of our upcoming shows. Obviously, at this most recent upfronts, we're launching our World Cup format. The AV supports that activity.

**Senator HENDERSON:** For \$207,000? Why can't you produce that content in-house?

**Ms Palfreyman:** We do produce most of that content, the actual reels, in-house. The costs you're referring to are the costs pertaining to hosting the event. But, as you've requested, we're happy to come back to you with more information.

**Senator HENDERSON:** Sorry, I just didn't quite hear that. The costs relate to what?

**Ms Palfreyman:** We do produce the reels themselves; a lot of those reels are, in fact, produced in-house. The costs you're referring to relate to the physical event. But I'm happy to take that on notice and come back to you with more detail.

**Senator HENDERSON:** So all of the AV set up and the big screens and all the like?

**Ms Palfreyman:** And the event hosting, the venue hire—yes, that's correct.

**Senator HENDERSON:** Well, there's no event hosting charge here. What was the event hosting charge?

**Ms Palfreyman:** The venue hosting, sorry; the venue hire.

**Senator HENDERSON:** That was very significant—\$46,000. I'm not even sure that a commercial broadcaster would incur that sort of cost running their upfronts.

**Ms Palfreyman:** I can't speak for commercial broadcasters, but I can say that these are important events and extend beyond TV. More and more publishers are doing these events.

**Senator HENDERSON:** Yes, but, Ms Palfreyman, you've got an obligation to spend money in the best interests of taxpayers. You're a taxpayer funded national broadcaster. If private organisations want to go and spend commercially as they see fit, then that's a matter for them. But you have a special obligation to Australians, including how you spend taxpayers' money. I am concerned about that, and I do look forward to your further responses.

**CHAIR:** Are we able to move on?

**Senator HENDERSON:** Do you want to share the call?

**CHAIR:** If we're able to move on, I'm happy not to share the call. But, if we're not able to move on from this agency, then, yes, I will share it.

**Senator HENDERSON:** Could I also just understand why the managing director is not appearing.

**CHAIR:** Can we just resolve that question? Are you going to continue?

**Senator HENDERSON:** No. I have a couple more questions.

**CHAIR:** Okay.

**Senator HENDERSON:** Could I just understand why the managing director is not appearing this evening.

**Ms Palfreyman:** I am the acting managing director at the moment. James Taylor, our previous managing director, left the business late last year.

**Senator HENDERSON:** I didn't realise that. So you're the acting managing director. What's happening in relation to the recruitment of a new managing director?

**Ms Palfreyman:** The board's undertaking an extensive recruitment process as we speak, and I expect we'll have an update in the coming weeks and months.

**Senator HENDERSON:** Are you an applicant, Ms Palfreyman?

**Ms Palfreyman:** Senator, thank you for your interest in the process. We all look forward to the outcome of the decision.

**Senator HENDERSON:** I take that as you are applying to keep the job.

**Ms Palfreyman:** You can infer that from my comment.

**Senator HENDERSON:** Alright. We look forward to hearing the outcome of the board's decision. As the potential new managing director, could I please urge you to look very closely at this sort of expenditure.

**Ms Palfreyman:** Yes, we will.

**Senator HENDERSON:** We look forward to getting further detail in relation to these costs. I would be very hopeful that in the next 12 months we will see closer attention to ensuring that these costs are not as high for these functions.

**Ms Palfreyman:** We'll come back to you with that information, Senator, on notice.

**Senator HENDERSON:** Thank you all very much for appearing this evening.

**CHAIR:** I now excuse the officers of the Special Broadcasting Service with the committee's thanks. Thank you for your appearance, your evidence and the work that goes into preparing for these hearings. I now call officers of the eSafety Commissioner, and I will suspend for a moment while they come to the table.

#### **Office of the eSafety Commissioner**

[19:54]

**CHAIR:** I now welcome officers from the Office of the eSafety Commissioner. Welcome back, Ms Inman Grant. Do you wish to make an opening statement?

**Ms Inman Grant:** I do, please, if that's alright.

**CHAIR:** Please go ahead.

**Ms Inman Grant:** It's fitting to be here to speak with you today on Safer Internet Day, and in the world of online safety a lot can change in just one day—even more in the two months that we were last here. Just last week, we released a transparency report demonstrating that eight of the world's technology giants are continually

failing to prevent all of their platforms and services from being weaponised by predators for online child sexual exploitation and sexual extortion. These are the most egregious forms of online harm imaginable. If there isn't the will to prevent the sexual abuse of children, then what hope do we have for addressing other persistent or more hidden harms?

Also, last week, our regulatory counterparts at the European Commission issued a preliminary finding that TikTok had failed to mitigate risks posed by its addictive design. Recently, we saw YouTube announce to its creator community that it would roll back policies to allow for the monetisation of harmful content, including self-harm and suicidal ideation, and Grok continued to attract worldwide attention to the concerning content it's allegedly generating, and eSafety has two pending related investigations into xAI and illegal content on the X platform. But some of this backslide has been met with forceful pushback.

Our Australian partners and law enforcement uncovered a sadistic child sexual abuse ring. France, Spain, Malaysia and Ireland have followed our lead and are pursuing social media minimum age restrictions. We wrote to Roblox last week indicating that we will actively test whether or not the nine safety commitments they made to us last year have been effectively implemented, particularly those changes designed to prevent adults and children intermingling on their platform.

We're also pleased to announce today—and this is the first announcement—that, as a result of our engagement with Apple, the company has taken further action against Chatroulette-style apps, which can actively pair child predators with children. Since last year, Apple has removed or issued warnings to over 100 of these apps and terminated the accounts of dozens of app developers. The company has also updated its policy in response. What this has demonstrated is how the app stores can work as effective gatekeepers against harms, and we will be reminding app store providers of their obligations under the app code to do the same with nudifying apps that allow the creation of exploitative deepfakes of children and adults, just as we have already done with one of the most prolific nudifying sites that was being utilised with devastating impact in Australian schools.

I do want to turn to the implementation of the social media delay. It has been more than two decades since the major social media platforms were built for adults but inhabited by children. These were never designed to optimise for safety but instead for revenues and reach. The social media delay is more than a world-first digital reform. It also signals a major cultural reset. No such reset, whether speed limits, sun or water safety or smoking, has reached full fruition and impact in two short months. There is no precedent for reform of this scale to take hold that fast. Our goal is to normalise the age of access to the dangerous algorithms and features of social media to the age of 16. This also means social media companies do not have access to our children while we take this vital time to further build their digital literacy and hone their critical reasoning skills.

You can be assured that we are rigorous in ensuring that the platforms are complying with the law. As an AI generated Mark Twain may have extrapolated today, 'Reports of the death of the social media ban have been greatly exaggerated.' Indeed, we are still in both the earliest and most complex phase of the regulatory process, and that means ensuring that companies are effectively deploying their technologies, policies and processes to prevent circumvention of their age-assurance systems. Remember that, while some of the companies have very accurate age-inference tools, some previously had no age gating at all beyond self-declaration, so they are effectively starting from scratch. It's also important to remember that this is complex technical regulation, not instant gratification. But I will reiterate that the first stage of this process—the restriction of 4.7 million social media accounts—cannot be considered anything but a stunning success, and this was a point of time within the first two days. But, to put this number in perspective, there are 2.5 million eight- to 15-year-olds in this country, so by any standard it's a good start.

What eSafety is doing in this next early stage, which is not an end state, is conducting intensive investigations, testing claims, building an evidence base and determining whether reasonable steps are genuinely being taken. This is not dalliance. It is due diligence. And it's how enforcement will succeed not just in the media cycle or before parliament but in courtrooms and in boardrooms and across the entire digital ecosystem. Real, meaningful change must be done properly. This is the only way that it can remain durable. Thank you.

**CHAIR:** Thank you, eSafety Commissioner. Before I turn to questions, I will just indicate that we are now able to release the officials of the National Museum of Australia. Thank you for your attendance and preparation. You go with the committee's gratitude. Now I'll go to Senator Smith.

**Senator DEAN SMITH:** Good evening and thank you very much for your participation. Before I start, can we just be clear about terminology?

**Ms Inman Grant:** Sure.

**Senator DEAN SMITH:** I've heard the word 'deactivation'. I've seen the word 'cancelled' or 'paused'. When we're talking about the social media ban and the 4.7 million—you use the word 'restricted'—accounts, what is the correct terminology, and what does the terminology represent exactly?

**Ms Inman Grant:** Sure. That's because the companies are set up in different ways. I'll give you an example. The vast majority of what we're talking about are deactivations—the removals of detected or known under-16-year-old accounts. There are some platforms, such as YouTube, which have Google accounts, so a person, including a young person, will sign into a Google account, and what they've technically done is restricted access for under-16s to YouTube. You can't call that a deactivation; it's a restriction. But the intent of the legislation is to prevent under-16s from having and holding an account. Technically there are different ways that companies may go about that, but it's effectively achieving the same thing.

**Senator DEAN SMITH:** So it's not a silly question to start with?

**Ms Inman Grant:** No, not a silly question at all.

**Senator DEAN SMITH:** When we think about the 4.7 million, are they 100 per cent deactivated? Are they 50 to 60 per cent restricted? When we're thinking about proportionality, what is the right way of thinking about deactivation, restriction and other terms?

**Ms Inman Grant:** This should be either the complete removal, restriction or deactivation of the accounts. As I mentioned in my opening statement, that was the first thing we asked them to focus on, and this was representing a point of time, the first two days. They're in a much more difficult position here, and we've all heard anecdotes, but what we need is proof that will stand up as evidence in a court of law. What they need to be doing now is actively ensuring that their technology, systems and processes—and some of them are using third-party technologies—are implementing the settings effectively and that they're following best practice, as recommended by the age-assurance vendors, so that they're effectively preventing young people from what we call 'recidivism': recreating separate accounts, trying to spoof their age-assurance systems or finding other circumvention measures such as VPNs. This is the phase that we're at now. We've issued a second set of legal notices asking a range of questions.

Another thing that we're looking at is whether or not their waterfall approaches and those triggers seem to be working accurately. We're turning over every rock. The powers that parliament largely gave us in this area to be able to peruse this was through legally binding information notices, but we will have to look at other ways to test whether they're doing this correctly. That includes speaking to the technology vendors of the third parties that they're using.

**Senator DEAN SMITH:** In earlier evidence today, a departmental official was able to share with us that the 4.7 million was a composite of the deactivated/restricted accounts from 10 platforms. Can you identify each of those 10 platforms and the number of restricted accounts that get us to the 4.7 million?

**Ms Inman Grant:** We simply added it up. As I mentioned, these were legally binding notices that went to 10 companies, and they now represent active regulatory investigations. A year ago, we produced a transparency report with many of the same companies, asking them whether they knew how many under-16s they had. A number of them said, 'Oh, we don't have any users under the age of 13.' But our separate youth and parent research demonstrated that actually up to 84 per cent of eight- to 12-year-olds in 2024 had access to at least one social media account. At that time we gathered a baseline, knowing that 2.5 million Australians are between the ages of eight and five and understanding the proportion of which most young people are on YouTube versus Reddit versus others. We were able, using methodologically rigorous research methods, to quantify how many we expected. When we worked with these companies to put out public compliance plans, which we tried to do so that they would be transparent before and indicate the number that they expected were on their platforms and then how many they actually deactivated, none of the companies took that up. We have had two companies voluntarily share those numbers, but we're not at liberty to break down those numbers if we want to maintain the integrity of these investigations. Many of the companies already have said that they want this information collected. I don't want to give them any room to undermine these investigations.

**Senator DEAN SMITH:** My understanding is that Meta has confirmed 550,000 accounts were deactivated.

**Ms Inman Grant:** Yes.

**Senator DEAN SMITH:** Snapchat has confirmed 415,000 accounts were deactivated.

**Ms Inman Grant:** Yes.

**Senator DEAN SMITH:** That is 965,000 accounts deactivated.

**Ms Inman Grant:** Yes.

**Senator DEAN SMITH:** But the Prime Minister and the minister are out there saying 4.7 million?

**Ms Inman Grant:** That's because each of the other platforms have a large number of deactivations, or restrictions on their accounts, but they have not chosen to make that information public. I cannot compel them to do so without potentially undermining the integrity of the current investigation that's going on.

**Senator DEAN SMITH:** I don't want to be unkind, but your job is to demonstrate to us that the 4.7 million figure is accurate. That's the first point. Your job is to demonstrate to us—and there's a number of different ways we can do this. Secondly, the Prime Minister, the minister and members of the government have been out parading 4.7 million, but you're saying that the difference between 965,000—which is verified by Meta and Snapchat—and 4.7 million is something that should be taken on trust.

**Ms Inman Grant:** I will turn this over to Ms Snell, who has spent 20 years in regulatory investigations, and I'll only say, before I hand over to her, that these numbers were provided to us by the companies and they are legally binding. They need to tell the truth, and we are seeking to make sure that the numbers they gave us are accurate.

**Senator DEAN SMITH:** What we are seeking to do is to make sure that the numbers that you have provided, that are now in the public domain, that are being used by the head of government, and the minister, are, in fact, accurate. This is a scrutiny process.

**Ms Inman Grant:** Sure.

**Ms Snell:** I want to first just talk to the committee a little bit about how we got those numbers to give you some confidence in the overall figure. Firstly, as the commissioner has referred to, we issued information notices to in relation to 10 platforms. I can confirm those platforms were Snap, Reddit, YouTube, X, Twitch, Kick, Threads, Instagram, Facebook and TikTok. We required them to give us figures as of particular dates. The first one was we required them to give us figures by 18 December relating to, specifically, the immediate few days on and around 10th December. The figures were very much a point in time at that point in time.

Those were required under compulsory information notices. That means that there's an obligation for them to respond, and there are penalties if they fail to respond or if they provide false information. On that basis, we believe there's a reasonable ability to have confidence in the numbers that we received. What's also important to understand is that those notices were issued as part of regulatory investigations that are ongoing, and it is important that we maintain the protection of those investigations in the sense that we don't want to compromise those. As we continue to investigate, should we become aware that the information that they provided was false or misleading, or should we have other concerns around whether they have taken reasonable steps, and we wish to take that to court or use other enforcement powers, we do not want to give them any ability to question or undermine our investigative processes.

That said, what I can say is that we can take on notice the extent to which we can share specific information that we might have received under those investigation notices. I don't have the numbers of each individual platform before me here today to give to you right now.

**Senator DEAN SMITH:** Really?

**Ms Snell:** Really. I don't. I can tell you the 4.7—

**Senator DEAN SMITH:** Sorry, can I interrupt?

**Ms Snell:** Certainly.

**Senator DEAN SMITH:** 4.7 million is a number that has been bandied around in the public domain, and you wouldn't have thought to bring, in your estimates file, a detailed breakdown of those 10 platforms in terms of how you would get to 4.7 million?

**Ms Snell:** I think it's possible that it's appropriate for us to make a PII claim in respect of that. That's something we would like to explore further. I'm not saying, no, we can't give it to you, but I am saying that there is a process that we think we need to go through.

**Senator DEAN SMITH:** This is fascinating.

**CHAIR:** And on that fascinating note can I indicate that I'm going to share the call in a minute.

**Senator DEAN SMITH:** Okay. So the 4.7 million deactivated accounts—to meet the 18 December requirement—is the composite figure that was provided to your organisation?

**Ms Snell:** That's correct.

**Senator DEAN SMITH:** So a different way to present the information would have been to say, 'We can confirm, for the public, 965,000 deactivated accounts plus plus.'

**Ms Snell:** At the point in time that we were sharing that information, none of the platforms had indicated that they were prepared to disclose information publicly. In fact, at least one platform—

**Senator DEAN SMITH:** How do you get to the public disclosure of 4.7 million?

**Ms Snell:** Because that's an aggregate, so it doesn't disclose any individual—

**Senator DEAN SMITH:** I know it's an aggregate. I'm trying to break down the aggregate, because, in fact, you only have the power to disclose publicly two sets of figures, the Meta figure and the Snapchat figure, because they gave you permission to release those.

**Ms Snell:** I want to take a step back for a moment, Senator, and say that at that point in time they had not given us permission to disclose. No platform had given permission to disclose individual numbers. So, by disclosing an aggregate, we were not revealing anything that any particular platform would raise an issue with.

**Senator DEAN SMITH:** Have you independently verified—

**Ms Snell:** Our investigations are ongoing, and that is part of the process.

**Senator DEAN SMITH:** So the figure of 4.7 million, with asterisks, has not been fully verified. Elements of the 4.7 million are still being verified.

**Ms Snell:** At this stage, despite Meta and Snapchat, for example, having stated their figures publicly, that does not mean they're independently verified either. There is a process, and investigations are on foot. Investigations naturally take some—

**Senator DEAN SMITH:** So what does the 4.7 million actually represent, because it's an unverified figure?

**Ms Snell:** It represents the number of accounts that platforms informed us that they had deactivated.

**CHAIR:** Sorry, Senator Smith, I'm going to have to share the call, but I'm happy to come back to you on this topic. Senator Whitten.

**Senator WHITTEN:** Good evening. Since we last spoke, you have received another letter from Mr Jim Jordan of the committee on the judiciary, requesting your testimony in their inquiry into foreign laws censoring free speech in the United States. The letter was dated 30 December 2025—happy New Year. Have you provided a response to the request, and will you be going to testify?

**Ms Inman Grant:** I have provided a response by way of a letter and a statement, answering a number of the committee's questions to help them finalise the report. The letter and statement were actually delivered to the committee by the DFAT Washington, DC, post. I think the determination was made when the second letter really expanded the scope of the congressman's concerns around the laws deliberated and passed by parliament and the policies put forward by the government, including the social media minimum age. I explained my role as interpreting and implementing this legislation, but I'm not the creator—I'm obviously not. I can't carry the water for parliament or the government. So they decided it really needed to be expanded to be a government-wide engagement.

**Senator WHITTEN:** Will your response be made public again?

**Ms Inman Grant:** The congressman certainly made his public. No-one has asked for that statement and letter. If you wish, I can take it on notice and table that for you.

**Senator WHITTEN:** Thank you. In your response to the judiciary committee—the first one that we received—you said, 'In other words, nothing we do here in Australia prevents American companies from displaying non-child-sexual-abuse material to Americans.' This response was countered in the response from congress, which said the following:

... new documents indicate that eSafety harassed American companies ahead of the implementation of the Social Media Minimum Age (SMMA) law. Emails and correspondence produced to the Committee show that even before the law's effective date, eSafety directed American platforms to release "public-facing" compliance commitments based on an eSafety "template," and demanded meetings with platforms that did not immediately comply. ...

In addition, documents show that eSafety formally asked American companies how they planned to "mitigate potential circumvention" of the SMMA law "via VPNs." In 2024, you used concerns about VPNs, which may conceal a user's country of origin, as a pretext to demand global takedowns of social media content. The documents obtained by the Committee suggest that you may be using this playbook again.

Your actions have clearly alarmed and upset congress. I asked you this last time: are you concerned about harming Australia-US relations?

**Ms Inman Grant:** You read a lot there, and I'd like to take some of those issues in turn, if I may. I'd like to say that I'm not alone. The same committee just published a report saying that the European Commission had

censored American voices for the past 10 years and also accused the Irish commissioner of harassing companies. If you look at the documents that were attached to the chairman's letter to me, you'll see they were a redacted letter from one of the companies around that voluntary public compliance process we asked them to undertake. That was simply in the interests of public transparency. I'm not sure if it was where I told them to have a lovely weekend or where I respectfully requested that they provide this information that constituted harassment. There isn't anything to substantiate that claim.

I was appointed by the minister for communications to implement the provisions of the Online Safety Act. That means you have to regulate the companies that are in scope, some of which are domiciled in the United States and some of which are not. Four of the companies that are captured by the social media minimum age are Kick, which is an Australian company; Lemon8 and TikTok, which are Chinese; and Yubo, which is a French company. But I think the point that they were making, which I don't think is right, is that nothing that we do here—obviously we have to talk to our regulatory targets to make sure that they're complying with our processes, and we do that in quite a constructive and cordial way.

On the VPNs, I think there was some confusion by the chairman. On the issue he raised in the context of Wakeley and the removal of class 1 content or violent content, where we came down was that it was acceptable to geoblock, but we pointed out that geoblocking wasn't always effective because 28 per cent of Australians were using VPNs. Our biggest concern is innocent eyes and people who don't want to see the content coming across it because it was gratuitously violent.

What we're asking here, for the social media minimum age, is a different question around circumvention. All we are saying is that the companies themselves need to put secure enough processes, policies and technologies in place. They're responsible for any circumvention, not just through the usage of VPNs. In fact, we put in our regulatory guidance all the signals that they could look at—IP addresses, making sure that the apps were downloaded from the Australian app store to be able to tell whether they were based in Australia or elsewhere. It's really about preventing the spoofing and the weaponisation of their age assurance systems, which are two totally different issues.

**Senator HENDERSON:** Could I have a copy of those letters to the commissioner on notice?

**Ms Inman Grant:** Sure. I'll make them available to the committee.

**Senator HENDERSON:** If you've got them and are able to hand them up this evening, that would be great.

**Ms Inman Grant:** If I can access them this evening, we will try to.

**Mr Fleming:** Sorry, Senator. Do you mean letters attached to the letter that Senator Whitten read out?

**Senator HENDERSON:** Yes, the ones to and from Congress.

**Mr Fleming:** They are attached to Congressman Jordan's letter, but we can provide those separately.

**Senator HENDERSON:** Okay. Thank you.

**Senator WHITTEN:** That was great, but my question was—and I understand you've got the mandate and the job of doing what you're doing.

**Ms Inman Grant:** Right.

**Senator WHITTEN:** But are you concerned that it's impacting Australia-US relations?

**Ms Inman Grant:** DFAT has been very engaged. My department secretary has been engaged, as has the secretary of Attorney-General's. This is a very unprecedented request for another legislative body to try and compel a senior bureaucrat from another government who is doing the job that the government set out for her to do. So there are going to be a range of conditions. I'll be seeking out my own legal counsel to understand what my options and my limitations are. But this is something I'm going to have to work through government-wide.

**Senator WHITTEN:** I think in previous questioning you said that you are an Australian citizen, but I think Mr Jordan is implying that you might be a dual citizen. Is that correct?

**Ms Inman Grant:** I am a dual citizen, yes. And many dual citizens have served in senior levels in the federal government.

**Senator WHITTEN:** Yes. Does that concern you in any way? I don't know what powers the US might have over somebody with American citizenship to compel them to come.

**Ms Inman Grant:** I think they're more focused on illegal immigrants right now. But, yes, I'm sure that would be cause for concern. I guess what I would say is that I think it would be highly unusual for me, executing my job that was—the Online Safety Act was developed by the coalition. It's always been a bipartisan issue, delivered by parliament. I am executing the will and the laws of Australia as passed by the parliament.

**Senator WHITTEN:** Okay. Thank you, Chair.

**CHAIR:** Senator Walker.

**Senator WALKER:** I've just got a couple of quick questions. It's really good to hear those stats coming in, given that it only came into force in December. It's really positive to hear the effects so far. In terms of engagement with the social media platforms, what does that engagement look like? You want to ensure that they're complying with the new legislation. What does that engagement look like on an ongoing basis?

**Ms Inman Grant:** We've stood up what we call an industry supervision team. They do the day-to-day engagement with all the platforms around the range of responsibilities. So, in addition to the social media minimum age, a number of these platforms will also be subject to our illegal harms codes and standards and the new ones that are coming into force in March.

Our SMAR team, the social media age restriction team, that developed all the regulatory guidance are really now serving as the enforcement arm, and so they're working hand in glove with our legal team and our enforcement taskforce to ensure that we're sending out and delivering these layered notices so that we can continue investigating and testing that the evidence that has been given to us holds up and that these companies are complying with our laws and implementing these technologies in an effective way—and, again, preventing under-16s from continuing to create or have or hold accounts on these social media sites.

**Senator WALKER:** Yes. I note in your opening statement you touched on 'reasonable steps'. Would you mind outlining what 'reasonable steps' actually means in practice?

**Ms Inman Grant:** I will turn that over to Ms Snell, who is expert in reasonable steps.

**Ms Snell:** Our regulatory guidance sets out our expectations in terms of reasonable steps. The legislation simply provides that they are required to take reasonable steps and that we will provide guidance on that. We focused on a principles based approach to our regulatory guidance. The reasonable steps should respect and protect fundamental human rights and be reliable, accurate, robust and effective. They must be privacy preserving and data minimising; accessible, inclusive and fair; transparent, proportionate and evidence based; and responsive to emerging technology and risks.

We've also given some expectations around what we expect platforms to do. That includes, firstly—which we've seen as part of their initial steps—identifying accounts that are currently held by under sixteens and deactivating or removing those. Preventing new accounts, as the commissioner talked about, is part of the process we're in at the moment and preventing workarounds—so VPNs et cetera. They also include processes to review decisions about deactivation and to correct any errors in that area, and to provide clear and accessible ways for people to report underage accounts. We have stressed to platforms that they should take a layered approach, as the commissioner referred to. That means not just relying on one approach to ensure that they don't have underage accounts but using a variety of different techniques to both identify and remove or refuse new accounts.

**Senator WALKER:** On age verification, are you aware of any platforms that force users to upload their ID to access social media?

**Ms Inman Grant:** That's specifically prevented through an amendment to the legislation. What we've written into the regulatory guidance is that, while digital ID or ID can be requested, it can't be the only form of age verification, nor can it be the form of last resort. If somebody is fundamentally opposed to providing their ID in some other way, shape or form—and it's interesting because there are real generational differences. People of my vintage are much more comfortable sharing their ID, but for young people, as you would know, taking selfies for facial age estimation doesn't seem to fess them much, and so they're more comfortable doing that, where a number of us are like, 'I don't want a biometric scan of my face taken, even if it's not saved.' We wanted them to give choices, and some of the platforms have used other novel forms, such as the Australian based solution called ConnectID, which verifies a person's age based on the information they've provided to their bank. Obviously, banks do know their customers very well and are very rigorous in their processes.

**Senator WALKER:** Off the back of that, what privacy protections are there for users that are built into the law?

**Ms Inman Grant:** That's one of the really unique facets of this legislation. First of all, you'll recall that, when the department of communications ran the Age Assurance Technical Trial, they didn't just test the 53 or so technologies for accuracy and efficacy; they also tested to ensure that they were privacy preserving and secure. The other unique feature is that there is a dual regulator model with the social media minimum age. The privacy commissioner has a role if any of these technologies are found to be using technologies in a way that violates the Privacy Act. She put out her own regulatory guidance. I just saw her this morning, and she indicated they haven't had many, if any, complaints or concerns at all. So far, so good. We still have a long way to go.

**Senator WALKER:** On a slightly different topic, how many people contact the eSafety Commissioner per year.

**Ms Inman Grant:** We have a couple of different doorways, if you will. In terms of our complaints and investigations, that's through our report abuse queue. I don't know if we've got the overall number, but it's in the tens of thousands that come into investigations, and I can certainly give you numbers. They continue to increase. We've seen adult cyberabuse reports increase by about 65 per cent. Illegal and restricted content has risen about 71 per cent. Image based abuse has risen 34 per cent, and the largest proportion of that that's grown is sexual extortion, largely of young men. We've seen a 15 per cent increase in cyberbullying. That doesn't necessarily mean that the prevalence of that is increasing. It could be that there is more awareness of us. We've also set up a form for the public around what their experiences are with the social media minimum age, and we have a much broader inquiries section where members of the public can reach us, and that can cover all manner of forms. I don't know if we've counted the number of inquiries.

**Ms King:** At the last estimates I believe we provided the number of inquiries we received. In 2025 we received 5,813 inquiries through our lines. So we receive around 5,000.

**Ms Inman Grant:** If it's helpful, we could probably aggregate the numbers of reports through inquiries, through the SMMA form and through complaints and investigations.

**Senator WALKER:** Thank you.

**CHAIR:** Senator Payman.

**Senator PAYMAN:** Commissioner, I congratulate you on being awarded the Public Service Medal. I don't think any public servant experiences the vitriol that you do for enforcing policies of the government, so thank you. I want to put that on the record. Commissioner, at the Sydney Dialogue 2025, you described the social media ban's effect on children as being similar to throwing them into the waves without swimming lessons, which I agree with. You also said at that talk that, prior to the legislating of the ban, you had been raising concerns. Are you able to share what those concerns were?

**Ms Inman Grant:** I think what you're referring to is a discussion I had with a senior official from Indonesia's ministry for communications, which was facilitated by David Speers. He asked me about some of my earlier testimony and concerns about the approach of the social media ban before it had been deliberated on and we knew what it would look like. I did use a water analogy about teaching kids to swim and making sure that we fence pools and back it with enforcement—even though it is a much harder thing to do when you're effectively fencing the ocean. We wouldn't throw our kids in the water without teaching them how to swim, which is why we take a holistic approach. He asked if we had come around to this. It was really based on the scaffolding that parliament provided us with and through the consultation that we were able to undertake to listen to the public, including young people, that we were able to hone in on what the regulatory guidance should look like. That included the industry too. It's about having the autonomy to create a children's statement on digital rights, which we are very committed to, as well as to develop our own evaluation of the implementation, which looks not only at the potential positive effects but also at any unintended consequences. We're really committed to making sure that that is methodologically rigorous, transparent and open. Later this month we'll be putting the methodology and the framework on the Open Science Framework, and then we expect to start getting some results. We have a pretty large sample size of 4,100 children paired with their 4,100 parents that we're going to be tracking over two years, which I think will give us a really solid evidence base about what is working and what's not.

**Senator PAYMAN:** Let's say I'm a 14-year-old. The ban does not stop me from being served distressing or harmful content in a logged-out state or on services that aren't included in the ban, it wouldn't stop me from being preyed upon by manipulative and addictive algorithms and it wouldn't prevent me from being bullied or being groomed, given the messaging and gaming services exemption. Obviously, the phase 2 codes that eSafety has developed and the planned digital duty of care legislation go further to addressing the concerns I've just raised. But, on its own, I'm curious to understand what the point is of the social media ban when there isn't any digital duty of care.

**Ms Inman Grant:** I think, in many ways, the social media delay is a form of a circuit breaker. We're trying to prevent children from accessing predatory and deceptive features, like Snapstreaks and endless scroll and algorithms that send them down rabbit holes, so that we can take this really valuable time and make sure that we're building their digital and algorithmic literacy and building their critical reasoning and resilience.

Cyberbullying, image based abuse, all of the online abuse we're aware of, is largely a human issue, and any platform, whether it's a messaging platform or gaming platform or social media platform that brings them together, can facilitate some form of harm. The harms are different, and we're monitoring for that. What I would

say is this is why we have our complaints schemes. We can use this to remediate harms around child cyberbullying and image based abuse or adult cyberabuse.

Now what some of our codes and standards will help us to particularly apply to gaming platforms is a much broader subset of sites, including messaging sites but also AI companions and chat bots. That will prevent under-18s from being served content that is pornographic, sexually explicit, has extremely violent suicidal ideation, self-harm and disordered eating. These have to work as a whole. The social media delay will achieve some things, but we're bolstering that with our other functions.

**Senator PAYMAN:** Do you have an indication of when the digital duty of care would be legislated?

**Ms Inman Grant:** The government, through the communications minister, has indicated her intention. Every time I talk to her about it, she's very excited.

**Senator PAYMAN:** It has been 15 months since that commitment was made. The question everyone keeps asking is, 'By legislating the ban, are we putting the cart before the horse?' when it comes to defending the social media ban delayed development, whether that delay has impacted the digital duty of care, because it's been 15 months. Shouldn't that be sped up?

**Senator Green:** We did deal with—it's sort of difficult, because eSafety was meant to appear a bit earlier today—the policy part with the department, here, around the work that they're doing on digital duty of care. So there's not a lot that we can traverse about what the government is doing—rather than repeat what the department said. I'll suggest that you go back and have a look at that evidence.

I'm just trying to go back to my notes, because I know we spoke about it many, many hours ago. There was a review into the Online Safety Act. We actually brought that forward and, based on those recommendations, we are undertaking a body of work. We have committed not only to a duty of care but also to restricting access to nudity and non-consensual tracking services. There are a range of recommendations that have been made, including changes to safety's powers and governance. So we're considering all of that. The work's ongoing, but it's something that we really do want to consider carefully and get right but bring forward as soon as possible. Sorry, but that is my summary of a few hours ago.

**Senator PAYMAN:** That's totally fine. So that consultation has already been done. It's been 15 months. So when are we anticipating—

**Senator Green:** No, the consultation wasn't done 15 months ago.

**Senator PAYMAN:** No, sorry. The commitment by the government was done 15 months ago, and you've just told me there's been extensive consultation. When will the digital duty of care bill be legislated?

**Senator Green:** We addressed this with the department this morning. I'm sorry that you weren't here for that.

**Senator PAYMAN:** I understand there are a million other committees that we were on. But I would presume that the eSafety Commissioner would be aware of the developments around that, given it's so closely tied to the social media ban.

**Senator Green:** Sure. I'm sure she's got a lot to add. I just wanted to be clear that the legislative work is happening in the department.

**Ms Inman Grant:** And I think that work is starting in earnest. We're having conversations. We started the Safety by Design initiative in 2018. A lot of the duty of care is predicated on those Safety by Design principles. The other thing is there are digital duties of care in other parts of the world. We're part of the Global Online Safety Regulators Network, so we're looking closely and we're speaking to other regulators about how it works in practice. We will have suggestions about what we'd like to see—what we think would be most implementable, most successful and really help us put the onus back on the platforms themselves to incorporate safety at the front end, rather than leaving us in a situation where we have to play a game of whack-a-mole. I think we're all really aligned in that this is where we want and need to go.

**Senator PAYMAN:** It's been reported that adult men's faces can verify teen girls' Snapchat accounts. Am I correct in understanding that you were of the view that all 10 age restricted platforms were in compliance with the legislation on 16 January of this year?

**Ms Snell:** Thanks, Senator. I think what we were saying around that time was that we were pleased with the information they had provided around the number of deactivations. However, we have ongoing investigations in relation to a number of services. We're using compulsory information notices to really test what they've told us. Obviously there have been a lot of anecdotal stories in the media like the example you just gave and about other ways that young people might be circumventing the restriction. So we are currently using a range of tools and techniques to test what we're hearing from platforms as well as engaging with the providers of verification

services, for example, to understand their settings. They are ongoing investigations, so, at this stage, I don't think we can conclude one way or another whether individual platforms are sufficiently taking reasonable steps.

**Senator PAYMAN:** It's quite bizarre that obvious loopholes like this exist and that the government can consider them as being compliant or, rather, being effective.

**Ms Snell:** I think it's about the initial stages and understanding, as the commissioner said, that these things do take some time. It is very positive that the platforms all chose to engage and did take steps to deactivate in the initial stages. Naturally, as with any new system that you have, you realise as you roll it out that perhaps not everything is working smoothly. The question is: are they taking appropriate steps to deal with those issues when they come up? We're working through that with them and continuing to investigate.

**Senator PAYMAN:** I've got some rapid-fire questions in terms of numbers. I'm mindful of the time. For each age restricted social media platform, how many under-16 accounts have been deactivated to date?

**Ms Snell:** We don't have with us the specific numbers for each platform. We are continuing to seek further information from them. What I can say is the number that was provided by the platforms as an aggregate was over 4.7 million, which we announced early in January.

**Senator PAYMAN:** So you wouldn't be able to tell how many of them were inactive, duplicate or alternative accounts?

**Ms Snell:** Not at this point in time.

**Senator PAYMAN:** Okay. I can probably pick that up later. Finally, in regard to X's plan to use its Grok AI to perform age estimation, I think the commissioner was quoted in the *Sydney Morning Herald* as saying that it would be 'interesting to see how efficacious that is and how spicy'. Has eSafety formed a view as to the efficacy of Grok in this regard?

**Ms Inman Grant:** We actually have two separate investigations, as I mentioned. I don't think you were here for my opening statement. One is into xAI, which is the purveyor of Grok, and is around the alleged generation of child sexual abuse material, which is in violation of our DIS Standard. Again, that was kind of a marketing, I suppose, blitz around how Grok was going to be politically incorrect and spicy. That was how it was described, but I was very concerned to see that the *Washington Post* actually obtained some documentation that was given to people at xAI who were working on Grok indicating that they were likely going to come across quite violent and sexual material and asking them to sign waivers relieving them of any liability, I imagine, around mental health and wellbeing. Again, we'll see if we can get our hands on those documents and see what they actually tell us, but it certainly looks like there was intention there.

**Senator PAYMAN:** Finally, what platforms is eSafety considering adding to the social media ban? Are there any additional platforms?

**Ms Inman Grant:** There are few other platforms that have self-assessed in. Bluesky is one of them, and Lemon8, which is also owned by ByteDance and is considered a TikTok clone, is another. Match.com, which has a number of dating sites, assessed themselves as in—they're under 18—as has Yubo, which is a French site that used to be a dating site that is now a social media site. Previously it was for those under 18 but now is for 18 and over, and they've age verified their entire userbase twice. The list has expanded. It's not a static list. It's not something that we're continuing to try to expand. We've covered some of the main ones.

We're also looking closely at different migratory patterns. But what we've really seen in the past two months is that while we might see some initial spikes in downloads—some of those platforms were Yubo, Lemon8, Bigo Live, CapCut, Coverstar and a few others—but you don't actually see a lot of usage and then you see the trend fall off. That's probably because the major social media platforms have done such a good job over the years of really entrenching their users and having a critical mass. When kids are fanning out to go to different platforms and they don't have a critical mass of their friends there, they tend to leave or abandon those.

**Mr Fleming:** Just to clarify, as you know, we don't have the power to declare whether services are in or out. The lists we have provided publicly are to assist parent and children to navigate social media minimum age restriction. It's often confused that we are the ones with the list and we add and take platforms off. That's the purpose of why we've prepared the list. It's not a declaratory list. People that aren't on that list still have the obligation to comply if they meet the test in the act.

**CHAIR:** Thanks, Senator Payman. We've gone a little bit over our scheduled break. We will take our scheduled break now.

**Proceedings suspended from 20:53 to 21:05**

**CHAIR:** We are resuming with the eSafety Commissioner, and I am going first to Senator Smith.

**Senator DEAN SMITH:** Commissioner, my apologies; we send our congratulations as well on your recognition through having received the Public Service Medal award in the most recent honours day announcement. Congratulations to you.

I have been keeping a tally in terms of publicly available information about the numbers of deactivated, removed and restricted accounts. I have Snap at 415,000. I don't have anything for Reddit. I don't have anything for YouTube. I don't have anything for Twitch. I don't have anything for Kick. Threads is at 39,000. Instagram is at 330,000. Facebook is at 173,000. TikTok is at 200,000, and I'm missing the other platform.

**Ms Inman Grant:** I don't think—

**Ms Snell:** YouTube?

**Senator DEAN SMITH:** I said YouTube. That's nine. I thought there were 10.

**Ms Snell:** X?

**Senator DEAN SMITH:** Of course. Thank you very much for that. Are you able to verify that those are the same figures that you have?

**Ms Snell:** I can say that I think that some of those figures are slightly different because they're point in time. I understand that the figures, particularly those Meta and Snap released, were figures at the point in time that they released them; whereas the figures that we had used in our 4.7 aggregate number were based on the responses that we received to the notices on 18 December.

**Senator DEAN SMITH:** Have you provided advice to anyone in government? That's the department, the minister or the Prime Minister's office in regard to the disaggregated 4.7 million deactivated, removed and restricted accounts?

**Ms Snell:** No, we have not.

**Senator DEAN SMITH:** But you have been requested that disaggregated number by the department of communications because that was their evidence to this committee earlier today. You have had it requested, but you've not provided it.

**Ms Snell:** I'm not aware of a specific request. We've had discussions with them, again, about the issue of the fact that we've received that information under compulsory information notices and that we consider that information to therefore be subject, potentially, to a PII. We're not disclosing that beyond eSafety in terms of our investigation processes.

**Senator DEAN SMITH:** They understand that, if they were to ask for it formally, you would say that you're not legally empowered to give them that figure?

**Ms Snell:** We consider it as not appropriate to disclose that information at this point in time, whilst the investigations are on foot. There may come a point in time, and it may be that if we take this question, the question of the individual numbers, on notice that we will have further consideration as to whether that's likely to prejudice the investigations or not.

**Senator DEAN SMITH:** Have you verified the data that was provided to you by each of the 10 platforms when they met their 18 December reporting obligation?

**Ms Snell:** That's an ongoing investigation process. What I can say, Senator Smith, is that we are using the powers that we have been given under the act. Those powers are information notices that, as I said, they are required to comply with, and there are penalties if they provide false and misleading information. We are continuing to investigate and consider other ways in which we can verify that information.

**Senator DEAN SMITH:** Has the ongoing investigation been completed for any or all of the 10 platforms?

**Ms Snell:** No, it has not.

**Senator DEAN SMITH:** I would say a correct statement from the Prime Minister was not that preliminary analysis. I'm going to read the Prime Minister's statement just to make it crystal clear. Before I read the Prime Minister's statement, did you review or have access to any draft media statements prepared by the Prime Minister's office, the minister's office or the department of communication that led to the final media release issued on 16 January?

**Senator Green:** The eSafety Commissioner can't speak for the Prime Minister or for the PMO.

**Senator DEAN SMITH:** No, no—you're misrepresenting what I'm saying. I'm asking: did the eSafety Commission review—

**Senator Green:** I'm just saying, perhaps if you captured in the minister's—

**Senator DEAN SMITH:** or have input into any of the draft media statements—the Prime Minister's draft media statement or the minister's draft media statement—that led to the final media statement that was issued on 16 January 2026?

**Ms King:** What I can say is that it's regular for our communications teams, when there's a joint media release or we have to have discussions, but we can take that on notice, just to double-check and make sure around any particular input that was in there. We do deal with the minister's office around releases, when there is a press conference related to that data. But we'll take that on notice. We did not directly liaise with the Prime Minister's office.

**Senator DEAN SMITH:** The Prime Minister has said: 'with more than 4.7 million under-16 accounts already deactivated, removed or restricted within days of the law coming into effect on 10 December'. What that should have said is: 'with more than 4.7 million under-16 accounts—unverified—to be deactivated, removed or restricted'. That was your evidence. You said there were ongoing investigations. None of the investigations had been completed against any of the 10 platforms. That 4.7 million figure—while it might be your figure—comprised of the contributions of each of those 10 platforms, is unverified.

**Ms Inman Grant:** It's also legally binding, and if they were to lie, then they are culpable. And I guess what I would say—

**Senator DEAN SMITH:** So the—

**Ms Inman Grant:** We're the last people to take them at their face value—the platforms—but they know what is at stake here. How would you expect us—

**Senator DEAN SMITH:** Commissioner, please.

**Ms Inman Grant:** Sure, sure.

**Senator DEAN SMITH:** We are accommodating your evening commitment—

**Ms Inman Grant:** Yes, I understand.

**Senator DEAN SMITH:** so brevity is my expectation. How will you explain, or how will you disclose if any of those 10 platforms have provided false or inaccurate information? How will that information be disclosed publicly? How and when will the Prime Minister and the minister correct the public record? These are unverified.

**Ms Inman Grant:** They are not. I wouldn't characterise them that way.

**Senator DEAN SMITH:** Well, they're not investigated.

**Ms Inman Grant:** They are being investigated—

**Senator DEAN SMITH:** They are being investigated.

**Ms Inman Grant:** and they're being tested. I guess I'm not sure what your preoccupation is with the number—

**Senator DEAN SMITH:** Accuracy and scrutiny is my preoccupation.

**Ms Inman Grant:** Absolutely, and it is ours too.

**Senator DEAN SMITH:** A more prudent approach would have been to better qualify that 4.7 million figure. You must agree with that.

**Ms Inman Grant:** We have done all the due diligence and persistence in proof that we believe we needed. At the time, we pointed out very clearly that this was a point in time—

**Senator DEAN SMITH:** So it's a belief?

**Ms Inman Grant:** It's not a belief.

**Senator DEAN SMITH:** You just said it was a belief.

**Ms Inman Grant:** It is not a belief.

**Senator DEAN SMITH:** The Prime Minister calls it a 'preliminary analysis'. There's been no analysis over that, because the ongoing investigations are incomplete.

**Ms Snell:** It was an analysis. It was preliminary analysis of the responses that we had received from the platform, so—

**Senator DEAN SMITH:** How did you do that preliminary analysis?

**Ms Snell:** We reviewed the information that they had provided, took into account our—

**Senator DEAN SMITH:** How did you review the information?

**Senator Green:** If you don't interrupt, the answers will be quicker.

**Senator DEAN SMITH:** We are accommodating the commissioner because she has an evening commitment, so brevity is important.

**Senator Green:** You are interrupting the answer you asked for.

**Senator DEAN SMITH:** Thank you, Senator Green.

**Senator Green:** Courtesy goes both ways.

**Ms Snell:** That included the team specifically going through each of the responses that we received from platforms, understanding the explanation they had provided for the numbers that they provided, as well as us going back to existing information that we had from our *Behind the screen* report as to the number of accounts that were held by under-age users at that point in time, as a way of testing whether the numbers seemed to be within the range that we would have expected from each of the platforms.

**Senator DEAN SMITH:** 'Expected'?

**Ms Snell:** So it was that process.

**Senator DEAN SMITH:** It's starting to look very slippery.

**Ms Inman Grant:** It's not, actually. We're talking about three separate processes to make sure that we understood what we expected the number of under-16s to be, using rigour in our research processes and ABS data and understanding the percentage of young people on each of the platforms. As I mentioned at the very outset, there was the *Behind the screen* report, where we used transparency powers that they need to comply with—and be fulsome and true—and there was the public compliance process, where we asked them to voluntarily put out their compliance plans and their numbers in advance; none of them agreed to do that. So we find ourselves here, when they provided this to us. Many of them want this to remain confidential. As we said earlier, we will look to see whether or not we can go back and provide these numbers to the committee. There may be a PII claim as a result. I do not want to undermine the integrity of this ongoing investigation. There are probably five different stages that we'll have to go through.

**Senator DEAN SMITH:** A more prudent approach would have been to say to the Prime Minister: 'Dear Mr Albanese, we're not in a position to provide you with any data, because we cannot accurately verify it. We have ongoing investigations underway, and at some future point we expect to be able to give you an accurate and verified figure.' You chose not to do that.

**Ms Inman Grant:** What we did say and what the Prime Minister echoed was that this was a point in time over a two-day period, and we said that that is subject to change and will change.

**Senator DEAN SMITH:** Where did it say it was subject to change?

**Ms Inman Grant:** I think I said that at the press conference; that's what I said. You'll probably find that in the transcript.

**Senator DEAN SMITH:** Did the Prime Minister say that? Did the Prime Minister qualify that?

**Ms Inman Grant:** I said it because the numbers came from our investigation.

**Senator DEAN SMITH:** Was that in your advice to the Prime Minister or the Minister for Communications?

**Ms Inman Grant:** I said it when I was asked by journalists to explain—

**Senator DEAN SMITH:** But was that in your advice to them?

**Ms Inman Grant:** I didn't give them advice. I gave them—

**Senator DEAN SMITH:** You gave them a number.

**Senator Green:** She was standing at the press conference.

**Ms Inman Grant:** I was standing at the press conference to ask the specific questions; I was standing alongside him.

**Senator DEAN SMITH:** And the Prime Minister issued a written statement which included the 4.7 million figure.

**Ms Inman Grant:** Which we discussed at length with members of the press corps—and I qualified that this constituted a point in time over a two-day period. This was initial. Things were subject to change. I do think it was important to at least signal to the public that, through this first stage, something had been done, something significant had been done. As I said in my opening statement, we're at the hard part now.

**Senator DEAN SMITH:** Commissioner, I don't think people are disputing that. I think what people are interested to know is the accuracy of the number that was used and how that number was ascertained. Were the 4.7 million deactivated, removed and restricted accounts exclusively under-16 accounts?

**Ms Inman Grant:** That was what we specified: held by under-16s.

**Senator DEAN SMITH:** That is what you are also investigating and verifying.

**Ms Inman Grant:** What we're really focused on is, now that the 4.7 million have been deactivated or restricted, whether they are putting the right systems, processes and technologies in place, including effectively implementing third-party age-verification mechanisms to prevent other forms of circumvention so that that they're not letting under-16s back on.

**Senator DEAN SMITH:** Minister, I am asking you a very clear question, and you are free to take whatever claim of public interest immunity you feel necessary. But I'm asking you, as the minister at the table, to make available to this committee the data for each of the 10 platforms that was provided to the eSafety Commissioner to meet 18 December reporting obligation.

**Senator Green:** We have taken that on notice. For the number that we spoke about, the details have been given to you about how it was provided, but I just can't—

**Senator DEAN SMITH:** They haven't been provided anywhere.

**Senator Green:** It is clear that the Liberal Party, which is being run by characters like Senator Canavan and Senator Antic, doesn't support this policy. You haven't supported it from the beginning. You don't support it now, and you're trying to undermine it by confusing where this information comes from.

**Senator DEAN SMITH:** That is completely incorrect.

**Senator Green:** You don't support the policy. You don't support it. You support platforms, not parents.

**Senator DEAN SMITH:** We absolutely support proper scrutiny and proper transparency.

**Senator Green:** We have taken this action. Unfortunately—

**Senator DEAN SMITH:** That is completely wrong.

**Senator Green:** your party is now being run by characters like Senator Antic and Senator Canavan, who have come in here and tried to say that they don't support this policy. That's what's happening.

**CHAIR:** Senators, come to order please.

**Senator DEAN SMITH:** That's not the answer. You have taken my question—

**CHAIR:** The question has been taken on notice. We need to move on now.

**Senator Green:** It's very clear to me and everyone else what's happening here. But who knows who will be the shadow minister for communications on Friday? We don't know.

**Senator DEAN SMITH:** It's crystal clear to me. It's crystal clear that the Prime Minister is going to have to—

**CHAIR:** Alright, senators. Come to order! Senator Roberts.

**Senator ROBERTS:** Thank you for appearing again tonight. Let's hurry. Commissioner, in a media release published by you on 16 January 2026 titled 'Platforms restrict access to 4.7 million under-16 accounts across Australia', I note you did not actually say this reduction was caused by the under-16 ban. Was this reduction caused by the under-16 ban?

**Ms Inman Grant:** Yes, because we asked them, as part of the law, through the reasonable steps, that the first step they take be to deactivate and restrict access to all under-16 Australian accounts on these platforms.

**Senator ROBERTS:** Data from Cloudflare Radar's Traffic Overview shows that there was no noticeable reduction in web traffic in Australia on or around 10 December and no noticeable reduction since. Cloudflare tracks data transfer, not users. However, if these were real social media users being locked out in large numbers, the loss of traffic would have shown up. Commissioner, did you conduct an analysis, even a sample, of the accounts provided to you as being under-16 accounts being closed to see if they were active accounts from under-16-year-olds in Australia?

**Ms Inman Grant:** These are active investigations, and Cloudflare does DDoS protection and IP relay. I'm not sure how their analysis is germane to these numbers. What did your technical experts advise you on?

**Senator ROBERTS:** Basically, they're saying that the data is tracked by Cloudflare and that there's no decrease in data.

**Ms Inman Grant:** I don't think they would have been tracking the specific data, from what I understand. We've got a working arrangement with Cloudflare.

**Senator ROBERTS:** They track data transfer, not users, and there's been no change in data transfer.

**Ms Inman Grant:** They prevent DDoS attacks and IP relay servers. Would you be aware, Ms King?

**Senator ROBERTS:** Could the tech companies, for instance, have included bot accounts, dormant accounts and orphan accounts and merely said to you that they were Australian under-16 accounts?

**Ms Snell:** That wouldn't have been in compliance with the notice.

**Senator ROBERTS:** I know it wouldn't have been, but could they have done it?

**Ms Snell:** They would be risking significant penalties for providing false or misleading information if they had done that.

**Senator ROBERTS:** I appreciate that. But what checks have you done to make sure they haven't done that?

**Ms Snell:** As I said, we've got ongoing investigations into the information that they've provided us.

**Senator ROBERTS:** So you're scrutinising what they sent you?

**Ms Snell:** Yes.

**Ms Inman Grant:** Oh, yes.

**Senator ROBERTS:** Okay. I've seen multiple reports, some personal testimony and some from tech commentators which suggest young people found a way around the ban. What percentage of under-16-year-olds were on social media before 10 December, and what's that figure after 10 December?

**Ms Inman Grant:** The percentage of overall 16-year-olds?

**Senator ROBERTS:** Of the total online.

**Ms Inman Grant:** I do know that there are 2.5 million eight- to 15-year-olds. It depends how low you went. The data given to us through these legal compulsory notices from the companies was 4.7 million. We know that some young people may have none, and some may have multiple accounts, so it would be difficult to give you an overall percentage.

**Senator ROBERTS:** So it will be difficult to come up with accurate figures from your investigation, once it's completed?

**Ms Inman Grant:** No, it has to do with how the questions were framed in the notice, what we were asking for and what we need to know to understand whether or not they're in compliance with the reasonable steps and the regulatory guidance we put forward. You could cut and dice data in many different ways, but what would you want that to tell you?

**Senator ROBERTS:** It seems that you've brought in this ban with no actual KPIs to determine success or failure—no measure to track effectiveness of the legislation.

**Ms Inman Grant:** That's not correct. We have a major evaluation. We're about to put the methodological framework, which has been peer reviewed by—

**Senator ROBERTS:** Can you put that on notice? Can you give that process on notice?

**Ms Inman Grant:** Yes, that's going on the Open Science Framework in a matter of weeks. Just to give you a sense of what it's going to be capturing, it will be looking at evidence about the right age, whether kids are sleeping more, whether the quality of their relationships is better, whether they are out on the sporting fields, whether their NAPLAN scores are getting better, whether they are—

**Senator ROBERTS:** In 10 weeks?

**Ms Inman Grant:** No, this will be a two-year longitudinal study. What you missed, Senator, is that we've been saying that this is not instant gratification. This is complex technical regulation. This will take some time to bed down. Think about the passage of seatbelt laws in the 1970s. We still have—

**Senator ROBERTS:** You're not saying anything new to me. I can see it's complex, and we want to make sure it was worth all the pain. That's all. And we want to be reassured that your process of investigation is beyond scrutiny.

**Ms Inman Grant:** Oh, absolutely. But, if we were a law enforcement agency, you probably wouldn't ask about forensic techniques or about numbers that could compromise an investigation. We take very seriously the integrity of these regulatory investigations. We're using the tools at our disposal. Where we can get additional information, we're looking beyond what is provided to us in the information notices.

**Senator ROBERTS:** My background is that I come from a business where people die if you make decisions without going to the data. I come to this place where we've got literally trillions of dollars at stake, and governments—not just this government but governments for decades—completely ignore the data or contradict the data without any raising of an eyelid at all. So I'm intensely concerned about that. That's our No. 1 major problem in governance in this country. Governance is the problem.

**Ms Inman Grant:** This is why we're doing this evaluation. We might not like what it tells us or where it takes us, but we have to follow the evidence and the data.

**Senator ROBERTS:** Good, because we need to track progress. In the last estimates, I asked a very clear question, which you took on notice: how many overseas trips have you taken as eSafety Commissioner? Your response was inadequate in that you provided only a list of countries you'd visited at least once. These included Canada, France, Switzerland, Belgium, Ireland, Japan, USA, UK, Germany, Italy, Singapore, Ethiopia, United Arab Emirates and New Zealand. Can you please provide details of how many times you've visited each country? We want to know the total number of visits.

**Ms Inman Grant:** Sure.

**Senator ROBERTS:** Why not have online meetings? Why do you need to go in person?

**Ms Inman Grant:** Because you do negotiations, you sign MOUs and you build relationships with people. I serve on boards.

**Senator ROBERTS:** What sort of agreements with other nations?

**Ms Inman Grant:** Yes, because the internet is global, almost all of my regulatory targets are based overseas. You don't have the product engineers coming over here. I have to go to them to make sure that I'm talking to the right people who understand what their roles and responsibilities are and that they're complying with—

**Senator ROBERTS:** Can't that be done by internet?

**Ms Inman Grant:** We do the vast majority of our engagements by internet.

**Senator ROBERTS:** How many overseas trips do you have planned in 2026?

**Ms Inman Grant:** I don't have any planned right now, and I did one last year in 2025.

**Senator ROBERTS:** What was the total spend of taxpayers' money by the office of eSafety in the calendar year 2025 relating to legal expenses.

**Ms Inman Grant:** Legal expenses?

**Senator ROBERTS:** Yes.

**Ms Inman Grant:** We can look at that.

**Mr Fleming:** Was 2025-2026 your question?

**Senator ROBERTS:** No, it was the calendar year 2025.

**Mr Fleming:** I don't have calendar, but I've got—

**Senator ROBERTS:** What's your latest?

**Mr Fleming:** financial year. This is on external legal in the order of \$750,000 for 2024-25, and 2025-26 to date is in the order of just under \$2 million.

**Senator ROBERTS:** Thank you, Mr Fleming. You did offer us to have a briefing. We want to take it up. It's just that over the last three months there's not been much time. So we will take you up on your offer. We're very keen to do so. Thank you, and good luck with Italy.

**CHAIR:** Senator Henderson, if you're taking a rules point, I'll let you know I'm not going to rule on that this evening.

**Senator HENDERSON:** I've just got a couple of very quick questions. This is for the commissioner. I just want to be clear. The reason we're asking questions about how many accounts have been deactivated is that we want to test the claim that's been made by you and also the Prime Minister. These are legitimate questions. We want to understand the success of the social media ban because the two lots of figures don't reconcile. You've got the very large platforms like Meta, based on what we know publicly, and Snapchat. They've deactivated under a million accounts. And yet the balance of those platforms are saying that the—

**Ms Inman Grant:** You might be surprised. There are some platforms that have very large numbers.

**Senator HENDERSON:** Well, we might be surprised. All we're doing is seeking to ascertain the factual matters in relation to how many accounts have been deactivated. I understand this is under investigation, but I just refer to the rules of estimates.

**CHAIR:** Senator Henderson, we don't need—

**Senator Green:** It's been taken on notice.

**Senator HENDERSON:** No, excuse me. I'm asking another question.

**CHAIR:** Okay. What is the question?

**Senator HENDERSON:** I'm seeking the information from you—and Mr Fleming is nodding his head—because it's well established that the secrecy provision in a statute prohibiting the disclosure of particular information does not prevent the provision of that information in a parliamentary forum unless some harm to the public interest is established, and that would ordinarily be through a public interest immunity claim.

**Mr Fleming:** We would point to 4.6.1(d) of the guide, and that talks about investigation processes. That's the basis on which we say we have a public interest immunity claim.

**Senator HENDERSON:** I'm afraid that that is not an acceptable basis to refuse to answer—

**CHAIR:** Ultimately, Senator Henderson, they've taken the question on notice. When they respond, they will put the grounds for an immunity claim if they've got one, and then the committee will determine that claim.

**Senator HENDERSON:** Did any of the data that was provided to you come with any sort of direction stipulating the data could not be released by the platform?

**Ms Snell:** The platforms were invited to make any confidentiality submissions in relation to the information. I don't have all of the details here, but I can tell you that the majority of the platforms, if not all of them, made claims of confidentiality over the specific individual numbers that they had provided.

**Senator HENDERSON:** Clearly Meta and Snapchat have made some—

**Ms Snell:** Have subsequently made their own decision.

**Senator HENDERSON:** How many of the platforms are still seeking to maintain confidentiality in relation to this number?

**Ms Snell:** We have not gone back and reventilated that issue with them since they made that claim, because, to be clear, the position that we're taking is not based on their confidentiality claim. It's based on a prejudice-to-investigations claim.

**Senator HENDERSON:** Alright, thank you.

**CHAIR:** I'm now in a position to release the officers and the eSafety Commissioner. Thank you very much for your evidence here today and for the work that goes into preparing for these hearings. That takes us to the next stage of the process. I'm calling officers of Creative Australia to the table, please.

#### **Creative Australia**

[21:34]

**CHAIR:** I welcome Mr Adrian Collette, the chief executive officer, and your colleague at the table. Do you wish to make an opening statement?

**Mr Collette:** I think we can dispense with an opening statement given the late hour, and I would be happy to answer any questions that the committee has.

**CHAIR:** That would certainly be my preference, so it's very much appreciated. I'll now hand the call to Senator Henderson.

**Senator HENDERSON:** Mr Collette and Mrs Grayson, good evening to you both. Mr Collette, will Creative Australia support and constructively participate in the antisemitism royal commission if required to do so?

**Mr Collette:** If we're required to do so, of course we would.

**Senator HENDERSON:** The government has publicly committed to implementing the report by antisemitism envoy Jillian Segal. What steps has Creative Australia taken to implement the report's recommendations on antisemitism?

**Mr Collette:** In fact, we met with Special Envoy Segal for the third time last week, and it was a very constructive meeting. We, of course, were waiting for the government response since the special envoy's recommendations. Now that's been made, the government was very clear that the response to her recommendations on the arts was specifically to point to the establishment of Creative Workplaces, which

happened two years ago. Creative Workplaces, as you know, was a new initiative under Revive, one of the four new bodies we've established under Creative Australia, and their remit is to support and to give advice on establishing fair, safe and respectful workplaces in the creative industries. A number of—

**Senator HENDERSON:** Actually, Mr Collette, the antisemitism envoy's very clear recommendation in her report was that arts bodies should not be funding artists who promote any sort of hate or other antisemitic rhetoric towards Jewish Australians or Jews. What are you doing in relation to that? Over successive estimates, I've raised continuing concerns that you've shown no regard for the funding of artists where they have engaged in hateful behaviour towards Jews, and I am deeply concerned. This was specifically addressed by the antisemitism envoy.

**Mr Collette:** Can I answer that in two parts. One of my answers will be very familiar to you because, as you say, you've raised this question over the last two estimates. But I just want to be clear that the government's response—and we are an agency of government—is to respond to the special envoy's recommendations through Creative Workplaces, and Creative Workplaces is doing a lot of work in terms of their response. The first thing they are doing is a world first, really. For the first time, they have got an extensive survey which has gone out into the field, which also covers demographic information and covers all forms of discrimination. So it is the first time we will have comprehensive evidence of examples of discrimination, including discrimination on religious belief or cultures, that we can analyse. That survey completes on 28 February, and we hope to have the results available in June. That will inform policy advice. It will inform future resource materials that we can develop to support the industry, including those people who think they have been discriminated against.

**Senator HENDERSON:** Mr Collette, I think you might have overlooked another very important part of Ms Segal's report, and that was to propose provisions for the cancelling of public funding from cultural institutions or festivals that promote or do not deal effectively with hate or antisemitism.

**Mr Collette:** For which we would need evidence. Let me repeat what I've said for the last two. We are not an investigatory body. We do not fund artists on the basis of religious backgrounds or cultural beliefs; we fund them exclusively on the merit and impact of their work.

**Senator HENDERSON:** So do you accept that that is an obligation as set out in Jillian Segal's report?

**Mr Collette:** Do I accept that what's an obligation?

**Senator HENDERSON:** Do you accept that obligation? Because she's made it very clear that public funding should be cancelled from cultural institutions or festivals that promote or do not deal effectively with hate or antisemitism.

**Mr Collette:** It's a condition of our funding that all recipients comply with all applicable state, territory and Commonwealth work, health and safety and antidiscrimination laws.

**Senator HENDERSON:** That's not what this is saying. So do you accept that obligation as set out in Ms Segal's report, which is the cancelling of public funding where an organisation, such as Creative Australia, which deals with a large portion of arts funding, does not promote or deal effectively with hate or antisemitism? I'm not talking about your legal obligations.

**Mr Collette:** But we have to talk about our legal obligations. We are not qualified to start adjudicating—I'm flattered that you think we might be—on what might qualify as antisemitic or any other kinds of behaviours that are discriminatory on the basis of race or culture or religion. We simply are not qualified, and we don't have that legislative—

**Senator HENDERSON:** Given that clear principle set out in the antisemitism envoy's report, do you understand what it means to deal effectively with hate or antisemitism?

**Mr Collette:** My understanding is that, if there is evidence, which is brought up by a suitably qualified agency, of unlawful conduct, then we would take that into consideration. But, until that happens, we simply cannot start adjudicating on what might be or not be antisemitic intention or behaviour.

**Senator HENDERSON:** That's why Jillian Segal has come down so heavily on arts organisations and, I would say, including Creative Australia. Creative Workplaces was established two years ago. The antisemitism report was handed down in July last year. So, in other words, you're confirming that the government is doing nothing new to implement the envoy's report and, specifically, that you will not implement any recommendations to respond to that very clear principle outlined in her report?

**Mr Collette:** No, I'm not confirming that at all.

**Senator HENDERSON:** What will you do, then, Mr Collette?

**Mr Collette:** As pointed to by the government in response to the special envoy's recommendations, Creative Workplaces will support the sector in terms of cultural inclusion, health and safety, and they have put the survey into the field with the intention of gathering significant empirical data or evidence.

**Senator HENDERSON:** What are you going to do about the notion of taxpayer funds? What do you say about the notion that taxpayer funds should not be used to support antisemitic tropes or narratives? What are you going to do when you find out about, as I've raised on many previous occasions, artists which have engaged in hate and antisemitism? What's your position about the action that you would take under those circumstances? Has it changed?

**Mr Collette:** If we have evidence of antisemitic behaviour, which is adjudicated by a qualified body, which is unlawful, then we will consider a proportionate response. But, until that happens, we are not going to speculate on what is or isn't antisemitic behaviour.

**Senator HENDERSON:** So it's got to be adjudicated by a qualified body and found—

**Mr Collette:** Yes, like the Human Rights Commission or a court.

**Senator HENDERSON:** The only basis on which you say you will act is if there is a court decision or a finding by the Australian Human Rights Commission. Is that right?

**Mr Collette:** Even if we wished to, we wouldn't have the power to do it. It's not in our legislation.

**Senator HENDERSON:** So now you're saying that, even if there was a court decision or a determination by the Human Rights Commission, you wouldn't do anything.

**Mr Collette:** I'm sorry; say that again.

**Senator HENDERSON:** You're saying that, even if you wished to do something, you don't have the power. What about changing your funding agreements?

**Mr Collette:** I think our funding agreements are very clear, in that you have to comply with all applicable state, territory and federal laws.

**Senator HENDERSON:** What about clauses in your funding agreements that would allow you to cancel or rescind funding if an artist conducts himself or herself in a hateful way towards Jews or engages in any other sort of antisemitic conduct?

**Mr Collette:** If it is unlawful behaviour, we would consider a proportionate legal response. All I'm asking is that you respect the fact that we do not have the legislative authority to work in that way.

**Senator HENDERSON:** So are you seeking further powers? Have you made representations to government that you need further powers? Have you sought advice in relation to varying your funding agreements? In other words, what are you doing about this?

**Mr Collette:** We will ensure that, on any changes to legislation that could have bearing on this, we will take advice from our colleagues from the Office for the Arts and, indeed, from the minister of the day.

**Senator HENDERSON:** I must say that I'm very, very confused by your position. I will continue with other questions that I have.

**Mr Collette:** I think it's a very clear position. Just bear with me. At the last two Senate estimates, I've tried to make it very clear: what we are charged to do is to support freedom of artistic expression. That is very different from freedom of expression, which is a right that all Australians enjoy and that is supported by the law. For example, we would never invest in artistic expression that we judged to be antisemitic or Islamophobic or in any way ran the risk of giving unlawful expression on the basis of religion or race or many other discriminatory matters. But that is our remit: to support freedom of artistic expression. We are not responsible for the personal views of some of the artists we fund.

**Senator HENDERSON:** So, if an artist funded by Creative Australia was to say some deeply offensive remarks in relation to Jewish people that did not meet the threshold for hate speech under the law, would you have an issue with that? Would you take any action?

**Mr Collette:** We would deplore anything that is said, particularly at this time, to further divide our communities, particularly on the basis of race or religion. We deplore that, but the only way we could act on it would be if we had real evidence that what they said was unlawful.

**Senator HENDERSON:** Alright. What I'm going to ask for is a copy of your standard funding agreement—

**Mr Collette:** Certainly.

**Senator HENDERSON:** And I'm going to ask on notice if you have sought any advice in relation to varying your funding agreement so that you do have greater ability to cancel or rescind a grant where one of the artists funded by Creative Australia is acting or behaving in a deeply offensive manner.

**Mr Collette:** Unlawfully.

**Senator HENDERSON:** Have you sought any advice in relation to varying your funding agreements?

**Mr Collette:** We are seeking legal advice on how we can establish more robust expectations, but it is far too early to speculate on that. These are complicated matters, as we all know.

**Senator HENDERSON:** I appreciate that. Could we, on notice, have a copy of the information that you're seeking.

**CHAIR:** Senator Henderson, I do want to share the call. Senator Roberts is waiting and we've done a block now.

**Senator HENDERSON:** Yes. Sure, Chair.

**CHAIR:** Senator Roberts.

**Senator ROBERTS:** Thank you for appearing today. My first question is on behalf of a constituent, who provided it, actually. It is a fact check on social media reports that Sara M Saleh, a Palestinian Australian writer, activist and human rights lawyer, has received an \$800,000 grant from Creative Australia. We can't find anything on your website, and it's a larger grant than usual. Do you have any information on this?

**Mr Collette:** I don't have specific information. If you let me speculate for one moment, I think that, if it were a grant of that size, I would be aware of it. But we will have to take that on notice to check it.

**Senator ROBERTS:** If you could, please.

**Mr Collette:** You have to remember that we give about 3,700 grants and contracts a year.

**Senator ROBERTS:** In reviewing your grants, we can see a lot that appear to be for the purpose of sending Australians overseas. My question is not criticism at this point. Please explain how much was spent sending artists or students overseas and what the cost benefit for taxpayers was.

**Mr Collette:** I will have to take that on notice and get you the final figure. But, yes, we do invest in programs to send artists overseas. That is done for the best possible reasons: to support their careers and to make sure that great Australian storytelling and music making are experienced overseas. I'd ask you to keep this in mind, particularly in the fields of literature and contemporary music: we are a relatively small English-speaking market competing increasingly against very large English-speaking markets. Since the establishment of Revive, in particular, we've doubled down on supporting Australian artists to establish their careers overseas. We are at a particular moment now in contemporary music, for example, where we find that Australians have never listened to more music, because of streaming services, but that the Australian artists they are listening to constitute only about eight per cent of that. So we have a big challenge ahead of us. The way we are working in contemporary music, in particular, is through matched and incentive grants, which I think is a great development in Creative Australia. We have a very strong eye on export. We will co-invest in an artist and a career with a record label with other forms of matched funding that are trying to break this artist overseas.

**Senator ROBERTS:** Khaled Sabsabi and his extremist political views have been an issue for Creative Australia. First, he was our Venice Biennale selection, then he wasn't, then he is again—perhaps—then he had a large grant, then it was a \$100,000 'sorry' grant. Can you provide us the latest on Khaled Sabsabi, please? What sort of money is he being given? Is he representing us in any way?

**Mr Collette:** He's representing us, I'm very pleased to say, at the Venice Biennale, which opens in May this year. You're aware of the history. We recommissioned Khaled Sabsabi as the artist and Michael Dagostino as his curator. We have worked very closely, as we do with all our Venice artists, to support the development of their work.

**Senator ROBERTS:** How much money has he received from Creative Australia?

**Mr Collette:** All up, we believe he's received slightly in excess of \$800,000 over a 20-year period. That includes his commissions for Venice.

**Senator ROBERTS:** What about the last 12 months?

**Mr Collette:** In the last 12 months he's received—I'm trying to get the dates right in my head—his commission for Venice and he's also applied for, competitively, and received a grant. Actually, more accurately, I think the South Australian gallery did to ensure that the work he does in Venice is able to be brought home so that Australians get to enjoy the work as well.

**Senator ROBERTS:** What would that total in the last 12 months?

**Mr Collette:** To get you an exact number, I'd have to take it on notice.

**Senator ROBERTS:** That's fine. Moving on, I note your continued strong spending on orchestras, theatre and dance. Thank you for that. This question goes to accounting, not to Australian values. You list the Australian Cultural Fund at \$13.5 million, which includes several programs for First Nations. Then you have a line item for First Nations of \$15.6 million. Is this figure the total spend for dedicated First Nations and Aboriginal arts programs or just an element of it? If not, what was the total spend on Aboriginal grants?

**Mr Collette:** We can get you that number. I think the number you are alluding to—the \$15 million—under Revive we established a dedicated First Nations fund with its own First Nations board that has decision-making rights over the spending of those funds.

**Senator ROBERTS:** So you give money to the board and they disburse it?

**Mr Collette:** Yes. We had that fund, and the First Nations board, appointed by the minister, has decision-making rights on how that fund is invested. What I'm trying to get for you is the total—I think the total for 2024-25 invested in First Nation creative practice and arts was \$32.1 million.

**Senator ROBERTS:** To give the figure context, for those new to the subject, this is out of a total spent on grants of \$285 million—correct?

**Mr Collette:** Yes.

**Senator ROBERTS:** And about \$74 million for orchestras, including regional.

**Mr Collette:** As a part of the creative sector, the orchestras constitute our biggest area of funding. That is as part of the National Partnership Framework. Importantly, that is an understanding of co-investment with all the states and territories as well. We fund each of the state orchestras, plus the territory orchestras. We co-invest with the states.

**Senator ROBERTS:** Thank you. I note that the Australasian Performing Right Association, APRA, has received around \$4.3 million in grants in the last three years. APRA had record revenue last year of \$740 million, with revenue noticeably outpacing inflation. Isn't it their job to develop local talent and then benefit from increased Australian airplay and the royalties they collect from their talent? They have a great business model here, it seems. Why are taxpayers funding a commercial operation that should be funding new talent themselves?

**Mr Collette:** They do indirectly fund new talent, because their business collects receipts for—

**Senator ROBERTS:** So why should you be funding it?

**Mr Collette:** Well, the most particular thing we do with APRA is fund Sounds Australia. That is an organisation that we have funded historically, and we chose to continue that funding, even after the establishment of Music Australia, because it is such an effective way of supporting Australian artists to get to and benefit from overseas markets.

**Senator ROBERTS:** But can't the Australasian Performing Right Association—which are a commercial entity, by the sound of it—do it on their own? They're developing the talent and they're making money off it.

**Mr Collette:** You'll have to ask them that question.

**Senator ROBERTS:** But you're giving them money, so you—

**Mr Collette:** We're giving them money because we think it is very good value for money, given the expertise they bring to supporting Australian artists to get to overseas markets.

**Senator ROBERTS:** Are you replacing private funding with government funding?

**Mr Collette:** Not at all. In fact, it's growing, I'm happy to say. To get back to first principles, under Revive, our revised legislation allowed us, really for the first time, to co-invest. That means co-invest with philanthropic interests. It means co-invest with commercial interests. That is why, for example, if we want to invest in Australian artists getting overseas, we can ensure that we are co-investing with commercial interests to try and drive the value of our government funding further.

**Senator ROBERTS:** Thank you. There are only a few more quick questions to go. Doesn't the music industry need more live venues? Have you done any grants in that area?

**Mr Collette:** I don't think we've done any grants specifically into live venues, no.

**Senator ROBERTS:** You call these grants 'investments', yet we don't see any mention of a return on investment—how Australia benefited from the spend. How many people attended events that you funded?

**Mr Collette:** We do have that number. I will get it to you. In the last annual report it was upwards of \$14 million.

**Senator ROBERTS:** Last question: do you have any performance metrics to ensure that you are spending where the public want it spent, as evidenced by ticket sales, artwork sales—some tangible KPI?

**Mr Collette:** Yes, we do. If you look at our annual report, we report against KPIs, and attendance at the events we fund is very much part of that. Again, because of Revive, we will be putting an even greater emphasis on audience and market development going forward.

**Senator ROBERTS:** Where can we get that figure?

**Mr Collette:** We can get it for you. It is in the annual report last published.

**Senator ROBERTS:** Send us that on notice.

**Mr Collette:** Sure.

**Senator ROBERTS:** Thank you very much.

**CHAIR:** Senator Henderson.

**Senator HENDERSON:** Mr Collette, have you had any discussions with the minister or his office in the wake of the Bondi terrorist attack?

**Mr Collette:** No, I have not had discussions with the minister or with the office specifically. As I mentioned before, the organisations we have consistently met with—of course, most recently the special envoy for antisemitism, as we discussed. We've also met a number of times with the Centre of Jewish Artists, who are supporting Jewish artists at this time. We have also met, particularly around their research, with the Australian Centre for Jewish Civilisation, which is part of Monash University, and we were close to its research. Indeed, before we put our survey into the field, we asked them to advise, as we were getting ethics approval for the broader survey, on the kinds of questions we should be asking.

**Senator HENDERSON:** The front page report in the *Australian* on Friday reported:

... The Australian understands the federal government and Ms Segal's office have put concerns about the arts sector on "the back seat" until they have implemented changes to security services and started a crackdown on hate groups.

Are you able to tell me whether that is true?

**Mr Collette:** I'm unable to tell you whether that's true.

**Senator HENDERSON:** Have you taken any specific action on antisemitism in the arts in the wake of Bondi?

**Mr Collette:** The action we've taken, as I've described, is that we have met with relevant bodies. We are working with them to develop support materials for the sector. We have a survey in the field to gather evidence of discrimination, and we will do, through that, all we can to support Jewish artists in the future.

**Senator HENDERSON:** I want to go to Matt Chun and ask about an essay—he was a grant recipient; I believe he's received around \$50,000, based on previous advice you've given us. He published an essay after the Bondi attack called 'We don't mourn fascists'. It's deeply offensive. It questioned the innocence of the attack's victims. He called slain rabbi Eli Schlanger a 'Zionist zealot'. He invoked antisemitic tropes about Zionist media control and supremacy. He wrote about 'perpetual Jewish victimhood' and concluded by picturing a time after Israel as well as America and Australia's existence. A spokeswoman for Creative Australia said that you were seeking legal advice about recouping the grant money and said:

We are deeply saddened by the terrible events that occurred at Bondi Beach and the pain caused to the Jewish community. We denounce comments made by anyone in the artistic community that are offensive and/or create further division at a time when deep reflection and healing is needed.

Those comments don't specifically mention antisemitism or Mr Chun's comments. Can I please confirm: do you specifically denounce Matt Chun's comments?

**Mr Collette:** As the statement says, anything, particularly at this time, that will cause such deep offence to parts of community—we deplore. I want to correct the record on this. The legal advice we are taking was not about rescinding Mr Chun's grant. His work pertaining to that grant has already been completed. It's been done; it's finished. As I said before, the legal advice we were taking was to strengthen our contracts and understandings in the event that we learn of unlawful activity on the part of someone we have funded.

**Senator HENDERSON:** Can I again ask you: do you specifically denounce Matt Chun's comments?

**Mr Collette:** As I said, we deplore them.

**Senator HENDERSON:** Do you deplore the comments made by Mr Chun?

**Mr Collette:** I have to speak as the CEO of Creative Australia here, and Creative Australia isn't in a position to deplore personal comments by anyone.

**Senator HENDERSON:** But you must operate within a moral compass. You've got a Creative Australia recipient who's said the worst things following the Bondi terrorist attack. Why is it that you cannot denounce those specific comments, which are so grotesquely offensive to Jewish Australians and to all Australians?

**Mr Collette:** We have already said how much we deplore those comments being made at this time. If those comments are proven to be unlawful, we will consider our position.

**Senator HENDERSON:** You said, 'We denounce comments made by anyone in the artistic community.' I ask you one more time: do you denounce the comments made by Mr Chun?

**Mr Collette:** I'm not in a position to denounce those comments.

**Senator HENDERSON:** Why not? Don't you operate within a moral compass? Don't you understand how deeply offensive this is?

**Mr Collette:** As CEO of Creative—

**Senator HENDERSON:** They called someone murdered at Bondi on that horrendous night a Zionist zealot.

**Mr Collette:** I might operate within a moral compass. As you've seen, society's moral compasses have been deeply vexatious over months and years. Creative Australia operates within a legislative compass.

**Senator HENDERSON:** But you are the CEO of Creative Australia.

**Mr Collette:** I am, and it's as the CEO that I'm speaking.

**Senator HENDERSON:** You can denounce comments made by anyone. You've made a general proposition.

**Mr Collette:** No. I've said we deplore them. I'm not saying anything officially, like: we denounce them, because that would be an overreach of Creative Australia and, as the CEO, I can't do that.

**Senator HENDERSON:** I'm actually quoting the spokesperson from Creative Australia who used the words 'We denounce comments.' I think this is the core of the problem and this is what Jillian Segal and so many Australians are concerned about. When you have artists who say the most horrendous things, that are so deeply offensive, so deeply antisemitic, you, as the CEO of the premier arts funding body in this country, cannot say, 'In relation to this person, I denounce those comments.'

**Mr Collette:** I cannot say that in relation to a specific person, no.

**Senator HENDERSON:** I am so appalled by that. I cannot believe it. I cannot believe you. In the case of Sabsabi—

**Mr Collette:** Khaled Sabsabi.

**Senator HENDERSON:** he celebrated a leader of a terrorist organisation in artwork. Do you have a problem with that?

**Mr Collette:** It would be a long reach for me to accept that interpretation.

**Senator HENDERSON:** Well, that's his artwork.

**Mr Collette:** Perhaps your interpretation of his artwork, yes.

**Senator HENDERSON:** Well, I've just had a look at it again.

**Mr Collette:** If I'm right, that artwork you're alluding to was a gift of the Australian cultural program to the MCA. It's been part of its collection for the last decade. It has become controversial because of the current geopolitical situation, but it would be a long reach for me to interpret that artwork. I am not a visual arts expert, alas. I know there has been lots of media commentary on the intention of that artwork, but the interpretation of the question comes from you. It's certainly not my interpretation of that work. I wouldn't venture an interpretation of that work; I'd listen to expert commentators.

**Senator HENDERSON:** Abdul-Rahman Abdullah was removed from the board of the National Gallery of Australia for antisemitic comments accusing Israel of genocide and apartheid. The National Gallery of Australia was able to take a strong stand. I am deeply concerned that Creative Australia appears not to have the ability to take a strong stand when you see the sorts of horrendous comments made by the likes of Matt Chun.

**Mr Collette:** I'm not sure what you mean by 'strong stand' other than that you're asking for a denouncement. We are on the record of denouncing anything that further fuels the terrible conflicts we are seeing in the public square in our community, but I have to be guided by our legislative responsibilities here, which are not about a moral compass.

**Senator HENDERSON:** So the moral compass is irrelevant to you?

**Mr Collette:** It's not irrelevant to me, but in terms of Creative Australia, and what steps we can take, we have to act in accordance with our national, federal, state and territory laws.

**Senator HENDERSON:** I'm going to leave my questions here. I'm very concerned by your evidence tonight. I will follow up with further questions on notice.

**Senator ANANDA-RAJAH:** I have a few questions about Music Australia. It has been running for two years now; could you give us a little bit of information about how it's going, a bit of an update?

**Mr Collette:** Yes, I'm very happy to do that. What I most welcome about Music Australia is the additional funds, which will now amount to about \$28 million annually, ongoing. What that has meant for us as an organisation and for Music Australia in particular is that we could increase the amount of individual grants through the processes of Creative Australia, which has been really significant in what we could give to artists.

What I most welcome about Music Australia is its approach. Writing Australia is now taking a similar approach. Giving grants to artists and arts organisations is vital. Taken as read, it's traditional business of the Australia Council, and Music Australia gives us significantly more funds to do it. The approach being taken by the director and advised by the board is to support the industry that supports artists, so that these grants go somewhere. If you like, it's an approach for how to build careers. A very good example of that is something I mentioned earlier to Senator Henderson—our export development grants. We will work with a record label or a commercial producer to co-invest to get an artist overseas in a timely fashion, and ensure they're supported through all these market and industry mechanisms.

We also support record labels directly to incentivise them to bring Australian artists through. There has also been quite a significant shift to what I would call audience development. We have a real challenge in this country in that there have never been more Australians listening to music, but the percentage of Australian music listened to has, according to our own research, dropped to something like eight per cent.

**Senator ANANDA-RAJAH:** From?

**Mr Collette:** I'd have to take that on notice. It is an effect of the streaming services and our ability to compete with really large English-speaking markets. One of the most recent examples of our ability to try to influence Australian listening habits was with the Ausify project, which has been, by every measure, a real success. It's a very good example of how you try to influence audience behaviour.

It's based on very good research that Music Australia conducted which revealed that eight per cent number—the drop in percentage of the total package. But also importantly there was a very strong indication in that research that, when Australians were aware that they were listening to Australian music, there was a very proud response. Very often they didn't know it was Australian music, but the moment they found out there was very strong pride that Australia was producing music of such calibre.

We worked with the contemporary music industry and sector and, most importantly, with artists like Thelma Plum, Keli Holiday, who just took ownership of this. It was a Music Australia idea, but everyone grabbed it because they could see the advantages if Australian artists knowingly started to Ausify their algo to choose Australian music—that this would have a compounding effect. It's too soon to measure the effect of that, but one of the most encouraging signs, of course, was the triple j Hottest 100, and all credit goes to triple j for opening an Aus tab that further supported that. Australian artists' measure of the hottest 100 had been in rapid decline, and from last year's to this it featured, I think, 29. It featured 54 of the hottest 100. Keli Holiday was number 2 on the hottest 100. We can't say we're directly responsible for that, but it's a nice and encouraging sign of what it means when you start thinking about audience development and incentivising the audience, because this is an even more sustainable way of supporting Australian artists.

I think Music Australia, in its two years, is really finding its feet. It's investing across the industry, it's supporting more Australian artists than ever before, but importantly it's supporting them to have careers as well as supporting them through grants.

**Senator ANANDA-RAJAH:** Thank you very much.

**CHAIR:** Senator Henderson?

**Senator HENDERSON:** I have a very quick question that I want to ask you, Mr Collette, in relation to the website Pearls and Irritations, run by the former Qantas CEO and Labor candidate John Menadue. Your organisation has supported them getting access to taxpayer financial support through the Australian Cultural Fund. There's been some toing and froing in relation to previous answers to questions on notice, but I want to quickly draw your attention to an article the website published on 12 December that explicitly blames Israel for

antisemitic attacks on Jews around the world, and which ends with the very disturbing threat that 'a reckoning is coming, and it won't be pleasant'. Two days later, of course, we had the Bondi terrorist attack. Do you still consider that Pearls and Irritations should receive taxpayer support?

**Mr Collette:** Our funding of Pearls and Irritations is very clearly for their arts and cultural related content, and we don't fund them directly. It's really important: these are not direct grants. Their applications are listed on the Australian Cultural Fund, which has shown very encouraging growth over the last few years. But the conversation we've had with them is that it has to be specifically for arts related activities. So it has nothing to do with whatever opinions are being expressed elsewhere on the Pearls and Irritations site.

**Senator HENDERSON:** Just going back to my question, do you believe that this website should receive taxpayer support?

**Mr Collette:** I'm not going to venture an opinion on that. It's not what we fund. We fund very specific arts and cultural related activity. We don't fund it, but they are able to mount a case for philanthropic support on the ACF, Australian Cultural Fund, website.

**Senator HENDERSON:** I'll leave it there. Thank you very much.

**CHAIR:** I think we're in a position now to say thank you to Creative Australia. We appreciate your attendance here today, your evidence and for all the work you do and that of your officers who sit behind who appears here at the table.

**Mr Collette:** Thank you, Senator.

**CHAIR:** I would now like to call the officers of Screen Australia to the table.

#### Screen Australia

[22:20]

**CHAIR:** Welcome. Do you wish to make an opening statement?

**Ms Brennan:** I appreciate the opportunity to appear today. I know it's been a very long day for you all. Given the fact that this is my very first estimates appearance—and forgive my croaky voice—I'd like to provide a brief overview of the current focus for Screen Australia.

I'm sure you know our screen industry is undergoing profound transformation, impacting content creation, distribution and consumption. I know we all agree it's vitally important that, as Australians, we see ourselves reflected in screen stories across the platforms that we use, and we welcomed the government's introduction of a local content obligation for major streaming services in November last year. This is a significant moment for our sector, supporting screen practitioners to navigate a landscape which has seen more change in the last five years than in the last 50. But there's more work to do.

Formulated through rigorous consultation and analysis, Screen Australia's future focused approach, enshrined in our new corporate plan released last August—and I urge you to review it—aims to scaffold our industry with innovative programs and adaptive capabilities. Our work is anchored in a new purpose: to build a vibrant, viable screen industry that reflects the depth and diversity of Australian stories and experiences—an industry worth investing in. We will equip the sector by focusing on data driven, outcome focused decision-making that emphasises impact and effectiveness over volume of activity; audience-first, platform-agnostic funding to support projects with clear, measurable connections to Australians; enterprise sustainability by backing screen businesses and creative talent long term; and strong industry alignment through collaboration, shared objectives, transparent communication and efficiencies.

Screen Australia continues to align with the pillars of the national cultural policy, Revive, while also amplifying our research output, something I know the committee will be interested in in the months ahead. This includes a new screen currency report, to be released in May this year, which measures value—economic, social and cultural—to better understand and track the public benefit from investing in the screen and games industry. We're also undertaking a production infrastructure and capacity analysis to offer deeper insight into the challenges impacting the growth of the screen workforce.

Screen Australia's *Drama report 2024/25*, released last December, showcases Australia's robust and resilient local industry, with a record expenditure of \$2.7 billion on drama production in Australia. We are pleased to see the interconnected ecosystem of international and local screen production bringing economic benefit, infrastructure, training and employment opportunities. When it comes to the re-energised area of global production and creative partnerships, Australia brings enormous value to the table that goes well beyond world-class incentives. We see enormous potential for growth and diversification internationally, driven by talent, ideas and a point of view that has evolved from our distance, our landscape, our First Nations storytellers and the

experiences of the people who make Australia their home. The screen industry showcases Australian values through stories and productions that resonate around the world. Our goal is to guide the agency and the local industry in maximising investment in stories that reflect and connect us, and, as we've even discussed today, it's more important than ever. I look forward to and am excited about continued collaboration with government to fuel a contemporary creative ecosystem that all Australians can value. Thank you for this opportunity.

**CHAIR:** Thank you, Ms Brennan, for a beautiful opening statement. May I now go to Senator Henderson.

**Senator HENDERSON:** Ms Brennan and Ms Brunson, good evening and welcome to Senate estimates. We are going to be pretty brief. I will just quickly address the questions that I have. Could I ask about the documentary *Silenced*? We've discussed this extensively with the ABC. I don't know whether you're aware of that evidence today.

**Ms Brennan:** Yes, I watched all day.

**Senator HENDERSON:** How much did you contribute to the production of the film?

**Ms Brennan:** I'm really glad we have the opportunity to provide you with a bit more of an oversight on the project. *Silenced* is a feature-film documentary, with a presale to an Australian broadcaster, from renowned Australian documentary producers Stranger Than Fiction. It was funded through our documentary program in August 2024. The nature of that funding was development funding, production funding at a total of \$250,000 with a \$20k travel support grant to be able to send the producer, the director and the editor to the Sundance screening to have international sales conversations around the placement of the film.

**Senator HENDERSON:** Did you support the travel of anyone else—Ms Higgins or Mr Sharaz?

**Ms Brennan:** Sundance is a transactional festival to support the distribution and business growth of the producers, so, no, we would not do that. But I thought it would be really valuable if we could give you a quick insight into the assessment process and the legal review that applies to a documentary like this.

**Senator HENDERSON:** I'm going to have to be very quick, so can I just quickly address my questions, if you don't mind.

**Ms Brennan:** I can take that on notice, too.

**Senator HENDERSON:** I've raised my concerns in relation to this documentary because the premise of the documentary, the feature-film documentary, is the silencing of women using the weaponisation of defamation. Now, in the case of Ms Higgins, two courts found that Ms Higgins had defamed the former WA senator Linda Reynolds on a number of different occasions over a very horrendous claim that Ms Reynolds and her former chief of staff, Fiona Brown, had covered up a rape in Parliament House. That allegation was false, and there have been a range of various defamations or imputations that were found to have occurred, so there was no silencing at all of Ms Higgins in respect of these matters. But this destroyed the lives of these two women, and they have gone through the most horrendous battle. And I say, again, I have great empathy for Ms Higgins in terms of what she endured here in Parliament House. But I'm addressing the premise of this feature film. I haven't seen the feature film, I haven't seen the script, but I am concerned that there might be a suggestion that effectively defames again Ms Linda Reynolds and Fiona Brown by improperly suggesting that they were somehow involved in silencing Ms Higgins.

**Ms Brennan:** I'm very happy to be able to give you reassurance. The film focuses on the work of human rights barrister Jennifer Robinson, and it does refer to particular cases in the UK and Mexico, which was the major story in Australia. But the scope of the documentary—and I do not want to enter between discussions or communications between the producer and the parties involved—is very specific to that work. So, on a formal side and an assessment side, we were totally satisfied—and this has gone all the way up to our chair and board—by a barrister's opinion that it was appropriate in its content. So I want to assure you that it would not be including some of those areas that you're referencing.

**Senator HENDERSON:** So have you had that script legalised by counsel?

**Ms Brennan:** Yes, fully, as part of the assessment process.

**Senator HENDERSON:** So, in your view, there is no suggestion of any wrongdoing by Linda Reynolds or Fiona Brown?

**Ms Brennan:** Absolutely not.

**Ms Brunson:** There are no allegations raised against Ms Reynolds or Ms Brown or any allegation that there was any wrongdoing by either of them. They're not named in the documentary either, and there's nothing about anybody in government trying to silence Brittany Higgins.

**Senator HENDERSON:** It doesn't mean that there are not defamatory imputations just because they're not named. On notice, could we please have a copy of the script and all correspondence relating to the commissioning of this documentary, please—

**Ms Brennan:** Yes.

**Senator HENDERSON:** Including the considerations about the content and the legal advice that you have received in relation to it.

**Ms Brennan:** I think you'll see it's a fully robust process, and we'd be very happy to share that with you.

**Senator HENDERSON:** The promotion of the documentary is very concerning. Given this only has some link with Australia, why did you fund this documentary?

**Ms Brennan:** The major link with Australia is about the barrister Jennifer Robinson, who is Australian. It's about her work in this area and gender based violence. Given that gender based violence is a major issue for Australian society, it seemed appropriate.

**Senator HENDERSON:** The promotion talks about the weaponisation of defamation laws which lead to the silencing of women.

**Ms Brennan:** By perpetrators of violence. That's the basis of Jennifer Robinson's work and her book that the documentary is based on.

**Senator HENDERSON:** Alright. Well, if we could have a copy of, as I say, the script and all of the relevant correspondence in relation to this documentary, including the initial assessment of the documentary.

**Senator ANANDA-RAJAH:** Hang on a minute! Ms Brennan, this is your first estimates. You do not have to agree to give up a script of a movie to the Senate. That is going to have the effect of chilling, of silencing our artists.

**CHAIR:** Senator Ananda-Rajah, you will come to order!

**Senator ANANDA-RAJAH:** No. We cannot have this silencing of artists in this country. Witnesses at Senate estimates should not be obligated to meet your—

**CHAIR:** Senators!

**Senator HENDERSON:** Can we go to a private meeting, please?

**Senator RUSTON:** I cannot believe that outburst.

**Senator ANANDA-RAJAH:** Well, somebody has to defend artists.

**Senator HENDERSON:** Can we call a private meeting, please?

**CHAIR:** Well, I'm reluctant to do that given the time, Senator Henderson.

**Senator HENDERSON:** We're not putting up with that.

**CHAIR:** I understand that. Senator Ananda-Rajah, you'll come to order. At this point, unless there is a point of order, which I didn't hear, I'm going to return the call to Senator Henderson.

**Senator HENDERSON:** Thank you very much, Chair. I'm sure you're well aware of your obligations under estimates, and thank you very much for your help. I just want to return to another issue—that is, your funding. The *Australian* has reported statements by the head of the Jewish Australian Screen Fund, Mr Jamie Bialkower, about Screen Australia refusing to support Jewish projects. Can I ask you to respond to that allegation?

**Ms Brennan:** Certainly. The article came out on 26 December. We arranged a conversation with Jump Street Films and founder of Australian Jewish Film Fund on 5 January. I am confident and I'm very happy to inform the committee that his experiences, I believe, are a perception of potential application processes. But we absolutely have significant evidence of support of Australian Jewish filmmakers and stories, which I'm very happy to provide to the committee. But we need to lean into this situation and, if we are that inclusive agency that wants to support all Australians, Jamie is helping us now set up two opportunities to converse with a range of Australian Jewish filmmakers in Sydney and Melbourne in March. We're also talking to Shayna Levine about cultural competency training, not only for our own staff but potentially for the industry. So, for what might have been something that perhaps was not painting Screen Australia in a good light, we get to the bottom of what that is about and we're actually turning it into a conversation that I think will improve our operations as an agency. And I think even the films that Jamie has shared with us to date have been really insightful. So from a story comes a good outcome.

**Senator HENDERSON:** Well, on notice, could you provide any relevant correspondence to show how you are addressing this in terms of the changes that you are making within the agency. Obviously, these are very

concerning allegations. I appreciate your evidence this evening. I'm very cognisant of the time, so I'll leave it at that. Thank you very much.

**CHAIR:** Thank you, Senator Henderson. Thank you to the officials from Screen Australia. Ms Brennan and Ms Brunson, thank you very much for your attendance here, the evidence you've given and undoubtedly the work that sits behind that evidence. You go with the committee's thanks.

**Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts**  
[22:35]

**CHAIR:** I now call officials for outcome 6. Once again, it's members of the department. We're on outcome 6, Participation in, and access to, Australia's arts and culture through developing and supporting cultural expression, and program 6.1, Arts and cultural development, which will include officers of the Office of the Arts. Welcome back, Mr Betts.

**Mr Betts:** Thank you. It's lovely to be here.

**CHAIR:** Are we ready to go? Given the time, I won't wait long. I will simply hand the call over to Senator Payman.

**Senator PAYMAN:** Good evening. I won't take too much time. My line of questioning is around the Commonwealth Indigenous Languages and Arts program. Can the department please outline the total amount of the program's funding allocated in the past five financial years to Aboriginal language, culture and heritage programs? I would love if you could provide a year-by-year breakdown of that funding. And you can take it on notice.

**Mr Betts:** Thank you. We might just touch on some of the headlines, and if there is more detail that sits behind that and if we can provide it on notice, then we can certainly do that. The workaround Indigenous outcomes in this part of the department is rich and various in its aspects. Maybe Dr Arnott might want to lead the charge.

**Dr Arnott:** If Mr Budd's ready, I'll hand over to him. I'm not sure we've got retrospective funding for Indigenous languages and arts in the folder, but we've certainly got current year funding we can provide to you.

**Mr Budd:** Thank you for the question, Senator. Under the ILA program, Indigenous language and the arts in the current 2025-26 financial year will invest more than \$47 million. On the part of the question that relates to the last five years, we'll have to take that on notice. In the 2024-25 budget, there was a significant increase in the program funding. That's why I'll have to take the previous years on notice.

**Senator PAYMAN:** So what was the number for 2024-25?

**Mr Budd:** More than \$47 million for 2025-26. I'll have to take that figure on notice for 2024-25.

**Senator PAYMAN:** No worries. That's fine. Could you also give a breakdown of how much of that funding was awarded to Aboriginal community controlled organisations, other not-for-profit organisations and for-profit or commercial entities.

**Mr Budd:** I'm happy to take that on notice.

**Senator PAYMAN:** If the department can, please provide figures by program and financial year for all three categories. How much funding has been directed to Western Australia over the past five years, and how much of that funding has been allocated specifically to organisations in the Pilbara region, so up north?

**Mr Budd:** I'll have to take that on notice, sorry.

**Senator PAYMAN:** No worries.

**Mr Budd:** We'll definitely be able to do a breakdown. Under the program, we currently fund a number of Indigenous language centres around the country, some of which obviously are in Western Australia. But I will take the specifics on notice.

**Senator PAYMAN:** Thank you. And, finally, what proportion of funding for Aboriginal language and cultural programs is provided through short-term or project based grants compared to multi-year funding agreements? I'm curious to understand how the department assesses the impact of short-term funding on long-term language maintenance.

**Mr Budd:** I can answer a component of that question. Under the program as a whole, we fund, as I mentioned, Indigenous language centres. It has a number of projects which are ongoing over a number of years; the program has been around for some time. We also fund short one-off projects as a large proportion of the program. Within that, some of those are also over financial years. So it depends on the nature of the project itself—what the organisation is looking to achieve within that. In some cases, that will be a one-off project. It might be a language

revitalisation activity, or it can be language learning over a number of years. As for the breakdown between those, I'm more than happy to take that on notice.

**Senator PAYMAN:** Thank you. That's all from me.

**CHAIR:** Thank you to the officials in relation to outcome 6. Some of you will probably be able to go, but the next outcome remains with the department.

### Australian Sports Commission

[22:40]

**CHAIR:** We now move to outcome 7. We will take the step of combining outcome 7 and the witnesses from the Australian Sports Commission because I understand that the questions potentially will relate to both. Given the time, that seems the most efficient course of action. So, if we could have both sets of officials up to the table now, that would be wonderful. Thank you very much.

**Senator Green:** We can get started with the department, and then the commission can join us.

**CHAIR:** Yes, we'll be joined by the officials from the Australian Sports Commission—they're on their way up—but we have the departmental officials here. We will now commence the questioning in relation to those two outcomes together. Senator Ruston.

**Senator RUSTON:** I'm keen to understand when the NSOs will know about their funding beyond 30 June 2026.

**Mr T Haslam:** Sorry, Senator, I didn't catch that question.

**Senator RUSTON:** When will the NSOs know about their funding certainty post 30 June 2026?

**Mr T Haslam:** A portion of the funding for national sporting organisations is terminating funding, and that's currently set to terminate, as you note, on 30 June.

**Senator RUSTON:** I think that's my question.

**Mr T Haslam:** However, considerations in relation to that funding will be part of the budget process.

**Senator RUSTON:** The timeline for decisions in relation to this budget is the first week of May 2026, and funding expires on 30 June 2026. Is that correct?

**Mr T Haslam:** Yes. On that note, Mr Perkins, when he joins us, will be able to—

**Senator RUSTON:** That's alright. I've got questions for Mr Perkins. I'm asking them of you at the moment.

**Mr T Haslam:** Some of that funding for national sporting organisations and the Australian Sports Commission is not terminating, and there is a split between terminating funding programs, for which there was additional funding two years ago—that continues through, as you note, to 30 June—and existing funding that goes to the Sports Commission, some of which is provided to national sporting organisations as well, and that's ongoing funding.

**Senator RUSTON:** Okay, but the lion's share of the funding to NSOs is uncertain from 30 June 2026.

**Mr T Haslam:** Yes. The government made a record investment.

**Senator RUSTON:** Have any of the NSOs or other organisations expressed concern about the approaching funding cliff and the uncertainty that they are feeling in relation to ongoing funding?

**Mr T Haslam:** That question is better directed to the Australian Sports Commission, who manage that funding.

**Senator RUSTON:** Have you had any?

**Mr T Haslam:** I have not.

**Senator RUSTON:** How many athletes who currently receive direct athlete support don't know whether their scholarships will be considered, or is that another matter for—

**Mr T Haslam:** That program is run by the Australian Sports Commission.

**Senator RUSTON:** Alright. Mr Perkins seems to be at the table, so I'll go to you. Mr Perkins, how many athletes have uncertainty in terms of their ongoing scholarships post 30 June 2026?

**Mr Perkins:** That's a very good question, Senator. Good to see everyone. I don't actually have the number of individual grant recipients. It's circa 2,000, but I'll have to take that on notice to come back to you with the exact number.

**Senator RUSTON:** Are you concerned in any way about the how these athletes are going to make career and education decisions when there's so much uncertainty about what's going to happen to them post 30 June?

**Mr Perkins:** I've been involved in sport for an extremely long time, and what we're dealing with right now is what we've been dealing with for 40 years of my living memory involved in sport. Government budget cycles don't line up to sporting strategic cycles, and we are constantly engaged in work to try to navigate the challenge of that. The Australian Sports Commission has core appropriation, which is ongoing, and currently in the vicinity of 45 per cent of that money goes in cash straight to NSOs as part of their grant allocations. Obviously, that is only a proportion, a similar size proportion, of their overall grant funding. So, while there will definitely be a level of navigation that's required to help people understand the right way to approach it, there is no NSO that I'm aware of that would see themselves entirely stopping operations at that time. We're also working very closely with all the NSOs in the system at large, as you'd appreciate, with the Win Well and Play Well strategic frameworks that the industry has aligned to, and we keep them informed about timelines activity that's underway and try to ensure that they're comfortable.

**Senator RUSTON:** I would be really keen to understand how many times in the past we've had a situation where NSOs are, in effect, sitting six or seven weeks out from the lion's share of their funding ceasing where they're unaware of it, because, according to Mr Haslam, they won't know until the budget cycle. Could you just provide it on notice as I don't expect you to have this at the tip of your fingers: how many times in the past have we had a situation where, six or seven weeks out, NSOs have had no idea about what their performance funding will be—particularly in regard of the fact that we have an Olympic Games only a few minutes away?

Back to the department—have you had any indication about the expectations around maintaining and securing high-performance coaches and technical staff when there is no certainty about funding? There will be a lot of countries around the world that would have different funding cycles that would be quite happy to take our fantastic coaches and technical staff, because we are internationally renowned for them. Are you concerned at all that an inability to provide funding certainty may expose these organisations to losing their staff?

**Mr T Haslam:** I think, as Mr Perkins articulated, the situation in terms of terminating funding as well as ongoing operational funding for the commission is not new to sport. Certainly—

**Senator RUSTON:** With the greatest amount of respect, I didn't ask you that question. I said, 'Are you concerned?' I've already asked Mr Perkins to take on notice how many times they've been left with only seven weeks notice. Are you concerned? Have you had any concerns expressed to you by sporting organisations about the losing of coaching or technical professionals?

**Mr Betts:** The first part of your question invites Mr Haslam to express a personal opinion, which he won't do, but we can talk about representations that he may have received.

**Senator RUSTON:** Have you had representations?

**Mr T Haslam:** I haven't received any direct representations.

**Senator RUSTON:** Have you, Mr Perkins?

**Mr Perkins:** No.

**Senator RUSTON:** It's interesting that they should be talking to me and not you—quite unusual. My understanding of Olympic funding cycles, which is what much of this is based around, is that USA works on quadrennial budget cycles and China has five-year cycles, and these countries have got billions of dollars worth of funding. Maybe this is a question to you, Mr Perkins, because of your experience in the sporting field. Is this the kind of thing that would normally cause concern to sporting organisations—that they're competing against countries that have got a great deal of certainty and a great deal of money. The expectation around Australian athletes is very high and rightly so. They've been brilliant. With your experience as an Olympic athlete particularly, are you concerned that we're at a disadvantage because we have no funding certainty on the eve of funding running out?

**Mr Perkins:** As I mentioned earlier, this is not an unusual or new circumstance. Most of our sports have clear what-it-takes-to-win strategies that run right through to and beyond the Los Angeles cycle, which will be renewed and reviewed going into the Brisbane 2032 cycle. Those sports are well aware that the budget process is in play. There are numerous entities that are making representations to government around what that funding should look like, as we are too. I think it's worth recognising that, while uncertainty does create an environment where people can make interesting choices at times, the Australian sporting system is extremely well funded and supported, and our athletes and our coaches are aware that the work is being done to give them certainty as soon as possible.

**Senator RUSTON:** What timeline has the department given you in relation to your understanding about NSO funding?

**Mr Perkins:** This is part of the budget process. We're not special; we're part of the standard budget process. We will provide NPPs in relation to our terminating measures when the ERC calls for them, and decisions will be made by government in the fullness of time.

**Senator RUSTON:** You've given evidence—just to be clear—that no sporting organisations have raised any concern with you around this uncertainty around funding.

**Mr Perkins:** I've had multiple conversations with sports wanting to know where the process is up to, what work is being done and how that representation is being made. I've not personally had any sports then subsequently come to me and reflect that the uncertainty that's coming up is causing them to have staff at risk or future programs at risk. They're well informed and we support them where we can.

**Senator RUSTON:** Let's be clear. Have they raised concerns with you on any matter that relates to their funding uncertainty going forward?

**Mr Perkins:** No-one has said to me that they're concerned. They want to know what we're doing about it.

**Senator RUSTON:** You do realise that you're on the public record saying this. You have to tell the truth.

**Mr Perkins:** We've been here before, Senator.

**Senator RUSTON:** We have.

**Mr Perkins:** We've had this conversation before. What I'd probably highlight is that I can only reflect the conversations that I've had. I have not had a conversation with any other member of my senior executive team who manages grants, to hear from them, that they have sports who are particularly agitated or concerned. Every budget cycle, we go through this.

**Senator RUSTON:** Fine. You have said what you've said. Obviously, we're only six years away now from Brisbane 2032. Your high-performance sports strategy identifies long-term athlete development pathways critical to success. That's in one of your documents. I'm really keen to understand how you reconcile that, and how you implement a strategy like that, when NSOs don't have any funding certainty past 30 June. What's the expectation on you to be able to deal with that?

**Mr Perkins:** There's an enormous amount of expectation on me, within the system, to deal with that, I can assure you. And that's fine. That is the role the Australian Sports Commission plays as the Commonwealth corporate entity that distributes the funding from budget measures that the federal government chooses to provide. The conversation that I keep having with sports is providing them with greater detail and understanding of where our budgets actually come from, how they're distributed and the gap between certainty and uncertainty. While the May 2024 budget uplift that we received in funding into the high-performance system was significant and shifted that balance, the terminating measures account for circa 60 per cent of cash grants to sport. The remaining circa 40—I can get you the exact numbers; I appreciate that I'm being a bit vague. I don't have the exact percentages and the numbers in front of me, but I can get them.

**Senator RUSTON:** I wasn't seeking that.

**Mr Perkins:** That 43 per cent is part of our core appropriation. That money is ongoing in perpetuity. I do not have any concern that the base funding that enables us to continue to support the life of sports is able to be provided. It does not align with the ambition that we have within the sports strategy, within our industry, which is the reason why terminating measures is something that we pursue.

**Senator RUSTON:** I absolutely hear what you're saying, but it's not really the point. The point here is that there's an expectation that, in the lead-up to 2032, we're going to give our athletes the best possible runway. There's been a lot of talk about the green-and-gold runway, the pregames legacy, the postgames legacy and the like. I accept the fact that there is a certain amount of base funding that ticks over, but the reality is that, if we want to expect to be able to deliver, obviously we need to make sure that we've got the resources in place for our athletes to be able to do it, and one of them is certainty. As I said, you've performed at the very highest level in the world when it comes to sport, so I'm interested: have you raised concerns with the minister that this uncertainty so close to this funding running out has had or has the potential to have a detrimental effect, or are you completely and utterly convinced that there is no issue at all?

**Mr Perkins:** I don't believe I've said there's no issue.

**Senator RUSTON:** No, no—I'm asking you about it.

**Mr Perkins:** I appreciate that everybody reacts differently to navigating uncertainty when that uncertainty is presented. As it stands right at this moment in time, the Australian high-performance sport system is the best-funded government sport system in the world bar very few—China and a couple of other countries like that,

which, of course, we would not want to compete against. But, in general terms, certainly, of those countries that we benchmark ourselves across, we are the highest funded.

**Senator RUSTON:** Sorry, can I go back to that? We don't want to compete against China? Could you unpack that?

**Mr Perkins:** No, no—benchmark ourselves against how the system is delivered and what it's able to provide. It's not a conversation within our sport system that we would want to replicate the way China goes about training and delivering athletic performance, so it's a very different conversation.

**Senator RUSTON:** What about the US? This is putting you on the spot; I absolutely get it.

**Mr Perkins:** Within the Olympic and Paralympic frame, we're better funded than the US.

**Senator RUSTON:** So the fact that we're running out of funding on 30 June and we have no certainty past 30 June is better than what happens in the US?

**Mr Perkins:** They're different environments delivering different outcomes, but the services that we provide and the funding that's provided to the 46 high-performance programs that are going to be continuing to work very hard to deliver athletic performance in the lead-up to Los Angeles and Brisbane are aware of the work that's being done. Of course there will be those who may not be comfortable with uncertainty, but I can't speak for those. All I can tell you is that I've not had anyone come directly to me and say: 'We're panicking. We're in trouble.' We're communicating openly with sports. They understand the work that's being done. They understand the program of delivery and the level of certainty that we can provide, while terminating budget measures are being addressed more broadly.

**Senator RUSTON:** Okay. I'll make sure that I—

**Mr Perkins:** I'm catching up with the CEOs on the 23rd. I'm sure they'll let me know. I might directly ask them for you.

**Senator RUSTON:** Please do, because I think a few might need to be chastised for talking to me and not talking to you, which seems a little silly for them to be doing given that I don't have the money and you have greater access.

What is the total budget allocation for the major sporting events of the legacy framework for 2025-26?

**Mr T Haslam:** There's not an allocation per se for the Major Sporting Events Legacy Framework. That's a policy framework that guides the types of things government is interested in. There is direct investment in events themselves, and the government has made investments directly in events. Within those events, the legacy from those is considered part of that, but there's not a specific allocation to a framework. The framework guides government consideration, as does Sport Horizon.

**Senator RUSTON:** Okay. At the moment, we've got the Major Sporting Events Legacy Framework, and all that has been allocated within that are—is it the Canoe Slalom World Championships, the Men's Rugby World Cup and the Women's Rugby World Cup? Is there anything else that's got any money?

**Ms Rauter:** Around \$130 million has been invested by the government in major sporting events, starting from 2022-23 and running up to 2029-30.

**Senator RUSTON:** Sorry, let's be clear here. I asked you for the total budget allocation for the Major Sporting Events Legacy Framework for the financial year 2025-26. What is that? Mr Haslam has just told me we don't have that, so I'm keen to understand what events have had money allocated to them in that financial year.

**Mr T Haslam:** There is not an allocation to the legacy framework. There is allocation specifically to events. Recent allocations, as Ms Rauter indicated, include the Rugby World Cup in 2027 and 2029, for which there's \$90 million allocated. More recently, allocations include the Women's Softball World Cup finals, which is \$750,000 in 2025-26. There have been investments in the Women's Asian Cup, which starts in less than a month and which was \$15 million. Other events that we can talk to from government investment perspective are the ICF Slalom World Championships, which were held last year and which had \$1.2 million; the Virtus World Athletics Championships, which was \$0.46 million; the 2025 World Boccia Challenger event, held here in Canberra at the IAS, with \$0.25 million; and the 2027 Netball World Cup, with \$6 million over four years. There have also been allocations to the 2029 World Masters Games, which has \$16.3 million, and the Rugby World Cups I've already noted as well.

**Senator RUSTON:** And they were all allocated this year.

**CHAIR:** Thank you. Sorry, I'm going to step across now. Thank you, Senator Ruston. I appreciate that.

**Senator RUSTON:** Could I ask on notice?

**CHAIR:** You may put some questions on notice, but we've now ticked over to 11.01 which means we are adjourning.

**Senator Green:** Can we thank the Australian Sports Commission for their updates on the Winter Olympics and wish all of our athletes the best? I'm sure you would concur, Senator Ruston.

**CHAIR:** Thank you very much, Minister. That concludes today's hearing. Thank you to all witnesses who appeared and to Hansard and Broadcasting for their assistance. Thank you. Thank you to all the people who sit behind the scenes and make days like today happen. They're long and difficult days, so we express our appreciation for their work. I remind senators that the committee has agreed that any written questions on notice should be lodged with the secretariat by 20 February 2026, and the committee stands adjourned.

**Committee adjourned at 23:01**