



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION
COMMITTEE

Estimates

(Public)

TUESDAY, 2 DECEMBER 2025

CANBERRA

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ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

Tuesday, 2 December 2025

Members in attendance: Senators Ananda-Rajah, Canavan, Colbeck, Darmanin, Hanson-Young, Henderson, Hume, McDonald, Nampijinpa Price, Payman, David Pocock, Roberts, Shoebridge, 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 James Chisholm, Deputy Secretary, Communications and Media Group

Mr Phil Smith, Acting Deputy Secretary, Creative Economy and the Arts Group

Mr David Mackay, Deputy Secretary, Sport, Territories and Regions Group

People/Chief People Officer

Mr Panny Anastasiades, Acting Chief People Officer

Data, Research, and Strategy Division

Ms Georgia O'Cianain, Acting First Assistant Secretary

Mr Andreas Bleich, Assistant Secretary, Data, Systems and Information Management Branch

First Nations Partnerships

Ms Lil Gordon, First Assistant Secretary

Ms Bek Hendriks, Assistant Secretary

Mr David Lindenbaur, Assistant Secretary

Finance, Budget and Governance

Ms Cha Jordanoski, Chief Financial Officer

Ms Jodi George, Assistant Secretary, Financial Management Branch

Mr Andrew Burke, Assistant Secretary, Assurance, Integrity, Risk and Governance Branch

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

Information Technology

Mr Jeff Goedecke, Chief Information Officer

Enabling Services

Ms Susan Charles, Acting First Assistant Secretary

Ms Cathie Kennedy, Assistant Secretary, Communication Branch

Ms Sonia Bradley, Assistant Secretary, Integrated Services Branch

Enterprise Resource Planning Program

Mr Anthony Howatson, Assistant Secretary

Financial Sustainability Taskforce

Ms Ruth Wall, Acting Deputy Secretary

Outcome 5

Communications Infrastructure Division

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, Markets, Competition and Spectrum Branch

Ms Shany Sparreboom, Assistant Secretary, Broadband and Emerging Communications Branch

Communications Services and Consumer Division

Mr Samuel Grunhard, First Assistant Secretary

Ms Kate McMullan, Assistant Secretary, Consumer Safeguards Branch

Ms Karly Pidgeon, Assistant Secretary, Regional Mobile Infrastructure Programs Branch and Regional Connectivity Branch

Mr Ben Phelps, Assistant Secretary, Post and International Branch

Digital Platforms, Safety and Classification Division

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

Media Policy Division

Ms Margaret Lopez, Acting First Assistant Secretary

Mr James Penprase, Assistant Secretary, Media Reform Branch

Triple Zero Custodian

Ms Clare Chapple, First Assistant Secretary

Mr Chris Fogarty, Acting Assistant Secretary, Custodian Implementation Branch

Ms Kathleen Silleri, Assistant Secretary, Custodian Operations Branch

Outcome 6

Office for the Arts

Ms Alison Todd, Acting First Assistant Secretary

Mr David Doble, Acting 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 Julia Balkwell, Acting 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

Mrs Melanie Kleyn, Chief Financial Officer

Mr Gavin Fang, Editorial Director

Ms Kelly Williams, Director, First Nations Strategy

Mr Justin Stevens, Director, News

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 Infrastructure Division

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

Mr Paul Nicolas, Acting 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

Australian Postal Corporation

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

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

Classification Board

Mr Steven Thomson, Director

Mr Dominique Irlinger, Deputy Director

Classification Review Board

Ms Susan Bush, Convenor

Mr Adam Davy, Deputy Convenor

Creative Australia

Mr Adrian Collette, Chief Executive Officer

Mr Tim Blackwell, Executive Director, Corporate Resources

Mrs Nicola Grayson, Head of Public Affairs

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 Brunsdon, Chief Operating Officer

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

National Gallery of Australia

Dr Nick Mitzevich, Director

National Archives of Australia

Mr Simon Froude, Director-General

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

Museum of Australian Democracy

Mr Andrew Harper, Acting Director

Ms Lee Pluis, Deputy Director

Mr Peter Gilmore, Chief Financial Officer

Committee met at 09:00

CHAIR (Senator Ghosh): I declare open this hearing of the Environment and Communications Legislation Committee into the 2025-26 supplementary budget estimates. I begin by acknowledging the traditional owners of the land on which we meet and pay our respects to elders, past and present. The committee has fixed Thursday 29 January 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. That is a broad test of relevance.

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 also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or 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, and I incorporate the public interest immunity statement into *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
[09:03]

CHAIR: I 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, thank you.

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

Mr Betts: No, thank you.

CHAIR: We will now commence with questions on corporate matters. I remind senators that this part of the program relates to matters relating to 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, we now go to questions from senators. Senator Henderson.

Senator HENDERSON: I want to ask first about the government's election commitments. Mr Betts, you might take the lead in giving us an update on the delivery of election commitments. I just wonder whether the funding for SmackTalk has been delivered?

Mr Betts: I may need to ask somebody to come to the table to answer that question.

Senator HENDERSON: This was \$450,000 over three years to SmackTalk for youth sextortion education, starting on 1 July 2025.

Ms Vandenbroek: The funding hasn't been delivered. We have been in conversations with SmackTalk and are working out the details of the funding arrangement, but we haven't made the payment yet.

Senator HENDERSON: Why haven't you made the payment yet?

Ms Vandenbroek: Ms Fell may have the details for the contractors up till now.

Ms Fell: I understand that we're still negotiating a contract with the recipient.

Senator HENDERSON: What's the barrier to concluding the contract?

Ms Fell: I don't have that information with me and will have to take that on notice.

Senator HENDERSON: Does anyone here have that and, if so, could they bring it to the table?

Ms Vandenbroek: We could certainly get it from our colleagues.

Senator HENDERSON: Do you have concerns about the delivery of the commitment?

Mr Chisholm: Given that the contract funding is still a matter for discussion between the Commonwealth and the recipient, we'll take on notice any further updates for you, given the potential for some of those issues to be considered in the context of any commercial or other arrangements.

Senator HENDERSON: Mr Chisholm, that's not a good start for today. We had some very significant issues when you last appeared before us and were ducking and weaving—I'm going to say this politely—and that's not a reason not to answer this question.

Senator Green: That's not a good way to start today either, Senator.

Senator HENDERSON: Excuse me, Minister.

Senator ANANDA-RAJAH: Chair, that's not an appropriate way to treat an official.

Senator HENDERSON: Excuse me.

CHAIR: Hold on.

Senator ANANDA-RAJAH: It's mischaracterisation.

CHAIR: Senators, it is 9.06 am, and we are going to be here until 11 o'clock tonight. Let us begin the day in a respectful way and focus on the purpose of this exercise, which is accountability, asking questions and giving answers. Senator Henderson.

Senator HENDERSON: Thank you, Chair. Mr Chisholm, I'm making the point that, in itself, that is not a reason not to provide details to the committee. We're aware that \$450,000 has been committed over three years. On notice, could you please provide details of the correspondence between SmackTalk, the government and the department, including any draft agreements that have been issued to SmackTalk and the correspondence between the department and SmackTalk so we can understand where that's at?

Mr Chisholm: Yes, we'll take that on notice.

Senator HENDERSON: I want to go to round 3 of the Mobile Network Hardening Program; \$9.8 million was committed, with the successful projects being announced on 18 September 2025. I wonder whether you could go through those commitments and confirm where they're at, please.

Mr Grunhard: You're asking about the Mobile Network Hardening Program?

Senator HENDERSON: Yes, the \$9.8 million. I'm looking for the site, the type of upgrade and the successful provider for each of the successful projects under that program which were announced on 18 September.

Mr Grunhard: I might just need to unpick something there. There was an announcement of the outcomes of the third round of the Mobile Network Hardening Program, which was not an election commitment; that was decisions taken prior to the election which were then announced. The \$9.8 million figure—

Senator HENDERSON: It was perhaps wrapped up in two election promises.

Mr Grunhard: Yes.

Ms Pidgeon: The outcome from round 3 was \$9.8 million, and that was announced for 303 projects. There is a list of all the projects on our website. Also, during the campaign, the minister wrote to all MPs who had any outcomes in their electorate, advising what the outcomes were for that particular area.

Senator HENDERSON: I understand that the funding was meant to have been delivered from 1 July 2025.

Ms Pidgeon: I'll need to check the funding profile. We have commenced signing grant agreements with the successful grantees. I think there were four; let me just check.

Mr Grunhard: There were four.

Ms Pidgeon: We've signed two of the agreements already.

Senator HENDERSON: I'm sorry; four what?

Mr Grunhard: Four recipients of the funding.

Senator HENDERSON: Recipients.

Mr Grunhard: Yes.

Senator HENDERSON: To deliver 303 projects.

Mr Grunhard: That's right.

Ms Pidgeon: That's correct.

Mr Grunhard: Those 303 projects are detailed on our website.

Senator HENDERSON: How many of the 303 projects are contracted?

Ms Pidgeon: I'd have to take that on notice to differentiate how many there are for each grantee and which ones we've signed, but I could probably get an answer to you during the session if you'd like.

Senator HENDERSON: Yes, if you could. I know that we can come back to this during outcome 5, so I'm very happy for you to do that. Has all of the funding been delivered, though?

Ms Pidgeon: No. It will be delivered over a two-year period. Mobile Network Hardening Program projects usually take around two years to deliver from the point of contracting. Also, I can add that, for the 303, we have signed two of the four grant agreements, and that is that 291 of the projects have been contracted.

Senator HENDERSON: So, 291 projects. If you could, please provide the details. I'm also looking for the funding amount for each of the 303 projects and the projected completion date. Also, I'd appreciate your coming back to us, maybe during outcome 5, with an update on any milestone payments; we'd be grateful for that.

Mr Grunhard: We'll see what we can find.

Ms Pidgeon: Round 3 projects are required to be delivered by 30 June 2027, which is the end of the funding profile. So 30 June 2027 is the end of the funding profile for round 3.

Senator HENDERSON: We do need to understand what amount is provided for each of the projects.

Ms Pidgeon: We don't detail the amounts per project because that is commercially sensitive information for the grantees. It's a very competitive environment in the telco sector for industry participants. On GrantConnect, we do give the value of the total amount for each grantee, and that ensures then that we don't prejudice future rounds. These programs do tend to repeat over time and, if we publish the detail of individual projects, that puts at risk the Commonwealth's ability to obtain value for money. If grantees know that a higher amount has been paid, they will then tend to ask for higher amounts.

Senator HENDERSON: I understand commercial issues that you are raising. Could I just ask you to review what has happened previously in relation to the costs of individual projects? My recollection is that individual project costs were published previously.

Ms Pidgeon: We haven't tended to do—

Mr Grunhard: Yes, it's very rare, but we'll check what we can give you.

Senator HENDERSON: If you can. As I say, I appreciate the commercial issues, but I would ask you to consider those in light of our obligations. We are seeking answers to all of our questions within the rules of Senate estimates, so we are seeking as much information as possible. I would have thought it's a small sector, considering the different telcos, and there's a fair bit of industry knowledge about what these projects are worth. I'd make the point that I'm just not sure how commercially sensitive they are. When you consider that a lot of the contractors that work on these projects work across the different proponents, I would just question how commercially sensitive this information is.

Mr Grunhard: We understand your point.

Senator HENDERSON: I go to the \$8.9 million commitment for better connectivity for Tasmania's west coast. Can you please provide me with an update on the delivery of that project?

Mr Grunhard: We've been consulting with industry about the design of that program. We've done some consultation with them specifically on how we will deliver that to make sure that we get the best outcomes for the community there. We're expecting that program to roll out early in 2026, but we've certainly advanced it and are having direct conversations with industry about it.

Senator HENDERSON: When you say that you've advanced it, how far have you advanced it? Have you scoped the project?

Mr Grunhard: Yes. I can give you a little more detail. On 17 November, we released a consultation to the key industry stakeholders.

Senator HENDERSON: Has that been released publicly?

Mr Grunhard: No. It was a targeted consultation with the expected proponents.

Senator HENDERSON: Could we please have a copy of that, on notice?

Mr Grunhard: We'll see what we can provide you with.

Ms Pidgeon: That's actually been released to the local MP, the local councils who are involved in that project, the Tasmanian government and the relevant industry members.

Senator HENDERSON: If we could also have a copy, we'd be grateful. That's unusual; you've given the consultation paper to the local MP.

Mr Grunhard: And to the council and to the Tasmanian government.

Senator HENDERSON: So why have you given it to just the local MP on one side of politics?

Mr Grunhard: It's been given to not only the local representative but also the Tasmanian government.

Senator HENDERSON: But the department shouldn't be picking and choosing between which MPs receive information. Surely that should be provided more broadly to any interested member of parliament? Members of parliament from the opposition as well as independent members also might be interested in this information. I'm just querying the appropriateness of only providing this consultation paper to the local MP.

Mr Grunhard: We do sometimes conduct targeted consultations, but we're very happy to take—

Senator HENDERSON: It just seems and looks to be a little bit politically pointed; that's all.

Mr Betts: On the other hand, if we're providing it to the Tasmanian government, that suggests that we're not being politically partisan at all.

Senator HENDERSON: That wasn't mentioned. So the Tasmanian government—

Mr Betts: Yes, that was mentioned twice.

Senator HENDERSON: Perhaps we could also have a copy of that. I think, as a matter of practice, it's important that local representatives from other political parties also receive these sorts of papers so that there's no political favourability at all. Is the Tasmanian government a contributor to the program—as a financial contribution?

Ms Pidgeon: No. There's no proposed financial contribution from the Tasmanian government at this point.

Senator HENDERSON: In relation to this program, what have you scoped so far?

Ms Pidgeon: The consultation paper outlines proposed settings for this particular round. Given the nature of the commitment, it's a bit different to generic rounds of, say, the Mobile Black Spot Program. It is a capacity and quality-of-service upgrade program, and that looks at existing infrastructure and upgrading the capacity to address congestion issues faced in local areas.

Senator HENDERSON: Which towns and regions are expected to receive upgraded mobile coverage? I know that Senator Askew, who's a champion for Tasmania, is very interested in this and has been a very strong advocate on these issues. I certainly know that Senator Askew would appreciate this information as well.

Mr Grunhard: The announcement targeted mobile network congestion being particularly pronounced across the local council areas of the West Coast, Waratah-Wynyard and Circular Head; that's where the focus will be.

Senator HENDERSON: I would appreciate getting further information on notice. In relation to this program, could you also provide all relevant correspondence between stakeholders, including between council and the Tasmanian government, the department and the local MP and the minister's office and the local MP. I'd ask you to provide that on notice.

Mr Grunhard: No problem.

Senator HENDERSON: Perhaps I could ask about the funding profiles and delivery status for each of the other election commitments. Do you have a list of other election commitments?

Mr Chisholm: We have one more in this area, and then we'll step through a couple of the others for you.

Mr Grunhard: While I'm at the table, just to assist you, the other one that I can tell you about is the \$1.2 million to boost resilience for up to 23 mobile towers across the Perth Hills region. That was an election commitment, and that's \$1.2 million. That will be delivered as a round of the Mobile Network Hardening Program. We are drafting the grant opportunity guidelines as we speak and are expecting that to open in early 2026—

Senator HENDERSON: Apologies? I didn't hear the name of the location?

Mr Grunhard: It is the Perth Hills election commitment 23: to improve the resilience of up to 23 mobile towers across the Perth Hills region.

Senator DEAN SMITH: Could you just go through the timeline of that process again?

Mr Grunhard: I might just clarify that, in the announcement, that Perth Hills region was defined as including the Kalamunda, Mundaring and Serpentine-Jarrahdale local government areas. It's \$1.2 million. We are drafting the guidelines right now, and we expect it to open for applications in early 2026.

Senator DEAN SMITH: What was the election commitment designed to do or mitigate against?

Mr Grunhard: It's designed to increase battery backup power and deliver automatic transfer units for up to 23 mobile towers. That will boost existing battery backup from around three hours to at least 20 hours, in order to deal with the ongoing power reliability issues that have been experienced in the Perth Hills region.

Senator DEAN SMITH: Those power reliability issues are impacted by what?

Mr Grunhard: Just by the continuity of the power supply, which can sometimes impact the ability of the mobile towers to continue to broadcast a signal, particularly in disaster situations.

Senator DEAN SMITH: In disaster situations?

Mr Grunhard: Not exclusively but particularly in disaster situations.

Senator DEAN SMITH: What was the motivation for the election commitment?

Mr Grunhard: As I've just said, it was due to resilience and continuity of service issues that have been experienced in the region.

Senator DEAN SMITH: In the media statement accompanying the election commitment, was a timeline committed to?

Mr Grunhard: I don't believe so. We'll just check that for you quickly, but I don't believe there was a timeline in the election commitment—not that I can recall.

Senator DEAN SMITH: So residents and businesses in the Perth Hills area will go through this summer with a heightened risk of bushfire danger, and this election commitment will be unfulfilled?

Mr Grunhard: We're delivering the commitment as was committed to by the government.

Senator DEAN SMITH: So the government committed to having the infrastructure upgraded to a more resilient condition but not in preparation for this bushfire season?

Mr Grunhard: It's probably worth noting that the Mobile Network Hardening Program has been delivering outcomes for the last several years, including in this area, and in the same announcement it was noted that the Commonwealth and the WA governments have each contributed \$2 million to deliver 120 automatic transfer units and 76 generators in other parts.

Senator DEAN SMITH: Have the local government authorities across the Perth Hills area raised any queries or concerns or sought an update about this particular election commitment?

Mr Grunhard: I'm not sure whether we've been in contact with them.

Ms Pidgeon: I'm not sure. I'll have to take that on notice.

Senator DEAN SMITH: We'll check that for you.

Ms Pidgeon: I don't believe so, but we can take that on notice.

Senator DEAN SMITH: Has the local federal member of parliament, who I think is Ms Cook, made any representations to the government about the speed at which this election commitment is being progressed?

Mr Grunhard: Again, I'm not aware of that happening, but we'll check that for you.

Senator DEAN SMITH: Perhaps you might be able to come back to us during the course of today. I know that it's a very live issue; just last weekend, it was raised with me by the Mayor of Mundaring. Is there any risk of delay in the drafting of the guidelines, which will be released in early 2026?

Mr Grunhard: I don't believe so. We've been delivering the Mobile Network Hardening Program for some years. This is sort of a targeted local version of a program that's quite similar to what we've been running for quite some years, so I don't expect any complications. It's also worth noting maybe that—

Senator DEAN SMITH: So, given that it's a targeted local version of an existing program, why couldn't it be rolled out more quickly?

Mr Grunhard: We want to make sure that we get the settings right. The industry is constantly changing and the costs of these particular devices are changing, so we want to make sure that we get it right.

Senator HENDERSON: Just to clarify, though, was this a commitment made in the lead-up to the 2022 election?

Mr Grunhard: No.

Senator HENDERSON: That's not the same thing.

Mr Grunhard: This is a 2025 election commitment.

Senator HENDERSON: I'm sorry, but what's the quantum?

Mr Grunhard: It's \$1.2 million.

Senator DEAN SMITH: Thank you, Senator Henderson. Between the time that Ms Cook was elected in May 2025 and now, what activities has the department engaged in?

Mr Grunhard: As we've said, we've been profiling how the program will roll out and commence—

Senator DEAN SMITH: But the program is a more targeted local expression of an existing program, so it shouldn't take May through to December.

Mr Chisholm: Perhaps I might just add that it involves entering into arrangements for the supply of battery backup units. In relation to generators and mobile towers, there are electricity issues and procurement issues that have to be worked with.

Senator DEAN SMITH: Shouldn't all of those issues be resolved prior to the drafting of the guidelines, Mr Chisholm?

Mr Chisholm: That's right. Once the guidelines were out, we worked through a lot of those issues. But with a lot of these projects, particularly when power is involved and there is the intersection between mobile networks and electricity, great care needs to be taken to ensure that we don't rush things and unduly put at risk not only the infrastructure we're upgrading but also people's safety. So we are taking appropriate—

Senator DEAN SMITH: No. Mr Chisholm, you misunderstand me. People's safety is at risk because this election commitment hasn't been rolled out. We are about to embark on a summer in Western Australia—I suspect that it's the same on the east coast as well—and, as for this particular election commitment, just \$1.2 million, which is a subset of an existing program, the best that the department can tell me and the residents across the Perth Hills is that you are drafting guidelines that are expected to be released in early 2026. That's the best. There's no sense of urgency, Mr Chisholm.

Mr Chisholm: I'm sorry. All I was pointing to is that, while we're very much focused on the safety and reliability issues, particularly those related to the impact of weather, which is what the program is focused on—

Senator DEAN SMITH: No. I'm asking the department to demonstrate to me what level of urgency this particular election commitment has had and what representations Ms Cook has made to make sure that this gets an appropriate level of urgent attention in the department. Minister, can you tell me what activities have occurred since May 2025, when this commitment was given and Ms Cook was elected? The best that the department can say now is that guidelines are being drafted, and we're on the eve of a summer across the Perth Hills. Have you been to the Perth Hills, Minister?

Senator Green: No. Unfortunately, I haven't had the privilege of going to the Perth Hills.

Senator DEAN SMITH: If you had, you might understand the urgency.

Senator Green: I hope that I do get the chance one day.

Senator DEAN SMITH: You should ask Ms Cook to take you to the Perth Hills, as you'll then understand the fire risk.

Senator Green: Senator, if you would like me to answer your question—

Senator DEAN SMITH: Yes, please.

Senator Green: Thank you.

Senator DEAN SMITH: I just want to make sure that you understand the urgency with this, Senator Green.

Senator Green: No. Senator, if you'd like me to answer your question, you should let me do so; otherwise, I can just let you speak.

Senator DEAN SMITH: I would love you to understand the urgency of this.

Senator Green: Would you like me to answer your question?

Senator DEAN SMITH: If it includes an account of how the department and the government—

Senator Green: Clearly, you don't want me to answer your question, because you keep speaking over me.

CHAIR: Let's conduct ourselves today, as I mentioned earlier, in an atmosphere of respect and dignity. Senator Smith, you've asked a question. Minister, perhaps you would answer it.

Senator Green: I can take on notice, as officials have, questions about the representations that have been made. Of course we go through the proper procurement processes. Over time, I have seen disastrous results when such processes haven't been followed under previous governments. The minister and I want to make sure that, using the proper procurement processes, we do deliver these commitments, and that's what we're doing.

Senator DEAN SMITH: I'm not hearing any sense of urgency, Senator Green.

Senator Green: I don't really understand the question, Senator Smith.

Senator DEAN SMITH: I asked you to demonstrate—

Senator Green: I've said to you that we've taken your questions on notice. We are going to be working through the proper procurement processes, as you would expect us to do, so that we can deliver this election commitment.

Senator DEAN SMITH: Will this election commitment be delivered in time for the bushfire season in Western Australia over this summer?

Senator Green: Officials have stepped you through the timeline and I'm sure they can give you more information if they have it. The guidelines will be prepared early next year.

Mr Chisholm: This is additional resilience to whatever is already in place, as Mr Grunhard was explaining.

Senator DEAN SMITH: Are there any other mobile communication infrastructure projects being rolled out across the Perth Hills at the moment?

Mr Grunhard: I dare say that it's very likely. I do not have a full report of everything that's happening in that region, but we'll do that on notice.

Senator DEAN SMITH: Perhaps during the course of today you might provide some additional information on that as well.

Mr Grunhard: We will see what we can arrange.

CHAIR: Senator Hanson-Young.

Senator HANSON-YOUNG: I'd like to know whether the department has started any work to assess whether the Australian Communications and Media Authority is fit for purpose in 2025—or 2026, nearly?

Mr Grunhard: Fit for purpose as in?

Mr Betts: It operates within the legislative framework of my department.

Senator HANSON-YOUNG: Yes. I'm wondering whether any work is being done within the department as to whether its structure and its ability to do its job are still up to scratch. Are there any plans for a review of the authority? Is any work being done as to whether the authority, as it's currently structured and envisaged, is actually up to the job in the modern world?

Mr Betts: The legislative and regulatory framework, which the ACMA is responsible for overseeing, is more or less in a state of constant reform, and obviously we can talk you through some of the legislative and other reforms which are in train at the moment. As far as resourcing is concerned, that's something which is regularly reviewed during the course of budget processes, not least as additional functions, and responsibilities are created for the ACMA. Of course, the government has undertaken an independent review of the Online Safety Act, and we can see some of the conclusions of that coming through, for instance, in the context of the proposed duty-of-care obligation. The ACMA is in a constant state of evolution to reflect the functions and responsibilities laid down for it by the parliament.

Senator HANSON-YOUNG: So you're constantly reviewing its role; is that what you're telling me? This isn't a tricky question, by the way. After watching what has happened over the last 12 months, whether it's about telecommunications or the pressures on the ACMA in relation to a whole lot of issues in there, such as the digital space, we do wonder whether it's fit for purpose?

Mr Chisholm: I was just going to add to the secretary's answer to really just provide additional context to that. We are regularly increasing the powers to ACMA to ensure we minimise any barriers that might get in the way to proactive enforcement. For example, we have the enhanced powers in the new triple 0 reforms that were passed this year that provide ACMA with what I would call a pretty broad range of powers that it can both obtain information and also require changes to networks to protect public safety. In some reforms that are before the parliament now we're seeking to streamline the process whereby ACMA can take action in relation to breaches of industry codes and standards. We're definitely very focused on looking at how the telecommunications regulatory framework can be, over time, improved in such a way that the regulator's ability to act is not in any way held back by the legislation itself. Traditionally in this area, there is a strong emphasis on self- and co-regulation. I think the regulator will highlight that does create issues in terms of how quickly it can act. We are very focused on addressing that.

Senator HANSON-YOUNG: Specifically in the telecommunications space or across the board?

Mr Chisholm: In telecommunications; also, as you'd be aware, the eSafety Commissioner is part of the ACMA governance arrangements or the ACMA as an institution. It's for both eSafety and ACMA that we're getting to that point where we're looking to see that regime is more reflective of what we have for other areas of regulation. I'm mindful of the fact that there are a number of processes underway at the moment for improving

codes and standards, but they don't operate in quite the way you might see, for example, for the ACCC or ASIC. We are looking at ways in which we can improve that process. Yes, there's incremental change and there's also our strong focus on making it fit for purpose at a time when you're seeing this intersection between communications, online safety, platforms, traditional networks and broadcasting just getting bigger and bigger. Yes, we are looking at that.

Senator HANSON-YOUNG: But there's no specific work plan dedicated to a review?

Mr Chisholm: Not a review as such of ACMA. It is more about how we can strengthen and improve the arrangements such that ACMA can act speedily when it needs to.

Senator HANSON-YOUNG: Has there been any action taken, given the failure of ACMA to do its due diligence on that fateful day of the Optus outage, when they've given evidence to this committee and the subsequent continuing Senate inquiry that they knew something was wrong but didn't actually do anything about it? They've said they've been reviewing their internal process. That's what they've told us. Has there been any action from the department in relation to this, or will there be?

Mr Betts: I think we're off corporate now and well into outcome 5, and I'm very happy to answer these questions. I'm not trying to be difficult, but just for your benefit, Chair, I think this is about policy matters within outcome 5.

Senator HANSON-YOUNG: Because I'm on this topic, it makes sense. If you're happy, Mr Betts? I'm not seeking to do that. I just want to try to keep this contained.

Mr Chisholm: Here it is important to point out there is, as you're well aware, an investigation underway at the moment that ACMA is undertaking into those circumstances and Optus. There has been considerable commentary and also we've discussed here in these hearings the issues with when the regulator was notified about the outage and the impacts on triple 0. ACMA has been clear here that it considers that those issues are quite serious in the context of the laws that it enforces. When the responsibility is very clearly with industry to inform the people they need to inform about those outages or impacts, I'm not sure if I can add much more to the point about whether ACMA was put in the best position to be able to act to prevent what happened when it's been pretty clear that there was a significant and unacceptable impact on triple 0 itself. Optus itself has indicated that it wasn't aware of that impact for a period of time. Then it was made aware of it at various levels. This is according to what's been said publicly. ACMA is now investigating that very set of circumstances. I'm not sure that it's a question of reviewing ACMA.

Senator HANSON-YOUNG: I'm asking because ACMA has told us that there were failings from their end. They accept that. I want to know what the department has done about it. Has there been any counselling? Is there any expectation that ACMA will behave differently in the future?

Mr Betts: Clearly, since the last hearing, we've had the enactment of the legislation to establish the custodian. The custodian has been extremely active. We provided a submission to the Senate inquiry—Mr Chisholm writing to you last week. It sets out, among other things, what the powers of the custodian are as the supervisor, if you like, of the triple 0 ecosystem. Within that sits ACMA, alongside the telecommunications providers and emergency services. The custodian has been busy in the meantime, including issuing requests to the ACMA.

Senator HANSON-YOUNG: We can come back to some of this, but I don't think it's appropriate for ACMA just to review themselves. Could I ask on the issue of the spectrum? We're waiting for ACMA to give advice. We spoke about this at the last estimates. It was going to be due in December. We're now in December. I'm wondering what is going on with the spectrum auction?

Ms La Rance: ACMA is still on track against its timeline of providing further advice on spectrum pricing in mid-December.

Senator HANSON-YOUNG: Is that going to be locked out on Christmas Eve, or are we expecting to see it as part of MYEFO?

Mr Betts: Obviously, ACMA are on after us, so you'd be able to ask them direct.

Senator HANSON-YOUNG: There's no interaction between what advice they'll provide and what might be in MYEFO? I don't know; I'm asking.

Ms La Rance: Decisions of government are reflected in MYEFO. The spectrum process is still a process that is underway and it is still on track against the timing that the ACMA originally outlined. It's provided its initial view, it's gone out for consultation, it is providing further advice on pricing and benchmarking in mid-December, and it will then move to finalising that position in advance of the renewal of the licences. Does that answer your question?

Mr Irwin: There is just a point of technicality in that what they're planning to issue in December is their preferred views on their approach to the matter of renewal auctions, spectrum licences, apparatus licences. There is a lot of technicality there—and pricing, as Ms La Rance said. Actual decisions won't come until the applications for renewal come in on a renewal-by-renewal basis. The first of those is in June 2026.

Senator HANSON-YOUNG: We've still got a while to go. Which one is due in June?

Ms La Rance: Just while we find the dates, do you have another question for me?

Senator HANSON-YOUNG: Have there been any requests from government to reconsider any of these licences, given the behaviour of some of the licence holders?

Ms La Rance: We've continued to work with the ACMA on the process. That involves asking questions and understanding the basis of their advice, but that advice has not been made specific to a particular entity at this point in time. It has been based around the process.

Senator HANSON-YOUNG: So the minister hasn't asked for any further information or questions around Optus being able to have its licence renewed at a cheaper price?

Ms Pidgeon: I'll fill you in a bit more. I know that the government did provide some guidance to ACMA around five key policy objectives they must give regard to. I think your question goes to a future decision of government to possibly intervene. We understand spectrum licences are incredibly important for communication infrastructure. Australians rely on it every single day. The matter remains under active consideration.

Senator HANSON-YOUNG: When were those five points given to ACMA?

Mr Chisholm: There was some updated guidance to ACMA. I'll take that on notice. It wasn't very recent; it was in the last year.

Senator HANSON-YOUNG: Not since the Optus disaster?

Mr Chisholm: Yes. It's the first time ACMA is administering this regulatory approach to the public benefit test or public interest test. That guidance was given in that context. Yes, we're obviously very mindful of this. You have an investigation into Optus in relation to the law that requires triple 0 to work, and that's an important function that ACMA undertakes. You then have spectrum and spectrum auctions or licences. Of course, there is the flow-on effect of those licences for people in regional communities. Optus having access to spectrum is similar to Telstra or TPG having access to spectrum so that Optus customers can continue to have plans that are affordable and competitive and that telecommunications can be provided in regional areas where that might not be able to be provided if the spectrum were not allocated in particular ways. I know that ACMA takes into account input from a range of people on that front, including the ACCC and obviously industry.

Senator HANSON-YOUNG: I understand all that. The elephant in the room, however, is a company that has behaved and failed so badly should not be rewarded for that behaviour with a cheaper price for accessing that spectrum. I think most Australians would agree. I haven't heard the government say that they're too big to fail. If that's the argument, the government had better start telling people that, because I think you'll get some resistance.

Mr Chisholm: No, we are definitely not saying that. We've spent a bit of time in this committee talking about the potential consequences for Optus in relation to the triple 0 laws—and that's obviously been a big focus—but with spectrum you've also got consequences for consumers, including Optus customers. The outcome of the spectrum process has implications for competition for customers and for regional communities. Optus, for example, has an arrangement with TPG that enables broader access for regional communities. Whatever decision ACMA makes on spectrum has flow-on implications for the market for competition, for customers and for connectivity. ACMA's enforcement of the triple 0 laws is about Optus and the consequences for Optus.

Senator HANSON-YOUNG: Let's not forget they've mistreated their customers badly too. It's not just their fails on triple 0. They have been atrocious, so much so that ACCC has fined them \$100 million. This is a company that doesn't take its customer service or its safety service seriously. If we're going to get to June and they're being offered a cheaper price for spectrum, you're going to have a riot on your hands in the community. I'd really like to understand the dates.

Ms La Rance: May I just clarify that the focus is on determining the market value of the spectrum. Doing anything other than that has not been something that has been on the table or the focus of ACMA's work at this point in time. The ministerial policy statement was issued by the then minister for communications in April 2024.

Mr Irwin: In terms of the timing—

Senator HANSON-YOUNG: The witness is going to give me these dates and then I can move on.

Mr Irwin: Renewals open two years before the relevant licences expire. The first ones open on 18 June 2026. Those are for the 850-megahertz band and the 1,800-megahertz band licences.

Senator HANSON-YOUNG: So we don't have to take up more of the chair's precious time, could you give me that list of dates that you're reading from? Could you table them?

Mr Irwin: We've got a timeline. We can table those.

Senator HANSON-YOUNG: Thank you. I'd appreciate that.

CHAIR: Senator Henderson.

Senator HENDERSON: Just to be clear, I'll wait till we go to 5.1 before I raise the substantive issues, because I share Senator Hanson-Young's profound concerns about many of the issues she's raised, including, of course, the Optus outage. I return to this issue of commercial sensitivity in relation to round 3 of the Mobile Network Hardening Program. You have published all of the funded sites, and there are total amounts per state. It wouldn't take a mathematical genius to reverse-engineer the different types of programs being funded, because there's basically a battery capacity upgrade, an ATU, site hardening or improvement and a permanent generator. I think that's about the scope of the projects. Every telecommunications company is actually contracting to deliver different projects. You have the total amount. In New South Wales, it is \$2.463 million. In the Northern Territory, it's two projects, for \$44,000. One is a battery capacity upgrade; one's a battery capacity upgrade and an ATU. All of the telcos have access to this information because they're all contracting to deliver different projects across each state. We know the total per state. I put to you that there is really no commercial sensitivity and it is appropriate that information relating to my question on the cost of each funded project be provided to us.

Mr Betts: Your points are well made, but I don't have the information in front of me that you have in front of you. As I've said, I'm happy to take it on notice. I understand the spirit of what you're saying. We'll endeavour to provide you with the maximum information we can.

Senator HENDERSON: I would be grateful. I move to government advertising. The Commonwealth committed through then minister Rowland and then senator McCarthy to spend \$3 million in this financial year and the next on regional newspapers and regional newspaper advertising. What is the current spend? Where is that commitment? What is the trajectory of that spending?

Ms Lopez: That election commitment is being delivered by the Department of Finance. They're responsible for the whole-of-government advertising framework.

Senator HENDERSON: You have no information in relation to—

Ms Lopez: No. We know that it's tracking well, but we don't have figures in terms of where that is currently up to.

Senator HENDERSON: The reason I'm raising this is we understand that the spending commitment in regional newspapers—and, of course, media being front and centre in this portfolio—is way down. From the perspective of regional newspapers, which do come within this portfolio, what information can you provide about that?

Mr Chisholm: The Department of Finance is responsible for that question.

Senator HENDERSON: Have there been any concerns raised or correspondence received from regional newspaper groups in relation to this spend? I would have thought that they would be writing to the minister to raise concerns if they had big concerns.

Mr Chisholm: We're not aware of correspondence of that nature. We have worked with regional newspapers on other initiatives, though, such as the Journalism Assistance Fund and targeted support for suburban and regional news.

Senator HENDERSON: Regional newspapers are very much within the remit of the department. Could you check if there's been any correspondence or information conveyed? I understand the spend is managed by the Department of Finance, but I would assume, given the scope of the spend, that the department would be consulted and there would be correspondence, maybe a briefing note or other information in relation to this election commitment. I also want to ask about government advertising on the social media ban. We've just learnt through an answer to a question on notice that this spend is being managed by the department. Who would be the best person to address those issues to? The department is financing the social media ban advertising that's being rolled out. How much has been spent to date and how is that money being spent?

Ms Charles: The campaign went live in the market on 19 October. To date, we have spent \$3,628,000. The campaign is due to conclude in mid- to late December. It is a national campaign and it is in all of TV, radio, press—the usual channels.

Senator HENDERSON: What's the total amount of the campaign going to be?

Ms Charles: At the moment, the total budget for the campaign is \$10 million.

Senator HENDERSON: Can you tell me the breakdown as to how that is being spent between the different platforms?

Ms Kennedy: We don't have a breakdown per channel. We can get that to you, but I can confirm that the channels are television, radio, digital video and audio, social media, out-of-home and regional print.

Senator HENDERSON: When you say you don't have a breakdown, is that because you don't have the information with you?

Ms Kennedy: I don't have the information with me.

Senator HENDERSON: Is it possible to bring it back, because this is obviously a very substantial spend? It's a very significant campaign being rolled out right now. Perhaps when we go to outcome 5.1 you could bring the information back to us.

Ms Charles: The total media budget for the channels is \$6.4 million. We can provide a further breakdown per channel, but the total budget for media spend is \$6.4 million.

Senator HENDERSON: What's the remaining money of the \$10 million being spent on?

Ms Charles: It's being spent on the research elements: the developmental research, the creative elements, developing the TVC, the radio and all those creative elements. We also have public relations. As part of this campaign, we have also engaged a First Nations consultant and a CALD consultant to assist with the development of the campaign.

Senator HENDERSON: Could we get a breakdown of that spend in detail? If you could bring that back, we would be grateful. Is eSafety making any financial contribution to the campaign?

Ms Charles: No, it has not.

Senator HENDERSON: Have you been consulting with eSafety?

Ms Charles: Very closely. The campaign elements and all of the information related to the social media minimum age is on the eSafety website. The campaign directs people to the eSafety website. The eSafety website provides a whole raft of content, including support and resources for parents, individuals and educators. There's a whole raft of information on eSafety. We're working quite closely with them to continue to promote and amplify the messaging to assist in developing content as well as to support the audience.

Senator HENDERSON: If you could come back with all those details, I'd be really grateful.

Ms Charles: In regard to media spend, yes.

Senator HENDERSON: I now want to move just very briefly to the role of the Triple Zero Custodian in terms of the role description, which I guess is an HR-type of question, and related questions. How many staff are assigned to the Triple Zero Custodian role? What is the APS level of each staff member?

Mr Betts: We are happy to provide that information.

Ms Chapple: My division comprises 30 staff. If you just give me a minute, I can get the breakdown of each of those staff.

Senator HENDERSON: Have they been redeployed into your division or are they new?

Ms Chapple: One branch has been looking after the existing triple 0 function and the other has been redeployed from other areas within the communications and media group.

Senator HENDERSON: On notice, could you provide me a breakdown of that?

Ms Chapple: I can give it to you now if you like? Three SES staff, 19 EL-level staff and eight APS-level staff.

Senator HENDERSON: Are you able to provide the committee with a job description of the Triple Zero Custodian?

Ms Chapple: Yes, we can provide that to you on notice.

Mr Chisholm: Do you mean a job description that we've prepared in addition to the legislative description of the custodian?

Senator HENDERSON: Yes, please.

Mr Betts: I might draw your attention to the submission to the Senate inquiry which provides some helpful contextual information around the role of the custodian as well.

Senator HENDERSON: You're talking about the Optus Senate inquiry?

Mr Betts: Yes. We've provided a submission which describes the functions of the custodian.

Senator HENDERSON: Thanks. I appreciate that. On notice, if we could have a job description of each of the members of your office, we would be grateful. In an article published in the *Australian* last Thursday, it was revealed the government ignored calls from the Telecommunications Industry Ombudsman, stakeholders and other government agencies to place the operational role in the National Emergency Management Agency. Could someone address why that's the case?

Mr Betts: We're happy to clarify that. That report was pretty misleading. This is a good opportunity for us to clarify the nature of the advice that was provided and the government's response.

Mr Chisholm: NEMA operates a 24/7 capability in relation to receiving information and sharing and disseminating information with government and other organisations on emergency and crisis situations. That has included, for some time, telecommunications related incidents that are significant or major. The custodian has been established to provide overarching whole-of-system oversight and advice on triple 0 and related issues. While NEMA provides that support and information sharing on emergencies and crisis situations, it does rely on agencies like us and the expertise we provide on telecommunications such as it does with, say, DCCEEW on energy. There was never really an intention for NEMA to take on a role in relation to telecommunications that it doesn't have in relation to those other portfolios. We work hand in hand with NEMA. NEMA receives—

Senator HENDERSON: Can I just raise this point? NEMA has 24/7 operations.

Mr Chisholm: It has that across whole of government.

Senator HENDERSON: Yes, I appreciate that. The Triple Zero Custodian sits within your department, which I assume does not operate 24/7?

Mr Chisholm: We are contactable 24/7 on any telecommunications related issues.

Senator HENDERSON: There has been a comment attributed to the department, which was published last week, that the custodian has 24/7 operation and Triple Zero Custodian staff are available 24/7. Is that the case, Ms Chapple?

Ms Chapple: That's correct; we are contactable 24/7.

Senator HENDERSON: How are the members of your division rostered to be available 24/7?

Ms Chapple: There are two methods. The first is email communications, which we have, and the second is contactable by phone. We as a division run a roster of staff who will be available out of hours to take phone calls and manage information if it comes through.

Senator HENDERSON: You're running an out-of-hours roster?

Ms Chapple: Yes.

Senator HENDERSON: Are you paying overtime or other allowances for those people who are rostered outside their normal hours?

Ms Chapple: We're currently employing what we have available to us within the department for staff who are available. As we build on and expand our role then, yes, I would expect that we would be paying additional loadings for staff who are available to take that work.

Senator HENDERSON: What's the current situation? Is anyone being paid a loading or any additional allowance for being rostered on after hours?

Mr Chisholm: The first point of contact would largely be SES, such as Ms Chapple, myself or Ms Silleri. We don't typically receive allowances for what we do as SES.

Senator HENDERSON: Sorry. Just to get a quick answer, though, because I'm really trying to race through these questions. Is the answer, no, currently no-one receives any type of loading to be available 24/7 and it is the case, Ms Chapple, that it's just you who is currently available 24/7 to take phone calls?

Ms Chapple: No. There's a roster that includes more than just me, but it is primarily SES officers. As Mr Chisholm has outlined, we don't generally receive loading for out-of-hours work.

Senator HENDERSON: Could we get a copy of that roster on notice? I want to understand how this roster works. Is someone awake overnight to take the phone call?

Ms Chapple: No, they're not awake overnight. They're available with a phone to take the phone call if needed.

Senator HENDERSON: What if they're sleeping?

Ms Chapple: Their phone will ring and they'll take the call.

Senator HENDERSON: Basically you're telling staff they can go to sleep, but they've got to have the phone loud enough so they will wake if there is a phone call?

Senator ANANDA-RAJAH: Doctors do, Senator Henderson.

Senator HENDERSON: I don't need your assistance. Thank you.

CHAIR: Senator—

Senator HENDERSON: Sorry. This is a very important issue. As we know, the last Optus outage had catastrophic consequences, so I'm really trying to understand how the Triple Zero Custodian, which resides in your department, is available 24/7 to respond to emergencies.

Mr Chisholm: We are not the frontline emergency response body. The emergency call person is run by Telstra, and emergency services are the most important first point of contact that networks should provide information to. There is a range of other organisations that networks are required to notify. That includes NEMA, us and ACMA. we can run through who all of the others are. The most important thing is that when networks are notifying of a problem they are contacting the people who will help save lives immediately.

Senator HENDERSON: Mr Chisholm, I'm not asking about emergency services. I'm just asking Ms Chapple about the claim that Triple Zero Custodian staff are available 24/7. I would raise concerns. I would raise concerns that staff are being asked to work overnight or be on standby overnight and are not receiving any remuneration.

Mr Chisholm: You've asked—

Senator HENDERSON: I would also ask whether you had any legal advice in relation to that arrangement because I would have thought that, if staff are being asked to work at times when they're not being paid, that is also an issue.

Mr Chisholm: I have been over many years contacted at many hours over emergency situations. I've never expected to be paid special money for it.

Senator HENDERSON: You get paid the big bucks already, Mr Chisholm, but I'm really asking—

Mr Chisholm: I'm talking about many years already and I think—

Senator HENDERSON: I'm not asking about your role. I'm asking about the Triple Zero Custodian.

Mr Chisholm: We'll get you the information you've asked for.

Senator HENDERSON: Could we get any correspondence in relation to any of the issues about the payment of staff and in relation to notifications? Is there a system that's been put in place where a phone call needs to be made to the Triple Zero Custodian office as distinct from an email, because clearly if someone is sleeping they're not going to get the email?

Ms Chapple: Yes, we are happy to get you that on notice.

Senator HENDERSON: Is there someone also watching or monitoring emails overnight? Just yes or no is all I need.

Mr Chisholm: An email alone would not be acceptable, in our view, in terms of notification.

Senator HENDERSON: Ms Chapple, have the telcos been advised, and are there any regulations to support it, such that, where there is an outage overnight and the Triple Zero Custodian should be informed, they cannot email you? That's contrary to the regulations. The regulations don't support that.

Mr Chisholm: That is skating on thin ice in terms of complying with the rules, to just send an email about an impact on triple 0 overnight and expect that someone is going to read it. I think you would be ensuring that networks are making phone calls as well.

Senator HENDERSON: I would agree with you, but my question is: have the telco companies been advised of that? Ms Chapple?

Ms Chapple: Yes. When the custodian was stood up under legislation, we emailed all of the telcos to advise them of the relevant contacts within the custodian and the contact numbers for those people. They're aware of it and they understand that they should be contacting us at all hours if there is an issue we need to know about.

Senator HENDERSON: For each staff member rostered overnight, you provide every telecommunications company with that person's mobile number?

Ms Chapple: They will have the correct numbers.

Senator HENDERSON: Have you done that to date?

Mr Chisholm: Yes.

Ms Chapple: Yes, we have. We've provided that information.

Senator HENDERSON: How do the numbers work? Do you share the same mobile phone? How does that all operate?

Ms Chapple: No, it's for individuals.

Senator HENDERSON: I'm keen to get a copy of that correspondence so we can understand how the telcos are being advised that they're required to call the Triple Zero Custodian office staff overnight.

Mr Chisholm: There's a lot of people they have to contact; it's not just us. We'll give you that information on notice.

Senator HENDERSON: I know what the regulations say, but the regulations do not say that telcos can only telephone overnight. I think the regulations require email advice.

Mr Chisholm: If they were just emailing the emergency call person or just emailing emergency services, that would be very bad.

Senator HENDERSON: That's a breach of the regulations. Ms Chapple, given the now 24/7 nature of the Triple Zero Custodian office, are you examining whether further regulations are required to support your 24/7 operation, given the telecommunications companies have obligations to phone your staff overnight?

Ms Chapple: I'm not sure I would characterise it as whether there are further changes required to regulation, but certainly we are examining whether there are changes that need to be made to operations or how notifications are received to bolster the kind of information that is provided to us and how that's provided.

Senator HENDERSON: Mr Chisholm, and to you, Secretary, it just seems like perhaps you've made a claim that you're operating 24/7 when that may not be the case, and that's my concern.

Mr Chisholm: In relation to your concern, I totally understand where you're coming from. The point we're making is that it is important to contact us at any time of the day or night in relation to a triple 0 issue. It is as important, if not more important, that networks are contacting frontline services to get help to the people who need it immediately. We should be contacted at any time, day or night. It's also very important and what we're focused on is making sure that the networks are contacting the most critical participants in this system, particularly emergency services and the emergency call person, because any delay, as you would appreciate, in this environment is not acceptable.

Senator HENDERSON: With respect, this goes back to the point that I made and has been made by the TIO, by stakeholders and by other government agencies to place the operational role of the Triple Zero Custodian within the National Emergency Management Agency.

Mr Chisholm: But that would not be helping in relation to making sure police, fire or ambulance are aware of an issue immediately. NEMA is important in terms of a whole-of-government—

Senator HENDERSON: I understand the difference.

Mr Chisholm: Do you understand the point I'm making, which is that it is more important that the networks are contacting the people who can help immediately? NEMA and ourselves are important in terms of the whole of system, but at the time of an emergency those are the people who need to be contacted pretty quickly.

Senator HENDERSON: Again, I make the point that I raise concerns about the 24/7 nature of the Triple Zero Custodian Office, as has been claimed. Could I get a copy of the process that you've provided to telecommunications companies? While I realise the return date for responses to questions on notice is a bit later, could we possibly ask for this before next Tuesday, when we have our hearing into the Optus outage, which is here in Canberra next Tuesday? Could you possibly do that, please? I've got no further questions.

[10:14]

CHAIR: On that note, we'll move beyond corporate and general questions and we'll move now to outcome 5. We're now running about 43 minutes behind schedule. I note that in terms of trying to get to relevant agencies. With that in mind, I will go first on outcome 5 to Senator Walker.

Senator WALKER: We're all aware that we've got a social media ban coming in for under-16s on 10 December. I'm keen to understand a bit more what work the department has done around the government's communications campaign that the department has been assisting with.

Ms Vandenbroek: Certainly. It's a policy area so, if possible, I'll refer to Ms Charles to talk about the campaign.

Ms Kennedy: We have a number of elements in the communication campaign. We've spoken briefly about the advertising campaign that's across television, radio, digital video, audio, social media, out-of-home and

regional print. We have also set up a whole range of support information on the e-safety website and that's had about 700,000 hits since the commencement of the campaign. That's got a range of material on it for young people, for parents and carers and also for educators. We've been undertaking a range of visits to schools and that's to talk to both young people and parents about how they can best support young people make the transition. We've been undertaking a range of community activations, so attending events like the Koori Knockout competition and the Crows Nest Festival in Sydney. We have media partnerships with Nova, Mamamia, the National Ethnic and Multicultural Broadcasters' Council. We've been undertaking proactive media; there's been about 1,500 pieces of media coverage. We've sent digital information kits to a range of stakeholders, including schools, mental health organisations and local councils, and we have also enlisted the assistance of a range of subject matter experts who are disseminating information through their networks, undertaking social and also undertaking media.

Senator WALKER: When you're talking, particularly to the young people affected, and you're trying to get them equipped for this transition, what information are you giving them?

Ms Kennedy: There's a range of information that's both available online and also at our activations. For example, there's what we call an eight-step action guide for young people, and it takes them just very simply through the steps that they need to take to get ready. We also have things like a pledge wall at our activations so young people can think about how they might adjust to the changes in their social lives and make a pledge of some of the things that they're going to do over the summer. There's a range of information that we've got available for young people.

Senator WALKER: I have heard from a lot of teachers who tell me they are very excited and optimistic about this. Has that been the same type of feedback you've had when you've gone and visited schools?

Ms Kennedy: That is the feedback that we've had from educators and also from parents when we've held the auditorium event with parents.

Senator WALKER: That's great to know. Further to that, what action is the government taking to reduce online harm that we know children in this country are facing?

Ms Vandenbroek: There have been a range of measures taken since the introduction of the Online Safety Act. The government has added the basic online safety expectations to the act and then added the social media minimum age. The eSafety Commissioner has also registered a range of industry codes. The phase 1 codes addressed class 1 material and then the more recent phase 2 codes addressed class 2 material. In a couple of instances where the codes weren't considered to provide the protections that the government was after, the commissioner introduced mandatory standards in place of the codes. More recently, the minister has announced the intention to implement a digital duty of care, which we're currently working on.

Ms Fell: The only thing in addition I would say is that the government is progressing investment in digital literacy. The government is delivering \$6 million from 2026 to the Alannah & Madeline Foundation to ensure that every child has access to digital and media literacy education. AMF's Safe Kids are eSmart Kids program is free to every Australian school and it teaches young people how to be safe, smart and responsible in the digital world. The government will deliver a further \$6 million to the Alannah & Madeline Foundation to deliver this digital literacy work. As we spoke about, \$450,000 has been committed to SmackTalk to work with kids to raise awareness and prevent sextortion.

Senator WALKER: You might have touched on it in that answer, but we know there are still going to be young people aged 16 or above on social media. Would you mind going through what is being done to equip these young people who are still going to be online?

Ms Vandenbroek: We've touched on the digital literacy programs that we're running to educate kids. The programs are framed around different age groups recognising the different needs, the different developmental phases of the different age groups and that some will have more access than others. Then the duty of care will target the spaces where younger people will still be to try to reduce the harms that are impacting on young people in the spaces, both where the over-16s are and the spaces where you don't need an account where the people under 16 will still be.

Senator WALKER: In relation to that digital literacy program, in what form is that being delivered? Are you trying to get out to schools? Is it through community groups? How is that being delivered?

Ms Vandenbroek: The Alannah & Madeline Foundation program is run through schools. That's available in primary and secondary schools all over the country. I don't have the actual sign-up rates in front of me, but the take-up has been very strong amongst schools. Then individual students within the schools can enrol in the program to become certified as being more digitally literate.

Senator ANANDA-RAJAH: Can you provide us with the sign-up rates, on notice?

Ms Vandenbroek: Certainly, we can do that.

Senator WALKER: I will move on to something slightly different now, nudify apps. We know there's been a big increase in those in the community and we know that a lot of people in our community, especially parents and young people, are really worried. I'm wondering if you could step us through what work the department and the government is doing to combat that risk.

Ms Vandenbroek: Yes, certainly. I'll hand over to Ms Fell to talk about the detail on that. There is some coverage currently under the industry codes where that material contravenes the codes and then there are additional measures, but I'll let Ms Fell talk about that.

Ms Fell: The government's announcement in relation to nudify apps is in line with the recommendations of the online safety review to further restrict access to this technology and also undetectable online stalking tools. You mentioned this recommendation and the government's commitment reflects widespread harm in relation to this technology. In relation to that, e-safety research tells us that approximately one in 33 children have reported having someone create a fake nude image. That's one in every classroom, effectively. E-safety also tells us that reports from children have more than doubled in the past 18 months compared to the total number of reports received in the past seven years. We know that four out of five reports are targeted at females. In relation to taking this work forward, the government has been really clear that they want to work with industries and experts and that the onus will be on tech companies, not on victims. As Ms Vandenbroek mentioned, there are some laws in place already, and eSafety will be on this afternoon. They can speak to their powers, but they have already been taking some action in relation to these apps.

In relation to the work that the department is doing, we've commenced consultation with industry and we look forward to further engagement with parents, child safety groups, teachers and law enforcement on this issue. In the first instance, we're looking at what changes can be made to the Online Safety Act. There are also a range of regulatory and non-regulatory options in this space and that reflects the complexity of this issue. Our consultation does build on the work undertaken as part of the online safety review. We've spoken with government departments, the eSafety Commissioner, the Attorney-General's Department, Office for Women, the Australian Federal Police and the National Office for Child Safety, reflecting areas in the government that are impacted by this issue. We've also spoken to Apple and Google, which have app stores and search engines. We've spoken to Microsoft and Meta, and the minister heard directly from stakeholders at a roundtable on this issue hosted by the International Centre for Missing & Exploited Children.

In relation to what we're hearing in terms of this work, the definition of a nudify app is part of the consultation and is a key issue which is coming up. This will ultimately be a matter for government, but our main focus is to capture the apps and websites that are primarily designed to generate nude images and videos of real people. We know that at the moment they're too easy to find.

CHAIR: Senator Pocock.

Senator DAVID POCOCK: In relation to the under-16s ban awareness campaign, how much has been budgeted for that?

Ms Charles: The total budget for the campaign is \$10 million.

Senator DAVID POCOCK: When is the start and end date of the campaign?

Ms Charles: It started on 19 October and will conclude around 20 December, prior to Christmas.

Senator HENDERSON: I think there is more detail coming back?

Ms Charles: Correct.

Senator DAVID POCOCK: What is the timeline for the digital duty of care?

Ms Vandenbroek: We don't have a timeline for when the legislation will happen. That will be a case for the parliament to consider. We have started the consultation program. We're doing a series of roundtables. We did three last week. We've got more booked over the next couple of weeks. There's also a survey out for public comment. Once we've got that first round of consultation in, we'll then provide advice and work through the next steps in that.

Senator DAVID POCOCK: The digital duty of care was something that was talked about in the last parliament. Was there not consultation and drafting done on that?

Mr Chisholm: There was consultation undertaken by Delia Rickard, who conducted the review of the Online Safety Act and who recommended a duty of care. We've definitely drawn from that.

Ms Vandenbroek: We've drawn from what we heard in that round of consultation to put together a framework of what a duty of care might look like and now we're consulting about that framework, so we're not starting from scratch.

Senator DAVID POCOCK: There was no consultation done by the department in the last parliament around the digital duty of care?

Ms Vandenbroek: Not specifically on the duty of care, no, other than as part of the Online Safety Act review.

Senator DAVID POCOCK: I've got some questions about BetStop. I'm not sure who they're for. While officials come to the table, Minister, in relation to the Murphy report—and I understand that government senators may be sick of having to answer questions about this—do you know whether the government will respond to the Murphy review in 2025?

Senator Green: In this year? We are actively working with stakeholders. We know there's more work to do and we are committed to doing that work. You would be unsurprised that is the same answer I gave you last time, but we are continuing that work.

Senator DAVID POCOCK: Minister, it was reported recently in the *AFR* by Ron Mizen that the government is 'expected to abandon plans for a total ban on online gambling advertising, using the under-16 social media restrictions as cover to water down the policy'. Is that true?

Senator Green: No.

Senator DAVID POCOCK: Before I go to BetStop, my concern is that the under-16s social media ban isn't going to stop the normalisation of gambling amongst young people because it won't stop gambling ads in many of the places that young people watch or listen, whether that's watching cricket over the summer or I've had parents email me saying they're hearing gambling ads between Disney songs on their Spotify. I'm wondering if the government's response will be broader and actually take into account those sorts of things?

Senator Green: I'm not going to pre-empt what the government response will be. All I can say to you is that we certainly are actively working with all stakeholders, particularly the Alliance for Gambling Reform. We have introduced significant gambling harm reduction measures, which I'm sure you are aware of. I have a list in front of me. I don't need to read it out to you, but we have taken significant steps forward, including launching BetStop, which I think you have further questions about.

Senator DAVID POCOCK: Ms Lopez, in relation to the history of BetStop, when did this work commence? When was this recommended and when did—I accept that you may not have been involved back then—it start?

Ms Lopez: BetStop commenced in 2023. The actual register commenced in August 2023.

Senator DAVID POCOCK: When did the work on setting up BetStop start? Was that under the previous government?

Ms Lopez: I believe the legislation was introduced in 2019. I'll need to confirm that, but that's my memory of the legislation.

Senator DAVID POCOCK: I'm not sure whether you've seen any of my questioning of ACMA at the last estimates. I don't expect you to have seen it, but I've had a couple of people email me stories about how they've been able to gamble online when they've been registered with BetStop. Apparently it's quite easy to get around because not all online wagering companies do extensive checks. For example, I've had it raised with me that people can just sign up with an initial or their middle name and that's enough to dodge the verification that happens. Have any concerns been raised with the department around the effectiveness of BetStop and these sorts of workarounds by problem gamblers?

Ms Lopez: As you may be aware, there is currently a statutory review of BetStop that's underway. The lead reviewer has been examining issues such as this, including whether people are getting around the current system. I don't want to pre-empt the reviewer's findings, but I think, as for the processes that are in place and the potential for getting around this, I think they are trying to strike a balance in terms of ease of signing up with the register versus putting more stringent controls in place around verifying people's identities.

Senator DAVID POCOCK: I understand that there's a review is out. Have these concerns been raised with the department?

Ms Lopez: We are aware of instances where people have said that they have been able to do this, and we would encourage people to reach out to ACMA, as the regulator, in circumstances where they think this has occurred so that the ACMA can investigate if there is a systemic issue in these cases.

Senator DAVID POCOCK: It's also been raised with me that some companies—I think BetGold is an example—are sending emails to people who are registered on BetStop. They may not be offering inducements, but I've seen some of these emails; they look like a credit card and say, 'We know that you've self-excluded, but we're here.' One email that I saw had 'happy punting' at the end. If you're a person recovering from addiction and you've gone to the trouble of signing up for BetStop, I imagine that would be a little troubling. Is the department aware of cases like this?

Ms Lopez: Yes, we are. Again, we would encourage consumers to raise these concerns with ACMA, as the regulator. Under BetStop and the legislation, wagering providers are prohibited from sending marketing materials to individuals. This includes offers to provide wagering services, advertise or promote wagering services and advertise or promote a provider or prospective provider of wagering services. There may be other instances where consumers are receiving contact that might not fall into that marketing category and, again, the lead reviewer for the BetStop statutory review is looking at whether that is fit for purpose.

Senator DAVID POCOCK: Has the department done any work in looking at this and potentially recommending some fixes to government or are you just waiting for the review to take place?

Ms Lopez: The reviewer is examining that issue. The department is providing secretariat support to the review, and the reviewer is examining this issue.

Senator DAVID POCOCK: Is the department concerned that these betting companies—which we saw during the Murphy inquiry were characterised by the late Peta Murphy and others on the committee as 'predatory'—aren't actually abiding by the spirit of BetStop, if they're sending these types of emails? Such emails may not be marketing or inducements but, clearly, why would you send such an email to someone on BetStop? Are you concerned that they aren't abiding by the spirit of BetStop?

Ms Lopez: I think that question might be one to ask ACMA. Obviously, they have taken some action recently in terms of those investigations that they've done into BetStop, and they might be better able to comment in terms of compliance and what they're seeing across the industry.

Senator DAVID POCOCK: When will the review be finished?

Ms Lopez: It's due to report to government by February next year.

Senator DAVID POCOCK: How long has it been going for; when did it start?

Ms Lopez: I just need to double-check the timing, but it did commence last year.

Senator DAVID POCOCK: It seems pretty urgent. Given the urgency of this, why is it taking over a year to review BetStop? On a weekly basis, people, particularly young men, are pulling me aside and wanting to talk privately about how hard they're finding it. Why isn't there more urgency around this?

Ms Lopez: There's been quite extensive consultation in terms of that review, including the lead reviewer meeting with people with lived experience, industry and wagering service providers.

Senator DAVID POCOCK: I understand that. But just on the urgency, when there's political will and urgency, things happen incredibly fast. The social media ban passed through the parliament, I think, within a few days; as for the EPBC law, the committee hasn't even reported yet and now 1,500 pages are through; and now we're taking over a year to review just one part of gambling harm reduction. Is the decision for the review to take over a year a decision of the department or government?

Senator Green: It's a statutory timeframe.

Senator DAVID POCOCK: Does a statutory timeframe dictate how long the review must go for?

Mr Chisholm: As Ms Lopez has indicated, the report will be due in February, and we will be very focused on acting as quickly as we can in relation to that report.

Senator DAVID POCOCK: I understand that. But is it a statutory timeframe that the report has to take over a year, and why is it taking over a year?

Mr Chisholm: We've already answered the question about why the reviewer is undertaking the work in the time available, and that answer included all the steps that the reviewer has been through.

Senator DAVID POCOCK: Can you at least tell me who set the timeframe?

Ms Lopez: The timeframe is set in the legislation.

Senator DAVID POCOCK: Is that for it to take over a year or for it to commence after a certain period that the bill has had royal assent?

Mr Chisholm: I think the review has to commence by a certain date.

Senator DAVID POCOCK: It would be unusual for it to say in the legislation that the review has to take 14 months.

Mr Chisholm: Yes. But the review is underway and due to be completed within a couple of months, and we will be acting on it based on that.

CHAIR: Senator Henderson.

Senator HENDERSON: I want to ask what the government is doing about the commercial broadcasting tax. The government announced a pause on this tax in the 2024-25 MYEFO. The pause will continue to the end of the financial year next June. In October 2024, then Minister Rowland said that the pause would allow for a future-of-television review, but my understanding is that, since then, no review has commenced. Can I please ask for an update on this matter? Will the future-of-television review happen, and will the suspension be maintained until the review has taken place? We've got free-to-air broadcasters trying to budget right now; it's a very significant amount of money, and they're very up in the air about the status of this tax.

Mr Chisholm: I might ask Mr Penprase to assist you with future-of-TV questions and, as part of that, we can then deal with the CBT question.

Mr Penprase: Senator, as you've indicated, the former minister indicated publicly that there will be a process to assess the future technology issue for free-to-air television, and that's something that we've been working on closely with industry over the last little period. There hasn't been an announced public process or a released document or paper to this point, but we've certainly been undertaking a range of work to assess the state of television infrastructure and those future television and technology questions.

Senator HENDERSON: This is my question, though: has the future-of-television review commenced?

Mr Penprase: No.

Senator HENDERSON: Why not?

Mr Penprase: That process is a matter for government, but we have been undertaking some extensive engagement and consultation with industry around the technology questions and issues that sit behind that. So, work has been underway to understand the nature of the issues and the future technology options that are available.

Senator HENDERSON: Will the suspension be maintained until the review has taken place, as committed to by the former minister?

Mr Penprase: I'll defer to my colleagues around the commercial broadcasting tax.

Mr Chisholm: We have that suspension in place, as you've indicated, Senator, and that goes through to June. Any future decisions about CBT relief are a matter for government.

Senator HENDERSON: Broadcasters are seeking certainty by the end of this calendar year, at the very latest. Their financial viability is a real, live issue in this environment, given how rapidly things are moving in this entire space, looking at the competition from streaming and other platforms, so when will a decision be made as to whether the pause will be continued or there will be a suspension of the commercial broadcasting tax?

Mr Chisholm: I can't give you an indication of exact timing, given that is obviously a matter for government.

Senator HENDERSON: Have you given the government advice, Mr Chisholm?

Mr Chisholm: Yes. We provided advice on the questions to do with the future of TV and the broader sectoral transition issues that Mr Penprase has talked about.

Senator HENDERSON: I'm sorry, but perhaps you could just stick to the commercial broadcasting tax. Have you provided advice to the government that this suspension should continue beyond June next year?

Mr Betts: If we were to provide that advice, it would sit within the context of budget deliberations, so we couldn't comment on that.

Senator HENDERSON: No. Advice to government is not something that you can't address before Senate estimates.

Mr Betts: If it's part of the budget process or would form part of the budget process, it's subject to cabinet confidentiality.

Senator HENDERSON: No, no. I'm not asking for cabinet documents. The rules of estimates require that there be no prohibition of or exemption from answering questions in relation to government advice, so I would ask you to answer that question.

Mr Betts: There are conventions around protecting the confidentiality of cabinet discussions, but we will take that on notice.

Senator HENDERSON: No, I'm not asking about cabinet documents. There's a very clear exemption, I agree, in relation to documents of the Executive Council and cabinet, but I'm asking about advice to government.

Mr Betts: And I'm saying that would sit within a budgetary context, which would be—

Senator HENDERSON: But that's not an exemption under the Senate estimates rules, Secretary, and I would assume that you know that.

Senator Green: Ultimately, it's a decision for government.

Senator HENDERSON: I understand that. I'm not querying that; I'm just asking. These are the rules for estimates, and they make it very clear that questions about advice to government should be answered, and there's no exemption from answering those questions.

Mr Betts: I guess I'm really saying that there is a strong likelihood that any advice that we put to government will be covered as part of cabinet processes and the inputs to the budget—

Senator HENDERSON: No, Secretary, that's not—

Mr Betts: but we will take on notice the question being asked.

Senator HENDERSON: That's not correct. I'm not interested in the argument. You might have that argument, but I'm interested in the orders of the Senate.

Mr Betts: I'm not disputing the orders of the Senate. I'm taking it on notice, and that's the end of it.

Senator HENDERSON: Thank you. Perhaps you could also come back to us, on notice, with the advice that you've provided in relation to the commercial broadcasting tax. Broadcasters pay around \$50 million each year. How much commercial broadcasting tax, if any, do streaming services pay, Mr Chisholm?

Mr Chisholm: Typical streaming services don't pay the CBT. I'm going to be corrected here.

Mr Penprase: The CBT is based on the use of the radio frequency spectrum and, specifically, the broadcasting service has banned the spectrum. Streaming services don't use that spectrum and hence there's no CBT levied on them for spectrum use.

Senator HENDERSON: While we're talking about streaming services and the legislation passed last week, an amount of money was provided to the ABC. Whom can answer a question about that tranche of \$50 million and how that money will be utilised?

Mr Penprase: Is this the money provided in relation to children's TV?

Senator HENDERSON: I'm asking you how that money will be utilised, what the quantum is—

Mr Betts: That's \$50 million, so I'm not sure it's—

Senator HENDERSON: when will it be delivered and for what purpose it is being provided to the ABC?

Mr Chisholm: I'd just ask—

Senator HENDERSON: I'm just referring to an article. The ABC—

Mr Chisholm: Some of our colleagues from the arts portfolio might be able to help as well, even though it's a different outcome.

Senator HENDERSON: You're right; it is a different outcome.

Mr Chisholm: Yes.

Senator HENDERSON: Perhaps you can just indulge me.

Mr Chisholm: Of course, yes.

Senator HENDERSON: Thank you. It's sort of related.

Mr Chisholm: I'm not sure that they're here, so we'll do our best and you can come back—

Senator HENDERSON: The ABC will receive an extra \$50 million over three years to spend on new Australian content, including children's programs and drama.

Mr Chisholm: Yes.

Senator HENDERSON: That was an amendment to the government's streaming quotas bill that went through the parliament last week. I'm just keen to get more information on that.

Mr Chisholm: I think what you've read out there is the nature of the commitment, so that's what we anticipate the money would be spent on.

Senator HENDERSON: There are no other requirements or preconditions?

Mr Betts: Let me see whether I can find out for you.

Senator HENDERSON: If you could; thank you. Also, on notice, can I ask for any correspondence between the department, the minister's office and the ABC in relation to this \$50 million?

Mr Chisholm: Yes.

Senator Green: Obviously, the agency will be appearing later and can speak to their—

Senator HENDERSON: That's absolutely right, Minister, but I want to ask about that because it was a departmental—

Senator Green: And the arts department are coming a bit later as well if we get there.

Senator HENDERSON: There was a government decision.

Senator Green: No. 'Different officials' is what I'm suggesting to you.

Senator HENDERSON: I appreciate that.

Mr Chisholm: Yes, we can certainly talk in the broad about the commitment because of the content—

Senator HENDERSON: Mr Chisholm, I'm happy for you to take it on notice.

Mr Chisholm: Yes.

Senator HENDERSON: I'll move on. I want to ask about the risk to regional viewers from potential transmitter failures due to financial pressures on regional broadcasters, and I put to you that there's a lack of clarity from the government. What is the timeline for addressing these at-risk sites?

Mr Chisholm: Working with industry, we do quite a bit of work on assessing the state of the infrastructure and the sites. As for the timeline, I'll just check in with Mr Penprase.

Mr Penprase: As I indicated before, we've been undertaking a range of work, particularly with regional and remote broadcasters, to assess the state of television infrastructure, with the gaps and deficiencies that are emerging in relation to that equipment. I guess the reality is that a lot of this equipment was installed at the time of digital television switchover, which occurred around 2012-13. A lot of the working life of some of this infrastructure is around 10 years, so a lot of that equipment is coming towards end of life, which is obviously putting broadcasters in a position where they have to make some hard choices about whether they seek to renew that infrastructure and the ongoing costs of that infrastructure. So a piece of work that we've been engaging in with industry is to assess the nature of those gaps and deficiencies and to use that to help industry better understand the nature of the state of the equipment that's being used and also to inform our advice to government in relation to those matters.

Senator HENDERSON: Perhaps, on notice, we could have a copy of the assessment. Has any money been committed to support these regional transmitters? They obviously require investment and sometimes are hit by unexpected issues, such as floods, high winds or other unexpected issues that might arise, and it's a very expensive matter to go about repairing these transmitters.

Mr Penprase: Yes. There have been no specific budget allocations to this point, and that would obviously be a matter for government at the time.

Senator HENDERSON: Have you given any advice in relation to recommending that a budgetary allocation be made for regional transmitters?

Mr Penprase: We've provided advice to government in relation to the nature of the issues and problems that are evident in these areas. Part of that includes an assessment of the needs in the particular areas that may warrant particular attention.

Senator HENDERSON: Are there any particular sites that you're really concerned about? Also, on notice, could we please have a copy of that advice?

Mr Penprase: I'll take that on notice.

Mr Chisholm: We'll provide an update too on the work that we did on the broadcasting resilience program because it provides funding to help protect against some of those weather impacts that you're talking about. Also, the vast satellite provides a safety net for a number of communities, as you know, and we provide financial support for that.

Senator HENDERSON: Is there any way that you could bring back to the committee that list of at-risk sites or sites that you've got concerns about?

Mr Penprase: We don't have a specific list of at-risk sites but, on notice, I can take it on notice to provide advice in relation to the areas where the industry has indicated that there are the strongest pressures in terms of infrastructure renewal.

Senator HENDERSON: And, on notice, could you please provide us with the advice that you've provided to government?

Mr Penprase: Yes.

CHAIR: Senator Shoebridge.

Senator SHOEBRIDGE: I have some questions about the social media age ban. In barely eight days, around 2.4 million young people are going to be kicked off their social media; actually, this is going to happen just before school holidays start. Very real concerns are arising now about how that's going to impact young people's social connections and mental health. There doesn't seem to be a plan to deal with the scale of the potential harm there will be for young people. Tell me that I'm wrong. Is there a plan?

Mr Chisholm: I'll just start out by saying that it's a very specific number of platforms that children under 16 won't be able to have accounts for. However, they're not being excluded from the internet and technology generally, and young people engage in a lot of things beyond social media. So, while we do have a number of areas that we're focusing on to support their wellbeing as part of this transition, it isn't the case that they're not going to be able to use the internet to connect with people using technology.

Senator SHOEBRIDGE: Mr Chisholm, I was just talking to a young person from a regional part of this country who lives an hour away from a regional town. They are going to lose all their social media connections on Instagram and Snapchat. Already, they are physically isolated, and their ability to communicate and break down that isolation through social media is being taken off them. Yes, they have access to the internet, but their friend circle on Instagram and on Snapchat is all just literally being ripped from under them. What do you say to that young person, in physical isolation in regional Australia, who is now being put into digital isolation?

Mr Chisholm: Again, we'd say that young people are not in digital isolation because they are still able to have the benefit of the technology provided through online services and the internet. A specific number of platforms are subject to the restrictions and, while it depends on each of the platforms—this will be relevant for teenagers who are not yet 16—I'm aware that a number of those teenagers have made clear that those connections that you're talking about and the content that's important to them will be available once they turn 16. It's just that the government's policy is very clear that children under 16 are not able to have social media accounts and that platforms will need to observe those rules. There are broader measures—

Senator SHOEBRIDGE: I'm sorry, Mr Chisholm, but telling a 14--year-old who is about to leave school for six weeks and, in eight days time, will lose that social connection, their photos, their memories and their ability to engage socially on Instagram and Snapchat, that they'll get those things back in two years time when they turn 16 is not dealing with the problem. Telling them, 'You might get your account back in two years time', is not dealing with the problem. This is not isolated; we're talking about over two million young people.

Mr Chisholm: The government is very keen to ensure that young people and their social connections are enriched beyond social media. Young people should have a life and a whole range of experiences that are not restricted to a small number of social media platforms, particularly given the harms that those platforms create. As for the broader benefits, I'll just turn to my colleagues.

Ms Vandenbroek: Certainly, young people will still have access to messaging services where they can form groups to connect with their friends. The minister recently hosted a roundtable with a group of mental health, particularly youth-focused, organisations, to make sure that all their services and supports will still be available and on alert for any problems that kids do encounter. If there are any, we'll certainly be working with the eSafety Commissioner to monitor the impacts once the restriction comes into effect. But as Mr Chisholm has said, there are still other ways for young people to connect.

Senator SHOEBRIDGE: You're taking away a vast amount of social connection from young people. Mr Chisholm, you say that young people should do other things, so what services and additional supports are being put in place so that young people do have connection and support? What are you putting in place to replace social media?

Ms Vandenbroek: I would note one of the offerings on the eSafety Commissioner's website. I think, under the campaign conversation earlier, we were talking about the range of resources on the eSafety Commissioner's website, and there are a lot of things there. One of them is a template for a plan that families can work on together in the lead-up to 10 December. It means that families can sit down as a family group and think about and talk about what that will look like and where they will find other ways to connect and stay engaged.

Senator SHOEBRIDGE: Was any of that co-designed with young people?

Ms Vandenbroek: Yes.

Mr Chisholm: Absolutely.

Senator SHOEBRIDGE: Perhaps, on notice, you can identify how you co-designed that with young people.

Ms Vandenbroek: That would be a question for the eSafety Commissioner.

Senator SHOEBRIDGE: My office received about a kilo of printed material from the minister about the social media ban, and I can tell you now that none of that was designed to engage with young people.

Mr Chisholm: Parents are very happy about the ban coming into effect, and they've made that view clear to us.

Senator SHOEBRIDGE: You've just answered it there, haven't you, Mr Chisholm: parents are very happy. But you haven't really considered or looked at the future generation, who I can tell you are very unhappy.

Mr Chisholm: We have co-designed it with—

Senator SHOEBRIDGE: I'm sure that you've co-designed it. Perhaps I can go on to the question of AI and energy use. I'm sorry that we're switching between matters, and I don't know who is here to deal with this.

Mr Betts: If it's about AI and energy, I'm not sure that we're best placed to help you with that.

Senator SHOEBRIDGE: The government have just announced their response to AI regulation and said that existing regulations and laws are sufficient to deal with AI. In the communications space, we have toxic AI agents driving people, and not only those who are particularly vulnerable, towards suicidal ideation; we have toxic AI algorithms driving people into division; and we have platforms, such as Meta, Twitter and Google, monetising division. Is it your government's position that there are sufficient rules and regulations around AI in the communications space to stop those toxic AI agents and algorithms from monetising division and harm? Is that the position?

Mr Chisholm: We definitely don't want them monetising them for under 16s, hence the ban—that's really important, given the platforms that you refer to there—and there's a focus on protecting children from AI related harms. Secondly, a range of rules is already in place that deal with the harms created by AI in the online safety space. You've referenced energy, which is why I said that was not really in our portfolio, but we can take you through the online safety measures that we focus on.

Ms Vandenbroek: I'll hand to Ms Fell for the detail but, at a high level, under the basic online safety expectations, platforms are required to provide reports to the eSafety Commissioner on the measures that they are taking to keep people safe, and they can cover quite a wide range of things. There are also protections under the phase 1 and phase 2 industry codes, where artificial intelligence is generating class 1 or class 2 material that wouldn't be covered by those codes. There may also be protections under the online content scheme. It really depends on the nature of the artificial intelligence and the particular harms in each case.

Senator SHOEBRIDGE: Perhaps I can put to you specific harms that we know are happening now. We have AI-driven agents, chatbots, that are leading people down the path of suicidal ideation. Multiple legal cases are occurring in the United States against those platforms for leading people down the path of suicidal ideation and, tragically, in some cases, leading to actual suicide. Where are the laws in Australia that are holding platforms to account when their AI agents lead people down the path of suicidal ideation; what laws are in place?

Mr Chisholm: One of the things that we are looking at closely is how, particularly for young people, the duty of care might play a role. I know that Ms Rickard, in reviewing the Online Safety Act, specifically mentioned the points that you're talking about. In addition to the specific rules that Ms Vandenbroek took you through, we are looking at overarching protections that would be able to move with changes to technology. That is because we find, of course—you'd be well aware of this—that once you put in place a specific rule for a specific thing the technology changes, but broad overarching protections from something such as a duty of care would be able to move with the times, so to speak, particularly with AI.

Senator SHOEBRIDGE: When are we going to get a digital duty of care? If you want to protect people from online harm, the first thing the government should do is put in place a digital duty-of-care. Consultations on a digital duty of care, I think, close this coming week, so when are we going to legislate for a digital duty of care?

Mr Chisholm: We're working on that reform right now. As you know, the timing for the law reform, the legislation, is a government decision, but it's a big priority for us.

Senator SHOEBRIDGE: I might put some further questions on this on notice. Perhaps I could move now to digital inclusion. As we know, First Nations Australians suffer from significant inequities in digital access, and

one of the Closing the Gap targets—I think it's target 17—relates to digital inclusion. Do you have any data on that target?

Mr Chisholm: Yes.

Senator SHOEBRIDGE: Where have you gone towards achieving target 17 and closing that digital inclusion gap?

Mr Chisholm: We have a significant work program on target 17 and digital inclusion, and we work very closely with the First Nations Digital Inclusion Advisory Group. We have programs focused on community wi-fi with digital mentors. We also have some really exciting developments in the First Nations data space to help inform policy development and empower communities as part of that process, and I'll ask Dr Ashurst to take you through that.

Dr Ashurst: One of the issues that I've spoken to this committee about before is the lack of data in this space, particularly in terms of measuring internet access for Indigenous Australians. One of the commitments from the government is to increase that access to data, and there is a data collection program that has been underway for a couple of years now. Just last month, on 12 November, we released a report around the level of digital inclusion for First Nations Australians, both in remote areas and in metropolitan and regional areas. I will outline some of those findings briefly if you want me to do so. First Nations Australians are relatively highly digitally engaged, with 92 per cent using the internet in the past week of that survey and 96 per cent using it within the past six months. But 41 per cent of First Nations Australians are considered digitally excluded, which is almost double the national average of 21 per cent. Also, there's a gap of 10.5 points between First Nations Australians and non-First Nations Australians, and that gap increases significantly with remoteness and for key demographics. This data was collected over the last year through around 2½ thousand surveys of First Nations Australians, and that process will be repeated again leading up to the next two years so that we do have a benchmark in understanding whether there have been improvements on that target.

Proceedings suspended from 11:03 to 11:20

CHAIR: We'll resume our hearings. We're still on outcome 5. I'm going in this order: to Senator Henderson briefly for a point of clarification; to Senator Pocock for some remaining questions; and then to Senator McDonald.

Senator HENDERSON: I want to pick up on the discussion we had before about advice to government being an unacceptable ground in relation to the answering of questions. This is in the rules for estimates, page 11. The mere fact that information consists of advice to government is not a ground for refusing to disclose it. Some harm to the public interest must be established. In considering this matter, could you come back to us? If you are going to make that claim, could you please make a public interest immunity claim; otherwise, advise us if they are cabinet or Executive Council documents. But, if those two exemptions don't apply, then we would be seeking advice to government—the advice to government we have.

Mr Betts: I'll take your advice on that. Obviously, officials don't make public interest immunity claims.

Senator HENDERSON: No. 'You' meaning the government.

Mr Betts: Yes. Could I close out a couple of questions that Senator Henderson asked in the previous session? Mr Smith and Mr Potkins will talk about ABC funding. They'll be rapidly joined by Ms Charles, who's going to answer the question around advertising for social media, minimum age.

Mr Smith: You asked about the ABC and the \$50 million that will be provided over three years from the 2026-27 financial year out to 2028-29 specifically for children's television and drama. We anticipate that will benefit small to medium-sized independent production companies as part of that.

Mr Betts: The details are to be worked through and announced in due course.

Senator HENDERSON: But won't the commission and those programs be a matter for the ABC?

Mr Potkins: Yes, it will.

Senator HENDERSON: So the ABC is not restricted from using that money internally?

Mr Smith: The expectation for the \$50 million is that it will be used for children's television and drama.

Senator HENDERSON: Yes, but that was not my question. Is the ABC restricted from using that money internally to produce programs internally, or is that required to go to third-party producers?

Mr Smith: That money will go to the ABC and they will then commission children's television and drama.

Senator HENDERSON: That's my question: is the ABC required as part of this deal to commission third-party producers?

Mr Smith: We will work through the specifics of the detail with the ABC, noting that it is obviously an independent organisation.

Senator HENDERSON: That's exactly my point: the government shouldn't be telling the ABC how to commission programs, because it is up to the ABC as to how they would do that. I was wondering whether there were any restrictions?

Mr Betts: I think we need to work through the detail of this. I understand the nature of your question. Obviously, this announcement was made last week in the context of the legislation hitting the statute book on streaming quotas. We'll work with the ABC on more detail.

Senator HENDERSON: I have on notice already if you can provide all of the correspondence between yourselves, the minister's office and the ABC in relation to this funding.

Mr Betts: Yes.

Senator HENDERSON: What about the social media ban advertising details?

Ms Charles: Yes. Your question was: what is the media breakdown? As I mentioned, the media budget was around \$6.4 million. The allocation for TV is \$2.03 million; press is \$190,000; radio is a million; out of home is \$800,000; and digital and social is around \$2 million. That adds up to just over \$6 million. In terms of the balance, as you can imagine, there are fees in relation to Universal McCann and their distribution of the creative to news outlets.

Senator HENDERSON: That's \$2 million to digital and social media platforms?

Ms Charles: Correct.

Senator HENDERSON: You're advertising on social media platforms about the fact that the social media platform will be not available after 10 December?

Ms Charles: Up until the ban comes into play, and there will be no advertising on the digital platforms.

Senator HENDERSON: That makes sense. Could I also ask for any underlying strategy documents or any other advice that you have received in relation to the spend, because that's a very small amount of money comparatively on newspaper advertising compared with television, for instance?

Ms Charles: As you know, each spot on TV is significantly greater than placing an ad in digital or newspapers. I will come back to you.

Senator HENDERSON: I appreciate that there are differences, but there are also massive differences with television outlets, the cost of television advertising and, of course, the time of day in terms of whether it's in prime time. If you can provide some further information, including the strategy documents, the research that you did and any information, briefs, advice or correspondence that you have or the minister's office has in relation to advertising for the social media ban?

Ms Charles: I'll take that on notice.

Senator HENDERSON: Chair, we have a very big issue. We have answers to questions on notice literally hitting our inbox on issues which are relevant to this outcome. We have had no time to even read these answers, let alone scrutinise them. I'm really flagging concerns on behalf of the coalition that we would really like to see these answers returned within the timeframe. We can't do our job if we're getting these emails hitting our inbox now.

Mr Betts: I understand your frustration. As you know, the deadline for the submission of answers to questions on notice was as recently as last Friday. We prepare answers for consideration by minister's offices. It's for the minister ultimately to determine the final form of that answer and the timing. We fact-check the final answer.

Senator HENDERSON: Secretary, you are correct in making that point. My concern is that your department is providing answers well within the timeframe and then the minister—

Mr Betts: I'm not necessarily saying that.

Senator HENDERSON: No, you're not saying that, but I am saying my concern is that the minister is sitting on these answers until the very last moment. I'm just raising my concern. I would appreciate it if you could provide us with the details as to when you submitted those responses to the minister's office, too.

Mr Betts: Yes.

Senator HENDERSON: You can do it in batches in terms of when each batch was actually submitted to the minister's office. Minister Farrell even said last night in another committee, 'Yes, it's up to us as to when we release them!' Really, the fact that they're coming in right now is of great concern.

Mr Betts: I want to put on record there's no evidence in my mind that the minister's office has significantly delayed the submission of these questions on notice. It's as much on the department as it is on anybody else. I take accountability for that. Your point is well made.

Senator HENDERSON: Thank you.

Senator DAVID POCOCK: During the break, I was having a quick look at the legislation that was passed that stipulates there needs to be a review after 12 months, but it doesn't say how long the review needs to go for. It just says that it needs to be completed with the minister within 18 months. Who set the timeline for February?

Ms Lopez: That timeline for February is the 18-month timeframe that the report must be delivered to the minister.

Senator DAVID POCOCK: So you went with the last possible date?

Ms Lopez: The initial answer that we gave was that the report needs to be delivered by that timeframe. That's not necessarily the timeframe that we're working towards, but that's the legislative timeframe for the report.

Senator DAVID POCOCK: Mr Chisholm said that it will be handed in in February, though?

Mr Chisholm: Yes. We anticipate the report being completed by February. Ms Lopez has pointed out that the timeframe of 18 months is consistent with that. The report will be provided or review completed within the required timeframe.

Senator DAVID POCOCK: I understand that, but I'm asking who set that timeframe? Why have you gone for the full 18 months?

Ms Lopez: To clarify, we're not saying the report will be delivered on that final date; it's just that the statutory timeframe for reporting is within 18 months.

Senator DAVID POCOCK: When will the report be delivered to government?

Mr Chisholm: Within the 18 months.

Ms Lopez: It will be a matter for the reviewer in terms of when he finalises that review.

Senator DAVID POCOCK: Consultation ended at the end of April.

Ms Lopez: That was public consultation, but the lead reviewer has still been meeting recently in terms of following up on what was heard during public consultation. There were also recent matters which I think we discussed in a previous estimates session in that we're still hearing from consumers around some issues that they're saying, including things like contact from wagering service providers that goes outside the marketing aspects of the legislation.

Senator DAVID POCOCK: Did Mr Eccles ask for the time to go to February, or did the department say, 'We just want this completed by February, given that's the maximum of time that we could have'?

Ms Lopez: With the former minister appointing Mr Eccles, she would have outlined the expectations under legislation. I don't know that any further direction was given in terms of when the report should be handed to government.

Senator DAVID POCOCK: What was the appointment process for Mr Eccles?

Ms Lopez: That was an appointment by the former minister for communications.

Senator DAVID POCOCK: Did the department provide the minister with a shortlist or did the minister just decide that it was Mr Eccles?

Ms Lopez: The department did provide advice to the minister in terms of possible approaches to the review.

Senator DAVID POCOCK: Do you recall how many people were on the shortlist?

Ms Lopez: I don't.

Senator DAVID POCOCK: Maybe that could be provided on notice?

Ms Lopez: Yes.

Senator DAVID POCOCK: Is Mr Eccles being paid to undertake this review?

Ms Lopez: Yes, he is.

Senator DAVID POCOCK: Do you know how much?

Ms Lopez: He's being remunerated in line with similar roles and rates under the remuneration tribunal determination for part-time office-holders.

Senator DAVID POCOCK: What is that?

Ms Lopez: I'll need to double-check at what date this rate was, but it's \$1,660 per day.

Senator DAVID POCOCK: Is he working every day?

Ms Lopez: He's paid for when he works. It would be pro rata.

Mr Chisholm: That's right. From memory, Mr Eccles is doing other work. Yes, he wouldn't be doing this every day.

Senator DAVID POCOCK: He wouldn't be doing it?

Mr Chisholm: Not every day, because of those other services he provides or reports or work that he does.

Ms Lopez: It's not a full-time appointment.

Mr Chisholm: It is not a full-time job.

Senator DAVID POCOCK: How big is the secretariat support provided to Mr Eccles?

Ms Lopez: It's quite a small team supporting a number of different priorities.

Senator DAVID POCOCK: Sorry? I don't understand. Can you just answer the question? How big is the team? Is it two, three, five, 10?

Mr Chisholm: In terms of the team that works on this, the point that Ms Lopez was making was that they also assist on other work, given it's not a full-time report. The size of the team that would help Mr Eccles?

Ms Lopez: Quite small—1.5 ASL.

Mr Chisholm: There's a couple of staff working.

Senator DAVID POCOCK: One and a half, but are they also working on other things?

Mr Chisholm: There's a broader team that has been working on wagering related matters for some time. They draw on the expertise of that team. The way we typically provide secretariat support for reviews—and we do this quite a lot—is the staff we provide have the benefit of being both staff in the group and thereby draw on input and support from other parts of the group, including people working on other wagering issues. We don't take a hard and fast view about who can support the work.

Senator DAVID POCOCK: Who decided to put on the 1.5 ASL?

Ms Lopez: We might take on notice the exact number of people who are working on this.

Senator DAVID POCOCK: We know it's small. Whose decision was it?

Mr Chisholm: As Ms Lopez said, we'll double-check. There hasn't been a strict view about how many people support this work. We'll come back to you with the final numbers. We wouldn't be able to find a decision that it's 1.5, for example. I think you'll find it's larger than that.

Ms Lopez: I'm also probably talking about currently what it's resourced. When it was more at peak activity in terms of the consultation period and those kinds of things, it would have been more people.

Senator DAVID POCOCK: My frustration with this is you have an initiative that was flagged by the coalition and implemented by the Albanese government which, clearly, is a good initiative but which hasn't been working properly. It doesn't seem to have been a priority to do the review and make sure it is actually working given how desperate are many people in our community to have the review stretched out to the absolute maximum 18 months that you can take. To hear that there's maybe 1.5 ASL attached to it—

Mr Chisholm: I totally understand.

Senator DAVID POCOCK: Why are we in this situation? How do you set priorities such as this?

Mr Chisholm: BetStop questions and BetStop issues are a regular area of focus for us in addition to other work we've done on wagering. We regularly work with ACMA, with other departments and with the minister's office on BetStop questions. The team supporting the reviewer here is certainly working hard to get the report done as soon as possible. There's definitely been no deprioritisation of any of that work; in fact, it continues to be a really critical piece of work that we're doing. Definitely, the undertaking is that it's completed within the required timeframe and that's just how we've set it up.

Senator DAVID POCOCK: I'd love to see more urgency, because clearly with 1.5 ASL they must be so flat out. Surely this is something that requires more resourcing with the 18 months that you're taking? Every time I ask questions about BetStop, I'm just pointed to the review. Clearly, there's a lot hanging on this review. In the meantime, all of these gambling companies just continue to take the piss and use every single loophole or grey area that they can. I'd urge you to make sure this actually is with the minister before or as soon as it can be, because 18 months seems like an extraordinary amount of time to review one thing. BetStop is not that big.

Ms Lopez: Just to be clear, I think the ACMA has taken strong action in terms of the issues that have been occurring, including recent actions in the last few months, with strong penalties for breaches.

Senator DAVID POCOCK: 'Strong' is subjective, but it's good to see them acting.

Mr Chisholm: For example, that figure to which Ms Lopez referred doesn't include the time that she spends on BetStop issues that I would spend on it or that other colleagues would spend on it. Yes, it's definitely an all-in effort on harm reduction. The review is a key part of that. Mr Eccles is a very experienced policy professional who has a strong understanding of the issues. We're confident that the report will provide a strong basis for further action. We take your points on board about making sure it's done as expeditiously as possible.

Senator McDONALD: Chair, I have sought leave to table this photo from Queensland Water.

CHAIR: Yes. On that basis, we are happy to accept it.

Senator McDONALD: Mr Betts, I have questions with respect to the image that I've provided. This is specifically from Alexandra Hills in Brisbane. My questions relate to other infrastructure that's scattered across Australia. I understand that the communications towers are classified as national security infrastructure, and as such are protected and have certain requirements around them, with which I agree. Are you aware of water reservoir tanks throughout Australia that also host communications towers such as this?

Dr Ashurst: Yes, we are aware that a number of water towers across Australia do host telecommunications equipment and facilities.

Senator McDONALD: Do you know how many there are?

Dr Ashurst: No, we don't have that number.

Senator McDONALD: Would you please, on notice, take a question of how many water tanks host communications towers broken down by the state or territory and the location of those? Would you consider this a health risk given that there are birds roosting on communications towers on top of the water tanks? I've been made aware that a number of these water towers have been compromised by the installation of the infrastructure.

Dr Ashurst: The telecommunications industry is required to follow standards in terms of installation of those towers and maintaining those towers. If there are concerns around how they're being used or their impact on those water towers, those concerns should be raised with the telecommunication providers.

Senator McDONALD: Given that these sites are secured under legislation for national security and national infrastructure requirements, would there not be oversight from the department in that regard? It is my belief that Queensland Water has written to the department raising these concerns.

Dr Ashurst: Yes, Queensland Water has raised these concerns with the department in the past. We continue to work with Queensland Water and the telecommunications industry on addressing those concerns and seeing what can be done. In some cases, those towers host what are called redundant facilities, or facilities no longer being used, for example, with the 3G switch-off. We're working with industry around mechanisms to try to remove those facilities from those towers and identify them.

Senator McDONALD: Which individuals, agencies and organisations have access to water reservoir towers outside of local councils?

Dr Ashurst: I don't have that information, but telecommunications carriers do.

Senator McDONALD: What are the security processes for those companies, telecommunications agencies and organisations to access water reservoir tanks?

Dr Ashurst: They do have to notify, for example, the water companies and the water utilities that they're accessing those and provide a notification process which I think is 10 days in advance of accessing those towers. They must observe all safety practices, in particular any practices that those water utilities prescribe to those telecommunications providers.

Senator McDONALD: The issue that I'm raising is that I've been made aware that the locks on the gates that secure the physical locations of the water towers have been cut by communications companies seeking to get access to their equipment. The water towers are being compromised by the poor installation of the comms towers. Potentially, there's a human risk if there are birds sitting on top of the towers or if the concrete and the tower itself has been compromised. Given that this is regulated or has oversight from the federal government and through the state governments, I'm seeking more information about how we're managing this, because both are equally important, aren't they? The digital comms are important, but if there's no water there's a problem as well. I'm trying to seek to understand the intersection, whose problem it is, who would seek to solve it and who you would be working with.

Dr Ashurst: We have had a group called the Powers and Immunities Reference Group that brings together utility companies and telecommunication providers to discuss these types of issues and look to ways broadly to resolving them, including if changes are needed to the regulations. But we also do engage directly with Queensland Water as well as telecommunications companies on particular incidents as they occur. There are broader discussions, too, around whether there are further regulatory changes that could be made if required to address this.

Senator McDONALD: Given that the nature of the telecommunications towers often makes them unsafe for humans to work in close proximity to but we're expecting our water tower maintenance crew to go into the same locations to patch holes and provide physical security, who is responsible for ensuring that intersection is managed?

Dr Ashurst: If you're talking about the electromagnetic emissions from the telecommunication facilities, they are heavily regulated by ARPANSA and ACMA in terms of levels of emissions from those facilities. In that way, both telecommunication workers and water workers can access and work near that equipment because they're below what are required standards in that space. Telecommunication companies, when installing them, are required to keep them to certain levels.

Senator McDONALD: So that it is safe for water tower maintenance workers to be accessing the roofs of the towers to inspect them, make repairs and so forth, because they'd be very close to them?

Dr Ashurst: That's right. That is my understanding in terms of the way these standards are set out.

Senator McDONALD: On notice, could you find out how many of the towers are defunct? For example, with the changeover from 3G, how many are still active? Of course, as I've already asked you, where are they located? That would be really helpful. May I ask that Queensland Water continue to be consulted as part of this, because I think they're providing that overarching network of the local councils and the water infrastructure.

Dr Ashurst: We will see what information we can provide.

CHAIR: There's a bit of time left on the clock. Should we begin with the next section? Senator Smith.

Senator DEAN SMITH: I again turn to matters with respect to triple 0. Can the department provide me with an update on what activities it has undertaken in relation to the Optus outage since we last spoke?

Mr Chisholm: Yes, we can. I'll ask Ms Chapple to step you through that work, particularly through the activities of the Triple Zero Custodian and the work we've been doing with ACMA and the industry to date.

Ms Chapple: The custodian has undertaken a number of activities, particularly since the legislation came into effect on 30 October. Our immediate work priorities are informed particularly by the events of the 18 September outage but not exclusively. Would you like me to run through the activities we've undertaken in that time or our priorities?

Senator DEAN SMITH: Yes. Let's run through the activities and, if they're a priority, you can identify them as a priority.

Ms Chapple: Certainly. On 20 October, the custodian facilitated and participated in a large-scale simulation exercise. There were 130 participants that attended that exercise across the entire emergency call ecosystem. As a result of that exercise, the custodian then wrote on 30 October to all participants on the outcomes of that exercise and the next steps, and we will take charge of monitoring the delivery of those actions. In addition, on 3 November the custodian wrote to ACMA issuing its first request for ACMA to make an ECS direction under section 151 of the Telecommunications (Consumer Protection and Service Standards) Act. The request sought information from Optus on its policies and procedures in an outage, including those relating to notification, welfare checks and recovery, as well as its outage testing prior to system changes. The ACMA then issued the direction on 14 November.

In addition, we have met with all key stakeholders involved in the triple 0 ecosystem: each of the telecommunications carriers, the TIO and ACANN. I also attended a conference with state and territory emergency services and introduced them to the work of the custodian. I have written to all of the telecommunications providers and the ACMA outlining our work priorities.

Senator DEAN SMITH: Ms Chapple, how long have you been in the role for?

Ms Chapple: I started on 27 October.

Senator DEAN SMITH: I was just about to say I don't remember seeing you at the last estimates.

Ms Chapple: No; this is my first for this committee.

Senator DEAN SMITH: Congratulations. I hope it goes well for you. I'm sure it will. I want to turn to the matter of the legislative instruments. My understanding is that there was a legislative instrument registered on 20 November requiring telcos to have—this is the centralised register—a register up and running by 15 December. Have I understood that correctly?

Ms Chapple: Yes.

Senator DEAN SMITH: So, it was 20 November and the central register had to be up by 15 December. What communication has the department been having with telcos on that obligation and what has the response been from telcos to that obligation?

Ms Chapple: I'll ask my colleague Mr Fogarty to come to the table.

Mr Fogarty: The instrument that you're talking about that was registered on 20 November is the service provider determination, which is related to mobile service outages, having a public register on a website and also for mobile virtual network operators to actually link back to that website as well.

Senator DEAN SMITH: What is the total number of telcos that are required to register—

Mr Fogarty: For mobile services? The three mobile network operators, Telstra, Optus, TPG Telecom and their virtual network operators such as ACEUM and others that they actually link back to.

Senator DEAN SMITH: What is the status, if you like, of the mobile providers and how would you describe their—

Mr Fogarty: They need to have that public website by 15 December.

Senator DEAN SMITH: What is the progress on that for each of them?

Mr Fogarty: They are working towards it. We have been in contact with them on that and they are aware of their timing.

Senator DEAN SMITH: What degree of confidence do you have that they will meet the 15 December requirement?

Mr Fogarty: Given that this is information that they already have to report, it's just a matter of making it public facing to increase transparency.

Senator DEAN SMITH: Am I to hear in that response a very high level of confidence?

Mr Fogarty: We continue to work with the telcos on making sure they're going to meet that timeframe.

Senator DEAN SMITH: If they don't, what's the penalty or what's the repercussion?

Mr Fogarty: I would have to take that on notice.

Senator DEAN SMITH: I would have thought that the penalty regime might have been a bit more obvious than—

Mr Fogarty: I would have to look into the determination itself.

Ms Chapple: We haven't had any indication from any of the telcos that it will be a difficulty for them to meet that timeframe.

Senator DEAN SMITH: I understand there was a further instrument that was advised to stakeholders on 19 November proposing amendments to the service provider network outages register determination of 2025. Can you explain to me what the interrelationship is between that instrument issued on the 19th and the instrument issued on the 18th?

Mr Fogarty: Yes. The instrument that was put into the legislation on 20 November, as I said, is related directly to mobile service providers. The instrument that you're talking about—and it's a draft direction—was to increase it to broader services. Given that the majority of triple 0 calls are made through a mobile phone, it was an idea to push towards registers for the mobiles in the first place and then the broader services as it goes on given there's a much wider range of providers in those different categories.

Senator DEAN SMITH: Both instruments are necessary and independent of each other; one's not replacing the other?

Mr Fogarty: It would come down to how it's designed. The idea is that we have the mobile services covered initially and then as the other services are covered, the mobile service determination would then be captured by the broader instrument, which would be a change to the standard.

Senator DEAN SMITH: Is that well understood by industry participants?

Mr Fogarty: We took targeted consultation on that and ACMA will also have a process that it will go through with consultation. There's an extended timeframe provided for that to actually get broader industry across.

Senator DEAN SMITH: Targeted consultation—just explain that to me.

Mr Fogarty: It was targeted towards the mobile carriers plus also some of the broadband carriers and also industry representatives such as the ATA, Australian Telecommunications Association, as well as the TIO and someone like the New South Wales Telco Authority.

Senator DEAN SMITH: What has been the feedback on that consultation around the draft instrument?

Mr Fogarty: The feedback was that it needed more time, and we've taken that into account.

Senator DEAN SMITH: What needed more time? The consultation process needed more time or—

Mr Fogarty: The time to actually put the registers together given that they're different services.

Senator DEAN SMITH: What has been the department's reaction to that feedback?

Mr Fogarty: We've provided some advice to government on that.

Senator DEAN SMITH: The targeted consultation has come back to the department and said industry needs more time. You've taken that feedback and provided advice to the minister that the industry is asking for more time. What would be the impact on the instrument if the minister agreed to the industry's request for more time?

Mr Fogarty: Can you please repeat the question?

Senator DEAN SMITH: Yes. If the minister were to agree to more time, how does that affect the instrument?

Mr Fogarty: Which instrument?

Senator DEAN SMITH: The one that you've had the targeted consultation around.

Mr Fogarty: It would extend the time that is provided for the carriage service providers to put their outages on to a public register on their websites.

Ms Chapple: But not for the mobile carriers.

Mr Fogarty: Not for the mobile carriers.

Senator DEAN SMITH: Do you think that the industry's request for more time is fair?

Ms Chapple: I would expect—and as Mr Fogarty has outlined—this is the sort of information that mobile network operators already have and so it should be relatively straightforward for them to publish that information. But for the complexity of stakeholders involved in that broader piece, that might be something they have to hand less easily or they may not have a public-facing website in a way that could accommodate that information. I would expect it may take them some extra time.

Senator DEAN SMITH: That broader piece is the second instrument that's been out for consultation. How long was it out for consultation?

Mr Fogarty: It was targeted consultation from 19 November to the 24th.

Senator DEAN SMITH: When we say 'targeted consultation', I've always assumed that to mean, 'Here is our list of stakeholders and on this particular issue we're going to target our consultation', but perhaps I'm wrong. Perhaps 'targeted consultation' means, 'We would normally give people two months and we're going to give them five days'?

Mr Fogarty: I would also note that in the development of the final instrument there is a 30-day consultation period that ACMA would undertake, so that provides another opportunity—

Senator DEAN SMITH: This is an important point. So, 19 to 24 is the consultation period that the department is engaging in. You're providing that consultation feedback to the minister, but there's also an ACMA consultation process. That's important information. When was the advice provided to the minister?

Mr Fogarty: On which instrument?

Senator DEAN SMITH: On the targeted consultation instrument?

Mr Fogarty: That was provided on 28 November.

Senator DEAN SMITH: When are you expecting the minister to provide a response?

Mr Fogarty: That would be up to the government.

Senator DEAN SMITH: Up to the minister. Is she responsive?

Mr Chisholm: Very responsive.

Senator DEAN SMITH: Was that going to be your answer, Senator Green?

Senator Green: Yes.

CHAIR: Time to share the call.

Senator DEAN SMITH: That's a very polite way of putting it. Yes, I might take a pause and gather my thoughts.

CHAIR: Senator Ananda-Rajah.

Senator ANANDA-RAJAH: I have some questions regarding UOMO, if we could get the relevant people. We've introduced legislation on the Universal Outdoor Mobile Obligation that we're going to be imposing on telcos. How are you expecting telcos to fulfil this obligation?

Ms La Rance: The legislation is technology agnostic, so if they are able to fulfil the obligation with traditional infrastructure, they will. In locations where that's not feasible, then we anticipate that they will need to use low earth-orbiting satellite—LEO satellite—direct-to-device technology.

Senator ANANDA-RAJAH: There are some telcos that are already making some strides in this area, correct? Have you been liaising with the telcos?

Ms La Rance: We have. Telstra already has direct-to-device calling available for certain devices and certain plans—so iPhone 13 and above and for Samsung Galaxy, I think it's 24; it's the newer model if you are on a plan that enables that, and it's working in practice. The technology is still new. Those call times can vary—the time to connection—but it does work in practice.

Ms Power: Just to clarify that, the Telstra operation is particularly focused on SMS services currently. That will move to voice services in due time. The obligation is intended to, at the outset from 2027, cover both SMS services and baseline outdoor voice services.

Senator ANANDA-RAJAH: Do you see a time where we will have full capability with SMS, voice and data?

Ms Power: The legislation has been developed to allow flexibility to additional services when the technology is able to support that. The timeframes for data services is a longer term one compared to SMS and voice services. Internationally, I think there is some limited supporting of apps and data services, but it is quite limited at the moment. I think it's something that the government would intend to monitor and decide whether or not the circumstances are right to add that in the future.

Senator ANANDA-RAJAH: Can you tell us a bit about LEO satellites versus the older type of satellites?

Ms La Rance: Low-earth-orbiting satellites are closer to the earth than the more traditional GEO satellites, which sit a bit higher, which means it's faster to communicate to them, so there is increased speed and reliability in that sense.

Senator ANANDA-RAJAH: In terms of coverage, whom is going to benefit from this? People in regional and remote Australia will be quite excited about it, but also workers who fly in, fly out, I imagine. What do you think the implications are for these communities?

Ms La Rance: It offers coverage in places where it hasn't really been feasible in terms of the landmass of Australia; there is still a significant portion of it that doesn't have traditional or terrestrial mobile coverage. Most of our population is in areas where there is coverage, but most of our landmass is in areas where there isn't. Particularly for people in regional and remote areas, it will offer connectivity where we haven't had it before.

Senator ANANDA-RAJAH: What redundancies will be put in place, do you think? Say, for whatever reason the satellites were unavailable, what would the redundancies be?

Ms La Rance: It forms part of our broader communication systems. This is for the first time bringing mobile phones into our universal service obligation arrangements, but there are still obligations or programs around having infrastructure in place where it's possible—traditional infrastructure. Then there are also options like wi-fi calling if you have a broadband connection or a satellite connection through broadband in place.

Mr Chisholm: Essentially, it's important that we ensure that a wide range of technologies are available to people given that this is a transition that the market is going through. LEO satellites provide connectivity options for people, as Ms La Rance said, that just haven't been there before. It's quite exciting and we're looking forward to its use also in situations where there might be emergencies and improving coverage in those areas. We continue to also focus on having the broader infrastructure, terrestrial coverage and investment in all of that so that we're not reliant on just one piece of technology.

Senator ANANDA-RAJAH: When will it go live do you think? Is it 2027?

Ms La Rance: 1 December 2027 is the target date in the legislation.

Senator ANANDA-RAJAH: In preparation for that, how are you going to get the message out to the community regarding devices that might be compatible or not with this?

Ms La Rance: I think that's a really good point. We'll continue to work with telecommunications companies to make sure that there is an understanding of what devices are able to connect and maximising the devices that can apply to but also making sure that consumers know how to use it and what technology options are available to them and some of the limitations with the LEO satellite connection. For example, if you're inside a building or a car having other forms of connectivity is also important.

Senator ANANDA-RAJAH: And what's needed? You need a line of sight to the sky; is that right?

Ms Power: Yes, that's the general understanding because it talks to the satellites in the sky. It is an outdoor mobile obligation. People in their homes have alternative ways to access through broadband services that can support wi-fi calling as well as other connectivity uses. Yes, largely it requires line of sight. There will be some technical limitations, but the intention behind the legislation is that it will be available as widely as is feasible to provide the biggest benefits possible to the community.

Senator ANANDA-RAJAH: Thank you.

CHAIR: Senator Smith.

Senator DEAN SMITH: I want to go back to the matter of the two determinations, if I can. I'm assuming the department subscribes to *Communications Day*?

Mr Chisholm: Yes.

Senator DEAN SMITH: On 21 November *Communications Day* reported in a bolded headline 'Clarified: Minister takes centralised outage register off agenda but wants all telcos captured'. That goes to the matter that we were discussing previously. Then towards the end of that article it states that the possibility of a centralised register has now been walked back and that 'CommsDay understands that a requirement, one, is not reflective of the minister's thinking'. Is that an accurate account by *Communications Day* of what evolved?

Mr Fogarty: The idea of the centralised register in the consultation was to see what the views from those people being consulted on would be around a centralised register. Through that consultation it was identified that, while there may be some benefits to a centralised register, the complexities around developing it and putting it together were far outweighed by the benefits.

Senator DEAN SMITH: That would include the speed with which a register would—

Mr Fogarty: Essentially, the speed was one of the key things as well.

Senator DEAN SMITH: Was that a unanimous view of people involved in the consultation?

Mr Fogarty: I wouldn't say it was unanimous, but it was the majority of people consulted.

Senator DEAN SMITH: A narrow majority or an overwhelming majority?

Mr Fogarty: I would say close to overwhelming.

Senator DEAN SMITH: Perhaps one or two industry participants disagreed?

Mr Fogarty: As I said, there were views around the benefits, but they were outweighed by the complexities associated, including timing.

Senator DEAN SMITH: The difference of views was around the benefits or the difference of views was around the complexities, because you could have a unanimous view about the complexities and have a range of views around the benefits?

Mr Fogarty: There were views across both benefits and complexities.

Senator DEAN SMITH: That advice was provided back through the minister?

Mr Fogarty: Yes.

Senator DEAN SMITH: She made that decision?

Mr Fogarty: As far as I'm aware, there hasn't been a decision made around that.

Senator DEAN SMITH: A decision hasn't been made around that? The headline says 'Minister takes centralised outage register off agenda'—

Mr Fogarty: Again, it was just a consultation; it was a draft. Just to clarify, the determination around the mobile network operators is the one that is in operation and that's the decision that has already been made.

Senator DEAN SMITH: A decision has been made so that instrument is in place?

Mr Fogarty: For the mobile service network providers, yes.

Senator DEAN SMITH: Consultation happened around that?

Mr Fogarty: Yes, for that one as well. The views of that were also taken into account for the broader services.

Senator DEAN SMITH: Does the advice that was provided to the minister on 28 November cover both instruments or just one instrument?

Ms Chapple: Just the mobile network operator instrument.

Senator DEAN SMITH: I refer to the comment that the 'possibility of a centralised register has now been walked back' and that 'CommsDay understands that a requirement, one, is not reflective of the minister's thinking'. Is that a correct statement?

Mr Fogarty: That would be the view of *CommsDay*.

Senator DEAN SMITH: No. *CommsDay* is reporting on—

Mr Chisholm: We're not going to do a commentary on the views of *CommsDay*.

Senator DEAN SMITH: You don't trust it as a source, Mr Chisholm?

Mr Chisholm: The point that the witnesses are making is that the focus here is on getting effective register outcomes in place ASAP. The benefit is the information being available. The complexity would be in the design of a centralised register, which would delay that information being made available. I think we would certainly take the view that we want the register function up and running as quickly as possible. We would not like that delayed by the complexities of designing a centralised one.

Senator DEAN SMITH: The headline that says 'Minister takes centralised outage register off agenda' is accurate?

Mr Chisholm: No, it's not.

Senator DEAN SMITH: So, it's not accurate?

Mr Chisholm: We wouldn't use that language to describe any decisions made or not made. We've explained the position as part of the consultation process that's been expressed and we understand why that view has been expressed, but final outcomes on registers are a matter for that process.

Senator DEAN SMITH: To bring this matter to a close, finally, how would you explain the minister's attitude to the centralised outage register?

Mr Fogarty: Again, I think the minister's view would be let's get a register up and running ASAP and then balancing that against the design issues that might delay that. Her view would be getting the information out there as quickly as we can.

Senator DEAN SMITH: I hope *CommsDay* is listening.

CHAIR: Senator Henderson.

Senator HENDERSON: In relation to the devices which have been recalled because they are not compatible with triple 0, when was the government first made aware that certain devices were not compatible with the triple 0 system?

Mr Chisholm: We were first made aware of device issues over a year ago in relation to 3G transition.

Senator HENDERSON: Thank you. That's all I needed. Mr Chisholm, could you please provide that advice to the committee on notice and, again, we would appreciate it before next Tuesday, bearing in mind we've got the Optus—

Mr Chisholm: Yes.

Senator HENDERSON: Senate inquiry hearing.

Mr Chisholm: We'll step you through the device issues.

Senator HENDERSON: I've got limited time and I'm going to cut to the chase here. My concern is the government did not do enough to either require the telcos to alert customers or to directly alert Australians that their devices were not compatible with the triple 0 network. Mr Chisholm, how do you respond to that? Did you give the government advice that they needed to move into urgency mode?

Mr Chisholm: Indeed, and the government acted urgently by requiring that devices that couldn't call triple 0 be blocked. That continues to be a requirement: once the industry becomes aware of devices with triple 0 functionality problems, that is addressed ASAP, and ACMA is enforcing those rules.

Senator HENDERSON: When you say 'blocking', what do you mean by that? I'll give you an example. Many customers have received emails saying, 'You need to be aware that the handset you're using is not compatible,' but they're still using the handset.

Mr Chisholm: Ideally we want—

Senator HENDERSON: People are not blocked from using their phones.

Mr Chisholm: Sometimes the issues relate to things like software upgrades and people are being helped to update their software on their phones. There are some devices which simply are not compatible. That was the issue in relation to 3G, where they could make normal calls but they couldn't make triple 0 calls. We had to block them because we didn't want people thinking their phones could work and not be able to make triple 0 calls.

Senator HENDERSON: Could we get on notice the details of which devices were blocked, meaning they could not be used at all?

Mr Chisholm: Yes, and then also the information you're seeking about other devices.

Senator HENDERSON: There were also devices that were not blocked which are not compatible with triple 0.

Mr Chisholm: I want to be really careful about the language regarding 'compatible', because there may be a range of reasons here. One of them might be, as I say, they can't make triple 0 calls at all, so a very firm rule was put in place that those devices should not be used. There are also issues we're aware of with some devices related to things like software upgrades. We are also working with UTS in relation to ongoing testing of devices to make sure if there is, for example, a system problem with a particular network the phone can camp on to other networks and operate properly. There are different reasons why a phone might encounter issues, which is why I wanted to get that out.

Senator HENDERSON: My concern is that the government did not raise the red flag more than a year ago when you became aware that people could not make triple 0 calls on some devices.

Mr Chisholm: As I stepped through, there were a number of rule changes put in place in relation to both device blocking and also now rules that are in place to ensure that devices are tested and made available for testing. There are requirements on the networks to actively reach out to customers to help them address any issues they might have with their phones, because it could be a simple matter of updating their software which they haven't done.

Senator HENDERSON: I've received emails directly from customers who have been informed by their telco provider that triple 0 does not work and they're still using their phone. Again, this is where—

Mr Chisholm: Those customers should definitely contact the regulator.

Senator HENDERSON: You knew this more than a year ago. It's a year after the 3G network was switched off. Now we know we've got the issue with Samsung and iPhone devices. The minister surely should have been screaming this from the rooftop, raising alarm bells that Australians had devices that may not be able to be used to call triple 0?

Mr Chisholm: That's why the government did change the rules in relation to devices and is continuing to fund and support research and testing to make sure all devices that come into the market are functioning correctly. It is working closely with both industry and the regulator on that.

Senator HENDERSON: That's a different issue to the one I've raised. I'm saying why didn't the minister raise the alarm bells, go out and with the Prime Minister hold a press conference, run advertising, make Australians aware they may have a device that doesn't work on the triple 0 network?

Mr Betts: There was very extensive activity from government including very extensive communications activity associated with the 3G switch-off. We will give you on notice all of the details of all of the interventions that were undertaken, but it was extremely extensive.

Senator HENDERSON: Yes, I realise that and I understand there was extensive work on the 3G switch-off, but this is a different issue. This relates to not being able to use phones on the triple 0 network. We've now had potentially four people who have died, and I think the jury is out in relation to one more person. This is an extremely serious issue. I am very cognisant the minister can't do everything, but I'm raising a very big red flag, Secretary, that when the minister and your department became aware of this it was a very serious issue. Had I been sitting in the minister's chair, I would have—and I think we've made this very clear on behalf of the coalition—been raising very significant alarm bells about this. When did the minister first make public her concerns about these devices not being compatible with triple 0?

Mr Chisholm: We will take on notice any statements regarding that question. I just want to also mention the devices themselves. It's one of the core priorities of the custodian and the work we're doing. It's, in fact, a really important issue that you're raising and that we are working on very intensively.

Senator HENDERSON: Mr Chisholm—

Mr Chisholm: I was saying that because we've been asked to do that by the minister and by the government.

Senator HENDERSON: I appreciate that, but the Triple Zero Custodian, that legislation, was rushed into the parliament after the Optus outage. My understanding is there have been no statements by the minister.

Mr Chisholm: I think the minister has reinforced the obligations that industry have to make sure the devices work.

Senator HENDERSON: What I'm going to ask you on notice—and, on indulgence, I know there's a short timeframe, but we would really appreciate this before next Tuesday—could you go through each device which is not compatible, either because it doesn't work or because it requires a software upgrade, and provide us with the action the government and the regulator have taken in relation to each device, including the communications to customers, so we can understand with respect to each device what actually occurred?

Mr Chisholm: Yes, definitely.

Senator Green: We can also give you what the requirements are on telecommunications companies, because we don't want to let them off the hook.

Senator HENDERSON: No, I agree.

Senator Green: They have very clear standards and under the law they are required to take a number of steps to deal with these types of devices. As the officials told you, the software of most can be updated, but there are some very clear steps that need to be taken if that is not the case. We can give you that information as well.

Senator HENDERSON: I would appreciate that because my other concern—and you've prompted me now to raise this issue, Minister—is when the regulations were changed, if any regulations were changed, in relation to proper notification to customers by telcos about the non-operability of devices. We saw triple 0 improvements through the regulations announced in April. They did not come into effect until 1 November. Minister, were any regulations made in relation to requiring telcos to advise customers?

Mr Chisholm: Those laws—

Senator HENDERSON: Sorry, Mr Chisholm. I'm asking the minister this question.

Senator Green: The official probably has a better answer than I do, but the advice I've been given is that they were changed in 2024.

Mr Chisholm: Yes, that's right. Those rules already exist and they were put in not just in relation to issues with 3G, but in general to ensure that industry communicate and actively manage device issues with triple 0.

Senator HENDERSON: Mr Chisholm, I'm aware of the regulations that went through in 2024 in relation to 3G. I'm specifically asking about the regulations in relation to the operability of triple 0 and the defective devices, for want of a better word.

Mr Chisholm: Officials might be able to add to what I'm saying, but the law is already pretty clear on that front. I'll just check with Ms Silleri, but I think it's true that the reforms you're talking about actually impose those obligations.

Ms Silleri: The regulation that I think you and Mr Chisholm are referring to is the emergency call service determination—

Senator HENDERSON: 2024?

Ms Silleri: yes—which has requirements in it that if the provider, the telco, is aware that a phone will not be able to contact triple 0, they have to contact the customer within a certain period of time and give them another period of time before they will block the device.

Senator HENDERSON: This is a public safety issue; if someone can't reach triple 0, they could die. Why wasn't this elevated to the very highest echelons of the government? Why wasn't the minister raising the red flag about this critical issue of public safety, which the department knew about more than a year ago?

Mr Chisholm: It was elevated, because we changed the law to put those rules in place.

Senator HENDERSON: Why didn't the minister say anything?

Mr Chisholm: The minister reinforced the obligations on industry in her commentary a number of times.

Senator HENDERSON: Mr Chisholm, I'm not directing this to you. I'm just saying through you: why didn't the minister say anything at the time, because the minister was speaking about the 3G transition? Why were telcos given lead time?

Mr Chisholm: They weren't given lead time for this.

Senator HENDERSON: This just seems to me to be—

Mr Chisholm: There was no lead time.

Senator Green: You're mischaracterising.

Mr Chisholm: These laws were put in place last year—these regulations. There was no lead time.

Senator HENDERSON: No, I've just been told that there was time provided for the telecommunications companies to notify customers.

Mr Chisholm: When they find out that there's a phone that's not working properly, they have to notify the customers.

Senator HENDERSON: Have you scrutinised what the telecommunication companies have done? Have they breached the regulations?

Mr Chisholm: We monitor very closely—

Senator HENDERSON: Have they been fined for a breach?

Mr Chisholm: We monitor it very closely. We—

Senator HENDERSON: No, has—

Mr Chisholm: I'll just finish. We have sent questions to companies whenever we become aware of issues. We don't just rely on what we're notified of; we will rely on other information given to us and we also then ensure that the regulator is aware of that. We are seeking urgent attention in those cases to make sure that the problem is fixed. It's actually a huge priority for us.

Senator HENDERSON: Mr Chisholm, I'm going to be very quick here. Have there been breaches of the regulations?

Mr Chisholm: We don't determine breaches; the regulator does.

Senator HENDERSON: No, but I'm asking about your knowledge. Are you aware if there have been any breaches of the regulations?

Mr Chisholm: I am not. Again, we don't enforce the law, ACMA enforces the law.

Senator HENDERSON: I'm not contesting that.

Mr Chisholm: Those rules themselves definitely guide the attention that we put into that issue.

Senator HENDERSON: Mr Chisholm, what I'm asking—and to the Secretary, I actually regard this as a pretty serious issue—could we please have on notice all of the actions taken in relation to this matter, including the regulation, any actions which flowed following the regulations being made and whether there were any breaches by the telecommunications companies? We need to know everything, please, in relation to this matter.

Mr Betts: I will happily provide that information and you will have the ACMA on the stand in a second, who will be able to answer these questions.

Senator HENDERSON: Yes, but I'm seeking it from the government's point of view.

Mr Betts: I'm not arguing with you. We'll get that information for you.

Senator HENDERSON: Could I also ask on notice for all correspondence between the minister's office and the department in relation to the defective devices, meaning the devices that don't work with triple 0?

Mr Betts: I will take that on notice.

CHAIR: Do you have more questions?

Senator HENDERSON: I do. I'm sorry.

CHAIR: In that case I'm going to share the call and I'll come back to you. Senator Darmanin.

Senator DARMANIN: I want to ask about First Nations programs, so could the relevant officers come up. Digital inclusion is very important but particularly for our First Nations communities. Could you talk a bit about what programs you are delivering for First Nations remote communities and how what you're doing is bridging the divide between metropolitan and regional communities but particularly with a focus on First Nations?

Dr Ashurst: The government announced in the 2024-25 budget \$68 million in funding towards First Nations digital inclusion. That's delivering a range of programs in that space. The first opportunity provided \$20 million for 23 communities in remote Australia with free community wi-fi being delivered by NBN over their Sky Muster satellite services and that's already having a beneficial outcome. The last one in those 23 communities was installed in about July this year. There are a range of benefits there, connecting communities more broadly but also to each other across remote Australia. That was followed up then by a contestable wi-fi program. The outcomes of that were announced just last month, with up to an additional 52 remote First Nations communities being provided free wi-fi services. Those communities are across four states and the Northern Territory, again, providing wi-fi and connectivity services in and across those communities. The government has also announced a digital support hub and network of digital mentors with the intention of rolling those out to wi-fi communities and beyond. The digital support hub in particular is intended to provide digital inclusion advice and digital literacy advice to not just remote communities but also metropolitan and regional First Nations Australians and provide them access to that. I was answering a question earlier from Senator Shoebridge around the national collection of data. The government is also rolling out national collection of data to assess how target 17 is being met but also how these programs and their benefits are being delivered and met.

Senator DARMANIN: In relation to the wi-fi program for the 52 communities and 23—so that's 75 in total across the \$40 million?

Dr Ashurst: That's correct, yes.

Senator DARMANIN: And across four states and territories for both?

Dr Ashurst: It's a range. Under the new round I think Tasmania has now been included as well, some communities there, but otherwise it's Western Australia, Northern Territory, South Australia and Queensland, off the top of my head.

Senator DARMANIN: With the digital support hub, the \$4 million that you talked about, is there an age range that you're targeting or that's across the board?

Dr Ashurst: It's across the board; it would be accessible to anyone.

Senator DARMANIN: What examples can you give around the impact these programs are having in communities? In terms of connectivity—what sorts of issues are you seeking to tackle with the digital mentors or digital support?

Dr Ashurst: Digital support and mentors is really about helping people get online and stay online. One of the key areas of providing connectivity is around connectivity literacy, and that's being able to help people operate their devices to access the wi-fi or potentially mobile plans as well when they're out of community, but also know what the best plans are available to them, what the most affordable plans are and what might provide the best service. As we have seen in recent years some unconscionable conduct by operators, being able to provide independent advice to community and individuals is really important.

Senator DARMANIN: In terms of the wi-fi services, what are you seeing around impacts of those funding programs?

Dr Ashurst: We've seen anecdotal evidence or feedback initially around increases in school attendance in some of those communities, a decrease in crime as well. Certainly there have been stronger social, family and community connections in those communities. As mentioned earlier, we are collecting data on First Nations people in general across Australia, but also specifically in some of those communities to be able to directly assess what the benefits have been over time.

Senator DARMANIN: That's very high impact. In rolling out these programs, how do you go about it and are there partnerships with local communities, what is that delivering and how is it working?

Dr Ashurst: Absolutely. The focus has been on real place based solutions and that advice has been driven by advice from the First Nations Digital Inclusion Advisory Group, whose recommendations have informed these programs. They have also undertaken extensive engagement across Australia to understand the needs and requirements of different communities and those have been reflected in the designs of the guidelines for those programs. We also continue to work with providers, states and territories and community to make sure they continue to deliver and that communities do want those programs in their community.

CHAIR: Senator Henderson.

Senator HENDERSON: I want to quickly ask about prominence. There was a commitment made by the government in relation to ensuring that certain services on digital televisions would be prominent and Australian free-to-air and other services would not be buried at the back of the line. The government did make a very strong

commitment about this. We moved an amendment last week in the parliament, which was voted against by the government. Minister, can you explain why you made that decision?

Senator Green: If you can give me a second I can get some information in front of me. We're swapping around to different topics quite quickly. I don't have advice on that particular amendment and I can't recall. I believe I wasn't in the Senate at the time personally, so I apologise for not having more knowledge of the particular amendment. Our officials can probably give you some advice about the legislation and its effect.

Senator HENDERSON: The government prior to the last election committed that Australian produced TV content such as news, sports and emergency broadcast is easily discoverable on connected TV platforms like smart TVs.

Senator Green: Is this the streaming bill?

Senator HENDERSON: Yes, that's correct. I'm happy if you want to come back.

Mr Chisholm: We've got the prominence issue and then the streaming is a different—

Senator HENDERSON: I'll tell you what's happened, Minister. Minister Bourke has taken carriage of prominence and streaming, but they actually sit within the Communications portfolio.

Senator Green: The officials can answer your questions.

Mr Chisholm: We can answer questions about—

Senator Green: I'm just trying to understand where I'm going to get my information from.

Senator HENDERSON: I know, but Minister Bourke has been in a very improper turf war with both former minister Rowland and now Minister Wells in relation to taking over these matters which sit within this portfolio and I think that's pretty unimpressive. Have you got an update?

Senator Green: We have a prominence regime. Our officials can answer questions about it for you.

Mr Penprase: Sorry? The question was about the operation of the current prominence framework?

Senator HENDERSON: The government voted against our amendment to introduce prominence on streaming services. That was a government commitment. I'm not asking you why the government voted against the amendment; that speaks for itself. That shows a complete failure of a commitment to support prominence, which is very disappointing in my view. Could you update this committee on what the government is doing, if anything at all, in relation to prominence?

Mr Penprase: The framework that implements the television prominence framework was passed with the amending act last year. That framework formally commences in terms of obligations on 10 January next year.

Senator HENDERSON: The 16th?

Mr Penprase: No, 10 January 2026 is when the prominence obligations apply to the suppliers of regulated television devices. In the lead-up to that commencement time, the ACMA has been undertaking a range of work to establish and put in place relevant arrangements, working with device manufacturers and others in terms of providing guidance and guidelines, all of which are provided for under the statutory framework. As I said, the commencement timing for that framework that has been put in place is January next year.

Senator HENDERSON: But they only apply to new televisions manufactured after 10 January, not to—

Mr Penprase: Manufactured and supplied after 10 January 2026.

Senator HENDERSON: But the vast majority of households are, of course, using smart TVs; that doesn't apply to them?

Mr Penprase: No, the act doesn't provide for any retrospective application to existing television sets.

Senator HENDERSON: Is there going to be any consideration to extend prominence to existing televisions, smart TVs?

Mr Penprase: The only thing I would say is there is a statutory review of the prominence framework to be conducted as soon as practicable after January 2028. That would be the next opportunity to consider the framework. Given the framework hasn't actually commenced, it's hard to make any assessment of its application or effect.

Senator HENDERSON: I want to quickly move to universal outdoor mobile obligations. I'm trying to race through things very quickly, so thank you for being able to jump around. The legislation was introduced into the parliament, but the industry is raising very significant concerns. Can I please have an update, Mr Chisholm, on this obligation and the legislation and why it seems to have suddenly not proceeded in the parliament?

Mr Chisholm: I'm not sure what you're referring to there with 'not proceeding'. The legislation has been introduced. It's a priority for the government. It has met its commitment to have it introduced this year.

Senator HENDERSON: It wasn't on one of the dozens of bills that were guillotined on the last day of the sitting in the Senate, so it wasn't brought forward as an urgent bill to be passed by the parliament.

Mr Chisholm: The commitment was to introduce in 2025. The government has done that and the government is also mindful that this should be considered as part of the normal parliamentary processes. I think the UOMO bill sets out a comprehensive set of obligations and also arrangements for managing that transition. There's no delay there. It's all on track.

Senator HENDERSON: You're the head of this part of the department. What concerns are being raised by industry in relation to implementing this universal obligation?

Mr Chisholm: I'll turn to my colleagues, especially Ms Power, who has been leading the work. We've obviously been keen to make sure that we balance the government's commitment to progress the reforms in a timely way with allowing industry enough time to be ready to implement the obligation, given there's a range of technical as well as other market issues. I'll just ask Ms Power to take us through that.

Senator HENDERSON: Ms Power, I just wanted just to put this in context. The industry is saying that the plan could lead to carriers relying on untested and unregulated technology. Could you update the committee on those concerns?

Ms Power: Of course. We've been working very closely with industry, but also obviously undertaken extensive public consultation to inform the legislation that was introduced last week. I think the government has recognised that this technology is still developing. It's emerging quite quickly. The intent behind introducing the legislation in a framework way is to ensure that some of those issues that will need to be resolved prior to the introduction can be worked through in partnership between industry and government and to ensure that industry has the public interest in mind in that process. Certainly there is already direct-to-device services at SMS level available in Australia, and the expectation of industry is that voice services will follow in time. I think industry in consultation did seek to understand the processes by which the minister would consider how those technical issues and the market readiness and the legislation that was introduced includes some additional information about how that process will happen. So, there will be consultation with industry around if there were any adjustments to the obligations and to consider market readiness, technical readiness and also impacts on consumers.

Senator HENDERSON: Just to be clear, including for those listening to these proceedings, the universal outdoor mobile obligation legislation is to provide for access to voice services via satellite from anywhere in the country?

Ms Power: The legislation, I think, as Ms La Rance talked about earlier, is actually technology neutral. It requires the national mobile operators to provide baseline outdoor mobile coverage across Australia. They will have a choice of how they will meet the obligations. Where they have terrestrial coverage, they will use that. But direct-to-device technology is expected to play a role, particularly in those areas that it has just not been possible to provide terrestrial.

Senator HENDERSON: Do the telecommunications companies have the ability to deliver this obligation?

Ms La Rance: Yes, as I mentioned earlier, Telstra already has this in place—I've tested it; it works—to be able to make SMS—

Senator HENDERSON: If you've tested it, then we can—

Ms La Rance: It works for me. So, in places where you go outside of mobile range with terrestrial coverage it moves over to a satellite. The other mobile network operators are working through what this capability will look like for them. The market is evolving rapidly. The solution that Telstra has in place may differ for the other mobile network operators, and that is why the legislation has been drafted with those three things that Ms Power said, having regard to market conditions, technical capability and consumer impacts.

Senator HENDERSON: When do the telecommunications companies have the ability to deliver on this obligation? What's the timing?

Ms Power: They're all in the process of working through those arrangements. I think putting the date in the legislation provides a clear signal to industry that they need to proceed towards that date. Satellite—

Senator HENDERSON: Sorry. Can you just remind me of that date?

Ms Power: It's 1 December 2027. So, we do have a runway in which it's not a requirement for the mobile network operators to be able to meet that requirement now. The legislation provides that runway under which the

mobile network operators, who were already developing commercial arrangements to deliver this service, now have a clear understanding of the government's expectations and can ensure their arrangements with satellite operators can meet those expectations and they can plan accordingly. So, it's between now and 2027. Obviously, we'll be closely monitoring the rollout of technology and working closely with industry to understand how those technical issues are considered. There are standards and other things that are also progressing that will be relevant.

Senator HENDERSON: The ENs attached to the bill state that the Public Interest Telecommunications Services Special Account could be used to support contracts or grants. How much is in that account and are those funds quarantined for this use or have they been reallocated?

Ms Power: The Public Interest Telecommunications Special Account is the account that currently funds universal service arrangements more broadly and also other things like access to triple 0. So, it's not that it's using existing funds. Whilst there is money sitting in the account, the way it works is that, in the event that the government elected to provide a contract or a grant to a party to help deliver a public interest outcome to support the obligation, in the subsequent year industry contributions would go into that special account to cover those costs. The Commonwealth also puts in a \$100 million contribution to that account on an annual basis. It's not 100 per cent industry, but it's spread across.

Senator HENDERSON: How much is currently in that account? Do you know?

Ms Power: I'm not sure I have the number to hand.

Senator HENDERSON: If you could take that on notice?

Ms Power: Yes.

Senator HENDERSON: We've got more questions on notice on many more issues. Chair, I will leave my questions here so we can try to get back on track.

CHAIR: Thank you very much, Senator Henderson. I very much appreciate that. That means that, at this point, we're moving off outcome 5 and on to the Australian Communications and Media Authority. We are taking our lunchbreak at this point.

Proceedings suspended from 12:46 to 13:33

Australian Communications and Media Authority

CHAIR: I now call officers from the Australian Communications and Media Authority. I welcome Ms Nerida O'Loughlin. Do you wish to make an opening statement?

Ms O'Loughlin: No, we're happy to take questions.

CHAIR: Senator Henderson.

Senator HENDERSON: Ms O'Loughlin, I just wanted to start with the Optus outage and your investigation. Can you provide an update on to where the ACMA investigation is? When will it be completed? Have you provided any preliminary findings to the minister at all?

Ms O'Loughlin: I'll give you a bit of an overview. I'll ask my colleague to add anything in addition. We opened the investigation on 22 September and formally advised Optus of that. We issued a wide range of statutory notices to Optus, and they have responded to those notices. We are going through the detail that Optus has provided to us. At this stage, we're reviewing that information. We have not formed a view, nor have we provided any advice, but I'll ask my colleague Catherine Rainsford to add anything.

Senator HENDERSON: Before we go to your colleague, could we have a copy of the statutory notices and the responses from Optus?

Ms O'Loughlin: I think we've taken that on notice from you previously.

Senator HENDERSON: I did ask you for those statutory notices.

Ms O'Loughlin: Yes. I think what we indicated was that we're concerned that they form part of an investigation.

Senator HENDERSON: That's not a reason.

Ms O'Loughlin: Providing those now would potentially impact on that investigation.

Senator HENDERSON: Ms O'Loughlin, I appreciate that, but that's not a category of exemption in Senate estimates.

Ms O'Loughlin: I will take that again on notice.

Senator HENDERSON: You've taken it on notice previously. You haven't provided those statutory notices.

Ms O'Loughlin: We put our reasons forward to you.

Senator HENDERSON: Providing reasons isn't a reason not to comply with the request.

Ms O'Loughlin: I will consider whether I need to look at a public interest immunity claim.

Senator HENDERSON: Could you advise us on that as soon as possible? If you were going to make a public interest immunity claim—and that is a matter for you, and I'm not disputing that—the Senate does recognise where there can be issues of particular harm that may be caused by the disclosure of a document. If you are making that claim, we ask that you set it out and explain the harm to the public interest in disclosing the documents so we can have appropriate transparency about this.

Ms O'Loughlin: The grounds that we would be looking at are outlined in the Public Interest Immunity Guidelines and related matters, which are around prejudicing the investigation of possible breach of the law or the enforcement of the law in a particular instance.

Senator HENDERSON: I appreciate that's open to you, but you haven't made the claim.

Ms O'Loughlin: I will take that on notice, and I will turn my mind to that very quickly.

Senator HENDERSON: If you are intending to make the claim, which I stress is open to you to do, we would just ask that you do so so we have clarity about your position.

Ms O'Loughlin: Certainly, I'm happy to take that on board.

Senator HENDERSON: What about Optus's response to the statutory notices?

Ms O'Loughlin: I would think they would be covered by the same explanation.

Senator HENDERSON: You're not inclined to provide those to the committee, but you'll consider that in the context of making a PII claim?

Ms O'Loughlin: I will.

Senator HENDERSON: When could you provide the committee with advice? Given we asked about this last time in October—

Ms O'Loughlin: I'm also aware you have the inquiry into Optus going on at the same time. I will turn my mind to that as quickly as possible for you.

Senator HENDERSON: The question was: when could you provide us with information as to whether you will be making the claim?

Ms O'Loughlin: I will need some time to think about that, but I will do that as quickly as possible and certainly in a timeframe that suits your other inquiry, given that you have hearings next week.

Senator HENDERSON: To the extent that you are able to assist before our hearing next week, we would be really grateful because, at the end of the day, I think this committee is very concerned—it was obviously a references committee hearing inquiry—about the public safety of all Australians.

Ms O'Loughlin: Absolutely, as are we.

Senator HENDERSON: I'm sure you are as well.

Ms O'Loughlin: That's why we're undertaking a comprehensive investigation of the Optus outage against the various rules that we have in place.

Senator HENDERSON: Have you provided any updates to the minister in relation to your inquiry?

Ms O'Loughlin: No.

Senator HENDERSON: Are you intending to do so?

Ms O'Loughlin: We would not normally. We would normally proceed with our investigation to a finding, and then we would normally share that finding with Optus for any other representations. Normally we would probably, as a courtesy, let the minister's office know of the outcome prior to its public release.

Senator HENDERSON: There have been a number of other outages as well. We've had the death of a person as a result of the TPG issue, which is tragic also. Can you explain the scope of your inquiry? Does it now include the other outages?

Ms O'Loughlin: It does. In terms of the outage of Optus, which I think was in Dapto, that's on a similar timeframe. We've made inquiries from Optus. In terms of the TPG matter, which we were advised of Monday before last, we are also investigating.

Senator HENDERSON: I'm going to choose my words carefully. I am concerned there are some inherent conflicts in relation to your investigation by reason of ACMA's role. Have you identified any conflicts or any issues where ACMA's performance is at issue? What decision have you made in relation to those matters?

Ms O'Loughlin: If I can just step this through, our responsibility is to look at the compliance of Optus with the legal instruments for which we have responsibility. That is our role. If there are other matters that sit outside our looking at Optus's performance and Optus's compliance, that's not a matter that we would be looking into. However, that said, internally, as I've said on the record previously, we've been looking at the amount of notifications we're getting, how we handle that information and how we escalate matters when we need to. We have certainly looked at that after the Optus outage of 18 September.

Senator HENDERSON: That's the issue I'm raising: you are also inquiring into matters concerning your own performance as the regulator.

Ms O'Loughlin: We're not. To be clear, that's an internal consideration. That's not part of a formal investigation.

Senator HENDERSON: But they intersect. I've raised previously concerns about the fact there was that six-month delay in relation to the regulations which were passed to improve triple 0 rules. They were made on 1 April. They came into effect on 1 November. It took six months. That's one issue. You have given evidence before that was a decision for the minister; but, again, it intersects with the way that you work as an agency with the government. The other issue that I'm concerned about is ACMA's management of what I call 'defective devices', for want of a better word. These are devices that do not allow a user to call triple 0. I'm just concerned about this. We've now had evidence this morning the government has known about these defective devices for more than 12 months. I'm also concerned about ACMA's role in relation to those devices. Can you provide us with information about what action you took and when you first found out about those defective devices?

Ms O'Loughlin: That's a large range of questions. If I can go back to the implementation of the new rules that came into effect on 1 November. Yes, they were made in April. As we've discussed previously, that was the timeframe we were given from a direction from the minister. What informed that timeframe were the significant changes to systems and processes that would be required for the telcos to move into compliance by 1 November. I will ask Ms Rainsford to go through that detail with you and then I'll come back to your question about devices.

Senator HENDERSON: It's probably not necessary, because we have had that evidence before. I'm just flagging the issues in relation to your inquiry and the internal review that you're doing into your own performance.

Ms O'Loughlin: As we've discussed previously, we looked at our standard operating procedures to see whether there was more we could do when we received information of major outages arising from the delay in information around 18 September from Optus providing us with thorough information. I would say, though, that having reread Mr Rue's testimony to your inquiry, while it is the case that we didn't ring Optus to find out more information, it was very much clear from Mr Rue's testimony that he did not intend to provide any additional information until that afternoon, 24 hours later.

Senator HENDERSON: But you wouldn't know that at the time; you're not a mind-reader?

Ms O'Loughlin: We weren't a mind-reader.

Senator HENDERSON: You didn't ring on Thursday, though?

Ms O'Loughlin: No, but I doubt very much whether we could have got any information.

Senator HENDERSON: That's all very well in hindsight. You now know that information.

Ms O'Loughlin: That's true.

Senator HENDERSON: But at the time you didn't make those phone calls and you didn't follow up?

Ms O'Loughlin: We make sure we follow up those processes.

Senator HENDERSON: I know, but what I'm saying is the evidence that Mr Rue has given in that respect is immaterial, because the issue before us—

Ms O'Loughlin: I don't think that is immaterial.

Senator HENDERSON: Can I finish?

Ms O'Loughlin: Certainly.

Senator HENDERSON: The issue that we're talking about is ACMA's response. On the Thursday, after getting the notifications, ACMA did not take any action or follow-up?

Ms O'Loughlin: That's true. As I said previously, we've reflected on that and improved our process. The obligation to tell us that there is a major outage is on the carriers. Optus failed to do that on the 18th; they failed to do it on the 19th.

Senator HENDERSON: What improvements have you made to your own internal processes?

Ms O'Loughlin: Most of that is about escalation processes, about flagging and about reaching out to the telcos if we haven't heard in what we think is an acceptable period of time. There are obligations on the telcos to actually update their outage information. We want to make sure that's working as well. In the case of the Optus outage, we were not told about the outage until it was resolved.

Senator HENDERSON: That's not true, because we did learn about the outage on the—

Ms O'Loughlin: On the 18th, we found out there had been an outage and the outage had been resolved.

Senator HENDERSON: That's not quite true, either. I put to you, Ms O'Loughlin—

Ms O'Loughlin: No. That's correct.

Senator HENDERSON: No. Hang on a minute. Let me just finish the point I'm making. While it was indicated that the outage was resolved, the welfare checks were still being undertaken. Even though you received advice that the outage had been resolved—

Ms O'Loughlin: That's correct.

Senator HENDERSON: you knew that welfare checks were still being undertaken?

Ms O'Loughlin: Senator, if I can just answer your question. We were not told that welfare checks were being undertaken, from memory. We were told that there had been 10 calls affected, it had been resolved and there were no matters.

Senator HENDERSON: No, but you knew at that moment. You've already given evidence, Ms O'Loughlin, saying that in the 10 calls you suspected that something was wrong.

Ms O'Loughlin: Sorry. If I can correct? The problem had only impacted fixed-line calls. Optus had rolled back the upgrade that caused the outage and is undertaking welfare checks. That affected approximately 10 triple 0 calls.

Senator HENDERSON: When you gave evidence last time, you suspected; you said, 'It just seemed odd to us that only 10'—

Ms O'Loughlin: We have said that we've improved our—

CHAIR: Let me just step in first. Sorry, Senator Henderson. This has now happened a couple of times. I'm sure there is no ill will on either side. Both the witness and Senator Henderson are talking over each other. If we can just do this in an orderly way, with questions and answers.

Senator HENDERSON: Of course. We're trying to move things through as quickly as possible. Can we correct some of the issues? On the Thursday you were aware of the outage? You were told it was resolved? You were also told that welfare checks were being undertaken, but then you also suspected something was wrong because we had this mass outage across a number of states with only 10 affected services? You've reflected on your own processes. Can you detail what changes have been made to those processes? What's going to be different if this were to happen again? From your perspective—and I understand you didn't receive fulsome information, Ms O'Loughlin—no-one picked up the phone from ACMA on the Thursday, the day of the outage?

Ms O'Loughlin: What we have done and the process we're following is we have monitoring of the receiving inbox. Remember, we now get notified of both major outages and significant local outages. We have reassessed and made changes to our process of escalation to senior management where major outages in particular are identified. We then are putting into our process formalising undertaking preliminary assessments to identify those issues of concern, requesting further information from the relevant telecommunications provider, which is the issue that it will have raised with us, and also as a matter of process immediately alerting the Triple Zero Custodian, the department and the minister's office, if that has not already been done, and also, of course, opening an investigation where we see problems. They're the improvements we've put in place.

Senator HENDERSON: To get some clarity on your investigation, how long will it take? When will you complete your investigation?

Ms O'Loughlin: I can't speculate on how long. We're early in the process. We are moving it through as a priority.

Senator HENDERSON: I will move to the issue of Samsung devices. In late October, telcos announced there was an issue impacting more than 70 Samsung devices from being able to call triple 0. Eleven devices would no

longer be operable and 60 devices needed a software update to remain compatible with the triple 0 network. Telcos started sending out text messages and emails to customers which, I think to be fair, created a fair bit of confusion. Tragically, on 13 November a person in Western Sydney died when the Samsung device they were using failed to connect to triple 0. It was one of the devices which had been flagged as problematic just weeks earlier. I want to understand why these devices have only very recently been flagged as not being able to connect to triple 0? Secondly, why was more not done to alert the community about this issue when it was first discovered more than a year ago?

Ms O'Loughlin: As the department mentioned this morning, the issue with devices was first identified as part of the 3G shutdown. Rules were put in place on 28 October 2024, which were changes to the emergency call service determination requiring telcos to in effect block mobile phones. Once the telco actually identifies that an impacted phone on their network may not successfully connect to triple 0, they need to let customers know within five business days that they may need to block their phone, and that the phone will be blocked between 28 and 35 days later to allow the customer to take their own action to resolve the issue. Within the timeframe between that five business days and 35 days later, they need to send two further separate notifications as reminders to the customers. They're also required to give end users information about alternative mobile phones that are available for them, including low- or no-cost mobile phones. The focus is trying to manage those customers transitioning from phones that are problematic to a new phone, but also at the end of that period, if they haven't made those changes, their device will be blocked.

Senator HENDERSON: My question was: why wasn't more done to alert the community back more than a year ago to this issue?

Ms O'Loughlin: The process was really around the networks knowing which devices wouldn't work and the networks having that relationship with their customers so they could go directly to their customers. It only affected a subset of people who were using those mobile networks.

Senator HENDERSON: But you as a regulator didn't issue any public alerts? I know there was a notification. I appreciate that. There were no community alerts or information?

Ms O'Loughlin: That responsibility was given to the telcos.

Senator HENDERSON: The minister didn't issue any alerts or the government didn't make any statements at the time?

Ms O'Loughlin: I'll pass to my colleague.

Senator HENDERSON: I'm keen to hear from you, but you just gave evidence saying the phones were blocked, that the defective devices, handsets, were blocked. That was the regulatory requirement?

Ms O'Loughlin: After the notification, yes.

Senator HENDERSON: That's right—after that period of time. Did that happen? If they were all blocked, how did we have the person dying just a few weeks ago?

Ms O'Loughlin: Obviously, the TPG matter is under investigation, but from memory TPG had made public that they were aware that device would not connect to triple 0 and were in the process of that notification process with the customer. They had already notified them the intention of TPG was going to be to block that device.

Senator HENDERSON: Weren't they required to block the device within a period—

Ms O'Loughlin: That's right, but that statutory period had not run out.

Senator HENDERSON: You said 'between 28 and 35 days'. That's the notification, and then the device had to be blocked?

Ms O'Loughlin: That's right. But what I'm saying is they were still in that notification period.

Senator HENDERSON: In relation to that particular device?

Ms O'Loughlin: And that's part of what our investigation will—

Senator HENDERSON: Was that a newly acquired device?

Ms O'Loughlin: That's what we need to look into. I'm only stating what I think TPG had made already public, but that will be a matter for our investigation.

Senator HENDERSON: But the requirement to block the device was after that 28- to 35-day notification period. That was last year.

Ms O'Loughlin: No. The notification period kicks in from when the telco identifies and knows that a device will not connect to triple 0. They'd only just established that fact.

Senator HENDERSON: Hence the critical importance of a public awareness campaign. If the telcos don't have the information as to who has what devices, surely a public awareness campaign about these defective devices is even more critical?

Ms O'Loughlin: The telcos are best placed to understand what devices aren't working.

Senator HENDERSON: But you've just given evidence that the telcos didn't know.

CHAIR: Senator Henderson, we just need to let the witness finish her answer.

Senator HENDERSON: You've just given evidence that TPG had only recently discovered there was a defective device in relation to the person who died more than a year after those regulations were put in place.

Ms O'Loughlin: That's part of what we need to investigate, as to when did they know.

Senator HENDERSON: But you're saying the telcos are best placed to do this work. I'm saying that, as the regulator, why didn't you recommend a major public awareness campaign to alert Australians about this acute safety risk for people's lives?

Ms O'Loughlin: The approach that was taken was a new approach when the issue of devices was identified through the 3G closure process. Regulations were put on to the telcos to deal with these issues themselves as they are best placed to know the subset of devices that are sitting on their networks that won't go through to triple 0. That's the approach that was taken.

Senator HENDERSON: I put to you that it's been a major error of both the regulator and the government not to run a very major public awareness campaign about this significant risk to public safety.

Ms O'Loughlin: You've made a statement.

Senator HENDERSON: Can I ask you to respond to that statement?

Ms O'Loughlin: That's not a matter for me.

Senator HENDERSON: You're the regulator.

Ms O'Loughlin: We put in place the regulation. We expected the telcos to deliver on the rules that were put in place. We think they are best placed to communicate directly with their customers on this subset of devices. I would reflect on the fact that devices are one issue. The other issues that we're looking at in terms of the Optus matters are actually about network outages.

Senator HENDERSON: Did you advise the minister or the government that they should run a public awareness campaign?

Ms O'Loughlin: No. We thought the telcos were best placed to communicate directly with their customers on the issues and help those customers transition to a new mobile phone.

Senator HENDERSON: But that judgement clearly now has been proven to be wrong.

Ms O'Loughlin: I think that's your opinion.

Senator HENDERSON: Someone has died. This is in relation to a device that was allowed to be used which was not blocked. It was still being used in November of this year.

Ms O'Loughlin: As I've said to you, we'll investigate the matter. If we identify there's a problem of non-compliance, we will take action. If we consider there are continuing gaps in the regulatory framework, that's a matter we will raise with the minister and the government.

CHAIR: Senator Roberts.

Senator ROBERTS: Minister, the Australian Communication and Media Authority review of Australian classification regulation written form closed submissions in May 2025. What's happened since and when will we get an outcome?

Ms Field: I believe that is the work of the department, not the ACMA. We have not published a paper.

Senator ROBERTS: Let me continue, then. ACMA made a submission titled *Modernising Australia's national classification scheme: stage 2 reforms*. It was dated 6 June 2024. Your submission calls for a national classification regulator to oversee a reformed classification scheme. Is this in addition to the ACMA, the Classification Board and the Classification Review Board?

Ms O'Loughlin: What we were reflecting on in our submission is that classification is undertaken by a range of different organisations and that there may potentially be benefits of rationalising that, because you have the national Classification Board doing publications and film, you have the Classification Review Board. You also have us who have responsibility for classification and broadcasting. What we were saying is: is there a way of looking at that? Is there any rationalisation that could happen?

Senator ROBERTS: My next question was: that's a lot of bureaucracy, to have three agencies, which most likely will have the outcome of nobody being responsible. Are you talking about rationalising it from three to one?

Ms O'Loughlin: That's our proposal.

Senator ROBERTS: One of the duties you suggest for the rationalised body is to conduct community standards research. Community standards are central to the existing Classification Board decision process. Do you do community standards research at the moment?

Ms O'Loughlin: We do from time to time in the broadcasting space, but we were indicating that, if there was a combined organisation, if I can use that term, there would be a requirement to make sure there was community research done across all those different mediums—broadcasting, film, literature—to inform the decisions of that new rationalised body.

Senator ROBERTS: Are you currently doing that with broadcasting? You are saying that it needs to continue so that the new rationalised entity does not drop that community standards research?

Ms O'Loughlin: The body is actually testing what the community standards are rather than only relying on its own judgement.

Senator ROBERTS: Seeing as you do community standards research for broadcasting, can you provide on notice the most recent round of research and the cost to the taxpayers for that process?

Ms O'Loughlin: Certainly. We haven't done some for some time, but I'm happy to take it on notice.

Senator ROBERTS: Could give us the date of when it was done?

Ms O'Loughlin: Certainly.

Senator ROBERTS: I want to see how some obscene sex manuals for children could be considered as meeting community standards. I'm horrified/shocked at a publication called *Let's Talk About It*. The title probably should be *This is How to Do It*. It's an instruction manual, not an information manual. It's pornography. I've asked many questions in many estimates sessions regarding the failure of the rating system to offer a restricted classification for printed material, something between the existing unclassified and R18-plus such as we have for violent teenage videogames. What's ACMA's position on a legally enforceable, mature-age, 15-plus or similar classification for these graphic sex instruction manuals targeted at children?

Ms O'Loughlin: That's not part of our responsibilities currently; that is a matter for the Classification Board. I would expect that may be something that will be raised in the stage 2 classification review that's being undertaken by the department. That would be the place for that to be considered.

Senator ROBERTS: What's the government's opinion or view?

Senator Green: I'll answer your question by saying that the chair is correct; we did have officials here who are working on a review. They were here a bit earlier. Unfortunately, they can't answer those questions for you now. Obviously, stage 1 was quite successful. We're working on stage 2 reforms now. The department has engaged a social research centre and Mendelsons to undertake a functional update of the classification guidelines. The minister awaits the final report from this functional update. Unfortunately, I can't give you any more information without officials here at the table. As the chair indicated to you as well, the Classification Board itself and the Classification Review Board will be appearing later this evening and can answer questions about specific classifications about which you might be concerned.

Senator ROBERTS: We have to get something done about this.

Senator Green: Of course.

Senator HENDERSON: I'll just continue with my questions about the issues with the defective devices or handsets. Ms O'Loughlin, can you provide any other information in relation to the death of the person using the TPG supported handset?

Ms O'Loughlin: I don't believe so at this stage. I think that is a matter in which we are in the early stages of investigation. We need to dig into exactly what did happen. As I said to you earlier, I'm only going on memory of what TPG disclosed around the time, but that would be a matter that we will thoroughly investigate.

Senator HENDERSON: We now have a situation where many people could have devices in this country which do not connect to Tripe Zero. What action is being taken right now to alert Australians?

Ms O'Loughlin: As I've explained, the obligations are on the telcos to identify those devices that are not able to connect to triple 0, and then it's their responsibility to go direct to that customer to notify them of the concern and to give them options.

Senator HENDERSON: I would dispute that. If there are breaches by telecommunications companies because they have not blocked these devices within the statutory period that you require them to do so, I think it falls back on the responsibility of you as the regulator.

Ms O'Loughlin: I agree. We already have a couple of investigations underway, which Ms Rainsford can go into. If people are having that experience, if they're not getting notified by the telcos about follow-ups from when they're first notified, or if there's evidence that people have that they're not being blocked, certainly report it to the regulator.

Senator HENDERSON: How many breaches of the 2024 regulations have occurred by reason that telecommunications companies have not blocked defective devices?

Ms O'Loughlin: I'll pass over to Ms Rainsford.

Senator HENDERSON: Ms Rainsford, do you have that information?

Ms Rainsford: As my chair said, we've got two investigations open into potential breaches of those rules. We have been working with the telcos to understand, in particular in relation to the Samsung devices, what they knew at what time and what they have done about it in terms of those inquiries as well as the intelligence we get from a range of other sources, including places such as the Telecommunications Industry Ombudsman. If the complaints reporting data we get as well as other stakeholder input indicate that any telco has not complied with its obligations to take steps to block devices which would not be able to get through to triple 0 when needed, we will open new investigations.

Senator HENDERSON: For instance, say there are 100,000 people across Australia who have one of these defective devices. When are you going to accept that the regulator and the government have a responsibility to raise the red flag about this and to alert Australians? This is an issue of significant public safety risk.

Ms O'Loughlin: I'd also add that we've issued a request for information to Samsung to collect further information on the source of the issues and other matters related to where there might be indications of regulatory non-compliance. We've also issued a request for information to TPG Telecom to collect information relevant to whether there is an indication it has not met the statutory obligations. Again, we're focusing on the rules that are in place and the compliance of the sector with those rules.

Senator HENDERSON: You've made no recommendation to the minister for a public awareness or safety campaign? Has the minister raised this with you at all?

Ms O'Loughlin: No.

Senator HENDERSON: How many devices do you believe are still being used that are defective, meaning they cannot connect to triple 0?

Ms O'Loughlin: We don't have that information.

Senator HENDERSON: Do you have an estimate?

Ms O'Loughlin: No.

Senator HENDERSON: You don't know whether it's 100,000, a much smaller number or a much larger number?

Ms O'Loughlin: No.

Senator HENDERSON: Have you sought that information from the telecommunications companies?

Ms O'Loughlin: Not at this stage.

Senator HENDERSON: Why not? We have people with phones that cannot connect to triple 0. Why haven't you asked the telecommunications companies how many are still being used in the market? This is a very significant public safety risk.

Ms O'Loughlin: Ms Rainsford has some additional information for you.

Ms Rainsford: I have some data specific to some Samsung device issues which I can share with you. There are some different dates here. By carrier, Telstra has advised us as, of 28 November, it had 114,527 customers with devices that would be updatable by the software. Each of those customers has already been notified that there is a potential issue with that device connecting through to triple 0 if the Telstra network was down and if the TPG network was the only one available.

Senator HENDERSON: Are they capable of being remedied? If the software is updated, then they will work?

Ms Rainsford: That's correct.

Senator HENDERSON: Aren't these updates automatic?

Ms Rainsford: No, they're not automatic for this particular device.

Ms O'Loughlin: You are right, Senator; you would think that most devices are. These are a subset of devices that aren't.

Senator HENDERSON: How many Telstra devices are not capable of being upgraded and therefore cannot connect to triple 0? Do you know that number?

Ms Rainsford: I have 4,158. They are in the process of being blocked.

Senator HENDERSON: They are in the process of being blocked? Are there not breach notices in relation to those devices, because they haven't been blocked?

Ms O'Loughlin: No, I think they're still within the statutory period.

Senator HENDERSON: But these regulations came into effect last October.

Ms Rainsford: Yes, they did. As Ms O'Loughlin explained, the regulations turn on the point at which the telco identifies that the phone would not be able to get through to triple 0 on either its network or another mobile network if that is available. While an indication that there was a problem with Samsung devices started in late October, there has been substantial work done with Samsung to try to understand which devices and which software upgrades or versions were causing the problem and the nature of that problem such that then the telcos could work out what that meant for their networks and embark on this process.

Senator HENDERSON: Are you telling me that, of those 4,158 devices which cannot connect to triple 0, Telstra has only just discovered this? Even though the regulations were issued in October last year, more than a year ago?

Ms Rainsford: As Ms O'Loughlin said, this is being tested through a combination of our investigations underway and the statutory information gathering notices we have put out to test the veracity of that claim that the carriers only became aware of this particular issue with this set of Samsung devices in very late October.

Senator HENDERSON: Could I ask for all correspondence between ACMA and the telcos in relation to defective devices to be provided to this committee?

Ms Rainsford: We can take that on notice.

Senator HENDERSON: That's Telstra. What about Optus?

Ms Rainsford: Optus is in a slightly different category in that they are using more manual processes, we understand, to identify which customers have which devices. They have a less automated system than Telstra. On 14 November, Optus said the worst case scenario for them was approximately 470,000 devices. That's 470,000 customer devices across 2,240 TACs, or device type codes, that might be impacted.

Senator HENDERSON: What do you mean by 'device type codes'?

Ms Rainsford: Each device gets broken down into different configurations or characterisations. TACs are important because that is one of the mechanisms that telcos use to block the devices from their networks. I've probably added some complexity in there.

Senator HENDERSON: Just of the 470,000, which is a massive number—

Ms Rainsford: That is the worst case scenario.

Senator HENDERSON: are those phones capable of being upgraded by way of a software upgrade, or are they defective in that they don't work on triple 0?

Ms Rainsford: We understand it's a combination. The vast majority are likely to be able to be upgradable, but Optus is needing to work through that manually.

Ms O'Loughlin: What the telcos are testing is whether the device will work on the Telstra network and whether the device will camp onto another network if the Telstra network is out. It's quite sophisticated testing to find out both of those issues. This is why the telcos are spending a lot of time testing devices not just on their own network but what happens to that device if their network goes down? Does it successfully camp onto another network? That seems to be part of the issue here.

Senator HENDERSON: On notice, could we receive any information in relation to which devices? My understanding was that you've issued information about those devices now that are defective. You're saying that there's still uncertainty about whether they fall within the device that should be blocked?

Ms Rainsford: There is certainty in relation to some devices. It is an ongoing discussion that the telcos are having with Samsung to confirm that what they understand is the breadth of the device issues. Of those devices, which ones are upgradable and which ones might not be?

Senator HENDERSON: How many other devices are there in the Australian market? We have Optus and Telstra. Do you have any other figures?

Ms Rainsford: The only other one I have relates to TPG. TPG was in a slightly different situation because the nature of the problem meant that, if these devices were in a TPG customer's hand, they were not expected to get through to triple 0 at all. The risk profile was different.

Senator HENDERSON: No TPG supported handset—

Ms Rainsford: No, it's the same Samsung set of devices. It's just the problem manifests differently for a TPG customer compared to an Optus or a Telstra customer.

Ms O'Loughlin: We're happy to provide that advice on notice to you with those different numbers, if that would be useful.

Senator HENDERSON: We do have a hearing next Tuesday.

Ms O'Loughlin: We will do that.

Senator HENDERSON: I have asked that you also appear next Tuesday. That program is yet to be made public. If you could do so urgently, because we just have to try to properly understand this.

Senator BELL: My questions relate to the ACMA's new Telecommunications Domestic Family and Sexual Violence Consumer Protections Industry Standard rules. In June this year, ACMA released the new industry standard. The standard was introduced to assist in the protection of victims of violence, making sure they retain access to telecommunications to protect their privacy and security of communications and devices or accounts, and to ensure that victims are not forced to interact with alleged offenders. Recently, Telstra announced in an email to customers the following change to their customer terms and conditions:

Supporting victims of domestic and family violence. We may terminate your service without notice if you are alleged to have committed domestic or family violence against an end user of a service. We may also transfer the phone number or email address to the alleged victim if they are an authenticated end user of this service.

Does the industry standard require or authorise a provider to terminate, suspend or restrict the service of a person who is an alleged offender in a domestic or family violence matter?

Ms Rainsford: The standard doesn't require the termination. The standard actually focuses on the protections either to the account holder or the end user of the service. In noting that the end user, the person who's actually using the phone number if you like—however they're doing that—might not be the person with the contractual relationship with the telco, the protections are very much focused on making sure they have a suite of protections that help prevent the perpetration of harm. Certainly, we're aware of the advice that Telstra put out. My team has been in contact with Telstra to suggest that there is possibly a bit more nuance in that message that might be needed. It is correct to say there are certain obligations that go to trying to create a scenario whereby, if an end user has been using a particular phone number, which might be the phone number they're using to connect with emergency services, domestic violence help services or family and friends, and they want to keep that there are protections aimed at trying to separate out their accounts from the alleged perpetrator. There's certainly nothing in the standard that puts an obligation on telcos to form a view about whether or not a person is perpetrating domestic violence or not. That's not their role.

Senator BELL: In terms of allegations to a provider of, say, domestic or family violence, there are no requirements placed on the provider to terminate, for example, someone's service?

Ms Rainsford: No. The obligations very much focus on, if you are talking to someone, say, the end user and they explain that they are experiencing domestic violence, trying to achieve an outcome for them which helps to minimise the ongoing perpetration of domestic family violence.

Senator BELL: Just for clarity, the end user may be someone using a mobile phone, that is, the account holder might be a different individual?

Ms Rainsford: Exactly. That's correct.

Senator BELL: With that in mind, if there's an individual involved in a family business that is the user of a service, it appears they could under some situations be transferred critical business emails, accounts or phone numbers. Someone who's an alleged offender could then lose access to, say, those business details or communications on the basis of an untested allegation. The victim might not be the account holder but an end user. Is the ACMA concerned that a provider policy allowing disconnections, alterations or transfer of service on the basis of untested allegations could disrupt a customer's business operations or personal life? Is that something you've looked at?

Ms O'Loughlin: That is probably what Ms Rainsford's team has raised with Telstra about that language.

Senator BELL: As a result, there is the communication. We believe that Telstra, in response to the feedback, has pulled back that communication it put out. My understanding is it's written to customers who have complained about that communication and apologised. They described the message as being unclear.

Ms O'Loughlin: Yes.

Senator BELL: Now they're stating it does not disconnect services based solely on allegations. My understanding is the standard provides that 'a provider must not require evidence or supporting material which demonstrates that a consumer is an affected person'. From that wording, you could assume someone could just pick up the phone and make an allegation with the purpose of disrupting someone's business or family life. I can see why Telstra would have put out that initial communication. How are you reconciling that requirement with an expectation of procedural fairness before the transferring or changing of services?

Ms Rainsford: One of the challenges, it's fair to say, in drafting this standard was finding the right balance between some absolute protections that needed to be in place with a degree of discretion to the telco providers. Partly, that reflected the type of complexity your question goes to in terms of the way telco services are used and managed in different ways by different members of the community. It also recognises that the way in which family violence is perpetrated is an immensely complex thing. We recognise that it would be impossible to write a standard which was absolute in every respect, that catered for the innumerable different manifestations of people's experience when they're subject to family and domestic violence. We did extensive consultation with the telcos, but also in particular with a range of stakeholders and organisations with experience in domestic and family violence, including representatives from disability advocacy groups and First Nations advocacy groups. We spoke to people with lived experience as we sought to try to find a framework that provided the right balance between a degree of discretion but with some absolute protections in there. As you said, it's a relatively new standard with some obligations that came into effect on 1 July this year. The rest of them will come into effect from either 1 January 2026 or 1 April 2026, depending on the size of the telcos. It may be that there are some adjustments needed as we see how that is working in practice. We are working with the telcos to understand what they're doing to implement the changes. We have good lines of engagement with them but also with the consumer advocacy groups to understand what they're seeing and hearing about how this will impact the consumers they're seeing. If it turns out it's not achieving what it's intended to do, I'm sure the authority will explore amendments to that standard.

Senator BELL: Is it the ACMA's view that the telecommunications providers are capable of conducting an impartial and reliable investigation into these allegations for the purpose of deciding whose name a service or account should be in?

Ms Rainsford: The standard doesn't require them to do an investigation. There's nothing here which would require any telco company to try to resolve a point of difference or a dispute between two people about whether or not one is perpetrating violence against the other. They're not equipped or trained to and it wouldn't be proper for them to do it. The standard is aimed, if a user of their service contacts them to say they are experiencing domestic and family violence, to provide a particular level of support that recognises the essential nature of these services, including in terms of public safety outcomes, and staying connected to support and family and friends. It gives them the discretion to try to tailor some solutions that help that particular user. In some cases that may warrant needing to separate that phone number out from the account it is currently existing on and put it into that person's name. There are a range of other things, including the potential for additional security protections on particular accounts and certain agreements that must be complied with around when users can be contacted about their telco services. We're trying to give the telcos a degree of flexibility about how they could help support the users of their services in terms of access to those telco products but without requiring them to diagnose or make findings about whether or not that person is experiencing violence.

Senator BELL: How do they make a decision without coming to a conclusion?

Ms Rainsford: The way the obligations turn is that, if someone comes to them and says they're experiencing violence, that triggers certain obligations around providing them support with staff who have particular training in how to do that in a trauma informed way. There are certain protections around how they go about finding a resolution to whatever is the telco issue, but they don't need to then go and work out whether or not it is true that person is experiencing that.

Senator BELL: There's a threshold there; at some point they could be taking action to suspend, terminate or transfer. There is a decision-making process there that has to be followed. You're confident that the telcos have that capacity to do that? I'm just curious.

Ms O'Loughlin: We have recently issued some guidance to the industry about what our expectations are about these rules.

Senator BELL: Is that public? Is that something you can provide?

Ms O'Loughlin: Yes. We've also required the telcos to consult with domestic and family violence experts in the development of their policies and procedures and to train their staff on those DFV policies. As Ms Rainsford said, they're not in a position to make judgement calls, which would be a matter obviously for the police.

Senator BELL: I understand that Telstra has indicated it will not publish the full terms and conditions of a revised policy that I suspect it has come up with after consulting with ACMA until the day after the policy comes into effect. Is that an adequate notice for transparency to customers whose services might be affected? Have you spoken about that?

Ms Rainsford: I'm not sure whether Telstra representatives have spoken to any of my team. I've had no direct conversation with them. I'm not sure it's that unusual that there's always a date from which a contractual arrangement takes place and telling people that, but I'm happy to take that up and discuss further with Telstra what their understanding is.

Senator BELL: Thank you for that.

CHAIR: Thank you, Senator Bell. I just have some questions in relation to some of the evidence that emerged a few minutes ago. I think there was a reference to issues with some 470,000 Samsung devices. Can I just clarify what the issue was. My understanding of that evidence was not that the phones were unable to call triple 0 directly, but that, in a specific set of circumstances where the Telstra network and the Optus network were unavailable, that variety of phone would be unable to camp on to the TPG network.

Ms O'Loughlin: Yes. That's exactly right.

CHAIR: What's the coverage of TPG geographically, compared to Optus or Telstra?

Ms O'Loughlin: I don't have that number in front of me, but, obviously, Telstra has the largest reach of mobile network in Australia.

CHAIR: It's my understanding—if you'd confirm it, I'd be grateful—that it's Telstra, then it's Optus and then it's TPG, so TPG is the smallest.

Ms O'Loughlin: That's correct.

CHAIR: If you are able to provide us with an estimate of what percentage of the country has only TPG and not Optus and Telstra access, geographically speaking, that would be very helpful.

Ms O'Loughlin: I think we should have that information, but you're exactly right. It's actually quite complex testing, because the telcos are testing whether it works on their network, but then, if their network were out, whether or not it successfully camps on to the TPG network. We can provide that information to you on notice.

CHAIR: That would be very helpful. Thank you very much. Senator Henderson.

Senator HENDERSON: Just following on from that issue, we had the breakdown of the impacted defective devices, as you've given evidence—many of which were capable of being upgraded so that they could be compatible. I've got up to about 588,000 to date. There was a report in the *Australian* on 20 November stating that figure is about 740,000 devices, including TPG devices; is that correct? And what is the TPG number, Ms Rainsford?

Ms Rainsford: I'll take those one at a time. My understanding of the 740,000 referenced in that *Australian* article related to the number of devices that had been identified as non-VoLTE enabled ahead of the 3G shutdown. That related particularly to the 3G shutdown, and—

Senator HENDERSON: Apologies. I don't want to interrupt, but, just to be clear, what it says in the article is: In meetings with Telstra, Optus and TPG last year, the commission—referring to the ACCC—refused to initiate a product recall for an estimated 740,000 devices that could not be used to call emergency services when the 3G network was turned off ...

So, yes, it was about turning off the 3G network, but the result was that they couldn't make an emergency call.

Ms Rainsford: And all of those devices that fell in that category were blocked by the first week of November last year to coincide with the shutdown of Optus and Telstra's 3G networks. The Samsung—

Senator HENDERSON: That's because they were 3G.

Ms Rainsford: Yeah, it was—

Senator HENDERSON: They were 3G phones, were they?

Ms Rainsford: The nature of the—

Senator HENDERSON: So we're not talking about that 740,000.

Ms Rainsford: No, we're not.

Senator HENDERSON: So this is the additional. I've got up to 588,000 impacted Samsung devices. What about Apple devices?

Ms Rainsford: I've got data about the Samsung matters. I don't have information with me about other types of devices.

Senator HENDERSON: To go through it quickly—with TPG, how many were affected?

Ms Rainsford: TPG blocked 5,389 devices on 16 October this year, and they blocked a further 1,763 devices in the week of 12 to 19 November.

Senator HENDERSON: How many other devices are still out there being used?

Ms Rainsford: As we understand it, because of the nature of the issue, TPG moved to block all of these device types on their network, and our understanding is that that constitutes all of the TPG blocking that needs to be done. As my chair said, we are looking into that further with TPG.

Senator HENDERSON: When did Telstra block their devices? It's identified 4,158. Have they all been blocked?

Ms Rainsford: The 4,158 are a subset of Telstra's 114,527, and they will all be blocked between now and early January. As I said, those customers have been advised that their device may have a problem if it needs to call triple 0 and TPG is the only available network. They've been alerted. Telstra's providing support for those which are software upgradeable to assist customers to be able to do that if they want to, with a view then that fewer devices would ultimately need to be blocked.

Senator HENDERSON: Here's my issue with all of this—one of the issues—these regulations were passed last October, and, following the Optus tragic deaths, suddenly the telcos are now moving at speed to block these devices. That surely reflects that there have been perhaps thousands of breaches of these regulations, because they weren't blocked earlier.

Ms Rainsford: As we said, they're matters that we are looking into, including through the use of our statutory information-gathering powers, to understand what the telcos have understood about when devices would likely have a problem and whether they have, indeed, taken the action they needed to, to comply with these laws.

Senator HENDERSON: Is there an active investigation into whether there have been breaches?

Ms Rainsford: We have two active investigations and other lines of inquiry with both Samsung, at this point in time, and our engagement with Telstra and Optus to understand what they understood and when.

Senator HENDERSON: But, earlier, you gave evidence that Telstra was able to quite easily identify these devices because they have a much better system. Perhaps it's an automated system of some kind. Why weren't these defective devices identified earlier?

Ms Rainsford: I think there are two phases of identification that go into this. The first is which devices, in this case Samsung devices, potentially have this problem, and then that has been the engagement that Telstra and Optus have been having with Samsung to understand, particularly, which devices and which subsets of those devices would likely have this problem. Then, once we understand that, there is the piece about understanding how many of their customers own and are using those particular devices. In that second set, we understand Telstra has a likely automated system which helps them better understand which devices their customers are using and which software versions those devices are on, whereas Optus seems to need to employ more manual processes to do that, which is why Telstra can be more definitive at this point in time.

Senator HENDERSON: Here's the problem, Ms Rainsford—the regulations were changed last year, more than a year ago. Three people, maybe more, died as a result of the Optus outage, and then we had the tragic death of the TPG customer a number of weeks ago, and it's only now that the telcos are seemingly taking action to block these devices.

Ms O'Loughlin: The introduction of the 28 October 2024 changes to the determination was about the 3G shutdown. The emergency action required by the telcos was to make sure that those phones which would not connect when the 3G networks were turned off were blocked. This Samsung issue has emerged after that time, and that's what we've been working through with the telcos.

Senator HENDERSON: We've already had evidence that these defective devices were known for more than a year. The department has already given that evidence.

Ms O'Loughlin: I think what the department was talking about was those 740,000 devices which were not VoLTE compatible which needed to be either upgraded or blocked when the 3G network went down.

Senator HENDERSON: That wasn't the evidence that was given, because I was asking about the defective Samsung devices. Are you saying to me that you were not aware? You've got the issue with 3G and then those regulations. When did you become aware of the defective Samsung devices?

Ms O'Loughlin: 20 October.

Senator HENDERSON: And how did you become aware of those?

Ms O'Loughlin: A Telstra representative called Ms Rainsford just before midday to provide an overview of the issue and flag a meeting was being scheduled that afternoon with the department, the ACMA and the minister's office, and there was a briefing that afternoon on this device issue at 1.30, and we have been pursuing this issue with the telco since that time. Ms Rainsford, you were responsible, so—

Ms Rainsford: That's accurate.

Senator HENDERSON: I would welcome any clarifying information the department may wish to provide in this regard, because—

Ms O'Loughlin: Certainly.

Senator HENDERSON: the department certainly gave evidence in relation to the defective Samsung devices that I was asking about—that they'd known about this for more than a year.

Ms O'Loughlin: I will talk directly to the department, and, if there's any need for us to clarify our evidence, we will, but that's certainly when we first heard about these particular Samsung devices.

Senator HENDERSON: Could you possibly come back and just clarify that with us as soon as possible? That's an important issue.

Ms O'Loughlin: Certainly.

Senator HENDERSON: How do these intersect with the regulations passed last October?

Ms Rainsford: The regulations that were put in place while they were in response to 3G, and there was certainly an immediate known issue there—

Senator HENDERSON: You've made it very clear that they also apply—

Ms Rainsford: They do. They were designed—

Senator HENDERSON: to the telcos' obligations.

Senator Green: Please stop interrupting, Senator, if you want the answer.

Senator HENDERSON: No, I was just finishing my question.

Senator Green: It sounded like you were interrupting.

Senator HENDERSON: No.

Ms Rainsford: I'm sorry if I interrupted your question, Senator.

Senator HENDERSON: No, that's alright.

Ms Rainsford: They were certainly done in response to 3G, but, recognising that technological changes, including that future 4G or 5G shutdowns would likely occur, and also that there are other complexities between devices and network changes and the way they operate together, they were designed in such a way that they would have an ongoing requirement that, should the telcos become aware at any point that there are devices operating on their networks which would not be able to get through to triple 0 either directly or through the camp-on mechanisms, they would have an ongoing obligation to block those. Our reference to the application of those to this set of Samsung devices is because it has been identified somewhere. We understand recently—but, as I said, we're testing that proposition about when the telcos actually identified this was an issue, reflecting an ongoing obligation on telcos to be monitoring which devices their customers are using and taking action if they would not be able to get through to triple 0.

Senator HENDERSON: I'm keen to move on, but, given the 20 October advice to ACMA, why wasn't there a public information campaign either recommended or implemented by the government to alert Australians to this serious issue?

Ms O'Loughlin: As I indicated earlier, because of the complexity of these issues, the regulations require the telcos to directly notify their customers because they have the best information about who owns the particular devices, the status of those devices and how those devices are working on their network. They have the obligation to notify those customers directly—only the impacted customers.

Senator HENDERSON: Did you make any recommendations? The telcos were pleading to ACMA for a recall notice so that these devices could be recalled. They were sufficiently concerned about the safety risk of these devices being used by Australians.

Ms O'Loughlin: We're aware that was a proposal by telcos to the ACCC. That would be a matter for the ACCC to respond.

Senator HENDERSON: Did you raise any concerns, or did you have any correspondence—

Ms O'Loughlin: That was a matter that the telcos raised directly with the ACCC.

Senator HENDERSON: No, I appreciate that. But did you support that recommendation or that plea by the telcos?

Ms O'Loughlin: I don't think we're actually engaged in that process at all.

Ms Rainsford: No.

Senator HENDERSON: Despite the risk to public safety?

Ms O'Loughlin: No, we won't engage in that process. That was a matter for the ACCC.

Senator HENDERSON: I just want to quickly ask you about the financial hardship standard. In July, you issued a statement that you had given four warnings to Optus, Origin, Skymesh and Swoop for breaching the financial hardship standard. Why did you decide on a warning rather than any other sort of enforcement?

Ms Rainsford: My recollection is that the nature of the noncompliance there related to the information those telcos—in fact, all telcos—were required to put on their website. By the time we had concluded our investigations, they had already addressed those such that the material was compliant with the requirements under law. On the back of that, and the way in which those telcos had engaged with us during our investigation, a formal warning in those instances was considered an appropriate action. I would say that compliance with the financial hardship standard is an ongoing priority for us, and we do have some other open investigations looking at other aspects of various telcos' compliance with the obligations in that standard.

Senator HENDERSON: And what are those investigations?

Ms Rainsford: I don't have details of the specific ones here. I know we've got several on foot at the moment.

Senator HENDERSON: Which companies are you investigating in that respect?

Ms Rainsford: I'd have to take that on notice. I don't have that detail on me.

Senator HENDERSON: There's only a small number of providers.

Ms Rainsford: No, there are hundreds of CSPs operating in the Australian market.

Senator HENDERSON: I thought you were talking about the telecommunications companies.

Ms Rainsford: We're talking about the carriage service providers, the retail providers, not the three mobile carriers.

Senator HENDERSON: If you could provide that on notice—

Ms Rainsford: I'll take that on notice.

Senator HENDERSON: And any details in relation to that investigation.

Ms Rainsford: Yes.

Senator HENDERSON: Thank you so much. I'll leave it at that. We'll put our other questions on notice.

CHAIR: I'm in a position to release those representatives of Screen Australia, AFTRS and National Archives. You go with the committee's thanks. Senator Pocock.

Senator DAVID POCOCK: Thank you for your time this afternoon. Ms O'Loughlin, we talked at the last estimates about the ACMA's statement that it would be assessing the suitability of alcohol advertising restrictions in the current free-TV code. In October, you told me that you were doing some preparation work about which stakeholders we need to talk to to inform the terms of reference. How's that work going, and is there a firmer timeline for the work?

Ms O'Loughlin: I think we took that on notice. As part of the preparatory work, we've consulted with the Alcohol Beverages Advertising Code Scheme, the ABAC Scheme; the Department of Health, Disability and

Ageing; Alcohol Beverages Australia; the Brewers Association of Australia; the Endeavour Group; and the Foundation for Alcohol Research and Education, FARE, as well as Free TV Australia and its members. I'll just ask Ms Field if there are any additional stakeholders that we've consulted since then.

Ms Field: We haven't consulted additional stakeholders since the last time we appeared at estimates. But one of the key pieces of work that we're looking at, at the moment, is understanding the frequency and placement of alcohol ads on television. We are in the initial stages of looking at a provider who is able to provide us with that data. We haven't received any complaints about alcohol advertising since the standard, which I think was 2018. What we're trying to understand is where people are seeing those ads. We understand anecdotally that some people may be seeing them on streaming services or BVODs. We need to understand where those ads are occurring on free TV, because this code applies to free television.

Senator DAVID POCOCK: To confirm, you haven't received a single complaint about alcohol advertising since 2020?

Ms Field: I've got that here; let me just find it.

Ms O'Loughlin: As Ms Field said, that's why we're undertaking research, because—and I think I've mentioned this before—across the board, we don't get a lot of complaints these days.

Senator DAVID POCOCK: Yeah. Who's going to bother, right?

Ms O'Loughlin: They'd just go to social media. That's why we're undertaking the research—because we acknowledge that, while we have not received complaints, we really want to test community concern and look into where they're actually seeing ads and where their major concern is.

Senator DAVID POCOCK: Thanks for doing that work. I remember getting pretty annoyed being bombarded with alcohol ads watching SBS and watching Alone Australia, but I certainly wasn't going to write an email and complain. You just deal with it. But am I correct in saying that you don't actually know how many alcohol ads there are on TV, streaming and video on demand?

Ms Field: We don't have those figures at the moment. So that's a really important piece for us to understand as we commence this process—to understand where those ads are taking place. To answer the rest of your question from before, we have received no complaints about alcohol advertising in any year since the 2018-19 financial year.

Ms O'Loughlin: I'm just recalling that we did do previous research on alcohol ads in—I'll take it on notice. I think we have done previous research, but I'd like to just check my facts.

Senator DAVID POCOCK: Sure. Is it a concern that the regulator doesn't actually know how many alcohol ads are being served?

Ms O'Loughlin: I think our focus will be that the broadcasters are compliant with the law.

Senator DAVID POCOCK: But how do you know, if you're not actually monitoring how many ads there are? Are you just taking it at their word?

Ms O'Loughlin: The rules are not necessarily about the quantum.

Senator DAVID POCOCK: So there's actually no limit on the quantity of ads in the code. It's just a time based thing.

Ms O'Loughlin: It's time based.

Senator DAVID POCOCK: So the number's irrelevant. You can blast as many alcohol ads as long as they're not in a certain timeframe?

Ms O'Loughlin: The code goes to allowing commercials relating to alcohol to be broadcast in any program classified M or MA, except between five am and six am and 7.30 pm and 8.30 pm. So it's really time based.

Senator DAVID POCOCK: Is that in itself a problem?

Ms O'Loughlin: That is what we want to look into—identifying where people are seeing these advertisements and whether they are within those timeframes or whether they're at other times. Or, as Ms Field said, are they actually on free-to-air television, or are they seeing them on BVOD, or are they seeing them on other streaming services, which of course, don't fall under these rules?

Senator DAVID POCOCK: The time based rules don't even apply to BVOD.

Ms O'Loughlin: That's correct. Throughout the free-TV code process, we have encouraged the broadcasters to voluntarily apply them to their BVOD services, and they have not done so.

Senator DAVID POCOCK: You have no powers to force them to?

Ms O'Loughlin: No, at this stage, we do not.

Senator DAVID POCOCK: Do you think you need those powers, if they don't?

Ms O'Loughlin: I'd comment that we find it curious that audiences can see the same program on different platforms, and different rules apply.

Senator DAVID POCOCK: Totally different rules.

Ms O'Loughlin: We've been clear previously that we think that broadcasters don't need to wait to be regulated to improve their code for their audiences.

Senator DAVID POCOCK: Finally, I've got some questions on BetStop. In October, you said you were preparing terms of reference to support this work. I was just wondering if they've been completed and if you can share them with the committee.

Ms O'Loughlin: Not at this stage. They are a work in progress. We've had a bit of a busy time, but they are certainly a priority for early next year.

Senator DAVID POCOCK: On BetStop again, we were discussing in October the case of a gentleman who had self-excluded for life and yet had been receiving emails from betting companies. When you look at them, they really are designed, it seems, to look like a credit card. It may not be an inducement or an ad, *per se*, but I think it's really questionable behaviour. You said that you would come back to me with some further information on complaints you'd received about the behaviour of betting companies, but you haven't responded to any of my questions on notice, so I'm interested to know if you have any information you can give me today.

Ms Field: I apologise. I understood that had been tabled. But I do have that information, and I can talk you through what we've done in relation to that.

Senator DAVID POCOCK: If it's been tabled, I'll just have a look at that then. What actions, if any, is ACMA taking against these companies that are doing that?

Ms Field: In relation to the particular issue that we discussed last estimates, we have assessed all of the material that was provided to the particular complainant. Not all of the material, in our view, falls within that quite narrow definition of an 'electronic regulated message' under the IGA. However, one of the messages has gone to a formal investigation, so that matter is still under consideration. Noting the issue around the distress that might cause to people who are self-excluded, even if it's not a formal inducement, we have written to each of those wagering operators and cautioned them to exercise extreme caution when communicating, even if it's required under the national consumer protection framework. We have raised the issue with the department and with the independent reviewer, because people who have excluded might reasonably expect that they would not receive any communication. So we have raised that as an issue.

Senator DAVID POCOCK: Thank you for doing that. Currently, there's a review happening. Our current laws are you can self-exclude for life, but you can get an email that basically says: 'We know you've self-excluded. Here's an activity statement. Happy punting!' Because the definition is so narrow, ACMA can't actually do anything about that.

Ms Field: That's correct, if it doesn't fall within that definition of an 'electronic regulated message'.

Senator DAVID POCOCK: Finally, a few weeks ago, a family wrote me a very distressing email about their 16-year-old son who'd stolen his mum's licence and was able to open a bank account and a sports betting account through an app. He registered his mum's ID but used his own phone number and email. He then went on to lose \$20,000. His parents are having to sleep on his floor at night because he's suicidal. How is a 16-year-old able to open a sports betting account? I thought there were requirements on these big multi-billion-dollar gambling companies to know their customers and to have checks and balances in place.

Ms Field: I'm not aware of those particular circumstances. I would be very happy, if you were able to provide that information to us, for us to have a look into that particular matter. We can certainly speak to the wagering provider. I probably can't answer that question at this stage, but we would be very happy to look into that.

Senator DAVID POCOCK: Under your powers and the current laws, what are the consequences for a sports betting company if apps fail to verify that their customers are over 18?

Ms Field: I might just ask my colleagues to come to the table.

Senator DAVID POCOCK: Sure.

Ms O'Loughlin: Senator, while we're seeking that information, as Ms Field said, we would be very happy to receive that information from you to also assess whether it's a matter for the ACMA or whether it's a matter of the state and territory licensing organisations. Because, of course, they have the role to license those organisations.

Senator DAVID POCOCK: Yes.

Ms O'Loughlin: If you're comfortable with providing us that information, we could—

Senator DAVID POCOCK: Thank you. I can do that. I guess that then brings us straight to the government and the Murphy report, which recommended a federal regulator.

Ms Zurnamer: There are no actual identity verification requirements in the IGA for the BetStop scheme. The identity verification requirements fall under AUSTRAC's purview. Those are the know-your-customer provisions that I think you're talking about, and they are a combination of anti-money-laundering and other rules that came into place, I think, in September 2024. What we have done in relation to BetStop and the IGA is we have strongly encouraged wagering service providers to keep robust identity information that they can verify, because that's very important when they try and match that information with the register, because the register operator keeps verified information. So that's where it comes in. But I think your question was: what's the penalty for not verifying? That wouldn't be under our jurisdiction.

Senator DAVID POCOCK: In terms of BetStop, it's been raised with me that if you've self-excluded and then you get caught up in the desire to register with the company, you can essentially use your middle name and your surname and that gets around the database. Has that been raised with you?

Ms Zurnamer: We are aware that some fairly determined individuals will get around the register, and there are a number of reasons that can happen. That can happen because they're using somebody else's identity verification documents, which is quite difficult for the register operator to pick up. It could be because the information that's been used to match them by the wagering service provider is not the same as the information that we're using. I can say that we're constantly working to refine the system at the wagering provider end to make sure it's resilient to some of these fairly sophisticated attempts to try and get around the system.

Senator DAVID POCOCK: Ms O'Loughlin, I know this is probably an awkward position for you to be in, but, as the regulator, it seems to me you're dealing with, in the words of Peta Murphy, 'a predatory industry', and all you can do in many instances, it seems, is just strongly encourage them to do better. Does the ACMA need some more powers and the ability to actually enforce things and crack the whip a bit?

Ms O'Loughlin: I think we've got fairly strong enforcement powers for the NSER. In our online illegal gambling space, we have quite extensive powers as well. I think it really depends on the circumstances of the matter. So, I don't really have an opinion on that.

Senator DAVID POCOCK: Thank you. Just on the questions on notice, when were they uploaded? My team just texted and said they still can't find them.

Ms Field: That might be a question for the secretary of the department. We provide our answers to the department, and then they forward them onto the next office.

Ms O'Loughlin: We can talk to the department after this hearing and check with them when they actually— we understood they had been tabled.

Senator Green: We'll find them for you.

Senator DAVID POCOCK: In terms of your strong enforcement powers, could you maybe give me a few examples of where you've used those strong enforcement powers on gambling companies who are doing the wrong thing?

Ms O'Loughlin: I'm not quite sure I've got too much information in here. I'm just going to talk about BetStop at the moment. We've used it, for example, with Unibet for failure to close the accounts of 954 self-excluded individuals.

Senator DAVID POCOCK: What happened there?

Ms O'Loughlin: We had infringement notices totalling more than \$1 million and a two-year, court enforceable undertaking, which requires them to do an independent review and implement all the recommendations of that review. For ReadyBet, we've done remedial directions. PointsBet had a substantial enforceable undertaking, including, again, implementing recommendations of independent reviews. We took action against Buddybet, who actually exited the market, and UltraBet had a strong court enforceable undertaking as well. I don't know whether my colleagues want to add anything to that.

Ms Field: I think those are the main ones in relation to the NSER. We also currently have 21 investigations open into alleged breaches of the rules relating to the NSER. So there will be additional enforcement action coming.

Senator DAVID POCOCK: You've got strong enforcement powers, but there's been one \$1 million fine, and you've ordered some other betting companies to have independent audits.

Ms O'Loughlin: And court enforceable undertakings, so that if they don't actually deliver on those, we can take further action. It is fair to say that the focus in the first year of NSER was really on the register, but we're now moving, as Ms Field said, into compliance and enforcement action. Some of them have taken some time. There are some novel issues in these processes. But we have a number of investigations before us, and we will take relevant enforcement action once we've settled non-compliance of those.

Senator DAVID POCOCK: Given we know from the Murphy report that problem gamblers are by far the most profitable, there's a relatively small number of gamblers who the gambling companies are making a huge amount of money out of. We saw Steve Cannane in the Four Corners investigation showing just how predatory it was. Are you concerned that, for someone who has not complied with BetStop with almost 1,000 accounts, a million dollar fine is sort of chump change? Is that much of a deterrent, if you have strong enforcement powers, when you're dealing with multi-billion-dollar multinationals?

Ms O'Loughlin: I don't have the details of that investigation before me, but I would say that was the enforcement action that the authority thought was appropriate given the outcome of the investigation. It's always based on what the actual case is and what we're actually finding. But we came to the view that was appropriate in that circumstance.

Senator DAVID POCOCK: It seems like there's a huge amount of work to do in this area—

Ms O'Loughlin: Absolutely.

Senator DAVID POCOCK: in terms of ensuring both that there's more regulation of a predatory industry and that the ACMA steps up and uses its existing powers to actually lay down the law to these companies that are causing so much harm in communities across the country that we all are here to represent.

Ms O'Loughlin: We take that responsibility very seriously. I would add that we've also discussed with the department—you've talked this morning about the independent review of the NSER. We've been feeding into that some of the observations that we've seen, as Ms Zurnamer said, around these really tricky issues when people are trying to get around their registration. We will continue to work with the independent reviewer to improve the NSER as we go along.

Senator DAVID POCOCK: Thank you very much for your work on this. I appreciate it.

CHAIR: On that note, we are going to move to our next agency. So, thank the officers from ACMA for your evidence.

Australian Broadcasting Corporation

[15:11]

CHAIR: Welcome. Do you wish to make an opening statement?

Mr Marks: Yes, I will. Chair and members of the committee, thanks for the opportunity to make a brief statement. The ABC remains the home of Australian storytelling, and I'm delighted to say that our 2026 slate takes that legacy to the next level. Next year, the ABC will feature over 100 new and returning titles from many extraordinary talents, showcasing the creativity and ambition that define the ABC and our nation. It's a dynamic line-up of distinctive Australian programming across broadcast and digital platforms with unmissable Australian drama and comedy, world class children's and family content, returning favourites and exciting new original formats. It means increased investment in premium television hours, increased investment in drama and more investment in original podcasts, with more long form audio storytelling.

Investment in Australia and Australian stories has never been more important, and I'm delighted that has been recognised by the federal government, with its announcement last week to provide an additional \$50 million to the ABC to invest in even more content. It is a most welcome initiative that will enable the ABC to better deliver on its charter commitment to tell Australian stories and serve Australians with rich, original work celebrating the nation's rich diversity.

It's been a strong year for the ABC. I know that awards are only one sign of progress, but the ABC's journalism excellence was recognised last Thursday, winning nine Walkley Awards, including the Gold Walkley for Adele Ferguson and Chris Gillett's outstanding investigative journalism into the shocking failures of Australia's childcare industry—reports which have already led to reforms by government. A remarkable 30 ABC journalists, programs and teams were finalists across 18 categories of the Walkleys. It is impactful, exceptional journalism of which all Australians can be proud. This week, Ipsos rankings announced that ABC News is the number one digital news brand, which has been the case for every month in 2025. ABC iview is also the No. 1 reaching

BVOD service, with 3.4 million Australians watching content on ABC iview on average each week. We are the most trusted media brand and most trusted news brand in Australia, and we're determined to do even better in 2026.

With summer underway, as an official emergency services broadcaster, the ABC's emergency team will play a vital role in helping Australians stay informed and safe during times of crisis. Our recent Darwin coverage around Cyclone Fina was a great example of the best of the ABC local and ABC emergency broadcast teams working brilliantly together for the benefit of their Top End communities. In a new development, we will be assisting other local media with emergency related digital news media content in regional and rural Australia. This is the ABC at its best, providing high quality content, vital information in a time of need and serving all Australians wherever they live. Thanks, and, obviously, I am happy to take questions.

CHAIR: Thank you, Mr Marks. I might lead off. What does the \$50 million commitment mean for your organisation? Are you able to just elaborate on that a little bit? And, perhaps at the end, just tell me what you're most excited about.

Mr Marks: I might answer the last part first. There are so many great Australian creative practitioners around this country, at all levels of our industry, and no shortage of brilliant stories to tell, and there are great little businesses, many small businesses around the country, in a great position to do it. And this is in an era of a burgeoning global content market. Australia's role in that market, I think, is very important.

We've always got more ideas than we have the funding to be able to do, and there's more that we can provide to Australians. The additional funding enables us to tap into those talented people and those ideas at a really high and exceptional level, and to be able to play an even greater role and take Australia not only to Australians but to the global market. For me, it's about the ability to work with those practitioners to realise their stories, share those stories with Australians, get that sense of themselves and their nation and that sense of Australia. It's so important, I think, to the culture of our nation.

Also, we're really focused on children's delivery. Children's content is an area that really has defaulted to just the ABC now in our nation. Serving Australian children with Australian stories, their own language, their own voices, their own identity and their own stories is so important to how they grow up into our nation. There are a range of really talented children's producers in our market who have been frustrated by the lack of ability for their stories to be realised, given the constraints that we've had in terms of funding. So, particularly in that children's area, it's about having the opportunity to invest in more stories, bring that additional children's content to Australian children and, again, take those stories globally and, hopefully, replicate the success of amazing stories like *Bluey* and, obviously, *Bananas in Pyjamas* from some time ago. To be able do that is a great opportunity, and the stories and the people to tell them are there and ready to go.

CHAIR: Can I pick up on that aspect of stories. You talked about producers and businesses. What are the types of businesses that you see this flowing down to? Is it only producers, or is there a broader ecosystem that the ABC is going to be able to support in this creative space?

Mr Marks: The creativity can come through different sources. But, generally, the Australian market is defined as a producer's market. So producers will work with writers, directors and other creators to originate and develop ideas that they'll come and pitch to organisations like ours. But many of them are small businesses. They might be organisations that are two, three, four or five people deep. Obviously, when a production happens, that will swell to 200 or 300 people working on that production. It is an amazing opportunity for those small businesses to get some consistency in their ability to get shows ordered so they can invest with certainty in their businesses, in the knowledge that there will be someone there who can buy those ideas and can take them to the global market with those producers. So it's about more certainty for that creative community. I can't tell you, having worked on that side for many years, how important it is to have that certainty as a small, independent television producer.

CHAIR: Thinking about the news market in Australia, we know that the way people consume news has changed quite significantly and continues to evolve. I understand you're launching a new service called ABC News Loop. Are you able to tell us a little bit about what that is and who it's attempting to reach?

Mr Marks: I'll start with some comments and then I'll hand to Mr Stevens, who's got responsibility for rolling out that particular initiative. We've always known that a percentage of the population, many Australians now, are consuming a lot of their content through social media services, and I don't see that stopping. It is in the matrix of media services. Social media has been on the rise, and it will continue to be a place where many Australians go to get their stories and their content and engage in those forms, particularly, I would say, younger Australians but not exclusively younger Australians.

We have to understand that part of our responsibility is to ensure that we reach all Australians with reliable, accurate news—and other content as well, but it's particularly important for news. Rather than us accepting that the ABC news brand can be one thing to all people, our thinking was that maybe it was necessary to create a new brand that might be definitionally identifiable for a different section of the audience and that might tell our stories in a different way.

I'll give you an example. If there was a story about something that happened, the general news story would be, 'This happened, these were the people involved, this is the consequence and this is what you need to know.' But a young person might approach that story in a different way. Why did it happen? What were the participants' motivations? What were the things that were driving the influence of those particular moments? The two can be very different storytelling styles not only in the distribution of that content but in the way the material is created. We felt that presented an opportunity to build into that and have a different form of storytelling that would reflect a different form of Australian audience, and that would be specifically designed for those social platforms. I think it's important that we accept responsibility to ensure that there is accurate, reliable, trusted news in those forums. Mr Stevens, do you want to add something to that?

Mr Stevens: I think you've captured everything, Hugh.

CHAIR: One of the challenges, I think, of the speed with which news needs to be delivered now in order to be relevant and in order to capture that level of interest is that it creates pressure on your ability to deliver accurate and impartial journalism. How do you balance those two challenges, or those two imperatives, that exist, particularly in the context of ABC News Loop?

Mr Marks: I think it's a good point. It's another thing that we're looking at as we consider what our news localisation approach might be and whether we should be handing more responsibility to local offices in the dissemination of local news relevant to particular communities, as opposed to something that might be through our main digital news site. I think we do give that some thought, and we're coming up with different methods and techniques to ensure quality, again recognising that not one model will fit all different styles. But, Mr Stevens, I think it's a good point for you to elaborate on.

Mr Stevens: I think every single team will follow the same editorial controls around making sure we always get things right and will follow the processes of accuracy in the endeavour of publishing news material. We've got a really talented core team working on our vertical video at the moment, and the Loop exercise will be an expansion of what they do, but they'll particularly focus on explainer journalism. We're mindful, as Hugh, the managing director, alluded to, that the majority of young people under the age of 30, as you know, are getting their news and information on these platforms. Apart from us proactively playing a role in tackling misinformation or disinformation, or where news is being generated by people who aren't in the exercise or endeavour of accuracy—we see a really important role for us to play there. It won't be about the frequency or amount that we're putting there. It'll be about when we can post something that will value-add to something that's in the news cycle that warrants and requires explanation in detail.

Mr Marks: Senator, in both of these areas, with the additional investment, there will be a return beyond that investment. The creative sector will benefit, plus there'll be more jobs, plus more international money will be attracted to our market. So there will be a multiplier on that investment, which I think is really important to understand.

Digital news and things like ABC News Loop et cetera give us another opportunity to have a content connection with the technology businesses that are operating in our market, and that enables us to work more in partnership with those businesses and reflect the importance of the ABC to them in informing them and dealing with some of the social issues that they have around social harm, polarisation, misinformation et cetera. Again, the reliability of ABC News in those places gives them the ability to work with us to mitigate some of those harms.

CHAIR: Two of the observations you've made are around trying to reach a younger audience and trying to reach audiences that perhaps haven't traditionally been reached by the ABC. In your opening statement you referred to the digital news brand and also users of the iview service. Do you break down by demographic who's engaging with your digital news brand or your iview service, and is that information that you publish?

Mr Marks: Certainly, iview is now subject to a new measurement system that was introduced by free-to-air television, which is called VOZ, which measures viewing across both linear and on-demand services, effectively as one number. So we certainly get a good understanding of the different demographics consuming content in different platforms, and it would be no surprise to anyone on the committee that the audience consuming content

on demand is younger than for content in a linear form. For some of those bigger shows I've been talking about—for example, *Fisk*. I don't know if you've seen it—

Senator Green: Of course we have.

Mr Marks: The wonderfully talented Kitty Flanagan.

Senator Green: It's very funny.

Mr Marks: That show's audience, across those two platforms, is now at an average of 3.1 million Australians. It's three seasons long. I think it's 24 episodes—I'm not sure of the exact number; it's about that. That's an incredible number. It will continue to grow audience. It'll probably get close to four million, if you look at five years out from today. That four million would equate to what the audience would be for the NRL or AFL Grand Final. So I don't want to underestimate the impact of an organisation like ours reaching a broad audience across all of those platforms, with wonderful Australian content that engages a large section of the population across all demographics. The other thing that isn't surprising is that a successful show like that will work with all demographics, not just one.

I think that we need to constantly be thinking about reaching that broad audience. We need to mean more to more Australians. We need to let go of this term 'the ABC audience' and accept that our audience is 'the audience', the Australian public, and constantly try and aspire to reach as many people as possible.

CHAIR: I'll change tacks briefly. There's a reference in your opening statement to your role as the official emergency services broadcaster, and there's obviously a significant role that you play in that regard. Are you able to tell me, basically, whether and how demand for those services have changed over recent years?

Mr Marks: Yes, sure. I'll get Mr Stevens to talk in a minute, but I'll just share one exciting development that I only just got this morning, as we were waiting to come into the committee. I understand now that the Apple Weather app is going to reference the ABC emergency broadcasting information on the app home screen in the event of an emergency service. That's really an acknowledgement by an organisation like Apple of the value that information bears to consumers and to audiences around the country. I was very excited when I saw that, because it was one of those things I didn't know was coming until it came. But, Mr Stevens, do you have anything to add?

Mr Stevens: Yes. We've got an outstanding, high-performing emergency broadcast team. They'd be just over 13 staff, and they're working 365 days of the year. They track the number and frequency of emergency events that get triggered. We track it on a financial year basis. We started tracking four to five years ago. The frequency has gone up quite dramatically, year on year, since we started measuring that. That means that the intensity and focus of covering those events has increased.

As you would imagine, over the last couple of weeks and months, the team have been very focused on preparing for summer, particularly off the back of the updated summer forecast in recent weeks. To that end, the team have added a 24/7 shift—so an overnight shift—because emergency events don't start and end in work hours, as you'd imagine. That team are our centre of excellence and authority for information, and they liaise with emergency services and also the National Emergency Management Agency. Then they are conduits of key emergency information to our regional local radio, to our cap city local radio and to our continuous output, which goes out nationally on the news channel and on the website, which the managing director alluded to. So we have a big summer ahead, but the team are ready and prepared, and they do an outstanding job.

Mr Marks: I was looking at the Cyclone Fina stuff recently. I don't know if anyone caught any of the coverage, but it was outstanding. Our local radio team in Darwin and our local news team—the office went into lockdown. They agreed to basically stay in the locked down offices and prepared to sleep there and eat there for the period of the emergency, which is a sign of the dedication of those teams to their work. They did excellent work, and there were really great results for the local Darwin community during Cyclone Fina.

CHAIR: Thank you very much for those answers. I'll share the call now with the coalition.

Senator HENDERSON: Good afternoon to you all. I'm sorry that we kept you waiting a little longer than you were scheduled. Mr Marks, I want to ask firstly about the asbestos issues with the ABC. I've just received your answer to the questions I asked at the last estimates and learned that two people have died as a result of the asbestos exposure. What more can you tell us about this obviously very serious situation?

Mr Marks: It's a horrific situation. I think it's something that concerns many corporations, businesses and governments around the country. Asbestos, obviously, is something that afflicts us all and continues to this day to have a presence in many homes, offices, buildings, facilities et cetera. I think the work that we're doing is extensive. I'll ask Mrs Kleyn to talk about this in a minute, because it's an area that falls under her direct responsibility in terms of the management of many of our facilities, but we're obviously deeply concerned for any

of our staff who've suffered loss or even the worry of potential loss that must sit at the back of your mind, having worked in some of these facilities over time. I think it's a terrible thing that affects many Australians, many businesses, many corporations across the whole country. Mrs Kleyn has been doing some work on ensuring the stability and reliability of many of our offices around the country, sometimes where—

Senator HENDERSON: Before we go to Mrs Kleyn, though, can I just ask—we've just received information. There are two people who've died as a result of exposure to asbestos. Where were those two people working?

Mr Marks: I think Mrs Kleyn is well placed to answer all your questions.

Senator HENDERSON: Before I go to Mrs Kleyn on that, I've learned the period of exposure at Elsternwick, where I worked, was between 1984 and 1990. That's been narrowed from when I first learned about this, but this is alarming for perhaps thousands of former ABC employees, particularly when ABC employees will work at more than one location. Mrs Kleyn, what further information can you provide about the two people who've died, and are any other people in a critical situation as a result of asbestos exposure?

Mrs Kleyn: First, if I can correct the record—apologies, I believe a response was provided on notice that was not accurate. Obviously, it's not a good correction, but we are aware of three deaths of staff who may have had exposure to asbestos in our Victorian sites, so I'd just like to correct that record. Again, apologies that an incorrect answer made its way through. In terms—

Senator HENDERSON: Sorry, just on that, what was the cause of death of those three people?

Mrs Kleyn: We are aware that there are three people who have died in relation to exposure to asbestos. We are aware that those individuals were at our sites. We cannot, of course, actually confirm that it was due to being at those sites, but we are aware that there have been three deaths of employees who had exposure at Victorian sites, where we are obviously working with Comcare to provide any information we can with regard to those individuals. If I could also just correct—in terms of exposure, you noted, I think, 1984 to 1989. It's actually previous—

Senator HENDERSON: No, 1984 to 1990 is in your answer, which contradicted an earlier public report about the period of exposure.

Mrs Kleyn: Perhaps I'll need to understand the question you're referring to. We were aware of exposure up until around 1978, I think it was, when we started remediating, so it's actually prior to the time period that you're referring to.

Senator HENDERSON: Well, this is the answer that I received from you literally today. You may have provided it earlier, but I only just received it today. The period of exposure at Elsternwick was between 1984 and 1990. Now, it's actually unclear whether it's Elsternwick or any other sites. So what is the accurate period of exposure?

Mrs Kleyn: Again, I apologise, because I do understand that an incorrect response was sent through. We obviously are working quickly to get the correct response—in fact, I think the correct response has been provided. I'm referring to question 2130, which I think was a follow-up to questions from you.

Senator HENDERSON: Yes, that's the one that I have—SQ25-002130.

Mrs Kleyn: Correct, yes—understood.

Senator HENDERSON: The answer says: 'The Australian Broadcasting Corporation is aware of two deaths as a result of exposure to asbestos. The period of exposure was between 1984 and 1990.' You've corrected that to three deaths.

Mrs Kleyn: That's right.

Senator HENDERSON: What is the correct period of exposure and at what sites, Mrs Kleyn?

Mrs Kleyn: The period of exposure was between the 1950s and the mid- to late 1980s, although the ABC commenced management of asbestos at Elsternwick and Broadcast House from 1978. That's the correct response, which has now been provided.

Senator HENDERSON: 1950s—

Mrs Kleyn: And the mid- to late 1980s. But we commenced management of asbestos at Elsternwick and Broadcast House from 1978.

Senator HENDERSON: Management of asbestos is different to asbestos exposure. What was the period of asbestos exposure?

Mrs Kleyn: From the time of management, we started actually managing the exposure of staff. From 1978, as I say, we commenced the management of asbestos, which would have meant that staff were informed and made aware of whether there was any danger within the site.

Senator HENDERSON: Well, this is now very confusing, Mrs Kleyn. I'm not quite sure how we would get an answer from the ABC, the most trusted broadcaster, as you say, and get such a basic fact so wrong. Clearly, you're trying to remedy those—

Mrs Kleyn: I am, I—

Senator HENDERSON: but this is not a good start. I've raised concerns about accuracy, impartiality and the dissemination of information, so I would like to understand what the actual period of exposure was. Managing an asbestos risk is different to exposure to asbestos.

Mrs Kleyn: To our understanding, the period of exposure was between the 1950s and the mid- to late 1980s.

Senator HENDERSON: What sites?

Mrs Kleyn: Our understanding was that it was in Elsternwick and Broadcast House. We are aware and we do maintain an asbestos register that actually details all of our sites. There has been asbestos in sites within the ABC.

If I may, I think there was reporting today—to be very clear, I would like to correct this because I do have concern that our staff will naturally, potentially, read that and have concerns for themselves—that indicated that there are 13 sites where the buildings are riddled with asbestos, and it may have implied that there aren't the appropriate processes in place. There are. We have an asbestos register, which is available for all staff. That's on our intranet. We keep up to date with that asbestos register. In response to our estimates hearing last time, we actually had a Comcare audit of our Collinswood site, which clarified and confirmed for us that all of our processes are in place and that we are fully compliant.

Having said that, we do have an awareness that we will have had sites—like many, many buildings, obviously, in Australia—where there will have been some asbestos exposure. We are aware of that. I can only apologise that you had incorrect information that made its way through on a question on notice.

Senator HENDERSON: Where were the three people, those who died, working—which site, Mrs Kleyn?

Mrs Kleyn: My understanding is that they were working at our Victorian sites. I'm sorry; I do not have in front of me the exact site they were working at.

Senator HENDERSON: Well, that's important. Could someone bring that information to the table.

Mrs Kleyn: Certainly. I'm sure I have colleagues watching who will provide me with that information.

Senator HENDERSON: Are there any other people with asbestos related diseases as a result of exposure?

Mrs Kleyn: There are two schemes, as I understand it, where these claims can come forward. There's a workers comp scheme, which is a broad scheme, and there is an asbestos scheme. Claims can come forward through those different areas. As that happens, there is, at times, correspondence with the ABC. We have communication with those schemes. As to exactly who the individuals are and their exact exposure, that information is not always available to us.

Senator HENDERSON: From the information that you have, how many people have an asbestos related disease?

Mrs Kleyn: I don't have information on that; I'm sorry.

Senator HENDERSON: Could you find this information?

Mrs Kleyn: We will, of course, provide the information we can on notice. I'm not sure that that information will be available to us.

Senator HENDERSON: So we don't know where these people who died worked, which site—that's important—and we don't know how many other people are potentially facing a death sentence. Surely you must have that information, Mrs Kleyn.

Mrs Kleyn: I do not wish to diminish the issue at all. We are very aware of the issue. We are monitoring the issue. There is no way for us to know who had exposure to our sites in a manner in which we may understand whether they've had exposure and are therefore unwell from that exposure.

Senator HENDERSON: No, I'm not asking that question, just to be very clear. How many people do you know of who have an asbestos related disease and who worked at the ABC at one of these sites?

Mrs Kleyn: I'm not aware—

Senator HENDERSON: I'm just talking about what your knowledge is.

Mrs Kleyn: I don't know; I'm sorry. My personal knowledge—I know the information I've been provided. We are aware of three deaths relating to staff exposure.

Senator HENDERSON: I'm going to ask you to take that on notice and provide that to the committee as soon as possible. Are we talking about dozens of people who are potentially also in a life-threatening position?

Mrs Kleyn: I don't believe so.

Senator HENDERSON: Are we talking about a few? This is obviously a very, very horrific situation.

Mrs Kleyn: We are taking it very seriously, and I completely appreciate the concerns that people have. We have done a number of things to try and make contact with former employees where possible. We've also asked employees, where they're comfortable to do so, to come forward and register with us. We have provided information as to how former employees may be able to seek medical assistance, and also the ABC has offered to reimburse people for that medical assistance. So we have put in place a number of things, where we can, to contact former employees and make as many people aware of the situation as we can.

Senator HENDERSON: OK. Well, I think it's important that our committee is apprised of all information in relation to this issue. You would appreciate that I asked these questions last time. I was told that you couldn't reveal this information, which I thought was not open to you to answer the question in the way that you did. We now know there are three people who have died. What support have you given to the families of those three people?

Mrs Kleyn: If I could, I've just been informed by a colleague that all three related to the Elsternwick site. I'm just confirming that on the record. With regard to support, where we are able to and where we are aware of who the individuals are, we have made contact with the families. We've obviously offered our support where we can and our condolences, and, of course, the families are compensated financially through insurance schemes.

Senator HENDERSON: What compensation has been paid to the families?

Mrs Kleyn: That wouldn't be information that we have available to us, because that's managed through the insurance schemes.

Senator HENDERSON: You don't have any information about what's been—doesn't the liability indirectly still rest with the ABC?

Mrs Kleyn: No, it doesn't.

Senator HENDERSON: No, I realise it would be through your insurance scheme. Are you talking about Comcare?

Mrs Kleyn: That's right, through Comcare, yes.

Senator HENDERSON: So you've got no knowledge of what compensation has been paid?

Mrs Kleyn: No, I don't. It's managed through the insurance schemes.

Senator HENDERSON: What years were the three people who died working at Elsternwick—which, of course, is where I worked at the ABC in Melbourne?

Mrs Kleyn: I apologise; I'm not sure who the individuals are, so I'm not sure what years they were actually working at the site. Again, I must stress—and I do not wish to diminish this issue at all—we're aware of three people; we are providing as much information as we can to Comcare; we don't know if there is a direct relationship to the site.

Senator HENDERSON: Mrs Kleyn, on notice, could you please provide this committee with all correspondence, all briefs, all advices, all emails—every single piece of documentation you have in relation to this matter.

Mrs Kleyn: Of course we can. Again, I appreciate that some of the information is still coming through. We have provided an extensive amount of information in response to questions on notice, including the links to our asbestos registers and the like, so there is quite a large amount of information that has come through. But, of course, the team will go through all of that and provide—

Senator HENDERSON: I've seen all of the sites where asbestos has been identified. There do seem to be a number of regional offices where there is asbestos, which concerns me. I'm not asking for any identifying information; I'll ask you to address this question in a broad sense. What types of work were the three people who died doing? In other words, were they working in studios? Were they working in offices? Were they working in facilities? Have you identified the hotspot of the asbestos exposure at the Elsternwick studios?

Mrs Kleyn: I'd have to take that on notice.

Senator HENDERSON: Okay. You've included some correspondence from a number of people who've made inquiries about the support and the testing and the like. One person's name has been redacted, but there was actually a graphic which included that person's name—I'm not going to say that person's name—underneath the redacted name. It was a graphic that identified this person. That's another very big error the ABC has made in providing answers to questions on notice, which identify someone who's concerned about their own health and has written to you. I have no issue about you just providing us with this correspondence, but it should be properly redacted.

Mrs Kleyn: Understood.

Senator HENDERSON: Who is managing your responses to this committee? Who clears them?

Mrs Kleyn: There were clearly errors made in the provision of these particular responses. And we will manage that accordingly. Again, I apologise.

Senator HENDERSON: Who was responsible for clearing these responses?

Mrs Kleyn: I would not know the exact name of the person who cleared these responses.

Senator HENDERSON: Is it in the management? Can you give me the description of the person who does this work?

Mrs Kleyn: There are a range of people within our organisation who prepare and provide responses. They are then checked. In this instance, unfortunately, the incorrect response was sent.

Senator HENDERSON: What has been done to remedy the asbestos in the offices where asbestos still exists?

Mrs Kleyn: In all of the offices where there is still the existence of asbestos, asbestos is properly captured in an asbestos register. It's labelled where it is. We follow the right processes with regard to the checks, which are every five years. But, of course, if there is any other activity that happens in the intervening periods where the asbestos could be disturbed, we go through all the appropriate processes in that regard. We maintain the asbestos register. It is kept up to date. As I said, we have, most recently, had an inspection in Collinswood from Comcare, and Comcare have confirmed that all is in order and that we are compliant.

Senator HENDERSON: I appreciate the point you've made, Mr Marks, that many companies face this situation, particularly companies which operate out of very old buildings. I totally appreciate this, but this is still a pretty grim situation.

Mr Marks: It is. As Mrs Kleyn has mentioned, we're not necessarily in control of the information, the resolution or the unfortunate dealings with many victims, as that's obviously a broader Commonwealth government Comcare matter. So, as much as we'd like to be in control of, obviously, relationships with staff of the ABC over many years, some of them choose to go directly to Comcare; some of them will choose to liaise with the ABC. The whole area, I guess, across the economy, across all areas, was problematic—and not just locally, but across the world.

It's a difficult area. We are doing our best to remedy and rectify and also allay any fears of staff at the moment. As Mrs Kleyn said, the register is available. There is an ongoing work program to ensure that there is no exposure to asbestos that would be harmful. That program is constantly being assessed and reviewed, and we will continue that exercise until we can get rid of asbestos off every premises. But it takes time, as we all know.

Senator HENDERSON: I'll hand over the call, Chair. Senator Nampijinpa Price seemed to have some questions.

CHAIR: Understood. I understand Senator Payman has about 10 minutes of questions. I'll give you the call till the break, Senator Payman. We'll come back after that, and then we'll restart again.

Senator PAYMAN: Good afternoon. I've got a few questions about ABC's X—formerly Twitter—account which, under 'About this account', says that the account is based in Ireland. Do we know why it's based in Ireland?

Mr Marks: Mr Stevens, I don't know if you have an answer to that one, but—

Mr Stevens: We'll have to take that on notice. I wasn't aware that it says that. If it does say that then I'm sure there's a good reason, but we'll come back to you.

Senator PAYMAN: Okay. Do you know if the ABC uses a VPN to access X?

Mr Stevens: Not that I'm aware of. I access X periodically myself, much to my internal regret. But you don't need a VPN to access it. So I'm puzzled about and interested in what you've seen, and we'll follow it up.

Mr Marks: I would assume that's Twitter resident or domiciled in Ireland for tax purposes—X, sorry, as that's now called.

Senator PAYMAN: It is the official handle, the @ABCnews account, that I'm referring to. If you could—

Mr Stevens: I can assure you that the people running that account are in Australia, not in Ireland, as far as I'm aware.

Senator PAYMAN: I would love to know, if you are using a VPN, what the provider is, what annual expenditure is used on that VPN and why you would need to use a VPN to access X. I understand you'll take that on notice. Which social media platforms is the ABC active on?

Mr Marks: Mr Stevens?

Mr Stevens: A myriad of platforms—and we're there because, as the managing director alluded to, a large portion of Australians are only ever getting their information on social media and will only ever get it there. So we provide news and information on these platforms, particularly via Meta on Facebook and Instagram. We've reduced our presence on X periodically over the last five years, given it's become a much more toxic place where it is harder to engender a positive discourse. We do retain a presence, though, rather than abandoning it completely. We also recently ran a trial, which we've extended beyond that, on Reddit, where a lot of people are discussing news and information. Then we have a presence on TikTok. Of course, YouTube is a major gateway into the public in terms of consumption, for news and information and also for general content. We have a number of accounts; we can take on notice and list them for you, if helpful.

Senator PAYMAN: Yes, that would be very helpful. You've said that you are not as active on X—as in ABC, not yourself personally. Which social media platforms, if you could take this on notice as well, does ABC have a presence on but not actively use? A conclusive list would be helpful. How many ABC staff deal with social media?

Mr Stevens: A large number, and they're doing a variety of things. For instance, we have a small group of staff that are doing a superb job moderating comments, for instance. That, as you can imagine, is not the most pleasant job, but they do a fantastic job moderating. We have staff that are involved in the distribution of content across video and audio, for audio third-party platforms as well as video. We also have specialised staff who are expert in creating content for those platforms as well. We're trying to expand the skills and acumen of staff across the board to be able to access these platforms, because it's a major priority for us.

Senator PAYMAN: Absolutely. How many staff would you say you've got?

Mr Stevens: I would not want to guess. We can take that on notice as well. There would be a smaller number of staff that are specialising in it, such that they're spending all their workday on it. There'd be a large number of staff that have a small amount of interface with the platforms but are touching it at some point as well.

Senator PAYMAN: How does ABC decide which post it disables replies to?

Mr Stevens: You might be aware—I'm sure you are—that there was a significant legal decision, a few years back, which meant that publishers are legally responsible, in a defamation sense, for what people post by way of comments. Unfortunately, this means that, if there are inflammatory or defamatory comments on our posts, we bear the legal responsibility. We don't have the number of staff to be able to moderate all of the posts and all of the potentially inflammatory comments. We can anticipate where there's a higher risk in regard to inflammatory comments or legally risky comments. Having said that, we will always try to minimise the number of comments we switch off because, firstly, the third-party platforms will deprioritise the posts, and, secondly, it's engagement with the public and our audiences, and having a direct link in is critically important for us. So it's a great shame that we have to do that, but we do it reluctantly.

Senator PAYMAN: Is ABC concerned with being held liable for defamatory comments made on its pages following the High Court upholding the decision in Voller? Is that what you were referring to earlier?

Mr Stevens: Yes.

Senator PAYMAN: On that, I understand that you don't have the number of staff you'd like to. I think we would all love to have the number of staff to be able to moderate our social media commentary. To what extent would you say that those profiles that you're able to moderate are moderated on social media?

Mr Stevens: I wouldn't put a percentage on it, but I'll take it on notice. What I'd say is that we always endeavour to try and keep comments open. So, often, we'll keep comments open for a period of time, and then, if it's unmanageable, we'll switch it off. Sometimes, from the risk and our experience of some topics or issues or matters that might be before the courts, for instance, we would know that there's no benefit or upside in taking that risk. We can give you a breakdown of the percentage. We would far prefer to keep the comments open, because we're all about engagement. We have to manage that against the legal risk, because obviously the public would expect us to not carry immense legal risk over that on a consistent basis if we could avoid it.

Senator PAYMAN: Thank you. That's all from me, Chair.

CHAIR: Senator Henderson.

Senator HENDERSON: Mr Stevens, good afternoon. I'm so delighted to hear that you're finally taking note of comments on social media accounts, because, for maybe three or four years, I've raised concerns about the publication of defamatory comments, which were just being given free flow across a number of ABC platforms, but particularly on the Twitter, now X, account. When did you make that change?

Mr Stevens: I wouldn't be able to put a specific date on it. I would say that the inflammatory abuse that you and other politicians have been subjected to is outrageous and unacceptable. Certainly, after the legal case and decision, there was a very intentional change in the policy around moderating comments. As you would also appreciate, there's a huge number of comments to moderate, and the moderators can't necessarily keep track of every single comment simultaneously. I can give you further information on those.

Senator HENDERSON: If you could. It is almost impossible to moderate every comment if your accounts are left open indefinitely, but I just make this point—and many of my conversations were with your predecessor, for a very long period of time. You've got however many lawyers—50 or 60 lawyers—at the ABC. The ABC was publishing—and I'm less concerned about the offensive comments; that's not really the point—really grossly defamatory comments, many grossly defamatory comments, exposing the ABC to risk of defamation, clearly, without any regard to your legal obligations or to your legal liability. So I would be interested to know when you made that change and any advice that accompanied that change, please. If you could, provide a copy of any advice or any other relevant correspondence.

Mr Stevens: We'll certainly do that.

Senator HENDERSON: Thanks, Mr Stevens. I just wanted to clarify that particular point, because you want to go to a break, don't you, Chair?

CHAIR: I do. I don't think we've got any other questions in the room. So are we able to—

Senator HENDERSON: We've got other questions. I just sent one senator away because I thought we were going to a break at four o'clock, but I've got plenty of other questions.

CHAIR: Let's not use time on that basis exclusively.

Senator HENDERSON: I just thought we were going to break at four.

CHAIR: We will go to a break. We'll be back and we can have a discussion about how we recover the program quickly. We will break now. Mr Marks and colleagues, you will still be required to come back after the break.

Proceedings suspended from 15:59 to 16:17

CHAIR: Senator Henderson.

Senator HENDERSON: Mr Marks, we just had a brief chat during the break in relation to the email that I raised about the asbestos issues with the ABC. I referred to an email that had been sent to the ABC and to the fact that there was an identifying graphic underneath. It appears that it is a person who works at the ABC, but the name in the identifying graphic is not the person—it was promoting the program. I just want to clarify that that graphic does not identify the author of the email. You can see why there was some confusion. It was sitting in the signature block of the person who wrote the email.

Mr Marks: We need to stop attaching names to the shows so that that doesn't happen.

Senator HENDERSON: Well—yes. It looked like that person was identified by way of a graphic sitting under their signature. Anyway, that's good to know. Thank you for clarifying that for me.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Mr Marks, I have a couple of questions with regard to things that were brought up during your National Press Club address on 19 November. You said:

We are not beholden to political patronage or commercial investment or touchy advertisers.

You added:

We are funded by, and for, the public.

Does the ABC take any advertising revenue from YouTube?

Mr Marks: Yes. For some of the clips that play on YouTube that contain ABC material, we do receive a share of income, in accordance with YouTube standard practice, that we get in to our revenue—yes, we do.

Senator NAMPIJINPA PRICE: Is that in conflict at all with your charter?

Mr Marks: We have no relationship with the advertiser. The only restriction that we are able to place, as the public broadcaster in that situation, is that we are able to limit the categories that YouTube might be able to deal with. For example, gaming is something that we would say that we don't want, in any way, associated with our content. Of course, we could also, potentially, switch off advertising completely, but that would be inconsistent with the way audiences are generally consuming that content on YouTube. There is no relationship with the advertiser. It has no impact on our editorial. We don't have any concern with that advertising relationship, so we are truly independent of any of that revenue.

Senator NAMPIJINPA PRICE: So there's a switch-off from gaming. Is there anything else that—

Mr Marks: I think there's alcohol. Mr Fang, are there any others that we've specified?

Mr Fang: Alcohol, firearms and, obviously, we wouldn't be associated with pornography and the like.

Senator NAMPIJINPA PRICE: Is that everything? Can you perhaps provide a list on notice of all of those?

Mr Fang: I'm happy to update you with the full list.

Senator NAMPIJINPA PRICE: In your National Press Club address speech, you said, 'We craft narratives that inform Australians about their society, our institutions and issues that matter.' On 10 November Patricia Karvelas published a column that was identified as analysis—not opinion. What narrative was she trying to craft when she stated that former Liberal leader Peter Dutton had an 'authoritarian style' and led the party with an iron fist?

Mr Marks: Obviously, Patricia is a very experienced part of our journalistic team. As such, analysis that she undertakes is often contextualised to whatever point she's making. I'm not particularly aware of the article that you referred to. Maybe, Mr Stevens, you might have a look and see if you can find that particular article. But often our experienced journalists will make comments that are the subject of analysis that give the particular article some context. I can only assume that was the context that she was looking for. Again, I'm not aware of the details of that particular article. That would be borne out by the rest of the article that she's written.

Senator NAMPIJINPA PRICE: Would you consider that such characterisations are fair and impartial? Could it be viewed as activism?

Mr Marks: I don't think so. I think her comment would be that she'd been trying to draw what would be factual—things that she thinks are facts—borne out by the work, the context, the article that she's done. I don't think it would be activism. I think she's trying to be factual and provide audiences with some context to the material she's writing.

Senator NAMPIJINPA PRICE: Interesting. I suppose you could probably never see such a characterisation being put about the current prime minister. That wouldn't necessarily be a thing that you'd probably view from the ABC.

Mr Marks: I can assure you that if the current prime minister were to undertake conduct that would be viewed in a similar light, or in the light of the views of Patricia Karvelas, I'm sure she would not be afraid to draw similar conclusions.

Senator NAMPIJINPA PRICE: I won't hold my breath. In the same analysis piece, Patricia Karvelas described the Liberal Party's policy process to retain or dump net zero as an 'act of self-harm'. Ms Karvelas went on to quote Liberals Roshena Campbell and Senator Maria Kovacic, who both support keeping net zero, but didn't quote any Liberals who wanted to dump net zero. Ms Karvelas's analysis piece was clearly an endorsement of net zero, I would think. Was there any reason why Ms Karvelas omitted any discussion on the impacts of net zero to the economy, to power prices and perhaps even to the environment?

Mr Marks: Based on the information you just shared, I would imagine that that article was an analysis of the political outcomes or motivations related to decisions that were made or announcements that had been made. It's not a reflection on the rights or wrongs of that as a policy—just on the political outcomes of those decisions. Again, as a senior political journalist and as someone who's been with this industry for many years and has earned the right to make that sort of analysis, I would imagine that's what she is directing her comments towards—what the political implications of this are, as opposed to whether it's the right or wrong thing for environmental or other reasons.

Senator NAMPIJINPA PRICE: Just lacking contribution from the other side of the debate, I suppose. Would you consider Ms Karvelas's piece to be fair, impartial and objective or was the ABC trying to, in your words, craft narratives?

Mr Marks: Yes, I think she's certainly doing a piece of political analysis from the information she's sharing with me. To give you a better answer, I'd have to review the article in detail to be able to really get into the

thinking and the narrative that she's creating. But it does sound to me like it's an analysis of the political implications of decisions for the party and the parliament; it's not an analysis of the rights and wrongs of net zero or the rights and wrongs of environmental policy. It's sounds like a piece of political analysis, which is entirely consistent with—

Senator NAMPIJINPA PRICE: Of one side of the debate.

Mr Marks: She's not dealing with the debate of net zero being right or wrong. She's dealing with what the implications are for a political party of a particular decision.

Senator NAMPIJINPA PRICE: I suppose I'm not sold. On the *Politics Now* podcast on 14 November, Patricia Karvelas and Mel Clarke discussed the Liberal Party room dumping net zero. Mel Clarke said, 'They've ended up with a nonsensical policy,' and Patricia Karvelas said of Sussan Ley, 'She looks like she stands for nothing.' Was there any reason, do you think, that Patricia Karvelas and Ms Clarke omitted any discussion of the impacts of net zero on the economy, power prices and the environment? Can the ABC confirm whether it has taken an official position to endorse net zero?

Mr Marks: We don't have a position on anything in response to the last part of your question. It's not our position to do that as an organisation. Again, on the article you're referring to, it's a piece of political analysis of the political implications of decisions for the players involved; it is not an analysis of the rights and wrongs of net zero or otherwise.

Senator NAMPIJINPA PRICE: There's only one side of the argument. That's correct.

Senator HENDERSON: But it's still not impartial analysis. Analysis still has to be impartial, Mr Marks. That's a statutory obligation of the ABC in relation to all news and information disseminated. That's the very point that Senator Nampijinpa Price is raising. Of course, it's open to journalists to present analysis, but it's got to be done on the basis of all of the relevant facts. I think the point that Senator Nampijinpa Price is making is that there were a whole lot of facts that were not referenced or even considered in that analysis. That's not impartial, Mr Marks.

Mr Marks: I guess the argument you're making, and Senator Nampijinpa Price would be making as well, would be that for that analysis to be correct, the relevant journalist would need to also consider the alternative political implications of making that decision or not. I haven't got the article in front of me. I would think, on balance, the work that they're doing has led to the analysis and the conclusions that you've stated. Again, to really give an in-detail response, I'd need to look at the article, but it does sounds to me like political analysis and a reasonable conclusion from their work on the decision that's being made and the political outcomes of that. Again, it is not referring to whether or not net zero is a sound environmental piece of legislation.

Senator NAMPIJINPA PRICE: Can you point me—you might have to take this on notice—to an article or an interview that does present an analysis of the alternative view from the ABC?

Mr Marks: The alternative view that you're arguing would be: has the ABC considered that the coalition party room dropping net zero as a policy would be arguable on political grounds? I'll have to look and see whether we've made that sort of—

Senator NAMPIJINPA PRICE: I'd be very interested to know if you have, for this committee and for the points you're trying to make as well—

Mr Marks: Of course, I guess not all—

Senator NAMPIJINPA PRICE: on the basis of impartiality.

Mr Marks: No, I understand the point that you're making. I guess there's also a point here which is that not all perspectives are necessarily equal when it comes to analysis. Some perspectives will have a stronger view, based on the experience and work of the journalism involved and the people involved. Some will have a lesser perspective.

I don't know if you're aware of this—

Senator ANANDA-RAJAH: It's all based on the science and the evidence.

Senator NAMPIJINPA PRICE: Thank you.

Mr Marks: I don't know if you're aware of the details of this.

Senator NAMPIJINPA PRICE: You don't get to speak on behalf of the ABC.

Senator ANANDA-RAJAH: You're either for climate change or you're a denier.

Senator NAMPIJINPA PRICE: Excuse me, but this is my line of questioning.

Senator ANANDA-RAJAH: You can't be neither.

Senator NAMPIJINPA PRICE: This is my line of questioning that you're interrupting—

Senator ANANDA-RAJAH: You're saying that there is this balance—

Senator NAMPIJINPA PRICE: and you don't have to speak on behalf of the ABC.

CHAIR: Senator Ananda-Rajah, thank you very much. Senator Henderson.

Senator HENDERSON: I think what Senator Jacinta Nampijinpa Price is raising is that it's less concern about the conclusion but that it goes back to that notion of fair comment. Fair comment means: 'Look, we can reach a view based on an analysis, but it's got to be fair.' Mr Marks, what seems to be missing here in Ms Karvelas's analysis is any consideration of, perhaps, the benefits of dropping net zero. I'm not suggesting that her analysis would necessarily reach the same conclusion that we as a political party have reached, but this is where I would suggest the ABC crosses the line. It's a bit like someone else at the ABC giving a glowing endorsement of a coalition policy without considering what the government was doing. The same thing would apply. For the national broadcaster to properly, accurately and impartially analyse any issue, all sides of the argument need to be properly considered and weighed up, and that is what's missing in a lot of the ABC's journalism, I would put to you.

Mr Marks: Yes. I'll ask Mr Stevens. He may have more knowledge of the particular article that Senator Nampijinpa Price is discussing. I'll ask him to comment in a minute, but, again, I'll just make a couple of comments. I think these journalists in particular do do strong analysis and commentary, and they do form comments. Again, every article doesn't need to reflect every different perspective because—

Senator NAMPIJINPA PRICE: It really does. That's the point I suppose.

CHAIR: Let him answer the question, Senator Nampijinpa Price.

Mr Marks: Well, not all perspectives are equal, and that's the point I was making. Again, it might be that, in a particular context, where one article might draw a different conclusion, there may be another article that might inform other sides or a different perspective of the argument. Mr Stevens, do you have anything to add?

Mr Stevens: Yes. Senator, thanks for your questions. I think the first thing that's important as well in the context of the analysis is: what is the focus of the issue that's being discussed? The focus of this particular article by Patricia, who, I would add, is an outstanding and impartial political journalist, was about the inner-city seats that the Liberal Party have lost over time—quite drastic losses, which you'd be aware of, over a number of years. It was grounded in expert analysis from strategist Tony Barry—who used to work for the Liberal Party, I'd add—and it was looking at the unfolding debate in your party over a number of weeks, where, to be fair, the policy position was completely unresolved and unclear. It tried to look at, depending on and subject to where the party landed on net zero, what the ramifications might be for inner-city seats or people prospectively from the Liberal Party room or from the Liberal Party outside of the party room trying to win those seats back. The two people that she had on the record, I would add, beyond Tony Barry, who used to work for the Liberal Party, were Liberals. I think one was the Liberal deputy mayor in Melbourne, and the second individual was a Liberal Party member too.

Anyone who watches *Afternoon Briefing* or reads PK's writing knows that she is incredibly objective and impartial. I would encourage people to read the raw article rather than going off the commentary that has sat around it from Sky and others.

Senator HENDERSON: There's no suggestion—

Senator NAMPIJINPA PRICE: I haven't suggested—

Senator HENDERSON: that Senator Nampijinpa Price is being informed by Sky News, Mr Stevens.

Mr Stevens: I'm just putting that on the record that—

Senator HENDERSON: Well, hang on a minute.

CHAIR: Hold on, Senator Henderson. I was listening to that quite carefully. I don't think he was suggesting that the senator was doing that either.

Mr Stevens: I said it more generally.

CHAIR: He was speaking more generally. Senator Nampijinpa Price.

Senator HENDERSON: You might happen to know what an imputation is, Mr Stevens, so cut it out.

Mr Stevens: I would discourage an overreaction to that.

Senator HENDERSON: Cut it out, okay?

CHAIR: Senator Henderson, there's no need for that. I am chairing this committee—

Senator HENDERSON: There is.

CHAIR: and, as I said, I made a ruling that that was not directed at the senator. Senator Nampijinpa Price has the call, but you shouldn't—

Senator HENDERSON: It wasn't a ruling.

CHAIR: Well, it's open to me to say that you ought not interrupt the witnesses while—

Senator NAMPIJINPA PRICE: I'm on the receiving end and that's how I view it. So thank you.

CHAIR: You're welcome to respond to that too, Senator Nampijinpa Price. But before I come back to you, Senator Henderson ought not come over the top either. Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Within the context of impartiality, it would be helpful perhaps if the ABC sought out—of course there are other individuals that have a different perspective that live within the inner city, I'm sure. I suppose that's what I am getting at. I think we've done that question. I'll go to the next one. On Monday 20 October, an article appeared in the ABC News online covering demonstrations in Melbourne the day prior, which saw clashes between the leftist group Campaign Against Racism & Fascism and the conservative group March for Australia. That article described the March for Australia group as anti-immigration. Was an editorial decision taken to falsely portray this group as anti-immigration when in fact they were protesting mass immigration, which is clearly stated on their website?

Mr Marks: Senator, you draw a distinction between words. Again, I'd have to look at the article and get a context for the rest of the article and the protest in question. I don't know if you have reference to that particular article, Mr Stevens.

Mr Stevens: We will look specifically at the article. I know that we've covered a number of these protests, Senator. We can have a good look at the one you've identified. I think what's clear is journalistically what we've shown through these protests, including ABC News Verify, which has done some really forensic work looking at who the individuals are behind organising various rallies across the last six to 12 months—not necessarily the one you've specifically mentioned—is that there are certainly people attending the rallies that have general concerns about immigration. But certainly what our work and journalism have shown is that often at rallies—again, I preface that with I'm not sure if it's specifically the one you mentioned—there are extremists and Neo-Nazis often in attendance who have extreme anti-immigration and racist views, and we report on that as well.

Senator NAMPIJINPA PRICE: Absolutely, but they, who the Australian people that participate in these marches and don't like being misrepresented through our national broadcaster also condemn, are not running these marches. The article went on to say:

Two police officers suffered injuries as they tried to keep the groups apart at the northern end of Melbourne's CBD.

Commander Wayne Cheeseman said officers were pelted with rocks, glass bottles and rotten fruit and responded with pepper spray, rubber bullets and flashbangs to subdue protesters.

When one reads the ABC's article, one could be mistaken for thinking both groups attacked police. On the Sunday afternoon, Victoria police commander, Wayne Cheeseman, said at a conference: 'The people that came to pick the fight with police were the issue motivated groups on the Left. I can tell you that the March for Australia group—they were peaceful, they were engaging, they listened to our instructions, they did what they were told, and they protested by example.' Yes, Commander Cheeseman's comments were covered in an ABC online article on Sunday 19 October, but that context was not included in either the online article on the 20th or the ABC News Breakfast coverage on 20 October. Again, what I take issue with—on behalf of Australians because I get a lot of correspondence from Australians—is that they are often misrepresented, particularly so with these marches. Yes, we condemn groups that call themselves Nazis for their conduct and their behaviour, but why isn't our national broadcaster also highlighting the behaviour of violent groups that belong to the Left and level the same condemnation to these groups as well?

Mr Marks: It sounds like the body of work did end up with that conclusion. Sometimes these things happen live and in the moment, and sometimes articles evolve, the coverage evolves, and the facts become more evident. There's a huge pressure on journalism now to be live and in the moment. Sometimes those things aren't addressed at the moment, but they are addressed over time. In relation to—

Senator NAMPIJINPA PRICE: I'm sorry, Mr Marks, but you just described to me the fact that you look into these individuals with great detail. You only just caught up with that after the fact. It was the same interview, which was already reported on at the same time.

Mr Marks: Yes, but it does sound like we got the facts, and we got the facts right. On the net zero thing, I watched 7.30 last night with Senator Canavan on the program. I think he gave a very good interview about the party's position on the matters that we discussed before. So, you know, over the—

Senator NAMPIJINPA PRICE: You get there eventually.

Mr Marks: Our obligation is to ensure that we do bring relevant perspectives. My point is we are bringing the relevant perspectives to the audience from different sources. That's just the way that these sorts of things happen. Again, we need to ensure that the journalism of our particular journalists that are able to bring conclusions are able to do so, but the organisation itself does cover these matters. I can assure you an incredible amount of work goes in every day for our people to try and ensure impartiality. I know this is something that Mr Fang spends a lot of time on in relation to the organisation as a whole—reviewing our balance across the body of our work. We can be proud of the body of the work. Will we get it right every time? No, we won't. There always will be things we can do better, but the body of our work entirely across the organisation stands for the impartiality of the organisation. Mr Fang, if you have any data or facts you want to add to that particular—

Mr Fang: As you know, Senator, we have a publicly available and transparent complaint process through the ABC's ombudsman which regularly reviews our content. The audience is also able to complain about issues with the ACMA. We have had few, if any, bias findings or breach findings for impartiality. Yes, we have had some findings from the ombudsman's office about accuracy issues, and we accept those. But overall, over the course of our coverage of all of these issues and, more broadly, the stories that we cover, we have very limited, if any, bias or impartiality breaches that have been found by the independent ombudsman.

Senator NAMPIJINPA PRICE: How many complaints have you received so far this year? Can you take that on notice?

Mr Fang: No, I can help there. The ABC Ombudsman put out a 12-month report, which is publicly available, which captures the 2024-25 period. There are editorial and content complaints—sorry, there are content complaints and general complaints, so content complaints about editorial matters. Of those, there were around 4½ thousand issues that the audience complained about for that period. The ombudsman office investigated a high proportion of those complaints, and we had 18 stories over that period that were found to be in breach of our editorial standards. So that's 18 out of the many, many thousands of hours of content and stories that we create every year.

Senator NAMPIJINPA PRICE: Still 18, I suppose. On the ABC *Insiders* program on 16 November, *Sydney Morning Herald* journalist James Massola said: 'Fun fact on the nuclear plan. Peter Dutton's plan was, well, Labor said, \$600 billion or so.' Mr Massola then went on to make a comparison with Labor's plan for solar and batteries, pointing out how unaffordable the coalition's nuclear plan was. Mr Marks, in your National Press Club address on 19 November, you said you wanted the ABC to be the No. 1 source of facts and truth. That \$600 billion figure has been widely exposed as a lie—one conjured up by the Smart Energy Council, a renewable energy lobby that has donated money to Labor. Indeed, Labor's plan was almost \$600 billion, and the coalition's plan was \$331 billion—44 per cent cheaper—as per the modelling done by independent Frontier Economics. Was the ABC seeking to perpetuate a false narrative when *Insiders* host David Speers didn't take the opportunity to point out the Smart Energy Council's lie or provide additional context around Mr Massola's remarks?

Mr Marks: I would say that those particular numbers have been subject to much discussion and editorial review and analysis by various parts of the ABC organisation over many months and over a long period of time. I don't think anyone who has been consuming content on the ABC would be unaware of the perspectives around those particular issues. I can't talk to that particular instance, but I know from my own experience that those matters have been covered extensively across the organisation.

You're raising an important issue. There's an important issue for the ABC as we go forward. The organisation represents a significant player in the news and current affairs elements. I do think there is an opportunity for us to do more content. I do think there's an opportunity for us to provide that town-square element better, and I do think there's an opportunity for us to offer more perspectives as part of that town square. That's something Mr Stevens and I have been discussing at great length, and it's something we're committed to ensuring—that we invest in that space to ensure that we do have those opportunities for those objective perspectives to be considered and relevant with a view to outcomes and solutions. I do feel that's something that we're really focused on—improving our effort.

Senator NAMPIJINPA PRICE: On that point—which I was just about to bring up, in fact—your comments about the 'nation's town square' in the National Press Club address were that it is 'where everyone has a place and

every Australian matters'. Can you name any ABC presenter, especially on the ABC's news and current affairs television programs, who you would consider to be conservative in their thinking?

Mr Marks: I don't know that that's the right question for us to ask, because, again, what any of our people think should be irrelevant. What I think should be irrelevant. The assessment should be based on the work, which is your point. An example of a show that did something effectively when it started was—

Senator NAMPIJINPA PRICE: Is Tom Switzer still a presenter on one of your programs? He's of that sort of leaning. There's one easy one for you. I gave you the answer. But is there anyone else that you might consider—

Mr Marks: I imagine you'd be surprised as to the nature of people's personal views in the organisation, but, hopefully, you'll never know, because personal views should not come across through the content.

Senator NAMPIJINPA PRICE: Well, wouldn't that be wonderful! It would be wonderful if that was the case. Unfortunately—

Mr Marks: And that is our aim.

Senator NAMPIJINPA PRICE: it doesn't feel that way.

Mr Marks: But I do feel this question of perspectives is really interesting. At its best, *Q+A* enabled that to happen—when it started—and Twitter, as it then was, in its infancy, provided a great mechanism for ordinary Australians to also get involved in that debate. We really could see not only expert perspectives but also perspectives of ordinary people. We've lost that a bit in our television coverage in terms of the opportunity to have those town squares. That's something we've got to do more of.

CHAIR: Senator Nampijinpa Price, I want to check how much more you've got, because I will share the call.

Senator NAMPIJINPA PRICE: I have two more questions, at the most.

CHAIR: Okay. Why don't we finish with Senator Nampijinpa Price before we share the call with Senator Ananda-Rajah, and then I'll come back to you, Senator Henderson.

Senator HENDERSON: Thank you.

Senator NAMPIJINPA PRICE: The ABC's *Insiders* panel features journalists from various media outlets like Fairfax papers, the *Guardian* and, less frequently, the *Australian*. When was the last time a Sky News journalist appeared on *Insiders*, now that you've mentioned them? Has a Sky News journalist ever been invited to appear on *Insiders*?

Mr Stevens: Thanks for your question. I suppose the first thing to point out is that the anchor of *Insiders*, David Speers, worked at Sky for a number of years.

Senator NAMPIJINPA PRICE: Had worked at Sky.

Mr Stevens: In regard to the panel, we'll have to check with the team. My understanding, second hand, is that Sky may—or may not—have exclusive arrangements with some of their journalists, so journalists and presenters for Sky are only at liberty to speak to Sky.

Senator NAMPIJINPA PRICE: Is that something you're aware of? Is that because you've invited—

Mr Stevens: I know that, in a previous role, I approached an individual at Sky for an interview on the ABC and was told they couldn't—I was told they could only appear on Sky, due to their contractual arrangements.

Senator NAMPIJINPA PRICE: That would be interesting to know. There are plenty of guests that are Sky News guests that would probably be good to have appear on the ABC at some stage too, I imagine.

Now, I'd like you to take a question on notice. To reassure the Australian public that the ABC is impartial, non-biased and balanced, can you please provide this committee with a list of panellists who have appeared on *Insiders* this year. Please also indicate how many times they have appeared and, against each name, whether the ABC executive leadership's team considers the panellists to be of a left or right political persuasion.

Mr Marks: Again, I would hope that we're not, for the program of *Insiders*, necessarily selecting people based on their political persuasion but on their ability to offer commentary, analysis, views and impartial observations of the matters at hand. But, certainly, we can come back with a list of guests.

Senator NAMPIJINPA PRICE: Was that part of your audience decision-making around *Q+A*?

Mr Marks: No. I think the decision around *Q+A* was the program had failed, I think, eventually—not through anyone's fault but just by the effluxion of time—to do what it did well when it started, which was to take different perspectives. The host was able to weave those perspectives into a narrative that was designed around conclusions and outcomes. Over time, all of the participants that were part of *Q+A* had worked out, in a way, to avoid that

particular outcome and that conclusion, and so it had become not what it had intended to be. So we need new formats that achieve that.

Senator NAMPIJINPA PRICE: But I suppose that speaks to the town-square concept.

Mr Marks: It did have a town-square concept in its original derivation, but it had lost that, I think, as it went forward. That's something that we've decided ourselves to take on and ensure that we're able to do going forward, and we've got various things in development to achieve that.

Senator NAMPIJINPA PRICE: Thank you.

CHAIR: Senator Ananda-Rajah.

Senator ANANDA-RAJAH: Mr Marks and team, you are in a content-hungry industry. How do you reconcile the volume, the pressure to publish, with maintaining editorial standards and quality? And how do you actually do that in practice internally?

Mr Marks: It's a great question. As you would be aware, we've got three pretty much 24-hour news audioservices, a full-time television news service and also the key programs on ABC, and I'll ask Mr Stevens to provide the detail in a moment. But we are, in the current process, considering the balance between core services, or things that are of immediate news benefit, and content of impact, which is core public interest journalism, and how we get that balance right as we go forward. It's a piece of work that I and Mr Stevens are working through at the moment. Do you want to add something to that, Mr Stevens?

Mr Stevens: I'll just reassure you that, while we're generating a lot of content, there's a great deal of effort and intention around quality and excellence at every step of the way. We can't avoid or escape that people of different ages are consuming news across different platforms, and we have to service—are obligated to service—every Australian and as many Australians as possible with our news and information, which makes it difficult to pull back in any of those realms. We will never publish a certain amount of content for the sake of publishing, and, where possible, we will do less. Obviously the public have a low tolerance for repeated content or simulcasted content—if we can avoid it. However, going forward, the managing director is keen for us to be ambitious around what we can do less of to ensure the quality is high and as impactful as possible.

Senator ANANDA-RAJAH: In terms of your own internal processes, do you have a kind of internal audit process where content is referred internally for review in order to use it as a learning?

Mr Stevens: We're constantly reviewing. In all parts of news we have an expectation of a number of reviews based on specific pieces of coverage that we've done or reviews more broadly around issues. Mr Fang can speak to the broader internal reviews that he regularly—

Mr Marks: The board takes a very active position in ensuring that the organisation meets our objectives under the act, and Mr Fang takes primary responsibility for reporting to the board on the balance of our journalism as a whole, and he does that on a regular basis.

Mr Fang: I think there are probably tiers of review, in the sense that program teams, content teams and all of our teams review their work consistently after it's been done and discuss what they've done and how effective that might be. I know that all of the content divisions run internal reviews around quality, a whole bunch of different coverage and other issues, both in the craft of their journalism and content and in examining whether the content meets the best of our editorial standards.

My team run a number of different types of reviews, either ad hoc—where we decide to look at a particular issue, mainly for the purpose of trying to report back to teams about how they can do better—or consistently across the year, particularly around impartiality, looking at how our impartiality standards are being met across our output. We also run a process of assurance for the board. There are a number of review activities that we undertake to provide the board with a biannual assurance process around how we're meeting our legislative obligations around impartiality, independence and integrity, and I report back to the board on that twice a year plus in my editorial director's report regularly across the year. So there is a significant amount of ongoing review that takes place. We also have a broad training structure and, of course, through the training and discussions that are hosted—run often by my team or by other content teams—this is another avenue to raise issues, to find examples of where we think we could have done something different or better and help to share that around. There is quite a lot of internal assessment of our content that goes on informally, formally, through feedback and reporting up to the board.

Senator ANANDA-RAJAH: I want to raise the BOM story. I think the ABC was the one to break this story about a month ago. I will reflect on it. It's not criticism; it's more a reflection because yesterday we actually interrogate BOM over this. The story initially broke as a huge overspend on a website. But, in fact, when you

probe deeper, this was close to \$1 billion that was invested in hardening an entire weather and energy and security and cyber infrastructure, including the build-out of two supercomputers. There was nothing trivial about it and yet I feel, in speaking to the BOM teams who came yesterday, including the CEO, they used the word 'mischaracterisation' many, many times; you should look at the *Hansard*. I feel like there is a reflection to be made in the way this story was broken because I don't actually believe that they acted poorly. By all accounts they had multiple reviews over a long period of time. Yes, there was an overspend, but it was within a 20 per cent envelope. The story was not kind of presented that way to the Australian public. Instead, it was presented as \$100 million spent on a website, and I feel like that is what is going to stick rather than all this back-end work that was done.

Mr Marks: I think that information did come across in our reporting. It certainly registered with me. But it's something that I'm happy to talk to Mr Stevens about, to make sure that we use whatever we can from that as an exercise to understand how it happens. Often, what I find is teams, when confronted by journalism or journalists with a particular point, can take a while to get into their rhythm of providing the relevant information and the relevant perspectives to make sure all that is included, and sometimes that time does get in the way. A hesitant response does get in the way of some information being provided. But again, when that information does come to hand, it is shared with the public. The totality of that material should be accurate, and we should be doing a job of bringing all that relevant information. My experience is that I did see all that information, so I don't know if you had anything to add to that particular story?

Mr Stevens: We will take it on board. But I think obviously the key public interest angle at that point in time was the spend on the particular website and whether that was money well spent.

Senator ANANDA-RAJAH: I want to conclude with the issue of false equivalence. This is not something that gets talked about ever, but it is actually really important, particularly with journalism and public reporting. How does an organisation like yours—public facing—mitigate against false equivalence, where two views are given an equal weight, when clearly one view has a far greater credibility and a much greater body of evidence to support it? A classic example is vaccines, right? Vaccines have saved millions of lives—public health benefit—since they were invented. The second of course is net zero. Is it contentious? Yes. That's fine; we can debate the policies. But net zero has been signed up by 84 per cent of the world's population—global GDP, 84 per cent. There are some in this building who believe that we should abandon net zero and put ourselves in the corner of Iran and Yemen. Yet you hear criticism to the point where you are not giving equal time to both. How do you as an organisation mitigate against this concept of false equivalence?

Mr Marks: It's a really great question. If you think about our dual obligations of factual accuracy and impartiality, impartiality to a large degree is driven by factual accuracy—I'll ask Mr Fang to expand on this in a minute—because impartiality to a large degree does come back to factual accuracy, so not all perspectives have an equal weight. We are not there for balance; we are there for accuracy and impartiality, with those two being linked. Mr Fang, we have this discussion at length all the time. You'd be better placed to give a more eloquent answer than I will.

Mr Fang: I will give it a crack. This issue of false balance or false equivalency is a key issue in journalism. We have guidance around objectivity and impartiality which speaks about impartiality. One of the key parts of that, as the managing director has indicated, is obviously factual accuracy but also balance that follows the weight of evidence. We ask our journalists, in the process of evidence gathering, to test evidence, to test perspectives, to ensure that they are looking to make sure that different facts are being examined to try to find where the balance of the weight of evidence rests. It's incredibly and critically important to impartiality, as the managing director has pointed out. I would say there are issues, though, that are of high contention. Our editorial policies and guidance are pretty clear that, when an issue is more contentious and certainly when there is political contention, we need to ensure that we're putting the relevant perspectives. That doesn't mean that we are going for false balance, but it means it falls upon us more to ensure that different competing perspectives are put forward so the audience can make up their own minds.

Senator ANANDA-RAJAH: I think you have to be careful though around legitimatising or inadvertently legitimatising fringe views. How do you deal with that?

Mr Marks: As Mr Fang was just saying, it's an analysis by the journalists of what the objective perspectives are that need to be considered on a particular contentious matter, what the weight of evidence that supports those objective perspectives is and how we ensure we balance that in the journalism. It can be very difficult in a highly contentious issue, but, again, as Mr Fang said, there are reference points that we can point to that do help to guide our response to that question. This is the big task for us as we go forward, to ensure that we do get that impartiality right, referencing all the particular elements Mr Fang referred to.

Senator ANANDA-RAJAH: I'll close with a nice easy question. Your recent showcase here in Parliament House highlighted some new content that's coming down the pipe. Can you elaborate for us on what these new shows will promote?

Mr Marks: Yes. I mean, all of our shows are designed for Australian audiences first and foremost. What we're now seeing increasingly is, with a lot of content moving to the global streaming environment, they are considering content from the perspective of the global audience. It is important that we maintain primary perspective on that local audience. We will have, when we come next year, some really great dramas that have ambition and scale. We have comedies that represent a unique slice of life, a look on Australian society, often a satirical thing but often just a look at a particular part of society. We've got a range of high-profile documentaries coming through, which again is a reinvestment by us into that factual story telling of real issues of importance to the nation. On our children's slate, we have a bunch of programs next year that are beautiful, that are creative and that should be delightful for children that, again, are informing us of our nation, our views, ourselves, our people, our voices and our different cultures. And there are some fantastic First Nations programs as well coming next year that are just part of the mix of our offering now. I'm really optimistic about the slate going into 2026, but I can see from the work that we're doing that 2027 stands even better. The additional funding that we've been lucky enough to receive on behalf of the public will only enable us to do that even better.

Senator HENDERSON: Mr Fang, I want to go back to the comment you made about bias and the complaints to the ABC Ombudsman. You said there were few if any complaints upheld for bias. I have just had a look at the ABC Ombudsman's annual report, and 54 per cent of complaints received in 2024-25 were relating to bias or a lack of bias or balance. The next highest category is 31 per cent for factual inaccuracy, so bias is actually the most complained about issue. Do you have the breakdown as to the breaches based on the categories of bias, factual inaccuracy, inappropriate content and unfair treatment?

Mr Fang: Sorry, Senator, are you asking on the basis of the breach numbers whether I have a breakdown in each of those categories?

Senator HENDERSON: No. The report sets out how many complaints were received, and they're broken down into different categories. Of the complaints received, do you have the data as to how many breaches were upheld in each category?

Mr Fang: The ombudsman reports on each breach, and they're all published on the ombudsman's website, so that would provide the breakdown of the reasons for each of those breaches.

Senator HENDERSON: Yes, but do you have that data? Because that's not clear in the report.

Mr Fang: I could pull it out of the 12-month report, but I don't have it right here in front of me.

Senator HENDERSON: It does look like, as I say, bias is the most complained about issue. So I question your characterisation.

Mr Fang: Bias is the most complained about issue, but it's not the issue where the breaches are. The audience complaints are one thing. Where the breaches are is a different set of numbers.

Senator HENDERSON: Sure, and that's exactly why I'm asking you the question. Could you give me the breakdown of the breaches of each category?

Mr Fang: I provided an answer about it. There's either none or very few impartiality breaches, and I probably have it here in front of me. I'll have a quick look for you.

Senator HENDERSON: If you have a look, I'll go to something else and come back to you. Mr Marks, I want to follow up on the questions I asked at the last estimates, and I refer to SQ25-002397. I asked questions about comments made by ABC journalist Isabella Higgins on the ABC's *Insider* program on 14 September. She made the following statement in relation to Senator Nampijinpa Price. Senator Nampijinpa Price made some comments which were corrected very quickly, within an hour, in relation to migration. Ms Higgins said:

They were discriminatory, they were racist.

....

It shows she is a relatively inexperienced politician who has one mode—that is to go in and destroy an idea, which we saw very much with the voice referendum. But when it comes to selling a vision or talking about complicated or nuanced policy areas, she is not really able to do that.

I find these comments so disgusting because, apart from calling Senator Nampijinpa Price racist, effectively, they're so denigrating of another senator. I'm sorry, Mr Marks, that's disgusting—

Mr Marks: Well, Senator—

Senator HENDERSON: to speak about a member of parliament. Senator Nampijinpa Price—she's sitting here, hearing this—is a very prominent conservative politician, one of the most effective politicians, and you can ask anyone across the political aisle. To denigrate her in this way—firstly, I did ask if you would make an apology, and you've declined to do so.

Senator ANANDA-RAJAH: Sky News denigrates—

Senator HENDERSON: Excuse me. The reason this is so important is that, unlike most other media organisations, the ABC occupies a very special place in the Australian landscape. You have very strong statutory obligations of impartiality and accuracy that are not the obligations of other media organisations. Clearly, you receive very substantial taxpayer funded support, which I think is largely supported across the Australian community. But I would say to you, Mr Marks that that crosses the line. Reconsidering these matters, do you think that's appropriate—what a journalist said about Senator Nampijinpa Price? I think it's very denigrating and very personally offensive. And will you apologise?

Mr Marks: I think what Ms Higgins was referring to in that story was the nature of the comments that were made by Senator Nampijinpa Price, and she was constructing a view on the comments made, not the person. Of course, you can conflate the two and say the comments made are indicative of the person, but in my experience those two don't ring true. Comments can be very different to the person.

The comments were about a certain part of the community, and I think it was entirely open to Ms Higgins to form a view about the nature of those comments, as to whether they were racist and—I can't remember the other term that you mentioned.

Senator HENDERSON: Discriminatory.

Mr Marks: Discriminatory—well, the two go together. Again, I think, on the nature of particular those comments, which were addressing a particular community of Australia—Senator Nampijinpa Price obviously reflected on those comments and wanted to clarify them—it was open to Ms Higgins to draw the conclusion that she did about the particular comments.

Senator HENDERSON: But, Mr Marks, making a comment in relation to migration is a very different thing to calling Senator Nampijinpa Price racist—effectively racist, she said the comments were racist.

Mr Marks: Sure, Senator.

Senator HENDERSON: But, putting that to one side, what I find more offensive in some respects is that she went on to make very personal comments about, effectively, Senator Nampijinpa Price's intellectual capacity: ... when it comes to selling a vision or talking about complicated or nuanced policy areas, she is not really able to do that. That's not just offensive and denigrating; that is just completely unacceptable.

Mr Marks: Again, Senator, I think the comments that were made at the time—the second point that she's attempting to make was a qualification about the first comments that were made, which is: here is the context in which these comments were made, the conclusion was—

Senator HENDERSON: I'm speaking specifically about the denigrating comments that Isabella Higgins made:

... when it comes to selling a vision or talking about complicated or nuanced policy areas, she is not really able to do that. On what basis does the ABC stand by that comment? Seriously, Mr Marks, that is just filled with inappropriateness. It reflects no proper research. It shows no understanding of Senator Nampijinpa Price as an accomplished representative in this parliament. Whatever your views might be about the comment that she made about migration, I would put to you that one of your journalists has completely overstepped the mark.

Mr Marks: I think those comments were made in the context of the original remark. The second part of it was a qualification of the first, which is: the remarks were made, but here's some context for why those remarks might have been made. Now, I can make a comment that would be considered to be racist without being considered a racist myself. I can then also be viewed as to whether I'm qualified to do my role or not—or the context in which I am, in the current place, able to do that role. I think that analysis was available to Ms Higgins. She made the statement. We may not like it, and it might be uncomfortable, but I think her analysis was open to her to make. Now, again, it's in the context of—

Senator HENDERSON: Mr Marks, it wasn't impartial, it didn't consider all of the facts, and it wasn't accurate. There's an opportunity for you now to apologise to Senator Nampijinpa Price, because I think Ms Higgins overstepped the mark in her analysis.

Mr Marks: Again, in the total program in its entirety, there were the comments by Ms Higgins, there were the comments by—I can't remember the name of the other commentator.

Mr Stevens: Greg Sheridan.

Mr Marks: Greg Sheridan. The entirety of the program gave those comments context; they gave them balance. I don't feel that that program lacked in impartiality. It was a conclusion available to the journalist to make. We might not like them. They might be uncomfortable. Senator Nampijinpa Price did in fact go on and clarify her comments. So, I think, in the totality of all that information, we get to an informed view about the comments and the conduct. I don't think anyone's left with a lesser impression of one or the other thing. We're left with an impression about the particular comments. I don't think there was a poor reflection on the senator; I think it was about the comments that were made.

Senator HENDERSON: Come on, Mr Marks! I'm sorry—when you say, about any person, that she's not able to talk about 'complicated or nuanced policy areas', that is deeply offensive, it's false, it's not impartial, and it's not accurate.

Mr Marks: Again, that comment was put in the context of the entire program and various people that were offering perspectives on these particular things. We can agree to disagree on this matter, but I don't feel that she was not in a position to make the comments based on the material that she had.

Senator HENDERSON: Senator Nampijinpa Price might have something to add.

Senator NAMPIJINPA PRICE: Does the ABC take issue with conservative women, particularly conservative indigenous women?

Mr Marks: No, Senator.

Senator NAMPIJINPA PRICE: To be cast in a particular light—do you stand by those particular comments by Ms Higgins, not having provided any such evidence to her aspersions?

Mr Marks: I think she was solely referring to the comments that were made on the program, and I don't think it has anything to do with a view on conservative women or conservative Indigenous women. It is solely referenced by the comments that were made, and the response to those comments.

Senator HENDERSON: So you agree? You agree, do you, that it was reasonable to say that Senator Nampijinpa Price cannot handle complex or nuanced policy debates? Do you think that's a reasonable, factually accurate and impartial statement to make?

Mr Marks: Senator—

Senator HENDERSON: Come on, Mr Marks. I'm sorry, that is outrageous. One of the problems with the ABC is that when it makes errors, it doesn't correct them. This has happened time and time again. In my view, Mr Marks, this was an error. Errors happen, but when errors or mistakes are made, they need to be corrected. I would put to you that this was overstepping the mark. This was not based on any factual accuracy or impartiality, and it is not appropriate for this to stand on the record. For you to now back this in, is, I think, a really serious matter.

Mr Marks: We'll have to agree to disagree on this matter. We can keep going backwards and forwards about it, but I do feel like it was a comment made about comments that Senator Nampijinpa Price made. It was open, in the analysis made, to make those conclusions. I don't think that there was any impression left of Senator Nampijinpa Price that was longstanding. Again, in the context of the whole program, there were different perspectives offered on those particular issues—the second part of the issues you referred to. Again, my perspective on that is not relevant to this matter. I'm looking at the content in itself.

Senator HENDERSON: It is relevant, because you're the editor-in-chief. You safeguard all of the editorial standards of the ABC.

Mr Marks: Sure.

Senator HENDERSON: You are the editor-in-chief, and the buck stops with you, Mr Marks.

Mr Marks: Yeah, and looking at the particular program as a whole—

Senator HENDERSON: When you walk past this standard, this is a standard that you set at the ABC. If you're saying now that it's okay to denigrate people in this way. You're talking about an accomplished Indigenous woman, calling her racist. Greg Sheridan went on to say, on that program, 'How ridiculous to suggest Jacinta is racist. That's just ridiculous.' You're standing by one of your journalists who has called Jacinta racist, yet one of the other commentators on the *Insiders* program has very clearly said that's ridiculous.

Mr Marks: Again, in the context of that particular comment, the comment was not made about the Senator; the comment was made about the comments. So there was no way that that could be construed as calling Senator Nampijinpa Price racist. The comments were racist. I made the same example for myself.

Senator HENDERSON: It's an imputation.

CHAIR: Senator Henderson, if you could just give Mr Marks an opportunity to answer without interruption. You've put quite a number of propositions to him.

Mr Marks: I think the two things are very different. Again, in the totality of the program, the comments that were made were made from various perspectives, and I think it was open, based on the originating comment, for those perspectives to be put.

Senator HENDERSON: Well, Mr Marks—

CHAIR: Sorry, Senator Henderson. Again, you've put a number of propositions to him. He hasn't been speaking for very long—if you would just give him a chance to give an answer, and then we'll come back to you.

Senator HENDERSON: Sure. Fair enough.

Mr Marks: We have the time, in the context of the news organisation, to cover various matters over a period of time. That was about a specific comment—nothing more—specific comment. It was open to the program to draw the conclusions that it did about that comment.

Senator HENDERSON: No. Mr Marks, I'm not going to let you get away with this. Yes, Ms Higgins did make comments about the specific comments that Senator Nampijinpa Price made, but she then went on to make a general comment about Senator Nampijinpa Price's capacity and capability, saying, 'When it comes to selling a vision or talking about complicated or nuanced policy areas, she is not really able to do that, on any issue.'

I would say to you, Mr Marks, that if that is the sort of analysis that the ABC is delivering on your flagship current affairs program, then you need to review the capacity of some journalists to conduct such analysis.

Mr Marks: Reviews of our programming and journalism occur all the time. I think Ms Higgins does outstanding work. We're going to have to disagree on that particular matter. I guess we will see, over time, how that plays out across other issues as they arise.

Senator NAMPIJINPA PRICE: I just want to follow that up. I find the entirety of her comments entirely disparaging. I find that they are offensive. Also, I'll go back to being a conservative Aboriginal woman and my perception of the ABC—and maybe Ms Williams can take note of this. You talk about your town hall approach, but I don't see much of the Indigenous conservative membership of this country being represented through the ABC. And if it is, it is often done in a disparaging way. Maybe there's one other conservative, Mr Warren Mundine, who might appear on the ABC occasionally.

To be painted in this way is entirely disparaging and deeply concerning. The fact is that Indigenous Australians have many different viewpoints in this country. If you're conservative leaning, you are often spoken about in a disparaging way. And this isn't the first time I've been spoken about in disparaging ways by the ABC. There's history to this that goes back a long way. It's why I had to sue you in the first place.

However, what's concerning is the fact that you don't have a town square approach to the way that you deliver, and you are a taxpayer funded broadcaster. I implore you to do a better job so that people like me, representatives like me feel like we can do our job without being disparaged and painted in a negative light in an attempt to paint us as being racist. It's the last thing—it's utterly ridiculous to be painted as a racist when addressing an issue of mass migration in this country that is of concern. You might as well suggest that Kos Samaras is racist for his polling and his analysis, which was what I was drawing from—which of course Ms Higgins knew at the time she participated in this interview.

So will the ABC do better in ensuring that you do have this town square approach that you talk about that encourages better debate and conversation, that isn't disparaging but sticks to the facts of the issues of concern? Will the ABC do better in encouraging more First Nations—there's that term again that comes from Canada, or America—encouraging Aboriginal people to use our voices. The fact is that we have a variety of voices in this country and we have concerns that relate to many different policy issues across this country. We would like to see those views represented through our national taxpayer funded broadcaster, not just a single view on First Nations.

Mr Marks: I would love to feel that it is an environment where you are always welcome to engage with the ABC.

Senator NAMPIJINPA PRICE: I'd love to feel welcome too.

Mr Marks: We need to have the formats—we've spoken about that; it is a priority for us as we go forward—that enable us to have a town square approach to perspectives. That is a focus for us as we move forward. I'd love to feel that those formats will be available for us to be able to air those objective perspectives and to review our conclusions and outcomes. That's something that we're working on. I agree.

Senator HENDERSON: Mr Marks, on notice, can you provide any emails or correspondence or any other advice within the ABC's possession in relation to this matter. I'm going to ask you to review this matter further. I've known you for a long time, Mr Marks, and I worked in television. You are a highly credentialled television executive, but on this matter—and I'll draw a distinction even between racist and discriminatory comments on the one hand and on the other hand the highly offensive and denigrating comments about Jacinta Nampijinpa Price's intellect and her capacity. I would ask you to review your position because if we leave this matter where you are saying, as the editor in chief, that this is a satisfactory and acceptable type of analysis at the ABC I think we would have reached a very, very low point in terms of the journalistic standards that Australians should expect of the ABC. I'm just going to ask if you could provide that correspondence on notice, including any messages, WhatsApp messages or any other sort of SMSs that were conveyed in relation to this matter. I'm sure David Speers would not be entirely comfortable with what was said. Certainly Greg Sheridan wasn't. They're both very experienced journalists. Ms Higgins is not as experienced in her capacity. I would ask you to reflect on your assessment of this matter and perhaps return to the committee once you've reflected further.

Mr Marks: Yes, we can certainly look at—you're asking for correspondence relating to the particular comments in that particular program?

Senator HENDERSON: That's right.

Mr Marks: No problem.

Senator HENDERSON: And I'm asking you to reflect on your determination because otherwise we are left with the situation where the editor in chief of the ABC is sending a message to all Australians that that sort of analysis is appropriate. I would put to you that it's not and that that standard of journalism should not continue to be endorsed at the ABC.

Mr Marks: I suspect we're going to agree to disagree on this one, but I will continue to give it due consideration.

Senator HENDERSON: Thanks. I now want to move to another matter, and that is the cost of Mr Anderson's farewell event. We've just received information that that was an amount of \$45,074.67. Can you outline what those costs were for? That seems like a very large amount of money for a farewell event.

Mr Marks: Sure. I'll ask Mrs Kleyn to respond to that.

Mrs Kleyn: Certainly. We held an event for Mr Anderson, who, I think you would be aware, served in excess of 30 years. An event was held for him in our Ultimo foyer. We had a number of people invited to that event. I think the costs would have extended to catering for the evening.

Senator HENDERSON: Given there were no venue costs, is this food and alcohol costs only?

Mrs Kleyn: I think we would also—apologies, I believe it was in March of this year—have paid for some employees who had worked with Mr Anderson over the years to travel to the event.

Senator HENDERSON: Do you have a breakdown?

Mrs Kleyn: Not in front of me, I don't.

Senator HENDERSON: Could you perhaps bring that back to the table?

Mrs Kleyn: Yes.

Mr Marks: Costs would have also included FBT, I think.

Mrs Kleyn: They would have, yes.

Senator HENDERSON: Were there travel costs for former employees of the ABC?

Mrs Kleyn: I'm sorry. I do not know off the top of my head.

Senator HENDERSON: How many people attended the event?

Mrs Kleyn: Oh my goodness. I don't know. I don't know, sorry, Senator.

Senator HENDERSON: Mr Marks, are you able to—

Mr Marks: It was held in the main studio, which I think is licensed or capable of carrying 220 people—

Senator HENDERSON: That sounds like an alcohol licence!

Mr Marks: Each of our studios has to have a capacity limit for a studio audience. There was a studio audience. There was video that was done; again, I don't know if it was before I started or after I started. I can't remember specifically. But it was a reasonably appropriate event for an executive who had been at the organisation for a long period of time and had made many contributions. There were a number of attendees. I can't remember if you were there or if you were invited or not—

Senator HENDERSON: No, I wasn't invited.

Mr Marks: I'll need to look into that. I think we can certainly give a breakdown of what those costs would relate to. FBT is often a significant part of that. Whenever we provide entertainment, there's FBT associated with it.

Senator HENDERSON: Could you provide a breakdown. Who approved those costs?

Mr Marks: I think that was an event that was held by invitation of the chair, so it would have been a chair event.

Senator HENDERSON: So the chair approved the costs?

Mr Marks: I would imagine so, but I'd have to confirm that for you.

Senator HENDERSON: I've got some other issues, Chair. Can I continue?

CHAIR: How much longer do you have—

Senator HENDERSON: I'm trying to get through them quickly. I know we're very over—

CHAIR: As you know, I'm always concerned to recover the program.

Senator HENDERSON: Yes, I do appreciate that. I was very helpful earlier in the day—

CHAIR: You've perhaps undone that work now.

Senator HENDERSON: That's true.

CHAIR: If you could get through those as quickly as possible, then we can discuss afterwards how we recover.

Senator HENDERSON: I will try and cut to the chase on some of these other matters, Mr Marks. As you would know, I proposed an inquiry into the ABC's obligations of impartiality and accuracy which did not get up in the Senate last week. It was voted down by the government and the Greens. But those issues of concern remain. We've talked a lot about Heston Russell and the mismanagement of the Heston Russell matter, but I want to go to a more recent example—the 35 interruptions by Sarah Ferguson on the 7.30 program when she interviewed the Leader of the Opposition, Sussan Ley. I notice that there's been no complaint or breach upheld by the ombudsman—I think that's correct, isn't it?

Mr Fang: Yes.

Senator HENDERSON: It was a very aggressive interview. I haven't seen any other interview by Ms Ferguson that was so aggressive. Was there any counselling of Sarah Ferguson or any action taken after that interview and after complaints were lodged?

Mr Marks: Yes. I'll hand over to Mr Stevens because I'm sure everyone's sick of the sound of my voice at this point. But Mr Stevens, Ms Ferguson, the team and I did a review recently of 7.30 where the matter was discussed. I think we all feel that there were ways where that particular interview could have been different. I don't think anyone would shy away from that. Mr Stevens, are you going to add anything to that?

Mr Stevens: Just that I was enjoying the sound of your voice! But the interview was, in our view, a political interview. Given your history steeped in political journalism before you entered politics, Senator, you would know that there's a storied history of robust political interviews on the ABC, including in that particular format. I know the opposition leader had been asked on 7.30 for around six months and had declined on various occasions, and so the program was trying to rush through very complex policy and other matters in a short space of time. Sarah is an incredible interviewer and we back her judgement completely. You've conducted and been in live interviews yourself. You know that tone, in a live interview, is something that unfolds before the interviewer.

For those who missed that particular interview, I'd encourage people to look at the fact check that Sarah posted on social media yesterday because there was a very specific policy issue that Sarah needed to challenge on behalf of the public and audience in regard to a significant decision by the opposition—"In a future policy state, if you were to form government again, would you underwrite new coal generation projects?" That was quite a significant policy development that needed interrogation and challenging as it relates to wholesale energy prices as well.

We backed Sarah's judgement on this. I think you should never compare one political interview to another based on the number of interruptions. You'd note in her interview with Senator Canavan last night there were far fewer interruptions because they were able to cover the requisite amount of ground.

Senator HENDERSON: Mr Stevens, thank you. But Mr Marks indicated that you had reviewed that particular interview and there'd been some learnings from that interview.

Mr Marks: We reviewed the program in its entirety. We periodically look at every program and, with the main participants, look at the strengths, weaknesses, what we can do better, what we think are strong—

Senator HENDERSON: So what could you have done better in that particular interview after your discussions with the host of the program and any other relevant personnel?

Mr Marks: As you would be aware, in the context of political interviews, holding the interviewee to account to answer the questions at hand is really important. Obviously Ms Ferguson is excellent in her drive to ensure that the audience is getting the information that they need to get from the interview.

Senator HENDERSON: Mr Marks, hang on.

Mr Marks: In the context of that one, I think, as Mr Stevens said, the breadth—

Senator HENDERSON: No, but the first part of your answer was: 'We have reviewed it. We've had some discussions. We maybe would look at things in a slightly different way.' So what I'm asking is: what have you identified that you could improve on in relation to that particular interview which was very, very aggressive compared to many other interviews Ms Sarah Ferguson has done?

Mr Marks: For the benefit of the audience, as Mr Stevens mentioned, the interview tried to cover many things. Maybe covering less would have driven a different outcome.

Mr Stevens: At the risk of Mr Marks's earlier comments being mischaracterised, I'll make it is abundantly clear that that specific interview has not been subject to any form of review in that sense. The program is a priority for the organisation. We regularly discuss with the EP, the presenter—

Senator HENDERSON: Of course.

Mr Stevens: and senior people how the program's going, key pieces of content—

Senator HENDERSON: Could we just cut to the chase, though? That wasn't a perfect interview, was it, Mr Stevens?

Mr Stevens: What I was going on to say is that, in the context of that discussion, we reflected on the interview and there were various takeaways. For Sarah's benefit, for instance, there was a discussion, in part, about: what's the ideal, optimum duration for an interview where the opposition leader hasn't come on for six months and there's a lot of ground to cover? Is 14 minutes or so appropriate? On reflection, we would have given her more time for that so she was less encumbered by the duration and there was less sense of rushing.

I would also add, by way of context, that, when Sarah was criticised for the number of interruptions over that interview, within a fortnight she was being criticised for the number of interruptions in her interview with former vice-president of the US Kamala Harris in an interview she did in person with her. She was equally criticised for the tone of that. Generally speaking—and at risk of stating the obvious—with political journalism at the ABC, unlike politics, we are not in the business of partisanship and we're not in the business of popularity contests.

Senator HENDERSON: No, but you are in the business of impartiality. That's the concern that I was raising. It didn't look impartial because it was so overly aggressive. Sussan Ley was not given, I would say to you, an appropriate opportunity to give her answers. I understand you can't let something run on forever when you're on live television, but, Mr Stevens, there is a real skill in being able to deftly interject or interrupt an interview in a manner that keeps the conversation going. David Speers is very good at this.

Mr Stevens: David and Sarah are superb. They both—

Senator HENDERSON: No, I'm just saying—

Mr Stevens: definitely interrupt.

Senator HENDERSON: Not to mischaracterise: I said David Speers is very good at that highly skilled job of conducting live interviews in difficult environments.

Mr Stevens: We agree. He is exceptional. So is Sarah. We're fortunate to have both. I think bias, particularly on the part of politicians and senators, is in the eye of the beholder. And so—

Senator HENDERSON: I didn't ever mention the word 'bias'. I just talked about your impartiality obligations.

Mr Stevens: Understood. But I think describing an interview as 'overly aggressive' is characterising the approach to that particular politician. I would also add that I assume the opposition leader is made of stern stuff and expects robust questioning, and it would be demeaning to imply she's not up to that.

Senator HENDERSON: No-one is suggesting that, Mr Stevens. I take issue with the fact that you've put that to me. I would simply say to you that there did appear to be a bit of a change in tone in some your subsequent interviews with some members of the opposition.

Mr Stevens: We respectfully disagree that it was aggressive. It wasn't aggressive; it was probing journalistic questions in the form we expect of Sarah and in the way she does exceptionally.

Senator HENDERSON: Okay, but now you seem to be walking back what you said earlier, which was that, in hindsight, you would have given the opposition leader a bit more time to answer her questions.

Can I ask about your coverage. I want to particularly ask about the complaint by the Lesbian Action Group that's been lodged and sent to you, Mr Marks. The Lesbian Action Group has raised a range of concerns. I have talked about their complaint publicly. They're concerned about the fact that the ABC's coverage of sex and gender issues consistently advances a single ideological perspective aligned with gender identity activism. They don't feel heard. The ABC hasn't covered their challenge in the Federal Court now. They have been denied the right to hold a women's-only event, and that's now been challenged in the Federal Court against a determination made by the Australian Human Rights Commission. Can you respond to that complaint, including the quite serious concerns they've raised about the ABC's partnership with the organisation ACON.

Mr Marks: I'll break the response to those questions into two. First of all, in relation to the general area, we've received a bunch of correspondence from different organisations and practitioners in this space. In this area I myself, Mr Stevens and Mr Fang are constantly reviewing the totality of the ABC's coverage and considering its adequacy and extent. These issues, as you would appreciate, are highly sensitive, often very individualised by a person or family and extremely complex. These are issues that, nevertheless, as a national broadcaster, we should be prepared to ensure that we're making sure that we cover all relevant perspectives—all objective perspectives—on. We do feel there's a bit of additional work that we've got to do on this front to ensure that we are satisfied ourselves as to the extent of our coverage of all the relevant perspectives, and it's something that we're actively working on at the moment. I don't know if you want to add anything to that. That probably summarises that particular response.

In relation to the ACON matter that you refer to, that was obviously an initiative from the people and culture perspective, from the workforce of the organisation. We need to be sure in two respects in these matters. One is that there is no crossover between what might be a people and culture matter and what are the editorial matters, which I can assure you there are not. Also, we need to be aware of the perception that might come from some relationships that the organisation holds. Whatever the relationship is, whether it's with ACON or another, these are things that Mr Fang and I will be reviewing as we go forward to ensure that there is not the opportunity for a perspective that we're not impartial in these senses.

Senator HENDERSON: The BBC terminated its involvement with Stonewall's diversity champion scheme. ACON is an organisation which runs the Australian Workplace Equality Index; you have a platinum-tier relationship with ACON; and that benchmarks, trains, ranks and rewards the ABC for its alignment with the ideological framework which ACON promotes. To be really frank, Mr Marks, it doesn't actually matter what ideology an organisation promotes. You're an independent broadcaster. Your independence is crucial, as are your obligations to be impartial and accurate. But editorial independence underpins everything that you do.

Mr Marks: Correct.

Senator HENDERSON: So, the question is: why are you entering into any partnership with any organisation which rewards the ABC for its alignment with its ideological framework? It would be no different to the ABC having a partnership with a conservative organisation or any other organisation which pushes a certain perspective. The ABC should be free of any ties to any organisation which seeks to influence editorial output.

Mr Marks: Well, we should be free of any ties that do either have an impact on our editorial output or, perhaps, a strong perception that that could occur. In this instance, again, we are one corporation in a mass of corporations who take an employment obligation to ensure that we are encouraging a diverse workforce and reflect the diversity of Australia, as set out in the act. That would have been the basis on which we submitted ourselves to that particular index. But, as I said, Mr Fang and I will ensure that we are constantly reviewing our relationship with any organisation, that or others, to ensure there is no impact on the editorial organisation or a potential perception that it could impact the organisation, and we will do that work.

Senator HENDERSON: To be clear, you are reviewing your partnership with ACON?

Mr Marks: We're reviewing our partnerships with all organisations to ensure those two things that I just mentioned.

Senator HENDERSON: Including ACON?

Mr Marks: We will ensure that when that—I'm not sure when that partnership comes up. I think there are two elements to it. It's our sponsorship of an event and it's the inclusion in the workplace equity index. We will obviously, with Mr Fang's assistance, be reviewing that and other relationships that we have.

Senator HENDERSON: So that's being reviewed and other relations. Can you provide on notice any other partnerships or relationships you have with third-party organisations, Mr Fang.

Mr Fang: We can—

Senator HENDERSON: You can do it on notice. I'm happy to have it taken on notice.

Mr Fang: Sure.

Senator HENDERSON: I am trying to race through these issues. I want to raise the *Four Corners* program, if I could, Mr Marks. I'll try and do this as briefly as I can. This is the program *Downfall*, which is about the downfall of the Trump administration. You said:

'Downfall' is powerful journalism of the highest standard. The ABC is proud of it.

We know all the history. The BBC decided to—several of its executives left the organisation as a result of issues in relation to its broadcast of the Capitol riots, including a speech given by President Trump.

I think I've made it clear also that I'm not quibbling about or taking issue with the conclusions reached in the program. But what I am taking issue with is exactly what happened at the BBC. There were key parts of the speech which were excluded from the documentary, which included the lines:

We want to be so respectful of everybody, including bad people.

...

we're going to walk down to the Capitol, and we're going to cheer on our brave senators and congressmen and women

...

We have come to demand that Congress do the right thing and only count the electors who have been lawfully slated, lawfully slated.

I'm not taking issue with whatever conclusion was reached in terms of weighing up the various factual matters in the program. But what I am taking issue with is that there were certain parts of President Trump's speech that were deleted which, I would put to you, was done to suit the narrative that President Trump was inciting violence or civil unrest.

Mr Marks: I can't talk to the circumstances of the resignation of two executives at the BBC. No doubt it was this and other matters that brought about the consequence of events. I do look at the program in particular—again, the program went to great effort and did a great job in two areas that the BBC program failed in. One area was that the program was meticulous in its evidence of the timeline of events that happened on that day and the various characters and players that had an impact on the events.

The other area that the program did well in was that it did not in any way edit any particular speech to create a misleading statement, which is the allegation for the particular program that *Panorama* did—by splicing together two different elements of a speech to make it look like one statement.

In the context of the whole program, I think the timeline and the events that happened were done meticulously and with great detail. I think any audience member looking at it would've got an accurate view of what happened on the day. I think the particular speech by Mr Trump was 59 minutes. It was always going to be edited. I don't think the implication that the program was in any way misleading can be made out.

Senator HENDERSON: Mr Marks, different editing decisions were made between the ABC and the program broadcast by the BBC. There's no doubt about that, and I've made that clear in the comments and concerns I've raised. But the key lines in President Trump's speech which make it clear that he was urging people to walk to the Capitol to cheer on 'senators and congressmen and women' are at odds with the narrative that President Trump was urging people to go to the Capitol to incite violence or to participate in civil unrest. The key lines were deleted from the *Four Corners* program, and I would put to you that it was done deliberately so as to distort what the President said.

Mr Marks: There was another line that came after that line, which was 'and some of those senators, not so much'. So, again, even the reporting of this matter has been selective in the quotes that are used to make the case, one way or another, that in some way the program created a misleading impression of the day. I don't think it did.

I think the program was meticulous in its application of timeline, nuance and balance across the entire program—referencing Trump's comments later about peaceful demonstration et cetera. In its entirety I think the program stood up to absolute scrutiny, and I'm very happy with that particular show.

Senator HENDERSON: Can I ask you to provide on notice all correspondence and any internal emails, or any other messages, in relation to that program following the revelations of the BBC fallout, please.

Mr Marks: Sure.

Senator HENDERSON: Thank you. I want to ask quickly about the doctored Jane Hume photograph. Now, to give the ABC its credit, that matter was corrected very quickly, Mr Marks and Mr Stevens. It's clear an editor made a mistake in including in the *Insiders* package a doctored photograph involving Senator Hume. But what I was concerned about was that there was a statement saying that this was actually sort of justifiable and understandable because it was, after all, satirical. I've actually spoken to people at the ABC about this. There's nothing satirical about that part of the program, so how could it be justified in any way, given the very serious mistake that was made?

Mr Stevens: Context is everything. The context for *Insiders* is that it has a storied history of satire and political satire. You'd also note the montages that *Insiders* very cleverly put together each week are not your standard news-style, daily-news-style political montages. They are clever. They are witty. They deploy editing techniques to highlight—

Senator HENDERSON: So you think this was okay, do you? Are you saying this was acceptable?

Mr Marks: I think Mr Stevens was just trying to give the context, Senator, to what the program tries to achieve. We immediately accepted the error of the statement and we rectified it.

Senator HENDERSON: Thank you. So there was an error, and therefore what I'm saying to you is it's not appropriate to justify this on the basis of satire, because that part of the program is not satirical. It's a serious, flagship current affairs program, Mr Stevens.

Mr Stevens: It is a serious program.

Senator HENDERSON: So it cannot be characterised as satire.

Mr Stevens: Understood. I think, also, though, in the spirit of being precise—

Senator HENDERSON: Australians—

CHAIR: Sorry, hold on one tick, Senator Henderson. Please allow Mr Stevens to finish his answer, and then we'll come back to you.

Mr Stevens: The image was not doctored. There needs to be precision around deployment of the term 'doctoring' because doctoring, the definitional term 'doctoring', means someone actively or deliberately seeks to deceive. The staff involved did not intentionally seek to deceive, and it was not doctored; it was altered for the purposes of political satire. They got it wrong.

Senator HENDERSON: Oh, come on.

Mr Stevens: No-one is saying they shouldn't have done it that way.

Senator HENDERSON: Mr Stevens!

CHAIR: Senator Henderson, no, just let him answer, and then you'll have a chance to ask further questions.

Senator HENDERSON: This part of the program is not satirical.

CHAIR: You might disagree with what he says, but he's still entitled to say it. If you would just give Mr Stevens—

Senator HENDERSON: And you're making things worse actually, Mr Stevens.

CHAIR: Senator Henderson, if you'll allow Mr Stevens to answer the question, please.

Mr Stevens: I'm explaining—the comment in reference to satire is the program's history of tongue-in-cheek montages regarding politics. That's clear every week on *Insiders*. The team understand it shouldn't have happened; we moved swiftly, as you pointed out; and it won't happen again.

Senator HENDERSON: My only comment is that, when you make a mistake—I understand a mistake was made. It was a bad mistake, but mistakes happen. You corrected the mistake quickly. But I would just put to you that to characterise this as being justifiable because there was a satirical element to that part of the program is not correct. I say that because that front end of the program is regarded by many Australians as being trusted news and current affairs in terms of the information that's disseminated. And, when Australians watch *Insiders*, they do expect to have reliable, accurate, impartial information conveyed by the program.

Mr Stevens: Understood.

Senator HENDERSON: Would you agree?

Mr Stevens: Sorry, I thought it was a comment. That's your opinion, and I won't dispute your opinion.

Senator HENDERSON: Thank you. Is anyone else seeking the call?

CHAIR: Yes, they are. Have you completed your questions to the ABC, Senator Henderson? I'm just noting the time and—

Senator HENDERSON: Yes, I know—I am just quickly—

Senator DAVID POCOCK: Can I jump in while she's—

CHAIR: I think you probably should, yes. Senator Pocock.

Senator HENDERSON: Yes, sure. I'm just quickly checking, sorry.

Senator DAVID POCOCK: Thank you for your time this evening. I've got some questions on two different things. The first is around the ABC's editorial policy—from a slightly different angle. I was keen to ask some questions—recently, there was a bill that passed the Senate called the Social Security and Other Legislation (Technical Changes No. 2) Bill 2025. There was this really controversial schedule 5 of the bill which created a lot of concern not just amongst senators, but in civil society. It was described by experts as one of the biggest changes to executive power versus the judiciary in a long time.

There was a lot of criticism and concern from a range of stakeholders—ACOSS, the Law Council of Australia, every First Nations women's legal body in the country, the former New South Wales DPP and more than a hundred experts, criminologists and others from civil society. There were press releases put out and doorstops in the Mural Hall. But I was interested in the fact that there was only one news story from the ABC covering the whole thing and was just interested in whether this was discussed and wasn't deemed as important. What happened there?

Mr Stevens: Thanks for that question. We'll follow up for you. As you'd appreciate, often there are lots of reasons why, depending on what else is happening that week or day. We'll follow up for you.

Senator DAVID POCOCK: Is that the kind of story that you'd expect the ABC to cover?

Mr Stevens: Well, it's good that we covered it. It sounds to me—

Senator DAVID POCOCK: Once, very early on—I think out of Brisbane.

Mr Stevens: We'll follow up on what other considerations were made.

Senator DAVID POCOCK: Okay. On the follow up and in terms of voices the ABC chooses to quote, in the one story, ACOSS and the Police Federation were quoted, but one of the major concerns raised was by Aboriginal women's legal groups across the country. They had issued press releases and done press conferences. I'm interested in why their voices weren't covered in this. But I understand you'll take that on notice.

Finally, I had some questions on your copyright policy, specifically on the ABC terms of use and who owns the content produced on ABC platforms, as our public broadcaster. I totally understand the copyright around the logo, but I was keen to understand the copyright over content when people participate in interviews with the ABC and if there are ways that they can legitimately also capture that interview and be able to share it. Or do you exclusively own that?

Mr Marks: Right. As in third parties being able to take material that the ABC has recorded and use that for their own purposes?

Senator DAVID POCOCK: Or that person—if I participate in an interview, can I then share that interview?

Mr Marks: Yes. I think that would be something that could either be covered off as part of the participation process, or it could be covered off subsequently and a request could be made. Obviously anything generally in terms of news and current affairs material is owned, the copyright, by the ABC, but we would, from time to time, always make available that material for purposes depending upon the context.

Mr Stevens: And you'd be aware that there are specific policies as well in addition to that. I'm not sure if this is what you're referring to around use of our content in the context of political advertising. We have really clear policies for obvious reasons.

Senator DAVID POCOCK: I understand that. Just generally, it's been explained to me that if, say, I were to do an interview and record it on my phone, I couldn't share that, because it's an ABC interview, even if I don't include the ABC as part of it. I'm just wondering how you can cast a net that wide on ABC content.

Mr Stevens: Anyone would be at liberty to request a copy of the copyright from us.

Senator DAVID POCOCK: What's that process like?

Mr Stevens: We can provide the process on notice.

Senator DAVID POCOCK: Okay. You're the public broadcaster. Is there a reason why you're clamping down on copyright so hard when it—I totally get they're your programs. It just seems like general interviews—if a citizen scientist does an interview talking about Rosenberg's goannas on Mount Majura and they then want to share that on their socials, reading your policy, they can't do that.

Mr Fang: Maybe I can help with that.

Mr Marks: That'd be great.

Mr Fang: Thanks for the question, Senator. You've identified a couple of issues. One is obviously the issue around copyright, but you're talking more about how a participant can get access to or utilise the interview that they might have been a part of. One of the reasons that the policy is set the way it is is that we want to ensure that any kind of reuse doesn't suggest that the ABC endorses a political point of view. That's why we are generally quite conservative about what we will release around political interviews. However, we acknowledge that it might be of better use or more beneficial to the audience if they can get access to these interviews that might be shared on your social media, for instance, so on those occasions we are now saying that, as long as you're attributing that interview to the ABC, we're fine for you to utilise it.

The process of getting access to it is to speak to the team that has recorded the interview with you. One of the reasons that we don't like people to record an interview and then use it separately is around the accuracy and the usage of that interview. We want to make sure that that interview is used appropriately, in the way that it is recorded and used in ABC stories, rather than being utilised potentially for different intents and different purposes. For interviews like the one you suggested before, about the member of the community and something that's non-controversial, we would have no problem with sharing that with them to allow them to have that for their own personal use or to share with their friends and family. It's those around politics and endorsement that we try to maintain a high bar so there can be no sense that we are endorsing the perspectives put forward in that interview.

Senator DAVID POCOCK: But is any fair-minded Australian saying that, because you say something in an interview on the ABC, the ABC is endorsing you? I feel like you've made a bit of a leap there. What are you relying on to say that no-one can record even just their part of, say, a radio interview and use that, where you don't even hear the interviewer's side of the question?

Mr Fang: Unfortunately, there is and can be a perception, for something that has been recorded and might have been edited differently by the person that was the focus of the interview and then put out, that the ABC has endorsed it or that this was the ABC interview that was then cut up and used on the ABC. We need to be really careful about making sure that these perceptions are not allowed to be in the community, because it goes to our trust, our independence and our impartiality and to a lot of the questions that we've answered today. Unfortunately, there have been occasions when our interviews have been used in ways that we wouldn't endorse, so we maintain some high standards around that to protect that.

Senator DAVID POCOCK: Is this reliant on copyright law? How are you enforcing this policy? What's the legal basis of it?

Mr Fang: We do have provisions under copyright around our logos and our content and the IP around that. Otherwise, particularly when it comes to political interviews, we rely on the good graces and cooperation of politicians to support the ABC in ensuring that there is no sense that our content endorses one side of politics or another.

Senator DAVID POCOCK: Sure. I mean, I fully support the intent of what you're saying; I'm just wondering whether, as the public broadcaster, there's a more workable solution, where if it's in the right spirit of things then it's permissible but if it's not then—

Mr Fang: That's something we'll certainly consider, particularly in an environment where more and more people are only getting access to content through social media and sometimes through other people's social media feeds. We want to make sure we're getting the balance right there so that the content that we're making for the taxpayer, providing information and critical interviews, is being shared, but we also need to keep in mind the broader possible issues around perceptions of our impartiality, particularly around political interviews.

Senator DAVID POCOCK: Okay. Thank you, and thank you very much for all that you do as the public broadcaster.

CHAIR: Senator Ananda-Rajah, you have one question.

Senator ANANDA-RAJAH: I have one question with respect to balancing content volume with editorial standards and quality. You said that you were going to look into this and that it's something you were actively debating internally. I think one observation I've made is that journalists—not just from the ABC, but across the board—often impose very pressing deadlines for comment. It's certainly something I've encountered, but it's also feedback I've received from other people who are not politicians. I wonder whether you have some guidelines for this, because I do think it is sometimes unreasonable to impose that on laypeople. I think it's different for us; we have a machinery behind us. But, for laypeople, they often do need a bit more time to formulate responses in order to ensure the kind of quality that you seek. I wonder what your guidelines around this are and wonder how you ensure your journos are complying with those guidelines.

Mr Fang: I'm happy to answer the question. We do have guidance and guidelines around fair opportunity to respond. The key is that we want to provide the person who might be the focus of allegations or who we require to get that perspective from with enough time to adequately respond appropriately to what's put. There is no set amount of time for that; it very much depends on the type of content and the type of story. But what we encourage and what is in our guidelines and what we talk to our staff about is to make sure that they give fair opportunity, because, ultimately, that makes the story better—and because you need those perspectives. Particularly for complicated, long-form current affairs and the like, more time is generally given.

Having said that, from time to time, people may not respond and may use the idea that they haven't been given a fair opportunity to not respond appropriately. At some point, we need to weigh up the public interest and the interest to the audience of publishing where we have given an appropriate time. These are set out and drawn out in our guidance and guidelines for staff.

CHAIR: Thank you very much. On that note, I am going to excuse the officers from the Australian Broadcasting Corporation with the committee's thanks.

Office of the eSafety Commissioner

[18:07]

CHAIR: Before I formally welcome officers, I note that I am now in a position to indicate that we do not need officers from the Classification Board or the Classification Review Board. I thank my colleagues for their assistance in that respect and note that, while we have been able to release some agencies, we are unfortunately at this point still running about three hours behind. We'll attempt to recover what we can of the schedule in the remainder of the piece. Welcome, Ms Julie Inman Grant and your staff members. Commissioner, do you wish to make an opening statement?

Ms Inman Grant: Just a quick one so I don't get tired of my own voice and neither do you. We stand ready to monitor and enforce compliance with the social media minimum age requirements on 10 December. To help parents and young people prepare, we have confirmed our view that Facebook, Instagram, Kick, Reddit, Snapchat, Threads, TikTok, YouTube, Twitch and X are age restricted social media platforms under the legislation and must deactivate the accounts of children under 16. However, we've been clear that platforms must make their own assessments about their obligations, including any new or evolving services, functions and features. Our approach will remain agile to address the evolving nature of social media services.

To support the community in preparing for the change, we've released comprehensive resources informed by feedback from key partners, including headspace, Kids Helpline, Beyond Blue, Raising Children Network and ReachOut. We have tailored resources for parents, young people and educators, which are all free on our esafety.gov.au site and via our social media minimum age information hub. We're running extensive live webinars, with about 10,000 registrations to date, to scale important messaging and answer questions for parents and educators, in addition to various school visits I've made with Minister Wells to answer parents' and children's questions directly.

As outlined in our regulatory guidance and the legislation itself, the onus is on the platforms, not the parents. We expect age restricted media companies to communicate effectively and compassionately with users and to provide them with the information and resources they need to understand the changes and how age assurance will be implemented. We've already seen some platforms, such as Meta, Snapchat and Kick, on the front foot, and we expect others will soon follow, including TikTok this week. Some may not, but we are also planning for this.

To that end, we do not anticipate that all the under-16 accounts will automatically or magically disappear on 10 December overnight. Some platforms will do this more quickly and effectively than others. Some may take some time to replicate through their massive systems. We'll be watching closely, but I also want to set expectations that we will take a graduated risk and outcomes based approach to compliance and enforcement, focusing on platforms with the highest proportion of under-aged users. We've engaged consistently with platforms about our

expectations and believe that every platform captured through this scheme has the technical ability to comply. We will use a variety of tools and strategies, including our formal information-gathering powers, to source relevant data to assess compliance.

Importantly, there are no penalties for social media users. Our focus is on systemic failures by platforms, not individual under-age accounts. We know that some under-16s may still manage to access restricted services, but our priority is determining whether platforms are doing enough to comply and to continuously improve. If they are not, we will take action.

This world-leading action is a significant undertaking for a small agency like eSafety, but I'd like to stress it's only part of a broader holistic approach to online safety. This includes our ongoing work in outreach and education, our range of complaints schemes and, more recently, our enforcement actions to protect children against grooming and the scourge of sexually explicit deepfakes tearing apart our schools and communities. We've made considerable progress in this domain in the last two months since our last appearance here. Finally, our codes addressing children's exposure to pornography and other high-impact material, including self-harm and suicide promotion, take effect from 27 December. I'm happy to take questions from the committee on this and any other issues you may wish to raise. Thank you very much.

CHAIR: Thank you, Commissioner. Senator Henderson.

Senator HENDERSON: Commissioner, good evening to you. I want to ask about the Federal Court case involving Celine Baumgarten. I actually attended the Federal Court case hearing on Friday in Melbourne. I was shocked to learn that a post that she made about concerns in relation to gender activism at a primary school resulted in a removal notice by you as the commissioner. That was taken to the ART, and you as the commissioner are now appealing that decision before three judges of the Full Federal Court. I am shocked principally because this was a person raising her concerns about gender identity activism at a primary school—the establishment of a queer club that, in her view, was a risk to children. I'm just astounded that that resulted in you taking action against this post, such that the post was taken down.

Ms Inman Grant: Senator Henderson, have you seen the post or the series of posts?

Senator HENDERSON: I am talking about the one particular post. Yes.

Ms Inman Grant: And you didn't think it constituted cyberabuse in any way, shape or form?

Senator HENDERSON: I am referring to the—

Ms Inman Grant: You're telling a narrative, but have you seen the post and assessed it against our legal thresholds?

Senator HENDERSON: I haven't seen every post that she's made, no. Could you explain to me why—

Ms Inman Grant: Yes. I'll turn this over to our general counsel.

Mr Fleming: Senator Henderson, we didn't actually issue a removal notice. I think that's the controversy that the court is considering. The issue is whether or not our approach to X constituted a removal notice. The ART found that it did, and that's what we are appealing. As you would know from being in the court, there were robust discussions around that. The matter is now reserved and we are waiting for the decision of the full court.

Senator HENDERSON: But, why was there a request to take this post down?

Mr Fleming: To be clear, the request was around X considering the post against their terms of service. X took that post down, and then it was reinstated. Our position is we didn't issue a removal notice. The ART said that what we did constituted a removal notice—

Senator HENDERSON: That's right—

Mr Fleming: and that is what we're appealing.

Senator HENDERSON: Going to the substance of the post—I haven't seen every post that this person has put up on her account—as I understand it, she was raising concerns about gender activism at a primary school. As I say, I haven't seen everything that she said, but I am just concerned that something of this nature would constitute a matter that would result in you as the eSafety Commissioner demanding that this post be removed.

Ms Inman Grant: We don't comment on political commentary. Our adult cyberabuse scheme is a very high threshold, a two-prong test. We have to prove serious intent to harm, and then menacing, harassing and offensive to an ordinary, reasonable person in all circumstances.

Senator HENDERSON: Are you saying this constituted adult cyberabuse?

Ms Inman Grant: This is what we assess. When it doesn't reach that threshold—and only about 6 per cent do—but it violates a company's terms of service, we will often issue something called an informal complaint alert.

In many cases, X Corp in this case, will ask us to use a legal hurdle. I don't know if you want to continue, Mr Fleming—

Senator HENDERSON: I understand some of the legal issues, but I want to go to substance of the post. Why did this post, which was about raising concerns about gender activism at a primary school in Melbourne—

Ms Inman Grant: You're spinning a narrative about what you think it is.

Senator HENDERSON: Please don't reflect on me.

Ms Inman Grant: What you are saying is—

Senator Green: Let her respond.

Senator HENDERSON: I am just asking you: why was this deemed to be adult cyberabuse, because—

Ms Inman Grant: Because it was targeting another person with abuse.

CHAIR: I'll get you to let Senator Henderson finish her question, and then I will give you a chance to respond fully.

Senator Green: Uninterrupted.

CHAIR: Yes.

Senator HENDERSON: Yes. Why was this deemed to be adult cyberabuse, Commissioner?

Ms Inman Grant: It was deemed to be a contravention of X Corp's policy.

Mr Fleming: I think we keep coming around to the same issue. We didn't see it as adult cyberabuse. That's our assessment: it wasn't adult cyberabuse.

Senator HENDERSON: Oh, it's not adult cyberabuse?

Mr Fleming: Absolutely. What we did, in a colloquial sense, is point out to X that this post had been made: 'It may have breached the terms of service—please assess it.' That's the extent of engagement with X on that issue.

Senator HENDERSON: Whether it's in contravention of their terms of service, isn't the relevant test whether it has been in breach of the legislation?

Mr Fleming: I think there are a range of controls of content on the internet. There are our powers, but there are also the terms of service of all the platforms. There are things that they control about what their users do and say on the platforms, and that's the context of us raising this with X. We're saying: 'You have these terms of service. We think this post breaches your terms of service. It's up to you to assess that. Over to you.'

Senator HENDERSON: But hang on a minute. The online safety commissioner, the eSafety Commissioner, is all about upholding the legislation, including the Online Safety Act, and—

Ms Inman Grant: It's also about keeping Australians safer online. Why do companies have terms of service if they're not going to enforce them? It's a voluntary thing, but it has worked successfully for more than 10 years. We use it when children are being cyberbullied. We use it when intimate images are shared without consent. In some cases, we use them in adult cyberabuse cases where it doesn't meet our very high threshold but it appears to be a breach of their terms of service. There was no compulsion for them to take that down. It's called an informal complaint alert. But, in the vast majority of cases—because cases get missed all the time, or culture and context is lost—they generally take it down.

Mr Fleming: Just—

Senator HENDERSON: You weren't relying on your—

CHAIR: Sorry, Senator Henderson. Do you want to finish that answer?

Mr Fleming: I was just going to add that our engagement with the platforms has shown over years that they would prefer us to engage informally on these issues so that we don't have to get into this informal process. That's important context to consider when we're dealing with a range of concerns raised through our complaints schemes.

Senator HENDERSON: So you weren't relying on your powers?

Mr Fleming: That's what we say.

Senator HENDERSON: You were informally contacting the platform to say, 'We think this is a breach of your terms'?

Mr Fleming: That's what we say.

Senator HENDERSON: Is that the case? Clearly, it wasn't a breach, because X have now reposted and reinstated that post.

Mr Fleming: All those issues that you raise are matters to be considered by the court, but our position is that we didn't use our powers. The ART found that we did. That's the controversy before the full court at the moment. The full court have reserved their decision and they will make a call on whether their view is that we used our powers or did not.

Senator HENDERSON: I guess that's the hub of the issue. It just looks a very controversial decision that you've made, to suggest that this sort of post was unlawful. I understand that there's a complex legal, technical argument, but, on the broader issue of someone posting about these matters, I understand there was an individual named. Is that what raised your concern—that it breached X's terms of service, in your view?

Mr Fleming: Yes.

Ms Snell: What is sometimes lost when we describe posts is that you don't see the imagery that might be attached. People often use imagery and photos to grab for attention. When you're scrolling through social media, you need something to attract. Sometimes it can be the image that might raise concerns, as opposed to the text that has been there.

Similarly, we might talk about some of the footage, in relation to recent murders that have occurred, that we took action on. In those instances, people were making commentary about, for example, the attack of a student on a train. It might be legitimate for them to raise that concern, but posting footage that shows the graphic nature of that murder, we would say, is not acceptable.

In this instance, there was footage—a photo—of an individual. We felt that photo in itself may raise concerns under X's terms of service, so it was on that basis. It's not always just about the words. I think that's the problem. So, when you describe something and refer to the caption, the caption might be considered to be perfectly reasonable and appropriate for someone to raise, but we have to look at the whole post, and we expect all of the platforms to look at the post in its entirety in assessing it against their terms of service.

Senator HENDERSON: I guess now we have a situation where your concerns were unfounded. The post has been reinstated. You've gone to the Administrative Review Tribunal. The ART has found against you, and now you are before three judges of the Federal Court, and, frankly, dragging—

Ms Snell: That's in relation to the legal issue, which is not about how we assessed the post; it's about whether we made a decision or not.

Senator HENDERSON: Well, you are appealing the decision made by the ART.

Ms Inman Grant: It will have a very broad implication for a range of other regulators that want to work informally rather than invoking formal powers each time, and that's why it's so important to the Commonwealth.

Senator HENDERSON: I understand the legal and technical issues, which is why I was particularly interested in this case. But, at the end of the day, you have an individual who has posted concerns. Some of the activism in schools is of great concern to me. Some of the activism is actually causing a lot of harm to children. Minister, you can laugh—

Senator Green: You keep saying 'activism', but the school captain is a young kid that wanted to set up a club, and it would have been a place where my daughter, who has two mums, would have found a safe place to go at lunchtime. So when you're talking about 'gender activism', that is what you are talking about. I haven't seen the post, and it's a legal issue, but just be a little bit sensitive about the language that you're using, perhaps.

Senator HENDERSON: Minister, I don't want to talk about any child—

Senator Green: No, and you shouldn't.

Senator HENDERSON: including referencing your child.

Senator DEAN SMITH: If I could just—

Senator HENDERSON: But let me just say that these issues are of concern to many parents in primary schools—

Ms Inman Grant: Yes, but these issues that are being discussed are not about the cultural issue that you're talking about; it's a legal question.

Mr Fleming: Senator, I think it's important to understand why this initially came to us. We have complaint schemes where people raise these issues, so that's where the complaint came in. We assessed it against that complaint scheme, and, as I said, we found in our view it didn't meet the threshold. But we wanted to raise it with the platform to see whether they considered it breached their terms of service.

Senator HENDERSON: I will await with interest to see the outcome of this case. Could I just ask for any correspondence that you hold in relation to this matter to be provided to the committee on notice, please.

Senator DEAN SMITH: For my clarity and curiosity, are you testing the decision of the ART to protect or uphold the informal mechanism that you can use to draw things to content services or content providers?

Ms Inman Grant: That's precisely right. Particularly when you think about youth, site based cyberbullying, the quicker we get that content down, the better it is for the mental health and distress of the child. If we were to develop a formal removal notice every single time, all of that would take a long time. As the general counsel said, companies prefer when we point out that they've missed something—somebody has been hurt, threatened or intimidated, and they've missed it—they'd much rather take that down and have an informal notice. Of course, we record it, and it's part of our statistics so that we can be accountable and transparent.

Senator DEAN SMITH: So the informal mechanism ensures the promptness or effectiveness of drawing contentious material to someone's attention, so it can be removed more quickly.

Ms Snell: And it could be said that this process and how this played out demonstrates essentially the effective processes. What happened was we raised it with the platform for them to consider under their terms of service, and their initial response was to remove it. But the individual who posted it was then able to raise with them their concerns that it had been inappropriately removed. X reviewed that and subsequently reinstated it. If, however, in that interim time we had continued our assessment and deemed in fact that it had met the thresholds, we could have issued in that instance a formal removal notice. In that situation, you would have seen the platform act promptly and us follow that up with a formal notice, which would have significantly minimised the harm in an instance where it did meet the threshold. That's what we're trying to balance here, but the fact that platforms, through their terms of service, provide a review mechanism for individuals who have posts removed means that there's a protection there for free speech, in a sense, as well.

Senator DEAN SMITH: So getting some certainty on this matter assists regulators more broadly than your office.

Mr Fleming: That's right. The court documents, including our submissions and the submissions of the other parties, are on the Federal Court website. That sets out our grounds of appeal and issues in contention.

Senator DEAN SMITH: Thank you.

CHAIR: Senator Pocock?

Senator DAVID POCOCK: Thank you for your time this evening. I take it that you saw Sarah Martin's investigation in the *Guardian* into Roblox. I wanted to ask a few questions about that. She showed there's sexual assault, harassment and explicit comments—even with parental controls enabled. I'm keen to ask about the classification of Roblox. Is this a gaming platform, or is this a platform that's actually enabling social interactions? How are you grappling with this, as an eSafety Commissioner, in terms of designations?

Ms Inman Grant: Can I take that in two parts? The first part is—and I think you understand this well—that the social media minimum age act is very distinct and narrow in what it sets out to achieve. It's about age restriction and preventing under-16s from having or holding a social media account. We were given a definition in the legislation where we have to determine sole or significant purpose being online social interaction—with, of course, messaging sites and gaming sites being two of the exclusions.

We have a much broader set of safety tools in the context of the broader Online Safety Act. As soon as our phase 1 standards came into force in June of this year, we engaged with Roblox, because we've been concerned with them for a long time. And let me know if I miss any of these things. We were very concerned that adult accounts could reach out to and communicate with child accounts without explicit parental consent. We were concerned that child accounts didn't have privacy protections at the strongest level. We raised questions, given that they've got a co-mingled platform, and the primary demographic right now is five to 13, but they're ageing up, and 24 and above is becoming a growing demographic for Roblox. They've been introducing a whole set of new features. They're positioning themselves as a metaverse. They've talked about a virtual dating site and an ecommerce mall. So we raised a number of issues with them. Part of the problem with a co-mingled platform like this is that, if you can't identify the ages of everyone and the parental relationships with the young people on it, it becomes a very perilous place.

They have committed to making all these changes that we've asked for, and they will age-verify their whole, entire user base by the end of December. That was done and announced in, I believe, October or November. When we went through the analysis—and I may turn over to Ms Snell to talk about how we looked at the question when we did the self-assessment and the analysis—there were certainly things that they'd changed. They'd changed their features and functions significantly, to include more online social interaction. I can see them being captured by this.

Senator DAVID POCOCK: So, currently, they don't meet the definition to be designated.

Ms Inman Grant: No.

Senator DAVID POCOCK: But should you have a mall and a dating 'area'—I don't know; I don't understand how it works—then they potentially could be designated? Is that what I'm hearing?

Ms Snell: What is important to understand with the legislation is that you can start out being an age restricted social media platform, in the sense that you have a significant purpose of social media—online social interaction—but then there are exemptions, which means that if you have a primary purpose of gaming then you are exempt. So that's the category that Roblox fits in to. We identified that it definitely does have online social interaction, but its primary purpose, at this point in time, is—we consider—still gaming. As we see services evolve over time—and we were very clear to Roblox that they needed to continue to regularly assess themselves and consider how, if they add additional features, whatever those features might be, or alter the way that their users start to interact on the platform—that might change. If users tended to then engage in more online social interaction, rather than playing games and talking about the game that they're playing, then that would see a shift there. I think it is important to recognise—as the commissioner noted—that, in the commitments that they've given to us specifically, this will mean that adults will not be able to contact children via the chat features once they've rolled out the age assurance at the end of the year. So that will significantly impact the level of online social interaction that's happening on that platform as well.

Senator DAVID POCOCK: In terms of the—

CHAIR: This is the last question.

Senator DAVID POCOCK: Maybe a question in two parts?

CHAIR: Yes.

Senator DAVID POCOCK: In terms of risk assessments, are you doing them yourselves with the user being an Australian child, as Sarah Martin did, or are you just basically asking: 'Roblox, what's happening on your site? What are the kinds of things?' How are you doing the risk assessment? In light of the *Guardian* article and, I think, broader community concern, what is being done other than, hopefully, stopping adults interacting with children?

Ms Inman Grant: I think you may be referring to research accounts or to using sock puppet accounts to set up a new account to test the reactions that happen. We're assessing whether or not we have the legal ability to do that and under what circumstances. But we look at a range of factors, in terms of determining what we consider to be the relative risk. Exposes like that, where those tests have been done—the team will validate while they're trying to enjoy their weekend. I'm often reading *404 Media*, the *Guardian* or whatever it is, or *WIRED*—sending them research to look at and that sort of thing. So we're doing that. We're doing some of our own testing, and we're using our transparency powers. But we're also just taking complaints from the general public through our complaints schemes every day. So we have a very good sense of what's happening where and what harms are happening. Our youth research has helped with that too, speaking to young people and their parents about what specific harms they're encountering and where. So that is very important. And we do have safety by design and risk assessments that are built into our codes and standards.

Ms Snell: The other thing I would say is that, from a regulatory perspective, you want to start using levers and see whether those levers create an impact before you keep leveraging up your level of enforcement and so on. In terms of the particular commitments that Roblox has given us, we will be continuing to monitor—drawing from the range of insights, as the commissioner mentioned—to see whether those initial commitments start to have an impact on the safety of that platform. If they don't, or if other issues emerge, then we will certainly continue to explore what further enforcement levers we have under the codes and standards.

Senator DAVID POCOCK: Thank you. And the dates—

CHAIR: Senator Pocock—

Senator DAVID POCOCK: I just forgot the date for age gating. It was June?

Ms Inman Grant: At the end of December.

Ms Snell: They have committed to the end of December.

Senator DAVID POCOCK: Thanks very much.

Ms Inman Grant: Congratulations on your bill.

Senator DAVID POCOCK: Thank you.

CHAIR: Commissioner and officials, we will now suspend. There will be further questions for you after the break.

Proceedings suspended from 18:38 to 19:28

CHAIR: We have the eSafety Commissioner and officials back at the table. Senator Smith.

Senator DEAN SMITH: I thought we might start with the public awareness or communications campaign that sits around the social media ban and to what extent the eSafety Commissioner is involved in that, guiding that and funding that.

Ms Inman Grant: This was a government run campaign, so all the funding goes to the department of communications; there is a whole process around that. We've been working closely with them to make sure that some of the tools they've been developing align with ours. We did a significant amount of our own resource development, including using our youth advisory committee to make sure there was co-design for young people. We have an education team and an outreach and awareness team, as I mentioned. We're doing webinars through December; we've had about 10,000 sign-ups. We're speaking to schools. We have a fairly significant social media age restrictions hub, where we've got everything for educators, for young people themselves and for parents as well—things like scripts and videos, how to start the chat about what apps they're using, how to download their archives and images, and what other things they should be thinking about in preparing their kids.

We are letting them know that the transition is going to be very different for some kids than it will be for other kids; I can say this, having a microcosm of three teenagers in my house. One's beyond that age and wishing she'd had this, another child is like, 'Good riddance', and my third child's really struggling; she sees it as a key way that she engages with her friends and understands what's happening. Every child is going to be different, and I think that, as parents or carers, we need to be weighing in. It's also worth noting that we worked directly with Raising Children—as I said, headspace, ReachOut, Kids Helpline—to make sure that the language we are using is supportive and encouraging help-seeking, and that we're giving them other places to go. We don't want this to be cutting off their lifelines.

Senator DEAN SMITH: Given all that, what gaps, if any, do you think might exist in the communications strategy? The eSafety Commissioner is doing its bit, and you've got a very high level of awareness of what other people do. Are there any obvious gaps you can identify?

Ms Inman Grant: What I would say is pretty extraordinary because it's been bipartisan and there's been a lot of national and international discussion about these issues for the past year. There's a 94 per cent knowledge rate of the social media ban.

Senator DEAN SMITH: Awareness.

Ms Inman Grant: Awareness—as well as very, very high levels of support. There was a piece of research put out by QUT and others around young people feeling like they haven't been engaged with enough. We made a real effort, but it's not always easy to reach 2.5 million young people where they are over a short period of time.

Senator DEAN SMITH: Unless you're a social media provider.

Ms Inman Grant: Unless you're a social media provider, yes. They could have helped amplify, but it's not—

Senator DEAN SMITH: So, a gap. Have social media platforms done enough, in your view?

Ms Inman Grant: They're not being compelled to educate. We have asked them, under the reasonable regulatory guidance, to communicate directly with the under-16s in a kind and compassionate way that they have been identified as under 16 and that their accounts are likely to be either deactivated or removed. Ideally we ask them to give young people a choice, and ideally we ask them to put them in-app. We worry about any texts or emails that could be spoofed and could lead to scams and the like.

I have to say that, given we've got 10 companies that have been captured, of which three are Meta properties—Instagram, Facebook and Threads went out first, and I thought their messaging was good. Snap went out next; I think they're probably offering more options for young people in terms of age assurance, which is positive. Kick, which is the Australian streaming platform, has also gone out. We met with TikTok last week, and we expect communication from them. There are other major platforms where we haven't had an indication that they're going to communicate beforehand, and I think that's a shame.

Senator DEAN SMITH: Minister, is the government satisfied that it's done enough to ensure that social media platforms are doing enough to educate and raise awareness?

Senator Green: Yes.

Senator DEAN SMITH: Yes?

Senator Green: Yes.

Senator DEAN SMITH: Quite conclusive—emphatic, almost.

Senator Green: Yes. The awareness campaign that we—

Senator DEAN SMITH: So post the information—

Senator Green: Excuse me, Senator Smith, if you want me to finish my answer—

Senator DEAN SMITH: No, you answered. No, you—

Senator Green: I gave one word, and then you started talking again.

Senator DEAN SMITH: It was a one-word answer; you're correct.

Senator Green: I didn't get to finish my answer.

Senator DEAN SMITH: It was a one-word answer. Thank you for that.

Senator Green: If you want to ask me a question, let me answer it. Stop speaking over me.

Senator DEAN SMITH: I wish Senator Ayres would show that sort of brevity.

Senator Green: Honestly, Chair, this has happened all day. I'm trying to answer the question.

CHAIR: Yes, I can understand that.

Senator Green: I went to add to my response.

CHAIR: Let's keep it—I think that's a fair point.

Senator Green: If you don't want to hear the answer, don't ask it.

CHAIR: It's a fair point the minister is making. I'll just give her a chance to complete her answer, and then I'll come back to you, Senator Smith.

Senator Green: I was going to speak about the awareness campaign which started in October, which the department spoke about earlier today and the eSafety Commissioner has spoken about again now. One of the astounding figures, I thought, from the campaign was that the campaign has been seen by 518,000 page views already from the eSafety home page, I think. Is that—

Ms Inman Grant: I think it's now increased to over 700,000. Is that right?

Senator Green: So there's been incredible reach, but that's not the only way we've been getting the message out. One of the other ways—and the eSafety Commissioner mentioned this not long ago—is that the minister and the eSafety Commissioner have been out there talking to parents, students and teachers, in particular. A lot of work has gone into this because we know that this is a really important policy that I thought was bipartisan, but private senator's bills seem to say a different thing.

Senator DEAN SMITH: From private senators. Minister, what metric will the government use to measure its success or otherwise in regard to the social media ban, in terms of the communications awareness strategy? What metric?

Senator Green: The department was here earlier, and they can give you more advice on how the campaign is being measured against whatever goals they set in terms of reach or views and the different markets that it's gone into. But I'll hand over to the commissioner, because I think one of the things that she quoted recently is just the knowledge of it. We've been able to test how many people are aware that this is happening and coming, and I think that it's through the roof, really.

Ms Inman Grant: I just want to go back to one of your questions, Senator, about the social media companies doing more. What's really interesting—and it's not the same in the rest of the world—is that Australians generally have very low levels of trust in the social media companies and much higher levels of trust in government, and that's why it is so important that we're doing it.

But what I've loved is that we've seen a thousand flowers bloom. What I mean by that is that we have a few different communities. We have NOSEC, which is the National Online Safety Education Council, the 27 departments of education around the world, all of the education ministers—Minister Wells and I addressed it with Jason Clare. And now we have the TEPs, which are the trusted eSafety providers. They've reached 200 million people over the last year, but they're developing their own materials. They all have slightly different audiences, so, when we're fanning out together, we'll need to find a way to capture how many people we've reached.

But I want to say that, after 10 December, we're not done. One of the things that we're expecting to deliver by the start of school is our digital action plans for schools. We obviously want to use these valuable three years to build digital literacy and critical reasoning skills and resilience, so we'll have an action plan for schools. In year 8, they should know this. In year 9, they should know this. We'll have a really engaging curriculum that schools can use. So it will be a continuing chorus, I'd say.

Senator DEAN SMITH: Thank you for that. Minister, you were quite emphatic in your level of confidence. You said yes, it would be a success. On notice, I would like to know what is the metric or the metrics the government will use to measure the success of the social media ban immediately following the implementation date. It's a very genuine question because expectations of success are very high. Our international reputation now rests on successful implementation.

Commissioner, you're absolutely right. It sounds like there's a lot going on, and, just from my limited experience, I wouldn't be surprised if there are gaps. It's a bit like the COVID experience. We didn't know what we didn't know until it was revealed to us. So I'm really keen to understand this to make sure that these communications and awareness strategies are actually penetrating, getting to, young people. I don't doubt that there is brand awareness. 'There is a social media ban coming.' Underneath that, I'm not so convinced. I'm not the target audience; I accept that. But I'm really interested to know.

You're right. It is ongoing. It is not a project that finishes. So I think a responsible way for the parliament to act is to be clear about what these metrics are and to be honest in assessment and about what needs to be done on the way through. Implementation and follow-through will be very important. I have no doubt that the project will need to evolve once we've seen that behavioural change, good, bad or otherwise, from young people in response to this. So it's a genuine question. I think it's one that the parliament would be interested in hearing about. Minister, could you take that on notice. Commissioner—

Senator Green: Can I just correct something. I'm not sure if this has been made clear, but the advertising campaign will continue past 10 December. It just obviously won't be on social media platforms.

Senator DEAN SMITH: Having an advertising campaign is not a metric.

Senator Green: I just wanted to make that point clear very clear to you.

Senator DEAN SMITH: It's not a metric.

CHAIR: We're getting to that stage.

Senator Green: I'm interrupting because he's been speaking for the last three minutes without actually asking a question—

Senator DEAN SMITH: I'm a senator.

Senator Green: and I wanted to correct what he said. You seem to have insinuated that there's some sort of—

CHAIR: Minister, I'll just pause you for a moment here. We have had a very good day in this committee so far, and I don't want to lose that in the last few hours, so we are going to treat everyone with respect and we're going to avoid talking over each other while we're engaging in this exercise.

Senator DEAN SMITH: It's been a very good day, Chair, but it hasn't really been entertaining, has it?

CHAIR: We have different metrics of 'entertaining', Senator Smith, and we can debate how we measure them.

Senator Green: I think those are your metrics, Senator Smith.

CHAIR: I'll let the minister finish her answer, and then I'll come back to you, Senator Smith.

Senator Green: I just wanted to clarify that the awareness campaign continues past the date of introduction, and I again make the point that we did give social media platforms more than 12 months to prepare for this change. I think the eSafety Commissioner can talk to you more if you've got specific questions about the metrics that we will be applying.

Senator DEAN SMITH: That sounds like a high level of willingness on the government's part to put the responsibility on the media participants.

Senator Green: I'll let the eSafety Commissioner explain to you how it's going to work.

Senator DEAN SMITH: No. I'm interested in—

Senator Green: These are tech platforms.

Senator DEAN SMITH: the metrics.

Senator Green: Big tech platforms.

Senator DEAN SMITH: Correct, and I'm interested in your metrics.

Senator Green: I don't know how social media does what it does, but I know that, if you start having a conversation about or googling dog collars, then all of a sudden you are advertised to about dog collars for the next three weeks. Big tech companies can work this out; they have the ability to do that. We are putting the onus on them to do the right thing and to comply with our laws.

Senator HENDERSON: To use the algorithm for good, not evil.

Senator Green: Exactly—to protect children.

Senator DEAN SMITH: Commissioner, in your earlier comment you talked about alignment. Do you have a high degree of confidence that the work that the eSafety commission is doing and the work that the department is executing enjoy high levels of alignment?

Ms Inman Grant: In the context of the education campaign?

Senator DEAN SMITH: Yes.

Ms Inman Grant: This is the third one that we've done. I'm just looking at some of the research and findings. What the department does is they keep us on top of how the campaign is trending. They use a company called ORIMA Research, which they've used for some time. They always do a very rigorous forum with rigorous methodology around whether or not they gauged it was a success. We will also be measuring our marketing efforts as we're sending out EDMs because we've got some bespoke groups. Like a lot of the materials that the department have produced through this campaign, we're hosting it all on our website. So we've had to create a special hub to be able to accommodate that and to make sure that it works well with our architecture and aligns with our messaging and our look and feel. That's what I mean by that.

Senator DEAN SMITH: You talked about the social media education hub earlier. What level of interaction or utility has that had thus far? I'm expecting the level of engagement on that to increase.

Ms King: Since the campaign commenced in October, we've seen about a 900 per cent increase in users coming to the eSafety website. That's a 900 per cent increase from the same time last year. That was from the commencement of the campaign. From October to December, we've seen 700,000 page views, as was mentioned previously, which is a significant increase for our website.

Senator DEAN SMITH: Can we use a consistent metric? Let's use page views as the consistent metric. How many page views were there? You used an October figure to say there'd been a 900 per cent increase.

Ms King: That goes across users and page views. I don't have the page views per month of that breakdown. What I have is that, for the three months, we've seen 700,000 page views. To give you a sense of it, we see about 10 million page views throughout the full year.

Senator DEAN SMITH: You have 10 million throughout the whole year, and in three months you've had 700,000.

Ms King: Since the campaign commenced.

Senator DEAN SMITH: When did the campaign commence?

Ms King: On 19 October.

Senator DEAN SMITH: Is that 19 October to today?

Ms King: The reporting period I have is to 1 December, yesterday.

Senator DEAN SMITH: You've had 700,000 page views, and in a typical year you would have 10 million page views. Is that correct?

Ms King: We'd have approximately 10 million, as an average. I can provide you more details.

Senator DEAN SMITH: Perhaps on notice you could show us the week-by-week page views.

Ms King: For the October period or for a full year?

Senator DEAN SMITH: For the full year so that we can see the improvement.

Ms King: No problem.

Senator DEAN SMITH: eSafety Commissioner, when you were engaging with the department on their communications awareness plans, were there any deficiencies that you identified that they didn't accommodate or make improvements around?

Ms Inman Grant: I should say it was mostly my strategic communications team that was directly working with them. I wouldn't say there were any specific weaknesses. Like I said, this is the third campaign that they have run. It has sort of promoted the work of the eSafety Commissioner. The first one they did, Start the Chat, was excellent. We continued to use the hashtag, and it had a real impact. The second one that was done, around online safety laws, was We've Got Your Back. We didn't think it was a very inspiring theme, and that was reflected in the results. What I have heard from Jodi Gatfield, who's been running this, is that, particularly with the television ads, it has a real visceral effect, a real emotional effect, on people and it's obviously leading people to seek out information on our website, which is great.

CHAIR: Senator Smith, I need to share the call, but I can come back to you. Senator Whitten.

Senator WHITTEN: Commissioner, if you recall, at October estimates, I asked you whether your office's actions might cause a threat to Australian-American relations, particularly around sanctions that had been threatened towards countries that didn't uphold free speech. Since then, you've been summoned by the US committee on the judiciary to give evidence on your expansive interpretation of Australia's Online Safety Act. Did you attend or provide a submission to that request?

Ms Inman Grant: The Chairman of the House Judiciary Committee, Jim Jordan, sent me a letter asking me voluntarily to provide an interview. In it, he zealously referred to me as a zealot. What I am zealous about is protecting children online. I will be going back to him with a letter explaining a few things. One is that we expect American companies or any company from overseas that is providing services into Australia to abide by Australian laws. I think that's reasonable. When we import a car, we expect them to build to Australian safety standards. He mentioned one of the cases—and an expansive view of that. Actually, we tested for the first time what the word 'removal' in the Online Safety Act meant, and where we ended up landing was that geoblocking would be sufficient for removal, and there are limitations to that, as I think we discussed with Senator Roberts last year. While we geoblocked the Wakeley stabbing video here in Australia, it was available in the rest of the world, and it was claimed by the Southport killer that that was the very video that incited him to kill three innocent children in Southport, UK.

What I will also be conveying back to Mr Jordan is this: of the subsequent refused classification content that has gone viral all over the internet, the tragic Charlie Kirk assassination, the stabbing of Iryna Zarutska and the decapitation of a Dallas hotel owner that was going viral on Meta and on X Corp, all were refused classification as class 1 content, which means they cannot be hosted, distributed or shared in Australia—it's illegal—but we accepted geoblocking. So the conclusion is that nothing that we do here with the Online Safety Act affects anything that an American platform will serve to Americans. So, no, it does not impinge upon Americans' freedom of speech.

Senator WHITTEN: Will your response be made public?

Ms Inman Grant: I am just in the process of sending that to the chairman right now. I think, out of respect for him—when he sent me his letter, he sent it concurrently, it appears, to Sky News. I prefer to send it official-to-official. If he makes it public, which he probably will, then that may happen. Or, if you want the letter tabled, I'm happy to do that.

Senator WHITTEN: That would be nice. Are you offended by the characterisation in the letter that you're a noted zealot for global takedowns?

Ms Inman Grant: We discussed this at the last hearing. I have never, in writing or in spoken form, claimed to want to globally censor the internet. The simple fact of the matter is there is no such thing as an Australian internet. These are overseas providers who store content on US servers, and, every single day, they globally remove content. One that we all agree on is child sexual abuse material, and that is removed globally. With most terrorist and violent content—in fact, during the litigation we had with X Corp around Wakeley, X Corp itself reported to the European Commission through their DSA reporting that they had globally removed 40,000 pieces of Israel-Hamas violent content. I think it's very important that our children don't see this kind of content. I know from my own experience at home, both of my twins had the most graphic element of the Charlie Kirk assassination served up into their recommender systems and their For You feed on TikTok. That's stuff that you can't unsee.

The problem is that if you let this run rampant, you normalise, you desensitise and you sometimes radicalise. So I listen to what director-general Mike Burgess says when he says his youngest terrorist investigation was the investigation of a 12-year-old, but that the average age is between 14 and 22, and they've all been radicalised some way on the internet. Where it is egregious and where there are two entities—the eSafety Commissioner and the Australian Classification Board—that have agreed to refuse classification, and we accept geoblocking so that Australians can't see it, I think that's a good outcome. I don't think that's undermining freedom of speech at all. Freedom of speech does not mean freedom from consequences.

Senator WHITTEN: It looks like the US sees you as a threat to freedom of speech. Do you agree?

Ms Inman Grant: One particular person has believed for the past five years that there's a global censorship complex and that the social media companies are, I guess, regulating conservative voices more than progressive voices. This has been an issue of his for a long, long time. He's written similar letters to my counterparts in the UK and Europe. In fact, he went to London and Brussels to meet with them and to tell them how concerned he was about their laws. But they're sovereign nations that want to protect their citizens from harmful content and

conduct online. I think they asserted the same thing that this government would, which is that we are a sovereign nation, and we have a democratically elected parliament, and they have a democratically elected congress. But they vote for laws; I enforce the laws. This was the first time our law had been tested in the court of law. This happens all the time with regulators. We took it on board. We changed our processes. I think he will be surprised and probably very pleased to know that that is the approach we're taking.

But I'll also tell you what I said to him. I actually think there's more that unites us than divides us in terms of policy. There's going to be a big hearing in congress tomorrow on 19 different online safety bills. They've already passed the TAKE IT DOWN Act, which was advocated by the First Lady. It directly aligns with the image based abuse scheme we've been running for eight years. We agree on child sexual abuse material. I still have great relationships with people at the DOJ and Homeland Security. Some of the work we're doing around chatbots and AI companions is the same work that Andrew Ferguson at the FTC is looking at. I think Americans are concerned about a lot of the harms that are out there, particularly when children are involved. I think there's a lot to share and a lot to learn, but there's more that unites us than divides us in many ways.

Senator WHITTEN: Thank you.

Senator WALKER: Something that I'm seen to talk about is algorithms. In this debate we've had lots of really good conversations, but, as someone that grew up online, I've been exposed firsthand to what algorithms are feeding our young people. I'm interested if you can give us any insight into what you're seeing algorithms feeding to young people, especially around that more harmful content. I've seen studies indicating that, when there's negative or harmful content, that's often pushed towards young people through algorithms.

Ms Inman Grant: Absolutely. You may recall that I had some concerns before there was legislation about how a ban, which we now call a delay, would be implemented. But where I've really come around is precisely what you said. The deceptive and pervasive design features that are literally built into the infrastructure of these social media sites are not only opaque but becoming more opaque. You may have seen, when Elon Musk took over Twitter, that he removed, basically, the APIs and the data hose so researchers can't actually see what's happening on the platform. Meta acquired CrowdTangle and then deprecated it—you probably know all those things—to make it more opaque, so you couldn't see what they were doing.

I have a lot of concerns about autoplay, endless scroll and the opaque algorithms that are sending young people down bullet—not bullet holes but rabbit holes. You may have seen today my friend Chanel Contos unleashed the Fix Our Feeds campaign, and that really has to do with toxic masculinity and some of the research there.

Absolutely, these companies are built on a business model of outrage. The more outrageous the influencers are, the more clicks they get and the more money the platform makes. It becomes this vicious circle. We've developed some training that we're delivering to teachers around algorithms and adolescents and how they're specifically impacting adolescents and how you can, with TikTok—and Instagram, to a certain degree—tell them things you don't want to see—particularly, say, if you had an eating disorder and didn't want to see anything pro ana or pro bulimia or any dieting advice.

We'll be putting out another tech trends brief on recommender systems, and it's something we really need to build technological capacity around, to do more auditing around and to do more testing around. It is the companies' secret sauce. They treat it like a trade secret and will push back very hard. But, until we have more transparency about how these are feeding young people down these pathways—these dark pathways, really—that lack of transparency is really concerning.

Senator WALKER: We know that the internet and algorithms are constantly evolving and changing. Do you think, as a society, we truly have an appreciation for just how dangerous these algorithms are?

Ms Inman Grant: Algorithms are constantly tweaking algorithms, right? How you might actually audit them in a way that's accurate and how an outside regulator, for instance, could be really able to grasp something like that is so complex. What scares me is that we have people like Sam Altman and the CEOs of these rapidly growing AI companies saying, 'Well, we don't really, actually know, when you give it a certain prompt, how it's going to act or what it's going to do, even when we adversarial test or we red team.'

I think social media algorithms are one thing today. What we're going to see with AI is potential harm on steroids. It's so much more powerful. It's so much more out of the control of the creators, the purveyors and the profiteers. We're seeing those same patterns of 'moving fast and breaking things' or really asking for forgiveness rather than permission.

An example is that Kathryn and I were at OpenAI—at their headquarters—talking about a range of things and letting them know that our codes were coming into force in May that would require them to prevent under-18s from accessing porn, violent content, self-harm content and the like. We talked about safety by design through

every part of the life cycle. They didn't tell us that the following week they were going to announce—we were talking to them about their age-prediction systems or their age assurance. The next week they announced, 'Wouldn't it be a good idea to put erotica into OpenAI?' So it just feels very spontaneous and not thought out. You can't put that genie back into the bottle or the toothpaste back into the tube—whatever analogy you want to use.

Senator WALKER: Going back to your opening statement, I note you said you have been consistently engaging and have had that ongoing engagement with platforms. We've now got eight days until the ban starts. Where are we at in terms of engagement with the platforms? We know they've had plenty of notice that this will be coming on. What work have you been doing, in your role as commissioner, to ensure that they're ready for this ban?

Ms Inman Grant: Absolutely, we have been talking to them since the legislation was passed over a year ago. Obviously, as we had more information—we saw the final rules tabled in July. A number of the companies that are captured were part of the age-assurance technical trial. We did an advanced consultation and we now have an industry supervision team, who we are engaging with on a daily basis. I'm going to turn over to Ms Snell. We started talking to them very specifically about their compliance plans. Kathryn and I went to their headquarters and met with their engineers, the people who are operationalising these tools. They showed us things like some of the reporting flows. Like I said here, they can technically do it. What was very telling to me all the way around was the way that each company presented when we met with them: were they guarded and lawyered up and doing presentations where we couldn't ask questions, or were they really open and bringing the right people to the table, including the engineers, who were actually asking questions about what this reasonable step would look like in practice? That told us a lot. That gave us a sense of who was really going to go all in and who was not. I don't think many courses have changed since that time.

Senator ANANDA-RAJAH: Commissioner, can you provide us with the details of who turned up lawyered up versus who turned up with the engineers?

Ms Inman Grant: I would say the most protective were the Google and YouTube folks and the OpenAI folks. Character.ai had pinball machines. It was like a startup. They have about 70 people there, and they were pretty open and honest. They told us they were planning on age verifying before it went public, and we provided them information on what we thought the best tools would be. Anthropic was really open and really organised. It was a really constructive discussion. Meta had a cast of thousands, but they obviously had the right engineers there. They had been thinking about it for a long time. We didn't meet with TikTok, because they're not based there. We met with Discord and we talked to them about safety. We had a good four or five hours with Snapchat, and they were very engaged throughout, and we talked through a number of options. I would say that that was very constructive. Do you want to talk about the compliance plans?

Ms Snell: Sure. The first thing that's important to understand is that its industry's job, the platforms' job, to make sure they're ready and that they comply. What we have done is provide them with information about how they can comply in terms of our regulatory guidance and what our expectations of reasonable steps are. Then, as the commissioner said, we have been engaging with them on a regular basis to make sure they understand that regulatory guidance. We have been seeking information on a voluntary basis at this stage, because our powers don't come into effect in relation to the social media minimum age until the 10 December, when the law comes into effect. But we have been engaging with them to understand what their communication plans are going to be in the lead-up to and from 10 December. From 10 December, we'll be able to use our powers, which will include information powers as well as seeking insights from a range of different sources to assess their compliance at that time. I think it's also just important—I know it's already been said—to be really clear around the age assurance process. As we have said in our reasonable steps guidance, they should take a layered or waterfall approach to that. That means that it sometimes takes time to assess, and it's important that they don't over-block as well. That will mean in the lead-up to and from 10 December that, for example, as they ask young people to go through the age assurance process, some young people who are under 16 might make it through the first step. They might make it through the initial age gating or some initial age estimation. But the platforms will then draw on a range of other inferential material to continue to monitor and identify whether those accounts that have indicated that they're over 16 actually are. What we might see is that it might take between days and weeks for certain young people who are under 16 to ultimately be removed from those platforms. It's important for us to understand what those first few weeks look like.

Senator WALKER: Off the back of age assurance, I've seen a lot of commentary online which, in my opinion, is just blatant misinformation. Will adults be required to upload their ID to access social media?

Ms Inman Grant: No, and we actually said in the regulatory guidance that we thought it would be unreasonable if companies tried to verify their entire userbase. We could have foreseen that happening as a way to raise people's shackles a little bit. That's with respect to the social media minimum age bill.

But I do want to make sure that I'm also clear with you about the SES codes—search engine services codes—that were developed by the industry themselves. My role, of course, is to decide whether they meet appropriate community safeguards, then I register them if they do, and I did. What this really does is codify a lot of the processes that they have in place now. We know that 40 per cent of young people who come across violent content in particular are using search engines as a gateway, and they see it incidentally, accidentally, in their face. We know that about 57 per cent now have seen strangulation or choking pornography, and I think all the bludgeonings and bombings and beheadings we've just talked about are another reason kids just searching on the internet without any guardrails is problematic.

Come 7 December, when a search engine comes across pornography or illegal content, it will blur it so that incidental viewing doesn't happen. If you're an adult and you want to continue to go through, you just press through, so it is a minor inconvenience. Where there is a difference is if you have an account—say you have a Google account; 94 per cent of Australians use Google—you're logged in, and you've never been age verified, you may be age verified when you start to use the search engine. If that's something that concerns you, log out of your account and use Mozilla, DuckDuckGo or any other kind of search engine. There is a reason a lot of families use accounts—to set different settings for different members of the family. The other thing that's really important is that, when a person is considering taking their own life and are searching for how to do it, this code will prevent them from being led to a lethal method site and will instead redirect them to a mental health service, which I think, again, is a good societal intervention.

Senator WALKER: Definitely. This is my last question. Can you tell us how many people are contacting you per year?

Ms Inman Grant: Contacting us through our investigations or through inquiries or all of the above?

Senator WALKER: All of the above.

Ms Inman Grant: All of the above. Do we have those numbers handy?

Ms Snell: I don't think that we can tell you the number of inquiries, but we can take that on notice.

Ms Inman Grant: Yes, and that has gone up considerably in the wake of the social media minimum age.

Senator WALKER: Do you find that's more families and parents engaging with you for information on what the ban is going to be like?

Ms Inman Grant: A lot of it's young people asking if I'll repeal it, and I have to explain that that's the role of the parliament. We take everyone seriously. We've seen some who have said: 'I'm an entrepreneur. I run my business on social media. What are my alternatives?' We take the time to write back to them. You can see some people writing in, saying: 'This really is my lifeline. Where do I go? I'm concerned about my mental health.' We obviously triage those and take those very seriously. We make sure that they have all of our resources and they're talking to Kids Helpline or Lifeline.

Ms Snell: On our complaints scheme: in the last financial year 33,466 complaints were received, and that was a 20 per cent increase on the previous year. It's continuing to grow exponentially.

CHAIR: Senator Payman.

Senator PAYMAN: Thank you, Chair. Good evening, Commissioner. It's always great to see you. Can I say from the outset: thank you for your leadership. It's been quite an interesting year for you, but I wanted to put it out there that seeing you from the sidelines is quite remarkable. I'm also interested in the social media ban and I'm curious about how the ban will affect people visiting Australia from other countries.

Ms Inman Grant: It's interesting. I got that question from a boarder, who's at some place like Geelong Grammar School but came from, I think, the US, and said: 'What does this mean for me? I'm not yet 16.' This is one of the technical discussions we had with some of the engineers. Because he bought his phone in the US and he downloaded the app there, they can tell that he is an overseas person, particularly if it's been up to 90 days. If he stayed for well over a year, there are a whole bunch of signals that they will be looking at to determine whether or not—this is not meant to cover visitors; it's meant to cover those residing in Australia. There will be some anomalous cases like that, and this is why our reasonable steps guidance has not just the user reporting if under-16s are missed but also different appeals processes. If someone has an extenuating circumstance and can prove it, they can have their access restored.

Senator PAYMAN: When it comes to defining an age-restricted user, the Online Safety Act says that it's an Australian child who has not reached 16 years. That's why I wanted to know whether social media companies are required to verify nationality as well as age.

Ms Inman Grant: No. It's about preventing under-16s from having and holding social media accounts on those 10 platforms that have been identified.

Senator PAYMAN: On that, though, section 63D of the OSA reads:

A provider of an age-restricted social media platform must take reasonable steps to prevent age-restricted users having accounts with the age-restricted social media platform.

As age-restricted users are Australian children under 16, does this not confer any particular obligation to not only check whether the child is under 16 but also check whether they're Australian?

Ms Snell: I believe that it's intended that the definition then leads to it being 'ordinarily resides in Australia', but our general counsel might—

Mr Fleming: I think, as the commissioner mentioned, there are these edge cases where we have an expectation that the platforms will respond to any appeals processes. Because we're talking about a hypothetical, we'll see how that plays out. That's something we are interested in seeing—how those appeals processes work in real life, and that's a good example of that.

Ms Inman Grant: And we'll continue these conversations with the platforms, as we have been. Having this constant engagement does help us understand. They're really thinking hard when they're developing these user reporting cues, because one of the most popular reports they get is malicious deplatforming. Almost as a form of bullying, a young person will try to get another person kicked off the platform.

Senator PAYMAN: I've had quite a few people reach out—those who are either on working visas or student visas or are not yet permanent residents of Australia. They're just posing the questions: What does that mean for us? Does 'Australian' mean holding Australian citizenship? Is it the 90-day rule, where you must be residing in Australia for more than 90 days to then fall within this restriction?

Ms Inman Grant: We'll look at some of these case studies too, and, where we can put them in our FAQs, we will. In some of the conversations we've had with the platforms, they generally look at it—it was a 90-day period, was it not, Kathryn?—and determine, 'Well, if it's been 90 days, they're likely to be residing somewhere else or likely to be residing here.' They'll look at other signals like whether they are using Telstra or Optus. There are other different behavioural signals that they can pick up, in terms of where they have accessed their account. Has it been in Australia, or has it been elsewhere? All these things are built into the age-inference tools that they use already.

Senator PAYMAN: On a question on notice I put—question on notice No. 87 from previous hearings—in the response, I think, eSafety said that noncompliance with obligations under 4(a) could lead to eSafety seeking court ordered injunctions or court ordered civil penalties. That question related to 4chan specifically and their recent flouting of the UK Online Safety Act. Does eSafety believe that it could enforce penalties under the act for a service with no presence in Australia, like 4chan, who may refuse to comply?

Ms Inman Grant: I think that 4chan is a site that we've looked at for a long time. I think that would be particularly challenging. It certainly wouldn't fit under the social media ban, because you don't need to have an account to be there. We've certainly seen that their counsel representing them has been fairly aggressive against the UK, and I'm not sure that we have any other legal or regulatory tools that are more robust than theirs. Sometimes the juice isn't worth the squeeze, if they're in a permissive hosting environment and the jurisdiction is not going to do anything about it.

Mr Fleming: It does depend on the facts and the sites. It's hard to deal with in a hypothetical, but we would consider the facts in the case.

Senator PAYMAN: I understand that. Obviously we're eight days away from this taking place, but I'm just wondering, if fining a website like 4chan was not possible due to noncompliance, would eSafety potentially seek a court order to restrict access to that site for Australians? As we discussed at previous estimates, it is an image board, but it is quite graphic and violent. It's got material where you don't need an account, so it's hard to trace back to who's putting this material out. Are there any penalties or consequences for noncompliance for services that may not have a particular presence in Australia?

Ms Inman Grant: We don't have specific blocking powers for sites like that. We have two recent experiences that we can call upon that were facilitated by our standards and codes. The first was OmeTV, a Portugal based chat roulette site that pairs paedophiles with young people for videochat. When they refused to work with us

through a formal warning, we went to Apple and Google who both have terms of service that say that chatroulette sites aren't allowed, plus they had requirements that they'd written for themselves as part of the app store code. They ended up de-platforming that in Australia. Incidentally, Bad Kitty's Dad, the holding company that owns Ome TV, only responded to us after they'd been de-platformed, which meant they couldn't monetise or be distributed. They made some commitments around safety that I don't think will ever reach to our satisfaction, but they decided—this was their call—to prevent Australian access. We did not block them; they restricted access to us. We've seen the same thing with Eirtight Technology in the UK. They had three of the most common nudifying apps that kids were using in Australian schools—100,000 downloads a month and following a formal warning, they decided to withhold service to Australia, which, from my perspective, is a good thing. There are only nefarious uses of these de-clothing and nudifying apps that are being used to generate child sexual material.

Senator PAYMAN: Minister, this question is for you. The government has said that the implementation of this policy will not be perfect. Does the government expect breaches of data provided to social media services for age assurance purposes to occur as a result of the ban, such as the breach of Discord's age assurance database.

Senator Green: I think that's a pretty technical question, Senator.

Senator PAYMAN: It's simple. Will there be breaches or not?

Senator Green: Again, just let me answer the question, if you don't mind. I will hand you over to officials, but my instinctive answer is that we've built in penalties for breaches, so there will be penalties for breaches if they occur.

Ms Inman Grant: I just met with the General Counsel for Discord to find out, and he'd spent time with Carly Kind, Privacy Commissioner, who, as a co-regulator in the legislation, will have oversight to any privacy breaches. But what was interesting was that this was really a BPO issue. It was an appeals process that was outsourced to a third party, and it was a ransomware request. Someone went to the people who were handling the data and basically said, 'How would you like to make five years of salary in one day, if you give us this information?' That was the same organised criminal gang that did that. It's a cautionary tale, so there was some age assurance data that was in there; someone was appealing. But it wasn't because of the way the age assurance vendor technology worked, it was a third party, and it was a ransomware attack. It is a cautionary tale because these are the types of things that you want to learn from and maybe not outsource and make sure that any of that data is secure, and it's handled with privacy, probably in-house with people you trust.

Senator PAYMAN: Absolutely. I'm curious to understand if the government offer some form of compensation for victims who may be caught in such data breaches, whether it's through ransom attacks or by third-party or whether, as you're mentioning, Minister, that this is something that is going to be constantly evolving and a policy you will be looking into. I think it's important for the Australian people out there to know if there will be compensation for victims who may be caught up in these breaches, since they are technically forced to provide the data to these services?

Senator Green: Do you mean breaches of privacy?

Senator PAYMAN: Yes, their data being exposed.

Senator Green: The Privacy Commissioner appeared last night and spoke to these issues and how they're going to approach—

Senator PAYMAN: Surely you would know as the minister.

CHAIR: Senator Payman, if can you please allow the Minister Green to answer that, and then you can follow up with a question.

Senator PAYMAN: Sure.

Senator Green: Exactly what I said, the Privacy Commissioner mentioned how they're going to approach these cases. What they would normally do in privacy breaches is often take litigation on behalf of a claimant so that they don't have to pay for it themselves. I'm not familiar with what the compensation regime is under that act. We can take it on notice for you, but you'd probably be better putting the question on notice to the privacy commissioner under the Attorney-General's legal and con committee.

CHAIR: Senator Payman, I will have to move the call on. If you have questions, we can come back to you.

Senator PAYMAN: Sure. I've just got one last question and then I can put the rest on notice. Just out of curiosity, I understand that there will be a social media ban academic advisory group that will collect data when evaluating the effectiveness of the ban. Do we have an idea of what data they will be collecting? When it comes to that advisory group, what selection criteria were used to select those people?

Ms Inman Grant: It was quite rigorous and methodical. I'm going to turn over to Ms King to talk through this, because I think we've just gathered the baseline data and it's going to be really important. There is the theory of change but also the fact that it's longitudinal and it's looking at everything from PBS data—our kids taking fewer doses of Ritalin—and NAPLAN to sleep and sport. It's looking at how this is affecting their overall mental health and wellbeing but also looking at unintended consequences and making sure that we're gathering an evidence base that can be used to improve the review. But because other countries around the world, including the European parliament—which has just voted to implement an under 16-social media delay as well—Malaysia, New Zealand, Indonesia and others, look like they're going in that direction, this will be a very valuable exercise. Do you want to talk about that process?

Ms King: Absolutely. It is a two-year longitudinal study. There'll be reports that we release throughout that process, but we are looking at the short-, medium- and long-term effects. The data will be collected through mixed methods. There is survey data of 10- to 15-year-olds. We're looking at a nationally representative population of around 4,000 of those. Then, throughout the long term, we will be looking at other datasets as well—things like what the impact of NAPLAN scores is and what the impact on PBS outcomes is—as well as actual usage of other social media or online apps for those young people under the age of 16.

Your other question was around the type of qualifications that we were looking for in the advisory group. All participants were selected through a merit based process. There were set criteria that they had to show demonstrated expertise in. Some of that is demonstrated experience in longitudinal design and analysis—this is quite a novel evaluation, so strong experience with longitudinal studies is a criterion—policy impact evaluation, experience working with government, youth mental health and wellbeing expertise, and online harms, as well as elements of digital rights and youth participation. We have 11 different academic institutions and we wanted to canvass a wide array of expertise and perspectives for that advisory group.

Senator PAYMAN: Thank you, Ms King and Commissioner.

CHAIR: Senator Roberts.

Senator ROBERTS: You caught me by surprise.

CHAIR: It wasn't my intention.

Senator ROBERTS: No, I know that. Thank you for appearing again. I have, perhaps, an insight. Since COVID, people in Australia are very wary of government. That's not just the Labor Party; that's both. Commissioner, you have exempted Bluesky from your under-16 social media minimum-age restrictions, yet Bluesky is almost identical to X, as I understand it. It currently allows 13-year-olds or younger people saying they are 13 to sign up, and they have no age verification. Do you understand, Commissioner, that you have an obligation to discharge your duties without the perception of political bias? Your decision to exempt a left-wing hangout and to include a conservative hangout, X, looks like political bias.

Ms Inman Grant: Bluesky has not been exempted. They present a very low risk. They have actually identified themselves as an age-restricted social media platform. They probably have 50,000 Australian users—a very small number of young users. They're building up their age inference tools. They're a very young company. What we've decided to do—we're talking to a range of companies that could be age restricted social media platforms, whether it's Yubo, Yope, Lemon8 or other ones that we know we're going to go to.

But you missed the opening statement, where I said our focus—these assessments that we're doing are voluntary. I don't have specific declaratory powers in terms of who is in and who is out, so I can't say anyone is exempted. It's up to the legal teams of those companies to determine whether they're in or out. Where we will focus our compliance is where the vast majority of young people are.

For the purposes of transparency, fairness and due process, we developed the self-assessment tools. Then we did some initial assessments so that we could at least have a body of major companies that would fit the criteria set forth by parliament. We've got 10 that we're starting with, but I've always said that this will be a dynamic list. If we see that there are significant migratory patterns with young people that are going over to Bluesky—again, we've had three conversations with them—we expect that they will start applying some of their age assurance tools. They're just at the beginning of that journey.

Senator ROBERTS: So what you're saying, Commissioner, as I interpret it, is that you've got objective criteria that you assess platforms against.

Ms Inman Grant: We developed a self-assessment tool, so there are consistent assessment criteria. The criteria we have to use are the criteria that was in the legislation that parliament passed. That primary test is around whether or not a particular site—if it didn't meet an exclusion, say, the messaging exclusion, the online gaming exclusion or the education and mental health exclusion, we had to do a sole-and-significant-purpose test.

If its sole or significant purpose was online social interaction, then our preliminary view—it is not a determination—was that they were an age restricted social media platform.

Mr Fleming: Senator, just to give you a pointer, it's in section 63C of the Online Safety Act. The criteria are set out in the act, and, if someone meets those criteria, there are a set of rules that the minister made. If the rules apply to that platform, then they're out of the scheme. That's how it works. To reinforce the point the commissioner made, there's no determination that platforms are in or out. We've just expressed our preliminary view based on our assessments against the criteria, like the platforms can do for themselves. Then we focused on where most of the kids are, and that's where we're going to focus our initial efforts.

Senator ROBERTS: Thank you. Minister, your government chose to use legislation against social media platforms. However, the commissioner has then included search engines in the scope of age restrictions, using an industry code under the Online Safety Act. Couldn't you have simply done the whole thing under existing powers and created an industry code of practice, mandatory if necessary, for age control of social media instead of this whole blunt instrument legislation—an industry code as opposed to enforcement?

Senator Green: I'll let the eSafety Commissioner answer because there would have been advice given to government about the best way forward. This is a very important step forward that we're taking, and legislation was required.

Senator ROBERTS: Well, I asked you because I'm not allowed to ask—

Senator Green: No, you are allowed to—

Senator ROBERTS: for an opinion of an officer.

Senator Green: No, it's not an opinion.

Senator ROBERTS: If the minister wants you to, that's fine.

Senator Green: You're asking why legislation was required. They can answer that question.

Ms Inman Grant: The industry codes were included in the Online Safety Act of 2021 under the then coalition government. What they decided was that they would split the technology industry into eight different sectors, from search engines to social media sites to ISPs to some broader categories, including the designated internet services and relevant electronic services. What Paul Fletcher, who was my minister at the time, decided was that he wanted to continue the tradition of co-regulation that had existed for many years across telecommunications and ensure that the industry developed the codes. We would decide whether or not they met appropriate community safeguards. If they did, we'd register them. If they did not, then I would create standards, and that would be a disallowable instrument that would require additional parliamentary scrutiny. It took 4½ or five years for all this deliberation, for this to happen. In most other jurisdictions, the regulator writes the code, but, with respect to the search engine code that I think you're referring to, I don't know if you missed the interaction I just had with Charlotte Walker—

Senator ROBERTS: I did.

Ms Inman Grant: They were written by Google and Bing, and they pretty much codify safe search practices that are used today. So, come 27 December, if you're searching the internet and you come across violent pornography or explicit violence, it will be blurred. This is because 40 per cent of kids tend to come across this kind of violent conflict. The search engine is the gateway, and it's unexpected, it's unsolicited and it's in their face. If you're an adult and you want to continue through, you can do that.

You only have to be age verified if you decide to search the internet with a Google account on, for instance, and a lot of families may choose to have a Google account on so that they can have different age-inappropriate settings set up. But, if you're concerned about it, you just use DuckDuckGo, Bing or whatever other one.

The other thing that I think is really important about the search engine code is that, if there's a person in distress who is seeking to take their life, rather than the search engine taking them directly to a lethal-method site, it will redirect them in the first instance to an Australian mental health support provider. We all know that suicide is a terribly damaging thing for families and communities. So, if we can give someone in distress the support that they need rather than the directions in terms of how to take their life, any family would be grateful.

Senator ROBERTS: I'm sure they would. X currently—

Senator Green: I'm sorry, Senator, I misunderstood your question at the beginning. I thought you were asking about the minimum age legislation, so I apologise.

Senator ROBERTS: That's alright.

Senator Green: I understand now what you were asking, and the eSafety Commissioner has given a very good answer.

Senator ROBERTS: X currently has, in early deployment, routines which do the following: pattern matching to determine age without the use of personal identifiers, such as a digital ID; pin protected parental controls—I tend to think government should not be undermining parents—to allow parents to set guardrails for their children on content that will be granulated to individual accounts, keywords or topics; and interaction monitoring to identify what could be harassment based on the pattern of posting, the words used and the ages of the people involved to stop offending posts being seen by anyone but the poster. If industry can do this by themselves, why did we need legislation? Why wasn't a simple code of practice used instead of this 'big brother, big stick' drama?

Ms Inman Grant: Is that a question? I would just say in response—

Senator ROBERTS: It looks like the platforms are developing new technology.

Ms Inman Grant: I would just say that we had a very constructive meeting with X. They walked us through a number of the tools. They did say they were going to use age assurance with Grok, which could have some interesting outcomes. But a large number of parents don't utilise parental controls. Sometimes it's because they're too difficult for parents to find or to work.

This was a bipartisan act that the parliament obviously started. The momentum started in South Australia and then in New South Wales. But my view, after talking to so many of the ministers, the Prime Minister and the opposition leader, who supported it, was that they wanted to do something monumental. They wanted to create a significant normative change.

Senator ROBERTS: That's what scares us.

Ms Inman Grant: One normative change that isn't scary, I would think, is that we know that 84 per cent of eight- to 12-year-olds already have social media accounts, and, in 90 per cent of cases, parents have helped them set them up. Why? Because they wanted them to be exposed to harm early? No. It's because they're concerned that their kids' friends are all on the sites and their kid will be excluded. What this change does is delay them from being exposed to all the harmful and deceptive design features. They can also sit down with their kids and say: 'Hey, you're not ready for this. You're not going to be on it and your friends shouldn't be on it either.' So it takes the FOMO, exclusionary element out of it, and this is what we'll be measuring.

Senator ROBERTS: So the government excludes them instead of their friends? It should be the parents, shouldn't it?

Ms Inman Grant: They're setting a standard like you'd set a drinking age or the age for cigarettes. They're setting an age for social media that they think is the right age and—

Senator ROBERTS: Let's move on. Commissioner, the search engine code included a grace period of 12 months to allow search companies to write their code to comply. As I just indicated, social media companies are close to a technological solution that will also solve their compliance. Will you allow a grace period to allow social media companies to properly write, test and deploy age-verification technology in an orderly manner—in other words, delay?

Ms Inman Grant: We're following the letter of the law, but what we've said is that we are looking for systemic failures. We don't expect accounts to immediately disappear overnight. We also have another requirement beyond the deactivating of the under-16 accounts on 10 December, which is preventing under-16s from creating accounts. We accept that that's going to be a longer-term journey for a lot of these companies, and many that we're talking about here already have very sophisticated age-inference tools or AI tools. Some of them will be supplementing them with third-party tools that have been tested with the age assurance technical trial. Again, they're taking a layered approach. We will watch closely. If they have glitches, we'll talk to them about it. What we care about is that they're clear with us about the tools and the success of validation or the layered approach they plan to take. If it's not working, the other requirement is continued improvement, which the technology is doing every day. So in some ways we will be providing a grace process.

Senator ROBERTS: It seems that you accept that this rushed introduction with insufficient time for social media companies to get the software right, with no time for testing and very little public education, could be a recipe for chaos.

Ms Inman Grant: I think they've had plenty of time and they're all technically capable of achieving this.

CHAIR: Senator Roberts, noting the time, we're due to take a short break. Do you have a final question? Then we'll take a break and rotate the call after that.

Senator ROBERTS: Why was the decision made to time the introduction for school holidays, which is when children will be wanting to access social media to stay in contact with their friends, sports and activities?

Ms Inman Grant: It was written into the legislation.

Senator ROBERTS: It was one of the reasons we opposed it.

Senator CANAVAN: It's killed Christmas.

Ms Inman Grant: That's a legitimate concern. Kids are—

Senator CANAVAN: They'll get new gadgets that they won't be able to use.

Ms Inman Grant: Only for gaming.

CHAIR: That's a good note.

Senator Green: Chair, before we go to the break, do you have any advice on the program? I'm conscious we have eight agencies waiting and two hours to go. I don't want to get into another situation like at the last estimates, where people were sitting here for no reason at 11 o'clock at night.

CHAIR: We are endeavouring to reach consensus on some of those matters, and those efforts continue.

Senator Green: Great. We'll wait for your advice.

Ms Inman Grant: Does this mean that we're going after this?

CHAIR: No, you're not I'm afraid. You're still on, Commissioner, because senators still have questions.

Ms Inman Grant: Only six hours behind!

Senator HENDERSON: Minister—sorry, Chair—to confirm, we have actually advised some agencies that they're not required on the program, so we are seeking to resolve this.

Senator Green: But there will need to be more, obviously. There are only two hours to go, which is my point—

Senator HENDERSON: Yes, we're having very fruitful discussions about it at the moment.

Senator Green: because there are people here that we could've released even earlier than right now.

CHAIR: Thank you. We'll have a break.

Proceedings suspended from 20:49 to 21:07

CHAIR: I am now in a position to release officials from NBN Co., the Museum of Australian Democracy, the Office of Arts, the National Gallery of Australia and department staff relating to outcome 7—that is, sport. I thank the officials for their attendance.

Senator Green: You didn't mention the Australian Sports Commission.

CHAIR: We have already released them. For the avoidance of doubt, the three witnesses we have remaining to take us to the end will be the eSafety Commissioner, the Australian Postal Corporation and Creative Australia. Based on estimates, that will see us out.

Senator HENDERSON: Chair, I acknowledge my thanks and convey my apologies to those witnesses who waited and who we have now released. We do very much appreciate their considerable efforts.

Senator CANAVAN: I will be very quick because I realise your committee is way behind time. I have a couple of questions on behalf of young people who I have spoken to in the past year as we have developed this under-16 ban. I have gotten to know a very successful, amazing young Australian called Leo Puglisi. He has established an online news platform, known now as Six News. He set it up when he was 11. He set it up on YouTube—or Twitter then. I am trying to understand, as it comes in the next couple of weeks, would an 11-year-old now be able to do what Leo Puglisi did—set up a news and political affairs platform on social media—and become as successful as he has over the past 15-odd years?

Ms Inman Grant: Again, this was a bill passed by parliament. I'm not sure how much consideration had been given to that.

Senator CANAVAN: I agree with you.

Ms Inman Grant: I would have thought he is a pretty amazing individual and had a lot of runway. I do think there may be some exceptions if, say, it's a parent-run account. I guess, the one feature of this is that the onus falls on the platforms themselves. They are not allowed to host—

Senator CANAVAN: I'm sorry if I interrupt but I don't want to hold up the committee. Are you saying that a parent could sign up for the account and then their 11-year-old child could do the video? Because he was presenting to the screen and now he is sort of a presenter. He does interviews. He interviewed the Prime Minister

when he was 13 or 14 or something. So if they are using their dad's or mum's account, could they legally go on and produce video content?

Ms Inman Grant: There won't be any legal repercussions for young people or parents.

Senator CANAVAN: Maybe if we could try to get to the point as much as possible, would Google be obligated in that case to take down those videos or shut down that account if they found that a 12-year-old kid is using their parents' account to post video content on political or current affairs?

Mr Fleming: It would depend on who holds the account, because the obligation relates to the having of the account by the individual. If it's held by a business, that would not be captured. If it is held by the parent, it wouldn't be captured.

Senator CANAVAN: So Google would have an obligation to shut that account down?

Mr Fleming: If it's held by a business or by a parent, it wouldn't be captured.

Senator CANAVAN: So Google could allow content that a young person has recorded and uploaded. They are using social media then, aren't they, and they are interacting online with comments? Presumably, people will comment on the video. Isn't that what you're trying to ban?

Ms Snell: It will depend on the individual circumstances. It will be a matter for the platforms to assess who they think actually is holding the account. But I can see that there would be ways where a parent or a business could be the person uploading the videos, for example. So a young person could interview the Prime Minister and their parents could post that onto a particular account. The harms are obviously around the interaction, so it would be a matter for the platform and the parents in how they might manage such an account.

Senator CANAVAN: I agree with the e-Safety Commissioner's original comment there that maybe we should have thought about this stuff. In fact, I recommended this very thing in my dissenting report—that we should look at exemptions for news reporting and educational purposes et cetera. Moving on, the other question I want to ask is on behalf of my children. I don't know why YouTube has been captured. I've had some great family experiences on YouTube. We have all hung out for part 3 of the Punic Wars, the simplified series. We watch that altogether as a family. Most of my kids are massively into Roman history. One child is studying rocket science basically because he got to learn that through YouTube. That was through the algorithm. He started researching rockets and the algorithm led him to MIT lectures and now he is studying that as an adult. I don't understand. I mean, I get that maybe there is some harm, but I feel like you haven't fully captured the positive benefits, including of the algorithm, because the algorithm takes an interest in history and politics and science, and shows you more interesting content. There are some more positive aspects of that, aren't there?

Ms Inman Grant: Some of our research to show that 96 per cent of 10 to 15-year-olds have one social media account and 70 per cent of them experienced harm on social media and 40 per cent of those experienced the most harm—

Senator CANAVAN: I am just talking about YouTube, because it is contentious.

Ms Inman Grant: I am talking about 40 per cent experienced it on YouTube. I want to read you something from YouTube's own research. YouTube's stickiness is caused by the interactive nature of our platform. Videos are quickly used for good management but result in excessive viewing. Excessive video watching is related to addiction. YouTube users control what they want to watch, which keeps them on the platform longer. Video watching encourages a sedentary lifestyle. Poor posture and body aches are also a result of excessive video watching. Overexposure to video leads to decreased attention spans. Easy access to the web reduces critical thinking skills. Blue light from screens causes sleep deprivation, ultimately, affecting the brain's mental processing. Users rely on videos and social media for companionship, leading to social isolation. Gaming content on YouTube is sought out by inappropriately aged children. Teens are strongly influenced by YouTube creators. Young adults suffer anxiety from FOMO, and there is an increasing number of children in therapy after watching YouTube.

Senator CANAVAN: Just to go back to what we said earlier, children can continue to do all of that on their parents' account?

Ms Inman Grant: They can look at YouTube videos in a logged-out state.

Senator CANAVAN: Or even on their parents' account.

Ms Snell: I think, if they were doing that on their parents' account, we would expect that Google would assess that as actually being—

Senator CANAVAN: So they would block my account? If I, as a parent, was allowing my child to use my account to look at content, they would block my account?

Ms Snell: They may assess that the user—

Senator CANAVAN: So you're going to restrict the rights of parents.

Ms Snell: of the account is underage.

Senator CANAVAN: What a nightmare! I'll not delay the committee any longer, but there are no longer parental rights in this country.

CHAIR: Senator Smith.

Senator DEAN SMITH: Anecdotally, I have heard that, if Meta could not conclusively identify a young person's age, they could seek a form of government ID—have I understood that correctly?

Ms Inman Grant: Yes, we require, through the reasonable steps, success of validation, but we were mindful of the amendment that said that government or digital ID could not be the exclusive way of asking and it couldn't be the mode of last resort. We will be watching. I think Meta is one of those companies that has a fairly sophisticated age-inference system that it's been building for years. They also have teen accounts, so they have a sense of who the under-16s are now. They're using Yoti, as a third-party solution, to do facial-age estimation. Two of the services Yoti offers are facial-age estimation, or liveness selfies, and government ID. If a person wasn't comfortable giving government ID, they wouldn't be compelled to do so.

Senator DEAN SMITH: They wouldn't be compelled?

Ms Inman Grant: They would not be compelled to do so. They could never be compelled to do so as the sole. They would have to be comfortable doing the facial-age estimation if they want to challenge.

Senator DEAN SMITH: So forms of government ID can still be part of the verification process, but they can't be exclusive?

Ms Inman Grant: That is right.

Mr Fleming: There's a spectrum of views about the use of government ID. Some people would be happy to do that and others not so much. The offer of using government ID could be taken up by some, and others might not take that up. We're solving for that outcome.

Senator DEAN SMITH: So they can use government ID to access the platform? I thought there was a prohibition, but there's not.

Mr Fleming: For mandating the use.

Senator DEAN SMITH: There's a prohibition on mandating the use, but you can use government ID, as a suite of options?

Ms Inman Grant: It's part of a suite of options. It's really interesting when you look at the demographic. People of our vintage have been doing 100 points of ID for a long time, so older Australians are pretty comfortable using digital or government ID. Younger generations, the gen Z, are fine with the liveness selfie and the facial-age estimation because they've been opening up their iPad with facial analysis for a long time. So there are generational and also personal preferences about what people want to use.

Senator DEAN SMITH: But that would be a contested point.

Ms Inman Grant: It could be.

Senator DEAN SMITH: There will be other points of view around that.

Ms Inman Grant: Sure, and there will be other methods

Senator DEAN SMITH: And attitudes could change over time.

Ms Inman Grant: Sure. It felt very odd—I don't know if you remember—in 2019 when we used to use our thumbprints, and then we had to use our faces to open up our phones. And then we had COVID, and we were wearing masks, and they had to change the algorithms.

Senator DEAN SMITH: Commissioner, in your earlier evidence you did point to the fact that in jurisdictions other than Australia they have higher levels of trust in government and lower levels of trust in social media platforms—or was it the other way around?

Ms Inman Grant: It's the other way around.

Senator DEAN SMITH: Right. Just to be clear on this, in other jurisdictions they have higher levels of trust in social media platforms and lower levels of trust in governments?

Ms Inman Grant: Yes.

Senator DEAN SMITH: Here we have higher levels of trust in government and lower levels of trust in social media platforms, but that could change over time. The trend that we experience in Australia could move closer to the international trend.

Ms Inman Grant: Sure.

Senator DEAN SMITH: This has obviously been tested legally in regard to the sensitivities around use of government IDs. Is that well understood? I didn't realise that the restriction was just for the mandated use.

Ms Inman Grant: This is how companies assess your identity and your age online now, or they use a credit card, which really wasn't designed to be used as a token for age verification. There are other methods that will be used. ConnectID, for instance, is one of the technologies that Snap will be using to connect you to your bank account. I think New South Wales is moving towards digital birth certificates and digital licences. The options will continue growing; we just need to make sure that we can continue to test them for accuracy, privacy and security.

Senator DEAN SMITH: Commissioner, you've obviously seen the story in the *Daily Telegraph* of 26 November, which talked about an exercise that they went through in regard to Snapchat and the use of the bot in questioning when and if a social media ban would come into effect. You're familiar with that? You were looking very unsure a moment ago.

Ms Inman Grant: There are so many articles in the *Daily Telegraph*; I wasn't sure which one it was.

Senator DEAN SMITH: But there's only one editorial in the *Daily Telegraph* on 26 November. You're obviously aware of it. I thought I might give you an opportunity to respond to that.

Ms Inman Grant: Yes. Like I said, it's up to the profiteers and the purveyors of AI to make sure that their outputs are accurate. I think they definitely went back—this is myAI, which is Snapchat's version. Snapchat was the second company to say, 'We don't agree with the assessment, but we are going to comply,' and they've communicated to people. But clearly their AI was not up to date.

Senator DEAN SMITH: Is it up to date now?

Ms Inman Grant: Apparently, yes. I did meet with someone from Snapchat, and they were making sure that that was fixed. It depends on the data that they scrape and choose, so they obviously didn't have the right data.

Senator DEAN SMITH: But earlier in the evidence we talked about levels of confidence around education campaigns and advertising campaigns. Here is a pretty significant participant, and, when asked about the social media ban, the AI bot says, 'Right now there isn't a social media ban coming to Australia.' But clearly there is.

Ms Inman Grant: Right, so it's not acceptable and probably won't contribute to any improvement in trust of technology companies.

Senator DEAN SMITH: That was 26 November. I would've thought that this was a primary mitigation task, but you're not sure whether or not the Snapchat AI bot—

Ms Inman Grant: I met with them the day after, and they were working with their engineering teams back there. I mean—AI programs hallucinate all the time. That's why I'm saying they're potentially catastrophic. Even the CEOs don't know what a prompt is going to pop out. That's why I think it's quite dangerous and could be much more catastrophic if the right safeguards aren't put on them.

Senator DEAN SMITH: Perhaps, on notice, you could advise the committee at what point you became satisfied that Snapchat had corrected this or was correcting it on a more regular or ongoing basis. Can any other officials provide some—

Ms Snell: I think what this really highlights is the vagaries and the challenges of AI. It really does depend on the prompt that you put in. For example, on that same day, I put in a prompt asking Snapchat if my 14-year-old friend would be able to access social media after 10 December, to which it told me, no, they would need to wait a couple of years. It really does show that AI depends very heavily on the prompt that you give it. But obviously we're having ongoing discussions with Snap about how they can improve their bot's response to different prompts.

Ms Inman Grant: I guess I would say this is a conversation and an expression of disappointment. I don't have a specific power that says: you need to fix your AI chatbot.

Senator DEAN SMITH: How are you monitoring the use of VPNs as a result of the social media ban?

Ms Inman Grant: I think one of the things that we did well is we thought about all of the different potential ways that young people could circumvent these rules, and we put the onus back on the platforms. If you look at our regulatory guidance, we say that the onus is on the platforms to be able to identify, stop or re-age-verify when VPNs or location based circumvention is happening. A number of them are doing testing for spoofing of AI

systems around age. For instance, high-quality gaming graphics could be used as a face, or a plastic mask, or a moustache. These age assurance companies are testing for that, and we put a lot of technical signals and indicators that we expected the platforms to look at, in terms of preventing circumvention, in our discussions with a lot of the technical people. Engineers are across this; they know what to do.

Senator DEAN SMITH: How is your agency monitoring that?

Ms Snell: As the commissioner has said, it will be the responsibility of the platforms to monitor for VPN use and other forms of circumvention. The role we will have is in ensuring that they've taken reasonable steps to monitor for that. We will do that in a range of ways, including anecdotal evidence and broad insights as to whether young Australians are able to access the platforms using VPNs, but also by using our compulsory information powers to require the platforms to provide specific information about how they are addressing potential circumvention, including VPNs.

Senator DEAN SMITH: That was the answer that I was looking for. And when do you expect to do that in the first instance?

Ms Snell: There's a range of points at which we could issue information notices. We can't issue them until after 10 December.

Senator DEAN SMITH: Of courses, yes.

Ms Snell: Initially we will look to issue notices to gather some baseline data. That will be the first step, and then, over the course of the coming months, we will be issuing additional notices to seek that specific information.

Senator DEAN SMITH: Am I correct to assume that all the platforms have now communicated the verification processes?

Ms Inman Grant: No, they have not.

Senator DEAN SMITH: Which ones haven't?

Ms Inman Grant: We expect TikTok to do so this week. I don't know if we've heard from others. Twitch has not yet. YouTube hasn't.

Ms Snell: I think it's easier to say definitively who we know has, which is Meta, Snapchat and Kick. Meta covers a number of the key services.

Senator DEAN SMITH: With just eight days to go, what do you think that number will look like?

Ms Inman Grant: It should be all 10. Again, we have no powers to compel them to do that. We've recommended it. It will be something we consider when we look comprehensively at whether or not they're following the reasonable steps at a systemic level. One of the points that we made is that it needs to be kind, compassionate and caring, because for a lot of young people this will be very confronting and difficult.

Senator DEAN SMITH: This is why I remain really curious about what the metrics are that the government will use to measure the success of the implementation of the social media ban.

Ms Inman Grant: That's what the evaluation is for. One set of metrics is our information notices. Obviously, we're talking to companies about certain metrics so that they build them into their tooling. We're looking at things like understanding the number of current users we think they are likely to have, of the 2.5 million eight- to 15-year-olds that are on their platform now. We will expect them, when they're deactivating accounts, to be able to provide both data points for us so that we can measure that. That will be built into the information notices as well.

CHAIR: Senator Smith, I'm going to move the call on, but if you have more questions could you indicate that and I'll note the time. Senator Ananda-Rajah, you have one question?

Senator ANANDA-RAJAH: I do have one question. Commissioner, I'm not asking about the social media ban. I am interested, however, in how researchers study platform risks. This is your core business, but there is this other group in this country who are very interested in studying platform risks. We've heard testimony in an adjacent inquiry that I'm looking into about the barriers put up particularly by Meta to accessing their content library. I wonder if you could give us an overview of those barriers and what your counterparts, particularly in the EU, are saying about Meta and their behaviour.

Ms Inman Grant: We observed that Meta had acquired CrowdTangle, which was probably one of the best research tools, where you could see what's happening on platforms anywhere. What they did was they sort of sucked it up and they deprecated it. Basically, they killed it. The platform libraries—we were talking about Twitter and the APIs, and they removed that. They made it \$40,000 to get access to the Twitter firehose. They put it out of reach of people. We've been talking to a number of researchers about this. The Digital Services Act in

Europe does have some access provisions that we thought should be included in the OSA review to provide researcher access. From what I'm hearing in Europe, their access to research and the data on the platforms is not as robust as researchers were hoping. This is a concerning trend. We need more transparency so we can hold them accountable, but companies are deliberately becoming more opaque.

CHAIR: Senator Roberts, I understand you have a few more questions.

Senator ROBERTS: Yes, just three. Commissioner, you visited Stanford University in September this year as part of a USA trip. Did Australian taxpayers fund that?

Ms Inman Grant: Yes, I went, and I met with eight of the AI companies and the social media companies. Then I spent a day and a half at the Trust and Safety Research Conference.

Senator ROBERTS: Could you please provide a log of meetings and a record of your speeches, or any other documentation, to assure taxpayers that their money was spent appropriately, as well as the total cost of the trip?

Ms Inman Grant: I sure can.

Senator ROBERTS: On notice.

Ms Inman Grant: Yes.

Senator ROBERTS: Thank you. You've already answered a question from Senator Whitten about the House Judiciary Committee chairman wanting you to testify, so I don't need to cover that. Minister, does it concern you that your commissioner is engaging in conduct that is so extreme that the US Congress, specifically the House Judiciary Committee chairman, Jim Jordan, is alarmed?

Senator Green: Minister, I think the eSafety Commissioner's address—

Senator ROBERTS: I'm not a minister.

Senator Green: Sorry, Senator—maybe one day, if the LNP has their way.

Senator Henderson interjecting—

Senator Green: You never know. They wrote your net zero policy, so you never know. We are very proud of the reforms that we are undertaking. To be fair, I'm sure the coalition was very proud of the steps that they took in terms of online safety when the eSafety Commissioner was established. For the most part, we have had bipartisan support for these types of reforms, because they keep Australians safe. The social media ban or minimum age will seek to keep our children safe. It's incredibly important. I know you come in here quite often talking about the safety of children and wanting to keep harmful material away from them. That is the work of the eSafety Commissioner. It's open to other governments or other people in other parliaments to have their judgment of it, but from an Australian government point of view we are very proud of the work that she does.

Senator ROBERTS: Commissioner, you said earlier, in roughly these words, that you've never claimed to censor the net globally. Why do you think people think this?

Ms Inman Grant: We talked about Elon Musk's tweet that said she's the eSafety commissar trying to globally regulate the internet, and then Ben Fordham then picked it up, and it's just had a life of its own.

Senator ROBERTS: I've complimented your office on its work in protecting children, quite clearly. There are other concerns we have with your work because it can cause consequences for adults that we don't like, but it's not appropriate to discuss it here. What's your philosophy on censorship?

Ms Inman Grant: My philosophy is I'm not a censor. I respond to complaints from the public. We received many about the Charlie Kirk assassination and about the stabbing of Iryna Zarutska on a train where she bled to death and the decapitation of the Dallas hotel owner. If you think that that's overstepping when that's something that's highly damaging and was determined—

Senator ROBERTS: No, I didn't say that. I was wanting to know your thoughts on censorship—that's all—because you've got enormous power.

Ms Inman Grant: My thoughts on censorship? Well, what has been helpfully built into the Online Safety Act is that we're not regulating for political speech or commentary. It's where either online invective or imagery veers into the lane of serious harm. You provide us with thresholds. Sometimes those thresholds are tested and sometimes they're a grey area, but I think we help thousands of people every year. We're doing world-leading work that the rest of the governments around the world are following. I think we're punching above our weight. We're a very small agency given the size of our population. So I guess I don't have a view. I don't see myself as a censor. I don't tell you what you can or can't say unless it's refused classification or it's trying to silence someone else's voice by targeted online abuse that reaches the threshold of adult cyberabuse.

Senator ROBERTS: Thank you. Lastly, I think it was Mr Fleming who invited us to have a briefing. We haven't forgotten. We'd like to do that, but we've been a bit busy. We will do it one day.

Mr Fleming: Maybe in the new year. The offer still stands.

Senator ROBERTS: Thank you.

CHAIR: Thank you. Are there any further questions for the eSafety Commissioner? If not, we will excuse you and your staff with the committee's thanks.

Australian Postal Corporation

[21:38]

CHAIR: Welcome. Do you wish to make an opening statement? If so, given the hour, I ask that it be kept relatively brief.

Mr Graham: I will make it as brief as possible. I'd like to start by acknowledging the traditional custodians of the Canberra region, the Ngunnawal and Ngambri peoples, and pay my respects to their elders past and present. I'd also like to thank the committee for the opportunity to provide this opening statement.

As I appear before you today, Australia Post team members across the country are working day and night to collect, process and deliver a record number of parcels following the recent Black Friday and cyber weekend sales. Australians have embraced ecommerce, with Black Friday now our single biggest retail event nationally. Last year during peak we delivered nearly 103 million parcels, and we are on track to surpass that in 2025. We've been planning for peak all year, focusing on increasing our capacity and improving our services. I'm immensely proud of how Australia Post comes together to support customers and each other every peak, be it in our delivery network or our community post offices. This is especially true for the hundreds of thousands of Australian small and medium-sized online ecommerce retailers.

This year we recruited over 3,700 seasonal team members to help in key roles across our facilities, retail network and customer contact centre. Additionally, as part of our One Team program, our support team members have signed up for 2,500 shifts on the front line.

We are nearing the end of our Post26 Strategy. We have made significant progress during this time. We've achieved key modernisation reforms and rolled out a new delivery model. We've negotiated new Bank@Post deals with all the major Australian banks and implemented a new, state-of-the-art point-of-sale system across our retail network. We have simplified our business and rolled out our AP Way culture program across our workforce. Put simply, we are focused on delighting our customers and community while building a more financially sustainable business.

In FY25 Australia Post made a pre-tax profit of \$18.8 million dollars. This comes off the back of almost \$290 million in losses over the past two years. While the key driver of our improved outcome has been the continued growth of our parcel business, this has been offset by the underperformance of our letter service, which saw volumes decline almost 12 per cent comparatively, year on year. Letter volumes have now fallen to levels last seen in the 1930s. In FY25 we valued our community service obligations at \$391 million, and, despite these financial challenges, we met or exceeded all of our CSO obligations.

Our return to a modest profit is also the result of focused efficiency measures. Last financial year we achieved \$159 million in business efficiencies through the simplification of processes, prudent cost management and the closure or sale of non-core businesses. But it's not one-way traffic. We also invested \$372 million in new facilities, fleet and technology, bringing our total investment over the past four years to almost \$1.5 billion of capital.

We have made significant progress in building a more sustainable business and achieved our target of sourcing 100 per cent renewable electricity across all operational sites. This is a major milestone in our decarbonisation strategy.

We continue to support regional and remote Australia, with seven new parcel facilities in regional areas as well as our community grants program, which supports mental health initiatives nationally. These investments also reflect our clear direction to build a modern, sustainable and efficient parcels-led business that can meet Australia Post's growing ecommerce demands while continuing to serve the community with essential services they require.

This is a delicate balance, and I would caution that, despite the positive headline of a return to profit, our underlying financial position remains very fragile. The Australian parcel market is fiercely competitive, with global ecommerce giants investing billions to build their own logistics networks and a growing number of new startup providers with limited infrastructure targeting metro customers as well as small to medium-sized businesses. In this context, future profitability is likely to be temporary unless we secure further reforms and

broader structural issues are addressed. Internationally, postal operators in the US, UK, Canada, France and elsewhere have required billion-dollar government bailouts to remain viable. We do not want to be in that position where we need to ask for similar help.

Australia Post remains at a crossroads. We have returned to profit but only modestly and only after significant reform and investment. The letter service remains structurally unviable; at the same time, the parcel business has grown but under intense competitive pressure. Our goal is clear—to remain self-funded, financially sustainable and nationally relevant—but that will require continued support and partnership with government, unions and communities and recognition that the challenges we face are not unique to Australia but our solutions can be.

Finally, I thank our extended workforce of 64,000 team members for their dedication, and I look forward to working with the committee, the government and all stakeholders to ensure that Australia Post remains a trusted and viable service for all Australians. Thank you, Chair.

CHAIR: Thank you very much, Mr Graham. Now I'm going to go to Senator Colbeck.

Senator COLBECK: I have a couple of quick lines of questioning. First, you mentioned the revised deal with the big four banks—well, more than that but the big four. Congrats on getting ANZ on board. That came with a fairly significant additional amount of funding coming to Australia Post, did it not?

Mr Graham: Correct. We made it clear in previous estimates that the original deal that was signed for Bank@Post was not a financially attractive deal for Australia Post or its licensees, who provide the vast majority of our Bank@Post services. We were, after some challenging negotiation, able to get new agreements with the three existing banks as well as ANZ for the first time, which I think has been very, very well received by our customers. ANZ will start trading with Bank@Post on 15 December. The additional funds were paying for technology infrastructure, but we've also been able to increase the commissions paid to licensed post offices by 30 per cent as a result of the new agreement.

Senator COLBECK: Okay, so that answers one question. It's plus 30 per cent?

Mr Graham: Thirty per cent—correct.

Senator COLBECK: That was one of the complaints that we heard during the banking inquiry. We were, I think, in Tom Price; there was a very proactive franchisee up there, but they were losing money, basically, on their Bank@Post franchise.

What conversations are you having with the banks with respect to additional services and capacity? I'll give you a couple of examples. In Ashburton shire, the community up there told us that they were taking suitcases of money to Perth to bank, but there are also things like capacity for signatures on community organisations. On Flinders Island in Bass Strait, to manage the \$60,000 float that they need to run the local show, they start withdrawing money 17 days before the show so that, with the cash-out limits, they have enough resources to be able to do the job. I also think in Cloncurry in Queensland they've only got a Bank@Post, and they need 120 grand, so that lead time is even longer. Are there any genuine conversations happening with the banks with respect to some of those limitations and services?

Mr Graham: We've had, and continue to have, ongoing discussions with the banks. We are happy to provide a broader range of services, provided they are adequately funded. There's a restriction in relation to some of these services because of the nature of them. We are not trained bank tellers or financial experts.

There are, as you say, challenges in relation to the availability of cash, particularly around the events that you mentioned, or indeed even with the receipt of cash. There may be a \$1 coin day for the local footy team, and on Monday morning people turn up at the post office with a thousand \$1 coins, and the post office is unable to process those. These are infrastructure challenges and issues that we are talking to the bank about, and, again, the view that we have continued to support is that we are open to having conversations to provide more services, but any infrastructure that is required to do that needs to be funded by the banks.

Things like signatures on accounts are a challenge. We've had instances where a coffee shop has two owner signatures on the account and then one goes on holiday. If they need to change that signature to set up for that three-week period, they then have to go to an authorised branch, because we're not allowed to do that through the Bank@Post services.

They're the types of things that we continue to discuss. What we have done in the new Bank@Post agreement is to standardise the level of withdrawals that you can get, because it was different by bank: you might be a Westpac customer, able to get out \$5,000, but behind you might be a Commonwealth Bank customer who could only get out \$3,000; so we've done that. But I think it's an ongoing dialogue in relation to having the banks

understand the impact of the withdrawal of their services, and how we are replacing some of them but not fully equipped to replace all of them. What do we do about those gaps?

The other issue of course is the availability of cash in these communities, as the banks have pulled out and Australia Post remains the only provider of banking. The cost of getting that cash to the community then falls on us. That was one of the main pillars of discussion with the banks in relation to Bank@Post. We continue to have concerns around the availability of cash—and there's been the Armaguard scenario that's played out through the media—because, as more and more services are pulled from towns, we will be left holding the bag to make that cash available. We are working on things like smart ATMs, but they're not the full solution.

We'll continue to look at how we can provide services. One thing I can assure you is that Australia Post is absolutely committed to ensuring that we remain in these towns to provide these essential services.

Senator COLBECK: In respect of the overall viability of the extra 30 per cent in fees that you mentioned, what's the feedback from your franchisees in particular with respect to how that impacts on their viability?

Mr Graham: It varies because it depends on how much banking they do. We know from the statistics that, when a bank closes in town, we see an initial surge in transactions from that bank. But, as customers either get encouraged to go onto the digital platforms of those banks or find alternative ways to do their banking, that number starts to decline. Overall, Bank@Post will have a steady decline over the next five years. Part of that is a generational shift of people who are non-digital natives moving off those banking services and more digital natives coming on.

But we believe the short- to mid-term future is still attractive for our licensees. There are some licensees, because they're the only bank in town, that do very well out of Bank@Post. There are others—particularly in metropolitan areas, where there's a proliferation of available banks—who don't do as well, so it really depends on the demographic nature and the location of that post office as well as their location relative to other banking services.

Senator COLBECK: In relation to the cash delivery cost, you mentioned Queenstown. It's on the west coast of Tassie, which is a couple of hours from anywhere, basically, so quite remote in that sense—not as remote as Flinders, which you've got to fly to or sail to. You mentioned the transfer of that cost from the banks to you. What is your sense of the impact of that?

Mr Graham: We have taken some of that into consideration in relation to the negotiations with the new Bank@Post agreements, but that is based on the current profile. Our concern is that, as the moratorium on banking branch closures comes out of effect in '26 or '27, there will potentially be more bank closures, leaving us in more places as the only bank in town and therefore having to pick up the cost of that cash in transit. Likewise, Tasmania is fairly unique, but we have other remote locations in North Queensland and in the Northern Territory, where the cost—Coober Pedy's one I know well—of flying in that cash, when we are the only bank, in town is excessive.

We have been able to negate what I'd regard as a fairly significant amount of that in the new agreements, so the banks do fund that, but that is only based on the current profile. If we were to see additional branches closed, then we would have to go back into the negotiations with the banks. One of the things that we've highlighted to the RBA and Treasury is that, as the ACCC considers the new cash-in-transit Armaguard arrangements, they should seek to ensure that there's protection for the provision of cash services to regional and remote Australia.

Senator COLBECK: Do you participate in any of that movement at all?

Mr Graham: We do. We don't participate in terms of the physical movement. We are the recipient of that cash, but that is a professional armoured—

Senator COLBECK: So you rely on those services to move the cash around?

Mr Graham: We do.

Senator COLBECK: What about somewhere like Flinders?

Mr Graham: It would be a contractor to Armaguard who would be authorised by them and would be trained in their processes.

Senator COLBECK: Thank you. I wish you well with those negotiations. I want to go to another topic now, and that's illicit tobacco. My conversations with retailers and some of your franchisees, particularly at home in Tassie, would indicate that you are a very big courier of illicit tobacco, and I'm curious to understand how you're managing that. I reckon you're probably the biggest courier in the country. That's a problem for all of us. What is available to you to manage what is a huge problem for us all right now?

Mr Graham: If I may, I'll respond to the question in two parts. One is the international import of tobacco, which is the original source of where it comes from, and we have the facilities that you would see on the TV show *Border Force*. Those are our facilities that do that. Border Force and AQIS have sophisticated scanning technology that captures a lot of that. We literally have mountains of illegal tobacco every month that get destroyed by Border Force on the import side of it. In relation to the domestic movement of it, I won't challenge your assertion that we are involved in that movement. The challenge we have is that it is almost impossible to detect, and we are not privy as to what the contents of packages are. It's not a requirement.

Senator COLBECK: That's what your franchisees tell me. They know where it comes from and they know who it's going to, but they don't know what's—

Mr Graham: Correct. Unless we physically open the product, which we're not allowed to by law. Again, we have worked very closely with Australian Federal Police and we have ongoing investigations. Indeed, we had one successful case in Queensland where we worked with them in an undercover operation to actually connect the sender to the receiver, and I think there were nine arrests in relation to that. I think that probably is the tip of the iceberg, unfortunately, but it is impossible for us to detect unless we were to put in very expensive machines to try to detect that. For a business that moves two billion parcels a year, that would be almost statistically impossible.

Senator COLBECK: I will give you a couple of examples that opened my eyes. In a small town in southern Tasmania, the IGA is now not seeing customers coming in to buy their smokes because those customers are all turning up at the post office down the road. The franchisee has got a whole new client base. It is common knowledge in town what's going on. Another retailer, also an IGA, has a franchise. Instead of their customers going to the cigarette counter, they know that they're going to the post office counter to pick up their parcels. Another business I visited was a pharmacy. They have a whole new customer base that they're not really all that comfortable with. They made a similar comment to what you made though, they know where it's coming from and know who it's going to. There are some common sources. You go on the websites and they quite happily give you an Australia Post tracking number. It's quite problematic.

Mr Graham: It is.

Senator COLBECK: There is nothing in your systems with data-matching and things of that nature that can start to get on top of this?

Mr Graham: It's very difficult because they obviously don't say it's tobacco in the product. But where we have worked successfully with the AFP is doing exactly that, so looking at what we believe are suspicious senders or receivers, or we see large quantities or unusual quantities.

Senator COLBECK: Someone buying illicit tobacco online is hardly a suspicious receiver. They're getting their smokes cheap because—

Mr Graham: Yes; it will be Joe Smith from X address and Joe orders lots of other parcels as well. It's just another parcel that turns up on the doorstep, unfortunately.

Senator COLBECK: I've had users of the system, if you like, who know that every time they put their financial details into the website, they are giving their financial information to criminals, but they want their derrries. In one case, a lady who has plenty of health challenges, has been smoking for 60 years but is not giving up smoking, wants her menthol smokes, and so that's where she is going to get them. But she knows she is risking her finances when she puts that stuff in. She's happy that you're the courier, because it's coming direct to point.

Mr Graham: Yes, and we obviously don't know what the content is. We also see the same thing with illegal vapes, unfortunately. But we do work very closely with the AFP. As you know, the majority of these issues in terms of the shops that sell them are state policing issues as opposed to federal.

Senator COLBECK: Yes, I understand that.

Mr Graham: In my own neighbourhood I've seen a proliferation of tobacco shops that are very shiny and bright. They don't look like they do much business, but they obviously do enough to exist. It is a common theme around neighbourhoods and, indeed, a common challenge we have. But unless we were to invest in very sophisticated equipment in every one of our 600 or 700 facilities, our ability to detect what is actually in the parcel is virtually impossible.

Senator COLBECK: I'll leave it there. Thanks, Chair.

CHAIR: Thank you, Senator Colbeck. Senator Hume.

Senator HUME: Thanks, Chair. I have questions about Bank@Post as well. There was some data that came out of APRA, the points of presence data, that showed the number of outlets that are offering Bank@Post has

declined from 3,578 to 3,365 over the last six years. It is a reasonably slow decline; however, it also shows that there are 62 fewer Bank@Post outlets in just the last 12 months alone. Is that correct?

Mr Graham: I'll have to take that on notice. I don't believe it is correct. Some of it over the last five years is licensees handing their licences back or feeling that the provision of banking services is too onerous on them or that they haven't invested sufficiently in the necessary minimum security requirements we have. I'm happy to take that on notice. I don't believe there has been a reduction to that amount but I don't have the facts in front of me.

Senator HUME: Is there a reason why APRA's data would not be accurate?

Mr Graham: The only thing we found about APRA is they're a classification of what a service is. It has a very specific classification. Again, I am happy to take that on notice. Our goal is to preserve and, indeed, try and grow the presence we have at Bank@Post. Where there has been a reduction, the majority has been in metropolitan areas rather than regional areas because of the continued presence of the major banks in metropolitan areas.

Senator HUME: I'm assuming that, in those communities where Bank@Post is the only face-to-face provider of financial services, it would be an enormous issue should there be a Bank@Post closure.

Mr Graham: Absolutely. We've been very clear that we are committed to those communities. There are 358, off the top of my head, where we are the only banking service in town. We recognise clearly the responsibility we have to ensure that that provision of service remains.

Senator HUME: There are 358 or so right now?

Mr Graham: Where the only banking service in that town is through Australia Post.

Senator HUME: Is that number growing?

Mr Graham: It has stayed quite steady because the banks have implemented the moratorium on branch closures.

Senator HUME: My understanding—and correct me if I'm wrong—is that the Bank@Post service is the largest non-post or parcel revenue source for Australia Post; is that right?

Mr Graham: Yes. Sixty per cent of the reason someone goes into a post office is about parcels, either sending or receiving; 20 per cent of the reason is for what we call Billpay or banking services—we can provide a distinction on that, but it is a financial transaction, and we have a large Billpay service with things like electricity bills across the counter; 10 per cent of the reason is passports; and the other 10 per cent of the reason is a long tail of many different small services, many of which are being digitised.

Senator HUME: Just so I'm clear in my head, what proportion of your revenue comes from providing Bank@Post?

Mr Graham: A very small proportion. Last year we paid \$608 million in commissions to our licensed post offices. The proportion of that that relates to Bank@Post would be somewhere around 10 per cent, from memory; again, I can happily validate that. We are an almost \$10 billion business, so it's a very small proportion of our overall revenue base.

Senator HUME: My understanding is—and, again, correct me if I am wrong—that Australia Post receives a fixed fee component from the banks called the community representation fee and a variable fee per transaction; is that right?

Mr Graham: That's correct.

Senator HUME: Is it correct that that community representation fee is specifically to pay for the capex needed to deliver Bank@Post—so for security and that sort of thing?

Mr Graham: It's for a number of things. It's for compliance. We've got a very onerous compliance regime in relation to Bank@Post. It's for the technical infrastructure, where we're interfacing to over 83 banks or financial institutions. It is for security and other infrastructure needs that are required as part of our commitment to Bank@Post.

Senator HUME: You said Australia Post and the banks have recently finalised new contract arrangements; did I hear that correctly?

Mr Graham: That's correct. We had long-term contracts and we felt they were not fit for purpose. We took it upon ourselves to renegotiate those contracts with the banks. Those contracts were all signed in the last 60 days and they have been implemented, which is why we ended up with a 30 per cent increase in commissions to the licensees. The last bank to go live is ANZ, which will happen in the next two weeks. It's taken them longer

because they weren't part of Bank@Post, so we had to build the infrastructure to connect into their systems from scratch.

Senator HUME: I heard percentages in there but I just want to get it very clear in my head: how much more funding is Australia Post forecasting as part of those arrangements?

Mr Graham: It's difficult to ascertain because it all depends on the transaction volume. We can give you guidance as to—

Senator HUME: What about the fixed fee—the community representation fee?

Mr Graham: The community representation fee is a fixed annual fee that is subject to review and inflation. That fee has gone up marginally over what it previously was. Our key focus with Bank@Post was to ensure we got more money for our licensees and the services they provided, and we were happy to provide that 30 per cent increase in commissions.

Senator HUME: How much do you receive from the banks as the fixed fee—the community representation fee?

Mr Graham: The fixed fee is in the region of \$70 million to \$80 million. It's got some variability to it, depending on the number of transactions and other infrastructure. That is a fee that pays for a significant amount of cloud infrastructure and other infrastructure that is part and parcel of the commitments we have to make at Bank@Post.

Senator HUME: Is that part of the infrastructure that you pass on a pro rata fixed fee component to the LPOs?

Mr Graham: No, they pay none of the infrastructure; we fund all that. That's why we have it as a community representation fee. For that fee, the banks get access to our total network. The licensed post offices get that infrastructure through our POST+ system as part of their license agreement and their representation of Bank@Post, and all commissions on Bank@Post in relation to the transactions they do get paid directly to them.

Senator HUME: What proportion of that revenue that Australia Post receives from Bank@Post is passed on to the LPOs?

Mr Graham: One hundred per cent of all the commissions goes through to the licensees.

Senator HUME: Let me just get this straight in my head: what proportion of the \$70 million to \$80 million gets passed back to the LPOs and what proportion do you use for capex?

Mr Graham: The majority of it is in capex and infrastructure. It is an amount we continue to review. With the new agreements, we had additional new commitments to infrastructure and the cloud based resources as well as the connectivity with ANZ. I can give you a breakdown of what is fixed in terms of the community representation fee and the amounts that flow through directly to the licensees.

Senator HUME: I would like a breakdown. I'm trying to get an understanding in my head of, essentially, the revenue that comes from providing the service and the revenue you are receiving from the banks, and how much of that is going through to the LPOs and how much of it is being used for overarching infrastructure.

Mr Graham: We can give you that breakdown on notice.

Senator HUME: That would be terrific. Sorry—you said 83 financial institutions are now being used?

Mr Graham: Correct.

Senator HUME: What data do you keep on the utilisation of Bank@Post services?

Mr Graham: We don't keep any data but we know every transaction that is performed, and we know what that service is because the commissions are related to the specific services we provide. We provide that information back to the banks and use that for our own analysis internally.

Senator HUME: You have it by transaction type?

Mr Graham: Correct. There is deposit, withdrawal—

Senator HUME: Is that something you can—

Mr Graham: Yes, we can provide a breakdown of that as well.

Senator HUME: Of transaction type? That would be fantastic.

Mr Graham: Yes, and we can do it by branch and by region. We find that this information is very important to allow us, particularly, to show the banks how critical we believe these services are to many of these people.

Senator HUME: Just to summarise: on notice, you're going to provide me a detailed breakdown of the transaction type—if you could do it over the last three years, that would be very helpful. Is that possible?

Mr Graham: It should be possible.

Senator HUME: Just so we can see the movement—and at as granular a level as possible; that would be very helpful. Also, you are going to provide me the extent to which revenue that comes from the banks is then passed on to the LPOs or used for other circumstances.

Mr Graham: Correct. CRF, for example, pays for the cash-in-transit element of providing that cash to the licensed post offices.

Senator HUME: Thank you.

CHAIR: Senator Smith.

Senator DEAN SMITH: Can you quantify for us, perhaps over the last five years, the volume increase in the number of parcels that are coming to Australia from China? Is that information that Australia Post collects?

Mr Graham: I would have to take that on notice. We obviously have details of parcels that move through what we call our post-to-post service, like where we have China Post sending us parcels as Australian Post, as part of the Universal Postal Union arrangement that is a global arrangement. We know some of that information and some of those parcels flow through into our parcel network, but I'd have to take that on notice. I don't think we'd have the level of detail you would require. I think Border Force may keep that data in more detail than we would. Our focus primarily is on the domestic distribution of parcels.

Senator DEAN SMITH: But you do collect the data of the parcels that Australia Post gets via your relationship with China Post?

Mr Graham: Correct.

Senator DEAN SMITH: That will be enough for the time being. Just over the last five years.

Mr Graham: What I can say is that it would be a substantial increase.

Senator DEAN SMITH: I'm expecting that; I just wanted to be able to quantify what that substantial increase is. You mentioned the Universal Postal Union. How does that relationship between the UPU and Australia Post work?

Mr Graham: We are a member of the UPU. Indeed, as an aside, we were just acknowledged by the UPU at their last congress as one of the top three postal service providers in the world, so I'm happy to give the team recognition for that. It is a long relationship that involves most of the postal operators globally. They act as the sort of United Nations of the postal service—I would describe it as that.

Senator DEAN SMITH: So partially effective!

Mr Graham: Their job is to set global policy.

Senator DEAN SMITH: Who has the veto power?

Mr Graham: They set global policy in relation to the relationships between the postal operators. They set frameworks around the charges and tariffs that we apply for the delivery of mail and parcels, and, likewise, the charges we then pay as Australia Post for the delivery of mail and parcels in other postal geographies.

Senator DEAN SMITH: Are the policies, frameworks and fee arrangements of the UPU mandatory? Are they compulsory arrangements? What flexibility do you have to maintain—using your UN analogy—some sovereignty over your decision-making?

Mr Graham: From my understanding—again, I may refer to Mr Macdonald, who is more of an expert in this than I am—it is a government commitment that we are a signatory to the Universal Postal Union charter, which then governs our inclusion in relation to that. Mr Macdonald, perhaps you could comment if you have more knowledge.

Mr Macdonald: Mr Graham is correct in terms of there being strict governance of those international arrangements. Terminal dues are set at an international level, so they are generally not open to negotiation in the way that commercial arrangements are. We have both an international postal stream and a commercial international stream, so it's those commercial arrangements that are open to negotiation.

Senator DEAN SMITH: Are we successful negotiators?

Mr Graham: Our international commercial business is growing well. We are very happy with the position that that is in. As Mr Macdonald said, the UPU ones are fixed, and they are generally skewed towards supporting developing markets to grow their mail and parcel business. We have a strong relationship. In fact, Australia, as part of the last congress, in Dubai, was appointed to one of the oversight committees that sets policy in relation to

future UPU negotiations. That will give the department of communications, which represents Australia in relation to that, some influence over those future UPU policies in relation to the various negotiations that take place.

Senator DEAN SMITH: Given what you've just said, is it correct to say that Australia maintains its sovereignty over customs policies and rate settings as they relate to the UPU?

Mr Graham: I would say that we are part of a Universal Postal Union. We are signatory to that charter. That charter sets out rules and guidelines as to how the members of that specific group engage. We are satisfied that our ability to set pricing that reflects our cost of service is adequate. At the same time, when it comes to duties or taxes—that is a sovereign matter for each individual country—there is the provision of duties and taxes versus what we provide as the provision of the delivery service for parcels and mail.

Senator DEAN SMITH: So, when we think about President Trump's executive order 14324 and the impact that that had on postal services—and the United States is a member of the UPU—the American administration was able to do that because they maintain some sovereignty over their customs settings and rate settings. Is that correct? Is that how that was permissible?

Mr Graham: Correct. They didn't adjust the UPU rates for providing the service. What they did was remove the de minimis; therefore, goods that were previously non-taxable and non-dutiable became taxable and dutiable.

Senator DEAN SMITH: What is the status of that matter?

Mr Graham: We responded by working day and night, frankly, and by expending millions of dollars to build a digital platform that interfaces with one of the approved US government collectors of duties and taxes, a company called Zonos. That was operational in September, in advance of the time that we advised, and that allows customers to come onto our normal portal to export products to the USA. They put in the description of the product, they put in the value, and the system automatically calculates duties and taxes and, basically, takes that money from them and then remits that to the US customs service.

During the lockdown period, we weren't providing our mail service to the USA. We still had a commercial product that was ongoing. It was not impacted by that. It was more expensive. But we're now happy to report that all our normal postal-to-postal services, which are part of the UPU agreement and are actually cheaper than the commercial product we offer, have been fully restored for all exporters to the USA.

Senator DEAN SMITH: Great. Was the decision to suspend parcel deliveries to the United States the only option you had, or was there a suite of options?

Mr Graham: We believed it was the only option that we had, because, as you may gather from the history of that order by President Trump, it had been indicated that it would be implemented two previous times, and it was not, so we had to be absolutely sure that this time it was going to be implemented. Working with the department and also with DFAT, we were assured that this time it was going to be implemented. What we didn't want to do was put our customers in the difficult position of having goods arrive in the USA that they didn't think were dutiable or taxable and then, all of a sudden, they were dutiable and taxable. So, whilst it was a very difficult decision to make and we apologise to our customers for having to make it at fairly short notice, it was, we believe, the right decision to protect them from onerous claims of duties and taxes, and we worked night and day to implement a new, long-term digital solution. But we were one of 180 other postal duties jurisdictions that were put in the same boat, unfortunately.

Senator DEAN SMITH: So you consulted with the department of communications and the Department of Foreign Affairs and Trade around that matter?

Mr Graham: Correct. We did.

Senator DEAN SMITH: Was the matter raised by the Prime Minister in his meeting with President Trump?

Mr Graham: I'm unaware of that.

Senator DEAN SMITH: Have you asked that question of DFAT?

Mr Graham: No, I have not.

Senator DEAN SMITH: And nothing's come back from DFAT in terms of whether it was or wasn't?

Mr Graham: No. Certainly not to Australia Post.

Senator DEAN SMITH: Great. Thank you very much. I turn finally to the Productivity Commission report into competitive neutrality and Australia Post. This relates to UPU matters that we've touched on. There are two particular recommendations in that report, and I'm just curious to know whether or not you have been asked for advice, commentary or observations by the government around those two recommendations. The first is recommendation 4.1, which is quite a simple recommendation, I would've thought. Recommendation 4.1 says:

The Treasurer should call a public inquiry into certain areas of CAPEC's complaint against Australia Post. This goes to competitive neutrality issues. Have you been asked to provide any advice to government on that?

Mr Graham: Not specifically, no.

Senator DEAN SMITH: Generally?

Mr Graham: No, not that I'm aware of.

Senator DEAN SMITH: The second recommendation is 5.1, which is at page 62, and it is:

Australia Post's CSO—

community service obligation—

should be funded directly from the Budget.

Is that a matter that you've been asked to provide advice on to government?

Mr Graham: No, it's not. As you know, we are self-funded. We are one of the few postal organisations in the world that are self funded, and we wish to remain that way.

Senator DEAN SMITH: Thank you. Minister, on notice, could you provide me with some information in regard to the status of the Productivity Commission's report *Australia Post: Australian Government Competitive Neutrality Complaints Office*. I understand it has been presented to the Treasurer. Because it goes to Australia Post matters, I'm assuming—if I'm wrong, you can let me know on notice—that the department of communications might have been—or it may not have been—asked for some advice. So, on notice, could you inquire and provide us with some information about what the status of this is, in the context of the department of communications advice to government or deliberations. That would be great.

CHAIR: Senator Roberts.

Senator ROBERTS: Thank you for appearing again. I would like to confirm some numbers, please. You have a service guarantee that requires 4,000 outlets, with 2,500 in rural and remote areas. You currently have 4,118 outlets, of which 2,523 are in the bush. There are only 23 closures to go. Are these figures correct?

Mr Graham: They are correct, yes.

Senator ROBERTS: Thank you. Who signs off on the closure of an outlet? Is there a closure committee? Is there a written process? Is it just a single person who signs off?

Mr Graham: No, there's a very detailed process that we undertake, and obviously any decision to close a post office, we recognise, is a difficult one. We have a detailed process of evaluation of what other services are available in that particular geographic area. We look at the demographic split of the type of customers who use the existing services in that post office. We look at the history of that post office in terms of its financial performance, its service performance, what services are being used and what services are not being used. Then that goes to our retail executive general manager, who then sits down with me and Jane Anderson, because we obviously take into consideration the community aspects of that closure. Then we collectively sign off on that closure.

Senator ROBERTS: Thank you. With many licensees ageing out, selling the business is their way to fund their retirement. Have you ever prevented the sale of a post office as an ongoing business in order to facilitate its closure?

Mr Graham: No, we have not, but what I have communicated before at Senate estimates is that we did implement a voluntary buyback program where we identified licensed post offices in metropolitan areas that we believed were struggling financially because of the significant overlap of post offices in metropolitan areas. This buyback program was fully supported by both licensee organisations. That program has now ended its first tranche. We are considering whether or not we will implement a second tranche. But you're absolutely right in what you say, Senator. In my discussions with licensees, a large percentage of them are indicating that in the next three to five years they will retire or they will look to hand back their license, either because they've reached an age where they no longer wish to run that business or, indeed, because the financial viability of that business continues to be challenging. We acknowledge that, and it is a factor related to changing consumer habits. It's not something that we are doing or that they are doing. They continue to provide great service to the community. The simple fact is that those communities no longer use a post office the way they did five, 10 or 15 years ago.

Senator ROBERTS: Thank you. What percentage of people look like they'll be closing in three years?

Mr Graham: Anecdotally, from what we have discussed with those licensees and the licensee associations, I would say it's about 30 per cent.

Senator ROBERTS: Thirty—one-third?

Mr Graham: Yes.

Senator ROBERTS: My staff have reviewed the case of a post office in Queensland where the elderly owners were trying to sell. The process looks seriously flawed. An Indian couple who have worked as Australia Post contractors for seven years, who have strong financial resources and support in the community and who are citizens of many years standing applied to purchase the post office and submitted the paperwork, which came through multiple stages. It seems you don't have one form or an organised system so that one complete application can be made. Is that correct?

Mr Graham: No, we have a very clear system. We don't get involved in the sale of a post office. It's actually done through a broker community, where people go into the market like they would sell a house or any other small business. We have a validation process to verify that the new licence owner is a fit and proper owner of that licence, because they are representing Australia Post and may be providing Bank@Post services or passport services. But in the vast majority of cases—in fact, all cases—we do not participate in the sale of that. It's actually one of the challenges that we have, because we find out at the eleventh hour that the licence has been sold on the market, and then we may not feel that that is the appropriate new person who should represent that licence, but that transaction is well advanced.

Senator ROBERTS: So the broker is independent of—

Mr Graham: The brokers are independent, yes. There are about three key brokers that operate nationally. Some of it is done through the licensee association to act as a barterer in relation to that. That's been going on for some time. As you say, Senator, licensees are looking at this as their superannuation fund. They've built that business up over many years and are now faced with the valuation that they originally felt they may get being challenged, simply because the economics of that business is no longer viable.

Another challenge we have is that, when a licensee does retire and hand back their licence, it's usually well known by the community that that is not a good business. It's a tough business. It's six or seven days a week. Therefore, their ability to on-sell that business in the community is also a challenge. I've been in communities in regional Australia where it's taken them three to four years to find a buyer because no-one wants to buy that licence. What we then do is go into the community and look at where we could facilitate what we call an in-conjunction relationship. That might be with a pharmacy. It might be with a newsagent. It might be with an IGA. That provides an avenue to sustain those services in that town. But, again, the valuation that the original licensee places on their business may differ greatly from what someone else values that business at.

Senator ROBERTS: No feedback was given on this particular case on the documentation submitted, yet the applicants were then given a single tele-interview by a three-person panel, following which a refusal was made. No reason was provided. No appeal process was made available. Is that your process or the broker's process?

Mr Graham: I wouldn't know that individual case. If you'd like to give me the details, I'm happy to follow that up. We have to have transparent, professional processes where people feel that they are given fair representation. Again, if it's the sale of a licence, we don't participate directly. If we were participating in validating whether or not they were fit and proper people to hold that licence and we rejected that and they weren't given any explanation, that is unsatisfactory. We do face some cases, particularly when it comes to passports, where DFAT will just tell us that the licensee is unsatisfactory. They won't give us any more details because of their protocols, and we have to respect that. But, if you want to give me those individual details, I will happily investigate.

Senator ROBERTS: Thank you. Do you have any support for migrants to Australia that apparently, in my staff's experience, pop up quite frequently running post offices, which would include Indian people? If so, why was the process to have the applicant unsupported in the interview at your end?

Mr Graham: Again, I'd need to know the individual case. We have a large—nearly 3,700 licensees. We represent a broad church in relation to those licence holders. We have large groups of people from the Indian continent, either people who have immigrated or people who were born here. Likewise, we have large coteries of people from China but also many other ethnic origins. We're a broad church. I think Australia Post is in every community, and therefore we represent the Australian community in terms of the profile of our licensees.

Senator ROBERTS: Yes, the Chinese and Indians and so on have a pretty good sense for business.

Mr Graham: They certainly make up a good portion of our network, but our job is to provide support so that all of our licensees can be successful. But we are, unfortunately, treading water or pushing against the tide, simply because consumer habits are changing.

Senator ROBERTS: Thank you for the offer to look at this directly, because my constituent deserves a better answer.

Mr Graham: We're looking for good people to come and run our post offices. It's a difficult task to get people interested. If we've got people who have got good skills and are interested in running what we believe is a viable post office, then we would welcome them with open arms, provided they pass the protocols that are put in place. But I'm happy to investigate that particular case.

Senator ROBERTS: I'll put a little plug in. You have got the largest retail network in the country, apparently.

Mr Graham: It's easier to buy a stamp than it is to buy a loaf of bread. We've got more post offices than there are Woolworths, IGAs, Aldis and Coles combined.

Senator ROBERTS: Your fiscal year 2025 annual report shows a pretax profit of \$18.8 million, below the \$42 million target. Despite this, total executive short-term bonuses nearly doubled from financial year 2024, rising 95 per cent to \$6.8 million, with the overall executive wages bill up 34 per cent to \$7.8 million. Minister, your executives paid themselves more than a third of your profit—a lot of that in bonuses—while licensees are struggling to keep the doors open. Is Australia Post having a lend of the taxpayers?

Senator Green: That is a question for Australia Post. We don't set the rates of pay, but they can probably answer that for you.

Mr Graham: I'm happy to take that question. Some of the numbers you mentioned are incorrect. They reflect people who had full-year pay last year and didn't have full-year pay the previous year. However, we had a strong year in relation to hitting the targets that were set by the board. Our remuneration is made up of two components: a base salary and an at-risk component, which is what you referred to as the bonuses. Those are set and fully compliant with the Remuneration Tribunal and the APSC. They are set by our board, and they are a range of challenging targets.

Last year was a strong year for Australia Post, with the implementation of our Post26 Strategy some years ago. The focus on being efficient and reducing costs as well as improving our service through the significant investments that we have made resulted in very strong customer support, resulted in us being able to drive substantial savings in our business and resulted in us being able to reduce the losses in our letter business and, at the same time, improve our safety performance. But our board sets the KPIs under which the at-risk remuneration component is paid. This is a variable component. It was higher than the previous year partly because we outperformed the targets given to us and partly because we had a full year of payments to executives, some of whom were not on the payroll the previous year.

Senator ROBERTS: What am I missing, Mr Graham? The pretax profit was \$18.8 million, which was below the \$42 million target. Have I got something wrong there?

Mr Graham: No. The \$42 million target you're referring to was a loss of \$42 million, not a positive of \$42 million, so we actually beat the target by nearly \$60 million.

Senator ROBERTS: Okay. That's substantial. Thank you.

CHAIR: Thank you, Senator Roberts. Senator Smith?

Senator DEAN SMITH: What is the ownership arrangement around the Australia Post physical offices? They are located in prime positions in suburbs and towns across our country.

Mr Graham: We have a fairly large property portfolio. We continue to recycle that portfolio, as any business would. We have about 147 heritage listed buildings, which are beautiful to look at but a devil to maintain. That is a burden of cost upon us, but we also understand the community sentiment in relation to those buildings. It's fair to say that, about 15 years ago, we moved out of a lot of the traditional postal buildings—those two-storey buildings that you would be familiar with; they were two storeys because we operated a retail outlet on the ground and the post was sorted on the floor above then passed out for distribution. We then moved into shopping centres and much smaller formats. Now, of course, the parcel boom has hit and those post offices are too small, so we're going back to larger postal formats where the front of house is small and the back of house is much larger, to cater for the parcel business.

We have a mixed portfolio. We have investment properties that are ones we hold on the books because we believe they are worth holding onto. We have our heritage listed buildings, and we have a range of views in relation to those. Some of those we are actually looking to hand over to communities for a peppercorn sum because they're no longer fit for purpose as an Australia Post building but may be used as a community centre, or the local council may wish to take on those buildings. That's something that we're working with local councils on where those opportunities arise.

Senator DEAN SMITH: That is fascinating. I did not know that. That happens in metropolitan areas as well as regional locations?

Mr Graham: It happens primarily in regional locations where there are the larger, older-style buildings—I'm thinking Yass; Bathurst; Ingham, in Queensland; and places like that. We don't have a use for those buildings. Those buildings, unused obviously, become further issues around maintenance. We are working when those opportunities arise to sit down with the local council and say, 'Would you like to take it on?'

Senator DEAN SMITH: Is there a list of buildings?

Mr Graham: There is a list of buildings, and we continue to work through it. One of the challenges of local councils is that, of course, they then have to take on the cost of the ongoing maintenance. Some councils are very interested in that. Others are then seeking out ways that they could fund that through either state grants or federal grants.

Senator DEAN SMITH: On notice, could you provide a list of those buildings that are in scope for that sort of community opportunity? I wasn't aware of that.

Mr Graham: Yes, we can do that.

Senator DEAN SMITH: One last question, and this is pure indulgence. For many, many years, you could recognise an Australia Post building because it had red bricks and then it had the crest.

Mr Graham: ER.

Senator DEAN SMITH: Yes—EIIR. Are they decommissioned? Are they removed? Do they stay there in perpetuity?

Mr Graham: If they're heritage listed buildings, they stay in perpetuity. We have a number of them. There's a post office, for example, that I know very well that is actually a brutalist architecture, but it's protected. It has the ER firmly there. I was looking at it recently and felt, 'Do we need to replace that with KR, now?' I think that's it—King Charles—or KC. But we have a whole—

Senator DEAN SMITH: Sometimes you shouldn't tempt fate. Some people—Senator Green—might not want it replaced at all.

Mr Graham: No, true. But we have every flavour of building under the sun. Obviously in 215 years of history—we portray Australia's history.

Senator DEAN SMITH: Agreed. That's fascinating. Thank you. It's fascinating for me, rather.

Senator Green: Before we let Australia Post go, I put on record my thanks in advance to all of the workers, contractors and licence holders in advance of Christmas, which we know will be a very busy time. I think we can be very confident that no letters to Santa will get lost in the mail.

Senator DEAN SMITH: Or parcels!

Senator Green: Or parcels.

CHAIR: Thank you, Minister. We will excuse the officers from Australia Post. Thank you very much for your evidence and for being here this evening.

Creative Australia

[22:38]

CHAIR: You will be our last witnesses this evening, and we appreciate your attendance at this hour. Welcome. Do you wish to make an opening statement?

Mr Collette: I will—a very short one, if that's alright. I remember foregoing this when we met at a similar time at the last Senate estimates! I'd like to begin by acknowledging the traditional owners of the land, the Ngunnawal and Ngambri peoples, and pay respects to elders past, present and emerging.

The national cultural policy, Revive: a place for every story, a story for every place, sets out the vision for Creative Australia, including the establishment of four new entities, creating a larger agency to invest in and advocate for the creative sector. Music Australia, Writing Australia, Creative Workplaces and the First Nations Board are now all in operation.

In addition, the people and functions of Creative Partnerships Australia were transferred to Creative Australia on 1 July 2023, and we have seen growth since that time. For example, in the financial year of 2024-25, the value of donations through the Australian Cultural Fund platform was \$15.4 million, the most ever raised and a 46 per cent increase on the previous year. In total, 19,869 donations were received—an increase of 21 per cent on the previous year—and 262 of those donors gave more than \$10,000, up from 2,002 donors the year before.

In addition to the promising growth, we have also introduced a new national program to encourage private investment in support of the arts. The inaugural AusArt Day was held on Thursday 23 October. It was designed to

increase private sector investment supporting Australian creativity and to raise awareness of the public value of the arts. The total funds raised were \$2.29 million from 4,825 donors, 48 per cent of whom were first-time donors, a really positive first step in introducing a national day of giving for the arts.

We have also launched a second public-facing campaign this year to encourage more of us to discover and listen to Australian music. 'Ausify your Algo' encourages all to take ownership of our algorithms and search out Australian music live and online. We know that Australian artists make up only 8.4 per cent of the top 10,000 artists streamed by Australians, with drops in the number of Australian songs in all music rankings. Music Australia launched the Ausify campaign on 1 November, to coincide with Australian music month, to encourage more engagement with Australian music and attendance at Australian music gigs, and to have a conversation about how important it is to actively support Australian music.

Creative Australia has always invested directly in artists and creative organisations. We are now turning our attention also to developing markets, audiences and supporting the broader industry, building greater awareness of the extraordinary creative talent we have in Australia as well as the broader value that the arts bring to all of us. Thank you.

CHAIR: Senator Henderson.

Senator HENDERSON: Thank you, Chair. Good evening, Mr Collette and others. Apologies for the delay and your wait this evening. I wanted to ask about your travel costs, firstly. Since Creative Australia was established just over two years ago, we have information that people with the agency have made 101 overseas trips at a net cost of \$636,126. This includes 43 trips at a cost of \$305,809 in the 2023-24 financial year and 51 trips at a cost of \$296,698 in the 2024-25 year. This seems to be a lot of travel given your agency is quite young. Can you explain why you've racked up so much in travel costs?

Mr Collette: I'll come back to you very happily and readily with details of that. I haven't got the detail. My personal travel—I think I made two overseas trips in the last financial year.

Senator HENDERSON: Yes. I was going to ask you about that. One was to Barcelona.

Mr Collette: Yes. I spent four nights in Barcelona as part of the UNESCO MONDIACULT conference. I was part of the Australian delegation of two people. I flew there, spent four nights there and flew back. The other one was to South Korea.

Senator HENDERSON: That was \$17,939. Why was it so important to attend that conference?

Mr Collette: Because I was part of the Australian delegation to that conference. We are a signatory to UNESCO, and this was their international conference on arts and culture. There were over 90 countries represented, many of them at ministerial level. That responsibility was delegated to a colleague in the Office for the Arts and to me.

Senator HENDERSON: How will that make a difference to the average artist on the ground here in Australia?

Mr Collette: It will make a difference. We are in the position of advising on arts policy, and that conference was looking at three or four really vital themes, including artificial intelligence and various questions around the creation of cultural policy. So part of our job, of course, is to advise both the department and minister of the day on thinking around future cultural policy, especially as the next iteration of our national cultural policy comes into view. They were also, frankly, representational, which is not to do with local artists, but cultural diplomacy is very important, particularly as part of the Asia-Pacific delegations. At MONDIACULT, we had a role to play.

Senator HENDERSON: There's another trip that you took, costing \$26,651 for four days. That involved three people going to Korea for the World Summit on Arts and Culture. You flew business class. I imagine that's within the rules, of course. Again, why was it necessary to go to that conference?

Mr Collette: For two reasons, in my case. This was an international summit hosted or created by the International Federation of Arts Councils and Culture Agencies. We are a member of that federation. I am on the board of that federation. It is usually a triennial—this time biennial—conference to fit in with the calendar of South Korea, and it is a place for exchange of ideas and discussion of major issues to do with the international arts sector.

Senator HENDERSON: Arts dollars and funding are very sought after this country, so these questions are obviously important. How many international trips is Creative Australia planning this coming financial year?

Mr Collette: We don't have that information, but we'll certainly get it for you.

Senator HENDERSON: That would be good. I want to move to Creative Australia's financial support to the Biennale of Sydney. How much is being provided by the Commonwealth?

Mr Collette: I would have to take that on notice.

Senator HENDERSON: Can I ask about Princess Hoor Al-Qasimi of the United Arab Emirates? She has been appointed artistic director of the Biennale of Sydney by its CEO, Barbara Moore. Just a few months earlier, Princess Al-Qasimi appointed Barbara Moore as the Vice-President of the International Biennial Association. Princess Al-Qasimi is the president of that association. There seems to be a lot of intermingling here.

Mr Collette: We had absolutely nothing to do with that decision—absolutely nothing. I think you'll find—but I don't want to in any way, shape or form mislead the committee, and we will get the information for you—that our funding of the biennale is of some individual artists and individual programs. It is not a core funder of the biennale itself. All those decisions are made by the biennale. We will get you that.

Senator HENDERSON: Thank you. If you could, I'd be grateful.

Mr Collette: Certainly, we have nothing to do with the appointment of the artistic director.

Senator HENDERSON: You don't have any concerns about that arrangement?

Mr Collette: That's entirely a matter for the Biennale of Sydney. As ever, we are investing in programs and artists that we think create excellent and good art.

Senator HENDERSON: Last week, Michael Bayley reported in the *Australian* that 'the Emirati Princess and pro-Palestine activist, Princess Al-Qasimi, who is directing the Biennale of Sydney, has called in one of her family companies as a major sponsor of next March's festival after Mirvac pulled out and the event struggled for other corporate backers'. Do those arrangements concern you?

Mr Collette: I read the same article. We are not responsible for the Biennale of Sydney. You would have to ask them about those arrangements. Our funding relationship with them, I am very certain, is around funding certain programs, but we are not responsible in any shape or form for operational funding of the Biennale of Sydney.

Senator HENDERSON: But, given Creative Australia's role in our artistic community—

Mr Collette: Funding the visual artists or programs.

Senator HENDERSON: why is it that an Emirati royal family is now providing this money and the artistic control of one of Australia's major festivals? I hear what you say about the Biennale of Sydney, but, as a leader in the creative arts in this country, does that arrangement concern you?

Mr Collette: I don't have an informed view of it at all. It's an arrangement between the Sydney biennale and that family.

Senator HENDERSON: You are running one of the leading cultural organisations in this country. The Sydney biennale is a very significant cultural event and organisation. Are you concerned about foreign influence in the arts?

Mr Collette: I cannot have an informed view about what foreign influence is taking place through the Sydney biennale. It is not an arrangement that is remotely relevant to the activities or responsibilities of Creative Australia. If you're asking me for a personal view, I'm not going to give you a personal view. I'm here as the CEO of Creative Australia, and we—

Senator HENDERSON: But you are also here, obviously, the CEO of a leading cultural agency, protecting the arts and the integrity of the arts in this country—

Mr Collette: I'm the CEO of the federal government's investment and advisory body.

Senator HENDERSON: And you implement national cultural policy.

Mr Collette: We do.

Senator HENDERSON: So, in that respect, that very important role that you occupy, your minister is also the minister responsible for foreign interference. In his capacity as a Minister for Home Affairs, have these matters been raised or discussed at all with him?

Mr Collette: You would have to ask the minister that. My minister is the Minister for the Arts.

Senator HENDERSON: Who is also the Minister for Home Affairs.

Mr Collette: I know he is, but I have absolutely no line of sight or relationship to that part of his portfolio.

Senator HENDERSON: Alright, thanks, Mr Collette. I want to move to another issue, and that is to ask you about the work of the eleven collective. Are you familiar with the work of the eleven collective?

Mr Collette: I'm not familiar with the work of the eleven collective. My only familiarity with the eleven collective is what I've read in the media. I know that we have funded artists who are part of the eleven collective—

Senator HENDERSON: Yes.

Mr Collette: but not because they are part of the eleven collective.

Senator HENDERSON: I want to raise concerns about this because Creative Australia is providing extensive support to members of the eleven collective. I want to ask you about the peer review process for awarding grants and the intersection of personal, professional and funding decisions. Can I start with Khaled Sabsabi, who is the leader of the eleven collective and who founded it in 2016. You're aware, of course, that he led the 2022 Sydney Festival boycott over the acceptance of a donation from the Israeli embassy. He has also signed the 2024 Venice Biennale boycott petition, calling for Israeli artists to be deplatformed and has referred to Hezbollah and terrorist leader Nasrallah in his artworks. You're well aware of that and that controversy. He participated in the 2013 Sharjah Biennial and in 2016 received a production grant from the Sharjah Art Foundation, which is led by Princess Hoor al-Qasimi. He is, of course, also a board member of the 2026 Sydney biennale, for which Princess al-Qasimi is the artistic director. He sits on the Create NSW art-form board for visual arts. In light of all of these issues, can I ask if you have any concerns.

Mr Collette: I don't have concerns. I have a concern—as I did the last time we had this conversation to a similar time in the evening—when people get named in this chamber and they're not here to provide context or provide an explanation of their statements. The last thing I will want to do is to put words in their mouths, whether it's a very distinguished artist, like Khaled Sabsabi, who has been recognised around the world for his work; a number of other artists; or indeed, as in past instances, a couple of my colleagues at creative workplaces. That's what makes me uncomfortable.

Senator HENDERSON: Are you uncomfortable with some of Mr Sabsabi's history, including some pretty toxic, anti-Israel, anti-Jewish sentiments that have been echoed by this artist?

Mr Collette: I'm completely unaware of toxic expressions. Let me not put words in Khaled Sabsabi's mouth. Let me take something directly from an article, an interview, in the *Sydney Morning Herald*, when he was asked about this subject. I'm only doing this because this is a matter of public record. I would never, ever, argue something for someone else, for an artist. What he said about boycotting was this: 'When I realised and was made aware that the Sydney Festival had received funding from the Israeli government, I decided to withdraw my exhibition from the festival program. The reason I did that was a matter of principle, to stand with the Palestinian people and their cause. It was as simple as that.' He went on to say: 'I do not support or endorse any form of terrorism, racism, antisemitism or Islamophobia. Every race, ethnicity and faith has the right to exist in peace. Those are the fundamental rights of every human being.' When he says that, I believe him. What we are interested in, and what we fund, is his artistic expression, not his personal views on anything. But if you want his personal views, that is a direct quotation from him.

Senator HENDERSON: How much has Mr Sabsabi received by way of grants from Creative Australia in total?

Mr Collette: I don't have that figure.

Senator HENDERSON: Could you take that on notice?

Mr Collette: Of course.

Senator HENDERSON: That would be terrific. The next member of the collective that I want to raise with you is Abdul-Rahman Abdullah. He was, of course, forced to resign from the board of National Gallery of Australia over antisemitic posts. I understand he described Australia as 'belligerent' and 'bigoted'. In 2020 he sat on the panel that awarded funding to Khaled Sabsabi, and he, personally, also received significant grants from Creative Australia in the past, which I understand were in the order of \$200,000. Is that correct?

Mr Collette: I would have to check that, again. I haven't got a history of our grants with me, but I'm happy to take that on notice.

Senator HENDERSON: Thank you. The next member of the eleven collective is Hoda Afshar, who publicly accused Israel of apartheid and genocide. She was selected to be an artist in residence for Princess Hoor Al Qasimi's Sharjah Art Foundation. Her work will be featured as part of the Sydney Biennale. Of course, Princess Al Qasimi is the artistic director. I understand that she has previously received significant amounts of grant money from Creative Australia, including a \$100,000 fellowship in 2024. I understand the total grant funding she's received is in the order of \$230,000. Are you able to verify that figure?

Mr Collette: We will verify it. I can't verify it as I sit here, but we'll certainly take it on notice.

Senator HENDERSON: The next member of the collective is Shireen Taweel. She's also been a signatory to various anti-Israel petitions, and she's also been very well supported by Creative Australia.

I guess what I'm trying to raise with you, Mr Collette, is that there is a group of artists that are very heavily supported by Creative Australia. They work very closely together. They peer review each other's work, and they support each other's grant applications. I am concerned about the integrity of grants avoided under those circumstances. I've raised this with you before, and I raise it with you again, in relation to integrity issues.

Mr Collette: There are so many issues in that. You have raised this in the past, and I say this with great respect: I would make the same point of principle as we had at our last conversation, at about this time in the evening. Our function, under our legislation, is to support and advocate for freedom of expression in the arts. It's not about freedom of expression per se, which is a right we all enjoy unless we are doing something which is considered essentially illegal. Unless we define the kinds of legal structures that we have around freedom of speech, we do not take a view on people's personal opinions if they are expressed personally. As I said last time, if you or anyone else thinks that someone has done something which is illegal, please refer it to us—even then, acknowledge we have no investigatory powers. If we think there is substance in that case, we will have to do what anyone has to do—and that's refer it on to someone who does have those powers.

The second point I would make—

Senator HENDERSON: Just to cut in here, what I'm asking about is the integrity of the grants funding process, because there are enormous conflicts between the personal friendships and professional roles—

Mr Collette: Yes.

Senator HENDERSON: and funding decisions. I have asked you previously about the peer review—who's on various committees which decide various grants.

Senator Green: Chair? Thanks.

Senator HENDERSON: Minister, I appreciate that. I'm just wrapping up.

Senator Green: It's 11 o'clock, so we don't have any more time.

Senator HENDERSON: Those concerns have not been alleviated and, in fact, I think they're getting worse, Mr Collette. So what I will do is I will—

Mr Collette: I'd love to be able to answer that question.

Senator HENDERSON: Please do.

Mr Collette: Chair?

Senator HENDERSON: No, you must. You should be able to answer the questions.

CHAIR: 'Chair'? That's me. Mr Collette, it is getting late. I'll allow you to answer that question, and then we'll have to wrap up.

Mr Collette: We have very robust processes around our peer review. First of all, to put it in context, peers review and advocate decisions around about 10 per cent of our total funding, so let's put that into perspective before we start characterising Creative Australia. The artists that you bring up—and that mirrors what has been brought up in certain parts of the press—would be a fraction of one per cent of what we invest in. Let's use that in terms of context.

The second point I would make is that, if you are using—as we are using at the moment—645 peers in our pool, across music, performing arts and visual arts, it's quite likely you've got a high degree of acquaintance between these people because—guess what—they are artists and artist experts and they know one another.

We have very robust conflict-of-interest processes around all our peer reviews. They must be declared, and peers are disqualified from assessing individual projects if they know people who are involved in those individual projects, and they are disqualified from the peer pool if they are subject to an EOI or a proposal for funding. We are scrupulous about that, and we keep records about it.

UTS won the tender to look at our peer review processes when we established them, and they said that, in terms of the deliberative process, this is about as good as it gets. They said that this process will be able to self-improve as it goes along. We've gone to great lengths to ensure the disinterest and impartiality of our peers. The fact that some members of the Eleven Collective may know each other and have won grants and been on peer review panels from time to time is no indication at all of systemic bias in Creative Australia. It was absolutely fundamental, when we had to set up this process in 2013, that we went to the furthest possible lengths to establish its integrity.

Senator HENDERSON: Thank you, Chair.

CHAIR: Thank you, Senator Henderson. Thank you to the officials from Creative Australia. That concludes today's hearing. Thank you to all the witnesses who appeared and to Hansard and Broadcasting for their assistance—cheers! Thank you to the secretariat staff. I thank my parliamentary colleagues, and I remind senators that the committee has agreed that any written questions on notice should be lodged with the secretariat by 11 December 2025.

Committee adjourned at 23:03