

SCHEDULE OF DOCUMENTS FOI 25-296 and FOI 25-297

Doc No.	Description of document	Decision on access	Provision of FOI Act
1.	SB24-000361 Overarching Online Gambling	Access granted in full to relevant information	s22
2.	SB24-000363 ABC Funding	Access granted in full to relevant information	s22
3.	SB24-000364 ABC Board Appointments	Access granted in full to relevant information	s22
4.	SB24-000365 SBS Board Appointments	Access granted in full to relevant information	s22
5.	SB25-000004 SBS Western Sydney	Access granted in full to relevant information	s22
6.	SB24-000366 Community Broadcasting	Access granted in full to relevant information	s22
7.	SB25-000005 Review of Options to Support the Independence of the National Broadcasters	Access granted in full to relevant information	s22
8.	SB24-000367 News Media Assistance Program and News Media Incentive	Access granted in full to relevant information	s22
9.	SB24-000368 Media Reform	Access granted in full to relevant information	s22
10.	SB24-000369 Anti-siphoning and Prominence	Access granted in full to relevant information	s22
11.	SB24-000370 Regional Broadcasting	Access granted in full to relevant information	s22
12.	SB24-000371 Disinformation and Misinformation – Draft Bill and Consultation	Access granted in full to relevant information	s22
13.	SB24-000372 Online Safety (Key Government Actions)	Access granted in full to relevant information	s22
14.	SB24-000373 Age Assurance and Social Media Minimum Age Legislation	Release in part	s22 s47C
15.	SB24-000374 Statutory Review of the Online Safety Act 2021	Access granted in full to relevant information	s22
16.	SB24-000375 Classification Reform	Access granted in full to relevant information	s22
17.	SB25-000003 Recent Inquiries into Classification Decisions	Access granted in full to relevant information	s22
18.	SB24-000376 NBN Funding Arrangements ¹	Release in part	s22 s47(1)(b) s47E(d)
19.	SB24-000377 NBN Pricing and SAU	Release in part	s22 s47(1)(b)
20.	SB24-000378 NBN Remuneration	Access granted in full to relevant information	s22
21.	SB24-000380 Low Earth Orbit Satellites	Access granted in full to relevant information	s22
22.	SB24-000381 NBN Bill (Commitment to Public Ownership)	Access granted in full to relevant information	s22

¹ Financial information provided is aligned with publicly available information at the time of preparation

Doc No.	Description of document	Decision on access	Provision of FOI Act
23.	SB24-000382 NBN Upgrades (New Funding Commitment) ²	Release in part	s22 s47(1)(b) s47C
24.	SB24-000383 First Nations Digital Inclusion Budget Measures	Access granted in full to relevant information	s22
25.	SB24-000384 SSBI – School Students Broadband Initiative	Access granted in full to relevant information	s22
26.	SB24-000385 Universal Service - Delivery and Reform	Access granted in full to relevant information	s22
27.	SB24-000386 National Audit of Mobile Coverage	Access granted in full to relevant information	s22
28.	SB24-000387 NBN Upgrades – Fixed Wireless	Release in part	s22 s47(1)(b)
29.	SB24-000389 National Messaging System	Access granted in full to relevant information	s22
30.	SB24-000390 3G Switch Off	Access granted in full to relevant information	s22
31.	SB24-000391 Better Connectivity Plan for Regional and Rural Australia – Overview and Status of Implementation	Release in part	s22 s47C
32.	SB24-000392 Mobile Black Spot Program	Access granted in full to relevant information	s22
33.	SB24-000393 Mobile Black Spot Program – Improving Mobile Coverage Round (IMCR)	Access granted in full to relevant information	s22
34.	SB24-000394 Mobile Network Hardening Program (MNHP)	Access granted in full to relevant information	s22
35.	SB24-000395 Regional Roads Australia Mobile Program - Pilot Programs	Access granted in full to relevant information	s22
36.	SB24-000396 Regional Connectivity Program	Access granted in full to relevant information	s22
37.	SB24-000397 On Farm Connectivity Program	Access granted in full to relevant information	s22
38.	SB24-000398 Regional Telecommunications Review	Release in part	s22 s47F
39.	SB24-000399 Shortland Terrestrial Television Transmission	Access granted in full to relevant information	s22
40.	SB24-000400 Postal Services ³	Release in part	s22 s37(1)(a) s47(1)(b)
41.	SB24-000401 Australia Post Appointments and Remuneration ¹	Access granted in full to relevant information	s22
42.	SB24-000402 Telecommunications Outages and Triple Zero	Access granted in full to relevant information	s22
43.	SB24-000403 Telecommunications Consumer Safeguards	Access granted in full to relevant information	s22
44.	SB24-000404 Audio Description and Captioning	Access granted in full to relevant information	s22

² Financial information provided is aligned with publicly available information at the time of preparation.

³ Document 40 Attachment B and Document 41 Attachment A: is published here: [Australia Post Annual Report 2024](#)

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Lead/Support contact: Bridget Gannon / Margaret Lopez

SB24-000361

SUBJECT: Overarching Online Gambling**Key Deliverables**

- The Australian Government committed to responding to the Online Gambling inquiry, and is closely considering all 31 recommendations. The government has undertaken extensive consultation which has raised additional considerations that are continuing to be worked through. A response will be released in due course.
- The government has delivered the most significant gambling harm reduction measures of the last decade – detailed below.

Talking Points

- The government is closely considering all 31 recommendations from the Online Gambling Inquiry report and will release a comprehensive response in due course.
- The government is committed to online gambling taking place under a robust legislative framework with strong consumer protections.
- The government has delivered the most significant gambling harm reduction initiatives of the past decade, including:
 - launching BetStop – the National Self-Exclusion Register for online wagering in August 2023, with over 37,000 individuals registered as January 2025.
 - banning the use of credit cards for online wagering, which commenced in June 2024.
 - introducing mandatory minimum classifications for gambling-like content in computer games, which commenced in September 2024.
 - introducing mandatory customer pre-verification in September 2023, which requires wagering service providers to verify a customer's identity before they can place a bet; and
 - introducing new evidence-based taglines with stronger messages about the risks and harms of online wagering, which commenced in March 2023.
- As part of the MYEFO 2024-25, the government announced an amendment to the Research and Development Tax Incentive program to exclude activities related to gambling and tobacco for income years starting on or after 1 July 2025, pending the passage of legislation.
- The government is also considering the outcomes of a separate review of the regulation of online keno and foreign-matched lotteries, and a statutory review of BetStop has commenced.

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Online Gambling Inquiry – Wagering Advertising Consultation

- The government has been consulting with stakeholders on the impacts of the Committee's wagering advertising recommendation.
- Consultations were undertaken with broadcasters, sporting codes, wagering service providers, digital platforms, racing sectors, harm reduction advocates and academia, and state and territory governments.
- The consultation process has consisted of 4 stages; 3 information requests to understand the estimated impacts of the Committee's recommendation and potential reform options, and confidential discussions on a proposed wagering advertising model.
- The Minister for Communications was involved in a number of these consultations but did not participate in any meetings with wagering service providers.
- A Deed of Confidentiality was used in consultations on a proposed wagering advertising model to support targeted consultation, noting that no decision had been taken by the government on a preferred approach.
- 43 stakeholders signed a Deed of Confidentiality. A full list of stakeholders was provided in response to [SQ24-001261](#) and at **Attachment B**.
- This Deed of Confidentiality was not designed to prevent stakeholders from advocating a position or discussing matters in the public domain, but to protect Commonwealth confidential information.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts' use of non-disclosure agreements or confidentiality undertakings has been a long-standing practice, on a case by case basis, to support consultation.
- Questions about the Prime Minister and his Office's involvement in this consultation process should be directed to the Department of the Prime Minister and Cabinet.

Key IssuesOnline Gambling Inquiry

- The Online Gambling Inquiry made 31 recommendations ranging from the need for consistent national consumer protections and improved research and data, reform of online gambling regulation and gambling advertising rules, and addressing illegal offshore gambling and simulated gambling games.

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- The Department of Social Services (DSS) is leading the drafting of the government's response in collaboration with the department and other responsible agencies, including Treasury.
- The department has responsibility for the recommendations around wagering advertising, illegal offshore gambling, and gambling-like content in computer games.
- The department has been consulting with stakeholders since the release of the Online Gambling Inquiry.
- Consultation on wagering advertising reforms consisted of 3 information requests and confidential discussions on a proposed model:
 - Information Request 1: Between 13 July and 27 September 2023 – To understand estimated impacts of the recommended gambling advertising ban.
 - Information Request 2: Between 5 October and 14 November 2023 – To understand impacts and feasibility of models and scenarios proposed by stakeholders and to consult a broader range of stakeholders.
 - Information Request 3: Between 15 December 2023 and 22 January 2024 – Follow up questions on feedback from stakeholders in Phase 1 and Phase 2 directed at the broadcasters.
 - A list of stakeholders included in these requests is at **Attachment A**.

Proposed Wagering Advertising Model – Confidential Discussion

- Since August 2024, the government has consulted on a proposed model for wagering advertising reform. Between 1 August 2024 and 5 September 2024, the department and Minister Rowland's office met with 56 stakeholders across 41 meetings.
- The majority of these consultations occurred under a Deed of Confidentiality. 43 stakeholders signed a Deed (a full list is provided in response to SQ24-001261).
- Stakeholders that signed a Deed were provided the proposed model in meetings and were asked to provide formal comments on the proposed model. A high-level outline of the proposed model was provided in meetings where stakeholders did not sign a Deed.
- Following consultations, the use of a Deed of Confidentiality and the proposed model were widely reported in the media.
- The department is not aware of who disclosed information about the model to the media.

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Online Gambling Inquiry – Minister’s Meetings

- Since the release of the Online Gambling Inquiry, the Minister for Communications has met with stakeholders including harm reduction advocates, public health experts and academics.
- The minister met with broadcasters, sports, harm reduction advocates, academics, streaming platforms, racing sector and publishers, to discuss their feedback on the proposed wagering advertising model. The minister did not meet with any wagering service providers as part of the consultation process.
- On 4 September 2024, the minister, along with the Hon Amanda Rishworth MP, Minister for Social Services, met with state and territory gambling ministers at the Online Wagering and Harm Minimisation Ministers Meeting. On 2 October 2024, the minister met with state and territory racing ministers. The minister provided an update on wagering advertising reform and outlined a proposed model for these reforms.
- Details on stakeholder meetings undertaken by the minister and/or her office in relation to gambling have been published in response to various FOI requests:
 - MO 24-153 for the period 27 June to 11 December 2023, published on 14 December 2023.
 - MO 25-153 for the period 1 to 31 October 2024, published on 20 December 2024.
 - MO 25-182 for the period 13 July to 13 September 2024, published on 13 January 2025.
 - MO 25-183 for the period 13 September to 13 November 2024, published on 13 January 2025.

Engagement of Dr Rob Nicholls / Nicholls MMC

- The department procured the services of Nicholls MMC through a limited tender process to support the department’s consultation process and provide specialised advice on the potential financial impacts of gambling advertising reforms. Dr Nicholls services informed government consideration of this matter. Details about the scope of this work was outlined in response to [SQ24-001260](#).
- Dr Nicholls previously provided mediation services to the department in 2022, after being identified as the preferred supplier based on his 10 years’ experience in dispute resolution, and 40 years of experience in telecommunications.
- Based on this previous engagement and experience, including at the Australian Competition and Consumer Commission on competition regulation of broadcasting and content, Dr Nicholls was approached to provide advice on the potential financial impacts of the recommended wagering advertising ban on the broadcasting industry. Details on this procurement were provided in response to [SQ24-001255](#).

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- Dr Nicholls declared no conflicts of interest. The department was satisfied that there were no conflicts of interest which would hinder or prevent Dr Nicholls from acting fairly and impartially.
- Further details about the services provided by Dr Nicholls, including a redacted copy of his reports, were published on 14 January 2025 in FOI request FOI 25-168.

Research & Development Tax Incentive Changes

- The government announced in the 2024-25 Mid-Year Economic and Fiscal Outlook (MYEFO) that it will exclude activities related to gambling and tobacco from Research and Development Tax Incentive eligibility from 1 July 2025.
- Research and development activities related to gambling can exacerbate addiction and associated harms, while activities related to tobacco can increase health risks. Excluding these activities will ensure that the government is not subsidising this type of research and development.
- Further questions regarding this measure should be directed to the Treasury.

Online keno and foreign matched lotteries review

- The department conducted a targeted review into the regulation of online keno and foreign matched lotteries, including with harm minimisation advocates, community and charity peak bodies, academics, the States and Territories, newsagency representatives and the lottery and wagering industries.
- The review is in line with a recommendation by the Senate Standing Committee on Environment and Communications in its October 2023 review of the Interactive Gambling Amendment (Credit and Other Measures) Bill 2023 (Cth), which recommended the minister undertake a review into the regulation of keno-type lotteries under the *Interactive Gambling Act 2001* (IGA).
- The government will consider the outcomes of this review and decide whether further reforms are required to reduce gambling harms.

BetStop – the National Self-Exclusion Register

- BetStop allows individuals to self-ban themselves from interactive wagering services (telephone and online) for a period ranging from 3 months to a lifetime.
- Wagering providers cannot open a betting account, accept a bet or send direct marketing material to persons registered on BetStop. The *Interactive Gambling Act 2001* provides that wagering operators must also promote BetStop, including on their websites and apps, by contact centre staff, and via marketing material to customers.

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- Since its commencement in August 2023, more than 37,000 Australians have registered with BetStop. Notably, 78% of registrants are aged 40 and under and 39% have registered for a lifetime ban. Some 25,000 people have active exclusions.
- The Minister for Communications has commenced a review of BetStop's regulatory framework as required under legislation.
- An independent reviewer, Mr Richard Eccles, has been appointed by the minister to conduct the Review, with the support of the department. Mr Eccles has diverse experience in the public health, online safety and technology sectors.
- The Review includes a public consultation process that will consider the effectiveness of BetStop's underpinning regulatory framework, the register rules and the industry levy, as set out in the IGA. This consultation commenced in December 2024 and will be open until the end of April 2025. A report must be delivered to the minister within 18 months of the end of the first 12 months of operation (end of February 2026), and tabled in Parliament.
- Operational, compliance and enforcement questions regarding BetStop should be directed to the Australian Communications and Media Authority (ACMA).

Background

- On 28 June 2023, the House of Representatives Standing Committee on Social Policy and Legal Affairs released the final report from its inquiry into online gambling and its impacts on those experiencing gambling harm.
- Responses to House of Representative's inquiry reports are expected with 6 months of receipt. That is, 28 December 2023 in this case.
- On 31 January 2025, Senator Sarah Hanson-Young wrote to Minister Rowland regarding the Greens' *Interactive Gambling Amendment (Ban Gambling Ads) Bill 2024*. A copy of the letter is at **Attachment C**. The response from Minister Rowland to Senator Hanson-Young is at **Attachment D**.

Credit Card Ban

- Online wagering service providers are banned from accepting credit cards, credit-related products (e.g. digital wallets) or digital currencies (e.g. cryptocurrency) as payment methods.
- These requirements commenced on 11 June 2024, and brings online wagering in line with land-based gambling regulations, where credit card use is already banned.
- The ACMA has responsibility for overseeing compliance with the credit betting ban.

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Classification for computer games containing gambling-like content

- New mandatory minimum classifications for computer games containing gambling-like content came into force in September 2024, following unanimous agreement from the states and territories.
- The government allocated \$1.0 million over 2 years in the 2024-25 Budget for education and awareness raising to support these new classifications
 - An R 18+ (Restricted) classification applies to games with 'simulated gambling' and legally restricts access to these games to persons aged 18 and over, aligning with current age-based restrictions for real-world gambling.
 - An M (Mature) classification rating applies to games containing 'loot boxes' that can be purchased, highlighting the risks associated with these products which should be considered by parents and carers before allowing children in their care to engage with them.
- SB24-000375 – Classification Reform refers.

Mandatory customer pre-verification

- In September 2023, the government introduced mandatory customer pre-verification, requiring wagering service providers to verify a customer's identity before they can place a bet.
- DSS has responsibility for this measure.

Staff training

- As of 30 March 2023, all staff involved in the online gambling industry will be required to undertake training in the responsible service of online wagering.
- This is intended to reduce harm by creating a culture of safer gambling within wagering organisations nationally.
- DSS has responsibility for this measure.

Gambling harm taglines

- In March 2023, 7 new evidence-based taglines were released to provide nationally consistent messaging about the risks and potential harm from online wagering.
- The messaging is required to be used in advertising, direct marketing, on websites and in other direct communications to consumers.
- DSS has responsibility for this measure.

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Attachments:

- A: Information request consultation list
- B: Proposed model consultation list and deed signatories
- C: Senator Hanson-Young letter to Minister Rowland – 31 January 2025
- D: Minister Rowland letter to Senator Hanson-Young – 3 February 2025

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ATTACHMENT A

INFORMATION REQUESTS CONSULTATION LIST

Key:

- ✓ Stakeholder was included in information request
- X Stakeholder was not included in information request

Organisation	Information Request #1 July – Sept 2023	Information Request #2 Oct – Nov 2023	Information Request #3 Dec 2023 – Jan 2024
Broadcasters			
Australian Narrowcast Radio Association (ANRA)	✓	✓	✓
Commercial Radio and Audio (CRA)	✓	✓	✓
Foxtel	✓	✓	✓
Free TV Australia	X	✓	✓
Nine Entertainment Co	✓	✓	✓
Paramount ANZ	✓	✓	✓
Seven West Media	✓	✓	✓
Southern Cross Austereo	X	X	X
Special Broadcasting Service (SBS)	✓	✓	✓
Sports Entertainment Network (SEN)	X	✓	✓
WIN Television	X	X	X
Online Platforms			
Amazon	X	X	X
Apple	X	X	X
Digital Industry Group Inc. (DIGI)	✓	X	X
Disney	X	X	X
Google	✓	✓	X
Interactive Advertising Bureau (IAB)	✓	✓	X
Meta	✓	✓	X
Netflix	X	X	X
Snap	✓	✓	X
TikTok	✓	✓	X
Sporting Codes			
Australian Football League (AFL)	✓	✓	X
Coalition of Major Professional and Participation Sports	X	X	X
Cricket Australia	✓	✓	X

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Football Australia	X	✓	X
National Rugby League (NRL)	✓	✓	X
Netball Australia	X	X	X
Rugby Australia	✓	✓	X
Tennis Australia	X	X	X
Wagering			
Australian Bookmakers Association (ABA)	X	X	X
Betfair	✓	X	X
Betr (Blue Bet)	X	X	X
Dabble	X	X	X
Entain	X	X	X
PalmerBet	X	X	X
PointsBet	X	X	X
Racing and Wagering Western Australia	✓	✓	X
Responsible Wagering Australia (RWA)	✓	✓	X
Sportsbet	X	X	X
Tabcorp	✓	✓	X
Racing and Breeding			
Australian Trainers Association	✓	✓	X
Canberra Racing	✓	✓	X
Greyhound Racing NSW	✓	✓	X
Greyhound Racing SA	✓	✓	X
Greyhounds Australasia	✓	✓	X
Greyhounds Victoria	✓	✓	X
Harness Racing Australia	✓	✓	X
Harness Racing SA	✓	✓	X
NSW Greyhound Breeders, Owners and Trainers' Association	✓	X	X
Racing Australia	✓	✓	X
Racing NSW	✓	✓	X
Racing Queensland	✓	✓	X
Racing SA	✓	✓	X
Racing Victoria	✓	✓	X
Tas Racing	X	✓	X
Thoroughbred Breeders Australia	✓	✓	X
Thoroughbred Racing Northern Territory	X	✓	X
Out of Home			

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Organisation	Information Request #1 July – Sept 2023	Information Request #2 Oct – Nov 2023	Information Request #3 Dec 2023 – Jan 2024
Outdoor Media Association	✓	X	X
Publishing			
News Corp Australia	X	X	X
Harm Reduction Advocates and Academics			
Alliance for Gambling Reform (AGR)	X	✓	X
Australian Medical Association (AMA)	X	✓	X
Australian Psychological Society	X	✓	X
Children and Media Australia (CMA)	X	✓	X
Financial Counselling Australia (FCA)	X	✓	X
Gambling Harm Lived Experience Experts (GHLEE)	X	X	X
Monash Addiction/Turning Point	X	X	X
National Aboriginal Community Controlled Health Organisation (NACCHO)	X	✓	X
Professor Charles Livingstone (Monash University)	X	X	X
Professor Samantha Thomas	X	X	X
Emeritus Professor Mike Daube	X	X	X
Relationships Australia	X	✓	X
Wesley Mission	X	✓	X

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ATTACHMENT B

PROPOSED MODEL CONSULTATION LIST

Between 1 August 2024 and 5 September 2024, the department and Minister Rowland's Office met with 56 stakeholders across 41 meetings.

Sector	Organisation	Meeting Dates	Submission provided?	Deed signed?
Broadcasters	Commercial Radio and Audio (CRA)	2 August 30 August	Yes	Yes
	Foxtel	1 August 29 August	Yes	Yes
	Free TV Australia	2 August 29 August	Yes	Yes
	Nine Entertainment Co	1 August 29 August	Yes	Yes
	Paramount ANZ	1 August 29 August	Yes	Yes
	Seven West Media	1 August 29 August	Yes	Yes
	Southern Cross Austereo	2 August 29 August 30 August	Yes	Yes
	Special Broadcasting Service (SBS)	8 August	Yes	Yes
	WIN Television	2 August 29 August	Yes	Yes
Online Platforms	Amazon	8 August 4 September	Yes	Yes
	Apple	8 August 4 September	Yes	Yes
	Digital Industry Group Inc. (DIGI)	12 August	No	No
	Disney	8 August 4 September	No	Yes
	Google	2 August	Yes	Yes
	Interactive Advertising Bureau (IAB)	8 August	No	Yes
	Meta	2 August 8 August	Yes	Yes
	Netflix	8 August 4 September	Yes	Yes
	Snap	2 August	Yes	Yes
TikTok	2 August	Yes	Yes	
Sporting Codes	Australian Football League (AFL)	1 August 29 August	Yes	Yes

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Sector	Organisation	Meeting Dates	Submission provided?	Deed signed?
	Coalition of Major Professional and Participation Sports (COMPPS)	No meeting	No	Yes
	Cricket Australia	9 August 30 August	Yes	Yes
	Football Australia	9 August	No	No
	National Rugby League (NRL)	1 August 29 August	Yes	Yes
	Netball Australia	No meeting	No	Yes
	Rugby Australia	9 August	Yes	Yes
	Tennis Australia	9 August	No	Yes
Wagering	Australian Bookmakers Association (ABA)	No meeting	Yes	No
	Betr (Blue Bet)	2 August	Yes	Yes
	Dabble	No meeting	Yes	No*
	Entain	2 August	Yes	Yes
	PalmerBet	8 August	Yes	Yes
	Racing and Wagering Western Australia	1 August	Yes	Yes
	Responsible Wagering Australia (RWA) and members	1 August	Yes	Yes
Racing and Breeding	Tabcorp	2 August	Yes	Yes
	Greyhounds Australasia	2 August	Yes	Yes
	Greyhound Racing NSW	2 August	Yes	Yes
	Greyhound Racing SA	2 August	Yes	Yes
	Northern Territory Racing and Wagering Commission	2 August	No	No
	Greyhounds Victoria	2 August	Yes	Yes
	Racing QLD	2 August	Yes	No*
	Racing Australia	1 August 30 August	Yes	Yes
	Racing NSW	30 August	No	No*
	Racing Victoria	30 August	Yes	No*
	Tasracing	2 August	No	Yes
	Harness Racing Australia	1 August	Yes	Yes
	Harness Racing Victoria	30 August	No	No*
Thoroughbred Breeders Australia	28 August	Yes	Yes	
Publishing	News Corp Australia	2 August 5 September	Yes	Yes
Harm Reduction	Alliance for Gambling Reform (AGR)	16 August	Yes	No
	Australian Medical Association (AMA)	9 August	Yes	Yes

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SB24-000361

Sector	Organisation	Meeting Dates	Submission provided?	Deed signed?
Advocates and Academics		29 August		
	Children and Media Australia (CMA)	9 August 29 August	Yes	Yes
	Financial Counselling Australia (FCA)	16 August	Yes	No
	Gambling Harm Lived Experience Experts (GHLEE)	16 August	Yes	No
	Professor Dan Lubman AM (Monash Addiction Research Centre)	16 August	No	No
	Professor Charles Livingstone (Monash Uni)	16 August	Yes	No
	Professor Samantha Thomas (Deakin Uni)	16 August 5 September	Yes	No
	Emeritus Professor Mike Daube (Curtin Uni)	16 August 5 September	Yes	No
	Relationships Australia	9 August 29 August	Yes	Yes
	Wesley Mission	16 August	Yes	No

* Subject to a deed signed by a separate stakeholder.

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Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 11/02/2025

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SENATOR SARAH HANSON-YOUNG
Australian Greens' Senator for South Australia

Level 7, 147 Pirie St Adelaide SA 5000 : Parliament House, Canberra ACT 2600
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31 January 2025

The Hon. Michelle Rowland MP
Minister for Communications
Parliament House
Canberra ACT 2600

Dear Minister Rowland

Urgent Gambling Ad Reform

On Wednesday February 5, the Senate will debate and vote on the Greens' Interactive Gambling Amendment (Ban Gambling Ads) Bill 2024 which would deliver the staged implementation of a prohibition on the advertising of licensed interactive wagering services online, on tv and radio and in print.

As you would recall from our previous meetings on this issue, the Australian Greens position is for a full and total ban on gambling advertising and inducements - much the same as tobacco advertising. We have been disappointed by the lack of progress towards the recommendations from the parliamentary inquiry led by your late Labor colleague Peta Murphy MP, which called for a phase out of gambling ads. Like many in the community, we feel frustrated that even a limited reform package from the Government has not been released or put to the parliament for consideration.

However, all hope is not lost for reform before this year's election. Gambling reform remains the unfinished business of this Parliament. We have two parliamentary sitting weeks in which I propose we could work together to pass at least some gambling ad reform measures and significantly curtail the harm caused by advertisements. It is in this spirit that I write to you today with an offer of the Greens support for the passage of a bill, including by way of amendments to the Greens' Ban Gambling Ads bill being debated on Wednesday, which would:

1. Prohibit all gambling (wagering service provider) ads one hour prior to and one hour after the conclusion of all sporting broadcast events on free-to-air, BVOD and SVOD services, and radio. This includes during the broadcast and during all breaks in play during the broadcast. No specified time limit will override this prohibition;
2. Prohibit all gambling ads on social media services or platforms at all times;

3. Prohibit the discussion of gambling statistics or commentary (i.e. odds or tips) during the times set out at 1. above. This includes for sports or activities other than those the subject of the broadcast (eg horse racing or a betting market for best and fairest awards, etc);
4. Prohibit gambling ads during any broadcast or program classified P, C, G or PG;
5. Limit gambling ads to two per hour during any broadcast or program classified other than those in 4. above. Broadcasts or programs exclusively concerned with racing could be exempted from the provisions of 3. above and regarded as programs classified other than P, C, G or PG;
6. An exception to prohibitions set out at 1 and 3, (above) could be permitted for broadcasts or programs on specialist racing services;
7. Prohibit wagering service provider logos, advertisements, or other promotional material, at sporting grounds, and on the uniforms or any clothing worn by players, or other officials;
8. Prohibit the provision or distribution of any material advertising or promoting gambling to the public in attendance at a sporting or other event that is being broadcast or is to be incorporated into a program for later broadcast or streaming;
9. Prohibit billboards, video presentations, advertisements, or other promotional sites that advertise or promote gambling and which are visible to the public in any place other than a racecourse;
10. Prohibit all inducements or incentives to partake or engage in wagering, including offers of hospitality, travel, preferential odds, or provision or advancement of funds for wagering; and
11. That the timing for introduction of these measures be:
 - a. Items 2, 3, 4, 10. – No later than June 30, 2025;
 - b. Items 1, 5, 6, 7, 8, 9. – No later than February 28, 2026; and
12. These provisions should be enforceable. Subject to advice all should be implemented by amendments to the Interactive Gambling Act 2001 (preferably by amending Part 7A of the Act).

I believe much of these measures are those which you have previously raised with me as matters you could support. I also believe stakeholders who have been desperate for action will see this as a step forward and a compromise worth taking. I know you understand that gambling causes devastating harm to loved ones and communities right across the country. I also know that you don't dispute the overwhelming expert evidence that gambling ads contribute to that harm. Australians are sick of gambling ads, they normalise gambling and cause distress to parents whose children are being bombarded with predatory ads and gambling culture. While the experts agree a blanket ban on gambling ads is the best way to prevent harm, the Greens also recognise some progress towards a full ban is better than nothing.

Should you be willing to agree on this compromise, I would be pleased to have the necessary amendments to our bill prepared. It would be a great and very welcome success of this parliament to have worked together to pass these laws benefitting all Australians, before the election.

I would be pleased to discuss this letter with you at any time over the next few days. As you know we are running out of parliamentary sitting days to get something done. Let's not miss this opportunity to deliver meaningful reform for our communities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Hanson-Young', written in a cursive style.

Senator Sarah Hanson-Young

Greens Senator for SA

Greens Manager of Business

Spokesperson for Communications

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The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MC25-001324

Senator Sarah Hanson-Young
Senator for South Australia
Parliament House
CANBERRA ACT 2600

senator.hanson-young@aph.gov.au

Dear Senator

Thank you for your letter dated 31 January 2025 regarding 'Urgent Gambling Ad Reform'.

The Albanese Government takes seriously our responsibility to protect Australians, particularly young people, from the harms of online gambling.

We continue to work through the 31 recommendations of the Parliamentary Inquiry into Online Gambling, including in relation to advertisements.

We have been consulting on a proposed model to reduce online gambling advertising, which has raised more complexity for us to work through.

We recognise that this is taking longer than hoped, but it's critical that we get this right to ensure that future reforms are effective and comprehensive.

Since being elected less than 3 years ago, this Government has delivered more online gambling harm reduction initiatives than was delivered in the preceding decade.

This includes:

- Banning the use of credit cards for online gambling, because we shouldn't be able to bet with money we don't have;
- Establishing mandatory customer ID verification for online wagering, to prevent children and people who have self-excluded from placing an online bet;
- Strengthening classification of gambling-like features in video games, to better protect children;
- Implementing monthly activity statements, so Australians who gamble online can clearly see their wins and losses each month;

The Hon Michelle Rowland MP
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- Introducing new evidence-based taglines with stronger messages about the risks and harms of online gambling; and
- Launching the National Self-Exclusion Register (BetStop), which has been used by more than 37,000 Australians in the past 18 months.

The need for meaningful action is clear and we continue the important work of developing further reforms to build on those already implemented.

It's important we get these reforms right because as we have seen in the past, poor policy design leads to poor outcomes.

In 2018, the Coalition's changes saw a huge spike in online gambling ads. Their current proposed policy of only restricting online gambling ads around live sport would also see ads increase elsewhere, like family tv programs and online.

For these reasons, it is important to carefully examine options to understand the benefits and unintended consequences.

Advertising reform is complex and the potential impacts on a broad range of stakeholders need to be considered. It is also important to consider the multiple channels over which advertising is delivered – not just television and radio, but also digital platforms and social media where advertising can be targeted at vulnerable Australians.

We have gathered the evidence about harms, we have assessed the impacts of various options, and we have been consulting on a proposed model. The proposed model focuses on breaking the nexus that exists between wagering and sport, minimising the exposure of children to online wagering ads, and tackling the saturation and targeting of wagering ads – particularly to young men.

The Government's consultation process in response to the Parliamentary Inquiry has been thorough, valuable, and has raised additional considerations that we continue to work through.

Accordingly, the Albanese Government will only progress legislation to implement online gambling advertising reform when we have concluded our consultation and policy development process to ensure that such measures are robust, effective, and appropriately address associated impacts for a range of important stakeholders – with harm minimisation as our guiding principle.

Yours sincerely



Michelle Rowland MP

3 / 2 / 2025

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Bridget Gannon/Margaret Lopez

SB24-000363

SUBJECT: ABC Funding**Key Deliverables**

- In the 2022 election, the Australian Government committed to providing the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS) with 5-year funding terms. This commitment was delivered, with 5-year funding terms commencing on 1 July 2023 and covering the period to 30 June 2028.
- On 17 December 2024, Minister for Communications announced that the ABC would receive an additional \$83.1 million over 2 years from 2026-27, followed by additional ongoing funding of \$43 million per year (**Attachment A**).
- The government also committed to legislate 5-year funding terms, and will consult on this change in due course.
- In the 2022 election, the government committed to developing an Indo-Pacific Broadcasting Strategy (IPBS), which was released in July 2024. The ABC is a key delivery partner for the IPBS and has received a total of \$40.5 million (terminating in 2026-27) to expand its FM transmission, content production and media capacity training in the Pacific.

Talking Points

- As part of its 5-year funding term, the ABC will receive \$6.1 billion over the period from 2023-24 to 2027-28. This will provide stable funding to support the operation of the ABC's television, radio and digital media services.
- On 17 December 2024, the Australian Government announced its intention to legislate the 5-year funding terms for the national broadcasters, which currently exist only by convention.
 - The legislative approach would affirm the intent that the national broadcasters have stable, 5-year funding terms.
 - The amount of funding would remain a decision for the government of the day, informed by future funding and investment needs of the national broadcasters.
 - The government will consult on the proposed legislative changes in due course.
- Use of funding by the ABC is a matter for the ABC Board, in line with operational independence under its enabling legislation.

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SB24-000363

Key Issues

- The ABC's base funding covers operational activities (to support the delivery of services) and transmission and distribution services (to transmit its radio services and digital television services, under contract with BAI Communications).
- In the 2024 MYEFO the government announced the ABC will receive an additional \$83.1 million over 2 years from 2026-27 to 2027-28 and \$43.0 million per year ongoing from 2028-29, as part of the \$285.3 million Supporting News and Media Diversity initiative, which supports news and media diversity in Australia (**Attachment B**).
- The government's commitment to legislate 5-year funding arose from a review of options undertaken by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to support the independence of the national broadcasters and further safeguard them against funding cuts and political interference.
- The government released the report on 17 December 2024 (SB25-000005 refers).

Background

- The 5-year funding terms replaced the previous 3-year funding terms, and will provide the national broadcasters with more funding stability by allowing them to plan with greater confidence. The first 5-year funding term commenced in July 2023.
- The department receives appropriations, which are then paid annually to the national broadcasters.
- The ABC's operational and transmission funding are both indexed. Indexation is calculated ahead of each economic update to reflect the forecast economic conditions of the year in which the costs are expected to occur.

Commercial income

- The enabling legislation of the ABC allows it to generate own source revenue in addition to its appropriations. The ABC can generate revenue from commercial activities but is prohibited from including advertising on its broadcast services.
- In the 2023-24 financial year the ABC made \$98.7 million from commercial activities, including co-production arrangements, facilities hire, and interest and commissions, representing around 8% of its total operating budget.
- While the ABC is prohibited from advertising on its own services (e.g. broadcast television, iview), it can accept advertising revenue from third party platforms (e.g. YouTube, Spotify).

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SB24-000363

Financial Information as at 20 December 2024

	Source	5-year funding term 2023-24 to 2027-28						2028-29
		2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	2027-28 \$m	TOTAL \$m	
ABC General Operational Activities, including		941.3	989.5	1,016.5	1,049.2	1,078.5	5,075.1	1,098.0
<i>Better Funded National Broadcasters⁽¹⁾</i>	<i>Oct 2022 Budget</i>	20.9	20.9	20.9	-	-	62.8	
<i>Pacific Security and Engagement Initiatives⁽²⁾</i>	<i>Oct 2022 Budget</i>	8.0	8.0	8.0	-	-	24.0	
<i>Enhanced News Gathering</i>	<i>Rolled into base funding</i>	15.3	15.6	16.9	17.5	18.0	83.3	-
<i>Audio Description</i>	<i>2023-24 Budget</i>	1.0	1.0	1.1	1.1	1.1	5.2	-
<i>Enhancing Pacific Engagement⁽³⁾</i>	<i>2023-24 Budget</i>	4.7	1.2	1.3	1.3	1.3 ongoing	9.8	1.3 ongoing
<i>Supporting News and Media Diversity⁽⁴⁾</i>	<i>2024-25 MYEFO</i>	-	-	-	40.9	42.2	83.1	43.0 ongoing
ABC Transmission and Distribution		196.3	206.6	212.7	217.1	223.7	1,056.4	228.2
Total ABC funding		1,137.6	1,196.1	1,229.2	1,266.3	1,302.3	6,131.5	1,326.2

- (1) Balance of \$83.7 million return of indexation (Better funded National Broadcasters) provided in October 2022 Budget. Terminates 30 June 2026
- (2) Balance of \$32 million Indo-Pacific Broadcasting Strategy funding announced in the October 2022 Budget to expand its transmission infrastructure, content production and media capacity training in the Pacific. Terminates 30 June 2026.
- (3) \$8.5 million over 4 years Indo-Pacific Broadcasting Strategy funding announced in the 2023-24 Budget to expand ABC Radio Australia's FM footprint, and ongoing of \$1.3 million per year from 2027-28 to cover the running and maintaining cost of the new FM sites.
- (4) \$40.9 million per year ongoing to provide stable funding to support the operation of its television, radio and digital media services.

Attachments

- A: Media release: Supporting the independence of our national broadcasters (17 December 2024)
- B: Extract from Budget Papers, MYEFO 2024: Supporting News and Media Diversity

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The Hon Michelle Rowland MP
Minister for Communications
(/rowland)

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Supporting the independence of our national broadcasters

The Albanese Government is affirming the independence of the national broadcasters with additional ongoing funding for the ABC and the announcement today of its commitment to legislate five-year funding terms for the ABC and SBS.

The Government will deliver additional funding to the ABC of \$83.1 million over 2 years from 2026-27, followed by ongoing funding of \$43 million per year. This will provide ongoing funding stability to the ABC, consistent with the Government's commitment to stable five-year funding terms for the national broadcasters to educate, inform and entertain all Australians.

The Government has also today released a report outlining options to support the independence of the national broadcasters and further safeguard them against funding cuts and political interference.

Based on the report findings, the Government will legislate to firmly embed the five-year funding terms for the national broadcasters that were introduced from 1 July 2023, and currently operate only by convention. The Government will consult on the proposed legislative changes in due course.

The legislative approach would affirm the intent that the national broadcasters have stable, five-year funding terms, but would not mandate or lock in the quantum of funding. The amount of funding would remain a decision for the Government of the day, informed by future funding and investment needs of the national broadcasters.

The Albanese Government will further consider other options identified in the review aimed at protecting the ABC and SBS against political interference.

A copy of the review report and the Government's response, as well as information about the related public consultation process will be available from Tuesday, 17 December at: <https://www.infrastructure.gov.au/have-your-say/review-options-support-national-broadcasters-independence> (<https://www.infrastructure.gov.au/have-your-say/review-options-support-national-broadcasters-independence>)

Quotes attributable to the Minister for Communications, the Hon Michelle Rowland MP:

"The Albanese Government is committed to supporting the independence of the ABC and SBS, and funding stability is an important safeguard."

"The review has identified options to further support the independence of the ABC and SBS by strengthening funding and governance arrangements."

"The national broadcasters are important cultural institutions and pillars of our democracy, providing world-class news and entertainment in accordance with their statutory Charters, for the benefit of all Australians."

MEDIA RELEASE

Tuesday 17 December 2024

Budget 2024–25 | Mid-Year Economic and Fiscal Outlook 2024–25**Supporting News and Media Diversity**

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	2.1	56.6	55.8	54.9
Special Broadcasting Service Corporation	-	2.0	3.9	-	-
Australian Taxation Office	-	0.8	0.8	0.3	-
National Indigenous Australians Agency	-	-	4.0	4.0	4.0
Australian Broadcasting Corporation	-	-	-	40.9	42.2
Total – Payments	-	4.8	65.3	101.0	101.1
<i>Related receipts (\$m)</i>					
<i>Australian Taxation Office</i>	-	-
<i>Australian Communications and Media Authority</i>	-	-	-50.2	-0.1	-
Total – Receipts	-	-	-50.2	-0.1	..

The Government will provide \$285.3 million over four years from 2024–25 (and \$44.7 million in 2028–29 and \$43.0 million per year ongoing) to support news and media diversity in Australia. Funding includes:

- \$168.5 million over four years from 2024–25 for the *News Media Assistance Program*, including:
 - \$116.7 million over four years from 2024–25 (and \$1.7 million in 2028–29) for the *News Media Assistance Program* to sustain public interest news and journalism, support business innovation and build commercial sustainability and resilience of news organisations, including \$17.6 million for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to support program delivery
 - \$33.0 million over three years from 2025–26 to support the financial sustainability of the Australian Associated Press
 - \$15.0 million in 2024–25 for the *News Media Relief Program* to provide urgent support for eligible regional, independent suburban, multicultural and First Nations news publishers
 - \$3.8 million over three years from 2025–26 to develop a National Media Literacy Strategy to improve media literacy in Australia.
- \$89.8 million over four years from 2024–25 for National Broadcasters, including:
 - \$83.1 million over two years from 2026–27 (and \$43.0 million per year ongoing) for the Australian Broadcasting Corporation (ABC) to provide stable funding to support the operation of its television, radio and digital media services

- \$6.7 million over two years from 2024–25 for the Special Broadcasting Service (SBS), supported by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to develop a business case to establish a standalone Western Sydney production hub and talent incubator.
- \$27.0 million over three years from 2025–26 for Community Broadcasting and First Nations Media, including:
 - \$15.0 million over three years from 2025–26 for the *Community Broadcasting Program* to support the community broadcasting sector, including community television
 - \$12.0 million over three years from 2025–26 for the *Indigenous Broadcasting and Media Program* to support the First Nations media and broadcasting sector.

The Government will also:

- suspend the Commercial Broadcasting Tax for one year, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters. This change is estimated to decrease receipts by \$50.3 million over two years from 2025–26
- introduce the News Bargaining Incentive to support the sustainability of news and public interest journalism. Funding includes \$1.9 million over three years from 2024–25 for the Australian Taxation Office to introduce and administer the Incentive, which will apply for income years starting on or after 1 January 2025
- mandate a minimum commitment of \$3.0 million per year for two years from 2025–26 for regional newspaper advertising across the total annual Commonwealth Government media advertising spend.

The cost of the *News Media Relief Program* measure will be met from a reprioritisation of funding from the 2022–23 October Budget measure titled *Better Connectivity Plan for Regional and Rural Australia*.

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Environment and Communications

Lead/Support contact: Bridget Gannon / Margaret Lopez

SB24-000364

SUBJECT: ABC Board Appointments**Key Deliverables**

- All appointments have been made in accordance with the requirements outlined in the *Australian Broadcasting Corporation Act 1983*.

Talking PointsNon-executive Director (NED) vacancy

- On 23 December 2024 Mr Peter Tonagh resigned from his role as non-executive Director and Deputy Chair from the Australian Broadcasting Corporation (ABC) Board.
- The Minister for Communications has asked the Nomination Panel to conduct a merit-based selection process to fill the vacancy created by Mr Tonagh's resignation. The selection process is currently underway.

Deputy Chair Appointment

- Ms Georgina Somerset AM has been appointed as ABC Deputy Chair for a 6-month period commencing on 6 February 2025.
- This appointment fills the Deputy Chair vacancy created by Mr Tonagh's resignation, until a longer-term appointment is made following the conclusion of the current selection process for a NED.

Board Appointment Selection Process

- Appointments to the ABC Board are subject to a merit-based selection process conducted by the independent Nomination Panel, which is established under the *Australian Broadcasting Corporation Act 1983* (the ABC Act).
- On 13 September 2024, revised ministerial instruments setting out ABC Board selection criteria and the definition of senior political staff member were tabled in the Senate.
- In accordance with the Cabinet Handbook, when making recommendations to the Governor-General for appointments to the ABC Board, the Australian Government pays due regard to gender, diversity, and geographic balance, in the interests of the ABC Board reflecting the diversity of the Australian community.

Appointment of ABC Managing Director

- In August 2024, Mr David Anderson, Managing Director, announced his intention to resign, subject to a selection process to replace him.

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- On 17 December 2024, the ABC announced that Mr Hugh Marks will commence as Managing Director on 10 March 2025, for a 5-year period.
- Under the ABC Act, the ABC Board is responsible for appointing the Managing Director.
- Under the Cabinet Handbook, appointments of full time Chief Executive Officers (CEOs) (including in instances where the ABC Board selects the CEO) require the consideration of the Prime Minister and/or Cabinet.

Key IssuesABC NED vacancy and Deputy Chair vacancy – Selection Process

- A NED selection process is underway to fill the NED vacancy created by the resignation of Mr Tonagh (**Attachment A**).
- Applications opened on 10 February 2025 and will close on 3 March 2025 (**Attachment B**).
- The Nomination Panel assessment of candidates will be based on the ABC Act and the ministerial instruments which set out ABC Board selection criteria and the definition of senior political staff member.
- Mr Tonagh's resignation also created a vacancy for the Deputy Chair position.
- The Deputy Chair position is appointed from the NED members on the ABC Board.
- A substantive Deputy Chair will be put forward for consideration once the current NED vacancy has been filled.

Diversity on the ABC Board

- The Australian Government acknowledges the importance of diversity of boards, including for the national broadcasters (**Attachment C**).
- On 13 September 2024, revised ministerial instruments setting out ABC Board selection criteria and the definition of senior political staff member were tabled in the Senate.
- A new requirement in the selection criteria instrument is that appointees possess 'an understanding of, or the ability to credibly represent, the communication needs of Australia's diverse society'. This reflects comments from targeted consultations with the ABC, Special Broadcasting Service (SBS) and the Nomination Panel.
- Appointments to the ABC and SBS Board are made by government following advice from the nomination panel, as set out in the ABC and SBS Acts. These processes include applications from people interested in being appointed to the role.

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- The government has sought to attract applications from Australians that represent the diversity of the Australian community through the selection criteria for the roles, and by advertising vacancies in a range of publications and optimising digital channels to target CALD and First Nations audiences.

Review of options to support the national broadcasters' independence (the review)

- On 17 December 2024, the government released the findings of the review, following the public consultation process. It summarises key views and themes from submissions and the government's response
- A number of the suggested improvements to communication between key parties are already occurring. For example, the minister consults with the respective Board chairperson on appropriate skills and experience for an incoming appointee; and after receiving the Nomination Panel's report, the minister meets with preferred candidates before making a recommendation.

Appointment of ABC Managing Director

- On 22 August 2024, Mr David Anderson announced his intention to resign as ABC Managing Director. His term was due to end on 30 June 2028.
- On 17 December 2024, following a competitive selection process, the ABC announced that Mr Hugh Marks would commence as Managing Director of the ABC from 10 March 2025 for a 5-year term.
- Under the ABC Act, the ABC Board is responsible for appointing the Managing Director.
- The ABC Board is responsible for the terms and conditions of Mr Mark's employment, including any post-employment entitlements set by his superannuation fund.

BackgroundKey dates:

Date	Activity
7 March 2024	Mr Kim Williams AM commenced appointment as ABC Chair for a 5 year term <ul style="list-style-type: none"> This appointment was made consistent with the process set out in the ABC Act. Mr Williams was recommended by the Nomination Panel.
22 August 2024	Mr David Anderson announced his intention to resign as ABC Managing Director
13 September 2024	Revised instruments came into force:

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SB24-000364

Date	Activity
	<i>The Australian Broadcasting Corporation (Non-executive Director—Selection Criteria) Determination 2024</i> <i>Australian Broadcasting Corporation (Definition of senior political staff member) Instrument 2024</i>
2 October 2024	Ms Katrina Sedgwick OAM commenced appointment as NED for a 5 year term. This appointment was made consistent with the process set out in the ABC Act. Ms Sedgwick was recommended by the Nomination Panel.
17 December 2024	ABC announced that Mr Hugh Marks would commence as Managing
23 December 2024	Mr Peter Tonagh resigned as NED and Deputy Chair
January 2025	Minister initiated commencement of selection process to fill the NED vacancy resulting from Mr Tonagh's resignation.
6 February 2025	Ms Georgina Somerset AM commenced appointment as Deputy Chair for a 6 month term
10 February 2025	Applications open for NED selection process
3 March 2025	Applications close for NED selection process

Merit-based selection process - legislative requirements

- Part IIIA of the ABC Act provides that the Nomination Panel must conduct a merit-based selection process before the appointment of a NED to the ABC and SBS Boards.
- The Nomination Panel must provide the Minister for Communications with a report nominating at least 3 candidates for each vacancy, including a comparative assessment of those candidates against selection criteria for NED's (determined under legislative instrument by the minister (s 24B, ABC Act)).
- The Minister for Communications recommends a candidate for appointment to the Governor-General who makes the appointment (s 24X, ABC Act).

2024 Selection criteria and political staff member instruments

- In September 2024, the Minister for Communications made the following instruments under subsections 3(3) and 24W(1) of the ABC Act:
 - *Australian Broadcasting Corporation (Non-executive Director—Selection Criteria) Determination 2024*
 - *Australian Broadcasting Corporation (Definition of senior political staff member) Instrument 2024.*
- The new instruments replace the 2013 and 2014 instruments, which were due to sunset on 1 April 2025.

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SB24-000364

- These instruments apply for all selection processes commenced by the Nomination Panel since 13 September 2024, including the current SBS Chair process.
- The new instruments largely replicate the previous instruments by:
 - specifying 2 classes of persons as senior political staff members, who are ineligible for appointment to the ABC and SBS boards within 12 months of holding such a position; and
 - prescribing generally applicable selection criteria to be used by the Nomination Panel in assessing the suitability of candidates for ABC and SBS board appointments.
- The new instruments further align board selection criteria with the Charters of the ABC and SBS as established in their enabling legislation, and reflect the changing needs of the broadcasters.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts conducted targeted consultation with the ABC, SBS and Nomination Panel to inform the final drafting of the 2024 instruments

Remuneration of ABC Board members

- Remuneration rates for ABC Board members are determined by the Remuneration Tribunal, under the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024*.

2024 Appointments to the ABC Board

- On 7 March 2024, Mr Kim Williams AM commenced his role as ABC Chair.
- On 2 October 2024, Ms Katrina Sedgwick OAM commenced her 5-year term as a non-executive Director on the ABC Board.
- Mr Williams and Ms Sedgwick were candidates recommended by the Nomination Panel.

Attachments

- A: ABC Board membership as at 6 February 2025
- B: 2024 NED selection process - national advertising campaign
- C: Diversity on the ABC Board
- D: SQ000528: Question on notice response – tabled 18 July 2024
- E: Senate Hansard extract: Wednesday 18 September 2024
- F: Correspondence from Senator Faruqi to Minister Rowland – 15 August 2024
- G: Correspondence from Minister Rowland to Senator Faruqi – 28 October 2024

Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 11/02/2025

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AUSTRALIAN BROADCASTING CORPORATION (ABC) as at 6 February 2025

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u> <i>(previous term/s in italics)</i>	<u>FT/PT</u> <i>(previous term/s in italics)</i>	<u>STATE OF RESIDENCE</u>	<u>DATE APPOINTED</u> <i>(previous term/s in italics)</i>	<u>EXPIRY DATE</u> <i>(previous term/s in italics)</i>
Mr Kimberley WILLIAMS AM	M	Chairperson	PT	NSW	07.03.24	06.03.29
Ms Georgina SOMERSET AM	F	Deputy Chairperson	PT	QLD	06.02.25	05.07.25
Mr David ANDERSON*	M	Managing Director <i>Acting Managing Director</i>	FT	NSW	01.07.23 06.05.19 <i>24.09.18</i>	30.06.28 30.06.23 <i>02.05.19</i>
Ms Laura TINGLE*	F	Staff elected Director / Non-executive Director	PT	NSW	01.05.23	30.04.28
Mr Mario D'ORAZIO	M	Non-executive Director	PT	WA	13.05.21	12.05.26
Ms Georgina SOMERSET AM	F	Non-executive Director	PT	QLD	23.02.22 <i>23.02.17</i>	22.02.27 <i>22.02.22</i>
VACANT		Non-executive Director	PT			

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Ms Nicolette MAURY	F	Non-executive Director	PT	NSW	16.10.23	15.10.28
Ms Louise McELVOGUE	F	Non-executive Director	PT	NSW	16.10.23	15.10.28
Ms Katrina SEDGWICK OAM	F	Non-executive Director	PT	VIC	02.10.24	01/10.29

Current Gender and Geographic composition		
Gender balance	Geographic balance	
Males: 2 (33.3%) Females 4 (66.6%)	NSW: 3 VIC: 1 SA: 0 NT: 0	WA: 1 QLD: 1 TAS: 0 ACT: 0 Other (e.g overseas) 0

Note: Individuals marked with an asterisk () are exempt from gender and geographical reporting as these are not government appointments.*

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Attachment B: 2024 selection process – national advertising campaign

2024 advertising to fill ABC and SBS NED vacancies

- In line with the requirements of the ABC Act, the Nomination Panel invited written applications by advertising on the department’s website and in 1 or more other forms readily accessible by potential applicants (s 24B(3)).
- Universal McCann (UM), the whole-of-government media and advertising agency, was engaged by the department to advise on the advertising strategy.
- UM recommended advertising channels that would represent value for money for the department. This included the use of digital advertising to reach First Nations and CALD audiences.
- A national advertising campaign for a vacant NED position, and for 1 on the SBS Board, ran from 15 April 2024 and closed on 5 May 2024, at a cost of \$55,000 (GST inclusive).
- Advertisements were placed in the following publications:

Publications		
National and metropolitan	Indigenous	Digital
Australian Financial Review	Koori Mail	Australian Financial Review
Weekend Australian	National Indigenous Times	The Australian
Al Wasat English (Arabic)		National Indigenous Times
Asian Multimedia		LinkedIn
Chinese Melbourne Daily		Seek
G’Day India		Women on Boards
Viet Times		Women in Technology
The Land		

Attachment C: Diversity on the ABC Board

- Appointments to the ABC and SBS Board are made by government following advice from the nomination panel, as set out in the ABC and SBS Acts. These processes include applications from people interested in being appointed to the role.
- The Government has sought to attract applications from Australians that represent the diversity of the Australian community through the selection criteria for the roles, and by advertising vacancies in a range of publications and optimising digital channels to target CALD and First Nations audiences.

Legislative Requirements:

- Under the *Australian Broadcasting Corporation Act 1983* (ABC Act), the Governor-General appoints the Chair and other non-executive Directors to the Australian Broadcasting Corporation (ABC) Board on the recommendation of the Minister for Communications and, in relation to the ABC Chair position, the Prime Minister.
- The Minister's recommendations are informed by the nominations of the Nomination Panel for ABC and Special Broadcasting Service (SBS) board appointments.
- Under the ABC Act, the Nomination Panel must conduct a merit-based selection process against selection criteria set out in the current Australian Broadcasting Corporation (Selection criteria for the appointment of non-executive Directors) Determination.
- On 17 September 2024, the Government tabled the *Australian Broadcasting Corporation (Non- executive Director - Selection Criteria) Determination 2024*.
- **It includes a new requirement that appointees possess 'an understanding of, or the ability to credibly represent, the communication needs of Australia's diverse society'.**
- This change was made as part of a review of the previous determination ahead of its scheduled sunset on 1 April 2025.
- **It is intended to better reflect the role of the ABC under its legislated Charter to provide 'broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australia community'.**
- In accordance with the Cabinet Handbook (2022), when making recommendations to the Governor-General, **the minister pays due regard to gender, diversity, and geographic balance of the Board, in the interests of the ABC reflecting the cultural diversity of the Australian community.**

- ABC Response to issues concerning Diversity
 - On 1 October 2024, the ABC released the Independent Review into ABC Systems and Processes in Support of Staff who Experience Racism, undertaken by Dr Terri Janke. The ABC has announced it has accepted the review's 15 recommendations in principle, and has committed to a list of actions in response to the review.
 - The review recommendations included board diversity matters:
 - The ABC should improve representation of people who are First Nations and CALD at all levels of the organisation, including the Board and Senior Leadership Team; and
 - The ABC Leadership and the Minister for Communications should strengthen efforts to ensure greater diversity on the ABC Board.

Background

- During the May 2024 Budget Senate Estimates, Senator Mehreen Faruqi asked whether the Government would make a commitment to ensure that the ABC Board is diverse. This was taken on notice (response in full at **Attachment D**).
- On 18 September 2024, Senator Faruqi raised ABC Board diversity in the Senate following the tabling of the new ministerial determinations (Hansard at **Attachment E**).
- Correspondence between Senator Faruqi (15 August 2024) and Minister for Communications, the Hon Michelle Rowland MP (reply 28 October 2024) on ABC Board diversity is at **Attachments F and G**.

Environment and Communications

QUESTION ON NOTICE

Budget Estimates 2024 - 2025

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 24

Departmental Question Number: SQ24-000528

Division/Agency Name: Ministerial Office - Rowland's Office

Hansard Reference: Spoken, Page No. 76-77 (30 May 2024)

Topic: ABC Board diversity

Senator Mehreen Faruqi asked:

Senator FARUQI: [...] The board does not represent or reflect back to the community what the community looks like. Will the government make a commitment to ensure that the ABC board is diverse, Minister?

Senator Carol Brown: I can refer that to the minister.

Answer:

Under the *Australian Broadcasting Corporation Act 1983* (ABC Act), the Governor-General appoints the Chair and other non-executive Directors to the Australian Broadcasting Corporation (ABC) Board on the recommendation of the Minister for Communications and, in relation to the ABC Chair position, the Prime Minister.

The minister's recommendations are informed by the nominations of the Nomination Panel for ABC and Special Broadcasting Service (SBS) board appointments.

Under the ABC Act, the Nomination Panel must conduct a merit-based selection process and provide the minister with a report nominating at least 3 candidates for a vacancy, including a comparative assessment of those candidates against selection criteria set out in the *Australian Broadcasting Corporation (Selection criteria for the appointment of non-executive Directors) Determination 2013*.

In making recommendations to the Governor-General, the minister pays due regard to gender, diversity, and geographic balance of the Board, in the interests of the ABC reflecting the cultural diversity of the Australian community.

Australian Broadcasting Corporation

Senator FARUQI (New South Wales) (13:34): Our ABC has a diversity and a race problem. In June 2022 a damning internal report into workplace culture at the ABC found that First Nations employees felt undervalued, ignored and discriminated against. Justin Stevens, the director of news, apologised to staff after this. Being a public broadcaster, the ABC has a key role to play in setting standards and practices when it comes to diversity and cultural safety and protecting its staff from racism. That starts with reflecting diversity at the highest level. Yet the executive board of the ABC is embarrassingly bereft of diversity. It completely lacks the lived experience of people who are routinely discriminated against in this country: First Nations people, people of colour, disabled people and LGBTQIA+ people.

This is a glaring problem and one where I have been on the case for some time. Last month I wrote to the communications minister urging the government to ensure the board is diverse. The complete absence of diversity has no doubt contributed to the poor treatment of First Nations journalists like Stan Grant and journalists of colour like Antoinette Lattouf. It also likely contributes to a failure to recognise and respond to concerns from the public and ABC staff that the ABC's coverage of the genocide in Gaza has been pro-Israel. I am pleased to report that my pushing and prodding has had some results. Tabled yesterday, the updated selection criteria for the ABC's non-executive directors add a new one, which requires 'an understanding of, or the ability to credibly represent, the communication needs of Australia's diverse society'. Of course, this is not enough. There should be an explicit requirement for the board to include members from marginalised, diverse communities, and I will keep pushing for it.

**MEHREEN
FARUQI**

**GREENS DEPUTY LEADER
& SENATOR FOR NSW**



15 August 2024

The Hon. Michelle Rowland MP
Minister for Communications
By email: michelle.rowland@aph.gov.au

Dear Minister Rowland, *Michelle*

RE: ABC BOARD NEEDS MORE DIVERSITY

I write to you in my capacity as the Australian Greens spokesperson on Anti-Racism to draw your attention to the lack of diverse representatives on the ABC Board, an ongoing issue and one I raised during the most recent Senate Estimates in May.

As the National Broadcaster, the ABC has a duty to represent and reflect all Australians. The ABC's own Managing Director has stated that "diversity, inclusion and belonging are at the heart of everything [the ABC] do". The ABC is a cherished institution, which is why it is essential that the national broadcaster represents the diverse nation it serves.

Currently though, the ABC Board is completely and embarrassingly bereft of diversity. At Senate estimates in May, Managing Director David Anderson confirmed that the ABC board did not include any First Nations members, persons of colour, disabled persons or members of the LGBTQIA+ community. This is totally out of step with modern Australia, and is particularly unacceptable given the ABC's Charter requires it to "inform and entertain, and reflect the cultural diversity of, the Australian community".

The lack of diversity on the ABC Board is unacceptable. It has no doubt contributed to the poor treatment of high profile First Nations journalist Stan Grant and journalists of colour like Antoinette Lattouf. It also likely contributes to a failure to recognise and respond to concerns from the public and ABC staff that the ABC's coverage of the genocide in Gaza has been pro-Israel.

As per the *Australian Broadcasting Corporation Act 1983*, the Governor-General appoints members to the board based on recommendations from the Federal Government. I urge your Government to ensure that any recommendations put forward for ABC board appointments serve to improve the diversity of the ABC Board.

I look forward to your positive reply.

Best wishes,

Mehreen Faruqi

Dr Mehreen Faruqi

GREENS DEPUTY LEADER & SENATOR FOR NSW



The Hon Michelle Rowland MP

**Minister for Communications
Federal Member for Greenway**

MC24-014486

Senator Mehreen Faruqi
Senator for New South Wales
Parliament House
CANBERRA ACT 2600

senator.faruqi@aph.gov.au

Dear Senator

Thank you for your letter of 15 August 2024 regarding the membership of the Australian Broadcasting Corporation (ABC) Board. I apologise for the delay in responding but wanted to ensure this response provided relevant information to assist you.

I note that a response to your question on notice raised at Budget Estimates in May 2024 regarding ABC Board diversity was tabled on 18 July 2024.

The Australian Government values the principles of diversity and inclusion with respect to the composition of Government boards, and considers diversity a fundamental component of creating a fairer, more inclusive Australia.

The *Australian Broadcasting Corporation Act 1983* (ABC Act) provides that the Nomination Panel for ABC and SBS Board appointments must conduct a merit-based selection process before the appointment of non-executive Directors to the ABC Board. The Nomination Panel assesses applications received in line with selection criteria established by the ABC Act. It has been my practice to also consult the ABC Chair on views about particular skills or expertise that the Board considers relevant to an upcoming vacancy.

On 17 September 2024, the Government tabled the Australian Broadcasting Corporation (Non- executive Director - Selection Criteria) Determination 2024. It includes a new requirement that appointees possess 'an understanding of, or the ability to credibly represent, the communication needs of Australia's diverse society'. This change was made as part of a review of the previous determination ahead of its scheduled sunset on 1 April 2025, and is intended to better reflect the role of the ABC under its legislated Charter to provide 'broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australia community'.

In making recommendations to the Governor-General for appointments to the ABC Board, the Government pays due regard to gender, diversity, and geographic balance on the Board, in the interests of the ABC reflecting the diversity of the Australian community. The changes that I have made in the new selection criteria determination will further support the legislated merit-based selection process to identify suitable candidates.

I also note the recent completion of the ABC-commissioned Independent Review into ABC Systems and Processes in Support of Staff who Experience Racism, undertaken by Dr Terri Janke. The final report "Listen Loudly, Act Strongly" was publicly released by the ABC on 1 October 2024. While this review, and the response to it, are a matter for the ABC Board and executive, I expect Dr Janke's recommendations will also contribute to a more diverse and inclusive national broadcaster. I understand the ABC has announced that it has accepted the review's recommendations in-principle, and has committed to a list of actions in response to the review.

Thank you for taking the time to write to me on this matter.

Yours sincerely

A handwritten signature in blue ink that reads "Michelle Rowland". The signature is written in a cursive, flowing style.

Michelle Rowland MP

28 / 10 /2024

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Margaret Lopez / Bridget Gannon

SB24-000365

SUBJECT: SBS Board Appointments**Key Deliverables**

- All appointments have been made in accordance with the requirements outlined in the *Special Broadcasting Service Act 1991*.

Talking PointsAppointment of SBS non-executive Director (NED)

- On 12 December 2024, Dr Nicholas Pappas AM was appointed as a NED for a 5-year term. Dr Pappas was recommended by the Nomination Panel following a merit-based selection process, consistent with the process set out in the ABC and SBS Acts.
- Dr Pappas brings a wide skillset and experience to the Board, having held chair and directorship positions across a variety of sectors with an emphasis on law, culture and sport and has been a long-term advocate for multicultural Australia. He has also worked as a commercial litigation lawyer for 40 years.

Upcoming Special Broadcasting Service (SBS) Chair vacancy

- The current SBS Chair, Mr George Savvides AM will conclude his term on 8 July 2025.
- The Minister for Communications has asked the Nomination Panel to conduct a merit-based selection process ahead of this vacancy arising. The selection process is currently underway.

Board Appointment Selection Process

- Appointments to the ABC and SBS Boards are subject to a merit-based selection process conducted by the independent Nomination Panel, which is established under the *Australian Broadcasting Corporation Act 1983* (ABC Act).
- On 13 September 2024, revised ministerial instruments setting out ABC and SBS Board selection criteria and the definition of a senior political staff member were tabled in the Senate.
- In accordance with the Cabinet Handbook, when making recommendations to the Governor-General for appointments to the SBS Board, the Australian Government pays due regard to gender, diversity, and geographic balance of the Board, in the interests of the SBS reflecting the diversity of the Australian community.

Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 11/02/2025

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Margaret Lopez / Bridget Gannon

SB24-000365

Key IssuesAppointment of SBS non-executive Director (NED)

- On 12 December 2024, Dr Nicholas Pappas AM was appointed as a NED for a 5-year term (see **Attachment A**).
- This appointment filled a vacancy resulting from, Mr Peeyush Gupta AM's term concluding in October 2024. Mr Gupta was not eligible for reappointment.
- Dr Pappas was a candidate recommended by the independent Nomination Panel following a merit-based selection process (see **Attachment B**).
- The appointment of Dr Pappas fulfilled the requirement under the *Special Broadcasting Service Act 1991* (SBS Act) for a person who the Minister for Communications is satisfied, having regard to consultations between the minister and representatives of industrial organisations representing employees, has an appropriate understanding of the interests of employees (s17(2)(c)).

SBS Chair Selection Process

- The outgoing SBS Chair, Mr George Savvides AM advised the minister that he did not wish to seek reappointment.
- A selection process is currently underway. Applications were open between 4 and 28 October 2024.

Diversity on the SBS Board

- The Australian Government acknowledges the importance of diversity of boards, including for the national broadcasters.
- The SBS Act requires the minister to have regard to ensuring the Directors on the Board collectively possess a diversity of cultural perspectives and are able to provide an appropriate balance of expertise in understanding Australia's multicultural society and the needs and interests of the SBS's culturally diverse audience (s17).
- Appointments to the ABC and SBS Board are made by government following advice from the nomination panel, as set out in the ABC and SBS Acts. These processes include applications from people interested in being appointed to the role.
- The government has sought to attract applications from Australians that represent the diversity of the Australian community through the selection criteria for the roles, and by advertising vacancies in a diverse range of publications and optimising digital channels to target CALD and First Nations audiences.

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Environment and Communications

Lead/Support contact: Margaret Lopez / Bridget Gannon

SB24-000365

- On 13 September 2024, revised ministerial instruments setting out Board selection criteria and the definition of senior political staff member were tabled in the Senate.
- A new requirement in the selection criteria instrument is that appointees possess ‘an understanding of, or the ability to credibly represent, the communication needs of Australia’s diverse society’. This reflects comments from targeted consultations with the ABC, Special Broadcasting Service (SBS) and the Nomination Panel.

Review of options to support the national broadcasters' independence (the review)

- On 17 December 2024, the government released the findings of the review, following the public consultation process. It summarises key views and themes from submissions and the government's response
- A number of the suggested improvements to communication between key parties are already occurring. For example, the minister consults with the respective Board chairperson on appropriate skills and experience for an incoming appointee; and after receiving the Nomination Panel’s report, the minister meets with preferred candidates before making a recommendation.

BackgroundKey dates:

Date	Activity
15 April – 5 May 2024	National advertising campaign for NED vacancy (SBS and ABC Boards)
13 September 2024	Revised instruments came into force: <i>Special Broadcasting Service Corporation (Non-executive Director— Selection Criteria) Determination 2024</i> <i>Australian Broadcasting Corporation (Definition of senior political staff member) Instrument 2024</i>
4 October – 27 October 2024	National advertising campaign for SBS Chair vacancy
15 October 2024	Mr Peeyush Gupta AM concluded NED term
12 December 2024	Dr Nicholas Pappas AM commenced appointment as a NED for a 5-year term
8 July 2025	Current SBS Chair, Mr George Savvides AM ends term

Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 11/02/2025

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Margaret Lopez / Bridget Gannon

SB24-000365

Merit-based selection process - legislative requirements

- Part 3A of the SBS Act provides that the Nomination Panel must conduct a merit-based selection process before the appointment of a NED to the ABC and SBS Boards.
- The Nomination Panel must provide the Minister for Communications with a report nominating at least 3 candidates for each vacancy, including a comparative assessment of those candidates against selection criteria for NED's (determined under legislative instrument by the minister (s 43A, SBS Act).
- The minister recommends a candidate for appointment to the Governor-General who makes the appointment (s 17(1), SBS Act).

2024 Selection criteria and political staff member instruments

- In September 2024, the Minister for Communications made the following instruments under subsections 3(3) and 24W(1) of the ABC Act:
 - *Australian Broadcasting Corporation (Non-executive Director—Selection Criteria) Determination 2024*
 - *Australian Broadcasting Corporation (Definition of senior political staff member) Instrument 2024.*
- The new instruments replace the 2013 and 2014 instruments, which were due to sunset on 1 April 2025.
- These instruments apply for all selection processes commenced by the Nomination Panel since 13 September 2024, including the current SBS Chair process.
- The new instruments largely replicate the previous instruments by:
 - specifying 2 classes of persons as senior political staff members, who are ineligible for appointment to the ABC and SBS boards within 12 months of holding such a position; and
 - prescribing generally applicable selection criteria to be used by the Nomination Panel in assessing the suitability of candidates for ABC and SBS board appointments.
- The new instruments further align board selection criteria with the Charters of the ABC and SBS as established in their enabling legislation, and reflect the changing needs of the broadcasters.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts conducted targeted consultation with the ABC, SBS and Nomination Panel to inform the final drafting of the 2024 instruments.

Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 11/02/2025

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Margaret Lopez / Bridget Gannon

SB24-000365

Board remuneration

- Remuneration rates for SBS Board members are determined by the Remuneration Tribunal, under the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2024 Compilation No. 4*.

Attachments

- A: SBS Board membership as at 1 February 2025
- B: 2024 NED selection process – national advertising campaign

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Contact: Margaret Lopez

Cleared by: Bridget Gannon, First Assistant Secretary

Phone: (02) s22(1)(a)(ii)

Version Number: 02

Date: 11/02/2025

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OFFICIAL**SPECIAL BROADCASTING SERVICE (SBS) as at 1 February 2025**

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u> <i>(previous term/s in italics)</i>	<u>FT/PT</u> <i>(previous term/s in italics)</i>	<u>STATE OF RESIDENCE</u>	<u>DATE APPOINTED</u> <i>(previous term/s in italics)</i>	<u>EXPIRY DATE</u> <i>(previous term/s in italics)</i>
<i>Current members:</i>						
Mr George SAVVIDES AM	M	Chairperson	PT	Vic	09.07.20	08.07.25
Ms Christine ZEITZ	F	Deputy Chairperson	PT	SA	10.05.23 <i>30.09.21</i>	09.05.28 <i>09.05.23</i>
Mr James TAYLOR*	M	Managing Director	FT	NSW	22.10.23 <i>22.10.18</i>	21.10.28 <i>21.10.23</i>
Mr Vic ALHADEFF	M	Non-executive Director	PT	NSW	30.09.21	29.09.26
Ms Katrina RATHIE	F	Non-executive Director	PT	NSW	31.03.22	30.03.27
Ms Christine ZEITZ	F	Non-executive Director	PT	SA	10.05.23 <i>10.05.18</i>	09.05.28 <i>09.05.23</i>
Mr Aaron FA'AOSO	M	Non-executive Director	PT	Qld	16.02.23	15.02.28
Dr Andrew LU AM	M	Non-executive Director	PT	WA	16.02.23	15.02.28
Ms Cassandra WILKINSON	F	Non-executive Director	PT	NSW	08.06.23	07.06.28
Dr Nicholas Pappas AM	M	Non-executive Director	PT	NSW	12.12.24	11.12.29

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Gender and Geographic composition		
<i>Gender balance</i>	<i>Geographic balance</i>	
Males: 5 (62.5%) Females: 3 (37.5%)	NSW: 4 VIC: 1 SA: 1 NT: 0	WA: 1 QLD: 1 TAS: 0 ACT: 0 Other (e.g. overseas): 0

Note: Individual marked with an asterisk () is exempt from gender and geographical reporting as appointment is made by the SBS Board.*

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Attachment B: 2024 Selection Process – National Advertising Campaign

- Universal McCann (UM), the whole-of-government media and advertising agency, was engaged by the department to advise on the advertising strategies.
- In-line with the requirements of the SBS Act, the Nomination Panel invited written applications by advertising on the department’s website and in 1 or more other forms readily accessible by potential applicants (s 43(3)).

2024 Non-executive Director (NED) Vacancy

- A national advertising campaign for 1 NED on the SBS Board and 1 NED on the ABC Board, ran from 15 April 2024 - 5 May 2024, at a cost of \$55,000 (GST inclusive).
- UM recommended advertising channels that would represent value for money for the department.
- Advertisements were placed in the following publications:

Publications		
National and metropolitan	Indigenous	Digital
Australian Financial Review	Koori Mail	Australian Financial Review
Weekend Australian	National Indigenous Times	The Australian
Al Wasat English (Arabic)		National Indigenous Times
Asian Multimedia		LinkedIn
Chinese Melbourne Daily		Seek
G’Day India		Women on Boards
Viet Times		Women in Technology
The Land		

2024 SBS Chair Vacancy

- A national advertising campaign ran from 4 October 2024 - 27 October 2024, at a cost of \$55,000 (GST inclusive).
- A new requirement in the selection criteria instrument is that appointees possess ‘an understanding of, or the ability to credibly represent, the communication needs of Australia’s diverse society’.
- Advertising included the use of digital advertising to reach First Nations and CALD audiences.
- Advertisements were placed in the following publications:

Publications	
National and metropolitan	Digital
Australian Financial Review	Australian Financial Review
Weekend Australian	The Australian
The Age	LinkedIn
The West Australian	Seek
	Women on Boards
	Women in Technology

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Bridget Gannon / Margaret Lopez

SB25-000004

SUBJECT: SBS Western Sydney**Key Deliverables**

- On 20 November 2021, the Australian Government committed to commissioning a feasibility study into the relocation of the Sydney-based headquarters and studios of the SBS from Artarmon to Western Sydney, alongside the provision of a multi-purpose space for content creation.
- An Initial Feasibility Study was completed in 2024.
- Given the significant costs involved in a full relocation and precinct approach, the government decided not to pursue this option. Instead, the government has decided to explore a Western Sydney production hub and has funded the SBS to undertake this next phase of work.

Talking Points

- On 8 December 2024, the government announced that it would allocate funding for the development of a detailed business case for a production hub in Western Sydney.
- SBS are leading the project, supported by the Department.
- Funding was included in the broader measure "Supporting News and Media Diversity" as part of MYEFO. The \$6.7 million appropriation includes funding for the SBS and the Department.

Key Issues

- SBS are leading the work on the establishment of the production hub, consistent with SBS's operational independence and considering the Board's role, duties and obligations under the *Special Broadcasting Service Act 1991* and the *Public Governance, Performance and Accountability Act 2013*.
- It is expected that site identification will commence in the first half of 2025, through a public expression of interest process. A detailed business case is due to be completed by the end of 2025.
- The costs of the full relocation option were significant and the government decided not to pursue this option. The costs and the feasibility study have not been publicly released, to ensure probity around the production hub development process that is being progressed, as initial estimates were based on the feasibility study inputs.

Contact: Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 11/02/2025

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Lead/Support contact: Bridget Gannon / Margaret Lopez

SB25-000004

Background

- Since November 1993, SBS has been headquartered in Artarmon, on the lower North Shore of Sydney. It maintains an office and broadcast facilities in Federation Square, Melbourne Vic, and an office at Parliament House, Canberra ACT. SBS leases space for sales teams in Brisbane Qld, Adelaide SA, and Perth WA.
- A Steering Committee oversaw an SBS Relocation Feasibility Study, which was completed in March 2024, fulfilling an election commitment.
- The Study included an examination of high-level benefits, costs and risks associated with relocation. Its focus was a wider precinct-style community arts and media facility, with SBS at its heart.
- The Minister for Communications sought the views of the SBS Board on the feasibility study and any other options that could be considered.
- A redacted Ministerial Brief regarding the feasibility study was released on 24 January 2025 through FOI 25-216 to the Hon David Coleman, MP.

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts**Contact:** Margaret Lopez**Cleared by:** Bridget Gannon, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 11/02/2025

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Bridget Gannon / Margaret Lopez

SB25-000004

Financial Information as at 31 January 2025

Funding was included in the broader measure “Supporting News and Media Diversity”. The \$6.7 million appropriation is split between SBS and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Program/Project Start Date:	1 January 2025					
Program/Project End Date:	30 June 2026					
	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	2027-28 \$m	TOTAL \$m
Appropriation Budget - SBS		2.0	3.9			5.9
Appropriation Budget - DITRDCA		0.3	0.5			0.8
Less:						
Actual Expenditure YTD at 31 January 2025		0				
Total Committed Funds at 31 January 2025		0.3*	0.5*			0.8
Total Uncommitted Funds (balance)		2.0**	3.9**			5.9

*DITRDCA has committed funding because associated ASL for this funding has been allocated to positions

** SBS to report on their expenditure and commitment of funds separately

Attachments

- A: Media Release – 8 December 2024
- B: Summary of recent media relating to announcement

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Version Number: 01

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The Hon Michelle Rowland MP
Minister for Communications
(/rowland)

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SBS to expand to Western Sydney

Western Sydney will become home to a new Special Broadcasting Service (SBS) production hub, thanks to an Albanese Government investment to commence the expansion of the network's capacity and reach.

The funding will support the development of a detailed business case and enable SBS to start work on finding a site to expand its news and current affairs, multilingual audio services and screen production.

Establishing an SBS production presence in Western Sydney delivers on the Government's commitment to boost the region's arts and culture infrastructure, to improve equity of access to and participation in the arts, and brings to life the SBS vision for expanding its studios to Western Sydney.

Western Sydney is a diverse and dynamic region, comprising more than 40% of residents born overseas, as well as one of the largest populations of First Nations peoples in Australia. It is a launching ground for media practitioners telling stories on SBS which would otherwise be unheard, and that resonate with diverse audiences.

The new production hub plans to feature a TV studio able to host live audiences, radio/podcasting booths, collaboration spaces for talent incubation, and a modest workspace to support production output.

Subject to the completion of the detailed business case, once established, this facility will enable SBS to deliver approximately 360 hours per year of new first run Australian screen content and 1,440 hours per year of original audio and podcast content – including multilingual content.

SBS in Western Sydney will also:

- Create opportunities for local, skilled production jobs in Western Sydney for its increasing number of highly skilled, qualified and culturally diverse workers;
- Provide a participation pathway for young people, including multicultural, multilingual and First Nations youth, pursuing careers in the arts and media; and
- Further improve participation by Western Sydney communities in one of Australia's most trusted news media organisation.

An Initial Feasibility Study focussed on a larger scale full relocation of SBS from its Artarmon headquarters and precinct development approach. Given the significant costs involved in a full relocation, the Government has decided not to pursue this option.

The new funding to expand SBS's broadcasting facilities to Western Sydney has been developed with SBS as an alternative to full relocation. This immediate strategic investment will be a quicker and more efficient way to stimulate the Western Sydney creative economy and offer significant socio-economic benefits to local communities.

SBS will commence work in early 2025 to explore options for the Western Sydney production hub, including seeking expressions of interest from the local market for potential sites which could house the production hub.

SBS will engage with local councils, education institutions, business and economic development bodies in Western Sydney in progressing the project.

Quotes attributable to Minister for Communications, the Hon Michelle Rowland MP:

"As Australia's dedicated multicultural and First Nations broadcaster and one of our most trusted news brands, SBS plays a vital role in promoting social cohesion.

"SBS connects with multilingual, multicultural and First Nations communities, including in Western Sydney, and is vital to bringing diverse voices to Australian audiences.

"I thank the SBS Board and management for their initiative in proposing this exciting project, and look forward to working with them to bring it to fruition.

"The Albanese Government is committed to growing and supporting SBS and to ensuring its unique value benefits all Australians."

Quotes attributable to SBS Board Chair George Savvides AM.

"When SBS makes content with communities, especially those who are under-represented in the Australian media, those communities feel more included in society. With SBS turning 50 next year, what better way to celebrate than to expand our storytelling capability and infrastructure.

"The SBS Board is delighted at the opportunity to embed SBS within Western Sydney, and to keep growing SBS's contribution to social cohesion through community access to trusted, impartial media and even greater opportunities for local communities to be part of our diverse storytelling."

MEDIA RELEASE

Sunday 08 December 2024

Attachment B

Summary of recent media relating to announcement

Recent Media	Summary
<p>Why West is not best for the SBS as planned relocation scrapped, Sunday Telegraph, Linda Silmalis, 8 December 2024</p>	<p>Noted history of consideration of relocation, costly to fully relocate, mixed reaction to announcement about alternative production hub establishment, but mostly positive about progress.</p>
<p>Labor accused of broken promises as SBS stays put, SBS News, Wing Kuang, 9 December 2024</p>	<p>Noted history and referenced Minister and SBS Managing Director media release quotes.</p> <p>Noted mixed response to announcement of production hub rather than full relocation.</p> <p>SBS presence in Western Sydney will result in more multicultural voices being heard.</p>
<p>SBS to expand to Western Sydney with the establishment of a production hub SBS news, 8 December 2024</p>	<p>Notes government decision SBS will seek expressions of interest from the local market for potential sites in 2025 Quotes from SBS Board Chair, Mr George Savvides AM</p>
<p>Interview: Permanent hub for SBS in Western Sydney welcomed for chance to share more untold stories SBS News Weeknd One on One program Presented by Biwa Kwan 8 December 2024</p>	<p>Interview with CEO of the Western Sydney Leadership Dialogue (Adam Leto)</p> <p>Welcomes the announcement to create permanent and dedicated news production hub</p>

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Lead/Support contact: Bridget Gannon/Margaret Lopez

SB24-000366

SUBJECT: Community Broadcasting**Key Deliverables**

- In the 2022 election, the Australian Government committed to extend the licences of community tv stations, Channel 31 Melbourne and Channel 44 Adelaide, beyond the legislated end date of 30 June 2024. Legislation to extend their licences passed the Parliament in March 2024.
- The government also committed to provide additional funding of \$4 million per year ongoing from 2023-24 to the Community Broadcasting Program (CBP) and reintroduce indexation. This was delivered in the 2022-23 Budget. Additional funding of \$15 million over 3 years from 2025-26 was announced in December 2025 as part of MYEFO 2024-25.
- The government committed to undertake a community broadcasting sector sustainability review (review). This review was completed in 2024 and the government is considering the findings report.

Talking Points

- The government recognises the valuable services provided by the community broadcasting sector.
- On 16 December 2024, the government announced an additional \$27 million to support the community broadcasting sector from 2025-26, with:
 - \$15 million over 3 years through the CBP, including \$3 million to support community television. The Community Broadcasting Foundation (CBF) administers the CBP on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.
 - \$12 million over 3 years through the Indigenous Broadcasting and Media Program (IBMP) to provide targeted support for First Nations community broadcasters. The IBMP is administered by the National Indigenous Australians Agency (NIAA).
- This new funding recognises and supports the services of over 450 community broadcasters who connect communities and amplify diverse voices; and is in addition to the \$8 million increase between 2023-24 and 2024-25.

Community Broadcasting Sector Sustainability Review

- Since October 2022, the government has undertaken a 2-phase review to ensure the sector can continue its vital role in giving voice to diverse groups in the community.

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Lead/Support contact: Bridget Gannon/Margaret Lopez

SB24-000366

- The department sought input on 3 key priority areas: CBP funding, structure and outcomes; legislative and regulatory issues; and First Nations funding and licensing.
- The department has provided a final report from the review to the Minister for Communications for consideration. Timing of the publication of this report is a matter for the government.

Key IssuesCommunity Broadcasting Program

- The CBP grants support the community broadcasting sector to maintain operations and salaries, create and broadcast content that meets the needs and interests of the communities they serve, and deliver services and projects.
- In the 2022-23 Budget, the government provided \$4 million per year ongoing to increase total CBP funding to over \$20 million per year.
- In the 2024-25 MYEFO, the government provided an additional \$15 million over 3 years for the CBP. Total funding over the forward estimates is (GST exclusive):

Period	2024-25	2025-26	2026-27	2027-28
Ongoing base funding	\$22.6m	\$23.0m	\$23.5m	\$24.0m
3 years additional funding (MYEFO 2024)	-	\$4.9m	\$5.2m	\$5.2m
Total	\$22.6m	\$27.9m	\$28.7m	\$29.2m

Community Broadcasting Sector Sustainability Review

- Phase 1, conducted in 2023, was an independent evaluation of the CBP conducted by the Social Research Centre and is published on the department's website.
 - It found that while the CBP is mostly effective, has a range of positive impacts and funding has been vital for continuation of operation, it has not achieved significant impact in terms of promoting sustainability through reducing reliance on grant funding and building station resilience.
- Phase 2, conducted in 2024, was a public consultation on the funding, legislative and administrative arrangements for the CBP and the IBMP.
 - The department received 31 submissions, conducted 11 group workshops and conducted 42 site visits to community broadcasters and sector bodies.
 - The department has published all submissions and workshop summaries on its website. Timing of the publication of this report is a matter for the minister.

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Lead/Support contact: Bridget Gannon/Margaret Lopez

SB24-000366

Radio Skid Row – media coverage

- Since December 2024, there has been media coverage that 2RSR Radio Skid Row, a Sydney-based community radio station, had fired a Jewish host for failing to support a pro-Palestine stance in the Israel-Palestine conflict.
 - The department does not investigate workplace culture, bullying, harassment or discrimination issues within community broadcasting organisations. The Fair Work Commission is Australia’s workplace tribunal for resolving such matters.
 - The Australian Communications and Media Authority is responsible for overseeing compliance with licence conditions under the *Broadcasting Services Act 1992*, and determining whether there has been a potential breach. Questions regarding these matters should be directed to the ACMA.
- Radio Skid Row is eligible to apply for CBP funding through the CBF’s merit-based grant rounds. Any decision to award Radio Skid Row a grant is made by the CBF and is independent of government. In 2024-25, the CBF awarded Radio Skid Row \$0.344 million in grants to support its operations, projects and content; including Latin American program and music documentary series.
- One of the former directors of Radio Skid Row is also a director of the CBF. Any decisions regarding the appointment of directors to the CBF Board is a matter for the CBF and is independent of government.

BackgroundCommunity Broadcasting Foundation grants

- The CBF is an independent non-profit funding body that runs 2 merit-based granting rounds per year, for which over 450 community radio stations, community TV services and sector bodies are eligible to apply, including First Nations community broadcasters.
- The CBF makes granting decisions independently of government.
- For a community broadcaster to be eligible for a grant, it must hold a community broadcasting licence or temporary community broadcasting licence under the *Broadcasting Services Act 1992*.
- For a sector body to be eligible for a grant, it must primarily represent the interests of community broadcasters, provide services and resources to the sector or promote the views, values and principles of community broadcasting.

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SB24-000366

Financial information – as at 31 December 2024

- On behalf of the Commonwealth, the department enters into a closed, non-competitive granting arrangement with the CBF to administer the CBP over the forward estimates.
- Previous and forward estimates funding to the CBF is (GST exclusive):

Period	2024-25	2025-26	2026-27	2027-28
Ongoing base funding	\$22.6	\$23.0m	\$23.5m	\$24.0m
3 years additional funding (MYEFO 2024)	-	\$4.9m	\$5.2m	\$5.2m
Total	\$22.6m	\$27.9m	\$28.7m	\$29.2m

- The CBF has allocated all funds to 30 June 2024, and will acquit 2024-25 funds at the completion of the 2024-25 financial year.
- The next granting period will be from 1 July 2025 to 30 June 2028, and will include the additional \$15 million over 3 years plus indexation (GST exclusive).

Community television

- In October 2022, the government announced it would extend the licences of community TV stations, Channel 31 Melbourne and Channel 44 Adelaide until such time as there is an alternative use for the spectrum they use.
- In March 2024, the *Broadcasting Services Amendment (Community Television) Act 2024* was passed, and delivered on the election commitment to extend the licences of community TV stations Channel 31 Melbourne and Channel 44 Adelaide.

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2024 - 2025 Additional Estimates

Environment and Communications

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SB25-000005

SUBJECT: Review of options to support the independence of the national broadcasters**Key Deliverables**

- In the 2022 election, the Australian Government committed to a review of options to support the independence of the national broadcasters, which has been delivered, with a report of findings published in December 2024 (**Attachment A**).
- Further consideration of the reform options identified during the review, including timing of implementation, are a matter for the government.

Talking Points

- The Department of Infrastructure Transport, Regional Development, Communications and the Arts has reviewed options to support the national broadcasters' independence, and provided initial advice to the Minister for Communications on 25 January 2024.
- The minister then conducted further consultation with the Chairs of the ABC, SBS and Nomination Panel on key findings.
- On 17 December 2024, the government released the findings of the review.
- Legislating 5-year funding terms was announced alongside the release of the report (**Attachment B**).
- The government committed to legislating the 5-year funding terms for the national broadcasters, which exist only by convention, and will consult on the proposed legislative changes in due course. The amount of funding would remain a decision for the government of the day.
- Reform options in relation to governance have begun to be implemented. In September 2024, the government made 3 new ministerial determinations, replacing 3 equivalent instruments that were due to sunset on 1 April 2025. Consistent with the findings of the review, these seek to better align the selection criteria with the legislated Charters of the ABC and SBS, and reflect the changing needs of the national broadcasters.
- The department is preparing further advice on reform options identified during the review. Consideration of these reform options, including timing of implementation, are a matter for the government.

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2024 - 2025 Additional Estimates

Environment and Communications

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SB25-000005

Key Issues*Summary of stakeholder submissions and consultations*

- A total of 82 submissions and comments were received through the public consultation process:
 - 27 of these submissions were published on the department website
 - 6 private submissions were received as part of the process – these were considered by the department but not published
 - 49 of these submissions, which were mostly comments, have not been published, in line with advice provided on the department’s website.
- Submissions canvassed a range of issues related to funding and governance arrangements, as framed in the terms of reference, including:
 - General support for measures to be put in place to protect announced ABC and SBS funding from being reduced during the 5-year terms and for additional funding to be considered within a funding cycle to address emerging issues if required.
 - Broad support for the current legislated merit-based selection process for board appointments, and some suggestions regarding the operations of the independent Nomination Panel (e.g. introduce selection criteria for appointees to the Panel) and regarding the existing provision allowing the government to propose an appointee who was not put forward by the Nomination Panel.
 - Some submissions discussed eligibility and composition of the ABC and SBS boards.
- These comments were considered and addressed as part of a review of the existing ministerial instruments stating selection criteria for appointees, ahead of their scheduled sunset date of 1 April 2025, in line with usual practices.
- Amendments were made and new instruments tabled by Minister Rowland in September 2024, that further align the selection criteria with the respective Charters of the broadcasters.

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Environment and Communications

Lead/Support contact: Bridget Gannon/Margaret Lopez

SB25-000005

Timeline of review consultation

Event	Date
Public consultation on independence review open	20 July 2023 – 31 August 2023
Minister wrote to ABC and SBS Chairs to consult on key findings of the review	15 April 2024
Minister met with ABC Chair to discuss findings	18 April 2024
ABC Chair wrote to minister with feedback on findings	29 April 2024
SBS Chair wrote to minister with feedback on findings	10 June 2024
Minister met with Nomination Panel Chair	28 May 2024
Minister wrote to Nomination Panel Chair to consult on key findings of the review	20 June 2024
Nomination Panel Chair wrote to minister with feedback on findings	31 July 2024

- Terms of reference for the review (**Attachment C**) were developed in consultation with the ABC and SBS. The review was informed by public consultations, which opened on 20 July 2023 and closed on 31 August 2023.
- The Minister for Communications consulted with the Chairs of the ABC, SBS and Nomination Panel on the key findings of the review.
- A breakdown of the government's responses to the review recommendations, including actions taken and next steps required, is at **Attachment D**.

Attachments

- A: Review of options to support the independence of the national broadcasters
- B: Media release – Supporting the independence of our national broadcasters
- C: Independence Review Terms of Reference
- D: Independence Review – actions and next steps

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Australian Government

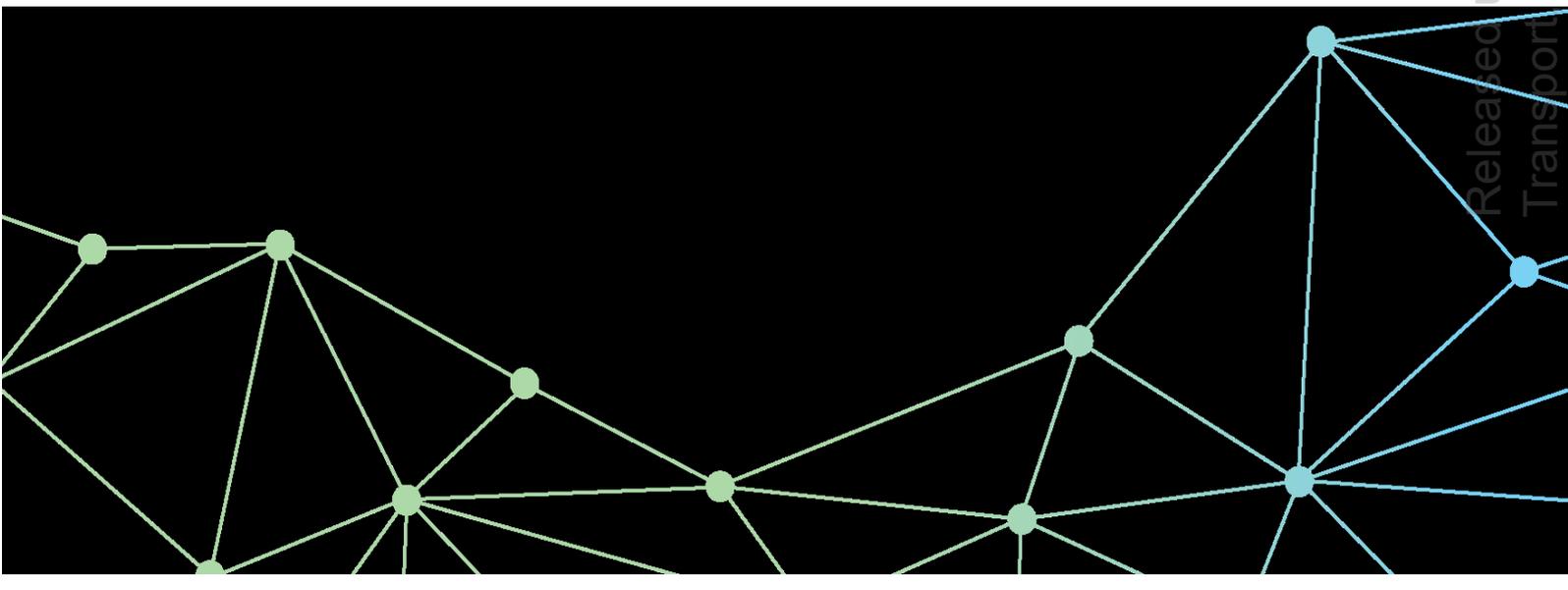
**Department of Infrastructure, Transport,
Regional Development, Communications and the Arts**

Review of options to support the independence of the national broadcasters

Australian Government response to key issues
raised during consultation

December 2024

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Regional Development, Communications and the Arts
Transport



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Transport, Regional Development, Communications and the Arts

Introduction

The Australian Government has implemented 5-year funding terms for the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS), which commenced on 1 July 2023. This funding stability underpins the delivery of quality content and services that inform, entertain and educate millions of Australians, including children, regional audiences and diverse multicultural communities.

To support these new funding arrangements, the Government requested the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) undertake a review of options to support the independence of the national broadcasters (the review).

The Hon Michelle Rowland MP, Minister for Communications, released the terms of reference for the review on 20 July 2023, which outlined the matters to be considered as part of the review. The review considered how best to provide greater certainty for announced funding and governance arrangements to protect against political interference, including the appointment processes for the ABC and SBS Boards.

The following topics were outside the scope of the review:

- the quantum of funding, funding terms or funding models provided to the national broadcasters
- changes to advertising restrictions or limits on the ABC or SBS
- changes to the legislative Charters or corporate character of the national broadcasters
- merging the ABC and SBS
- the Minister's legislated power to direct the national broadcasters in certain circumstances
- the efficiency and performance of the ABC and SBS Boards
- the Staff-elected Director on the ABC Board, and
- operational matters that are the responsibility of the ABC and SBS.

A public consultation process opened on 20 July and closed on 31 August 2023. The department also undertook targeted consultations with the national broadcasters, the Nomination Panel for ABC and SBS Board appointments, and relevant government departments. Minister Rowland also consulted with the Chairpersons of the ABC, SBS and Nomination Panel. The department [published 27 public submissions on its website](#); confidential submissions and comments provided to the department during the consultation process were not published, though helped inform the findings of the review in the same manner as submissions. Submissions outside the scope of the review's terms of reference were not published.

This document summarises the key views and themes from submissions and the Australian Government's response following the consultation process.

Providing greater funding certainty

Supporting evidence-based funding decisions

Funding for the ABC and SBS is a decision of the government of the day, and since 1989 has been announced in multi-year terms. From July 2023, the Australian Government moved the national broadcasters to 5-year funding terms; prior to this they were generally provided with 3-year funding terms. Future funding for the national broadcasters has generally been announced a few months before each funding term was due to conclude.

Overall, submissions supported 5-year funding terms. Opposition to the 5-year funding terms for the ABC and SBS focused on a view that taxpayers should not fund the national broadcasters, rather than opposing the principle of 5-year funding terms.

Some submissions proposed a new structured framework to the funding decision-making process, which would see the national broadcasters present future funding requirements to government for earlier consideration in the funding term, (for example in the third year of a 5-year funding term) ahead of the next 5-year funding amount being decided. Submissions noted that earlier announcements of future funding would assist the national broadcasters with their long-term planning and remove the uncertainty that the current announcement timeframes can create for the national broadcasters.

Under this proposal, the department would assess ABC and SBS funding proposals, and could seek external technical expertise where relevant, to inform any advice to government on future funding for the national broadcasters.

This proposed approach would be designed to complement existing Budget processes, with the government of the day remaining the decision-maker on the amount of funding, and the national broadcasters retaining their operational independence in determining how they utilise their annual appropriation.

Some submissions suggested funding proposals be assessed by independent advisers, an independent body or a statutory authority as opposed to the department.

Australian Government response

The Government supports the view that funding provided to the ABC and SBS should be grounded in an evidence-based assessment of future funding and investment needs.

The Government will establish a more structured framework to support the national broadcasters' 5-year funding cycles. This will include working with the ABC and SBS to set timeframes within the 5-year funding cycle for assessment of forward funding proposals and announcement of Government decisions about future funding well ahead of the next funding cycle.

The Government should remain the decision-maker for ABC and SBS funding decisions. There would be a significant administrative burden to convene a unique independent panel for budget considerations every 5 years or when new additional funding was being considered, and the costs would be unlikely to outweigh any benefit given the existing rigour and scrutiny of the Budget process.

Protecting announced funding decisions

Announced funding for the ABC and SBS is not protected by legislation or any other framework under the current funding arrangements. Since 1989, successive governments have relied on convention to maintain funding at the level announced over the course of the funding term.

Some submissions supported a legislative mechanism to protect announced funding. Enacting protections for announced funding would provide a level of financial certainty that significantly exceeds the current convention-based arrangements. Protection of announced funding would enable the national broadcasters to more effectively plan long-term investment to support their strategic objectives, and would provide greater stability and independence to guard against political interference and arbitrary funding cuts.

Submissions discussed different legislative mechanisms that could provide protection for announced funding. Options included legislated requirements that ensure Parliamentary and public scrutiny of funding decisions through normal Parliamentary processes. Submissions also advocated for legislative amendments to prevent base funding within a 5-year term being reduced below the levels announced at the commencement of each 5-year term, and that each subsequent term should not result in funding being reduced below that of the previous term.

Submissions indicated a preference for funding arrangements to include a mechanism for the national broadcasters to seek additional funding during the funding period where circumstances warrant it. For example, submissions noted any legislative mechanism to protect announced funding should not preclude the government of the day from allocating additional funding within a 5-year funding term to address new policy objectives or unforeseeable challenges that impact the ability of the national broadcasters to operate.

Australian Government response

The Government recognises that funding decisions are a matter for the government of the day, particularly with respect to ensuring that decisions do not bind future governments in relation to expenditure. It is reasonable and appropriate that the national broadcasters retain the ability to bring forward funding proposals to Government at any time to deal with unforeseen and emerging pressures. These should be assessed by the Government on merit, and in line with whole-of-government Budget considerations.

The underlying policy rationale of moving to 5-year funding terms is to provide the broadcasters with greater certainty and stability. With this in mind, the Government will consider options for appropriate protections of announced funding within legislative frameworks.

Strengthening governance arrangements

Composition of the ABC and SBS Boards

Membership of the ABC and SBS Boards is set out in their respective enabling legislation. The *Australian Broadcasting Corporation Act 1982* (ABC Act) states that the ABC Board consists of the Chairperson, the Managing Director, a staff-elected Director, and between 4-6 non-executive Directors. The *Special Broadcasting Service Act 1991* (SBS Act) states that the SBS Board consists of the Chairperson, the Managing Director, and between 3-7 non-executive Directors. The ABC Board must include a staff-elected Director, whilst the SBS Board must include a Director who has an appropriate understanding of the interests of employees and at least one Director who is an Indigenous Australian person.

A small number of submissions proposed new specified positions on each of the Boards. For example, a staff-elected Director on the SBS Board, an Indigenous Director on the ABC Board, and an 'audience supported member' voted on by the public on the ABC Board. Some submissions discussed better representation of different states and territories on the ABC and SBS Boards. One submission suggested new appointments to the ABC and SBS Boards should not be permitted for 6-months either side of an election.

Australian Government response

In making recommendations to the Governor-General for appointments to the ABC and SBS Boards, the Government pays due regard to gender, diversity, and geographic balance, in the interests of both Boards reflecting the diversity of the Australian community.

The existing legislated membership (numbers and positions) remains appropriate for meeting the needs of the Boards.

In September 2024, the Minister made 3 new ministerial determinations related to the ABC and SBS Board appointment processes, replacing 3 equivalent instruments that were due to sunset on 1 April 2025. These revised determinations address several of the proposals raised in submissions to the review. The determinations seek to better align the selection criteria with the legislated Charters of the ABC and SBS, and reflect the changing needs of the national broadcasters.

[Australian Broadcasting Corporation \(Non-executive Director—Selection Criteria\) Determination 2024](#)

[Special Broadcasting Service Corporation \(Non-executive Director—Selection Criteria\) Determination 2024](#)

[Australian Broadcasting Corporation \(Definition of senior political staff member\) Instrument 2024](#)

Supporting informed and efficient operations of the Nomination Panel

Role of the Nomination Panel

An independent Nomination Panel is established under the ABC Act to conduct merit-based selection processes for the Chairperson and other non-executive Director appointments to the ABC and SBS Boards. The Nomination Panel does not play a role in the appointment of the ABC and SBS Managing Directors or the ABC staff-elected Director.

The Nomination Panel reports on the outcome of the selection process to the Minister for Communications (and the Prime Minister for ABC Chairperson appointments), who makes a recommendation to the Governor-General. The Governor-General is responsible for making Chairperson and non-executive Director appointments to the ABC and SBS Boards.

Submissions to the review did not raise concerns with the current legislated role of the Nomination Panel, with some stakeholders expressly stating that the Nomination Panel has been effective in its role and is an important mechanism to stop political interference.

Responsibility for Nomination Panel appointments

The ABC Act provides that Nomination Panel members are appointed by the Secretary of the Department of the Prime Minister and Cabinet (PM&C).

Submissions to the review considered who has responsibility for making Nomination Panel appointments, noting the intended 'arms-length' from government envisaged by the current legislative provisions. Some stakeholders suggested the existing arrangements should be maintained, and that the PM&C Secretary should continue making Nomination Panel appointments, noting the national significance of the public broadcasters. Other stakeholders proposed alternatives including that appointments to the Nomination Panel be made by an independent body, or by the Senate Standing Committees on Environment and Communications.

Australian Government response

The Government supports the appointment of members of the Nomination Panel being made at the highest levels of the Australian Public Service to protect against political interference. The Government will consider whether changes should be made to the existing framework to improve the effectiveness of the Nomination Panel appointment process and to ensure appropriate skill requirements are met.

Composition of the Nomination Panel

The Nomination Panel currently consists of a Chair and at least 2, and not more than 3 other members. The statutory role of the Nomination Panel requires members to convene intermittently ahead of planned and unplanned vacancies on the ABC or SBS Boards. Nomination Panel members have historically been high-profile individuals, who manage this role alongside a range of other commitments. This can create challenges for members convening in a timely manner to run the merit-based selection processes required under the ABC and SBS Acts.

Australian Government response

The Government notes that the existing legislative framework provides for acting appointments on the Nomination Panel to be made in certain circumstances. To support the Nomination Panel delivering its statutory functions in a timely and effective manner, the Government will consider whether there should be changes made to the current upper limit of members that can be permanently appointed.

Selection Criteria

There was broad consensus in submissions to establish selection criteria for appointments to the Nomination Panel. While views ranged on what the selection criteria should include, stakeholders generally agreed that criteria would provide greater assurance that appointees bring to the role an understanding of the ABC and SBS Boards, subject-matter expertise and other relevant experience.

Australian Government response

The Government will consider establishing selection criteria for appointments to the Nomination Panel to improve transparency in the appointment process.

Communication between key parties

As part of a selection process, the Nomination Panel is required to provide the Minister (and Prime Minister for the ABC Chairperson position) with a report nominating at least 3 candidates for each vacancy on the ABC and SBS Boards. The report must include a comparative assessment of those candidates against selection criteria determined by the Minister in legislative instruments. The Minister (or Prime Minister for the ABC Chairperson) also has the ability to select a candidate to recommend to the Governor-General, who was not put forward by the Nomination Panel (see section 24X of the ABC Act and section 43B of the SBS Act). In this scenario, the Minister (or Prime Minister for the ABC Chairperson) must table a statement of reasons for that appointment in both Houses of Parliament, including an assessment of the candidate against the selection criteria set out in the relevant ministerial determination.

Many submissions to the review proposed removing the provisions which allow the Government to recommend a candidate for appointment who was not shortlisted by the Nomination Panel, with some arguing that these provisions unduly risk politicisation of ABC and SBS Board appointments.

Some submissions also proposed amending subsection 24X(1) of the ABC Act, to create a framework around the Prime Minister's consultation with the Opposition Leader before recommending a candidate to the Governor-General for the ABC Chairperson position. This was due to concerns around political interference, and was also canvassed in the [2019 Senate report on the allegations of political interference in the ABC](#).

Submissions canvassed opportunities to improve the existing selection process. For example, increased and timely engagement between the Minister (and Prime Minister for the ABC Chairperson), the Boards' chairpersons and the Nomination Panel Chair would enable a greater understanding of the desired skills and experience ahead of each selection process. This could take the form of the respective board chairpersons sharing regularly updated board skills matrices with the Minister; the Minister and Board chairpersons discussing desirable skills and experience when commencing a selection process; and the Minister (without otherwise influencing the selection process) encouraging potential candidates to apply in the usual way to be assessed based on merit by the Nomination Panel. It was also suggested that a role be legislated for the respective ABC or SBS Managing Director in the board appointment process.

Australian Government response

The Government considers that the existing legislative framework provides for appropriate transparency and parliamentary scrutiny of the selection and appointment of candidates to the ABC and SBS Boards, including checks and balances for appointment of a candidate who is not shortlisted by the Nomination Panel.

The Government acknowledges the importance of regular communication between the Minister and respective Board chairpersons, and the Nomination Panel Chair to inform the selection of candidates for appointment. A number of the suggested improvements to communication between key parties are already occurring. For example, the Minister consults with the respective Board chairperson on appropriate skills and experience for an incoming appointee; and after receiving the Nomination Panel's report, the Minister meets with preferred candidates before making a recommendation. The Government will continue to embed practices and policy frameworks that support appropriate due diligence prior to recommending a candidate to the Governor-General for appointment.

Aligning directive and regulatory provisions

There are several areas of difference between the ABC Act and SBS Act on operational independence matters. These differences relate to provisions about compliance with ministerial directions, government policy orders, reporting requirements for corporate plans, and the removal of board members.

Feedback through the consultation process suggested there was no clear policy rationale for these statutory distinctions between the ABC and SBS, and supported greater consistency in the regulatory provisions.

Australian Government response

The Government will consider amendments to align relevant directive and regulatory provisions in the ABC and SBS Acts.



The Hon Michelle Rowland MP
Minister for Communications
(/rowland)

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Supporting the independence of our national broadcasters

The Albanese Government is affirming the independence of the national broadcasters with additional ongoing funding for the ABC and the announcement today of its commitment to legislate five-year funding terms for the ABC and SBS.

The Government will deliver additional funding to the ABC of \$83.1 million over 2 years from 2026-27, followed by ongoing funding of \$43 million per year. This will provide ongoing funding stability to the ABC, consistent with the Government's commitment to stable five-year funding terms for the national broadcasters to educate, inform and entertain all Australians.

The Government has also today released a report outlining options to support the independence of the national broadcasters and further safeguard them against funding cuts and political interference.

Based on the report findings, the Government will legislate to firmly embed the five-year funding terms for the national broadcasters that were introduced from 1 July 2023, and currently operate only by convention. The Government will consult on the proposed legislative changes in due course.

The legislative approach would affirm the intent that the national broadcasters have stable, five-year funding terms, but would not mandate or lock in the quantum of funding. The amount of funding would remain a decision for the Government of the day, informed by future funding and investment needs of the national broadcasters.

The Albanese Government will further consider other options identified in the review aimed at protecting the ABC and SBS against political interference.

A copy of the review report and the Government's response, as well as information about the related public consultation process will be available from Tuesday, 17 December at: <https://www.infrastructure.gov.au/have-your-say/review-options-support-national-broadcasters-independence> (<https://www.infrastructure.gov.au/have-your-say/review-options-support-national-broadcasters-independence>)

Quotes attributable to the Minister for Communications, the Hon Michelle Rowland MP:

"The Albanese Government is committed to supporting the independence of the ABC and SBS, and funding stability is an important safeguard."

"The review has identified options to further support the independence of the ABC and SBS by strengthening funding and governance arrangements."

"The national broadcasters are important cultural institutions and pillars of our democracy, providing world-class news and entertainment in accordance with their statutory Charters, for the benefit of all Australians."

MEDIA RELEASE

Tuesday 17 December 2024



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Terms of Reference

Review of options to support the independence of the national broadcasters

July 2023

Purpose

The Australian Government has implemented 5-year funding terms for the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS), which commenced on 1 July 2023. As part of this decision, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) is undertaking a review of options to support the independence of the national broadcasters (the review).

In scope

The review will explore options to support the independence of the national broadcasters by conducting **public consultation** on the following matters:

1. Examining and making recommendations to support stable funding arrangements for the national broadcasters by identifying potential mechanisms to implement and maintain 5-year funding terms at the amount announced by the government, while retaining the ability to provide additional funding during these terms.
2. Examining and making recommendations to support effective governance arrangements for the national broadcasters by considering:
 - (a) the boards' composition as required under the *Australian Broadcasting Corporation Act 1983* (ABC Act) and the *Special Broadcasting Service Act 1991* (SBS Act)
 - (b) the appointment of members to the independent Nomination Panel established under the ABC Act (the Nomination Panel)
 - (c) the Nomination Panel's functions under the ABC and SBS Acts
 - (d) the role of the Minister, national broadcasters' board Chairs and other parties in the appointments processes under the ABC and SBS Acts
 - (e) other governance approaches which promote the stability and independence of the boards.

Out of scope

Other issues relating to the ABC and SBS are **out of scope** for the review, including:

- The quantum of funding, funding terms or funding models provided to the national broadcasters
- Changes to advertising restrictions or limits on the ABC or SBS
- Changes to the legislative Charters or the corporate character of the national broadcasters
- Merging the ABC and SBS
- The Minister's legislated power to direct the national broadcasters in certain circumstances
- The efficiency and performance of the boards
- The Staff-elected Director on the ABC Board
- Operational matters that are the responsibility of the ABC and SBS

Ms Lynelle Briggs AO's Review of Public Sector Board Appointments Processes (Briggs Review), announced by the Government, is distinct from this review. The department, however, expects to engage with the Briggs Review during the course of its review, as both will consider government board appointments processes.

Australian Government response	Action taken/next steps
Providing greater funding certainty	
Supporting evidence-based funding decisions	
<p>The Government supports the view that funding provided to the ABC and SBS should be grounded in an evidence-based assessment of future funding and investment needs.</p>	<p>Part of the BAU 5-year funding budget process. No further action required.</p>
<p>The Government will establish a more structured framework to support the national broadcasters' 5-year funding cycles. This will include working with the ABC and SBS to set timeframes within the 5-year funding cycle for assessment of forward funding proposals and announcement of Government decisions about future funding well ahead of the next funding cycle.</p>	<p>Part of the BAU 5-year funding budget process. No further action required.</p>
<p>The Government should remain the decision-maker for ABC and SBS funding decisions. There would be a significant administrative burden to convene a unique independent panel for budget considerations every 5 years or when new additional funding was being considered, and the costs would be unlikely to outweigh any benefit given the existing rigour and scrutiny of the Budget process.</p>	<p>No further action required.</p>
Protecting announced funding decisions	
<p>The Government recognises that funding decisions are a matter for the government of the day, particularly with respect to ensuring that decisions do not bind future governments in relation to expenditure. It is reasonable and appropriate that the national broadcasters retain the ability to bring forward funding proposals to Government at any time to deal with unforeseen and emerging pressures. These should be assessed by the Government on merit, and in line with whole-of-government Budget considerations.</p>	<p>Noted</p>
<p>The underlying policy rationale of moving to 5-year funding terms is to provide the broadcasters with greater certainty and stability. With this in mind, the Government will consider options for appropriate protections of announced funding within legislative frameworks.</p>	<p>Government has announced it will legislate to firmly embed the five-year funding terms for the national broadcasters. The Government will consult on the proposed legislative changes in due course.</p>
Strengthening governance arrangements	
Composition of the ABC and SBS Boards	
<p>In making recommendations to the Governor-General for appointments to the ABC and SBS Boards, the Government pays due regard to gender, diversity, and geographic balance, in the interests of both Boards reflecting the diversity of the Australian community.</p>	<p>In September 2024, the Minister made 3 new ministerial determinations related to the ABC and SBS Board appointment processes, replacing 3 equivalent instruments that were due to sunset on 1 April 2025. These revised determinations address several of the proposals raised in submissions to the review. The determinations seek to better align the selection</p>
<p>The existing legislated membership (numbers and positions) remains appropriate for meeting the needs of the Boards.</p>	

	criteria with the legislated Charters of the ABC and SBS, and reflect the changing needs of the national broadcasters.
Responsibility for Nomination Panel appointments	
The Government supports the appointment of members of the Nomination Panel being made at the highest levels of the Australian Public Service to protect against political interference. The Government will consider whether changes should be made to the existing framework to improve the effectiveness of the Nomination Panel appointment process and to ensure appropriate skill requirements are met.	The Department is consulting further with PM&C on this finding.
Composition of the Nomination Panel	
The Government notes that the existing legislative framework provides for acting appointments on the Nomination Panel to be made in certain circumstances. To support the Nomination Panel delivering its statutory functions in a timely and effective manner, the Government will consider whether there should be changes made to the current upper limit of members that can be permanently appointed.	The Department is developing further advice on how this change could be implemented.
Selection Criteria	
The Government will consider establishing selection criteria for appointments to the Nomination Panel to improve transparency in the appointment process.	The Department is developing further advice on how this change could be implemented.
Communication between key parties	
<p>The Government considers that the existing legislative framework provides for appropriate transparency and parliamentary scrutiny of the selection and appointment of candidates to the ABC and SBS Boards, including checks and balances for appointment of a candidate who is not shortlisted by the Nomination Panel.</p> <p>The Government acknowledges the importance of regular communication between the Minister and respective Board chairpersons, and the Nomination Panel Chair to inform the selection of candidates for appointment. A number of the suggested improvements to communication between key parties are already occurring. For example, the Minister consults with the respective Board chairperson on appropriate skills and experience for an incoming appointee; and after receiving the Nomination Panel's report, the Minister meets with preferred candidates before making a recommendation. The Government will continue to embed practices and policy frameworks that support appropriate due diligence prior to recommending a candidate to the Governor-General for appointment.</p>	<p>No further action required.</p> <p>No further action required.</p>
Aligning directive and regulatory provisions	
<p>There are several areas of difference between the ABC Act and SBS Act on operational independence matters. These differences relate to provisions about compliance with ministerial directions, government policy orders, reporting requirements for corporate plans, and the removal of board members.</p> <p>The Government will consider amendments to align relevant directive and regulatory provisions in the ABC and SBS Acts.</p>	The Department is developing further advice on how this change could be implemented.

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SB24-000367

SUBJECT: News Media Assistance Program and News Media Incentive

Key Deliverables

- In May 2022, the Australian Government committed to develop a News Media Assistance Program to secure the evidence base needed to inform news media policy interventions and formulate measures to support public interest journalism and media diversity.
- In December 2024, the government announced the outcome of this process, a News MAP Policy Framework and measures (detailed below).
- The majority of the funding committed commences in 2025-26 and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts is working to design grant opportunities that will achieve the government's policy objectives.

Talking Points

News Media Assistance Program (News MAP)

- On 16 December 2024, the Australian Government launched the News MAP to support the provision of news across Australia, comprising the following measures:
 - Release of the News MAP Policy Framework;
 - Establishment of a new expert advisory panel;
 - \$33 million over 3 years from 2025-26 to support Australian Associated Press (AAP);
 - \$116.7 million over 4 years to support and build the sustainability and capacity of news organisations, comprising:
 - \$99.1 million over 3 years from 2025-26 in grants to the sector; and
 - \$17.6 million over 4 years from 2024-25 (and \$1.7 million in 2028-29) for the department to support program delivery;
 - \$3.8 million over 3 years from 2025-26 for Australia's first National Media Literacy Strategy; and
 - Minimum commitment of \$3 million per year for 2 years for regional newspaper advertising across the total Commonwealth media advertising spend.
- The government also announced funding for the ABC, SBS, community broadcasting and First Nations broadcasting on 16 and 17 December 2024.

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- The announcement built upon previous News MAP initiatives including:
 - \$15 million in 2024-25 for the News Media Relief Program (NMRP) to provide grants to eligible regional, independent suburban, multicultural and First nations news publishers creating news content distributed online.
 - \$10.5 million for the Australian Media and Communications Authority (ACMA) to implement the Media Diversity Measurement Framework.
- The News MAP announcement also built on previous support for the sector comprising:
 - \$1.7 million in total in funding for the Public Interest Journalism Initiative (PIJI), over 2022-23 and 2023-24 for continued collection, analysis and visualisation of data on public interest journalism and the news sector; and
 - \$2.16 million in funding for the Local and Independent News Association (LINA) in 2023-24 and 2024-25 to support capacity building for small, news businesses and to collect data on the state of local and hyperlocal news.
 - \$43 million over 5 years from 2020-21 to 2024-25 to AAP.

News Media Incentive

- On 12 December 2024, the government announced it will establish a News Media Bargaining Incentive (the Incentive) to ensure large digital platforms contribute to the sustainability of news media in Australia.

Key Issues*News MAP Policy Framework*

- The News MAP Policy Framework guides the way forward for evidence-based and targeted government support that addresses ongoing pressures in the news sector, while balancing the need to maintain the independence of the sector. It outlines the key policy objectives of: Access; Diversity; Freedom; Quality; Engagement; and Representation.
- Please see **Attachment A** for an overview of the policy objectives and supporting initiatives.
- The News MAP policy framework and package of measures was informed by extensive public and industry consultation.
- The department undertook consultation on the News MAP from December 2023 to February 2024, including the release of a public consultation paper.
- The department received 71 written submissions. On 10 December 2024, the department published 62 public written submissions.

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Expert Advisory Panel

- To support objectives consistent with News MAP, an expert advisory panel (the expert panel) will be established to provide independent assessment and advice to government on:
 - the design and targeting of funding mechanisms;
 - the allocation of funding to news organisations; and
 - capacity building, including attracting philanthropy.
- The department is preparing advice for government on the Terms of Reference and appointment process for the expert panel.
- We expect that further information on the role and appointment of the expert panel will be released in the coming months.

Support for Australian Associated Press

- News MAP includes \$33 million over 3 years from 2025-26 to support the financial sustainability of AAP.
- In addition to the \$33 million announced on 16 December 2024, the government has provided \$43 million to AAP since it was established as a not-for-profit organisation in 2020.

Financial Year	2020-21 (\$ m)	2021-22 (\$ m)	2022-23 (\$ m)	2023-24 (\$ m)	2024-25 (\$ m)	Total (\$ m)
Funding provided	12.5	7.5	1.8	9.2	12.0*	43

* Final payment of \$3 million for 2024-25 is expected in February 2025.

Grants to the news sector

- As part of News MAP, the government will provide \$99.1 million over 3 years from 2025-26 in grants to the news sector.
- The purpose of the funding is to:
 - Preserve the employment of journalists, investment in journalism and the continuing operation of existing news providers; and
 - Support business innovation and build the commercial sustainability and resilience of news organisations.
- The department is developing advice to government on program design and guidelines, including opportunities for the expert panel, once established, to provide advice on the approach to granting.
- Further information on grant program design and implementation timelines are expected to be available in coming months.

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- The MYEFO 2024-25 policy decisions taken since the 2024-25 Budget to support news and media diversity are at **Attachment B**.

Government advertising

- The government will mandate a minimum commitment of \$3 million per year for 2 years from 2025-26 for regional newspaper advertising, including digital formats, across the total Commonwealth media advertising spend. More information on the mandate will be available early in 2025, including any planned review of the minimum commitment.
- Questions about government advertising spend should be addressed to the Department of Finance.
- This mandate demonstrates the government's commitment to supporting regional media for Australian communities. The commitment aims to provide assurance for regional news organisations while ensuring the government's advertising activities remain cost effective.

Support the National Broadcasters and community and First Nations broadcasting

- The Government also announced funding for the ABC, SBS, community and First Nations broadcasting on 16 and 17 December 2024. These are detailed in separate briefings: SB24-000363: ABC Funding and SB24-000366 Community Broadcasting.

National Media Literacy Strategy

- All Australians, regardless of their circumstances, should be supported to critically engage with media and information for a healthy, safe and full life. The government has committed \$3.8 million over 3 years commencing in 2025-26 to develop Australia's first National Media Literacy Strategy.
- The National Strategy will establish the key skills and competencies Australians need to navigate the challenges and opportunities presented by the digital world.
- A 3-year development timeframe will ensure a robust government led co-design process with the media literacy research and education sectors, as well as communities.
- The National Strategy is expected to be completed in 2028.

News Media Relief Program (NMRP)

- The NMRP was announced on 21 October 2024.
- The NMRP launched on 29 November 2024. As at 28 January 2025 the NMRP had received 133 applications from news media organisations requesting \$13.8 million in

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funding. The grant round will close on 31 March 2025, or when the funding has been fully exhausted.

- The NMRP is providing \$15 million in grants to eligible regional, independent suburban, multicultural and First nations news publishers creating news content distributed online, to assist with the costs of employing eligible journalists working on public interest journalism.

News MAP funding announced on 16 December 2024*

Measure	2024-25 \$ m	2025-26 \$ m	2026-27 \$ m	2027-28 \$ m	2028-29 \$ m	Total \$ m
<i>Administered funding</i>						
Grants to news businesses	-	34.1	32.5	32.5	0	99.1
Support for AAP	12.0	11.0	11.0	11.0	0	45.0
News Media Relief Program**	15.0	-	-	-	0	15.0
<i>Total Administered</i>	27.0	45.1	43.5	43.5	0	159.1
<i>Departmental funding</i>						
National Media Literacy Strategy	0	1.3	1.3	1.2	0	3.8
Administer grants to news businesses including expert panel	1.8	4.8	6.0	5.1	1.7	19.3
<i>Total departmental</i>	1.8	6.1	7.3	6.3	1.7	23.1
<i>Total administered and departmental</i>	28.8	51.2	50.8	49.8	1.7	182.2

* On 16 December 2024 the government announced \$153.5 million for News MAP, which includes administered and departmental funding over 4 years between 2025-26 and 2028-29 inclusive.

** The NMRP was announced on 21 October 2024. Funding was redirected from unallocated funding from the Regional Roads Australia Mobile Program under the Better connectivity Program for Regional and Rural Australia.

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News Bargaining Incentive (the Incentive)

- The Incentive includes a charge and an offset mechanism. Platforms that choose not to enter or renew commercial agreements with news publishers will pay the charge. Platforms with these agreements will, however, be able to offset their liability. It is not intended to raise revenue.
- A range of news businesses could benefit from the Incentive through entering into commercial deals, including through collective deals as is provided for under the Code, or through other forms of support from digital platforms which could be incentivised by the offset. Publishers are encouraged to maintain or pursue collective deals where possible.
- Public consultation on the Incentive, including the expenditure that would be eligible under the offset and the manner of distribution, is expected to begin in early 2025 with the release of a consultation paper.
- Questions about the Incentive, and about the public consultation process, should be addressed to the Treasury and Assistant Treasurer.

BackgroundNews Media Assistance Program Previous Measures

- The government has made a series of commitments as part of work to develop the News MAP. These include:
 - \$10.5 million in funding for the Australian Communications and Media Authority (ACMA) in 2023-24–2026-27 to implement its Media Diversity Measurement Framework.
 - \$1.7 million in funding in total for the Public Interest Journalism Initiative (PIJI), over 2022-23 and 2023-24 for continued collection, analysis and visualisation of data on public interest journalism and the news sector.
 - \$2.16 million in funding in total for the Local and Independent News Association (LINA) over 2023-24 and 2024-25 to support capacity building for small, news businesses and to collect data on the state of local and hyperlocal news.

ACMA Media Diversity Measurement Framework

- In December 2023, the Minister for Communications announced \$10.5 million for the Australian Communications and Media Authority (ACMA) to implement its new framework for measuring media diversity in Australia.
- The ACMA News Media Diversity Measurement Framework will monitor the state of the Australian news market and measure the levels of diversity across Australia's print, radio, TV and online news media landscape.

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- The ACMA will publish its first report in 2025, followed by a report every 2 years, monitoring changes to the baseline, as well as providing new insights and case studies on different aspects of the Australian news market.

News Media Bargaining Code (the Code)

- Questions about the Code, and about the potential designation of Meta, should be addressed to the Treasury and Assistant Treasurer.
- On 29 February 2024, Meta announced that it would not be renegotiating commercial deals with Australian news businesses.
- We understand Meta's decision to end its commercial agreements with Australian news businesses has resulted in significantly lower revenues for many news organisations, including many in regional and remote areas of Australia.
- Many news organisations have highlighted their concern about the potential impact of Meta's announcement on their businesses and the sustainability of public interest news more generally.
- The department does not have information-gathering powers to access commercial-in-confidence agreements between digital platforms and news media businesses.
- The department does not have any formal role under the Code.

Previous funding initiatives

Measure	2022-23 \$ m	2023-24 \$ m	2024-25 \$ m	2025-26 \$ m	2026-27 \$ m	Total \$ m
News MAP early initiatives*						
Support for PIJI	0.9	0.8	-	-	-	1.7
Support for LINA		1.43	0.73	-	-	2.16
Media Diversity Measurement Framework**	-	2.19	3.74	2.43	2.11	10.46
Total	0.9	4.42	4.47	2.43	2.11	14.32

* 25 October 2022: 2022-23 Budget included \$4 million for early News MAP initiatives. \$3.86 million was provided to PIJI and LINA. As part of a movement of funds request in early 2024-25 the reclassification of \$141,000 from administered to departmental funding to meet the cost BGH administering the additional funding was not agreed by DoF and the funding was returned to consolidated revenue.

** \$10.5 million over 4 years to ACMA and \$2.1 million per annum ongoing.

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Attachments

- A: News MAP Policy Framework – alignment of policy objectives and initiatives
- B: MYEFO 2024 25, Appendix A: Policy decisions taken since the 2024 25 Budget pp. 286-287

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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Attachment A

News MAP Policy Framework – alignment of policy objectives and initiatives

- The News MAP Policy Framework guides the way forward for evidence-based and targeted government support that addresses ongoing pressures in the news sector, while balancing the need to maintain the independence of the sector. It outlines the key policy objectives of: Access; Diversity; Freedom; Quality; Engagement; and Representation.
- The News MAP grant opportunities are being designed to align with the News MAP policy framework.
- The government will convene an Expert Panel on news and journalism, which will be charged with advancing the policy objectives set out in the Policy Framework.

Policy Objective	Government initiatives to support this objective
Access: Citizens have access to relevant, quality, public interest journalism	<ul style="list-style-type: none"> • Grants to the Australian news sector, including: <ul style="list-style-type: none"> ○ \$99.1 million in grants announced as part of News MAP on 16 December 2024 ○ News Media Relief Program announced on 21 October 2024 • Support for Australian Associated Press • Support for the Local and Independent News Association for capacity building for small, news businesses and to collect data on the state of local and hyperlocal news.
Diversity: Control over the production of journalism and distribution of news is adequately diverse	<ul style="list-style-type: none"> • ACMA’s Media Diversity Measurement Framework • Support for the Public Interest Journalism Initiative • Grants to the Australian news sector, including: <ul style="list-style-type: none"> ○ \$99.1 million in grants announced as part of News MAP on 16 December 2024 ○ News Media Relief Program announced on 21 October 2024 • Support for Australian Associated Press • Support for the Local and Independent News Association for capacity building for small, news businesses and to collect data on the state of local and hyperlocal news.
Freedom: Access to information, and the conduct of journalism, is not unduly threatened or restricted	<p>Initiatives are focussed on the diversity of media ownership, and aim to promote a strong, independent media sector. In contrast, regulation of content must be carefully balanced with the freedom of the press.</p> <p>The importance of a free media is recognised through an emphasis on industry playing a lead role in the development and administration of content standards that reflect community</p>

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	<p>expectations. For example, print media is predominantly self-regulated by the Australian Press Council, which maintains standards of practice. In the case of commercial TV, the ACMA oversees compliance with industry codes of practice.</p>
<p>Quality: News is generally of sufficient quality to properly inform and not misinform</p>	<p>Government initiatives, such as grants to the Australian news sector, are focussed on enabling conditions for quality journalism and high ethical standards and make support conditional on a commitment to those qualities.</p>
<p>Engagement: Citizens have an interest, and the capability, to critically engage with relevant news</p>	<p>The government has provided \$3.8 million over 3 years from 2025-26 to develop a National Media Literacy Strategy to deliver a clear and coordinated approach to building Australians’ media literacy, which is a critical component of the engagement objective.</p>
<p>Representation: News coverage reflects the Australian community and diversity of Australian perspectives</p>	<p>Grants to the Australian news sector have been designed to ensure funding reaches a diverse range of news providers, for example:</p> <ul style="list-style-type: none"> • The NMRP will provide \$15 million in grants to eligible regional, independent suburban, multicultural and First nations news publishers creating news content distributed online. <p>The government will convene an Expert Panel to provide advice to assist in the allocation of funding and the design and targeting of mechanisms. The expert panel will be charged with advancing the policy objectives as set out in the Policy Framework.</p>

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Attachment B: MYEFO 2024-25, Appendix A: Policy decisions taken since the 2024-25 Budget pp. 286-287

Budget 2024-25 | Mid-Year Economic and Fiscal Outlook 2024-25

Supporting News and Media Diversity

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	2.1	56.6	55.8	54.9
Special Broadcasting Service Corporation	-	2.0	3.9	-	-
Australian Taxation Office	-	0.8	0.8	0.3	-
National Indigenous Australians Agency	-	-	4.0	4.0	4.0
Australian Broadcasting Corporation	-	-	-	40.9	42.2
Total – Payments	-	4.8	65.3	101.0	101.1
Related receipts (\$m)					
Australian Taxation Office	-	-
Australian Communications and Media Authority	-	-	-50.2	-0.1	-
Total – Receipts	-	-	-50.2	-0.1	..

The Government will provide \$285.3 million over four years from 2024-25 (and \$44.7 million in 2028-29 and \$43.0 million per year ongoing) to support news and media diversity in Australia. Funding includes:

- \$168.5 million over four years from 2024-25 for the *News Media Assistance Program*, including:
 - \$116.7 million over four years from 2024-25 (and \$1.7 million in 2028-29) for the *News Media Assistance Program* to sustain public interest news and journalism, support business innovation and build commercial sustainability and resilience of news organisations, including \$17.6 million for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to support program delivery
 - \$33.0 million over three years from 2025-26 to support the financial sustainability of the Australian Associated Press
 - \$15.0 million in 2024-25 for the *News Media Relief Program* to provide urgent support for eligible regional, independent suburban, multicultural and First Nations news publishers
 - \$3.8 million over three years from 2025-26 to develop a National Media Literacy Strategy to improve media literacy in Australia.
- \$89.8 million over four years from 2024-25 for National Broadcasters, including:
 - \$83.1 million over two years from 2026-27 (and \$43.0 million per year ongoing) for the Australian Broadcasting Corporation (ABC) to provide stable funding to support the operation of its television, radio and digital media services

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Attachment B: MYEFO 2024-25, Appendix A: Policy decisions taken since the 2024-25 Budget pp. 286-287Infrastructure, Transport, Regional Development, Communications and the Arts | **Budget** 2024-25

- \$6.7 million over two years from 2024-25 for the Special Broadcasting Service (SBS), supported by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to develop a business case to establish a standalone Western Sydney production hub and talent incubator.
- \$27.0 million over three years from 2025-26 for Community Broadcasting and First Nations Media, including:
 - \$15.0 million over three years from 2025-26 for the *Community Broadcasting Program* to support the community broadcasting sector, including community television
 - \$12.0 million over three years from 2025-26 for the *Indigenous Broadcasting and Media Program* to support the First Nations media and broadcasting sector.

The Government will also:

- suspend the Commercial Broadcasting Tax for one year, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters. This change is estimated to decrease receipts by \$50.3 million over two years from 2025-26
- introduce the News Bargaining Incentive to support the sustainability of news and public interest journalism. Funding includes \$1.9 million over three years from 2024-25 for the Australian Taxation Office to introduce and administer the Incentive, which will apply for income years starting on or after 1 January 2025
- mandate a minimum commitment of \$3.0 million per year for two years from 2025-26 for regional newspaper advertising across the total annual Commonwealth Government media advertising spend.

The cost of the *News Media Relief Program* measure will be met from a reprioritisation of funding from the 2022-23 October Budget measure titled *Better Connectivity Plan for Regional and Rural Australia*.

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SUBJECT: Media Reform**Key Deliverables**

- The Australian Government is committed to a program of work to modernise media regulations and fulfil the legitimate expectations of consumers and industry for consistency, transparency and equity in our regulatory environment.
- The government has implemented a television prominence framework and a reformed anti-siphoning scheme; progressed initial reforms to the National Classification Scheme; extended the licences of Channel 31 Melbourne and Channel 44 Adelaide; and provided an additional \$27 million for community broadcasting.
- The government is implementing the News Media Assistance Program and is developing a proposal to improve the provision of audio description and captioning; enhance the availability of Australian content; support access to radio services on smart speakers; further modernise the National Classification Scheme; and explore pathways for the future of television.

Talking Points

- The government's media reform agenda is seeking to enhance the ability of the Australian media to keep us informed, reflect our diverse cultures and perspectives, uphold and respect community standards and ensure access to services.
- Priorities being progressed as part of the reform program include:
 - implementing the television prominence framework and an expanded anti-siphoning scheme, and consulting on a framework for radio prominence;
 - implementing the first stage of reforms to the National Classification Scheme, which took effect on 14 March 2024, and developing the second stage of reforms following a public consultation process mid-last year;
 - introducing Australian content obligations on streaming services;
 - implementing News Media Assistance Program, or 'NewsMAP', the package of measures announced in December 2024 to preserve the provision of news that is vital to Australian communities;
 - improving the provision of audio description and captioning; and
 - investing an additional \$27 million to support the services of over 450 community broadcasters, while working with the sector on the Sustainability Review.
- On 24 October 2024, the Minister for Communications announced (at the *RadComms 2024* conference) that there would be consultation in early 2025 to explore pathways to achieve the objective of a sustainable future for television, shaped by the possibility of realising a digital dividend.

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- Work on these priorities is underway, informed by consultation processes.

Key Issues

- The government is committed to modernising media laws. Minister Rowland has outlined the priorities and principles for this reform program on a number of occasions, particularly the Communications and Media Law Association (CAMLA) seminar in November 2022 and in a speech at the *Radcomms 2024* conference in October 2024 (see background).

Prominence and anti-siphoning reforms

- On 9 July 2024, the *Communications Legislation Amendment (Prominence and Anti-siphoning) Act 2024* (the Act) received Royal Assent. The Act introduces a prominence framework for television that will ensure that Australians can easily find and access free-to-air television services on new smart televisions. The television prominence framework commenced on 10 July 2024, with obligations to apply from 10 January 2026.
- The Act also strengthens the anti-siphoning scheme, extending it to regulate online streaming services for the first time. The anti-siphoning scheme commenced on 17 December 2024.
- On 30 September 2024, a public consultation paper on radio prominence was released, with submissions closing on 11 November. Thirteen submissions were received, 12 from industry; and 1 from an individual. Further information is provided in SB24-000369.

Classification reform

- On 29 March 2023, the government announced a 2-stage classification reform process. Stage 1 reforms prioritised immediate improvements to the National Classification Scheme (the Scheme), including to improve the capacity of the Scheme to classify growing volumes of online content. Legislation implementing these reforms commenced on 14 March 2024.
- Stage 2 reforms are considering more comprehensive changes to: clarify the purpose and scope of the Scheme; establish fit-for-purpose regulatory and governance arrangements; and ensure that classification criteria are aligned with, and responsive to, evolving community standards and expectations. Further information is provided in SB24-000375.

Australian content obligation on streaming services

- Under Australia's National Cultural Policy, *Revive*, the government committed to introduce an Australian screen content obligation on streaming (subscription video-on-

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demand) services. The obligation is the joint responsibility of the Minister for Communications and the Minister for the Arts.

- The government is undertaking a genuine consultation process and is taking the time to consider views about the best way to support ongoing investment in, and production of, Australian stories. Consultation is taking longer than we would have liked, but we are determined to get the obligation right. The government is aiming to introduce legislation as soon as practicable.
- Further questions on this reform should be referred to the Office for the Arts, and additional information is provided in SB24-000141.

News Media Assistance Program (News MAP)

- On 16 December 2024, the government launched the News Media Assistance Program ('News MAP'), to deliver on its commitment to support local news.
 - The government's News MAP measures seek to preserve the provision of the local news that is vital to Australian communities, and support innovation and resilience for news organisations.
 - Informed by the public consultation, the government has released the News MAP Policy Framework. The Policy Framework guides the way forward for evidence-based and targeted government support that addresses ongoing pressures in the news sector, while balancing the need to maintain the independence of the sector.
- Further information is provided in SB24-000367.

Accessibility - audio description and captioning

- Captions and audio description are key features that deliver accessible television. Captioning assists people who are deaf or hard of hearing, while audio description assists people who are blind or have low vision to enjoy and understand television content. Currently, these accessibility features are not provided at consistent levels across all types of television services in Australia.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is working on a number of proposals to harmonise and improve levels of captioning and audio description on Australian television services by amending legislation. Further information is provided in SB24-000404.

Regional and Remote Television Transmission and Reception Infrastructure

- The department is undertaking work to assess the state of broadcasting transmission and reception infrastructure in remote and regional Australia.

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- The outcomes of this process will inform government consideration of the need for capital renewal to support the provision of television broadcast services, including in First Nations communities. The timing and process associated with any such consideration would be a matter for government.
- This work has been supported using funding agreed in the context of the 2023-24 Budget, noting the quantum of this funding is 'Not for Publication' due to commercial sensitivities. Further information is provided in SB24-000370.

Community broadcasting – extended licences and sustainability review

- While the government continues to work with the community broadcasting sector on the Community Broadcasting Sector Sustainability Review, it announced in December 2024 an additional \$27 million over 3 years. This funding will allow the sector to enhance its operations and expand its news and public interest journalism services.
- The government has ensured that audiences in Melbourne and Adelaide continue to have access to local community TV. The *Broadcasting Services Amendment (Community Television) Act 2024* passed the Parliament on 25 March 2024, delivering on the election commitment to extend the licences of Channel 31 Melbourne and Channel 44 Adelaide. Further information is provided in SB24-000366.

Future of television

- On 24 October 2024, Minister Rowland announced the government's intention to explore pathways to achieve the objective of a sustainable future for television. The minister noted that the television broadcasting sector is entering a period of 'unmanaged transition', evidenced by the closure of MDT in July 2024.
- The minister indicated that a sustainable television sector needs a 'managed transition' (deliberate and coordinated choices on technology and other matters), rather than passively observing progressive failures across the sector. In turn, this would require a consensus on the future state of television in a decade's time and beyond.
- The minister noted that the government is seeking to explore the possibility of realising a digital dividend: a reduction in the use of spectrum for television for reallocation to other uses. However, this is not a goal in isolation, and needs to be part of the consideration of the future of television.
- The next step will involve the development of a discussion paper to support engagement with all parties: broadcasters; infrastructure providers; mobile network operators; and consumers. The department is currently preparing this paper.

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Background

- The 2024-25 Budget included \$78.9 million over 5 years from 2024–25 (and \$7.4 million per year ongoing) to continue to support media sustainability and deliver communications priorities. This includes \$22.6 million (and \$1.5 million per year ongoing) in funding for the department to develop reforms to modernise media regulation in Australia.

Commercial Broadcasting Tax (CBT) – temporary suspension

- The government announced in the context of the Mid-Year Economic and Fiscal Outlook 2024-25 that it will suspend the CBT for 1 year, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters. The 1-year suspension of the CBT will save commercial television and radio broadcasters an estimated \$50.3 million.

Radcomms 2024 speech

- On 24 October 2024, Minister Rowland spoke at the RadComms 2024 conference to outline the ongoing work of the government to support stable and predictable spectrum management.
- Among other matters, the minister highlighted:
 - the current unmanaged industry transition for broadcast television, driven by declining revenue as consumer preferences change; and
 - that some form of spectrum and infrastructure consolidation will be necessary to maintain a sustainable television broadcasting sector in the long term.
- The minister announced that the government would commence the process of exploring what this option may look like. The first step in this process will be the development and release of a consultation paper early in 2025. The minister did not indicate that the government has identified, or decided to yield, a digital dividend.

CAMLA seminar

- On 14 November 2022, the minister delivered a seminar to the Communications and Media Law Association (CAMLA) titled *Media Policy: Priorities for a New Government*.
- The minister set out the immediate, medium-term and long-term priorities for the government's media reform program. The immediate priorities were:
 - The implementation of a legislative framework to support the prominence of local television services on smart TVs.
 - The review of the anti-siphoning scheme and list and – pending the outcomes of the review – the implementation of any related reforms.

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- The consideration of streaming services within the framework for Australian content – as part of consultation to inform the development of a new National Cultural Policy by the Minister for the Arts.
- The minister outlined a number of key objectives guiding the government’s media reform program, including:
 - A level playing field in which Australian media outlets can thrive, while maintaining Australia’s well-earned reputation as desirable place to invest and grow new businesses.
 - Equitable access to media services and content for all Australians, regardless of financial means or location.
 - Consistent regulation of services that make available content that is ‘like’ TV and radio, with the flexibility to accommodate new and emerging services and technologies.
 - Access to a vibrant and diverse range of news media for all Australians, where no one voice dominates political and social debates.

Election commitments

- On 7 May 2022, the government issued a media release titled ‘Labor will support local TV and free sport in the streaming age’ and committed to:
 - Reviewing the anti-siphoning scheme and give Australians the chance to watch, for free, events of national and cultural significance.
 - Legislating a prominence regime to ensure Australian TV services can easily be found on connected TV platforms.

Previous reviews

- A number of previous reviews have highlighted the fragmented and inconsistent nature of current regulatory arrangements. These include:
 - ACCC’s Digital Platform Services Inquiry - Interim Reports (various since 2021)
 - Senate Inquiry into Media Diversity in Australia (2021)
 - Review of Australian Classification Regulation (Stevens Review) (2020);
 - Australian Competition and Consumer Commission’s (ACCC) Digital Platforms Inquiry (2019)
 - The Australian Law Reform Commission’s ‘Classification – Content Regulation and Convergent Media’ report (2012)
 - Independent Inquiry into the Media and Media Regulation (2012)
 - Convergence Review (2012)
 - The Australian Media and Communications Authority’s (ACMA) ‘Broken Concepts: The Australian communications legislative landscape’ and ‘Enduring Concepts— Communications and media in Australia’ reports (2011).

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SUBJECT: Anti-siphoning and Prominence**Key Deliverables**

- In the context of the 2022 election, the Australian Government committed to legislate a prominence framework to support the prominence of local television services on smart televisions, and to review the anti-siphoning scheme and list, and implement any related reforms.
- These commitments were delivered with the passage of the *Communications Legislation Amendment (Prominence and Anti-siphoning) Act 2024* on 9 July 2024, and the commencement of legislative instruments to give effect to the prominence framework and the reformed anti-siphoning scheme on 17 December 2024.
- The government is continuing to progress the development of a prominence framework for radio services, informed by consultations undertaken in 2024.

Talking Points*Anti-siphoning and television prominence*

- On 9 July 2024, the *Communications Legislation Amendment (Prominence and Anti-siphoning) Act 2024* (the Act) received Royal Assent.
- The Act strengthens the anti-siphoning scheme by extending it to regulate online streaming services for the first time. The scheme affirms free-to-air broadcasting as a 'safety net' for free access to nationally important and culturally significant events and supports the likelihood that they will be broadcast on free-to-air television.
- The reformed scheme prevents all media content service providers (including, but not limited to, subscription broadcasters and streaming services) from acquiring a right to televise, or otherwise provide coverage, of an event on the anti-siphoning list to audiences in Australia, until a free-to-air broadcaster has acquired the right to televise the event on a broadcasting service.
- On 17 December 2024, the reformed scheme commenced by Proclamation, and the Minister for Communications, made a new anti-siphoning list by legislative instrument.
- The Act also introduces a prominence framework that establishes a right for free-to-air broadcasters to have their linear TV and broadcast video on demand services made available on the home screens of TVs, in a way that meets minimum prominence requirements prescribed in the *Broadcasting Services (Minimum Prominence Requirements) Regulations 2024* (the prominence regulations).

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- The legislation commenced on 10 July 2024 and will apply to devices manufactured and supplied after 10 January 2026. The prominence regulations and subordinate legislation to designate Adelaide's Channel 44 as a regulated television service commenced on 17 December 2024.

Radio prominence

- On 30 September 2024, the government released a public consultation paper on radio prominence on smart speakers.
- Submissions closed on 11 November 2024. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts received 13 submissions; 12 from industry; and 1 from a private individual. Public submissions have been uploaded to the department's website.

Key Issues

- The prominence framework commenced on 10 July 2024, with obligations to apply from 10 January 2026. The reformed anti-siphoning scheme commenced on 17 December 2024.

Anti-siphoning scheme

- The anti-siphoning scheme operates to support the likelihood that events of national importance and cultural significance will be broadcast on free-to-air television.
- The government's review of the anti-siphoning scheme found that the objective of the scheme – to support free access to televised coverage of events of national importance and cultural significance – remains appropriate, but that the scheme needs to be broadened to incorporate online services.
- The reformed scheme prevents media content services (including, but not limited to, streaming services) from acquiring a right to televise, or otherwise provide coverage of a listed event to audiences in Australia, until a free-to-air broadcaster has a right to televise the event on a broadcasting service.
- The reforms to the scheme address a regulatory gap, which permitted online streaming services such as Netflix and Amazon Prime Video to acquire exclusive rights to events on the list without restriction under the scheme, and without a free-to-air broadcaster having any rights.
- The Australian Communications and Media Authority (the ACMA) is provided with the necessary powers to enforce the scheme, including to gather information and documents, conduct investigations and issue remedial directions.

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- The new anti-siphoning list commenced at the same time as the commencement of broader reforms to the scheme on 17 December 2024, through the *Broadcasting Services (Anti-siphoning List) Instrument 2024*.
- Additions compared with the previous list include:
 - all events held as part of the Summer Paralympic Games;
 - the finals series of the Women's AFL Premiership;
 - the finals series of the Women's NRL Premiership;
 - the Women's NRL State of Origin Series; and
 - the complete Women's Ashes series played in the United Kingdom.

Prominence framework for television

- The Act legislates a 'must-carry' prominence framework to ensure that local free-to-air television services can easily be found on connected television devices in Australia. The framework will prohibit manufacturers of internet-connected television devices from supplying a device that doesn't comply with a set of minimum prominence requirements, and require manufacturers to take reasonable steps to ensure that compliance is maintained once the device is supplied.

Commencement of the prominence framework

- Any device manufactured and supplied on or after 10 January 2026 that is capable of connecting to the internet and is designed for the primary purpose of facilitating the viewing of audiovisual content will need to comply with the minimum prominence requirements.
- The 18-month application period seeks to balance the burden on manufacturers in adjusting to the new law, with the government's intention to implement the prominence framework as soon as possible. This provides time for device manufacturers to comply with the requirements of the framework.

Minimum prominence requirements

- Minimum prominence requirements are prescribed in regulations. This allows them to be adjusted over time to accommodate changes in technology and consumer preferences, which is particularly important given the rapid rate of change in the TV market.
- On 6 February 2024, an exposure draft of the regulations was released to assist and inform the Parliamentary Committee inquiry into the Bill. Final regulations were made as the *Broadcasting Services (Minimum Prominence Requirements) Regulations 2024* (the prominence regulations), which commenced on 17 December 2024.

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- The minimum prominence requirements include the requirement for the applications (apps) of regulated television services to be visible on the primary user interface of regulated television devices, without the need for any user action to view those apps. This supports the policy intent that regulated television services be available on these devices with minimal input, effort or capability on the part of the consumer.
- In making the prominence regulations, the government considered submissions received as part of the 2022 and 2023 consultation processes, submissions to the Senate Committee inquiry, as well as the views and perspectives of manufacturers and broadcasters articulated as part of a consultation process undertaken by the ACMA in late 2024.

Channel 44 determination

- On 17 December 2024, the *Broadcasting Services (Regulated Television Services) Determination 2024* commenced. This legislative instrument brings Adelaide's Channel 44 (C44) into the prominence framework by designating it as a regulated television service. C44 is a community broadcaster that, for historical licensing reasons, operates under the authority of a narrowcasting licence.
- This designation means C44 is given the same treatment as Channel 31, the community television broadcasting service operating in Melbourne. This will ensure that viewers in Adelaide will be able to access the C44 television service, along with other free-to-air television services, on regulated television devices.

ACMA implementation

- The ACMA is responsible for implementation of various aspects of the framework. The Act provides information gathering and reporting powers for the ACMA, as well as the capacity to make legislative instruments to establish certain of the operating details of the framework.
- On 18 December 2024, the ACMA published an outcomes report in response to its consultation regarding implementation of elements of the framework. As outlined in its report, the ACMA will not, at this point, use its powers to make legislative instruments under the television prominence framework with respect to regulated television devices, primary user interface requirements, or when a regulated television device is taken to be offered. Any specific questions about the report or the regulator's approach to implementation should be directed to the ACMA.

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Prominence framework for radio

- On 30 September 2024, the department released a public consultation paper on radio prominence on smart speakers. Submissions closed on 11 November 2024, and the department received 13 submissions; 12 from industry; and 1 from a private individual.
- The consultation paper proposed a radio prominence framework that would seek to ensure that user requests for radio services on smart speakers are accurately processed by voice assistant platforms, and result in the correct radio service being played on the speaker. This proposed approach is closely aligned with the radio prominence framework legislated in the United Kingdom, and builds on the government's prominence framework for free-to-air television services.
- Under the proposal, the providers of the voice assistants used to surface content and services on smart speakers – Google (Assistant); Amazon (Alexa); and Apple (Siri) – would be required to ensure consistent and reliable access to Australian radio services requested by device users. These voice assistant providers would be required to meet this level of prominence without the imposition of fees, charges or other forms of payment.
- The radio prominence proposal would not extend to radio in cars, noting that the car audio market is very different to the smart speaker market, and that there are also key differences in how systems and devices operate. The consultation paper indicated that radio prominence for cars will be considered as part of future policy development processes.

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Environment and Communications

Lead/Support contact: Bridget Gannon / James Penprase

SB24-000370

SUBJECT: Regional Broadcasting**Key Deliverables**

- The Australian Government is committed to ensuring that all Australians have equitable access to media services, regardless of financial means or location.
- The government has extended the Viewer Access Satellite Television (VAST) safety net service to 30 June 2031; increased and extended the rebate that applies to the Commercial Broadcasting Tax (CBT) for certain regional commercial broadcasters; passed legislation to enable access to regional television services; and implemented the Broadcasting Resilience Program to improve the resilience of radio broadcasting sites used for emergency broadcasting.
- The government is implementing a 1-year suspension of the CBT for all commercial broadcasters from 9 June 2025; and assessing the state of television broadcasting transmission and reception equipment in remote and regional Australia.

Talking Points

- The government recognises the importance of the provision of broadcasting services in regional communities and is committed to ensuring that all Australians have equitable access to media services, regardless of financial means or location.
- The government is implementing a range of initiatives to support the provision of broadcasting services in regional Australia. These include:
 - Passage of the *Communications Legislation Amendment (Regional Broadcasting Continuity) Act 2024* in November 2024 to support continued access to television services in remote and regional Australia, and remove impediments to broadcasters operating their transmission networks more efficiently.
 - Provision of \$135 million over 7 years to continue the Viewer Access Satellite Television (VAST) safety net service through to 2031, providing long-term certainty for the broadcasting industry and over 1.5 million Australians who rely on VAST.
 - A 1-year suspension of the Commercial Broadcasting Tax, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters.
 - Assessing the state of television broadcasting transmission and reception equipment in remote and regional Australia.
 - Implementing the Broadcasting Resilience Program, providing \$20 million over 3 years from 2022–23 to BAI Communications to improve the resilience of 98 ABC broadcast sites that are used for emergency broadcasting and are at greater risk of failure due to natural disasters.

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Key IssuesCommunications Legislation Amendment (Regional Broadcasting Continuity) Act 2024

- The *Communications Legislation Amendment (Regional Broadcasting Continuity) Act 2024* (the Act) was passed on 28 November 2024, received Royal Assent on 10 December 2024, and commenced on 11 December 2024.
- The Act improves access to VAST service by enabling the Australian Communications and Media Authority (ACMA) to declare an area to be 'service-deficient' where there has been a material reduction in the number of commercial television broadcasting services provided terrestrially. This permits audiences in the area to access VAST.
 - This will directly benefit residents of Mildura where viewers would otherwise not be entitled to access VAST following the cessation of Mildura Digital Television (MDT) in July 2024.
- The Act also allows the ACMA to deem a single transmitter licence to transmit the broadcasting service or services of 2 or more broadcasting licences. This removes a regulatory impediment that otherwise places such consolidation in breach of relevant licence conditions and other regulatory obligations, enabling broadcasters to operate more efficiently in terms of the transmission of their services.
 - This reform will allow broadcasters to reduce the costs of transmission by using fewer transmitters. WIN Television is already doing so in regional South Australia. It has consolidated its services to realise cost savings, while continuing to provide the same services to viewers.

Viewer Access Satellite Television (VAST)

- In the 2022-23 Budget, the government committed to extend the VAST safety net television service for 7 years to 2031. In late June 2024, the new 7-year agreements with the VAST broadcasters were signed, providing almost \$135 million in funding over the 7 years.

Commercial Broadcasting Tax (CBT)

- In the 2023-24 Mid-Year Economic and Fiscal Outlook, the government increased the rebate that applies to the Commercial Broadcasting Tax by 12.5%, and extended it for an additional 4 years. The rebate will provide \$5.4 million per year from 2024-25 to 2027-28 to eligible regional commercial radio and television broadcasters.
- In the Mid-Year Economic and Fiscal Outlook 2024-25, the government announced that it will suspend the CBT for 1 year, from 9 June 2025 to 8 June 2026. This will provide temporary relief for commercial television and radio broadcasters, saving these broadcasters an estimated \$50.3 million.

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Remote and Regional Television Transmission and Reception

- The Remote and Regional Television Transmission and Reception Audit commenced in 2024. The Audit has focused on identifying gaps and deficiencies that may be affecting access to services in remote First Nations communities, and assessing the state of terrestrial transmission infrastructure (including 'self-help' sites) in remote and regional Australia. This work is ongoing and is intended to inform future government consideration of measures to support the television infrastructure needs of service providers and audiences in these communities.

BackgroundKey industry developments

- The broadcasting sector faces significant financial and operational headwinds, and these are most acute in remote and regional Australia given the fixed costs associated with serving large geographic areas that are thinly populated. These pressures have been amplified by the fragmentation of the advertising market and the growth of online services. 2 key developments have demonstrated these pressures in 2024:
 - In May 2024, the Board of Mildura Digital Television – a commercial broadcasting licensee that provided Network Ten content to residents in Mildura – decided to cease operations from 1 July. According to the Board, MDT had never made a profit.
 - In April 2024, WIN Television 'consolidated' the broadcasting services it provides under the authority of 3 commercial television broadcasting licences over 2 transmitters instead of 3 in the South Australian licence areas of Mount Gambier/South East TV1 and Riverland TV1. This has allowed WIN to realise cost savings and reduce spectrum use.

Viewer Access Satellite Television (VAST)

- Since 2010, the VAST platform has delivered free-to-air TV broadcast services via satellite to locations in Australia that cannot receive terrestrial TV transmission due to their remoteness and / or terrain.
 - More than 270,000 households across Australia rely on VAST for access to commercial free-to-air TV services, with 92% of these located in remote and regional Australia.
 - Another estimated 300,000 households (primarily in remote WA, NT and Queensland) rely on VAST feeds to terrestrial TV towers.
- The Western VAST service is provided by WA Satco Pty Ltd – a joint venture of Seven West Media and WIN Television. The Eastern VAST service is provided by Eastern Australia Satellite Broadcasters Pty Ltd – a joint venture of Imparja Television and Southern Cross Austereo.

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Recent media transactions

- A number of major media transactions and acquisitions have been announced over recent months.
 - On 17 December 2024, Southern Cross Media Group Limited announced that it had signed a heads of agreement with Paramount (the owner of Network Ten) for the sale of its television licences in the 3 aggregated licence areas of Regional Queensland TV1, Southern New South Wales TV1 and Regional Victoria TV1.
 - On 22 December 2024, News Corp announced that it had entered into a definitive agreement for the sale of Foxtel Group to DAZN Group Limited, a global sports streaming platform. The proposed transaction values Foxtel at \$3.4 billion.

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SB24-000371

SUBJECT: Disinformation and Misinformation – Draft Bill and Consultation

Key Deliverables

- On 20 January 2023, the Australian Government announced it would legislate to provide the Australian Communications and Media Authority (ACMA) with new powers to hold digital platforms to account and improve efforts to combat harmful mis- and disinformation in Australia.
- The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 (the Bill) was introduced in Parliament on 12 September 2024.
- On 24 November 2024, the government announced that it would not proceed with the Bill, given there was no pathway to legislate the proposal in the Senate.

Talking Points

- The Bill would have ushered in an unprecedented level of transparency, holding big tech to account for their systems and processes to prevent and minimise the spread of seriously harmful mis- and disinformation.
- The Bill would have provided the ACMA with powers that placed system level obligations on digital platforms to:
 - address seriously harmful content relating to the use of algorithms, bots, fake accounts, malicious deep fakes, advertising, and monetisation,
 - provide transparency through the publication of risk assessments, policies, and reports, and
 - empower users with complaints and dispute procedures to challenge the content moderation decisions of platforms.
- The Bill did not include fines for everyday Australians posting on their social media accounts.
- The Bill would not have required the removal of content unless it was disinformation involving inauthentic behaviour such as bots or troll farms.
- According to the Australian Media Literacy Alliance's Adult Media Literacy Report 2024, 80% of Australians want action on misinformation.
- The government acknowledges the importance of measures to address mis- and disinformation, while also safeguarding freedom of speech.

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- Relevant initiatives across government and industry include:
 - support for public interest journalism,
 - media literacy initiatives,
 - proposed mandatory guardrails for the use of Artificial Intelligence (AI) in high-risk settings, and
 - the voluntary Australian Code of Practice on Disinformation and Misinformation administered by Digital Industry Group Inc. (DIGI).

Key IssuesCombatting Misinformation and Disinformation Bill 2024

- Although the Bill was withdrawn, the government remains committed to ensuring Australians are protected against seriously harmful mis- and disinformation. The government takes a holistic approach to addressing mis- and disinformation, including cross government and civil society engagement, media literacy initiatives, factchecking, and the development of a National Media Literacy Strategy.
- Relevant initiatives across industry and government include:
 - The voluntary Australian Code of Practice on Disinformation and Misinformation, administered by DIGI, requires its signatories to provide safeguards against harms that may arise from mis- and disinformation.
 - Proposed mandatory guardrails for the use of AI in high-risk settings, including use by nefarious actors to spread mis- and disinformation. Mandatory guardrails for high-risk uses of AI would address some of the AI-related harms associated with mis- and disinformation and would need to be coordinated with any future legislation to ensure consistency.
 - The government supports a diverse and sustainable media sector. It recognises that quality news and public interest journalism play an important role in the functioning of Australian society and democracy, and are essential to informing local communities.

Senate Environment and Communications Legislation Committee Inquiry into the Communications Legislation Amendment (Combatting Misinformation and Disinformation Bill 2024) [Provisions]

- On 25 November 2024, the Senate Committee reported on the Bill. Its report had 1 recommendation, which was to withdraw the Bill and discharge it from the Notice Paper.
- There were additional comments from Senators Sharma, Roberts, Caddell and Canavan. There were dissenting reports from Senators Hanson-Young and Pocock.

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- The report included concerns about the definitions contained in the Bill, the scope of what could be considered seriously harmful, the role of the ACMA, and other concerns related to freedom of expression.
- A number of key measures in the Bill were otherwise supported by committee members, including:
 - Senators Roberts and Pocock who endorsed provisions for enhanced platform transparency and disclosure, complaints handling mechanisms, initiatives to counter coordinated inauthentic behaviour, improved media literacy and independent research on the operation of digital platforms.
 - Nationals Senators who recommended reiterating recommendations from the Senate Select Committee on Foreign Interference through Social Media. In effect, these recommendations are similar to measures in the Bill designed to realise transparency, disclosure and independent research objectives (Recommendations 1 and 13 from the August 2023 Senate Select Committee on Foreign Interference through Social Media report).
- The Committee published 105 submissions on its website from a range of stakeholders such as the digital platform industry, broadcasters, academics, legal groups, peak bodies, public interest, advocacy and religious groups.
 - Generally, there is an acknowledgement by the stakeholders of the threat posed by mis- and disinformation, but there are concerns about the Bill's impact on freedom of expression, the definitions of mis- and disinformation, exclusions and exemptions, services in the scope of the Bill, and the role of the digital platforms and the regulator.
- The Committee also received over 30,000 contributions (8,000 individuals and 22,000 via campaigns). A sample was published on its website, which were mainly concerned about the Bill's impact on freedom of speech and censorship of public discourse.

BackgroundCombatting Misinformation and Disinformation Bill 2024 withdrawn from the Parliament

- On 12 September 2024, the Bill was introduced in the Parliament by the Minister for Communications.
- On 7 November 2024, the Bill passed the House of Representatives following several government amendments including the ability for the ACMA to establish a data access scheme for independent researchers.
- The minister issued a media release on 24 November 2024 indicating that the Bill would be withdrawn from the Senate, given there is no clear pathway to legislate this proposal.

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- On 25 November 2024, the Senate Inquiry into the Bill released its report, recommending the Bill be withdrawn and for the government to discharge it from the Senate Notice Paper.

Consultation on the Combatting Misinformation and Disinformation Bill

- Public consultation was undertaken on the Exposure Draft of the Bill and ran from 25 June 2023 to 20 August 2023. Approximately 24,000 responses were received, including comments and submissions.
 - Over 2,400 public submissions are now on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' webpage.
 - The industry and other key stakeholders raised the need for additional transparency and accountability measures for both the platforms and the regulator, the scope of the definitions and impact on freedoms of speech and religious expression.
- 2 stages of targeted consultation were undertaken in April and July 2024 involving key stakeholders including the digital platform industry, the Law Council of Australia, the Australian Human Rights Commission, the Communications Alliance and the Media, Entertainment and Arts Alliance.
 - Stage 1 focused on the proposed changes to the draft Bill.
 - Stage 2 focused on the text of a revised Bill.
- Most key stakeholders consulted during the targeted consultation were broadly supportive of amendments to the Bill, including improving protections for freedom of speech and religious expression, narrowing the scope of the harms, amending the definitions of mis- and disinformation and adding new transparency and accountability obligations on digital platforms and the ACMA.

Meta's changes to fact-checking and content moderation policies

- On 7 January 2025, Meta announced it would:
 - Cease using fact-checkers and implement a community notes system, starting in the United States, the future of fact-checking in Australia is not finalised yet.
 - Allow more speech by lifting restrictions on some topics that it considered to be part of mainstream discourse.
 - Raise the threshold for content to be automatically removed, with a focus on illegal content.
 - Allow users more choice in how much political content was promoted to them.

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- The government expects signatories of the voluntary Australian Code of Practice on Disinformation and Misinformation such as Meta, to continue to deliver on their commitments under the code to address mis- and disinformation on their services.

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SB24-000372

SUBJECT: Online Safety (Key Government Actions)**Key Deliverables**

- The Australian Government continues to deliver on a \$6 million commitment to keep kids safe online through a grant to the Alannah and Madeline Foundation for the Safe kids are eSmart kids program.
- The government committed to holding the online dating industry to account for the safety of its users and has delivered on this commitment with the commencement of the voluntary, industry led Online Safety Code for Dating Services.

Talking Points

- The government is committed to keeping Australians safe online by reducing risks of harm.
- Actions taken by the government to protect Australians include:
 - bringing forward the independent statutory review of the *Online Safety Act 2021* by 1 year to ensure the regulatory framework is fit-for-purpose and effective in facilitating a safe digital environment,
 - passing legislation to enforce a minimum age for holding a social media account,
 - committing to legislate a Digital Duty of Care, and
 - tasking industry to develop a voluntary code to keep users of online dating services safe.

Key IssuesReview of the Online Safety Act

- To ensure the *Online Safety Act 2021* (the Act) remains fit-for-purpose, the government brought forward the independent statutory review of the Act by 1 year. The review was a broad ranging examination of the Act.
- Refer to SB24-000374 for further details on the review.

Digital Duty of Care

- On 14 November 2024, the government announced that it would introduce a Digital Duty of Care.
- A duty of care will put the onus on digital platforms to take responsibility for the harms on their platforms, including online hate. Platforms will be required to take reasonable steps to prevent foreseeable harms, with the framework to be underpinned by risk assessment and risk mitigation, and informed by safety-by-design principles.

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- Refer to SB24-000374 for further details on the Digital Duty of Care.

Age Assurance and Social Media Age Limits

- Refer to SB24-000373 for further details on the age assurance trial and social media minimum age legislation.

Online Safety funding

- In the 2024-25 Budget, the government committed \$7.9 million to support online safety comprising:
 - \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect children from harmful online content, and
 - \$1.4 million over 2 years (2024-25 to 2025-26) to boost eSafety's legal and compliance functions.
- As part of the 2023-24 Budget, the government increased eSafety's base funding to \$42.5 million each year – up from \$10.3 million each year.
 - This is \$132.1 million over the forward estimates to support the Commissioner's administration of the Act. This funding recognises the increasingly complex operational landscape in which the Commissioner operates, and will not terminate. It is ongoing and indexed.

Meta – changes to fact-checking and content governance policies

- The government is aware of broad changes being adopted by Meta to their content governance policies, which includes ending its Third Party Fact-Checking Program and moving to a Community Notes model, similar to X (formerly Twitter).
- Meta has indicated that there is no immediate plan to end the Third Party Fact-Checking Program and roll out Community Notes for content that is timely, trending and consequential in Australia, and eligible for fact-checking by Australian fact-checkers (even content which was created in the US).
- The government is also supporting high quality, fact-checking information for the public through support to ABC, SBS and AAP. The government is committed to high quality and diverse public interest journalism, particularly in regional Australia, and is actively supporting this through the News Media Assistance Program.

Digital and media literacy

- The government committed \$6 million over 3 years from 2024-24 to 2025-26 to the Alannah and Madeline Foundation for delivery of its 'Safe Kids are eSmart kids' digital and media literacy education program in Australian schools.

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- The program provides schools with free tools to teach kids how to be safe, smart and responsible in the digital world.
- The program includes 3 products, spanning 3 age groups:
 - 4 to 9 years (eSmart Digital Licence for lower primary school);
 - 10 to 14 years (eSmart Digital Licence+); and,
 - 12 to 16 years (eSmart Media Literacy Lab).
- 1 further payment (\$2.04 million) will be made to AMF in the 2025-26 financial year. This is contingent on:
 - The Department of Infrastructure, Transport, Regional Development, Communications and the Arts being satisfied with AMF's progress delivering its grant obligations; and,
 - Delivery of an independent evaluation report in December 2025.

Online dating: Voluntary industry code of practice

- The Online Safety Code for Dating Services (the Code) commenced operation on 1 October 2024.
 - It addresses online dating services complaints and report handling processes, trust and safety teams, engagement with law enforcement and reporting requirements.
 - The Code is voluntary, and is funded solely by industry.
- The Minister for Communications has clearly stated that, should the code fail to improve online dating safety, the government will pursue further regulatory action.
- The eSafety Commissioner will begin evaluating the effectiveness of the code in improving safety outcomes after 9 months of operation, in July 2025.
- As at 1 January 2025, the major online dating platforms in Australia were signatories to the Code. These are:
 - Match Group (including, Tinder, Hinge, OKCupid, Plenty of Fish and match.com);
 - Bumble (including Bumble and Badoo);
 - ParshipMeet US Holding Inc (including eharmony, MeetMe, Tagged, Skout and Growlr);
 - Grindr;
 - RSVP; and,
 - Spark.
- Signing up to the Code is voluntary but once a platform becomes a signatory, compliance with the Code is binding.

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- Signatories to the Code have 6 months to bring their systems up to the standard to meet the code before enforcement of the Code commences on 1 April 2025.
- Signatories are required to self-assess their compliance with the Code and publish which compliance rating it falls within (exceeds, complies with, or partially complies with the standards set out in the Code).
- A Code Oversight Body (the Body) will be formed to administer and enforce the Code. This Body may seek to impose sanctions if they determine that a platform has breached the code.
- The Body will appoint an independent Code Compliance Committee to:
 - Resolve complaints about signatory's contravention of the Code; and,
 - Review and either confirm or reject self-assessed compliance ratings, and resolve disputes about these.

BackgroundSocial Media: Digital and media literacy

- Since 1 July 2023, the Alannah and Madeline Foundation (AMF)'s Media Literacy Lab has been freely available through Australian Government funding to all secondary schools in Australia. This is an online learning tool helping secondary students from 12 to 16 years old to develop and apply critical thinking skills to media and online civic engagement.
 - 65 Australian schools have registered with this program, as at 31 October 2024.
- Since Term 1 2024 all primary schools across Australia have had free access to AMF's eSmart Digital Licence+ for students aged 10 to 14.
 - 209 Australian schools have registered with this program, as at 31 October 2024.
- The eSmart Digital Licence for lower primary schools for students aged 5 to 9 has been available to Australian schools since 14 October 2024.
 - 40 Australian schools have engaged with this program, as at 31 October 2024.
- The eSmart Digital Licence for lower primary schools and eSmart Digital Licence+ is an educational program for students which teaches them about the challenges of the digital world through a gamified experience of content, stories and reflections.

Online dating: Voluntary industry code of practice

- As of 21 January 2025, the structure of the Body and appointment of members of the Committee have not been announced.
- The Code Compliance Committee will comprise 3 members of the public:
 - 1 person with experience relating to online safety, sexual or gender-based violence or public policy;

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- 1 with experience in social networking technology platforms; and
 - 1 person admitted to practice as a solicitor.
 - Norton Rose Fulbright (NRF) were engaged by industry to coordinate work on the development of the code and has been retained to develop the Code Administration Agreement (which is binding for signatories) and to support implementation of the Code.
 - Information about the Code is available on a dedicated website - <https://www.australianonlinedatingcode.com.au/>.

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SB24-000373

SUBJECT: Age Assurance and Social Media Minimum Age Legislation**Key Deliverables**

- On 10 September 2024, the Prime Minister announced that the Australian Government would legislate a minimum age for access to social media.
- On 29 November 2024, the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (the Bill) was passed by Parliament.
- The government committed \$6.5 million in the 2024-25 Budget for an age assurance trial. There are 3 elements to the trial:
 - Technology trial: an independent assessment of age assurance technologies. Contract awarded to Age Check Certification Scheme on 8 November 2024.
 - Research: including consumer research into the attitudes of Australians towards the use of different age assurance technologies. Final report received from the Social Research Centre on 2 January 2025.
 - Consultation: targeted stakeholder consultation from August to October 2024 with young Australians, parent groups, academics, the digital industry, community and civil society groups, and young First Nations representatives.

Talking Points

- On 10 December 2024, the Bill received Royal Assent, meaning that the minimum age obligation will come into effect no later than 10 December 2025.
- At the 2024-25 MYEFO, the government provided \$76.1 million over 4 years from 2024–25 (and \$16.9 million per year ongoing from 2028–29) to support the implementation of a minimum age of access to social media. Funding includes:
 - \$45.7 million over 4 years from 2024–25 (and \$12.3 million per year ongoing) for the Office of the eSafety Commissioner to provide regulatory oversight and enforcement functions;
 - \$15.5 million over 4 years from 2024–25 (and \$3.5 million per year ongoing) for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to support the delivery of the government’s online safety priorities;
 - \$10.0 million over 2 years from 2024–25 to deliver a national public education campaign to help parents and carers, young people, educators and the community to understand and support the transition to a social media minimum age; and

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- \$5.0 million over 4 years from 2024–25 (and \$1.1 million per year ongoing) for the Office of the Australian Information Commissioner to provide regulatory oversight of the privacy safeguards.
- A Cross-Government Working Group of 14 Commonwealth departments and agencies, including eSafety, was established to provide a whole-of-government lens to issues including privacy, security and human rights. The group has met regularly and provided input to the technology trial's assessment criteria and other policy questions.
- The Australian Government has been clear that the minimum age must be effective in the protection – not isolation – of young people.

Key IssuesSocial Media Minimum Age Legislation

- The *Online Safety Amendment (Social Media Minimum Age) Act 2024* (SMMA Act) amends the *Online Safety Act 2021* (the OSA) to:
 - require age-restricted social media platforms to take reasonable steps to prevent Australians under 16 years old from having accounts (the minimum age obligation)
 - introduce a new definition for 'age-restricted social media platform' to which the minimum age obligation applies, alongside rule-making powers for the Minister for Communications to further target the definition
 - provide for the delayed effect of the minimum age obligation of no later than 12 months after Royal Assent (10 December 2024)
 - specify that no Australian will be compelled to use government identification (including Digital ID) for age assurance purposes, and platforms must offer reasonable alternatives to users
 - establish robust privacy protections, placing limitations on the use of information collected by platforms for the purposes of satisfying the minimum age obligation, and requiring the destruction of information following its use
 - provide powers to the eSafety Commissioner and Information Commissioner to seek information relevant to monitoring compliance, and issue and publish notices regarding non-compliance
 - impose maximum penalties of up to 150,000 penalty units (currently equivalent to \$49.5 million) for a breach of the minimum age obligation by corporations
 - increase maximum penalties to up to 150,000 penalty units for corporations for breaches of industry codes and standards, to reflect the seriousness of the contravention, consistent with community expectations, and
 - incorporate a range of other minor measures and consequential amendments to give effect to this.

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- The definition of an 'age-restricted social media platform' casts a wide net, to ensure the minimum age obligation applies broadly to the range of services commonly understood to be social media.
- The Minister for Communications has the power to reduce the scope or further target the definition through legislative rules. In the first instance, the government proposes to use the rule-making power to exclude messaging, online games, and services that primarily function to support the education and health of end-users.

Privacy concerns

- A key concern about the social media aspect of the age assurance trial is whether it would require young people or their parents/carers to handover their IDs.
- The SMMA Act specifies that no Australian will be compelled to use government identification (including Digital ID) for age assurance purposes, and platforms must offer reasonable alternatives to users.

Age Assurance Trial – Technology Trial

- The trial of technologies is ongoing and will assist the government and the eSafety Commissioner to develop regulatory guidance on the new SMMA laws, including how platforms can comply with the requirement to take 'reasonable steps' to prevent under 16s from having an account.
- In the case of pornographic material, the trial outcomes will help the eSafety Commissioner understand the efficacy of technologies being used by platforms and bolster the effectiveness of the phase 2 codes.

Is industry participating in the trial?

- The digital industry has a strong incentive to participate, as doing so will provide important input to the trial's findings and regulatory guidance.
 - As an indication of their interest in participating, attendees from 8 major platforms attended a briefing with the department on 22 January.
- The department continues to engage with major social media companies on the social media minimum age obligation and encourage engagement with the Age Check Certification Scheme (ACCS), who are leading the technology trial.

Technology trial – progress to date

- On 8 November 2024, the technology trial contract was awarded to ACCS (media release at **Attachment B**).

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- On 28 November 2024, ACCS organised a stakeholder engagement event to brief platforms, age assurance providers and trade bodies on the technology trial and commence engagement with relevant organisations.
- The trial will consider a range of assurance technologies, such as device level technologies and biometric analysis (facial age estimation, gestures, keystrokes, etc).
- The first 2 project milestones have been completed:
 - Milestone 1: Project plan delivered to the department on 8 November 2024, and
 - Milestone 2: Evaluation proposal provided to the department on 6 January 2025.
- The preliminary report (milestone 3) is due in April 2025, and the final report (milestone 4) is due in June 2025.

Technology trial – procurement approach

- A open tender process for the trial of age assurance technologies opened on 10 September 2024 and closed on 7 October 2024 (25 calendar days).
- A total of 7 tenders were received.
- 2 information sessions for prospective tenderers were held on 18 and 24 September 2024, with a total of 29 attendees representing 16 organisations.
- Age assurance is an international market. We engaged with providers not only from Australia, but also from the United Kingdom, France, New Zealand and Singapore.

Technology trial – evaluation criteria

- The technical assessment criteria for the technology trial was developed in consultation and with agreement from a Cross-Government Working Group.
- At minimum, technologies will be evaluated for their:
 - Accuracy (can detect a user's age)
 - Interoperability (can be used across platforms)
 - Reliability (consistently produces the same result)
 - Ease of use (simple to operate)
 - Freedom from bias (avoids racial or other bias)
 - Protection of privacy (protects personal information)
 - Data security (if user data is stored and if it is secure and or de-identified)
 - Human rights protections (accessibility for users, including people with disability).

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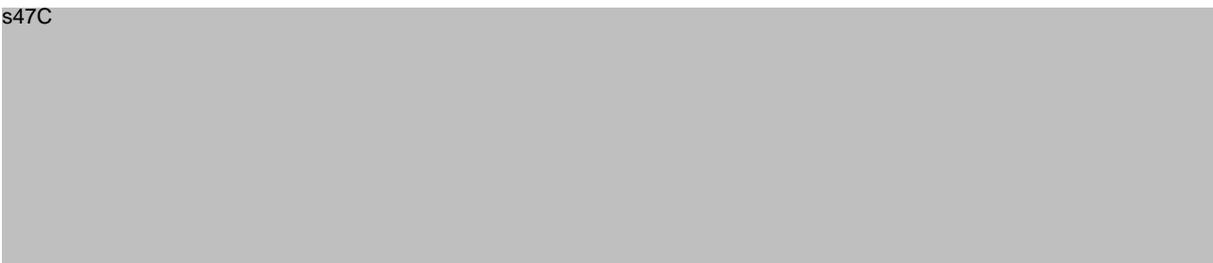
Technology trial – use of standards

- Additionally, the request for tender required that the evaluation process must conform to the *IEEE Standard for Online Age Verification*, which establishes a common framework for the design, specification, evaluation and deployment of age assurance systems.
 - (IEEE: Institute of Electrical and Electronics Engineers, an international technical professional organisation).
- The IEEE Standard is based on the 5Rights principles, which means the trial will also be evaluating each technology based on whether it will uphold the rights set out in the *United Nations Convention on the Rights of the Child*. This includes the rights to privacy, harm protection, and not unduly restricting access to services, including during the trial.
- Because IEEE 2089.1 was only published in May 2024, the Australian trial will be the first in the world that evaluates technologies against a recognised international standard.

Age Assurance Trial – Research

- In mid-2024, the department approached 7 suppliers through the mandatory Management Advisory Services Panel (SON3751667), seeking an organisation to conduct research into Australians' attitudes towards the use of age assurance technologies for access to online services.
- On 28 August 2024, the department executed an Order for Services with the Social Research Centre (SRC), valued at \$278,293.40 (incl. GST).
- The research consisted of 3 key components:
 - Cognitive testing to ensure survey questions and response options performed as intended.
 - An online survey completed by 3,140 adults and 807 young people aged 8 to 17 years. SRC provided a nationally representative sample.
 - An online community to further probe the online survey findings, with participants who consented to future research as part of the survey. The online community occurred over 3 days, comprising 3 discussion groups of 100 people each.
- On 2 January 2025, SRC delivered the final research report to the department.

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Age Assurance Trial – Consultation*External Stakeholders*

- The department undertook targeted consultation to ensure that stakeholders' views on the benefits and harms from social media, a minimum age, and attitudes towards age assurance technologies were considered as part of the trial process:
 - 14 August 2024: in-person meeting with the Office for Youth's Youth Steering Committee.
 - 16 August 2024: virtual roundtable with parent/carer groups.
 - 22 August 2024: virtual meeting with eSafety's Youth Advisory Council.
 - 23 August 2024: virtual roundtable with academics and child-development experts.
 - 27 August 2024: virtual roundtable with industry groups – including online service providers (including social media platforms, search engines, App Store providers and pornography websites) and hardware (device) providers.
 - 12 September 2024: virtual roundtable with community organisations.
 - 16 September 2024: virtual roundtable with civil society organisations.
 - 15 October 2024: a virtual roundtable with Office for Youth's First Nations Youth Network.

Industry consultation

- The department held an industry roundtable on 27 August 2024 where we reiterated that the department will put platforms in contact with the successful tenderer and welcome their participation in the trial. 13 companies attended.
- The technology trial provider – ACCS – has contacted key social media platforms, as well as those who wished to participate, in testing of the technologies.

Cross-Government Working Group

- The department has established a Cross-Government Working Group to support the work of the age assurance trial, which includes agencies with policy expertise on age assurance and related technologies, with responsibility for privacy, safety and security.
- The Working Group has provided input into the development of the criteria against which age assurance technologies will be assessed in the trial.

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- The Working Group includes representatives from 14 Commonwealth agencies, in addition to the department.
- The Working Group has met 7 times since May 2024, and will continue to meet throughout the trial period.

Background

- Age assurance refers to various methods which are used to determine a person's age online, encompassing age verification, age estimation and age inference technologies:
 - Age verification relies on evidence of an individual's year or date of birth, typically from an identity document.
 - Age estimation analyses the biological or behavioural features of humans that vary with age, such as their face or voice.
 - Age inference is based on verified information which indirectly implies that an individual is over or under a certain age or within an age range, for example holding a credit card implies that the holder is 18 years old or above in Australia.
- Age estimation and inference technologies have a lower threshold than age verification and instead include a range of technologies that provide a level of "assurance" that a user is over a particular age. The level of assurance required will vary depending on the nature of the service and the potential risk of harm.
- Age assurance is not an exact science. Technology might look at language used, key strokes, sites accessed, and in some cases check that against the age claimed by a user to limit a young person's access to harmful material. Notably, this lower threshold could involve less collection of sensitive data, alleviating some privacy and security concerns.

Legislation background

- On 10 September 2024, the Prime Minister announced that the government would legislate a minimum age for access to social media.
- The announcement was made following the South Australian Government's release of the Hon Robert French AC's Report of the Independent Legal Examination into Banning Children's Access to Social Media. The report noted the potential benefits of a Commonwealth-led approach.
- Federal legislation is a logical step to ensure that all young Australians are better protected from online harms, and that parents and carers are supported in a nationally-consistent manner to keep their children safe.
- The appropriate age was informed by feedback from stakeholder consultation, advice from relevant departments and available evidence from experts and research.

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- As reported in the media on 3 October 2024, the Prime Minister wrote to First Ministers, asking for their input on a number of matters including the preferred minimum age, appetite for parental consent, grandfathering arrangements and exemption of certain services. Queensland and the ACT were unable to respond in time as they were in Caretaker mode.

Attachments

- A: Minister Media Release on passage of social media minimum age legislation
- B: Department Media Release on award of tender for technology trial

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

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The Hon Michelle Rowland MP
Minister for Communications
(/rowland)

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Social media reforms to protect our kids online pass Parliament

The Albanese Government has delivered on its commitment to support parents and protect young people by setting a minimum age of 16 years for social media, with legislation passing Parliament today.

The *Online Safety Amendment (Social Media Minimum Age) Bill 2024* is a landmark measure that will deliver greater protections for young Australians during critical stages of their development.

The laws place the onus on social media platforms – not young people or their parents – to take reasonable steps to prevent Australians under 16 years of age from having accounts, and ensures systemic breaches will see platforms face fines of up to \$49.5 million.

The minimum age will apply to ‘age-restricted social media platforms’ as defined in the Bill, which includes Snapchat, TikTok, Facebook, Instagram, X and others.

Importantly, the bill ensures that the law is responsive to the ever-evolving nature of technology, while enabling continued access to messaging, online gaming, and services and apps that are primarily for the purposes of education and health support – like Headspace, Kids Helpline, Google Classroom and YouTube.

It contains strong privacy provisions, with platforms required to ring-fence and destroy any data collected once it has been used for age assurance purposes. Failure to destroy data would be a breach of the *Privacy Act*, with penalties of up to \$50 million.

The bill also makes clear that no Australian will be compelled to use government identification (including Digital ID) for age assurance on social media. Platforms must offer reasonable

alternatives to users.

The bill has been designed following extensive consultation with young Australians, parents, experts, industry, community organisations and National Cabinet, and builds on broader efforts by the Government to hold platforms to account for ensuring the safety of their users.

The new laws will come into effect no later than 12 months from Royal Assent, allowing the necessary time for social media platforms to develop and implement required systems.

Quotes attributable to Prime Minister Anthony Albanese:

"We've passed important legislation to keep our kids safe online.

"Social media is doing social harm to our kids. We've called time on it.

"We want our kids to have a childhood and parents to know we have their backs."

Quotes attributable to the Minister for Communications, Michelle Rowland:

"The Albanese Government is resolute in its commitment to keeping children safe online, and the passage of this vital legislation is just one way we're delivering on this commitment.

"We've listened to young people, parents and carers, experts and industry in developing these landmark laws to ensure they are centred on protecting young people – not isolating them.

"Good government is about facing up to difficult reform - we know these laws are novel, but to do nothing is simply not an option.

"Over the next 12 months, we'll work closely with industry and experts to ensure the minimum age is effectively implemented, informed by the findings of the Age Assurance Technology Trial currently underway."

MEDIA RELEASE

Friday 29 November 2024

[Home](#) / [Media centre](#) / [Publications](#) / [Tender awarded for age assurance trial](#)

Tender awarded for age assurance trial



Date published: 15 November 2024

A consortium headed by the world-leading Age Check Certification Scheme (ACCS) has been awarded the tender for the Australian Government's age assurance trial.

The Age Assurance Technology Trial is a key plank of the Government's online safety agenda and aims to determine the effectiveness of available technologies to better protect young people by limiting their access to harmful and inappropriate content online.

These technologies will be considered as options to prevent access to online pornography by children and young people under the age of 18, and age-limit access to social media platforms for those under 16 years of age in line with the Government's commitment.

ACCS is an independent accredited conformity assessment body for age assurance technologies. It will lead a consortium of industry experts to commence the trial immediately, with a view to providing a comprehensive final report to Government by mid-next year.

The trial will examine age verification, age estimation, age inference, parental certification or controls, technology stack deployments and technology readiness assessments in the Australian context. It will invite Australians to participate in testing these different age assurance solutions in a live environment.

Age assurance technologies include methods that verify a user's identity credentials to accurately determine their age, as well as methods that estimate the age of a user – for example, using biometric markers or digital usage patterns.

The Age Assurance Technology Trial supports the Government's commitment to protecting young people while navigating the complexities of digital spaces, ensuring that appropriate age controls are applied where necessary to protect vulnerable users.

It represents a collaborative approach between the Government and technology providers. The results of this trial will inform future policies aimed at enhancing online safety standards and guiding the implementation of age assurance technology across platforms accessed by Australians.

Quotes attributable to Andrew Irwin – Assistant Secretary, Online Safety Branch, Department of Infrastructure, Transport, Regional Development, Communications and the Arts:

"The department is working closely with industry and communities to deliver the age assurance trial, which will play an important role in determining the most effective way to protect young people online.

"As world leaders in their field and with the help of industry experts, ACCS is well placed to lead the trial, which will inform next steps for this vital work.

"We look forward to the findings and insights that this trial will deliver."

Quotes attributable to Tony Allen, CEO of the Age Check Certification Scheme:

"We are honoured to lead this initiative in collaboration with the Australian Government.

"This trial will provide essential insights into how age assurance technology can be used to create a safer online experience for users of all ages.

“Our consortium is dedicated to evaluating and advancing solutions that will help protect young Australians while respecting their privacy.”

Social media

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts acknowledges the Traditional Custodians of Country throughout Australia.

Aboriginal and Torres Strait Islander people are advised that this website may contain images, voices and names of deceased people.

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Lead/Support contact: Sarah Vandebroek/Andrew Irwin

SB24-000374

SUBJECT: Statutory Review of the Online Safety Act 2021**Key Deliverables**

- The Australian Government's response to the Final Report of the House of Representatives Select Committee on Social Media and Online Safety made a commitment to bring forward and complete the independent statutory review of the Act within this term of government.
- The final report of the review of the *Online Safety Act 2021* (the Act) was provided to the government on 31 October 2024, and tabled in Parliament on 4 February 2025.

Talking Points

- The Government's response to the Final Report of the House of Representatives Select Committee on Social Media and Online Safety made a commitment to bring forward and complete the statutory review of the Act within this term of government, to ensure Australia's online safety framework remains fit for the changing online environment.
- The final report of the review of the Online Safety Act 2021 (the Act) was provided to the Australian Government on 31 October 2024, and tabled in Parliament on 4 February 2025. The review was a comprehensive assessment of the Act and made 67 recommendations to government.
- A key recommendation of the review was imposing a duty of care on online services to prevent certain broad categories of harm. On 13 November 2024, the Minister for Communications announced the government's commitment to legislate a Digital Duty of Care in line with this recommendation.
- Timing of introduction to legislate a Duty of Care is a matter for the government.
- A Digital Duty of Care will place legal obligations on services operating in Australia to take reasonable steps to prevent foreseeable harms as a result of use of their platforms. It takes a systems-based approach, shifting the focus to preventing harms rather than responding to harms that have already occurred.
- Adopting a duty of care is a significant and necessary reform. The duty of care model will be informed by stakeholder engagement with careful consideration given to appropriate transitional arrangements for industry and eSafety.
- The government is carefully considering its response to the other recommendations of the review and will release a response shortly.

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- The cost of the review was met from within existing departmental resourcing. As at 31 December 2024, the reviewer, Ms Delia Rickard PSM, had been reimbursed a total amount of \$147,328.85, including for remuneration and associated travel costs.
- Remuneration for Ms Rickard was set at a rate of \$1,603 (including GST) per working day, in line with the Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2023.

Key IssuesFinal report of the statutory review of the Online Safety Act

- The report made 67 recommendations, captured under 4 broad themes:
 - Duty of care - including:
 - overarching duty,
 - statutory categories of harm,
 - simplify definitions of online industry sections,
 - high 'reach or risk' platforms to: conduct risk assessments, produce transparency reports, resource internal compliance and share data with authorised researchers,
 - regulator able to: make enforceable codes, require responses to reporting notices and require independent audits.
 - Supporting individuals - including: enhancements to complaints schemes, mandatory improvements to complaints handling, Ombuds scheme, awareness raising.
 - A stronger, more effective regulator, including: stronger penalties and enforcement, investigation and information sharing, fit-for-purpose definitions of class 1 and class 2 materials, clarify informal powers.
 - Governance - including: transition to a Commission model, eSafety to standalone from Australian Communications and Media Authority (ACMA), improved internal processes/transparency, increased resourcing for expanded functions, cost recovery.
- Other recommendations relate to a range of matters including:
 - long term transition to a single digital regulator,
 - requiring services to have a local presence,
 - considering options outside the Act to prohibit 'nudify' and stalking products,
 - convening taskforces to address 'wicked problems' that cannot be addressed through the Act alone, such as implications of end-to-end encryption for combatting child sexual exploitation and abuse material.

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- The report was informed by extensive stakeholder engagement including 72 meetings with industry, civil society, community members and law enforcement, as well as Australian and international government bodies and academics, and a public consultation process which received more than 2,270 responses.
- The recommendations are listed at **Attachment A** and Executive Summary at **Attachment B**.

Government's announcement to legislate a digital duty of care

- A Digital Duty of Care will place legal obligations on services operating in Australia to take reasonable steps to prevent foreseeable harms as a result of use of their platforms.
- It shifts the focus to preventing harms rather than responding to harms that have already occurred.
- Duty of care is a concept that is well established in Work Health and Safety legislation in Australia and has been adopted in online safety laws in the EU and UK.
- The duty of care model to be legislated in Australia, including enforcement arrangements, will be developed in consultation with stakeholders.
- In line with the review and overseas precedent, it will involve obligations on services to conduct risk assessment, mitigation and undertake transparency reporting.
- The Duty of Care will be tied to statutory categories of 'enduring harms' which may include harms to young people, harms to mental wellbeing, the instruction and promotion of harmful practices, and other illegal content, conduct and activity.
- Timing of the introduction of legislation for a Digital Duty of Care is a matter for the government.
- Implementation arrangements will need to consider appropriate transitional arrangements for industry and eSafety, including in regards to existing and forthcoming industry codes and the Basic Online Safety Expectations.

Government's approach to other recommendations in the report

- The government recognises the need to strengthen the online safety framework to address current and emerging harms to Australians, which is why it brought forward the review of the Act to commence a year earlier than the statutory requirement.
- The government is carefully considering the recommendations of the report and will provide a response in due course, taking into account the range of online safety initiatives across government and complexity of the policy context.

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Intersection with other reports*Joint Select Committee on Social Media and Australian Society final report recommendations*

- The Joint Select Committee on Social Media and Australian Society released its final report on 18 November 2024.
- Several of the Select Committee's final report recommendations intersect with those in the review. For example, both contain recommendations for a statutory duty of care on digital platforms, greater enforceability of Australian laws for social media, data access for independent researchers and resourcing for the eSafety Commissioner.

BackgroundAppointment of the reviewer

- On 22 November 2023, the Minister for Communications announced the appointment of Ms Delia Rickard PSM to undertake an independent review of the *Online Safety Act 2021* (the Act).
- Ms Rickard has extensive experience in regulating consumer harms, including serving as Deputy Chair of the Australian Competition and Consumer Commissioner (ACCC) for more than 10 years, which included membership on the ACCC Digital Platforms Board.
- The Act is silent on the selection and appointment process for an independent reviewer.
- On 6 February 2024, the minister wrote to Ms Rickard to extend the term of her appointment from 30 August 2024 to 31 October 2024. A further extension to increase the number of work days permitted under the contract to 90 days was also provided, allowing more time for Ms Rickard to consult on the review and prepare her final report.

About the review process

- On 13 February 2024, the government published the terms of reference for the review and a copy was made available on the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' website (**Attachment C**). The terms of reference were developed in consultation with the independent reviewer, Ms Rickard, the ACMA and eSafety.
- On 29 April 2024, Ms Rickard published an issues paper to support a period of public consultation and stakeholder engagement. Individuals and organisations were invited to make a submission by 21 June 2024.
- More than 2,270 responses were received to the public consultation process. The responses included 170 substantive submissions, more than 500 short comments, and

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over 1,600 responses generated through a Free Speech Union of Australia online campaign.

- Ms Rickard attended 72 meetings during the review, engaging with industry, civil society, community members and law enforcement, as well as Australian and international government bodies and academics. These meetings included 8 roundtable discussions focussing on specific online harms and vulnerable communities.

Legislative basis of the review

- Under Section 239A of the Act, the Minister for Communications must “cause to be conducted” an independent review of the Act’s operation.
- The review is required to commence within 3 years of the Act’s commencement (by 2025), and a written report of the review must be tabled in each House of the Parliament within 15 sitting days of being provided to the minister.

Other proposals relating to a Digital Duty of Care*Zoe Daniel MP private member’s Bill - Digital Duty of Care*

- On 25 November 2024, independent MP the Hon Zoe Daniel introduced the Online Safety Amendment (Digital Duty of Care) Bill 2024 in the House of Representatives.
- The Bill seeks to impose preventative obligations onto providers which have a monthly active user base (MAU) of 10% of the Australian general and/or child populations. The threshold intends to capture prominent social media platforms, as well as lesser-known online services with extensive underage user bases, such as Roblox and Character.AI. Providers meeting this threshold would be subject to:
 - A singular and overarching duty of care for the wellbeing of their Australian users.
 - Mandatory risk assessments and risk mitigation plans.
 - Mandatory transparency reporting and other measures, such as data access for independent research and publicly accessible data portals.
 - Enforcement mechanisms.
 - End-user control obligations, such as providing an ‘opt-out’ for targeted advertising and the ability to ‘reset’ or ‘turn off’ personal recommender systems.

Senator Hanson Young’s proposed amendment to the Online Safety Amendment (Social Media Minimum Age) Bill 2024

- On 27 November 2024, Senator Hanson Young proposed amending the Bill to include a number of additional provisions including the imposition of duty of care obligations on large providers.

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- Similar to Ms Daniel's Bill, the amendments proposed to impose obligations on large providers of online services regulated by the Act to identify, mitigate and manage the risks of harm or detriment from those services to Australian end users, as well as transparency reporting obligations.

Financial Information as at 31 December 2024

- Total expenditure on the review to date is \$147,328.85.
- It is estimated that the total cost of the review will be \$168,858.85 (incl. GST).

Attachments

- A: recommendations of the Online Safety Act review
- B: Executive Summary of the review report
- C: Terms of reference for the review

Released under the FOI Act 1982 by the Department of Infrastructure,
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Recommendations of the Statutory Review of the Online Safety Act 2021

Chapter 3 – Objects of the Online Safety Act

Recommendation 1: That the objects of the Online Safety Act should be amended to include more descriptive objectives that are linked to the various functions covered by the Act.

Chapter 4: Who should be regulated?

Recommendation 2: That current definitions of the online industry sections should be simplified to online platforms, online search and app distribution services, online infrastructure services, and equipment and operating system services. These should be included in the Act to better reflect online safety risks and future proof the Act.

Recommendation 3: That the Government consider options to recognise the role of providers of online safety related services and technology in helping to identify and stop the distribution of child sexual exploitation and abuse material.

Chapter 5: Duty of care

Recommendation 4: That Australia adopt a singular and overarching duty of care that encompasses due diligence, and is underpinned by safety by design principles, risk assessment, risk mitigation, and measurement.

Recommendation 5: The harms that should be highlighted for attention under a duty of care should at a minimum include:

- Harms to young people, including child sexual exploitation and abuse (including grooming), bullying and problematic internet use.
- Harms to mental and physical wellbeing, including threats to harm or kill, or attacks based on a person or group of people's protected characteristics, such as sex, gender, sexual orientation, race, ethnicity, disability, age or religion.
- Instruction or promotion of harmful practices, such as self-harm/suicide, disordered eating and dares that could lead to grievous harm.
- Threats to national security and social cohesion, such as through promotion of terrorism and abhorrent violent extremist content.
- Other Illegal content, conduct and activity.

Recommendation 6: Entities with the greatest reach or risk should be required to complete a risk assessment at least every 12 months and to carry out a risk assessment when significant changes are made to the design and operation of their service. These entities should also be required to provide an annual report detailing their risk assessments, risk mitigations and how successful they have been to the regulator.

Recommendation 7: Services used by 10 per cent of Australian users or more should be automatically part of the highest tier with additional mandatory responsibilities. The regulator should have a power to deem whether other online services do, or do not, meet the reach or risk requirement, noting that the reach or risk of services may change over time.

Recommendation 8: The best interests of the child should be a primary consideration for online service providers in assessing and mitigating the risks arising from the design and operation of their services, including risks to children who may use the service *and* risks to children as a result of how the service may be used.

Recommendation 9: The eSafety Commissioner should be empowered to create mandatory rules (in the form of codes) on how entities can comply with certain aspects of the duty of care requirements, including addressing specific online harms. This should not stop services from taking additional steps to protect people. Codes would not create safe harbours.

Chapter 6 – Accountability and transparency

Recommendation 10: In addition to risk assessments, a service with the greatest reach or risk should be required to provide an annual transparency report and publish a summarised version on its website. This should not replace the broad power for eSafety to require periodic and non-periodic transparency reports from all services.

Recommendation 11: Services with the greatest reach or risk should be required to have a well-resourced compliance function that reports directly to senior management as needed, and at least quarterly to the audit and risk committee and annually to the Board. Only the Board (or its equivalent) can dismiss the head of the compliance function.

Recommendation 12: The regulator should have the discretion and power to require services to undertake an audit at their own expense.

Recommendation 13: Subject to adequate safeguards, services with the greatest reach or risk should be required to share data with authorised researchers for the purposes of determining compliance with a duty of care model, the takedown schemes and research into emerging problems and harms.

Chapter 7 – Safety nets supporting online users

Recommendation 14: For the avoidance of doubt, the legislation should make it clear that informal requests for takedown are legal and legitimate as they lead to quicker results for individuals who are often in severe distress.

Recommendation 15: Users experiencing adult cyber abuse or child cyberbullying should only need to wait 24 hours (not 48 hours) following a complaint to a service before eSafety is able to issue a removal notice.

Recommendation 16: The regulator should be empowered to waive the statutory delay to issue a removal notice for the child cyberbullying and adult cyber abuse scheme where no clear complaint mechanism exists on the online service, or where reporting would lead to a reasonably foreseeable risk of further harm to the user experiencing the abuse.

Recommendation 17: The Australian Government should develop a whole of government 'no wrong door' approach to support individuals seeking help to address online harms. This will require cooperation and information sharing across portfolios, including law enforcement, to address a range of issues such as online safety, child safety, privacy and scams, among others.

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Recommendations of the Statutory Review of the Online Safety Act 2021

Recommendation 18: The adult cyber abuse scheme should be amended by lowering the threshold. The new threshold should require that an ordinary reasonable person would conclude that 'it is likely the material was intended to have an effect on a particular Australian adult', and that an ordinary reasonable person would 'regard the material as being, in all the circumstances, menacing, harassing or seriously offensive.'

Recommendation 19: The Act should enable the regulator to issue a removal notice for material that has met the regulatory threshold for removal under a prior complaint, where the regulator becomes aware that the material has been reposted.

Recommendation 20: The Act should include additional powers to require an end user to stop posting cyber abuse about an Australian adult in an end-user notice, subject to a civil penalty for non-compliance.

Recommendation 21: The Act should include a definition of online hate material. The definition should acknowledge that online hate involves an attack against a person or people that is based on a protected characteristic and can include dehumanisation. Notably, the definition of online hate material should not include views regarding ideas, concepts or institutions. The definition should also consider potential exclusions (for example where material is posted for artistic, scientific, or journalistic purposes), and potential impacts on the constitutional implied freedom of political communication.

Recommendation 22: The Act should be amended to ensure that, in interpreting the threshold of harm for adult cyber abuse, the reasonably proximate cumulative harm caused by online hate material is taken into account.

Recommendation 23: The Act should define a 'volumetric attack' and the regulator should be empowered to issue a notice or notices to multiple platforms based on a single complaint to address volumetric attacks.

Recommendation 24: The Act should be amended to provide the regulator with the ability to issue a notice to services in relation to a suspected 'volumetric attack', which may require information related to the attack, specify remedial actions to be taken, and require the service to report back on steps taken.

Recommendation 25: All services should be required to have an easily accessible simple and user-friendly way to make a complaint and internal complaint handling processes that are in line with a code on internal dispute resolution. In particular, this should include a way for non-users to report issues such as when intimate images have been posted without consent on a service. Services should also be required to respond to reports within a reasonable time and for some issues within 24 hours.

Recommendation 26: In line with the Australian Competition and Consumer Commission's Digital Platform Services Inquiry, the Australian Government should develop and implement an Ombuds scheme that covers digital platforms and online search and app distribution services.

Chapter 8 – Wicked problems

Recommendation 27: The Australian Government should explore how best to prohibit search engines and app stores from surfacing, selling or distributing 'nudify' apps and undetectable stalking apps.

Recommendation 28: The Australian Government and the regulator should both be able to convene multi-stakeholder 'fusion cells' to analyse 'wicked problems' (such as the implications of end-to-end encryption for combatting child sexual exploitation and abuse, and technology-facilitated abuse and gender based-violence) and develop coordinated multi-stakeholder solutions.

Chapter 9 – Links to the National Classification Scheme

Recommendation 29: The Online Safety Act should be decoupled from the National Classification Scheme with new Class 1 and Class 2 definitions and thresholds specified in the Act and, as far as possible, be based on equivalent standards in the National Classification Scheme.

Recommendation 30: New Class 1 definitions and thresholds should clearly focus on illegal and seriously harmful material and directly correspond to the Criminal Code where appropriate. Sexually explicit material that includes violent and seriously injurious practices, such as choking, should sit under Class 1.

Recommendation 31: New Class 2 definitions and thresholds should include material that is legal but may be harmful, particularly for minors, and consensual sexually explicit material including non-injurious fetish material.

Recommendation 32: Class 2 definitions and thresholds should also capture material dealing with harmful practices such as disordered eating, self-harm and substance use to address their heightened impact, especially on young people, in the context of social media. In the longer term, industry should be obliged to prevent dissemination of such content through a broader code dealing with mental and physical wellbeing under duty of care provisions.

Recommendation 33: In reforming the Online Safety Act and the National Classification Scheme, the regulatory remit of eSafety should be clarified. Content that is subject to the National Classification Scheme should fall outside eSafety's remit (except features that are uniquely social media enabled).

Chapter 10 – Penalties and enforcement

Recommendation 34: The maximum civil penalty that a court can impose should be increased to the greater of 5 per cent of global annual turnover or \$50 million.

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Recommendations of the Statutory Review of the Online Safety Act 2021

Recommendation 35: The civil penalties for non-compliance with removal notices should be increased to a maximum of \$10 million for companies.

Recommendation 36: The Act should be amended to empower the regulator to use enforceable undertakings or issue remedial directions to services in relation to all relevant penalty provisions, to seek to bring them back into compliance.

Recommendation 37: The Act should allow removal and link-deletion notices to be issued simultaneously under the Online Content Scheme.

Recommendation 38: The Act should empower the regulator to simultaneously issue link removal notices for all harmful content under removal schemes.

Recommendation 39: The finalised duty of care model should include scope to consider repeated non-compliance by services in removing content as evidence of non-compliance with the duty of care.

Recommendation 40: The Online Safety Act should include consistent powers to require end-users to remove content and refrain from posting abuse in the future.

Recommendation 41: The Government should expand access restriction powers against services for seriously harmful non-compliance.

Recommendation 42: The Government should consider options for business disruption powers for seriously harmful non-compliance.

Recommendation 43: The Government should consider the feasibility of requiring major platforms to have a local presence for the purpose of facilitating enforcement action.

Recommendation 44: The Act should require major platforms, that is those designated under the reach or risk criteria under the duty of care requirements, to have a contact point for service in Australia.

Recommendation 45: The Government should consider options for introducing a licensing scheme for major services as a condition for operation.

Chapter 11 – Investigations and information gathering powers

Recommendation 46: The Act should be amended to empower the regulator with stronger powers in relation to investigations, including to:

- Incorporate the monitoring and investigations provisions of the Regulatory Powers Act into the Act
- Initiate investigations of a services' compliance with the duty of care
- Initiate investigations into reposted material that was previously reported and taken down.

Recommendation 47: Amend the Act to provide the regulator with appropriate flexibility to conduct investigations as it thinks fit, including the use of technological tools to assist with investigations and content removal, and the use of sock-puppet accounts.

Recommendation 48: Provide additional powers to the regulator to improve its ability to obtain end-user information under Part 13, including a requirement that prevents services from informing end-users when they have received a notice under Part 13, a requirement for services to collect a user's phone number as a condition for opening an account, and provide a new power to compel the preservation of accounts for investigative purposes.

Recommendation 49: The Act should be amended to empower the regulator with stronger information gathering powers, including to:

- Improve its ability to obtain end-user information under Part 13 of the Act
- Set the time period for a written notice to provide evidence under Part 14 of the Act.

Recommendation 50: Section 205 of the Act should be amended to confirm that non-compliance with a requirement to give evidence includes information as requested under section 199 (and other sections in Part 14 of the Act).

Recommendation 51: The Act should be amended to require services to inform the regulator of all actions the service has taken in response to the regulator's actions and requests (including informal requests).

Recommendation 52: The Act should be amended to require services to maintain certain records, such as measures taken to comply with obligations under the Act and any actions taken in response to eSafety requests and risk assessments, for the purposes of the regulator's investigations.

Recommendation 53: The Act should be amended to allow the regulator to disclose information to:

- any head of a Commonwealth agency or Department
- international authorities
- teachers, school principals, parents or guardians regarding complaints from a child about image-based abuse (as can be done for child cyberbullying).

Recommendation 54: Allow the regulator to disclose certain information to Non-Government Organisations who have an approved role in assisting the regulator with enforcement activities.

Chapter 12 – Promotion, education and research

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Recommendations of the Statutory Review of the Online Safety Act 2021

Recommendation 55: The regulator's continued awareness raising activities should include in-person outreach, including in hard to reach communities, and hard copy resources.

Recommendation 56: Educational and promotional material should not only focus on what the regulator does for people experiencing harms, but also include simple messaging about how to make a complaint. Online safety education delivered at schools should focus on awareness of the regulator as a source of help. News media outlets should be encouraged to provide information about the regulator at the end of articles detailing experiences of online harms.

Recommendation 57: If a decision to make structural changes to the regulator includes a change to its name, a major campaign re-launching the regulator should be conducted. The timing of this campaign should be coordinated to align with major changes to the Act.

Chapter 13 – Governance

Recommendation 58: To support collective decision making, the regulator should move to a Commission model of governance and be known as the 'Online Safety Commission'.

Recommendation 59: That the Commission should be comprised of a Chair, Deputy Chair and a Commissioner, with flexibility for the Commission to grow up to nine members as the functions and powers of the regulator increase.

Recommendation 60: That in moving to a Commission, the Act should require Commission members to have an appropriate mix of skills to support informed and robust decision-making.

Recommendation 61: That a newly formed Commission has strong internal governance processes, is transparent in how it does its work, and ensures that it reports meaningfully on its performance.

Recommendation 62: That following consideration of the regulator's functions and responsibilities under a new regulatory framework, the regulator should transition to a standalone, independent regulator to support its growing functions and responsibilities, and to future-proof the regulator.

Recommendation 63: That the regulator should be appropriately resourced to implement the right regulatory infrastructure and carry out its functions. This includes having an ongoing dedicated and appropriately resourced legal team, appropriate corporate management and the information technology it needs to do its job well. Consideration should be given to how other regulators operate to determine what may be appropriate in the regulator's context.

Recommendation 64: A cost recovery mechanism should be developed to fund the cost of regulating industry, with details to be settled by government in consultation with industry.

Chapter 14 – A reform pathway

Recommendation 65: That if required, the Government should prioritise implementation of the key reforms arising from this review that will provide the most substantial and immediate online safety protections for Australians, including in particular the new duty of care and associated reforms. This should coincide with eSafety moving to a Commission model of governance and appropriate resourcing to support the implementation of priority reforms.

Recommendation 66: That the updated Online Safety Act be subject to independent review within 3 years of the commencement of the key reforms to the Act, or by 2029, whichever is earliest.

Recommendation 67: That the Australian Government consider how its existing administrative arrangements relating to online harms are operating and whether there is a case for having a central online harms regulator. Given the level of change that needs to happen now to better protect Australians, this consideration may be best left to around the time of the next review.

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Attachment B- Executive Summary

Overview

The statutory review of the *Online Safety Act 2021* was announced on 22 November 2023 by Michelle Rowland MP, the Minister for Communications. As part of the announcement, Minister Rowland acknowledged the review had been brought forward by one year to make sure Australia's online safety laws keep pace with the evolving online environment. Ms Delia Rickard PSM was appointed to conduct the review.

As set out in the Terms of Reference, the purpose of this Review was to undertake a broad-ranging examination of the operation and effectiveness of the Act, including key consideration of:

- the existing complaints schemes
- whether the Act should be amended to include a duty of care
- ensuring that industry acts in the best interests of the child
- whether additional arrangements are needed to capture harms not explicitly covered by the Act
- whether penalties and enforcement are adequate; and
- whether the existing powers are sufficient or changes are needed to strengthen the Act.

The review has drawn on evidence from a range of sources, including extensive stakeholder consultation, public submissions and available research. The public submission process yielded more than 2,270 responses with 169 substantive submissions. The review also involved 72 meetings and roundtables, with civil society organisations, government and law enforcement agencies, the tech and digital platforms industry and international stakeholders.

The Online Safety Act 2021

The review found that the Online Safety Act has been world leading and has provided support to individuals through a range of complaint and removal schemes as well as strengthened powers to address illegal and harmful material. It has also established trail-blazing transparency requirements on industry and enabled eSafety to engage in a range of educational activity to help Australians stay safe online.

The review considered the current objects of the Act which are to improve and promote online safety for Australians and found that more descriptive objects would better serve the Act. It has recommended that the objects of the Act would be to enhance the online safety of Australians and Australia by:

- promoting human rights and safety
- promoting and protecting the best interests of the child
- building an evidence base around online safety and existing and emerging online harms
- preventing and alleviating online harm present in Australia; and
- improving online safety for all in Australia by advancing service provider responsibility for preventing harms and mitigating the damage done along with user empowerment and transparency.

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Transport, Regional Development, Communications and the Arts

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Defining the online industry

The review found that the eight sections currently specified for the purposes of the Act are no longer fit for purpose. The sections are currently defined as social media services, relevant electronic services, designated internet services, internet search engine services, app distribution services, hosting services, internet carriage services and those who manufacture, supply, maintain or install relevant equipment. The review heard that the sections created uncertainty, and that the sections are complicated and confusing.

The review has recommended new categories of industry sections to better reflect a risk-based and proportionate regulatory approach. In defining new categories of industry, the goal is to capture all parts of industry which may facilitate online harm. The following industry sections have been recommended:

1. Online Platforms (services providing online interaction and online content;
2. Online Search and App Distribution Services (services which gate-keep access to online platforms)
3. Online Infrastructure Services; and
4. Equipment and Operating System Services (including manufacturers, suppliers, maintenance and installers).

The review recommends a proportionate approach to the application of obligations on industry, particularly in relation to reporting. Obligations should be tiered according to their reach (that is the extent of their Australian user base) and the level of risk associated with use of the service. This is to capture services in addition to the most popular platforms, which may inherently pose a greater level of risk to some or all users - due to their features, use by vulnerable groups (including children), or past behavior or policies with respect to safety.

A duty of care

A common theme heard throughout consultation was the need for a more systemic and preventative approach to online harms. Australia's current laws and regulatory settings are not good enough to address the volume of online harm that is occurring. The review recommends that Australia adopt a singular and overarching duty of care that encompasses due diligence, and is underpinned by safety by design principles, risk assessment, mitigation and measurement. An overarching duty of care would place responsibility on service providers to take reasonable steps to address and prevent foreseeable harms on their services. It shifts much of the burden for remaining safe online away from individual users and onto those most capable of identifying and addressing harms – the service providers themselves.

Our major international counterparts in Europe, the United Kingdom and North America are almost all moving towards a systems-based, proactive approach. While there are differences in approaches, the overall objective remains the same: **services must take reasonable steps to keep their users safe**. Greater consistency across our respective national regimes would simplify compliance for service providers, reducing costs and regulatory burdens. This would also provide economies of scale and more coordinated and efficient investments in safety. Measures which maximise convergence of regulation between countries can also help to maximise the potential for securing and enforcing extra-territorial compliance.

Enduring categories of harm

To complement the overarching duty of care provisions and framework for the performance of due diligence, the review recommends establishing enduring categories of harm within the Act. While

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the examples within the categories may change over time, the following broad categories should be included in a reformed Online Safety Act:

- Harms to **young people**.
- Harms to **people’s mental and physical wellbeing**.
- **Instruction or promotion of harmful practices**.
- Threats to national security and social cohesion.
- Other illegal content, conduct and activity.

Risk assessment

An essential part of meeting the duty of care for online service providers is a requirement to undertake regular risk assessments of their services. Risk assessment requirements are a core feature under both the European Union’s Digital Services Act and the United Kingdom’s Online Safety Act, and are built into the first phase of Australia’s industry codes and standards. They are at the heart of a preventative and systemic approach to making the online world a safer place by design, and by working to prevent harms rather than merely responding after the fact. As the saying goes, ‘it is better to put a fence at the top of the cliff, than an ambulance at the bottom of it.’

All service providers should diligently perform risk assessments and implement mitigations (which include safety by design principles), both at regular intervals and when introducing or significantly altering products or features. However, stringent and enforceable risk assessment requirements should particularly be placed on the larger services with high ‘reach’ and other services posing a high risk.

Risk reporting obligations must capture the whole risk assessment cycle and include the essential components of assessment, mitigation and measurement. The review found that to remain effective, risk assessment must be ongoing, and will require services to regularly repeat the process.

The review has recommended that in introducing a duty of care, the regulator should be empowered to make codes to provide mandatory and enforceable compliance measures to direct them about how to comply with certain aspects of a duty of care. Codes, however, are not intended to create safe harbours and the absence of a code should not prevent the regulator from taking enforcement action under the duty of care.

A considerable amount of time and effort has gone into developing the industry codes and standards under the Online Content Scheme, and the work is still underway on developing a second phase of codes. The report supports the continuation of this work as it will take time to make and implement any legislative changes based on the recommendations in the report. Implementing the current Act should continue so that the protections it provides remain in place. There will need to be transitional arrangements to ensure a continuity of protection under the Act as the new framework is implemented.

Accountability and transparency

The review observed the opaque nature of services, and in particular online platforms and search and app distribution services, and that the term “black box” is often associated with online services. It is recommended that transparency measures are put in place both so that the regulator can properly monitor the safety of services and so that others can make assessments of how much trust to place in the services.

The review found that one of the most useful powers that eSafety has is its ability to require services to provide information related to the Basic Online Safety Expectations. This enables the regulator to

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ask forensic questions and make an assessment about how much services are, or are not, doing to keep users safe. It can deliver broader online safety gains by shedding light on a service's practices.

The review found that more transparency is needed and recommended that services with the greatest reach and risk prepare and provide an annual transparency report to eSafety. With transparency reports required annually, it is recommended that the service publish a summary of its report on its website, rather than eSafety producing the public report as is currently the case. Services would not need to reveal matters that are commercial in confidence or which could be used by bad actors to, for example, circumvent systems.

The regulator should continue to be able to require transparency reports from all services and ask the questions needed to better understand what services are and aren't doing, and the consequences.

Compliance and audits

Ideally all services should have a well-resourced compliance function that reports directly to the audit and risk committee (or equivalent) as needed, but at least quarterly. At a minimum all services of greatest reach and risk must have a compliance function. The compliance function should be independent from other areas of the service and staff should have training in compliance. Only the board should be able to dismiss the head of the compliance function.

eSafety should have the discretion to require a service to be audited at their own expense and provide the audit report to eSafety.

Providing researchers with information

Research contributes greatly to society's ability to meet current and future changes and can directly benefit the wellbeing of citizens. A scheme that provides accredited independent researchers access to data would encourage more research and more detailed consideration of the many complex problems in the online world and help decision makers. The report has recommended that those services designated as having the greatest reach and risk should be required to be involved in sharing data for research purposes, though clearly other services could voluntarily do so.

The scheme would be targeted towards research for the purposes of determining compliance with a duty of care model, the takedown schemes and research into emerging problems and harms. Services should only be able to refuse access if they do not have the data, if giving access to the data will lead to significant vulnerabilities in the security of their service, or if it would compromise confidential information (including trade secrets). Researchers would need to be authorised to participate in the scheme and the scheme would need to be designed to minimise the administrative burden for all involved, ensuring the projects are of genuine value to the advancement of online safety and to have regard to the Privacy Act.

Safety nets- supporting online users

No government can completely protect its people from online harms. Systems-based regulation, such as a duty of care and due diligence, aims to prevent harms from occurring, whereas complaint-based removal schemes focus on minimising the impact of harms once they have occurred. Investigating individual complaints is resource intensive but necessary, at least for now, to protect individuals and limit the harm they experience.

The review found that the removal schemes are recognised as a strong, world-leading model of regulation that have been successful in addressing impacts on individual users. Civil society and industry representatives noted that the existing schemes are highly valued and mostly perceived to

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be working well. In addition to the benefits that a duty of care will bring, there are changes needed to address inconsistencies across the four complaint and content-based removal schemes and changes to better support those making a complaint.

Reducing the window-wait time to issue a notice

The review found that the complaint scheme rules allow seriously harmful content to remain online for too long. Under current arrangements, the online service must have failed to act on a complaint for 48 hours before eSafety can issue a formal removal notice. It is recommended that this is reduced to 24 hours. However, there are circumstances such as where no clear complaint mechanisms exist on the online service, or where reporting would lead to a reasonably foreseeable risk of further harm to the user experiencing the abuse, where eSafety should be empowered to waive the statutory delay.

Adult cyber abuse scheme

The adult cyber abuse scheme should be amended by lowering the threshold. The new threshold should require that an ordinary reasonable person would conclude that 'it is likely the material was intended to have an effect on a particular Australian adult', and that an ordinary reasonable person would 'regard the material as being, in all the circumstances, menacing, harassing or seriously offensive'.

The Act should also include additional powers to require an end-user to stop posting cyber abuse about an Australian adult in an end-user notice, subject to a civil penalty for non-compliance.

Harmful patterns of behaviour

The review found that the schemes' current focus on specific items of content can limit the regulatory response to harmful material that is reposted after it has been taken down. Even though the content has previously met the regulatory threshold for action, the affected individual would need to make a new complaint to eSafety before the reposted material could be removed. It is recommended that the Act be amended to enable eSafety to issue a removal notice for material that has met the regulatory threshold for removal under a prior complaint, where eSafety becomes aware that the material has been reposted.

The review also found there are unnecessary inconsistencies between some of the schemes and recommends that eSafety be empowered to issue an end-user notice requiring a user to stop posting cyber abuse about an Australian adult. This would better align the adult cyber abuse scheme with the child cyberbullying and image-based abuse schemes.

Online hate

The review acknowledges that online hate is not new, but its prevalence online and its ability to spread at a magnitude and order not seen before is a major concern. Online hate has the potential to cause significant harm to individuals and impact community safety more broadly. The review heard about many experiences of individuals and community groups experiencing online hate and it is clear that further regulatory intervention is needed to address these harms. It is recommended that a definition of online hate material be included in the Act, that a systems approach is adopted to stop online hate against individuals and groups, and that when interpreting the threshold of harm for adult cyber abuse, that online hate material is considered.

Volumetric attacks

The review considered volumetric (pile-on) attacks and heard many individual experiences of online abuse which included volumetric or 'pile-on' attacks. Where the harm of individual comments can be damaging to the targeted user's wellbeing, the impact of a volumetric attack done at scale can

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magnify and compound the harm. Often the content is shared with an accelerating level of outrage and toxicity, and ultimately a high volume of abuse. These attacks can be among the most serious forms of online abuse. It is recommended that the Act defines a 'volumetric attack' or 'pile-on' attack, which is currently not defined.

The distribution of harmful content by various individual users and across different platforms means there is no single point for regulatory action. The Act should also be amended to provide eSafety with the ability to issue a notice to services in relation to a suspected 'volumetric attack', which may require information related to the attack, specify remedial actions to be taken, and require the service to report back on steps taken.

No wrong door

The review also explored ways to better support individuals who are seeking help for a harm experienced online, and acknowledged that this is usually when they have suffered something significant, such as abuse, threats, reputational damage or financial losses. There are many places that a person can complain to, including eSafety, the police and anti-discrimination bodies and other regulators. In light of this, the report has recommended that the Australian Government should develop a whole of government 'no wrong door' approach to support individuals seeking help to address online harms. This will require cooperation and information sharing across portfolios, including law enforcement, to address a range of issues such as online safety, child safety, privacy and scams, among others.

Striking a balance between protections and freedoms

During the review, protecting freedom of speech or expression was a key concern raised. Some raised concerns that content moderation limits freedom of speech, while others described the silencing effects of online abuse and adverse impacts on their work, health, relationships and personal security. The review acknowledges that all human rights are indivisible and afforded equal status, but that freedom of expression requires specific consideration in online spaces because of the opportunities digital platforms provide for realising the benefits of free speech. A broad range of human rights interact with freedom of speech, including: freedom of opinion and expression, freedom of thought, conscience, and religion or belief, right to take part in public affairs and elections, right of privacy and reputation, right to health, rights of equality and non-discrimination and the rights of the child. As the right to freedom of speech is not absolute, a balancing act between competing rights is required. The proposal to amend the objects of the Act makes it clear that online safety regulation needs to be centred around all human rights, and not just the right to free speech.

Dispute resolution

Access to good dispute resolution mechanisms is an important part of how we protect people in Australian society. The eSafety takedown schemes don't catch all types of bad conduct and even world class systems for platforms are not 100 per cent fool proof. The review considered how to better support individuals who need somewhere to go to resolve disputes. This includes people whose posts have been removed who believe they have been taken down unfairly as well as people who have failed to have posts that harm them or their group taken down.

All services should be required to have an easily accessible, simple and user-friendly way to make a complaint and internal complaint handling processes that are in line with a code on internal dispute resolution. In particular, this should include a way for non-users to report issues such as when their intimate images have been posted without consent. Services should also be required to respond to reports within a reasonable time. The review also recommends that, in line with the Australian Competition and Consumer Commission (ACCC)'s Digital Platform Services Inquiry, the Australian

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Government should develop and implement an Ombuds scheme that covers digital platforms and online search and app distribution services.

Wicked problems

The recommendations in the report to introduce a duty of care obligation on services and strengthening the complaints schemes are expected to go a long way to addressing many online harms and result in a significant uplift in safety for all Australians. That said, the review found that some serious harms are likely to require considerably more work to move the dial. Some examples provided are the complex issue of targeted technology facilitated abuse; the increasing use of end-to-end encryption and the implications for being able to deal with child sexual exploitation and abuse material and other illegal material, and sextortion, which is often perpetrated offshore along with many other online scams.

The review recommends that the Government seek to prohibit 'nudify' apps and services and undetectable cyberstalking apps. It notes that the benefits of end-to-end encryption have been recognised by services, governments and others (though many disagree) and that services must rise to the challenge of preventing and detecting child sexual exploitation and abuse material despite the existence of encryption. Technology facilitated abuse and addressing child sexual exploitation and abuse material despite end-to-end encryption are problems that will require a multi-dimensional, and multi-stakeholder approach if we are to make a real difference.

It is recommended that the Australian Government and the regulator should both be able to convene multi-stakeholder 'fusion cells', that involve the smartest people on the issues to analyse 'wicked problems' (such as the implications of end-to-end encryption for combatting child sexual exploitation and abuse and technology facilitated abuse and gender based-violence) and develop coordinated multi-agency and multi-stakeholder solutions.

The review acknowledges the recent introduction by Snap, Meta and Apple of new and enhanced safety features to combat sextortion, but it is likely that more still needs to be done and applied to all relevant services. If competition doesn't spur comprehensive responses then combatting sextortion may also benefit from a fusion cell approach, especially as sextortion often involves multiple platforms in a single sextortion attempt.

Links to the National Classification Scheme

During the review, industry and eSafety raised the issue of needing to decouple the regulation of Class 1 and Class 2 material from the National Classification Scheme. The review found that using these borrowed thresholds, which entail applying a range of considerations under the classification scheme, is not fit for purpose. Instead a framework that supports efficient decision making of dynamic and potentially high-volume online content and allows for rapid responses to illegal and harmful content is needed.

The review recommends that the Online Safety Act be decoupled from the National Classification Scheme with new Class 1 and Class 2 definitions and thresholds to be specified in the Act and, as far as possible, should align with equivalent standards in the National Classification Scheme. In addition, it is recommended that regulatory remit of eSafety and the National Classification Scheme is more clearly defined, and in particular that content that is currently classified should not also be subject to the Act, with the exception of social media enabled user generated and interactive features such as chat features in gaming.

Penalties and enforcement

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The review found that more significant penalties are needed to act as a deterrent and to take appropriate enforcement action, especially for those online services which are among the richest global corporations in the world. Should new obligations be placed on services under a duty of care, appropriate and persuasive penalties must be in place. Coupled with stronger penalties, there needs to be a range of enforcement options available to the regulator including those with a remedial focus.

The review recommends a stronger maximum civil penalty. Maximum penalties for a breach of the duty of care should be increased to the greater of 5 per cent of global annual turnover or \$50 million. The civil penalties for non-compliance with removal notices should be increased to a maximum of \$10 million for companies.

The review supports broader application of remedial powers and improved alignment in penalty provisions across the complaints schemes under the Act including that immediate link-deletion powers should be extended to all of the content removal schemes, not just the Online Content Scheme, to limit the discoverability of harmful material. The regulator should also have streamlined and more effective powers to deal with individuals who continually harass and abuse others online.

The review acknowledges the fundamental challenges of extra-territorial enforcement that apply to regulating the online world, and recommends exploring a number of options to ensure that services submit to the jurisdiction of our courts and their rulings. These include:

- requiring major platforms to have a local presence in Australia
- exploring the feasibility of requiring at least large services to be licensed to operate
- at a minimum, a point of service should be established by major platforms in Australia
- broader access restrictions; and
- business disruption powers.

It is also suggested that Australia's enforcement of online safety laws will be most effective if it is 'interoperable' and coordinated with like action by our international partners, such as the United Kingdom and the European Union.

Investigation and information gathering powers

The majority of the eSafety Commissioner's current investigative work is focused on complaints made under the Act's removal schemes, and the codes and standards. However, a duty of care would involve proactive and systemic obligations and more general and robust investigations powers are needed.

To support its investigations authority under an expanded Act, the regulator will need to the right powers to conduct investigations, monitor compliance, and to inspect, audit and validate information provided by services. Specifically, this includes providing the regulator with flexibility and the right technological tools to assist with investigations, content removal and the use of sock-puppet accounts.

The review found that changes are also needed to eSafety's information gathering and disclosure powers. Where the Commissioner believes on reasonable grounds that an online service has information about the identity or contact details of the end-user, and it relates to the operation of the Act, it may be necessary to obtain end-user information (basic subscriber information). For example, in the circumstances of issuing an end-user removal notices for child cyberbullying, image-based abuse or adult cyber abuse material, the Commissioner would be empowered to unmask the anonymity of users where an investigation or the exercise of regulatory powers requires this.

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The ability to share information about investigations of online services and online harms more broadly where it relates to the operations of the Act can deliver better regulatory outcomes. The review has recommended that the Act be amended to allow eSafety to disclose information to any head of a Commonwealth agency or department or an international authority. There is also a need to be able to disclose to teachers, school principals, parents or guardians regarding complaints about image-based abuse to bring it in line with the child cyberbullying scheme. Where Non-government organisations have an approved role in assisting eSafety with enforcement activities, eSafety should also be able to disclose certain information.

Promotion, education and research

A core function of eSafety, which has been in place from the very start, is that of promotion and education. Teaching the community about online safety, supporting others to deliver online safety education and promoting the supports available to those who are experiencing online harm is crucial. The review found that these functions (awareness raising about eSafety, education and capacity building to prevent online harms, strategic partnerships, and research and evaluation) are as important as ever.

However, throughout the review, a common theme raised was the need for more to be done to boost awareness of eSafety and online safety more broadly, particularly in harder to reach groups such as First Nations and remote communities. The review acknowledges the significant work done to promote eSafety and educate the community and notes that there are encouraging trends in these areas. It supports the continuation of these efforts and continued leveraging of media opportunities and strategic partnerships with sporting organisations as well as education and community sectors.

Governance- a future-proofed regulator

In considering the current governance arrangements, the review acknowledged that the functions and powers of the eSafety Commissioner have increased substantially since the creation of the role in 2015. Coupled with an increasingly complicated and contested operating environment, a new governance structure, a Commission model of governance, is recommended. A Commission model of governance would support better decision-making and would include a Chair, Deputy Chair and a Commissioner, with the potential for there to be up to nine Commission members. The new Commission should be known as the Online Safety Commission.

Ultimately, the ideal end state is a standalone, independent regulator to support eSafety's growing functions and responsibilities.

In any event, the regulator must be appropriately resourced and have the right regulatory infrastructure in place to carry out its functions. This includes an ongoing dedicated and appropriately resourced legal team, appropriate corporate management and the right IT in place to do its job well. In determining what may be appropriate in the eSafety context, consideration should be given to how other regulators operate. The review has also recommended that a cost recovery mechanism be developed to fund the cost of regulating industry.

A reform pathway

Should the key recommendations in this report be adopted, their development and implementation will take time to get right. However, this does not detract from the urgency of implementing the recommendations as soon as practicable and, if required, prioritising those changes that provide the most immediate benefits to Australians.

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The report recommends that implementing a duty of care and supporting eSafety are the first priority. A duty of care is a priority as it will be the most effective and immediate means of improving online safety for Australians, and online services will require a reasonable time to adapt to the new regulatory model. It is also a priority to move to a multi-Commissioner model of governance. Improving the operation of some or all of the Act's four complaints schemes (child cyberbullying, adult cyber abuse, non-consensual sharing of intimate images, and the online content scheme) will have an additional direct benefit to those Australians who experience online harms.

The review has also highlighted one of the enduring challenges of attempting to regulate the online world. That is, it is continuously evolving and governments all over the world are constantly playing catch-up. To address this, the review recommends that an updated Online Safety Act should be subject to an independent review within three years of the commencement of the key reforms to the Act, or by 2029, whichever is earliest. In addition, the Australian Government should consider how its existing administrative arrangements relating to online harms are operating and consider the merits of an overarching Digital Services Commission.

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Terms of Reference – Statutory Review of the *Online Safety Act 2021*

Context

Online interactions are a part of the everyday life of nearly all Australians. Spending time online provides opportunities to connect with each other and with community. While the online environment has enabled significant benefits across society and the economy, these technologies also provide avenues for malicious activities that can harm individuals and erode social cohesion.

Australia's *Online Safety Act 2021* (the Act), which commenced in January 2022, supports Australians online by providing the eSafety Commissioner (the Commissioner) with powers to address cyberbullying of children, cyber abuse of adults, illegal and restricted content, and the non-consensual sharing of intimate images. The Act makes online service providers more accountable for the online safety of Australians who use their services through the Basic Online Safety Expectations (BOSE) and the development of industry codes or industry standards.

The Act currently defines 'Class 1' and 'Class 2' material which underpin the industry codes and standards regime through reference to the Australian National Classification Scheme and the classification or likely classification of the material. The Government will conduct a separate public consultation process in the first half of 2024 to inform the development of options for the second stage of reforms to ensure the National Classification Scheme is fit-for-purpose in the modern media environment.

History of online safety legislation

On 1 July 2015, the *Enhancing Online Safety for Children Act 2015* commenced, establishing the Children's eSafety Commissioner as an independent statutory office holder, supported by the Australian Communications and Media Authority (ACMA), to take a national leadership role in online safety for children.

The Act was renamed to the *Enhancing Online Safety Act* in 2017 and the Children's eSafety Commissioner became the eSafety Commissioner following changes to the Act to broaden the Commissioner's role to online safety for all Australians, not just children.

In 2018, an independent review of the *Enhancing Online Safety Act 2015* and Schedules 5 and 7 of the *Broadcasting Services Act 1992* was conducted by Ms Lynelle Briggs AO (the 2018 Review). The 2018 Review recommended that there be a single up-to-date Online Safety Act that would allow key elements of the framework to be modernised and improved. In 2021, the Act passed Parliament, creating a modernised and fit for purpose regulatory framework that built on existing legislative regimes for online safety. The Act commenced on 23 January 2022.

The Act established the BOSE framework, which is a key part of the Act and underpin efforts to improve transparency and accountability of platforms and keep Australians safe from online harm. Industry is also expected to do more to keep its users safe, including by developing mandatory, enforceable industry codes designed to protect Australians from illegal and restricted online content (Online Content Scheme). If a code does not meet statutory requirements under the Act, the Commissioner can develop an industry standard for that section of the online industry instead.

On 24 January 2022, the *Online Safety (Basic Online Safety Expectations) Determination 2022* (BOSE Determination) came into effect. The Commissioner has powers to seek information from service providers about how they are meeting the expectations outlined in the BOSE Determination. Further information about the reporting notices issued by the Commissioner can be found at [Basic Online Safety Expectations | eSafety Commissioner](#).

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Industry bodies are developing codes in a two-phased approach. The first phase is focused on the most seriously harmful online content by reference to Class 1 of the National Classification Scheme, including Class 1A (child sexual exploitation material, pro-terror material and extreme crime and violence material) and Class 1B (crime and violence material and drug-related material).

The Commissioner registered six industry codes in 2023, covering social media services, internet carriage services, equipment providers, app distribution services, hosting services and internet search engine services. Five codes came into effect on 16 December 2023, and one will come into effect on 12 March 2024. The Commissioner declined to register two draft industry codes and is now developing industry standards for relevant electronic services and designated internet services.

eSafety will soon commence work with industry on the development of a second phase of codes which will focus on Class 1C material and Class 2 material (which include online pornography and other high-impact material). Further information about the development of industry codes including regulatory guidance outlining Class 1 and Class 2 materials can be found at [Industry codes | eSafety Commissioner](#).

Legislative basis for the Review

Section 239A of the Act states:

239A Review of operation of this Act

- (1) Within 3 years after the commencement of this section, the Minister must cause to be conducted an independent review of the operation of this Act.*
- (2) The Minister must cause to be prepared a written report of the review.*
- (3) The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.*

As part of the [Government's response to the House of Representatives Select Committee on Social Media and Online Safety Report](#), the Government committed to undertaking and completing the Statutory Review earlier than required under the Act, and within this term of Government, so that the Act can keep pace with the evolving online environment.

Matters to be considered by the Review

The Act does not prescribe particular provisions to be examined by the Review. Accordingly, the Review will be broad ranging and include consideration of:

1. The overarching objects in section 3 of the Act, including the extent to which the objects and provisions of the Act remain appropriate to achieve the Government's current online safety policy intent.
2. The operation and effectiveness of the following statutory schemes and whether the regulatory arrangements should be amended:
 - a. cyber-bullying material targeted at an Australian child¹
 - b. non-consensual sharing of intimate images²
 - c. cyber-abuse material targeted at an Australian adult³

¹ The statutory scheme for cyberbullying material targeted at an Australian Child is described in Part 5 of the Act. 'Cyber-bullying material targeted at an Australian child' has the meaning given in section 6 of the Act.

² The statutory scheme for non-consensual sharing of intimate images is described in Part 6 of the Act. 'Non-consensual intimate image of a person' is defined in section 16 of the Act.

³ The statutory scheme for cyber abuse material targeted at and Australian adult is described in Part 7 of the Act. 'Cyber-abuse material targeted at an Australian adult' has the meaning given by section 7 of the Act.

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- d. the Online Content Scheme,⁴ including the restricted access system and the legislative framework governing industry codes and standards, and
- e. material that depicts abhorrent violent conduct.⁵
3. The operation and effectiveness of the Basic Online Safety Expectations (BOSE) regime in the Act.
4. Whether additional arrangements are warranted to address online harms not explicitly captured under the existing statutory schemes, including:
 - a. online hate
 - b. volumetric (pile-on) attacks
 - c. technology-facilitated abuse and technology-facilitated gender-based violence
 - d. online abuse of public figures and those requiring an online presence as part of their employment
 - e. other potential online safety harms raised by a range of emerging technologies, including but not limited to:
 - generative artificial intelligence
 - immersive technologies
 - recommender systems
 - end-to-end encryption,
 - changes to technology models such as decentralised platforms
5. Whether the regulatory arrangements, tools and powers available to the Commissioner should be amended and/or simplified, including through consideration of:
 - a. the introduction of a duty of care requirement towards users (similar to the United Kingdom's *Online Safety Act 2023* or the primary duty of care under Australia's work health and safety legislation) and how this may interact with existing elements of the Act
 - b. ensuring industry acts in the best interests of the child
6. Whether penalties should apply to a broader range of circumstances.
7. Whether the current information gathering powers, investigative powers, enforcement powers, civil penalties or disclosure of information provisions should be amended.
8. The Commissioner's functions and governance arrangements, including:
 - a. the Commissioner's roles and responsibilities under the Act
 - b. whether the current functions and powers in the Act are sufficient to allow the Commissioner to carry out their mandate.
9. Whether the current governance structure and support arrangements for the Commissioner provided by the ACMA are fit for purpose for both the Commissioner and the ACMA.
10. Whether it would be appropriate to cost recover from industry for eSafety's regulatory activities.

Process and timing

The Minister for Communications has appointed Ms Delia Rickard PSM to undertake the Review. Ms Rickard will be supported by staff from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The Review will involve a period of public consultation, commencing with the release of an Issues Paper in the first half of 2024. This will be accompanied by a call for public submissions, with the intention to conduct follow up stakeholder meetings as required. Subject to the discretion of the Reviewer, consultation may be conducted with relevant stakeholders, including but not limited to: industry, non-government organisations, community support groups, Members of Parliament, the

⁴ The Online Content Scheme is described in Part 9 of the Act.

⁵ The statutory scheme for material that depicts abhorrent violent conduct is described in Part 8 of the Act. 'Material that depicts abhorrent violent conduct' is defined in section 9 of the Act. 'Abhorrent violent conduct' is defined in section 5 of the Act as having the same meaning as in Subdivision H of Division 474 of the *Criminal Code*.

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Commissioner, the ACMA, the Australian Federal Police and other law enforcement agencies, international regulatory bodies, Commonwealth, state and territory government agencies, and other interested groups and individuals.

The Final Report of the Review will be provided to the Minister for Communications by 31 October 2024, for tabling in Parliament within 15 sitting days as required by section 239A of the Act. Any recommendations made by the Review will be carefully considered by Government and responded to at the appropriate time.

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Environment and Communications

Lead/Support contact: Sarah Vandebroek / Mitchell Cole

SB24-000375

SUBJECT: Classification Reform**Key Deliverables**

- The Australian Government is working with states and territories to update classification guidelines for publications, films and computer games to ensure that they adequately address community concerns.
- Stage 1 reforms were introduced on 14 March 2024 and comprised legislative changes to expand options for industry to self-classify content, remove the need for content that has been classified by broadcasters to be re-classified and expand classification exemptions for low-risk cultural content.
- Stage 1 reforms also included the introduction of mandatory minimum classifications for games containing gambling-like content, which came into effect on 22 September 2024.

Talking Points

- On 29 March 2023, the government announced a 2-stage process to reform the National Classification Scheme (the Scheme).
- Stage 1 comprised reforms in the *Classification (Publications, Films and Computer Games) Amendment (Industry Self-Classification and Other Measures) Act 2023* (Classification Amendment Act) which commenced on 14 March 2024 and implemented:
 - expanding options for industry to self-classify content, with oversight from the Classification Board
 - removing the need for content that has been classified by broadcasters to be re-classified under the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act) for online and other platforms, and
 - expanding classification exemptions for low-risk cultural content to promote community access.
- Stage 1 reforms also included the introduction of mandatory minimum classifications of R 18+ for computer games containing simulated gambling, and M for games containing in-game purchases linked to elements of chance. These changes commenced on 22 September 2024 following agreement by all state and territory governments.
- Stage 2 reforms aim to bring the Scheme into alignment with a modern media environment, particularly the treatment of online content.

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SB24-000375

Key Issues

- The Scheme provides a framework for classification of films, computer games and certain publications so that adults can make informed choices about what they and those in their care read, hear, see and play.
- The current Scheme was established in 1995 under cooperative arrangements between the Commonwealth and the states and territories.
- Research from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts shows that classification is wanted and valued by Australians to make informed choices on media content they and those in their care access.
- Several reviews, including the Australian Law Reform Commission's 2012 review (*Classification: Content regulation and convergent media*) (ALRC review) and the 2020 *Review of Australian classification regulation* (Stevens Review) - released by the government on 29 March 2023, called for reform to the Scheme because it:
 - is no longer fit-for-purpose
 - does not adequately regulate content delivered online
 - relies on the Classification Board making decisions, which is no longer efficient or effective given the rapid growth in content available to Australians
 - is inconsistent with the self-classification model that applies to broadcasters, and
 - has not kept pace with evolving community standards.
- This has created an unequal regulatory burden and variable compliance across content types and platforms, threatening the utility of the Scheme as a trusted source of information.
- The government's reforms aim to deliver a contemporary classification framework that reflects the modern media environment.
- Due to the cooperative nature of the Scheme, options for reform need to be agreed by all states and territories.

Stage 2 reforms consultation

- The department held targeted discussions with key government stakeholders, including the Classification Board, and with interested industry and community stakeholders.
- An 8-week public consultation process was undertaken between April and May 2024 through which 140 submissions were received.
- Feedback on the following key areas for reform were sought through the process:

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- clarifying the scope and purpose of the Scheme, including the types of content that should be subject to classification
 - ensuring the classification guidelines continue to be aligned with, and responsive to, evolving community standards, expectations and evidence, and
 - establishing fit-for-purpose governance and regulatory arrangements for the Scheme, under a single national regulator responsible for media classification.
- The proposed reforms received broad support from industry, community and relevant government stakeholders during the public consultation process.
 - Submissions highlighted the fragmented nature of governance and regulation and supported consolidation of the classification function under a single national regulator and a more clearly defined scope of content requiring classification.
 - Submissions also highlighted that updates to the classification guidelines were required to address a number of key areas of community concern including the treatment of mental health and suicide depictions, content permitted at the X 18+ classification and children's access to sexually explicit material in publications.
 - In line with this feedback, the government is working with states and territories to update classification guidelines for publications, films and computer games to ensure they are consistent and address community concerns, particularly in relation to depictions of gender and family-based violence, mental health themes and sexually explicit content.
 - The department is also working on the development of an updated regulatory model for classification, and a model to establish an advisory panel to inform regular evidence-based updates to the classification guidelines in the future. This work will be informed by the outcomes of the Online Safety Act review and the Social Media Inquiry.
 - A Commonwealth/state officials working group was established by the Standing Council of Attorneys-General (SCAG) in September 2023 to facilitate communication and information sharing across jurisdictions in relation to proposed reforms, particularly where they may impact on existing cooperative arrangements.

Further information*The Stevens Review*

- The government does not intend to formally respond to the Stevens Review.
- The Review's findings and recommendations are instead contributing to the evidence base informing ongoing classification reforms.

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SB24-000375

Classification of publications

- Under cooperative arrangements, states and territories are responsible for the enforcement of classification for physical media, including publications.
- The role of classification in relation to publications is being considered as part of the second stage of reforms.
- 'Backpocket Brief: Classification of publications' refers.

Industry self-classification

- Legislation to enact the first stage of classification reforms commenced in March 2024 enabling, among other measures, the expansion of options for industry to self-classify content.
- 'Backpocket Brief: Industry self-classification – accredited classifiers and deemed decisions' refers.

Consultation - Stage 1 reforms (Classification Amendment Act)

- The department undertook targeted consultations during the development of the Classification Amendment Act, and also worked closely with industry stakeholders on the implementation of the legislative reforms which commenced in March 2024.

Consultation - Stage 1 reforms (Changes to the Games Guidelines)

- The government consulted with states and territories on proposed changes to the *Guidelines for the Classification of Computer Games 2012* (Games Guidelines) ahead of consideration of this matter by SCAG on 22 September 2023.
- This included a 3-week public consultation on the proposed changes to the Games Guidelines with 22 written submissions received.
- The government allocated \$1.0 million over 2 years in the 2024-25 Budget for education and awareness raising activities to support the new classifications.
 - Activities have focussed on industry outreach and public awareness raising to ensure that industry is aware of the new requirements, and parents and carers understand the risks associated with young people accessing simulated gambling and loot box content.

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SB24-000375

Background

- The current Scheme was established in 1995 through the Classification Act and the *Intergovernmental Agreement on Censorship 1995*.
- The Scheme is a cooperative scheme between the Commonwealth, states and territories. The Commonwealth is responsible for classification of content and the states and territories are responsible for enforcement.
- A publication, film or computer game may be classified either by the Classification Board, through use of a government approved classification tool, or by using classifiers that have been trained and accredited by government.
- 4 classification tools have been approved by the Minister for Communications since 2014.
- 'Backpocket Brief: Industry self-classification - classification tools' refers.
- Under cooperative arrangements, states and territories must unanimously agree to the Scheme.
- The need for unanimity has acted as a barrier to timely updates of the Scheme to adapt to emerging community concerns.

Key recent research

- 'Backpocket Brief: Classification research program' refers.

Financial Information as at 31 December 2024

- 'Backpocket Brief: Classification budget' and 'Backpocket Brief: Classification consultancy summary' refer.

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Lead/Support contact: Sarah Vandebroek/Mitchell Cole

SB25-000003

SUBJECT: Recent Inquiries into Classification Decisions**Key Deliverables**

- The Australian Government is working with states and territories to update classification guidelines for publications, films and computer games to ensure that they adequately address community concerns.

Talking Points

- Recent inquiries into classification decisions have focused primarily on publications, particularly those containing apparent depictions of sexual violence, including sexual violence against children.
- These inquiries stem from concerns that such material may be harmful or offensive, particularly to children and young people, and have prompted debate about the appropriateness of classifying such publications as unrestricted.
- Specific cases that have generated notable attention include the classification of *Gender Queer: A Memoir*, *Ostend*, and *The Boys: Omnibus Volume Two*.
- The Australian Government is committed to maintaining a National Classification Scheme that provides trusted information for Australians to make informed choices about media content, particularly for children.
- The Classification Board is an independent statutory body that makes classification decisions according to the *Classification (Publications, Films and Computer Games) Act 1995*, the National Classification Code, and the Guidelines for the Classification of Publications.
- The government acknowledges the complexities of balancing freedom of expression with the need to protect children and young people from potentially harmful material.
- The government is undertaking a comprehensive review of the National Classification Scheme (Scheme) to ensure it remains responsive to community standards and a modern media environment.
- Stage 2 reforms will clarify the Scheme's purpose and scope and modernise regulatory and governance arrangements, with attention to classification criteria and evolving community standards.
- The government will carefully consider the concerns raised in recent inquiries when making decisions about future reforms.

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- Questions about classification decisions should be directed to the Classification Board as they are the responsible decision makers.

Key Issues

- Specific cases that have prompted significant inquiries and media attention include:
 - The classification of *Gender Queer: A Memoir*
 - A graphic novel exploring themes of gender identity and asexuality, which was initially classified as 'Unrestricted' with consumer advice of 'M - not recommended for readers under 15'. This classification was overturned by the Federal Court, and a new review by the Classification Review Board is underway.
 - This case has highlighted concerns about the accessibility of potentially harmful material to children and young people and the need for clear and consistent classification guidelines.
 - The classification of the novel *Ostend*
 - The novel contains descriptions of sexual violence against children. This classification has prompted strong criticism from some child safety and domestic violence groups, who argue that such content normalises and potentially encourages sexual violence.
 - This case has raised questions about the Classification Board's assessment of the potential harm of such material and the adequacy of the current classification guidelines.
 - The classification of the comic book *The Boys: Omnibus Volume Two*
 - The comic book includes a violent sex scene interpreted by some as non-consensual. This classification has further fueled concerns about the Board's approach to assessing and classifying sexually violent content, particularly in a format that may appeal to children and young people.
- These cases have raised broader questions about the Classification Board's processes. This has led to recommendations for greater transparency and accountability in their decision-making, and for child safety and sexual abuse trauma experts to be included in the classification process.
- The Classification Board makes decisions based on the *Classification (Publications, Films and Computer Games) Act 1995*, the National Classification Code, and the Guidelines for the Classification of Publications, and it operates independently of government influence.
- The government acknowledges the concerns raised in these inquiries and is committed to ensuring the National Classification Scheme remains responsive to community standards and a contemporary media environment.

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- Stage 2 reforms are underway to clarify the Scheme's purpose and scope and to modernise regulatory and governance arrangements, with attention to classification criteria and evolving community standards.
- SB24-000375 – Classification Reform refers.

Further information*Gender Queer Federal Court Case*

- The Federal Court overturned the Classification Review Board's decision to classify *Gender Queer: A Memoir* as 'Unrestricted' with consumer advice of 'M - not recommended for readers under 15'.
- A new review by the Classification Review Board commenced on 23 January 2025.
- This case highlights the ongoing debate about balancing freedom of expression with the need to protect children from potentially harmful material.
- The Federal Court case focused on the assessment of sexually explicit content and its potential impact on children.
- The Court found that the Classification Review Board did not adequately consider the submissions made regarding the potential harm of the content in *Gender Queer*.
- This case has implications for the ongoing review of the classification guidelines and the need for clear and consistent criteria for assessing potentially harmful or offensive material.
- 'Backpocket Brief: *Gender Queer: A Memoir* - Federal Court Matter' refers.

Classification of Publications

- Under cooperative arrangements, states and territories are primarily responsible for enforcing the classification of physical media, including publications.
- Recent inquiries and controversies surrounding the classification of publications, such as *Gender Queer: A Memoir*, *Ostend*, and *The Boys: Omnibus Volume Two*, have highlighted the need for further scrutiny and potential reforms in this area.
- The role of classification in relation to publications, including the classification criteria and handling of potentially harmful or offensive content, is being considered as part of the second stage of reforms.
- 'Backpocket Brief: Classification of Publications' refers.

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Background

- The current Scheme was established in 1995 through the *Classification (Publications, Films and Computer Games) Act 1995* and the *Intergovernmental Agreement on Censorship 1995*.
- The Scheme is a cooperative scheme between the Commonwealth, states, and territories, with the Commonwealth responsible for the classification of content and the states and territories responsible for enforcement.
- Content is classified by the Classification Board, an independent statutory body, using a government-approved classification tool or by classifiers trained and accredited by the government.
- The Classification Board follows the *Classification (Publications, Films and Computer Games) Act 1995*, the National Classification Code, and the Guidelines for the Classification of Publications when making decisions.
- The National Classification Code states that classification decisions should allow adults to access the content they want while protecting children and the community from potentially harmful or disturbing material.
- Only 'submittable publications'—those likely to be restricted to adults due to potentially offensive content—require classification.
- Publishers/distributors determine if a publication is submittable, however the Director of the Classification Board can 'call in' a publication for classification.
- There are 4 classification categories: Unrestricted, Category 1 Restricted (restricted to persons aged 18 and over and must be in a sealed wrapper), Category 2 Restricted (restricted to persons aged 18 and over and only displayed in premises restricted to adults), and Refused Classification (cannot be legally imported or sold in Australia).
- 'Unrestricted' publications may include content unsuitable for some readers. Consumer advice, such as age recommendations, can be added to provide further guidance.

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Key Media

Media	Summary
Australian Classification Board: Censor OKs 'artistic merit' of violent gang rape scenes The Australian	This article discusses the decision to not ban the publication ' <i>Ostend</i> '.
Conservative in court win over book classification The Canberra Times Canberra, ACT Court orders review of Gender Queer book's classification after challenge by Australian rightwing activist Australia news The Guardian	These articles summarise the applicant's successful litigation against the Classification Review Board's decision of ' <i>Gender Queer – A Memoir</i> '.
www.theguardian.com/world/2024/sep/30/bernard-gaynor-classification-appeal-gender-queer-graphic-novel-ntwnfb	This article summarises the arguments presented in Court.
www.classification.gov.au/about-us/media-and-news/media-releases/media-release-classification-publication-gender-queer-memoir	Classification Board Media Release 3 April 2023.
www.classification.gov.au/about-us/media-and-news/media-releases/gender-queer-classified-unrestricted-m-not-recommended-for-readers-under-15-years	Classification Review Board Media Release 20 July 2023.

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Lead/Support contact: Lisa La Rance/Ben Phelps

SB24-000376

SUBJECT: NBN Funding Arrangements**Key Deliverables**

- NBN Co to upgrade the remaining 622,000 Fibre to the Node (FTTN) premises by 2030 supported by up to an additional \$3 billion in equity funding from the Australian Government.

Talking Points

- On 13 January 2025, the Prime Minister announced \$3bn in equity to fund the upgrade of the remaining national Fibre to the Node Network (FTTN), with NBN Co contributing \$800 million to the project. The upgrades will be completed by 2030.
- ^{s47(1)(b)} [REDACTED]
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts administers the equity investment by the government and also has oversight of NBN Co's private debt.
- The Department of Finance can provide information on the budget accounting treatment of the equity investment.
- NBN Co issues share certificates, tabled in both Houses of Parliament, every quarter after an equity payment is made.
- The government also provides a guarantee to Telstra for payments owed to it by NBN Co.

Equity Funding

- In the October 2022 budget, the government committed an additional \$2.4 billion in equity to upgrade to full-fibre access 1.5 million FTTN premises. ^{s47(1)(b)} [REDACTED]
- The equity appropriation profile is set out in the 2024-25 Budget (Budget paper 1, Statement 3: Table 3.4) and will be updated in the 2025-26 Budget to reflect the additional equity announced in January 2025.

Private Debt and Government Guarantee

- NBN Co holds long-term credit ratings from Moody's, (Aa3 Stable) and Fitch, (AA+ Stable).

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- NBN Co established a Sustainability Bond Framework in 2022 and has been issuing green bonds.
- NBN Co has hedging programs in place to manage interest rate and foreign exchange rate movements.
- NBN Co provides information about its debt portfolio on its website.
- The government guarantee to Telstra is disclosed in the 2024-25 Budget (Budget Paper 1, Statement 9) (see **Attachment B**).

Key Issues

- NBN Co will continue to access global and domestic debt markets to fund Corporate Plan commitments.
- As an issuer of debt securities listed on the Singaporean Exchange Securities Trading Limited (SGX-ST), NBN Co is subject to obligations to make information disclosures to the exchange to comply with its market rules. Information which may have a material effect on debt securities or an investor’s decision to trade in these debt securities is required.
- NBN Co’s listing on the SGX-ST relates to debt securities only. A debt listing enables NBN Co to access a larger pool of institutional lenders. The listing and choice of jurisdiction has no implications for the government’s ownership of NBN Co. The SGX-ST is a common venue used by debt issuers in the Asia-Pacific region, including by large Australian companies.
- Upon the loan being repaid by 30 June 2024, ^{s47(1)(b)} [REDACTED]

Background

April 2009 - September 2017	Government provided NBN Co with initial equity funding of \$29.5 billion.
December 2016	\$19.5 billion government loan to NBN Co was established at a fixed interest rate of 3.96 % per annum and a due date of 30 June 2019.
September 2017	Government provided final equity payment to NBN Co.
September 2017 - July 2020	Government loan was provided to NBN Co, via monthly payments.
August 2018	Government agreed to extend the repayment period of the loan, which was due in 2019, by a further 4 years, to be repaid on 30 June 2024. It was also agreed NBN Co could access private debt (up to \$2

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	billion). To implement this, the Shareholder Ministers agreed revisions to the loan agreement on 26 March 2019, and related amendments made to the Shareholder Information Deed.
s47E(d), s47(1)(b)	
October 2022	\$2.4 billion in additional equity funding was appropriated through the Budget process, specifically as a contribution towards the construction costs of upgrading an additional 1.5 million FTTN premises to FTTP to enable access to gigabit capable broadband.
26 June 2024	Loan repaid when NBN Co made the last payment on the remaining outstanding principal debt of \$5.5 billion.
30 November 2024	To date, NBN Co has borrowed \$27.5 billion from the private sector.
31 December 2024	To date, the government has invested \$31.1 billion in equity funding.
December 2025	Total investment in equity funding will be \$31.9 billion
13 January 2025	Government announced additional equity funding of up to \$3 billion over 5 years. For further detail on the new upgrades, see brief SB24-000382 NBN Upgrades (new funding commitment)
December 2030	Total investment in equity funding will be \$34.9 billion

*Note: Period of government - Labor: Nov 2007 to Sept 2013, Coalition: Sept 2013 to May 2022, Labor: May 2022 to current

Further details on NBN Co’s funding arrangements are in **Attachment A**.

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Financial Information as at 31 December 2024

Overview of NBN Co's debt portfolio as at 30 November 2024	AUD Millions		
	Available	Utilised	Undrawn
Bank debt facilities (excluding Overdraft facility)	10,900	2,650	8,250
AMTN	6,150	6,150	-
EMTN	4,287	4,287	-
US144A Notes	7,949	7,949	-
Private Placements	2,260	2,260	-
Promissory Notes	3,905	3,905	-
Overdraft Facility	350	306	44
Total Borrowings	35,800	27,506	8,294

Source: NBN Co's Debt Investor page [sourced 06/01/2025]

Attachments

- A: Summary of NBN Co funding arrangements
- B: Budget 2024-25, Budget Paper 1, Statement 9, Telstra Financial Guarantee

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Attachment A

NBN Co funding arrangements

Equity payments provided to NBN Co (31 December 2024)

Financial Year	Incremental	Cumulative
	Initial Equity (Network Build)	
2008-14	\$8,418 million	\$8,418 million
2014-15	\$4,767 million	\$13,185 million
2015-16	\$7,090 million	\$20,275 million
2016-17	\$7,190 million	\$27,465 million
2017-18	\$2,035 million	\$29,500 million
	Additional Equity (Network Upgrades)	
2022-23	\$305 million	\$29,805 million
2023-24	\$771 million	\$30,576 million
2024-25*	\$528 million	\$31,104 million

*As at 31 December 2024

Government Loan provided to NBN Co

Financial Year	Incremental	Cumulative
2017-18	\$5,531 million	\$5,531 million
2018-19	\$7,522 million	\$13,053 million
2019-20	\$6,405 million	\$19,458 million
2020-21	\$42 million	\$19,500 million

Loan Interest - Revenue received by government (Interest expense to NBN Co)

Financial Year	Incremental	Cumulative
2017-18	\$70 million	\$70 million
2018-19	\$352 million	\$422 million
2019-20	\$629 million	\$1,051 million
2020-21	\$691 million	\$1,742 million
2021-22	\$336 million	\$2,078 million
2022-23	\$224 million	\$2,302 million
2023-24	\$211 million	\$2,513 million

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Loan Principal repaid to government (Loan Repayment by NBN Co)

Financial Year	Incremental	Cumulative
2020-21	\$6,300 million	\$6,300 million
2021-22	\$6,825 million	\$13,125 million
2022-23	\$875 million	\$14,000 million
2023-24	\$5,500 million	\$19,500 million

Government Loan Balance

Financial Year	
2020-21	\$13,200 million
2021-22	\$6,375 million
2022-23	\$5,500 million
2023-24	\$0

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Significant but remote contingencies

Inland Rail – Termination of the Equity Financing Agreement

The Australian Government will provide sufficient funding to cover all costs and liabilities incurred by the Australian Rail Track Corporation (ARTC) or Inland Rail Pty Ltd for delivery of Inland Rail in the event the Commonwealth terminates the Equity Financing Agreement between the Commonwealth and the ARTC.

Maritime Industry Finance Company Limited – Board Members' indemnity

Indemnities for Maritime Industry Finance Company Limited (MIFCO) board members were provided to protect them against civil claims relating to their employment and conduct as Directors. MIFCO was placed into voluntary liquidation in November 2006 and was deregistered on 24 April 2008. The indemnity is not time-limited and continues even though the company has been liquidated. Until the indemnity agreements are varied or ended, they will remain as contingent and unquantifiable liabilities.

Moorebank Intermodal Project – Glenfield Waste Site Easement

The Australian Government has provided an indemnity to cover all costs and liabilities that may be incurred by the Grantor (the private sector owner of the Glenfield Waste Site) of any easement for the rail spur going across the Glenfield Waste Site, to the extent such costs or liabilities are caused or contributed to by the Commonwealth or its agents.

National Intermodal Corporation Limited – Termination of the Funding Agreement

The Australian Government has provided an indemnity to cover all costs and liabilities that may be incurred by the National Intermodal Corporation Limited (National Intermodal) if the Commonwealth terminates the Funding Agreement between the Commonwealth and National Intermodal.

Telstra Financial Guarantee

The Australian Government has provided Telstra Corporation Limited (Telstra) a guarantee in respect of NBN Co's financial obligations under the Definitive Agreements. The Agreements were amended on 14 December 2014. The Guarantee was not amended at that time and it continues in force in accordance with its terms in respect of the amended Definitive Agreements. The liabilities under the Definitive Agreements between Telstra and NBN Co arise progressively during the roll-out of the National Broadband Network as Telstra's infrastructure is accessed and Telstra's customers are disconnected from its copper and Hybrid Fibre Coaxial cable networks. The Australian Government is only liable in the event NBN Co does not pay an amount when due under the Definitive Agreements. As at 28 February 2024, NBN Co had liabilities covered by the Guarantee estimated at \$11 billion.

The Guarantee will terminate when:

- NBN Co achieves specified credit ratings for a period of two continuous years
- the company is capitalised by the Commonwealth to the agreed amount
- the Communications Minister declares, under *the National Broadband Network Companies Act 2011*, that, in his or her opinion, the National Broadband Network should be treated as built and fully operational. This declaration was made on 11 December 2020.

Tripartite deeds relating to the sale of federal leased airports

The tripartite deeds between the Australian Government, the airport lessee company and financiers, amend airport (head) leases to provide for limited step-in rights for financiers in circumstances where the Australian Government terminates the head lease to enable the financiers to correct the circumstances that triggered such a termination event. The tripartite deeds may require the Australian Government to pay financiers compensation as a result of terminating the (head) lease, once all Australian Government costs have been recovered. The Australian Government's contingent liabilities are considered to be unquantifiable and remote.

WSA Co Limited – Board Members' indemnities

The Australian Government has provided an indemnity to the inaugural directors of WSA Co Limited (WSA Co) to protect them against certain claims relating to their role as directors. Unless the indemnity agreements are varied or ended, they cease to apply from the date the Commonwealth has fully satisfied its obligations to subscribe for equity in WSA Co pursuant to the WSA Co Equity Subscription Agreement.

WSA Co Limited – Sydney Metro – Western Sydney Airport indemnity

The Australian Government has provided an indemnity to cover liabilities that may be incurred by WSA Co related to the integration of the Sydney Metro – Western Sydney Airport project (delivered by the New South Wales Government) with the Western Sydney International (Nancy-Bird Walton) Airport, to the extent such liabilities are established in the Airport-Rail Integration Deed.

WSA Co Limited – Termination of the Equity Subscription Agreement

The Australian Government is required to cover all costs and liabilities that may be incurred by WSA Co if the Commonwealth terminates the Equity Subscription Agreement between the Commonwealth and WSA Co.

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SB24-000377

SUBJECT: NBN Pricing and SAU**Key Deliverables**

- In July 2022, the Australian Government announced that it supported NBN Co withdrawing the Standard Access Undertaking (SAU) variation proposal lodged in March 2022, and submitting a revised proposal that would be capable of acceptance.
- In October 2023, the Australian Competition and Consumer Commission (ACCC) accepted a revised SAU variation proposal submitted by NBN Co having regard to the long term interests of end users.
- When implemented in 2023-24, the average impact of wholesale price changes in the varied SAU on retailer's wholesale costs was flat. Subsequently, the varied SAU limits annual price increases on NBN Co's overall suite of wholesale products to inflation.

Talking Points

- NBN Co's SAU is a regulatory framework established in 2013 for regulating wholesale access to the National Broadband Network (NBN).
- The SAU regulates NBN Co's wholesale prices, it does not regulate retail prices. Individual retailers make their own decision as to the prices they set for their products in a competitive market. Consumers are encouraged to choose a retailer best suited to their needs.
- The impact of NBN Co's wholesale price changes on retail costs varies between different products, and will also vary between different retailers.
- In 2023-24 the total NBN activated base (combined brownfield and greenfield activations) has increased.

Key Issues

27 July 2022	Media release from Minister for Communications supporting NBN Co withdrawing the SAU variation proposal it submitted in March 2022, and submitting a revised proposal that would be capable of acceptance by the ACCC. Also published correspondence from the Minister for Communications and Minister for Finance to NBN Co regarding the SAU process, and a letter from the Minister for Communications to the ACCC outlining changes in the policy landscape.
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14 August 2023	NBN Co lodged a proposal to vary its SAU. NBN Co had submitted prior variation proposals on 29 March 2022 and 29 November 2022.
17 October 2023	The Australian Competition and Consumer Commission (ACCC) accepted NBN Co's proposed variation to its SAU having regard to the long-term interests of end users.
1 December 2023	NBN Co implemented the wholesale pricing arrangements and service standards in the varied SAU through its Wholesale Broadband Agreement (WBA5). The average impact of these price changes on wholesale costs for retailers was flat.
1 July 2024	NBN Co increased wholesale charges for 2024-25 on its overall suite of core services by around 4.1%, consistent with Consumer Price Index (CPI) linked price controls.
1 May 2025	NBN Co will publish a tariff list to set out its 2025-26 wholesale prices. The tariff list will be subject to CPI linked price controls under the SAU.
2 July 2025	NBN Co scheduled to submit its Replacement Module Application (RMA) to the ACCC. The RMA will set out NBN Co's proposed expenditure, baseline service standards and entry level pricing offer for the next SAU regulatory period commencing on 1 July 2026.
1 July 2026	Next SAU regulatory period commences.
30 November 2026	Expected WBA5 expiry.
30 June 2040	SAU expires.

SAU impact on prices

- The below table shows the average combined wholesale charge to retailers for each of the 6 main NBN Co products designed for retailers to sell to residential consumers prior to the varied SAU being implemented, under the varied SAU arrangements implemented in 2023-24, and following annual price changes implemented on 1 July 2024 for 2024-25.
- The price changes implemented on 1 July 2024 were consistent with price controls in the varied SAU, which limit annual increases on NBN Co's overall suite of core services to the CPI figure in the preceding December quarter (4.1% in the December 2023 quarter).
- The price controls allow some flexibility on individual services. The average combined wholesale charge increases for the 12/1 megabits per second (Mbps) and 50/20 Mbps services were more than CPI, around 5%, but 100 Mbps and above services were less than CPI.

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s47(1)(b)



- Prior to the SAU variation, the pricing of these products included both fixed charge and variable connectivity virtual circuit (CVC) charge components. CVC effectively acts as a capacity charge and is paid by retailers on a per Mbps basis.
- Following the implementation of the varied SAU, variable charges no longer apply to 100 Mbps and above services. Variable CVC charges for the 50/20 Mbps, 25/5 Mbps and 12/1 Mbps services are being progressively reduced and will be phased out by 1 July 2026.
- The calculations undertaken by NBN Co of its average combined wholesale charges shown in the above table incorporate both fixed and variable CVC charges.
- NBN Co prepared analysis showing that the average combined wholesale charge to retailers for each of these services in 2023-24 would have been higher under the SAU variation proposal it lodged in March 2022 as compared to the accepted arrangements.
- The SAU variation proposal lodged in March 2022 would have allowed for CPI linked annual price increases, or CPI plus 3% on some products. Therefore, it would be anticipated that the average combined wholesale charge in 2024-25 would have

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remained higher under the SAU variation proposal lodged in March 2022 as compared to the accepted arrangements.

Retail price changes

- Following the ACCC's decision to accept the varied SAU in 2023, several retailers announced price changes.
- On 2 November 2023, the ACCC released a media release to put retailers on notice that it will be monitoring retailers to ensure they are upfront with consumers about retail price changes and being accurate in how they present the suitability of their plans for different household types.
- A number of retailers again adjusted their prices in July 2024, describing a range of factors affecting their pricing decisions. The quantum of some of these price changes did not necessarily align with the increases in NBN Co's average combined wholesale charges introduced on 1 July 2024.
- On 18 December 2024, the ACCC published its 2023-24 Communications Market Report (Communications Market Report) setting out its analysis and estimates of 2023-24 NBN retail pricing trends. The ACCC's report estimates that the average advertised prices for the 12 Mbps, 25 Mbps, 100 Mbps and 250 Mbps services decreased in 2023-24, while the prices for 50 Mbps services were broadly steady.
- However, the Communications Market Report states that a reason for the reduction in advertised prices was due to simplification of bundled products offered by retailers.
- Therefore, the ACCC also generated an alternative price comparison taking into account this factor. This estimated that, in 2023-24, the prices for 100 Mbps and greater plans decreased between \$3-13, 12 and 50 Mbps plans increased by over \$5 and around \$3 respectively, and 25 Mbps plans experienced a slight increase of less than \$1.
- The ACCC also stated in the Communications Market Report that certain customers are paying above the advertised plan price for their selected speed tiers. For example, some customers on a 50 Mbps plan are paying around \$88 per month which is above the average weighted advertised plan price of \$80.

Replacement Module Application process

- NBN Co has commenced consultation with stakeholders on its Replacement Module Application (RMA).
- NBN Co is required to submit its RMA by 2 July 2025, and the ACCC will then assess it and make a Replacement Module Determination.
- The Australian Government is providing up to \$2.563 million funding to the Australian Communication Consumer Action Network (ACCAN) to support its engagement in the

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SAU process (including RMA consultations), with this funding being cost recovered from NBN Co.

NBN Co activation (from public progress report)

	Brownfield	Total NBN Activations
30 June 2023	7,179,997	8,558,654
27 June 2024	7,143,007	8,612,081
30 November 2024	7,111,407	8,617,735

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SB24-000378

SUBJECT: NBN Remuneration**Key Deliverables**

- Remuneration is expected to be appropriately governed and consistent with relevant industry benchmarks and Australian Government guidance.
- The Statement of Expectations (SoE) (see 'Background' section below) outlines the government's expectations regarding remuneration.

Talking PointsRemuneration and Incentives

- NBN Co's remuneration and payment of incentives are the responsibility of the NBN Co Board and captured in NBN Co's Annual Report.
- The government does not set remuneration for Government Business Enterprises (GBEs), including NBN Co's executives or other employees, including incentives.
- Instead, the Remuneration Tribunal determines the salary range for roles of Chief Executive Officers (CEOs) and other leaders of GBEs, including NBN Co. The salary range is based on the role itself, not individuals appointed to those roles.
- NBN Co and other GBEs decide on a salary for an individual appointed to a role within the salary range determined by the Remuneration Tribunal.

NBN Co Chief Executive Officer (CEO) position

- The position of NBN Co CEO is listed as a Principal Executive Office (PEO) under the *Remuneration Tribunal Act 1973*. This provides consistency between NBN Co and other GBEs.
 - *If asked:* Questions about the Remuneration Tribunal process for the NBN Co CEO should be addressed to the Remuneration Tribunal.
 - *If asked:* Questions comparing the remuneration of other GBEs should be addressed to the respective GBE.
- The CEO's contract of employment, including remuneration and incentives, are set by the NBN Co Board, within the salary range determined by the Remuneration Tribunal.

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Key Issues

3 December 2024	NBN Co CEO, Ms Ellie Sweeney, commenced.
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NBN Co CEO contract details

- *If asked:* Questions about the contract terms for the NBN Co CEO should be directed to NBN Co.
- The details of the contract and remuneration for Ms Ellie Sweeney and her predecessor are set by the NBN Co Board within the limits outlined by the Remuneration Tribunal. The specific details of such contracts are not generally provided to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The CEO's salary is published each year in NBN Co's Annual Report.

Performance-based Incentives

- NBN Co was established under the *Corporations Act 2001* and is a GBE.
- In response to the Commonwealth Performance Bonus Guidelines issued in August 2021, the NBN Co Board undertook a review of the performance incentive framework for its staff.
- Short-term incentive (STI) payments (i.e. bonuses) apply only to the most senior staff (Executive Committee Members and Executive General Managers) based on the achievement of performance targets set by the NBN Co Board.
- The performance targets include a range of measures such as: connected premises, customer service delivery trust and reputation, transformation and financial sustainability.
- For other NBN Co employees, who were previously subject to the STI framework, they had 64% of their former maximum at-risk remuneration incorporated into their total fixed remuneration.
- The number of employees eligible to participate in the NBN Co STI program was reduced from around 3,500 in 2021 to less than 50 in 2022.
- See **Attachment A** for remuneration details from the 23-24 Annual Report.

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BackgroundExtract from Statement of Expectations relating to remuneration*NBN Co's Board is fully accountable to Shareholder Ministers for:*

- *the performance of NBN Co, including (but not limited to) promoting: (1) the proper use and management of the economic resources for which the Board is responsible; (2) the achievement of the objects and/or purposes of the GBE; and (3) financial sustainability;*
- *setting a remuneration structure that: is transparent; ensures that the executive remuneration is appropriately aligned to key performance indicators, with fit for purpose targets that incentivise high performance beyond business as usual outcomes but are restrained and justifiable to the Parliament and the Australian public; is appropriately governed; is not inconsistent with relevant industry benchmarks; and is consistent with any Government guidance*

Attachments

- A: NBN Co remuneration details – 2023-24 Annual Report

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REMUNERATION OF KEY MANAGEMENT PERSONNEL

Remuneration of Senior Executives

Remuneration for Senior Executives deemed to be KMP is shown in the table below. NBN Co has applied the requirements of the PGPA Rule in its disclosures for the period ended 30 June 2024, which includes the assessment of Senior Executives as KMP in accordance with the meaning defined in AASB 124 *Related Party Disclosures*. Comparative information presented has not been adjusted.

		Short-term benefits		Post-employment		Other benefits		Total	
		Base salary and fees ¹	STI award ²	Super-annuation	Other Post Employment	STI award deferral ²	Long Service Leave ³		Termination Benefits
		\$	\$	\$	\$	\$	\$	\$	
Senior Executives deemed to be KMP as at 30 June 2024									
S Rue ⁴	2023	2,203,295	704,376	25,292	-	-	104,053	-	3,037,016
	2024	2,019,223	644,994	23,229	-	-	165,224	-	2,852,670
D Ljubanovic ⁵	2023	-	-	-	-	-	-	-	-
	2024	543,869	128,166	20,549	-	-	16,300	-	708,884
W Irving	2023	1,006,244	228,160	25,292	-	-	15,398	-	1,275,094
	2024	1,091,625	228,466	27,399	-	-	23,598	-	1,371,088
P Knox	2023	958,022	218,592	25,292	-	-	17,086	-	1,218,992
	2024	1,036,636	257,829	27,399	-	-	38,242	-	1,360,106
J Parkin	2023	836,951	176,040	25,292	-	-	14,705	-	1,052,988
	2024	809,527	180,188	27,399	-	-	33,041	-	1,050,155
A Perrin	2023	425,973	89,951	12,646	-	-	487	-	529,057
	2024	1,013,706	219,038	27,399	-	-	2,747	-	1,262,890
Former Executives deemed to be KMP									
K Dyer ⁶	2023	1,157,878	254,232	25,292	-	95,315	(13,146)	-	1,519,571
	2024	276,182	-	6,850	-	-	19,837	-	302,869
B Whitcomb	2023	449,741	-	12,646	-	-	(206,685)	-	255,702
	2024	-	-	-	-	-	-	-	-
Total	2023	7,038,104	1,671,351	151,752	-	95,315	(68,102)	-	8,888,420
	2024	6,790,768	1,658,681	160,224	-	-	298,989	-	8,908,662

NOTES

- 2024 base salary includes annual leave paid and the movement in the annual leave provision during the period calculated in accordance with AASB 119 *Employee Benefits*.
- The cash STI award for FY24 is to be paid in August 2024.
- Long service leave amounts relate to the movement in the provision for long service leave during the relevant period, which is calculated in accordance with Australian Accounting Standards. In estimating the provision, consideration is given to expected future wage and salary levels, fulfilment of service level milestones and periods of service. Expected future payments are discounted using market yields at the balance date on national corporate bonds. Long service leave provisioning is adjusted for cessation of employment, including retirement, to reflect the settlement of any entitlements.
- S Rue ceased as KMP on 6 May 2024. The remuneration included in the table covers the period that Mr Rue was KMP. Post resignation, Mr Rue remained an employee of NBN Co and has continued to provide ongoing service to NBN Co during his notice period, albeit on a restricted basis that did not meet the definition of KMP. Mr Rue's notice period runs until 4 November 2024 and he is estimated to receive total remuneration of \$1,425,826 during his notice period, in accordance with the contractual terms and conditions of his employment contract.
- Aggregate KMP year on year comparisons are impacted by the appointment of Mr D Ljubanovic on 1 October 2023.
- The remuneration included in the table covers the period that Ms Dyer was KMP. After ceasing to be KMP on 30 September 2023, Ms Dyer remained an employee of NBN Co and continued to provide ongoing service during her notice period, albeit on a restricted basis that did not meet the definition of KMP. Ms Dyer's notice period ran until 31 January 2024 and she received total remuneration of \$456,072 after ceasing to be KMP until the end of her notice period. This remuneration was made in accordance with the contractual terms and conditions of her employment contract.

Non-Executive Directors

Non-Executive Director fees

All Non-Executive Directors of NBN Co are appointed by the Commonwealth of Australia through the Shareholder Ministers.

Fees for Non-Executive Directors are set through the determinations of the Commonwealth Remuneration Tribunal (the Tribunal), an independent statutory body overseeing the remuneration of key Commonwealth offices. NBN Co is regulated to comply with the Tribunal's determinations and plays no role in the consideration or determination of Non-Executive Director fees.

The Tribunal sets annual Chair and Board fees (exclusive of statutory superannuation contributions) that are inclusive of all activities undertaken by Non-Executive Directors on behalf of NBN Co (i.e. inclusive of Committee participation). Statutory superannuation is paid in addition to the fees set by the Tribunal.

The following table sets out the Non-Executive Director fees (excluding superannuation) as directed by the Tribunal for FY24 and FY23.

Board position	2023–24 annual entitlement From 1 July 2023	2022–23 annual entitlement From 1 July 2022
Chair	242,510	233,180
Non-Executive Directors	121,320	116,650

Remuneration of Non-Executive Directors

Remuneration for Non-Executive Directors for FY24 and FY23 is shown in the table below:

		Short-term benefits	Post- employment	Total remuneration
		Director fees \$	Superannuation contributions \$	\$
Non-Executive Directors				
P Bains	2023	116,650	12,248	128,898
	2024	121,320	13,345	134,665
N Caesar	2023	116,650	12,248	128,898
	2024	121,320	13,345	134,665
D Clarke ¹	2023	116,650	12,248	128,898
	2024	16,703	1,835	18,538
A Dix ²	2023	116,650	12,248	128,898
	2024	93,288	10,262	103,550
N Lockwood	2023	116,650	12,248	128,898
	2024	121,320	13,345	134,665
M Malone	2023	116,650	12,248	128,898
	2024	121,320	13,345	134,665
K McKenzie	2023	233,180	24,484	257,664
	2024	242,510	26,676	269,186
M Mrdak ³	2023	-	-	-
	2024	90,990	10,009	100,999
E Parker	2023	116,650	12,248	128,898
	2024	121,320	13,345	134,665
K Russell ⁴	2023	-	-	-
	2024	23,437	2,578	26,015
Total	2023	1,049,730	110,220	1,159,950
	2024	1,073,528	118,085	1,191,613

NOTES

1. D Clarke ceased to be a Non-Executive Director effective 21 August 2023.
2. A Dix ceased to be a Non-Executive Director effective 6 April 2024.
3. M Mrdak was appointed as a Non-Executive Director effective 1 October 2023.
4. K Russell was appointed as a Non-Executive Director effective 22 April 2024.

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SB24-000380

SUBJECT: Low Earth Orbit Satellites**Key Deliverables**

- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Australian Communications and Media Authority (ACMA) are assessing the suitability of Australia's regulatory framework and spectrum management regime to support the deployment of Low Earth Orbit Satellite (LEOSat) communications, including Direct-to-Device (D2D) connectivity.
- There is a significant level of interest in the emergence of D2D services being delivered by LEOSats. The department is investigating these issues to inform government and the public.
- The LEOSat Working Group considers contemporary and strategic communication policy issues related to LEOSat technology. The Working Group meets on an as needs basis to inform and support government decision making. The last meeting was held on 11 February 2025.

Talking Points

- Low-Earth Orbit Satellites (LEOSats) are providing broadband connectivity across Australia, primarily through Starlink.
- The LEOSat Working Group, established by the Minister for Communications, has been informing the government about the role LEOSats might play in delivering telecommunications services for Australians living in rural and remote areas, including First Nations communities.
- The Australian Government is undertaking work to make sure that Australia is ready to take advantage of LEOSat opportunities as they continue to evolve.
- Although currently fit for purpose, we continue to monitor how our legislative and regulatory framework applies to LEOSats when Direct-to-Device (D2D) capability becomes commercially available. This includes how LEOSat capability will be able to support Triple Zero services and Australia's future universal service arrangements.

Key IssuesLEOSat technology

- LEOSats have been deployed to provide a range of satellite services since the 1950's. However, LEOSats were not a viable option for broadband services during the initial establishment and rollout of the NBN.

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- Recent technological advancements have enabled rapid, market-led deployment of services. This has enabled LEOsats to be part of the mix of technologies providing broadband and telephony services. LEOsat providers now offer, or plan to offer, an alternative for residents currently served by NBN’s Sky Muster service.
- Currently, broadband services are mainly provided through Starlink, owned and operated by SpaceX. However, the range of service providers and service offerings are expected to increase as new providers enter the market.
- At present, LEOsats consumers access the internet using a small satellite dish which connect to satellites. In the future, LEOsat providers will release a feature, Direct-to-Device (D2D), which allows consumers to access the internet and make calls by connecting their mobile phones directly to a satellite without the need for a dish.
- While Apple already offers a similar (but limited) feature for sending emergency text messages from recent iPhones, D2D is focused on delivering voice, text and limited data services directly to a range of consumer-grade mobile devices. The satellite sector intends to include 4G and potentially future generation capable smartphones.
- Internationally there has been limited deployment of D2D text services. In the US, T-Mobile in the US has opened registration for a Beta program with priority given to first responder agencies and individuals. In New Zealand, One NZ currently provide D2D text services only on a limited number of premium phones.

Direct-to-device (D2D) LEOsat capability in Australia

July 2023	Optus announced a partnership with Starlink for D2D services in July 2023. The initial timing for this D2D service was expected to start with sporadic text services in late 2024, however this has been delayed.
Late 2024	Telstra announced trials with Lynk in late 2024 (have not occurred). Telstra has not yet revealed whether the arrangement with Lynk will result in a consumer service offering.
August 2024	TPG Telecom announced a partnership with Lynk Global.
9 January 2025	Telstra announced that it has partnered with SpaceX in Australia to provide a D2D service. Telstra has not indicated when it intends to begin testing or deploying this service. It is not clear how Telstra’s partnership with Starlink will impact Optus arrangements with Starlink.
Early 2025	Starlink and Australian partners will begin testing text messaging on consumer mobile phones.
2025	Lynk and Australian partners will begin testing text messaging on consumer mobile phones.

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Late 2025	Starlink voice and data anticipated to begin.
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LEOSat Working Group

21 October 2022	Minister Rowland announced the establishment of a LEOSat Working Group (Working Group).
February 2023	Working Group meeting 1 - inaugural meeting and agreeing terms of reference
May 2023	Working Group meeting 2 - digital inclusion and closing the gap and USO services
July 2023	Working Group meeting 3 - direct to device and resilience and redundancy
September 2023	Working Group meeting 4 – economic benefits of LEOSats
April 2024	2023 Chair’s Report published
June 2024	Working Group meeting 5 – forward work plan and Bureau of Communications, Arts and Regional Research (BCARR) economic impact study
July 2024	Working Group meeting 6 – First Nations community internet access options
March 2025	Working Group Meeting 7 (planned) - direct to device deployment and state of market

- The aim of the Working Group is to help Australia capture the benefits of this technology as early as possible, and consider the policy and regulatory implications of LEOSat technology.
- The Working Group consists of industry, government and First Nations representation and is chaired by the department’s Deputy Secretary of Communications and Media Group.

Chair’s report and recommendations

- The Chair’s report summarises the Working Group’s advice, including six recommendations across five topics to government including digital inclusion, universal service framework, D2D capability, resilience in emergency scenarios and the economic benefits of LEOSats.
- *More information on the Working Group, Chair’s report and BCARR report is included in Backpocket Brief – LEOSat Working Group & Report.*

LEOSat market in Australia**Contact:** Ben Phelps**Cleared by:** Lisa La Rance, First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 02**Date:** 10/02/2025

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April 2021	Starlink beta trial launches in Australia – subscriber numbers have risen steadily since
June 2023	NBN Co commenced a request for information (RFI) process to understand the advantages and challenges of different LEOsat constellations. The RFI process has been completed and discussions between NBN Co and parties are ongoing.
June 2025	Starlink publicised that it had 250,000 customers.
25 March 2024	Telstra, who do not offer NBN Sky Muster services, began offering a Telstra Satellite Home Internet service using the Starlink network. Telstra is also offering voice-only broadband plans using Starlink to connect some Universal Service Obligation customers.

- At present, Starlink is the only LEOsat operator in Australia offering a consumer broadband solution.
- Other operators are planning on entering the consumer broadband market, including Amazon Kuiper.
- NBN Co is exploring potential future uses of LEOsats to deliver better outcomes for rural, remote and First Nations communities.
 - *If raised:* Further questions on the RFI process should be directed to NBN Co.
- Starlink services provides consumers with an additional choice for their connectivity, which is important for Australians.

NBN’s SkyMuster satellite service

- As of December 2024, SkyMuster had 82,992 customers.

• s47(1)(b)

• [Redacted]

Attachment A provides a table comparing LEOsat broadband products and pricing in the Australian market from September 2024.

- The government’s \$480 million investment to upgrade NBN Co’s fixed wireless network has helped free up capacity on Sky Muster satellites and with over 120,000 premises previously able to access the NBN via Sky Muster are now eligible for fixed wireless services.
 - *If raised:* Questions about the number of customers on NBN Co Sky Muster or Fixed Wireless networks can be directed to NBN Co.

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- Questions about government investment in NBN fixed wireless can be directed to Nicolle Power, Assistant Secretary, Universal Services Branch. *Refer Brief SB24-000387 for further information.*

LEOSats as part of modernised universal service regime

If raised: Lead SES is Nicolle Power, Universal Services Branch, Communications Infrastructure Division. Refer brief SB24-000385 for further information.

- There is stakeholder interest in the opportunity that LEOSats might play under a modernised Universal Services regime. The government has consulted on new arrangements, and the Regional Telecommunications Independent Review has recommended that current arrangements be modernised on a technology neutral basis, subject to proposed technology used being proven and consumers being supported through this change. . Technical trials are also being undertaken to better understand the 'real-world' performance of LEOSats to deliver fixed voice services.

LEOSats in emergenciesNational Triple Zero emergency call service

If raised: Lead SES is Kath Silleri, Consumer Safeguards, Communications Services & Consumer Division. Refer brief SB24-000267 for further information.

- LEOSat D2D emergency calls to Triple Zero will be available when the voice capability of these networks is activated, which is expected to be commercially available from late 2025 onwards.
- No action by the Australian Government is required to enable this service to come online. However, the department continues to consider developments in this area to identify both opportunities and roadblocks.
- From a regulatory perspective, any carrier or carriage service provider (CSP) who supplies a voice carriage service is required to provide emergency voice calls (i.e. calls to the emergency call person) including for devices which are not subscribed to their own network. The department is considering whether there will be issues in providing location information to the Emergency Call Person (called Advanced Mobile Location or AML) when calls to Triple Zero are made through a LEOSat voice service.
- It is the department's understanding that existing obligations that require Carriers and CSPs to ensure access to emergency calls over terrestrial networks will apply equally to LEOSat D2D voice calls, including the requirement to camp-on.

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- The ECS Determination requirement that CSPs deliver calls to Triple Zero will apply equally where those services are delivered via LEOSat D2D capability. This will include facilitating camp-on functionality for emergency calls of end-users of another CSP, regardless of whether the other CSPs services do or do not include LEOSat D2D services. The department is currently in the process of working with the ACMA on ensuring that industry is fully cognisant of these obligations
 - During the review into the Optus Outage, the department identified a need to establish a testing regime to ensure that emergency calls would be successfully carried regardless of the device and the network used. The department engaged the University of Technology Sydney (UTS) to develop the technical requirements of a testing code for Communications Alliance. To complement this work, the department has also engaged the UTS to establish a testing facility to carry out a prescribed set of tests to ensure device and network capability. This testing process and facility will be integral in understanding the capability of LEOSat D2D services to successfully carry calls to Triple Zero, including facilitating emergency camp on. Emergency camp-on is an arrangement where a mobile phone that cannot access the emergency call service on its 'home' network (because it is out of range, or its home network is unavailable) will 'camp-on' to another mobile network that is available and within range to connect the emergency call. Camp-on only works if another mobile network is available to the end-user.
- The existing national Triple Zero system is voice only. Legislative change would be necessary to enable text messaging to Triple Zero, including via LEOSats. Engagement on the operational model, impact and adaptations would also be required with Carriers, CSPs, the Emergency Call Person and Emergency Services Organisations.
- Apple's Emergency SOS via satellite is a proprietary emergency service for newer iPhone models. Apple's Emergency SOS via satellite uses mobile satellite services (MSS) spectrum to send a message via Globalstar's LEOSat network to an international triage centre, which then places a voice call to Triple Zero in Australia.

Temporary disaster roaming

If raised: Lead SES is ^{s22(1)(a)(ii)} [REDACTED] Telecommunications Resilience Branch, Communications Infrastructure Division. Refer to Backpacket brief: Temporary Disaster Roaming for more information.

- On 26 March 2024, the department, in conjunction with the National Emergency Management Agency (NEMA), provided a report to Minister Rowland and the then Minister for Disaster and Emergency Management, Senator Hon. Murray Watt, scoping a temporary disaster roaming (TDR) capability for Australia.

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- This would enable consumers, regardless of their mobile provider, to obtain mobile connectivity during emergencies provided there was sufficient coverage on other mobile networks. Following the report Minister Rowland announced a preference for an industry-led TDR solution.
 - The extent to which the development of LEOSat D2D functionality may complement or mitigate the need for TDR was one element discussed in the report.
- The department continues to work with the Mobile Network Operators (MNOs) to bring about an industry-led TDR solution

National Messaging System

If raised: Lead SES is ^{s22(1)(a)(ii)} [REDACTED] Telecommunications Resilience Branch, Communications Infrastructure Division. Refer to SB24-000389 for more information.

- LEOSat D2D has been tested for emergency messages within the United States of America during natural disasters in late 2024. LEOSat operators anticipate that potentially the capability could be made available in Australia if deployed by the MNOs.

Regulatory considerations

If raised: Lead SES is Shanyn Sparreboom, Competition & Spectrum Branch, Communications Infrastructure Division. Further information on regulatory considerations and D2D spectrum is included in Backpocket Brief – LEOSat Working Group & Reports.

- The government is considering how existing regulatory frameworks capture LEOSat services in Australia and if any adjustments are required. These frameworks include competition regulation, spectrum management and device standards.
- The department has undertaken a targeted consultation with industry and relevant Australian government agencies to ascertain whether there are any regulatory gaps governing satellites that need to be addressed before satellite D2D services gain mass market adoption in Australia. Submissions are being considered.
- LEOSat providers who offer public telecommunication services in Australia are treated in the same manner as other telecommunications providers, and will need to hold a carrier licence or have a Nominated Carrier Determination from the Australian Communications and Media Authority (ACMA) in place. For example, Starlink Australia Pty Ltd holds a carrier licence.
- D2D Spectrum: The ACMA has engaged with stakeholders to explore whether the spectrum management framework is fit-for-purpose to manage satellite D2D services. The ACMA conducted a consultation from 9 November 2023 to 7 February 2024 on

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potential regulatory issues for satellite D2D services. On 21 October 2024, the ACMA released its guidance on operation of International Mobile Telecommunications (IMT) satellite D2D services. This guidance states that the current spectrum licensing framework allows for the operation of satellite D2D services within the Australian mainland and Tasmania. There are no known regulatory impediments to using a MNO's licenced spectrum for D2D in these locations, subject to the phone complying with all applicable spectrum licence conditions.

- The department is continuing to work with the ACMA on these matters.

Background

Information on LEOSat technology, market and cost is included in Backpack Brief – LEOSat Working Group & Reports.

Attachments

- A: Comparison of satellite broadband products in the Australian market

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts**Contact:** Ben Phelps**Cleared by:** Lisa La Rance, First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 02**Date:** 10/02/2025

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Attachment A

Table: Comparison of satellite broadband products in the Australian market

Provider	Product	Download Speed	Cost/month	Cost/equipment	Installation
Skymesh Note: these costs are indicative, there are other NBN Sky Muster retailers with varying pricing	NBN Sky Muster Premium Plus 25Mbps	25Mbps (with high latency)	\$64.95	N/A	Typically free
	NBN Sky Muster Premium Plus 50Mbps	50Mbps (with high latency)	\$84.95	N/A	Typically free
	NBN Sky Muster Premium Plus 100Mbps	100Mbps (with high latency)	\$104.95	N/A	Typically free
Telstra (Starlink, with 4G fall-back if available)	Telstra Satellite Home Internet	50Mbps (estimated peak time)	\$125	\$599 for Starlink Kit	Optional, (cost not given)
	Telstra Home satellite (USO voice only)	Voice only	\$50	Provided at no cost	Optional, (cost not given)
Starlink	Residential (unlimited data allowance)	Approx. 136-275Mbps in NSW (varies state to state)	\$139	\$549 (\$34 shipping cost) Also available at retailers	Optional, \$199
	Maritime option (50GB, 1TB allowance on water with additional charges per GB, unlimited data on land).	40-220Mbps (varies on location)	\$374, \$1,486	\$3,740 high performance dish (\$34 shipping cost)	Optional, \$199
	Roam (50GB, unlimited allowance) Mobile option for travelling – can be paused	25-100Mbps (varies on location)	\$80, \$195	\$599 (\$34 shipping cost) Also available at retailers	N/A

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SB24-000381

SUBJECT: NBN Bill (Commitment to Public Ownership)**Key Deliverables**

- Enact the National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024 in 2025.

Talking Points

- The purpose of the Bill is to update the *National Broadband Network Companies Act 2011* to reflect the Australian Government's policy, 2022 election commitment and 2022 Statement of Expectations that NBN Co, as the operator of the National Broadband Network, remains publicly owned.
- Retaining conditions that allow privatisation is inconsistent with the government's policy and the Statement of Expectations.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has never completed any work on the privatisation of NBN Co.

Key Issues

19 December 2022	Shareholder Ministers updated the NBN Statement of Expectations, including that the NBN was to remain in public ownership for the foreseeable future.
September 2024	<p><u>Development of the Bill</u></p> <p>Department began work drafting the Bill in response to a request from the Minister for Communications to ensure legislation reflected existing government policy.</p> <p>The Bill was developed in consultation with central agencies, the Attorney-General's Department and the Office of Parliamentary Counsel.</p>
9 October 2024	Bill was introduced in the House of Representatives by the Minister for Communications.
20 November 2024	Bill was passed by the House of Representatives.
21 November 2024	Senate Selection of Bills Committee referred the Bill to the Environment and Communications Committee for scrutiny.
6 February 2025	Committee report tabled, recommending the Bill pass through the Senate

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Policy supporting the Bill

- The government’s policy is to retain public ownership of NBN Co.
- The current legislative conditions within the *National Broadband Network Companies Act 2011* (NBN Act) do not reflect this policy. The Bill seeks to make the legislation consistent with the policy.
- This policy is outlined in the NBN Statement of Expectations (at **Attachment A**), issued to NBN Co on 19 December 2022 stating that ‘...the Government will keep NBN Co in public hands for the foreseeable future to provide the Company with the certainty needed to continue delivering improvements to the network while keeping prices affordable.’

National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024 (the Bill)

- The Bill removes the current legislative conditions that provide a path to privatisation of NBN Co, set out in Part 3 of the NBN Act and Schedule 2 to the NBN Act.
- The Bill proposes a new section 43A stating the Commonwealth must continue to wholly own NBN Co as the operator of the National Broadband Network (NBN), in recognition of the NBN’s importance as nation-wide infrastructure.
- The Bill also makes minor consequential amendments to other parts of the NBN Act, as well as 1 minor change to the *Telecommunications Act 1997*.
- The Bill is at **Attachment B**, and the Explanatory Memorandum is at **Attachment C**.

Current legislative conditions to a privatisation of the NBN

- There are 4 legislative conditions within the NBN Act that must be satisfied before NBN Co can be privatised.

Condition	Met?
Declaration from the Minister for Communications confirming the NBN should be treated as ‘built and fully operational’.	Yes – 11 December 2020
Productivity Commission report on NBN Co.	No
Parliamentary Joint Committee on the Ownership of NBN Co considering the Productivity Commission Report.	No
Declaration from the Minister for Finance that the conditions were suitable for NBN Co to be entered into a sale scheme. This declaration is a disallowable instrument. While the Finance Minister can issue further declarations, these further declarations can also be disallowed.	No

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- Once all 4 conditions are met and come into effect, the Commonwealth's ownership of NBN Co would be terminated. The government could choose to privatise NBN Co through an NBN Co sale scheme. The sale scheme process is not automatic, and must be initiated by the government.

2020 Declaration that the NBN be treated as built and fully operational

25 November 2010	National Broadband Network Companies Bill was introduced in the House of Representatives, with section 48 requiring the Minister for Communications to determine if the National Broadband Network should be treated as built and fully operational by 31 December 2018, or declare a further pre-termination period is required.
15 December 2010	NBN Co Corporate Plan states initial rollout would be completed by 31 December 2020. This estimated finish date is then incorporated into the National Broadband Network Companies Bill as the new deadline in section 48.
28 March 2011	National Broadband Network Companies Bill passes both Houses of Parliament. In order to secure passage of the Bill, the Gillard government negotiated with the Australian Greens to incorporate additional legislative conditions for privatising NBN Co, namely the Productivity Commission report and Joint Parliamentary Committee,
12 April 2011	<i>National Broadband Network Companies Act 2011</i> received Royal Assent.
September 2020	Agreement from the Morrison government for NBN Co to undertake approx. \$4.5 billion of upgrades to allow 75% of homes and businesses within the fixed line network to access gigabit speeds by 2023.
11 December 2020	The then Minister for Communications, the Hon. Paul Fletcher MP, based on NBN Co's response to the assessment framework developed by the department (with Analysys Mason), declared the National Broadband Network 'should be treated as built and fully operational'. This is the only legislative condition for a privatisation that has been met.
	A consequence of the then minister's declaration was that NBN Co is treated as the default Statutory Infrastructure Provider (SIP) for broadband services. Under Part 19 of the <i>Telecommunications Act 1997</i> , a SIP must ensure wholesale supply of 25 Mbps and peak upload speeds of 5 Mbps per

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	second, while also enabling retailers to supply voice services over fixed line and fixed wireless connections.
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If asked: Why is the government investing in NBN Co if the previous government declared the network to be complete?

The NBN was deemed to have been completed using a mix of technologies, including copper lines and fixed wireless. The 2020 declaration is not related to the current government’s policy to upgrade the fixed line portion of the network to full-fibre, thereby removing the original copper.

Attachments

- A: Statement of Expectations issued to NBN Co on 19 December 2022
- B: National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024
- C: Explanatory Memorandum

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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NBN Co Limited
Statement of Expectations
19 December 2022

This Statement of Expectations ('this statement') is issued by Shareholder Ministers for NBN Co Limited ('NBN Co' or 'the Company'). It replaces previous statements provided to NBN Co. This statement guides NBN Co so that its strategic direction is aligned with the Government's objectives for the National Broadband Network (NBN) and delivering the Government's commitments to increase access to faster, more reliable broadband. This statement may be updated by the Shareholder Ministers from time to time.

Ownership

The Government will keep NBN Co in public hands for the foreseeable future to provide the Company with the certainty needed to continue delivering improvements to the network while keeping prices affordable.

Purpose and Objectives

The enduring purpose of the NBN is to provide fast, reliable and affordable connectivity to enable Australia to seize the economic opportunities before it and service the best interests of consumers. It is essential to enabling access to key services, maximising employment and educational opportunities, and driving productivity and economic growth. NBN Co will enhance Australia's digital capability by delivering services to meet the current and future needs of households, communities and businesses, and promote digital inclusion and equitable access to affordable and reliable broadband services. NBN Co will operate on a commercial basis, drive a culture of efficiency and innovation that yields results, and meet the highest standards of transparency, governance and accountability.

Role and Responsibilities of NBN Co

NBN Co is a wholly-owned Commonwealth company, bound by the *Corporations Act 2001* (Cth). The Company operates at arm's length from the Government. NBN Co has flexibility and discretion in the management of its business as a Commonwealth company and Government Business Enterprise (GBE), within the parameters of the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA Act) and related legislation and guidance materials (PGPA Requirements), other legislation applying to the Company and the Government's objectives.

The Board of NBN Co has ultimate responsibility for the performance of the Company and is accountable to the Government as its sole shareholder. NBN Co should observe the principles and obligations as set out in the Commonwealth Government Business Enterprises – Governance and Oversight Guidelines.

Enhancing Digital Capability and Productivity

- **Wholesale broadband services:** The NBN will continue to be a wholesale-only access network that is available to all access seekers. NBN Co is the default Statutory Infrastructure Provider (SIP) for all of Australia and, where it is the SIP, it must meet its legal obligations, including in relation to minimum service speed and network performance requirements.

- **Promoting take up of the NBN:** NBN Co will offer products and pricing which promote the take up and utilisation of the NBN, and support Retail Service Providers to meet consumer needs at affordable prices.
- **Upgrading and improving the NBN:** NBN Co will upgrade and improve the network to support Retail Service Providers to enhance quality of services and consumer experience, improve reliability, meet current and future demand from consumers, and build digital capability through:
 - Efficiently implementing upgrades to increase the proportion of premises with full fibre access, ensuring that 90 per cent of premises in the fixed line footprint have access to peak wholesale download speeds of up to 1 gigabit per second.
 - Efficiently implementing upgrades to the fixed wireless network and improving satellite services and data allowances.
 - Continuing to work to end the ‘co-existence’ period with legacy service so NBN services can operate at full speed, and address underperforming lines.
 - Undertaking proactive network planning, including for the transition of satellite services, and positioning itself to utilise emerging and future technologies to meet future demand, promote innovation, improve services and generate efficiencies in service delivery.
- **Promoting competition:** NBN Co operates in a manner that promotes competition in retail broadband markets through its wholesale-only mandate. NBN Co should compete fairly in markets where it participates in accordance with legal and policy parameters. NBN Co should consult with Government in circumstances where it is considering entering new markets.
- **Promoting innovation:** NBN Co should, in accordance with capital, legal and policy parameters, innovate and develop new services to meet and anticipate Retail Service Providers’ and consumer needs.
- **Regulatory certainty:** NBN Co should work constructively with the Australian Competition and Consumer Commission to vary its Special Access Undertaking and implement those changes.
- **Services for businesses:** NBN Co should promote competition in supplying wholesale broadband services to Retail Service Providers to support business consumers’ needs and should earn commercial returns in supplying these services. In supplying business grade services, NBN Co should aim to improve retail and infrastructure competition and access for businesses, including in less well served areas.
- **Net Zero emissions:** NBN Co should deliver greenhouse gas emissions reductions consistent with meeting or exceeding the Government’s commitment to Net Zero emissions by 2050.
- **Network security and resilience:** NBN Co should ensure security and resilience issues are integral parts of its decision making and demonstrate best practice in managing these issues. NBN Co should take an active role in supporting telecommunications sector security, as well as maintaining a productive and cooperative relationship with security and law enforcement agencies.
- **Disaster readiness & response:** To mitigate the impact of changing climate and natural disasters, NBN Co should develop and regularly maintain and test disaster and crisis management plans in collaboration with governments and Retail Service Providers. NBN Co should seek to restore services to disaster affected communities as soon as possible. In doing so, NBN Co should work cooperatively with other providers to the extent legally possible. NBN Co should work proactively with State and Territory Emergency Service Organisations and the National Emergency Management Agency.

Promoting Equitable Access

- **Improving service and consumer experience:** Households and businesses connecting to and using the NBN should receive reliable, resilient and secure services. The Company will, through its own activities and by working cooperatively with Retail Service Providers, improve service quality of the NBN to meet the best interests of consumers, and support Retail Service Providers to meet their obligations to consumers, including by:
 - Promptly addressing circumstances where premises in the NBN footprint do not have access to the network.
 - Supporting the timely and smooth connection of consumers onto the network, including in new developments.
 - Investing efficiently and working with Retail Service Providers to simplify, enhance and integrate systems and processes, including to enable the rapid and accurate identification of the source of issues affecting consumers, and the timely and transparent provision of this information, as appropriate for a wholesaler, to consumers and Retail Service Providers.
 - Seeking to minimise and progressively reduce outages, persistent faults and other systemic issues adversely affecting broadband service levels and continuity experienced by consumers.
 - Efficiently and effectively resolving faults and outages, and doing so in a manner that minimises disruption for consumers.
 - Proactively managing complaints where they do occur, including cooperating with others in the supply chain where there are joint responsibilities, with a focus on timely resolution.
 - Providing timely and accurate public reporting on metrics relevant to consumer experience, including outages, network availability and network performance.
- **Promoting access to broadband services:** The Company should work with Government and other stakeholders to support initiatives to improve digital inclusion, particularly for low income households and other vulnerable groups that face barriers to accessing high speed broadband.
- **Connecting First Nations Australians:** NBN Co is expected to set, maintain and deliver an ambitious Reconciliation Action Plan. NBN Co will set specific targets for participation in employment and supply chains. NBN Co is expected to collaboratively work with First Nations Australians to improve digital inclusion (access, affordability and ability) and contribute, where possible, to the Government's policy objectives to meet the National Agreement on Closing the Gap targets and outcomes. NBN Co is expected to deliver services in genuine partnership with First Nations communities, such as through Community WiFi deployment, and establish robust data and reporting systems to enable transparency of outcomes in this area.

Improving Connectivity for Regional and Remote Australians

- **Better connectivity:** NBN Co will continue to improve its services and assist in addressing access challenges in regional and remote areas to enhance connectivity, improve safety and increase productivity. The Company will support this by continuing to innovate, proactively engaging with governments and stakeholders to support the funding and delivery of enhanced services and digital inclusion, and efficiently incorporating regional and remote areas in upgrades plans in a manner consistent with the Company's commercial expectations. Outcomes should include:
 - Ensuring at least 660,000 premises in regional and remote Australia are included in the commitment to expand full-fibre access to a further 1.5 million premises.

- Efficiently implementing upgrades to provide all premises in the fixed wireless network with access to wholesale download speeds of up to 100 megabits per second and typical wholesale busy hour speeds of at least 50 megabits per second.
- Improving the Sky Muster satellite service, including increasing wholesale monthly data allowances to on average at least 90 gigabytes per month on completion of the fixed wireless upgrade.
- Ensuring at least 80 percent of premises in regional and remote Australia have access to wholesale download speeds of at least 100 megabits per second by 2025.
- Continue to improve access and affordability to business grade services for businesses in regional and remote areas, including through continuing to expand the footprint of Business Fibre Zones in non-metropolitan areas, and provision of business-grade satellite services.
- **Universal Services:** NBN Co will work with the Government and other parties on optimising the delivery of baseline voice and broadband services, including in regional and remote areas, and with due regard to its SIP obligations.

Working with Stakeholders

- NBN Co will engage productively and collaboratively with its stakeholders, including through:
 - Working closely with Retail Service Providers to promote certainty and provide affordable high quality services to consumers and to design products that meet future needs.
 - Maintaining high standards in working with landowners and communities when exercising any carrier powers and immunities.
 - Adhering to the Australian Supplier Payment Code for practices that engage Small and Medium Enterprises.
 - Engaging constructively with government agencies, regulators, industry groups and communities.

Operating Commercially

- **Operating efficiently:** NBN Co must operate efficiently within its capital constraints and proactively manage costs. NBN Co will work with and support Retail Service Providers and commercial partners to achieve efficiencies, including through providing predictability in forward planning.
- **Commercial sustainability:** NBN Co needs to be commercially sustainable to support efficient investment in the network, servicing and repaying its debt obligations, achieving and maintaining a standalone investment grade credit rating, and providing an appropriate return to the Commonwealth as shareholder.
- **Managing trade-offs:** There will be circumstances where there will need to be trade-offs between NBN Co's commercial objectives and its obligations and policy expectations:
 - The Government recognises that NBN Co will not be able to generate a commercial return in delivering all of its obligations, particularly in regional and remote Australia, and it is expected the Company will take a flexible approach to supporting these activities, including through contributions from the Regional Broadband Scheme and, where necessary, returns in other parts of its business. However, where this occurs, NBN Co will be transparent, demonstrate that its expenditure is efficient and will maintain the flexibility to adopt future innovations and advancements.

- NBN Co is also expected to be transparent in informing Government of circumstances where it considers there is a material trade-off between fulfilling or supporting a policy objective and its commercial objectives. NBN Co is expected to consult with Government on its approach to managing the trade off in these circumstances.

Transparency, Governance and Accountability

The Government expects NBN Co's Board to meet the highest standards of transparency, governance and accountability for corporate and government-owned entities. NBN Co should adopt the prevailing version of the 'ASX Corporate Governance Principles and Recommendations' to the extent it is consistent with NBN Co's other governance and accountability obligations.

- NBN Co's Board is fully accountable to Shareholder Ministers for:
 - **the performance of NBN Co**, including (but not limited to) promoting: (1) the proper use and management of the economic resources for which the Board is responsible; (2) the achievement of the objects and/or purposes of the GBE; and (3) financial sustainability;
 - **internal governance of NBN Co**, including (but not limited to) establishing and maintaining: (1) an appropriate system of risk oversight and management including in respect of cyber security risks; and (2) an appropriate system of internal controls;
 - **setting a remuneration structure** that: is transparent; ensures that the executive remuneration is appropriately aligned to key performance indicators, with fit for purpose targets that incentivise high performance beyond business as usual outcomes but are restrained and justifiable to the Parliament and the Australian public; is appropriately governed; is not inconsistent with relevant industry benchmarks; and is consistent with any Government guidance;
 - **setting strategic direction, organisational leadership and establishing and maintaining a culture** that meets the high standards expected by the public in relation to (but not limited to): (1) efficient, effective, economical and ethical expenditure of money; (2) proactive and open disclosure of information that is reasonably in the public interest; and (3) following best practice principles and guidelines that go beyond strict legal obligations (e.g. probity and value for money); (4) ensuring a culture which encourages the highest standards of respect, diversity and inclusion; (5) setting targets and programs for gender equity; and (6) creates an engaged results-orientated staff culture that minimises unplanned turnover;
 - **ongoing compliance with external governance frameworks**, including (but not limited to): (1) any governance documents that operate between the Government, as shareholder, and NBN Co; (2) the Commonwealth GBE – Governance and Oversight Guidelines (GBE Guidelines); and (3) the PGPA Requirements, including Corporate Planning and associated Key Performance Indicators; and
 - **timely, accurate and transparent provision of information**, including (but not limited to): (1) the obligation to keep Shareholder Ministers informed; and (2) advance notice of, and the opportunity to review, public statements and media releases.
- The Government expects that NBN Co representatives appearing before the Parliament have a detailed understanding of their duties per the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* (Parliamentary Witness Guide).
- Where NBN Co engages a third-party (e.g. a contractor), it must take into account the risks associated with that approach and, impose on them obligations in relation to the efficient, effective, economical and ethical expenditure of money.

- The Government expects NBN Co to be a model employer and seek to promote similar outcomes from its contractors. NBN Co must, to the extent reasonably possible, ensure it can identify individuals and entities who perform work on the NBN and the entity who has engaged them. NBN Co must also ensure it has effective processes in place to identify and respond to concerns regarding the conduct of third parties engaged by the Company. NBN Co will adhere to the *Modern Slavery Act 2018* (Cth).
- Where NBN Co's Board delegates its power (or authorises an employee or third-party to exercise its power) it must be clearly documented and recorded.
- The Board should have **access to a company secretary**, who reports to the Board (through the Chair) and is able to provide advice independent of company management and who Board members can raise matters with confidentially and seek advice from as a governance expert.

Senator the Hon Katy Gallagher
Minister for Finance

The Hon Michelle Rowland MP
Minister for Communications

2022-2023-2024

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**National Broadband Network
Companies Amendment (Commitment to
Public Ownership) Bill 2024**

No. , 2024

(Infrastructure, Transport, Regional Development, Communications and the Arts)

**A Bill for an Act to amend the law relating to
companies associated with the national broadband
network, and for related purposes**

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

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Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

1 **A Bill for an Act to amend the law relating to**
2 **companies associated with the national broadband**
3 **network, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act is the *National Broadband Network Companies*
7 *Amendment (Commitment to Public Ownership) Act 2024*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

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Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

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(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

8

3 Schedules

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Schedule 1—Amendments

National Broadband Network Companies Act 2011

1 Paragraphs 3(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) to ensure that NBN Co remains in Commonwealth ownership.

2 Section 4 (paragraph beginning “The Commonwealth ownership provisions”)

Repeal the paragraph.

3 Section 4 (paragraph beginning “NBN Co must take all reasonable steps”)

Repeal the paragraph.

4 Section 4 (note 1)

Omit “Note 1:”, substitute “Note:”.

5 Section 4 (note 2)

Repeal the note.

6 Section 5

Repeal the following definitions:

- (a) definition of *declared pre-termination period*;
- (b) definition of *declared sale deferral period*;
- (c) definition of *financial product*;
- (d) definition of *hybrid-security issuer company*;
- (e) definition of *listed disclosing entity*;
- (f) definition of *listing market*;
- (g) definition of *listing rules*;
- (h) definition of *NBN Co sale scheme*;
- (i) definition of *Parliamentary Joint Committee on the Ownership of NBN Co*;

Schedule 1 Amendments

- 1 (j) definition of *Productivity Minister*;
- 2 (k) definition of *sale-scheme hybrid security*;
- 3 (l) definition of *sale-scheme trust deed*;
- 4 (m) definition of *sale-scheme trustee*.

5 **7 Section 5 (definition of securities)**

6 Omit “(except in section 55)”.

7 **8 Section 5 (definition of unacceptable private ownership or**
8 **control situation)**

9 Repeal the definition.

10 **9 Section 8 (note 1)**

11 Omit “Note 1:”, substitute “Note:”.

12 **10 Section 8 (note 2)**

13 Repeal the note.

14 **11 Subsection 34(2)**

15 Repeal the subsection.

16 **12 Section 43**

17 Repeal the section, substitute:

18 **43 Simplified outline of this Part**

19

Parliament’s intention is that the national broadband network is 20 operated by NBN Co.
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Under provisions called the Commonwealth ownership provisions, 22 the Commonwealth must retain ownership of NBN Co.
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23 **13 Before Subdivision A of Division 2 of Part 3**

24 Insert:

1 **Subdivision AA—Infrastructure of national significance**

2 **43A Parliament’s intention in relation to operation of the national**
3 **broadband network and ownership of NBN Co**

4 It is the Parliament’s intention, in recognition of the importance of
5 the national broadband network as nation-wide infrastructure, that:

- 6 (a) the national broadband network is operated by NBN Co; and
7 (b) NBN Co remains wholly owned by the Commonwealth.

8 **14 Section 45 (note)**

9 Repeal the note.

10 **15 Section 46 (note)**

11 Repeal the note.

12 **16 Subdivisions B and C of Division 2 of Part 3**

13 Repeal the Subdivisions.

14 **17 Division 3 of Part 3**

15 Repeal the Division.

16 **18 Section 75**

17 Repeal the section.

18 **19 Part 4**

19 Repeal the Part.

20 **20 Subsection 98A(3)**

21 Omit “makes a declaration under section 48”, substitute “made a
22 declaration under repealed section 48”.

23 **21 At the end of subsection 98A(3)**

24 Add:

25 Note: The declaration under repealed section 48 was made on 11 December
26 2020.

Schedule 1 Amendments

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22 Subsection 98A(5)

Omit “makes a declaration under section 48”, substitute “made a declaration under repealed section 48”.

23 At the end of subsection 98A(5)

Add:

Note: The declaration under repealed section 48 was made on 11 December 2020.

24 Subsection 99(1)

Omit “(other than section 48)”.

25 Subsection 99(2)

Omit “(other than section 50)”.

26 Schedule 2

Repeal the Schedule.

Telecommunications Act 1997

27 Subparagraph 143E(2)(b)(ii)

Omit “makes a declaration under section 48”, substitute “made a declaration under repealed section 48”.

28 At the end of subsection 143E(2)

Add:

Note: For the purposes of subparagraph (2)(b)(ii), the declaration under repealed section 48 of the *National Broadband Network Companies Act 2011* was made on 11 December 2020.

2022-2023-2024

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**NATIONAL BROADBAND NETWORK COMPANIES AMENDMENT
(COMMITMENT TO PUBLIC OWNERSHIP) BILL 2024**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Communications, the Hon Michelle Rowland MP)

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024

OUTLINE

Overview of the Bill

The purpose of the Bill is to amend the *National Broadband Network Companies Act 2011* (NBN Act) to recognise in legislation the Australian Government's existing policy that NBN Co Limited (NBN Co), the company that operates the National Broadband Network (NBN), remains in public ownership.

This will be achieved through:

- an amended simplified outline in section 43 of the NBN Act
- removal of the legislative conditions necessary to enable the private ownership and control of NBN Co from sections 47 to 75, and sections 77 to 85 of the NBN Act, and other related amendments
- inserting a new section 43A. This new section is a statement of Parliamentary intent, and will confirm the Parliament's recognition of the importance of the NBN as nationwide infrastructure and the Parliament's intention that the NBN continues to be operated by NBN Co, with NBN Co to be wholly owned by the Commonwealth.

The Bill also contains two minor consequential amendments to the *Telecommunications Act 1997*.

The amendments proposed by the Bill are largely mechanical in nature and do not change the operations of the NBN or the governance of NBN Co.

The provisions of the Act ensuring that NBN Co only supplies eligible services on a wholesale basis are not affected by the Bill. The amendments in the Bill also do not change the restrictions that apply to the scope of the company's activities, such as not engaging in the supply of content services or non-communication services.

The amendments also would not change the Australian Competition and Consumer Commission's existing oversight of the NBN or NBN Co's Special Access Undertaking which applies to NBN Co's price and non-price terms.

Context of the Bill

The NBN is critical infrastructure which reaches over 12.4 million premises across Australia. Currently, more than 8.6 million homes and businesses across Australia are connected to the NBN.

In December 2022, an updated Statement of Expectations was issued to NBN Co, confirming the Government's policy to keep NBN Co in public hands for the foreseeable future. This Bill reinforces this policy and makes the commitment a part of the legislative framework. This amendment will remove existing legislative conditions which, if satisfied, enable privatisation of NBN Co.

Keeping NBN Co in public hands will ensure the company has the certainty necessary for its investment planning, and for operational decision making needed to maximise the economic and social benefits of the NBN.

Financial impact statement

Nil

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

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This will be achieved through:

- an amended simplified outline in section 43 of the NBN Act
- removal of the legislative conditions necessary to enable the private ownership and control of NBN Co from sections 47 to 75, and sections 77 to 85 of the NBN Act, and other related amendments
- inserting a new section 43A. This new section is a statement of Parliamentary intent, and will confirm the Parliament's recognition of the importance of the NBN as nation-wide infrastructure and the Parliament's intention that the NBN continues to be operated by NBN Co, with NBN Co to be wholly owned by the Commonwealth.

The Bill also contains two minor consequential amendments to the *Telecommunications Act 1997*.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.

Minister for Communications the Hon Michelle Rowland MP

NOTES ON CLAUSES

Abbreviations used in Notes on Clauses

Term	Meaning
ACCC	Australian Competition and Consumer Commission
The Act	<i>National Broadband Network Companies Act 2011</i>
The Bill	National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024
NBN	National Broadband Network
NBN Co	NBN Co Limited
SAU	Special Access Undertaking
<i>Telecommunications Act</i>	<i>Telecommunications Act 1997</i>

Clause 1—Short Title

Clause 1 provides that the Bill, when enacted, may be cited as the *National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024*.

The title reflects that the primary objective of the Bill is to ensure the Commonwealth continues to own NBN Co and that there will be no private ownership or control of NBN Co.

Clause 2—Commencement

Clause 2 provides for the commencement of each provision of the Bill, when enacted, as set out in the table in subclause 2(1).

The Bill, once enacted, will commence on the day after it receives the Royal Assent.

Clause 3—Schedules

Clause 3 provides that any legislation that is specified in a Schedule to the Bill would be amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Bill would (after enactment) have effect according to its terms.

There is only one Schedule to the Bill which makes amendments to the Act and two minor consequential amendments to the *Telecommunications Act*.

SCHEDULE 1 - Amendments

Schedule 1 modifies the Act to remove all of the provisions in the Act which relate to, or provide the conditions for, the privatisation (in whole or part) of NBN Co. The amendments set out within this schedule do not change NBN Co's asset ownership or access arrangements NBN Co has with other asset owners or providers necessary to operate the NBN.

Under the Act, as currently in force, an NBN Co sale scheme can occur once certain conditions are satisfied. Namely, the Minister for Communications declares that the NBN should be treated as built and fully operational (which occurred in December 2020); the Productivity Commission has an inquiry into regulatory, budgetary, consumer and competition matters relating to the NBN; a Parliamentary Joint Committee considers the findings of that report; the Minister for Finance makes a disallowable declaration that conditions are suitable to sell NBN Co (which is not disallowed).

Schedule 1 also introduces amendments including a new section 43A to confirm the Parliament's intention that the NBN remains operated by NBN Co, and that NBN Co continues to be wholly owned by the Commonwealth.

As a result of the removal of provisions related to the privatisation of NBN Co, the Bill includes a number of consequential amendments including the removal of redundant definitions and notes.

In relation to the *Telecommunications Act*, the Bill makes two consequential amendments to reflect the intended repeal of section 48 of the Act and confirm the date of the declaration made under the repealed section 48.

Schedule 1 amendments are largely mechanical in nature and do not change the operations of the NBN or the governance of NBN Co. The amendments also would not change the ACCC's existing oversight of the NBN or NBN Co's Special Access Undertaking (SAU) with the regulator.

The provisions of the Act ensuring that NBN Co only supplies eligible services on a wholesale basis are not affected by the Bill. The amendments in the Bill also do not change the restrictions that apply to the scope of the company's activities such as not engaging in the supply of content services or non-communication services.

NBN Co's SAU expires on the earlier of 30 June 2040 or a change of control occurring. This will be triggered either by the Commonwealth ceasing to hold more than 50 per cent of the shares in NBN Co, or 20 business days after the Commonwealth government publishes a change of control notice, stating it intends to take steps to relinquish control over NBN Co. The amendments in the Bill confirming NBN Co remains wholly-owned by the Commonwealth mean there would not be a change of control occurring during the term of the SAU.

Schedule 1 does not change the application of the *Competition and Consumer Act 2010* on NBN Co and the company's obligations under the Statutory Infrastructure Provider Regime.

National Broadband Network Companies Act 2011

Item 1 - Paragraphs 3(1)(b) and (c)

Section 3 of the Act sets out the Objects of the Act. Item 1 would amend section 3 by repealing existing paragraphs 3(1)(b) and (c) of the Act and replacing it with a new paragraph that specifies that one of the Act's objects is to ensure that NBN Co remains in Commonwealth ownership.

By adjusting the object clause of the Act, this amendment embeds that one of the objects of the Act is for the preservation of the Commonwealth's complete ownership of NBN Co. It also removes references to legislative conditions that, once satisfied, could enable private ownership and control of NBN Co.

Item 2 - Section 4 (paragraph beginning "The Commonwealth ownership provisions")

Item 3 - Section 4 (paragraph beginning "NBN Co must take all reasonable steps")

Item 4 - Section 4 (note 1)

Item 5 - Section 4 (note 2)

Items 2, 3, 4 and 5 would amend several parts of section 4 of the Act which provides for a simplified outline of the Act.

Item 2 removes the text in the simplified outline which relates to when the Commonwealth ownership provision end. This change is consequential to the proposed repeal of Subdivisions B and C of Division 2 of Part 3 by Item 16.

Item 3 removes the last dot point in the simplified outline which summarises section 69 of the Act. This change is consequential to the proposed repeal of Division 3 of the Act (which includes section 69) by Item 17.

Item 5 removes the second note accompanying section 4, and as a consequence, the first numbered note is updated by Item 4 to recognise that there would remain only one note.

Item 6 - Section 5

Item 7 - Section 5 (definition of securities)

Item 8 - Section 5 (definition of unacceptable private ownership or control situation)

Item 6 would repeal several definitions from section 5. These are definitions that are used in several Divisions and Subdivisions of the Act which are to be repealed by Items 16 and 17. The removed definitions include:

- declared pre-termination period
- declared sale deferral period
- financial product
- hybrid-security issuer company
- listed disclosing entity
- listing market

- listing rules
- NBN Co sale scheme
- Parliamentary Joint Committee on the Ownership of NBN Co
- Productivity Minister
- sale-scheme hybrid security
- sale-scheme trust deed
- sale-scheme trustee.

Item 7 would modify the definition of securities at section 6 to remove the text of the definition of the term that excludes its application for the purposes of section 55 of the Act. As section 55 would be repealed as part of the repeal of Subdivision C of Division 2 by Item 16, this is a consequential amendment.

Item 8 would repeal the definition of unacceptable private ownership or control situation from section 5. This change is consequential to the proposed repeal of Division 3 of the Act (which includes section 69) by Item 17.

The repeal and amendments of definitions by Items 6, 7 and 8 would not change NBN Co's commercial and regulatory arrangements.

The repeal of the various definitions reflect that they would be redundant upon the commencement of the Bill amendments. For example, the repeal of the existing section 49 provision on the Productivity Commission inquiry would negate the need to define the Productivity Minister that administers the *Productivity Commission Act 1998*. The effect would be that the amendments would provide certainty on which definitions continue to be relevant to the operation of the NBN Act.

Item 9 - Section 8 (note 1)

Item 10 - Section 8 (note 2)

Item 10 repeals the second note accompanying section 8, and as a consequence, the first numbered note is updated by Item 9 to recognise that there would remain only one note.

Item 11 - Subsection 34(2)

Section 34 deals with directions about transfer of assets to another NBN corporation. Subsection 34(2) currently provides that the Communications Minister and the Finance Minister must not give a direction under subsection after the Commonwealth ownership provisions have ceased to have effect under section 51.

As section 51 would be removed from the Act by Item 16, Item 11 would make a consequential change to remove subsection 34(2) in its entirety. This is because the Bill amendments would avoid the situation where the Commonwealth ownership provisions cease to have effect.

Item 12 - Section 43

Part 3 of the Act relates to the ownership and control of NBN Co. Section 43 contains the simplified outline for Part 3.

Item 12 replaces the existing simplified outline with an outline that would reflect the amended Part 3. Namely, the proposed new statement of Parliamentary intent that would be inserted by Item 13, which provide that the NBN is operated by NBN Co and the Commonwealth must retain whole ownership of NBN Co.

Item 13 - Before Subdivision A of Division 2 of Part 3

Item 13 sets out a new Subdivision AA – Infrastructure of national significance which contains the proposed new section 43A. The proposed section 43A is a statement of Parliamentary intention in relation to the operation of the NBN, and ownership of NBN Co.

The new section 43A is a statement of Parliament’s intention, in recognition of the importance of the NBN as nation-wide infrastructure, that the NBN is operated by NBN Co, and that NBN Co remains wholly-owned by the Commonwealth.

The statement of Parliament’s intention confirms that the Commonwealth must retain ownership of NBN Co. This confirms that there necessarily will include no ownership, control, or influence over the NBN other than by the Commonwealth.

NBN Co is the operator of the NBN. In operating its wholesale services, the company will continue to enter into commercial arrangements to utilise assets owned and operated by other entities. The Bill does not change these existing arrangements.

Item 14 - Section 45 (note)

Item 15 - Section 46 (note)

Section 45 which covers the Commonwealth ownership provisions is substantially unaltered. Under the current operation of the Act, the Commonwealth ownership provisions cease to have effect at the time worked out under section 51.

Section 46 provides that NBN Co must take all reasonable steps to ensure that the situation described in subsection 45(2) do not exist. Section 46 remains unaltered by the Bill.

Item 14 removes the note to section 45 as a consequence of the repeal of Subdivision C of Part 3 (which includes section 51), and as the note accompanying section 45 refers readers to section 51, it is necessary to remove this note. Item 16 of the Schedule to the Bill will repeal the Subdivision C of Part 3 (which includes section 51), and as the note accompanying section 46 refers readers to section 51, it is necessary to remove this note.

Item 16 - Subdivisions B and C of Division 2 of Part 3

Item 16 repeals both Subdivision B and Subdivision C of Division 2 of Part 3 to the Act.

Subdivision B provides for when the Commonwealth ownership provisions cease to have effect.

Subdivision C of Division 2 of Part 3 sets out rules governing the sale by the Commonwealth of its shares in NBN Co.

Both Subdivision B and Subdivision C of Division 2 of Part 3 would not be retained in the Act because the Commonwealth would continue to own NBN Co and not engage in a sale of NBN Co shares.

Item 17 - Division 3 of Part 3

Item 17 repeals Division 3 of Part 3 of the Act.

Division 3 of Part 3 contains a head of power for the making of regulations in relation to an 'unacceptable private ownership or control situation' in relation to NBN Co. As a consequence of the proposed repeal of all provisions in the Act that permit NBN Co to be privatised, Division 3 of Part 3 of the Act would be repealed. Given the continuing Commonwealth ownership of NBN Co, this division would not be required.

Item 18 - Section 75

Section 75 specifies the circumstances in which a person is taken to hold an 'interest in a share' for the purposes of Part 3 of the Act. The repeal of this section reflects that the intention is that there would not be an NBN Co sale scheme that result in circumstances in which a person is taken to hold an 'interest in a share'.

Given the continual Commonwealth ownership of NBN Co, section 75 would not be required.

Item 19 - Part 4

Part 4 imposes reporting obligations on NBN Co and on the Board (a term defined in clause 5 of the Act to mean the Board of directors of NBN Co). The reporting obligations relate to both the activities of NBN Co and of other NBN corporations after a sale.

The effect of Item 19 is to repeal Part 4, as that part is no longer necessary in light of the proposed repeal of the conditions when satisfied allow for a sale of NBN Co and NBN corporations.

Item 20 - Subsection 98A(3)

Item 21 - At the end of subsection 98A(3)

Item 22 - Subsection 98A(5)

Item 23 - At the end of subsection 98A(5)

Existing subsection 98A provided for a time limited stamp duty exemption in relation to the exemption from stamp duty in relation to matters related to the creation, development or operation of the NBN.

Item 20 makes a consequential amendment to subsection 98A(3) to recognise that the time period for when the concession ceases. Item 20 replaces the reference date relevant to the provision when the concession switches off, which refers to when a declaration is made under section 48 (which has occurred), to refer to the declaration under the repealed section 48. This is consequential to Item 16 which repeals Subdivision B (which includes the existing section 48). A similar change is made for subsection 98A(5).

For additional clarity, Item 21 inserts a new note after subsection 98A(3) to state the declaration under repealed section 48 was made on 11 December 2020. A similar change is made for subsection 98A(5) through Item 23.

To avoid ambiguity, section 98A has been retained for ease of future reference given the commercial effect of the provisions.

Item 24 - Subsection 99(1)

Item 24 would remove the words “(other than section 48)” in subsection 99(1) and is consequential to the change in Item 16.

Item 25 - Subsection 99(2)

Item 23 would remove the words “(other than section 48)” in subsection 99(1) and is consequential to the change in Item 16.

Item 26 - Schedule 2

Item 26 would repeal Schedule 2 in its entirety. Schedule 2 sets out the operation on the Parliamentary Joint Committee on the Ownership of NBN Co and the removal of the schedule reflects that these details are no longer required.

Telecommunications Act 1997

Item 27 - Subparagraph 143E(2)(b)(ii)

Item 27 replaces the existing subparagraph 143E(2)(b)(ii) with text to reflect that section 48 of the NBN Act would be repealed by this Bill.

Item 28 - at the end of subsection 143E(2)

Item 28 will insert a new note at the end of subsection 143E(2) to state that the declaration under repealed section 48 of the Act was made on 11 December 2020.

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Environment and Communications

Lead/Support contact: Lisa La Rance/Ben Phelps

SB24-000382

SUBJECT: NBN Upgrades (New Funding Commitment)

Key Deliverables

- NBN Co to upgrade the remaining 622,000 Fibre to the Node (FTTN) premises by 2030 supported by up to an additional \$3 billion in equity funding from the Australian Government.

Talking Points

- The government announced on 13 January that it would fund the upgrade of Australia’s remaining national fibre to the node network through an equity injection of up to \$3 billion, with NBN Co contributing more than \$800 million.
- This was a decision taken, but not announced, in the recent Mid-Year Economic and Fiscal Outlook process and the funding will be made available through Appropriation Bill 4.
- s47(1)(b) [Redacted]
- The government’s contribution is an equity investment for budget accounting purposes and there is no impact on the underlying cash balance. There will be an increase in the level of Commonwealth debt and public debt interest costs.
- Partial funding for this measure has been included in the Contingency Reserve s47(1)(b) [Redacted].
- s47(1)(b) [Redacted]
- NBN Co is committed to ongoing provision of high-quality broadband services across the entire fixed line network and will continue to invest in its network in the years ahead to ensure the network meets the needs of end users.

Key Issues

Timeline

25 October 2022	Previously, government committed \$2.4 billion in equity funding over 4 years for NBN Co to upgrade 1.5 million premises from FTTN to Fibre to the Premises (FTTP).
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13 January 2025	Government announced a new commitment of up to an additional \$3 billion in equity funding over 6 years for NBN Co to upgrade the remaining 622,000 Fibre to the Node (FTTN) premises.
13 January 2025	NBN Co announced a commitment to fund \$800 million of the upgrade costs as well as continuing to meet the costs for connections to premises.
s47C, s47(1)(b)	
December 2025	1.5 million upgrades to be completed from 2022 commitment.
December 2030	Upgrades complete from 2025 commitment. Over 94% of all fixed line premises will be able to access close to gigabit speeds.

Summary of Key Facts

Government contribution	Up to \$3 billion
NBN contribution	\$800 million
TOTAL cost	Up to \$3.8 billion
Metropolitan premises	288,000 (46%)
Regional premises	334,000 (54%)
TOTAL premises	622,000
Gigabit capability of total fixed line footprint at completion	94%

Funding details

- The funding committed by government allows NBN Co to commence the upgrades this calendar year (2025), incorporating the planning and design work into the existing schedule of upgrades.
- s47(1)(b), s47C
[Redacted]
- Timing of the first payment will be dependent on the Appropriation Bill being passed and receiving Royal Assent as only then will the funding become available to the Department of Infrastructure, Transport, Regional Development Communications and the Arts.
- s47(1)(b)
[Redacted]

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s47(1)(b)

- s47C, s47(1)(b)

Alternative technologies

- Pursuing fibre upgrades is the best course of action for the majority of premises.
s47(1)(b)
- s47C, s47(1)(b)
- NBN Co is currently investigating if LEO Satellites could form part of their network, to replace SkyMuster satellites.
- s47C, s47(1)(b)

Pricing impacts

- NBN Co's wholesale price are subject to CPI linked price controls under an arrangement with the ACCC known as the Special Access Undertaking (SAU).
- s47(1)(b)
- From around the early 2030s, the maximum wholesale prices NBN Co can charge under the SAU will be linked to a revenue allowance that is calculated by reference to expenditure which the ACCC has assessed to be prudent and efficient.

Impact on NBN financial position

- The investment will assist NBN Co reduce its operating costs over time, by replacing the expensive to maintain copper network with more fibre.
- Detailed questions on NBN Co's financial position should be directed to NBN Co.

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Background

Nature of the upgrades

- s47(1)(b) [Redacted]

Locations for upgrades

- NBN Co will continue with planning work for the upgrades which will benefit all States and Territories and will complete the remaining premises by 2030.
- Specific locations that will benefit will be progressively announced once NBN Co's detailed designs have been completed.

s47(1)(b) [Redacted]

- There is no direct relationship between additional equity being provided, or additional capital expenditure being undertaken and the valuation determined by the department.

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s47C



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Lead/Support contact: Lisa La Rance/Jason Ashurst

SB24-000383

SUBJECT: First Nations Digital Inclusion Budget Measures**Key Deliverables**

- The Australian Government has committed \$68 million over 4 years to support First Nations digital inclusion.
- 19 remote First Nations communities now have free community-wide Wi-Fi, with new programs opening for additional communities, as well as to establish a First Nations Digital Support Hub and Network of Digital Mentors.

Talking Points

- The inclusion of Target 17 in the National Agreement on Closing the Gap – which commits to the goal of equal levels of digital inclusion by 2026 – reflects the importance of addressing the digital divide for First Nations Australians.
- The 2024-25 Budget included funding for First Nations digital inclusion, \$68 million over 4 years, starting from 2023-24, to provide broadband connectivity in remote communities, digital mentoring and support, and improved data collection.
- The 2024-25 Budget funding responds to recommendations made by the First Nations Digital Inclusion Advisory Group (the Advisory Group) in its initial report, and aligns with the actions identified in the First Nations Digital Inclusion Roadmap.
- Between October and December 2024, the Budget programs were designed in consultation with the Advisory Group and a range of stakeholders, and the funding Grant Guidelines opened for applications in February 2025.

Key Issues**2024-25 Budget measures to progress First Nations digital inclusion**

The 2024-25 Budget includes \$68 million over 4 years for the following programs:

- \$40 million over 4 years from 2023–24 to deliver free community Wi-Fi in remote First Nations communities. This investment in community Wi-Fi includes:
 - \$20 million to NBN Co to deliver free community Wi-Fi to 23 First Nations communities using NBN Co’s satellite technology
 - \$20 million to deliver free community Wi-Fi solutions to additional remote First Nations communities, through a contestable grants program.
- \$22 million over 3 years from 2024–25 to establish a First Nations Digital Support Hub and a Network of Digital Mentors.

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- \$4 million to establish the First Nations Digital Support Hub
- \$18 million for the network of Digital Mentors, including \$9 million from the National Indigenous Australians Agency (NIAA) for remote communities.
- \$6 million over 3 years from 2024–25 to expand the Australian Digital Inclusion Index (ADII) to improve the national collection of data on First Nations digital inclusion.
- These programs are funded under the 2022–23 October Budget measure titled Better Connectivity Plan for Regional and Rural Australia (BCP) and from the NIAA’s Indigenous Advancement Strategy.

NBN Co Free Community Wi-Fi

- On 13 February 2024, the Prime Minister announced that NBN Co would be funded to roll out free Community Wi-Fi in around 20 remote communities. The eligibility criteria agreed by the Advisory Group for remote communities to participate included:
 - *community* – the community is remote and population consists of more than 70% First Nations people
 - *connectivity* – the community’s opportunity to connect to telecommunication services can be significantly improved through the provision of community Wi-Fi and there is currently no or low existing other connectivity in the community
 - *delivery of service* – the community is willing to receive and provides access to NBN Co, and State and Territory governments and the Advisory Group are consulted; and
 - *value for money* – the delivery of the service minimises duplication with other like-for-like connectivity infrastructure projects.
- Based on consultation with the Advisory Group, NIAA, Department of Social Services and state and territory governments, a list of potential communities was engaged to participate in the program and have Wi-Fi services activated.
- As at 31 December 2024, 19 out of 23 remote communities have active services. Services in the remaining 4 communities will be activated in the first half of 2025. The operation of free services in these communities is funded until 2028.
- The funding amount of \$20 million was determined through commercial negotiations with NBN Co, and a grant agreement was executed on 30 June 2024. A variation to support Digital Champions was executed on 4 December 2024.

Free Community Wi-Fi (contestable program)

- A further \$20 million is being provided to deliver community Wi-Fi services in more remote First Nations communities. This funding will be awarded to suitable applicants through an open competitive grants process.

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- The program will target communities with poor levels of connectivity and digital inclusion, and will provide sustainable and affordable place-based solutions.
- Following public consultation on the draft Grant Opportunity Guidelines in late 2024, the grant opportunity is expected to be opened for applications in February 2025 and close in March or April 2025.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has established a First Nations Project Noticeboard to provide First Nations communities and their representatives with the ability to have a voice on their connectivity needs and assist potential applicants in identifying the types of solutions communities are looking for when developing their applications for the program.
- This grant opportunity is seeking innovative place-based solutions, including through the use of emerging technologies such as low earth orbiting satellites (LEOSats).

First Nations Digital Support Hub and Network of Digital Mentors

- \$4 million over 2 years from 2024-2025 will go towards a First Nations Digital Support Hub (the Digital Support Hub) which will help First Nations people to be online safely and effectively, and to understand the connectivity options that best suits their needs.
- The Digital Support Hub will be supplemented by a Network of Digital Mentors with an allocation of \$18 million over 3 years from 2024-2025, \$9 million of which is being provided by the NIAA.
- The Network of Digital Mentors program will provide in-community assistance helping members get connected, increase awareness of risks (such as scams) and develop digital skills to enable them to participate in the economy and access services.
- Following public consultation on the draft Grant Opportunity Guidelines in late 2024, the grant opportunity for these programs opened in February 2025 and closed in March 2025. The department is seeking applications from eligible First Nations providers, in consultation with the Advisory Group.

Improving the national collection of data on First Nations digital inclusion

- \$6 million over 3 years from 2024-2025 will be provided to increase the scope and sample size of the Australian Digital Inclusion Index (ADII). The current ADII data set on First Nations digital inclusion draws on very low sample sizes.
- Funding for the delivery of this measure was awarded to the RMIT University, with the grant agreement executed on 29 November 2024 and the program now underway.

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- A direct one-off ad hoc grant was considered the best approach and value for money to maximise outcomes and align with the next round of ADII data collection.
- This funding will enable RMIT to:
 - conduct 2 new rounds of data collection in 2024-25 and 2025-26 financial years, respectively, focusing on First Nations people through a total of up to 5,600 online and face-to-face surveys, including an increased urban and regional sample
 - report progressively on First Nations digital inclusion across 3 key indicators of access, affordability and digital ability, in 2025-26 and 2026-27
 - provide a better understanding of the digital inclusion challenges faced by First Nations people.

Financial Information as at 31 December 2024

Program/Project Start Date:	2023-24				
Program/Project End Date:	30 June 2027				
	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	19.4	19.1	17	12.5	68
Less:					
Actual Expenditure YTD at 31 December 2024	19.4	1.85			21.25
Total Committed Funds at 31 December 2024	19.4	3.1	1	2.5	26
Total Uncommitted Funds (balance)		16	16	10	42

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

- Expenditure of \$19.40 million in 2023-24, was to NBN Co to deliver free community Wi-Fi to up to 23 remote communities, using NBN satellite technology.
- Additional expenditure of \$0.60 million was made to NBN Co in 2024-25 to provide Digital Champions to support these communities in accessing and using the community Wi-Fi services safely and effectively.
- An initial payment of \$1.25 million was made to RMIT in 2024-25 for the commencement of the collection of data on First Nations digital inclusion.

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Lead/Support contact: Lisa La Rance / Jason Ashurst

SB24-000384

SUBJECT: SSBI – School Student Broadband Initiative**Key Deliverables**

- The Australian Government committed to providing free broadband for up to 30,000 families during the 2022 Federal election. More than 23,000 eligible families have been connected and the Initiative is on track to meet the target this year.

Talking Points

- To boost education opportunities and narrow the digital divide, the Minister for Communications launched the School Student Broadband Initiative (the Initiative) on 3 February 2023, providing up to 30,000 eligible families free NBN services.
- This is the first time a measure of this kind has been rolled out nationally. Working with vulnerable communities takes time – both initiating engagement and building awareness of the Initiative.
- The Initiative has strong support with the participation of around 60 nominating organisations identifying eligible families. On 18 October 2023, a National Referral Centre operated by Anglicare Victoria was also made available allowing any family to self-nominate and be assessed against the eligibility criteria.
- As at 23 January 2025, around 85,000 nominations had been received, for which 51,000 free internet vouchers have been issued to eligible families, and 34,000 found ineligible. 23,149 eligible families had been connected to a free NBN service with 480 connections pending.
- The overall conversion rate of vouchers issued to connections varies depending on the approach used by each nominating organisation. Conversion rates are higher for charities and the National Referral Centre that work directly with families. For example, the National Referral Centre has connected over 16,500 families and has a conversion rate of 70%.
- Other organisations, such as education departments and social housing organisations, are less hands on with lower conversion rates. Work continues to remind and help families to use their vouchers.
- On 28 January 2025, the Australian Government announced an additional \$4.9 million to extend the Initiative. The extension means new and existing families will receive a free NBN service until 30 June 2028. The cap remains at 30,000 places.

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- The government has invested \$14.8 million towards the Initiative. This includes \$13.7 million in grant funding for NBN Co to lead implementation and \$1.1 million for grant administration and evaluation activities.
- The total cost of the Initiative depends on take-up, and estimates are commercially sensitive to NBN Co.

Key Issues

- The School Student Broadband Initiative is being implemented by NBN Co, working with nominating organisations and a National Referral Centre to identify eligible families and retail service providers (RSPs) to deliver free services.
- To be eligible, a family must:
 - Have a school age student at home (full or part-time) enrolled in an Australian school (up to year 12 including Prep in Qld/Vic/Tas, Kindergarten in NSW, Reception in SA, Transition in NT/ACT and Pre-Primary in WA).
 - Not have an active NBN network internet service at their current residential address now or in the past 14 days (having a mobile internet service does not affect eligibility).
 - Live in a premise that can access the NBN network through a standard connection.
- Around 60 nominating organisations are participating to identify eligible families including: state and territory education departments, non-government school sectors, charities and local community organisations, social housing providers and individual schools. Federal MPs and Senators are also able to identify and nominate families.
- There are 8 RSPs that have signed up to deliver free services under the Initiative, reflecting strong industry support, and consists of: Aussie Broadband, activ8me, Belong (Telstra), Exetel, Lemonade Broadband, SkyMesh, Superloop and Vodafone (TPG). Launtel previously participated as an RSP but has since withdrawn. Launtel continues to provide free services to their existing customers. Participating RSPs are compensated for their costs in delivering free services via subsidies.
- Services are available across all NBN technologies, providing 50 megabits per second (Mbps) fixed-line services, Fixed-Wireless Plus and Sky Muster Plus services, depending on where the family lives, with large or unlimited data quotas. There are 2 participating RSPs (activ8me and SkyMesh), that are regional and remote specialists offering services over Sky Muster satellite.

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Establishment of a National Referral Centre

- Anglicare Victoria has been engaged by NBN Co to operate a National Referral Centre. This facilitates easier access to free services by allowing families to self-nominate. The National Referral Centre has translation services and resources to assist people from various cultural backgrounds, as well as capacity to advise and assist families to organise a connection from a participating RSP.

Reasons for families being found ineligible

- The reasons for ineligibility are not collected through the online portal used by the National Referral Centre and other organisations to register nominations. However, based on advice from the National Referral Centre the main reasons families are found ineligible are:
 - the family already has an existing and active NBN service;
 - they don't have school aged children; and/or
 - they aren't experiencing financial hardship.

Limited Access Areas

- Limited access areas (LAAs), comprising of approximately 200 islands and remote areas with poor road access, have been ineligible to receive free services due to high costs and long timeframes necessary for NBN Co to install equipment and maintain services.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the First Nations Digital Inclusion Advisory Group have worked with NBN Co to remove this ineligibility criteria for targeted areas as pilots, with Palm Island and Torres Strait Island no longer identified as LAAs.
- Engagement with communities across Palm Island and the Torres Strait has proven successful. As at 13 January 2025, a total of 191 orders had been placed. In the Torres Strait, 139 installs have been completed, while in Palm Island 24 installs are completed. Work continues with NBN Co to consider other communities where there is demand.

Integrity measures to minimise the risk of the free broadband initiative being gamed

- Assessing the need and ability of students and families to take advantage of a free service is the responsibility of the nominating organisation and/or the National Referral Centre.
- NBN Co has built an online portal so organisations can directly and securely register nominations and RSPs can check eligibility using unique voucher codes supplied to families before providing free services. The system is also used by NBN Co to monitor

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the nomination process, if families have recently disconnected from the NBN and to ensure fair distribution of available services.

- NBN Co and the department are aware of anecdotal reports, including posts in online forums, that some families may be disconnecting their existing NBN service to then apply for and receive a free service through the Initiative. This issue is being monitored with a 14-day disconnection period implemented to deter this behaviour.

Government grants to NBN Co for implementation and extension of the Initiative

- The grant opportunities are limited to NBN Co as the only entity that can undertake this project, reflecting the social purpose and non-commercial nature of this Initiative.
- The first grant opportunity of \$4.5 million was published on 9 January 2023 and applications closed on 23 January 2023. The minister approved the grant outcome to NBN Co on 15 March 2023 and the Funding Agreement between NBN Co and the Business Grants Hub (Department of Industry, Science and Resources) was executed on 14 March 2024.
- The second grant opportunity of \$4.3 million, that supports the Initiative's extension until December 2025, was opened for applications on 23 May 2024 and with NBN Co submitting its application on 31 May 2024. The minister approved the grant outcome on 17 June 2024 and the Funding Agreement between NBN Co and the Business Grants Hub was executed on 28 June 2024.
- The additional grant payment of \$4.9 million to extend the Initiative until 30 June 2028, will be administered this financial year.

Evaluation of the Initiative

- In January 2025, and following an Approach to Market, the department entered into a contractual arrangement with the Verian Group to evaluate the Initiative. The total value of the contract is \$288,470.00 (GST exclusive).
- Evaluation is a critical component of program implementation which will also inform future policy considerations and improvements to the Initiative.
- Families, nominating organisations, retail service providers and NBN Co will be invited to share feedback on the Initiative throughout this process.
- The evaluation process has commenced and will run until June 2026.

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Background

The below outlines the breakdown of government funding provided for the Initiative:

October 2022-23 Budget (Launch of the Initiative)

Activity	Description	Amount
Grant funding to NBN Co in 2022-23 FY*	To provide 12 months of free NBN services to eligible families	\$4.50 million
Business Grants Hub costs from 2022-23 to 2024-25 FY	To administer the grant to NBN Co on behalf of the Commonwealth	\$0.20 million
*This required a movement of funds from 2022-23 FY to 2023-24 FY as the funding agreement was not executed in time.		\$4.70 million (total)

2023-24 MYEFO (Extension of the Initiative until December 2025)

Activity	Description	Amount
Grant funding to NBN Co in 2023-24 FY	To extend free NBN services until 31 December 2025	\$4.30 million
Business Grants Hub costs from 2023-24 to 2025-26 FY	To administer the grant to NBN Co on behalf of the Commonwealth	\$0.20 million
Evaluation costs from 2024-25 to 2025-26 FY	Department to conduct an evaluation of Initiative	\$0.30 million
		\$4.80 million (total)

2024-25 MYEFO (Extension of the Initiative until 30 June 2028)

Activity	Description	Amount
Grant funding to NBN Co in 2024-25 FY	To provide free NBN services to eligible families until 30 June 2028.	\$4.90 million
Business Grants Hub costs from 2024-25 – 2027-28	To administer the grant to NBN Co on behalf of the Commonwealth	\$0.10 million
Evaluation Costs from 2026-27 to 2027-28	Department to conduct an evaluation of Initiative	\$0.3 million
		\$5.30 million (total)

Contact: Jason Ashurst**Cleared by:** Lisa La Rance, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 02**Date:** 6/02/2025

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Environment and Communications

Lead/Support contact: Lisa La Rance / Jason Ashurst

SB24-000384

- See **Attachment A** for previous Question on Notice response regarding the Initiative.

Attachments

- A: Non-NBN household applications and calls relating to the School Student Broadband Initiative - SQ24-001269 / Committee Question Number 16 (Senator David Pocock)

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

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Version Number: 02

Date: 6/02/2025

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Environment and Communications

QUESTION ON NOTICE

Supplementary Budget Estimates 2024 - 2025

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 16

Departmental Question Number: SQ24-001269

Division/Agency Name: DIV - Communications Infrastructure

Hansard Reference: Spoken, Page No. 32 (05 November 2024)

Topic: Non-NBN household applications and calls relating to the School Student Broadband Initiative

Senator David Pocock asked:

Senator DAVID POCOCK: If I can ask one question on non-NBN households, how many applications have you had, or can't you get through the first hurdle?

Dr Ashurst: We don't have that number; we can go back and ask. There is the National Referral Centre, where most families can phone the 1800 number to identify whether they are eligible.

Senator DAVID POCOCK: Maybe on notice: the number of calls to 1800 versus the 18,734?

Dr Ashurst: We can take it on notice.

Answer:

The School Student Broadband Initiative (the Initiative) is providing up to 30,000 eligible families with a free National Broadband Network (NBN) service. This is a targeted affordability measure by the Australian Government to boost educational opportunities and narrow the digital divide.

To be eligible for the Initiative, a family must:

- have a school age student at home (full or part-time), enrolled in an Australian school
- not have an active NBN service at their current residential address or in the past 14 days
- live in a premises that can access the NBN through a standard connection.

Families can apply by either contacting the National Referral Centre at 1800 954 610 or www.anglicarevic.org.au/student-internet/, or be identified by one of the other 60 nominating organisations.

The reasons for ineligibility are not collected through the online portal used by the National Referral Centre and other organisations to register nominations. However, based on advice from the National Referral Centre the main reasons families are found ineligible are:

- the family already has an existing and active NBN service
- they don't have school aged children
- they aren't experiencing financial hardship.

As at 31 October 2024, the Initiative has connected 19,350 families. Of these, the National Referral Centre has connected 12,800 families, issued 18,980 free internet vouchers to eligible families and found 5,275 families ineligible. The National Referral Centre has received around 250 calls from the ACT seeking access to the Initiative.

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Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

SB24-000385

SUBJECT: Universal Service - Delivery and Reform**Key deliverables**

- In October 2023, the Australian Government announced public consultation on options to modernise universal service delivery and funding arrangements, alongside independent voice technology trials to demonstrate whether LEOSats are capable of delivering high-quality voice services.
- Consultation occurred from late 2023 to mid-2024 on the characteristics of a modern universal services framework and sustainable funding frameworks, with a summary of the consultation process released in October 2024.
- Independent voice technology trials are currently underway.
- The Regional Telecommunications Independent Review Committee (RTIRC) was also tasked with providing advice on universal services modernisation. The 2024 RTIRC report made a number of recommendations for reform in its report released in late 2024. The government is currently considering these recommendations.

Talking Points

- Current universal service arrangements ensure people in Australia have access to fixed telephone, broadband and payphone services.
- There has been consultation on the services a modernised universal service framework should support and how those services should be delivered and funded.
- The Regional Telecommunications Independent Review Committee also provided relevant advice in its report provided to the Australian Government in late 2024.
- The Regional Telecommunications Independent Review Committee has recommended the USO be modernised by merging the Universal Service Obligation and Statutory Infrastructure Provider regimes, NBN Co becoming the default service provider for voice and broadband services, and a transition from the Copper Continuity Obligation to technology-neutrality.
- The government is closely considering this advice.
- Technical trials are underway to help determine how low earth orbit satellite technology performs in supporting voice services in challenging environments and weather conditions.

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Key Issues

- The government has consulted on opportunities to reform the longstanding Universal Service Obligation (USO). While new technologies, including low earth orbit satellites (LEOSats) and investment in NBN Co's regional networks, and changing market dynamics have been raised as providing the potential for a new approach, it is also clear that rural and remote consumers expect robust, resilient and reliable services that are proven in the Australian environment and geography.
- Following government consultation, a summary report which details broader views on universal service delivery and funding was released on 18 October 2024.
- The 2024 RTIRC also extensively engaged with stakeholders. It provided advice to government in late 2024 about universal service arrangements, and other regional communications matters. RTIRC's universal service recommendations are available at **Attachment A**.

First stage of consultation – delivery

- The Minister for Communications released a discussion paper on 30 October 2023 seeking input on characteristics and outcomes for a modernised universal service framework. Submissions closed on 1 March 2024 and public submissions have been published to inform stakeholder consideration of the issues.
- Overall stakeholders are supportive of change to existing arrangements to better reflect evolving consumer needs and the emergence of newer technologies.
- Many suggested a more flexible, technology-neutral approach to service delivery, including to adopt modern networks and services best suited to each premises.

Second stage of consultation – funding arrangements

- Non-commercial telecommunications services in Australia are funded via a number of mechanisms. This includes a \$100 million annual contribution from the Commonwealth and the Telecommunications Industry Levy (TIL) which supports contracts for USO voice services, payphones, Triple Zero and the National Relay Service. The Regional Broadband Scheme (RBS) supports delivery of non-commercial NBN fixed wireless and satellite services.
- A legislative review of the RBS commenced in 2024. Given the review of the delivery of universal services, the government decided that public consultation for the RBS review would also be incorporated into broader consideration of the effectiveness of funding mechanisms for universal telecommunications services.

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- A consultation paper *Funding of universal telecommunications services* was released on 10 April 2024 and submissions closed on 14 May 2024. The discussion paper sought feedback from stakeholders on desirable key principles and characteristics of sustainable long-term funding arrangements. Over 20 submissions were received and all public submissions have been published.
- There was general agreement from consultation that simpler levy arrangements would better reflect the market and enable greater efficiency and sustainability. The government is considering next steps, alongside advice from the RTIRC.

Voice trials

- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has contracted Scyne Advisory to conduct independent trials to help inform whether LEOSats are capable of delivering high-quality voice services.
- Scyne was selected as offering value for money following a competitive tender process. The tender process was consistent with Commonwealth Procurement Rules and obligations under the *Public Governance, Performance and Public Accountability Act 2013*.
- The trials are testing performance of LEOSats at 50 regional and remote locations across Australia and will run until mid-2025. NBN Co fixed wireless and satellite services are being trialled in parallel to provide a comparison.
- Data is being collected on the reliability and quality of voice services, as well as information about weather and climate conditions to test performance across different conditions. Results will be progressively published by the department.
- While initial results are only available, early data has not identified poor performance from LEOSats caused by weather.

Background

- Telstra is the regulated USO provider and must offer voice services nationally. The statutory USO is backed up by a 20-year contract (running to 30 June 2032), which includes requirements to maintain existing copper lines to support voice services outside the NBN fixed-line network.
- NBN Co is the default provider of broadband services nationally and its network also supports voice services in NBN Co's fixed-line and fixed wireless footprints (that is, the vast majority of fixed voice services). This is locked in by statutory infrastructure provider (SIP) laws that took effect from 1 July 2020.

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- Since 2012, Telstra has received a fixed payment of \$230 million p.a. for delivery of USO voice services and \$40 million p.a. for payphones subject to meeting relevant regulatory and contractual requirements.
- While some stakeholders have raised concerns that payments remain fixed while the number of rural and remote services has declined, Telstra still has to maintain networks over large areas to service remaining customers.

Performance and reliability of existing voice services

- Telstra provides quarterly public reports on delivery of USO voice services in regional and remote areas, and some additional monthly reporting to the department and Australian Communications and Media Authority (ACMA).
- This broadly shows service availability is high. While we do hear occasional reports of poor consumer experience, particularly lengthy fault repairs, such cases are in the minority.

Payphones

- Most consumers prefer to use fixed and mobile phones, but payphones may still play a role for vulnerable members of the community or in areas with no or limited mobile coverage. They are highly used in some remote First Nations communities.
- In August 2021, Telstra made national calls from payphones free of charge to consumers, leading to some increased usage. Telstra has publicly indicated around 2 million payphone calls are made monthly (i.e. 24 million calls annually).
- In August 2022, Telstra enabled free Wi-Fi from existing equipment installed at around 3,000 payphones (out of around 14,300 payphones nationally). Telstra is also progressively installing, at its own initiative and cost, battery backup and Wi-Fi at 1,000 payphones in areas it has identified as disaster prone. These upgrades are due to be completed by mid-2025, but are not a regulatory or contractual requirement.
- Recent universal services consultation sought stakeholder views on the role of payphones in a modernised universal services regime. Most stakeholders generally supported payphones being retained, although a few recommended they be reviewed to ensure they continue to best meet community needs and preferences. The 2024 Regional Telecommunications Review recommended payphones be retained and the government tender for a provider once the current contract with Telstra expires in 2032.

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Funding arrangements (RBS and TIL)

- The discussion paper, *Funding of universal telecommunications services* examined the 2 funding mechanisms used to support delivery of universal services - the TIL and the RBS.
- A legislated RBS review was required in 2024 as per s102ZFA of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. The Act required a review before the end of the period of 4 years after the commencement of the RBS legislation or as soon as practicable after that (the legislation commenced on 26 May 2020).
- The review aims to consider the operation of the RBS legislation, and if it should be amended, to ensure it remains fit for purpose. A review report must be prepared and the completed report must be tabled in Parliament.

Financial Information as at 31 December 2024USO contract with Telstra for USO standard telephone services and payphones

There is a lag in expenditure as annual contract payments are due 6 months after the end of the relevant financial year – i.e. the payment to Telstra for FY2023-24 was made in December 2024. Payments are made from the Public Interest Telecommunications Services Special Account, with a mix of levy funding and an annual government appropriation of \$100m contributing to these costs.

Program/Project Start Date:	1 July 2012				
Program/Project End Date:	30 June 2032				
	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	270	270	270	270	1080
Total Committed Funds	270	270	270	270	1080
Actual Expenditure YTD at 31 December 2024	270	0	0	0	0

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

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Voice trials

Program/Project Start Date:	21 August 2024				
Program/Project End Date:	30 June 2025				
	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	0	5.8 [^]	0	0	5.8
Total Committed Funds	0	5.43	0	0	5.43
Actual Expenditure YTD at 31 December 2024	0	1.9	0	0	0

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

[^]Funding for trials will initially be drawn from the Public Interest Telecommunications Services Special Account (\$2.4m) and remaining funding Better Connectivity Program (up to \$3.452m).

Attachments

- A: 2024 Regional Telecommunications Review USO Recommendations

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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Attachment A

2024 Regional Telecommunications Review USO Recommendations

3. Expedite universal service modernisation

The Committee recommends the Australian Government expedite modernising the USO and the Statutory Infrastructure Provider (SIP) regime by merging them into a unified service obligation. NBN Co, as the provider of last resort, and other SIP operators would be required to provide voice-capable broadband services with minimum speeds and standards for all premises.

The Committee also notes that continued public ownership of NBN Co will be crucial to ensure that service standards are met under a modernised USO in regional, rural and remote Australia.

The contractual Copper Continuity Obligation (CCO) should be phased out where and when proven and effective voice-capable broadband services are available.

The Committee further recommends:

- NBN Co be tasked and funded to implement, in consultation with industry stakeholders, a plan to manage the needs of different cohorts of regional, rural and remote users
- the modernised USO be technology-neutral
- the modernised USO be flexible, ensuring that minimum speeds, quality and other standards are readily adaptable so they remain relevant to changing needs
- premises without terrestrial mobile coverage have access to an affordable secondary redundant broadband service including optional battery backup, with government contributions as necessary
- when a modernised USO is introduced, the Customer Service Guarantee (CSG) is updated and strengthened to provide appropriate protections for regional, rural, and remote consumers
- public phones (payphones) be embedded as a free service for domestic calls. Once current contractual obligations expire, the Australian Government should consider tendering for a provider to operate public phone services.

11. Transition Oversight

- The Committee recommends comprehensive independent monitoring and public reporting during large-scale telecommunications transitions, such as mobile technology switch offs and the migrations required for modernising the USO. The ACMA could be well-placed to perform this role.

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SB24-000386

SUBJECT: National Audit of Mobile Coverage**Key Deliverables**

- In 2022, the Australian Government committed to undertake a National Audit of Mobile Coverage to help identify mobile coverage black spots, target future investment, and allow the government to confirm the accuracy of carrier coverage maps.
- Following an open tender process, the Audit commenced in May 2024. Data is released regularly via a visualisation tool available via the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' website.
- Data collected in the Audit is being used to:
 - support conversations with local stakeholders who report coverage issues
 - inform design of future programs.
 - assist the ACCC in its consumer protection role.
 - engage with mobile network operators to understand local issues, including impacts of outages.

Talking Points

- The Australian Government originally allocated \$20 million (GST exclusive) in the 2022-23 Budget for a national audit of mobile coverage, in line with its election commitment.
- Following an open tender process, a contract for the Audit was awarded to Accenture and is valued at \$15.81 million (GST exclusive). The contract term runs until 30 June 2027.
- The Audit commenced on 15 May 2024 with a pilot, field testing 3 roads and 2-3 locations in each state and territory.
- The Audit scaled up in December 2024, with drive-testing in the Australian Capital Territory and Tasmania, and static testing at an expanded set of locations nationwide.
- In addition to drive and static testing data, crowd-sourced data is being collected from about 160,000 users nationwide.
- Audit results and crowd-sourced data are publicly available and updated on a monthly basis.

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Key Issues*Audit delivery*

- The Audit is to be delivered following a modular approach:
 - Module A - pilot audit - across all states and mainland territories, including 24 locations and 24 roads.
 - Module B - main audit - across all states and mainland territories, including up to 77 locations and around 180,000 km of roads, with each road and location audited annually over 3 years.
 - Module C - complementary data set consisting of crowd-sourced data and historical data that will cover all of Australia.
- As at 31 December 2024, the audit has gathered information from drive and static testing on key regional roads and at sites nationwide, in addition to crowd sourced data. A map of routes and locations planned for testing, and audit results are available via the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' website.

Australia Post's role

- Accenture has engaged Australia Post as a sub-contractor. Under this agreement, static testing is being implemented at over 60 rural and regional post offices and a proportion of drive testing will be conducted by Australia Post line haul trucks and fleet delivery vans. Drive-testing using Australia Post delivery vans is scheduled to commence in January 2025 and February 2025 in Victoria and New South Wales respectively. Between February and March 2025, line haul trucks will drive major interstate routes from Adelaide to Cairns and Adelaide to Perth.
- For routes not covered, or not driven frequently by Australia Post, Accenture is using its own vehicles for drive-testing.
- In locations where testing cannot be implemented at a post office, devices are being set up at sites such as fire stations, police stations and other state/local government buildings.

Public concerns about mobile coverage based on audit results

- The audit is in early stages, and is providing some useful insights into the extent and quality of mobile coverage.
- It's important to note though, that current data available is limited to crowd-sourced data from the pilot audit, and the initial phase of the main audit

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- As more data is collected, results will provide a more comprehensive picture that better reflects on ground experiences of mobile coverage.
- Audit data will be shared with state and territory governments and regulators to inform policy development, program design and future investment in mobile coverage.

External Advice

- Nova Systems are the technical advisers for the Audit. As of 31 December 2024, the department has spent a total of \$240, 761.82 (GST inclusive) on technical advice provided by Nova Systems.
- Staff in the Australian Consumer and Competition Commission (ACCC) provided advice on the publicly available metrics for coverage and user experience data.

Background

- There have been long-standing concerns about the accuracy of carriers' predictive mobile coverage maps relative to actual service availability on the ground.
- The 2021 Regional Telecommunications Review found that network coverage information provided by mobile network operators relates poorly to consumers' 'real world' experience of mobile coverage.
- During the 2022 election, the government indicated it would undertake a national audit, 'through an innovative partnership to place mobile signal measurement devices on Australia Post's transport assets' to better identify mobile coverage black spots and guide investment priorities. It proposed \$20m for the audit, which was later Budgeted.
- The Minister for Communications publicly announced that Accenture was the successful tenderer on 8 May. The contract was signed on 2 May 2024 and is registered on Austender.

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Financial Information as at 31 December 2024

- \$6,596,842 (GST exclusive) had been expended on services delivered under the contract at 31 December 2024.

	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27	TOTAL \$m
Appropriation Budget	2.730	10.895	3.180	3.195	20.000
Total Committed Funds as at 31 December 2024*	2.730	6.712	3.180	3.195	15.817
Actual Expenditure YTD at 31 December 2024	2.730	3.866	0	0	6.596

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

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SB24-000387

SUBJECT: NBN Upgrades – Fixed Wireless

Key Deliverables

- Upgrades were completed on time and exceeded initial commitments which included increasing speed and capacity of broadband services in regional and remote Australia.
- Details are in the table under ‘Key issues’.

Talking Points

- The Australian Government provided \$480 million to NBN Co towards the NBN Fixed Wireless and Satellite Upgrade Program in mid-2022.
- NBN Co has delivered all project milestones on or ahead of time. The final milestones were completed ahead of schedule in December 2024.
- §47(1)(b)

Key Issues

Commitment	Delivered
Expand fixed wireless to a further 120,000 satellite-only premises.	Over 120,000 formerly satellite-only premises able to access fixed wireless. When: 11 December 2024
Speeds of 100 Mbps available to all fixed wireless users, with up to 85 per cent having 250 Mbps.	100 Mbps offered over existing highest speed tier plan and two new plans offering speeds of up to 200-250 Mbps to 90% of premises and up to 400 Mbps to 80% of premises released. When: June and July 2024
Fixed wireless typical wholesale busy hour speeds increased to at least 50 Mbps.	All areas are achieving over 50 Mbps typical busy hour wholesale speeds. §47(1)(b)
Increased data allowances and unmetered Sky Muster Plus data.	Sky Muster Plus Premium product offers unlimited and unmetered data at all times. When: June 2023

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SB24-000387

Fixed wireless upgrade

- s47(1)(b) [REDACTED]
- As at 11 December 2024 a total of 120,174 formerly satellite-only premises were made eligible to access fixed wireless.
- These final project milestones were achieved ahead of the scheduled date of 31 December 2024.
- Since June 2024, all premises in the fixed wireless footprint are able to access download speeds of up to 100 Mbps via the Fixed Wireless Plus product, up from 75 Mbps previously available.
- NBN Co launched 2 new high speed tiers in July 2024 which exceeded the original upgrade commitment. The Home Fast product offers access to download speeds of up to 200-250 Mbps and 8-20 Mbps upload and is available to around 90% of premises in the fixed wireless footprint.
- The Superfast product offers access to download speeds of up to 400 Mbps and 10-40 Mbps upload and is expected to be available to around 80% of fixed wireless premises in the coming months.
- s47(1)(b) [REDACTED]
- The latest Measuring Broadband Australia Report (No. 27, covering September 2024) outlines the impact of the upgrade. This shows average speeds for Fixed Wireless Plus services during busy hours increased markedly from 78.2 Mbps to 86 Mbps, with average speeds on average during all hours sitting at 96.1 Mbps in September 2024 (a slight decrease from 96.7 Mbps in May 2024).

Satellite enhancements

- NBN Co has delivered several rounds of improvements to its satellite offerings over the course of the upgrade program in excess of the requirements of the program, including increases to data allowances and the launch of unmetered products.
- At the start of the upgrade in July 2022, NBN Co increased satellite data allowances to 55 gigabytes and increased the Sky Muster Plus uncapped off-peak period to 16 hours (12am-4pm).
- s47(1)(b) [REDACTED]

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- In June 2023, NBN Co launched its first fully unmetered satellite service, and in December 2023 the company launched 3 new Sky Muster Plus Premium plans offering fully unmetered data and speeds of up to 100 Mbps (the 3 plans are 25/5 Mbps, 50/5 Mbps and 100/5 Mbps).
- The latest Measuring Broadband Australia Report (No. 27, covering September 2024) showed the maximum speed for NBN Sky Muster observed was 111 Mbps download and 22 Mbps for uploads.
- With unmetered products now in the market, NBN Co has undertaken industry consultation on a proposed simplification of its satellite product offerings. Initial changes are planned to commence from March 2025 with the withdrawal of capped Sky Muster Plus plans following a 6 months' notice period.

Program completion

- NBN Co achieved all contractual delivery milestones of the upgrade program by the end of 2024.
- The objectives of the program were to:
 - Upgrade the fixed wireless network to make speeds of 100 Mbps available to all users. NBN Co has made 100 Mbps available to all users on the former highest speed tier (Fixed Wireless Plus).
 - Launch higher speed tiers that enable up to 85% of fixed wireless premises to have access to download speeds of 250 Mbps. NBN Co released 2 new higher speed tiers in July 2024. The Home Fast product offers access to download speeds of up to 200-250 Mbps for 90% of users. The Superfast product will offer download speeds of up to 400 Mbps for 80% of users by February 2025.
 - Deliver typical wholesale busy hour speeds of at least 50 Mbps. All fixed wireless upgrade areas are now delivering around double this speed on average.
 - Expand fixed wireless coverage to a further 120,000 previously satellite-only premises. 120,174 premises were able to access fixed wireless by the end of December 2024. NBN Co expects to increase this figure further in early 2024 (by several thousand premises).
 - Boost the monthly data allowance for Sky Muster customers to 90 gigabytes per month and increase unmetered Sky Muster Plus data from a 6-hour window to 16 hours. Since 2023, NBN Co's improved products are providing wholly unmetered data at all times over a range of speed tiers, including up to 100 Mbps download speeds.

- s47(1)(b)

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s47(1)(b)

- NBN Co’s community engagement activities are continuing post upgrade.

Background

Progress summary for the NBN Fixed Wireless and Satellite Upgrade Program

Due date	Sub-milestones and related activities	Progress	Completed
1 July 2022	Increase satellite data allowance to 55GB and increase Sky Muster Plus uncapped off-peak period to 16 hours (12am-4pm)	Completed	July 2022
s47(1)(b)			
N/A	Launch of uncapped satellite services*	Completed	June 2023
s47(1)(b)			
30 September 2023	First fixed wireless upgrade area complete	Completed	July 2023
N/A	Launch of more uncapped satellite plans (Sky Muster Plus Premium products) *	Completed	December 2023
s47(1)(b)			
30 June 2024	Increase of Fixed Wireless Plus product to 100/20 Mbps. Launch of fixed wireless higher speed tier products (200-250/8-20 Mbps and 400/10-40 Mbps) *	Completed	June 2024
s47(1)(b)			
31 December 2024	100% of upgrade areas meeting 50 Mbps busy period speed	Completed	October 2024
31 December 2024	All eligible satellite premises can access technology change from satellite to fixed wireless	Completed	December 2024

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Environment and Communications

Lead/Support contact: Lisa La Rance/Nicolle Power

SB24-000387

31 December 2024	Increase Sky Muster average monthly data allowances to 90 Gigabytes (or provide equivalent or better via an alternative product construct) **	Completed	s47(1)(b)
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*enabled by the upgrade and exceeds the requirements under the contract

**milestone delivered through alternative product construct of new Sky Muster Plus Premium (uncapped) plans, launched in December 2023, confirmed in quarterly reporting March 2024.

Financial Information as at 31 December 2024

NBN Fixed Wireless and Satellite Upgrade Program

Funding of \$480 million (GST exclusive) was provided through an Advance to the Finance Minister process in June 2022.

Program/Project Start Date:	June 2022						
Program/Project End Date:	December 2024						
	2021-22 \$m	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	480	0	0	0	0	0	480
Less:							
Actual Expenditure YTD at 31 December 2024	480						
Total Committed Funds at 31 December 2024	480	0	0	0	0	0	480
Total Uncommitted Funds (balance)	0	0	0	0	0	0	0

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient

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Environment and Communications

Lead/Support contact: Lisa La Rance / s22(1)(a)(ii)

SB24-000389

SUBJECT: National Messaging System**Key Deliverables**

- To implement a cell broadcast system in Australia that reliably delivers telephony-based warning messages to all compatible hand-held devices, locally, regionally and nationally, in near real-time.
- To complement the current Emergency Alert SMS warning system and respond to the Royal Commission findings to enhance Australian's emergency warning capability.

Talking Points

- The National Messaging System (NMS) was announced in the 2023-24 Budget to deliver improved capability for the Australian Government to send messages to the community during a disaster.
- The NMS will deliver warning messages to compatible mobile phones in near real time.
- NMS will exist within the broader emergency alert ecosystem which includes TV, radio, print, social media, online and in-person information sharing.
- A Public Awareness Campaign and community testing will occur prior to NMS implementation.
- The NMS is delivered jointly by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the National Emergency Management Agency (NEMA).

Key Issues

- The department and NEMA have concluded negotiations with potential suppliers and are in the process of finalising the Request for Tender (RFT) process.
- We are unable to discuss tender details to maintain the integrity of the process but acknowledge there have been delays.
- Delays have resulted from extensive negotiations to ensure contracts comply with Commonwealth policies and to ensure the best outcome for all Australians.
- These delays demonstrate the policy tension and trade-offs between community expectation, public safety obligations, and commercial considerations.
- The community expects to have connectivity in emergencies to keep safe, connected with others, and informed. The government and emergency safety organisations have a

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responsibility to ensure public safety – but so too does industry, which provides the communications infrastructure and networks we rely upon.

- Tenderers have indicated a 54 week build phase following contract execution, which includes integrating the NMS across all 3 mobile networks and undertaking testing to ensure the NMS works as it should for the times when we need it most.
- Consultation is planned with community and advocacy groups to address matters regarding diversity, digital inclusion, and appropriate warnings or protections for individuals in domestic violence circumstances leading up to testing the network.
- International benchmarking has occurred and the department and NEMA are working with the Australian Communications and Media Authority (ACMA) to develop and introduce the Australian Standards to enable devices to receive the messages.

Background

- Currently, warning messages are communicated on a state-by-state basis. NMS will be a national platform meaning national level messages can be sent simultaneously as required.
- The cell broadcast capability of the NMS allows messages to be sent in large volumes without creating, or being affected by, network congestion.
- The alerts will include information on the type of emergency, where it is and the response needed.
- Message delivery will be geographically targeted so the warning will reach a specific audience such as the whole country; or a small regional community; or everyone in a particular location (for example a football stadium or a shopping centre).
- NMS will be built in accordance with international standards and will provide longevity for Australia's emergency warning capability.

Financial Information as at 31 December 2024

NMS costings are 'not for publication' due to commercial sensitivities.

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Environment and Communications

Lead/Support contact: Lisa La Rance/Shanyn Sparreboom

SB24-000390

SUBJECT: 3G Switch Off**Key Deliverables**

- The Australian Government closely monitored the 3G switch over, including setting up a Working Group with the mobile operators, and engaged with relevant peak bodies and state and territory governments about preparedness.
- The government worked to ensure the transition was undertaken in a safe way, including by directing the ACMA to make new regulations requiring mobile operators to block handsets that would have been unable to call Triple Zero post switch off.
- The government is closely monitoring reports of issues that have arisen post-switch off, and has requested weekly reporting from the mobile operators on coverage-related complaints.

Talking Points

- The 3G switch off is now complete, with Telstra and Optus commencing the closure of their 3G networks from 28 October 2024 and completing them in November 2024. TPG Telecom ceased operating its 3G network on 30 January 2024.
- Telstra and Optus had delayed the switch off of Australia's remaining 3G networks to 28 October 2024 to give Australians more time to prepare.
- The decision to switch off a public mobile network is a commercial decision by the network operators.
- The 3G networks used spectrum that is being redeployed for 4G and 5G.
- Mobile network operators (MNOs) have committed to replacing their 3G coverage with 4G coverage that is at least equivalent, within their published coverage zones.
- On 26 February 2024, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts was, for the first time, briefed by the MNOs on the scope and scale of the issue posed by handsets that were 4G VoLTE compatible, but relied on 3G to make Triple Zero calls — including that potentially 740,000 Telstra and Optus customers could have been impacted.
- At the request of the Minister for Communications, a Working Group was established and met on a weekly basis from 22 March 2024 until late 2024. The minister and the department have been in regular contact with the industry, with the minister writing to CEOs on multiple occasions to make clear her expectations.

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- That engagement saw:
 - the creation of industry device checking tools, including the SMS checker
 - recorded voice announcements on affected handsets
 - scaled up communications efforts, including a 6-week public relations campaign
 - voluntary delays from industry, and
 - industry collaboration on device identification, greatly reducing initial estimates of affected devices.
- End users with affected devices were advised of the need to upgrade.
 - MNOs notified affected customers directly, by SMS, post and email.
 - End users were able to check for themselves whether their mobile handset is affected by texting '3' to 3498 or by visiting 3Gclosure.com.au.
 - A Recorded Voice Announcement played on outbound calls of an affected device to encourage consumers to act and upgrade.
- Telstra and Optus also undertook a 6-week campaign to raise awareness among the general public and reach 90% of the population. That campaign had reached 93.51% of the population as at 21 October 2024.
- The department engaged extensively with government agencies, peak bodies and critical business sectors and all indications were that key sectors were well prepared.
- The minister also directed the ACMA to amend the law such that services cannot be provided to mobile phones that cannot call Triple Zero. These requirements came into effect on 28 October 2024. Reliable access to Triple Zero from each handset ensures each Australian can contact Triple Zero in an emergency.
- While Telstra and Optus announced their switch offs would commence from 28 October 2024, in practice, both Telstra and Optus phased their switch offs throughout October so that affected handsets were blocked for a short period (from a few days to 3 weeks, depending on the location) before the 3G networks were closed.
- Daily meetings with MNOs were held from 28 October 2024 to 18 December 2024 to ensure the Australian Government was made aware of any post-closure issues.
- On 17 December 2024, the minister convened a roundtable with the telecommunications industry, regulators and consumer advocates to reflect on the 3G switch off, consider lessons learned and how this knowledge could be taken forward in preparation of future technology transitions.
- Discussions at the roundtable focused on public engagement and other measures to support consumers, as well as ongoing work to protect public safety post-switch off.

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- This ongoing work includes implementing requirements to cease providing services to impacted devices, developing an industry-wide device testing regime, and ensuring that regulations and device standards prevent the importation and sale of incompatible devices, including ahead of future network transitions.

Key Issues3G Closure Working Group

- After the scope and scale of the issue with 4G VoLTE capable handsets that fall back to 3G for Triple Zero became clear, the minister wrote to industry — Telstra, Optus, TPG Telecom and the industry association, the Australian Mobile Telecommunications Association (AMTA), to request that industry scale up its efforts in addressing this issue.
- In this letter, the minister asked the industry to establish a Working Group to increase cooperation to identify and engage impacted customers, and improve public information on the issue to ensure the community was adequately informed.
- A Working Group was established and met on a weekly basis since 22 March 2024 until late last year.
- The minister also requested action plans from the mobile network operators to address this specific issue, with fortnightly updates thereafter on progress on reducing the number of impacted devices.
- The minister wrote to CEOs on multiple occasions (16 April 2024, 14 May 2024, 20 June 2024, 2 July 2024, 13 August 2024, 9 September 2024, 27 September 2024 and 24 October 2024).
- That engagement saw:
 - the creation of industry device checking tools
 - recorded voice announcements on affected handsets
 - scaled up communications efforts, including a 6-week public relations campaign
 - voluntary delays from industry, and
 - industry collaboration on device identification, greatly reducing initial estimates of affected devices.

Staged closures

- Telstra and Optus commenced the closure of their 3G networks from 28 October 2024 and completing them in November 2024. TPG Telecom ceased operating its 3G network on 30 January 2024.

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- In practice, Telstra and Optus switched off their 3G networks in phases that began shortly after 28 October 2024.
 - This means that when regulated handset blocking took effect nationally on 28 October 2024, Australians with affected devices lost voice and data services but retained access to Triple Zero until the 3G network in their individual states was switched off.
 - This created a strong incentive to upgrade, while protecting critical public safety services.
 - The vast majority of Australians had somewhere between 1-3 weeks of Triple Zero access before the 3G networks were switched off.
 - The phased approach allowed mobile operators and the government to monitor any unanticipated impacts and respond accordingly in the event that any issues emerge.

Can the 3G networks be switched back on?

- The mobile operators are currently in the process of redeploying the spectrum previously used for 3G, to the provision of 4G and 5G services.
- At this stage, switching the 3G networks back on would likely be very difficult.
- The mobile operators have advised that as part of the network transition, the equipment that deployed 3G has been recovered from some sites. Replacing that 3G equipment would likely be expensive and time consuming.
- There would also be very little benefit to switching the 3G networks back on, notably:
 - The industry had worked to identify impacted devices and inform all affected customers and the public;
 - Critical sectors indicated that they were well-prepared and have made investments in new equipment; and
 - The MNOs made commitments that 4G coverage will be equivalent to their published 3G coverage.

Post switch off monitoring

- The government and department worked with MNOs to ensure that arrangements were put in place so that concerns post switch off would be identified early and resolved swiftly.
- These arrangements require issues with Triple Zero relating to the 3G switch off to be instantly escalated.

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- Mobile operators stood up dedicated teams to support customers with affected devices.
 - As the 3G switch offs progressed, the mobile operators reported to the government and met with the department on a daily basis.
 - A National Coordination Mechanism meeting of key stakeholders could have been convened if necessary, to communicate issues across federal, state and territory, and critical sectors.

3G switch off lessons learned roundtable

- On 17 December 2024, the minister convened a roundtable with the telecommunications industry, regulators and consumer advocates to reflect on Australia's 3G switch off.
- Participants discussed lessons learned from the 3G switch off, and how this knowledge could be taken forward as Australia prepares for future technology transitions.
- The published communique arising from the roundtable reflected an intention by the government and industry to work in partnership to embed learnings in future transitions, and deliver better outcomes for Australians.

Device blocking

- The government's top priority in the lead up to the 3G switch off has been to protect public safety by ensuring that all mobile phones connected to mobile networks are able to call Triple Zero.
- It has long been the case that any mobile phone connected to a network should be able to call Triple Zero, even if a SIM is not connected, including in standby mode. That approach has served Australia well.
- Reliable access to Triple Zero from each mobile phone ensures each Australian with a mobile phone and connected to a network can contact Triple Zero if they or someone else needs help in an emergency.
- The ACMA is responsible for the *Telecommunications (Emergency Call Service) Determination 2019*, which requires carriers and carriage service providers to maintain the proper and effective functioning of their networks and facilities in support of consumer access to the Triple Zero service.
- On 21 August 2024, the minister directed the ACMA to amend the Emergency Call Service Determination, such that carriage service providers must not supply carriage services to mobile phones that cannot call the emergency call service (Triple Zero).

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- On 27 September 2024, the minister asked the ACMA to expedite the aspects of the direction that would see mobile handsets blocked that cannot call Triple Zero on the providers' own network by 28 October 2024.
- The amendment to the Emergency Call Service Determination was finalised and signed on 23 October 2024 and commenced on 28 October 2024 (the announced date for Telstra and Optus' 3G switch off) with device blocking commencing around this time.
- While there was a relatively short window for service providers to inform impacted customers of device blocking, the telcos had contacted customers with impacted devices about the 3G closure on multiple occasions ahead of 28 October 2024.
- Specific questions on the ECS Determination should be directed to the ACMA.

Post-switch off coverage

- Ensuring that mobile coverage equivalence is maintained post 3G switch off has been a key priority for the Australian Government.
- This dates back to when the former government sought information from Telstra about how it would match its 3G coverage in 2021, and when the Minister for Communications later requested quarterly reporting on this and other matters from Optus in May 2023.
- Telstra and Optus committed to ensuring that 3G-only areas within their published coverage area will have equivalent 4G coverage before they switched their respective 3G networks off.
- The department has heard that some Australians have experienced reduced coverage or quality of their mobile broadband services since the 3G networks were switched off.
- Perceived issues with coverage can be caused by a variety of factors, some of which may be beyond the control of the service providers.
- These factors include whether the customer is located inside or outside of their provider's published coverage zone, the compatibility, settings or placement of their phone or other devices and the location and alignment of nearby tower antennae.
- The factors that influence a particular customer's connectivity and may be contributing to a poor experience can differ significantly between areas and individual customers. The department is not in a position to advise on what may be causing connectivity issues for a particular area or customer.
- A recurring cause of coverage issues observed by the department is that some customers previously received fortuitous 3G coverage outside of their provider's published coverage area.

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- Fortuitous coverage occurs when areas outside the published coverage area happen to incidentally access the fringe of the intended coverage.
- Where fortuitous 3G coverage was available, some customers may not receive equivalent 4G coverage as the service providers cannot confirm their 4G networks will service these fringe areas in the same way and they make no commitments of equivalent coverage outside of their published coverage areas.
- If customers are concerned about the coverage available from their 4G network after the 3G network switch off, they are encouraged to contact their service provider directly.
- The service providers are best placed to respond to mobile coverage concerns. They have the greatest knowledge of the performance of their networks and their customers' devices. From this, they can identify issues and implement possible solutions such as advice on whether an antenna or similar device could improve mobile reception.

How have MNOs communicated with affected people?

- Telstra, Optus and TPG Telecom customers with affected handsets have received multiple SMS messages and were offered incentives, including low-cost options to upgrade.
- Customers with affected handsets received recorded voice announcements on their outbound calls advising them of the impact to their devices.
- Each MNO implemented an SMS tool by which end users can check for themselves whether their handset is affected (by texting '3' to 3498).
- A similar tool is available on the Australian Mobile Telecommunications Association's (AMTA) webpage.
- The mobile network operators contacted all customers with affected devices in the leadup to the 3G switch off. Most people and businesses had upgraded in advance of the switch offs.
- In addition to owners of affected handsets, the MNOs contacted all contract owners for the telecommunications service to non-handset devices, including medical devices.
- Telstra, Optus and TPG Telecom are making free mobile handset devices available to customers in financial hardship and/or vulnerable circumstances.
- Telstra and Optus undertook a 6-week public safety awareness campaign aiming to reach 90% of the population. Reports indicate that the campaign has reached 93.51% of the population.

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Support available for vulnerable groups

- Telstra, Optus and TPG Telecom each have specific hardship support, including free devices in certain circumstances.
- Telstra and Optus' 6-week public awareness campaign features materials translated into prominent non-English languages for culturally and linguistically diverse publications, broadcast, and social media.
- Telstra shared information about the switch offs in over 650 interactions with regional stakeholders, including presence at FarmFest, Mudgee Small Farm Field Days, Kununurra Show and the NSW Farmers Association annual conference.
- Telstra engaged with a First Nations advocacy body to tailor messaging, including:
 - messaging for broadcast in over 29 First Nations radio stations
 - information available through Telstra's First Nations helpline in approximately 50 First Nations languages and dialects
 - visits to remote Northern Territory and Western Australian communities to hand deliver new devices
 - bespoke products (such as fridge magnets and flyers) for First Nations communities.

Assistance for customers in financial hardship

- Mobile service providers have various offers for low-cost handsets, some as low as \$59.
- Providers are giving free handsets to some customers experiencing financial hardship.
- Telstra has given over 15,000 complimentary devices to customers in vulnerable circumstances.
- Optus also offered 20,000 no cost handsets to select customers, including those experiencing financial challenges.
- MNOs will pause billing for some impacted customers and will have dedicated 3G support teams to manage customers with affected devices.

Department's role in raising awareness

- The department's engagement has focused on critical sectors and cohorts that may need additional support and engagement, including customers that are First Nations, elderly, students, culturally and linguistically diverse, or have a disability.
- The department engaged relevant government agencies and representative bodies, including in the health, aged care and disability sectors, to assess awareness and preparedness, and identify further outreach channels to these cohorts.

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- The department has actively followed up with the MNOs and the banking sector on concerns raised by the First Nations Digital Inclusion Advisory Group (FNDIAG) in relation to coverage and 3G-reliant EFTPOS machines in remote communities.
- The department has also engaged all critical sectors identified in the Security of Critical Infrastructure (SOI) Act seeking advice on preparedness risks in these sectors, including writing to relevant peak bodies and government agencies with policy responsibility.
- The department has also provided messaging via the Trusted Information Sharing Network, facilitated by the Department of Home Affairs, to representatives from critical infrastructure sectors.
- The department wrote to 37 federal government agencies for advice on the preparedness of critical sectors and vulnerable or at-risk cohorts and support in sharing information about the switch offs via existing channels.
- The department provided AMTA with a list (following consultation with various APS agencies) of organisations to include in its community outreach efforts, focused on reaching vulnerable cohorts. The AMTA wrote to around 250 organisations to raise awareness of the impacts of the impending switch offs.
- On 5 July 2024 and 18 October 2024, the department and the National Emergency Management Agency co-chaired National Coordination Mechanisms meeting on the 3G switch off impacts on vulnerable cohorts. Representatives from federal, state and territory governments, national charities and NGOs, and industry attended.
- The department briefed states and territories on the impacts of the switch offs via the Regional Connectivity Ministers' Roundtable and associated senior officials meetings. Deputy Secretary James Chisholm also wrote to first ministers' departments for advice on the impacts and preparedness risks in jurisdictions.
- The department also regularly updated information on its website and social media channels, has produced a stakeholder kit of communications materials and shared these with relevant agencies / bodies.
 - This includes a video that has been translated into Auslan and distributed via the National Relay Service; and a poster distributed via Services Australia's service delivery areas nationally.

Public awareness levels

- Telstra and Optus undertook a joint 6-week public safety mass marketing campaign, aiming to reach more than 90% of the population to raise awareness of the switchovers.

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- The campaign ran from 15 September 2024 to 28 October 2024, and featured television, radio, press, broadcast video on demand, social media and outdoor advertising (e.g. in shopping centres).
- As at 21 October 2024, the campaign had reached 93.51% of the population.
- The public awareness campaign helped reach owners of affected internet of things devices, including unmonitored medical alarms.
- Although everyone with an affected device will have received some direct communication (particularly, regular SMS messages to handsets), broader awareness will help reinforce the legitimacy of the communications being received.

Medical devices

- 3G medical alarms and other connected medical devices have lost connectivity and are now non-functional post-switch off.
- Some consumers can access financial assistance to upgrade their devices.
- The department reached out to providers of monitored and unmonitored medical alert devices for advice on the safety and preparedness risks to end users of those devices.
- The industry peak body, Personal Emergency Response Service Limited (PERSL), advised that customers with monitored medical devices were being supported to upgrade devices ahead of the switch offs.
- Those customers have an ongoing relationship with the alert service provider. It will be obvious to end users of those devices that their connection has been lost. In addition, those devices do not go to direct Triple Zero (the provider is always an intermediary).
- Unmonitored alert devices are often purchased on the grey market (e.g. eBay), and there is no ongoing relationship between the seller and the end user.
- For that reason, the Telstra and Optus' public relations campaign included a focus on medical alerts.
- The MNOs also confirmed that the contract holder of the mobile service for every affected IoT device had been contacted. That means that some communication was made associated with affected unmonitored medical alarms.
- The department also engaged with government agencies and non-government organisations in the health, aged care and disability services sector to understand engagement efforts and help amplify messaging to this cohort. Efforts included:

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- Working with Services Australia to develop communications materials to be displayed in service delivery areas across its network to raise awareness of the switch offs, emphasising the impact on personal medical alert devices.
- Providing communications materials to unmonitored medical alert device supplier CareAlert to support its efforts to engage with its clients.
- Meeting with various agencies and organisations to understand outreach efforts and provide materials to support further engagement efforts, for example the National Disability Insurance Agency engaging with NDIS support provider network.
- Meeting with the Mobile Technology Association of Australia to discuss implanted medical devices.

Sale and advertisement of impacted devices

- The department is aware that some retailers may have recently sold, or are continuing to sell devices that have now been impacted by the 3G switch off.
- It is not clear at this time how widespread this issue may be but it is of concern to the government.
- Telstra, Optus and TPG Telecom have provided years of notice of their intention to switch off 3G; in Telstra's case 5 years' notice.
- Retailers had been made aware of the 3G closure. The Australian Mobile Telecommunications Association wrote to the Australian Retailers Association in advance of the 3G switch off. Retailers should have been pro-active in examining their stock in advance of the 3G closure.
- The Australian Consumer Law provides protections to consumers purchasing goods and services in Australia, including devices, and includes prohibitions on misleading or deceptive conduct and representations.
- Device suppliers need to ensure they do not mislead consumers, and should be clear with consumers about the 3G switch off.
- The department regularly engages with the ACCC about potential Australian Consumer Law concerns and has raised these issues.
- The ACCC has indicated it will examine issues reported to it, and any investigations that may arise would be conducted on a confidential basis, which is their standard practice.
- Australians can contact the ACCC for more advice about consumer rights or to submit a report about a potential breach of the Australian Consumer Law via the ACCC's website or over the phone.

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- Customers considering buying a new handset should check the buyer's guide at 3Gclosure.com.au.
 - Older handsets, handsets purchased overseas and handsets purchased on the grey market are at higher risk of being affected.
 - Any further questions on this specific topic should be directed to the ACCC.

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Environment and Communications

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SB24-000391

SUBJECT: Better Connectivity Plan for Regional and Rural Australia – Overview and Status of Implementation

Key Deliverables

- The Australian Government committed \$656 million over 5 years to improve mobile and broadband connectivity and resilience in rural and regional Australia under the Better Connectivity Plan (BCP).
- Of the \$656 million, the government has announced or awarded over \$521 million across 14 separate initiatives. This allocation funds a pipeline of over 500 projects to deliver new and enhanced connectivity across regional and rural Australia.
- The remainder of the initiatives are on track and will be delivered in coming years.

Talking Points

- The Better Connectivity Plan (the BCP) is a key component of the Australian Government's \$2.2 billion investment in regional communications—committing:
 - \$1.1 billion over 5 years to 2026–27:
 - \$656 million to improve mobile and broadband connectivity and resilience in rural and regional Australia
 - \$480 million for the NBN Fixed Wireless and Satellite Upgrade Program.
 - \$1.1 billion in NBN equity.
- Of the \$656 million, the government has announced or awarded over \$521 million across 14 separate initiatives. This allocation funds a pipeline of over 500 projects to deliver new and enhanced connectivity across regional and rural Australia.
- Digital connectivity is critical and underpins economic growth, social engagement and enhanced health and educational outcomes—connecting communities, empowering businesses, and driving innovation.
- Access to reliable and resilient communications are increasingly being seen as an essential service required to ensure the safety of Australians, particularly in times of disaster and emergency.
- The BCP has also responded to emerging needs and government priorities by funding new initiatives to include the First Nations Digital Inclusion Package, support for broadcast and news initiatives, extending the School Student Broadband Initiative, and progressing the Universal Service Obligation technical trials.

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Key Issues

- **Attachment A** provides the current delivery and implementation status of initiatives under the BCP's \$656 million.
- Over \$521 million across 14 separate initiatives is funding a long pipeline of over 500 projects to deliver new and enhanced connectivity across regional and rural Australia.

Program	Announced or awarded (as at 31 December 2024) \$'000
Broadcasting Resilience Program	20,000
Digital Inclusion - Extension of the School Student Broadband Initiative (SSBI)	9,200
First Nations digital inclusion package (including \$9M from NIAA)	68,000
Mobile Black Spot Program (Round 7)	49,968
Mobile Black Spot Program (Round 8)	55,032
Mobile Network Hardening Program (Round 2)	14,222
Mobile Network Hardening Program (Round 3)	20,008
National Audit of Mobile Coverage	16,317
News Media Relief Program	15,000
On Farm Connectivity Program (Round 1)	14,034
On Farm Connectivity Program (Round 2)	18,173
Regional Connectivity Program (Round 3)	104,772
Regional Tech Hub	6,000
Support for the Australian Associated Press	18,000
Telecommunications Disaster Resilience and Innovation Program	17,400
Universal Service Obligation (USO) Technical Trials	3,030
TOTAL	449,156
On Farm Connectivity Program (Round 3) - <i>Announced January 2025</i>	20,000
RRAMP Pilot Programs – <i>Funding transferred to Treasury from BCP</i>	50,000
WA Telecommunications Resilience – <i>Funding transferred to Treasury from BCP</i>	2,000
TOTAL	521,156*

*with departmental funding of \$9.102 million out of the original BCP administered funding, this figure becomes \$530.258 million.

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- In early 2024, \$50 million was transferred to Treasury from the Regional Roads Australia Mobile Program (RRAMP) to fund pilot programs with the States and Territories that trial new, novel and innovative solutions to boost mobile coverage along roads and highways.
- Most recently, \$20 million toward a third round of the On Farm Connectivity Program was announced by the Minister for Communications on 14 January 2025 (note this is not included in the figures above, which are current to 31 December 2024).

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Delays to delivery

- The government is strongly committed to delivering these projects as quickly as possible, and the department has been almost continuously at market with regional connectivity programs.
- However, external factors impact delivery:
 - Data from recent rounds for the Mobile Black Spot and Regional Connectivity programs suggests it will take closer to 5 years from the awarding of funding to when a round is substantively complete, where 90% of projects are actively providing connectivity to communities.
 - Industry is already heavily committed and there are often local planning approval delays and competing priorities of industry.

House of Representatives Inquiry into Multi-Carrier Coverage

- The House of Representatives Standing Committee on Communications and the Arts released its report, *Connecting the country: Mission critical, Inquiry into co-investment in multi-carrier regional mobile infrastructure*, on 15 November 2023. It makes a number of recommendations on:
 - the allocation, management and use of spectrum
 - multi-carrier coverage on regional and remote roads, including improving active infrastructure and multi-carrier mobile network sharing
 - considering telecommunications infrastructure needs at an early stage of the planning process, including harmonisation of planning and environmental regulation
 - improving the collection and publication of data on telecommunications
 - targeted place-based solutions to improve connectivity in remote indigenous communities.

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- The Response is expected to be tabled in due course.

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Background

- The table below provides a summary of the programs within the BCP and the allocation against the \$656 million (as at 28 January 2025) GST exclusive. Refer to **Attachment B** for allocations as at 31 December 2024.

Program	As at 28 January 2025 \$'000
Broadcasting Resilience Program	20,000
Digital Inclusion - Extension of the School Student Broadband Initiative (SSBI)	9,200
First Nations digital inclusion package (including \$9M from NIAA)	68,000
Mobile Black Spot Program (Round 7)	49,968
Mobile Black Spot Program (Round 8)	55,032
Mobile Network Hardening Program (Round 2)	14,222
Mobile Network Hardening Program (Round 3)	20,008
National Audit of Mobile Coverage	20,000
News Media Relief Program	15,000
On Farm Connectivity Program (Round 1)	14,034
On Farm Connectivity Program (Round 2)	18,173
On Farm Connectivity Program (Round 3)	20,000
Regional Connectivity Program (Round 3)	104,772
Regional Connectivity Program (Round 4)**	17,079
Regional Roads Australia Mobile Program (RRAMP)	92,644
Regional Tech Hub	6,000
Support for the Australian Associated Press	18,000
Telecommunications Disaster Resilience and Innovation Program	24,872
Universal Service Obligation (USO) Technical Trials	3,452
SUB-TOTAL (Administered funding within the department)	590,456
SSBI: departmental reclassification	859
Transfer to Treasury: RRAMP Pilot Programs - payments to States and Territories	50,000
OFCP Round 2: departmental reclassification	1,543
Sky Muster Wi-Fi Extension: transfer to STAND Budget line	14,000
Transfer to Treasury: WA Telecommunications Resilience Program	2,000
OFCP Round 3: departmental reclassification	6,700
GRAND TOTAL	665,558*

*Grand total includes the announced \$656 million plus \$9 million from the NIAA.

** Government has not announced plans for this round.

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Financial Information as at 31 December 2024

Program Start Date:	2022-23								
Program End Date:	2029-30								
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30**	TOTAL \$m
	\$m	\$m							
Appropriation Budget	6.0	66.1	215.6	105.4	81.3	46.5	52.6	16.9	590.4*
Less:									
Actual Expenditure YTD at 31 December 2024	6.0	66.1	26.2						98.3
Total Committed Funds at 31 December 2024	0	0	149	92.5	68	16.5	13.7	11	350.7
Total Uncommitted Funds (balance)	0	0	40.3	12.9	13.3	29.9	38.9	6.0	141.3

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient. Committed funds also include where some form of commitment has been made, but no financial agreement has been entered into by both parties. For the purposes of this brief, this includes programs where the design has progressed significantly (e.g. announced publicly, guidelines released, assessment underway, request for tender released).

*Variance in funding due to rounding.

**In MYEFO 2024-25, Round 8 of the Mobile Black Spot Program and the Regional Roads Australia Mobile Program was extended to 2029-30 to provide a realistic rollout schedule of 5 years, and policy authority for the BCP was extended.

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Attachments

- A: Better Connectivity Plan - Program Status
- B: Better Connectivity Plan - Program Components

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Better Connectivity Plan for Regional and Rural Australia – program status

Program	Division	Status	SB Reference
Broadcasting Resilience Program	MPD	In progress. Contracted. The contract with BAI Communications was executed on 2 June 2023. Milestone payments totalling \$14 million have been made to BAI Communications.	SB24-000370 (Regional Broadcasting)
Extension of the School Student Broadband Initiative	CID	In progress. \$4.3 million contracted with top-up \$4.9 million expected to be contracted January 2025.	SB24-000384
First Nations Digital Inclusion	CID	The NBN Co Community Wi-Fi program contracted and underway. Expansion of Data Collection Program contracted and underway. Design of other components underway. Announced as part of the 2024–25 Budget to provide \$68 million over 4 years from 2023–24 to support First Nations digital inclusion. Funding includes: <ul style="list-style-type: none"> \$40 million over 4 years from 2023–24 to roll out community Wi-Fi in remote communities \$22 million over 3 years from 2024–25 to establish a First Nations Digital Support Hub and a network of digital mentors to increase access to online services and improve digital literacy and online safety among First Nations people \$6 million over 3 years from 2024–25 to expand the Australian Digital Inclusion Index to improve national data collection on First Nations digital inclusion. The cost of this measure is offset by redirecting funding from the Plan and from the National Indigenous Australians Agency’s Indigenous Advancement Strategy.	SB24-000383
Mobile Black Spot (MBSP) - Round 7	CSC	In progress. Most sites contracted. \$55 million (GST incl) awarded for 62 MBSP new mobile base stations. 60 contracted, negotiations continue for 2.	SB24-000392
Mobile Black Spot (MBSP) - Round 8	CSC	Opened for applications 17 December 2024.	SB24-000392
Mobile Network Hardening Program (MNHP) - Round 2	CSC	Outcomes announced. Round 2 awarded \$14.2 million for 386 successful projects that will contribute to reducing the risks of service outages during and after natural disasters. Contracting.	SB24-000394
Mobile Network Hardening Program (MNHP) - Round 3	CSC	Round opened on 24 October 2024 and closed on 20 December 2024. Project Noticeboard opened on 4 October 2024. The assessment of applications is underway.	SB24-000394
National Audit of Mobile Coverage	CID	In progress. Contracted. Main Audit scaled up operations in December 2024 with expanded set of AusPost static locations and Accenture drive-testing. AusPost drive-testing is scheduled to commence in Q1 of 2025.	SB24-000386
News Media Relief Program	MPD	Program opened to applications on 29 November 2024. Application assessment is underway for the demand-driven program.	SB24-000367
On Farm Connectivity Program (OFCP) - Round 1	CSC	Round completed successfully. <ul style="list-style-type: none"> Round 1 of the OFCP closed on 31 May 2024, and completed with over \$13 million in rebates toward connectivity equipment directly benefitting Primary Producers. 	SB24-000397
On Farm Connectivity Program (OFCP) - Round 2	CSC	Round opened for rebates on 8 November 2024 and closed for new applications on 14 November 2024, with \$18 million available for the round. Applications up to the \$18 million available is expected to be approved by the end of January 2025.	SB24-000397
Regional Connectivity Program (RCP) - Round 3	CSC	Contracted, underway.	SB24-000396
Regional Roads Australia Mobile Program (RRAMP)	CSC	<u>Pilot programs</u> – Funding for the NSW, VIC and WA pilot programs has been announced (15 November, 6 November and 3 September 2024). Other jurisdictions are expected to follow. <u>National program</u> – under development and Round 1 proposed to open in the second half of 2025.	SB24 000395
Regional Tech Hub	CSC	In progress. Contracted. <ul style="list-style-type: none"> \$6 million contracted over 3 years. Payments are made on a quarterly basis. An Approach to Market was issued on 17 March 2023, with the National Farmers’ Federation again being selected to manage the Hub for a further 3 years. The contract will run from 1 July 2023 to 30 June 2026 and will see the Hub further expand the telecommunications assistance it provides rural, regional and remote Australians. 	N/A

Program	Division	Status	SB Reference
Support for the Australian Associated Press	MPD	In progress. Contracted.	N/A
Telecommunications Disaster Resilience Innovation (TDRI) Program	CID	In progress. Contract negotiations continuing. <ul style="list-style-type: none"> • The Power Resilience Round and the Innovation Round of the TDRI opened for applications concurrently on Monday 14 August 2023 and closed on Friday 17 November 2023. • On 1 May 2024, the minister announced that \$17.4 million will be committed towards 33 projects. <ul style="list-style-type: none"> ○ \$11.3 million has been committed under the Innovation Round ○ \$6.1 million has been committed under the Power Resilience Round. 	N/A
Universal Service Obligation (USO) Technical Trials	CID	In progress. Contracted.	SB24-000385 Universal Service – Delivery and Reform

Better Connectivity Plan as announced October 2022 - \$656 million

\$6 million	\$20 million	\$30 million	\$100 million	\$200 million	\$300 million
<ul style="list-style-type: none"> Regional Tech Hub 	<ul style="list-style-type: none"> National Audit of Mobile Coverage 	<ul style="list-style-type: none"> On Farm Connectivity Program 	<ul style="list-style-type: none"> Broadcasting Resilience Program Mobile Network Hardening Program Round 2 and 3 Telecommunications Disaster Resilience Innovation Program 	<ul style="list-style-type: none"> Regional Connectivity Program 	<ul style="list-style-type: none"> Mobile Black Spot Program Round 7 and 8 Regional Roads Australia Mobile Program



2023–24 new initiatives added to BCP

Support for the Australian Associated Press
Extension of the School Student Broadband Initiative (SSBI)

\$50 million transferred to Treasury for the Regional Roads Australia Mobile Program - Pilot Programs and \$0.46 million reclassified to departmental



2024–25 new initiatives added to the BCP

First Nations Digital Inclusion package (includes additional \$9m from NIAA)
Universal Service Obligation Technical Trials
News Media Relief Program
\$2 million transferred to Treasury for WA Resilience upgrades, \$14 million reallocation to STAND for Sky Muster Wi-Fi extension, and \$1.94

Current allocations in the Better Connectivity Plan as at 31 December 2024

* the below allocations do not include the transfers outside of BCP, departmental reclassifications or adjustments made for publication to February PAES

<p>\$105 million Mobile Black Spot Program Rounds 7 and 8</p> <ul style="list-style-type: none"> Invests in telecommunications infrastructure to improve mobile coverage and competition across Australia with rounds 7 and 8 being a program component within the BCP. 	<p>\$92.6 million Regional Roads Australia Mobile Program</p> <ul style="list-style-type: none"> Will test new or innovative solutions to improve mobile telecommunications coverage on regional and remote highways and major roads, with a strong preference for multi-carrier coverage. (Funding for a National Program) 	<p>\$20 million National Audit of Mobile Coverage</p> <ul style="list-style-type: none"> Aims to better identify mobile coverage black spots across Australia to help target future investment, and to provide an independent resource that better reflects on ground experiences of mobile coverage. 	<p>\$32.2 million On Farm Connectivity Program</p> <ul style="list-style-type: none"> Assists primary producers to take advantage of digital agribusiness solutions to boost productivity, improve safety and drive more sustainable farming practices. 	<p>\$148.6 million Regional Connectivity Program Round 3 and future initiatives</p> <ul style="list-style-type: none"> Funds the delivery of 'place-based' telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia. 	<p>\$6 million Regional Tech Hub</p> <ul style="list-style-type: none"> An independent service to help regional, rural and remote Australians get connected, stay connected, and make the most of new technologies. 	<p>\$20 million Broadcasting Resilience Program</p> <ul style="list-style-type: none"> Provides \$20 million over 3 years to BAI Communications to improve resilience of 107 ABC AM and FM radio sites.
<p>\$34.2 million Mobile Network Hardening Program</p> <ul style="list-style-type: none"> Funds upgrades to improve the resilience of Australia's mobile network telecommunications infrastructure in regional Australia, with rounds 2 and 3 being a program component within BCP. 	<p>\$24.9 million Telecommunications Disaster Resilience Innovation Program</p> <ul style="list-style-type: none"> Promotes development of new technologies to provide solutions for telecommunications disaster resilience in regional, remote and First Nations communities. 	<p>\$18 million Support for the Australian Associated Press</p> <ul style="list-style-type: none"> Funding supports the financial sustainability of the Australian Associated Press as Australia's only independent national newswire. 	<p>\$9.2 million Extension of the School Student Broadband Initiative</p> <ul style="list-style-type: none"> The SSBI was extended to provide free home broadband to school kids without internet at home to the end of 2025 to further support educational outcomes and households struggling with cost of living pressures. 	<p>\$68 million First Nations Digital Inclusion Package</p> <ul style="list-style-type: none"> Initiative includes \$59m from BCP and \$9m from the National Indigenous Australians Agency (NIAA). 	<p>\$3.5 million Universal Service Obligation Technical Trials</p> <ul style="list-style-type: none"> Will progress trials to test potential alternative technologies to replace existing legacy voice services. BCP providing additional funding to extend trial. 	<p>\$15 million News Media Relief Program</p> <ul style="list-style-type: none"> This measure provides relief for Australian news media with a focus on regional, local, CALD and First Nations news providers.

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SB24-000392

SUBJECT: Mobile Black Spot Program**Key Deliverables**

- The Mobile Black Spot Program (MBSP) has been running since 2014 and has awarded funding for up to 1,400 new mobile base stations.
- Rounds 6 and 7 of the MBSP have been successfully run in this term of government, and these base stations are in progress for delivery.
- MBSP Round 8 is currently open for applications, closing on 30 April 2025.

Talking Points

- The Australian Government is investing in telecommunications infrastructure to improve mobile coverage and competition across Australia through the Mobile Black Spot Program (MBSP).
- The program's performance target in 2023-24 was met with a total of 8,355 km² new handheld mobile coverage delivered from 55 base stations. This was 26% above target.

Independent Evaluation of the MBSP

- Grosvenor Performance Group Pty Ltd (Grosvenor) has completed its evaluation of the effectiveness of the MBSP in delivering its policy intent and objectives.
- The evaluation addressed Recommendation 3 of the Auditor-General Report No.28 2023-24 Award of Funding under the Mobile Black Spot Program, published 22 May 2024, which recommended that the Department of Infrastructure, Transport, Regional Development, Communications and the Arts commence an evaluation of the MBSP within 12 months.
- The Evaluation Report includes 26 findings and 5 key recommendations which align with the program's objectives and outcomes and provide context to address current and emerging connectivity challenges.

Round 8

- The \$55 million Round 8 opened for applications on 17 December 2024 and will close on 30 April 2025, and is funded through government's *Better Connectivity Plan for Regional and Rural Australia* (BCP).
- A Project Noticeboard opened on 23 October 2024 and will close on 7 February 2025.

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SB24-000392

- The round focuses on projects that will deliver new resilient mobile coverage in regional and remote areas of Australia that are prone to Natural Disasters, including bushfires, cyclones and floods.

Improving Mobile Coverage Round (IMCR, Round 6): (see SB24-000393)

- The government allocated \$40 million (GST excl) to improve mobile coverage and quality of service at 54 Target Locations identified as election commitments during the 2022 Federal election campaign.
- Stage 1 awarded \$40.9 million (\$37.2 million GST excl.) for 41 new base stations to improve mobile coverage at 42 locations (outcomes announced October 2023).
- Stage 2 (2 locations) applications closed 25 September 2024, assessments by the department are complete and decisions on the outcomes of the round are expected soon.
- The ANAO audited the IMCR and tabled its report in Parliament on 22 May 2024. The Department is implementing its response to the recommendations.

Rounds 1-7:

- To date, funding awarded for up to 1,400 new base stations.
- Over \$1 billion (\$960 million GST excl.) committed for new mobile infrastructure including contributions from the government (\$359 million GST excl.), state and local governments, industry and third parties.

Rounds 1-7 status:

- 1397 base stations contracted under Rounds 1-7 (3 under contract negotiation).
 - 68 of these base stations cannot proceed (are frustrated and removed), with 1329 base stations remaining.
- As at 31 December 2024, 1164 (87.5%) base stations are complete.
- Of the remaining 165 base stations to be completed:
 - 65 in Rounds 1-5A are scheduled to be complete by 30 June 2025.
 - 40 in Round 6 are scheduled to be complete by 31 December 2026.
 - 60 in Round 7 are scheduled to be complete by 30 June 2027.

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Key Issues

Mobile Black Spot Program (Actual expenditure as at 31 December 2024)									
Program start	2015-16				Program end	2026-27			
Total appropriation	\$416 million GST excl • \$311m (MBSP Rds 1-6)* • \$50.0m^ (BCP Rd 7) • \$55m^ (BCP Rd 8)				Expenditure to date	• \$223,624,459 spent • \$192,375,541 remaining			
Administration arrangements	Targeted competitive grants program. The department assesses applications and negotiates funding agreements. The Minister for Communications decides projects to be funded.								
Program Description	The MBSP aims to extend and improve mobile phone coverage and competition across Australia.								
Status (as at 31 August)	Total Program Numbers	Round 1	Round 2	Round 3 (PLR)	Round 4	Round 5	Round 5A	Round 6 (IMCR)	Round 7
Proposals approved for funding	1,400	499	266	102	180	182	68	41	62
Contract Negotiations	3	0	0	0	0	0	0	1	2
Contracted - In Progress	165	1	1	0	7	21	35	40	60
Completed ¹	1,164	488	260	87	167	134	28	0	0
Frustrated and replaced/removed ²	61/68 (129)	18/10 (28)	13/5 (18)	1/15 (16)	11/6 (17)	16/27 (43)	2/5 (7)	N/A	N/A
¹ Completed projects - excludes base stations that have been frustrated and removed ² Frustrated base stations with replacements / frustrated base stations that have been removed (i.e. no replacement). Frustrated and replaced base stations at 31 August 2024 was 61, however, as at 31 December 2024, 7 replaced base stations have been frustrated and removed. *\$380m appropriated for Rounds 1-6, less re-allocations over time to the Peri-Urban Mobile Program, Mobile Network Hardening Program, Wi-Fi on trains and Tasmanian mobile network upgrades projects. ^Component within BCP Appropriation budget									
Progress since last Senate Estimates (data previously reported as at 31 August 2024)									
21 [†] projects have been completed (from 1 September 2024 to 31 December 2024).									
[†] Completed projects since last estimate only include projects notified to and confirmed by the department within the above specific period and can include projects pre 1 September 2024 as the department was notified within the above period.									
Program/status sensitivities									
68 base stations have been removed from the program with no replacement base station. (6 base stations removed from 1 September 2024 to 31 December 2024)									

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BackgroundIndependent Evaluation of the MBSP

- The department engaged Grosvenor on 17 May 2024 to evaluate and assess the effectiveness of the MBSP in delivering its policy intent and program objectives.
- The department considered the expertise and independence of an external service provider would best support an objective evaluation process, including the capacity to undertake independent specialist research and survey work.
- The evaluation took place from 17 May 2024 to 20 November 2024 inclusive with 5 community visits held from 3 to 20 November 2024. The department received the final evaluation report on 8 January 2025.
- The department is reviewing the report, recommendations and findings and will work through a plan to address and implement any relevant actions.
- The initial contract value was \$202,429.70 (GST incl) as published on Austender (CN4063357), excluding travel costs for in person community consultations.
- 2 variations to the contract were approved i) an extension of time to complete the evaluation and ii) an increase to the contract value by \$12,503.40 (GST Inc) due to implications of additional elements impacting the delivery of the full scope of work.
- Final contract value paid by the Commonwealth was \$237,601.18 (GST inclusive), including travel costs.

If asked: Will the Evaluation Report be made public?

- The department is briefing the Minister for Communications on the outcomes of the evaluation.
- No decision has been made regarding publishing the report.

If asked: What did the evaluation find?

- The evaluation found that the program has been successful in delivering increased mobile coverage and meeting its intended outcomes.
- It suggested there is still need for further investment to improve connectivity and provides recommendations that will inform the design and development of future programs.

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Budget Papers 2024-25 (Budget Paper No. 1)

- Text on page 220: *Communication expenses are estimated to decrease from 2024–25 to 2027–28, primarily reflecting the funding profile for the Better Connectivity Plan for Regional and Rural Australia, and the conclusion of the Mobile Black Spot Program* may be misleading.
- Rounds 1-5A and the IMCR (Round 6) are funded in an MBSP-specific appropriation line in Outcome 5. This appropriation line is currently forecast to end in 2026-27.
- MBSP Round 7 and funding for a Round 8 is available in the BCP.
 - See the department's funding at Budget Related Paper No. 112
 - Pages 70-71 and note (a) under *Table 2.5.2 Program components of Outcome 5*.

Round 8

- The department consulted on the parameters for the round with state and territory governments, the National Emergency Management Agency, representatives of the telecommunications industry, the Regional Telecommunications Review Committee, the Better Internet for Rural, Regional and Remote Australia group, and the Australian Communications Consumer Action Network during September-October 2024.
- A Project Noticeboard was opened on 23 October 2024 to allow local councils and state, territory and federal parliamentarians to identify locations that are impacted by, or are at risk of, a Natural Disaster. The Project Noticeboard closed on 7 February 2025.
- Potential applicants are encouraged to consider submissions to the Project Noticeboard when preparing their applications.

Round 7 (outcomes announced 11 December 2023)

- \$55 million (\$50 million GST excl.) awarded for 62 new mobile base stations.
 - \$41.3 million (\$37.6 million GST excl.) for 43 new base stations across Australia; and
 - \$13.6 million (\$12.3 million GST excl.) for 19 new base stations targeting improved coverage for First Nations communities.
- Run as part of the \$160 million (GST excl.) combined "*Regional Connectivity Program Round 3 (including Mobile Black Spot Opportunities)*". Funded under the BCP (SB24-000255).
- The minister accepted all of the department's recommendations without change, including only funding the recommended base stations on the merit list.
- 60 projects contracted and in early phases of deployment, 2 under contract negotiation.

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- The rollout schedule will be published on the industry grantees' websites once the contracts have been executed.

Round 1-7 - Status

- As at 31 December 2024, 1164 sites (87.5%) for Rounds 1-7 are complete.
- The remaining Rounds 1-5A base stations are scheduled to be completed by 30 June 2025, pending consideration of requests for extension of time.
- As at 20 January 2025, Round 1 and Round 3 (Priority Locations Round) are now complete and operational.
 - Round 1 saw 489 sites become operational. The remaining 10 sites could not be built and were removed from the MBSP
 - Round 3 saw 87 sites become operational. The remaining 15 sites that could not be built were removed from the MBSP.
- The department will perform reconciliation and true-up processes prior to closing the both rounds.

Reasons for delays

- Delays to project delivery are due to various factors, such as:
 - Applicant proposals are based on desktop planning only, as they can't be in the applicant's commercial forward work plan;
 - acquiring landowner agreement at a viable location;
 - obtaining local government planning approvals; and,
 - availability and access to supporting infrastructure including power and backhaul.

Note: Simple base station deployment typically takes 24 – 36 months to complete, with the median program delivery closer to 3 years. Complex sites can take 5+ years to deliver.

Base station frustrations

- Base stations may be frustrated, i.e. cannot be built, for reasons including being unable to get access to land, planning approvals, or unforeseen technical issues.
- Where a base station is frustrated, the Commonwealth *may* agree to a replacement base station if a suitable location can be found. These must now be proposed within 18 months of contract signing.
- As at 31 December 2024, 127 base stations cannot be built (i.e. frustrated), and 66 replacement base stations agreed. However, 8 of these replacement base stations were frustrated and removed. These are listed on the department's website.

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MBSP Grant Agreement financial arrangements

- Program expenditure is performance-based and comprises:
 - A one-off Mobilisation Payment paid to each grantee under each round;
 - Milestone payments (including Asset Completion payments for individual sites); and
 - A Final Payment of up to 10% of the total grant amount across each round of the program, payable to the funding recipients following completion of their last base station funded under each round.
- The government's total funding contribution by round is capped. Any overspends at the end of each round are the responsibility of the respective funding recipient. Funding underspends will either be retained within the program for further investment or returned to the Budget following end-of-program reconciliation and true-up processes.

Program Financial Information at 31 December 2024MBSP Rounds 1-6 (funded from the MBSP appropriation line)

Program/Project Start	2015-16						
Program/Project End Date:	2026-27						
	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL \$m
Appropriation Budget ¹	15.7	14.2	8.6	54.7	26.5	15.6	135.5
Less:							
Actual Expenditure YTD at 31 December 2024	15.7	14.2	8.6	3.6			42.2
Total Committed Funds at 31 December 2024 ²			0	48.8	26.1	15.5	90.5
Total Uncommitted Funds (balance) ³			0	2.3	0.4	0.1	2.8

¹ As at Portfolio Additional Estimates Statements 2024-25.² Committed Funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement by the recipient.³ As at 31 December 2024, \$2.8m from the \$40m IMCR is allocated to IMCR Stage 2.**Contact:** Karly Pidgeon**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 2**Date:** 12/02/2025

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MBSP Rounds 7 and 8 (funded from the Better Connectivity Plan)

Program/Project Start Date:	2022-23								
Program/Project End Date:	2026-27								
	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	2027-28 \$m	2028-29 \$m	2029-30 \$m	TOTAL \$m
Appropriation Budget ^{1, 2} – Better Connectivity Plan	0.0	3.1	6.5	19.7	34.4	16.5	13.8	11.0	105.0
Less:									
Actual Expenditure YTD at 31 December 2024	0	3.1	0						3.1
Total Committed Funds at 31 December 2024 ³		0	6.5	11.5	28.9	0	0	0	46.9
Total Uncommitted Funds (balance) ⁴		0	0	8.2	5.5	16.5	13.8	11.0	55.0

¹ As at Portfolio Additional Estimates Statements 2024-25.

² See SB24-000255 on the BCP.

³ Committed Funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement by the recipient.

Round 7 is considered committed as the minister has made a decision to award funding and recipients have accepted these offers, pending contracting.

⁴ MBSP Round 8 is uncommitted as the round is still open for applications.

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SB24-000393

SUBJECT: Mobile Black Spot Program – Improving Mobile Coverage Round (IMCR)

Key Deliverables

- The Australian Government allocated \$40 million (GST excl) to improve mobile coverage and quality of service at Target Locations identified as election commitments during the 2022 Federal election campaign.
- Funding was successfully awarded for 42 Target Locations in October 2023, and contracts are in place for 41 outcomes for industry to deliver, with the final under negotiation.
- A supplementary round (Stage 2) accepted applications for 2 Target Locations in September 2024. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has completed its assessment and provided recommendations to the Minister for Communications for decision.

Talking Points

- The Australian Government allocated \$40 million (GST excl) to improve mobile coverage and quality of service at 54 Target Locations (**Attachment A**) identified as election commitments during the 2022 Federal election campaign.
- On 19 October 2023, the Minister for Communications announced the outcomes of Stage 1 of the IMCR, awarding \$37.2 million (GST excl) funding for:
 - 41 new base stations (40 Telstra and 1 TPG Telecom) to improve mobile coverage at 42 Target Locations identified as having unreliable service (**Attachment B**).
- Stage 1 sites are currently expected to be delivered by December 2026.

IMCR Stage 2

- The department is retesting the market at 2 Target Locations that did not receive a solution in Stage 1 but where there is a reasonable prospect that a value with relevant money solution may exist in Majors Creek and Mangrove Mountain, NSW.
- Following Stage 1, \$2.8 million (GST excl) is available 2024-25 to 2026-27 for Stage 2.
- Stage 2 was open for applications during 31 July to 25 September 2024. The department has completed its assessment and provided recommendations to the minister for decision.

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ANAO Performance Audit of the IMCR

- The audit report on the *Award of Funding under the Mobile Black Spot Program* (MBSP) tabled on 22 May 2024 made 3 recommendations and found:
 - the design and award of funding for the IMCR was “largely effective”
 - the department’s assessment and funding recommendations was “largely effective”
 - the award of funding was consistent with the Commonwealth Grant Rules and Guidelines (CGRGs).
- The department welcomes the audit outcomes and agreed with recommendations 1(a), 2, 3(a) and 3(b), and agreed in part with recommendation 1(b).
- Consistent with the response to recommendations 3(a) and 3(b), the department commenced an external evaluation of the MBSP on 17 May 2024 (see SB24-000392).
- The evaluation is now completed and the MBSP Evaluation Report was provided to the department in January 2025.

Key Issues

- The government allocated \$40 million (GST excl) for IMCR.
- Both IMCR Stages 1 and Stage 2 use competitive, merit-based grants processes to seek solutions from Mobile Network Operators and Infrastructure Providers to improve mobile coverage and quality of service at the identified Target Locations.

Applications received – IMCR Stage 2

- An application was received from 1 applicant for solutions at the 2 locations:
 - The application seeks funding of \$3,154,096 (GST incl; ~\$2.87m GST excl)
 - The proposed solutions are macro cell solutions.

IMCR Stage 1 agreements

- Telstra’s stage 1 agreement was executed on 1 February 2024 and Telstra has commenced the detailed design and planning work.
- The TPG stage 1 agreement has been delayed due to contract negotiation issues in a related contract in a separate program that have now been resolved. The department is now working to execute TPG’s stage 1 agreement, as a priority.

ANAO Performance Audit of the IMCR

- Since the audit concluded in May 2024, the department:
 - Commenced the National Audit of Mobile coverage (see SB24-000251) (refer [Rec. 1](#))

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- Reviewed the program objectives and updating the Grant Opportunity Guidelines for Round 8 of the MBSP, which opened in December 2024 (refer Rec. 2) MBSP Evaluation
- Engaged Grosvenor Performance Group Pty Ltd (Grosvenor) to undertake an external evaluation of the MBSP (refer Rec. 3) (see SB24-000392)

ANAO Audit timeline:

- The ANAO formally advised the department of the audit on 31 July 2023
- The Secretary responded to the section 19 proposed audit report on 26 April 2024
- The audit report was tabled in Parliament 22 May 2024.

ANAO Audit Recommendations:

- The scope and a summary of our response to the recommendations is at Attachment D.
- Recommendation 1 - The ANAO recommended the department:
 - (a) collect data and undertake strategic analysis on gaps in mobile coverage and quality of service issues in regional and remote Australia (Agreed).
 - (b) provide advice to government on the relative merits for selecting targeted locations over other mobile black spot areas (Agreed in part).
- Recommendation 2 - The ANAO recommended the department:
 - review program objectives and update the grant opportunity guidelines for each new round of the Mobile Black Spot Program (Agreed).
- Recommendation 3 - The ANAO recommended the department:
 - (a) develop an evaluation plan to assess the extent to which the MBSP is achieving its objectives and to identify future enhancements to the MBSP (Agreed).
 - (b) commence an evaluation of the MBSP within 12 months (Agreed).

IMCR Stage 1 - key points:

- Stage 1 will deliver 41 new base stations at 40 Target Locations (Attachment A):
 - Delivering new coverage and improved quality of service to 42 Target Locations
 - 40 Telstra base stations and 1 TPG Telecom base station
 - Total project cost is \$66 million (GST excl), comprising:
 - \$37.2 million Commonwealth funding, and
 - \$28.8 million in applicant co-contributions.
 - Mystery Bay, NSW, will receive 2 small cell base stations that are interdependent
 - 2 of the Target Locations (Alonnah and Snowy Mountains Highway) will receive improved coverage from base stations being built at other Target Locations

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- 12 Target Locations did not receive solutions from the process (**Attachment C**)
- \$2.8 million (GST excl) was uncommitted and is being used for IMCR Stage 2.
- Following Stage 1 of the IMCR, the department:
 - executed a grant agreement with Telstra on 1 February 2024 valued at \$36,549,536.36 (GST excl) to deploy 40 solutions.
 - is negotiating a grant agreement with TPG for 1 solution valued at \$680,000 (GST excl). Delays are due to negotiation on other grant agreements.
- Information about the rollout schedule will be published on the grant recipients' websites as it becomes available.

*12 Target Locations without a solution under IMCR (**Attachment C**)*

- 4 locations are expected to receive improvements through other means:
 - 3 will receive some improved coverage from other Commonwealth programs (Princes Highway - Ulladulla to Batemans Bay, and Mount Tomah via Regional Connectivity Program Round 2; and Brigadoon via Peri-Urban Mobile Program)
 - 1 expected to receive improved coverage via commercial investment (Bowen Mountain).
- 6 locations (Breera Brand, Carwoola, Queenstown, Wee Jasper, Monaro Highway and Herne Hill) are not being progressed through IMCR as there is a low chance of success.
- The department is progressing the retesting of the market for Majors Creek and Mangrove Mountain through IMCR Stage 2.

Background

- Funding commitments for the 54 Target Locations were announced by the minister, incumbent Members of Parliament and/or election candidates during the 2022 Federal Election campaign.
- The department undertook a desktop analysis of each of the locations to identify the types of coverage or quality of service issues at each location for the purposes of developing the Guidelines and the assessment process.
- The IMCR is based on the design of the former government's MBSP Priority Locations Round (PLR, Round 3 - a similar Target Location initiative for 125 locations), with improvements informed by the department's experience from subsequent MBSP rounds and PUMP Round 1 (e.g. mapping at identified signal strengths).
- Further background is at **Attachment E**.

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Financial Information as at 31 December 2024

Program/Project Start Date:	2022-23					
Program/Project End Date:	December 2027					
	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget ¹	0	2.6	5.3	16.6	15.5	40.0
Less:						
Actual Expenditure YTD at 31 December 2024	0	2.6				2.6
Total Committed Funds at 31 December 2024 ²	0	0	2.7	16.5	15.4	34.6
Total Uncommitted Funds (balance) ³	0	0	2.3	0.4	0.1	2.8

The \$40 million IMCR is funded from \$79.1 million previously allocated to Round 6, with remaining funding committed to additional rounds of PUMP.

¹ This profile reflects the IMCR component of the MBSP appropriation as at Portfolio Additional Estimates Statements 2024-25.

² Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient. IMCR Stage 1 is considered committed as an agreement has been signed for outcomes at 41 of the 42 locations, and the agreement for the final outcome is under contract negotiation.

³ IMCR Stage 2 is considered uncommitted (\$2.8m) as the grant round is pending the minister's decision.

Attachments

- A: List of 54 Target Locations under the IMCR
- B: List of outcomes under the Round
- C: List of Target Locations without an outcome
- D: ANAO Audit Scope and Recommendations
- E: Further IMCR background

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SB24-000393 - ATTACHMENT A

List of 54 Target Locations and Mobile solution categories in the Improving Mobile Coverage round of the MBSP

Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Wreck Bay Village	ACT (JBT)	Jervis Bay Territory, including Wreck Bay and surrounding cliffs, and HMAS Creswell	New Mobile Coverage	Issues appear to relate to poor or no mobile coverage.
Blaxlands Ridge	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Bowen Mountain	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Budgewoi	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Carwoola	NSW	Large sections of Carwoola identified as having poor or non-existent handheld coverage. This includes areas up to 3km north of Carwoola, the corner of Clydesdale Rd and Captains Flat Rd, and Little Whiskers Creek Rd.	New Mobile Coverage	Issues appear to relate to poor or no mobile coverage.
Dalmeny	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Eleebana	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Jamberoo (greater area)	NSW	Some areas of poor to non-existent coverage identified in greater areas of Jamberoo, from the south west edge of the town of Jamberoo along Wyalla Rd, as well as Minnamurra Falls Rd. Poor reception also identified on Jamberoo Rd at Spring Creek (west of Kiama).	New Mobile Coverage	Issues appear to relate to poor or no mobile coverage.
Jewells and Redhead	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Kangaroo Valley	NSW	Poor reception reported at Budgong (south of Kangaroo Valley).	Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.

Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Kings Highway	NSW	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location. Poor coverage reported at Bungendore.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Lake Munmorah	NSW	Poor coverage in the local conservation areas	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Lilli Pilli (2536 – Eurobodalla Shire)	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Majors Creek	NSW	The Government’s election commitment is for a small cell solution to improve mobile coverage in Majors Creek.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Mangrove Mountain	NSW	Poor handheld coverage identified at Upper Mangrove, spanning the area around Waratah Rd, Mangrove Creek (south and south west of Mangrove Mountain) and Central Mangrove. Poor handheld coverage identified at Mangrove Mountain in the sector west of George Downes Dr.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Maraylya	NSW	Increased demand for capacity identified at Gables, Box Hill and Vineyard.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Matcham-Holgate	NSW	Reports of poor reception due to local terrain impeding line-of-sight.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Monaro Highway	NSW	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Mount Tomah	NSW		Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.
Mystery Bay	NSW		Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.

Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Princes Highway: Batemans Bay to Eden	NSW	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location. Poor coverage reported at Lochiel (near Pambula) and Mt Darragh.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Princes Highway: Ulladulla to Batemans Bay	NSW	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Snowy Mountains Highway	NSW	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Talbingo	NSW	Large areas of non-existent handheld coverage identified surrounding residents in Talbingo and Talbingo township.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Wee Jasper	NSW	Large sections of the Wee Jasper area identified as having poor or non-existent handheld coverage. This includes the area surrounding the Wee Jasper Public School and Goodradigbee River Bridge, Wee Jasper Creek, and other communities. Poor coverage also reported at Doctors Flat and Micalong Close.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Worrigea	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Wyoming	NSW	Poor to no mobile coverage identified specifically in the Henry Kendall Gardens and Adelene Village Retirement Villages	Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity
Yellow Rock (2777)	NSW		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
East Douglas (Townsville Region)	QLD		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Emerald (south west)	QLD		Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.

Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Kuranda (West)	QLD	Patches of poor to non-existent handheld coverage identified in the west Kuranda region, west of Kuranda village—including districts of Myola, Dismal Creek, and Kowrowa	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Upper Stone	QLD	Large areas of poor to non-existent handheld coverage identified in the Upper Stone area.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Cudlee Creek	SA	Poor coverage reported at Fox Creek Road, Croft Road, Hannaford Road and Redden Drive; Cudlee Creek Road; Cudlee Creek Cafe, Cudlee Creek CFS station, Cudlee Creek Hall (on Gorge Road); Retreat Valley Road.	Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.
Port Rickaby	SA		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Rapid Bay	SA	Poor coverage reported at Rapid Bay Primary School and Rapid Bay Cricket Club/Oval.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Wool Bay	SA		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Alonnah (South Bruny Island)	TAS	The Government's election commitment is for a small cell solution to improve mobile coverage in Alonnah. Patches of poor to non-existent coverage identified at Alonnah, Bruny Island.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Ansons Bay	TAS	Areas of poor to non-existent coverage identified in Ansons Bay township areas along the coast of Ansons Bay and Shark Bay.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Grindelwald	TAS	Poor handheld quality of service identified in Grindelwald township. Poor quality of service identified in areas near Waldhorn Dr and Atkinsons Rd. Poor coverage and quality of service identified near residential tourist resort, Aspect Tamar Valley. Poor coverage and quality of service identified surrounding retirement villages and complexes in Grindelwald.	Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.

Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Queenstown	TAS	Network congestions and periods of intermittent handheld coverage identified in Queenstown township during peak tourist season. Poor quality of service and/or poor handheld coverage also identified in areas of Queenstown, including areas near Lyell Highway. Poor coverage also identified surrounding premises near Lovett St in the south of Queenstown.	Improving Mobile Coverage	Issues appear to relate to localised areas of poor mobile coverage and/or limited capacity.
Sheffield	TAS	Poor to non-existent coverage identified in Sheffield township, and in wider areas surrounding the township in the Sheffield area, including hilly areas of Lizard Hill and near Kimberley's lookout. Poor reception also reported at Claude Road Hall.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Tea Tree	TAS	Poor reception reported on Back Tea Tree Rd and Tea Tree Rd, as well as Pontville (near Brighton).	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Togari	TAS	Areas of poor to no coverage identified in Togari. Poor reception reported between Brittons Swamp and Togari towards Redpa.	New Mobile Coverage	Issues appear to relate to areas of poor or no mobile coverage.
Verona Sands	TAS		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
West Tamar Highway (leading into Kelso)	TAS	Coverage audit maps identifying areas of poor or no mobile coverage will be provided for this New Highway Coverage Target Location.	New Highway Coverage	Issues relate to stretches of highway with poor or no mobile coverage.
Gisborne South	VIC		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
St Leonards	VIC	Areas of poor indoor handheld reception signal strength or quality of service issues identified in St Leonards. Poor reception reported on Queenscliff Road between St Leonards and Point Lonsdale.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or indoor coverage issues.

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Target Location	State	Specific areas with coverage issue (if known)	Solution Category	Specified mobile coverage or quality of service issue/s
Woodend	VIC	Areas of handheld network congestion and periods of intermittent coverage or quality of service identified in Woodend. Complaints of poor quality of service identified in greater Woodend, including small areas surrounding premises near Ravenswood Park in greater Woodend; near residential premises south of Slay Creek; near the intersection between Donalds Rd and Ashbourne Rd, south of Woodend towncentre; near the corner of Donalds Rd and Harpers Rd; and surrounding properties near areas along the Campaspe River in western greater Woodend.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Alkimos (North)	WA		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Breera (Brand Highway)	WA		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Brigadoon	WA		Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Forrest Highway (near Australind)	WA	Complaints of weak coverage signal identified along the Forrest Highway near Australind.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Herne Hill	WA	Poor reception reported at Jane Brook and Swan View.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.
Stoneville	WA	Poor reception reported at Parkerville.	Improving Mobile Coverage	Issues appear to relate to mobile capacity and/or poor indoor coverage.

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SB24-000393 - Attachment B

List of outcomes under the IMCR**Table 1: Locations receiving an outcome in the IMCR** (in alphabetical order)

Location	State	Applicant	Macrocell/ Small cell	Solution Category	Comment
Alkimos (North)	WA	Telstra	Macrocell	Improving Mobile Coverage	
Alonnah (South Bruny Island)	TAS	Telstra	-	New Mobile Coverage	Receiving improved coverage from Telstra base station funded at Verona Sands
Ansons Bay	TAS	Telstra	Macrocell	New Mobile Coverage	
Blaxlands Ridge	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Budgewoi	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Cudlee Creek	SA	Telstra	Macrocell	Improving Mobile Coverage	
Dalmeny	NSW	Telstra	Macrocell	Improving Mobile Coverage	
East Douglas (Townsville Region)	QLD	Telstra	Macrocell	Improving Mobile Coverage	
Eleebana	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Emerald (South West)	QLD	Telstra	Macrocell	Improving Mobile Coverage	
Forrest Highway (near Australind)	WA	Telstra	Macrocell	Improving Mobile Coverage	
Gisborne South	VIC	TPG	Macrocell	Improving Mobile Coverage	
Grindelwald	TAS	Telstra	Macrocell	Improving Mobile Coverage	
Jamberoo (greater area)	NSW	Telstra	Macrocell	New Mobile Coverage	
Jewells and Redhead	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Kangaroo Valley	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Kings Highway	NSW	Telstra	Macrocell	New Highway Coverage	
Kuranda (West)	QLD	Telstra	Macrocell	New Mobile Coverage	

Location	State	Applicant	Macrocell/ Small cell	Solution Category	Comment
Lake Munmorah	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Lilli Pilli	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Maraylya	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Matcham-Holgate	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Mystery Bay	NSW	Telstra	Small Cell	Improving Mobile Coverage	Two interdependent small cells will deliver improved coverage to Mystery bay
	NSW	Telstra	Small Cell		
Port Rickaby	SA	Telstra	Macrocell	Improving Mobile Coverage	
Princes Highway: Batemans Bay to Eden	NSW	Telstra	Macrocell	New Highway Coverage	
Rapid Bay	SA	Telstra	Macrocell	Improving Mobile Coverage	
Sheffield	TAS	Telstra	Macrocell	New Mobile Coverage	
Snowy Mountains Highway	NSW	Telstra	-	New Highway Coverage	Receiving improved coverage from Telstra base station funded at Talbingo
St Leonards	VIC	Telstra	Macrocell	Improving Mobile Coverage	
Stoneville	WA	Telstra	Macrocell	Improving Mobile Coverage	
Talbingo	NSW	Telstra	Macrocell	New Mobile Coverage	
Tea Tree	TAS	Telstra	Macrocell	New Mobile Coverage	
Togari	TAS	Telstra	Macrocell	New Mobile Coverage	
Upper Stone	QLD	Telstra	Macrocell	New Mobile Coverage	
Verona Sands	TAS	Telstra	Macrocell	Improving Mobile Coverage	
West Tamar Highway (leading into Kelso)	TAS	Telstra	Macrocell	New Highway Coverage	
Woodend	VIC	Telstra	Macrocell	Improving Mobile Coverage	

Location	State	Applicant	Macrocell/ Small cell	Solution Category	Comment
Wool Bay	SA	Telstra	Macrocell	Improving Mobile Coverage	
Worrigeer	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Wreck Bay Village	ACT	Telstra	Macrocell	New Mobile Coverage	Located in the Jervis Bay Territory
Wyoming	NSW	Telstra	Macrocell	Improving Mobile Coverage	
Yellow Rock	NSW	Telstra	Macrocell	Improving Mobile Coverage	

Notes:

1. The breakdown of the 41 solutions (and 42 Target Locations) by state and territory is:
 - a. 1 ACT
 - b. 19 NSW
 - c. 4 QLD
 - d. 4 SA
 - e. 8 TAS* (including Alonah TAS is 9 Target Locations receiving a solution)
 - f. 3 VIC
 - g. 2 WA

2. The breakdown of the 42 Target Locations by coverage issue is:
 - a. 28 Improving Mobile Coverage
 - b. 4 New Highway Coverage
 - c. 10 New Mobile Coverage

Table 2: List of 12 Target Locations without an outcome in the IMCR

Target Location (Solution Category)	Reason	Note	Way Forward for Target Locations
Mangrove Mountain, NSW (New Mobile Coverage)	Ineligible solution	The proposed solution did not materially address the Target Location.	The department is retesting industry solutions at Mangrove Mountain through IMCR Stage 2, noting there is a reasonable prospect that a value for money solution may exist.

Target Location (Solution Category)	Reason	Note	Way Forward for Target Locations
Majors Creek, NSW <i>(New Mobile Coverage)</i>	Ineligible solution	The Round did not receive an eligible solution for this location.	The department is retesting industry solutions at Majors Creek through IMCR Stage 2, noting there is a reasonable prospect that a value for money solution may exist.
Princes Highway – Ulladulla to Batemans Bay, NSW <i>(New Highway Coverage)</i>	Ineligible Solutions	Two separate proposals were received at different locations. They either provided negligible or no new coverage to the target highway.	Receiving improved coverage from two new base stations funded under the Regional Connectivity Program Round 2 (RCP-R2-081).
Bowen Mountain, NSW <i>(Improving Mobile Coverage)</i>	Not value for money	The proposed solution did not represent value for money under the Round based on the expected outcomes.	Receiving some improved coverage from new commercial investment.
Queenstown, Tas <i>(Improving Mobile Coverage)</i>	Not value for money	The proposed solution was extremely high cost and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Wee Jasper, NSW <i>(New Mobile Coverage)</i>	Not value for money	The proposed solution was extremely high cost and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Carwoola, NSW <i>(New Mobile Coverage)</i>	Not value for money	The proposed solution was high cost, and there was a low level of confidence in the viability of the proposed site, and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time. Community-level discussion will explore the viability of alternative sites with mobile carriers.
Breera (Brand Highway), WA <i>(Improving Mobile Coverage)</i>	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.

Target Location (Solution Category)	Reason	Note	Way Forward for Target Locations
Brigadoon, WA <i>(Improving Mobile Coverage)</i>	No solution received	No proposal was received for this location.	Receiving improved coverage from a new base station funded under the Peri-Urban Mobile Program Round 1 (PUMP-WA-009).
Herne Hill, WA <i>(Improving Mobile Coverage)</i>	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Monaro Highway, NSW <i>(New Highway Coverage)</i>	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Mount Tomah, NSW <i>(Improving Mobile Coverage)</i>	No solution received	No proposal was received for this location.	Receiving improved coverage from a new base station funded under the Regional Connectivity Program Round 2 (RCP-R2-075)

Notes:

1. The breakdown of Target Locations not receiving an outcome by state and territory is:
 - a. 8 NSW
 - b. 1 TAS
 - c. 3 WA

2. The breakdown of Target Locations not receiving an outcome by coverage issue is:
 - a. 6 Improving Mobile Coverage
 - b. 2 New Highway Coverage
 - c. 4 New Mobile Coverage



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

SB24-000393 – Attachment C

Mobile Black Spot Program—Improving Mobile Coverage Round—locations without applications or without recommended solutions

October 2023

Target Location	Reason	Note	Way Forward for Target Locations
Mangrove Mountain, NSW	Ineligible solution	The proposed solution did not materially address the Target Location.	The department is considering options to further test industry solutions at Mangrove Mountain, noting there is a reasonable prospect that a value for money solution may exist.
Majors Creek, NSW	Ineligible solution	The Round did not receive an eligible solution for this location.	The department is considering options to further test industry solutions at Majors Creek, noting there is a reasonable prospect that a value for money solution may exist.
Princes Highway – Ulladulla to Batemans Bay, NSW	Ineligible Solutions	Two separate proposals were received at different locations. They either provided negligible or no new coverage to the target highway.	Receiving improved coverage from two new base stations funded under the Regional Connectivity Program Round 2 (RCP-R2-081)
Bowen Mountain, NSW	Not value for money	The proposed solution did not represent value for money under the Round based on the expected outcomes.	Receiving some improved coverage from new commercial investment.

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Target Location	Reason	Note	Way Forward for Target Locations
Queenstown, Tas	Not value for money	The proposed solution was extremely high cost and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Wee Jasper, NSW	Not value for money	The proposed solution was extremely high cost and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Carwoola, NSW	Not value for money	The proposed solution was high cost, and there was a low level of confidence in the viability of the proposed site, and did not represent value for money under the Round.	Not being progressed further through the IMCR as there is a low chance of success at this time. Community-level discussion will explore the viability of alternative sites with mobile carriers.
Breera (Brand Highway), WA	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Brigadoon, WA	No solution received	No proposal was received for this location.	Receiving improved coverage from a new base station funded under the Peri-Urban Mobile Program Round 1 (PUMP-WA-009).
Herne Hill, WA	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Monaro Highway, NSW	No solution received	No proposal was received for this location.	Not being progressed further through the IMCR as there is a low chance of success at this time.
Mount Tomah, NSW	No solution received	No proposal was received for this location.	Receiving improved coverage from a new base station funded under the Regional Connectivity Program Round 2 (RCP-R2-075)

SB24-000393 - Attachment D

ANAO Audit Scope and Recommendations

The scope of the audit examined:

- a. *Was the design of Round 6 of the Mobile Black Spot Program effective and consistent with the Commonwealth Grants Rules and Guidelines (CGRGs)?*

The department was largely effective in the design and award of funding for the IMCR (page 10 report).

- b. *Were Round 6 applications assessed in accordance with the approach set out in the grant opportunity guidelines?*

The department assessed all applications against the lodgement, eligibility and minimum technical requirements as outlined in the grant opportunity guidelines...It's assessment of applications against the assessment criteria was largely effective in identifying solutions that demonstrated value for money (page 12 report).

- c. *Were Round 6 funding decisions informed by clear advice and consistent with the grant opportunity guidelines?*

The department complied with relevant frameworks during the funding approval process and provided clear and accurate advice to the decision-maker. The minister, as decision maker, complied with relevant frameworks when awarding grant funding and in recording their decisions (page 13 report).

Recommendation 1(a) - The ANAO recommended the department:

(a) collect data and undertake strategic analysis on gaps in mobile coverage and quality of service issues in regional and remote Australia;

Department response – Agreed

- The department noted we implement appropriate measures to collect data, identify mobile coverage gaps and quality of service issues across Australia during each round of the MBSP.
- We have systems and processes in place to collect robust coverage modelling data from mobile network operators as part of the grant application process and sophisticated geospatial mapping tools to assess and analyse coverage and quality of service issues claimed.
- The department noted inputs to strategic policy development and program design adjustments made for Round 7 (additional funding for remote and First Nations) and Peri-Urban Mobile Program Round 2 (heat maps).
- We also noted the department is delivering and/or supporting relevant initiatives including the National Audit of Mobile Coverage (which will help government better identify mobile coverage black spots and target future investment – see SB24-000251) and the 2024 Regional Telecommunications Review.

Recommendation 1(b) - The ANAO recommended the department:

(b) provide advice to government on the relative merits for selecting targeted locations over other mobile black spot areas.

Department response – Agreed in part

- We noted we provided advice to the government on the 54 Target Locations when designing the IMCR.

SB24-000393 - Attachment D

- The department undertook a detailed desktop analysis of the Target Locations and the mobile coverage issues and, in the grant opportunity guidelines, classified them into one of 3 categories based on the most appropriate type of infrastructure solution for the mobile service issues at each location.
- The department designed a competitive, merit-based grant opportunity consistent with the Commonwealth Grants Policy Framework (which includes the CGRGs) and Resource Management Guides (RMGs).
 - These do not require officials to provide advice to government on the merits of their election commitments, rather to provide fair and transparent administration, support the minister, and comply with regulations, frameworks and statutory requirements when administering grants to deliver the government's policy outcomes.
- The department notes that in addition to the 54 IMCR Target Locations, the government also committed separate funding for new rounds of the MBSP under the Better Connectivity Plan for Regional and Rural Australia, to deliver mobile coverage in underserved regional and remote communities across Australia.

Recommendation 2 - The ANAO recommended the department:

review program objectives and update the grant opportunity guidelines for each new round of the Mobile Black Spot Program.

Department response – Agreed

- The department agreed to this recommendation, and noted that for each round we review program objectives and update grant opportunity guidelines based on, but not limited to, updated policy objectives, election commitments, industry and community feedback, and lessons learned. The evolution of the program is evidenced in the body of program guidelines, published for all 8 rounds of the MBSP on our website for transparency purposes.
- We acknowledged our oversight in not removing a reference to regional and remote locations in the program objective for the IMCR, noting that this is not a constraint in the noted MBSP's legislative authority.

Recommendation 3(a) and (b) - The ANAO recommended the department:

(a) develop an evaluation plan to assess the extent to which the MBSP is achieving its objectives and to identify future enhancements to the MBSP; and

(b) commence an evaluation of the MBSP within 12 months.

Department response - Agreed

- The department is committed to continuous learning and improvement in its programs and has taken steps to evaluate the MBSP.
- The department reviews each round of the program to improve administration, applies lessons learned, and has undertaken random sampling of mobile coverage outcomes from the MBSP.
- We agree a more formal evaluation of the program would provide additional benefits and opportunities for improvement.

SB24-000393 - Attachment D

- We have developed an internal evaluation plan for the MBSP, and engaged an external contractor to undertake an evaluation of the MBSP.
- The evaluation will measure and assess the effectiveness of the program in delivering its policy intent, program objectives and to inform future policy and program design.
- The evaluation is expected to be completed in the latter half of 2024.

ANAO Audit - areas identified as Opportunities for Improvement

The ANAO audit report also provided 3 'Opportunities for Improvement' to:

- ensure key program documentation is regularly reviewed and approved in a timely manner for future MBSP rounds (paragraph 2.96, page 43);
 - We have been on working procedures and guidance to ensure that governance documents for grants programs are regularly reviewed and approved in a timely manner.
- verify information provided in applicants' forward-build plans (paragraph 3.29, page 50);
 - We considered measures, based on risk, to verify the accuracy of information provided by applicants in their forward-build plans and concluded that requesting applicants submit their forward build plans, which are commercially sensitive in nature, as part of their application would not materially reduce any risk.
- maintain records when developing and testing geospatial mapping tools (paragraph 3.32, page 51).
 - We plan to implement documenting business rules and testing procedures during the development of geospatial mapping tools for future rounds and programs.

Background to the audit

- The audit was added to the ANAO annual work program, following correspondence to the Auditor-General in March and April 2023 from Shadow Minister for Communications, the Hon David Coleman MP.

Further IMCR Background

2022 Federal election

- Funding commitments for the Target Locations were announced by the Minister for Communications, incumbent Members of Parliament and/or election candidates during the 2022 Federal Election campaign.

Applications received – IMCR

- The program opened for applications from 2 February to 13 April 2023.
 - Applications were received from 3 applicants for solutions at 49 locations.
 - 79 solutions were proposed (a mix of macro cell, small cell and joint proposals).
 - Applicants sought Commonwealth funding of \$72,530,309.09 (GST excl) for a total value of \$125,447,219.09 (GST excl).

Assessment process – IMCR Stage 1

- The department completed an assessment of all eligible applications in accordance with the assessment criteria in the Guidelines.
- On 23 August 2023, the department provided the Evaluation Report to the Minister for Communications as the Decision Maker, with funding recommendations and a merit list.
- On 12 September 2023, the Minister agreed to the department's recommendations without change.
- On 19 October 2024, the announced the award of funding.

Analysis of coverage issues at the Target Locations

- The department undertook a desktop analysis of each of the announced Target Locations to identify the types of coverage or quality of service issues at each location for the purposes of developing the Guidelines and the evaluation process.
- Each location was categorised into 3 solution category types based on the coverage and/or quality of service issues at the location.
- This desktop analysis used publicly available mobile coverage data, targeted highway survey data and other information, such as any recent correspondence received about mobile issues at any of the locations.
- Where additional information was available about a specific coverage and/or quality of issues at a location it was included in the Guidelines as a specific note in the table at Appendix A in the column "*Specific areas with coverage issue (if known)*". (See **Attachment A**).
- The department did not undertake an assessment or provide advice on the relative merits of any of the Target Locations.

Program design

- The IMCR is based on the design of the former government's MBSP Priority Locations Round (PLR, Round 3 - a similar Target Location initiative for 125 locations), with improvements informed by the department's experience from subsequent MBSP rounds and PUMP Round 1.
- Industry applicants were invited to submit proposals that addressed connectivity issues in one or more of the Target Locations under a "targeted, competitive" round design, consistent with the CGRGs.

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- Different assessment criteria were used for the solution categories. These included the level of new coverage delivered by the solution, level of improved service quality, how the solution anticipates future growth in service demand, and cost to the Government.

Consultation on draft guidelines

- During 14-28 November 2022, the Government released draft Guidelines for public consultation. 108 submissions were received. Overall there was strong support for the draft Guidelines, with feedback informing the design of the final Guidelines, including:
 - provision of additional information on specific coverage issues at Target Locations, where known; and
 - clarification of the nominal cap mechanism for each site. The nominal cap was consistent with the election commitment amounts and provided flexibility to encourage the best outcomes at each location. The caps reflected Commonwealth costs (capital and operational (PUMP)) for typical solutions (macro and small cell) funded under the MBSP and PUMP, noting that costs are site-specific and vary widely.

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SUBJECT: Mobile Network Hardening Program (MNHP)**Key Deliverables**

- The Australian Government committed to running Rounds 2 and 3 of the Mobile Network Hardening Program (MNHP).
- On 28 May 2024, the Minister for Communications announced funding of \$14.2 million (GST exclusive) for 386 projects under Round 2.
- Applications for Round 3 closed on Friday 20 December 2024 and are being assessed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Talking Points

- The Mobile Network Hardening Program (MNHP or the Program) provides grant funding for upgrades to Australia's mobile network telecommunications infrastructure in regional and peri-urban Australia to improve resilience to, and recovery from, natural disasters.
- *The Better Connectivity Plan for Regional and Rural Australia* (the BCP) provided funding for an additional 2 rounds of the Program (see SB24-000391 on the BCP).
- The \$20 million (GST exclusive) Round 3 of the Program opened for applications on 25 October 2024 and closed on Friday 20 December 2024. The assessment of applications is underway.
- Round 3 comprises:
 - a \$10 million Regional and Remote Australia stream for resilience upgrade projects in regional, remote and very remote Australia, including First Nations communities, and
 - a \$10 million Peri-Urban Fringe stream for resilience upgrade projects in the peri-urban fringe of 19 capital and major regional cities.
- On 28 May 2024, the Minister for Communications announced funding of \$14.2 million (GST exclusive) for 386 projects under Round 2.
 - This leverages an additional \$7.8 million in co-funding from the applicants and state and territory governments.
- The Round 2 grant funding is supporting a range of resilience upgrades in regional, remote and very remote Australia and in First Nations communities, such as:

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- \$9.2 million for upgrading battery power to at least 12 hours, and \$3.3 million to upgrade transmission resiliency across clusters of connected base stations, mitigating the potential for single points of network failure
- \$1.4 million is for projects located at 15 sites in First Nations communities, and \$10 million for 155 projects in remote and very remote Australia.
- 998 projects were contracted under Round 1, at a cost of up to \$22.8 million (GST exclusive). At 31 December 2024:
 - Over 95% of projects (945) are complete and the remaining 24 projects are underway, and
 - 29 projects could not be completed and have been removed from the program.

Key Issues

- The MNHP is funding improvements to mobile network infrastructure in regional, remote and peri-urban Australia to:
 - prevent outages during a natural disaster
 - strengthen resilience to support longer operation during a natural disaster, and
 - support the rapid restoration of services following an outage.

Round 3

- Round 3 of the Program opened for applications on 25 October 2024 and closed on 20 December 2024. The assessment of applications is underway.
- A Project Noticeboard was open between 4 October and 13 December 2024 to allow local councils and state, territory and federal parliamentarians to identify potential projects or locations that are impacted by, or are at risk of, a Natural Disaster, and would benefit from a resilience upgrade project. The telco industry was encouraged to consider submissions to the Project Noticeboard when preparing their applications.
- The round has been expanded to include a Peri-Urban Fringe stream, which will fund projects in the peri-urban fringe of 19 capital and major regional cities, using the same eligible locations from Round 2 of the Peri-Urban Mobile Program.
- The \$20 million round is funded from:
 - \$15 million allocated within the BCP for Round 2
 - \$0.8 million remaining from Round 1, and
 - a reallocation of \$4.2 million in unspent funds from the Telecommunications Resilience Disaster Innovation Program.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts consulted on the parameters for Round 3 with state and territory

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governments, the National Emergency Management Agency, representatives of the telecommunications industry, the Regional Telecommunications Review (RTR) Committee, the Better Internet for Rural, Regional and Remote Australia group, and the Australian Communications Consumer Action Network during September and October 2024.

- The RTR Report, *Connecting communities, reaching every region*, noted that natural disasters, such as bushfires and floods, highlight the importance of resilient telecommunications infrastructure and that reliable communication during emergencies saves lives. The RTR Committee supported investment to improve the resiliency of networks.

Mobile Network Hardening Program (Actual expenditure at 31 December 2024)				
Program start	2020-21	Program end	2026-27	
Total appropriation (GST excl)	\$21.4 million (STAND)* \$34.2 million (BCP)^	Expenditure to date (GST excl)	\$16.7 million for Round 1 Round 2 contract negotiations in progress.	
Administration arrangements	Targeted competitive grants program. The department assesses applications and negotiates funding agreements. The minister makes decisions on projects to be funded.			
Program Description	Funds upgrades to mobile network telecommunications infrastructure in regional, remote and peri-urban Australia to improve resilience against, and recovery from, natural disasters.			
Status (at 31 December 2024)	Total Program Numbers	Round 1 – Stages 1 and 2	Round 2	Round 3
Applications approved for funding	1,384	998	386	Closed on 20 December 2024. Assessment of applications is underway
Contracted - In Progress	24	24	Nil	
Completed ¹	944	944		
Removed ²	30	30		
<p><i>1 - Completed projects – excludes frustrated and removed projects</i> <i>2 - Removed projects from the program</i> * MNNHP Rd 1 funded via the Strengthen Telecommunications Against Natural Disasters (STAND) initiative ^ Component within the BCP Appropriation budget</p>				
Progress since last Senate Estimates:				
<ul style="list-style-type: none"> 34 projects have been completed (from 1 September to 31 December 2024). 				

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- Executed funding agreement with TPG for Round 1 Stage 2 on 29 November 2024.

Program/status sensitivities:

- As at 31 December 2024, 30 sites have been removed from the program.
- Announcements about projects to be funded from Round 2 were made on 28 May 2024.
- Negotiation of Funding Agreements for Round 2 is underway.

BackgroundRound 2

- Applications were open from 7 September to 17 November 2023, with \$15 million (GST exclusive) in funding available.
 - \$14.2 million was allocated to eligible and meritorious projects.
- On 13 May 2024, the minister agreed the department's funding recommendations on projects to be funded, without change.
- Funding Agreements for Round 2 are being negotiated with the successful applicants.
- Projects are due to be completed by June 2026.

Round 1

- Round 1 was funded under the Strengthen Telecommunications Against Natural Disasters (STAND) initiative and delivered in 2 stages from late 2020. Outcomes were announced in December 2020 (Stage 1) and March 2022 (Stage 2).
- Round 1 (Stage 1) projects are complete. The department will perform reconciliation and true-up processes prior to closing the round. Round 1 (stage 2) Optus and Telstra projects are due to be completed by 30 June 2025.

Delay executing TPG's Round 1, Stage 2 funding agreement

- Execution of the Funding Agreement with TPG for its 11 Round 1 Stage 2 solutions was impacted by the Australian Competition and Consumer Commission's decision not to agree the proposed Telstra / TPG MOCN agreement.
- Following further discussions, TPG confirmed its commitment to deliver the Round 1 Stage 2 solutions, noting that 1 has been completed by TPG as part of urgent network upgrade activities (Blue Mountains region – Katoomba).
- The department executed the funding agreement with TPG on 29 November 2025.
- Given the delays, these TPG projects are due to be completed by 30 June 2026.

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Yarramalong Election Commitment

- The Australian Government announced, during the 2022 Federal election, the commitment of up to \$140,000 to improve mobile network resilience in the community of Yarramalong, NSW.
- The funding is intended to fund the cost of deploying a permanent, on-site generator at the Telstra mobile base station in Yarramalong. This will improve the resilience of Telstra mobile services for the community of Yarramalong in the event of power outages (including during or after natural disasters), supporting public safety communications and access to essential digital services.
- To meet Commonwealth grant requirements and ensure a value for money outcome, Telstra was invited to submit a proposal to deliver the upgrade to its Yarramalong base station through the release of targeted ad-hoc Grant Opportunity Guidelines on 1 November 2023. A successful solution was not found due to unforeseen complexities with the mobile network at the Yarramalong base station.
- The department revised the Grant Opportunity Guidelines to clarify requirements for the solution and eligibility of potential supporting work, and released revised Guidelines to Telstra on 1 May 2024.
- The minister has made a decision on the application and proposed project, and an announcement on the outcome is expected to be made in the coming weeks.
- Funding is available in the STAND appropriation to support this commitment.

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Financial Information as at 31 December 2024*Mobile Network Hardening Program Round 1 (funded from the Strengthening Telecommunications Against Natural Disasters Program)*

Program/Project Start Date:	Round 1, Stage 1 – 2020-21 Round 1, Stage 2 – 2022-23					
Program/Project End Date:	Round 1, Stage 1 – 2023-24 Round 1, Stage 2 – 2024-25					
	2022-23, \$m (GST ex)	2023-24, \$m (GST ex)	2024-25, \$m (GST ex)	2025-26, \$m (GST ex)	2026-27, \$m (GST ex)	TOTAL \$m (GST ex)
Appropriation Budget ¹	5.2	0	4.6	0.2	0	10
Less:						
Actual Expenditure YTD at 31 December 2024	5.2	0	0			5.2
Total Committed Funds at 31 December 2024 ²	0	0	4.5	0.2	0	4.8
Total Uncommitted Funds (balance)	0	0	0.1	0.0	0	0.1

¹ As at Portfolio Additional Estimates Statements 2024-25.² Committed funds includes those committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement.**Contact:** Karly Pidgeon**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 2**Date:** 12/02/2025

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Mobile Network Hardening Program Rounds 2 and 3 (funded from the Better Connectivity Plan)

Program/Project Start Date:	2023-24					
Program/Project End Date:	2026-27					
	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m
Appropriation Budget ¹	0	0	12.7	9.5	12.0	34.2
Less:						
Actual Expenditure YTD at 31 December 2024	0	0	0			
Total Committed Funds at 31 December 2024 ²	0	0	8.5	0	5.7	14.2
Total Uncommitted Funds (balance) ³	0	0	4.2	9.5	6.3	20.0

¹ As at Portfolio Additional Estimates Statements 2024-25.

² Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient. Round 2 is considered committed as the Minister has made a decision to award funding and recipients have accepted these offers, pending contracting.

³ Round 3 is considered uncommitted as applications are under assessment and no funding decisions have been made.

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Lead/Support contact: Sam Grunhard / Karly Pidgeon

SB24-000395

SUBJECT: Regional Roads Australia Mobile Program - Pilot Programs**Key Deliverables**

- The Australian Government committed to improving mobile coverage on roads and has established the Regional Roads Australia Mobile Program (RRAMP).
- \$50 million is being provided to state and territory governments to deliver RRAMP Pilot Programs.
- Design of the Pilot Programs will inform the design of the National RRAMP, which is expected to open to applications later in 2025.

Talking Points

- The Regional Roads Australia Mobile Program (RRAMP) will provide grant funding to increase multi-carrier mobile coverage on highways and major roads, and in adjacent communities, in regional and remote Australia.
- \$50 million is being provided to state and territory governments to deliver RRAMP Pilot Programs, which test new thinking or innovative solutions to improve coverage on regional and remote highways and major roads. The Pilot Programs also give jurisdictions the flexibility to address local needs and priorities.
 - Multi-carrier coverage will be prioritised, rather than mandated, to support novel approaches.
- The Minister for Communications has made decisions on funding for all pilots and, to date, announced funding to support 3 state and territory pilot programs (Refer to **Attachment B**).
 - On 3 September 2024, the minister announced \$8 million in funding to the Western Australian Government.
 - On 6 November 2024, the minister announced \$8 million in funding to the Victorian Government.
 - On 15 November 2024, the minister announced \$10 million in funding to the New South Wales Government.
- Remaining announcements are expected to occur progressively with relevant state and territory ministers.
 - All jurisdictions except the ACT will conduct a pilot (it is a 'Major Urban Area').
- Design of the Pilot Programs will inform the design of the National RRAMP, which is expected to open to applications later in 2025.

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- The RRAMP is funded from the Australian Government's \$1.1 billion *Better Connectivity Plan for Regional and Rural Australia*.

Key Issues*Federation Funding Agreements*

- \$50 million has been transferred to the Treasury for payments to jurisdictions under the Federation Funding Agreements (FFA) Framework. Payments will be made to jurisdictions according to milestones in a multilateral Schedule to the FFA-Infrastructure.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is currently finalising the schedules to the FFA – Infrastructure with each state and territory.
- In the meantime, some jurisdictions are progressing the development of their Pilot Programs.
 - As some states and territories are still finalising program milestones and a payment profile, the Schedule is expected to be signed in tranches. This will allow those jurisdictions that are ready to approach the market to proceed in the short term.
- To finalise the Schedule:
 - the department and each jurisdiction agree proposed milestones and payments
 - the draft Schedule is agreed by the Treasury and the Department of the Prime Minister and Cabinet
 - the Minister for Communications agrees and signs the Schedule, and provides it to the relevant state and territory minister/s for counter-signature, and
 - Treasury publishes the signed Schedule on the Federal Financial Relations website.

Pilot Program principles

- Pilot Programs will be conducted by jurisdictions consistent with a set of principles:
 - The 3 principles (at **Attachment A**) are intended to deliver nationally consistent objectives and outcomes, and emphasise the need for value-for-money and long-term sustainability.

Announced Pilot Programs

- The Minister for Communications, the Hon Michelle Rowland MP and the Minister for Regional Development in Western Australia, the Hon Don Punch MP, announced \$16 million in funding for the WA Pilot Program on Tuesday, 3 September 2024. The Australian and WA Governments are each contributing \$8 million.

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- The WA Pilot Program will improve coverage on 2 key regional road transport corridors - the Albany Highway (between Bedfordale and Albany Airport) and the Great Eastern Highway (between Bullabulling and Meckering).
- The Minister for Communications announced \$8 million in funding for the Victorian Pilot Program on Wednesday, 6 November 2024. The Australian Government is contributing \$8 million and the Victorian Government will design and deliver the program.
 - The Victoria Pilot Program covers parts of the Great Alpine Road, Great Ocean Road and Monaro Highway, with a focus on boosting resilience and connectivity during emergencies and natural disasters.
- The Minister for Communications announced \$48 million in funding for the NSW Pilot Program on Friday, 15 November 2024. The Australian Government is contributing \$10 million and the NSW Government is contributing \$38 million (\$9 million to the Department of Primary Industries and Regional Development and \$1 million to the NSW Telco Authority).
 - The NSW Pilot Program will improve coverage across regional and remote NSW, targeting remote roadside rest areas, significant transport corridors, key tourist routes and roads linking First Nations Communities to closest towns to access essential services.

Background

- Objectives of both the Pilot Programs and the National RRAMP are to strengthen economic growth, improve social connectivity, support regional development and improve the safety of drivers.
- The Pilot Programs will fund new infrastructure or the expansion of existing infrastructure on identified regional highways and major roads to increase mobile coverage, and be sustainable in the long term.
- The department analysed the proposals against the policy intent, program objectives and principles of the Pilot Programs to ensure that the pilot programs met the principles. Consistent with principle 3, state and territory governments demonstrated that their pilot programs will deliver value for money.
- Timeline:
 - 22 August 2023 - The RRAMP Pilot Programs were discussed at the first meeting of the Regional Connectivity Ministers Roundtable
 - October-November 2023 - The proposed principles were discussed with state and territory officials
 - November 2023 - \$50 million transferred to the Treasury

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- 4 January 2024 - The minister wrote to state and territory ministers inviting a proposal for a Pilot Program
- Late February to June 2024 - State and territory governments provided proposals for Pilot Programs. The department analysed the proposals and provided advice to the minister.
- 12 August 2024 - The minister agreed funding for the Pilot Programs and wrote to jurisdictions, advising of the outcome.
- 3 September 2024 - Western Australia Pilot Program announced.
- 6 November 2024 - Victoria Pilot Program announced.
- 14 November 2024 - New South Wales Pilot Program announced.
- Funding is not being provided to the ACT as it is a Major Urban Area [population of more than 100,000. ABS Australian Statistical Geography Standard].

Financial Information as at 31 December 2024

Program/Project Start Date:	2024-25							
Program/Project End Date:	2029-30							
	2023 -24 \$m	2024 -25 \$m	2025 -26 \$m	2026- 27 \$m	2027- 28 \$m	2028- 29 \$m	2029 -30 \$m*	TOTAL \$m
Appropriation Budget (Treasury) ¹	0	30.0	20.0	0	0	0	0	50.0
Appropriation Budget (Infrastructure: Better Connectivity Plan, National RRAMP) ^{1, 2}	0	2.8	3.0	12.0	30.0	38.9	6.0	92.6 ³
Less:								
Actual Expenditure YTD at 31 August 2024	0							
Total Committed Funds at 31 August 2024	0	0	0	0	0	0	0	0
Total Uncommitted Funds (balance) (Infrastructure: Better Connectivity Plan, National RRAMP)	0	2.8	3.0	12.0	30.0	38.9	6.0	92.6 ³

¹ As at 2024-25 MYEFO, Appendix C: Annex A – Payments to the states² See SB24-000391 on the BCP.³ Variance in funding due to rounding.**Contact:** Karly Pidgeon**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 2**Date:** 13/02/2025

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Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

**In MYEFO 2024-25, Round 8 of the Mobile Black Spot Program and the Regional Roads Australia Mobile Program were extended to 2029-30 to provide a realistic rollout schedule of 5 years, and policy authority for the BCP was extended.*

Attachments

- A: Principles Guiding the Development of Pilot Programs
- B: Media Coverage on Pilot Programs

Released under the FOI Act 1982 by the Department of Infrastructure,
Transport, Regional Development, Communications and the Arts

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Principles Guiding the Development of Pilot Programs

Objectives and Outcomes

The Pilot Programs are expected to deliver improved mobile coverage on identified major highways and roads and to adjacent local communities across rural, regional and remote Australia, strengthening economic growth, improving social connectivity, supporting regional development and improving safety of drivers.

Outcomes of the Pilot Programs are to:

- test new thinking and innovative solutions to deliver mobile coverage on regional highways and roads, including technologies, energy sources, backhaul options, delivery and partnership models and active sharing integration costs;
- demonstrate proof-of-concept of a multi-carrier approach on regional highways and roads;
- progress the integration of multi-carrier solutions into telecommunications company's normal business model; and
- improved communication and connectivity in regions.

Principle 1

Funding must be provided to a

- Mobile Network Operator,
- Mobile Network Infrastructure Provider, and/or
- Network Management Providers that are contracted by a Mobile Network Operator to assist with the management and maintenance of its network

to deliver improved mobile coverage on defined highways and major roads located in Inner Regional Australia, Outer Regional Australia, Remote Australia or Very Remote Australia.

Principle 2

Pilot programs must strongly encourage or incentivise multi-carrier outcomes, with a preference for at least 2 Mobile Network Operators, other commercial or not-for-profit organisations utilising funded infrastructure.

Principle 3

The Pilot Program must deliver value-for-money, with funded infrastructure (such as base stations) and services expected to operate for at least 10 years.

Projects must not otherwise have been funded, or plan to be funded, by the telecommunications company, demonstrated by not being in the forward work program of the Mobile Network Operator or a public commitment to provide mobile services in the location.

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SB24-000395 - Attachment B

Media Coverage on RRAMP Pilot Programs

Western Australia Pilot Program

The WA Pilot Program was announced 3 September 2024 with joint funding of \$16 million (\$8 million from each of the WA and Australian governments).

Following the announcement, media articles referenced the roads eligible for the WA pilot program (the Albany Highway and Great Eastern Highway). Leaders in the Mid-West Gascoyne region expressed disappointment that Geraldton and Dongara were not part of the pilot program, given the region has had telecommunications issues. They noted a 24-hour Telstra outage in Geraldton CBD in July 2024, and another Telstra outage leaving Dongara without signal for a week in June 2024. [Midwest Times & Northern Guardian, Geraldton. 11 September 2024]

Media articles:

1. Press Conference with the Hon Michelle Rowland MP in Perth, Western Australia: \$16 million mobile coverage boost for regional Western Australians
2. Midwest Times & Northern Guardian, Geraldton: Region left behind as network upgraded
3. Communications Day Article: Federal, WA Government Fund Mobile Coverage Pilots

Victoria Pilot Program

The Victorian Pilot Program was announced 6 November 2024 with funding of \$8 million from the Australian Government (with program design and delivery from the Victorian Government).

Following the announcement, media articles referenced the roads eligible for the Victorian Pilot Program (parts of the Great Alpine Road, the Great Ocean Road and the Monaro Highway). [Press Conference with the Hon Michelle Rowland MP in regional Victoria, 6 November 2024, ARN Net, 6 November 2024]

Media articles:

1. Press Conference with the Hon Michelle Rowland MP in regional Victoria: \$8 million mobile coverage boost for regional Victoria
2. ARN Net: Fed govt sets aside \$8M for regional Vic mobile coverage grants

New South Wales Pilot Program

The NSW Pilot Program was announced 15 November 2024 with joint funding of \$48 million (\$10 million from the Australian Government and \$38 million from the NSW Government).

Following the announcement, media articles referenced 6 projects to be implemented across regional NSW [NSW Government website, 15 November 2024].

Media articles:

1. Press Conference with the Hon Michelle Rowland MP in regional New South Wales: \$48 million mobile coverage boost for regional New South Wales
2. NSW Government website: Regional Roads Australia Mobile Program Pilot

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SB24-000396

SUBJECT: Regional Connectivity Program**Key Deliverables**

- The Australian Government committed to delivering 2 further rounds (rounds 3 and 4) of the Regional Connectivity Program (RCP).
- Outcomes for RCP Round 3 were successfully announced on 11 December 2023.
- Plans for RCP Round 4 have not been announced.

Talking Points

- The Regional Connectivity Program (RCP) is a grants program funding the delivery of 'place-based' telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia.
- Under Rounds 1, 2 and 3, the Australian Government's commitment of \$335 million (GST inclusive) is expected to deliver 282 telecommunications projects in regional, rural and remote Australia.
- Funded projects will improve regional connectivity through the provision of mobile voice and data, fibre broadband, fixed wireless and community Wi-Fi solutions, supporting improved social and economic outcomes for regional and remote communities.

Key Issues

Regional Connectivity Program (Actual expenditure as at 31 December 2024)			
Program start	2020-21 (Round 1)	Program end	2026-27 (Round 3)
Total appropriation (GST exclusive)	Rounds 1 & 2* = \$230.0m Round 3** = \$104.8m Round 4** = \$43.8m Total RCP = \$378.6m	Expenditure to date (GST exclusive)	Round 1-3 = \$185.4m (FY 21-22 to FY 24-25)
Administration arrangements	Competitive grants program. Applicants must be licenced telecommunications carriers or meet specific carrier requirements under the <i>Telecommunications Act 1997</i> . The Department of Infrastructure, Transport, Regional Development, Communications and the Arts works directly with grantees to administer the program.		
Program Description	Place-based telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia		

* This figure includes project and asset terminations which have not yet been re-allocated.

** Rounds 3 and 4 are included under the Better Connectivity Plan (the BCP)

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Status	Totals	Round 1	Round 2	Round 3
Applications approved	298	131	93	74
Contracted - In Progress	133	29	34	70
Completed	149	93	52	4
Terminated	16	9	7	0
Uncontracted	0	0	0	0
Total	298	131	93	74

Progress since last Senate Estimates (data previously reported as at 30 November 2024)

- Round 3 projects were announced on 11 December 2023, with all contracts executed by 23 December 2024.
- Since last Estimates, 9 projects in Round 1 and 20 projects in Round 2 have been reported as completed. Additional expenditure, on a GST exclusive basis, since 30 November 2024 has been incurred for Round 1 (\$0.4m), Round 2 (\$2.8m) and Round 3 (\$3.9m).
- There have been 2 project terminations in Round 2 since last estimates.

Program/status sensitivities

Current end date for Round 1 and Round 2 is 30 June 2025, with ongoing agreements extending to that date due to delays in project delivery outside the direct control of funding recipients. The current end date for Round 3 is 30 June 2027, after an extension to the round was agreed to on 10 October 2024.

The first 3 rounds of the RCP have generated a total combined investment of \$585.2 million (GST inclusive) in 282 place-based telecommunications projects that will provide regional, rural and remote communities with significant improvements to digital connectivity:

Table 1: Total investment in RCP projects

Round	Number of Projects	Australian Government Funding \$m (GST inclusive)	Other Funding (Grantees/State and Territory Govt/Third Parties) \$m (GST inclusive)	Total Funding \$m (GST inclusive)
1	122	\$100.6	\$96.3	\$196.9
2	86*	\$119.2	\$77.3	\$196.5
3	74**	\$115.2	\$76.6	\$191.8
	282	\$335.0	\$250.2	\$585.2

* For Round 2, this includes \$55.4 million of dedicated funding for 30 projects in Northern Australia under the Connecting Northern Australia (CNA) initiative.

** Round 3 offered up to \$10 million (GST exclusive) under the 'Better Safer Future for Central Australia Plan'. Round 3 awarded 7 projects valued at \$7.14 million (GST inclusive). Remaining funding will be re-allocated.

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Background*RCP Round 1 Announced Outcomes (all figures are GST inclusive)*

- Field Solutions Group Pty Ltd (\$24.6 million), NBN Co Limited (\$38.9 million) and Telstra Limited (\$39.8 million) were the main recipients of Commonwealth funding under Round 1 of the RCP. These applicants secured third party co-contributions.

RCP Round 2 Announced Outcomes (all figures are GST inclusive)

- Telstra Limited (\$69 million) and NBN Co Limited (\$37.9 million) are the main recipients of Commonwealth funding under Round 2 of the RCP. These applicants secured third party co-contributions.

RCP Round 3 Announced Outcomes

- Applications opened on 20 March 2023 and closed on 11 August 2023, with outcomes publicly announced on 11 December 2023. There are 12 grantees in total.
- RCP Round 3 included up to \$10 million (GST exclusive) for solutions specifically benefitting First Nations communities in Central Australia.
- \$15 million (GST exclusive) was reserved for proposed solutions benefitting First Nations communities in the rest of Australia.
- The First Nations funding stream was heavily over-subscribed, with RCP Round 3 utilising a cascading merit list by which meritorious projects were considered as part of the general funding stream.
- This resulted in 25 projects valued at \$41.2 million for projects benefitting First Nations communities. Of this, 7 projects valued at \$7.1 million are in Central Australia.

RCP Round 4

- Funding for Round 4 was announced in the October 2022 Budget.
- As part of the BCP funding allocations, \$200 million was provided for an additional 2 rounds of RCP (Round 3 and Round 4). Currently, no details on the specifics for a fourth Round of RCP have been announced by the government.

If asked: Why has funding been removed from announced projects under RCP?

- Some projects awarded funding under the program may not be completed due to a variety of factors, including inability to obtain necessary planning approvals.
- There are 9 projects in Round 1 and 7 projects in Round 2 have been removed from the RCP.

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- Any unspent funding in these instances may be redirected to other priorities.
- Re-profiling of funds is also undertaken as needed during program delivery phases to align the funding profile to contracted milestone payments for delayed projects.

If asked: Why are some projects delayed?

- Grantees are responsible for delivery of projects, including the facilitating of approvals, access and construction of any infrastructure. A number of factors have contributed to project delays, including acquiring landowner agreement at viable locations, obtaining local government planning approvals, and the availability and access to supporting infrastructure.
- Extreme weather events (including bushfires and floods) have contributed to site access difficulties which have delayed a number of RCP projects.
- The COVID pandemic also introduced complexities and delays due to state and territory border restrictions as well as sourcing of materials and equipment from international supply chains which has had a cumulative impact on industry. Some supply chain issues are still being experienced as materials and equipment are in short supply.

If asked: Why are you removing projects from the program?

- Projects are only removed where grantees have advised that they are unable to complete delivery of the awarded projects. This typically includes reasons such as:
 - Inability of the Grantee to obtain necessary land access or acquisition, inability to obtain planning approval, or issues with integrating solutions into existing networks.
 - Significantly increased costs associated with factors unknown to the Grantee at time of application, typically arising through initial mobilisation activities such as site surveys and engagement on necessary approval requirements.
 - A change in availability of communication services in the locality since the grant was awarded, and the project has become no longer economically viable for the Grantee.
 - In very limited circumstances, the Commonwealth may remove a project from the program where a Grantee has not met contractual obligations associated with delivery obligations.

If asked: What will happen to the funding for terminated projects?

- In circumstances where projects are removed from the program, Grantees may retain a portion of funds associated with eligible costs incurred in project delivery. This is dependent on each contractual arrangement and scenario.
- Remaining funding that had initially been allocated to the projects remains available for other priorities associated with delivering improvements to regional connectivity.

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If asked: Why are you not extending the RCP so grantees can continue to deliver?

- In considering extensions to the program rounds, and individual Agreements within the program, a number of factors are considered. These include; demonstrated project delivery progress including achievement of contracted milestones; delays or challenges with obtaining relevant approvals; contingency planning; project delivery risks; project costs; and, other relevant factors.
- A number of extensions have been provided for both Round 1 and Round 2 of the program, in recognition of delays and delivery challenges.
- In October 2024, the program delivery period for RCP Round 2 was extended to 30 June 2025, with extensions negotiated with grantees that demonstrated an ability to deliver the project within this extended period.

Program outcomes for First Nations communities

What are some projects providing positive outcomes for First Nation communities?

- Round 1:
 - (NT): NBN have upgraded the NBN access technology in the East Arnhem town of Yirrkala from Sky Muster satellite to Fibre to the Premises. The upgrade supports economic diversification opportunities in cultural tourism, creative industries and the health sector, as well as improved access to telehealth and education services.
 - Telstra are upgrading core transmission equipment at Telstra sites across East Arnhem Land as well as increasing existing backhaul capacity between Darwin and Nhulunbuy. The upgrades will support business development opportunities and increasing data needs in a number of sectors, as well as improving access to telehealth, education services and public safety connectivity.
- Round 2:
 - (WA): Australian Private Networks deployed a fully managed public satellite Wi-Fi and Voice over Internet Protocol (VoIP) telephone solution to the Aboriginal community of Mowanjum, in the Kimberley region of WA. This project addressed a number of challenges the Mowanjum Community faced including improved communication within community, improved access to services, such as health and education, as well as enabling residents and visitors' affordable access to the internet.
- Round 3:
 - (QLD): A major investment (\$10.5 million) was announced in December 2023 as part of Round 3. This project, delivered by NBN Co, will provide fixed wireless broadband to islands in the Torres Strait.

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- Several projects in Queensland, to be delivered by Australian Private Networks, will benefit First Nations communities by providing broadband Wi-Fi internet and telephone connectivity. These include Mornington Island, Wujal Wujal community at Degarra (Cape York) and Horn Island.

Financial Information as at 31 December 2024

- Non-Budget information as at 31 December 2024.
- Budget information as at 2024-25 MYEFO.

Regional Connectivity (Round 1 and Round 2)

Program/Project Start Date:	April 2021					
Program/Project End Date:	June 2025					
	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m
Appropriation Budget	47.5	44.3	48.7	0.0	0.0	140.5
Less:						
Actual Expenditure YTD at 31 December 2024	47.5	44.3	12.7			
Total Committed Funds at 31 December 2024			23.0	0.0	0.0	23.0
Total Uncommitted Funds (balance)			13.0 ¹	0.0	0.0	13.0

¹Relates to 12 terminated projects (Round 1: 9 projects, Round 2: 3 projects)

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

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Connecting Northern Australia (Round 2)

Program/Project Start Date:	April 2021					
Program/Project End Date:	June 2025					
	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget ¹	17.2	12.4	33.6	0.0	0.0	63.2
Less:						
Actual Expenditure YTD at 31 December 2024	17.2	12.4	10.9			
Total Committed Funds at 31 December 2024			12.9	0.0	0.0	12.9
Total Uncommitted Funds (balance)			9.8 ¹	0.0	0.0	9.8

¹Relates to 4 terminated projects

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

Regional Connectivity Round 3 (subset of the Better Connectivity Plan)*

Program/Project Start Date:	October 2022					
Program/Project End Date:	June 2027					
	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	0.0	6.5	57.0	35.4	5.9	104.8
Less:						
Actual Expenditure YTD at 31 December 2024	0.0	6.5	9.2			
Total Committed Funds at 31 December 2024			47.8	35.4	5.9	89.1
Total Uncommitted Funds (balance)			0.0	0.0	0.0	0.0

*These figures do not include RCP Round 4 as government has not announced plans for this round.

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Financial Information – Program envelope 2019-20 to 2024-25

Regional Connectivity

	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m	\$m
Opening Appropriation – May 2019 Budget	28.6	28.6	0	0	0	0	57.2
Movement of Funds - May 2020	-27.8	27.8					0
Movement of Funds - September 2020	-0.8	-0.2	1.0				0
<i>Additional funding in October 2020 Budget</i>		11.9	18.0				29.9
Movement of Funds - February 2021		-46.4	45.4	1.0			0
<i>Additional funding in May 2021 Budget</i>			17.3	64.8			82.1
Movement of Funds - August 2021		-19.0	19.0				0
Movement of Funds - February 2022			-16.7		16.7		0

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	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m	\$m
Movement of Funds - October 2022			- 60.4	45.3	15.1		0
Movement of Funds – May 2023				-64.6	64.6		0
Reallocation to other program (terminated contract) – June 2023				-1.9			-1.9
Movement of Funds – October 2023 (MYEFO)				3.4	-22.0	18.6	0
Movement of Funds – October 2024 (MYEFO)					-30.1	30.1	0
Current Appropriation	0	2.6	23.6	48.1	44.3	48.7	167.3

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Date: 12/02/2025

Cleared by: Sam Grunhard, First Assistant Secretary

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Lead/Support contact: Sam Grunhard / Jason Lange

SB24-000396

Connecting Northern Australia

	2021-22 \$m	2022-23 \$m	2023-24 \$m	2024-25 \$m	TOTAL \$m
Opening Appropriation – May 2021 Budget	22.0	44.5			66.5
Movement of Funds - October 2022	-22.0	0	22.0		0
Movement of Funds – May 2023		-28.3	28.3		0
Reallocation – May 2023			-3.2		-3.2
Movement of Funds – October 2023 (MYEFO)		1.0	-10.2	9.2	0
Movement of Funds – October 2024 (MYEFO)			-24.4	24.4	
Current Appropriation	0	17.2	12.4	33.6	63.2

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SB24-000397

SUBJECT: On Farm Connectivity Program**Key Deliverables**

- The Australian Government committed to establishing an On Farm Connectivity Program to support the uptake of agtech and other connectivity solutions by Primary Producers.
- 2 rounds have been successfully delivered, committing \$33 million.
- On 14 January 2025, Minister Rowland announced \$20 million toward a third round, expected to open for applications later in 2025.

Talking Points

- The On Farm Connectivity Program (the Program) extends digital connectivity and supports the uptake of agtech and other connectivity solutions by Primary Producers in agriculture, fisheries and forestry by providing rebates for the purchase of eligible equipment.
- Under Rounds 1 and 2, the Australian Government has committed \$33 million over 2 years from 2023–24 to 2024–25.
- On 14 January 2025, Minister Rowland announced \$20 million toward a third round of the On Farm Connectivity Program. Round 3 will open for applications later in 2025, with funding to be delivered across 2025-26.
- The Program is part of the government's Better Connectivity Plan for Regional and Rural Australia.

Key Issues

On Farm Connectivity Program (Actual expenditure as at 31 December 2024)			
Program start	27 October 2023	Program end	Round 2 ends 31 May 2025 or until funding is exhausted, whichever occurs first
Total appropriation	\$32,203,000	Expenditure to date (as at 31 December 2024)	Round 1: \$13,834,452 Round 2: \$5,540
Administration arrangements	The On Farm Connectivity Program is a demand driven grant (rebate) program administered by the Business Grants Hub (BGH) on behalf of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.		

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Program Description	The On Farm Connectivity Program is providing \$53 million over 3 years: <ul style="list-style-type: none"> • \$33 million for Rounds 1 and 2. • An additional \$20 million for Round 3, announced on 14 January 2025.
----------------------------	--

Delivery Status (as at 31 December 2024)	Total Program Numbers	Round 1	Round 2
Applications made (# and \$)	4,170 \$40.1m	1,923 \$16.37m	2,247 \$23.73m
Removed/Withdrawn/Ineligible applications/rebates	208 \$1.67m	183 \$1.37m	25 \$0.3m
Applications approved (# and \$)	2,583 \$25.1m	1,740 \$15m	843 \$10.1m
Rebates paid (# and \$)	1,656 \$13.84m	1,655 \$13.83m	1 \$0.005m

Progress since last Senate Estimates (data previously reported as at 31 August 2024)

- On 8 November 2024 Round 2 of the Program opened, and was closed on 14 November once applications exceeded the available funding. This was a higher demand than expected.
- At the close of Round 2, over 2,000 applications had been received with rebate values of just over \$23 million, in excess of the \$18 million funding allocation.
- As at 31 December, 843 applications have been approved with 1 rebate payment processed.

Program/status sensitivities:

The closure of Round 2 shortly after opening resulted in some negative feedback from stakeholders, including Approved Suppliers and Primary Producers.

Background

- The Program is a demand driven grant program that provides rebates of up to 50% for Primary Producers towards the cost (including installation and training) of eligible connectivity solutions. This can include equipment such as antennas, boosters, repeaters, portable hotspots, plant growth monitors, and livestock movement monitoring.
- As a 2-stage program, an Approved Supplier must apply and receive confirmation the proposed transaction meets eligibility criteria before the sale can take place ('pre-approval').

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- Once pre-approved, the Approved Supplier must complete the sale with any associated installation and submit their claim for rebate within 120 days.
- The rebate amount is reflected at the point of sale in reduced equipment prices, with a Primary Producer required to pay the outstanding balance. Following the sale, the Approved Supplier claims the rebate under the program.
- The Regional Tech Hub provides independent advice to Primary Producers in relation to connectivity and Approved Supplier options that meet their individual needs.
- The Program is administered by the BGH on behalf of the department.

Round 1

- Round 1 was opened for applications on 27 October 2023 and was closed on 17 May 2024, once approved applications reached the \$15 million funding allocation to the Round.
- At the conclusion of the Round when all eligible claims for rebate had been finalised, a \$1.166 million underspend remained. This is attributed to the 2-stage program design and consumer behaviour, with some approved applications not progressing to an eligible claim for rebate. These included but are not limited to:
 - sales not completed after the application had been approved would not have been claimed against;
 - ineligibility of claims for rebate submitted after the deadline of 31 May 2024 ; and
 - approved applications that were not finalised for other reasons.

Round 2*Design Changes to Round 2*

- Stakeholder feedback and lessons from Round 1 supported a number of design changes to Round 2. These changes expanded the value range of equipment eligible, and increased the number of Primary Producers eligible to participate. Changes include:
 - A reduction of the minimum rebate amount to \$1,000;
 - Increasing the timeline between pre-approval and rebate submission to 120 days; and
 - Increasing income eligibility for Primary Producers from \$2 million, to a \$4 million annual revenue cap.

Timeline of Round 2

- On 6 August 2024, The Minister for Communications announced an additional \$3 million in funding for Round 2, bringing the total allocation to \$18 million.

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- On 23 August 2024, Applications for an Expression of Interest (EOI) opened for businesses interested in participating in the program as an Approved Supplier.
- On 29 September 2024, the EOI closed, with 414 applications received.
- On 28 October 2024, all businesses that applied through the EOI process were advised of the outcome, with 364 confirmed as Approved Suppliers.
- On 8 November 2024, the Round was opened to applications.
- On 14 November 2024, the application portal managed by the BGH was closed for applications as the funding allocated had been exceeded. Over 2,000 applications, with rebate value over \$23 million had been received prior to this closure.

External Communication regarding Round 2- opening and closure

- On 8 November 2024, coinciding with the opening of the Round, the department provided concurrent email advice to all Approved Suppliers advising of the opening of the Round and the application portal.
 - Advice was also provided to the Regional Tech Hub, and the small number of Primary Producers that had registered interest for updates (27).
 - No media release was issued.
- On 14 November 2024, the department provided approval to the BGH to close the applications portal, and requested updates to BGH automatic responses as well as the website to advise of the closure of the Round.
 - The department also provided email advice to the Regional Tech Hub to cancel a webinar scheduled for that day, noting the intent had been to discuss the program.
- On 15 November, the department updated its website to reflect the program had been closed as a result of significant demand.

Advertising by Approved Suppliers prior to Round 2 opening

- In September 2024, the department became aware of several businesses advertising as Approved Suppliers for Round 2, prior to the finalisation of the list of Approved Suppliers. As these businesses were identified, the department contacted these businesses to request all advertising relating to Round 2 be removed or the business would be at risk of being removed as an Approved Supplier.
- On 25 October 2024, the department wrote to all Approved Suppliers advising that they were not to advertise as an Approved Supplier for Round 2 until their individual agreement to participate had been accepted by the department. The department also mandated standard wording to be used by all Approved Suppliers until the round opened.

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- The department became aware of a small number of Approved Suppliers who continued to advertise in a manner inconsistent with the direction provided, which resulted in a number of complaints received from compliant Approved Suppliers.
- The department contacted all Approved Suppliers on 4 November 2024 requesting all advertising was to align with direction. No businesses were removed from the List of Approved Suppliers for not complying with this direction.

If asked: Why was Round 2 closed after only 5 business days, when Round 1 was open for 7 months?

- The changes to eligibility for Round 2 expanded the equipment eligible under the program and increased number of Primary Producers eligible to participate. This included:
 - Increasing the upper limit revenue cap from \$2 million to \$4 million;
 - Lowering the minimum rebate amount from \$3,000 to \$1,000; and,
 - Capping the cost of distribution and installation of equipment to ensure Primary Producers did not lose any benefit of the rebate due to delivery and installation costs.
- In addition, the increase in Approved Suppliers to 364 for Round 2, in comparison to 79 Approved Suppliers in Round 1, increased the awareness and interest in Round 2.

If asked: What communication was sent out by the department to make potential applicants aware Round 2 had opened, and of how fast the funding was being committed?

- On 8 November 2024, the department concurrently emailed all Approved Suppliers to advise of the opening of the Round, and published the details on the department website. Advice was also provided to the Regional Tech Hub, and the small number of Primary Producers that had registered for updates (27).
- On 13 November 2024, the BGH advised the department that, based on the significant number of applications received, the BGH would recommend closure to the portal shortly.
- On 14 November, the department provided advice to the BGH to close the portal given applications had been received in excess of the funding allocation.
- The department provided advice to the Regional Tech Hub, followed by advice to all Approved Suppliers concurrently as to the closing of the portal to new applications.

If asked: Why did the department not make Approved Suppliers aware that the funding would run out so quickly?

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- On 13 November 2024, the department received advice from the BGH regarding the high volume of applications and associated funding impacts. The department subsequently advised the BGH to close the portal less than 24 hours later, following consultation with the Minister's Office.
- While the department anticipated greater interest in Round 2, the portal received more applications in the 6 days Round 2 was open than in the nearly nine months Round 1 was open.

If asked: I have heard reports that Suppliers from Round 1 knew how the program worked and were able to secure the majority of funding for Round 2. Is this correct?

- Of the Approved Suppliers that submitted applications for Round 2:
 - Of the top 10 Approved Suppliers, by submitted application rebate value, 6 Approved Suppliers did not participate in Round 1.
 - Of submitted applications by rebate value, 52% were associated with the top 10 Approved Suppliers. This demonstrates a greater dispersal of applications than in Round 1, where the top 10 suppliers represented a total of 79% of the rebate value.
 - Over 150 Approved Suppliers submitted applications before Round 2 was closed.

If asked: Given an additional \$20 million for a third round has been announced, what is the department going to do to ensure the funds aren't committed in a week again?

- The department will undertake further consultation with industry stakeholders to ensure the program is delivering as intended. Key consultation topics based on feedback already received will include:
 - the identification of eligible equipment to ensure a focus on extending connectivity to take advantage of advanced farming technology;
 - reviewing the variety of connectivity solutions, to ensure ineligible items are not bundled with eligible connectivity products; and,
 - updates to administrative aspects, including clarity of program timeframes and impacts on quote processes as well as improved clarification on approved advertising and communication approaches for Approved Suppliers.

If asked: I understand that some Approved Suppliers that were able to submit applications before the portal closed are still waiting to hear if the application is approved. Why is this process taking so long?

- Over 2,000 applications were received within a week of Round 2 opening, demonstrating unprecedented demand for the program.
- All submitted applications are individually assessed against eligibility requirements as outlined in the program guidelines. Assessment is being completed in accordance of

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order of submission. As of 6 February 2025, \$17.96 million has been committed to approved applications with the remainder reserved for a few applications with outstanding issues expected to be resolved shortly.

If asked: What are the most common connectivity solutions in Round 2?

- The top 10 connectivity solutions applied for in Round 2 include:

Connectivity solution reference	Subcategory reference	Number of rebates
Farm management	Liquid level monitors	769
Environmental monitoring	Weather monitors	638
Farm management	Livestock monitoring systems	390
Environmental monitoring	Soil moisture probes	258
Connectivity equipment	Antennas	230
Farm management	Cameras	229
Connectivity equipment	Gateways and routers	216
Environmental monitoring	Water flow and pressure monitors	167
Remote automation and control	Pump controllers	147
Low Power Wide Area Networks (LPWAN)	Narrowband-IoT (a low power radio technology with wider wavelengths)	111

Financial Information as at 31 December 2024

Program/Project Start Date:	July 2023				
Program/Project End Date:	June 2025				
	2023-24 \$m	2024-25 \$m	2025-26 \$m	2026-27 \$m	TOTAL \$m
Appropriation Budget	14.030	18.173	0	0	32.203
Less:					
Actual Expenditure YTD at 31 December 2024	14.030	0.005			
Total Committed Funds at 31 December 2024	14.030	8.783	0	0	22.813
Total Uncommitted Funds (balance)	0	9.384 ¹	0	0	9.384

Note: Committed funds relate to funds committed under a Funding Agreement, Contract or Program of Works where the Project, Profile and Conditions have been agreed to, or a formal offer has been made pending agreement, by the recipient.

¹This varies from the PBO tasking, as the overall BCP budget line considers **all of the \$18m** related to OFCP2 committed due to the round being open and funding allocated to the round, while this table, and the \$9.384 million identified as uncommitted above reflects pending applications undergoing assessment at 31 December 2024.

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SUBJECT: Regional Telecommunications Review**Key Deliverables**

- A Regional Telecommunications Review is undertaken every 3 years (as required by legislation).
- The 2024 Report was successfully delivered to the Minister for Communications in December 2024.
- The Australian Government must respond within 6 months of receiving the report.

Talking Points

- In January 2024, the Minister for Communications appointed an independent Committee to conduct the 2024 Regional Telecommunications Review (the Review).
- The Review is undertaken every 3 years to consider the adequacy of telecommunications services in regional, rural and remote parts of Australia.
- The Committee commenced in February 2024 and held its first meeting on 22 February 2024 to formalise the Review process and timeframes.
- From March to October 2024, the Committee conducted stakeholder consultations.
- On 13 December 2024, the Committee presented its report to the minister.
- The minister tabled the report in the Senate on 13 December 2024. The report was tabled in the House of Representatives in February 2025.
- The Australian Government must respond within 6 months of receiving the report.

Key Issues

- The 2024 report sets out 14 recommendations aimed at improving connectivity for regional, rural and remote communities.
 - The recommendations focus on enhancing mobile coverage and affordability, universal service, First Nations inclusion and digital literacy. The role of LEO satellite technology for service delivery is also considered.
 - The recommendations are at **Attachment A**.

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Background2024 Review stakeholder consultations

- The Committee conducted:
 - 20 face-to-face consultation sessions across each state and the Northern Territory. Further details on locations are below.
 - 2 online consultation sessions – 1 session held for Central and Eastern states and 1 session held for Western Australia (both on 1 October).
 - extensive meetings with industry, state and federal government agencies, local councils, local community and economic development organisations, the Telecommunications Industry Ombudsman, the Australian Communications Consumer Action Network (ACCAN), and the First Nations Digital Inclusion Advisory Group (FNDIAG).
 - a written submissions process, receiving over 300 written submissions and more than 3,000 survey responses.
- An issues paper developed by the Committee was published on 22 April 2024, with a call for public submissions opening on the same day. Written submissions closed on 31 July 2024.
- Interested parties were also able to provide their views via an online survey which was published on 29 May 2024. The survey remained open until 31 July 2024.

Face-to-face stakeholder consultations

22 March	Geraldton and Northampton, Western Australia
12 April	Longford and Wynyard, Tasmania
3 May	Benalla and Rochester, Victoria
24 May	Coffs Harbour and Wauchope, New South Wales
17-19 June	Mount Isa, Mornington Island, Cairns, and Thursday Island, Queensland
26 July	Kangaroo Island and Whyalla, South Australia
9-10 August	Cooma and Braidwood, New South Wales
21-22 August	Broome and Kununurra, Western Australia
12 September	Darwin and Katherine, Northern Territory

2024 Committee

- The Review was established and conducted in accordance with Part 9B of the *Telecommunications (Consumer Protections and Service Standards) Act 1999* (the Act).
- The Act sets out a number of requirements to be considered by the minister in the appointment of members, including skills and expertise.

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- At least 1 member must be nominated by an organisation that represents the interests of people, or bodies, in regional, rural or remote areas.
- The 5 members appointed to the Committee are: Ms Alannah MacTiernan (Chair), Ms Kristy Sparrow (organisation nominee), Ms Fiona Nash, Dr Jessa Rogers and Mr Ian Kelly.
- In undertaking its Review, the Committee must have regard to whether people in regional, rural and remote Australia have equitable access to telecommunications services as compared to services available within urban areas.
 - The Terms of Reference for the 2024 Review are at **Attachment B**.
- Members are remunerated according to a determination by the Remuneration Tribunal.
 - Members receive a daily sitting fee for attending formal meetings, working on Committee business and for travel time. Maximum fee is \$1070 for the Chair per day; \$856 for members per day.
 - Members are reimbursed for all meals and any incidentals (for example taxis).
- All flights and accommodation are paid by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts in accordance with the Remuneration Tribunal determination.
- The department supports the Committee with secretariat services.

s47F

Financial Information

- As at the 31 December 2024, \$869,990.21 (GST inclusive) in funding has been spent on undertaking the Review. This comprises:
 - \$634,341.02 on Committee member expenses including sitting fees, travel, and reimbursements.
 - \$235,649.19 on other expenses, including secretariat travel, consultation expenses (venue hire, catering, promotion) and report design and printing.
- The Review is being funded from departmental resources.
- For comparison, the 2021 Review spent \$405,883.05. This included member sitting fees, and other expenses (travel, accommodation and communications). This lower expense

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reflected that, due to the COVID-19 pandemic, all consultations for the 2021 Review were conducted virtually.

Attachments

- A: 2024 Regional Telecommunications Review recommendations
- B: Terms of Reference for the 2024 Regional Telecommunications Review.
- C: Response to Question on Notice SQ24-001272
- s47F [REDACTED]

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2024 Regional Telecommunications Review: recommendations

1. Upscaling connectivity literacy

The Committee recommends a significant increase in the focus and resources for connectivity literacy in regional, rural and remote Australia. Limited knowledge and awareness hinder many users from navigating telecommunications options, selecting suitable services and maintaining reliable connections. Without addressing this issue, digital inequality will persist, and both government and private sector infrastructure investment will not be delivering its full potential.

The Australian Government should:

- develop a program to create Connectivity Champions to provide consumer support through existing regional networks, such as Australia Post, community resource centres and libraries. Connectivity Champions would complement First Nations Digital Mentors, developed with, and by, First Nations communities
- develop high-quality connectivity literacy training programs to train Connectivity Champions, communities, businesses and other stakeholders
- refocus the Regional Tech Hub and increase funding to expand its capacity, boost awareness of its services, and improve its performance in providing existing core services
- review the Regional Tech Hub's scope, strategy and governance at the end of its current contract period.

2. Improving the mobile experience

The Committee recommends actions to improve mobile services, including addressing diminishing mobile experience in existing regional, rural and remote coverage areas.

The Australian Government should:

- prioritise funding to improve existing terrestrial mobile network capacity, service quality, and resilience, rather than further extending terrestrial coverage
- continue funding new terrestrial mobile coverage for critical areas like roads, and leverage strategically located Wi-Fi hotspots where needed
- request the ACCC to conduct a new inquiry into mandatory domestic mobile roaming, considering emerging DTH satellite technologies and its effect on competition
- mandate, at the earliest opportunity, emergency mobile roaming during disasters and expedite the regulatory and operational framework for its use
- increase consumer and business awareness of terrestrial mobile network alternatives like Wi-Fi calling and Voice over Internet Protocol (VoIP) services for fixed locations
- enhance the ACMA's resources to enforce compliance against the sale and use of illegal mobile phone boosters and other unauthorised equipment and installation practices.

3. Expedite universal service modernisation

The Committee recommends the Australian Government expedite modernising the USO and the Statutory Infrastructure Provider (SIP) regime by merging them into a unified service obligation. NBN Co, as the provider of last resort, and other SIP operators would be required to provide voice-capable broadband services with minimum speeds and standards for all premises.

The Committee also notes that continued public ownership of NBN Co will be crucial to ensure that service standards are met under a modernised USO in regional, rural and remote Australia.

The contractual Copper Continuity Obligation (CCO) should be phased out where and when proven and effective voice-capable broadband services are available.

The Committee further recommends:

- NBN Co be tasked and funded to implement, in consultation with industry stakeholders, a plan to manage the needs of different cohorts of regional, rural and remote users
- the modernised USO be technology-neutral
- the modernised USO be flexible, ensuring that minimum speeds, quality and other standards are readily adaptable so they remain relevant to changing needs
- premises without terrestrial mobile coverage have access to an affordable secondary redundant broadband service including optional battery backup, with government contributions as necessary
- when a modernised USO is introduced, the Customer Service Guarantee (CSG) is updated and strengthened to provide appropriate protections for regional, rural, and remote consumers
- public phones (payphones) be embedded as a free service for domestic calls. Once current contractual obligations expire, the Australian Government should consider tendering for a provider to operate public phone services.

4. Consumer protection

The Committee:

- recommends a full review of consumer protections and service standards to consolidate and strengthen protections contained in a multitude of legislative instruments
- supports the ongoing TCP Code review with a focus on strengthening enforceable consumer protections, in particular, ensuring commission-based sales incentives do not undermine the fair treatment of vulnerable consumers.

5. Affordability

The Committee recommends:

- the introduction of pre-paid, low-cost broadband plans in remote First Nations communities, as proposed by the First Nations Digital Inclusion Advisory Group
- the Australian Government facilitate extending these options, promoting affordability and access for all regional, rural and remote Australians
- developing an initiative for unmetered access to critical government websites for users on limited data plans
- ongoing availability and funding for the School Student Broadband Initiative (SSBI) to ensure all school-aged children have access to broadband internet, along with initiatives to increase awareness of the program in regional, rural and remote Australia.

6. Develop a national telecommunications data platform

The Committee recommends the Australian Government establish a national telecommunications data platform. Managed by the ACMA or the ACCC, the national platform should include:

- For consumers: an interactive online tool that allows consumers to easily access detailed information on broadband and mobile service availability in their area, helping them make informed decisions about their connectivity options across Australia.
- For the restricted use of Australian and state and territory governments: information about the location of telecommunications infrastructure assets for the purpose of investment and emergency planning and response.

Telecommunications providers should be required to supply data to governments in standardised formats to enable comparisons between locations and providers. This will enhance transparency in broadband and mobile coverage and help guide infrastructure investments, especially in underserved rural and remote areas.

The Committee further recommends that the Measuring Broadband Australia (MBA) program is continued beyond its current contract enabling the ACCC to monitor service performance.

7. Regional telecommunications strategy

The Committee recommends that the Australian Government develop a regional, rural and remote connectivity strategy. The strategy should be a vision for regional telecommunications and guide future investment and the regulatory environment for the future.

8. Modernising government programs

The Committee recommends that rigorous evaluations of the Australian Government's current rounds of telecommunications investment programs be conducted to ensure public investment is well targeted and delivered effectively. Further, the Government should ensure that future rounds of existing and new programs, are fit for purpose by:

- considering technology developments, such as LEO satellites and DTH capabilities
- mandating meaningful community engagement throughout each project phase, with special emphasis on First Nations communities both as title holders and consumers
- prioritising competitive retail and infrastructure options where viable
- addressing connectivity literacy and affordability
- enhancing resilience and capacity
- recognising the value of cross-government collaboration and planning.

To increase transparency, the Government should create a public website to track milestones for all funded telecommunications projects. This platform would keep regional, rural and remote communities informed about infrastructure rollouts by providing regular updates on timelines, potential delays, and their causes, thereby building trust and awareness of government efforts to improve connectivity.

9. Support for the First Nations Digital Inclusion Advisory Group

Recognising the value of the work of the First Nations Digital Inclusion Advisory Group, the Committee recommends that it be continued as a standing initiative. Consideration should be given to adopting relevant First Nations Digital Inclusion Advisory Group recommendations across regional, rural and remote communities to address the digital divide.

10. Embedding community Wi-Fi

The Committee recommends that the Australian Government:

- continue funding contributions for existing Strengthening Telecommunications Against Natural Disasters (STAND) facilities
- invest in new community connectivity hubs to provide community Wi-Fi services during emergencies and natural disasters
- expand investment in mesh Wi-Fi networks in remote First Nations Communities allowing a choice from a tailored menu of connectivity options that best meet local needs and noting that communities without mobile coverage should be prioritised
- invest in and promote free public Wi-Fi initiatives in key locations across regional, rural and remote Australia.

11. Transition oversight

The Committee recommends comprehensive independent monitoring and public reporting during large-scale telecommunications transitions, such as mobile technology switch offs and the migrations required for modernising the USO. The ACMA could be well-placed to perform this role.

12. Expedite planning approvals

The Committee recommends that the Australian Government should exercise its power to expedite planning approvals for large telecommunications infrastructure projects, such as tower installations in regional, rural and remote Australia and in instances where Australian Government funding has contributed to projects.

13. Powering connectivity

The Committee recommends that regulation be introduced to require:

- minimum backup power periods for new critical telecommunications infrastructure installations in regional, rural and remote Australia, with existing assets to be captured over time. The backup period would be regularly reviewed to take account of changes in storage and network technology
- energy providers to give high priority to restorations of power for critical telecommunications infrastructure in regional, rural and remote Australia
- energy providers to prioritise energy connections for new telecommunications installations.

14. Evolution of Regional Telecommunications Independent Review Committees

The Committee recommends replacing the current appointment of Regional Telecommunications Independent Review Committees every three years with a permanent Regional Telecommunications Commissioner or Regional Telecommunications Advisory Panel. Given the rapid pace of technology change, increasing complexity of the market and the need to modernise the USO, continuous oversight is required.

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Attachment B**Terms of Reference for the 2024 Regional Telecommunications Review**

1. The Regional Telecommunications Independent Review Committee must conduct a review of the adequacy of telecommunications services in regional, rural, and remote parts of Australia.
2. In determining the adequacy of those services, the Committee must have regard to whether people in regional, rural and remote parts of Australia have equitable access to telecommunications services that are significant to people in those parts of Australia, and currently available in one or more parts of urban Australia.
3. In conducting the review, the Committee must make provision for public consultation and consultation with people in regional, rural and remote parts of Australia.
4. In conducting the Review, the Committee is to have regard to any policies of the Australian Government notified to it by the Minister for Communications, and such other matters as the Committee considers relevant. The Minister requests that you have regard to the following:
 - a. awareness and the impact of the Government's \$1.1 billion investment in improving regional communications, including the \$656 million *Better Connectivity Plan for Regional and Rural Australia*; extent to which this investment is addressing identified needs; and flexibility to address emerging needs and challenges;
 - b. the implications of, and opportunities presented by, changing and emerging technologies and broader market developments for regional communications policy settings and the design and delivery of regional communications programs;
 - c. attitudes of regional households, communities and businesses to; community awareness of; access to supporting technologies to support take-up of; and public sentiment on changing and emerging technologies;
 - d. needs in First Nations communities, and the extent to which those needs are being met, taking into account initiatives across the Government;
 - e. potential to fast track some USO modernisation outcomes, particularly within NBN Co's fixed wireless network footprint, which would build momentum for broader change; and
 - f. the suitability of regional communications during emergencies and natural disasters, including reliability, resilience, speed and coverage.
5. Taking into account Terms of Reference Section 4, the Committee is to consider and provide advice on:
 - a. telecommunications needs in regional Australia, gaps in services, and barriers to addressing needs, gaps and improvements in telecommunications outcomes;

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- b. changes or adjustments needed to existing Government policies and design and delivery of programs to ensure they continue to be effective; remain fit for purpose; are maximising the social and economic potential of regional Australia and of existing and emerging technologies; and deliver improved telecommunications outcomes;
 - c. policy settings that might be needed to support more rapid rollout of, and investment in, new and emerging telecommunications technologies in regional, rural and remote Australia, or to address emerging issues;
 - d. constraints and capacity of the telecommunications providers to deliver investment and improved services to meet the needs of regional Australia; and
 - e. the need for targeted place-based solutions, which may differ by region and remoteness.
6. The report may set out recommendations to the Australian Government.
 7. In formulating a recommendation that the Australian Government should take a particular action, the Committee must assess the costs and benefits of that action.
 8. The Committee must prepare a report of the review by 31 December 2024 or earlier and present it to the Minister for Communications.

Environment and Communications

QUESTION ON NOTICE

Supplementary Budget Estimates 2024 - 2025

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 19

Departmental Question Number: SQ24-001272

Division/Agency Name: DIV - Communications Services and Consumer

Hansard Reference: Spoken, Page No. 43 (05 November 2024)

Topic: Information relating to staff working on Regional Telecommunications review

Senator Ross Cadell asked:

Senator CADELL: The questions are: Has the department written a letter to the Hon. Alannah MacTiernan or others? Have any staff sought counselling or support for their treatment at the hands of a board member who was assigned to this? Have any staff received support and, if so, what does that support look like? Is that okay?

Mr Chisholm: We'll take that on notice.

Answer:

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is committed to creating and maintaining a workplace where everyone feels safe. The department actively supports staff to ensure their safety in the workplace. Any situation concerning workplace-conflict issues can be distressing and at all times the priority is the wellbeing of departmental employees.

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2024 - 2025 Estimates

Environment and Communications

Lead/Support contact: Sam Grunhard / Jason Lange

SB24-000399

SUBJECT: Shortland Terrestrial Television Transmission**Key Deliverables**

- The October 2022-23 Budget committed \$2.5 million (excl GST) over 3 years towards TV reception issues in the Shortland area.
- The Australian Communications and Media Authority (ACMA) has delivered a report to government on TV reception the Shortland area.
- The government is considering options to respond to the ACMA's report.

Talking Points

- The October 2022-23 Budget committed \$2.5 million (excl GST) over 3 years to investigate the cause of the reported reception issues in the Shortland area and, if necessary, to fund up to 3 new TV transmission sites to improve reception.
- This is a 2022 election commitment of the Australian Government.
- The Australian Communications and Media Authority (ACMA) was funded to conduct research to quantify the extent of the reception issues in the Shortland Electorate, identify the causes and propose solutions.
- The government is considering options to respond to ACMA's report.
- Resolving TV coverage issues is a difficult and costly exercise for regional commercial broadcasters. These entities face high infrastructure costs to provide coverage across large geographical footprints.

Key Issues

- In August 2023, the ACMA provided its report to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. This report has not been released to the public as it contains personal and identifiable information.
- The department provided an in-confidence summary of ACMA's findings to Free TV in March 2024 and to BAI Communications on 14 March 2024.
- In April 2024, ACMA briefed the Hon Pat Conroy MP, Member for Shortland, on its findings on TV reception issues in Shortland.
- The government is considering options to respond to the recommendations proposed in the ACMA report.

Contact: Jason Lange**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 2**Date:** 12/02/2025

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Lead/Support contact: Sam Grunhard / Jason Lange

SB24-000399

Background

- Since the switchover to digital television, some residents in the Shortland area (lower Hunter region of NSW) have reported issues with free-to-air television services.
- A 2017 electorate survey conducted by the Member for Shortland, the Hon Pat Conroy MP, indicated that Shortland areas affected by TV reception difficulties are in the Central Coast and Lake Macquarie local government areas, in particular Belmont, Belmont South, Caves Beach and Charlestown.
- The Shortland region is a complex and challenging environment for TV coverage and reception due to:
 - the number of existing television transmission sites with overlapping coverage
 - terrain, local vegetation or obstructions
 - broadcasters re-using the same TV channels at 2 or more transmission sites
 - seasonal signal interference due to atmospheric ducting (where atmospheric conditions allow a signal from a distant transmitter on the same frequency to travel further than expected).
- In addition to terrestrial TV transmission, access to TV services is available through live streaming and on-demand broadcast applications (e.g. ABC iView). The suitability of this option for Shortland residents will depend on their individual internet access arrangements as data charges may apply.
- The Shortland region is well-served by digital connectivity options, including through NBN fixed line, fixed wireless, and satellite services.
- The Australian Government also funds the Viewer Access Satellite Television (VAST) safety-net service, which delivers free-to-air direct-to-home TV services via satellite to people who may not be able to receive 'regular' TV services.
 - This may include people who live in a service deficient area or people who are travelling through remote Australia seeking temporary access to VAST for their motorhome or caravan.
 - The ACMA has responsibility for declaring an area as service deficient.

If asked: Why has the department not made the ACMA report available?

- The government is considering options to respond to the ACMA's report.
- The release of the report is a matter for government.

If asked: Why have the 3 TV transmission sites not been built?

- The government is considering the best approach to addressing reception issues in Shortland.

Contact: Jason Lange

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- The reception issues experienced by some Shortland residents are not unique to the area. Any proposed solution will need to be tailored to the geography and climate of the region, and will need to take into account the scale of the identified issues.

If asked: If the report from ACMA was provided to the department in August 2023, what has been delivered since that time?

- We have worked closely with the ACMA to ensure the Minister for Communications is provided with advice on how to address this election commitment.

If asked: Is there any publically available information for residents of Shortland experiencing reception issues?

- The ACMA has published a webpage on the Greater Newcastle area, which includes Shortland, that outlines the issues impacting TV reception in the region and offers suggestions on how individuals can take action to improve their reception.
- The mySwitch website provides information on digital reception across Australia and eligibility for satellite access through the VAST service.

If asked: How can residents in Shortland access VAST?

- Residents are encouraged to check their coverage and eligibility for the VAST service on the Australian Government's mySwitch website.
- Through this website, eligible individuals can apply for the VAST service by following the prompts.
- The ACMA handles all complaints in relation to VAST applications and access.

If asked: How much has been spent to date?

- The original funding allocation was \$2.5 million (see Financial Information on next page). This measure has funded minor amounts for ASL within the department, and in addition the work conducted by the ACMA and the production of their report has cost around \$500,000.
- The department is continuing to work closely with the ACMA to ensure appropriate action is taken in the region to address concerns about reception.

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Financial information as at 31 December 2024

Program/Project Start Date:	25 October 2022					
Program/Project End Date:	30 June 2025					
	2022-23	2023-24	2024-25	2025-26	2026-27	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m
DITRDCA	0.1	1.4	0.6	0	0	2.0
ACMA*	0.4	0.1				0.5
Less:						
Actual Expenditure YTD as at 31 December 2024	0.4	0.1	0			
Total Committed Funds as at 31 December 2024	0.4	0.1	0	0	0	0.5
Total Uncommitted Funds (balance)	0.1	1.4	0.6	0	0	2.0

Note: totals may not sum correctly due to rounding.

* The ACMA received \$0.5 million to fund the assessment of reception issues in the Shortland region. As at 31 December 2024, this has been fully expended.

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Environment and Communications

Lead/Support contact: Sam Grunhard / Anthea Fell

SB24-000400

SUBJECT: Postal Services**Key Deliverables**

- The Australian Government has successfully overseen changes to Australia Post's Performance Standards Regulations (April 2024) and continues to monitor Australia Post's performance.
- The government has not changed the minimum number of post offices that Australia Post must maintain nationally and in regional areas, or the services available at Australia Post retail outlets.
- The government asked the banking sector to increase its commitment to and investment in regional banking. On 11 February, Australia Post announced new in-principle Bank@Post agreements with CBA, NAB and Westpac, and that ANZ has agreed to join Bank@Post.

Talking Points*Modernisation*

- Changes to Australia Post's Performance Standards Regulations commenced on 13 April 2024 and shift daily letter delivery to every second day (among other things). These changes are realising significant financial and productivity benefits, with Australia Post reporting \$56 million in cost savings as at 28 August 2024.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts continues to monitor implementation of agreed postal services modernisation reforms and Australia Post's financial performance.
- Further questions on the implementation of these changes are best directed to Australia Post.

Post office closures

- The Australian Government has not changed the minimum number of post offices that Australia Post must maintain nationally and in regional areas, or the services available at Australia Post retail outlets.
- Australia Post is required to maintain at least 4,000 retail outlets across Australia, including at least 2,500 retail outlets in non-metropolitan areas.
- As reported in its 2024 Annual Report, at 30 June 2024, Australia Post maintained 4,198 post offices nationally, of which 2,553 post offices are located outside major cities, exceeding the legislated obligations.

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- Post office closures or relocations are a decision for Australia Post (within the existing regulatory requirements) and the government expects any action taken have considered the needs of communities, and done in consultation with affected stakeholders. This is reflected in the Statement of Expectations, with a minimum 60 day notification period.
- Further questions on changes to the post office network should be directed to Australia Post.

Street posting box removals

- The government has not changed the minimum number of street posting boxes that Australia Post must maintain.
- Australia Post is required to maintain at least 10,000 posting boxes nationally.
- As reported in its 2024 Annual Report, at 30 June 2024, Australia Post maintained 14,004 street posting boxes nationally, exceeding the legislated obligations.
- Further questions on post boxes are best directed to Australia Post.

Bank@Post

- The government recognises the importance of Bank@Post to communities, including those without access to other financial services. This is reflected in the government's Statement of Expectations for Australia Post.
- On 11 February 2025, the government announced that Australia Post reached new in-principle Bank@Post agreements with CBA, NAB and Westpac, and ANZ agreed key terms on which it will join the service. Macquarie and HSBC have decided to start negotiations with Australia Post on Bank@Post services.
- Australia Post renegotiated its Bank@Post contracts with the major banks due to cost pressures. The government asked the banking sector to increase its commitment to and investment in regional banking.
- On 17 October 2024, the department convened a roundtable with Australia Post, the Australian Banking Association, Commonwealth Bank, National Australia Bank, Westpac and ANZ to discuss the ongoing financial sustainability of Bank@Post.
- Australia Post is best placed to answer questions about Bank@Post services, as these are commercial arrangements between Australia Post and the banks.
- Questions on regional banking more broadly should be directed to the Treasury.

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POST+ system

- POST+ is a new point of sale system for Australia Post's retail network and its implementation is an operational matter for Australia Post.
- The department continues to keep the Minister for Communications and her office updated on this issue but questions about POST+ should be referred to Australia Post.
- Shareholder Ministers wrote to Ms Siobhan McKenna, Chair of Australia Post, about the issues raised by licensees on 15 August 2024.

Letter pricing

- In November 2024, Australia Post notified the ACCC of its intention to increase the Basic Postage Rate (BPR) by 20 cents from \$1.50 to \$1.70 from 1 July 2025 to assist recovering the costs of the letter service.
 - On 3 April 2024, the BPR was increased by 30 cents from \$1.20 to \$1.50.
- The proposed increase follows Australia Post reporting a loss before tax of \$88.5 million in 2023-24, the second year in a row, due to ongoing decline of letters.
- Per legislative requirements, the proposed price increase is being assessed by the ACCC, including a public consultation process that concluded on 22 December 2024.
- Any further questions should be directed to the ACCC or Australia Post.

Key IssuesModernisation

- Letter volumes in Australia have declined 71.7% since peaking in 2007-08 (1.3 billion in 2023-24, down from 4.6 billion in 2007-08), with ongoing declines expected. Digital technologies have also reduced visits to post offices.
- At the same time, domestic parcel volumes have increased significantly, with 4 in 5 Australian households buying something online in 2023, or 9.5 million households receiving a parcel in 2023.
- On 6 December 2023, the government announced reforms to modernise letter delivery services. Changes to the Performance Standards Regulations in 2024 operationalised the reforms and include:
 - reduced delivery frequency of ordinary letters to every second business day for 98% of locations
 - extending the time to deliver letters by 1 business day to accommodate the changes to delivery frequency (see **Attachment A**)

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- deregulating priority mail, allowing Australia Post to work with users of the service to set commercial terms and conditions
- updating the geographic classification for retail outlets.
- The new Regulations adopted the modern Australian Statistical Geography Standard developed by the Australian Bureau of Statistics to replace an outdated standard based on 1991 Census data. The Regulations no longer refer to 'metropolitan' and 'rural and remote' areas, and instead reference 'in major cities' and 'not in major cities'.
 - The associated changes to population over time has resulted in a number of post offices that were considered 'metropolitan' now being considered 'not in major cities', and a number of 'rural and remote' post offices being considered 'in major cities'. As at 30 June 2024, there were a total of 1,665 post offices in major cities and 2,533 not in major cities.
- Importantly, the changes do not reduce the number of post offices Australia Post is required to maintain nationally and outside major cities, or change the way post offices operate.

Post office network/closures

- Australia Post's retail network plays a vital role in enabling access to postal and other services, particularly in regional, rural and remote Australia. Under the Prescribed Performance Standards, Australia Post is required to maintain at least 4,000 retail outlets across Australia, including at least 2,500 retail outlets in non-metropolitan areas.
- Australia Post exceeds these legislated obligations. Its compliance with the standards is published in its Annual Report (**Attachment B**).
- As at 30 June 2024, there were a total of 1,665 post offices in major cities and 2,533 not in major cities.
- Decisions to close Post Offices within the existing regulatory requirements may happen for a range of reasons including lease expiry, a licensee handing back their license, or reduced demand.
- The government's Statement of Expectations for Australia Post includes expectations or Australia Post with regard to maintaining essential postal services, particularly in regional, rural and remote communities, including:
 - avoiding planned Post Office closures in communities where the Post Office is the only remaining provider of face-to-face postal and financial services.

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Bank@Post

- Australia Post provides basic banking services on behalf of over 80 banks and financial institutions through approximately 3,400 post offices, of which over 1,800 are in regional Australia. The service includes cash and cheque deposits, cash withdrawals and balance enquiries.
- The government supports the Bank@Post service, noting it is at times the only physical financial service in some regions.
- As a Government Business Enterprise, Australia Post is expected to operate on a commercial basis. government expectation is that these commercial arrangements should adequately reflect the costs in providing these services on behalf of banks.
- As these are commercial arrangements, we cannot comment further on the nature of the agreements or the negotiations. The government is not party to the contracts.

POST+ system

- POST+ is a new point of sale system for Australia Post's retail network. Implementation of Post+ is an operational matter for Australia Post.
- The department is aware that some licensees raised issues about the implementation and rollout of POST+. The issues include licensees experiencing operational disruptions and challenges with end of day balance (cost variances), system speeds and user interface inconsistencies.
- The department sought information from Australia Post and also regularly meets with licensee groups to understand issues such as this. The department briefed the Minister for Communications on 14 August 2024.
- Shareholder Ministers wrote to Ms Siobhan McKenna, Chair of Australia Post, about the issues raised by licensees on 15 August 2024.
- The department continues to keep the minister and her office updated on this issue. Questions about POST+ should be referred to Australia Post.

Letter pricing

- On 12 November 2024, Australia Post lodged a draft price notification with the Australian Competition and Consumer Commission (ACCC) proposing to increase the Basic Postage Rate (BPR) by 20 cents from \$1.50 to \$1.70 from 1 July 2025 to assist recovering the costs of the letter service.
 - The last price increase occurred on 3 April 2024, when the BPR was increased by 30 cents from \$1.20 to \$1.50.

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- The price of concession and seasonal greeting stamps will not change, remaining at 60 cents and 65 cents respectively.
- To provide further transparency and to inform future planning for customers, Australia Post's notification includes a possible pricing path of 15 cents in both mid-2026 and mid--2027 to offset forecast losses in its letters. The ACCC is not assessing these price increases as part of this price notification process; they will be subject to separate processes.
- In line with legislative requirements, the ACCC has undertaken a public consultation and commenced an assessment of Australia Posts' ability to recover its costs for the letter service.
 - The ACCC's public consultation process concluded on 22 December 2024. The ACCC received 168 survey responses and 7 email responses with most repondents opposing the proposed price increase.
 - Australia Post intended to submit further documents in support of its draft price notification by the end of November 2024, but this was extended to 31 January 2025.
- Following the consultation process and assessment of Australia Post's proposal, the ACCC intends to publish a preliminary view on the price increase in early 2025 and seek further feedback from the public before publishing a final decision (ACCC Media Statement).
- Any proposed increase to the BPR is also subject to ministerial review under the *Australian Postal Corporation Act 1989*. The minister decides whether to disapprove a proposed BPR increase, taking into consideration Australia Post's obligations under the Act, changes in the Consumer Price Index and any other relevant information, which includes the ACCC review.
- In March 2024, the ACCC recommended Australia Post review its cost allocation methodology prior to submitting any future price notifications. Australia Post has been working with the ACCC to address the recommendations.

If asked about expiring declaration

- The current price notification declaration for Australia Post letter services that has been in place since 2015 ends on 30 June 2025. All instruments of this kind sunset after 10 years, and the department is working with Treasury regarding arrangements.

s47(1)(b)

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s47(1)(b)



Competitive neutrality complaint

- The department is aware of the Productivity Commission’s report on the Australian Government Competitive Neutrality Complaints Office (AGCNCO) investigation into Australia Post. The report did not find that Australia Post has a net competitive advantage by virtue of being owned by the government.
- A response to the report is a matter for government.
- Questions about the report should be directed to Australia Post and the Productivity Commission.
- In February 2022, the Conference of Asia Pacific Express Carriers (CAPEC) (DHL, FedEx, and UPS) lodged a complaint with the AGCNCO about Australia Post.
- The complaint alleged Australia Post has an unfair competitive advantage resulting from its various regulatory settings relating to the importation and inspection of imported

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goods into Australia, compliance with export reporting obligations, preferential use of public infrastructure, and access to borrowing at concessional interest rates.

- On 22 October 2022, the department provided a joint submission with the Department of Finance to AGCNCO. Following a supplementary submission by CAPEC in August 2023, departments provided a supplementary submission to AGCNCO on 20 November 2023.
- On 28 October 2024, the department briefed the minister on the investigation report and recommendations, received under embargo.
- Among other findings, the investigation concluded that it is not possible to credibly estimate the aggregate value of Australia Post's competitive advantages and disadvantages as it relates to the complaint raised.
- On 30 October 2024, the AGCNCO released its report, which makes 7 recommendations:
 - Exclusion of short-term line of credit facilities from debt neutrality considerations.
 - Australia Post making annual debt neutrality adjustment payments into the Official Public Account by Australia Post.
 - The Treasurer to call for a public inquiry into CAPEC's complaint in regard to customs and border regulation of parcel traffic.
 - Australia Post should continue to deliver the community service obligations specified in the *Australian Postal Corporation Act 1989*, but be directly funded from the Budget.
 - The information gathering powers under the *Productivity Commission Act 1988* be amended to provide a more graduated and proportionate set of penalties.
 - Treasury should undertake a stocktake of Australian Government GBEs and other significant government business activities to determine their competitive neutrality status.
 - Australia Post should include competitive neutrality information in its annual report.
- Any response would be a matter for government. There is no requirement for the government to respond to competitive neutrality investigations.
- The department is aware that CAPEC has submitted to the AGCNCO that the report contains an error in how rates of return are calculated, and the AGCNCO is considering the submission further.

Background

- In 2023-24, Australia Post reported a full financial year loss before tax of \$88.5 million, the second year in a row it has reported a loss. The loss is largely attributable to the ongoing decline of letter volumes, but is lower than last year's \$200.3 million deficit due to strong parcel revenue, and flat operating costs, as well as changes to delivery speed.

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- Australia Post has reported 3 annual losses since becoming self-funded in 1989 (2015, 2023, 2024).
- Domestic parcel volumes were up 1.8% on last year, contributing to parcels revenue of \$6.46 billion, an increase of 3.3% year-on-year.
- As reported in Australia Post's 2024 Annual Report, in 2023-24:
 - letter volumes were down 12.9% from 2 billion to 1.8 billion.
 - the letters business made a loss of \$361.8 million, down 5.8% on 2022-23 mainly due to the BPR increasing 30 cents from 3 April 2024.
 - the cost of Australia Post's Community Service Obligations was \$447.0 million, up 1.1% on 2022-23.

Financial Information for 23-24 Financial Year

Table A - Australia Post Financial Information as at 30 June 2024

	2019-20	2020-21	2021-22	2022-23	2023-24
Revenue (\$m)	7,499.2	8,273.7	8,973.9	8,965.2	9,129.1
Expenditure (\$m)	7,447.5	8,174.4	8,918.7	9,167.4	9,217.7
Capital expenditure (\$m)	316.1	450.0	427.2	343.1	306.1
Profit/(loss) before tax (\$m)	53.6	100.7	55.3	(200.3)	(88.5)
Profit/(loss) after tax (\$m)	42.9	69.6	49.5	(134.6)	(68.1)
Total assets (\$m)	6,785.3	7,064.9	6,293.4	6,353.5	6,121.8
Dividends declared (\$m)	27.9	44.3	32.1	-	-
Dividends paid (\$m)	21.0	46.2	36.3	21.8	-
Estimated cost of CSOs (\$m)	393.3	348.3	348.5	442.2	447.0
Direct Staff (excl. casuals and ext. contractors)	34,998	34,734	36,374	35,496	34,683

Source: Australia Post 2020 - 2024 Annual Reports

Table B - Australia Post Prescribed Performance Standard table for 2023-24*

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Prescribed Performance Standard	Standard	Performance 12 April 2024 (superseded PPS)	Performance 30 June 2024 (current PPS)
On-time letters delivery (%)	94.0%	97.5%	99.5%
Letters Delivery frequency (%)			
– to delivery points every business day	98.0%	94.71%	N/A
– to delivery points every second business day	98.0%	N/A	98.82%
– to delivery points at least 2 days per week	99.7%	99.99%	99.99%
Delivery timetables	Maintain	Maintained	Maintained
Street posting boxes	10,000	14,428	14,004
Retail outlets			
– in total	4,000	4,241	4,198
– in rural and remote areas	2,500	2,491	NA
– in metropolitan areas, residences to be located within 2.5 kms of an outlet (%)	90.0%	93.7%	N/A
– in non-metropolitan (i.e. rural and remote) areas, residences to be located within 7.5 kms of an outlet (%)	85.0%	89.0%	N/A
– not in major cities (must also be at least 50% of all outlets)	2,500	N/A	2,553
– in major cities, residences to be located within 2.5 kms of an outlet	90.0%	N/A	92.0%
– not in major cities, residences to be located within 7.5 kms of an outlet	85%	N/A	89.5%

Source: Australia Post Annual Report 2024

*The Prescribed Performance Standards changed on 13 April 2024. This table summarises Australia Post's performance under the current and superseded standards (for the period they each applied during FY24).

Attachments

- A: New Delivery Timetable for Ordinary Letters
- B: Australia Post Annual Report 2024
- C: Petition Letter to House of Representatives Standing Committee on Petitions

Contact: Anthea Fell**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 1**Date:** 13/02/2025

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New Delivery Timetable for Ordinary Letters – effective 15 April 2024

Item	If the mail lodgement point is...	and the delivery address is...	then the delivery time for an ordinary letter is...
Part 1—Delivery within a State			
1	in the capital city of a State	within that capital city	4 business days after day of posting
2	in another city, or a town, in a State	within: (a) that city or town; or (b) an adjacent city or town in that State	4 business days after day of posting
3	in the capital city of a State	in a place within that State other than that capital city	5 business days after day of posting
4	in another city, or a town, in a State	in a place within that State other than: (a) that city or town; or (b) an adjacent city or town in that State	5 business days after day of posting
5	in a place in a State other than a place mentioned in column 1 of item 1 or 2 of this table	within that State	5 business days after day of posting
Part 2—Delivery between States			
6	in the capital city of a State	within the capital city of another State	6 business days after day of posting
7	outside the capital city of a State	within the capital city of another State	7 business days after day of posting
8	in the capital city of a State	outside the capital city of another State	7 business days after day of posting
9	outside the capital city of a State	outside the capital city of another State	8 business days after day of posting



The Hon Michelle Rowland MP

Minister for Communications
Federal Member for Greenway

MS24-001543

Ms Susan Templeman MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dear Chair

Thank you for your letter of 19 August 2024 regarding petitions EN6326 and PN0615, requesting that restrictions be removed to allow the Licensees of Independent Local Post Offices to provide additional services and choice to better serve local communities and remain sustainable.

Firstly, I would like to acknowledge the dedication and continued service of the more than 3,400 Australia Post Licensees, particularly in supporting Australia Post to deliver recent letter delivery reforms.

The Australian Government appreciates licensees are the lifeblood of communities and play a crucial role in ensuring ongoing access to postal and other essential services across Australia. The Government remains committed to helping Australia Post adapt to the digitisation of the economy so that it remains a cherished national institution, providing essential services to Australian communities.

This is particularly critical in regional, rural and remote areas of Australia, where Australia Post is a key provider of a wide range of services that support the economic and social wellbeing of communities.

Postal services modernisation

The Government remains focused on priority reforms to realise a more efficient letter service. On 15 April 2024, new Performance Standards for Australia Post took operational effect to enable letter delivery to change from every business day to every second business day for 90 per cent of delivery points across Australia.

Significant financial and productivity benefits from these reforms are already being realised, including \$56 million in cost savings through rollout of a new delivery model, to be reinvested in electric postie bikes and the expansion of regional parcel facilities.

Additionally, the Government has set clear service expectations in a revised Statement of Expectations for Australia Post in implementing these reforms, including that it:

- maintains investment in its delivery and retail networks to meet end user needs including in regional, rural and remote Australia.
- continues to offer services where they are commercially viable, with regard to the needs of communities and Australia Post's financial sustainability; and
- increases accessibility of out-of-home parcel delivery options through other means such as parcel lockers and other self-service options.

Australia Post's parcel services

Australia Post is estimated to deliver more than 70 per cent of business to consumer parcels through its national delivery and Post Office network. Australia Post already supports end-to-end access arrangements on a commercial basis with over 80 parcel industry intermediaries and competitors - consistent with that of global postal providers in similar jurisdictions.

Australia Post has advised it is open to considering additional parcel delivery service arrangements provided they are commercially sound, and benefits can be shared by all parties. There are no legislative impediments or Government policies preventing Australia Post striking such arrangements.

Licensed Post Offices

Despite challenging headwinds in the retail industry, Australia Post continues to support over 3,500 Licensed Post Offices (LPOs) and Community Postal Agencies through strong parcel growth, and other service offerings like Bank@Post. In 2023-24, commissions associated with articles delivered to customers through LPOs grew 14.1 per cent, and LPO commission payments grew by \$16.3 million year-on-year, or 2.9 per cent.

Additionally, Australia Post's *Licensed Post Office Agreement* allows licensees to sell a range of additional non-Australia Post products. These arrangements underpin the success of the LPO network and contribute to Australia Post's ongoing viability and sustainability.

The Government will continue to work with Australia Post, licensees and communities so that services meet the needs of modern Australia, consistent with existing regulatory requirements.

Thank you for bringing this matter to the Australian Government's attention.

Yours sincerely



Michelle Rowland MP

4 / 11 / 2024

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Sam Grunhard / Anthea Fell

SB24-000401

SUBJECT: Australia Post Appointments and Remuneration**Key Deliverables**

- Appointments to the Australia Post Board are made by the Governor General on nomination of the Minister for Communications.
- Ms Anastacia Palaszczuk was appointed as a part-time, non-executive director of the Australia Post Board for 3 years on 15 August 2024.

Talking Points

- Ms Anastacia Palaszczuk was appointed as a part-time, non-executive director of the Australia Post Board for 3 years on 15 August 2024.
 - A vacancy on the Board was created when Mr Tony Nutt's term ended in March 2024.
- Directors are part-time appointments and vacancies do not need to be advertised, consistent with the Australian Government's merit and transparency policy.
- In relation to Ms Palaszczuk's appointment, Shareholder Departments:
 - developed a Board Information Pack setting out competencies and experience for the Australia Post Board to identify qualified candidates
 - an executive search firm was engaged to undertake an assessment of potential candidates against a common set of criteria (per the Board Information Pack).
- A range of sources were used to identify potential candidates for the Board. Candidates, including Ms Palaszczuk, were considered as part of the process outlined above.
 - Ms Palaszczuk was recommended for consideration by the office of the Minister for Communications.
- Under the *Australia Postal Corporation Act 1989*, appointments are made by the Governor-General on nomination of the Minister for Communications.
- The Act requires the minister to consult with the Australia Post Chair prior to nominating a person for appointment as a director.

Remuneration

- The remuneration of all non-executive directors is currently set at \$107,180 per annum with Tier 1 travel allowance, as specified in the most recent Remuneration Tribunal Determination.

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Environment and Communications

Lead/Support contact: Sam Grunhard / Anthea Fell

SB24-000401

- The remuneration for the CEO and Managing Director is set by the Board in line with the Remuneration Tribunal Determination.
- Australia Post at-risk remuneration arrangements are set by the Board as the accountable authority.
- The government expects the Board to exercise restraint in the use of performance bonus payments, and apply the principles in the Australian Public Service Commission's Performance Bonus Guidance.
- Australia Post's remuneration policies and amounts are outlined in its Annual Report (**Attachment A**).

Key Issues

- A Question on Notice (SQ24-001497) regarding the appointment of Annastacia Palaszczuk was answered – at **Attachment C**.

Legislative process regarding AP appointments

- The *Australia Postal Corporation Act* sets out the requirements for nominating and appointing directors to the Board.
 - Appointments are made by the Governor-General on nomination of the Minister for Communications.
 - The Act requires the minister to consult with the Australia Post Chair prior to nominating a person for appointment as a director.
 - In nominating candidates for appointment, the minister must consider the directors *collective expertise*, an appropriate balance of expertise and, in particular, include a person who has an appropriate understanding of the interests of employees (section 73 of the APC Act).
- The appointment was considered by the government in accordance with the Cabinet Handbook, and made by the Governor-General in accordance with the APC Act and the Federal Executive Council Handbook.

Palaszczuk appointment

- The Department of Finance (Finance) and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, as Shareholder Departments, support consideration of potential candidates for the Board.
 - In relation to Ms Palaszczuk's appointment, Finance engaged Future Leadership to provide executive search services at a cost of \$20,000 in March 2024. The department paid half these costs.

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SB24-000401

- The executive search firm undertook an independent search of potential candidates, including assessing, screening and carrying out due diligence checks.
- Future Leadership identified and assessed a number of suitable candidates, including Ms Palaszczuk.
- Shareholder Ministers identified the need to bolster the skill set of the Board with a member who has extensive experience in the operation of government at the highest level (media release **Attachment B** and QoN **Attachment C**).
 - Ms Palaszczuk was the Premier of Queensland from 2015 to 2023 and held various Ministerial roles in the Queensland Government including Minister for Trade and Minister for Transport.
 - Ms Palaszczuk brings extensive knowledge of government, working constructively with states, territories and local councils, service delivery to regional and rural communities, and experience in transformation and logistics as Queensland Premier during the COVID pandemic.
 - Ms Palaszczuk's experience is highly applicable in guiding Australia Post's critical work with government on modernisation reforms over the coming years.

Remuneration

- For the CEO and Managing Director, the Remuneration Tribunal sets the Total Remuneration Reference Rate (TRRR). The Board then determines the Fixed Annual Remuneration from 10% below to 5% above the TRRR.
 - Mr Paul Graham received a total remuneration of \$2.69 million, including \$0.97 million at-risk variable remuneration in 2023-24, as disclosed in the 2023-24 Annual Report.
- Australia Post made provisions of up to \$18.0 million for at-risk variable remuneration (remuneration awarded subject to the achievements set out per the enterprise performance metrics), including \$3.48 million in at-risk variable remuneration to 10 senior executives in 2023-24, as disclosed in the 2023-24 Annual Report.
 - Compared to \$70.6 million and \$34.2 million at-risk variable remuneration in 2021-22 and 2022 23, Australia Post has reduced at-risk variable remuneration by limiting the eligibility to participate in its Variable Remuneration Plan in recent years.

Background

- Timeline for briefing the minister on filling the Board vacancy:

Ministerial submissions	Date of submission	Date signed
Proposed strategy to fill upcoming vacancies on the Australia Post Board (MS24-000045)	30 January 2024	2 February 2024

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Update on filling Australia Post Board vacancy (MS24-000514)	15 April 2024	5 June 2024
Australia Post Board appointment – Anastacia Palaszczuk (MS24-000933)	31 May 2024	5 June 2024
Australia Post Board appointment – Anastacia Palaszczuk ExCo papers (MS24-001046)	26 June 2024	30 June 2024
Australia Post Board appointment – Anastacia Palaszczuk notification letters (MS24-001152)	15 August 2024	15 August 2024

- Dr Richard Dammery was reappointed as a part-time director for another 3 years on 30 September 2024, after his first term expired.
- Ms Lorna Inman is the designated director to meet the requirement under subsection 73(3) of the APC Act to ensure the Board includes a person who has an appropriate understanding of the interests of employees.
- The current Board comprises:

Name	Term
Ms Siobhan McKenna, Chair	15/12/2022 – 14/12/2025
Mr John Mann, Deputy Chair	26/10/2023 – 25/10/2026
Ms Lorna Inman, Director	30/05/2022 – 29/05/2025
Ms Robyn Clubb, Director	15/09/2022 – 14/09/2025
Dr Jodie Auster, Director	27/06/2023 – 26/06/2026
Ms Debra Hazelton, Director	26/10/2023 – 25/10/2026
Ms Anastacia Palaszczuk, Director	15/08/2024 – 14/08/2027
Dr Richard Dammery, Director	30/09/2021 – 29/09/2024 30/09/2024 – 29/09/2027
Mr Paul Graham, Group CEO and Managing Director	24/09/2021 – no end date

Attachments

- A: Australia Post Annual Report 2024
- B: Media release – Appointment on Anastacia Palaszczuk
- C: QoN (SQ24-001497) – Appointment on Anastacia Palaszczuk

Contact: Anthea Fell**Cleared by:** Samuel Grunhard, First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 2**Date:** 12/02/2025

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Media release – 16 August 2024

New Director appointed to Australia Post Board

The Australian Government welcomes the appointment of Ms Anastacia Palaszczuk as a non-executive Director to the Australia Post Board for a three-year term.

Ms Palaszczuk was the Premier of Queensland from 2015 to 2023 and held various Ministerial roles in the Queensland Government including Minister for Trade and Minister for Transport.

She brings extensive knowledge of government relations, working constructively with states, territories and local councils, service delivery to regional and rural communities, and experience in transformation and logistics as Queensland Premier during the COVID pandemic.

Ms Palaszczuk’s experience is highly applicable in guiding Australia Post’s critical work with government on modernisation reforms over the coming years.

Ms Palaszczuk fills the vacancy left by Mr Tony Nutt AO, who completed his two terms as a non-executive director.

The Government thanks Mr Nutt for his contribution and looks forward to working with Ms Palaszczuk and the rest of the Board to implement the modernisation strategy.

For more information on the Board, visit: <https://auspost.com.au/about-us/corporate-information/board-of-directors>

Quotes attributable to Minister for Communications, the Hon Michelle Rowland MP:

“Ms Palaszczuk brings a wealth of experience in service delivery to regional and rural communities to the Australia Post Board.

“Australia Post’s modernisation is critical to ensure it can invest to remain sustainable and continue to deliver for Australian communities over the longer term.

“Ms Palaszczuk’s appointment ensures a strong and diverse Board to support Australia Post on its modernisation journey. Our Government is committed to ensuring that Australia Post remains an integral institution for all Australians.”

Quotes attributable to Minister for Finance, The Hon Katy Gallagher:

“I congratulate Ms Palaszczuk on her appointment to the Australia Post Board, she brings a wealth of experience to the role, which will help Australia Post modernise and meet the changing needs of consumers.

“Hundreds of thousands of Australians rely on Australia Post services every day and we are committed to making sure it keeps delivering for consumers.”

Environment and Communications

QUESTION ON NOTICE

Supplementary Budget Estimates 2024 - 2025

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 165

Departmental Question Number: SQ24-001497

Division/Agency Name: DIV - Communications Services and Consumer

Hansard Reference: Written (15 November 2024)

Topic: Appointment of Anastacia Palaszczuk

Senator Ross Cadell asked:

1. Was the position advertised?
2. How many applications were received?
3. Was Ms Palaszczuk a recommendation of Australia Post? Who recommended her?
4. How much is she being paid for her work on the Australia Post board? Is that the standard rate?
5. Did the Minister for Communications provide any input during the appointment process?
6. Who paid for Ms Palaszczuk's flights and hotels through the interview/appointment process?

Answer:

1. Directors appointed to the Australia Post Board are part-time appointments and vacancies do not need to be advertised, consistent with the Australian Government's merit and transparency policy.

In relation to this appointment, Shareholder Departments developed a Board Information Pack setting out competencies and experience for the Australia Post Board to identify qualified candidates. An executive search firm was engaged to undertake an assessment of potential candidates against a common set of criteria (per the Board Information Pack).

2. Not applicable.
3. A range of sources were used to identify potential candidates for the Australia Post Board. Candidates, including Anastacia Palaszczuk, were considered as part of the process outlined above. Anastasia Palaszczuk was recommended for consideration by the office of the Minister for Communications.

Under the *Australia Postal Corporation Act 1989* (the Act), appointments are made by the Governor-General on nomination of the Minister for Communications. The Act requires the minister to consult with the Australia Post Chair prior to nominating a person for appointment as a director.

4. The remuneration of all part-time, non-executive directors of the Australia Post Board is currently set at \$107,180 per annum with Tier 1 travel allowance, as specified in the most recent Remuneration Tribunal Determination.
5. The Minister for Communications agreed for the engagement of an executive search firm to support the process and, consistent with her role under the Act, nominated Annastacia Palaszczuk to the Australia Post Board for Government consideration.
6. Not applicable.

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Sam Grunhard / Kath Silleri

SB24-000402

SUBJECT: Telecommunications Outages and Triple Zero**Key Deliverables**

- The Australian Government is committed to ensuring Triple Zero is readily available for all people in Australia, and that consumers and businesses have certainty of access to telecommunications.
- The government has fully implemented 4 of the 18 recommendations in the Optus Outage Review, with all but 3 due to be implemented by May 2025 (**Attachment A**).

Key Issues

- The 4 recommendations implemented to date include:
 - The Telecommunications Industry Ombudsman (TIO) has submitted to government the Triple Zero Custodian Steering Committee Report recommending the establishment of the Office of the Triple Zero Custodian. The government is considering these recommendations.
 - The Australian Communications and Media Authority (ACMA) has determined an Industry Standard for Customer Communications.
 - The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has updated educational materials on its website pertaining to network outages.
 - The Digital Transformation Agency has updated guidance to Commonwealth entities to institute telecommunications redundancy arrangements.
- The government will implement a further 11 recommendations by 30 April, in collaboration with Communications Alliance, Telstra, and the TIO.
- In addition to these recommendations, the ACMA has amended the Telecommunications (Emergency Call Service) Determination 2019 to require mobile network operators to not provide service to mobile phones unable to reach Triple Zero.
- The final recommendation to be implemented will include a review of all legislation and regulation relating to Triple Zero.

Background

- On 8 November 2023 Optus experienced a whole-of-network outage causing significant disruption to millions of Australians, leaving many without the ability to call Triple Zero.
- The government appointed Mr Richard Bean to undertake an independent review of the outage. The government accepted all 18 recommendations in the final report.

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Lead/Support contact: Sam Grunhard / Kath Silleri

SB24-000402

- The government committed to implementing the majority of these recommendations by 30 April 2025.
- In September 2024 the Senate Environment and Communications References Committee released its final report into the Optus Network Outage. The government has responded to the report, supporting and noting recommendations in the report.
- On 8 November 2024 the ACMA announced Optus had breached the Telecommunications (Emergency Call Service) Determination 2019. Optus paid penalties totalling more than \$12 million.

March 2024 Triple Zero Outage

- On 1 March 2024 Telstra was unable to comply with emergency call rules during a technical disruption at its Triple Zero emergency call centre which lasted 90 minutes.
- An Australian Communications and Media Authority (ACMA) investigation found 473 breaches of the rules relating to an incident on 1 March 2024, during which Telstra's Triple Zero call centre was hampered in transferring calls to emergency services for 90 minutes.
- The investigation found Telstra initiated a contingency process to transfer calls received during the disruption, using a list of backup phone numbers. However, several of the phone numbers in the list were incorrect, resulting in 127 calls not being transferred to emergency services. Telstra managed those calls by providing the callers' details to the relevant emergency service organisations via email messages and phone calls.
- While Telstra successfully managed to transfer the remaining 346 calls using the backup phone list, Telstra could not provide the caller's digital location information to the emergency service organisations due to the disruption.
- On 11 December 2024 the ACMA announced penalties for Telstra totalling more than \$3 million for failing to comply with emergency call service regulations.

Attachments

- A: Summary of Recommendations and Implementation Progress

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Fully Implemented Recommendations

Recommendation 2 – Triple Zero Custodian

Establishment of a Triple Zero Custodian with oversight of and overarching responsibility for the efficient functioning of the Triple Zero ecosystem, including monitoring the end-to-end performance of the ecosystem.

Agreed to in principle subject to further investigation.

Status

- Fully implemented on 28 November 2024.
- The Minister requested the TIO chair a Steering Committee to identify models.
- The TIO finalised a report outlining the committee's recommendations.
- The Minister is considering the report and will make an announcement in due course.

Recommendation 10 – Customer Communications Standard

Require carriers to communicate specific information to customers during/about outages.

Status

- Fully implemented on 31 December 2024.
- The ACMA determined an industry standard to implement this recommendation.

Recommendation 11 – Education Initiative

The Department should develop educational initiatives designed to assist the public, businesses and other organisations to prepare for and recover from outages.

Status

- Fully implemented on 8 November 2024.
- The Department has published this material on its website.

Recommendation 17 – Government Service Continuity

Government Agencies will review their arrangements for maintaining operations during outages including telecommunications redundancy for critical services.

Status

- Fully implemented 15 November 2024.
- The Digital Transformation Agency updated guidance to Commonwealth entities about telecommunications redundancy arrangements.
- The Department wrote to State and Territory Governments about this update.

Recommendations to be Implemented by 30 April

Telecommunications (Emergency Call Service) Determination 2019

Recommendation 1 – Articulating Obligations and Mandatory Wiling

Recommendation 5 – Real Time Information Sharing

Recommendation 6 – Outage Reporting

Recommendation 7 – Combined Protocol Documents

Status

- The ACMA will amend the ECS Determination by 30 April.

Industry Codes

Recommendation 3 – Mandatory Testing Code

Recommendation 4 – Customer Device Information Code

Recommendation 16 – Remote Access Code

Status

- The ACMA has requested Comms Alliance register these Industry Codes by 30 April.

Recommendation 8 – ECP Contract Review

Status

- The Department and Telstra are to amend the contract by 30 April.

Recommendation 9 – Protocol for Major Service Disruption Improvement

Status

- The Department intends to fully implement this recommendation by 30 April.

Recommendation 12 – Complaints Handling Standard

Status

- The ACMA will amend the Complaints Handling Standard by 30 April.

Recommendation 13 – Standardised Resolutions Approach

Status

- The TIO is preparing guidelines to implement this recommendation by 30 April.

Remaining Recommendations

Recommendation 14 – Temporary Outage Roaming

Status

- The Department and industry are working to implement Temporary Disaster Roaming by the 2025-26 high risk weather season.
- Industry is developing TDR capability and drafting an MoU to support its development.
- The Department continues to consider Temporary Outage Roaming as this develops.
- This recommendation has no set deadline.

Recommendation 15 – Mutual Assistance Memorandum of Understanding

Status

- The Department is reviewing international approaches for mutual assistance arrangements to inform how such arrangements could be implemented in Australia.
- The Department is preparing an implementation plan considering who is best placed to lead drafting of the MoU.
- This recommendation has no set deadline.

Recommendation 18 – Joint Regulatory and Legislative Review

Status

- This recommendation is subject to other regulatory changes currently underway in response to the review's recommendations.
- This recommendation is to be implemented by 1 November 2025.

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2024 - 2025 Additional Estimates

Environment and Communications

Lead/Support contact: Sam Grunhard / Kath Silleri

SB24-000403

SUBJECT: Telecommunications Consumer Safeguards**Key Deliverables**

- The Minister for Communications oversees the consumer safeguards framework to ensure it remains fit for purpose.
- The minister has taken action on domestic, family and sexual violence; financial hardship; customer communication and complaints; making industry codes directly enforceable; and establishing a carriage service provider registration scheme.
- The minister is closely monitoring the Telecommunications Consumer Protection (TCP) Code review.

Talking PointsGeneral

- The Minister for Communications is actively considering the consumer safeguards framework to ensure it remains fit for purpose. The minister has undertaken various reforms including:
 - directing the Australian Communications and Media Authority (ACMA) to make a Domestic, Family and Sexual Violence Industry Standard;
 - directing the ACMA to make the Financial Hardship Industry Standard;
 - amending the ACMA Act to empower the ACMA to publish better information on the performance of telecommunication providers; and
 - implementing outcomes of the Review into the Optus outage of 8 Nov 2023, including new rules regarding customer communication and complaints.
- The minister is also strengthening the ACMA's compliance and enforcement powers and increasing penalties for breaches, specifically:
 - making industry codes directly enforceable;
 - increasing and reforming penalties for breaches of industry codes, industry standards and service provider determinations;
 - adjusting the infringement notice framework to allow the Australian Government to increase infringement notice penalties for all applicable breaches; and
 - establishing a Carriage Service Provider (CSP) registration scheme.
- The minister is closely monitoring the Telecommunications Consumer Protection (TCP) Code review, noting it is the ACMA's role to determine whether the new Code should be registered.

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SB24-000403

- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is encouraging Comms Alliance to put appropriate protections in place.

Domestic, Family and Sexual Violence Standard

- On 3 December 2024 the minister directed the ACMA to make an Industry Standard to ensure appropriate support and assistance is provided to consumers affected by domestic, family and sexual violence.
- The Direction gives the ACMA the flexibility to determine appropriate safeguards for affected consumers following a thorough consultation.
- The ACMA is required to determine the Standard no later than 6 months after the Direction commenced i.e. by 10 June 2025.

ACMA's Independence (ABC AM radio report – 28 January 2025)

- The ACMA is the independent regulator of communications and media services.
- However, the Australian Government has made clear its expectations that telco customers must be at the centre of the ACMA's regulatory work – including in the new Statement of Expectations for the ACMA released in December 2024 (<https://minister.infrastructure.gov.au/rowland/media-release/new-statement-expectations-acma>).
- The government expects the ACMA to proactively execute its regulatory functions, particularly in relation to matters of public safety, Triple Zero and community safeguards.
- The government also has a role in setting the regulatory framework under which the ACMA operates. The minister has announced the government's intention to strengthen the ACMA's compliance and enforcement powers.

BackgroundCompliance and enforcement reforms

- On 21 January 2025, the minister announced the government's intention to strengthen the ACMA's compliance and enforcement powers via amendments to the Telecommunications Act (note, possible adjustments may be required to the ACMA Act to implement the CSP registration scheme).
- Without these reforms, the ACMA could not take direct enforcement action against breaches of industry codes without first issuing a direction to comply. The ACMA could

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2024 - 2025 Additional Estimates

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SB24-000403

only take further action if non-compliance continues. The proposed amendments to the Telecommunications Act remove this 2-step process.

- The proposed amendments increase maximum penalties for breaches of industry codes and standards from \$250,000 to \$10 million – aligning them with breaches of service provider determinations and penalties in other sectors like energy and banking.
- Additional changes would allow the Federal Court to determine penalty amounts based on financial turnover of the provider and the scale of the breach – this change applies to industry codes, industry standards and service provider determinations.
- Proposed amendments to the Infringement Notice (IN) framework clarify and expand the minister's power to increase IN penalties for breaches of telecommunications rules. Without these reforms, the minister could only increase IN penalties for breaches of general carrier/carriage service provider rules (section 68 or 101) but not other specific civil penalty provisions (many of which are key obligations). The reforms would allow the minister to increase IN penalties for breaches of any obligations for which the ACMA can already issue INs. This aligns with how stakeholders thought the framework operated.
- The government will also establish a CSP registration scheme to increase visibility of providers operating in the market (which enables the ACMA to take more proactive compliance and enforcement work) and empower the ACMA to stop CSPs operating where they pose unacceptable risk or harm to consumers.

Consultation on the CSP Registration Scheme

- The department consulted on a potential CSP registration or licensing scheme between September and December 2023, receiving 19 submissions from a range of stakeholders including industry, regulators, the TIO, consumer groups, and 2 private citizens.
- Feedback was generally supportive, with broadest support for a practical, light-touch registration scheme. Arguments in favour of the scheme generally lent to providing increased market visibility and enabling the ACMA to refuse or revoke registration of CSPs who cause significant harm or present unacceptable risk to consumers.
- There were differing views on specific implementation issues, including which CSPs should be covered by the scheme; the amount of information to be disclosed on registration; the scope of ACMA's pre-registration assessment; and options to ensure the rigor of the scheme including incentivising registration.

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Domestic, Family and Sexual Violence

- The department consulted with the ACMA, the Department of Social Services, Communications Alliance, ACCAN, TIO, Consumer Action Law Centre and DFV organisations (recommended to the department) in the development of the Direction.

TCP Code Review (commenced May 2023)

- Communications Alliance (CA) is undertaking public consultation on a draft TCP Code. Consultation commenced on 17 December 2024 and closes on 28 February 2025.
- The department is reviewing the draft Code and has been engaging with relevant stakeholders including ACCAN, the TIO and the ACCC.
- The ACMA will ultimately determine whether to 'register' the Code, thereby making it enforceable.
- On 16 December 2024, the ACMA advised CA that it considered revisions sufficiently addressed the issues it had raised in its earlier correspondence, such that it was comfortable for the Code review process to progress to public consultation.
- CA has been consulting with the TCP Code Review Committee (RC), i.e. the TIO, ACCC, ACCAN, the department and the ACMA, throughout the drafting process including on a full 20 May draft.
- RC members including the department have expressed concerns about key drafting issues during this process, including around responsible selling and engaging with vulnerable consumers.

ACCC action against Optus for unconscionable conduct

- On 31 October 2024, the ACCC announced proceedings in the Federal Court alleging that Optus engaged in unconscionable conduct in contravention of the Australian Consumer Law when selling telecommunications goods and services to hundreds of consumers.
- The case involves allegations that Optus acted unconscionably in its dealings with about 429 consumers by engaging in inappropriate sales conduct and/or pursuing consumers for debts, including when it knew contracts were created fraudulently.
- Optus has released a statement apologising for the misconduct, and outlined initiatives including a customer advocacy program and a dedicated specialist care team.

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- In May 2021, the Federal Court awarded a \$50 million penalty to Telstra for unconscionable sales practices when selling mobile contracts to more than 100 Indigenous consumers.

Financial Hardship Standard and compliance

- The Financial Hardship Standard commenced on 29 March 2024.
- The new rules require telecommunications providers to take all reasonable steps to proactively identify customers who may be experiencing financial hardship, ensure they provide appropriate support, and prioritise keeping customers connected.
- On 20 June 2024, following an audit of 48 Telcos, the ACMA issued 10 formal warnings to Telcos who did not publish all required information to be compliant with the rules.

Complaints Handling

- The TIO received a total of 13,541 complaints in the first quarter of the 2024-2025 financial year between July and September of 2024.
- Complaints to the TIO increased by 4.6% from the same period last year, or a total figure of 599 additional complaints.
- Top concerns raised by consumers were in relation to no or delayed action by a provider, service equipment fees and complaints about no phone or internet service.
- ACMA publishes data on complaints made directly to Telcos. Telcos received 45 complaints per 10,000 services in operation between July and September 2024.
- Complaints per 10,000 services in operation dropped 8.2%, from 49 complaints per 10,000 services in operation.
- Following legislative changes, the ACMA began publishing information about the performance of individual providers, including tables ranking telcos against key performance metrics, for the July – September 2024 period. The data was released in December 2024.

ACMA's Independence – ABC AM radio story and ACCAN Media Release, 28 January 2025

- On 28 January 2025, ABC's AM radio ran a story calling the ACMA's independence and integrity into question. See **Attachment A** for further detail.
- Documents disclosed to the ABC under Freedom of Information, revealed that the ACMA had 'cut a deal' with Optus for a reduced fine for breaching Integrated Public Number Database (IPND) rules in late 2023. Additionally, that the ACMA had sent draft media releases about enforcement outcomes to Optus and Telstra for proofreading before they

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were published.

- The 'deal' involved the ACMA emailing Optus offering a reduced penalty (range \$1.5 to \$3 million) if it accepted an Enforceable Undertaking. Optus accepted an Enforceable Undertaking and was awarded a \$1.5 million fine.
- The ACMA's practice of sharing media releases with industry regarding enforcement action occurred in relation to the Optus 'deal' and also in relation to 2 separate enforcement actions against Telstra. The ACMA stated that it undertakes this practice to check factual information.
- The Chair of the Centre for Public Integrity Anthony Whealy noted the the possibility of a perception that the regulator is not at arm's length from the industry it regulates.
- ACCAN has issued a Media Release calling for a parliamentary inquiry into the ACMA's conduct and culture – see **Attachment A** for further detail.
- Senator Hanson-Young also released a statement criticising the ACMA and calling for comprehensive reform to communications and media regulation and a thorough overhaul of the ACMA – see **Attachment A** for further detail.
- The ACMA rejected the above claims, stating they demonstrate a lack of understanding of the ACMA's powers and misrepresent its actions. It defended its practice of sharing media releases prior to publication, stating it is consistent with its legal obligations and commitment to accuracy and the protection of any private, confidential or sensitive information – it does not agree to any changes proposed by telcos beyond that. See **Attachment A** for further detail.

November 2024 Senate Estimates questioning to the ACMA

- During November 2024 supplementary budget estimates, Senator Pocock, Independent Senator for the ACT, asked the ACMA about the TCP Code, provisions around upselling, and the ACMA's resourcing commitment to enforcement activities regarding the TCP Code and engagement with First Nations consumers.
- Senator Pocock highlighted the \$50 million fine to Telstra in 2021 regarding mis-selling to First Nations consumers and stated that over the last 13 years the ACMA have only fined Telcos \$10 million despite the egregious behaviour demonstrated by Telcos.
- In response, the ACMA highlighted that the TCP Code review is seeking to uplift provisions related to selling practices and that the ACMA has a broad suite of enforcement mechanisms and reject that they are not an active regulator, further stating that there is a misrepresentation about the ACMA's role and the ACCC's role.

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- The full transcript of the line of questioning is available at pages 93-95 of the Proof Committee Hansard.

November 2024 Senate Estimates questioning to the department

- Senator Pocock also asked the department about the allocation of resources to researching or engaging with affordability issues for consumers relating to essential communications services in light of ACCC's findings against Optus and Telstra.
- The department highlighted the role of the TCP Code in addressing concerns raised in these examples which is currently under review. Sam Grunhard, First Assistant Secretary, Communications Services and Consumer Division, stressed that the department is working through the process with ACMA and CA to ensure the Code has sufficient protections for consumers.
- The full transcript of this line of questioning is available on pages 31-32 of the Proof Committee Hansard.

Attachments

- A: Collated Media information on ACMA's independence

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ATTACHMENT A

Media on ACMA's Independence

Transcript (extract): ABC AM, 28 January 2025, presented by Sabra Lane

Sabra Lane: There were calls for a parliamentary inquiry into the telecommunications regulator after it cut a deal with Optus which slashed its fine for serious public safety breaches. AM can also reveal the Australian Communications and Media Authority sent draft media releases about serious enforcement outcomes to Optus and Telstra for proofreading before they were released to the public. National Consumer Affairs reporter Michael Atkin has the story.

Michael Atkin: In late 2023, the telecommunications regulator discovered Optus had failed to hand over the details of almost 200,000 customers to a crucial database used to warn of a bushfire or flood. Carol Bennett is from the Australian Communications Consumer Action Network.

Carol Bennett : It's a terrifying prospect. I mean, you know, if people cannot be contacted in emergency situations, that potentially places thousands and thousands of Australians at serious risk.

Michael Atkin: AM has obtained documents under Freedom of Information laws from the Australian Communications and Media Authority, or the ACMA. The regulator emailed Optus saying...

ACMA email: The ACMA considers the contraventions to be very serious.

Michael Atkin: But it wanted a deal. Optus would get a reduced penalty if it accepted a binding agreement known as an Enforceable Undertaking or EU, so it wouldn't happen again.

ACMA email: We will give Optus an infringement notice in the range of \$1.5 to \$3 million, the amount being at the lower end if Optus offers an EU.

Michael Atkin: Carol Bennett is critical of the deal.

Carol Bennett : Why? The leniency by ACMA with a fine at the low end, you know, \$1.5 million, when it could have been \$3 million. It just seems like a slap on the wrist.

Michael Atkin: AM asked the regulator why Optus was given a lower penalty, but it did not directly answer. It said penalty amounts were based on various factors, including the seriousness of the conduct and an Enforceable Undertaking combined with a fine was a reasonable alternative to going to court. After Optus agreed to the deal, the ACMA then emailed the company its draft media release. Optus didn't request changes, but told AM it would have if there were factual inaccuracies. Carol Bennett again.

Carol Bennett : I think it's alarming that you would be sending media releases to the party who's breached the rules and asking them if they think that's suitable.

Michael Atkin: AM can reveal two other instances where the telecommunications regulator sent draft media releases about enforcement investigations to Telstra, which related to scam rule breaches and incorrectly charging customers. The ACMA confirmed that based on Telstra's feedback, it did make some changes about factual matters like the number of affected customers, but other suggestions about tone and messaging were rejected.

Anthony Whealy : Where regulators appear to be cozying up to those they regulate, there is a serious threat to integrity.

Michael Atkin: That's former Supreme Court judge and chair of the Centre for Public Integrity, Anthony Whealy.

Anthony Whealy : There's a clear breach of integrity principles here and that it needs to be addressed straight away. One, it creates a clear impression, if not the actuality, that ACMA is not at arm's length from those it regulates. And two, it threatens the necessary openness and transparency that is at the heart of good governance in regulating the industry.

Michael Atkin: The chair of the ACMA, Nerida O'Loughlin, was unavailable for interview. But in a statement, the regulator said it stands by giving companies draft media releases.

Nerida O'Loughlin: This reflects our commitment to accuracy and the protection of any private, confidential or sensitive information. The ACMA does not negotiate or agree the content of media releases.

Michael Atkin: Carol Bennett wants a parliamentary inquiry.

Carol Bennett : An inquiry and an investigation that looks at whether or not this system is working in the public interest.

Sabra Lane: And that's Carol Bennett from the Australian Communications Consumer Action Network, ending that report by Michael Atkin. And that's AM for today. Thanks for your company. I'm Sabra Lane.

ACCAN Media Release: 28 January 2025, 'Cosy' relationship between watchdog and telcos is costly for consumers

Australia's peak communications consumer body, ACCAN, is calling for a parliamentary inquiry into the conduct and culture of the Australian Communications and Media Authority (ACMA) following troubling revelations about its close collaboration with major telcos. Through Freedom of Information disclosures, the ABC has found that the ACMA 'cut a deal' with Optus to reduce its fine for breaching the Integrated Public Number Database (IPND) in late 2023, and has an established practice of sharing media releases about upcoming enforcement actions with the affected companies to check they are 'suitable'.

ACCAN CEO Carol Bennett said that these practices raise deeply concerning questions about ACMA's independence and its ability to act in the public interest.

"Independent research has found the ACMA levied just over \$6 million in fines to telcos - some of Australia's largest companies - for consumer protections breaches between 2010 and 2023, despite the consumer experience of poor services, high prices and exploitative sales conduct."

"Today's reports give us significant concerns that the regulated and the regulator have too close a relationship. When this is the case, consumers pay the price."

"The key regulator for our sector must oversee clear rules to protect consumers, and step in to penalise non-compliance when it occurs. The correspondence found between Optus and the ACMA raises serious questions about the close dealings of the two parties in jointly determining fines and penalties."

"We welcome the government's recent announcement that the ACMA will have strengthened enforcement powers. However, today's revelation goes to the culture and approach of the organisation, about which questions have been raised."

"No other sector accepts collusion on fines and penalties between a watchdog and the industry it oversees—a situation that can only be described as regulatory capture."

The Greens Media Release, 28 January 2025, Australia Needs ACMA Watchdog, Not Corporate Lapdog

Responding to [reports today](#) that the Australian Communications and Media Authority (ACMA) reduced fines for Optus and colluded on their media strategy before going public, **Greens Communications Spokesperson Senator Sarah Hanson-Young said:**

“The public need to know they have a corporate watchdog with teeth, not a corporate lapdog. The truth is the ACMA has been too weak and too cosy with the big corporations it’s tasked with regulating for too long.

“The ACMA is overdue for a thorough overhaul. They are supposed to regulate these big corporations, not collude with them on communications strategy. The ACMA should reveal the full list of every media statement they have consulted with industry and corporations on before releasing for public consumption.

“The regulator continues to show they are useless when it comes to holding media companies and telcos to account. They are like wet lettuce, whether it’s Optus or the Kyle Sandilands and Jackie O show, as Senate Estimates heard recently.

“Comprehensive reform to communications and media regulation is long overdue, but sadly it has been squibbed by successive Governments. The agency needs a big broom through it.”

CommsDay, 29 January 2025 – ACMA rejects ACCAN claims it colluded with telcos to reduce financial, publicity impact of penalties

The ACMA rejects the claims made in the ABC’s story and in ACCAN’s media release. It stated that “Both demonstrate a lack of understanding of the ACMA’s powers and misrepresent its actions” and that “ACMA stands by its enforcement record which involves the active and judicious use of the various tools at its disposal”.

It explained that the “ACMA provides telcos with copies of media releases related to investigation findings shortly ahead of their publication which it stated is consistent with its “legal obligations and ongoing commitment to accuracy and the protection of any private, confidential or sensitive information and it does not agree to any changes proposed by telcos beyond that”.

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SUBJECT: Audio Description and Captioning**Key Deliverables**

- The Australian Government is working to ensure that television content is accessible for all Australians.
- The government is working on proposals to harmonise and improve levels of captioning and audio description on Australian television services.

Talking Points

- The Australian Government is working to ensure that television content is accessible for all Australians, including those who are deaf, hard of hearing, blind or have low vision.
- Captions and audio description are key features that deliver accessible television.
- Currently, these accessibility features are not provided at consistent levels across all types of television services in Australia.
- The Department of Infrastructure, Transport, Regional Development, Communications and the Arts, expects to commence targeted consultation shortly on a number of proposals to harmonise and improve levels of captioning and audio description on Australian television services by amending existing and developing new, legislative frameworks.

Key Issues*Audio Description*

- There is currently no legislative requirement for the provision of audio description on any type of television service in Australia.
- A high level of audio described content is available on online video streaming services (for example, Netflix), the broadcast television services of the ABC and SBS, and on the broadcast video-on-demand (BVOD) services of the ABC.
- Audio description is available to a lesser extent on the BVOD services of SBS and Foxtel.
- No audio described programs are available on the broadcast or BVOD services of commercial free-to-air television.
- In 2022 the UN Committee on the Rights of Persons with Disabilities recommended that Australia take the necessary legislative and policy measures to ensure the provision of audio description to persons who are blind or have low vision.

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Captioning

- Part 9D of the *Broadcasting Services Act 1992* (BSA) sets out the rules for captioning on free-to-air and subscription broadcast television.
- Different rules govern the proportion and type of programs must be captioned on free-to-air and subscription broadcast television, and on free-to-air main channels and secondary channels.
- The rules for exemptions to captioning are complex.
- This complexity of rules makes it difficult for viewers to understand why a particular program is captioned or not.
- People who rely on captions are of the view that all programs should be captioned with few exceptions.
- Current captioning quality standards don't allow broadcasters to keep pace with technological changes which could deliver more captioned content at a lower cost.

Background*Audio description*

- Audio description provides a soundtrack of a spoken description of the visual elements of a television program. It will typically describe such visual elements as settings, backgrounds, costumes, action and facial expressions.
- It helps people who are blind or who have low vision to improve their enjoyment of television and better understand what is happening on the screen.
- Audio described content has been available on the ABC and SBS since June 2020.
- In 2023-24 the ABC broadcast an average of 101 hours per week of first-run and repeat content with audio description, across both main and secondary channels.
- On 12 July 2023, audio description was launched on ABC iView, with around 1,000 hours of audio described content available on the service.
- From July 2023 to June 2024, SBS broadcast an average of 181 hours per week of first-run and repeat content with audio description, across both main and secondary channels.
- On 3 December 2024, SBS expanded the content available on SBS on Demand with audio description to over 500 titles.

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Captioning

- Captioning is a text-based service that translates the soundtrack of an English language television program into on-screen English text. Captions will often appear at the bottom of a screen.
- Captioning helps television viewers with hearing-related sensory disabilities, such as people who are deaf or hard of hearing, to understand the spoken or audio content of a program.
- Captioning rules are currently set out in Part 9D of the BSA. They were introduced as part of the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012 to improve access to free-to-air and subscription broadcast television for people who are deaf or hard of hearing. There are different rules for captioning for free-to-air and subscription broadcasters.
- Both free-to-air and subscription broadcasters can apply to the ACMA for particular services to be exempt from captioning or for targets to be reduced based on unjustifiable hardship. Applications for exemptions or target exemption orders are assessed by the regulator - the ACMA.
- Free-to-air broadcasters must caption:
 - 100% of programs broadcast on main channels between 6 am and midnight, and all news and current affairs programs on main channels, regardless of the time at which they are broadcast.
 - content first screened on a core or primary channel with captions that is replayed on a secondary channel.
- For subscription broadcasters: the rules are complex. Currently there are nine different categories of subscription television services and each has a different annual captioning target. These targets increase by 5% each year until the target reaches 100%. In the 2024-25 financial year the following targets apply:

Category	FY 2024-25
Category A movie channels	100%
Category B movie channels	100%
Category C movie channels	95%
Category A general entertainment channel	100%
Category B general entertainment channel	95%
Category C general entertainment channel	75%
News service	65%
Sports service	65%
Music service	55%

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Consultation

- The Minister for Communications held an industry round-table in October 2023 to discuss her expectations of the industry in increasing the availability of both audio description and captioning.
- The minister subsequently wrote to key stakeholders in December 2023 requesting accessibility plans including for the introduction of audio description on commercial television and for increased captioning on free-to air television, and catch-up video on demand services. These responses have informed the development of the proposals under consideration.

Released under the FOI Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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