

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Margaret Lopez / s22(1)(a)(ii)

SB25-000467

SUBJECT: Online Gambling**Key Deliverables**

- The Australian Government has delivered the most significant gambling harm reduction measures of the last decade – *detailed below*.

Talking Points

- The government takes seriously its responsibility to protect Australians – particularly children and young people – from the harms of online gambling.
- 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 54,000 registrations as at December 2025;
 - banning the use of credit cards for online wagering in June 2024;
 - introducing mandatory minimum classifications for gambling-like content, including loot boxes and simulated gambling, in computer games 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 in March 2023.
- Since being sworn in, the Hon Anika Wells MP, Minister for Communications and Minister for Sport, has met with harm reduction advocates, broadcasters and sporting codes to discuss the Online Gambling Inquiry report and the harms of gambling (**Attachment A** refers).

Key IssuesOnline Gambling Inquiry

- 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 (Online Gambling Inquiry).
- The Online Gambling Inquiry made 31 recommendations, including 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 in computer games.
- The Department of Social Services (DSS) is leading the government's response to the Online Gambling Inquiry in collaboration with the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, and other responsible agencies, including the Treasury.

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A/g Assistant Secretary

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- The department has responsibility for 9 recommendations around wagering advertising, illegal offshore gambling, and gambling-like content in computer games.
- Between August and September 2024, the government consulted on a proposed model for wagering advertising reform with broadcasters, sporting codes, wagering service providers, digital platforms, racing sectors, harm reduction advocates and academia, and state and territory governments.
- In March 2025, the department engaged Nielsen to provide additional data to complement stakeholders' views and to further understand the volume of wagering advertising and wagering advertising revenue across all platforms.

BetStop – the National Self-Exclusion Register

- BetStop allows individuals to self-exclude themselves from interactive wagering services (telephone and online) in Australia for periods ranging from 3 months to a lifetime.
- Wagering providers cannot open a betting account, accept a bet or send direct marketing material to individuals registered on BetStop.
- Since BetStop's commencement in August 2023, there have been over 54,000 registrations. Notably, 78% of registrants are aged 40 and under and 38% have registered for a lifetime ban. Almost 35,000 individuals have active exclusions.
- A Review of BetStop's regulatory framework has been completed, as required under legislation. The Review was led by an independent reviewer, Mr Richard Eccles, with support from the department. Mr Eccles delivered his Review Report to the minister on 18 December 2025.
- In line with statutory requirements, the minister must cause copies of the Review report to be tabled in each House of the Parliament within 15 sitting days of that House after her receipt. Based on the 2026 Parliamentary sitting calendar, the Review report is expected to be tabled in February or March 2026.
- Mr Eccles was appointed to lead the Review by the former Minister for Communications, the Hon Michelle Rowland MP, and has diverse experience in the public health, online safety and technology sectors.
- Public consultation to inform the Review was held from December 2024 to April 2025. The review heard from over 30 stakeholder groups and received 25 written submissions.
- Any response to the Review Report is a matter for government consideration.
- Operational, compliance and enforcement questions regarding BetStop should be directed to the Australian Communications and Media Authority (ACMA).

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Illegal gambling services

- The ACMA administers a website blocking regime to disrupt illegal gambling services. As at December 2025, the ACMA has requested internet service providers block access to over 1,400 illegal websites since 2019.
- The ACMA issued 2 compliance alerts relating to illegal gambling advertising in 2025. Questions about these compliance notices should be directed to the ACMA.
 - In May 2025, the ACMA issued a compliance alert regarding illegal gambling advertising being broadcast or streamed during international live sporting feeds. These international feeds may include virtual and/or physical advertisements for online gambling services, including offshore gambling services, and efforts should be made to remove these advertisements from live feeds.
 - In June 2025, the ACMA published a compliance alert warning social media influencers that promoting illegal gambling services in Australia is illegal and may expose them to significant penalties. This followed a recent increase in reports about social media influencers promoting illegal sites.

Senate Order for the Production of Documents

- On 23 July 2025, the Senate agreed to an Order for the Production of Documents related to the government's response to the Online Gambling Inquiry (OPD No. 8).
- On 31 July 2025, Senator the Hon Don Farrell tabled the response to OPD No. 8 on behalf of the minister. The response provided access to 7 documents with redactions and noted 7 documents were subject to a public interest immunity claim in full.
- Senator David Pocock moved a second motion, which the Senate agreed to on 28 August 2025 (OPD No. 88).
- On 2 September 2025, Senator Farrell tabled a response to OPD No. 88 on behalf of the minister, which maintained the public interest immunity claim.
- On 2 September 2025, the Senate agreed to a third motion moved by Senator Pocock (OPD No. 141) requiring Senator Farrell to attend the Senate to explain why OPD No. 8 had not been complied with.
- On 3 September 2025, Senator Farrell appeared before the Senate and maintained the public interest immunity claim over the documents.

Credit Card Ban

- Since 11 June 2024, online wagering service providers cannot accept credit cards, credit-related products (e.g. digital wallets) and digital currencies (e.g. cryptocurrency) as payment. This ban 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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Review into the regulation of online keno and foreign matched lotteries

- The department conducted a targeted review into the regulation of online keno and foreign matched lotteries, following a recommendation by a Senate Standing Committee review of legislation banning the use of credit cards for online wagering.
- The review included consultation with harm reduction advocates, community organisations, academics, states and territories, and industry.
- To date, online lottery services have been exempted from many of the government's gambling harm minimisation measures, including BetStop and the credit card ban.
- The government will consider the review findings, including examining options to enhance nationally consistent consumer protections.

Classification for computer games containing gambling-like content

- Mandatory minimum classifications for computer games containing gambling-like content came into force in September 2024, following unanimous agreement from the states and territories (SB25-000480 – Classification Reform refers).
 - An R 18+ (Restricted) classification applies to games with 'simulated gambling' and legally restricts access to these games to persons aged 18 and over. This aligns with current age-based restrictions for real-world gambling.
 - An M (Mature) classification applies to games containing 'loot boxes' that can be purchased, highlighting the risks associated with these products which parents and carers should consider before allowing children in their care to engage with them.

National Consumer Protection Framework for Online Gambling

- The National Consumer Protection Framework (NCPF) is a set of standard protections to minimise gambling harm related to online wagering activity. DSS has responsibility for most measures under the NCPF, including:
 - *Mandatory customer pre-verification* implemented in September 2023 – requires wagering service providers to verify a customer's identity before they can place a bet.
 - *Staff training* implemented in March 2023 – requires all staff involved in the online gambling industry to undertake training in the responsible service of online wagering.
 - *Gambling harm taglines* implemented in March 2023 – requires wagering advertisements to include 1 of 7 taglines that provide nationally consistent messaging about the risks and potential harm from online wagering.

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Supporting Information

Questions on Notice (QoNs)

- SQ25-002923 & SQ25-002333 – Government response to the ‘You win some, you lose more’ report – 15 December 2025 & 17 October 2025
- SQ25-002539 – Duration of ACMA’s investigations into BetStop and timing of the BetStop review – 2 December 2025
- SQ25-002545 – Number of staff providing secretariat functions for BetStop review – 2 December 2025
- SQ25-002544 – Appointment process and conditions of BetStop reviewer – 2 December 2025
- SQ25-002538 - BetStop legislation introduction – 2 December 2025
- PQ25-000068 – Revenues linked to gambling – 5 November 2025
- PQ25-000069 – In-Advertisement Gambling Warning – 5 November 2025
- SQ25-002399 – Online gambling advertising – 20 October 2025
- SQ25-002093 – PII claim relating to OPD No. 8 – 8 October 2025
- SQ25-002094 – Documents withheld relating to OPD No.8 – 8 October 2025
- SQ25-002101 – Information on referenced attachment in OPD No.8 – 8 October 2025
- SQ25-002104 – Stakeholders the department has engaged with in relation to gambling reform – 8 October 2025
- SQ25-002103 – Timing of draft response to Murphy review – 8 October 2025

Freedom of Information (FOI) Requests

- FOI 26-191 – Any submissions or briefs on online gambling and or gambling advertising that came into the Ministers possession since 7 June 2025.
- FOI 26-132 – Correspondence between the Prime Minister and Minister for Communications about gambling advertisements, online gambling, gambling reform and former Labor MP Peta Murphy, between 12 May 2025 and 10 October 2025.
- FOI 26-140 – Submissions or briefs on online gambling and/or gambling advertising that came into the Ministers possession in this time period.
- FOI 25-389 – Briefing materials prepared for or presented to the Minister for Communications regarding gambling, gambling advertising reform or the Murphy Report between 1 April 2025 and 30 May 2025.
- FOI 25-410 (followed by Internal Review 25-410) – Any briefs to the Communications Minister, the Hon Anika Wells MP, that relate to gambling reform.
- FOI 26-017 – All documents exchanged between the Department and the Communications Minister or her office regarding reforms to gambling advertising. The scope of this request excludes media clippings and is from 4 May 2025 to the date of this request.

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Relevant Media Reporting

- "Sportsbet pressured key watchdog into 'watering down' enforcement announcement", ABC, 31 December 2025, abc.net.au/news/2025-12-31/sportsbet-pressure-acma-enforcement-announcement/106137264.
- "Just one in three punters 'knows about BetStop", The Australian, 27 November 2025, theaustralian.com.au/nation/politics/one-in-three-gamblers-aware-of-betstop-new-research-reveals/news-story/080285e3f4a7db2bcc65271cd84346f3&memtype=anonymous&mode=premium&v21=GROUPB-Segment-1-NOSCORE&V21spcbehaviour=append

Attachments

- A: Online Gambling Inquiry – List of Recommendations

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Online Gambling Inquiry – List of Recommendations

No.	Recommendation
1	The Committee recommends that responsibility for online gambling harm reduction is held by a single Australian Government Minister.
2	The Committee recommends that the Australian Government, with the states and territories, develop a comprehensive national strategy on online gambling harm reduction. The strategy should be based on public health principles and include measures that: • prevent gambling harm from occurring • intervene early when there is risk of harm • provide appropriate treatment and support for those experiencing harm • include measures to protect the most vulnerable that are developed with communities to ensure they are culturally safe and linguistically appropriate. The national strategy should be in place within twelve months, allowing that implementation would be progressive.
3	The Committee recommends that, as the priority of the national strategy and with the cooperation of the states and territories, the Australian Government: • establish national regulation and a national online gambling regulator with the sole purpose of reducing harm and with responsibility for all licencing and regulation • levy online wagering service providers (WSPs) to fund the national strategy harm reduction measures for which the Australian Government has responsibility.
4	The Committee recommends that the Australian Government develop and fund an ongoing, online gambling public education campaign with national advertising and marketing, particularly online. All gambling-related public education resources should be made available on the Australian Government's Student Wellbeing Hub and by the Office of the eSafety Commissioner to help promote awareness of gambling harm to young people and offer strategies to limit exposure.
5	The Committee recommends that the Australian Government: • resource the Australian Institute of Family Studies' Australian Gambling Research Centre to take on an additional role as a national clearinghouse for gambling research • provide ongoing funding for gambling research, in particular: ○ research to develop a set of standard indicators of risk and harm that can be applied in regulation and policy ○ prevalence studies on online gambling harm across both licenced and illegal gambling platforms and websites ○ research into vulnerable groups ○ research into best practice interventions, treatments and supports ○ research about gambling-related suicides.
6	The Committee recommends that: • national regulation requires online WSPs to disclose de-identified customer data on gambling participation, risk indicators, interventions and harm to the regulator and approved researchers on a consistent and systematic basis • the Australian Government conduct a feasibility study of Spain, France and other jurisdiction's data vault facilities with the aim of implementing a system that provides real-time operator data to the regulator and approved researchers.

ATTACHMENT A

No.	Recommendation
7	The Committee recommends that the Australian Government develop and implement: • technological solutions and resources to quickly and more effectively block offshore gambling websites including skin gambling websites and mirror sites • a protocol for blocking transactions to known illegal gambling operators, in cooperation with Australian banks and other payment system providers • stronger sanctions for companies and known individuals who profit from illegal gambling.
8	The Committee recommends that the Australian Government lead the development, with international organisations and other countries, of multilateral agreements that: • improve international cooperation to combat illegal online gambling across borders • aim to reduce gambling harm and protect public policy and research from gambling industry interference.
9	The Committee recommends that the levy for online gambling harm reduction support the national regulator to work with all jurisdictions on best practice prevention, detection, early intervention, treatment and rehabilitation programs for people experiencing gambling harms, including: • better training for staff working in health, community and financial counselling services, and crisis and gambling helpline staff, to identify gambling harms, comorbid issues and suicide risk, to minimise stigma, and to provide best practice treatment and support • support for Aboriginal and Torres Strait Islander community-controlled health organisations and other organisations that assist culturally and linguistically diverse clients or patients • increased availability of integrated treatment services • enhanced referral pathways to specialist treatments and peer-based support services, including at the end of a self-exclusion period • the development and implementation of screening tools for gambling harm in all mental health and drug and alcohol assessments.
10	The Committee recommends that the Australian Government develops industry guidelines for the banking and financial sector, online WSPs and other relevant organisations to educate staff about gambling harm. The guidelines should include protocols for the referral of customers experiencing gambling harm who are at risk of suicide.
11	The Committee recommends that the Australian Government, in cooperation with the states and territories, establish a national data collection program on gambling harms and suicides. Data should be systematically collected from health and other practitioners and support services that interact with people who experience gambling harm, including emergency departments and coroners. The data collection should include de-identified customer data provided to the regulator by online WSPs.
12	The Committee recommends that the multi-stage evaluation of the National Consumer Protection Framework for Online Gambling (NCPF), due to commence in 2023, includes an investigation into whether the small consumer credit contract sector is complying with its responsible lending obligations to customers who gamble.
13	The Committee recommends that the Australian Government work with the Australian Banking Association to develop a set of minimum gambling consumer protection standards for implementation by all banks, including a block on gambling merchant categories for self-excluded individuals using BetStop. If agreement is unable to be reached, minimum standards should be mandated in legislation.

ATTACHMENT A

No.	Recommendation
14	The Committee recommends that, in developing national regulation, the Australian Government conduct a risk assessment of available payment methods. Payment methods that do not minimise the risk of criminal activity and gambling harm should be prohibited from being used for online gambling.
15	The Committee recommends that national regulation should require customers' identities to be verified prior to the commencement of online gambling.
16	The Committee recommends that the Australian Government prohibit all online gambling inducements and inducement advertising, and that it do so without delay.
17	The Committee recommends that the evaluation of the NCPF: • analyse deidentified customer data to determine whether voluntary pre-commitment is working to reduce harm • examine the strengths and weaknesses of universal, mandatory pre-commitment systems overseas, in comparison to Australia's current voluntary system, and undertake further reforms if it can be demonstrated that an alternative approach will drive improved outcomes overall.
18	The Committee recommends that national regulation impose a customer duty of care on online WSPs. An online WSPs' compliance with this legal duty should be assessed against a set of standard indicators of risk and harm.
19	The Committee recommends that the Australian Government should investigate the benefits and feasibility of requiring online WSPs to apply a standard behavioural algorithm to reduce online gambling harm.
20	The Committee recommends national regulation require online WSP staff to undertake research-informed training that demonstrates a sound awareness of the legal obligations and guidelines for practice in responsible service of online gambling. Staff should also undertake annual refresher training.
21	The Committee recommends national regulation prohibit commissions being paid to staff or any third party involved in the referral or provision of online gambling to an individual.
22	The Committee recommends that national regulation include provisions to prevent the proceeds of crime from being used to fund online gambling. A legal taskforce should be established as soon as practical to develop these provisions.
23	The Committee recommends that the national regulator be provided with a broad suite of powers to monitor online gambling, ensure compliance and enforce the law. Penalties should be severe enough to be a genuine deterrent to multinational corporations breaching their legal obligations.
24	The Committee recommends that the Australian Government establish an appropriately resourced national online gambling ombudsman, to sit within the national regulator.
25	The Committee recommends the Australian Government consult with industry and people who gamble to determine minimum bet limits for online wagering for inclusion in national regulation.

ATTACHMENT A

No.	Recommendation
26	The Committee recommends the Australian Government, with the cooperation of the states and territories, implement a comprehensive ban on all forms of advertising for online gambling, to be introduced in four phases, over three years, commencing immediately: • Phase One: prohibition of all online gambling inducements and inducement advertising, and all advertising of online gambling on social media and online platforms. Removal of the exemption for advertising online gambling during news and current affairs broadcasts. Prohibition of advertising online gambling on commercial radio between 8.30-9.00am and 3.30-4.00pm (school drop off and pick up). • Phase Two: prohibition of all online gambling advertising and commentary on odds, during and an hour either side of a sports broadcast. Prohibition on all in-stadia advertising, including logos on players' uniforms. • Phase Three: prohibition of all broadcast online gambling advertising between the hours of 6.00am and 10.00pm. • Phase Four: by the end of year three, prohibition on all online gambling advertising and sponsorship. Gambling advertising on dedicated racing channels and programming should be exempt from the ban. Small community radio broadcasters should be exempt from further restrictions until December 2025.
27	The Committee recommends that the National Classification Scheme be consistently applied to games available from online app stores, such as the Google Play Store, Apple App Store and the Steam Store.
28	The Committee recommends that the Australian Government develops and implements a public information campaign that educates all consumers, in particular parents, caregivers, teachers and young people, on all elements of simulated gambling. The campaign should be informed by research and publicly evaluated.
29	The Committee recommends that the Australian Government commissions research into an effective simulated gambling warning label. The label should be incorporated into the National Classification Scheme.
30	The Committee recommends that the Australian Government convene a working group to develop and implement minimum consumer protections for interactive games and make suggestions for legislative mechanisms to implement tighter controls on simulated gambling and its advertising. The working group should consider whether games containing loot boxes that can be purchased for money or simulated gambling should have: • spending controls as a default function • transparent odds and drop rates for items • algorithmic loot box features disabled as a default setting, allowing players to opt in. The Australian Government should conduct a review of the implementation of these protective measures and consider legislative options if minimum consumer protections are not being consistently applied.

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No.	Recommendation
31	The Committee recommends that a legislative review of the national regulator (Recommendation three) be conducted, two years after commencement and then every five years subsequently. The review should consider developments in research about the risk of harm from simulated gambling, gambling-like elements in games and the gambling of in-game items, particularly to children and young people, and the effectiveness of regulatory responses to these issues overseas.

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SB25-000468

SUBJECT: ABC Board Appointments**Key Deliverables**

- Appointments are made in accordance with the requirements outlined in the *Australian Broadcasting Corporation Act 1983* (ABC Act).

Talking Points

- Appointments to the Australian Broadcasting Corporation (ABC) Board are subject to a merit-based selection process conducted by the independent Nomination Panel.
- The resignation of Mr Peter Tonagh from the ABC Board in December 2024 created a non-executive Director (NED) vacancy and a Deputy Chair vacancy.
- There are no quorum issues arising from these vacancies.

ABC Board Deputy Chair

- On 18 September 2025, Ms Georgina Somerset AM was reappointed as Deputy Chair until 17 March 2026.
- The Deputy Chair is appointed from the ABC Board's existing NED members.
- A future appointment to the Deputy Chair position is a matter for government to consider in due course.

ABC Board NED vacancy

- A merit-based selection process to fill the ABC Board's NED vacancy is currently underway.
- In November 2025, the Hon Anika Wells MP, Minister for Communications and Minister for Sport, requested the independent Nomination Panel conduct a new merit-based selection process.
- Applications for the selection process opened on 28 November 2025 and closed on 18 December 2025.
- The independent Nomination Panel is considering the applications and is expected to provide its report to the minister in due course.

Upcoming ABC vacancies

- The next ABC Board vacancy is expected to arise on 12 May 2026, when Mr Mario D'Orazio's NED term concludes.

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SB25-000468

Key IssuesABC Board NED February - March 2025 selection process

- Following the resignation of Mr Peter Tonagh, the former Minister for Communications, the Hon Michelle Rowland MP, wrote to the previous Nomination Panel Chair on 24 January 2025 to request a selection process be conducted.
- Applications were open for 3 weeks and closed on 3 March 2025 following a national advertising campaign.
- The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts briefed Minister Wells on 5 August 2025 and provided a report from the Nomination Panel.
- The minister wrote to the new Nomination Panel Chair on 12 November 2025 to request that a new selection process be conducted.

BackgroundMerit-based selection process - legislative requirements

- Part 3A 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 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 by the minister (s 24B, ABC Act)).
- The minister recommends a candidate for appointment to the Governor-General who makes the appointment (s 24X, ABC Act).

ABC Board NED 2025 advertising campaigns

- The ABC Act requires vacancies to be advertised on the department's website and "in one or more other forms that are readily accessible by potential applicants." (s 24B(3)).
- The department engaged Universal McCann, the whole-of-government media and advertising agency, to advise on the advertising strategies.
- Advertising included digital advertising to reach First Nations and CALD audiences.
- February – March 2025 advertising campaign:
 - Campaign ran from 10 February to 2 March 2025
 - Cost = \$47,247.82 inc GST.
 - Advertisements were placed in the following publications:

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Publications	
National and Metropolitan Print (newspapers)	Digital (digital displays and social media)
Australian Financial Review	The Australian Financial Review
Weekend Australian	LinkedIn
The Age	Women on Boards
The West Australian	SEEK

- November – December 2025 advertising campaign:
 - Campaign ran from 27 November 2025 to 17 December 2025.
 - Cost = \$42,189 inc GST.
 - Advertisements were placed in the following publications:

Publications	
National and Metropolitan Print (newspapers)	Digital (digital displays and social media)
Australian Financial Review	The Australian Financial Review
Weekend Australian	LinkedIn
	SEEK

Board remuneration

- The ABC is responsible for Board remuneration based on an annual fee determined by the Remuneration Tribunal, under the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025* (the Remuneration Tribunal Determination).

Chair	Deputy Chair	Member
\$201,840	\$99,650	\$66,470

- Annual fees are payable on a periodic basis throughout each year. Part years are paid on a proportionate basis. Annual fee covers all activities undertaken by the office holder in performing the duties of their office.

Board membership

- Please see **Attachment A** for the ABC Board membership list as at 30 January 2026.

Supporting Information*Freedom of Information (FOI) Request*

- FOI 26-174 – Australian Broadcasting Corporation vacancies

Attachments

- A: ABC Board membership list as at 30 January 2026.

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AUSTRALIAN BROADCASTING CORPORATION (ABC) Board membership as at 30 January 2026

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u> <i>(previous term/s in italics)</i>	<u>FT/PT</u>	<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 Non-executive Director	PT	QLD	18.09.25 <i>06.02.25</i> 23.02.22 <i>23.02.17</i>	17.03.26 <i>05.08.25</i> 22.02.27 <i>22.02.22</i>
Mr Hugh MARKS	M	Managing Director	FT	NSW*	10.03.25	09.03.30
Mr Mario D'ORAZIO	M	Non-executive Director	PT	WA	13.05.21	12.05.26
Ms Laura TINGLE	F	Staff elected Director / Non-executive Director	PT	NSW*	01.05.23	30.04.28
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
VACANT	--	Non-executive Director	PT	--	--	--

Current Gender and Geographic composition		
Gender balance	Geographic balance	
Males: 3 (33%) Females: 6 (66%)	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 geographic reporting as these are not government appointments.*

2025-2026 Additional Estimates

Environment and Communications

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SB25-000469

SUBJECT: SBS Board Appointments**Key Deliverables**

- Appointments are made in accordance with the requirements outlined in the *Australian Broadcasting Corporation Act 1983* (ABC Act) and *Special Broadcasting Service Act 1991* (SBS Act).

Talking Points

- Appointments to the Special Broadcasting Service (SBS) Board are subject to a merit-based selection process conducted by the independent Nomination Panel.
- The Managing Director is appointed by the SBS Board; the Australian Government does not have a statutory role in appointing the Managing Director.

SBS Board Chair vacancy

- A merit-based selection process to fill the SBS Board Chair vacancy is underway.
- In September 2025, the Hon Anika Wells MP, Minister for Communications and Minister for Sport, requested the independent Nomination Panel (the Panel) conduct a new merit-based selection process.
- Applications for the current selection process opened on 24 September 2025 and closed on 15 October 2025.
- The Panel has provided a report to government which is currently being considered.

Interim acting arrangements

- Interim acting arrangements for the SBS Chair and Deputy Chair positions have been put in place by the government to provide continuity and stability on the SBS Board.
- As provided for under the SBS Act (s24(1)), Ms Christine Zeitz, substantive Deputy Chair, has been acting as SBS Chair since Mr George Savvides AM concluded his term on 8 July 2025. This created a temporary vacancy in the Deputy Chair position.
- The minister appointed Dr Nicholas Pappas AM, non-executive Director, as acting Deputy Chair from 25 September 2025 until the earlier of 8 July 2026 or the appointment of a Chair by the Governor-General.

Appointment of new SBS Acting Managing Director

- The SBS Board appointed Ms Jane Palfreyman as acting Managing Director from 28 August 2025, following Mr James Taylor stepping down in August 2025.
- A global recruitment process is being conducted by the SBS Board; any questions about the recruitment process are a matter for the SBS.

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Lead/Support contact: Margaret Lopez / s22(1)(a)(ii)

SB25-000469

Key IssuesSBS Board Chair 2024 selection process

- Applications opened on 4 October 2024 and closed on 28 October 2024 following a national advertising campaign.
- The Nomination Panel provided a report to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts on 21 February 2025.
- The department briefed the former Minister for Communications, the Hon Michelle Rowland MP, on 24 February 2025.
- Following the election, the department briefed Minister Wells on 21 May 2025. The minister wrote to the new Nomination Panel Chair on 18 September 2025 to request that a new selection process be conducted.
- The decision to commence a new process was at the minister's discretion and provides the opportunity for the government to consider the appointment afresh.

SBS Board interim acting arrangements

- SBS Chair and Deputy Chair acting arrangement can be in place for up to 12 months where required (*Acts Interpretation Act 1901*, s33A).

BackgroundMerit-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 Chair or non-executive Director to the SBS Board.
- The Nomination Panel must provide the minister with a report nominating at least 3 candidates for the vacancy, including a comparative assessment of those candidates against the selection criteria (determined under legislative instrument by the minister (SBS Act, s43).
- The minister recommends a candidate for appointment to the Governor-General who makes the appointment (SBS Act, s43B).

SBS Chair – advertising campaign 2024 and 2025

- The SBS Act requires vacancies to be advertised both on the department's website and "in one or more other forms that are readily accessible by potential applicants." (s 43(3))
- The department engaged Universal McCann (UM), the whole-of-government media and advertising agency, to advise on the advertising strategies.
- Advertising included digital advertising to reach First Nations and CALD audiences.

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- 2024 advertising campaign ran from 5 October 2024 to 28 October 2024.
 - Cost = \$52,307.86 (GST inclusive).
 - Advertisements were placed in the following publications:

National and metropolitan Print	Digital (digital displays and social media)
Australian Financial Review	The Australian Financial Review
Weekend Australian	The Australian
The Age	LinkedIn
The West Australian	SEEK
	Women on Boards
	Women in Technology

- 2025 campaign ran from 24 September 2025 to 14 October 2025.
 - Cost = \$40,609 (GST inclusive).
 - Advertisements were placed in the following publications:

National and metropolitan Print	Digital (digital displays and social media)
Australian Financial Review	The Australian Financial Review
Weekend Australian	The Australian
	LinkedIn
	SEEK

Board remuneration

- The SBS is responsible for Board remuneration based on an annual fee determined by the Remuneration Tribunal, under the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025* (the Remuneration Tribunal Determination).
- On 16 August 2025, the Remuneration Tribunal issued the *Remuneration Tribunal Amendment Determination (No. 4) 2025*, which set new annual remuneration amounts for SBS Board members.

	Chair	Deputy Chair	Member
Annual Fee	\$134,990	\$94,190	\$67,600

- Annual fees are payable on a periodic basis throughout each year. Part years are paid on a proportionate basis. The annual fee covers all activities undertaken by the office holder in performing the duties of their office. Remuneration Tribunal Determination, s15(1) and s16.

Board membership

- Please see **Attachment A** for the SBS Board membership list as at 30 January 2026.

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Attachments

- A: SBS Board Membership as at 30 January 2026.

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SPECIAL BROADCASTING SERVICE (SBS) as at 30 January 2026

<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>						
Ms Christine ZEITZ	F	Acting Chairperson	PT	SA	09.07.25	Earlier of 08.07.26 or when Chair appointed
		<i>Deputy Chairperson</i>			<i>30.09.21</i>	<i>08.07.25</i>
		<i>Non-executive Director</i>			<i>10.05.23</i>	<i>09.05.28</i>
					<i>10.05.18</i>	<i>09.05.23</i>
Dr Nicholas Pappas AM	M	Acting Deputy Chairperson	PT	NSW	25.09.25	Earlier of 08.07.26 or when Chair appointed
		Non-executive Director			12.12.24	11.12.29
Ms Jane Palfreyman	F	Acting Managing Director	FT	NSW*	07.10.25	Earlier of 06.10.26 or when Chair appointed
					<i>28.08.25</i>	<i>11.09.25</i>
Mr Vic ALHADEFF OAM	M	Non-executive Director	PT	ACT	30.09.21	29.09.26
Ms Katrina RATHIE	F	Non-executive Director	PT	NSW	31.03.22	30.03.27
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 OAM	F	Non-executive Director	PT	NSW	08.06.23	07.06.28

Gender and Geographic composition		
Gender balance (all positions – Office For Women reporting)	Geographic balance	
Males: 5 (56%) Females: 4 (44%)	NSW: 3 VIC: 0 SA: 1 NT: 0	WA: 1 QLD: 1 TAS: 0 ACT: 1 Other (e.g. overseas): 0

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

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Lead/Support contact: Margaret Lopez / s22(1)(a)(ii)

SB25-000470

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 Special Broadcasting Service (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

- SBS has delivered its business case for a Western Sydney production hub and talent incubator to government.
- Any next steps for the project are a matter for government consideration.
- Specific questions on the project should be directed to the SBS as this is an active and commercially sensitive process, subject to a probity framework, and SBS is operationally independent from the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts.

Key Issues

- The government provided funding to the SBS in December 2024 to develop a fully costed business case for a new SBS production facility in Western Sydney.
- SBS submitted its business case to the Hon Anika Wells MP, Minister for Communications, on 19 December 2025.

Background

- A fully costed business case is needed to support an informed government investment decision ahead of progressing with project delivery, noting the anticipated capital, operational and content costs for establishing and operating the new hub.
- Should government decide to proceed with the project, it will require approval from the Parliamentary Standing Committee on Public Works (\$15 million threshold).
- The project may also be subject to the Department of Finance's two-stage capital works approval process, depending on the site selected (e.g. fit out of existing building versus greenfield development).

Contact: s22(1)(a)(ii)**Cleared by:** Margaret Lopez, A/g First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 23/01/2026

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Financial Information as at 30 November 2025

- The department received \$0.8 million over 2 years from 2024-25 for resourcing to support the project (1.5 ASL in 2024-25 and 2.5 ASL in 2025-26).
 - The department is developing advice for the Minister for Communications and the government and liaising with relevant agencies to facilitate decision making on the business case. Department staff supported the SBS and the minister through the business case development process, including support with corporate-type functions (e.g. AusTender registration).
- SBS received \$5.9 million over 2 years from 2024-25 (\$2.0 million and \$3.9 million). The quantum of funding provided reflects that planning for the delivery of an infrastructure project of this scale is not core business for SBS.
 - SBS established a dedicated project management team to identify a suitable site and develop the business case for the new facility. Further detail on this should be directed to SBS.

Financial Information – Full program envelope for department and SBS

	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m
Department appropriation	0.3	0.5	0	0	0	0.8
SBS appropriation	2.0	3.9	0	0	0	5.9
Total (Department and SBS)	2.3	4.4	0	0	0	6.7

Supporting Information*Freedom of Information (FOI) Requests*

- FOI 25-216 - Documents relating to the relocation of the SBS headquarters from Artarmon to Western Sydney. Disclosed 24 January 2025.
- MO 24-155 - Briefs or talking points received by the Minister for Communications in 2023 in respect of a potential move of SBS from its current location at Artarmon. Applicant sought review by Information Commissioner, who decided not to undertake a review under the FOI Act. Went to AAT (2024/2176) in May 2024. Settled by consent orders, with additional material released.

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Relevant Media Reporting

- “West is not the best for SBS – Relocation ‘too expensive’”, Linda Silmalis, The Sunday Telegraph, 8 December 2024 www.dailytelegraph.com.au/news/nsw/albanese-government-says-moving-sbs-to-natural-heartland-of-sydneys-west-is-too-costly/news-story/b05e43779f65de0c2402803b33ad856b
- “SBS to expand to Western Sydney with the establishment of a production hub”, SBS, 8 December 2024 www.sbs.com.au/language/english/en/article/sbs-is-set-to-expand-to-western-sydney-with-the-establishment-of-a-production-hub/wnxt4p3xk

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SB25-000473

SUBJECT: News Bargaining Incentive**Key Deliverables**

- On 12 December 2024, the Australian Government announced it will establish a News Bargaining Incentive (Incentive) to ensure large digital platforms contribute to the sustainability of news media in Australia.
- On 13 November 2025, the Treasury released a consultation paper inviting public submissions to inform the design of the Incentive.
 - Consultation was closed to submissions on 19 December 2025.
 - The Treasury met with multiple stakeholders during the consultation period.

Talking Points

- The Incentive is intended to support Australia's news sector by incentivising large digital platforms to renew or enter into commercial deals with news organisations, as envisioned under the News Media Bargaining Code (the Code).
- As proposed, the Incentive would include a charge and deduction mechanism. Platforms would incur a charge, which could be reduced by entering into commercial deals with news organisations and through other eligible expenditure.
- On 13 November 2025, the Treasury released a consultation paper inviting public submissions to inform the design of the Incentive. Submissions closed on 19 December 2025.
- Following consideration of submissions on the consultation paper, exposure draft legislation will be developed for public consultation.
- The Hon Dr Daniel Mulino MP, Assistant Treasurer and Minister for Financial Services, is responsible for the Incentive. Questions about the Incentive and consultation process are best directed to the Treasury.
- Questions about the disposition of foreign governments and officials, or the potential trade implications, are best directed to the Department of Foreign Affairs and Trade.

Key IssuesStatus and Timing

- On 12 December 2024, the former Minister for Communications, the Hon Michelle Rowland MP, and the former Assistant Treasurer, the Hon Stephen Jones MP, announced the Incentive (**Attachment A**).
- The announcement committed to public consultation on the details of the Incentive. A fact sheet was also released (**Attachment B**).

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- On 13 November 2025, the Hon Anika Wells MP, Minister for Communications and Minister for Sport, and the Hon Dan Mulino MP, Assistant Treasurer, announced the release of the consultation paper on the Incentive (**Attachment C**).
- The consultation paper seeks stakeholder input on the following design components:
 - Definitions for the threshold for application
 - The rate of the charge and details of the deduction mechanism
 - Potential implementation considerations
 - Regulatory costs for the affected digital platforms, and
 - Interactions with government assistance, codes and tax laws.
- Submissions closed on 19 December 2025. s47E(d) submissions had been received by the Treasury. Any decision in relation to publishing the submissions will be a matter for the Treasury.
- Following consideration of submissions on the consultation paper, exposure draft legislation will be developed for public consultation.

Scope

- Details of the Incentive remain subject to consultation and decisions by government.
- The Incentive is expected to apply to large digital platforms operating significant social media or search services, irrespective of whether they carry news.
- The Treasury anticipates Google, Meta and TikTok would be subject to the Incentive.

Revenue

- The Incentive is intended to incentivise commercial deals under the Code, not raise revenue.
- The government has therefore not considered how any revenue resulting from the Incentive would be used.

International Sensitivities

- Digital platforms have raised objections about the Incentive with the Office of the US Trade Representative.
- Some commentary has characterised the Incentive as a Digital Services Tax or suggested it discriminates against US-based companies.
- Any questions about implications for international relations or trade are best directed to the Department of Foreign Affairs and Trade.

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Department's Role

- Work on the Incentive is being led by the Treasury. The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts has provided The Treasury with input when requested.
- The department has provided briefing to the Minister for Communications on issues relating to the Incentive.

BackgroundNews Media Bargaining Code

- The *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021* commenced on 3 March 2021, establishing a mandatory code of conduct to address bargaining power imbalances between major digital platforms and Australian news businesses.
- The Code sets out standards and a mandatory framework for bargaining, mediation and arbitration of disputes over remuneration for the use of news content online. These provisions apply to registered news businesses and any digital platforms designated by the Treasurer.
- The designation mechanism creates a strong incentive for digital platforms and news businesses to reach commercial agreements outside the Code. No digital platform has been designated to date.
- s47E(d) [REDACTED].
- On 29 February 2024, Meta announced that it would not renew its commercial deals, nor enter into new deals, with Australian news businesses.
- Meta has indicated that, if designated, it would withdraw news from its services as it has done in Canada in response to similar legislation, and as it did in Australia in 2021.
- This would allow Meta to nullify its liability under the Code and would also deprive Australian news businesses of a critical distribution channel and prevent Australians from accessing news on some of the most popular social media platforms.
- The Incentive is intended to address this limitation of the Code by applying to digital platforms irrespective of whether they carry news content.

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Supporting Information

Questions on Notice (QoNs)

- SQ25-000052 - List of departmental officials working on News Media Bargaining Code and the incentive

Freedom of Information (FOI) Requests

- FOI 26-016 - documents which relate to the Incentive and Australia's trade relationship with the United States.

Relevant Media Reporting

- "Trump meeting over, Albanese government reboots plans to make tech giants pay for journalism", Natassia Chrysanthos, The Age, 13 November 2025 – theage.com.au/politics/federal/trump-meeting-over-albanese-government-reboots-plans-to-make-tech-giants-pay-for-journalism-20251112-p5neun.html
- "Zuckerberg lobbied Trump on digital taxes then came the Truth Social post", Sam Buckingham-Jones, AFR, 29 August 2025 – afr.com/politics/federal/publisher-hopes-for-tech-deals-dim-amid-trump-threat-delays-20250827-p5mqbt "As the President... I will stand up to Countries that attack our incredible American Tech Companies", Donald Trump, Truth Social, 26 August 2025 – truthsocial.com/@realDonaldTrump/posts/115092243259973570
- "'Trump might retaliate': US tech lobby lashes out at Australia's proposed new media bargaining scheme", Anton Nilsson, Crikey, 23 December 2025 - <https://www.crikey.com.au/2025/12/23/news-bargaining-incentive-us-tech-lobby-donald-trump/>.
- "Australia's media industry wants these 5 tech giants to pay up", Sam Buckingham-Jones, AFR, 24 December 2025 – <https://www.afr.com/companies/media-and-marketing/australia-s-media-industry-wants-these-5-tech-giants-to-pay-up-20251223-p5npoj>.

Attachments

- A: Joint Media Release Announcing the Incentive
- B: Fact Sheet Published by The Treasury
- C: Joint Media Release Announcing the release of the consultation paper

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Attachment A

Albanese Government to establish News Bargaining Incentive

The Albanese Government will establish the News Bargaining Incentive to ensure large digital platforms contribute to the sustainability of news media in Australia.

A strong and diverse news sector is vital for a healthy democracy.

However the rapid growth of digital platforms has disrupted revenues to Australia's media sector, which threatens the viability of public interest journalism.

The News Media Bargaining Code was introduced in 2021 to incentivise digital platforms to enter into commercial deals with news publishers.

The code acknowledged that large digital platforms are unavoidable trading partners for Australian news media businesses in reaching audiences online, and sought to address the imbalance of bargaining power between digital platforms and news media publishers.

However, the code has limitations. It allows platforms to avoid their obligations by removing news. This is not in the best interest of Australians. A significant proportion of Australians use digital platforms to access news, and we want this to continue.

The Government is acting to address this, by establishing a News Bargaining Incentive to encourage digital platforms to enter into or renew commercial deals with news publishers.

Australia does not intend to raise revenue from this policy.

The bargaining 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.

The incentive will apply to large digital platforms operating significant social media or search services irrespective of whether or not they carry news.

The Government will consult stakeholders on the final design of the scheme.

A public consultation paper is expected to be released in early 2025.

The incentive builds on significant work underway to ensure Australian laws keep pace with digital technologies, including the development of a new scams prevention framework, a digital competition regime, implementation of privacy reforms, and ongoing work related to artificial intelligence.

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The Government will have further announcements outlining support for news media.

[Download the News Bargaining Incentive Fact Sheet \[DOCX 149KB\]](#)

Comments attributable to the Assistant Treasurer and Minister for Financial Services, the Hon Stephen Jones MP

“The Government wants Australians to continue to have access to quality news content on digital platforms.

“Digital platforms receive huge financial benefits from Australia, and they have a social and economic responsibility to contribute to Australians’ access to quality journalism.

“This approach strengthens the existing code by addressing loopholes that could see platforms circumvent their responsibility to pay.”

Comments attributable to the Minister for Communications, the Hon Michelle Rowland MP

“The Albanese Government is committed to a diverse and sustainable news media sector, given this is critical to the health of Australia’s democracy.

“Large digital platforms have an important role to play in providing access to news for all Australians, and contributing to the sustainability of public interest journalism.

“The News Bargaining Incentive is an important step towards securing support for Australia’s news media.”

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Attachment B



Australian Government
The Treasury



News Bargaining Incentive Fact Sheet

What is the News Bargaining Incentive?

- The News Bargaining Incentive is aimed at ensuring that large digital platforms contribute to the sustainability of news and journalism in Australia, but with a clear preference for this to be done through the renewing or entering of commercial deals.
- The policy is designed to support Australia's news sector by incentivising digital platforms to renew or enter commercial deals as envisioned under the News Media and Digital Platforms Mandatory Bargaining Code that was established in 2021.
- The incentive includes a charge and an offset mechanism. Large digital platforms that choose not to enter or renew commercial agreements supporting Australian journalism will pay the charge. Platforms with these agreements will however be able to offset their liability due to a non-refundable offset against the charge.

When will the News Bargaining Incentive commence?

- Consultation on the incentive will begin in early 2025, with legislation to follow detailed consultation.
- The charge element of the incentive would apply for income tax years commencing on or after 1 January 2025. It will apply on an income year basis.

Who will be affected?

- The incentive will apply to large, digital platforms operating significant social media or search services, irrespective of whether they carry news content.
- The proposed test for application would have three limbs:
 - A digital platform will be considered large if it, together with its related bodies corporate, has gross annual revenue of over \$250 million attributable to Australian markets, exclusive of GST.
 - The digital platform must operate a social media and/or search service. It is expected definitions of these terms will be narrow and targeted to ensure the incentive does not inadvertently capture specific services do not support the incentive's objective of

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incentivising commercial deals envisioned under the code. For example, it is not expected to capture dating services such as Bumble and direct messaging services such as Signal.

- The social media and/or search service must be significant.
- It is expected that few services will fall within scope of the incentive. We anticipate Meta, Google and TikTok would fall within scope of the incentive.
- The government will consult with relevant stakeholders on the technical details of the incentive including the test for application.

How will the charge work?

- The intention of the incentive is not to raise tax revenue.
- The charge element of the incentive and accompanying offset will be set to incentivise commercial deals between digital platforms and news businesses. The consultation process will ensure the rate is set at the appropriate level.
- The calculation of the charge will be based on total gross revenues attributable to Australian markets. It will apply to large digital platforms operating significant social media or search services, irrespective of whether they carry news content.
- Large digital platforms that are subject to the charge will be incentivised to renew or enter into commercial deals to remunerate Australian news organisations for the production of journalism with a non-refundable offset against the charge.

How will the offset work?

- Entities subject to the incentive will be able to reduce their liability, in part or in full, by claiming against a non-refundable offset for eligible expenditure supporting journalism.
 - This will include expenditure under commercial deals to remunerate news organisations, and other contributions to the news sector.
- The offset will be designed to strongly incentivise entities to renew or enter into commercial deals, rather than pay the charge. Eligible expenditure will offset liability for the charge at a greater than 1 for 1 rate (that is, eligible expenditure of \$100 will reduce the liability for the charge by more than \$100).

How will the incentive interact with other taxes or levies paid by multinationals?

- The charge element of the incentive will apply in addition to corporate income tax and will not be a deductible expense for corporate income tax purposes.

Why is there a need for the incentive?

- The government considers that a strong and diverse news sector is vital for a healthy democracy.
- However, the rapid growth of digital platforms has disrupted revenues to Australia's media sector, which threatens the viability of public interest journalism.

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- The News Media Bargaining Code was introduced in 2021 to incentivise digital platforms to enter into commercial deals with news publishers.
- The code acknowledged that large digital platforms are unavoidable trading partners for Australian news media businesses in reaching audiences online, and sought to address the imbalance of bargaining power between digital platforms and news media publishers.
- However, the code has limitations. It allows platforms to avoid their obligations by removing news. This is not in the best interest of all Australians.
- A significant proportion of Australians use digital platforms to access news, and the government wants this to continue.
- The government is acting to address this, by establishing a News Bargaining Incentive to encourage digital platforms to enter or renew commercial deals with news publishers. Australia does not intend to raise revenue from this policy.

What about the News Media Bargaining Code?

- The code successfully prompted digital platforms to enter commercial deals with Australian news organisations. However, the code has been challenged by Meta's decision to cease its commercial deals in Australia.
- The policy is designed to reinforce the code by incentivising commercial deals as envisioned under the code and ensure digital platforms continue contributing to journalism in Australia.

What consultation is proposed?

- Commencement of public consultation would be announced via a press release (and the consultation paper published on the Treasury website) by the Assistant Treasurer and Minister for Communications in early 2025.
- Following consideration of submissions on the consultation paper, exposure draft legislation will be developed for public consultation.
- Legislation to implement the incentive this process is expected to occur after the election.

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Environment and Communications

Lead/Support contact: Margaret Lopez / s22(1)(a)(ii)

SB25-000473

Attachment C

13 November 2025 - News Bargaining Incentive consultation paper released

The Hon Dr Daniel Mulino MP, Assistant Treasurer, Minister for Financial Services

Note

**Joint media release with
The Hon Anika Wells MP
Minister for Communications**

The Albanese Government is inviting everyone to have their say on the design of the News Bargaining Incentive with the release of a consultation paper.

The incentive ensures large digital platforms contribute to the sustainability of news and journalism in Australia.

It reinforces the News Media and Digital Platforms Mandatory Bargaining Code introduced in 2021. It also complements the News Media Assistance Program (News MAP), which supports public interest journalism, particularly at the regional and local levels.

The incentive is not intended to raise revenue for the Government. Instead, it encourages commercial arrangements between major digital platforms and news publishers by providing a generous deduction for eligible deals.

The incentive will apply to all large digital platforms operating significant social media or search services in Australia. The mechanism cannot be circumvented by digital platforms withdrawing news content.

The consultation paper builds on engagement with stakeholders since the incentive's announcement and provides a formal opportunity to shape its scope and operation.

The government encourages all interested parties to make a submission. Consultation closes on 19 December 2025.

Further information regarding the consultation process is available on Treasury's website at <https://consult.treasury.gov.au/c2025-718159>. Submissions can also be made at the same address.

Contact: s22(1)(a)(ii)**Cleared by:** s22(1)(a)(ii)

A/g Assistant Secretary

Phone: (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 6/1/2026

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Sarah Vandebroek / Andrew Hyles

SB25-000476

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

- An independent review of the *Online Safety Act 2021* (the Act) was completed in 2024 and tabled in Parliament on 4 February 2025.
- On 13 November 2024, the Australian Government announced it would legislate a Digital Duty of Care.
- On 2 September 2025, the government announced it would act to restrict access to 'nudify' apps and undetectable stalking apps.

Talking Points

- The final report of the Statutory Review (the review) of the Act was provided to the government on 31 October 2024 and tabled in Parliament on 4 February 2025. The review made 67 recommendations.
- A key recommendation of the review was imposing a duty of care on online services to prevent certain broad categories of harm.
 - A duty of care would require services to engage in an ongoing cycle of risk assessment, mitigation and review, and encompass safety by design.
- On 13 November 2024, the government announced its intention to legislate a digital duty of care.
- Adopting a duty of care is a significant reform. The development of the model will be informed by consultation with stakeholders and feedback from the community. Careful consideration will also be given to appropriate transitional arrangements for industry and eSafety.
- Timing to introduce new duty of care legislation is a matter for the government.
- On 2 September 2025, the Hon Anika Wells MP, Minister for Communications and Minister for Sport, announced the government's intention to ban search engines and app stores from surfacing, selling or distributing "nudify" and undetectable stalking apps.
- The government is carefully considering the other recommendations of the review.
- The cost of the review was met from within existing departmental resourcing, with the reviewer, Ms Delia Rickard PSM, reimbursed a total of \$47F for remuneration and associated travel costs.

Key Issues**Contact:** Andrew Hyles**Cleared by:** Mitchell Cole, a/g First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 23/01/2026

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Lead/Support contact: Sarah Vandebroek / Andrew Hyles

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Final report of the Statutory Review of the Act

- The majority of the report's 67 recommendations sit under 4 broad themes:
 - Duty of care – including establishing an overarching duty, risk assessment, mitigation and transparency obligations, statutory categories of harm, tiering of platform obligations by reach or risk, simplified definitions of online industry sections, regulator-made enforceable codes, and regulator powers to issue reporting notices and to require audits.
 - Supporting individuals – including enhancements to complaints schemes, mandatory improvements to complaints handling, implementing an Ombuds scheme and awareness raising.
 - A stronger, more effective regulator – including stronger penalties and enforcement, investigation and information sharing, fit-for-purpose definitions of class 1 and 2 materials, and clarifying informal powers.
 - Governance – including transitioning to a Commission model, implementing a standalone eSafety Commission, improved internal processes/transparency, increased resourcing for expanded functions and cost recovery.
- Other recommendations relate to various matters including:
 - considering options to prohibit “nudify” and stalking products
 - convening experts (fusion cells) 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
 - long term transition to a single digital regulator, and
 - requiring services to have a local presence.
- The recommendations of the review are listed at Attachment A and the Executive Summary is at Attachment B.

Work on legislating a digital duty of care

- Work is underway to develop a model appropriate to the Australian context and informed by consultation with key stakeholders.
- The review recommended:
 - a singular and overarching duty on all online service providers to take reasonably practicable steps to prevent foreseeable harms to Australians as a result of use of their services, a concept well established in Work Health and Safety legislation.
 - Statutory categories of “enduring harms” to which the duty would apply, including harms to young people, harms to mental wellbeing, the instruction and promotion of harmful practices, and other illegal content, conduct and activity.
 - Obligations on services to conduct risk assessment, mitigation and undertake transparency reporting.

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- Tiering of obligations according to services' reach or level of risk associated with their use, with obligations such as transparency reporting, internal compliance, data sharing with authorised researchers and audits applying to higher tier providers.
- Simplifying sections of industry to reflect the convergence of functions of online service providers and improve clarity around obligations.
- Empowering the regulator to make enforceable codes as needed to ensure clarity around compliance, and require additional reporting and audits.
- The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts is working closely with colleagues across government and looking internationally to learn from successes and challenges experienced by countries implementing similar online safety laws.
- In late 2025, the department conducted a public survey, which received 1,348 responses, and a series of meetings were undertaken with industry, community and youth representative groups. The department has also met with the Special Envoy to Combat Antisemitism and the eSafety Commissioner to discuss the duty of care reforms. The outcomes of these processes will inform the design of a digital duty of care and ensure that the model brought forward is appropriate to the Australian context and in line with community expectations. A summary of the department's consultation activities is at [Attachment C](#).
- Appropriate transitional arrangements will be needed to implement a digital duty of care, including in regard to existing industry codes and standards and the Basic Online Safety Expectations (BOSE) made under the Act.

Government's intention to ban "nudify" and undetectable stalking tools

- On 2 September 2025, the minister announced the government's intention to restrict access to "nudify" and undetectable stalking apps, as recommended by the review.
- This action will help address current legislative gaps and proactively prevent abuse facilitated by evolving technologies.
- The new laws will complement current state and Commonwealth legislation prohibiting stalking and the distribution of non-consensual, deepfake sexually explicit materials, and build on the work to protect young Australians through the social media minimum age laws.
- The department will work with industry to determine how best to prevent access to these harmful products while preserving tracking apps used for lawful purposes, such as navigation, family location sharing apps and fitness apps.

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Government's response to the remaining recommendations of the review

- The government recognised 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.
- There is no legislative requirement to provide a formal response to the review. A response to the review is a matter for the government.

BackgroundDigital duty of care announcement 13 November 2024

- The former Minister for Communications, the Hon Michelle Rowland MP, announced the government's intention to legislate a digital duty of care in line with the review. The minister noted that:
 - a duty of care places a legal obligation to take reasonable steps to protect others from harm, a concept well established in Work Health and Safety law in Australia.
 - There is a growing movement towards a more systemic and preventative approach to online safety, including in the UK and European Union. Harmonisation with like-minded jurisdictions will more effectively drive change while minimising regulatory burden on industry.
 - A duty of care framework would be underpinned by risk assessment and risk mitigation measures, be informed by safety-by-design principles and include reporting and transparency requirements of platforms. It would help to future proof the Act, as services would need to continually identify and mitigate potential risks as technology and service offerings change and evolve.
 - The changes would place proactive obligations on platforms, and work with existing complaint and removal schemes for illegal and harmful material.

The review process

- 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 tabled in each House of the Parliament within 15 sitting days of being provided to the minister.
- The government published the terms of reference for the review on 13 February 2024.
- 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.

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Other proposals relating to a digital duty of care and “nudify” apps

- On 25 November 2024, then independent MP, Ms Zoe Daniel, introduced the Online Safety Amendment (Digital Duty of Care) Bill 2024 in the House of Representatives.
- On 27 November 2024, Senator Hanson Young proposed amending the Social Media Minimum Age Bill to include a number of additional provisions including the imposition of duty of care obligations on large providers.
- On 28 July 2025, independent MP, Ms Kate Chaney MP, proposed amending the Criminal Code Act to create new offences targeting the misuse of emerging technologies to create, train, or use tools that facilitate the production of child abuse material.

Intersection with other reports

- The Joint Select Committee on Social Media and Australian Society released its final report on 18 November 2024, with several recommendations intersecting with those in the OSA review.
- For example, both recommend a statutory duty of care be placed on digital platforms, greater enforceability of Australian laws for social media, data access for independent researchers and resourcing for the eSafety Commissioner.
- The Special Envoy to Combat Antisemitism released the ‘Special Envoy’s Plan to Combat Antisemitism’ report on 10 July 2025. Recommendations from this report intersects with the OSA Review report, especially regarding online hate. The department is also considering the Special Envoy’s Plan in the context of developing the digital duty of care.

Financial Information as at 30 November 2025

- Total expenditure on the review is \$150,534.80 (GST inclusive) excluding printing.
- In 2024-25 expenditure on the review was \$80,588.85 (GST inclusive).
 - Ms Rickard undertook 49 days of work at a cost of ^{s47F} (GST inclusive).
 - 47 days of work between 1 July 2024 and 31 October 2024 at a cost of ^{s47F} (GST inclusive).
 - 2 days of work between 24 December 2024 and 20 January 2025 at a cost of ^{s47F} (GST inclusive).
 - Ms Rickard travelled to Sydney:
 - on 1 October to meet with the eSafety Commissioner and staff at a total cost of ^{s47F} (GST inclusive).
 - on 1 November to meet with the minister in her electoral office and discuss the review report at a cost of ^{s47F} (GST inclusive).
- The department had previously estimated the cost of the review would be in the order of \$150,000 (approximately 90 days’ work and up to \$10,000 for travel).

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- Remuneration for Ms Rickard was set at a rate of \$1,603.00 (GST inclusive) per working day, in line with the Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2023.
- There was a significant underspend on travel for the review, however printing was not costed in the original review funding commitment.
- Printing the review report cost \$5,036.90 (GST inclusive).

Supporting Information*Recent Ministerial Comments*

- “We are also committed to a digital duty of care. A digital duty of care will create a proactive system and put the responsibility on services to prevent harm from occurring in the first place.” 3 December 2025
- “A digital duty of care will recognise that big tech companies have the technology, resources and responsibility to manage harms before they occur – rather than solely relying on individuals to report harmful material post exposure.” 15 November 2025
- *[In the context of the Social Media Minimum Age]* “And all of these platforms, in or out, will become subject to the digital duty of care, which is where the Albanese Labor Government is going next in the work of online safety. We’re opening consultation on that soon. And digital duty of care is about what these platforms owe their users by way of social moral obligation to try and keep them safe online.” 5 November 2025

Relevant Media Reporting

- “Anika Wells is not stopping at the teen social media ban — the minister tells Crikey she wants more”, Cam Wilson, Crikey, 10 December 2025 - <https://www.crikey.com.au/2025/12/10/anika-wells-crikey-interview-teen-social-media-ban/>
- “Govt ramps up Big Tech 'duty of care' reforms”, Tom Williams, Information Age, 18 November 2025 - <https://ia.acs.org.au/article/2025/govt-ramps-up-big-tech--duty-of-care--reforms.html>
- “Govt moves ahead with digital duty of care”, Joseph Brookes, InnovationAus.com.

Attachments

- A: Recommendations of the Online Safety Act review
- B: Executive Summary of the review report
- C: Summary of consultation activities on duty of care

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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.

Recommendations of the Statutory Review of the Online Safety Act 2021

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.

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.

Recommendations of the Statutory Review of the Online Safety Act 2021

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.

Recommendations of the Statutory Review of the Online Safety Act 2021

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.

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.

Recommendations of the Statutory Review of the Online Safety Act 2021

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

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'.

Recommendations of the Statutory Review of the Online Safety Act 2021

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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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 be working well. In addition to the benefits that a duty of care will bring, there are changes needed

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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 magnify and compound the harm. Often the content is shared with an accelerating level of outrage

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

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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

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,

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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.

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

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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.

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

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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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Attachment C – Summary of consultation activities on duty of care

Public consultation survey

- The department invited responses to a public survey about a proposed digital duty of care under Australia's *Online Safety Act 2021*. The survey was published on the department's website and was open for submissions from 14 November 2025 to 7 December 2025.
- The survey received a total of 1,348 responses. The department is assessing the outcomes of the survey which included an opportunity for participants to provide free text responses.

Targeted consultation meetings

- To inform the design of the digital duty of care, in late 2025, the department undertook a series of roundtables and consultations with industry representatives, community organisations, the regulator, young people and subject matter experts. The department has also met with the Special Envoy to Combat Antisemitism.

CONSULTATIONS		
Roundtables		Participants (organisations only)
<u>Industry roundtable</u> (social media, messaging, gaming)	27 November 2025	Discord
		X Corp (X)
		Meta (including Instagram and WhatsApp)
		Roblox
	28 November 2025	Reddit
		Snap Inc (Snapchat)
		Tiktok
		LinkedIn
<u>Industry roundtable</u> – (search, marketplaces, infrastructure) 27 November 2025	Amazon	
	Australian Telecommunications Alliance (ATA formally Comms Alliance)	
	auDa (.au Domain Administration)	
	Google (including Android products)	
	Microsoft/Bing (including Xbox)	
	Optus	
	Samsung	
	Telstra	
	Yahoo	
<u>Industry roundtable</u> – industry bodies 5 December 2025	DIGI	
	Interactive Games and Entertainment Association (IGEA)	
	International Social Games Association (ISGA)	
	CESA (Consumer Electronics Supplier Association)	
	Tech Council of Australia	

<u>Community roundtable – Child safety (illegal activity such as CSEA and grooming)</u> 8 December 2025	Australia New Zealand Screen Association
	Australian Childhood Foundation
	Bravehearts
	Carly Ryan Foundation
	International Centre for Missing & Exploited Children Australia (ICMEC)
	International Justice Mission
<u>Community roundtable – Child safety (bullying and other harmful content)</u> 9 December 2025	UNICEF
	Alannah and Madeline Foundation (AMF)
	National Children’s Commissioner / Australian Human Rights Commission
	Australian Council of State School Organisations
	Australian Institute of Family Studies
	Australian Parents Council
	Catholic School Parents Australia
	International Centre for Missing & Exploited Children Australia (ICMEC)
	Headspace
	Orygen
	Project ROCKIT
	ReachOut
	SmackTalk
	Triple P
	Yourtown/Kids Helpline
<u>Industry roundtable – Online dating</u> 11 December 2025	LifeEd/Healthy Harold
	Movember
	Match Group
<u>Industry roundtable – Adult content, online gaming</u> 9 December 2025	Bumble
	Grindr
	Steam (Valve)
	Twitch
	Onlyfans
<u>Middle Tech Working Group</u> 11 December 2025	Eros Association
	Kick
	Canva
	Dropbox
	Discord
	Pinterest
<u>Youth roundtable</u> 8 January 2026	Reddit
	Strava
	eSafety Youth Council

1-on-1 Meetings	
Apple	3 December 2025
Delia Rickard, Independent Reviewer, Statutory Review of the Online Safety Act 2021	5 December 2025
eSafety	8 December 2025
Reset.Tech	10 December 2025
National Taskforce for Social Media, Body Image and Eating Disorders	11 December 2025
Teach Us Consent / Fix Our Feeds	17 December 2025
The Special Envoy to Combat Antisemitism and eSafety Commissioner	8 January 2026

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Sarah Vandenbroek / Anthea Fell

SB25-000477

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

- The Australian Government is committed to reducing the online harms young Australians face, including by passing historic legislation to delay access to social media until the age of 16.
- The government will legislate a digital duty of care for online services to proactively address harms on their platforms.
- The government announced that the eSafety Commissioner, Australia's Special Envoy to Combat Antisemitism and the Hon Anika Wells MP, Minister for Communications and Minister for Sport, will work together to provide online safety advice to address antisemitism.
- The government is also taking action to reduce access to 'nudify' apps and undetectable stalking apps and will work with regulators and experts to identify options that are targeted, measured and effective.

Talking Points

- The Australian government is a world leader on online safety and is continuing to deliver reforms that prevent online harm, especially for kids.
- This includes:
 - Legislation to delay access to social media until the age of 16 – this is about protecting young people and supporting parents to protect their children's health and well-being (Refer to SB25-000478 for details).
 - Industry codes and standards, overseen by the eSafety Commissioner, that are designed to tackle the worst-of-the-worst content online (e.g. child sexual exploitation material, pro-terror content) and restrict children's access to inappropriate online content (e.g. pornography, self-harm content) across the online world including generative Artificial Intelligence (Refer to SB25-000479 for details).
 - Investment in digital literacy and online safety education, with a commitment of \$6.45 million from 2025 onwards.
- The government is committed to responding to online hate and antisemitism. Australia's Special Envoy to Combat Antisemitism, Ms Jillian Segal AO, has commenced work with the eSafety Commissioner and the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts to develop online safety advice to combat antisemitism.
- The government is also responding to technological changes and advancements as they arise by:

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Environment and Communications

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- announcing a digital duty of care, which will put the onus on services to take responsibility for online harms.
- working to reduce and restrict access to 'nudify' apps and undetectable stalking apps, which are mostly weaponised against Australian girls and women.

Key Issues

- More Australians are needing help to deal with online harms than ever before.
- In 2024-25, eSafety had more than:
 - 9.8 million visitors to its website
 - 3,600 adult cyber abuse complaints
 - 840 complaints of cyberbullying against children
 - 6,500 reports about image-based abuse
 - 19,821 complaints about illegal and restricted content
 - 85% of that type of complaint related to child sexual abuse or related activity.

Responding to online hate following the Bondi terrorist attack

- On 18 December 2025, the government announced a collaboration between the eSafety Commissioner, the Special Envoy to Combat Antisemitism (Special Envoy) and the Minister for Communications, to provide online safety advice to address antisemitism.
- This formed part of the government's announcement to adopt the Special Envoy's Plan to Combat Antisemitism (the Plan), and wider response to the terrorist attack on a Chanukah celebration at Bondi Beach on 14 December 2025.
- The Plan contains several recommendations in relation to online safety, including content moderation to address online hate speech, and measures to address online 'bots' and antisemitism amplified by Artificial Intelligence (AI). These recommendations are included at **Attachment A**.
- The department has commenced work with the Special Envoy and the eSafety Commissioner to identify strategies and approaches to address antisemitism online.
 - The department met with the Special Envoy on 5 January 2026.
 - The department also met with the Special Envoy and the eSafety Commissioner on 8 January 2026.
- Any proposed actions would be complementary to the introduction of the digital duty of care.
- All parties acknowledge the benefits of the systemic approach of a digital duty of care that will place the onus on platforms to take early and meaningful action to protect users rather than waiting for serious harm to materialise on their services.

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SB25-000477

Nudify apps and undetectable stalking apps

- On 2 September 2025, the government announced that it would undertake work to restrict access to 'nudify' apps and undetectable stalking tools.
- This work will be progressed alongside the digital duty of care, while ensuring legitimate and consent-based AI and online tracking services are not inadvertently impacted.
- The department has engaged with industry since the announcement and will provide advice to government in the coming months.

Social Media Minimum Age

- Refer to SB25-000478 for further details on the implementation of the social media minimum age legislation.

Duty of care and the review 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 final report of this comprehensive review was tabled in Parliament on 4 February 2025.
- Refer to SB25-000476 for further details on the review.
- On 13 November 2024, the government announced that it would introduce a digital duty of care.
- Under a duty of care, service providers 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.

Online Safety funding

- In the 2023-24 Budget, the government quadrupled eSafety's base funding, bringing it to \$42.5 million each year ongoing and indexed.
- This includes an additional \$45.7 million over 4 years from 2024–25 (and \$12.3 million per year ongoing) to ensure the regulator is resourced to tackle the biggest and richest tech companies in the world.
- In the 2023-24 MYEFO, the government provided \$6.7 million over 4 years for eSafety to improve its investigation and response capability for referrals of violent and extremist content, and to strengthen its technological capability.
- In the 2024-25 Budget, the government committed \$7.9 million, including:
 - \$6.5 million in 2024-25 to develop a trial of age assurance technologies to protect young Australians from harmful online content, and
 - \$1.4 million over 2 years to boost eSafety's legal and compliance functions.

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- 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. This 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 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 awareness 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
 - \$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.

Industry codes

- Refer to SB25-000479 for further details on the industry codes and standards.

Election Commitment - SmackTalk

- The government is investing in the online education and literacy of young Australians to prevent online harms from occurring.
- The government committed \$450,000 to SmackTalk for a 2-year grant to deliver information sessions about the dangers of online sextortion, to commence in early 2026.
- The Minister for Communications approved the grant guidelines on 16 December 2025.
- The grant guidelines were published on Grant Connect on 5 January 2026.
- The application was received on 8 January 2026.
- The grant round closed on 21 January 2026 and the department is currently assessing the application from SmackTalk.
- Departmental officers are adhering to the Commonwealth Grants Rules and Principles (CGRPs) as required under the *Public Governance, Performance and Accountability Act 2013*. The CGRPs establish a consistent, transparent, and accountable framework for managing Australian Government grants.

Election Commitment - Online Safety Tools in Schools

- The government is investing in the online education and literacy of young Australians to prevent online harms from occurring.

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- The government committed \$6 million for online safety tools in schools to boost online safety learning and continue the delivery of vital digital literacy and safety learning tools for all Australian school children, for free, commencing in 2026.
- This commitment is an additional \$6 million to the Alannah and Madeline Foundation (AMF) to expand and enhance their digital education program for children and young Australians.
- Funding for the new AMF grant is scheduled to commence in the 2026-27 financial year.
- Grant guidelines are currently being drafted.
- Departmental officers are adhering to the CGRPs as required under the *Public Governance, Performance and Accountability Act 2013*.

Background

- The government has implemented other initiatives to support online safety, including improving digital and media literacy for children (see below) and calling on industry to improve the safety of users of online dating services.

Responding to online hate following the Bondi terrorist attack

- The ISIS-inspired terrorist attack on a Chanukah celebration at Bondi Beach on 14 December 2025 killed 15 people, including a 10-year-old child.
- Following notification of the attack, eSafety formed an on-call team to monitor the large volume of graphic footage from the Bondi attack.
 - Questions about the actions taken by this team should be directed to eSafety.
- The Cyberbullying and Adult Cyber Abuse Schemes provide eSafety with powers to consider serious harm targeted toward an individual online under the Act. These schemes do not address abusive material directed toward groups.

Nudify apps and undetectable stalking apps

- Nudify apps allow users to generate non-consensual sexually explicit material of others using AI to alter everyday images.
- Undetectable stalking apps are installed on a person's device and allow that person's location, messaging and other activities to be tracked by the installer or a third party without the person's knowledge.

Election Commitment – Online Safety Tools in Schools

- The government committed \$6 million over 3 years from 2023-24 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).

Election Commitment – SmackTalk

- The government committed \$450,000 to SmackTalk for a 2-year grant to deliver information sessions about the dangers of online sextortion, to commence in 2025-26, in line with the election commitment.
- SmackTalk offers free educational presentations to groups on recognising signs of distress, listening skills, and how to have difficult conversations.
- SmackTalk partners with schools, sporting clubs, and other organisations to deliver this information to people aged 16 and over.

Online dating: Voluntary industry code of practice

- The Online Safety Code for Dating Services (the Code) commenced operation in October 2024 to address online dating services complaints and report handling processes, trust and safety teams, engagement with law enforcement and reporting requirements.
- As at 1 April 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
 - Spark.
- eSafety conducted an evaluation of the effectiveness of the Code and provided the findings of this process to the Hon Anika Wells MP, Minister for Communications and Minister for Sport.
- The report found that while some improvements had been made on some services, there had not been a meaningful uplift in safety across the industry.
- The government is considering the findings of the report and next steps.

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- FOI 26-041, regarding the appointment and renewal of the eSafety Commissioner

Questions on Notice (QoNs)

- SQ25-002906, regarding Digital Services Commission.
- SQ25-002523, regarding SmackTalk Election Commitment.
- SQ25-002537, regarding sign-up rates of Alannah and Madeline Foundation 'Safe Kids are eSmart kids' program.

Recent Ministerial Comments

- "We are committed to restricting online nudity tools used to create explicit deepfakes" – NPC address, December 2025

Relevant Media Reporting

- 'AI chatbot Grok under fire over complaints it let users undress minors in photos on X', ABC News, 3 January 2026, [AI chatbot Grok under fire over complaints it let users undress minors in photos on X - ABC News](#)
- 'US Congress threatens eSafety commissioner with contempt charges', Sydney Morning Herald, 31 December 2025, <https://www.smh.com.au/politics/federal/us-congress-threatens-esafety-commissioner-with-contempt-charges-20251231-p5nqyo.html>
- 'Albanese announces tougher hate speech laws in wake of Bondi terror attack', ABC News, 18 December 2025, <https://www.abc.net.au/news/2025-12-18/albanese-announces-tougher-hate-speech-laws-after-bondi-terror/106157020>
- 'Deepfake image-based abuse happening at least once a week in schools, eSafety data shows', ABC News, 17 October 2025, <https://www.abc.net.au/news/2025-10-17/deepfake-image-based-abuse-doubles-across-australia/105905152>

Attachments:

- A: Special Envoy Plan – online safety recommendations

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Recommendations from the Special Envoy's Plan to Combat Antisemitism

- There are 13 recommendations in the Special Envoy's Plan to Combat Antisemitism, including **Recommendation 6: Digital Governance and Online Regulation**, as follows.
 - Seek to establish effective and beneficial content moderation and have the regulatory framework to protect individuals and targeted groups in the online environment, similar to what exists for 'real-world' hate speech and incitement.
 - Increase transparency of moderation decisions and establish regulatory parameters for algorithms.
 - Work with platforms to reduce the presence or influence of 'bots' that deliberately sow social discord and to reduce the reach of those who peddle hate behind a veil of anonymity.
 - Work with the eSafety Commissioner and relevant government departments and agencies, as well as platforms, to ensure artificial intelligence does not amplify antisemitic content.

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SB25-000478

SUBJECT: Social Media Minimum Age**Key Deliverables**

- On 10 September 2024, the Australian Government committed to legislating a minimum age for access to social media.
- In November 2024, the *Online Safety Act 2021* was amended to require that age-restricted social media platforms take reasonable steps to prevent Australians under 16 years having accounts.
- The minimum age obligation commenced on 10 December 2025.

Talking Points

- The government is taking world-leading action to reduce online harms experienced by young Australians, including passing historic legislation to delay access to social media until the age of 16.
- Delaying access to social media will protect young Australians at a critical stage of their development, giving them 3 more years to build real-world connections and online resilience.
- Age-restricted social media platforms must now take reasonable steps to prevent Australians under 16 from having accounts.
 - Age-restricted social media platforms include Facebook, Instagram, Kick, Reddit, Snapchat, Threads, TikTok, Twitch, X and YouTube.
- The eSafety Commissioner is primarily responsible for compliance with the social media minimum age and will determine whether platforms have taken “reasonable steps” to prevent under-16s from holding accounts.
- According to preliminary data gathered by the eSafety Commissioner, more than 4.7 million accounts belonging to under-16s were deactivated, removed or restricted across major social media platforms, in the days immediately prior to and following commencement of the minimum age.
- On 19 October 2025, the national campaign ‘For the good of their wellbeing’ launched, to support parents, carers and under 16s to prepare for and navigate the changes. The \$20 million campaign will run until April 2026.

Key Issues*Implementation*

- The eSafety Commissioner has assessed 10 platforms including Facebook, Instagram, Kick, Reddit, Snapchat, Threads, TikTok, Twitch, X and YouTube as in scope of the laws.

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- The Commissioner has also assessed Discord, GitHub, LEGO Play, Roblox, Steam and Steam Chat, Google Classroom, Messenger, WhatsApp, YouTube Kids and Pinterest as not subject to the minimum age obligation.
 - Naming these platforms helps to support parents and young people in navigating the changes, but these are not static or exhaustive lists.
 - The expectation is that all platforms that meet the definition of 'age-restricted social media platform', and are not excluded by the legislative rules, must comply with the law.
 - eSafety will be undertaking continuous assessments of platforms.
- Each platform is different and is using their own practices or methods to meet their obligations.
 - This includes using a range of age assurance technologies, such as a combination of facial age estimation technology, language analysis tools and Artificial Intelligence (AI) technology.
- It is up to platforms to continue to work with the eSafety Commissioner and the Office of the Australian Information Commissioner (OAIC) to ensure they meet their legal and social responsibilities.

Platform compliance

- Early indications are that all 10 platforms assessed as in scope by the eSafety Commissioner are making meaningful attempts to prevent under-16s from holding accounts.
- eSafety will continue to gather data and information to ensure ongoing compliance and improve industry performance.
- eSafety does not intend to publish specific data or detailed information obtained using its investigative powers to maintain the integrity of its investigations and ensure any potential enforcement action is not compromised.
 - However, eSafety will provide further updates and insights as appropriate.

Effectiveness and circumvention

- The government has communicated its expectation that the social media minimum age is not about chasing perfection. It is about establishing a new norm for social media use.
- The process of age assurance requires time to complete fairly and accurately. Even with the platforms' best endeavours, there will continue to be some under-16s on social media.
- Results from the Age Assurance Technology Trial show that no solution is 100% effective, but we know that age assurance can be done effectively and securely.
- We also know that some young people will seek to circumvent these measures.

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- The trial proves that the platforms have the tools to limit circumvention – particularly when it suits their business models.
- The eSafety Commissioner's regulatory guidance includes an expectation that platforms proactively consider possible circumvention techniques and implement systems to address these. Platforms also need to monitor and continue to adapt to new circumvention techniques.
- Platforms have a range of tools and a wealth of resources available to them, and they must be doing everything they can to comply – including doing additional checks where they can reasonably expect someone is trying to circumvent the ban.

High Court challenges

- There are 3 legal challenges to the social media minimum age on the grounds that the legislation impermissibly burdens the implied freedom of political communication.
 - On 27 November 2025, the Digital Freedom Project, led by NSW Parliamentarian John Ruddick, and 2 lay plaintiffs, filed a challenge.
 - On 12 December 2025, Reddit filed a challenge.
 - On 7 January 2026, Ms Dawn Kelly, a self-represented litigant, filed a challenge.
- The government's stance is that the law has a legitimate purpose, and that whatever burden the law has on that freedom is reasonable and necessary.

Review of the legislation

- A statutory review of the social media minimum age framework is required within 2 years of effective commencement.
- The review will provide the government with an opportunity to recalibrate policies, if required, to be proportionate to changed behaviours – of both social media platforms and young people.
- It will allow for assessment of:
 - the fitness-for-purpose of the definition of an age-restricted social media platform, as well as any legislative rules made by the Minister for Communications
 - any technological advancements since commencement
 - the effectiveness of privacy provisions
 - whether any alternative forms of access to social media should be in place.

Background*Regulatory guidance – eSafety Commissioner*

- On 16 September 2025, the eSafety Commissioner published regulatory guidance for the online industry, setting out reasonable steps to comply with the social media minimum age obligation.

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- The eSafety Commissioner's regulatory guidance is clear that age-restricted social media platforms are expected to:
 - detect and deactivate underage accounts
 - prevent re-registration or circumvention
 - provide accessible review mechanisms for users.
- Additionally, the guidance is clear that platforms cannot:
 - rely on self-declaration of age
 - force people to hand over government ID, consistent with protections built into the legislation
 - retain more than the required information to demonstrate compliance.
- The guidance also encourages platforms to take a layered or 'waterfall' approach to compliance, meaning platforms apply several age assurance methods to increase confidence in age estimates.

Regulatory guidance – OAIC

- On 10 October 2025, the Australian Information Commissioner published regulatory guidance dealing with the privacy aspects of the social media minimum age legislation.
- When choosing age assurance methods, the guidance requires platforms to:
 - choose age-assurance methods that are necessary and proportionate, and proactively assess the privacy impacts associated with each method
 - minimise the inclusion of personal and sensitive information in age assurance processes
 - destroy personal information used for social media minimum age purposes once purposes are met
 - ensure that any further use of personal information collected for social media minimum age purposes is strictly optional, has the user's unambiguous consent and can be easily withdrawn
 - be transparent about the handling of personal information for social media minimum age purposes in privacy notices.

Privacy

- Data privacy is a significant concern for Australians – this is reflected in the legislation, in addition to requirements under the *Privacy Act 1988*.
- The legislation incorporates strong protections for personal information, including that platforms must ringfence and destroy any information collected for the purposes of age assurance.
- Additionally, platforms must not use information collected through age assurance methods for any other purpose, unless explicitly agreed by the user.

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- The legislation also includes 2 information protection provisions that:
 - empower the Minister to exclude specified types of information being collected and used by platforms for the purposes of meeting the minimum age obligation
 - specify that platforms must not collect government-issued identification or require the use of Digital ID (provided by an accredited service, within the meaning of the *Digital ID Act 2024*), unless a reasonable alternate means is also offered.

Isolation of young people

- The social media minimum age does not 'cut off the internet' for people under 16.
- The Minister for Communications has made legislative rules to exclude certain platforms from the obligation, including messaging services, online games, and services that primarily function to support health and education of users.
- The Minister for Communications has also been clear that these rules are not 'set and forget.' The government will closely monitor the outcomes for young people, with support from the eSafety Commissioner.

Mental health support for young people

- The government has made significant investments into mental health, including youth mental health.
 - Questions on mental health funding and initiatives should be directed to the Department of Health, Disability and Ageing.
- On 21 October 2025, the Minister for Communications hosted a roundtable with mental health organisations about how their services can support young people to manage changes from the minimum age.
- Attending organisations included Black Dog Institute, Orygen, ReachOut, headspace, Beyond Blue and Kids Helpline.
- Since the roundtable, mental health services have worked to develop resources and support young people and families navigate the changes.

Public awareness campaign (refer to EC25-003578 – Social Media Minimum Age Campaign for further details).

- On 19 October 2025, the national campaign 'For the good of their wellbeing' to support parents, carers and young people under 16 prepare for, and navigate the changes, launched. The campaign will run until April 2026.
- The objectives of the campaign are to:
 - raise awareness of when social media minimum age started
 - build support for the measure and the benefits for delaying access to social media accounts

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- direct audiences to the eSafety Commissioner's website for detailed information and resources.
- The campaign activities include:
 - advertising on television, radio, social media and digital services
 - physical advertisements appearing in nearly 700 secondary schools, inside dedicated school bus services and on bus stops placed within 500m of secondary schools
 - campaign information kits and Frequently Asked Questions (FAQs) distributed to secondary schools, youth services, public libraries, councils, youth peak bodies and organisations, and sporting networks nationally.
- State and territory education departments, school principals and frontline mental health organisations like headspace, ReachOut and Beyond Blue, have also received a digital information kit, which provides information about the minimum age, what it means for young people, and addressing some of the myths about the laws.
- The eSafety Commissioner launched a dedicated online hub with tailored FAQs explaining what is happening and how to prepare. The website includes conversation starters, get-ready guides, downloadable action plans and links to a series of webinars.
 - Since the launch of the campaign, visits to eSafety's website have increased exponentially – with more than 800,000 views to the landing page in the first 7 weeks after the campaign launched.

Financial Information as at 13 January 2026

- 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, Sport 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 awareness campaign to help parents and carers, young people, educators and the community to understand and support the transition to a social media minimum age
 - \$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.

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- At the 2025-26 MYEFO, the government provided an additional \$10.0 million to extend the national public awareness campaign.

Supporting Information*Questions on Notice (QoNs)*

- SQ25-002908, regarding the High Court challenges.
- SQ25-002612, regarding amendments and compliance with the social media minimum age obligation.

Freedom of Information (FOI) Requests

- Please refer to FOI tracker at **Attachment A**.

Recent Ministerial Comments

- "We've said from the beginning that we weren't expecting perfection straight away – but early figures are showing that this law is making a real, meaningful difference."*
- "More than 4.7 million under-16 social media accounts being deactivated because of our world-first social media minimum age law is a huge achievement."*
- "While it's early days, every account deactivated could mean one extra young person with more free time to build their community and identity offline."*

Relevant Media Reporting

- "Two phones, fake birthdays and a month of evading the social media ban," Tess Bennett and Emma McGrath-Cohen, Australian Financial Review, 6 January 2026. <https://www.afr.com/technology/two-phones-fake-birthdays-and-a-month-of-evading-the-social-media-ban-20260105-p5nrop>
- "Distressed teens turn to Kids Helpline following social media ban, saying they've lost support networks," Caitlyn Rintoul, The West Australian, 7 January 2026. <https://thewest.com.au/politics/federal-politics/distressed-teens-turn-to-kids-helpline-following-social-media-ban-saying-theyve-lost-support-networks-c-21237507>
- "Government's social ban numbers include deleted, duplicate accounts," Amelia McGuire and Tess Bennett, Australian Financial Review, 16 January 2026. <https://www.afr.com/technology/government-s-social-ban-numbers-include-deleted-duplicate-accounts-20260116-p5nui5>

Attachments

- A: Table – Freedom of Information Requests

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Reference	Request	Status
FOI 25-176	Briefing notes prepared for the Department Secretary and the Minister of Communications on the proposed age restrictions or under-age access ban to be imposed on social media platforms between 1 September 2024 and 7 November 2024.	Released: 31 January 2025
FOI 25-195	Documents relating to the drafting of the Impact Analysis Equivalent Supplementary Analysis of OIA24-08210: Social Media Age Limit.	Released: 20 January 2025
FOI 25-196	The briefing pack prepared by the Department for the Online Safety Amendment Bill 2024 inquiry.	Released: 21 January 2025
FOI 25-204	Document relating to meeting notes arising from FOI 25-093 regarding consultation round tables held for the Age Assurance Trial.	Released: 24 December 2024
FOI 25-210	All emails, meeting notes or other records of communications sent to and from the Office of Parliamentary Counsel for the Online Safety Amendment (Social Media Minimum Age) Bill 2024 [Provisions].	Practical refusal
FOI 25-211	Notes from consultation process for the Online Safety Amendment (Social Media Minimum Age) Bill 2024 [Provisions] legislative design principles	Released: 24 February 2025
FOI 25-253	List of the meetings held by the Cross-Government Working Group on Age Assurance and the meeting agenda for the meeting of 9 December 2024.	Released: 14 February 2025
FOI 25-291	All documents of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts which relate to any Rules made, or proposed to be made, under section 63C(6)(b) of the Online Safety Act 2021 (Cth). This includes: 1. all documents relating to any consultation undertaken, or advice sought, with all persons (including the eSafety Commissioner) in relation to any aforementioned proposed Rules; 2. any and all notes of discussions held with respect to the aforementioned proposed Rules; and 3. any and all correspondence with respect to the aforementioned proposed Rules.	Practical refusal
FOI 25-285	Documents relating to YouTube's exemption regarding the Online Safety Amendment (Social Media Minimum Age) Bill 2024.	Released: 28 March 2025
FOI 25-262	Correspondence between Minister Rowland's office and any of Meta/Facebook/Instagram, TikTok, Snapchat or YouTube/Google regarding social media reforms in the Online Safety	Released: 14 April 2025

Reference	Request	Status
	Amendment (Social Media Minimum Age) Bill 2024 for the period 28 November 2024 to 4 February 2025.	
FOI 25-270	Correspondence between, and records of meetings between, the Department and employees of Google relating to the minimum age limit for social media platforms in the time period 1 July 2024—1 February 2025.	Released: 17 April 2025 IC review withdrawn
FOI 25-304	Correspondence between the Department and employees of Google relating to the minimum age limit for social media platforms in the time period 1 July 2024 to 13 March 2025.	Released: 5 May 2025
FOI 25-325	All documents, including but not limited to emails and electronic messages sent or received by employees working in the Communications and Media division of the Department or senior executive officials of the Department (e.g. those sent using "Signal", "whatsapp" or by way of an sms) that mention "YouTube" between 4 March and 5 March 2025 (inclusive), except where "Youtube" is mentioned in a signature block.	Practical refusal
FOI 25-387	A copy of the Social Research Centre report on research into Australians' attitudes towards the use of age assurance technologies for access to online services, which was delivered to the department on 2 January, 2025.	Withdrawn. Report published before deadline.
FOI 25-363	Documents relating to meetings with Google and YouTube and correspondence between Minister for Communications and CEO of YouTube.	Released: 11 July 2025
FOI 25-390	Correspondence between the Department and employees of TikTok relating to the minimum age limit for social media platforms in the time period May 3, 2025 to June 3, 2025.	No documents in scope
FOI 25-409	All documents provided to, or shared with, the offices of the communications minister Anika Wells, regarding the Online Safety Amendment (Social Media Minimum Age) Bill 2024, and the trial of age assurance technology. Please limit searches for this material to the period 1 May 2025 to 6 June 2025. Please include documents such as, but not limited to, briefing materials, information packs, back pocket briefs, summaries and emails.	Released: 26 August 2025
FOI 26-062	Information on the "early advice on each of eSafety's recommendations" regarding the draft Online Safety (Age Restricted Social Media Platform) Rules that were referred to by a Communications Minister office staffer's email on 25 June to the Age Assurance Trial Taskforce. Note there were attachments of screenshots for reference.	Withdrawn

Reference	Request	Status
FOI 25-413	List of emails on the department's email servers received from email addresses on the web domain @36months.com or @finchcompany between 1/1/2024 and 1/1/2025, with the details of: - the sender's email address - the subject line - the date/time of the email. This does not include the contents of the email, just the metadata about the email.	Released: 12 August 2025
FOI 25-418	1. Any documents (including, but not limited to, email correspondence, handwritten or electronic notes, cloud-based or collaborative documents or files, briefing notes, diary notes, meeting notes, Signal messages and Whatsapp messages) from any meeting between Andrew Irwin and Google in October 2024; 2. Any documents (including, but not limited to, email correspondence, handwritten or electronic notes, cloud-based or collaborative documents or files, briefing notes, diary notes, meeting notes, Signal messages and Whatsapp messages) from the meeting held between the Department, Minister Rowland's office and Google on 1 November 2024; 3. Any documents (including, but not limited to, email correspondence, handwritten or electronic notes, cloud-based or collaborative documents or files, briefing notes, diary notes, meeting notes, Signal messages and Whatsapp messages) from the meeting held between the Department and Google on 23 January 2025.	Released: 18 August 2025
FOI 25-429	Copy of the original preliminary report provided to the Communications Minister in April on the age assurance technology trial.	No documents in scope
FOI 26-003	Documents associated with the preliminary briefing by the Age Assurance Technology Trial given to the Minister/ Communications department between 1/4/25 and 19/06/25. This includes communications, meeting notes, documents given by the AATT (or the people running the trial, the ACCS) for the initial results of the trial specifically given to the government.	Access refused in full
FOI 26-007	1. Any communications, correspondence or other documents dated between 21 November 2024 and 7 July 2025, referencing any legal challenge to the operation of, or application of, any of the Social Media Minimum Age Legislation (in whole or in part). 2. Any communications, correspondence or other documents passing between eSafety and the Department, dated between 1 September 2024 and 7 July 2025, regarding which services	Released: 22 September 2025 IC review: 7 November 2025 Revised package released: 19 December 2025

Reference	Request	Status
	may or may not be included in the Social Media Minimum Age Legislation, including any legislative rules made under the OSA. 3. Any submissions, communications, correspondence or other documents passing between any Stakeholder and the Department, dated between 1 January 2025 and 7 July 2025, regarding which services may or may not be included, in the Social Media Minimum Age Legislation, including any legislative rules made under the OSA.	
FOI 26-010	(1) Correspondence, meetings or phone call records between the TikTok or Anacta Strategies and the Department regarding [subject matter] since 13 May 2025. (2) Any of the following briefs related to any meetings or correspondence with TikTok or Anacta Strategies on the topic of [subject matter] since 13 May 2025: - Briefs/Submissions provided by the department to the Minister for Communications - Briefs/Submissions provided internally by the Department to its senior executive	Released: 12 September 2025
FOI 26-046	Drafts of the Department of Communication's Online Safety (Age-Restricted Social Media Platforms) Rules 2025, and internal correspondence and documents about its drafting for the period 1/12/24-1/8/25.	Access refused in full
FOI 26-041	Documents relating to the appointment of Julie Inman Grant as eSafety Commissioner in 2017, and her reappointment in 2022. 1. Internal briefings, recommendations, or selection assessments prepared for the Minister or departmental executives regarding: - Her initial appointment as eSafety Commissioner (circa 2016–2017) - Her reappointment for a second term (circa 2021–2022) 2. Any correspondence (including emails) between the Department and the Office of the eSafety Commissioner, and/or between the Department and Ministerial offices, discussing or referring to the above appointments 3. Any Cabinet-related documents, including submissions or briefing packs, which mention or relate to the appointment or reappointment of the eSafety Commissioner To narrow the scope, I do not seek: - Duplicates of documents - Routine administrative emails (e.g., calendar scheduling)	Released: 7 October 2025

Reference	Request	Status
	- Publicly available material (e.g., media releases)	
FOI 26-047	Advice given to the Minister for Communications from the Department's targeted stakeholder consultation for the Online Safety (Age-Restricted Social Media Platforms) Rules 2025. (This is referenced in the Rules explanatory statement which says "Feedback received from 34 individual meetings, 6 roundtables and 38 written submissions informed advice to the Minister for Communications.") A list of 104 stakeholders who were consulted, including a list of the 34 individual meetings, attendees of the 6 roundtables, and authors of the 38 written submissions. Just to be clear: the only thing I want is the identities of which organisations or individuals who had the meetings/attended the roundtables/submitted submissions, and not their contents).	Released: 23 October 2025
FOI 26-050	(a) documents relating to the selection of members for the Age Assurance Stakeholder Advisory Board, chaired by Professor Jon Rouse APM; and (b) documents relating to the representation, or lack thereof, of young people, LGBTIQ+ people, culturally and linguistically diverse people, disability and neurodivergence, and/or adult industry and sex workers on the Stakeholder Advisory Board; and (c) any correspondence with Collective Shout, or with representatives or employees of Collective Shout, or with Melinda Tankard-Reist about the participation of Ms Tankard-Reist on the Stakeholder Advisory Board or her suitability for such participation; and (d) any documents discussing Collective Shout or Melinda Tankard-Reist in connection with age assurance or the age assurance trial. This request covers documents dated between 1 July 2024 and 12 August 2025, inclusive.	No documents in scope
FOI 26-058	Documents that clarify the identity and role of the individual referred to as "Sarah V." in internal government communications related to the Online Safety Amendment (Social Media Minimum Age) Bill 2024. 1. The full name, title, and departmental affiliation of "Sarah V." as referenced in redacted documents associated with the bill's development, consultation, or internal briefing processes. 2. Any correspondence, meeting minutes, or policy drafts authored or co-authored by "Sarah V." that pertain to the bill or its implementation strategy. 3. A list of contributors or advisors involved in shaping the bill, including any consultants or public servants whose names were abbreviated or redacted in public-facing documents.	No documents in scope
FOI 26-063	The final findings/report of the Age Assurance Technology Trial	Withdrawn. Report published before deadline.

Reference	Request	Status
FOI 26-064	Documents, including emails and meeting minutes, held by the Department of Communications that mention The Wiggles, Kate Chiodo, Nick Webb and Matthew Salgo in relation to the Social Media Minimum Age policy.	Released: 20 October 2025
FOI 26-066	Document titled "DPSC Division – Standard Words" for the Social Media Minimum Age policy that was distributed in July 2025.	Released: 19 September 2025
FOI 26-099	Electronic copies. If any part is exempt, please provide edited copies (s 22), together with a document schedule (title/date/author/recipients/subject/exemption ground) and a search certificate identifying custodians, repositories, search terms, date ranges, and hit counts. 1. Final and last draft ministerial submissions/minutes and attachments concerning s 63E(2) commencement. 2. Guidelines & operationalisation: Final and last two drafts of the “reasonable steps” guidelines under Online Safety Act 2021 s 27(6) (or equivalent authority for Part 4A), with consultation summaries, plus checklists, SOPs, training slides, template provider letters, KPI dashboards used to operationalise provider duties. 3. Less-restrictive alternatives (LRAs): Papers comparing ID-free LRAs (device teen modes, parental dashboards/consent, curfews/content controls, rapid redress) against platform-wide age assurance, including efficacy and rights-impact tables. 4. Documents capturing adult-capture modelling, error/false-positive/false-negative/bias rates for candidate tools, and appeals capacity/turnaround modelling. 5. External signals: Any impact notes/briefings addressing OAIC facial recognition determinations (Kmart, Bunnings) and the Digital ID Repeal Bill 2024, and their implications for U16 guidelines, s 63E commencement, or enforcement. 6. Enforcement posture: Final and last draft documents setting triage/thresholds/priority for ss 63G–63K (including standard notice templates). Please produce a document under s 17 (1 Jan 2023–present) listing: a) number of adult-capture modelling runs; b) recorded error/FPR/FNR/bias rates by tool/vendor/version; c) number of appeal/ticket flows tested & median resolution time; d) count of platforms preliminarily assessed as “in scope.” Timeframe: 1 January 2023 – present.	Released: 14 November 2025

Reference	Request	Status
FOI 26-119	Documents created or received between 1 November 2024 and the date of this request relating to the \$14 million “For the Good Of” advertising campaign announced by Communications Minister Anika Wells on 14 October 2025 and launching on 19 October 2025, concerning the upcoming under-16 social media ban commencing 10 December 2025. Specifically, documents that show: 1. Procurement & contracts — approach-to-market/quotes, evaluation reports, contracts/deeds, statements of work, purchase orders, invoices, and approvals for suppliers (creative, media, research, production). 2. Approvals & certification — ministerial/departmental approvals, campaign certification, and any independent review reports required under the Australian Government Guidelines on Advertising and Information Campaigns, including correspondence with Finance. 3. Creative & production — final asset lists/registers, call sheets, shot lists, schedules and deliverables identifying the production company, director, producer, DoP, crew, talent, and any licensing agreements. 4. Media plan & spend — media strategy, placement schedules, media buy plans, and spend breakdown by channel (TV, outdoor, social, digital, radio), including any reallocations. 5. Measurement & evaluation — campaign KPIs, performance reports, post-buy analysis, reach/impressions/frequency summaries, research, brand-lift or evaluation reports. Search guidance: relevant holdings are likely within Communications/Media/Advertising units. Documents may reference: “For the Good Of”, “under-16 social media ban”, “social media age restrictions”, “\$14 million campaign”, “October 19 launch”, “December 10 ban”, and “Anika Wells”.	Released: 24 December 2025
FOI 26-129	The full report on the developmental research to inform a Social Media Minimum Age campaign completed by Orima for the Department that was delivered in September.	Released: 19 December 2025
FOI 26-183	Access to documents and information related to the under-16 social media ban policy, specifically: 1. Evidence and data used to inform the policy, including: ○ Studies, reports, research, risk assessments, or briefings on social media’s impact on youth mental health, online safety, cyberbullying, or development; ○ Internal or commissioned analyses used by ministers or officials to justify age restrictions on social media.	Due date: 19 January 2025

Reference	Request	Status
	2. Projections, modelling, or outcome frameworks prepared to evaluate the policy, including: ○ Expected outcomes such as reductions in cyberbullying, online harms, or mental health impacts; ○ Methodologies, metrics, or benchmarks intended to measure policy effectiveness; ○ Any internal plans for post-implementation review or evaluation. 3. Correspondence (emails, memos, meeting notes) between the Department, Minister's office, or other agencies regarding: ○ Evidence base for the policy; ○ Projected outcomes; ○ Decisions regarding policy implementation or enforcement mechanisms. Do not require personal names of staff, ministers, or individuals. I am only seeking information on positions, agencies, ABNs, or organisational details relevant to the documents or data.	

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Sarah Vandenbroek / Anthea Fell

SB25-000479

SUBJECT: Industry Codes and Standards**Key Deliverables**

- The Australian Government is improving online safety for all Australians by embedding safeguards, including age assurance, across a wider range of digital services so children cannot access harmful and inappropriate content.
- Under the *Online Safety Act 2021*, industry has developed codes to protect young Australians from seeing certain content, including porn, suicide and self-harm content.

Talking Points

- The government is working to improve online safety for all Australians and industry is expected to take responsibility for the safety of its products and services.
- The *Online Safety Act 2021* (the Act) requires industry to agree on the codes with the eSafety Commissioner to keep Australians, particularly young people, safer online.
- The latest set of codes developed under the Act – termed phase 2 codes – will help protect children from exposure to age-inappropriate content across a range of internet services.
- The risks young Australians face are real. Research from the eSafety Commissioner reveals that 1 in 3 young people who had seen online pornography first encountered it unintentionally before the age of 13.
- Any service that hosts or facilitates access to harmful content (like pornography, very violent or self-harm material) will need to ensure measures are in place to prevent children accessing that content.
- In many cases, the codes will enforce practices that some companies are already using, such as safe search functions that automatically blur sensitive content. And where appropriate, age assurance methods will be needed to prevent under 18s from viewing adult content.
 - Importantly, age assurance will not be required to use search engines like Google in a logged-out state.
- The codes also cover how industry will better protect children from harms that come about from Artificial Intelligence (AI) technologies intended for adults, such as sexualised chatbots.
- The industry codes complement the introduction of a social media minimum age by addressing harmful content on a broader range of services.
- Privacy protections have been built into all aspects of Australia's online safety policy. There are provisions in the new industry codes that services must consider whether age assurance measures comply with Australia's privacy laws.

Contact: Anthea Fell**Cleared by:** Mitchell Cole, A/g First Assistant Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 23/01/2026

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Lead/Support contact: Sarah Vandebroek / Anthea Fell

SB25-000479

Key Issues

- The industry codes have been developed in 2 phases: the first focused on the most seriously harmful content (Phase 1), and the second focused on restricted or otherwise age-inappropriate content (Phase 2).
- The Phase 1 codes have been in place since December 2024.
- On 27 December 2025, 3 of the 9 Phase 2 codes came into effect, including a code relating to search engine services, as well as codes covering enterprise hosting services and internet carriage services such as telcos. These were registered by the eSafety Commissioner on 30 June 2025.
- On 9 September 2025, the remaining 6 codes were registered (the Relevant Electronic Services Code, the Designated Internet Services Code, the Social Media Services (Core features) Code, and Social Media Services (Messaging features) Code, the Equipment Services Code and the App Distribution Services Code). These codes will come into effect in March 2026.
- This means that codes now regulate all parts of the online world: from getting online (using infrastructure and internet service providers), through to accessing material (through search engines, app stores, and websites) and the types of content these products and services host (including restricted content like pornography and generative AI material).
- The codes will uplift the overall safety standards of online services, including gatekeeper services such as search engines, to prevent children accessing harmful content across a range of services.
- Age assurance will be used in parts of these codes to limit children's access to age-inappropriate material online, such as online pornography, violent content and themes of suicide, self-harm and disordered eating.
- If industry does not comply with these codes (or standards mandated by eSafety), they can face financial penalties of up to \$49.5 million.

What does this mean for using the internet?

- The Phase 2 industry codes require certain industry sections to use age assurance to limit children's access to age-inappropriate material.
 - For example, the search engine services code requires providers of search engines to implement age assurance measures for all account holders, where technically feasible and reasonably practicable.
 - If you enter a search relating to suicide or self-harm, any material promoting this will be downranked, and health information and support services will be promoted.
 - Age assurance only applies to logged-in account holders; logged out account holders, or people using the service without an account will not be age assured.

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- Search engines will continue to be available and offer functionality to everyone, even in a logged-out state.
- In addition, search engines must use default tools and/or settings to reduce the risk of Australian children accessing online pornography and high impact violence material in searches where the platform does not provide appropriate age assurance.

Link to social media minimum age legislation

- The industry codes and any standards produced under the Act operate alongside the social media minimum age.
 - The social media minimum age legislation focuses on harms which are unique or primarily arise on social media platforms, including algorithmic harms, cyberbullying and mental health impacts.
 - The Phase 2 codes are designed to address a range of harm across all parts of the online industry.
 - The results of the age assurance trial help inform what reasonable and appropriate steps can be taken by industry to meet age assurance requirements in the codes.

Privacy

- Under the industry codes, services need to comply with Australia's privacy laws.
- The Head Terms of the codes specify that services must consider whether age assurance measures have been designed to comply with privacy laws and whether their impact on user privacy is proportionate.
- The government's independent Age Assurance Technology Trial also found age assurance technology can be both effective and safeguard privacy.
- The Office of the Australian Information Commissioner is the Australian privacy regulator. It can act whenever it considers an organisation is in breach of Australian privacy law.

Process for developing the codes

- The process for developing the codes is set out in the Act.
- The codes development process was subject to Parliamentary scrutiny in 2021 through the House of Representatives and Senate's consideration of the Act. There have been no changes to the code development process since 2021.
- The eSafety Commissioner's registration of the Phase 2 industry code followed a consultation process from 22 October – 22 November 2024.
- The Act required industry to both conduct public consultation on draft codes (for at least 30 days) and give consideration to public submissions received during that period.

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- The industry associations responsible for the codes conducted public consultation that reflected the requirements outlined in eSafety's guidance to industry.
 - This included proactively emailing over 200 stakeholders with draft codes, encouraging them to lodge a submission, as well as promoting both consultation periods to the general public via the media.
 - There was also a virtual roundtable with expert stakeholders on key issues relating to the draft codes.
 - 25 submissions from organisations and members of the public were received in the second round of consultation. Submissions where the submitter has granted permission to publish are publicly available online.

Co-regulatory approach

- The codes are drafted by industry – not by government – and are registered by the eSafety Commissioner only when she considers they provide appropriate community safeguards.
- If the Commissioner was not satisfied with a draft code, she could instead impose an enforceable industry standard.
- Unlike codes, the Commissioner's standards are legislative instruments and subject to ordinary parliamentary disallowance processes.
- Co-regulation, where government works with industry to develop regulation, is an established part of the Australian regulatory system.
 - It enables industry associations to leverage their expertise, experience and technical knowledge to develop robust regulatory frameworks.
 - Any codes or standards registered will bind industry participants regardless of their participation in the development process.

Background

- Under the Act, illegal and restricted online content is called Class 1 and Class 2 material, and is defined by reference to the National Classification Scheme.
- The codes and standards outline the steps that industry must take to prevent access or exposure to, or distribution of, Class 1 and Class 2 material.
- The industry codes framework covers 8 sections of the online industry: social media services, relevant electronic services (RES), designated internet services (DIS), search engine services, hosting services, app distribution services, equipment services, and internet carriage services.

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Phase 1 codes

- The first phase of codes and standards are now in operation and cover the most seriously harmful online content, such as child sexual exploitation material, pro-terror material and extreme crime and violence material (Class 1A and Class 1B material).
- The eSafety Commissioner registered 6 'Phase 1' industry codes, and made 2 'Phase 1' industry standards (relating to DIS and RES).
 - Information about when the codes and standards came into force is at **Attachment A**.
- eSafety has taken enforcement action under these codes and standards, including issuing a formal warning to 'chat roulette' provider OmeTV for its alleged failure to meet child safety requirements.
- The Phase 1 codes will be subject to an industry-led review after they have been in operation for 2 years.
 - The social media services, app distribution services, hosting services, internet carriage services and equipment services will have been in operation for 2 years by December 2025.
 - The search engine services code will have been in operation for 2 years by March 2026.

Phase 2 codes

- The second phase of codes focuses primarily on limiting children's access to age-inappropriate content, such as online pornography (Class 1C and Class 2 material).
 - Other harmful material covered by the phase 2 codes include violent content and themes of suicide, self-harm and disordered eating.
- The Phase 2 search engine services code, hosting services code and internet carriage services code commenced on 27 December 2025.
 - The age assurance requirements for the search engine services code commence on 27 June 2026.
- The 6 remaining Phase 2 industry codes were registered on 9 September 2025 and will commence in March 2026. The age assurance requirements for the app distribution code will commence in September 2026.
 - Information about when the codes come into force is at **Attachment A**.
- The Phase 2 codes will be subject to an industry-led review after they have been in operation for 2 years.

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SB25-000479

2025 Senate Inquiry

- On 27 August 2025, the Senate referred the following matters to the Environment and Communications References Committee for inquiry and report by 31 October 2025:
 - The implementation of regulations aimed at protecting children and young people online, with particular reference to the internet search engine services online safety code and the under 16 social media ban, including:
 - a) privacy and data protection implications of age verification
 - b) the expansion of corporate data collection and user profiling capabilities enabled by code compliance requirements
 - c) the technical implementation and efficacy of age verification and content filtering mechanisms
 - d) alternative technical approaches to online safety for all users, including young people
 - e) appropriate oversight mechanisms for online safety codes,
 - f) global experience and best practice, and
 - g) any other related matters.
- The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts provided a submission.
- A Government Response to the Senate Inquiry is to be tabled by 26 February 2026.

Supporting Information*Relevant Media Reporting*

'Search engines will soon start filtering adult content under new eSafety rules', Lisa M Given, The Conversation, 23 December 2025, <https://theconversation.com/search-engines-will-soon-start-filtering-adult-content-under-new-esafety-rules-271724>

Attachments

- A: Entry into force of the Phase 1 and Phase 2 codes and standards.

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Attachment A

Entry into force of the Phase 1 and Phase 2 codes and standards

Code	Relevant Dates	Notes
Phase 1 Codes and Standards		
Social Media Services Code	16 December 2023 – came into effect	Prevent access and exposure to the highest-harm online material, such as child sexual abuse material and pro-terror content.
Internet Carriage Services Code		
App Distribution Services Code		
Hosting Services Code		
Equipment Services Code		
Search Engine Services Code	12 March 2024 – came into effect	
Designated Internet Services (DIS) Standard	22 December 2024 – came into effect	Drafted by the eSafety Commissioner after judging that the draft codes for these services were not acceptable. The DIS Standard also covers ‘nudify apps’ that use generative AI to create pornography or ‘nudify’ images without effective controls to prevent the generation of material such as child exploitation and abuse content.
Relevant Electronic Services Standard	22 December 2024 – came into effect	
Phase 2 Codes		
Search Engine Services Code	27 December 2025 – all provisions (except age assurance provisions) come into effect	Protect children from exposure to pornography, violent content, and themes of suicide, self-harm and disordered eating.
	27 June 2026 – age assurance provisions come into effect	
Enterprise Hosting Services Code	27 December 2025 – comes into effect	
Internet Carriage Services Code	27 December 2025 – comes into effect	
Relevant Electronic Services Code	9 March 2026 – comes into effect 9 September 2026 – age assurance provisions come	The 6 remaining Phase 2 industry codes were registered on 9 September 2025.
DIS Code		
Social Media Services (Core features) Code, and Social Media Services (Messaging features) Code		

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Code	Relevant Dates	Notes
Equipment Services Code	into effect for the APP distribution code	
App Distribution Services Code (APP)		

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

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Environment and Communications

Lead/Support contact: Lisa La Rance / Shanyn Sparreboom

SB25-000481

SUBJECT: Final NBN Upgrades (New Funding Commitment)**Key Deliverables**

- The Australian Government is providing up to \$3 billion in equity funding to NBN Co to upgrade over 600,000 premises in the Fibre to the Node (FTTN) footprint by the end of 2030. Once complete, this will enable over 94% of NBN fixed line premises to access services delivering multi-gigabit speeds up to 2 gigabits per second.

Talking Points

- On 13 January 2025, the government announced funding to upgrade the remaining FTTN premises in the NBN's fixed line network by 2030. NBN Co is contributing \$800 million to deliver these upgrades.
- 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 interest debt costs.
- The equity appropriation profile as at the 2025-26 Budget is set out in Budget Paper 1 (Statement 3: Table 3.4). The Department of Finance can provide information on the budget accounting treatment of the equity investment.
- On 7 March 2025, the government and NBN Co finalised a revised Equity Funding Agreement, and quarterly payments for the final upgrades commenced in April 2025. The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts administers the equity payments in consultation with the Department of Finance as joint shareholder departments.
- These final premises are the most complex to upgrade so partial funding for this measure has been retained in the Contingency Reserve pending finalisation of NBN Co's detailed design work.
- Since finalisation of the Equity Funding Agreement, NBN Co has started the detailed design work for each premises. This will determine how each premises are to be upgraded, the overall project cost and therefore how much of the \$3 billion in equity is required.
- There will be no impact on NBN Co's wholesale prices, which are subject to Consumer Price Index (CPI) linked price controls under an arrangement known as the Special Access Undertaking (SAU).

Contact: Shanyn Sparreboom **Cleared by:** Nicolle Power, A/g First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 12/01/2026

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Key IssuesUpgrade Progress

- This measure builds on the commitment from the October 2022 Budget of \$2.4 billion in equity to upgrade 1.5 million premises to full fibre access which was successfully completed by NBN Co in December 2025.
- NBN Co commenced the final upgrades in 2025 with essential survey and design work as well as some construction. As at 31 December 2025, work has commenced on upgrades for more than 442,000 premises nationwide, with construction for around 85,000 of these premises underway.
- 16,000 premises have been completed and are able to place an order for an upgrade.

Funding details

- As at 31 December 2025, NBN Co has received around \$2.7 billion in equity for both upgrade commitments:
 - \$2.4 billion funding for full fibre access for an additional 1.5m premises committed in the October 2022 Budget (over 4 financial years, 2022-23 to 2025-26).
 - \$307 million funding for the final upgrade program (\$124.7 million in 2024-25 and \$182.3 million in 2025-26).
- \$1.4 billion of the committed funding for the final upgrades has already been appropriated to the department through Appropriation Bill No. 4 of 2025. The remaining \$1.6 billion is in the Contingency Reserve.
- Funding from the Contingency Reserve will be appropriated to the department once the final upgrade cost has been settled. This is planned to occur in the context of the 2026-27 Budget, with final cost adjustments to be made in the 2027-28 Budget context.
- Provision of the funding held in the Contingency Reserve will depend on NBN Co balancing cost efficiencies, for example through using alternative technologies, and maximising the use of fibre-based technology.

Design of complex premises

- Within this final upgrade footprint, there is a portion of premises which will be very complex and expensive to upgrade to full fibre, due to reasons such as heritage listings, longer build distances and third-party infrastructure like aerial utilities.
- These premises require detailed design work to understand the best way to connect them. Some of them will still receive full fibre, however, the more cost prohibitive premises could receive an alternate technology, such as fixed wireless or, if applicable, connection via Low Earth Orbit Satellite (LEOSat).

Contact: Shanyn Sparreboom **Cleared by:** Nicolle Power, A/g First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 12/01/2026

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- This detailed design work to determine project costs will largely be completed during 2025, with final adjustments throughout 2026.
- Questions seeking more detailed information on how NBN Co will determine which technology to deploy to these more complex premises should be directed to NBN Co.

Pricing impacts

- NBN Co's wholesale prices are subject to CPI linked price controls under an arrangement with the ACCC known as the Special Access Undertaking (SAU).
- The CPI linked price controls are forecast to apply until the early 2030s, and this will not be affected by the announced upgrades.
- 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 Co financial position

- The investment will assist NBN Co to reduce its operating costs over time, by replacing the aging copper network with more resilient fibre. The copper network is increasingly degrading and becoming expensive to maintain.
- NBN Co will continue to access global and domestic debt markets to fund Corporate Plan commitments, including these upgrades.
- Detailed questions on NBN Co's financial position should be directed to NBN Co.

BackgroundTimeline

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 FTTP.
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 final 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.
14 February 2025	Appropriation Bill 4 passed. Initial \$1.4 billion equity funding included in the department's forward estimates.
7 March 2025	Revised Equity Funding Agreement executed.
December 2025	1.5 million upgrades completed from 2022 commitment.

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December 2030	Upgrades complete from 2025 commitment. Over 94% of NBN fixed line premises will be able to access services enabling multi-gigabit speeds.

Nature of the upgrades

- The final upgrades are undertaken in the same way as previous upgrades, where NBN Co builds a street level fibre network connecting the existing fibre infrastructure (from the node). This enables a fibre lead-in to the premises to be constructed, finalising the connection to FTTN, when the household orders a high-speed connection (100 Mbps or higher plan).
- NBN Co will fund the lead in costs on top of their \$800 million contribution.

Locations for upgrades, including the ACT

- NBN Co will continue with planning work for the upgrades across all states and territories and will complete the remaining premises by 2030. Specific locations within the final upgrade footprint are being progressively announced by NBN Co.
- NBN Co advise that around 97,000 premises in the final upgrades will be in the ACT. They have commenced both detailed survey work and stakeholder engagement work for ACT premises.
- The ACT is amongst the most complex and expensive to upgrade due to challenges like replacing the existing overhead telecommunications infrastructure with in-ground fibre in hard-to-dig rock.
- NBN Co is the current default Statutory Infrastructure Provider for the ACT which has a higher share of premises connected to the aging FTTN network, resulting in a lower fixed line gigabit capability in the ACT compared with other States and Territories (currently only 47% gigabit capable).
- NBN Co is progressing the upgrades across the country, including the ACT, in order to modernise and replace its existing aging copper FTTN infrastructure to improve service quality and choice.
- While there are some areas of overlap between private networks, including in the ACT, the upgrades are focussed on improving existing infrastructure to deliver long-term benefits in speed, reliability, and network capacity for households and businesses.
- Specific questions about the planning work, including the ACT portion of the build, should be directed to NBN Co.

Fibre to the Building footprint

- The Fibre to the Building (FTTB) component of the fixed line network are generally apartment buildings in cities and towns with in-building copper connections which are more protected from environmental factors.

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SB25-000481

- As a result, the urgency associated with the FTTN copper replacement is not a factor in deciding when to upgrade these premises to full fibre.
- NBN Co plans to progressively upgrade these premises on a commercial basis, FTTB premises are not included in the equity-funded upgrade footprints.

Impact of the upgrades on NBN Co's valuation

- The fair value estimate of the investment in NBN Co published in the department's financial statements uses a discounted cash flow method. This is a forward-looking assessment of future cash flows, discounted to a net present value based on the discount rate of a hypothetical market owner.
- There is no direct relationship between additional equity being provided, or additional capital expenditure being undertaken, and the valuation determined by the department.

Financial Information as at 31 December 2025

Appropriated funding for upgrades (excluding \$1.6 billion held in Contingency Reserve).

	22-23	23-24	24-25	25-26	26-27	27-28	TOTAL
	\$m	\$m	\$m	\$m	\$m	\$m	\$m
622k Upgrades	-	-	246.1	953.2	186.0	0	1,385.3
1.5m Upgrades	304.7	771.3	949.8	374.2	-	-	2,400.0
Total appropriated \$m	304.7	771.3	1,185.9	1,337.4	186.0	0	3,785.3

Equity paid to NBN Co for Upgrades in each financial year (\$m).

	22-23 \$m	23-24 \$m	24-25 \$m	25-26 \$m	Total \$m
622k Upgrades	-	-	124.7	182.3	307.0
1.5m Upgrades	304.7	771.3	1,061.2	262.8	2,400.0
Total equity paid \$m	304.7	771.3	1,185.9	445.1	2,707.0

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OFFICIAL**2025-2026 Additional Estimates****Environment and Communications****Lead/Support contact: Lisa La Rance / Shanyn Sparreboom****SB25-000482****SUBJECT: NBN Pricing and SAU****Key Deliverables**

- NBN Co's Special Access Undertaking (SAU) with the Australian Competition and Consumer Commission (ACCC) regulates the company's wholesale prices, service standards and expenditure.
- In October 2023, the ACCC accepted a revised SAU variation proposal submitted by NBN Co having regard to the long-term interests of end users.

Talking Points

- 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.
- When implemented in 2023-24, the varied SAU's average impact on retailers' wholesale costs was flat. Subsequently, the varied SAU has limited annual price increases on NBN Co's overall suite of wholesale products to inflation.
- On 14 September 2025 NBN Co implemented an initiative known as 'Accelerate Great' to uplift the speeds of high-speed plans with no associated increase in wholesale prices. Retailers have responded positively to this initiative with a range of new offers and NBN Co has reported a significant increase in the number of orders for higher speed plans.

Key IssuesTimeline

27 July 2022	Media release from the then Minister for Communications, the Hon Michelle Rowland MP, supporting NBN Co withdrawing the SAU variation proposal it submitted in March 2022 and submitting a revised proposal capable of ACCC acceptance.
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	ACCC accepted NBN Co's proposed variation to its SAU having regard to the long-term interests of end users.
1 December 2023	Varied wholesale pricing and service standards implemented through NBN Co's Wholesale Broadband Agreement (WBA5). The average impact on wholesale costs for retailers was flat.

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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 July 2025	NBN Co increased wholesale charges for 2025-26 on its overall suite of core services in line with CPI linked price controls (around 2.4%).
2 July 2025	NBN Co submitted its Replacement Module Application (RMA) to the ACCC. The RMA sets 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.
22 August 2025	ACCC released its consultation paper on NBN Co's RMA. This paper noted that the Hon Anika Wells MP, the Minister for Communications and Minister for Sport, was considering issuing a Government Policy Project Notice in relation to NBN Co's upgrade of the remaining premises on its Fibre to the Node (FTTN) network to give them access to mostly Fibre to the Premises (FTTP) technology.
14 September 2025	NBN Co implemented its 'Accelerate Great' initiative increasing the speeds of its 100/20 megabits per second (Mbps) service to 500/50 Mbps, 250/25 Mbps service to 750/50 Mbps, and 1000/50 Mbps service to 1000/100 Mbps. NBN Co is providing these speed uplifts at no increase in its wholesale prices to retailers. These services are available on NBN Co's FTTP and hybrid fibre coaxial (HFC) networks. The company is also offering new 2 gigabit per second services on its FTTP and HFC networks.
12 November 2025	The Hon Anika Wells MP, the Minister for Communications and Minister for Sport, issued a Government Policy Project Notice in relation to NBN Co's upgrade of the remaining premises on its FTTN network to give them access to mostly FTTP technology.
18 November 2025	ACCC released its second consultation paper on NBN Co's RMA. This paper primarily focused on benchmark service standards.
31 March 2026	Expected due date for ACCC draft determination on the RMA.
2 June 2026	Expected due date for ACCC final determination on the RMA unless extended.
1 July 2026	Next SAU regulatory period commences.
30 November 2026	Expected WBA5 expiry.
30 June 2040	SAU expires.

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OFFICIAL**2025-2026 Additional Estimates****Environment and Communications****Lead/Support contact: Lisa La Rance / Shanyn Sparreboom****SB25-000482**SAU impact on prices

- The below table shows the average combined wholesale charge to retailers for each of the 6 main NBN products designed for residential consumers in the periods prior to the varied SAU being implemented, under the varied SAU arrangements implemented in 2023-24, and following subsequent annual price changes.
- Wholesale price changes were implemented on 1 July 2025, in line with price controls in the varied SAU which limit annual increases on NBN Co's overall suite of core services to the preceding December quarter's CPI figure (2.4% in the December 2024 quarter).
- The price controls allow some flexibility on individual services. The average combined wholesale charge increases for the 12/1 Mbps, 50/20 Mbps and 250/25 Mbps services were more than CPI, but 25/5 Mbps, 100/20 Mbps and 1000/50 Mbps were less than the December 2024 quarterly CPI figure.

Service	Pre-SAU Variation (October 2023)	Accepted SAU (2023-24)		Accepted SAU (2024-25)		Accepted SAU (2025-26)	
		Charge	Change to pre SAU variation	Charge	Change to pre SAU variation	Charge	Change to pre SAU variation
12/1	\$32.40	\$30.76	-5.10%	\$32.57	0.52%	\$33.47	3.30%
25/5	\$39.70	\$32.36	-18.50%	\$33.96	-14.46%	\$34.64	-12.75%
50/20	\$50.10	\$51.16	2.20%	\$53.59	6.97%	\$55.19	10.16%
100/20 or 500/50 uplifted from 14 September 2025	\$55.90	\$55.00	-1.60%	\$57.22	2.40%	\$58.53	4.70%
250/25 or 750/50 uplifted	\$64.10	\$60.00	-6.40%	\$62.22	-2.90%	\$63.93	-0.27%
1000/50 or 1000/100 uplifted	\$83.10	\$70.00	-15.80%	\$72.22	-13.10%	\$73.93	-11.03%

December 2023 Quarter CPI – 4.1% (reference point for 2024-25 price increases)

December 2024 Quarter CPI – 2.4% (reference point for 2025-26 price increases)

- 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.
- Under 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 have been progressively reduced and will be phased out by 1 July 2026.

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- 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 then have allowed for CPI linked annual price increases, or CPI plus 3% on some products.

Retail price changes

- Following the ACCC's decision to accept the varied SAU in October 2023, several retailers announced price changes.
- On 2 November 2023, the ACCC published a media release noting it will be monitoring retailers to ensure they are upfront with consumers about retail price changes and 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. A similar trend was also observed in July 2025.
- On 17 December 2025, the ACCC published its 2024-25 Communications Market Report setting out 2024-25 NBN retail pricing trends. The ACCC indicated that the upgrades have had a positive impact on speed and reliability. While there was a slight increase in the average retail price of some plans (12, 25, 50 and 100 Mbps) in 2024-25, the average retail price of 12, 25, 100 and 250 Mbps services have decreased when compared to the pre-SAU period.

Replacement Module Application process

- The RMA sets out NBN Co's expenditure, benchmark service standards and entry level offer proposals for the next SAU regulatory cycle (commencing on 1 July 2026).
- NBN Co submitted its RMA on 2 July 2025 following consultation with industry, consumer groups and a targeted consumer panel. The ACCC is assessing the RMA and is expected to make a draft Replacement Module Determination (RMD) by 31 March 2026, and publish a final RMD by 2 June 2026, unless extended.
- On the 12 November 2025, the minister issued a Government Policy Project Notice in relation to NBN Co's upgrade of the remaining premises on its FTTN network to give them access to mostly FTTP technology.

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- 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 SAU process (including RMA consultations). This funding is cost recovered from NBN Co.

Regional Broadband Scheme (RBS)

- On 26 November 2025, the minister made a determination to reduce amount of RBS charge from 2025-26 (refer SB25-000490). This decision was made in-line with the ACCC's advice on the RBS. The ACCC considered the in-force SAU in providing advice.
- The regulator's RBS advice confirms a change in the RBS charge would not affect NBN Co's wholesale pricing. NBN Co's wholesale prices will continue to be regulated by the SAU. This advice also confirmed NBN Co would still have the opportunity to recover its historical losses through the SAU's Initial Cost Recovery Account mechanism.

Supporting Information*Questions on Notice (QoNs) (see **Attachment A**)*

- SQ24-000018: Details of rejected special access undertaking for NBN Co
- SQ24-000020: NBN plan pricing
- SQ24-000131: NBN – Wholesale prices on residential NBN plans in March 2022

*Relevant Media Reporting (see **Attachment B**)*

- "NBN Co curbed on FTTN overbuild cost claim to stop bill shock", Ry Crozier, ITNews, 3 December 2025 – <https://www.itnews.com.au/news/nbn-co-curbed-on-fttn-overbuild-cost-claim-to-stop-bill-shock-622290>.
- "What this weekend's free NBN upgrade means for you", John Davidson, Australian Financial Review, 12 September 2025 – <https://www.afr.com/technology/3-crucial-details-in-the-free-nbn-speed-upgrades-this-weekend-20250911-p5mu9t>.
- "NBN speed upgrade: How to get 5x faster internet in Australia," Chris Burton GadgetGuy.com.au, 12 September 2025 – <https://www.gadgetguy.com.au/nbn-faster-internet-speed-upgrade-september-2025-details/>.
- "'Paradigm shift': Over 2 million homes to get internet speed boost starting this weekend," SBS News, 13 September 2025 – <https://www.sbs.com.au/news/article/paradigm-shift-over-2-million-households-to-get-internet-speed-boost-this-weekend/yun6p6kua>.

Attachments

- A: Questions on Notice (QoNs)
- B: Summary of relevant Media Releases

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Attachment B: Questions on Notice (QoNs)

- SQ24-000018: Details of rejected special access undertaking for NBN Co
- SQ24-000020: NBN plan pricing
- SQ24-000131: NBN – Wholesale prices on residential NBN plans in March 2022

Environment and Communications

QUESTION ON NOTICE

Additional Estimates 2023 - 2024

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 11

Departmental Question Number: SQ24-000018

Division/Agency Name: DIV - Communications Infrastructure

Hansard Reference: Spoken, Page No. 27 (20 February 2024)

Topic: Details of rejected special access undertaking for NBN Co

Senator Karen Grogan asked:

CHAIR: So the special access undertaking was adjusted. It was originally made in 2022. Is that correct?

Mr Windeyer: There was a first version, which was then rejected by the ACCC, and then a revised one that was accepted or a variation, technically speaking, which was then accepted by the ACCC; that's right.

CHAIR: Why was it rejected?

Mr Windeyer: Look, I can't remember all the details of the ACCC's rejection or the challenges with it. It was certainly quite different in a number of ways from the one that has been accepted, including with respect to pricing. The pricing proposals in that previous SAU, from memory, allowed scope for prices to go up by at least inflation. I think it was inflation plus two or three per cent, from memory.

CHAIR: Given inflation at the moment, that would have been quite a significant impact on households?

Mr Windeyer: That's right, Senator. I would probably need to take on notice the details of that first one. It was rejected. It was of that order.

Answer:

NBN Co submitted a proposal to vary its Special Access Undertaking (SAU) on 29 March 2022.

On 23 May 2022, the Australian Competition and Consumer Commission (ACCC) published a consultation paper on the March 2022 proposal inviting submissions.

The consultation paper identified a number of specific issues with the March 2022 proposal, including:

- Elements of pricing arrangements in the March 2022 proposal and their impact on retailer costs.
- The March 2022 proposal appearing to propose no link between prices and underlying costs.

- The March 2022 proposal not specifying a baseline set of service standards or performance benchmarks that NBN Co would meet or better over the SAU period, nor containing any commitment to include them in future regulatory periods.

On 27 July 2022, NBN Co wrote to the ACCC to withdraw the March 2022 SAU variation proposal.

On 28 July 2022, the ACCC publicly released submissions to the consultation paper. These submissions raised a series of concerns with the March 2022 proposal, with a number of submissions recommending that the ACCC reject the proposal.

The ACCC consultation paper and associated submissions are available at:

<https://www.accc.gov.au/by-industry/telecommunications-and-internet/national-broadband-network-nbn-access-regulation/nbn-co-sau-variation-march-2022/consultation-paper>.

A revised proposal from NBN Co to vary the SAU was accepted by the ACCC on 17 October 2023.

The table below shows analysis that has been generated by NBN Co for the six main NBN services comparing the main elements of the pricing arrangements and the average overall wholesale cost, referred to as the average combined charge, for:

- The March 2022 proposal.
- The Wholesale Broadband Agreement (WBA4) arrangements applying prior to the varied SAU being given effect through WBA5.
- Pricing arrangements in the accepted SAU variation implemented through WBA5.

Service (megabits per second (Mbps))	Bundled Discounts (WBA4 Arrangements)		March 2022 SAU proposal		Accepted SAU		Average Combined Charge		
	AVC Charge	Connectivity Virtual Circuit (CVC) Inclusions (Mbps)	AVC Charge	Inclusions (Mbps)	AVC Charge	Inclusions (Mbps)	Bundled Discounts (WBA4 Arrangements)	March 2022 SAU proposal	Accepted SAU
12/1	\$22.5	0.15	\$26.0	0.00	\$24.4	0.00	\$32.4	\$35.1	\$31.2
25 / 5-10	\$37.0	1.60	\$26.0	0.1	\$26.0	0.22	\$39.7	\$38.0	\$32.1
50/20	\$45.0	2.65	\$50.0	2.45	\$50.0	3.55	\$50.1	\$52.1	\$51.1
100/20 HomeFast	\$58.0	4.50	\$60.0	-	\$55.0	-	\$55.9	\$60.0	\$55.0
250/25 Home SuperFast	\$68.0	5.75	\$70.0	-	\$60.0	-	\$64.1	\$70.0	\$60.0
1000/50 HomeUltraFast	\$80.0	7.00	\$80.0	-	\$70.0	-	\$83.1	\$80.0	\$70.0

Overage rate	\$8.0	\$8.0	\$5.5

The March 2022 proposal also provided for a new 12/1 Mbps service designed for voice and basic broadband needs, which was also included in the new arrangements implemented

following the acceptance of the varied SAU. This has not been included in the comparison table as this service was not available under the arrangements applying through WBA4.

The applicable price controls in the March 2022 proposal on the annual movement in individual product prices would have varied between products or product groups and comprise:

- flat monthly charge offers (including 100/20 Mbps, 250/25 Mbps and 1000/50 Mbps services): CPI (consumer price index) plus 3 per cent per financial year for the first regulatory period, and the greater of CPI or 3 per cent in subsequent regulatory periods
- bundled product offers (including 50/20 Mbps and 25/5 Mbps services): CPI for the bundle product prices over the SAU term
- CVC overage charge of \$8 per Mbps: no ability for NBN Co to make nominal or real increases over the SAU term
- all other offers (e.g. Network to Network Interface (NNI) offers): CPI less 1.5 per cent per financial year over the SAU term that applies at present.

Environment and Communications

QUESTION ON NOTICE

Additional Estimates 2023 - 2024

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Question Number: 12

Departmental Question Number: SQ24-000020

Division/Agency Name: DIV - Communications Infrastructure

Hansard Reference: Spoken, Page No. 28-29 (20 February 2024)

Topic: NBN plan pricing

Senator Sarah Henderson asked:

Senator HENDERSON: Mr Windeyer, we'll come back to the issue of NBN pricing. We care about what Australians are paying. I am very surprised that you say you have very limited knowledge about the retail plans. I will ask you to provide to the committee on notice any relevant correspondence, briefs, emails or advices in relation to the retail pricing of NBN plans.

Mr Windeyer: I'm happy to do that.

Senator HENDERSON: I think the department would or should be cognisant and even providing the minister with advice on what has happened to retail prices.

Mr Windeyer: I'm happy to take that on notice, Senator.

Senator HENDERSON: I really do challenge the way you've characterised this. Secondly, I put to you—it has been put to me directly by one of the providers—that this change in pricing absolutely gave the green light for the telcos to step in and hike up their prices. If you don't think there's any causal link, I don't think, Mr Windeyer, you've been doing your homework.

Mr Betts: The causal link is that there has been a reduction in wholesale prices and an increase in retail prices?

Senator HENDERSON: That's right, Mr Betts.

Mr Windeyer: Senator, I'm happy to take it on notice.

[...]

Senator HENDERSON: [...] Mr Windeyer, as I say, I am very surprised that you don't see any causal link. That is completely contrary to the advice that we've received. We will raise this again. Telstra, Optus, Foxtel and Aussie Broadband all announced price increases to come into effect at the end of November on their 25 and 50 megabit per second plans. Literally, these changes came in directly after the new pricing agreement. The fact that you don't see any causal link is concerning. As I say—

Mr Windeyer: We're happy to take it on notice.

Answer:

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts does not undertake market wide analysis of the retail pricing of NBN plans.

The department uses whole of market analysis generated by the Australian Competition and Consumer Commission (ACCC) given the ACCC's role in tracking and reporting on prices and

competition in the telecommunications sector. For example, the ACCC's Communications Market Report provides analysis of changes in the retail prices of NBN plans. The Australian Bureau of Statistics' Consumer Price Index (CPI) report also sets out Communication goods and services prices as an individual group.

In terms of the impact of the new wholesale pricing arrangements introduced following the acceptance of the SAU, NBN Co has stated that, on average, this reduced the wholesale cost to retailers for the 12/1 megabits per second (Mbps), 25/5 Mbps, 100/20 Mbps, 250/25 Mbps and 1000/50 Mbps plans. It also stated that, on average, the wholesale cost of the 50/20 Mbps plan increased by less than the Consumer Price Index (CPI) (which was 4.1 per cent for the 12 months to December 2023 quarter). However, it is important to note that NBN Co's wholesale price changes will affect individual Retail Service Providers (RSPs) differently. Also, there are a range of factors that affect the pricing decisions of RSPs.

The department is aware that the prices of some retail plans changed around the time of, or following, the ACCC's decision to accept NBN Co's proposal to vary its Special Access Undertaking (SAU) on 17 October 2023. However, this was not universal and the approach of individual RSPs has varied.

Following its decision to accept the varied SAU, the ACCC issued a press release on 2 November 2023 titled "NBN retailers on notice as Australians urged to shop around for deals" regarding its expectations as to representations by RSPs about the drivers of retail price changes (this media release is **Attachment A**). Commissioner Anna Brakey stated:

"This week we wrote to all NBN retailers making clear our expectation that they are upfront and honest with consumers about what the price changes will be and why these changes are happening"

There are large number of RSPs offering NBN plans at different price points. The department's advice to consumers, consistent with that of the ACCC, is to consider offers from a range of suppliers to seek the NBN offer that gives them the best value.

Attachment

Attachment A: ACCC Media Release of 2 November 2023: "Australians retailers on notice as Australians urged to shop around for deals"



NBN retailers on notice as Australians urged to shop around for deals

Date

2 November 2023

Topics

[Buying and selling products and services](#)

[Pricing](#)

[Regulated infrastructure](#)

[Telecommunications and internet](#)

The ACCC is urging Australian households to shop around for their NBN broadband plans and check for any offers that represent better value for them, following NBN Co notifying retailers of changes to the wholesale prices that it will charge them from next month.

At the same time, the ACCC has put NBN retailers on notice that it will be monitoring 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.

The ACCC recently accepted proposed changes to NBN Co's regulatory commitments after a detailed consultation and negotiation process.

As a result of these changes, the maximum wholesale prices for some NBN speed tiers will initially reduce, including prices for the most affordable services, while some others will increase. For instance, the wholesale prices for the 100 Mbps and 25 Mbps speed tiers will initially decrease, while the wholesale price for the 50 Mbps speed tier will increase.

However, the actual retail prices paid by households are still set by retail service providers who compete for business, meaning there are a variety of deals available for consumers.

"It has never been more important for consumers to compare prices between retailers to make sure they are getting a deal that represents good value for them. There are significant price differences between retailers so it is worth seeing what other deals are available," ACCC Commissioner Anna Brakey said.

"Consumers can use our Measuring Broadband Australia reports to check how well retailers are meeting their speed claims and to see what different speed plans can deliver in terms of commonly used applications like gaming experience and simultaneous streaming."

"Given cost of living pressures impacting many householders, we expect retailers to assist customers to select NBN plans that best suit their needs so that they avoid paying more than necessary," Ms Brakey said.

As the wholesale price changes come into effect the ACCC has also reminded NBN retailers of their obligations under Australia's consumer and competition laws.

"This week we wrote to all NBN retailers making clear our expectation that they are upfront and honest with consumers about what the price changes will be and why these changes are happening," Ms Brakey said.

"NBN retailers should not be pushing households towards more expensive offers with speed inclusions that are higher than they need. If we were to see this, it would raise concerns. We expect NBN retailers to provide clear information to consumers about suitable plans for their circumstances and preferences," Ms Brakey said.

"Less expensive 25 Mbps speed plans allow households to access most online applications, including high-definition streaming applications. Depending on the number of people online at the same time, many households could find that a 25 Mbps plan offers good value for them," Ms Brakey said.

"We are concerned where we see advertising by NBN retailers that suggests households need to be on 50 Mbps or even 100 Mbps plans to stream multiple shows at once, when a less expensive plan may be sufficient. Of course, some households may have a preference for the higher speed tiers, but we want to make sure that customers have clear and accurate information to guide their decisions."

Background

NBN Co's services are taken to be declared under Part XIC of the Competition and Consumer Act (CCA), which enables the ACCC to regulate the terms and conditions of access, such as wholesale price, to apply where the terms of access cannot be agreed.

In August 2023, NBN Co lodged a [revised Special Access Undertaking \(SAU\) variation proposal](#) that the ACCC consulted on. The ACCC [accepted](#) the August 2023 proposal.

While the new wholesale arrangements under the accepted SAU will have important implications for consumer offers, it is up to individual broadband providers to decide any changes to their residential and business plans.

The ACCC monitors the performance of broadband providers in the [Measuring Broadband Australia](#) program. This program provides consumers with accurate and independent information about broadband performance to assist their purchasing decisions. The report includes quarterly updates for the streaming capacity of the various NBN plan speeds.

NBN plan speed	% that can reliably stream HD & UHD videos from Netflix							
25								7+ Concurrent HD video streams
	100.0%	100.0%	100.0%	99.0%	99.0%	97.9%	97.9%	95.8%
50								1-2 Concurrent UHD video streams
	97.9%	83.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
100								7+ Concurrent HD video streams
	100.0%	100.0%	100.0%	99.8%	99.8%	99.6%	99.1%	99.1%
250								3-4 Concurrent UHD video streams
	99.8%	97.9%	88.1%	68.4%	0.0%	0.0%	0.0%	0.0%
Fixed Wireless Plus								7+ Concurrent UHD video streams
	100.0%	100.0%	99.5%	97.6%	95.9%	90.8%	82.0%	54.1%
Fixed Wireless Plus								7+ Concurrent UHD video streams
	100.0%	100.0%	98.9%	98.9%	95.6%	95.6%	95.6%	92.2%
Fixed Wireless Plus								1-2 Concurrent UHD video streams
	96.1%	69.7%	40.8%	17.1%	5.3%	0.0%	0.0%	0.0%

Image: quality of experience streaming high definition (HD) and ultra-high definition (UHD) video during busy hours (7 to 11 pm, Monday to Friday), May 2023, including underperforming and impaired services.

Release number

138/23

General enquiries

[Contact us](#) to report an issue or make an enquiry.

Media enquiries

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Environment and Communications**QUESTION ON NOTICE****Additional Estimates 2023 - 2024****Infrastructure, Transport, Regional Development, Communications and the Arts****Committee Question Number: 57****Departmental Question Number: SQ24-000131****Division/Agency Name: Agency - NBN Co. Ltd****Hansard Reference: Spoken, Page No. 106 (13 February 2024)****Topic: NBN – Wholesale prices on residential NBN plans in March 2022****Senator Fatima Payman asked:**

Senator PAYMAN: With regard to the original SAU submission in March 2022 under the former government, on how many residential NBN plans were wholesale prices going down?

Mr Rue: I don't recall. I'd have to take that on notice, I'm sorry. I have been focused on this arrangement. I'm sorry, but I'll have to take that on notice.

Answer:

In making a comparison between the NBN Co March 2022 Special Access Undertaking (SAU) proposal and the NBN Co SAU proposal of August 2023, it is important to note that the pricing constructs differ (as outlined below).

Based on Access Virtual Circuit (AVC) charges, which is the fixed cost relating to an individual connection to the NBN network, the March 2022 SAU proposal compared to the then in market Wholesale Broadband Agreement (WBA4) pricing, would have resulted in one residential plan (25/5-10 Mbps) with a wholesale price reduction, while the Home UltraFast (1000/50 Mbps) wholesale price would have remained unchanged. All other residential speed tiers – 12/1 Mbps, 50/20 Mbps, Home Fast 100/20 Mbps, and Home SuperFast 250/25 Mbps – would have had wholesale AVC price increases compared to AVC charges under WBA4 bundled discounts.

Based on Average Combined Charges, the March 2022 SAU proposal would have seen effective price increases in four of six residential plans (12/1 Mbps, 50/20 Mbps, 100/20 Mbps and 250/25 Mbps) compared to then in market WBA4 pricing.

Under NBN Co's WBA5 which reflects the accepted SAU, five out of six of the most popular NBN wholesale residential plans dropped in price on 1 December 2023 when compared to the WBA4 average combined charge, and the one plan that went up had higher CVC inclusions.

The table below shows NBN Co's analysis comparing the pricing arrangements proposed in the March 2022 proposal with those that were in place through the WBA4, and those that were in place as part of the Accepted SAU and given effect through WBA5.

Service (megabits per second (Mbps))	Bundled Discounts (WBA4 Arrangements)		March 2022 SAU proposal		Accepted SAU	
	AVC Charge	Connectivity Virtual Circuit (CVC) Inclusions (Mbps)	AVC Charge	Inclusions (Mbps)	AVC Charge	Inclusions (Mbps)
12/1	\$22.5	0.15	\$26.0	0.00	\$24.4	0.00
25 / 5-10	\$37.0	1.60	\$26.0	0.1	\$26.0	0.22
50/20	\$45.0	2.65	\$50.0	2.45	\$50.0	3.55
100/20 HomeFast	\$58.0	4.50	\$60.0	-	\$55.0	-
250/25 Home SuperFast	\$68.0	5.75	\$70.0	-	\$60.0	-
1000/50 HomeUltraFast	\$80.0	7.00	\$80.0	-	\$70.0	-

Average Combined Charge		
Bundled Discounts (WBA4 Arrangements)	March 2022 SAU proposal	Accepted SAU
\$32.4	\$35.1	\$31.2
\$39.7	\$38.0	\$32.1
\$50.1	\$52.1	\$51.1
\$55.9	\$60.0	\$55.0
\$64.1	\$70.0	\$60.0
\$83.1	\$80.0	\$70.0

Overage rate	\$8.0

\$8.0

\$5.5

SB25-000482: NBN Pricing and SAU

Summary of relevant Media Releases

Title	Source	Key points
nbn wholesale price changes from 1 July (1 May 2025)	https://www.nbnco.com.au/corporate-information/media-centre/media-statements/nbn-wholesale-price-changes-from-1-July-2025	Wholesale prices will be adjusted, on average, by just under the annual percentage change in the Consumer Price Index, measured over the 12 months to 31 December 2024. On NBN Co's most popular residential speed tiers across the fixed line network, average wholesale prices are forecast to increase by between \$0 and \$1.71 per month. For services targeted at business customers, NBN Co will introduce discounts on selected plans to encourage small and medium businesses to adopt plans that may better suit their needs compared to a standard residential service. With these discounts, effective prices will remain stable from 1 July 2025 and come down from 1 September 2025.
6 Million Families To Pay Albanese's Double Whammy NBN Price Hikes (2 July 2024)	https://www.davidcoleman.com.au/releases/shadow-minister-for-communications-media-release-6-million-families-to-pay-albaneses-double-whammy-nbn-price-hikes/	NBN Co announced two price hikes in eight months. About 6 million Australian families would be affected. From November 2023 to July 2024, families on 25 and 50 Mbps plans will see an average increase of about 11% on Telstra plans, and up to 14% on Aussie Broadband. Optus customers on these plans will see an increase of up to 11% between August 2023 and July 2024.

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Shanyn Sparreboom

SB25-000483

SUBJECT: NBN Remuneration**Key Deliverables**

- NBN Co was established under the *Corporations Act 2001* and is a Government Business Enterprise (GBE). The Australian Government does not set remuneration or incentives for GBE employees, including NBN Co executives.

Talking Points*Remuneration and Incentives*

- NBN Co's remuneration and payment of incentives are the responsibility of the NBN Co Board and made publicly available in the NBN Co Annual Report.
- The Remuneration Tribunal determines the salary range for roles of Chief Executive Officers (CEOs) and some 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 then determine a salary for an individual appointed to a role within the salary range determined by the Remuneration Tribunal.
- The Statement of Expectations (SoE) outlines the government's expectations regarding remuneration (see Background). Remuneration is expected to be appropriately governed and consistent with relevant industry benchmarks and government guidance.
- Public companies such as NBN Co play an important role in Australian society and they help keep Australians connected.
- It is critical for the success of these entities that there be good governance. Good governance helps strike the balance between public interest and commercial imperative and provides a framework for sound decision making and oversight.

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 with other GBEs.
- The NBN Co 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.
- Questions about the Remuneration Tribunal process for the NBN Co CEO should be addressed to the Remuneration Tribunal.
- Questions about the contract terms should be addressed to NBN Co.

Contact: Shanyn Sparreboom **Cleared by:** Lisa La Rance, A/g Deputy Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 02/01/2026

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Environment and Communications

Lead/Support contact: Lisa La Rance / Shanyn Sparreboom

SB25-000483

Key Points*NBN Co CEO contract details*

- The details of the contract and remuneration for Ms Ellie Sweeney and her predecessor are set by the NBN Co Board and specific details of such contracts are not provided to Shareholder Departments.
- The CEO's salary (including Short-term incentive (STI) payments (i.e. bonuses) is publicly disclosed each year in NBN Co's Annual Report.

Performance-based Incentives

- In response to the Commonwealth Performance Bonus Guidelines issued in August 2021, the NBN Co Board undertook an internal review of the performance incentive framework for its staff, to ensure it aligned with the guidelines.
- 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.
- For 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 in 2022.
- STI payments now only apply to the most senior staff - Executive Committee Members and Executive General Managers defined as Key Management Personnel (KMP) - based on the achievement of performance targets set by the NBN Co Board.

2025 Annual Report - STI outcomes

- For financial year 2024-25, the Board assessed 6 corporate measures, each comprised of various metrics to meet the Company's plans - the Board was satisfied that NBN Co's performance across the 6 metrics met or exceeded expectations.
- The Board decided on a total STI pool of 70% of the maximum available, which was equivalent to \$4.4 million.
- Any further questions on remuneration targets should be directed to NBN Co.
- The 6 corporate measures include:
 - Financial performance
 - Connected premises and speed tier mix
 - Delivery of government policy on track
 - Customer experience and reputation
 - Sustainability
 - Enterprise strategic outcomes
- Further information regarding how the STI is calculated should be directed to NBN Co.

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Environment and Communications

Lead/Support contact: Lisa La Rance / Shanyyn Sparreboom

SB25-000483

- See **Attachment A** for executive remuneration details, including STI payments, from the 2024-25 Annual Report.

Background*Extract 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 executive remuneration details – 2024-25 Annual Report

Contact: Shanyyn Sparreboom **Cleared by:** Lisa La Rance, A/g Deputy Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 02/01/2026

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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 2025, 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			Total
		Base salary and fees ¹	STI award ²	Super-annuation	Other Post Employment	Long Service Leave ³	Termination Benefits
		\$	\$	\$	\$	\$	\$
Senior Executives deemed to be KMP as at 30 June 2025							
E Sweeney ⁴	2024	-	-	-	-	-	-
	2025	1,492,042	406,623	22,449	-	1,705	1,922,819
D Ljubanovic	2024	543,869	128,166	20,549	-	16,300	708,884
	2025	764,382	158,429	29,932	-	45,031	997,774
W Irving	2024	1,091,625	228,466	27,399	-	23,598	1,371,088
	2025	1,092,026	208,260	29,932	-	49,075	1,379,293
P Knox ⁵	2024	1,036,636	257,829	27,399	-	38,242	1,360,106
	2025	1,220,610	291,381	29,932	-	37,223	1,579,146
J Parkin	2024	809,527	180,188	27,399	-	33,041	1,050,155
	2025	869,673	164,540	29,932	-	31,517	1,095,662
A Perrin	2024	1,013,706	219,038	27,399	-	2,747	1,262,890
	2025	1,040,498	201,135	29,932	-	8,218	1,279,783
Former Executives deemed to be KMP							
S Rue ⁶	2024	2,019,223	644,994	23,229	-	165,224	2,852,670
	2025	-	-	-	-	-	-
K Dyer ⁷	2024	276,182	-	6,850	-	19,837	302,869
	2025	-	-	-	-	-	-
Total	2024	6,790,768	1,658,681	160,224	-	298,989	8,908,662
	2025	6,479,231	1,430,368	172,109	-	172,769	8,254,477

NOTES

- 2025 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 FY25 is to be paid in August 2025.
- 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 on national corporate bonds at the balance date. Long service leave provisioning is adjusted for cessation of employment, including retirement, to reflect the settlement of any entitlements.
- E Sweeney was appointed as the new Chief Executive Officer of the Company and appointed to the Board effective 3 December 2024.
- The remuneration included in the table for Mr Knox is in relation to his role of Interim Chief Executive Officer for the period 1 July 2024 to 2 December 2024 and his role as Chief Financial Officer for the period 3 December 2024 to 30 June 2025.
- 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 ran until 4 November 2024 and he received total remuneration of \$1,396,777 during his notice period, in accordance with the contractual terms and conditions of his employment contract.
- 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.

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

SB25-000490

SUBJECT: Regional Broadband Scheme**Key Deliverables**

- The Regional Broadband Scheme (RBS) was established to provide transparent and sustainable funding for NBN Co's loss-making fixed wireless and satellite broadband services. NBN Co pays around 95% of the total RBS charge amount.

Talking Points

- Under legislation, the Australia Competition and Consumer Commission (ACCC) is required to provide advice to the Minister for Communications every 5 years regarding the appropriate base and administrative cost components of the levy.
- This advice is intended to ensure that charges levied are sufficient to meet the reasonable net losses associated with NBN Co's fixed wireless and satellite networks and the administrative costs of the RBS.
- Based on ACCC advice in May and October 2025, the Hon Anika Wells MP, Minister for Communications, made a determination changing the RBS charge amounts.
- The instrument was tabled on 27 November 2025 and is still subject to disallowance (expected to end in the first half of 2026).
- When the instrument comes into effect, it will set the 2025-2026 RBS base component at \$2.1706 and the administrative cost component at \$0.00665.
- The charge amount recommended is based on NBN Co's expected net losses for these networks during the 5-years period from 2025-26 covering both forecast capital and operational expenditure.
- The ACCC consulted with stakeholders on its methodology and approach to calculating the RBS charges prior to preparing its advice to the minister, while NBN Co provided detailed actual and forecast expenditure information to inform the ACCC's work.
- As the ACCC's May 2025 advice pre-dated NBN Co's partnership with Amazon LEO, the minister sought additional information from the ACCC on this issue.
- In October 2025, the ACCC advised that updating its advice was unlikely to materially change its recommendations.
- The ACCC is better placed to respond to detailed questions about its advice, but gave particular consideration to updated arrangements for overall pricing and cost recovery set out in NBN Co's updated Special Access Undertaking (SAU), which was updated after the RBS commenced.

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Lead/Support contact: Lisa La Rance / Nicolle Power

SB25-000490

Key Issues

- The RBS commenced on 1 January 2021, with the first 'eligible financial year' running from 1 January to 30 June 2021. In 2024-25, the charge was set at \$8.45 for each active line per month.
- Carriers with less than 2,000 chargeable premises are exempt from the levy.
- The RBS included concessions from the charge in the first 5 eligible years of the RBS (2020-21 to 2024-25) to assist smaller carriers. These included an exemption for the first 25,000 residential and small business chargeable premises on each carrier's network, or the first 55,000 'recently connected greenfield premises' on their network. These fell away from 1 July 2025 in line with legislative provisions.
- As charge liabilities are paid in arrears, the change to the RBS charge amounts resulting from the minister's determination and the rolling off of the transitional concessions will only impact payments from the 2026-27 financial year.
- The Australian Communications and Media Authority (ACMA) is responsible for overseeing compliance with the RBS.
- As the NBN comprises around 95% of the fixed-line broadband market, NBN Co currently pays most of the RBS levy.
- Total RBS funding collected for 2023-24 was \$837.4 million. Funding received from providers other than NBN Co and for administrative costs was \$25.5 million.

The role of the ACCC

- Under legislation, the Australia Competition and Consumer Commission (ACCC) has an ongoing role to provide advice to the Minister for Communications every 5 years regarding the appropriate base and administrative cost component of the levy. This advice is intended to ensure that charges levied are sufficient to meet the reasonable net losses associated with NBN Co's fixed wireless and satellite networks and the administrative costs of the RBS.
- The requirement for the ACCC to provide advice is set out in sections 13 and 17 of the *Telecommunications (Regional Broadband Scheme) Charge Act 2020*.
- The ACCC consulted publicly on its approach to this work mid-November to mid-December 2024 and advice was provided to the Hon Anika Wells MP, Minister for Communications and Minister for Sport, by 26 May 2025.
- In making a decision to change the RBS charge amounts, the minister must take into account the most recent advice on charge amounts provided by the ACCC (as set out in sections 12 and 16 of the *Telecommunications (Regional Broadband Scheme) Charge Act 2020*).

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Impact of the change on RBS contributors

- The amount received by NBN Co from non-NBN carriers will reduce to reflect the reduced charge amount, in line with ACCC's advice, while other contributors will receive a reduction in the amount they need to contribute. This reduction will be partially offset for some providers by increases to their charges arising from the roll off of transitional concessions from 1 July 2025.
- The RBS contributes a very small component of NBN Co's revenue. In 2025, NBN Co received around \$25 million in payments from non-NBN contributors to the RBS. NBN Co's total revenue in 2024-25 was \$5.7 billion.
- From the commencement of legislation, it was clear that it was intended that charge amounts may need to be regularly updated after the first 5 years to ensure the charge amounts are appropriate.
- As noted in the ACCC's advice, NBN Co's SAU continues to have arrangements in place to allow for the recovery of past losses, and the ACCC's advice on the RBS charge amount gave specific consideration to these arrangements. The ACCC noted, that it may be appropriate to include some historical losses in future RBS periods.
- The minister's November 2025 determination does not affect the current valuation of NBN Co. The fair value of the investment in NBN Co is calculated in accordance with Australian Accounting Standards and reported in the department's financial statements.
- Some commentators have argued that reducing the RBS charge will reduce NBN prices. However, NBN Co's prices have been fixed under the varied SAU accepted by the ACCC in October 2023 until the early 2030s.

RBS review

- A legislative review of the RBS commenced in 2024. Public consultation for the RBS review was incorporated into broader consideration of the effectiveness of funding mechanisms for universal telecommunications services. Work remains ongoing.
- There have been a range of views provided on the RBS, with calls for various changes. Any changes to the charge base or concessions would require legislative change.

Background

- The RBS charges carriers a monthly amount on every fixed-line providing an active high speed superfast broadband service (25/5 Mbps) over a local access line (a chargeable premises). There is a 'base component' to cover NBN Co's net losses of building and operating the NBN fixed wireless and satellite networks, and a small 'administrative cost component' to cover regulator costs. The charge amounts are CPI indexed.
- Carriers must keep a record of chargeable premises during a financial year with funds collected and disbursed to eligible funding recipients the following financial year.

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Carriers report on chargeable premises for the previous financial year to the ACMA by 31 October and the ACMA assesses liability by 31 December.

- Carriers then pay charges by the following 28 February, and funds are placed in the RBS Special Account.
- NBN Co, which is the only eligible funding recipient, has applied for and been granted a Charge Offset Certificate each year to date. This means that NBN Co has not needed to physically provide its contribution, only to have it returned to it. Funds received from other providers are provided to NBN Co through a contract with the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts. The cash payment, consisting of funds collected from non-NBN carriers, is made by the end of the financial year.
- There are a number of transparency measures under the RBS, including for the ACMA to publish the total amount of charge paid by carriers and the total amounts specified in charge offset certificates.
- NBN Co must also publish a Transparency Report on its website containing financial information about the fixed wireless and satellite networks, funds received through the RBS and services supported by the RBS. NBN Co published the most recent Transparency Report (for the reporting year ending 30 June 2025) on its website on 28 October 2025.

Financial InformationRegional Broadband Scheme Portfolio Budget Statements

- The department is required to make estimates of RBS funds which will be paid to eligible funding recipients. The forward estimates for the RBS were reflected in the 2025-26 Portfolio Budget Statements (PBS).

Table 2.5.2: Program components of Outcome 5

Administered expenses: Regional Broadband Scheme

2024-25 Estimated actual \$'000	2025-26 Budget \$'000	2026-27 Forward estimates \$'000	2027-2028 Forward estimate \$'000	2028-29 Forward estimate \$'000
872,314	929,735	968,018	1,009,636	1,054,769

MYEFO

- The entries in MYEFO reflected the adjustments to the RBS charge amounts as a measure. There are 2 changes that occur as a result of the change, reflecting that the RBS is a taxation measure. Firstly, there is a reduction in receipts attributable to ACMA as it is responsible for the collection of funds under the RBS, and secondly there is a

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reduction in payments attributable to the department as it provides funds to NBN Co as the eligible funding recipient.

Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Regional Broadband Scheme

Receipts (\$m)

	2024-25	2025-26	2026-27	2027-28	2028-29
Australian Communications and Media Authority	-	-	-34.1	-35.6	-37.1
<i>Related payments (\$m)</i>					
<i>Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts</i>	-	-	-34.9	-36.3	-37.9

The Government is reducing the overall Regional Broadband Scheme (RBS) charge from 1 July 2025. The base component charge amount of the RBS will reduce from \$8.45 to \$2.17 (indexed yearly to the CPI) and the administrative component charge amount will increase from \$0.00 to \$0.00665 for 2025–26 to 2029–30.

This adjustment to the RBS charge amount will continue to allow for the costs of providing affordable broadband to regional and remote Australia via NBN Co Limited's (NBN Co) satellite and fixed wireless networks to be appropriately funded.

This measure is estimated to decrease receipts by \$106.8 million and decrease payments by \$109.0 million over five years from 2024–25.

Portfolio Additional Estimate Statements

- In line with usual practice, the department also updates estimates of RBS funds to be received from carriers, which will be paid to eligible funding recipients. These estimates are based on carrier reports of chargeable premises to the ACMA, CPI, and any changes to RBS charge amounts (in this case the change made at MYEFO).

Expected entry for PAES: Program components of Outcome 5

Administered expenses: Regional Broadband Scheme

2024-25 Estimated actual \$'000	2025-26 Budget \$'000	2026-27 Forward estimates \$'000	2027-2028 Forward estimate \$'000	2028-29 Forward estimate \$'000
864,035*	232,131	242,079	252,623	263,317

* Estimate from DITRDCA Annual Report

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SB25-000490

Supporting Information*Questions on Notice (QoNs)*

- SQ25-002924 (as at 27 January 2026 this response has not yet been lodged with the Committee)
- SQ25-002889 (NBN Co QoN) (as at 27 January 2026 this response has not yet been lodged with the Committee)
- SQ25-002340

Relevant Media Reporting

- "Faster internet speeds, more competition: NBN defends \$640m fibre upgrade", The Australian, 31 July 2025 (**Attachment A**)
- "RBS levy cut to trim receipts by \$106.8m over three years", CommsDay, 19 December 2025 (**Attachment B**)

Attachments

- A: Media Article - Faster internet speeds, more competition: NBN defends \$640m fibre upgrade
- B: Media Article - RBS levy cut to trim receipts by \$106.8m over three years

Contact: Nicolle Power**Cleared by:** David Mackay, Deputy Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 28/01/2026

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Attachment B

RBS levy cut to trim receipts by \$106.8m over three years

The federal government said it expected its decision to slash the base component of the Regional Broadband Scheme levy by 74% to reduce forecast receipts by \$106.8m over three years.

The levy funds the non-commercial fixed wireless and satellite services operated by NBN Co, which contributes the bulk of the scheme's funding. As CommsDay reported last month, communications minister Anika Wells cut the 2025–26 base rate from \$8.45 to \$2.17 per eligible premises per month, with the levy to be indexed to CPI in future years.

The budget impact of the lower base rate is partially offset by the expiry of concessions that have applied for the first five years of the scheme. These concessions covered either the first 55,000 recently connected greenfields premises or the first 25,000 small business and residential premises connected to a carrier's local access lines. An ongoing exemption for carriers with fewer than 2000 eligible premises will remain in place.

The Department of Communications has yet to publish the outcome of its review of the Regional Broadband Scheme, but a spokesperson confirmed to CommsDay that the figures included in the Mid-Year Economic and Fiscal Outlook released earlier this week did not reflect any unannounced policy decisions affecting the levy.

A summary of submissions to the department's 2024 consultation on modernising universal telecommunications services pointed to substantial debate over the appropriate charge base for the scheme.

"The majority of submissions argued that any charge base should reflect current market conditions and that the funding base should be broad so that all parties benefiting from telecommunications infrastructure are contributing to its upkeep and replacement over time," the department said in its October 2024 summary.

At present, the Regional Broadband Scheme applies to NBN-style fixed-line broadband networks.

The consultation paper also noted general support for simplifying future funding arrangements. "With respect to levy arrangements, there was a general acceptance that a move to a single funding stream would be appropriate," it said.

Where such a move was supported, contributors generally proposed that services currently funded through the Telecommunications Industry Levy and the Regional Broadband Scheme could in future be funded through a mechanism largely based on the Telecommunications Industry Levy, with the RBS repealed. Carriers operating large 4G and 5G fixed wireless or mobile networks were generally opposed to that approach, the paper said, noting they do not currently contribute to the RBS for those services.

2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicole Power

SB25-000491

SUBJECT: NBN Co/Kuiper Agreement**Key Deliverables**

- NBN Co's partnership with Amazon Leo (formerly Project Kuiper) will provide broadband internet access to approximately 311,000 eligible premises in the NBN satellite footprint. Of these, 71,000 premises are currently connected to the NBN via its existing Sky Muster satellites.

Talking Points

- On 5 August 2025, NBN Co announced a partnership with Amazon to provide wholesale, fixed broadband to customers via Amazon's Low Earth Orbit satellite (LEOSat) technology, Project Kuiper (since renamed Amazon Leo).
- NBN Co's partnership with Amazon Leo will transition premises in the NBN satellite footprint from the Sky Muster satellite service to a modern LEOSat solution, enabling higher speeds and significantly lower latency.
- NBN Co's LEOSat broadband internet product will complement NBN Co's investments in fibre and fixed wireless upgrades for regional Australia.
- In addition to delivering a step change in performance for consumers that rely on NBN satellite broadband services, this partnership will offer consumers the benefits of the NBN, including free installation, standardised pricing, customer support and consumer protections, via LEOSat technology for the first time.
- NBN Co is expected to commence migration of consumers in the NBN satellite footprint to the LEOSat service following the launch of Amazon Leo services in Australia, which is expected to be in mid-2026.
- NBN Co will commence consultations with industry and regional stakeholders in the coming months to ensure a smooth transition and to inform the configuration of service offerings.
- The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts will continue to monitor the deployment of Amazon's LEOSat constellation and NBN Co's testing, verification and transition activities.
- LEOSat fixed broadband was not an option for broadband services during the initial establishment and rollout of the NBN. Recent technological advancements have enabled rapid, market-led deployment of LEOSat services.

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2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

SB25-000491

Key IssuesAustralian LEOSat Fixed Broadband market – Timeline

April 2021	Starlink beta trial launches in Australia – subscriber numbers have risen steadily since.
June 2023	NBN Co released a request for information to satellite industry participants, including LEOSat providers, for a replacement to the ageing NBN Sky Muster geostationary satellites.
March 2024	Telstra, which does not offer NBN Sky Muster services, began offering a Telstra Satellite Home Internet service using the Starlink network. Telstra is also offering fixed voice-only plans using Starlink to connect some Universal Service Obligation customers.
June 2025	Starlink had 375,000 services in operation in Australia (ACCC Internet Activity for June 2025 published in December 2025).
August 2025	NBN Co and Amazon announced a partnership for Amazon Leo (previously Project Kuiper) to provide wholesale internet NBN access over LEOSats.
Mid-2026	Amazon Leo plans to launch broadband services in Australia from mid-2026. NBN Co plans to launch NBN residential services in tandem. Amazon Leo is also required to have deployed half of its constellation (1,618 satellites) by 30 July 2026, according to its USA Federal Communications Commission (FCC) license.
30 July 2029	Amazon Leo is required to have deployed all 3,236 satellites, according to its FCC license.

Suitability of LEOSats for Sky Muster replacement

- NBN Co's geostationary satellites (GEOSats), Sky Muster 1 and Sky Muster 2, began offering satellite broadband services to consumers in 2016 and are expected to be operational into the early 2030s.
- The NBN Co and Amazon Leo partnership will provide a replacement service for consumers in the NBN satellite footprint before the Sky Muster satellites reach end of life.
- Customers who transition to LEOSat services will benefit from significantly higher speeds and lower latencies than existing Sky Muster connections. The performance level of LEOSat-based broadband services will be suitable for streaming content, video conferencing, working from home and entertainment.

Continuity of service for Sky Muster customers

- NBN Co will continue to maintain and operate the Sky Muster satellites until all customers are successfully migrated to the new service, to help ensure service

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2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

SB25-000491

continuity for customers in regional, rural and remote Australia that are reliant on satellite broadband services.

- NBN Co expects to commence customer migrations from Sky Muster to Amazon Leo 2026 after the launch of the Amazon Leo service in Australia, which is anticipated for mid-2026.
 - It is expected that the transition of services will be staged, commencing after the Australian launch of Amazon Leo and expanding as the constellation is deployed.
- Current NBN customers on Sky Muster have been benefiting from improved services as a result of the NBN Co's Fixed Wireless and Satellite Upgrade Program completed in December 2024. This enabled a significant uplift of service performance for remaining satellite customers in the form of higher speeds and fully unmetered data.
 - The transition to Amazon Leo will provide further enhancements to these customers, particularly improvements in latency.
- NBN Co is planning significant consultation with broadband retailers and bodies representing regional customers prior to the launch of its LEOSat product, including on transition arrangements and pricing.

Data sovereignty

- Amazon and other LEOSat operators are required to hold an Australian carrier licence and therefore are subject to Australian telecommunications laws and regulations including the *Telecommunications Act 1997* and the *Security of Critical Infrastructure Act 2018*.
 - These laws and regulations are enforced by the Australian Communications and Media Authority, the Australian Competition and Consumer Commission and Australia's security agencies.

NBN Amazon Leo Broadband Plan costs

- Plan costs, inclusions and other elements of the new product are subject to ongoing consultation by NBN Co with regional stakeholders and broadband retailers.
- Amazon is also expected to sell LEOSat services directly to consumers outside of its partnership with NBN Co, providing further competition for services in regional Australia.
- Detailed questions about NBN LEOSat plan costs and other pricing matters are best directed towards NBN Co.

Broadband LEOSat market

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2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

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BackgroundRequest for Information (RFI) Process and Contract

- In June 2023, NBN Co released a request for information to satellite industry participants for a replacement to the Sky Muster geostationary satellites, which will reach end of life in approximately 2032.
- NBN Co considered various LEOSat operators during the commercial RFI process. Factors considered included the participant's capacity to deliver a wholesale consumer focused service, suitability to support NBN Co's highly regulated role in the market and the performance characteristics and price point of services.
- Amazon Leo (formerly Project Kuiper) was identified by NBN Co as the most suitable option. The parties subsequently negotiated contractual terms for delivery of the service.
- While the Shareholder Ministers and department were notified of key developments, NBN Co and Amazon are the contractual parties and the NBN Co Board of Directors was responsible for final approval for NBN Co to enter into the contract.
- Further questions are best directed towards NBN Co.

Technical capabilities and investment in LEOSat networks

- LEOSats orbit on various trajectories approximately 160-2,000 kilometres above sea level. Unlike GEOSats, they do not appear at a fixed point in the sky – they pass overhead in a matter of minutes. LEOSats are closer to the Earth than GEO and medium Earth Orbit (MEO) Satellites, so communication distances are shorter. LEOSats have lower transmission delays (latency) and typically require less power.
- Designing, building and launching a LEOSat constellation is difficult and costly, but this can be offset by their ability to address global markets. While LEOSat units tend to have a shorter lifespan and require replacement more frequently, they are typically individually less expensive than other satellites. Companies also manage the cost through vertical integration of manufacturing (and launch, for SpaceX).

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2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Lisa La Rance / Nicolle Power

SB25-000491

- s47G(1)(a)

Supporting Information*Questions on Notice (QoNs)*

- SQ25-000322 – Minister’s knowledge of NBN Co’s preferred proponent (Budget Estimates 27 March 2025) – see **Attachment A.1**
- SQ25-002385 – NBN Co - Amazon Kuiper contract – see (supplementary budget estimate 17 October 2025) – see **Attachment A.2**
- SQ25-002890 (NBN Co QoN) (as at 27 January 2026 this response has not yet been lodged with the Committee)

Recent Ministerial Comments

- Media release: Albanese Government delivering high speed broadband for regional Australia – see **Attachment B**

Relevant Media Reporting

- “Hopes joint NBN Co–Amazon satellite internet will transform remote connectivity”, Chris Lewis, ABC, 7 August 2025 - www.abc.net.au/news/2025-08-07/satellite-internet-competition-nbn-amazon-starlink/105620108
- “NBN Co snubs Musk, inks satellite deal with Bezos’ Amazon”, David Swan, SMH, 5 August 2025 –www.smh.com.au/technology/nbn-co-snubs-elon-inks-satellite-deal-with-bezos-amazon-20250805-p5mkha.html

Attachments

- A.1: Minister’s knowledge of NBN Co’s preferred proponent - SQ25-000322 - (Budget Estimates 27 March 2025)
- A.2: NBN Co - Amazon Kuiper contract SQ25-002385 - (Supplementary Budget Estimates 17 October 2025)
- B: Media release - Albanese Government delivering high speed broadband for regional Australia

Contact: Nicolle Power**Cleared by:** David Mackay, Deputy Secretary**Phone:** (02) s22(1)(a)(ii)**Version Number:** 01**Date:** 27/1/2026

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Environment and Communications

QUESTION ON NOTICE

Budget Estimates 2025-2026

Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Committee Question Number: 5

Departmental Question Number: SQ25-000322

Division/Agency Name: DIV - Communications Infrastructure

Hansard Reference: Spoken, Page No. 101 (27 March 2025)

Topic: Minister's knowledge of NBN Co preferred proponent

Senator Ross Cadell asked:

Senator CADELL: Okay. Has a provider been selected?

Mr Williams: The process, as we've given testimony before, is a process of commercial-in-confidence. We're well advanced in that process but at a critical stage in a very complex range of negotiations. Ultimately, there's no deal to be done until a deal's ready to be done, and we're not at that stage where there is something that's inkable. We are far enough advanced to be comfortable that we can see a pathway to a low-Earth-orbit partnership being something that makes sense to NBN and to the community to offer services to most remote citizens at a point before the retirement of Sky Muster. I think you alluded to some of these points in previous discussions. There are a range of careful considerations around sovereignty issues to be managed—data sovereignty, commercial issues, technology issues, operating and cost issues. You'll be the first to know.

Senator CADELL: I will not be; I would hope the minister would be the first to know!

Speaking of that, does the minister know the preferred proponent at the moment?

Senator McAllister: If that question is addressed to me, I'll take it on notice. As you understand, I represent the minister and I don't know her state of mind.

Answer:

In June 2023, NBN Co announced the release of a closed Request For Information (RFI) to Low Earth Orbit (LEO) satellite providers to further understand their offerings.

The former Minister for Communications, the Hon Michelle Rowland MP, was regularly informed by NBN Co on the progress of the LEOSat RFI as part of standard shareholder engagement processes. These matters are considered commercial in confidence.

As a Government Business Enterprise, NBN Co is required, under Section 91 of the Public Governance, Performance and Accountability Act 2013, to keep Shareholder Ministers informed on potential decisions impacting its future operation via a 'Section 91 notice' (Notice).

NBN Co provided a Notice in mid-February 2025, detailing its intention to progress negotiations with a preferred LEOSat provider. Formal advice was provided to the former minister on the content provided in the Notice in early March 2025.

The decision on whether or not to enter into a contract is however, a matter for the NBN Co Board.

OFFICIAL**Environment and Communications****QUESTION ON NOTICE****Supplementary Budget Estimates 2025-2026****Infrastructure, Transport, Regional Development, Communications, Sport and the Arts****Committee Question Number: 135****Departmental Question Number: SQ25-002385****Division/Agency Name: Agency - NBN Co. Ltd****Hansard Reference: Written (17 October 2025)****Topic: NBN CO - Amazon Kuiper Contract****Senator James McGrath asked:**

1. NBN Co has entered an arrangement with Amazon Kuiper to replace the SkyMuster Satellite service. What is the total value of that contract and can you provide the financial year breakdown for payments.

- When will the contract commence?
- When will services be available for customers?
- What rate will these services be available at either at wholesale or directly to customers?

2. NBN Co. has opened 'Registrations of Interest' on the NBN website. How many people have registered their interest?

Answer:

1. NBN Co signed a contract with Amazon Kuiper Australia on 14 July 2025 to supply high-speed, wholesale fixed broadband services to premises in NBN Co's existing satellite footprint, which covers regional, rural, and remote parts of Australia, using Amazon Leo's satellite network. NBN Co plans to start consultations in the coming months with Retail Service Providers (RSPs), regional communities and stakeholders to help inform what speed tiers will be offered, wholesale pricing and the upgrade path for existing Sky Muster satellite customers. As with other technologies, NBN Co supplies wholesale services; with retail pricing set by RSPs. Retail prices will be published by RSPs closer to service availability.

Since announcing the partnership with Amazon Leo on 5 August, implementation efforts have continued in alignment with Amazon Leo's planned service launch timeline for Australia. Amazon Leo plans to launch its satellite broadband service in Australia from the second half of 2026. As coverage becomes available, NBN Co intends to progressively offer wholesale, residential-grade LEO satellite broadband services within its existing satellite footprint, through participating RSPs. Disclosing the financial details of the contract between NBN Co and Amazon Kuiper Australia could cause commercial harm to NBN Co, our suppliers and our relationship with business partners. It could also reduce our ability compete in the market and achieve competitive pricing in any future tender processes.

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2. Since the announcement of the Amazon Leo partnership, approximately 15,000 people have registered their interest in new products and features, information to help them make the most of their internet experience and for updates about the NBN network. Of these, around 212 registrations were from premises currently connected to an NBN Sky Muster service.

2025-2026 Additional Estimates**Environment and Communications****Lead/Support contact: Sam Grunhard / Kate McMullan****SB25-000501****SUBJECT: National Messaging System****Key Deliverables**

- Deliver a highly targeted, sophisticated national messaging system based on cell-broadcast technology, to be known as 'AusAlert'.
- The build is underway and expected to be operational in July 2026 ahead of a public facing implementation in October 2026.
- Once operational NEMA will be responsible for the system.

Talking Points

- The National Messaging System (NMS) has been re-branded to AusAlert following a meeting of National Emergency Management Ministers on 12 December 2025.
- AusAlert will be a new national platform using cell broadcast technology to send emergency messages to the community.
- Its build is being managed jointly by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts and the National Emergency Management Agency (NEMA).
- AusAlert will be built by July 2026, with public facing implementation in October 2026.
- Once operational, NEMA will be responsible for AusAlert.
- The build includes undertaking system testing, to understand how messages will be received across a range of devices in a range of scenarios.
- The department is responsible for implementation of *AS/CA S042 Customer Equipment Standard* (S042), the Australian Standard that sets out the technical requirements to support the receipt of AusAlert broadcasts to end-user devices.
- The department is working with device manufacturers, including Apple and Google, as well as the Australian Telecommunications Alliance and ACMA, to support alignment with S042 requirements.
- Questions relating to community consultation, community-based trials, engagement with states and territories, and ongoing operation of AusAlert within the Australian emergency alert ecosystem should be directed to NEMA.

Contact: Kate McMullan**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 27/01/2026

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2025-2026 Additional Estimates**Environment and Communications****Lead/Support contact: Sam Grunhard / Kate McMullan****SB25-000501****Key Issues**

- NMS was announced as part of the 2022-23 Federal Budget (under the former Australian Government) with \$33 million funding to this department.
 - Additional funding of \$25.3 million was provided to this department in the 2023-24 budget along with a Contingency Reserve of \$8.232 million.
 - In November 2024 the Prime Minister approved the release of \$4.1 million from the Contingency Reserve and its relocation to NEMA. The balance (\$4.131m) remains reserved.
 - Total value of contracts to build 3 CBCs is \$46.9 million (ex GST)
 - A further \$7.5 million has been available to the department to fund technical and other specialist advice
 - The department has a slight underspend of \$0.5m in 2025-26 and a budget of \$5.0 million in 2026-27, \$4.049 million of which is committed to CBC contracts.
 - Due to the protracted contractual negotiations and complexity of the project, contracts for the NMS build were signed in February and March 2025. The overall value of these contracts including the contract with NEMA to build the CBE is \$67.64 million. The breakdown of contract values has never been published due to commercial sensitivities.
- The department oversees contracts with mobile network operators – Telstra, Optus and TPG Telecom – to build Cell Broadcast Centres to integrate AusAlert into their mobile networks.
- NEMA oversees a contract with Telstra to build a Cell Broadcast Entity, the part of the system where messages are created and sent.
- AusAlert is on track to be operational by 1 July 2026 with public facing implementation by 1 October 2026.

Background

- Cell broadcast technology allows messages to be sent without creating, or being affected by, network congestion – unlike SMS-based warning systems.
- Message delivery will be geographically targeted so the warning can be set to reach: the whole country; a particular city or regional community; or everyone in and around a particular location, like a particular football stadium or shopping centre.

Contact: Kate McMullan**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 27/01/2026

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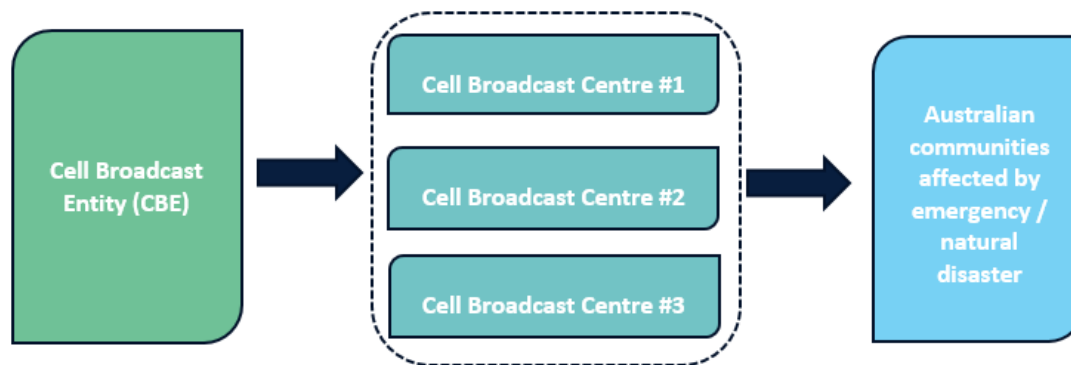
2025-2026 Additional Estimates

Environment and Communications

Lead/Support contact: Sam Grunhard / Kate McMullan

SB25-000501

- AusAlert will deliver warning messages to compatible mobile phones in near real time in the following way:



- The Cell Broadcast Entity (CBE) is where emergency warning messages are developed by Emergency Service Organisations for broadcasting to communities via the Cell Broadcast Centres (CBCs) built into each of the mobile network operators' (MNOs) networks.

Supporting Information

Questions on Notice (QoNs)

- “When was the most recent (internal or external) review of the NMS cost projections? Was it re-costed after each major delay? Table each re-costing and the delta from the original baseline.” SE25-0273, Legal and Constitutional Affairs, Supplementary Estimates 2025-26, Senator Ross Cadell to NEMA (**Attachment A**)
- “National Messaging System – Tender and Cost Details”, Environment and Communications Additional Estimates 2024-25, Senator Perin Davey to DITRDCA (**Attachment B**)
- AE25-299 to AE25-304, Legal and Constitutional Affairs, Additional Estimates 2024-25, Senator Perin Davey to NEMA (**Attachment C**)
- “National Messaging System – update”, SQ24-001442 Environment and Communications Supplementary Budget Estimates 2024-25, Senator Ross Cadell to DICTRDA (**Attachment D**)

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2025-2026 Additional Estimates**Environment and Communications****Lead/Support contact: Sam Grunhard / Kate McMullan****SB25-000501***Relevant Media Reporting*

- “Overdue mobile disaster alert system still years away from being operational”, Brett Worthington, ABC, 13 March 2025
<https://www.abc.net.au/news/2025-03-13/disaster-national-messaging-system-three-year-delays/105045220>
- “No national messaging system for Cyclone Alfred victims”, David Braue, ACS Information Age, 10 March 2025
<https://ia.acs.org.au/article/2025/no-national-messaging-system-for-cyclone-alfred-victims.html>
- “Government’s National Messaging System announced in 2023 unready to alert millions of Aussies who face Tropical Cyclone Alfred”, Laurence Karacsony, Sky News, 5 March 2025
<https://www.skynews.com.au/australia-news/politics/governments-national-messaging-system-announced-in-2023-unready-to-alert-millions-of-aussies-who-face-tropical-cyclone-alfred/news-story/2a3ca2b224e45529318a7db124fe1f42>

Attachments

- A: SE25-0273, Senator Ross Cadell to NEMA, October 2025
- B: SQ25-000308, Senator Perin Davey to DITRDCA, March 2025
- C: AE25-299 to AE25-304, Senator Perin Davey to NEMA, February 2025
- D: SQ24-001442 Senator Ross Cadell to DITRDCA, November 2024

Contact: Kate McMullan**Cleared by:** Sam Grunhard, First Assistant Secretary**Phone:** s22(1)(a)(ii)**Version Number:** 01**Date:** 27/01/2026

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**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
SUPPLEMENTARY ESTIMATES
OCTOBER 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

SE25-0273 - NEMA - Review of NMS cost projections

Senator Ross Cadell asked:

When was the most recent (internal or external) review of the NMS cost projections?
Was it re-costed after each major delay?
Table each re-costing and the delta from the original baseline.

Answer:

The National Messaging System (NMS) is a collaborative initiative undertaken in partnership with the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts. Project costs are monitored on a monthly basis through NEMA's established internal governance processes. The contract value for the construction of the Cell Broadcast Entity element of the NMS is recorded in AusTender under reference CN4139048. Further discussions regarding this matter are classified as commercial-in-confidence and remain subject to Cabinet deliberations.

Environment and Communications**QUESTION ON NOTICE****Additional Estimates 2024 - 2025****Infrastructure, Transport, Regional Development, Communications and the Arts****Committee Question Number: 86****Departmental Question Number: SQ25-000308****Division/Agency Name: DIV - Communications Infrastructure****Hansard Reference: Written (05 March 2025)****Topic: National Messaging System - Tender and Cost Details****Senator Perin Davey asked:**

1. Was the National Messaging System subject to a public tender? Please provide details.
2. At what cost?

Answer:

1. The Request for Tender (RFT) details for the National Messaging System were published on AusTender on 12 August 2021 with reference 10023062.
2. The cost of the National Messaging System is \$67,644,084.90 (GST inclusive).

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

AE25-299 - National Messaging System - Time of tender

Senator Perin Davey asked:

The national messaging system was first raised as a “must have” in the 2020 Royal Commission Report and the previous government approved monies to develop the design of such a system. In the May 2023 NEMA Estimates, the former Minister said: “Two new projects to strengthen communication before and during a disaster, a national messaging system and the Public Safety Mobile Broadband project, will be progressed.”

It is nearly two years later and neither have been delivered and neither are close to implementation.

In a media release issued on 2 May 2023 by Communications Minister Michelle Rowland and Emergency Management Minister Watt, Minister Watt said, and I quote: “The government is investing in the NMS because emergency messages, alerts and warnings need to be delivered to the public in a timely, accurate and targeted manner, we need the most current technology to achieve this. This will help keep Australians safe and mitigate damage to property.” Minister Rowland added: “It is anticipated that the NMS will be designed, built and tested over the next 18 months, becoming operational by late 2024.”

The NEMA website on 25 January 2025 said that “NEMA entered into a contract in February 2025 and the system build is now underway. An indicative initial delivery date is mid to late 2026 for system testing, and a fully operational system by mid-late 2027.” Why then was a tender only entered into in February 2025 – almost two years after that announcement was made?

Answer:

States and Territories are primarily responsible for responding to disasters as well as issuing alerts and warnings within their jurisdictions.

The NMS is new technology in Australia and is a complex project. The system will be in place for many years to come. With that comes a serious responsibility to conduct thorough and robust negotiations and secure the best possible system capabilities for the Australian public, along with value for money.

To enable optimal NMS capabilities and value for money, there were protracted negotiations with telecommunications companies. We are pleased the companies have now committed to deliver the NMS.

Importantly, telephone warnings are only one channel to issue emergency warnings. Emergency Services and Local Governments use multiple channels such as social media, applications, websites, radio, television, and local government dashboards. These are well practiced channels and communities should not rely on any single source or channel for warnings and information before, during and after crisis.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

AE25-300 - National Messaging System - When delays to implementation were known

Senator Perin Davey asked:

When were delays to the original implementation time line known?

Answer:

The NMS is a complex project. The system will be in place for many years to come and with that comes a serious responsibility to conduct thorough and robust negotiations and secure the best possible outcomes for the system and the Australian public.

The implementation timeline was negotiated as part of contracts and finalised early this year. The anticipated implementation was delayed due to specification refinements and complex negotiations.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

AE25-301 - National Messaging System - Contractor for delivery

Senator Perin Davey asked:

Who has been contracted to deliver this system?

Answer:

The National Messaging Service is being delivered jointly by the National Emergency Management Agency and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The three mobile network operators, Telstra, Optus and TPG have been contracted to deliver the NMS.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

AE25-302 - National Messaging System - Consultation for compatibility

Senator Perin Davey asked:

What consultation took place with various state and territory agencies to ensure compatibility with existing warning systems?

Answer:

The National Emergency Management Agency (NEMA) has been consulting with states and territories since the early stages of the National Messaging System (NMS) project.

An NMS Consultative Group has been formed and is co-chaired by NEMA and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA). This group has representatives from all state and territory emergency services agencies who are experienced users of the existing Emergency Alert system in place. Regular engagement has also occurred with state and territory representatives via the Australasian Fire and Emergency Service Authorities Council (AFAC) Public Information Warnings Group (PIWG), and through various working groups.

NEMA will also continue to work closely with Emergency Management Victoria (EMV), who have responsibility for managing Emergency Alert on behalf of all states and territories, to ensure that the NMS will operate cohesively with existing warning systems when it becomes operational.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

AE25-303 - National Messaging System - User requirements

Senator Perin Davey asked:

What changes if any will citizens need to make to their own phones to be able to receive the messages?

Answer:

Citizens will not need to make any changes to their own phones to be able to receive cell broadcast messages.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2025**

**Home Affairs Portfolio
National Emergency Management Agency**

Program: National Emergency Management Agency

**AE25-304 - National Messaging System - Financial support from Federal
Government**

Senator Perin Davey asked:

What federal government ongoing financial support will be required to maintain this system?

Answer:

It is intended that the ongoing operation and maintenance of the National Messaging System (NMS) will be co-funded by State and Territory governments and the Federal Government.

The operational costs of the NMS are yet to be settled, given the various factors that need to be considered across multiple levels of government.

The ongoing Federal Government contribution will be determined after negotiations with states and territories have concluded and Intergovernmental Agreements have been finalised. This work will occur over the next twelve months.

Environment and Communications**QUESTION ON NOTICE****Supplementary Budget Estimates 2024 - 2025****Infrastructure, Transport, Regional Development, Communications and the Arts****Committee Question Number: 170****Departmental Question Number: SQ24-001442****Division/Agency Name: DIV - Communications Infrastructure****Hansard Reference: Written (15 November 2024)****Topic: National Messaging System - update****Senator Ross Cadell asked:**

Referring to SQ24-000868:

1. Has the Request for Tender process for the National Messaging System concluded? If so, please advise who the successful provider is. Please provide delivery timelines.
2. What is the Budget for the National Messaging System in 2024/25?
3. What was the expenditure for the NMS in 2023/24?
4. Has the Government reached a finalisation of commercial negotiations around the delivery of the NMS? If yes, please provide details of the successful bidder/s and the details of their contracts. If not, when do you expect the negotiations to be completed? Please provide a timeline.

All activities were due to be completed by 30 June 2024.

Have all projects completed? Have all funds been expended?

Are there any projects which are outstanding? Please provide details.

Answer:

In relation to question 1, the Request for Tender (RFT) process is continuing, so we are unable to provide further information at this time.

In relation to questions 2 and 3, the appropriations for the National Messaging System (NMS) were not published in the Budget papers because of the commercial RFT process being undertaken. As the RFT process is continuing, we are unable to provide further information at this time.

In relation to question 4, the RFT process is expected to be completed by the end of 2024.

In relation to the additional questions, the above answers confirm the current status of the NMS project.

BACKPOCKET BRIEF – Broadcasting, Media and News Policy Division

WAGERING ADVERTISING REFORM - PROCUREMENT**KEY ISSUES**

- The department has procured data from the Nielsen Company Australia Pty Ltd to inform our analysis of the impacts of proposed wagering advertising reforms.
- Cost: \$457,261.50 GST inclusive (for 3 requests).
- Nielsen was engaged to provide data on the volume of wagering advertising and wagering advertising revenue across all platforms.
- All 3 requests were made through a limited tender process and ran from:
 - Request 1: 29 June 2023 to 30 August 2023
 - Request 2: 16 May 2024 to 30 June 2024
 - Request 3: 13 March 2025 to 30 April 2025.

AusTender Contract Notice	AusTender Title	Supplier	Contract Start Date	Contract End Date	Contract Value (GST incl)	Amount Paid* (GST incl)
CN4144510	Acquisition of data – specialised data	The Nielsen Company Australia Pty Ltd (3 rd request)	13 March 2025	30 April 2025	\$199,995	\$199,995
CN4072229	Acquisition of data – specialised data	The Nielsen Company Australia Pty Ltd (2 nd request)	16 May 2024	30 June 2024	\$107,266.50	\$107,266.50
CN3983898	Nielsen advertising data	The Nielsen Company Australia Pty Ltd (1 st request)	29 June 2023	30 August 2023	\$150,000	\$150,000

**Amount paid is not reported on AusTender.*

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

**SOCIAL MEDIA AND AUSTRALIAN SOCIETY INQUIRY,
ALGORITHMS AND ARTIFICIAL INTELLIGENCE****KEY ISSUES*****Social Media and Australian Society Inquiry***

- The government is considering its response to the interim and final reports of the Joint Select Committee on Social Media and Australian Society (the Committee).
- Under the tabling guidelines, a government response was due to be tabled in Parliament by 18 February 2025, however this was delayed due to the election.
- The Committee's recommendations are wide ranging and cover support for news media and journalism, introducing transparency measures for digital platforms, and steps to improve digital media literacy, online safety and privacy.
- The government has addressed or is working to progress a number of the Committee's recommendations, including:
 - introducing a social media minimum age framework
 - committing to introduce a statutory duty of care for digital platforms
 - undertaking privacy reforms (led by the Attorney-General)
 - supporting the news media sector by investing \$132.1 million under the News Media Assistance Program, and
 - establishing a News Bargaining Incentive to ensure large digital platforms contribute to the sustainability of journalism in Australia.

Artificial Intelligence (AI)

- The Department of Industry, Science and Resources (DISR) is leading the Australian Government's work on AI. General questions about the government's work on AI should be directed to DISR.
- AI is captured by the *Online Safety Act 2021* from a content and safety perspective. As such, the department is playing a lead role in ensuring that Australia has a regulatory environment that facilitates digital platform innovation while mitigating harms.
- For updates on the department's work across AI and data centres, refer to **CMD BPB**.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

BACKGROUND

Social Media and Australian Society Inquiry

- On **16 May 2024**, the government established a Joint Select Committee to report on the influence and impacts of social media on Australian society.
- The Inquiry terms of reference included:
 - the use of age verification to protect Australian children from social media
 - the decision of Meta to abandon deals under the News Media Bargaining Code
 - the important role of Australian journalism, news and public interest media in countering mis- and disinformation on digital platforms
 - the algorithms, recommender systems and corporate decision making of digital platforms in influencing what Australians see, and the impacts of this on mental health
 - other issues in relation to harmful or illegal content disseminated over social media, including scams, age-restricted content, child sexual abuse and violent extremist material, and
 - any other related matters.
- The Committee heard from witnesses representing major news publishers, advocacy groups, news media peak bodies, government, and major digital platforms.
- The Committee presented its first interim report on 15 August 2024, a second interim report on 22 October 2024, and a final report on 18 November 2024.
- The first interim report was a short procedural report and did not contain any substantive recommendations.
- The second interim report had a strong focus on the News Media Bargaining Code and recommended the establishment of a Digital Affairs Ministry.
- The final report was more wide-ranging and focused on issues such as regulatory enforcement, transparency measures for digital platforms, online safety, privacy, and digital media literacy.
- This Inquiry follows a number of other related Parliamentary Inquiries into social media and digital platforms (see **Attachment A**).
- Several recommendations in the Joint Select Committee's reports intersect with those in the independent review of the Online Safety Act.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- For example, both contain recommendations for a statutory duty of care on digital platforms to be implemented, greater enforceability of Australian laws for social media, data access for independent researchers and resourcing for the eSafety Commissioner.

Artificial Intelligence (AI)**Online Safety Act 2021 and AI**

- AI is already regulated under existing legislation, including the *Online Safety Act 2021* (OSA). For example, deep-fake intimate images and other AI-generated content which meets the thresholds of the schemes under the OSA are subject to the takedown powers of the eSafety Commissioner.
- An independent statutory review of the OSA was released on 4 February 2025. The government brought forward the commencement of the review by one year to ensure that the OSA remains fit for the evolving online environment.
- The government is continuing to consider the recommendations made in that review report.

Basic Online Safety Expectations and AI

- In May 2024, the then Minister for Communications amended the Basic Online Safety Expectations Determination 2022 to better address emerging online harms, including in relation to generative AI and recommender systems.
- New additional expectations provide that a service that enables the use of generative AI must take reasonable steps to:
 - consider end-user safety and incorporate safety measures in the design, implementation and maintenance of generative AI capabilities on the service, and
 - proactively minimise the extent to which generative AI capabilities may be used to produce material or facilitate activity that is unlawful or harmful.
- While the expectations in the Basic Online Safety Expectations are not enforceable, the eSafety Commissioner can require regulated entities to report on how they are meeting expectations and can issue statements of non-compliance.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Industry Codes and Standards and AI**

- The *Online Safety Act 2021* sets out an expectation that the eSafety Commissioner work with industry to develop enforceable industry codes or standards to regulate illegal and restricted content online.
- Online services have a range of mandatory obligations under the codes and standards, including in relation to their use of AI. For example:
 - obligations under phase 1 industry codes and standards include risk management processes, testing models and informing end-users of interaction with AI. These obligations vary by service type.

Algorithms research

- The Government Response to the Social Media and Online Safety Inquiry was released on 31 March 2023. This response committed the department and the Department of Home Affairs (Home Affairs) to report back to government with:
 - options to build capability around future algorithm research and expertise, and
 - advice on whether government regulation of algorithms is required and, if so, what options for regulation are available.
- The government response also noted that the departments would take into consideration other relevant work underway across government, including:
 - the Attorney-General's Department's Privacy Act review and associated reforms,
 - the Digital Platform Regulators Forum's literature review on algorithms, and
 - DISR's review of AI and automated decision making.
- The department provided the final report to Minister Rowland in October 2024. Home Affairs simultaneously provided the final report to the Home Affairs Minister.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

Attachment A

Relevant previous Parliamentary Inquiries

Senate Select Committee on Adopting Artificial Intelligence

- On **26 March 2024**, the Senate resolved that the Select Committee on Adopting Artificial Intelligence (AI) be established to inquire into and report on the opportunities and impacts for Australia arising out of the uptake of AI technologies in Australia.
- The Committee tabled its final report on 26 February 2024, and made **13 recommendations** to government. This followed an interim report, delivered on 11 October 2024, which contained **5 recommendations** to government.
- DISR is currently leading the development of the government's response to the Committee's recommendations, and has consulted the department.

House Select Committee Inquiry into Social Media and Online Safety

- On **1 December 2021**, the House of Representatives established the Select Committee on Social Media and Online Safety.
- The Committee tabled its report on **15 March 2022**, and made **26 recommendations**.
- The government considered the Committee's recommendations within a broad context, recognising the emergence of new issues since the Committee's final report was tabled, and the commencement of the *Online Safety Act 2021* (OSA) in January 2022.
- On **30 March 2023**, the government released its response to the final report, which outlined a holistic approach to online safety and committed to three immediate priorities:
 - the effective implementation and review of the OSA,
 - tackling gaps in the current framework, and
 - supporting cross-government coordination on the regulation of online harms.

Select Committee Inquiry into Foreign Interference through Social Media

- On **24 November 2022**, the Senate resolved to establish a Select Committee on Foreign Interference through Social Media to inquire into and report on the risk posed to Australia's democracy by foreign interference through social media.
- The Committee tabled its report on **1 August 2023** and made **17 recommendations** intended to promote transparency of foreign-owned social media platforms, address high-risk vendors, lower the risk of cyber-enabled foreign interference, and promote information quality and education to curb the impacts of foreign interference.

Senate Economics References Committee Inquiry into the Influence of International Digital Platforms

- On **26 September 2022**, the Senate referred an inquiry into the influence of international digital platforms.
- The inquiry covered the nature of international digital platforms operated by large multinational companies - so called 'Big Tech' - exerting power and influence over markets and public debate, to the detriment of Australian democracy and users.
- The Committee tabled its report on **30 November 2023** and made **8 recommendations** to improve coordination of digital platforms regulation, address anti-competitive conduct, support consumer rights, and improve transparency.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

ELECTORAL INTEGRITY

KEY ISSUES

- Protecting the integrity of Australia's electoral processes is critical to maintaining public trust in Australia's democratic processes.
 - Potential threats to electoral integrity can be in the form of cyber or physical security incidents, mis- or disinformation campaigns and actual interference in electoral processes.
- The department is a member of the Electoral Integrity Assurance Taskforce (Taskforce).
 - The Taskforce supports the integrity of election processes by:
 - Monitoring the information environment for potential interference including mis- and disinformation
 - Sharing information on potential risks or threats with relevant agencies
 - Advising the Electoral Commissioner on how identified risks or threats can be mitigated.
 - The department, along with other Taskforce members, appeared at the Joint Standing Committee on Electoral Matters' public and in-camera hearings on 31 October 2025.

The department's ongoing role in the Electoral Integrity Assurance Taskforce

- The department plays an **advisory role on the Taskforce**, contributing subject matter and industry knowledge relating to communications portfolio responsibilities and facilitating engagement with digital and media platforms.
- The department provides advice to the Taskforce based on our:
 - role managing digital platform policy
 - relationships with digital platforms
 - understanding of the broadcasting sector, and
 - portfolio responsibility for the ACMA and the Office of the eSafety Commissioner.
- The department provides advice to the Taskforce on:
 - matters relating to digital platforms including political advertising, mis- and disinformation, and unsolicited communications, and
 - the use of the eSafety Commissioner's and the ACMA's powers relevant in the event of an electoral incident.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**The Taskforce – Advice to the Acting Electoral Commissioner on the 2025 Federal Election**

- On 1 July 2025, the EIAT released its advice to the Acting Electoral Commissioner on the 2025 Federal Election.
- In this advice EIAT noted that agencies did not identify any foreign interference, or any other interference, that compromised the delivery of the 2025 Federal Election and would undermine the confidence of the Australian people in the results of the election.
- As the EIAT set out in its January 2025 Election Security Environment Overview, threats to the integrity of the 2025 Federal Election might be realised through various vectors, including a cyber or physical security incident, foreign interference, and the spread of mis- or disinformation.
- The finalised EIAT Report into the 2025 Federal Election was provided to the Electoral Commissioner on 23 December 2025. It noted:
 - that while foreign interference had not been identified, geopolitical and social tensions were heightened during the election campaign reflected in increased activity across the information environment.
 - the incidence of misinformation, disinformation, and unauthorised electoral matter in an increasingly fragmented media landscape has become more challenging to detect and rectify.
 - an increasing body of reporting suggests that foreign language platforms are a highly permissive environment for electoral misinformation and disinformation.
 - the significant benefits to electoral integrity in preparing for the potential of new and evolving technologies, including AI, to further degrade the information environment.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

BACKGROUND

Electoral Integrity Assurance Taskforce

- The Taskforce, first established in 2018, and Board are chaired by the Australian Electoral Commission (AEC). The following agencies are members of the Taskforce:
 - AEC
 - Australian Federal Police
 - Australian Security Intelligence Organisation
 - Australian Signals Directorate
 - Australian Transaction Reports and Analysis Centre
 - Department of Home Affairs
 - Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, and
 - Office of National Intelligence.
- In addition to the above Taskforce members, the following agencies are members of the Board:
 - Attorney-General's Department
 - Department of Finance
 - Department of Foreign Affairs and Trade, and
 - Department of the Prime Minister and Cabinet.
- The Taskforce provides a structured framework for sharing information on potential threats to electoral integrity such as disinformation campaigns, foreign interference, cyber intrusions and physical incidences.
- The Taskforce has proven an effective model for facilitating collaboration and engagement across government to support the integrity of electoral processes.
- **Taskforce agencies operate within their existing remits and resources** to support the operation of the Taskforce.
 - Except for the AEC, Taskforce members are not involved in the conduct and delivery of electoral events.
 - Should a major disinformation campaign occur during an electoral period, the AEC would coordinate an appropriate response to the incident, in consultation with the Taskforce and following its communication protocols.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISIONState and Territory Elections

- The AEC re-convened the Taskforce to assist with a number of State and Territory elections, including:
 - **Western Australia** held on 8 March 2025.
 - **Tasmanian** State Elections, in July 2025,
 - **Northern Territory** Local Government Periodic General Election, in August 2025, and
 - **Western Australian** local government elections, in October 2025.
- Looking to the future, the Taskforce has received requests, and will provide support for events in 2026 including:
 - **South Australia** State Elections, to be held in March 2026
 - **South Australian** Local Government Elections, to be held in November 2026.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

MISINFORMATION AND DISINFORMATION BILL

KEY ISSUES

- Misinformation and disinformation pose a threat to the safety and wellbeing of Australians, as well as to our economy, society and democracy. Research has shown that 80 per cent of Australians want action on misinformation.
- The Australian Government withdrew the Combatting Misinformation and Disinformation Bill 2024.
- The government has no intentions of reintroducing the Bill.
- The government is pursuing a range of proposals to strengthen the resilience of the Australian information ecosystem including through support to public interest journalism, public broadcasting and strengthening broader media literacy.
- We also expect signatories of the voluntary Australian Code of Practice on Disinformation and Misinformation (the Code) to deliver on the Code's commitments to protect Australians from harmful content on their services such as foreign interference.
- The Digital Industry Group Inc. (DIGI) administers the Code and is currently reviewing the scope and governance of the Code.

Combatting Misinformation and Disinformation Bill 2024

- The Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024 (the Bill) was introduced to the House of Representatives on 12 September 2024 and passed in the House with Government Amendments on 12 November 2024.
- On 24 November 2024, the Minister for Communications withdrew the Bill from the Senate Notice Paper and announced the government would not proceed with the Bill.
- On 25 November 2024, the Senate Environment and Communications Legislation Committee reported on the Bill, recommending that it be withdrawn.
- The **key policy objectives** of the Bill included:
 - Accountability: to hold platforms to account for seriously harmful mis- and disinformation on their services.
 - Transparency: to increase transparency on the platforms to be upfront with Australians about how they manage their content and to provide more Australian specific reporting on mis- and disinformation.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- Empowering online users: to give Australians the power to challenge the content moderation decisions made by the platforms.

Other government approaches to combatting mis- and disinformation

- The government is pursuing a range of proposals to address harmful online content. These include:
 - Legislating to strengthen offences targeting non-consensual and sexually explicit deepfakes - a vital and urgent first step secured by the Attorney-General.
 - The Special Minister of State has progressed a proposal to enforce truth in political advertising for elections.
- The government supports the integrity of the information environment through:
 - public interest journalism and media diversity including the News Media Assistance Program and through its funding of the ABC and SBS.
 - media literacy initiatives in Australian classrooms, such as the Alannah and Madeline Foundation's eSmart Digital Licence for children in primary school.

BACKGROUNDCommunity concerns about misinformation

- The University of Canberra's *Digital News Report: Australia 2025* notes that concern about misinformation among Australian audiences remains high at 74%.
 - This is higher than global concern but is comparable with levels of audience concern in the United States (73%).
- Australians are more likely to see influencers as a major source of misinformation with Facebook (59%) and TikTok (57%) perceived as the major misinformation threats among social platforms.
- In separate research, the Australian Media Literacy Alliance's *Adult Media Literacy in 2024: Australian attitudes, experiences and needs* found that 80% of Australians wanted action taken against online misinformation and disinformation.

The Australian Code of Practice on Disinformation and Misinformation (the Code)

- In December 2019, the former government responded to the Australian Competition and Consumer Commission's (ACCC) recommendations in the Digital Platforms Inquiry Final Report.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- The ACCC agreed to ask major digital platforms to develop a voluntary code of conduct on disinformation and news quality. The ACMA would have oversight of the code and report on the adequacy of platforms' measures and broader impacts of disinformation.
- In 2020 and early 2021, the ACMA oversaw DIGI's development of the voluntary Australian Code of Practice on Disinformation and Misinformation (the Code).
- DIGI launched the Code in February 2021. In June 2022, DIGI commenced a review of the requirements and released the revised Code in December 2022.
- As at September 2025, the Code is adopted by eight signatories.
 - Adobe: Producer of content creation software such as Photoshop.
 - Apple: Owner of the Apple News aggregation service.
 - Google: Owner of Google (search engine), Google Ads (the world's largest online advertisements platform), YouTube and Google News.
 - Meta: Owner of Facebook, Facebook Messenger, Instagram and Threads. These platforms feature text, image and video content encouraging high levels of interaction.
 - Microsoft: Owners of LinkedIn (professional social networking), Microsoft Start (news aggregator), Bing (search engine), and Microsoft Advertising.
 - Redbubble: Online marketplace for artwork and independently created merchandise.
 - TikTok: Short-video based platform.
 - Twitch: Interactive livestreaming platform for content spanning gaming, entertainment, sports and music.
- X (formerly known as Twitter) was an original signatory to the Code, however its signatory status was revoked on 27 September 2023 by DIGI's independent complaints sub-committee, which upheld a complaint from Reset.Tech.Au that X failed to meet the mandatory obligations under the Code.

Minimum commitments

- Signatories opt into the commitments, however there are two mandatory commitments, including that all signatories:
 - commit to implement measures to reduce the risk of harms that may arise from mis- and disinformation, and
 - to release an annual transparency report about efforts.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION2025 review of the Code

- DIGI commenced its most recent review of the Code on 30 September 2025, with the launch of public consultations supported by a 2025 Review Discussion Paper to guide comment from the public and government.
- This review's consultation period remained open until 3 November 2025.
- The department understands that DIGI is currently reviewing submissions it has received and will progress its review into 2026.

ACMA review of digital platforms' efforts under the Code – fourth report to government

- In August 2025, ACMA released its fourth report to government on digital platforms' efforts to combat disinformation and misinformation through the Code.
- ACMA's report outlines its analysis of the 2024 transparency reports published by digital platform signatories under the Code.
 - Like previous annual assessments, the ACMA identified that there remains room for improvement in this transparency reporting including a need for more trended and Australia-specific data such as basic information about a platform's Australian user-base.
- The report also addressed the planned review of the Code in late 2025, which ACMA suggested should be wholistic and cover both commitments of signatories and governance of the Code itself.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

DIGITAL DUTY OF CARE

KEY ISSUES

- On 13 November 2024, the Australian Government announced a commitment to legislate a digital duty of care for online services operating in Australia. This was a key recommendation of the independent statutory review of the *Online Safety Act 2021* (the Act).
- The duty of care concept is well established in Work Health and Safety legislation in Australia and key elements have been reflected in online safety laws adopted in the UK and EU.
- A duty of care will place legal obligations on services operating in Australia to take reasonable steps to prevent certain foreseeable harms on their platforms. This approach shifts the focus to preventing rather than responding to harms.
- The government sought views on the design of a duty of care through a community survey on the department's website and consultation roundtables with stakeholders.
- In line with the review recommendations, the duty of care is expected to require services to conduct risk assessment and mitigation across their systems and to report on this to the regulator. Services would also be required to adopt safety by design principles.
- Timing of legislation to introduce a duty of care is a matter for the government. These reforms will require careful consideration of transitional arrangements.

Development of a model

- On 14 November 2025, the Minister announced the launch of an online survey seeking views on the design of a duty of care. The survey concluded on 7 December 2025.
 - The survey received 1,348 responses.
 - Approximately 1,000 were associated with either the 'digital duty of control' campaign by former MP George Christensen, or other unnamed campaigns as evidenced by identical responses. The remainder were primarily from individuals, academics and community organisations.
- The department also conducted 18 roundtables and individual meetings with stakeholders, including: digital platforms, industry bodies, child safety organisations, youth representatives, the eSafety Commissioner, Reset Tech, and the independent reviewer of the Online Safety Act. A list of meetings and attendees is at **Attachment A**.
- The government is analysing the findings from both the survey and consultations.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- Based on the UK and EU experience, it will take time to develop and implement a duty of care model for Australia.
- Consideration will be given to appropriate transitional arrangements for industry and eSafety, including in relation to industry codes and standards and the Basic Online Safety Expectations.

Legislation development and implementation timelines for the UK and EU

- The UK's duty of care model was initially proposed in the Online Harms White Paper in April 2019 and legislated in the Online Safety Act 2023.
 - The full government response was published in December 2020.
 - The UK's Online Safety Bill was introduced into the House of Commons in May 2022, revised for submission to the House of Lords in January 2023, and received royal assent in October 2023.
 - The UK regulator, Ofcom, is projecting implementation will continue into 2026.
- The European Digital Services Act (DSA) was introduced to the European Parliament in December 2020. A period of almost four years elapsed from the introduction to the publication of the first risk assessment reports.
 - The DSA does not include an explicit duty of care provision, instead it contains transparency and risk assessment obligations for designated services, similar to those being proposed under the Australian duty of care.
 - The DSA entered into force in November 2022, with the European Commission's first designation of Very Large Online Platforms and Search Engines in April 2023.
 - The first transparency reports were published in October 2023, and the first risk assessment reports in November–December 2024.

Online Safety Act Review recommendations relating to a duty of care

- The final report of the independent statutory review of the Act was provided to the government on 31 October 2024. The report made 67 recommendations for reforms to the online safety regulatory framework.
- Terms of reference included consideration of a duty of care to users.
- The review recommended introducing an overarching duty, linked to statutory categories of enduring harms.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- The review also recommended a number of reforms to support a duty of care, including:
 - tiering obligations by services' reach or risk, requiring 'high reach' or 'high risk' platforms to conduct risk assessments, produce transparency reports, resource internal compliance and share data with authorised researchers.
 - providing the regulator with the power to make enforceable codes for satisfying duty of care obligations and to require independent audits of services at their own expense.

Other views and questions

- The Joint Select Committee on Social Media and Australian Society released its final report on 18 November 2024 and recommended introducing an overarching duty of care on online services involving risk assessment and mitigation.
- In November 2024, both Senator Sarah Hanson-Young and former MP Ms Zoe Daniel introduced proposals that included duty of care and transparency obligations on larger services.
- In September 2025, Senator Fatima Payman moved Order for the Production of Documents No. 169, regarding correspondence between the Minister for Communications and the department or eSafety Commissioner relating to preparations for a legislated duty of care (MS25-002554 refers).
- The government has received a number of questions on notice regarding progress on the duty of care and government response to the review, including from the October 2025 estimates hearings (SQ25-002338), Inquiry into the Internet Search Engine Services Online Safety Code (IQ25-000179) and in the Senate on 5 November 2025.
- The Senate Standing Committee on Environment and Communications released the report into the Internet Search Engine Services Online Safety Code in November 2025 which recommended that the Australian Government legislate a duty of care to make online platforms safer for all users.
- In recent months, Minister Wells has publicly reiterated the government's intention to consult on, or introduce, a duty of care

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

ATTACHMENT A: List of roundtables and other consultation meetings on a digital duty of care model

Industry roundtable: Search, marketplace, infrastructure 27 November 2025	• Amazon • Australian Telecommunications Alliance (ATA) • .au Domain Administration (auDA) • Google • Microsoft • Optus • Samsung • Telstra • Yahoo
Industry roundtable: Social media, messaging and gaming #1 27 November 2025	• Discord • Meta • Roblox • X Corp
Industry roundtable: Social media, messaging and gaming #2 28 November 2028	• Snap Inc. • TikTok • Reddit • LinkedIn
1:1 meeting: Apple 3 December 2025	• Apple
Industry roundtable: Industry bodies 5 December 2025	• DIGI • Interactive Games and Entertainment Association (IGEA) • International Social Games Association (ISGA) • Consumer Electronics Suppliers Association (CESA) • Tech Council of Australia • Australia New Zealand Screen Association (ANZSA)
1:1 meeting: Independent Reviewer 5 December 2025	• Delia Rickard
Community roundtable: Child safety (CSEA and illegal material) 8 December 2025	• Australian Childhood Foundation (ACF) • UNICEF • International Justice Mission (IJM)
1:1 meeting: eSafety 8 December 2025	• eSafety

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

Community roundtable: Child safety (bullying and other harms) 9 December 2025	• Alannah and Madeline Foundation (AMF) • Australian Human Rights Commission • Australian Institute of Family Studies • Australian Council of State School Organisations • Australian Parents Council • Catholic School Parents Australia • Headspace • International Centre for Missing & Exploited Children (ICMEC) • LifeEd • Movember • Orygen • Project ROCKIT • ReachOut • Smacktalk • Triple P • Yourtown/Kids Helpline
Industry roundtable: Adult content, gaming 9 December 2025	• Eros Association • OnlyFans • Steam • Twitch • Kick
1:1 meeting: Reset.Tech 10 December 2025	• Reset.Tech
Industry roundtable: Online dating 11 December 2025	• Match Group • Grindr • Bumble
Industry roundtable: Middle tech 11 December 2025	• Canva • Discord • Dropbox • Pinterest • Reddit • Strava • Yahoo
Community roundtable: National Taskforce for Social Media, Body Image and Eating Disorders 17 December 2025	• Deakin University • University of Western Australia • Butterfly Foundation • La Trobe University • The University of Sydney
1:1 meeting: Teach Us Consent 18 December 2025	• Teach Us Consent
Community roundtable: eSafety Youth Council 8 January 2026	• eSafety Youth Council

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

1:1 meeting: Google 22 January 2026	• Google
1:1 meeting: Alannah and Madeline Foundation	• Alannah and Madeline Foundation

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

eSafety Commissioner**KEY ISSUES**

- The *Online Safety Act 2021* (the Act) establishes the office of the eSafety Commissioner (the Commissioner), who is an independent statutory officeholder.
 - The Commissioner is supported by officials employed by the Australian Communications and Media Authority (ACMA).
- The Commissioner has a range of regulatory functions under the Act. These include:
 - administering the complaints-based schemes relating to child cyberbullying, adult cyber-abuse, image-based abuse and illegal and restricted content
 - working with online service providers to develop industry codes and standards to prevent and minimise access to illegal and restricted content
 - monitoring and enforcing the social media age limits framework, and
 - improving industry accountability and transparency through the Basic Online Safety Expectations.
- The Commissioner also has a range of important non-regulatory functions, including education, awareness raising, and advisory functions related to online safety.

eSafety Commissioner and the US Congressional Judiciary Committee

- The eSafety Commissioner, as an independent statutory officeholder, is closely considering her options in relation to the 31 December 2025 request from the US Congress's House Judiciary Committee to appear before it.
 - The Commissioner has been asked to answer how enforcement actions undertaken by eSafety have resulted in harm to Americans' free speech.
- eSafety has been working closely with DFAT, PM&C and the department on a factual response to this request, which reinforces that eSafety's role is to enforce laws passed by the Australian Parliament to protect Australians online, especially children.
- Letters in response to the Congressional Committee were provided on 2 December 2025 (**Attachment A**) and 19 January 2026 (**Attachment B**).
- Any further details on this matter can be directed to the eSafety Commissioner.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISIONThe Commissioner's powers

- The Commissioner's powers, such as the ability to issue removal notices, are subject to important oversight mechanisms.
 - Individuals and service providers affected by a reviewable decision of the Commissioner can request internal review of the decision, free of charge, if they believe the decision is unreasonable, unfair or otherwise wrong.
 - Individuals and service providers can also seek external review of the Commissioner's decision through the Administrative Review Tribunal and courts.
 - A summary of the Commissioner's key powers and associated oversight mechanisms is at **Attachment C**.
- eSafety has published its Compliance and Enforcement Policy and regulatory guidance about how it applies the Act to ensure there is transparency for the public and service providers about how eSafety operates, and to ensure consistency of decision-making.
 - The Compliance and Enforcement Policy notes that informal requests to online service providers can help with faster action in response to harmful online material.
- Like other regulators, eSafety is subject to corporate accountability and governance oversight mechanisms. Annual reports and accountability reporting documents are published on eSafety's website in conjunction with the ACMA's annual reporting.
- eSafety's annual reports include the number of complaints it has received, an overview of the types of complaints received, and enforcement actions it has taken.
- The department is aware of recent Federal Court decisions and Administrative Review Tribunal decisions relating to the exercise of the Commissioner's powers under the Act.
 - The independent review of regulatory decisions is an important feature of Australia's legal system.

The Commissioner's appointment

- The Commissioner was appointed for a 5-year term, initially as the Children's eSafety Commissioner, in November 2016. She commenced in the role in 2017.
- The Commissioner was re-appointed as eSafety Commissioner for a further 5-year term in January 2022.
- The Commissioner's current term expires in January 2027.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**eSafety Commissioner and the review into the Act**

- The Commissioner's work operates under a legislative framework – the Online Safety Act – and is vital to keeping Australians particularly children, safer online.
- An independent, public review considered the functions of the Act and the eSafety Commissioner and this was tabled in Parliament in February 2025.
- The government is considering the recommendations arising from the Review.



2 December 2025

CC25-0191

Congressman Jim Jordan
Chairman, Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

CC: The Honorable Jamie B. Raskin, Ranking Member, Committee on the Judiciary

Dear Mr Jordan

I refer to your letter dated 18 November 2025 in which you invited me to voluntarily provide testimony at a transcribed interview before the Committee about Australia's *Online Safety Act 2021* (Cth) (the Act) and my role as eSafety Commissioner, enforcing compliance with the Act.

While I am not in a position to attend an interview, in response to your letter, I provide the following summary of our approach.

As you would understand, all businesses operating in Australia, including technology platforms, must comply with Australian laws, including the Act. Australian laws have been enacted in response to increasing online harms and the decreasing efforts and effectiveness of the steps online platforms are taking to mitigate those harms to Australians.

eSafety's current approach to responding to illegal and restricted content, particularly Class 1 material, builds on the Court's guidance on the interpretation and application of the relevant illegal and restricted removal powers in the Act, particularly around what would constitute "removal" for the purposes of the Act.

While that means that it is unlawful for businesses to display or distribute in Australia material classified as 'refused classification' under Australian law, it would not prevent a business from displaying or distributing material of that kind in other jurisdictions that is not child sexual abuse material.

In other words, nothing we do here in Australia prevents American companies from displaying non-child sexual abuse material to Americans.

This was most recently demonstrated through our acceptance of geo-blocking of graphic video footage of the Charlie Kirk, Iryna Zarutskya, and Chandra Mouli Nagamallaiah murders. In each case, the independent Classification Board classified certain material containing

violent graphic imagery as 'refused classification', which is the highest possible rating and is given to material that is outside generally accepted community standards.

Based on the Classification Board's decisions, eSafety issued removal notices for that and similar material. eSafety accepted geo-blocking, so the material is not displayed to users in Australia, as compliance with the statutory removal notice.

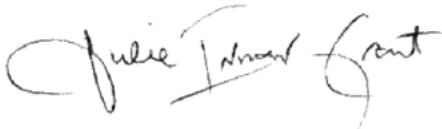
As the laws are relatively new, many of the provisions are only now being tested and interpreted by the courts. eSafety continues to update its processes to reflect judicial and administrative guidance about the provisions.

Finally, I'd like to point out also that there may be more that unites us than divides us in terms of similar approaches to tackling child sexual abuse material and the non-consensual sharing of intimate imagery, noting that the TAKE IT DOWN Act provisions closely resemble Australia's image-based abuse scheme, which has been in operation for 8 years.

Thank you for your interest in the work of eSafety and how legislatures, platforms and regulators around the world can work together to address online harms in both Australia and the United States of America.

We hope this information will assist you and the Committee in your further exploration of these issues.

Yours sincerely,



Julie Inman Grant
eSafety Commissioner

19 January 2026

CC26-0002

Congressman Jim Jordan
Chairman, Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

CC: The Honorable Jamie B. Raskin, Ranking Member, Committee on the Judiciary

Dear Chairman Jordan

I refer to your letter dated 30 December 2025 in response to my letter of 2 December 2025. In your letter you again note a range of issues and invite me to voluntarily provide testimony at a transcribed interview before the Committee about Australia's *Online Safety Act 2021* (Cth) (the Act).

In response to the issues noted in your letter, I am providing the attached information, which describes eSafety's role and the operation of the Act.

Many of the issues you have raised are outside my role as they relate to Australian policy and legislative settings, rather than regulatory implementation, which is my statutory authority. Decisions about the underlying policy settings and scope of the Act are matters for Commonwealth Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts and the Minister for Communications.

As I outlined in my attached information, all businesses operating in Australia, including technology platforms, must comply with Australian laws, including the Act where applicable. eSafety does not prevent platforms from displaying content to users in the United States.

I hope this information will assist you and the Committee in your further exploration of these issues.

Yours sincerely,



Julie Inman Grant
eSafety Commissioner

Information about Australia's *Online Safety Act 2021 (Cth)*

The eSafety Commissioner (eSafety) welcomes the opportunity to explain to the Committee on the Judiciary of the U.S. House of Representatives the nature of our role, Australia's online safety regulatory framework, and the important free speech protections incorporated into the regulatory framework in the *Online Safety Act 2021 (Cth)* (the Act).¹ Below, we have focussed on responding to the issues you have raised.

Importantly, all businesses operating in Australia regardless of where they are headquartered, must comply with Australian laws, including the Act where applicable.

In complying with Australian law, platforms are not prevented from displaying or distributing material in other jurisdictions. The Act is about protecting Australians, particularly Australian children, in line with community expectations.

We understand the United States at both federal and state level is also grappling with online safety, for example through the *Take It Down Act*² and local legislation passed by several US states, including Florida, Georgia, Louisiana, Mississippi, Nebraska, Ohio, Tennessee, Texas and Utah.

1. eSafety's role in protecting Australians from online harms

eSafety is Australia's independent regulator, educator and coordinator for online safety. Our purpose is to help safeguard Australians from online harms and to promote safer, more positive online experiences.

The [Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts](#) has the policy responsibility for online safety laws and policies in Australia.

Decisions about the policy settings and scope of the Act is a matter for the Department and the Minister for Communications.

¹ <https://www.legislation.gov.au/C2021A00076/latest/text>.

² <https://www.congress.gov/bill/119th-congress/senate-bill/146>.

Once laws are passed by the democratically elected Australian Parliament and in effect, eSafety's role is to implement and enforce them. The eSafety Commissioner is an independent statutory role, appointed by the Minister for Communications. eSafety's remit and the eSafety Commissioner's powers and functions³ are set out in the Act.

eSafety focusses predominantly on serious online harms such as the cyberbullying of children, adult cyber abuse, image-based abuse (sharing, or threatening to share, intimate images without the consent of the person shown) and illegal and restricted content. More details about this work are detailed below.

Since our establishment in 2015, the Australian Parliament has expanded the Act and eSafety's remit to respond to digital developments and increasing serious online harms:

- In 2015, Parliament passed the *Enhancing Online Safety Act 2015*, which established the Office of the Children's eSafety Commissioner.
- In 2017, Parliament expanded eSafety's remit to include protections for all Australians. The Children's eSafety Commissioner became the eSafety Commissioner.
- In 2019, Parliament expanded eSafety's remit to include additional responsibilities under laws criminalising the sharing of Abhorrent Violent Material, such as terrorist or extreme violent content.
- In 2021, Parliament expanded eSafety's remit through the *Online Safety Act 2021*.
- In 2024, Parliament expanded eSafety's remit to include a social media minimum age framework, which as outlined below, prevents Australian children under 16 from having an account on age restricted social media platforms.

As with all Australian Bills or legislative instruments, these legislated changes included a Statement of Compatibility, which assessed the compatibility of the measures with the rights and freedoms recognised in the 7 core international human rights treaties that Australia has ratified. Each time, the proposed powers and functions were found to be compatible with Australia's human rights and freedoms obligations.

³ Sections 27 and 28 of the Act.

- The explanatory memorandum for the Act⁴ determined that providing protections for categories of material within the Act, including the depiction of child sexual abuse or the promotion of terrorism, are consistent with the freedom of expression, as the restrictions are provided for by law, and are necessary for respect to the rights and reputation of others, or for the protection of national security, public order, health or morals. It also found the measures were reasonable and proportionate to achieving the legitimate policy objective of improving and promoting online safety for Australians.

eSafety's legislative framework has been externally and independently reviewed twice during our 10 years of operation to ensure Australia's online safety laws keep pace with the evolving online environment. Both reviews positively affirmed the vital role eSafety plays in keeping Australians safer online, while also supporting measures to strengthen our legislative framework. The [most recent review](#) was conducted in October 2024.

eSafety administers a range of schemes under the Act, including:

- The [Social Media Minimum Age obligation](#), which commenced on 10 December 2025, and requires age restricted social media platforms to take reasonable steps to ensure Australians under 16 do not have an account on their service. This initiative was legislated on a bipartisan basis at the Commonwealth level and also has broad support across Australian states and territories. The obligation was developed in close consultation with industry, as is normal practice in Australia.
- [Industry codes and standards](#) where, by legislative design, industry codes are drafted by industry, for industry.⁵ Standards may be drafted by eSafety where draft codes proposed by industry do not meet the statutory requirements for registration.
- The [Basic Online Safety Expectations](#), where eSafety can compel transparency from certain services about how they are meeting the expectations. The requirements are designed to improve providers' safety standards and improve transparency and accountability.

⁴

https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bld=r6680.

⁵ Sections 140 and 141 of the Act.

- [Complaints-based schemes](#), which serve as a safety net for Australians when service providers, such as social media platforms, do not adequately address user's reports or calls for help, and are designed to address:
 - [Cyberbullying material](#) targeted at Australian children.
 - [Non-consensual sharing of intimate images](#)⁶ which operates similarly to the United States' *Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act 2025*, also known as the Take it Down Act – which was championed by First Lady Melania Trump. eSafety has a very high success rate in removing harmful material generally and up to 98 per cent in cases of image-based abuse.
 - [Cyber-abuse material](#) targeted at and seriously harming Australian adults.
 - [Illegal and restricted online content](#), such as child sexual abuse material and pro-terror material.

Given the examples in the Committee's letter, we will focus on explaining the framework and operation of Australia's Online Content Scheme, as set out in the Act.⁷

2. 'Refused classification' material is considered harmful and unlawful in Australia

All platforms and publishers operating in Australia must comply with Australia's National Classification Scheme (Classification Scheme). The Classification Scheme is a cooperative arrangement between the Australian Government and state and territory governments. It governs how materials within Australia are classified. The federal Minister for Communications and the state and territory Ministers responsible for classification oversee the Scheme, rather than eSafety.

The Classification Scheme is administered by the [Classification Board](#), rather than eSafety. Obligations under the Classification Scheme are additional to any contractual terms (terms)

⁶ <https://www.congress.gov/bill/119th-congress/senate-bill/146>.

⁷ See Part 9 of the Act.

between platforms and their end users which platforms may also invoke when independently reviewing and removing content if a user, or content they post, breaches those terms.⁸

The Act links to the Classification Scheme for a range of thresholds, including the power to issue removal notices under the Online Content Scheme. Material that is or would likely be classified as 'refused classification' under the National Classification Scheme⁹ translates to 'Class 1 material' for the purposes of the Act. That definition encompasses material that:

- depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified,
- describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not), or
- promotes, incites or instructs in matters of crime or violence.

To ensure our efforts to minimise harms for Australians are as effective as they can be, eSafety works with other regulators and law enforcement. Perpetrators of terrorist and violent extremist material (content) and activity (conduct), and child sexual abuse material use different jurisdictions to generate, host, display and promote their content.

Similarly, online activity¹⁰ and the online industry¹¹ are also global. eSafety collaborates with law enforcement, other government agencies, and non-government partners around the world, such as the US National Center for Missing and Exploited Children¹² and INHOPE,¹³ the Association of Internet Hotline Providers which supports the rapid identification and removal of child sexual abuse material from the digital world.

⁸ See for example <https://help.x.com/en/rules-and-policies/x-rules>, <https://transparency.meta.com/en-gb/policies/community-standards/> and <https://www.tiktok.com/legal/page/us/terms-of-service/en>.

⁹ *Classification (Publications, Films and Computer Games) Act 1995* (Cth).

¹⁰ Section 134 of the Act.

¹¹ Section 135 of the Act.

¹² <https://www.missingkids.org>.

¹³ <https://www.inhope.org/EN>.

3.eSafety's approach is Australia-focussed and does not require global removal of 'refused classification' material

eSafety's removal notices do not require non-child sexual abuse material Class 1 content to be taken down from the internet globally. It is important to note that eSafety's focus is on minimising the harm to Australians from inadvertent exposure to harmful material, with a focus on children.

By adopting this approach, there is nothing eSafety does that prevents platforms from displaying whatever they want to Americans or any other citizens in other jurisdictions.

eSafety's current approach to responding to illegal and restricted content, particularly Class 1 material, builds on the Federal Court of Australia's guidance on the interpretation and application of the relevant illegal and restricted removal powers in the Act, particularly around what would constitute "removal" for the purposes of the Act.

This was most recently demonstrated through eSafety's acceptance of geo-blocking of graphic video footage of the Charlie Kirk, Iryna Zarutka, and Chandra Mouli Nagamallaiah murders as compliance with a removal notice. In each case, the Classification Board determined certain material containing violent graphic imagery as 'refused classification'. This is the highest possible rating and is given to material that is outside generally accepted community standards. Based on the Classification Board's decisions, eSafety issued removal notices for that and similar material.

Even while video footage of the Charlie Kirk, Iryna Zarutka, and Chandra Mouli Nagamallaiah murders was geo blocked in Australia, the complete video footage remained accessible on social media platforms by users outside Australia.

Platforms have effective technological capability to apply location-based content restrictions which they implement for a range of material on their services. Regulating material outside Australia is a matter for platforms and the local authorities in those locations rather than eSafety.

Removal notices related to child sexual abuse material is the only exception, with eSafety requiring removal of material rather than geo-blocking for compliance purposes. Child sexual

abuse material clearly violates most platforms' terms of service, and is also globally removed by platforms.¹⁴

Importantly, the Act also states that it does not apply generally to the extent (if any) that it would infringe any Australian constitutional doctrine of implied freedom of political communication.¹⁵

4.Preventing distribution of 'refused classification' material to Australians does not prevent distribution or display to users in other jurisdictions

Australia regulates material only in our own jurisdiction. Different jurisdictions have different rules about whether, and what kind of, material is prohibited, and have the right to regulate as they see fit for their own circumstances. Material restricted in one jurisdiction does not generally prevent that material from being displayed in another jurisdiction where that material is permitted. That same principle applies to the Online Content Scheme in the Act.

5.Transparency and review mechanisms for platforms and end-users protects rights and provides accountability

eSafety is subject to a range of accountability and transparency measures, including:

- Reporting, governance and compliance arrangements, such as [corporate and annual reporting requirements](#), as well as [requests under the Freedom of Information Act 1982](#).
- [Internal review](#) of decisions based on formalised processes.
- External reviews by the Administrative Review Tribunal, the Federal Court of Australia and the Commonwealth Ombudsman.
- Parliamentary Hearings before the Australian Parliament.

eSafety also promotes accountability and transparency in our work, including by:

- Publishing [regulatory guidance](#) for each of the complaint schemes, as well as broader compliance and enforcement materials.

¹⁴ See 18 U.S. Code § 2252.

¹⁵ Section 233 of the Act.

For example, on 16 September, eSafety released its Social Media Minimum Age Regulatory Guidance.¹⁶ In the lead up to commencement Social Media Minimum Age obligation, eSafety consulted widely on regulatory implementation across the Australian community, including with experts and the online service providers industry. The Department's Age Assurance Technology Trial— Final Report,¹⁷ released on 31 August 2025, also informed our regulatory approach.

- Undertaking deep [consultation](#), engaging with a wide variety of stakeholders and pursuing an extensive array of communication and awareness raising initiatives. These are published on [our website](#) to promote transparency and accountability of eSafety's work, while also seeking to raise the profile of online safety.
- Participating in inquiry and review processes, both within Parliament and across the federal, state and territory level, and publishing our [submissions](#).

6.External review is important for supporting eSafety's evidence-based impact evaluation of the Social Media Minimum Age obligation

As outlined above, the Social Media Minimum Age obligation commenced on 10 December 2025 and requires age restricted social media platforms to take reasonable steps to ensure Australians under 16 do not have an account on their service.

eSafety has commenced an evidence-based evaluation of the implementation and outcomes of the Social Media Minimum Age obligation. Twelve academic institutions from Australia, the United Kingdom and the United States were selected through a transparent, competitive and independent review process due to their extensive and unique experience in conducting research and evaluation into social media and mental health.

The task of the advisory group, which is made up of researchers from Australia, the United States of America and the United Kingdom is to evaluate Australia's world-first social media delay for children under 16. The advisory group, comprised of a range of world leading experts

¹⁶ <https://www.esafety.gov.au/sites/default/files/2025-09/eSafety-SMMA-Regulatory-Guidance.pdf>.

¹⁷ <https://www.infrastructure.gov.au/department/media/publications/age-assurance-technology-trial-final-report>.

will examine how the Social Media Minimum Age obligation is being implemented and evaluate its short and medium-term impacts on children, young people, and their parents or caregivers. Data from this evaluation will inform the independent review of the legislation led by the Department, which must occur within 2 years of commencement.

7. eSafety engages with other regulators and online safety experts

To ensure an evidence-based policy, eSafety works with other regulators and experts to ensure evidence-based and best practice policies are developed for Australia. This is standard practice for most areas of regulation, not just online safety. For example, regulators from other disciplines have been working cooperatively and across jurisdictions for decades, including the U.S. Federal Trade Commission (FTC). For instance, the Institute of International Communication was formed in 1969, the Global Privacy Assembly was formed in 1979 and the International Consumer Protection and Enforcement Network was established in 1992. These well-established organisations convene media and communications regulators, data protection and privacy commissioners and consumer and competition authorities, respectively.

Online safety regulation is a much newer domain and in 2022, the formation of the Global Online Safety Regulators Network (GOSRN) was announced. GOSRN has been very transparent about thematic issues and positions discussed at senior officials meetings including putting out statements about online safety regulations compatibility with a range of human rights, including [freedom of expression](#) and our commitment to achieving a greater degree of [regulatory coherence](#) for tech company compliance.

8. Common online safety approaches in Australia and the United States of America unite rather than divide us

The Australian Parliament has created laws and regulations that closely mirrors both legislation recently passed by the US Congress and efforts made by US government departments and law enforcement agencies concerning the most grievous areas of online harm impacting all of our citizens.

The *Take It Down Act*,¹⁸ passed by Congress last year and championed by First Lady Melania Trump, closely aligns with the image-based abuse scheme in the Act, as described above, where we have a 98% success rate in remediating harm from non-consensual sharing of intimate imagery, including deepfake versions.

Additionally, we understand a number of US states have passed legislation seeking to enhance protection of children online, including California, Florida, Georgia, Louisiana, Maryland, Mississippi, Nebraska, New York, Ohio, Tennessee, Texas, Utah and Virginia.

For the decade since eSafety has been in existence, we have collaborated with the US Department of Justice to address child sexual abuse material and with the Federal Bureau of Investigation on issues of mutual concern, including sexual extortion by overseas organised criminals. In December 2024, [eSafety and the Department of Homeland Security](#) held a two-day workshop with US-based AI and technology companies and related stakeholders on jointly creating a Safety by Design Toolkit to Combat Online Child Sexual Exploitation and Abuse.

Finally, we note that the recently-registered [industry codes](#), and transparency notices the eSafety Commissioner has issued to AI companion companies, closely align with the research the FTC is undertaking to explore harms to children around harmful outputs of AI companions. As you would know, the FTC issued orders to seven companies that provide consumer-facing AI-powered chatbots seeking information on how these firms measure, test, and monitor potentially negative impacts of this technology on children and teens, as well as limit or restrict children's or teens' use of these platforms.

¹⁸ <https://www.congress.gov/bill/119th-congress/senate-bill/146>.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

RESTRICTING ‘NUDIFY’ AND UNDETECTABLE STALKING APPS**KEY ISSUES**

- On 2 September 2025, the Australian Government announced it will work to restrict access to ‘nudify’ and undetectable stalking tools.
- This decision is informed by a related recommendation in the independent Statutory Review of the *Online Safety Act 2021* (the OSA).
- This is a complex problem and the government is working closely with experts and industry to better understand evolving technologies and the policy options that could deliver long term solutions.
- In addition to considering options to reform the OSA, the department is liaising with other agencies to explore a range of criminal, regulatory and non-regulatory responses.
- To date, the department has met with:
 - Attorney-General’s Department
 - Office for Women in the Department of the Prime Minister and Cabinet
 - The office of the eSafety Commissioner
 - Apple
 - Google
 - Microsoft
 - Bumble.
- The department is also planning to meet with parents, child safety advocates, teachers and law enforcement to consider options to restrict access.
- This work will be progressed alongside and complement the digital duty of care.

Protections available under existing frameworks

- In the interim, eSafety is working to tackle “nudify” using existing powers under the OSA.
 - Under industry codes and standards dealing with class 1 material (illegal and seriously harmful content), online services are required to take steps to effectively disrupt, deter and remove child sexual exploitation material. These requirements extend to the availability of nudify tools which can be manipulated for generating sexually explicit images of children and minors.
 - The Designated Industry Services Standard dealing with class 1 material has Artificial Intelligence (AI) specific obligations, including to deploy

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

systems, processes and technologies to prevent AI child sexual exploitation from being generated, regular review and testing of AI models, as well as requirements for warning messages for users seeking images of child sexual exploitation material

- eSafety has a range of enforcement mechanisms under the OSA where a company fails to comply with an industry code or standard, including seeking penalties of up to \$49.5 million.
- eSafety announced in November 2025 that a provider of three of the world's most widely used nudify services had withdrawn access in Australia following enforcement action.
- eSafety is also reviewing complaints received under the OSA complaints schemes to identify any material generated by nudify tools that constitute image-based abuse (of adults) or child sexual exploitation. eSafety will use content notifications to platforms and removal notices where material reported meets statutory thresholds.

Recent reports about Grok and xAI

- eSafety is investigating complaints it has received regarding the creation of sexually explicit deepfakes of adults and children using Grok.
- These recent events further illustrate the real harms posed by readily available nudification tools and emphasise the government's decision to prioritise action.
- eSafety continues to monitor the situation and is collaborating with regulators across the world to respond to this evolving issue.
- eSafety's investigation is live and ongoing - questions about this should be referred to the eSafety Commissioner.

Will the work to restrict access to nudify apps and websites extend to general purpose AI like Grok?

- The policy outcome that we seek to achieve is to restrict the ability of anyone in Australia to access technology that enables the creation of non-consensual, sexually explicit deepfakes.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- The way to achieve this in legislation will be complex as we want to retain the ability for Australians to continue to access AI services that are useful while restricting access to the elements of the technology that cause harm.
- Engagement with stakeholders is ongoing and will form part of the advice that we provide to government.
- Notwithstanding, any app not captured by the new nudify laws, but that can be used to generate nude images, must comply with relevant obligations under relevant industry codes or standards made under the OSA, including preventing child sexual abuse material. Failure to comply may result in enforcement actions.

Will the government support Kate Chaney's Bill to criminalise the downloading and possession of CSAM generating tools?

- This is a matter for the government.

Will the government support David Pocock's Bill to amend the Online Safety Act to broaden eSafety's powers for non-consensual intimate sharing to all forms of deepfakes?

- This is a matter for the government

When will the nudify reforms be in place?

- The Minister has publicly stated that this is a priority alongside the digital duty of care. The department is preparing advice for the government in the coming months that will describe the issue and propose solutions.

BACKGROUNDRecent cases

- Data from eSafety indicates approximately one in 33 children have reported having someone create a fake nude image.
- eSafety reports from children have more than doubled in the past 18 months, compared to the total number of reports received in the seven years prior.
- The US based National Centre for Missing and Exploited Children's CyberTipline reported a 1,425% increase in reports involving generative AI from 4,700 in 2023 to 67,000 in 2024.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISIONCurrent gaps

- Industry codes and standards dealing with class 1 material (illegal and seriously harmful content) provide some protections and impose some obligations on the use and availability of nudification tools, so far as they relate to the generation of child sexual abuse material. However, the OSA provides few protections against the generation of non-consensual nude images of adults.
 - The image-based abuse and adult cyber abuse schemes under the OSA can allow eSafety to issue removal notices on nude deepfake images and videos. However, these complaint schemes are inherently reactive, relying on victims to report individual content and an investigation process.
- The *Commonwealth Criminal Code Act 1995* was amended in 2024 to create offences for the non-consensual distribution and sharing of sexually explicit material created or altered by AI however these laws do not proactively prevent the creation of these materials, facilitated by AI and other evolving technologies.
 - Questions about the Criminal Code should be referred to the Attorney-General's Department.

Grok

- Grok is an AI chatbot developed by xAI that is integrated into the social media platform, X and is available through apps and a standalone website. It is designed to answer questions and generate content, such as images and text, and engage in conversations.
- Recently, users of X have been able to tag Grok, requesting the generating of sexually explicit deepfakes. The issues emerged in December 2025 when Grok implemented the 'edit image' feature on their site. Global concern has emerged regarding the misuse of this functionality to generate non-consensual sexually explicit photos.
- Under the industry codes and standards dealing with class 1 material, Grok is subject to the Designated Internet Service (DIS) Standard, while X is subject to the Relevant Electronic Services (RES) Standard.

Kate Chaney MP Private Member's Bill/ Criminalisation of downloading tools

- On 28 July 2025, Kate Chaney MP (IND) introduced the Criminal Code Amendment (Using Technology to Generate Child Abuse Material) Bill 2025 into Parliament.

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- The Bill would create new offences for downloading and possessing AI tools purpose-built to create child sexual abuse material, and the distribution of data for the purpose of developing these tools.
- The scope of the Bill would include some nudify tools, as well as tools that do not generate images of a real child.

David Pocock Private Senator's Bill/Broader Deepfakes and privacy

- On 24 November 2025, David Pocock (IND) introduced the Online Safety and Other Legislation Amendment (My Face, My Rights) Bill 2025 to the Senate.
- The Bill seeks to amend the *Online Safety Act 2021* to:
 - Introduce a new complaints system for non-consensual sharing of deepfake material
 - Broaden the eSafety Commissioner's powers to issue removal notices and formal warnings for AI-generated material
 - Provide civil redress through the courts for victims of deepfake materials and penalties for posting deepfake material and for services who do not remove material when requested.
 - Define deepfake, non-consensual sharing and the subject of deepfake material.
- In essence, this Bill seeks to broaden eSafety's powers for non-consensual intimate image sharing to all forms of deepfakes not just sexually explicit material.
- The Bill seeks to amend the *Privacy Act 1988* to:
 - Create a new statutory cause of action for wrongful use or disclosure of AI-generated audio or visual deepfakes without their consent.

Recent eSafety enforcement actions on nudify

- On 8 September 2025, the eSafety Commissioner announced a formal warning had been issued to a UK-based company for allowing users to create AI generated child sexual abuse material, breaching industry standards made under the OSA.
- In November 2025, eSafety announced that following this action, the provider of the service withdrew access to its nudify tools in Australia.
- eSafety has chosen not to name the company publicly to avoid promoting it and its services.

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- eSafety also warned global AI model hosting platform Hugging Face that certain generative AI models hosted by the platform were being misused by Australians to create AI-generated child sexual exploitation material.
- As a result, Hugging Face has now changed their terms of service to require account holders to minimise risks associated with the models they upload, to prevent misuse in generating child sexual exploitation material or pro-terror material.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION****ONLINE SAFETY (SOCIAL MEDIA MINIMUM AGE)****KEY ISSUES:**Implementation concerns*Under 16s being able to access their account*

- The government has communicated its expectation that the social media minimum age is not about chasing perfection. It is about establishing a new norm for social media use.
- The process of age assurance requires time to complete fairly and accurately. Even with the platforms' best endeavours, there will continue to be some under 16s on social media.
- Results from the Age Assurance Technology Trial show that no solution is 100% effective, but we know that age assurance can be done effectively and securely.
- We also know that some young people will seek to circumvent these measures.
- The trial proves that the platforms have the tools to limit circumvention – particularly when it suits their business models.
- The eSafety Commissioner's regulatory guidance includes an expectation that platforms proactively consider possible circumvention techniques and implement systems to address these. Platforms also need to monitor and continue to adapt to new circumvention techniques.
- Platforms have a range of tools and a wealth of resources available to them, and they must be doing everything they can to comply – including doing additional checks where they can reasonably expect someone is trying to circumvent the ban.
- eSafety will continue to focus its compliance efforts on the platforms with the greatest numbers of Australians under 16 - those with over 100,000 age-restricted account holders (Facebook, Instagram, Snapchat, TikTok and YouTube).
 - This includes issuing notices to those platforms in late January 2026 requiring information about the systems and processes each platform has in place to assess compliance.

Users wrongfully assessed as under 16

- The eSafety Commissioner's regulatory guidance includes an expectation that platforms provide accessible review mechanisms for users who believe they have been wrongly flagged as under 16.

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- The government understands there may be instances where platforms initially get it wrong, however, it is expected that platforms are treating their users with care and fairness, including by affording opportunities to appeal decisions and download content.
- While eSafety is unable to investigate individual complaints about the social media minimum age, it will take individual reports into account when assessing compliance with the law.
- The eSafety Commissioner has made clear its expectation that platforms improve their efforts over time and continue to engage on compliance.

Users migrating to other platforms

- All platforms that meet the definition of an 'age-restricted social media platform' under the law must take the necessary steps to detect and deactivate under 16 accounts.
- While eSafety put out a list of platforms it formally assessed as in scope of the law, that list is not intended to be exhaustive.
- Industry is aware of this, which is why platforms such as Lemon8, Yope and Bluesky have announced they will be complying with the social media minimum age.
- eSafety is continuing to monitor patterns of migration by young people, including by accessing app download data from Google Play and the Apple App Store in Australia.

Alternative methods such as app-store level age assurance

- Some of the major social media platforms, including Meta, have expressed a preference for age assurance to be implemented at the app store or operating system level.
- The legislation passed by Parliament places obligations on social media platforms to detect and deactivate under-16 user accounts.
- The laws do not however prevent social media platforms from working with app store providers to receive age signals that would assist them to meet their legal obligations.

Privacy and data implications*Over-collection of data*

- The legislation incorporates strong protections for personal information, including that platforms must ringfence and destroy any information collected for the purposes of age assurance.

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- The eSafety Commissioner's regulatory guidance clearly states that platforms are not required to retain user data as a record of individual age checks, and any age assurance methods that ask for too much information, or which are not consistent with Australia's privacy laws, will not meet the threshold for compliance.
- The regulator will be focussed on the systems and processes used to assure age, not on producing the data that is captured in the process.
- The Australian Information Commissioner's regulatory guidance also requires platforms to destroy personal information used for age assurance.

Two-year review of social media minimum age (SMMA) framework

- The SMMA Act incorporates a review of the legislation within 2 years of effective commencement.
- The review will provide the government with an opportunity to recalibrate policies, if required, to be proportionate to changed behaviours – of both social media platforms and young people.
- It will allow time to recognise and consider technology advancements since commencement, the effectiveness of privacy provisions, the definition of an 'age-restricted social media platform', and whether other digital services such as online games or social media platforms that can be viewed without an account, should be brought in scope.

Research/evidence that may inform the statutory review

- The eSafety Commissioner has commenced its two-year evaluation of the impacts of the social media minimum age in partnership with academics and researchers.
 - The evaluation will be a key input in the government's review of the legislation.
- Australia's eSafety Commissioner has powers to seek information relevant to monitoring compliance with the SMMA Act, and issue and publish notices regarding non-compliance.

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AGE ASSURANCE TECHNOLOGY TRIAL

KEY ISSUES

- The Age Assurance Technology Trial (the trial) demonstrates that age assurance technology can be an effective tool to protect young Australians from explicit, and age-inappropriate content and experiences online.
- The trial found that age assurance can be done in Australia, in a private, robust and effective manner. The trial highlights that while there is no one-size-fits-all solution, there are a range of technologies that can be used effectively for different use cases.
- The trial was completed by the Age Check Certification Scheme (ACCS) – an officially recognised conformity assessment body in the UK. ACCS is qualified to evaluate accuracy and performance of age assurance technologies against specific international standards.
- An overview of key findings is at **Attachment A**.

Privacy

- The trial found that age assurance can be done in a private and secure manner.
- ACCS identified that trial participants were broadly committed to private and secure age assurance methods, consistent with public expectations about data security.
- The trial found that third-party age assurance providers typically only share a binary signal of “Over 16: Yes/No” with the relying party (e.g. a social media platform), rather than any documentation that was uploaded by the user to support that conclusion (e.g., identity documents, face scans).
- Both the eSafety Commissioner and Australian Information Commissioner’s guidance on the social media minimum age outline that:
 - platforms should not collect and retain more information than necessary for age assurance purposes
 - age assurance processes should be proportionate, privacy-preserving and data minimising
 - platforms must destroy personal information used for compliance purposes, once those purposes are met.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISIONAccuracy of facial age estimation

- The trial indicates that for the majority of the population (over 20 years old, and under 13 years old), facial age estimation is an effective tool that can be used to accurately guess the user's age, most of the time.
- For those between the ages of 13 and 19 years facial age estimation has its limits, with higher rates of false positives or negatives.
- Successive validation or 'waterfall' approaches are therefore essential to address false positive or negative results – for example, starting with an age estimation check and progressing through to an eventual age verification approach, or layering age inference models on the process.
- In recognition of this, the eSafety Commissioner's regulatory guidance on the social media minimum age is clear that platforms are expected to apply 'buffer zones' and take a layered approach to increase overall confidence in age checks.
- The guidance also outlines the expectation that platforms implement transparent and fair review processes.

Age assurance across diverse backgrounds

- The trial found that, while some age assurance systems performed better than others, accuracy was broadly consistently across demographic groups, including First Nations people.
- The trial also found that some age verification providers were making proactive efforts to include users who do not have identity documents, by supporting community-issued records or in-person onboarding processes.

Circumvention

- The trial found that age assurance providers are actively addressing known 'attack' methods, which are outlined in the table below.
- These findings demonstrate that the tools and techniques exist, and continue to be developed and improved, for digital platforms to actively detect and address circumvention attempts by young people.
- Some important factors to note regarding the use of Virtual Private Networks (VPNs):

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- The use of VPNs to avoid digital regulation is not a new challenge – VPN detection and geolocation enforcement are well-established in sectors such as online gambling and video streaming.
- In practice, VPNs are difficult to use on a day-to-day basis. This is because many apps and phone features rely on a clear geolocation to operate, and therefore malfunction when a VPN is in use. It is likely that the significant broader friction caused by using a VPN to circumvent the age assurance requirements of one specific service would deter the consistent, long-term use of a VPN.
- The eSafety Commissioner's regulatory guidance on the social media minimum age sets clear expectations that platforms detect and prevent attempts to circumvent age assurance.

BACKGROUNDMethodology and evaluation approach

- The trial assessed more than 60 technologies from 48 age assurance providers, which spanned a range of approaches, including age verification, age estimation and age inference, as well as parental control and parental consent models.
- The trial employed a range of evaluation methods, selected based on suitability to each type of age assurance:
 - Lab testing: Structured testing involving deploying systems in controlled environments simulating a typical user journey. Systems were tested in this test lab because it allowed for a controlled environment with contained test data.
 - Mystery shopper testing: Live testing in which adult participants attempted to access age-restricted content or services using a sample of the participating age verification and age assurance technologies. These tests simulated real-world scenarios in which users presented their actual age credentials or attempted to bypass verification.
 - School testing: Live testing in which school children attempted to access age-restricted content or services using a sample of the participating age verification and age assurance technologies. School cohorts allowed statistically significant sample sizes across multiple age gates (13, 16, 18).
 - Evaluation via practice statement, vendor interview and privacy policy: 'Desktop' evaluation, used where live or lab testing was not feasible nor representative.

Type	Key findings	Evaluation method	Notable participants / Real-world examples
Age verification Verifying a user's age through access to authoritative records of their date of birth, such as a passport, driver's licence, or birth certificate.	- Age verification is the most direct and high-assurance method, with usage already widespread across many regulated industries. - Accuracy for age verification providers was 97.05% – false positive and false negative error rates were below 3%. - Systems showed demographic neutrality, including successful operation among First Nations users, with additional measures in place to support those without formal ID documents. - Third-party age verification providers typically only share a binary "Over 16: Yes/No" signal with the relying party (e.g. a social media platform), rather than any documentation that was uploaded by the user to support that conclusion. - Participants were able to tailor their systems to be sector specific to allow for high-risk and privacy sensitive contexts (e.g. gambling and adult content).	30 technologies in the age verification category, evaluated via: - School testing (9,420 tests) - Mystery shopper testing (2,514 tests from 328 participants) - Lab testing - Practice statement, privacy policies and vendor interview	Notable participants: Google, Yoti, verifymy, Austroads, MyMahi, Persona, PrivateID Real-world examples Google uses PrivateID in certain jurisdictions, which analyses uploaded ID documents to confirm users are old enough to access certain content, features or services.
Age estimation Estimating likely age based on observable characteristics, such as facial features, voice or physical behavioural patterns (e.g. gesture analysis).	- The best performing systems were able to estimate a user's age within 1.3 to 1.5 years of their actual age, in controlled conditions. - Accuracy decreased in suboptimal conditions (e.g., obstructed faces, poor lighting or camera quality). - Accuracy tended to improve as the age of the user increased. - While systems generally performed well across diverse user groups, some showed reduced accuracy for older adults, non-Caucasian users and female-presenting individuals near age thresholds. - For the vast majority of the population (over 20 years old, and under 13 years old), facial age estimation can be used to accurately guess a user's age, the majority of the time. For the those between the ages of 13 and 19 years, facial age estimation has its limits – with higher rates of false positives or negatives. - Report notes that it is a fundamental misunderstanding of the capabilities of age estimation to test whether it can identify an exact age without accepting there will be a margin of error or a "buffer zone" based on age to reduce the margin of error to an acceptable level. - False negatives are likely inevitable and alternative age assurance methods would be required to correct them – i.e. successive validation or 'waterfall' approaches.	13 technologies in the age estimation category, evaluated via: - School testing - Mystery shopper testing 28,514 mystery shopping and live school tests - Lab testing - Practice statement, privacy policies and vendor interview	Notable participants: Yoti, verifymy, Needdemand, Persona, PrivateID Real-world examples Instagram uses Yoti facial age estimation in certain jurisdictions, which analyses video selfies. Only the user's estimated age is shared with Instagram – Yoti and Instagram both delete the selfie. These images are not used to train the AI technology any further. Reddit uses Persona facial age estimation in certain jurisdictions, which analyses selfies. Reddit only stores a user's verification status, along with the user-provided birthdate. Persona does not retain the photo for longer than 7 days.

Type	Key findings	Evaluation method	Notable participants / Real-world examples
Age inference Implying likely age or age range based on behavioural patterns or contextual data, such as user behaviour on a digital platform, electoral roll registration, school enrolment records, credit card ownership, past purchase of a regulated product (e.g. alcohol).	- Many solutions demonstrated the ability to operate on existing platform data (e.g. interaction logs, metadata) using inference engines or rule-based models. - Most inference models demonstrated low-friction user experiences, fast estimation times (typically under 20 seconds) and high accuracy outside age “buffer zones” (e.g. 13+, 16+, 18+). - When deployed close to the point of risk (e.g. accessing age-restricted content or making a regulated purchase), inference systems support proportionate, low-friction user journeys while upholding privacy. - Privacy concerns were identified if age inference is used platform-wide and involves continuous behavioural monitoring. This can lead to digital profiling or inference reuse for other contexts, undermining user autonomy and transparency. - Report advises that regulatory clarity may reduce these risks.	9 technologies in the age inference category, evaluated via: - Practice statement, privacy policies and vendor interview	Notable participants: Yoti, verifymy, MyMahi, PRIVO - Note: Participation under the age inference category was somewhat limited. The report notes this may be due to age inference being a newer concept, which is not yet widely understood or differentiated from other age assurance methods. Real-world examples YouTube/Google and Pornhub use verifymy in certain jurisdictions, which allows users to demonstrate they are over the relevant age threshold using their email address. Once the address is confirmed to belong to the user (one-time password sent), verifymy analyses its digital footprint to infer the user’s age. This includes interactions with financial institutions, mortgage lenders or utility providers.
Tech stack Where age assurance occurs across multiple layers of the digital ecosystem, including user devices, operating systems, app stores, websites or apps.	- The practical maturity of tech stack approaches is limited at this point in time, with innovation emerging but fragmented. - App-store based models – where the app-store would act as the central point for collecting and verifying a user’s age, then share age signals with services via APIs – were the most fully conceptualised but currently rely on self-declared or parental-set age information. - There is a lack of clarity around responsibility and liability in the layers of the tech stack. - The effectiveness of the tech stack depends on proximity to risk. For example, mechanisms such as app store filters may provide broader coverage but are less capable of responding to risk or behaviours. - Systemic, interoperable solutions are needed. An app-store level model could offer a centralised solution. - Privacy, usability and acceptability must be balanced - Innovation is emerging but fragmented	15 technologies in the tech stack category, evaluated via: - Practice statement, privacy policies and vendor interview	Notable participants: Apple, Google, Meta, Snap, TikTok, euCONSENT Real-world examples - Major platforms (incl. Meta and Snap) have expressed a preference for age assurance to be implemented at the app-store or operating level, arguing this model would: - Reduce friction and duplication - Enable consistent age enforcement across services - Simplify parental oversight via built-in operating system tools - Supporting privacy by limiting the sharing of sensitive data - Apple and Google have developed tools that align partially with the app-store level age assurance model, however, don’t endorse the platforms’ preference.

Type	Key findings	Evaluation method	Notable participants / Real-world examples
Successive validation Multiple independent methods – such as age inference, estimation and verification – used sequentially to reach a confident age assurance result.	- Layered age assurance models – combining low-friction inference or estimation methods with fall-back to higher-assurance verification – can be proportionate, privacy-conscious and adaptable to different risk environments. - Using multiple age assurance methods also enhances demographic inclusion and reduces bias, as this approach supports users without formal ID. - No evidence of systemic demographic bias for successive validation systems was found. - There is no single configuration to successive validation. Flexible models exist and approaches vary by risk context and use case. - Industry is actively exploring layered age assurance models.	11 technologies in the successive validation category, evaluated via: - Practice statement, privacy policies and vendor interview	Notable participants: Yoti, verifymy, euCONSENT, Persona, PrivateID Real-world examples The trial found that, while successive validation is a conceptually mature and standards-aligned approach, its practical implementation remains limited.
Parental controls Set of tools or settings that allow parents or guardians to manage, restrict or monitor a child's access to digital content or services. Parental controls operate pre-emptively as they are configured before a child attempts to access restricted content.	- Parental control systems can be implemented effectively and provide a practical means for parents and guardians to manage children's access to age-restricted goods, content and services. - The effectiveness of systems depends on ongoing engagement between child and caregiver, and often relies on parental understanding and digital literacy. For example, parents or guardians may misrepresent their child's age during setup, may lack a full understanding of the system or may feel pressure to grant access to age-inappropriate content. - There are privacy concerns around persistent activity logging, data retention and the potential for over-surveillance. - Young people, in particular older children, may attempt to bypass restrictions through common techniques such as factory resetting a device or using unmanaged guest accounts.	11 technologies in the parental control category, evaluated via: - Practice statement, privacy policies and vendor interview	Notable participants: Apple, Google, EPIC Games, PRIVO, Qoria Real-world examples YouTube Kids allows parents to choose what content to make available for their child, set a timer to control screen time, block videos or channels, and more. - The trial found real-world usage remains limited even though parental controls are technically mature. This can be due to limited awareness of the tools, digital literacy barriers or over-reliance on default settings by users.
Parental consent Verifiable, affirmative decision made by a parent or legal guardian to allow a child under a minimum age to access a specific good or service. Parental consent arises at the point at which a child attempts to access something that is age-restricted.	- Parental consent be effectively applied in Australia across different services and platforms. - The trial identified a variety of approaches to capturing parental consent when requested, such as email-based verification, credit card micro-payments, digital identity checks and token-based authorisation. - Technologies are functionally mature and capable of supporting access where age-related restrictions apply. - Few consent models explicitly accommodated for non-traditional caregiving arrangements, such as foster or kinship care and shared parental responsibility. - The trial identified common circumvention vectors: - Children were able to bypass consent mechanisms by creating multiple accounts - Some systems relied solely on self-declared age - In shared device environments, children could use an authenticated session established by an adult and skip the consent process.	12 technologies in the parental control category, evaluated via: - Practice statement, privacy policies and vendor interview	Notable participants: Apple, Google, EPIC Games, PRIVO, Qoria Real-world examples LEGO Play requires parental consent for children to create an account. A screen appears telling the child to ask a parent for verification – the parent is then required to verify through ID or credit/debit card details. (Note, LEGO Play previously verified parents via an email). - Other examples include approval of purchases on gaming platforms, consent to play a film classified above child's self-declared age on video streaming platforms.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

ARTIFICIAL INTELLIGENCE (AI) AND ONLINE SAFETY**KEY ISSUES**

- The Australian Government released the AI National Plan in December 2025. The vision for AI in Australia is to harness the opportunities while keeping Australians safe.
- Under the AI National Plan each department retains responsibility for AI harms and safety issues relevant to their portfolio.
- Our focus is on how to keep Australians safe by mitigating and responding to the potential harms of AI.
- While work is underway to develop a digital duty of care that would place a positive onus on industry to consider the safety of their users, the existing *Online Safety Act 2021* (the OSA) provides some protections against AI related harms.
 - Industry codes and standards dealing with class 1 material (illegal and seriously harmful content) are in effect and place enforceable requirements on industry to effectively manage the risk that Australians will solicit, generate, distribute, access or be exposed to criminal material including child sexual abuse material.
 - In particular, the standard governing Designated Internet Services imposes requirements on generative AI services, including to prevent child sexual exploitation from being generated, regular review and testing of AI models, as well as requirements for warning messages for users seeking images of child sexual exploitation material.
 - Industry codes dealing with class 2 material (age-inappropriate content) prevent and limit children's access to pornographic and other adult content online. These codes apply to digital platforms, including AI platforms, and began coming into effect from December 2025.
 - Under the image-based abuse scheme, eSafety has powers to respond to complaints relating to the sharing of or threat to share intimate images of a person without their consent, including non-consensual sexually explicit deepfakes generated by AI.
 - For example, in September 2025, eSafety action resulted in the Federal Court ordering an individual to pay a \$343,500 penalty plus costs for the non-consensual sharing of AI generated intimate images of several high-profile Australian women.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISIONAI chatbots/companions – health advice

- Provision of health advice by AI is not within the scope of the OSA.
 - Questions about AI health advice should be referred to the Department of Health, Disability and Ageing.

AI companions/chatbots – sexual or self-harm content

- Codes dealing with phase 2 material include specific compliance measures for services with AI companion chatbots. These address age-inappropriate harms including online pornography, high impact sexually explicit material, self-harm material, high impact violent material and violence instruction material.
- AI companions with a high or moderate risk of children accessing age-inappropriate material must implement further compliance measures for that material. Such as:
 - Continuously improve systems which can detect and action material before it is encountered by Australian end-users.
 - Enable Australian end-users to report material and where appropriate ensure that these reports are evaluated and actioned.
 - Where they allow the material, provide all Australian end-users options for appropriate safety tools which may limit exposure.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

ONLINE SAFETY ELECTION COMMITMENTS**KEY ISSUES**

- The government made two election commitments for programs to equip young Australians with the skills and knowledge to stay safe online.
 - \$450,000 to SmackTalk, announced on 22 April 2025, for a 2-year grant to deliver information sessions about the dangers of online sextortion, to commence in early 2026.
 - \$6 million, announced on 28 April 2025, to boost online safety learning in schools to continue the delivery of vital digital literacy and safety learning tools for all Australian school children, for free, commencing in 2026.

SMACKTALKPurpose

- The Support to Expand Youth Education about Online Sextortion grant election commitment will provide targeted funding to address the growing need for sextortion education among young Australians. The grant will increase the reach of SmackTalk presentations over 2 years from 2026 to 2028.

Grant status

- Minister Wells approved the grant guidelines on 16 December 2025.
- The grant guidelines were published on Grant Connect on 5 January 2026.
- The application was received on 8 January 2026.
- Funding for SmackTalk is scheduled to commence in the 2025-26 financial year, in line with the election commitment.

Process

- Departmental officers are adhering to the Commonwealth Grants Rules and Principles (CGRPs) as required under the *Public Governance, Performance and Accountability Act 2013*.
- The CGRPs establish a consistent, transparent, and accountable framework for managing Australian Government grants.

Funding

- Funding of \$450,000 (GST exclusive) will be provided over 2 years from 2026.

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- The first payment will be issued once all requirements of the Commonwealth grant process is met and approval is granted. Subsequent payments will be made in line with the grant agreement.

Indicative payment timing

*Final payment timing will be negotiated through the grant agreement between the department and the grantee.

Milestone	Anticipated Date	Financial Year	Amount (GST Excl.)
Grant agreement executed	17 April 2026	2025-26	\$300,000
Completion and approval of progress report	17 April 2027	2026-27	\$150,000

BACKGROUND

- The Support to Expand Youth Education about Online Sextortion program is an election commitment to provide \$450,000 to SmackTalk, announced on 22 April 2025.
- The department is administering it as a closed, non-competitive grant.
- The grant guidelines outline the purpose, eligibility criteria, and application process specifically for SmackTalk.
- SmackTalk was founded by Wayne Holdsworth in January 2024 after his son Mac died by suicide due to sexual extortion.
- SmackTalk offers free educational presentations to groups on recognising signs of distress, listening skills, and how to have difficult conversations.
- SmackTalk partners with schools, sporting clubs, and other organisations to deliver this information to people aged 16 and over.
- Since SmackTalk's inception in April 2024, there have been:
 - Over 100 presentations delivered
 - Over 10,000 people reached.
- SmackTalk are required to consider the accessibility and inclusivity of any information resources that will be developed in this grants program including for First Nations people, culturally and linguistically diverse peoples, people with disability, and other groups identified by eSafety as being at high risk of online abuse.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**ONLINE SAFETY TOOLS IN SCHOOLS****Purpose**

- The government provides funding to the Alannah and Madeline Foundation (AMF) through an existing grant program for delivery of its 'Safe Kids are eSmart kids' digital and media literacy education program in Australian schools.
- The program provides schools with tools to teach kids how to be safe, smart and responsible in the digital world.
- It is evidence-based, aligned with the national curriculum, co-designed with teachers and students, and free to use in Australian classrooms.
- The government has committed an additional \$6 million to the AMF to expand and enhance their digital education program for children and young Australians.
- A new funding agreement will be implemented from 1 July 2026 to ensure there is no disruption to the ongoing delivery of the program.
- New grant guidelines are currently being drafted.

Uptake of the Safe Kids are eSmart Kids program

- According to AMF's most recent progress report the following table is indicative of program reach since inception in July 2023:

	Students Reached	Educators Reached
eSmart Digital Licence	73,034	2,809
eSmart Digital Licence+	152,153	3,446
eSmart Media Literacy Lab	11,206	330
Total	236,393	6,585

BACKGROUND**What will the additional funding do for the program?**

- The additional \$6 million will:
 - enable continuous free access to digital literacy education for all Australian schools
 - adapt current materials to include evolving and emerging online trends
 - enhance existing materials to support young people to engage online safely following the social media minimum age restrictions, and

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- explore opportunities for delivery in non-traditional educational environments including Youth Justice, TAFE and other specialty institutions.

When will the new grant funding process commence?

- Funding for the new AMF grant is scheduled to commence on 1 July 2026, in line with the election commitment.
- Departmental officers are adhering to the Commonwealth Grants Rules and Principles (CGRPs) as required under the *Public Governance, Performance and Accountability Act 2013*.
- The CGRPs establish a consistent, transparent, and accountable framework for managing Australian Government grants.
- The first payment will be issued once all requirements of the Commonwealth grant process are met and approval is granted. Subsequent payments will be made in line with the grant agreement.

Why was the grant agreement end date 1 December 2026?

- The original end date of 1 December 2026 was established to allow 5 months beyond the final report deadline, providing flexibility for unforeseen circumstances.

Why was the grant agreement end date amended to 30 June 2026?

- The grant agreement end date was amended to 30 June 2026 to ensure all administrative processes are finalised within the 2025-26 financial year.
- The new contract will commence on 1 July 2026 to ensure continuity of service delivery.

Independent evaluation outcomes

- The independent evaluation conducted by the Australian Council for Education Research (ACER) confirms that the program has been successful and is particularly strong in the following:

Evidence-based design

- Aligns with curriculum best practises and eSafety principles
- Developed through co-design with schools, making it practical and user friendly for teachers and students.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Positive impact**

- Demonstrated improvements in students' digital and media literacy and teachers' confidence in delivering online safety education
- Encourages safe, responsible and informed technology use.

Accessibility and inclusivity

- Free access enabling broad participation
- Features for diverse learners.

Comprehensive coverage

- Addresses key areas like cyber safety, media literacy and online behaviour
- Recommendations include AI literacy and social media age restrictions, keeping the program future focussed.

Strong engagement

- High uptake of Digital Licence+ shows schools value the program
- Teacher resources and student tracking tools enhance engagement and accountability.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

ONLINE ANTISEMITISM

KEY ISSUES

- On 18 December 2025, the Australian Government announced work between the eSafety Commissioner, Australia's Special Envoy to Combat Antisemitism (Special Envoy) and the Minister for Communications, to provide advice on addressing online antisemitism.
- This commitment is part of the government's response to the Special Envoy's Plan to Combat Antisemitism (the Plan). It will also inform the Government's response to the Online Safety Act Review.

Work between the Minister for Communications, the eSafety Commissioner and Australia's Special Envoy to Combat Antisemitism

- There have been a number of meetings between the Special Envoy, the eSafety Commissioner and the department to progress this work.

Meeting date	Attendees
23 December 2025	• eSafety Commissioner • department
24 December 2025	• Special Envoy • department
5 January 2026	• Special Envoy • department
8 January 2026	• Special Envoy • eSafety Commissioner • department
20 January 2026	• Minister for Communications • Representative for Special Envoy • eSafety Commissioner • department

- As part of this work:
 - The Special Envoy will provide insight into the lived experiences of Jewish Australians, explain how antisemitism occurs online and the harms arising from it.

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- The Special Envoy will also conduct a review of what Special Envoys are doing across the globe to combat online antisemitism.
- The eSafety Commissioner will provide advice on how the existing online safety framework may address the online antisemitism and harms identified by the Special Envoy and provide advice on gaps and potential reforms.
- The eSafety Commissioner will also conduct a review of what other regulators are doing to combat online hate.
- The advice from the Special Envoy and the eSafety Commissioner will be considered by Government as part of the reforms underway to the Online Safety Act.

eSafety response to Bondi terrorist attack

- Immediately following the Bondi Beach attack on 14 December 2025, eSafety's on-call team were engaged to commence monitoring for illegal and harmful material related to the attack.
- eSafety engaged with platforms to ensure they were taking proactive steps to protect users, especially children, from inadvertent or accidental exposure to this content, including removal of gratuitous violence and the use of content warnings or intervening overlays, such as blurring or grayscale covers to buffer exposure to this type of content.
- eSafety continues to engage with the major platforms when necessary and provide information to the public on how to deal with distressing online content.
- Further questions about the actions taken by the on-call team after the Bondi incident should be directed to eSafety.

Will this work address other forms of online hate or just antisemitism?

- Addressing online antisemitism is a specific and urgent focus given the recent Bondi terror attack and reflects the tasking to the Special Envoy. The government has been clear that all forms of online hate undermine social cohesion and have no place in Australia.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**BACKGROUND**Bondi terrorist attack

- As of 20 January 2026, there is limited information about what role online environment played in the radicalisation of the perpetrators of the Bondi Beach terrorist attack.

Special Envoy's Plan to Combat Antisemitism (the Plan)

- There are 13 Recommendations in the Special Envoy's Plan. *Recommendation 6: Digital Governance and Online Regulation* outlines these recommended action items:
 - Look to establish effective and beneficial content moderation.
 - Have a regulatory framework to protect individuals and targeted groups in the online environment, similar to what exists for 'real-world' hate speech and incitement.
 - Increase transparency of moderation decisions.
 - Establish regulatory frameworks for algorithms.
 - Work with platforms to reduce the presence or influence of 'bots' deliberately sowing social discord, to reduce the reach of anonymous accounts who spread online hate.
 - Work with the eSafety Commissioner and relevant government departments and agencies, as well as platforms, to ensure Artificial Intelligence (AI) does not amplify antisemitic content.

Existing eSafety Powers

- Online hate is not defined in the *Online Safety Act 2021*.
- Hate speech is illegal under the *Criminal Code Act 1995*.
- The Cyberbullying and Adult Cyber Abuse Schemes provide eSafety with powers to consider serious harm targeted toward an individual online. This could include online hate if it meets a certain threshold. These schemes do not address abusive material directed toward groups (i.e. where an individual person is not named or clearly identified).
- Content that receives or is likely to receive a 'Refused Classification' (RC) rating from the Australian Classification Board is considered illegal and cannot be hosted, shared or distributed in Australia, this includes material which promotes, incites or instructs in

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matters of crime or violence. eSafety is empowered to issue removal notices for this material under the Online Content Scheme.

Recommendations from the Statutory Review of the *Online Safety Act 2021* (OSA Review)

- The OSA Review contains 5 recommendations relevant to online hate and the Special Envoy's Plan. These recommendations were also cited by the Special Envoy to Combat Islamophobia, and the National Anti-Racism Framework:
 - **Recommendation 18:** The adult cyber abuse scheme should be amended to 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'.
 - **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.

Royal Commission on Antisemitism and Social Cohesion

- The government has established a Royal Commission on Antisemitism and Social Cohesion in response to the Bondi terrorist attack, to report by the end of this year.
- The Royal Commission will cover four key areas, as set out in the Letters Patent.

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- Tackling antisemitism by investigating the nature and prevalence of antisemitism in institutions and society, and its key drivers in Australia, including ideologically and religiously motivated extremism and radicalisation.
- Making recommendations that will assist law enforcement, border control, immigration and security agencies to tackle antisemitism, including through improvements to guidance and training within law enforcement, border control, immigration, and security agencies to respond to antisemitic conduct.
- Examining the circumstances surrounding the antisemitic Bondi terrorist attack on 14 December 2025.
- Making any other recommendations arising out of the inquiry for strengthening social cohesion in Australia and countering the spread of ideologically and religiously motivated extremism in Australia.
- The work with the Special Envoy, the eSafety Commissioner and the Minister for Communications to provide online safety advice is something the Royal Commission may also examine and make recommendations on.
- The Royal Commission will deliver an interim report to government by 30 April 2026 and a final report by 14 December 2026.
- The Royal Commission will be led by former High Court Justice, the Honourable Virginia Bell AC.

Legislative Reforms

- The department did not contribute to the development of recent reforms to the Criminal Code Act 1995 under the *Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Bill 2026* as these reforms do not directly impact the regulatory functions of eSafety or the development of online safety reforms.
- The department has engaged with the Department of Home Affairs on 22 January 2026 and the Attorney-General's Department on 23 January 2026 in relation to the development of the digital duty of care.
- The consultation will be ongoing and has provided the department with useful insights and will continue to shape the policy design.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION****INDUSTRY SELF-CLASSIFICATION - ACCREDITED CLASSIFIERS AND DEEMED DECISIONS****KEY ISSUES**

- On 14 March 2024, amendments to the *Classification (Publications, Films and Computer Games) Act 1995* introduced two additional options for content to be classified:
 - using accredited persons and
 - allowing TV broadcaster classification decisions to be deemed to be decisions of the Classification Board.
- The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the department) and the Classification Board (the Board) both have a role in the monitoring and quality assurance of industry self-classification.

Accredited persons - accreditation

- A person can apply to the department to be accredited to classify films and computer games.
- A person must complete classification training and pass an exam with a score of 90% or higher before applying to be accredited to classify films or computer games.
- In the 2025-26 financial year to date (as at 30 November 2025), 29 additional persons received accreditation, bringing the total number of persons accredited to 204:
 - 24 additional persons accredited to classify films, bringing the total to 147
 - 5 additional persons accredited to classify computer games, bringing the total to 47
 - 0 additional persons accredited to classify both films and computer games; the total remains 10.

Accredited persons decisions - volume

- An accredited person can classify a film or computer game and must submit their decision to the department so that it can be published on the National Classification Database.
- In the 2025-26 financial year to date (as at 30 November 2025), 1274 additional classification decisions have been made by accredited persons, bringing total decisions to 4,391:
 - 1235 additional decisions for films, bringing the total to 4231
 - 39 additional decisions for computer games, bringing the total to 160.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Accredited persons – available remedial action

- The department is empowered under the Classification Act to undertake remedial action in relation to accredited persons:
 - an accredited person can be requested to undertake further training (section 22N)
 - a person's accreditation can be revoked (section 22P)
 - a person can be barred from accreditation for up to 5 years (section 22Q).
- In the 2025-26 financial year to date (as at 30 November 2025), 2 people were asked to undertake further training. This brings the total to 7 people asked to undertake further training.

Accredited persons decisions - complaints

- Complaints about a decision made by an accredited person can be made to the department.
- In the 2025-26 financial year to date (as at 30 November 2025), the department received 16 complaints about decisions made by accredited persons. This brings the total to 39 complaints about decisions made by accredited persons.

Quality assurance of decisions made by accredited persons

- The Board has powers under section 22L of the Classification Act to revoke and replace an accredited person's decision if:
 - the Board would have given the content a different rating
 - the decision includes consumer advice not on a list issued by the Board, or
 - the consumer advice is misleading, incorrect or grossly inadequate.
- The Board can conduct a check of an accredited person's decision:
 - on their own initiative
 - at the request of the Minister or Secretary of the department, or
 - upon application made by certain persons within 3 months of the decision.
- In the 2025-26 financial year to date (as at 30 November 2025):
 - 1,274 additional decisions were made by accredited persons, bringing the total decisions to 4,391
 - 49 (3.8%) of these decisions were checked by the Board on their own initiative, bringing the total decisions checked by the Board to 139.

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- The Board adopts a risk-based approach to conducting checks of accredited persons decisions. Factors which influence whether a decision is checked include:
 - if the Board is of the view that the rating may be incorrect
 - if the Board is of the view that the consumer advice may be misleading, incorrect or grossly inadequate
 - if the decision is subject of a complaint or media attention
 - the intended audience for the content.

FYTD 2025-26 – Outcome of Board checks (Finalised)		
Board agreed with 21 decisions	Board revoked 28 decisions	
	Board changed rating	9
	Board changed consumer advice only	19
Total since reforms commenced – Outcome of Board checks (Finalised)		
Board agreed with 57 decisions	Board revoked 82 decisions	
	Board changed rating	38
	Board changed consumer advice only	44

Deemed decisions - requirements

- Under the Classification Act, a post-classification publisher can use a broadcaster's classification decision for a film or TV series published in a non-broadcast format (such as broadcast-on-demand, online streaming service or for DVD).
- The broadcaster's decision can only be used if the film or TV series:
 - is rated R 18+ or lower
 - has not been classified under the Classification Act, and
 - has not been modified post-classification.
- These broadcaster decisions are deemed to be decisions of the Board.

Deemed decisions - notified to department

- In the 2025-26 financial year to date (as at 30 November 2025), the department was notified of 34 broadcaster decisions being used by a post-classification publisher. This brings the total to 1,280 broadcaster decisions being used by a post-classification publisher.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Deemed decisions - complaints

- Complaints about broadcaster decisions can be made to the department.
- In the 2025-26 financial year to date (as at 30 November 2025), the department received nil complaints for deemed decisions.

KEY FIGURESAccredited persons – training and accreditation

	2025-26 FY to 30 November 2025	2024-25 FY	2023-24 FY	Total since reforms commenced
Total persons applied to be accredited	32	91	88	211
Total persons accredited	29	95	80	204
Persons accredited to classify films and computer games	1 (3%)	6 (6%)	4 (5%)	10 (6%)
Persons accredited to classify films	24 (81%)	69 (73%)	54 (67%)	147 (71%)
Persons accredited to classify computer games	4 (16%)	20 (21%)	22 (28%)	47 (23%)
Total persons requested to complete further training	2	5	Nil	7
Total persons accreditation revoked	Nil	4	Nil	4
Total persons barred	Nil	Nil	Nil	Nil

Accredited persons - decisions

	2025-26 FY to 30 November 2025	2024-25 FY	2023-24 FY	Total since reforms commenced
Total decisions	1274	2955	162	4391
Film decisions	1235 (97%)	2848 (96.4%)	148 (91%)	4231 (96%)
Computer game decisions	39 (3%)	107 (3.6%)	14 (9%)	160 (4%)
Complaints received	16 (1% of decisions)	23 (0.8% of decisions)	Nil	39 (0.91% of decisions)

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BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

	2025-26 FY to 30 November 2025	2024-25 FY	2023-24 FY	Total since reforms commenced
Board checks finalised	49 (3.8% of decisions)	79 (2.7% of decisions)	11 (6.7% of decisions)	139 (3% of decisions)
No revocation (Board agreed with accredited person's decision)	21 (43% of checks)	30 (38% of checks)	6 (54% of checks)	57 (41% of checks)
Revocations (Board changed accredited person's decision):	28 (57% of checks)	49 (62% of checks)	5 (46% of checks)	82 (59% of checks)
- Rating changed	9 (32% of revocations)	27 (55% of revocations)	2 (40% of revocations)	38 (546% of revocations)
- Rating unchanged, consumer advice changed	19 (68% of revocations)	22 (45% of revocations)	3 (60% of revocations)	44 (54% of revocations)

Deemed broadcaster decisions notified to department

	2025-26 FY to 30 November 2025	2024-25 FY	2023-24 FY	Total since reforms commenced
Total deemed decisions	34	1225	21	1280
Complaints received	Nil	Nil	Nil	Nil

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION****INDUSTRY SELF-CLASSIFICATION - CLASSIFICATION TOOLS****KEY ISSUES**

- There are three (3) film classification tools approved for use in Australia:
 - Netflix Tool for classifying online films and TV series streamed on Netflix (approved 2016).
 - Spherex Tool for classifying films and TV series made available by Spherex's clients (approved 2022).
 - Amazon Tool for classifying films and TV series made available on Amazon Prime (approved September 2024).
- There is one game classification tool approved for use in Australia:
 - The International Age Rating Coalition's Global Rating Tool (IARC Tool) for classifying online and mobile computer games (approved 2014).
- The Classification Board (the Board) and department monitor each tool's compliance with the Classification Act and the conditions of the tool's approval.

Complaints

- Complaints about a tool decision can be made to the department or to tool owners directly.
- The number of complaints remains very low relative to the volume of tool decisions.
- For the 2024-25 financial year, there were 31 complaints received, there were 7,254 film tools decisions made during that period.
 - For the 2025-26 financial year to date (as at 30 November 2025), there have been 11 complaints received, following 3,797 film tools decisions.
- For the 2024-25 financial year there were 17 complaints received, 394,619 IARC tool decisions were made in the year.
 - For the 2025-26 financial year to date (as at 30 November 2025), there have been 7 complaints received about 198,697 IARC tool decisions.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Quality assurance

- The Board can revoke a tool decision and replace it with a new decision if it determines a different classification rating or consumer advice should apply.
- The Board's checking activity is undertaken in accordance with the Regulatory Framework for Industry Self-Classification and applies a targeted, risk-based approach to selecting industry decisions for review. Tool checks are not random and are instead focused on higher-risk content.
- As a result of this targeted approach, a higher proportion of the decisions selected for checking are expected to result in revocation. This reflects deliberate risk management and system assurance activity and results in greater protection from potentially harmful content for consumers.
- For the 2024-25 financial year, the Board revoked only 0.97 per cent of all tool decisions (films and games):
 - the Board revoked 50 (57 per cent) film tool decisions out of 87 titles it checked.
 - the Board revoked 3,841 (83 per cent) IARC tool decisions out of 4,621 titles it checked over this period.
- For the 2025-26 financial year to date (as at 30 November 2025), the Board revoked only 0.75 per cent of all tool decisions (films and games):
 - the Board revoked 30 (51 per cent) film tool decisions out of 59 titles it checked.
 - the Board revoked 1,498 (94.1 per cent) IARC tool decisions out of 1,592 titles it checked over this period.
- Factors that influence whether a tool decision is selected for checking include whether the decision is the subject of a complaint, involves issues of community concern, is attracting media or public attention, or falls within genres historically associated with higher risk.
- Targeted checks of IARC tool decisions are undertaken to effectively identify higher-risk content (for example, first-person shooters or games with gambling-like features). In many cases, IARC tool revocations have already been identified through international IARC monitoring processes, with the Board or its delegates accepting a recommendation from another IARC rating authority to revoke the decision.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**

- Revocations may involve changes to consumer advice with no change to the rating.
- When considered against the total number of tool decisions made each year, revocations consistently represent less than one per cent of all decisions. Most tool decisions are correct.
- The higher revocation rate among checked decisions is an expected outcome of a risk-based assurance model designed to test the framework at its most vulnerable points.

Accuracy of Classification Tools

- For the 2024-25 financial year, 42 per cent of tool decisions revised by the Board have consisted of changes only to consumer advice, with no change to the rating.
- For the 2025-26 financial year to date (as at 30 November 2025), 42.6 per cent of tool decisions revised by the Board have consisted of changes only to consumer advice, with no change to the rating.

Tool owners work with the Board to ensure decisions continue to reflect current community standards

BACKGROUND

- Under the Classification Act, the Minister can approve tools for classifying films, computer games or publications.
- Tools use algorithms developed with the department and the Board to classify content in-line with Australian community standards.
- Industry can use a tool to classify content rather than applying to the Board.
- Operational arrangements for each tool are set out in a separate contract between each tool owner and the Australian Government.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION****KEY FIGURES****Summary of combined totals of all tools**

	FYTD 2025-26 (as at 30 November 2025)	% of total tool decisions	FY 2024-25	% of total tool decisions
Total tool decisions	202,494		401,873	
Total complaints received regarding tool decisions	18	0.009%	48	0.012%
Combined Board and Delegate* checks of tool decisions	1,592	0.79%	4,708	1.17%
Revocations as result of checks	1,522	0.75%	3,891	0.97%
Classification rating changed	872	0.43%	2,211	0.55%
Rating stayed the same, consumer advice changed only	651	0.32%	1,680	0.42%

*Under Division 5, section 59 of the *Classification (Publications, Films and Computer Games) Act 1995*, there are administrative provisions for the Director of the Classification Board to delegate all or any of their powers under either the Act or the regulations.

- Powers have been delegated to members of the APS (Classification Branch) by a signed instrument to make classification decisions using the IARC Global Rating Tool.

Netflix Tool

	FYTD 2025-26 (as at 30 November 2025)	FY 2024-25	FY 2023-24
Total decisions	1,200	2,237	1,252
Complaints received regarding tool decisions	7	22	15
Board checks	17 (1.4% of decisions)	46 (2% of decisions)	54 (4.3% of decisions)
Revocations as result of check	5 (29.4% of checks)	32 (70% of checks)	40 (74.1% of checks)

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**

Classification rating changed	1 (20% of revocations)	10 (31% of revocations)	15 (37.5% of revocations)
Rating stayed the same, consumer advice changed only	4 (80% of revocations)	22 (69% of revocations)	25 (62.5% of revocations)

Spherex Tool

	FYTD 2025-26 (as at 30 November 2025)	FY 2024-25	FY 2023-24
Total decisions	424	1,110	1044
Complaints received regarding Tool decisions	1	7	1
Board checks	20 (4.7% of decisions)	19 (2% of decisions)	40 (3.8% of decisions)
Revocations as the result of a check	11 (55% of checks)	11 (58% of checks)	25 (62.5% of checks)
Classification rating changed	6 (55% of revocations)	4 (36% of revocations)	10 (40% of revocations)
Rating stayed the same, consumer advice changed only	5 (45% of revocations)	7 (64% of revocations)	15 (60% of revocations)

Amazon Tool

	FYTD 2025-26 (as at 30 November 2025)	FY 2024-25	FY 2023-24
Total decisions	2,173	3897	N/a
Complaints received regarding Tool decisions	3	2	N/a
Board checks	22 (1.01% of decisions)	25 (0.6% of decisions)	N/a
Revocations as the result of a check	14 (63.6% of checks)	7 (28% of checks)	N/a

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**

Classification rating changed	7	0	N/a
Rating stayed the same, consumer advice changed only	7	0	N/a
Both Rating and consumer advice changed	7	5 (20% of checks)	N/a
Consumer advice changed only	7	2 (8% of checks)	N/a

IARC Tool

	FYTD 2025-26 (as at 30 November 2025)	FY 2024-25	FY 2023-24
Total decisions	198,697	394,619	387,560
Complaints received regarding Tool decisions	7	17	11
Combined Board and Delegate checks	1,592 (0.8% of decisions)	4,537 (1.1% of decisions)	5,271 (1.4% of decisions)
Revocations as result of check	1,498 (94.1% of checks)	3,841 (83% of checks)	3,882 (72.9% of checks)
Classification rating changed	858 (57.3% of revocations)	2,192 (57% of checks)	2,849 (73.4% of revocations)
Rating stayed the same, consumer advice changed only	635 (42.4% of revocations)	1,649 (43% of checks)	1,033 (26.6% of revocations)

BACK POCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

CLASSIFICATION OF PUBLICATIONS**KEY ISSUES**

- Publications that have generated attention in the last 12 months include *Gender Queer: A Memoir*, *Ostend*, and *The Boys: Omnibus Volume Two*.
- The Classification Board (the Board) and the Classification Review Board (CRB) are not responsible for the availability or placement of publications in schools, libraries or retail outlets.
- Only certain publications, called submittable publications need to be classified under the National Classification Scheme (the Scheme).
- The onus is on the publisher or distributor to determine if a publication requires classification.

BACKGROUND

- Approximately 22,000 new titles are published in Australia each year.
- Under the Scheme, only submittable publications need to be classified.
- A submittable publication is one that is likely to be restricted to adults because it contains depictions or descriptions that are likely to cause offence to a reasonable adult and that are unsuitable for a minor to see or read.
- The Director of the Board has the power to 'call in' submittable publications for classification where there are reasonable grounds.
- When making a classification decision, the Board and the CRB apply:
 - The *Classification (Publications, Films and Computer Games) Act 1995*
 - The *National Classification Code*, and
 - The *Guidelines for the Classification of Publications 2005*.
- There are 4 classification categories for publications in Australia:
 - Unrestricted - There are no restrictions on access. The Board can assign consumer advice to Unrestricted publications if necessary. For example, M (Mature) with consumer advice of "Not Recommended for Readers under 15 Years."
 - Category 1 Restricted – Restricted to persons 18 and over (similar to R18+ in films)
 - Category 2 Restricted – Restricted to persons 18 and over (similar to X18+ in films as it contains explicit sex)
 - Refused Classification – Cannot be legally imported or sold in Australia.
- States and territories are responsible for the enforcement of classification decisions.

BACK POCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**FEES**

- The classification fee for publications is based on the total number of pages in the publication.

Number of pages	Fee (\$)
0-76	420
77-152	480
153-252	560
253-500	790
501-800	1,230
More than 800	1,860

- Each state / territory Law enforcement agency is entitled to 100 free applications per year.

REFORM

- In March 2023, the Australian Government announced a two-stage process to prioritise immediate improvements to the Scheme while comprehensive reforms for a modern framework are developed.
- As part of the second stage of the Classification reform, the department has commissioned the Social Research Centre and Mettlesome to draft updates to the classification guidelines that inform ratings given to publications, films and computer games. Proposed updates also include harmonising the publications guidelines with the films and computer games guidelines.
- This work is in response to public consultations that confirmed that the classification criteria that are used to guide classification decisions are out of step with community standards.
- Proposed updates will be informed by recommendations from prior reviews of the Scheme, current areas of community concern such as gender-based violence, mental health themes and sexually explicit content, best available evidence of harms, and children's access to sexually explicit material in publications.
- Updated classification guidelines will be subject to public consultation.
- Any changes to the guidelines will require unanimous agreement between the Commonwealth and all state and territory governments, who share responsibility for classification under the *Intergovernmental Agreement on Censorship 1995*.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION****CLASSIFICATION CONTRACT/CONSULTANCY SUMMARY****KEY ISSUES**Current contracts

- Specialist Projectionist Services
 - Provider: Adam Chant Projectionist
 - Contract Value: \$140,000.00 including GST
 - Contract Start Date: 19 June 2025
 - Contract End Date: 18 June 2026
- Online Classification Training
 - Provider: Acorn PLMS Pty Ltd
 - Contract Value: \$5,932.08 including GST
 - Contract Start Date: 1 July 2025
 - Contract End Date: 30 June 2026
- Software and Support
 - Provider: Ethan Group Pty Ltd
 - Contract Value: \$29,178.93 including GST
 - Contract Start Date: 29 July 2025
 - Contract End Date: 27 June 2026
- A list of contracts, including detail on the work undertaken by Service Providers, for the 2024-25 and 2025-26 financial years is at **Attachment A**.

OFFICIAL**BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**Current consultancies

- Functional update of the Classification Guidelines.
 - Provider: The Social Research Centre and Mettlesome
 - Contract Value: \$599,795.90 including GST
 - Contract Start Date: 7 March 2025
 - Contract End Date: 30 April 2026
 - Key Milestones (as per work order):
 - Project Plan - 28 March 2025
 - Delivery of Report – 30 April 2025
 - Quantitative Survey – 15-28 September
 - Delivery of draft updates to classification guidelines – 30 September 2025
 - Analysis of public consultation submissions – March-April 2026.
- Programming updates to online courses in Film and Game classification
 - Provider: AORB Pty Ltd
 - Contract Value: \$14,960.00 including GST
 - Contract Start Date: 1 December 2025
 - Contract End Date: 31 March 2026
 - Key Milestones:
 - Initial project briefing – 3 December 2025
 - Provision of updates to AORB – 4 December 2025
 - AORB to draft revised courses / Branch to conduct user acceptance testing – by 6 February 2026
 - Department approval process – by COB 27 February 2026
 - Go-live date for new courses – 2 March 2026.
- A list of consultancies, including detail on the work undertaken by Service Providers, for the 2024-25 and 2025-26 financial years is at **Attachment B**.

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Attachment A

CONTRACTS

CN ID	Supplier Name	Purpose	Description	Start Date	End Date	Value (AUD) Incl. of GST	Contact
CN42009599	Cosmic Tech Solutions Pty Ltd	IT Support Services	Database and portal support for classification applications, reviews and processing	12-Jan-25	30-Jun-25	562,460.80	Zane Rebronja
CN41014984	Ethan Group Pty Ltd	Software and Support	Software services for storage and access to media files for classification	28-Jun-24	28-Jun-25	51,333.15	Zane Rebronja
CN41014971	Adam Chant Projectionist	Specialist Projectionist Services	Specialist projectionist services for the classification of public exhibition films	01-Jul-24	18-Jun-25	70,000.00	Zane Rebronja
CN41014959	Craig Parsons Projection Service	Specialist Projectionist Services	Specialist projectionist services for the classification of public exhibition films	01-Jul-24	30-Jun-25	8,000.00	Zane Rebronja
CN41015226	Acorn PLMS Pty Ltd T/A Acorn PLMS	Online Classification Training	Software services to host online training modules for the classification of games and films	01-Jul-24	30-Jun-25	5,544.00	Zane Rebronja
CN42009929	Omera Partners Pty Ltd	Recruitment and Search Services	Recruitment and search services to identify a suitable candidate for appointment to the vacant Classification Board Director role. This ensures the best possible pool of suitable candidates is sourced for consideration	19-Jul-24	31-Oct-24	46,750.00	Kate Stirling
CN41015381	L&L Design and Production Pty Ltd	Annual Report Publication 2024-25	Design, typeset and print the Classification Board and Classification Review Board Annual Report 2024-25	17-Mar-25	31-Dec-25	20,009.00	Zane Rebronja
CN41015527	Adam Chant Projectionist	Specialist Projectionist Services	Specialist projectionist services for the classification of public exhibition films	19-Jun-25	18-Jun-26	140,000.00	Zane Rebronja
CN42010349	Acorn PLMS Pty Ltd T/A Acorn PLMS	Online Classification Training	Software services to host online training modules for the classification of games and films	01-Jul-25	30-Jun-26	5,932.08	Zane Rebronja
CN42010365	Ethan Group Pty Ltd	Software and Support	Software services for storage and access to media files for classification	29-Jul-25	27-Jun-26	29,178.93	Zane Rebronja

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BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

Attachment B

CONSULTANCIES

CN ID	Supplier Name	Purpose	Description	Start Date	End Date	Value (AUD) Incl. of GST	Contact
CN42009874	Orima Research	Market Research	Contract a Service Provider to conduct market research to inform a communication approach to raising awareness of new mandatory minimum classifications for games containing gambling-like content	17-Jun-24	31-Aug-24	164,022.16	Kate Stirling
CN42009982	The Australian Institute of Family Studies	Literature Review	Contract a Service Provider to conduct a literature review on potential real-world harms associated with exposure to pornography, with a particular focus on any identified links between exposure to violent pornography and potential real-world violence or other harms	22-Jul-24	11-Nov-24	93,706.23	Kate Stirling
CN42010105	The Social Deck Pty Ltd	Awareness Raising for the Introduction of New Minimum Classifications for Games Containing Gambling-Like Content	Contract a public relations service provider to support a communication and education program to raise awareness of new mandatory minimum classifications for gambling-like content in video games	22-Nov-24	30-Jun-25	330,000.00	Kate Stirling
CN42010206	The Social Research Centre	Functional Update of the Classification Guidelines	Procure a service provider to undertake a functional update to modernise and harmonise the classification guidelines, reflecting recommendations from prior reviews of the National Classification Scheme and current and emerging evidence of harms and community standards	7-Mar-25	30-Apr-26	599,795.90	Kate Stirling
CN42010230	Callida Pty Ltd	Classification CRIS Review	Review of the existing Cost Recovery Implementation Statement	24-Mar-25	30-Sep-25	138,013.00	Barbara Vosoba
CN41015782	AORB Pty Ltd	Training updates	Programming updates to online courses in Film and Game classification	1-Dec-25	31-Mar-26	14,960.00	Barbara Vosoba

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BACK POCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

CLASSIFICATION REVIEW BOARD APPOINTMENTS**KEY ISSUES**

- On 19 December 2025, the Hon Anika Wells MP, Minister for Communications and Minister for Sport announced the appointment of a new Convenor, Deputy Convenor and four new members to the Classification Review Board (Review Board).
- A merit-based selection process was conducted by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, with applications closing on 8 July 2025.
- Appointments to the Review Board are made by the Governor-General, following approval by the Prime Minister and/or the Cabinet.
- Current Review Board members were appointed on 6 December 2025 after nomination by Minister Wells.
- Consultation on these appointments was undertaken with state and territory ministers with responsibility for classification in line with the *Classification (Publications, Films and Computer Games) Act 1995* (the Act).
- A membership list for the Review Board is at **Attachment A**.

BACKGROUND

- The Act requires that the Review Board consist of a Convenor, Deputy Convenor and at least three other members (not exceeding eight).
- Members are appointed on a part-time basis, and membership is to be broadly representative of the Australian community.
- While Review Board roles are not currently in scope of the Australian Government's merit and transparency policy, past practice has been to conduct merit-selection processes in line with the requirements of the policy.
- Remuneration is set by the Remuneration Tribunal under the Determination for Part-Time Offices.
- All current appointments are due to expire on 31 December 2027.

Attachment A

CLASSIFICATION REVIEW BOARD: as at 06/12/2025

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u> <i>(previous term/s in italics)</i>	<u>FT/PT</u>	<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>I. Current Members:</i>						
Ms Alice YAN	F	Convenor	PT	NSW	06.12.25	31.12.27
Mr Damien POWER	M	Deputy Convenor	PT	NSW	06.12.25	31.12.27
		<i>Member</i>			<i>15.09.24</i>	<i>05.12.25</i>
		<i>Member</i>			<i>03.02.23</i>	<i>14.09.24</i>
Ms Bonnie COONEY	F	Member	PT	SA	06.12.25	31.12.27
Mr Brook HELY	M	Member	PT	VIC	06.12.25	31.12.27
Mrs Wendy JASPER	F	Member	PT	VIC	06.12.25	31.12.27
Mr Matthew SALGO	M	Member	PT	NSW	06.12.25	31.12.27

Current Gender and Geographic composition		
Gender balance	Geographic balance	
Males: 3 (50%) Females 3 (50%)	NSW: 3 VIC: 2 SA: 1 NT: 0	WA: 0 QLD: 0 TAS: 0 ACT: 0 Other (e.g. overseas): 0

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

INTERNATIONAL ENGAGEMENT**KEY ISSUES**

- The department undertakes international engagement to advance portfolio objectives and support whole of government foreign policy priorities.
- The department represents Australia's communications sector in multilateral fora to reaffirm our position as a regional leader and promote Australia as a partner of choice in communications and capacity development.

INTERNATIONAL TELECOMMUNICATION UNION (ITU)***What is ITU?***

- ITU is the United Nations (UN) specialised agency for telecommunications/ICTs/digital technologies. It is a treaty-level forum that:
 - ensures interoperability of communications networks by developing global telecommunication standards that underpin the technologies used every day
 - allocates global radio spectrum and satellite orbits
 - improves access to telecommunications/ICTs to underserved communities around the world.

Why is it important for Australia to engage in ITU?

- Australia's engagement in ITU, led by the department, ensures that:
 - global management of radiofrequency spectrum and satellite orbits aligns with Australia's national interests
 - everyone in our region has access to affordable, safe and resilient connectivity
 - ITU itself is inclusive, open and accountable to its membership
 - global telecommunication systems and standards align with our values and strategic interests, and impose no significant barriers to international trade and development.
- Australia has been an elected member of the ITU Council since 1959.
- Our membership on the ITU Council means we can play a part in aligning ITU's work, resources and priorities with the opportunities presented by ongoing digital transformation, benefiting Australians, our close neighbours and regional partners.
- Australia is also one of the top ten financial contributors of the ITU, which enables us to deliver meaningful connectivity outcomes, particularly in the Asia-Pacific region.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION***Why does Australia send in-person delegations to ITU conferences [negotiations]?***

- In-person participation in negotiations allows Australia to defend and advance our communications policy positions and interests effectively by participating in ad-hoc discussions and establishing productive working relationships with our counterparts. Often, voting rights are allocated to in-person participants only.
- The size of Australia's delegations to major international ITU conferences [negotiations] is determined on a case-by-case basis to allow capacity for coverage on priority matters across concurrent negotiations streams.

UNIVERSAL POSTAL UNION (UPU)***What is the UPU?***

- The UPU is the UN technical agency on postal matters.
- The UPU is the primary forum for international cooperation between postal sector players and provides the basis and rules for the exchange of international mail.
- The UPU facilitates secure, safe and efficient cross-border postal exchange.

Why it is important for Australia to engage in the UPU?

- It is important that Australia continues to actively participate in the UPU as the organisation faces uncertainty due to declining letter volumes and parcel industry competition increasing globally.
- Although letter volumes are declining globally, postal services have significantly evolved with many now facilitating trade through eCommerce and parcel delivery services.
- Our objectives in the UPU are to:
 - promote good governance, accountability and transparency (including proper management of its finances), as well as gender equality
 - promote and support policies at the UPU that are aligned with our strategic interests, particularly the financial sustainability of Australia Post
 - support participation by and postal services capability building in the Asia-Pacific region.
- The overview of Australia's membership contributions to UPU is at **Attachment A**.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION***Why does Australia send in-person delegations to UPU Council sessions? Why can't Australia participate virtually?***

- The UPU runs on a four-year cycle consisting of seven Council sessions per four-year cycle and concluding with a quadrennial Universal Postal Congress, the UPU's treaty level meeting.
- The Congress determines rules on international mail, with these proposals having been discussed and agreed incrementally over the preceding four-year cycle at the Council sessions. In-person participation at Council sessions allows Australia to advocate for our policy positions and interests effectively including by participating in sideline discussions and voting on proposals.
 - For example, the last Congress in September 2025 agreed a package of frameworks that set international mail standards for the next four years, in addition to extending the membership rights for Palestine and agreeing to continue UN Sustainable Development Goals-related activities.
- Australia shares representation on the UPU with Australia Post.

WORLD SUMMIT ON THE INFORMATION SOCIETY (WSIS)***What is WSIS?***

- WSIS is a UN process focused on closing global digital divides and setting norms for the digital environment. The original WSIS high level meetings in 2003 and 2005:
 - established an important foundation for the multi-stakeholder approach to Internet governance.
 - agreed action lines and defined stakeholder roles and responsibilities for digital governance and development.
 - established the Internet Governance Forum for international coordination on digital governance and development issues.
- On 17 December 2025, the UN General Assembly adopted a resolution on the outcomes of the 20-year review of the WSIS (WSIS+20). The next review of WSIS will occur in 2035.
- There are 193 UN member states, who must attend the General Assembly in-person if they wish to engage in negotiations.

Why is it important for Australia to engage in reviews of the WSIS?

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

- It is important for Australia to actively participate in reviews of the WSIS to defend the existing multistakeholder model of Internet governance, and ensure that the WSIS continues to deliver global digital transformation and development in line with Australia's national interests.
- The institutions established and supported by the WSIS, including the Internet Governance Forum, help to defend the open, free, secure and interoperable Internet, which reflects Australian values and human rights, and has been vital to the Internet's success.
- These institutions also help to ensure Australia's continued connectivity to the global Internet, which supports a significant portion of the Australian economy.
- The department led whole-of-government engagement in the WSIS+20 review process, including representing Australia at negotiations.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS (ICANN)***What is ICANN?***

- ICANN is the international organisation responsible for coordinating Domain Name System (DNS) and Internet Protocol (IP) address policies at a global level.
- Governments participate in ICANN as part of the Governmental Advisory Committee (GAC), which advises ICANN's Board on issues of public policy.
- There are currently 184 GAC member states, and at least 71 countries attended the most recent meeting.

Why it is important for Australia to engage in ICANN?

- Australia's engagement at ICANN, led by the department, ensures that:
 - policies developed by ICANN reflect Australian values, including protecting the open, free, secure and interoperable Internet which has been vital to the Internet's success.
 - domain name policies support Australian businesses and intellectual property holders to engage in the global digital economy.
 - rules developed by ICANN protect Australians from malicious activity which abuses the Domain Name System, including scams.

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION**GLOBAL COALITION ON TELECOMMUNICATIONS (GCOT)*****What is GCOT?***

- In October 2023, the governments of Australia, Canada, Japan, United Kingdom and United States of America established GCOT as an officials-level forum to:
 - strengthen cooperation and coordination among participating countries
 - build broader consensus on key areas of telecommunications policy
 - enable dialogue between industry, government and academia
 - promote innovation and growth opportunities in industry.

Why it is important for Australia to engage in GCOT?

- Though engaging with like-minded countries, GCOT can help bolster communication supply chains, allow for easier exchange and use of information technology and help the development of future telecommunications technologies. GCOT is focussing on:
 - telecommunications supply chain diversification
 - future telecommunications
 - telecommunications and resilience.

ATTACHMENTS

- Attachment A – Australia's membership contributions for UPU

BPB16 - Attachment A**Australia's membership contributions for UPU**

- To be part of the UN organisations, countries need to make annual membership contributions. These contributions constitute operational budgets of UN bodies.
- Contributions are paid in 'units' which monetary value is set by each UN organisation. The minimum number of units required for membership is proportionate to the size of the economy and population of the member state. The maximum number is at the discretion of each member state. Member states can also choose to make voluntary, or extra-budgetary, contributions, which usually support specific projects/initiatives.
- Member states commit to a number of units at the main governing conferences.
- Australia's membership contributions, including voluntary commitments, to the UPU are paid by Australia Post.
- For the 2025 calendar year at the UPU, Australia Post paid:
 - an annual member contribution of 20 units at 44,270 Swiss Francs (CHF) per unit, equalling CHF 885,400 (AUD \$1.65 million as at 27 January 2026).
 - a voluntary contribution to the UPU sustainability fund, equal to AUD10,000.
- For the 2026 calendar year at the UPU, Australia Post will pay:
 - an annual member contribution of 20 units at CHF44,270, equalling CHF 885,400 (AUD \$1.65 million as at 27 January 2026).

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

OFFICIAL HOSPITALITY AT INTERNATIONAL EVENTS

KEY ISSUES

- The department is the lead agency promoting Australia's economic and strategic interests in several global forums. In the Communications and Media Group, these forums include:
 - Universal Postal Union (UPU)
 - Asian-Pacific Postal Union (APPU)
 - International Telecommunication Union (ITU)
 - Asia-Pacific Telecommunity (APT)
 - Asia-Pacific Economic Cooperation Telecommunications and Information Working Group (APEC TEL)
 - Internet Corporation for Assigned Names and Numbers (ICANN)
 - World Summit on the Information Society (WSIS)
 - Internet Governance Forum (IGF)
- The department has also participated in United Nations (UN) and Organisation for Economic Co-operation and Development (OECD) activities and events.
- Departmental officials representing Australia in these forums extend official hospitality from time to time. As part of international engagement, it is common practice to host events and receptions, including in the sidelines of meetings.
- Between 1 January and 31 December 2025, our Group provided the following official hospitality, with a total cost of \$133,322.

Forum	Event Date	Location	Purpose	Cost (AUD)
Singapore-Australia bilateral working level meeting	17 January 2025	DITRDCA, Nishi Building, Canberra	Provided light refreshments for a meeting with Singaporean delegation.	169.43
UPU	20 February 2025	UPU Headquarters, Bern, Switzerland	Hosted buffet lunch to launch campaign to promote Australia's UPU Council candidacies.	20,561.10
European Regulators Group for Postal Affairs	28 March 2025	Monster Kitchen and Bar, Canberra, Australia	Hosted lunch to discuss postal regulation and policy, and to thank the delegates for visiting Australia during their study tour.	377.00
ITU	18 June 2025	ITU Headquarters, Geneva, Switzerland	Provided Australian confectionaries to launch Australia's candidacy for ITU Council (2027-2030 term).	326.10

BACKPOCKET BRIEF – ONLINE SAFETY AND CLASSIFICATION DIVISION

Forum	Event Date	Location	Purpose	Cost (AUD)
Pacific IGF	1 July 2025	National University of Samoa, Apia, Samoa	Hosted 1-day workshop to further establish Australia as a trusted partner and increase understanding of Pacific digital policy priorities and perspectives.	1,435.68
APPU Executive Council	2 July 2025	Best Western Premier Tuushin Hotel, Ulaanbaatar, Mongolia	Funded a meal for attendees to the Executive Council to promote Australia's Universal Postal Union candidacies.	6,195.69
WSIS	8 July 2025	Australian Mission, Geneva	Hosted a reception for Small Island Developing States (SIDS), and other international attendees in the margins of the WSIS Forum High-Level Event to support an exchange of views between SIDS and like-minded stakeholders in the WSIS+20 Review process.	1,907.19
UPU	15 September 2025	Dubai World Trade Centre, Dubai	Hosted an afternoon tea reception during the 28 th Universal Postal Union Congress to promote Australia's candidacies to the two UPU governing councils.	26,478.58
UN	24 September 2025	United Nations Headquarters, New York	Co-hosted, with the Prime Minister, a side event to showcase Australia's social media minimum age legislation to international partners and stakeholders at the United Nations General Assembly High-Level Week. A light buffet breakfast and accompanying refreshments were provided to guests.	70,800.45
ITU	17 November 2025	Baku Convention Centre, Baku, Azerbaijan	Funded coffee vouchers for delegates to the ITU World Telecommunication Development Conference (WTDC), to promote Australia's 2026 Council re-election campaign.	4,929.12
ITU	29 November 2025	Galateya Restaurant, Baku, Azerbaijan	Hosted the USA Deputy Head of Delegation to WTDC to discuss telecommunication development cooperation	141.79
			Total (rounded)	133,322

ATTACHMENTS

- Attachment A - Further details on Official Hospitality

BPB17 - Attachment A

Further details on Official Hospitality

Event, date, location and service provider	Purpose and alignment to government objectives	Attendees		Description of services	Cost (AUD)
		Aust. Government	Other		
Singapore-Australia bilateral working level meeting <u>Date:</u> 17 January 2025 <u>Location:</u> DITRDCSA Office, Nishi Building, Canberra	To enable bilateral engagement with Singapore on social media minimum age and other online safety matters. The delegation represented a range of Singaporean agencies, including the Infocomm Media Development Authority (IMDA), Ministry of Digital Development and Information (MDDI) and the Ministry of Law (MINLAW).	8	9	The department provided light refreshments (bagels and pastries) for a 2-hour long meeting.	169.43 GST inclusive
Australia's UPU Council candidacies <u>Date:</u> 20 February 2025 <u>Location:</u> UPU Headquarters, Bern, Switzerland	To launch campaign to promote Australia's UPU Council candidacies Election to the UPU's two governing councils, the Postal Operations Council and Council of Administration, supports Australia to influence updated international post products and services that meet Australian consumer needs and connect our businesses to global trade opportunities.	5	145	The department and Australia Post jointly funded a buffet meal and drinks. The department funded food at a cost of AUD 20,561.10 and Australia Post funded drinks, including Australian wines.	20,561.10 GST N/A

Event, date, location and service provider	Purpose and alignment to government objectives	Attendees		Description of services	Cost (AUD)
		Aust. Government	Other		
European Regulators Group for Postal Affairs <u>Date:</u> 28 March 2025 <u>Location:</u> Monster Kitchen and Bar, Canberra, Australia	Hosted lunch with European Regulators Group for Postal Affairs Lunch provided an opportunity to continue discussing postal regulation and policy, and to thank the delegates for visiting Australia during their study tour.	4	6	Lunch including food and beverages.	377.00 GST inclusive
Australia's ITU Council candidacy <u>Date:</u> 18 June 2025 <u>Location:</u> ITU Headquarters, Geneva, Switzerland	To launch campaign to promote Australia's ITU Council candidacy Election to ITU Council provides an opportunity for Australia to influence ITU's strategic direction, and promote transparency and openness in line with our economic and strategic interests. This includes ensuring appropriate governance and accountability for the use of ITU funds.	4	The morning tea was attended by the ITU Council meeting participants, including current and prospective ITU Council members, observers, telecommunication organisations and industry players.	While the morning tea was funded by DFAT, the department supplied the assortment of Australia-made confectionaries.	326.10 GST inclusive

Event, date, location and service provider	Purpose and alignment to government objectives	Attendees		Description of services	Cost (AUD)
		Aust. Government	Other		
Pacific Internet Governance Forum Workshop <u>Date:</u> 1 July 2025 <u>Location:</u> National University of Samoa, Apia, Samoa	To host a 1-day workshop on Internet governance and online safety for the multistakeholder community to further establish Australia as a trusted partner and increase understanding of Pacific digital policy priorities and perspectives, with the following key outcomes: - increased understanding and positive perceptions of multistakeholder Internet governance. - increased understanding of Australian government policy and engagement approaches.	2	40 including members of the Pacific multistakeholder community from government, the technical community, academia, civil society, the private sector and youth (university students).	The department supplied the hired venue, morning tea, lunch and afternoon with non-alcoholic beverages.	1,435.68 GST N/A
2025 Asian-Pacific Postal Union Executive Council <u>Date:</u> 2 July 2025 <u>Location:</u> Best Western Premier Tuushin Hotel, Ulaanbaatar, Mongolia	Fund a meal for attendees to the Executive Council and promote Australia's Universal Postal Union candidacies.	3	97	The department funded a buffet lunch including drinks.	6,195.69 GST N/A

Event, date, location and service provider	Purpose and alignment to government objectives	Attendees		Description of services	Cost (AUD)
		Aust. Government	Other		
WSIS Forum Small Island Developing States (SIDS) and Friends Reception <u>Date:</u> 8 July 2025 <u>Location:</u> Australian Mission - Geneva	To support an exchange of views between SIDS and like-minded stakeholders in the WSIS+20 Review process.	5	The evening reception was attended by delegates from SIDS, other delegations and members of the multistakeholder community attending the WSIS Forum	The department supplied wine, and funded the Australian mission to provide staffing and catering (finger food). Australia's Ambassador in Geneva gave an address.	1,907.19 GST N/A
28th Universal Postal Union Congress <u>Date:</u> 15 September 2025 <u>Location:</u> Za'abeel Hall 1, Dubai World Trade Centre, Dubai	Fund an afternoon tea for all attendees and promote Australia's Universal Postal Union candidacies.	6	The invite was extended to all UPU delegates attending the Congress, including member country Governments, Regulators and Designated Postal Operators	Department funded an afternoon tea with non-alcoholic beverages and activities including polaroid camera photos and promotional decorations.	26,478.58 GST N/A
United Nations General Assembly High Level Week - Protecting Children in the Digital Age <u>Date:</u> 24 September 2025 <u>Location:</u> United Nations	To showcase Australia's social media minimum age laws and profile the need to protect children and adolescents in a rapidly digitising world.	The event was attended by 1 DITRDSCSA official	The event was attended by UN member country delegations and organisations interested in supporting online child safety.	The department funded event services, including a continental breakfast buffet.	70,800.45 GST N/A

Event, date, location and service provider	Purpose and alignment to government objectives	Attendees		Description of services	Cost (AUD)
		Aust. Government	Other		
Headquarters, New York					
International Telecommunication Union (ITU) 2025 World Telecommunication Development Conference (WTDC-25) <u>Date:</u> 17 to 28 November 2025 <u>Location:</u> Baku Convention Centre, Baku, Azerbaijan	To promote Australia's 2026 Council re-election campaign to delegates representing ITU Member States at WTDC-25.	0	500	Coffee and biscuit service for WTDC-25 delegates.	4,929.12 GST N/A
Sideline meeting: WTDC-25 <u>Date:</u> 29 November 2025 <u>Location:</u> Galateya Restaurant, Baku, Azerbaijan	To discuss Australia/USA telecommunication development cooperation	1	1	Meal including food and non-alcoholic beverages.	\$141.79

OFFICIAL

CMD - BACK POCKET BRIEF**NBN CO'S ACCELERATE GREAT****LEAD: Shanyn Sparreboom****KEY STATEMENT:**

- On 14 September 2025, NBN Co increased the wholesale speeds of its existing 100/20 megabits per second (Mbps), 250/25 Mbps and 500 to 1000/50 Mbps services. This is available for premises connected via Fibre to the Premises (FTTP) or Hybrid Fibre Coaxial (HFC) technology.
- NBN Co estimates that as at 31 December 2025 around 2.68 million premises benefited from the increased speeds as part of Accelerate Great.
- NBN Co has made approximately 90% of the NBN fixed line footprint gigabit capable by the end of 2025. This equates to more than 10.2 million homes and businesses now being able to order multi-gigabit speed plans.
- NBN Co has not changed the wholesale price it is charging retail service providers (RSPs) for the increased speeds. It is at the discretion of RSPs as to whether they change their retail prices.
- RSPs' have responded positively with a variety of product offerings including price discounts, simplified products and newer modem technology.
- Since Accelerate Great was launched, the proportion of end users on higher speed tiers has increased.
- NBN Co has also introduced new wholesale products with download speeds of 2 gigabits per second (Gbps). These will be available for premises connected via FTTP or HFC technology.
- NBN Co has worked closely with RSPs on the implementation of Accelerate Great, and to inform consumers about how to optimise their in home set up which impacts the speeds they will receive.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Broadband Regulatory Reform	
Clearing Officer (AS):	Shanyn Sparreboom	Branch: Broadband and Post	
Mobile (AS):	s22(1)(a)(ii)	Date: 12/01/2026	Updated:

OFFICIAL

CMD - BACK POCKET BRIEF

- The upgrades being undertaken to NBN Co's fixed line network to expand access to FTTP technology will increase the number of premises that can access the Accelerate Great speeds.

Timeline

March 2024	NBN Co commenced consultation with RSPs on the Accelerate Great proposal.
5 September 2024	NBN Co publicly announced the Accelerate Great initiative.
14 September 2025	Accelerate Great operationally launched.

KEY ISSUES / SENSITIVITIES*Service offering and retailer engagement*

- 100/20 Mbps service increased to 500/50 Mbps.
- 250/25 Mbps service increased to 750/50 Mbps.
- 500 to 1000/50 Mbps services increased to 1000/100 Mbps.
- NBN Co introduced two variants of the new 2 Gbps service:
 - 2000/200 Mbps service for premises connected through FTTP.
 - 2000/100 Mbps service for premises connected through HFC.
- Prior to the announcement of the accelerated speed offerings and new 2 Gbps services, NBN Co undertook a consultation process with retailers that commenced in March 2024.
- On 1 December 2025, NBN Co reported that there had been a significant increase in the number of users ordering higher speed plans. For example, 29% of all customers having plans with wholesale download speeds of 500 Mbps or faster, an increase of 25% since July 2025.

Impacts for customers on 50 Mbps and lower suite of products

- The Accelerate Great initiative does not cover the 50 Mbps and below suite of products.
- The wholesale prices that NBN Co charges RSPs for these services are regulated by the ACCC under the Special Access Undertaking (SAU).
- Questions about the details of Accelerate Great and how NBN Co determined the speed tiers to be included should be directed to NBN Co.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Broadband Regulatory Reform	
Clearing Officer (AS):	Shanyyn Sparreboom	Branch: Broadband and Post	
Mobile (AS):	s22(1)(a)(ii)	Date: 12/01/2026	Updated:

OFFICIAL

CMD - BACK POCKET BRIEF

- The upgrades that NBN Co is undertaking to the fibre-to-the-node (FTTN) network will give more premises access to FTTP technology, which will allow them to access the increased speeds being offered through Accelerate Great.

In home equipment

- The speeds that consumers experience will depend on their in-home equipment (for example, modems and routers) and how it is set up (for example, location within the home).
- NBN Co and a number of RSPs have developed materials to raise awareness and educate consumers about optimising their 'in home set-up' to help them to maximise the speeds they receive.
- A number of RSPs are also taking proactive steps to provide consumers with current generation in-home equipment to support them to receive the speeds offered through the Accelerate Great initiative.

KEY FACTS

- The proposal is aimed at meeting the growing need for reliable, high-speed, high-capacity and low-latency broadband by taking advantage of the consumer benefits that fibre offers.
- Research from Accenture shows that from 2012 to 2022, every 1 Mbps increase in average broadband speed enabled an average uplift in GDP of 0.04%. This translates to an NBN-enabled GDP uplift of \$122 billion between 2012 to 2022.
- This research also found that over the past 10 years the increase in employment related to increased broadband speeds was 1.5 times greater for women than for men. Possible explanations noted in the report are that increased broadband speeds assist in allowing more flexible working arrangements and accessing online education which benefit industries with higher female representation.
- NBN Co has made approximately 90% of the NBN fixed line footprint gigabit capable by the end of 2025. This equates to more than 10.2 million homes and businesses now being able to order multi-gigabit speed plans.
- By end of 2030 when the final fibre upgrade program is complete, the uplift speeds will be available to around 94% of the fixed line footprint.

MEDIA

- NBN Co's 16 September 2025 media release: [nbn's biggest internet upgrade: faster speeds for more Australian homes and businesses](#)
- NBN Co's 1 December 2025 article: [Demand for high-speed nbn skyrockets](#)

Action Officer (EL2):	s22(1)(a)(ii)	Section: Broadband Regulatory Reform	
Clearing Officer (AS):	Shanyn Sparreboom	Branch: Broadband and Post	
Mobile (AS):	s22(1)(a)(ii)	Date: 12/01/2026	Updated:

OFFICIAL

CMD - BACK POCKET BRIEF

STAKEHOLDER ENGAGEMENT

- NBN Co

Action Officer (EL2):	s22(1)(a)(ii)	Section: Broadband Regulatory Reform	
Clearing Officer (AS):	Shanyn Sparreboom	Branch: Broadband and Post	
Mobile (AS):	s22(1)(a)(ii)	Date: 12/01/2026	Updated:

OFFICIAL

CMD - BACK POCKET BRIEF**FUNDING CONSUMER ENGAGEMENT FOR
TELECOMMUNICATIONS REGULATION****LEAD: Shanyn Sparreboom****KEY STATEMENT:**

- The Special Access Undertaking (SAU) sets out the framework for regulating access to the National Broadband Network, including the wholesale prices that NBN Co charges to retail service providers.
- NBN Co's SAU with the Australian Competition and Consumer Commission (ACCC) requires the company to consult consumer advocacy groups.
- The Australian Government is supporting the Australian Communications Consumer Action Network (ACCAN) with funding of up to \$2.5 million to represent consumer interests during consultation throughout the SAU regulatory cycle. The name of this grant program is Funding Consumer Engagement for Telecommunications Regulation.
- The funding will be cost recovered from NBN Co on the basis that ACCAN will use the funding to support NBN Co's SAU. ACCAN also receives separate funding under the Consumer Representation Grants Program which is cost recovered through the Annual Carrier Licence Charge.
- ACCAN has been representing consumers interests during recent consultation on NBN Co's Replacement Module Application (RMA) proposal.

14 May 2024	Budget announcement on additional ACCAN funding as part of the 2024-25 Budget measure Supporting Connectivity, Media and Communications (pg. 152-153 BP2).
5 November 2024	The Commonwealth executed a grant agreement with ACCAN to give effect to the Budget commitment.
5 December 2024	Minister for Communications' media release confirming that the Government would be providing new funding of up to \$2.5 million to enable ACCAN to advocate for consumer interests under the SAU in line with the Budget measure.
2 July 2025	NBN Co submitted its RMA that reflects the outcome of the consultation process which ACCAN has engaged in.
22 August 2025	ACCC commences consultation on NBN Co's RMA.

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By 31 March 2026	ACCC publishes a draft determination on NBN Co's RMA.
By 2 June 2026 unless extended	ACCC publishes a determination on NBN Co's RMA.
1 July 2026	Start of the next SAU regulatory cycle.
30 June 2027	Latest end date of grant agreement.

KEY ISSUES / SENSITIVITIES*NBN Co's SAU and RMA*

- On 13 December 2013, NBN Co's original SAU was accepted by the ACCC and came into force. s22(1)(a)(ii).
- On 17 October 2023, the ACCC accepted NBN Co's SAU variation and supported ACCAN being funded to represent consumer interests.
- On 2 July 2025, NBN Co submitted its RMA. The RMA sets out NBN Co's proposed expenditure, baseline service standards and entry level wholesale pricing offer for the regulatory period commencing 1 July 2026. The length of this regulatory period would be between three to five years.
- The proposed expenditure being assessed through the RMA process is not forecast to affect the wholesale prices NBN Co is permitted to charge until the early 2030s. Until then, NBN Co's prices will be subject to CPI linked price controls.
- NBN Co was required to consult with stakeholders, including consumer groups, in preparing the RMA. This engagement occurred from August 2024 to April 2025.
- During this consultation process, ACCAN represented consumer interests including at the Regulatory Proposal Forum that has been established for the RMA engagement process.
- On 3 November 2025, ACCAN provided the ACCC with ACCAN's public submission on NBN Co's RMA. To inform its submission, ACCAN commissioned research work from FTI Consulting and commissioned Cred Consulting for consumer engagement work.
- As part of ACCAN's RMA consumer engagement, ACCAN conducted online focus groups, commissioned surveys and undertook in-person and online engagements. The in-person engagements occurred in New South Wales, Victoria, Tasmania and the Australian Capital Territory and the online engagements included stakeholders in Queensland, Western Australia and the Northern Territory. ACCAN also undertook site visits and attended community events.

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- The ACCC will review and assess the RMA, and then issue a Replacement Module Determination. As part of this process, the ACCC is consulting with stakeholders including ACCAN.

KEY FACTS**ACCAN**

- ACCAN is the peak communications consumer organisation representing individuals, small businesses and not-for-profit groups as consumers of communications products and services.
- The Commonwealth already provides funding to ACCAN under a deed administered by the department as part of the **Consumer Representation Grants Program**. This deed is in place until 2027 with annual funding of around \$2.7 million. *Refer questions on this funding to Consumer Safeguards Branch.*
- The SAU-related grant funding is separate and additional to the Consumer Representation Grants Program.

Grant management

- Details on the SAU-related grant are available on GrantConnect.
- The duration of the grant is from 2024-25 to 2026-27 which should enable ACCAN to be involved through to the completion of the RMA and the ACCC's assessment of the RMA.
- The department's Enterprise Grants Management Office provided advice to support the ACCAN grant achieve best practice grants administration.
- The department meets and engages with ACCAN at least monthly to oversee the grant.

Grant amount

- Grant funding of up to \$2.5 million is available to be provided to ACCAN. The grant agreement specifies quarterly fixed payments (for example, for staffing costs) as well as a variable funding component for expenses such as consultancy and travel if required.
- The total amount of funding payable by the Commonwealth will vary depending on the volume of SAU-related activities completed by ACCAN. ACCAN is expected to use up approximately \$2.533 million of grant funding by the end of 2025-26.
- The Commonwealth media release mentioned that the funding to ACCAN would be up to **\$2.5 million**. However, the grant agreement sets a cap of **\$2.563 million** for the life of the grant (ACCAN's own media release mentioned that the grant would be up to **\$2.56 million**).

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- The maximum \$2.563 million is only payable **if** the grant term extends to **2026-27** (the higher than \$2.5 million amount reflects the indexation that would be applied on the third year).
- As of 1 January 2026, the department has paid ACCAN \$2,158,000 (including GST) under the SAU-related grant. There are no concerns with disclosing this information.

MEDIA

- NBN Co's media release: [NBN Co lodges RMA regulatory proposal with ACCC](#)
- Commonwealth media release: [More funding to support advocacy to keep broadband affordable](#)
- ACCAN media release: [Consumer body to scrutinise NBN expenditure](#)

STAKEHOLDER ENGAGEMENT

- NBN Co, ACCAN and ACCC

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C&M - BACK POCKET BRIEF
NBN CO VALUATION

LEAD: Shanyn Sparreboom

KEY STATEMENT:

- As part of the annual financial reporting process, the department conducts valuations to estimate the worth of Australian Government investments in government companies and businesses, including NBN Co.
- The department has recognised the administered investment in NBN Co at a fair value of \$21.8 billion in the 2024-25 financial statements.
- This 2024-25 value represents an increase of \$1.2 billion from the 2023-24 valuation of \$20.6 billion.
- The increase is predominately driven by reduction in NBN Co operating expenses as a result of additional network and operating efficiencies.
- This valuation is reflected in the department's 2024-25 Annual Report (see page 220 and extract at Attachment A).
- The NBN Co valuation is distinct from the company's total assets because a discounted cash flow valuation method is used under accounting requirements.

KEY ISSUES / SENSITIVITIES

NBN Co valuation process

- The fair value was determined by the department with assistance from its external expert, Ernst & Young, based on a discounted cash flow valuation prepared by NBN Co.
- The valuation used cash flow forecasts underpinning NBN Co's Integrated Operating Plan 2026-30 (IOP26), approved by its board in late June 2025.
- Beyond the IOP period, the cash flow forecasts are based on high level assumptions prepared by NBN Co's management, which take into account the best available expectations regarding business structure and market conditions.
- As part of the annual audit process, the Australian National Audit Office concluded in their Closing Audit Report that the fair value of \$21.8 billion was reasonable.

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- Changes in NBN Co's valuation do not impact the Budget's Underlying Cash Balance. Any change in the value of NBN Co in the department's accounts is reported as an 'other economic flow' in the Budget operating statement and has no impact on the underlying cash balance, headline cash balance, net operating balance or fiscal balance.
- Further questions about the valuation should be directed to the department's financial accounting team. Queries on Budget treatment should be directed to the Department of Finance.

If raised, what is the financial size of NBN Co?

- One way of estimating the total financial size or enterprise value of NBN Co is to add the company's market value of total debt and lease liabilities to the value of the equity investment. Using this method, the enterprise value of the company in 2024-25 would be approximately \$60.8 billion.
- However, this method should not be used as an alternative valuation method to the discounted cash flow method undertaken in accordance with accounting standards for the purposes of the department's financial statements.

Key Assumptions of Valuation

- 2024-25 is the first year the valuation adopted a 20-year rolling forecast period to align with long-term models used by other similar infrastructure assets.
- Previously, the forecast period was fixed to 2039-40. Any uplift in value due to the longer forecast period has been mitigated by a lower discounting factor in the estimation of the terminal value.
- The department's adopted valuation method also includes the following key assumptions (also disclosed in the note to the financial statements – see **Attachment A**):
 - A hypothetical market participant purchased all the equity in NBN Co as at 30 June 2025 in an arm's length transaction.
 - The hypothetical market participant would provide an initial equity injection of \$6.48 billion, so NBN Co's debt level reflected an amount consistent with a stand-alone investment grade basis by the hypothetical market participant (2023-2024: \$1.79 billion).
 - A debt drawdown of \$500 million into perpetuity within the terminal value calculation, to maintain a long-term Debt/EBITDA ratio of 7.0x – That is the company would maintain debt levels equal to 7 years of EBITDA, allowing the company to repay debt using EBITDA (unchanged from 2024).
 - A mid-point discount rate of 9.8% (2024: 9.7%).
 - A terminal growth rate of 2.5% has been used to calculate the terminal value (2024: 2.5%).

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C&M - BACK POCKET BRIEF**Changes since last Financial Year – 2025 compared to 2024**

- The movement in valuation between 2023-24 of \$20.6. billion and 2024-25 of \$21.8 billion is due to a range of factors, including:
 - significant reduction in operating expenses in FY29 which is maintained across the forecast period. Key factors contributing to this are:
 - higher capitalisation rate of network assurance activities;
 - additional network operating efficiencies (e.g. declining call-out volumes); and
 - full migration of satellite customers to Low Earth Orbit satellite services.
 - revenue is forecast to be lower driven by lower active premise growth and slower than expected growth in higher speed tiers

Reporting period	2020	2021	2022	2023	2024	2025
Valuation (\$'billion)	\$13.8	\$18.0	\$19.7	\$19.5	\$20.6	\$21.8

Media reporting on NBN Co's value

- Previous media coverage has criticised Government investment in NBN Co. The NBN has always involved a large upfront investment which incurs significant operating losses during implementation. We expect this will be followed by a period of positive cash flow, then operating profits and eventually a long-term positive return to the Australian Government.
- Recent investments improve services for Australians, and help support improved long-term cash flows through increasing network reliability and reducing maintenance costs.

Background (including comparisons to NBN Co's Net Asset Value in its financial statements)

- Accounting standards require a valuation based on what a hypothetical market owner would do or require, including cash flows that can be returned to a hypothetical market participant using their required rate of return on equity assumed within the discount rate and the availability of franking tax credits and carried forward tax losses.
- NBN Co's financial statements recognise the historical equity contributed by the Commonwealth (\$31.8 billion in NBN Co's 2024-2025 financial statements). The net asset position published in NBN Co's 2024-25 financial statements was negative \$4.3 billion as at 30 June 2025 (2023-24: negative \$3.8 billion). This represents the total asset values less total liabilities and is negative as a result of historical accounting losses. This historical assessment is not the same as the

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forward-looking assessment of the discounted cash flow method, used by the department.

- The equity investment should not be confused with the total enterprise value of the NBN or a sale value of the NBN. These concepts are not needed to be recognised in the department's financial statements. Using the assumptions outlined above, a hypothetical enterprise value (equity plus debt) could be derived from publicly available information at 30 June 2024 which would equal \$59.4 billion.
 - This represents the \$20.6 billion fair value equity estimate plus the \$27.6 billion in the market value of total debt currently outstanding and the \$11.2 billion recognised as finance lease liabilities as at 30 June 2024.

Attachments

- A: Department of Infrastructure, Transport, Regional Development, Communications and the Arts' Financial Statement notes to NBN Co Valuation for 2024-25.

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C&M - BACK POCKET BRIEF**Attachment A****2024-25 FINANCIAL STATEMENTS - FAIR VALUE DISCLOSURES ON NBN CO VALUATION**

1. The department has estimated the fair value of the investment in NBN Co using the discounted cash flow valuation method, with modelling input prepared by NBN Co with assistance from external experts. The department engaged an independent expert to provide advice on the valuation and underpinning assumptions.
2. The discounted cash flow valuation calculates the equity value using the free cash flows forecast in NBN Co's Board endorsed Integrated Operating Plan from 2026-30 (IOP26), with detailed Management assumptions used across a 20-year rolling model until 2045. The cash flow forecasts were adjusted, where appropriate, for assumptions relating to financing and other decisions that would be adopted by a hypothetical market owner, including the calculation of a terminal value. The forecast cash flows available to equity holders were discounted using an assumed required rate of return on equity of 9.8 per cent (2024: 9.7 per cent). The discount rate reflects current market conditions as well as an assessment of the risks in the cash flow forecast underpinning the discounted cash flow calculation. The assumptions used in the valuation are based on circumstances that a hypothetical market owner would consider in an acquisition of the equity in NBN Co as at 30 June 2025 in an arm's length transaction.
3. The National Broadband Network Companies Amendment (Commitment to Public Ownership) Bill 2024 was passed in March 2025 and sets out the intention that the NBN Co will be wholly owned by the Commonwealth. This repealed provisions in the *National Broadband Network Companies Act 2011* related to privatising NBN Co. The assumptions adopted within the valuation do not seek to pre-empt the Australian Government's approach to a future sale of NBN Co.
4. The department has adopted a fair value estimate of \$21.8 billion (2024: \$20.6 billion), which considers the sensitivity of the valuation to changes in key assumptions. Expert advice indicated the fair value was supported by cross-checks against valuation multiples of entities operating in similar industries.

Key financing assumptions

5. The valuation assumes a hypothetical market owner would provide an equity injection on 30 June 2025, such that the level of debt held by NBN Co reflected an amount which could be supported by a standalone investment grade credit rating as at 30 June 2025.
6. The financing assumptions underpinning the fair value are considered to be in line with the assumptions that a market participant would make if valuing the equity in NBN Co at 30 June 2025.

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The sensitivity to the key assumptions in the valuation are set out below:

Assumption	Selection	Sensitivity	Value (\$bn)	
			Low	High
Discount rate	9.80%	+/-0.5%	19.8	24.1
Forecast total revenue	Per valuation model	+/-5% in each year	16.8	26.6
Forecast operating expenditure	Per valuation model	+/-10% in each year	19.8	23.8
Forecast capital expenditure	Per valuation model	+/-2.5% of revenue after IOP	20.0	23.6
Debt interest	Per valuation model	+/-0.5%	20.1	23.5
Terminal growth rate	2.50%	+/-0.5%	21.3	22.4

We note that the value of NBN Co's historical tax losses and franking credits have been included in the valuation at respective values of \$0.430 billion and \$0.891 billion.

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CID - BACK POCKET BRIEF**PRE-EXISTING FIBRE UPGRADES****LEAD: Shanyn Sparreboom****KEY STATEMENT:**

- In May 2022, the Government committed \$2.4 billion in equity to NBN Co to upgrade 1.5 million premises from Fibre-to-the-Node (FTTN) to Fibre-to-the-Premises (FTTP)
- In December 2025, NBN Co delivered on the 2022 Government commitment and completed the upgrade of 1.5 million premises.
- As a result of the investment, over 10.2 million homes and businesses are now able to access multi-gigabit speed services.

KEY ISSUES:**Fibre Upgrade Progress**

- As at 31 December 2025:
 - Around 10.2 million premises are now able to order multi-gigabit speed plans.
 - Over 1 million FTTN and FTTC premises have requested and been connected to an FTTP upgrade.

Location and Construction Factors

- The FTTN upgrades were not focussed on any particular State or Territory and over 877,000 premises located in regional areas benefitted from this investment.
- Locations for upgrades were determined based on NBN Co's analysis and an optimisation process, which balances customer demand, revenue potential, capital and operating costs, build considerations (including build complexity), exchange availability and the mobilisation of delivery partners.

Changes to Upgrade Footprints

- In late 2025, approximately 70,000 premises that were initially planned to be eligible for a fibre upgrade by December 2025 were swapped.
- This involved replacing approximately 70,000 high-risk premises from the 1.5 million upgrade footprint with premises from the 622,000 upgrade (announced in January 2025) footprint.
- The swap was necessary due to constraints such as heritage and environmental approvals, aerial utility approvals, and industrial action causing construction delays.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Engagement and Governance	
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- These swaps enabled NBN Co to achieve agreed delivery milestones as part of the Commonwealth's Equity Funding Agreement (EFA) to deliver 1.5 million premises before the end of December 2025.
- The premises impacted by revised forecast dates are located across New South Wales, Victoria and Western Australia.
- *Further details about these premises swaps and associated delays should be directed to NBN Co.*

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CID - BACK POCKET BRIEF

First Nations Digital Inclusion Advisory Group

LEAD: Jason Ashurst

KEY STATEMENT:

- The Department provides secretariat support to the First Nations Digital Inclusion Advisory Group (Advisory Group) and its work to progress First Nations Digital Inclusion.
- Since its establishment, the Advisory Group has achieved significant momentum on closing the digital divide, across government and industry. This includes releasing its First Nations Digital Inclusion Roadmap which outlines a pathway to achieving Target 17 of the National Agreement on Closing the Gap.
- The Department is also working closely with the Advisory Group on the design and delivery of programs to support First Nations digital inclusion.

KEY ISSUES / SENSITIVITIES

- The Roadmap makes a number of recommendations to support progress towards Target 17 and beyond. The Government is currently considering the recommendations and options for their implementation.
- The department has been working to implement the First Nations digital inclusion measures announced in the 2024-25 Budget. All programs are under implementation, however due to the caretaker period and complexities with the grant process, there have been some delays with their delivery.
- The appointment of four new members to the Advisory Group – Dr Jessa Rogers, Mr Che Cockatoo-Collins, Ms Naomi Moran and Mr Terry Jamieson – was announced by the Minister for Communications on 10 October 2025. The Advisory Group will meet in late February 2026 for its 12th meeting.
- The Advisory Group established a First Nations Telecommunications Working Group to support industry collaboration on First Nations digital inclusion. Its first meeting was 26 September 2025 and it is co-chaired by NBN Co and Telstra. It will next meet in late February 2026.
- The Advisory Group also continues to engage closely with states and territories, holding a workshop with jurisdictional representatives on 1 October 2025 and writing to relevant state and territory ministers on 19 December 2025 to provide a status update on the Advisory Group.

BACKGROUND

First Nations digital inclusion roadmap

- On 10 December 2024, the Advisory Group launched the First Nations Digital Inclusion Roadmap: 2026 and beyond.

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- To inform the Roadmap, the Advisory Group undertook extensive stakeholder and community engagement, including in the Northern Territory, Western Australia, Queensland and the Torres Strait, and South Australia.
- As part of the development of the Roadmap, the Advisory Group also undertook public consultations across mid-2024. Around 40 submissions were received, with the Advisory Group also meeting with a large number of stakeholders over the consultation period.
- The consultation sought feedback on how government and industry can better support First Nations people to access the internet and media they need to make informed decisions about their lives and communities.
- Since the release of the Roadmap, the Advisory Group has undertaken extensive consultation with government and industry, as well as consumer groups and regulatory bodies, to explore options for delivery of the Roadmap recommendations.
- The central principle underpinning the Advisory Group's advice is developing and designing policies in close collaboration with First Nations people and communities, including recognising the diversity of First Nations communities, and their differing needs and priorities.

Advisory Group's initial report

- The Advisory Group provided its initial report to the Minister on 9 August 2023 and published it online on 23 October 2023.
- The recommendations in the report are based on the Advisory Group's extensive engagement with First Nations people and communities, and other stakeholders, as well as the best available evidence and data on First Nations digital inclusion across Australia.
- The initial report identified three key areas of focus: the delivery of targeted measures to improve access to connectivity; improving the national collection and use of data; and ensuring genuine engagement and collaboration with First Nations people and communities.
- The recommendations in the initial report helped inform the First Nations digital inclusion measures announced in the 2024-25 Budget.

Advisory Group Membership

- The Advisory Group is co-chaired by Ms Dorothy West OAM, who is a Noongar woman from the south west of Western Australia and Professor Lyndon Ormond-Parker, an Alyawarr man from the Barkly Tableland region of the Northern Territory.
- Previous appointments to the Advisory Group expired on 17 January 2025. The co-chairs and the ex-officio First Nations Media Australia (FNMA) member, Mr Adam Manovic, were reappointed on 28 February 2025.

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- In consultation with the co-chairs, the appointments of three members (Ms Talei Elu, Professor Bronwyn Carlson, and Ms Naomi Anstess) were not renewed. The fourth vacancy was created with the resignation of Dr Heron Loban.
- On 10 October 2025, the Minister for Communications announced the new members of the Advisory Group. In addition to Mr Manovic and the co-chairs, membership of the Advisory Group now includes:
 - Mr Che Cockatoo-Collins, the Executive Manager of Indigenous Affairs at NBN Co
 - Ms Naomi Moran, Treaty Commissioner for NSW
 - Dr Jessa Rogers, Associate Professor of Indigenous Education, University of Melbourne
 - Mr Terry Jamieson, Manager of Closing the Gap & Policy with the NSW Department of Customer Service.
- Supporting the Advisory Group is the Digital Inclusion Expert Panel (Expert Panel). Expert Panel members were identified by the co-chairs, based on their expertise and include:
 - Ms Cheryl Bailey, CEO and Founder of Indigenous Technology
 - Ms Lauren Ganley, the Head of Telstra's First Nations Strategy and Engagement Team
 - Ms Gillian Mailman, the Managing Director of Fibre Optics North Queensland
 - Dr Scott Winch, Director Aboriginal Health, The Sax Institute
 - Dr Daniel Featherstone, an Associate Professor at RMIT who leads the Mapping the Digital Gap project
 - Mr Dan Lloyd, CEO, Space Industry Association of Australia (SIAA)
 - Mr Neil Turner, the manager of Pilbara and Kimberley Aboriginal Media
 - Mr Sam Dimarco, General Manager – Segments & Stakeholder Relations at NBN Co.

Selection of members of the Advisory Group

- The department worked with the co-chairs to identify potential members for the Advisory Group on the basis of their knowledge and expertise in digital inclusion, online safety, First Nations media and broadcasting, stakeholder engagement and management, delivery of services in remote communities and data collection and analysis.
- The nominees identified by the co-chairs were considered and agreed by the Minister for Communications and the Prime Minister, in consultation with the Minister for Indigenous Australians.

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- Any conflicts of interest identified by members of either the Advisory Group or Expert Panel are managed in line with the process set out in the Terms of Reference.
- In considering the geographic diversity of the membership, connection to country is considered, as well as current place of residence.

Remuneration and travel costs

- The co-chairs are paid a daily rate of \$1,028 (or \$205.60 per hour).
- This recognises the nature of the work being undertaken, their deep knowledge and expertise, the high-level engagement required and is consistent with remuneration for Chairs of comparable bodies listed by the Remuneration Tribunal.
- Advisory Group and Expert Panel members were paid a daily rate of \$448 prior to 6 November 2024, \$464 from 6 November to 30 June 2025 and \$476 post 1 July 2025, in line with part time rates specified by the Remuneration Tribunal.
- As of 31 December 2025, the following costs are related to the Advisory Group and Expert Panel:

	2024-25	2025-26
Remuneration	\$220,350	\$88,333
Domestic airfares	\$109,436.39	\$36,652
Domestic accommodation	\$63,636.54	\$19,279

- The Advisory Group has met eleven times: 18 January 2023, 20 February 2023, 20 April 2023, 11 July 2023, 7 November 2023, 22 February 2024, 20 May 2024, 20 September 2024, 13 March 2025, 18 June 2025 and 2 October 2025.

The First Nations Telecommunications Working Group (Working Group)

- The Working Group has been established by the Advisory Group to support industry-wide collaboration on the recommendations in the Roadmap relating to industry, including access, skills, and customer service.
- The Working Group builds on the workshops the Advisory Group has held with industry to date, and its membership includes senior representatives from the telecommunications sector and regulators (the ACMA and ACCC).
- The department provides secretariat support for the Working Group, which is co-chaired by Ms Lauren Ganley (Telstra) and Mr Sam Dimarco (NBN Co). Ms Ganley and Mr Dimarco are both members of the Digital Inclusion Expert Panel.
- The Working Group will meet and report to the Advisory Group quarterly.

Closing the Gap – Annual Report and Implementation Plan

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Clearing Officer (AS):	Jason Ashurst	Branch: Digital Inclusion and Deployment Branch	
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- The Australian Government's Closing the Gap Annual Report (2024) and Implementation Plan (2025) was released on 10 February 2025.
- The Australian Government will soon release the 2025 Annual Report, which provides an analysis of the Commonwealth's progress toward achieving the Priority Reforms and socio-economic outcomes of the National Agreement.
- The 2026 Implementation Plan is forward looking, outlining strategic priorities of the Commonwealth for Closing the Gap over the year. It builds on progress made in 2025, with a focus on areas of need.

Any further questions regarding the Annual Report 2025 or Implementation Plan 2026 should be directed to NIAA.

First Nations digital inclusion data

- The Australian Digital Inclusion Index (ADII) (2025) released on 5 November 2025 showed that people living in Australia's 1,100 remote First Nations communities are among the most digitally excluded Australians.
- The 2025 ADII draws on a sample size of 5870, with 2805 of those sourced through the Mapping the Digital Gap and Measuring Digital Inclusion for First Nations Australians projects. The previous 2023 ADII drew on a national sample size of 5132.
- Nationally, the First Nations Digital Inclusion score is 63.1 with a 10.5-point gap compared to 73.6 for non-First Nations people. In remote areas, First Nations people score 15.5 points lower than non-First Nations people in the same areas, and in very remote areas, this gap widens to 19.7 points. This score is based on three key elements of digital inclusion: affordability, access and digital ability.
- The Productivity Commission uses the ADII as a supporting indicator for Target 17. The Commission has previously noted that while the National Aboriginal and Torres Strait Islander Social Survey (2014-15) provides data on access to internet in the home for First Nations people, there is no comparable data on home access to the internet for non-First Nations people. This has meant calculating a trajectory towards Target 17 is not currently possible.
- On 12 November 2025, the Minister for Communications and members of the Advisory Group and Expert Panel launched the '*Measuring Digital Inclusion for First Nations Australians*' report and interactive First Nations Digital Inclusion Dashboard and a new First Nations dashboard followed closely by RMIT's Mapping the Digital Gap 2025 Outcomes Report. This three-year research project, funded by the Australian Government, expands on the ADII to measure digital inclusion for First Nations people nationally by tracking changes in the scale and nature of the digital gap, relative to non-First Nations Australians.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Digital Inclusion	
Clearing Officer (AS):	Jason Ashurst	Branch: Digital Inclusion and Deployment Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 15 January 2026	Updated:

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BACK POCKET BRIEF**TELECOMMUNICATIONS DEPLOYMENT****LEAD: Jason Ashurst****KEY STATEMENT:**

- Mobile network operators continue to invest heavily to improve coverage for customers. Mobile infrastructure, for the most part, is provided on a **commercial basis** by carriers. In metropolitan areas this investment is driven by strong competition and economic pressures.
- The Government has identified a need to **improve mobile connectivity** in new developments and growth areas as well as regional areas. To address this:
 - mobile connectivity expectations were included in the Telecommunications in New Developments (TIND) Policy in February 2024;
 - the Mobile Telecommunications Working Group delivered their final report in July 2024, outlining a set of national principles aimed at achieving a coherent approach to prioritising and accelerating planning and approvals for larger infrastructure, such as towers and poles; and
 - the former Minister for Communications made amendments to the Telecommunications (Low-Impact Facilities) Determination 2018 (LIFD) and Telecommunications Code of Practice 2021 (Code of Practice) in March 2025 to enable the more efficient rollout of infrastructure, particularly in regional areas.
- The department regularly engages with stakeholders in relation to deployment and land access matters, such as the Australian Local Government Association, State and Territory road authorities and water utilities, and telecommunications organisations including mobile operators and infrastructure providers.

KEY ISSUES / SENSITIVITIES

- Landowners, such as public utilities and local councils, have longstanding issues with the powers and immunities framework, including the deployment of telecommunications infrastructure on water assets and the installation of cabling to support data centres. These stakeholders prefer a 'consent-based' model.
- During consultation on proposed amendments to the LIFD and the Code of Practice in late 2024, some landowners strongly opposed any further amendments to the powers and immunities framework, due to perceived non-compliance by carriers, impacts to the structural integrity of bridges and 'loss of control' of assets.
- Water authority concerns regarding the health and safety impacts of telecommunications infrastructure housed on water assets was raised at the November 2025 Senate Estimates with a number of questions taken on notice (SQ25-002546 and SQ25-002614 refer).

Action Officer (EL2):	s22(1)(a)(ii)	Section: Telecommunications Deployment Policy	
Clearing Officer (AS):	Jason Ashurst	Branch: Digital Inclusion and Deployment	
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BACK POCKET BRIEF

- Telecommunications industry stakeholders continue to advocate for a reduction in regulation, including planning regulations for telecommunications deployment. These recommendations have been referenced in the Productivity Commission's report titled 'Creating a more dynamic and resilient economy' handed to Government on 10 December 2025 and released publicly 19 December 2025 as part of its 'Five Pillars of Productivity' inquiry.

BACKGROUND**Changes to the Telecommunications in New Developments (TIND) Policy**

- The TIND Policy provides guidance for developers, property buyers, occupants and carriers on the provision of telecommunications infrastructure in new developments. Previously, the policy focused largely on fixed infrastructure requirements that enabled voice and broadband services.
- In February 2024, the former Minister made amendments to the TIND Policy to include mobile connectivity expectations for new developments of 50 residential lots or more, immaterial of whether the project will be implemented in stages.
- These changes set expectations for developers to:
 - consider mobile connectivity as part of the overall development application process, with a similar level of importance as other utilities such as water, electricity and sewage.
 - engage with a mobile network operator (MNO) and/or mobile network infrastructure provider (MNIP) as early as possible to ensure mobile coverage is in place prior to the selling or leasing of a building unit.
 - identify or set aside one or more sites, or spaces, appropriate for mobile telecommunications infrastructure such as a pole or tower to be built upon.
 - make all reasonable efforts to reach 'fair terms' in agreements with MNOs/MNIPs for land access for telecommunications facilities deployment.
- Feedback received indicates increasing developer awareness of the policy, that states and territories have been incorporating the policy into revised planning frameworks, and examples where local governments have applied the policy in new developments.

The Mobile Telecommunications Working Group (the Working Group)

- The Working Group was established at the Planning Ministers Meeting on 27 July 2023 to develop advice on a coherent national approach to *prioritise or accelerate planning and approvals for larger communications infrastructure, such as towers and poles, particularly in new developments and growth areas.*

Action Officer (EL2):	s22(1)(a)(ii)	Section: Telecommunications Deployment Policy	
Clearing Officer (AS):	Jason Ashurst	Branch: Digital Inclusion and Deployment	
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BACK POCKET BRIEF

- The department and NSW Department of Planning, Housing and Infrastructure co-lead the Working Group, which includes senior state and territory communications and planning officials.
- The Working Group's Final Report was endorsed by Heads of Planning, and noted by Planning Ministers' in February 2024.
- Following consultation with telecommunications, property and local government stakeholders, the Final Report was published in July 2024.
- The Final Report outlines a set of national principles that would improve mobile connectivity, particularly in new developments and growth areas, with implementation arrangements currently being worked through.
- The national principles in the Working Group's Final Report are:
 - There is a need for reliable mobile telecommunications connectivity;
 - Responding to shifting demands on mobile telecommunications networks;
 - Promoting infrastructure sharing, and its benefits, in deployments;
 - Early intervention and appropriate regulatory safeguards where needed;
 - Safeguard and support both existing and future mobile telecommunications infrastructure; and
 - Improved Information sharing.
- The department continues to engage with states and territories and other stakeholders on the implementation of these national principles, noting that some jurisdictions have progressed further than others and have begun to incorporate the national principles in their planning reforms and exploring avenues to include telecommunications carriers in early planning processes.

Amendments to the Telecommunications (Low-Impact Facilities) Determination 2018 (LIFD) and Telecommunications Code of Practice 2021 (Code of Practice)

- Following public consultation on proposed changes to the LIFD and the Code of Practice in late 2024, the former Minister implemented changes in March 2025, with adjustments based on stakeholder feedback. A summary of the changes is outlined in **Attachment A**.
- The LIFD changes increase the size of existing low-impact facilities, particularly in regional and rural areas, and introduce the installation of cabling on a bridge within existing conduit as a 'low-impact facility' in certain circumstances.
- The Code of Practice changes apply to the provision of installation certificates, allowing landowners and occupiers to waive the requirement to provide an installation certificate in certain circumstances.
- The changes are aimed at improving mobile and fixed line connectivity, with a particular focus on regional areas. The changes also improve the resilience of telecommunications facilities, and help to reduce their energy consumption.

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- In making the changes, the former Minister also asked telecommunications industry bodies and regulators to address issues of non-compliance raised by stakeholders. This work is progressing with the support of the department.

Legislative framework for telecommunications deployment

- Carriers have powers under Schedule 3 of the *Telecommunications Act 1997* to inspect land, install 'low-impact' facilities, and to maintain any kind of telecommunications facility. They also have immunity from some state and territory laws when carrying out these activities, such as planning laws. This is referred to as the carriers' **powers and immunities framework**. This framework has been in place for over 20 years, and is essential in enabling the efficient construction and maintenance of telecommunications networks nationally.
- The Australian Communications and Media Authority is responsible for **regulating** carrier's compliance with the powers and immunities framework, and the Telecommunications Industry Ombudsman has jurisdiction over land access.
- The installation of **larger infrastructure**, such as towers and poles, are currently subject to state, territory and local government planning legislation and policies. The Australian Government does not have a role in these decisions.

Multi-function poles (MFP) proposal

- MFP reform was an industry-led proposal to allow carriers to deploy MFPs via the powers and immunities framework, as a potentially commercially viable and efficient solution.
 - Carriers cannot deploy pole infrastructure under the framework and need development approval from the local planning authority.
 - Carriers argued the development approval process renders MFPs deployment uneconomic, burdensome, and substantially delays rollout due to the approval timeframes.
- In 2022, the department considered streamlined MFPs deployment reforms. The matter was subject to a mediation process from October to December 2022.
- Carriers did not support the mediation outcome, preferring a direct legislative change to allow MFPs to be installed as a low-impact facility. The Government did not support this approach at the time, preferring a commercial approach.
- The Australian Local Government Association (ALGA) supported the mediation outcome. In August 2025, ALGA released a MFPs best practice guide, including suggested timeframes to process applications to encourage the streamlined and cost-effective deployment of MFPs.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Telecommunications Deployment Policy	
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BACK POCKET BRIEF**KEY MEDIA** (*past six months*)

Date	Where appeared	Title (and link)
10 September	Press Club Address	‘IN FULL: Vicki Brady’s Address to the National Press Club of Australia (video)’ ‘Transcript: Vicki Brady address to the National Press Club of Australia’
17 September	Sunshine Coast News	Regional development group urges council to help speed up mobile coverage improvements.
22 October	CommsDay	Telstra rebrands intercity fibre as Aura network, lights up Sydney – Melbourne route

Action Officer (EL2):	s22(1)(a)(ii)	Section: Telecommunications Deployment Policy	
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Attachments

Attachment A: Summary of changes made to the LIFD and Code of Practice

Telecommunications (Low-Impact Facilities) Determination 2018

Amendment	Applicable Areas
Increase satellite dish dimensions from a maximum of 1.2m to 1.8m in diameter	Residential, Commercial
Increase satellite dish dimensions from a maximum of 1.8m to 2.4m in diameter	Industrial, Rural
Increase maximum allowable height of an omnidirectional antenna or array of omnidirectional antennas from 4.5m to 6m	Residential, Commercial, Industrial, Rural
Increasing the maximum radiocommunications dish diameter from 2.4m to 3.8m	Rural
Allow for the installation of radiocommunications facilities without a cabinet	Residential, Commercial, Industrial, Rural
Increase maximum allowable base area of large shelters from 12.5m ² to 52m ² , to be no higher than 5m	Industrial, Rural
Increase dimensions of solar panel arrays from 12.5m ² to 50m ²	Rural
New provision enabling cabling on bridges as a low-impact facility within existing conduit or ducts within a bridge	Residential, Commercial, Industrial, Rural
Increase the co-location volume of certain facilities on an original facility or public utility structure	Residential Areas

Telecommunications Code of Practice 2021

Amendment	Location
Clarify the requirement to provide installation certificates to landowners and occupiers	Not Applicable

Action Officer (EL2):	s22(1)(a)(ii)	Section: Telecommunications Deployment Policy	
Clearing Officer (AS):	Jason Ashurst	Branch: Digital Inclusion and Deployment	
Mobile (AS):	s22(1)(a)(ii)	Date: 15/09/2025	Updated:13/01/2026

CMD - BACK POCKET BRIEF**NBN FIXED WIRELESS AND SATELLITE UPGRADE PROGRAM****LEAD: Nicolle Power****KEY STATEMENT:**

- Upgrades were completed on time and exceeded initial commitments which included increasing speed and capacity of broadband services in regional and remote Australia.

KEY ISSUES / SENSITIVITIESFixed wireless upgrade completion

- The NBN Fixed Wireless and Satellite Upgrade Program (the program) ran from June 2022 to December 2024.
- Funding of \$480 million (GST exclusive) in FY 2021-22 was provided through an Advance to the Finance Minister process in June 2022.
- NBN Co completed the four outcomes under the program ahead of the 31 December 2024 final completion date.

Program Outcome	Delivered
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. When: October 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. Two new plans offering speeds of up to 200-250 Mbps to up to 90 per cent of premises and 400 Mbps to be made available to up to 80 per cent of premises. When: June and July 2024
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
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

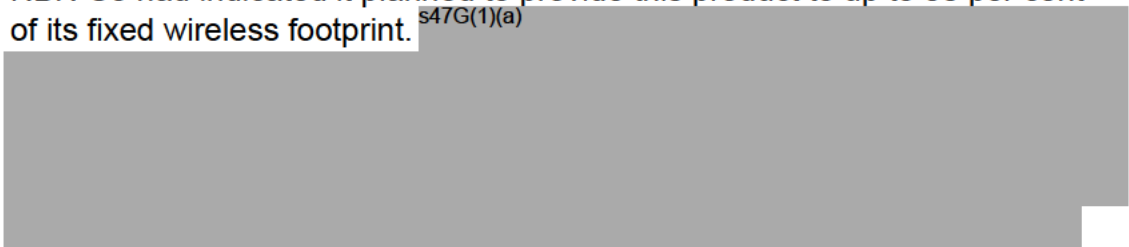
Action Officer (EL2):	s22(1)(a)(ii)	Section: Regional Broadband Policy	
Clearing Officer (AS):	Nicolle Power	Branch: Universal Services Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 14/01/2026	Updated:

CMD - BACK POCKET BRIEFFixed wireless enhancements

- All 84 fixed wireless upgrade areas have had access to typical wholesale busy hour speeds of at least 50 Mbps since October 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 two new high-speed tiers in July 2024:
 - The Home Fast product offers access to download speeds of up to 200-250 Mbps and 8-20 Mbps upload.
 - The Superfast product offers access to download speeds of up to 400 Mbps and 10-40 Mbps upload.
- These products surpass NBN Co's initial commitment to provide access to 100 Mbps to all fixed wireless premises and access to speeds of 250 Mbps to up to 85 per cent of fixed wireless premises by the end of 2024.
- In line with requirements, over 120,000 formerly satellite-only premises have been able to access fixed wireless services since the end of 2024, with around 800,000 premises now able to access NBN fixed wireless services.
- The latest Measuring Broadband Australia Report (No. 31), covering 14 September to 13 October 2025, shows that NBN Co's fixed wireless network is delivering download speeds of 102 Mbps on Fixed Wireless Plus plans (100/20 Mbps) during all hours and around 96 Mbps during evening busy hour periods from 7-11pm on weekdays.

Fixed wireless high-speed tier availability and footprint updates

- NBN Co encountered some challenges with the reliability of its Fixed Wireless Superfast (400 Mbps) product in late 2025. While this was not part of the requirements under the Commonwealth's funding agreement with NBN Co, NBN Co had indicated it planned to provide this product to up to 80 per cent of its fixed wireless footprint. ^{s47G(1)(a)}



- No changes are proposed to the Home Fast (250 Mbps) product.
- NBN Co has still met the objectives of the NBN Fixed Wireless and Satellite Upgrade program and associated grant milestones.
- NBN Co has also identified that some former satellite premises identified as eligible for fixed wireless are now unlikely to achieve a suitable connection. As a result, NBN Co has reduced the number of premises eligible to access fixed wireless services, but the total remains above the 120,000 program target.
- Detailed questions about these changes are best directed to NBN Co.

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CMD - BACK POCKET BRIEFSatellite service improvements

- NBN Co delivered several rounds of improvements to its satellite offerings over the course of the program in excess of the original requirements, including increases to data allowances and the launch of unmetered products.
- In June 2023, NBN Co launched its first fully unmetered satellite service, and in December 2023 the company launched three 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).
- With unmetered products in the market, NBN Co has now simplified its satellite product offerings. As of March 2025, following industry consultation and a six-month notice period, NBN Co withdrew capped Sky Muster Plus plans. Consumers on these plans were automatically migrated to a similar NBN Sky Muster Plus Premium plan. Consumers are free to adjust their plan by contacting their broadband retailer.
- In August 2025, NBN Co also announced a partnership with Amazon Kuiper (now Amazon Leo) to provide broadband to customers in the satellite footprint via Low Earth Orbit Satellite technology in coming years (see *SB25-000491 – NBN Co Kuiper transition*).

Service take-up

- The program was designed to enable additional consumers to benefit from improved NBN services, but most importantly, to improve services for the around 400,000 premises with active services on the NBN Fixed Wireless network and 71,000 premises with active NBN satellite services.
- Existing broadband retailers of NBN fixed wireless services can connect premises anywhere in the fixed wireless footprint.
- The number of retailers offering higher speed fixed wireless tier plans has increased over 2025 ^{s47G(1)(a)} [REDACTED].
- NBN Co has continued education and promotional activities post-completion and expects take-up will increase as customers and retailers become more familiar with the new products available to them.
- Detailed questions about the network figures and take-up are best directed to NBN Co.

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CMD - BACK POCKET BRIEF**USO REFORM / DELIVERY****LEAD: Nicolle Power****KEY STATEMENT:**

- Current universal service arrangements ensure people in Australia have access to fixed telephone and broadband services. A variety of work has been undertaken to modernise existing arrangements, including public consultation on service delivery and funding arrangements, independent voice technology trials of Low Earth Orbit Satellites (LEOSats), and progression of Universal Outdoor Mobile Obligation (UOMO) legislation.

KEY ISSUES / SENSITIVITIESConsultation

- An initial consultation paper was released in October 2023 seeking input on characteristics and outcomes for a modernised universal service framework. Overall, stakeholders were supportive of changes 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.
- A second consultation paper was released in April 2024 seeking feedback on key principles and characteristics of long-term funding arrangements. There was general agreement that simpler telecommunications levy arrangements would better reflect the market and enable greater efficiency and sustainability.
- A report summarising stakeholder responses to both consultations was released on 18 October 2024. Public submissions have also been published on the Department's website.

Voice trials

- Independent voice technology trials have also been conducted to help inform whether Low Earth Orbit Satellites (LEOSats) are capable of delivering high-quality fixed voice services. The Department contracted Scyne Advisory to deliver the trials following a competitive tender process.
- Trials tested LEOSat performance at 50 regional and remote locations across Australia, running from November 2024 to July 2025. NBN services (fixed wireless and Sky Muster) were also trialled in parallel to provide a comparison.
- Data was collected on the reliability and quality of voice services, including performance across different weather and climate conditions.
- LEOSats (Starlink) and NBN fixed wireless services generally performed well across most technical metrics. NBN Sky Muster did not perform as well on some metrics, as broadly expected given the network's inherent technical limitations (e.g. lower capacity, higher latency).

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- In broad terms, performance of LEOSats was not impacted by weather conditions, although we are still carefully considering the full data and findings.

Universal Outdoor Mobile Obligation (UOMO)

- In February 2025, the government announced its intention to progress a new Universal Outdoor Mobile Obligation (UOMO) to complement existing baseline fixed services (see SB25-000489 – Universal Outdoor Mobile Obligation).
- The Government introduced legislation to establish the Uomo into the Parliament on 27 November 2025. If passed, this would require the three national mobile carriers – Optus, Telstra and TPG – to make baseline SMS and voice mobile services available outdoors throughout Australia.

2024 Regional Telecommunications Review

- The 2024 Regional Telecommunications Independent Review Committee (RTIRC) also engaged extensively with stakeholders about universal services arrangements and other regional communications matters.
- The committee recommended modernisation of universal services through merging the Universal Service Obligation (USO) and Statutory Infrastructure Provider (SIP) regimes, NBN Co becoming the default service provider for voice and broadband services, and a transition to technology-neutrality.
- The government's response was released on 18 September 2024. Reflecting the importance of mobile coverage to the community, the response noted the Uomo's potential to improve coverage across regional and remote Australia. The government also recognised the importance of broader universal service reform, and its careful consideration of potential approaches to improve delivery and funding of baseline fixed services.

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.
- Under SIP laws, NBN Co is the default provider of broadband services nationally and its network must also support voice services in its fixed line and fixed wireless footprints.
- Since 2012, Telstra has received a fixed payment of \$230 million per annum for delivery of USO voice services and \$40 million per annum for payphones, subject to meeting relevant regulatory and contractual requirements.
- Telstra's reporting on its delivery of USO services in regional and remote areas shows service availability is high. Reports of poor consumer experience such as lengthy fault repair are generally in the minority, and the department follows them up with Telstra.
- Payphones still play a role for vulnerable members of the community and in areas with no or limited mobile coverage, particularly First Nations communities. Stakeholders have generally supported payphones being retained, although some

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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 consider tendering for a provider once the current contract with Telstra expires in 2032.

- Non-commercial telecommunications services in Australia are funded through a \$100 million annual contribution from the government 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 (see SB25-000490 – Regional Broadband Scheme).

Supporting Information*Questions on Notice (QoNs)*

- SQ25-002550 Current amount in the Public Interest Telecommunications Services Special Account – see [Attachment A](#)
- SQ25-002907 Universal Services Obligation (USO)
- SQ25-002895 NBN Co – Universal Service Obligation (USO) (as at 15 January 2026 this response has not yet been lodged with the Committee)

Attachments

Attachment A: SQ25-002550, SQ25-002907.

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CMD - BACK POCKET BRIEF**REGIONAL TELECOMMUNICATIONS FIGURES AND TECHNOLOGY****LEAD: Nicolle Power****KEY STATEMENT:**

- A range of technologies are used to provide telecommunications services to consumers in regional areas.

KEY ISSUES / SENSITIVITIESBroadband/internet

- For broadband, around 70 per cent of premises in regional areas are guaranteed access via NBN fixed-line services. Most of this access is fibre based.
- The remainder of the guaranteed Statutory Infrastructure Provider (SIP) access offered by NBN Co in regional areas is via NBN fixed wireless or NBN Sky Muster satellite technology.
- Other broadband and internet services in regional areas are offered via the Starlink Low Earth Orbit satellite (LEOSat) network, legacy ADSL services over Telstra's copper network, mobile network based 4G and 5G fixed wireless services, other non-NBN fixed wireless networks such as Crisp Wireless and Wi-Sky, and by non-NBN SIPs such as Opticomm in a small number of locations.

Fixed voice

- Access to affordable fixed voice services is guaranteed by Telstra's Universal Service Obligation (USO). Where NBN fixed-line services are available, the service is provided via the NBN.
- Outside NBN fixed-line areas, Telstra offers USO services via alternative technologies, particularly over its copper network, but also via 4G fixed wireless, radio and legacy satellite services, and more recently, via voice restricted Starlink services.

Mobile

- Mobile phone services currently reach 99 per cent of the Australian population but only about 30 per cent of Australia's landmass receives outdoor handheld mobile coverage.
- The Universal Outdoor Mobile Obligation (UOMO) will oblige mobile network operators to leverage LEOSat direct-to-device (D2D)

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capability to provide baseline mobile coverage in areas outside of terrestrial mobile coverage.

Future technology

- Technology development and the obsolescence of some legacy systems attract, and sometimes requires, customers to move to new services.
- While the Government continues to invest in programs that are improving telecommunications services, Australia will continue to need a mix of complementary technologies to provide universal services and connectivity options that meet user needs. LEOSats are part of the mix of technologies that will provide broadband and telephony services for Australians into the future.

KEY FACTS

NBN services - Approximate number of services per technology type¹

	Active services	Footprint
NBN fixed-line ^{2, 3}	8,173,689	11,507,859
NBN Fixed Wireless ²	396,797	798,786
NBN Sky Muster ²	71,016	311,802
NBN total services^{2,3}	8,641,502	12,618,447

Non-NBN services - Approximate number of services per technology type

	Active services	Footprint
Starlink LEOSat ^{4,5}	~375,000	
ADSL ⁴	~89,000	
Home Wireless Broadband (supported by mobile networks) ^{4,5}	~654,000	
Fixed Wireless Broadband ⁴	~3,000	
Non-NBN SIPs ⁶		563,447

Note 1: Some premises are connected to multiple technologies

Note 2: NBN Network Premises Report for month ending November 2025

Note 3: Includes services in urban areas

Note 4: ACCC Record Keeping Rule, June 2025

Note 5: Includes services in both regional and urban areas

Note 6: Includes both existing connections and properties under contract but not yet connected. Most of this footprint is inside major urban areas. Source: Department of Infrastructure SIP mapping tool, December 2025.

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CMD - BACK POCKET BRIEF**BACKGROUND**

- NBN Co's Sky Muster satellites are Geostationary satellites (GEOSats). GEOSats can support broadband services but are deemed unsuitable for voice calls given their higher latency at their orbit of 36,000 kilometres above the earth (compared to between 160km and 2,000km for LEOSats). Users of applications requiring quick internet response times, such as gaming and video conferencing, may find the service inadequate.
- Starlink services have grown to over 375,000 premises in Australia since launching in April 2021. Many of these customers have moved from ADSL services, as well as NBN Sky Muster and fixed wireless services. Starlink offers higher speeds and lower latency than most existing services available in regional areas, including Sky Muster.
- LEOSats are currently being used to provide two distinct connectivity services for consumers in Australia:
 - LEOSat-based D2D mobile service outside of terrestrial coverage. SMS is available to some modern mobile handsets, while in the coming years D2D device capability is expected to improve and provide access for voice calls and basic internet.
 - LEOSat-based fixed broadband service. Internet connectivity provided to a premises through a fixed terminal or dish mounted to a building or vehicle. LEOSats are also used to provide backhaul for other connection types, such as 4G and 5G mobile.

Supporting Information*Questions on Notice (QoNs)*

- SQ25-000055 Meetings with Starlink – see [Attachment A](#)

Freedom of Information (FOI) Requests

- FOI 25-348 - documents relating to Starlink or SpaceX.

ATTACHMENTS

- A: SQ25-000055 Meetings with Starlink

Action Officer (EL2):	s22(1)(a)(ii)	Section: LEOSat Implementation team	
Clearing Officer (AS):	Nicolle Power	Branch: Universal Services Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 15/01/2026	Updated:

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3G Network Switch Off**LEAD: Andrew Irwin, Assistant Secretary****Talking Points**Overview

- Telstra and Optus commenced the closure of their 3G networks in Australia from 28 October 2024 and completed them in November 2024. TPG Telecom ceased operating its 3G network on 30 January 2024.
- The mobile network operators (MNOs) made commercial decisions to switch off 3G. The role of the Government was to make sure that was done safely.
- The spectrum that was previously used to deploy 3G has been redeployed for 4G and 5G.

Coverage

- The department engages with the mobile network operators in relation to individual complaints it receives about the 3G switch off, including coverage complaints.
- Reports from Telstra and Optus indicated that, relatively speaking, a small number of customer complaints have related to the 3G switch offs.
- Telstra ended its reporting 27 June 2025. The Department received its latest report from Optus on 6 August 2025. In that report, Optus recorded 50 mobile complaints, none of which related to 3G. On 13 January 2026, Optus confirmed they have had no 3G related coverage complaints since that August report.
- Mobile reception can be affected by a variety of factors, including 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.
- End users experiencing mobile coverage issues are encouraged to engage with their provider in the first instance.
- If customers are unsatisfied with the support from their provider they can approach the Telecommunications Industry Ombudsman.
- The Regional Tech Hub may also be able to assist.

Senate Inquiry into the 3G switch off

- The department notes the report by the Rural and Regional Affairs and Transport References Committee into the Shutdown of the 3G Mobile Network, tabled on 26 February 2025.
- The Government tabled its response to the recommendations made by the report on 10 October 2025.
- The Committee made three recommendations:

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1. *The committee recommends that the Australian Government establish a program to help customers that have lost mobile phone coverage since the 3G shutdown. This program should be co-funded between industry and government and be for the purpose of purchasing connectivity equipment for use by residents in rural and remote areas. For example, subsidies could be provided to purchase:*

- *boosters for buildings and vehicles;*
- *Starlink or other low-earth orbit satellite equipment, including access to mobile phone by Starlink services; and*
- *replacements for equipment rendered obsolete by the 3G shutdown.*

The Government noted this recommendation, pointing to investment in rural and regional connectivity through the Better Connectivity Plan for Regional and Rural Australia, as well as the On Farm Connectivity Program and NBN Co's partnership with Amazon Project Kuiper to deliver broadband internet services via LEOSats.

Consumers have generally paid the cost of upgrading devices during network transitions (e.g. 2G to 3G, modem costs when moving from ADSL to Broadband, etc).

2. *The committee recommends that the Australian Government and the telecommunications industry do all they can to accelerate the introduction of mobile phone services via the Starlink network.*

The Government did not agree with this recommendation as it would prioritise a particular commercial provider over others in the market.

3. *The committee recommends that the Australian Government increase the scope of the National Audit of Mobile Coverage to include off-road areas (including on private land such as farming and grazing properties). This could be achieved by enabling technology for people to 'pin' the location where service is available. Data gathered should be cross-referenced with that of the mobile network operators and published in an easy-to-access format.*

The Government noted this recommendation. The National Audit of Mobile Coverage includes static data collection in selected priority locations, along with crowdsourced data collected from around 160,000 users across Australia by people using their mobiles in their own location. These results are published regularly on the Department's website. The mobile coverage data published on the Department's website allows users to overlay Telstra, Optus and TPG Telecom handheld coverage maps.

Triple Zero Incidents related to Samsung device issues

- In October 2025, Telstra informed the department it had identified that some TPG Telecom customers using particular Samsung mobile phones were unable to call Triple Zero due to a software update made by Samsung. This update was made at TPG's request.
- There have been two known incidents potentially relating to Samsung devices:
 - On 24 September 2025, TPG reported an individual was unable to call Triple Zero in the Wentworth Falls area of NSW via their Samsung mobile phone.

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- On 13 November 2025, it was identified multiple unsuccessful attempts to call Triple Zero were made with a Samsung phone. A successful Triple Zero call to assist this individual was made through a different device. It is understood that the individual was found not conscious and not breathing when the ambulance arrived.

The ACMA has advised both matters are under investigation. Questions on the investigations should be directed to ACMA.

Device blocking

- The Government's top priority in the lead up to the 3G switch off was 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 can call Triple Zero, even if a SIM is not connected, and in standby mode.
- On 21 August 2024, the Minister directed the ACMA to amend the *Telecommunications (Emergency Call Service) Determination 2019*, such that carriage service providers must not supply carriage services to mobile phones that cannot call the emergency call service (Triple Zero).
- On 27 September 2024, the former Minister requested that the ACMA bring into law these amendments prior to 28 October 2024.
- The amendment to the Emergency Call Service Determination commenced on 28 October 2024, the announced date for Telstra and Optus' 3G switch off.
- 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 for a short period (from a few days to a few weeks) until the 3G network in their individual states were switched off.
- This created a strong incentive for remaining customers to upgrade, while protecting critical public safety services.
- Customers with an impacted handset had been contacted by their provider on multiple occasions ahead of 28 October 2024. This included through direct messages, emails, letters to registered addresses and recorded voice announcements on outgoing calls. Customers could also check if their handset was impacted by texting '3' to '3498'.

Working Group outcomes

- At the former Minister's request, a Working Group was established and met on a weekly basis from 22 March 2024 until late 2024. The former Minister also wrote to CEOs on multiple occasions.
- That engagement saw:
 - the creation of industry device checking tools, including an SMS mobile handset checker

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- recorded voice announcements on affected handsets
- scaled up communications efforts, including a 6-week public relations campaign
- voluntary delays from industry
- industry collaboration on device identification, greatly reducing initial estimates of affected devices, and
- Telstra and Optus undertake a 6-week campaign to raise awareness among the general public which 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.
- Daily meetings with MNOs were held from 28 October 2024 to 18 December 2024 to ensure the Government was made aware of any post-closure issues.

Lessons learned

- The former Minister convened a lessons-learned roundtable with MNOs and relevant peak bodies on 17 December 2024.
- Discussions at the roundtable focused on public engagement and other measures to support consumers.
- Discussion also focused on ongoing work, including:
 - implementing requirements to cease providing services to impacted devices
 - developing an industry-wide device testing regime
 - implementing the device blocking exemption for foreign travellers, and
 - ensuring that regulations and device standards prevent the importation and sale of incompatible devices, including ahead of future network transitions.
- The switch offs raised questions within Government about emergency call service and device regulation in the context of network transitions.
- Similar issues relating to emergency call service regulation were examined in the Government's review of the 2023 Optus outage (referred to as the Bean Review).
- The Government agreed to the Bean Review's recommendation that the ACMA and Department review all legislation and regulation relating to Triple Zero, and work is underway to implement that recommendation.
- The former Minister has asked the ACMA to conduct a thorough review of the Emergency Call Service Determination, to ensure it remains fit for purpose in the current and emerging communications environment.
- The Minister directed ACMA to amend the Emergency Call Service regulations to address the Bean Review's recommendations. These changes came into effect on 30 April 2025.
- In its response to the 2024 Regional Telecommunications Independent Review Committee Report, the Government indicated that it is considering lessons learned from the 3G switch off and is committed to considering how to improve the oversight of major technology and network transitions in the future (such as the transition of

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customers from Sky Muster to Amazon Project Kuiper NBN services), to ensure they are conducted in an orderly and safe manner.

Ministerial regulatory options

- The Minister has broad powers for regulating the communications market in Australia, including the ability to impose conditions on carrier licences.
- Now that the 3G networks are switched off, regulatory action cannot be taken to reactivate the 3G networks.

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3G Switch Off Roundtable – Communiqué (dated 17 December 2024)

The Minister for Communications, the Hon Michelle Rowland MP, today convened a roundtable to reflect on Australia's 3G switch off. The Minister was joined by chief executive officers from each of Australia's mobile network operators: Vicki Brady (Telstra), Stephen Rue (Optus) and Iñaki Berroeta (TPG Telecom).

The roundtable discussion was also supported by contributions from the: Department of Infrastructure, Transport, Regional Development, Communications and the Arts; Australian Communications and Media Authority; Australian Competition and Consumer Commission; Telecommunications Industry Ombudsman; Communications Alliance; Australian Mobile Telecommunications Association; Australian Communications Consumer Action Network; Regional Telecommunications Independent Review Committee; and First Nations Digital Inclusion Advisory Group.

The 3G switch off was important to enable technologies like 4G and 5G to be deployed, and that means better data capacity, better speed and better network capabilities. The Australian Government, the telecommunications industry and regulatory bodies know how important mobile services have become, especially in regional areas.

Participants reflected on lessons learned from the 3G switch off, and how these learnings could be taken forward as Australia prepares for future technology transitions. Discussions focused on public engagement and other measures to support consumers, as well as ongoing implementation work to protect public safety in the wake of the 3G switch off.

The mobile network operators agreed to continue to support the Australian Communications and Media Authority in its work to implement recent changes to the Telecommunications (Emergency Call Service) Determination 2019 which came into effect in advance the switch off. This will deliver on the Government's policy that Australians' mobile handsets are able to call Triple Zero on all networks provided they are in a mobile coverage area.

The mobile network operators also agreed to work with the Communications Alliance to develop a device testing regime to determine whether a device can access the emergency call service on all networks.

This work is important to make sure that Australians can access Triple Zero in an emergency whenever there is mobile coverage available, regardless of which mobile network provider they choose.

Government and industry representatives also acknowledged the importance of technical standards and regulatory frameworks in ensuring that devices sold in Australia are compatible with Australian networks – and the risks to consumers of purchasing devices that are not designed for use in Australia.

Technological changes are based on commercial decisions. However, they have wide-ranging impacts on individual consumers and businesses. Connectivity is particularly

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important during emergencies, and it enables critical infrastructure and services to operate. Therefore, changes in technology need to be well-managed. As Australia looks towards future technology transitions, it is clear that government and industry will need to continue to work in partnership to protect the public interest, particularly public safety, and ensure positive outcomes for all Australians.

Government and industry agreed to continue to work together to embed learnings in future processes, to deliver better outcomes for Australians.

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

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Organisation	Representative	Attendance
Minister's Office	The Hon Michelle Rowland, MP	In person
	Shervin Rafizadeh, Chief of Staff	In person
	Amanda Watson, Deputy Chief of Staff	In person
	Matt Healy, Advisor	In person
	Ben Saint, Advisor	In person
Department	Sam Grunhard, A/g Deputy Secretary, Communications and Media Group	In person
	Jason Ashurst, A/g First Assistant Secretary, Communications Infrastructure	In person
	Kathleen Silleri, Assistant Secretary, Consumer Safeguards	In person
	Daniel Abraham, A/g Assistant Secretary, Competition and Spectrum	In person
	Kevin McGowan, Director, Public Interest Service Delivery	In person
	Toni van Gemert, Assistant Director, Telecommunications Competition	In person
ACMA	Nerida O'Loughlin, Chair	Virtual
	Cathy Rainsford, General Manager, Consumer Division	Virtual
ACCC	Gina Cass-Gottlieb, Chair	In person
	Tara Morice, General Manager, Mobiles, Transmission and Consumer	In person
Telstra	Vicki Brady, CEO	In person
	Lyndall Stoyles, Group Executive, Sustainability, External Affairs and Legal	In person
	Gaya Byrne, Executive, Customer Success	Virtual
Optus	Stephen Rue, CEO	In person
	Felicity Ross, Managing Director, Corporate Affairs and Marketing	In person
TPG Telecom	Iñaki Berroeta, CEO	In person
	Ross Mitchell, Head of Government Relations	In person
	Angus Clearie, Manager, Mobile Core Solutions and Architecture	Virtual
	Gary Chant, Head of Wireless Engineering	Virtual
AMTA	Louise Hyland, CEO	In person
	Chris Coughlan, Head of Spectrum and Network Infrastructure	In person
Comms Alliance	Luke Coleman, CEO	In person
TIO	Cynthia Gebert, Ombudsman	In person
ACCAN	Carol Bennett, CEO	In person
	Gareth Downing, Deputy CEO	In person
RTIRC	Kristy Sparrow, Committee Member	Virtual
FNDIAG	Lyndon Ormond-Parker, Co-Chair	Virtual

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Date	Branch	Occurrence	Summary
11 January 2024	RCB	Met with Council of Small Business Organisations Australia	Feedback on Round 1 OFCP
22 January 2024	RCB	Met with AgTech Association Australia	Feedback on Round 1 OFCP
10 October 2024	USB	Meeting with Isolated Children's Parents' Association (ICPA)	Discussion about regional connectivity, mobile coverage and 3G shutdown (including NGWL migration process)
12 December 2024	RCB	Met with National Farmers Federation	Feedback on Round 2 OFCP
20 February 2025	RCB	Met with Better Internet for Rural, Regional and Remote Australia	Feedback on Round 2 OFCP
20 May 2024, 20 September 2024, 14 March 2025 – regular FNDIAG meetings Ad hoc with co-chairs and Telstra on 3G shut-down	DID	Met with the First Nations Digital Inclusion Advisory Group (FNDIAG) and co-chairs regularly	Discussed mobile access in remote communities and impact of 3G shut-down
28 March 2025	RCB	Met with AusAgritech	Feedback on Round 2 OFCP
2 April 2025	BEC	Met with Regional Rural and Remote Communications Coalition (RRRCC)	Information discussion on LEO Satellite technology, direct-to-handset capabilities, the current and future market dynamics
5 May 2025	RCB	Met with Foundation for Rural Regional Renewal	Feedback on Round 2 OFCP
13 May 2025	BEC	Met with NSW Farmer's Association	Information discussion on LEO Satellite technology, direct-to-handset capabilities, the current and future market dynamics
15 May 2025	RCB	Australian Telecommunications	Consultation on recommendations of the 2024 Regional Telecommunications

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		Alliance (then Comms Alliance)	Review to assist preparation of draft government response.
15 May 2025	RCB	Australian Communications Consumer Action Network	Consultation on recommendations of the 2024 Regional Telecommunications Review to assist preparation of draft government response.
19 May 2025	RCB	Met with NSW Farmers (.org)	Feedback on Round 2 OFCP
21 May 2025	RCB	Telecommunications Industry Ombudsman	Consultation on recommendations of the 2024 Regional Telecommunications Review to assist preparation of draft government response.
26 May 2025	RCB	Met with National Farmers Federation	Proposed design changes Round 3
8 July 2025	BEC	Met with NFF	General catch up - follow up on LEOSat discussion from April
7 August 2025	USB	Meeting with Better Internet for Rural, Regional and Remote Australia (BIRRR)	Discussion primarily about USO and voice trials
19 August 2025	USB	Meeting with NFF	General discussion on UOMO and the NFF's statement of expectations.
13 December 2024	USB	Meeting with NFF	Briefing on the National Mobile Audit
20 September 2024	USB	Meeting Department of Primary Industries and Regional Development	Briefing on the National Mobile Audit
11 September 2025	USB/MCS	Meeting with NFF	Discussion about ongoing issues since the 3G shutdown and the related briefing note from NSW Farmers
11 September 2025	RMIP [with CID]	Meeting with NFF and NSW Farmers	3G shutdown and UOMO

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BACK POCKET BRIEF**COMMERCIAL BROADCASTING TAX****LEAD: Andrew Irwin****KEY STATEMENTS:**

- As spectrum is a finite natural resource, it is the policy of the government to charge for spectrum in order to encourage its efficient allocation and use.
- As such, the government imposes a tax, known as the commercial broadcasting tax (CBT), on commercial television and radio broadcasters for their use of spectrum.
- The government announced in the *Mid-Year Economic and Fiscal Outlook 2024-25* that it would 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.
 - The one-year suspension of the CBT will save commercial television and radio broadcasters an estimated \$50.3 million.
 - The one-year suspension has been implemented by way of a one-year, 100% rebate of the CBT liabilities of all commercial television and radio broadcasters, reducing their CBT liabilities to zero.
- The one-year suspension of the CBT follows the government's extension of, and increase to, the CBT rebate for certain eligible regional broadcasters in MYEFO 2023-24.
 - The CBT rebate for eligible broadcasters was extended for four years from 2024-25 to 2027-28 and increased by 12.5%.
 - Such broadcasters are entitled to the benefit of the announced one-year suspension of the CBT, and their usual rebate entitlement will resume following the end of the period of the suspension.
- The former Minister for Communications announced that the government would explore pathways for the future of television,

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shaped by the possibility of realising a digital dividend. The government is working with industry to explore pathways for the future of television.

- Any continuation of the one-year suspension is a matter for government.

KEY ISSUES / SENSITIVITIES**CBT relief measures**

- The government announced in MYEFO 2024-25 that it would suspend the CBT for one year, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters as part of measures to support public interest journalism and media diversity. The measure description from MYEFO 2024-25 is at **Attachment B**.
 - The one-year suspension of the CBT will save commercial television and radio broadcasters an estimated \$50.3 million.
 - On 19 February 2025, the former Minister for Communications, the Hon Michelle Rowland MP, announced the one-year suspension had been implemented by way of a one-year, 100% rebate of the CBT liabilities of all commercial television and radio broadcasters. The former Minister's media release is at **Attachment C**.
 - The rebate is being applied as an offset to CBT liabilities imposed between 9 June 2025 and 8 June 2026, inclusively. The effect of the 100% rebate will be to reduce the CBT liabilities of all commercial television and radio broadcasters to zero.
 - The rebate is being administered by the Australian Communications and Media Authority (ACMA), and has been delivered through amendments to the *Commercial Broadcasting (Tax) (Transmitter Licence Tax Rebate) Rules 2024*.
- The one-year suspension builds on the government's decision in MYEFO 2023-24 to extend transitional support for eligible regional broadcasters, by providing a rebate of the CBT for an additional four years with an increase to the rebate of 12.5%. The measure description from MYEFO 2023-24 is at **Attachment D**.
 - The extended and increased rebate was intended to provide a total of \$5.3 million in CBT relief to 19 eligible regional broadcasters in each of 2024-25, 2024-25, 2026-27, and 2027-28 (**Attachment A, Table 1**). This compares to the previous rebate of \$4.8 million provided to the same 19 eligible broadcasters in each of 2021-22 and 2022-23.
 - The one-off 12.5% increase in the rebate was the first increase in transitional support for these broadcasters since support was introduced in 2017-18 (**Attachment A, Table 2**). It recognised the

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compound effect of CPI increases applied to the CBT over the 2022-23 (5.1%) and 2023-24 (7%) financial years.

- However, due to the closure of one of the eligible regional broadcasters and to transfers of commercial broadcasting licences and associated transmitter licences from two eligible regional broadcasters to entities that are not currently listed as eligible for the rebate (**Attachment A, Table 1**), it is expected that in each of 2026-27 and 2027-28, when the rebate resumes following the end of the one-year suspension of the CBT, there will be a total of \$2.8 million in CBT relief provided to the 16 remaining eligible regional broadcasters. This compares to the previous rebate of \$2.5 million provided to those 16 eligible broadcasters in each of 2021-22 and 2022-23.

Free TV calls for abolition of CBT

- Free TV Australia (Free TV) has called for the permanent abolition of the CBT.
 - Free TV claims the CBT is an unnecessary burden on the sustainability of the commercial television industry, and that it materially affects the profitability of local commercial broadcasters which is relevant to industry sustainability.
- Free TV has also claimed that, among comparable jurisdictions, Australia's effective spectrum price is significantly higher than average.
 - There are significant differences internationally between both broadcasting and spectrum policies, and broadcasting and spectrum payment methodologies, making any comparisons challenging.
- On 5 August, 25 August and 20 November 2025 Free TV met the department to present Free TV's case for the abolition of the CBT.

CBT Question on Notice from Supplementary Budget Estimates December 2025

- The department received a question on notice (**Attachment E**) from Senator Sarah Henderson regarding advice provided by the department to government on the CBT.

Future of television and broadcast spectrum pricing

- On 24 October 2024, the former Minister for Communications, the Hon Michelle Rowland MP, announced at Radcomms 2024 that the government will explore pathways for the future of television, shaped by the possibility of realising a digital dividend (see Spectrum Dividend Back Pocket Brief). The former Minister announced the government would commence the process of exploring these pathways, in consultation with industry.

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- Any further questions on the former Minister's announcements at Radcomms 2024 and the status of the discussion paper should be referred to Broadcasting, Media and News Policy Division.

KEY FACTS

- The CBT is imposed on each individual transmitter associated with a commercial television or radio broadcasting licence. The amount of CBT payable on each individual transmitter is based on the frequency band of the transmitter, the power of the transmitter, and the population density of the location of the transmitter. The amount of CBT payable on each individual transmitter is capped. CBT is adjusted annually for changes in CPI. In practice, metropolitan broadcasters pay more in CBT than regional broadcasters.
- All available CBT rebates – namely, the one-year, 100% rebate for all broadcasters and the partial rebate for the 16 remaining eligible regional broadcasters – are implemented as offsets to the CBT liabilities of those broadcasters. The partial rebate for each regional broadcaster is fixed and is not adjusted annually for changes in CPI.
- The ACMA collected a total of \$53.3 million in CBT in 2024-25, after rebates were applied.
- The ACMA estimates that it will collect \$2.9 million in CBT in 2025-26 (**Attachment A, Table 4**).
- The ACMA has collected a total of \$339.49 million in CBT since its introduction in 2017-18 to 2024-25 (**Attachment A, Table 3**).
- Commercial broadcasters have benefited from approximately \$130.6 million in CBT relief in the form of support payments and rebates between 2017-18 to 2025-26 (**Attachment A, Table 2**).
- Any further questions relating to collection of CBT should be referred to the ACMA.

MEDIA (*past six months*)

- On 1 September 2025, *The Australian* reported Ms Bridget Fair, Chief Executive Officer, Free TV, as stating that Free TV will continue to lobby the government to abolish the CBT permanently on the grounds that it discriminates against Australia's commercial networks by favouring digital

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platforms and global streaming companies, who are not subject to the tax, and that CBT 'is at the top of our list' (**Attachment F**).

- On 18 September 2025, *Communications Day* (CommsDay) reported on Free TV's response to the Productivity Commission's questionnaire on 'Creating a more dynamic and resilient economy' (**Attachment G**). CommsDay reported that Free TV attacked the 'bespoke taxation arrangement' that the CBT represents, describing it as a 'disguised super profits tax' on a sector that doesn't earn super profits and is increasingly facing challenges for advertising spending from online-only platforms.

STAKEHOLDER ENGAGEMENT

- On 5 February 2024, the department notified each eligible recipient of the CBT rebate, Free TV, and Commercial Radio Australia, of the extension and increase to the rebate for four years from 2024-25 to 2027-28.
- On 19 February 2024, the department notified Free TV and Commercial Radio & Audio (formerly Commercial Radio Australia) of the implementation of the one-year suspension of the CBT by way of a one-year, 100% rebate of the CBT liabilities of all commercial television and radio broadcasters imposed between 9 June 2025 and 8 June 2026.
- Free TV and individual commercial television broadcasters have made a range of representations to the Minister for Communications and the department concerning the CBT.

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BACK POCKET BRIEF**BACKGROUND****Introduction of the Commercial Broadcasting Tax**

- On the introduction of the CBT in 2017, broadcasting licence fees and other charges were abolished, representing a significant reduction in the amount commercial broadcasters paid compared with the former broadcasting licence fees (from around \$130 million to \$41 million). This fee relief was intended to allow broadcasters to better compete with online competitors, while introducing a price on the spectrum that they used in order to reflect its value.
- When the CBT was introduced, it was intended to operate until broader spectrum reforms were implemented, which were expected within five years.

Transitional support payments and the CBT rebate

- On introduction of the CBT, transitional support payments were made to some regional commercial broadcasters for five years to allow these broadcasters to adjust to the new taxation arrangements and ensure no broadcaster was worse off under the new CBT. The final transitional support payments were made in 2021-22.
- Transitional support for these broadcasters was continued in the form of a partial rebate of their CBT liabilities equivalent to the former transitional support payments in 2022-23 and 2023-24.
- In MYEFO 2023-24, the government announced its decision to extend the CBT rebate for an additional four years from 2024-25 to 2027-28, along with a one-off increase to the rebate of 12.5%.
- In MYEFO 2024-25, the government announced its decision to suspend the CBT for one year, from 9 June 2025 to 8 June 2026, to provide temporary relief for commercial television and radio broadcasters.

The ACMA's review of the *Commercial Broadcasting (Tax) Act 2017* (CBT Act)

- On 22 June 2021, the ACMA's review of the CBT Act was tabled in both Houses of Parliament. The ACMA considered that spectrum pricing arrangements should be retained for commercial broadcasters, as spectrum is a valuable public resource that may have alternative uses, and spectrum pricing can reflect the benefit that commercial broadcasters receive from planned access to particular spectrum.

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- The ACMA recommended that the CBT Act not be repealed, but amended to create a more efficient pricing methodology (\$/MHz/population unit price) and to simplify administrative arrangements (a single annual CBT assessment date).
- The ACMA considered the following matters outside the scope of its review, noting they were matters for government:
 - whether the transitional support payments should continue;
 - whether there should be a 'public interest discount' for spectrum used by commercial broadcasters; and,
 - the overall level of the CBT collected by government. CPI indexation of the CBT was not covered in the ACMA's review of the CBT Act.

CPI indexation

- The CBT is indexed annually to CPI, as set out in the CBT Act and *Commercial Broadcasting (Tax) (Individual Transmitter Amounts) Determination 2017*.
 - With respect to apparatus licences other than commercial broadcast transmitter licences, the ACMA updates apparatus licence taxes annually using a population-based methodology, instead of the CPI.
 - Any change to CPI indexation of the CBT is a policy decision for the government.

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BACK POCKET BRIEF

Attachment A - Financial Information (correct as at the dates indicated)

Table 1: Commercial Broadcasting Tax Rebate – Recipients, Old and New Rebate Amounts, and eligibility in 2026-27 and 2027-28

Company	Old Rebate Amount to 1 June 2024 (\$)	New Rebate Amount from 9 June 2024 (\$)	Eligibility for rebate New Rebate in 2026-27 and 2027-28
Australian Capital Television Pty Ltd	1,398,000	1,572,750	Australian Capital Television Pty Ltd's (ACT-TV) commercial broadcasting licence and associated transmitter licences were transferred to Network Ten (Melbourne) Pty Ltd (Ten) in 2025. Because Ten is not listed as an eligible rebate recipient, it will not receive the benefit of the rebate listed for ACT-TV in 2026-27 and 2027-28. ACT-TV will not receive the benefit of the rebate because it will have no CBT liability against which to offset the rebate.
Prime Television (Southern) Pty Limited	945,000	1,063,125	Yes.
Network Investments Pty Ltd	819,000	921,375	Network Investments Pty Ltd (NI) commercial broadcasting licence and associated transmitter licences were transferred Network Ten (Melbourne) Pty Ltd (Ten) in 2025. Because Ten is not listed as an eligible rebate recipient, it will not receive the benefit of the rebate listed for NI in 2026-27 and 2027-28. NI will not receive the benefit of the rebate because it will have no CBT liability against which to offset the rebate.
WIN Television NSW Pty Limited	1,331,000	1,497,375	Yes.
Star Broadcasting Network Pty Ltd	3,000	3,375	Yes.
South Coast & Tablelands Broadcasting Pty Ltd	22,000	24,750	Yes.
Blue Mountains Broadcasters Pty Limited	2,000	2,250	Yes.
Tweed Radio & Broadcasting Co Pty Ltd	2,000	2,250	Yes.
WIN Radio Pty Limited	22,000	24,750	Yes.
Wollongong Broadcasters Pty Ltd	22,000	24,750	Yes.
WIN Television Griffith Pty Ltd	16,000	18,000	Yes.
WIN Television SA Pty Ltd	66,000	74,250	Yes.
Rebel FM Stereo Pty Ltd	9,000	10,125	Yes.
Midwest Radio Network Pty Ltd	4,000	4,500	Yes.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy Section	
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch	
Mobile (AS):	s22(1)(a)(ii)	Date:	Updated:

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Company	Old Rebate Amount to 1 June 2024 (\$)	New Rebate Amount from 9 June 2024 (\$)	Eligibility for rebate New Rebate in 2026-27 and 2027-28
Darwin Digital Television Pty Ltd	6,000	6,750	Yes.
West Digital Television No.2 Pty Limited	19,000	21,375	Yes.
West Digital Television Pty Ltd	47,000	52,875	Yes.
Spencer Gulf Telecasters Pty Limited	16,000	18,000	Yes.
Mildura Digital Television Pty Ltd	15,000	16,875	Mildura Digital Television Pty Ltd (MDT) ceased providing commercial television broadcasting services on 30 June 2024. MDT did not receive the benefit of the rebate in 2024-25, because it had no CBT liability against which to offset the rebate, and will not receive the benefit of the rebate in 2026-27, and 2027-28, because it will have no CBT liability against which to offset the rebate.
Totals	4,764,000	5,359,500	

Table 2: Commercial Broadcasting Tax support payments and rebates

	2017-18 \$m	2018-19 \$m	2019-20 \$m	2020-21 \$m	2021-22 \$m	2022-23 \$m	2023-24 \$m	2024-25 \$m	2025-26 \$m	TOTAL \$m
Transitional support payments	4.76	4.76	4.76	4.76	4.76	N/A	N/A	N/A	N/A	23.8
CBT COVID-19 rebate	N/A	N/A	N/A	41.1*		N/A	N/A	N/A	N/A	41.1
CBT partial rebate for eligible regional broadcasters	N/A	N/A	N/A	N/A	N/A	4.76	4.76	5.34**	N/A	14.86
CBT 1-year suspension	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50.3***	50.3***
Total support payments and rebates	4.76	4.76	4.76	41.1**		4.76	4.76	5.34**	50.3***	130.06 (approx.)

* The CBT COVID-19 rebate operated between 14 February 2020 and 13 February 2021

** This total excludes the rebate for which Mildura Digital Television Pty Ltd would have been eligible to receive (\$16,875) had it not ceased providing commercial television broadcasting services.

*** MYEFO 2024-25 estimate.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy Section	
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch	
Mobile (AS):	s22(1)(a)(ii)	Date:	Updated:

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Table 3: Commercial Broadcasting Tax Revenue 2017-18 to 2023-24

	2017-18 \$m	2018-19 \$m	2019-20 \$m	2020-21 \$m	2021-22 \$m	2022-23 \$m	2023-24 \$m	2024-25 \$m	TOTAL \$m
CBT receipts (as reported in ACMA Annual Reports)	104.59*		37**	13.5**	46.5	44.2	40.4***	53.3	339.49

* In 2018-2019, the ACMA collected tax that was eligible to be assessed and collected in both the 2017-2018 and 2018-19 financial years.

** The provision of a one-off 100% rebate of CBT during the COVID-19 pandemic, from February 2020 to February 2021, contributed to the reduced amount of CBT collected by the ACMA in 2019-20 and 2020-21, respectively. This rebate provided \$41 million in tax relief.

*** The decrease in CBT collected by the ACMA in 2023-24 is due to approximately \$7.2 million in taxes imposed late in the financial year being assessed in July 2024.

Table 4: Estimated Commercial Broadcasting Tax Revenue 2025-26*

Metro/Regional	TV/Radio	2025-26 CBT Estimate	2025-26 CBT Rebate Estimate	Net CBT Estimate
Metro	TV	\$35,026,395.94	\$35,026,395.94	\$0.00
Metro	Radio	\$925,328.64	\$849,413.79	\$75,914.85
Metro	Total	\$35,951,724.58	\$35,875,809.73	\$75,914.85
Regional	TV	\$18,740,305.77	\$16,026,108.65	\$2,714,197.12
Regional	Radio	\$759,558.24	\$646,766.76	\$112,791.48
Regional	Total	\$19,499,864.01	\$16,672,875.41	\$2,826,988.60
Total	TV	\$53,766,701.71	\$51,052,504.29	\$2,714,197.12
Total	Radio	\$1,684,886.88	\$1,496,180.55	\$188,706.33
Total	Total	\$55,451,588.59	\$52,548,685.14**	\$2,902,903.45

* Estimates based on ACMA staff analysis as at 9 January 2026, and could be subject to change if there are changes to the database of licences (i.e., commercial broadcasting transmitter licences could be issued, surrendered/cancelled or varied, which could cause total CBT amounts to change).

** The rebate total of \$52,548,685.14 comprises the following amounts: \$52,474,435.14 in rebates from the one-year suspension of the CBT from 9 June 2025 to 8 June 2026, and \$74,250 in partial rebates for eligible commercial broadcasters from 9 June 2026 to 8 June 2027 that are scheduled to be applied in financial year 2025-26, following the end of the one-year suspension of the CBT.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy Section
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch
Mobile (AS):	s22(1)(a)(ii)	Date: Updated:

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Media diversity and public interest journalism

The Government will invest a further \$335.6 million to support public interest journalism and media diversity in Australia. This includes funding for the News Media Assistance Program, including additional support for the Australian Associated Press, increased funding for community broadcasting, ongoing stable funding for the Australian Broadcasting Corporation and a 1-year suspension of the Commercial Broadcasting Tax to provide relief to the commercial television and radio broadcasting sector. This will contribute to the sustainability of a range of media sectors and the provision of news for all Australians.

Protecting Australians online

Online Safety and Privacy

The Government is providing an additional \$3.0 million over three years to the Office of the Australian Information Commissioner to develop a Children's Online Privacy Code to protect children from a range of online harms.

The Government is investing \$76.1 million to support the implementation of its online safety agenda, including establishing a minimum age of access to social media and the commitment to legislate a Digital Duty of Care. The legislated Digital Duty of Care will require social media platforms to undertake regular risk assessments and take reasonable steps to protect Australians from enduring categories of harm.

The Government has also committed to reforms that strengthen privacy protections for all Australians. This includes delivering landmark legislation to address serious invasions of privacy and introducing a new criminal offence to outlaw doxxing, the malicious release of personal data online.

Safe and responsible AI

Artificial Intelligence (AI) has the potential to drive improvements in productivity growth and innovation across the economy. The Government is continuing to implement its \$39.9 million commitment to support safe and responsible adoption and use of AI. Taking steps to support safe and responsible adoption and use of AI will ensure low-risk AI can flourish unimpeded while high-risk uses are subject to appropriate safeguards.

Expanding Digital ID

The Government is continuing to expand the use of Digital ID in Australia through the *Digital ID Act 2024*, which commenced on 1 December 2024. This legislation provides individuals with secure, convenient, voluntary and inclusive ways to verify their identity for use in online transactions with government and businesses. Expanding the use of Digital ID will make it easier for individuals to prove their identity while reducing the amount of personal information businesses need to hold.

Infrastructure, Transport, Regional Development,
Communications and the Arts

Building Australia’s Future – Building a Better Future Through Considered
Infrastructure Investment

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of the Treasury	-	375.0	160.1	155.9	35.4
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	-	-	-	-
Total – Payments	-	375.0	160.1	155.9	35.4

The Government will provide \$2.6 billion over ten years from 2024–25 for road and rail infrastructure priorities to support productivity and jobs, including:

- \$1.7 billion over ten years from 2024–25 for additional funding to support road maintenance activities on the National Land Transport Network
- \$926.9 million over seven years from 2024–25 for existing projects under the *Infrastructure Investment Program*
- \$13.0 million over four years from 2025–26 for two new projects under the *Infrastructure Investment Program* in the Australian Capital Territory.

The Government has already provided partial funding for this measure.

The cost of this measure will be partially met from within existing funding for the *Infrastructure Investment Program*, including from the termination of the *Inland Rail Interface Improvement Program*.

The Treasury manages Commonwealth payments to the states and territories.

This measure builds on the 2024–25 Budget measure titled *Building a Better Future Through Considered Infrastructure Investment*.

Community Infrastructure

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of the Treasury	-	12.7	1.9	0.7	-
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	-8.2	-	-7.0	-
Total – Payments	-	4.5	1.9	-6.3	-

The Government will provide \$201.1 million over three years from 2024–25 to support sustainable urban and regional development in Australia. Funding includes:

- \$172.1 million over three years from 2024–25 to support the delivery of community infrastructure programs and additional funding for the *Thriving Suburbs Program*
- \$28.9 million over two years from 2024–25 for round nine of the *Stronger Communities Programme* to support small capital projects that deliver social benefits for local communities across Australia.

The cost of this measure will be partially met from savings identified in the Infrastructure, Transport and Regional Development portfolio. The Government has already provided partial funding for this measure.

The Treasury manages Commonwealth payments to the states and territories.

This measure builds on the 2023–24 Budget measure titled *National Approach for Sustainable Urban Development* and the 2022–23 October Budget measure titled *Responsible Investment to Grow Our Regions*.

Funding for the Indian Ocean Territories

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	0.8	5.4	10.1	1.0

The Government will provide \$23.3 million over four years from 2024–25 to improve emergency preparedness and safety on Cocos (Keeling) Islands. Funding includes:

- \$12.2 million to maintain and extend existing sea walls
- \$8.1 million to repair and extend cyclone shelters on Home Island and West Island
- \$3.0 million to support the release of the Cocos (Keeling) Islands Coastal Hazard Risk Management and Adaptation Plan.

The cost of this measure will be partially met by redirecting funding from within the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Revive – National Cultural Policy Location Offset

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Australian Taxation Office	-	-	-	4.2	1.1
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	-	-	-	-
Total – Payments	-	-	-	4.2	1.1

The Government will provide \$5.2 million over two years from 2026–27 (and \$1.1 million in 2029–30 and \$1.3 million per year ongoing from 2030–31) to support the production of large budget screen productions to film in Australia by reducing the minimum Qualifying Australian Production Expenditure threshold from \$20.0 million to \$15.0 million for feature films under the *Location Offset*.

This measure builds on the 2023–24 Budget measure titled *Revive – National Cultural Policy and Location Incentive*.

Social Media Age Limits

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	5.1	12.4	4.4	3.6
Australian Communications and Media Authority	-	3.8	16.2	13.3	12.4
Office of the Australian Information Commissioner	-	0.6	2.2	1.1	1.1
Total – Payments	-	9.5	30.7	18.8	17.1

The Government will provide \$76.1 million over four years from 2024–25 (and \$16.9 million per year ongoing from 2028–29) to establish a minimum age of access to social media.

Funding includes:

- \$45.7 million over four 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 four 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 two years from 2024–25 to deliver a national public education campaign to help parents and carers, as well as young people, their educators and the community understand changes to aid the transition to a social media minimum age

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- \$5.0 million over four 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.

Supporting Aviation Priorities

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	14.2	1.7	-	-
Department of the Treasury	-	10.0	6.2	-	-
Attorney-General's Department	-	-	-	-	-
Total – Payments	-	24.2	7.9	-	-
<i>Related receipts (\$m)</i>					
<i>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</i>	-	-	<i>nfp</i>	-	-

The Government will provide \$44.3 million over four years from 2024–25 to support aviation connectivity for regional and remote communities and implementation of Aviation White Paper initiatives, including:

- \$16.2 million over two years from 2024–25 towards the Whyalla Airport runway upgrade
- \$14.2 million in 2024–25 for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to support the delivery of aviation priorities
- \$7.2 million over two years from 2024–25 to enhance consumer protections for aviation customers through the establishment of an independent Aviation Industry Ombuds Scheme and a new Aviation Customer Rights Charter
- \$2.7 million over four years from 2024–25 to improve accessibility to air travel for people with disability
- \$2.4 million over two years from 2024–25 to improve planning on and around federally leased airports to minimise the impacts of aircraft noise
- \$1.7 million in 2025–26 for the *Remote Air Services Subsidy Scheme* to continue to subsidise the carriage of passengers and essential goods to communities in remote and isolated areas of Australia.

The Government is also providing financing of up to \$80.0 million to keep Regional Express (Rex) operational throughout its administration process and is guaranteeing regional flight bookings for Rex customers to 30 June 2025, in line with the approved extension of the convening period by the Federal Court. The financial impacts are not for publication (nfp) as publication would disclose individual financing arrangements with third parties.

The Government has already provided partial funding for this measure.
This measure builds on the 2024–25 Budget measure titled *Supporting Transport Priorities*.

Supporting Connectivity

Payments (\$m)	2023-24	2024-25	2025-26	2026-27	2027-28
Department of the Treasury	-	2.0	-	-	-
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	-1.2	1.1	1.2	1.2
Total – Payments	-	0.8	1.1	1.2	1.2

The Government will provide \$23.7 million over four years from 2024–25 (and \$1.2 million per year to 2029–30) to support telecommunications connectivity. Funding includes:

- \$16.0 million over two years from 2024–25 to extend the Strengthening Telecommunications Against Natural Disasters Package to continue Sky Muster Community Wi-Fi services at emergency coordination points to 30 June 2029 and to improve telecommunications infrastructure resilience in regional Western Australia
- \$4.2 million over four years from 2024–25 (and \$1.2 million per year to 2029–30) for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the delivery of communications priorities, including boosting connectivity and digital inclusion
- \$3.5 million in 2024–25 for trials to test alternative technology options for legacy voice services to support the design of modern Universal Service Obligation services.

The cost of this measure will be partially met by redirecting funding from the 2022–23 October Budget measure titled *Better Connectivity Plan for Regional and Rural Australia*.

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*.

Supporting Connectivity, Media and Communications

Payments (\$m)

	2022-23	2023-24	2024-25	2025-26	2026-27
Department of the Treasury	-	10.0	20.0	20.0	-
Australian Communications and Media Authority	-	2.2	3.7	2.4	2.1
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	nfp	nfp	-20.0	-
Total – Payments	-	12.2	23.7	2.4	2.1
<i>Related receipts (\$m)</i>					
<i>Australian Communications and Media Authority</i>	<i>-</i>	<i>..</i>	<i>nfp</i>	<i>nfp</i>	<i>-5.4</i>

The Government will provide \$63.1 million over four years from 2023–24 (and \$2.1 million per year ongoing) to continue to support media sustainability and improve mobile and broadband connectivity, including:

- \$50.0 million over three years from 2023–24 to pilot innovative approaches to improve mobile coverage on regional highways and major roads, including multiple-carrier mobile deployments, in collaboration with state and territory governments
- \$10.5 million over four years from 2023–24 (\$2.1 million per year on-going) for the Australian Communications and Media Authority to implement and maintain a framework for measuring media diversity in Australia
- \$2.7 million over two years from 2023–24 to examine the adequacy of telecommunications in regional, rural and remote Australia
- funding to undertake trials to test alternative technology options for legacy voice services to support the design of modern Universal Service Obligation services, with funding not for publication (nfp) due to commercial sensitivities.

The Government will expand the scope of the *Better Connectivity Plan for Regional and Rural Australia* to support a broader range of regional media and broadcasting and digital inclusion initiatives within existing funding, including:

- \$6.0 million in 2023–24 to support the financial sustainability of the Australian Associated Press
- \$4.8 million over three years from 2023–24 to extend support for the delivery of free broadband for up to 30,000 unconnected families with school aged students over the 2024 and 2025 calendar years.

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The Government will also extend transitional support for regional commercial broadcasters by providing a rebate of the Commercial Broadcasting Tax for an additional four years with an increase to the rebate of 12.5 per cent. This change is estimated to decrease receipts by \$16.2 million over four years from 2023–24 (and \$5.4 million in 2027–28).

The cost of this measure will be partially offset by redirecting funding from the 2022–23 October Budget measure titled *Better Connectivity Plan for Regional and Rural Australia*, revenue from an increase to the Telecommunications Industry Levy and from within the existing resources of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Supporting Transport Priorities

Payments (\$m)	2022-23	2023-24	2024-25	2025-26	2026-27
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	-	4.2	27.5	27.3	20.7
National Transport Commission	-	0.7	1.7	2.1	1.2
Total – Payments	-	4.9	29.2	29.5	21.9
<i>Related receipts (\$m)</i>					
<i>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</i>	-	-	17.3	17.8	15.6

The Government will provide \$88.1 million over four years from 2023–24 (and \$21.6 million per year ongoing) to support aviation, rail and maritime transport priorities. Funding includes:

- \$67.0 million over four years from 2023–24 (and \$21.6 million per year ongoing) to continue to ensure compliance with airport building control regulation at Commonwealth leased airports
- \$10.8 million over three years from 2023–24 to continue to support airport compliance with environmental standards
- \$8.3 million over four years from 2023–24 to support the National Transport Commission to deliver the rail interoperability workplan, with partial funding for this measure already provided for by the Government
- \$2.0 million in 2023–24 for the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to progress work to support the establishment of a strategic fleet in Australia.

Environment and Communications

QUESTION ON NOTICE

Supplementary Budget Estimates 2025-2026

Infrastructure, Transport, Regional Development, Communications, Sport and the Arts

Committee Question Number:

Departmental Question Number: SQ25-002540

Division/Agency Name: DIV - Communications and Markets

Hansard Reference: Spoken, Page No. 23, 24 (02 December 2025)

Topic: Timing of advice provided to government regarding commercial broadcasting tax pause**Senator Sarah Henderson asked:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator HENDERSON: Thank you. Perhaps you could also come back to us, on notice, with the advice that you've provided in relation to the commercial broadcasting tax.

Answer:

DRAFTING INSTRUCTIONS [DELETE PRIOR TO FINALISING RESPONSE]:

*Refer to the **Senate Estimates QoN checklist** attached in PDMS prior to submitting your final QoN response to Parliamentary.*

- Calibri, 12pt, black.
- Do not repeat the question in the answer.
- Use “%”, not “per cent”.
- Use numerals for all numbers, not words (eg. ‘8’, not ‘eight’)
- \$ figures should indicate whether they’re GST inclusive or exclusive, and should include cents (eg. ‘\$120.35’ or ‘\$120.00’).
- Spell the **department’s name** out in full in the first instance, followed by ‘the department’ with a lowercase ‘d’ every time it’s mentioned generally again.
- Spell the **Australian Government** out in full in the first instance, followed by ‘the government’ with a lowercase ‘g’ every time it’s mentioned generally again (always use capital ‘G’ when spelling out the government in full).
- Spell the **minister(s)** titles out in full in the first instance, followed by ‘the minister’ every time it’s mentioned again (eg. The Hon Tony Burke MP, Minister for the Arts).
- Spell any **acronym** out in full the first instance, followed by just the acronym every time it’s mentioned again (eg. “Australian Broadcasting Corporation (ABC)”).
- If information is publicly available, refer to this in your response (instead of uploading attachments or copying and pasting information if it’s available online).

- Do not hyperlink websites – insert the full weblink and ensure it is black underlined text.
- Do not include photos/screenshots of tables – tables must be editable.

Where a question has been answered in another QoN (either from the same hearing or in a previous hearing) and the response to all/part of that question remains unchanged, you can refer the Committee to the relevant QoN that contains the response using the following text:

“Please refer to Committee Question Number **XX** (SQ**XX-XXXXXX**) from the **[FINANCIAL YEAR]** **[HEARING NAME** eg. Additional Budget Estimates**]** hearings.”

When using Dot Points, the following sequence is to be used:

- -
 -

If there are attachments, please reference the relevant attachment in the body of the response in black underlined text (e.g. Attachment A), and list each attachment at the end of the response in the following format:

Attachments **[DELETE IF NOT REQUIRED]**

- A: [Title]
- B: [Title]

FOR EVERY QON, PLEASE INCLUDE THE FOLLOWING SECTION AT THE BOTTOM OF THE RESPONSE:

SES Contact Officer: **Name, Position** (eg. John Smith, Assistant Secretary)

Email: **XXX**@infrastructure.gov.au

Number: (02) 6136 **XXXX** / 04**XX XXX XXX**

(Please note – this gets removed from the QoN before final lodgement, and is for MO Wells’ office’s use only).

BACK POCKET BRIEF**SPECTRUM DIVIDEND****LEAD: Andrew Irwin****KEY STATEMENTS:**

- On 24 October 2024, the former Minister for Communications, the Hon Michelle Rowland MP, announced that there would be consultation on future technology options for the future of television, shaped by the possibility of realising a digital dividend.
- Any change to the current television technology mix would require a consensus on the future state of television technology and markets in a decade's time and beyond.
- The Government's current priorities include working with industry to assess future technology options for television.
- Any further questions on the future of television should be directed to Broadcasting, Media and News Policy Division.

KEY ISSUES / SENSITIVITIES

- A spectrum dividend (or digital dividend) would require careful planning due to the range of complex issues involved.
- The department anticipates that it could involve the adoption of a range of new broadcasting technologies to enable broadcasters to provide the same services while using less spectrum.
- Any technological transition may have implications for broadcasters, infrastructure providers, mobile network operators, and consumers.

KEY FACTS

- The term 'spectrum dividend' (or 'digital dividend') is used to describe the spectrum that could be freed up by television broadcasters transitioning to more spectrally-efficient broadcasting arrangements, and the re-allocation of the freed-up spectrum to other potential uses, such as mobile broadband services.

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BACK POCKET BRIEF**MEDIA** (*past six months*)

- On 18 September 2025, *Communications Day* (CommsDay) reported on Free TV Australia's (Free TV's) response to the Productivity Commission's questionnaire on 'Creating a more dynamic and resilient economy' (**Attachment A**). The article reports Free TV's arguments that radiofrequency spectrum licensing arrangements should take into account public interest benefits (such as social inclusion) when striking the proper balance between accommodating optimal use-cases for spectrum bands and the need for regulatory predictability for existing use-cases. CommsDay also observed that Free TV's comments come almost half a decade after the release of the media reform green paper that suggested a second digital dividend could potentially be delivered by at least commercial TV broadcasters, along with the publicly owned broadcasters, moving to more spectrally efficient (sic).

STAKEHOLDER ENGAGEMENT

- The Government is working with industry to examine future technology options for free-to-air television. Departmental officials and representatives from various broadcasters have participated in a number of preliminary meetings, and the department expects that discussions will continue over the coming months.
- Any questions on stakeholder engagement should be directed to Broadcasting, Media and News Policy Division.

BACKGROUND***The former Minister for Communications' announcement regarding exploration of a possible digital dividend***

On 24 October 2024, the former Minister for Communications, the Hon Michelle Rowland MP, delivered a keynote speech at Radcomms 2024 (**Attachment B**). The former Minister stated that a sustainable television broadcasting sector will necessitate some form of spectrum and infrastructure consolidation and changes in the way content is delivered. The former Minister said that the Government is seeking to explore the possibility of realising a digital dividend: options for the more efficient use of spectrum and infrastructure for television, enabling potential reallocation of spectrum to other uses.

Achieving a spectrum dividend

Television broadcasting in Australia uses spectrum in two frequency bands known as Very High Frequency (VHF) and Ultra High Frequency (UHF). Spectrum in the 600 MHz (UHF) band has favourable propagation characteristics that make it

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attractive to mobile network operators as a means to provide wide-area and indoor coverage in built-up areas. ^{s47C}

Each television broadcaster currently uses their own dedicated multiplex to broadcast their programming. A multiplex takes multiple input signals and combines them into one output signal for transmission. It allows each broadcaster to transmit multiple channels using their allocated spectrum.

One approach to freeing up spectrum is for television broadcasters to adopt more efficient broadcasting arrangements; for example, a move to shared multiplexing, and the adoption of more efficient broadcasting (DVB-T2) and compression (MPEG-4 and HEVC) standards. Shared multiplexing will free up more spectrum, and more efficient transmission and compression standards will enable broadcasters to retain their current content offering or offer additional, or higher broadcast quality, content.

s47G(1)(a)

The ACMA, in its *Five-year spectrum outlook 2025-30 and 2025-26 work program*, refers to the Government's proposal to explore options for the future of television broadcasting, which may include considering its future spectrum needs. The ACMA also states that there is a sixth television channel allocated in each area, which is currently available in most areas for trials of more advanced digital television technology. The ACMA states that previous industry trials of DVB-T2 technologies were conducted in 2018 and 2019, and that it will continue to support industry-driven initiatives for trials of new television transmission technologies in the future. The ACMA states that some television broadcasters have been changing the video compression standard of some of their services from MPEG-2 to MPEG-4. The ACMA states that, in some areas, all the television services are now delivered using MPEG-4.

There is international precedent for the use of shared multiplexes by television broadcasters. For example, shared multiplexing is one way television broadcasting services are delivered in the United Kingdom, New Zealand and the Republic of Ireland.

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BACK POCKET BRIEF***Previous spectrum dividend***

A previous spectrum dividend (dubbed the 'digital dividend' at the time) was achieved by the switchover from analogue to digital television transmission, completed in 2013. The spectrum freed up as a result of the transition from analogue to digital television transmission was auctioned by the Australian Communications and Media Authority (ACMA) as follows:

- In 2013, ACMA auctioned spectrum in the 700 MHz band and in the 2.5 GHz band. The winning bidders were Optus, Telstra, and TPG (2.5 GHz spectrum only). The total raised from the auction was \$1.9 billion. There were some unsold lots of spectrum which were subsequently auctioned in 2017.
- In 2017, ACMA auctioned spectrum in the 700 MHz band, comprising unsold lots from the 2013 auction. The winning bidders were TPG and Vodafone Hutchison Australia. The total raised from the auction was \$1.55 billion.

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CID - BACK POCKET BRIEF

ARTIFICIAL INTELLIGENCE AND DATA CENTRES**LEAD:** Andrew Irwin**KEY STATEMENT:**

- Artificial Intelligence (AI) is an evolving technology with touchpoints across many areas of government.
- The department contributes to broader Australian Government policy development on AI – like the National AI Plan.
- The department is actively monitoring developments in AI and data centre markets, and how this impacts the telecommunications sector.
- Investment in data centres is relevant to the telecommunications companies that supply fibre connectivity.
- Like many industries, AI has the potential to increase automation and efficiency in the delivery of telecommunications services.
- Questions about the government's work on AI and data centres should be directed to Department of Industry, Science and Resources.

KEY ISSUES*Communications infrastructure investment*

- As outlined in the National AI Plan, the Australian Government supports maintaining Australia as an attractive market for data centre investment.
- AI is increasing data traffic on telecommunications networks.
- Communications infrastructure, particularly fibre backbone networks, is vital for data centres. Telecommunications companies are building this transmission infrastructure in anticipation of increased data centre demand for connectivity.
- For example:
 - Telstra's Intercity Core Fibre Network is under construction and will provide a new ultra-high-capacity links between Australia's major capital cities.
 - SubCo is also in the process of building a new cable that will connect Sydney, Melbourne, Adelaide and Perth (SMAP Cable).
 - Vocus continues to invest in terrestrial core fibre networks and submarine cable infrastructure.
- The telecommunications industry has indicated planning and environmental requirements can delay infrastructure projects, as referenced in the Productivity Commission's report titled 'Creating a more dynamic and resilient economy' released on 19 December 2025 as part of its 'Five Pillars of Productivity' inquiry.

Use of AI in Telecommunications networks

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- As with most industries, AI has the potential to transform the telecommunications industry by providing greater network autonomy and efficiency.
- Telecommunications providers have publicly stated that they are using AI to improve their operations, including AI tools for customer service staff, credit assessments, fraud and scam detection, and fault detection and prediction tools.

BACKGROUND*Department of Industry, Science and Resources (DISR) AI responsibilities*

DISR has the following responsibilities

- Developing and publishing the National Artificial Intelligence Plan
- Managing the National Artificial Intelligence Centre
- Delivering the AI Adopt Program which funds businesses adopting AI
- Providing guidance for AI Adoption including the Voluntary AI Safety Standard and Australia's AI Ethics Principles
- Establishing the Artificial Intelligence Safety Institute
- Supporting AI safety science and research

MEDIA

N/A

STAKEHOLDER ENGAGEMENT*Government*

- DISR

Industry

- Telstra
- Vocus
- Megaport
- FibreConX
- Soda

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CID - BACK POCKET BRIEF**Expiring spectrum licences (ESLs)****LEAD:** Andrew Irwin**KEY STATEMENT:**

- See main brief.

KEY ISSUES / SENSITIVITIESApplication and decision-making process for (current) ESL renewal

- Licensees can apply two years before expiry of their licences for renewal.
- ACMA is seeking stakeholder feedback on a proposal whereby following a draft decision to renew a spectrum licence, a licensee must pay the renewal price, set out in the draft spectrum access charge determination, within a 30 day payment period, beginning 4 months after submission of a renewal application.
- Failure to make payment by the date specified in the draft determination would result in ACMA refusing to renew the licence and writing to the applicant informing them of the outcome. ACMA advised that this approach is consistent with previous spectrum allocations.
- See **Attachment C** for a visualisation of the application decision-making process (assuming the applicant receives full or partial licence renewal).

Renewal statements

- ACMA plans to set new timeframes for the next ESLs process in the renewal statements of renewed licences: applicants will have 6-months to apply for renewal, commencing 5 years prior to licence expiry (currently 2 years), with ACMA then setting a 2 year period for it to make a decision (i.e. 2.5 years prior to licences expiring).
 - ACMA advises these timeframes reflect stakeholders' earlier feedback and preference for early certainty of renewal outcomes. ACMA also considers it would provide sufficient time to support a coordinated process to consider the future of all spectrum licenses expiring in 2044, including a minimum 2.5 years should ACMA decide non-renewal and reallocating spectrum by auction to be in the long-term public interest.

Options for spectrum allocation

- As the regulator responsible for day-to-day spectrum management, ACMA makes decisions regarding spectrum licensing, including whether renewal is in the long-term public interest.

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- Renewing licences is a form of spectrum allocation. There are other allocation methods that ACMA uses in different contexts, including allocating spectrum via an auction process.
- ACMA frequently uses auctions to allocate new or vacant spectrum.
 - Recent auctions include spectrum replanned (cleared) for mobile services: 3.4/3.7 GHz (2023), 850/900 MHz (2021), 26 GHz (2021). [See **Attachment E** for more information.]
- Spectrum auctions are complex for ACMA to design and administer and often involve phases to determine the amount of spectrum each bidder will secure before determining the frequency allocations that will be awarded (in order to reduce fragmentation and promote efficient allocation of spectrum).
- Planning for spectrum auctions typically takes at least 2 years, with ACMA undertaking comprehensive consultation at each stage of the planning process. The timeframe may be significantly longer if the spectrum is already being used and requires a process to vacate incumbent users from the band.
- The 5 key stages to allocate spectrum via auction are:
 1. Proposal to re-allocate spectrum and invitation to comment on: frequency ranges and geographic areas to be re-allocated; allocation period; and policy settings for lot configuration, licence terms, and auction type/methodology
 2. Spectrum reallocation declaration in accordance with section 153B of *the Radiocommunications Act 1992* (the Act), reflecting outcomes of Stage 1)
 3. Draft allocation and technical instruments required under the Act including: marketing plan; determinations relating to allocation procedures and spectrum access charges; and various instruments setting out the technical framework for the licences
 4. Final allocation and technical instruments (reflecting consultation outcomes from Stage 3)
 5. Allocation (application periods, probity requirements, auction period)
- Allocation limits are essential mitigations to preserve competition. They limit the amount of spectrum a single entity can acquire in an auction in order to prevent monopoly behaviour that could harm consumers.
 - As allocation limits constrain the competitive tension in the auction itself, there is a necessary trade-off between protecting competition in the market (to the benefit of consumers) and realising the highest possible spectrum access charge.

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- The ACMA is required to seek advice from the ACCC and consult with stakeholders to inform allocation limits.

Proposed place-based licensing framework

- On 28 February 2025, the former Minister for Communications, the Hon Michelle Rowland MP, asked ACMA to work with the department to further explore the merits of a secondary licensing framework, including how it could be established in the context of the current ESLs process.
- In its stage 4 preferred views on renewal paper, ACMA indicated that it will undertake a separate consultation process to consider issues relating to a place-based licensing framework.
- The department is continuing its work with the ACMA to explore issues around the secondary market, including potential regulatory options to improve spectrum sharing.
 - In ACMA's Stage 3 consultation on ESLs, some stakeholders expressed support for access to spectrum covered by spectrum licences via the secondary market, instead of competing for it in an auctions process.
 - For example, Pivotel, a self-described "prospective alternative licensee", stated in its submission that auctioning long-term spectrum licences provides "practically no ability for innovative alternative providers to acquire appropriate spectrum to deliver targeted solutions for specific use cases". Pivotel instead noted ACMA's proposal for a place-based secondary licensing framework, considering that any secondary market should be "transparent and enforceable" to provide certainty of access to stakeholders.

ESLs interaction with direct-to-device (D2D) and the Universal Outdoor Mobile Obligation (UOMO)

- Mobile operators plan to use some of the spectrum covered by ESLs to deliver D2D via low earth orbit satellites (LEOsats) in the future, including to meet the planned Uomo.
- ESLs with national footprints – that is, those in the 700 MHz, 850 MHz and 2.5 GHz bands subject to the ESL process – are likely to be conducive to facilitating initial deployments of LEOSat D2D services using mobile operators' spectrum.
- The 2024 ministerial policy statement on ESLs and statement of expectations for ACMA included various policy objectives relevant to facilitating LEOSats and the Uomo, which ACMA must have regard to in considering the future of ESLs.

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- This includes ‘*promoting technology neutral, simple and pragmatic frameworks that facilitate early adoption of new and emerging technologies, such as LEOsat-enabled D2D technologies*’, set out in the 2024 statement of expectations.
- Government policy objectives relating to LEOsats and D2D services under ACMA’s relevant public interest criteria are guiding its consideration of whether renewal would be in the long-term public interest.
 - ACMA noted in its stage 4 preferred views paper that renewal of mobile operators’ spectrum licences will bolster operators’ ability to meet the UOMO, by preserving options (that is, access to national spectrum licences) to deploy LEOsat D2D services.
 - ACMA will continue to consider any implications of the UOMO on the long-term public interest in the context of its ESL decision-making.

STAKEHOLDER ENGAGEMENT

- ACMA’s approach to consultation on the future of ESLs is designed to provide certainty and transparency to stakeholders on its decision-making process. It also provides stakeholders the opportunity to inform ACMA’s views on outcomes that promote the long-term public interest.
 - ACMA received over 90 stakeholder submissions between stages 1 and 3 of its consultation process.
- The department regularly engages with ACMA for updates on its ESLs process and how its approach considers views and issues raised by stakeholders.
- The department has engaged with industry stakeholders and consumer bodies to understand their perspectives on issues relating to expiring spectrum licences.
 - The department met with the Australian Communications Consumer Action Network (ACCAN) on 3 July 2025 to understand its concerns regarding spectrum licence renewal and ACMA’s approach to pricing. The department offered a further meeting in response to correspondence it received from ACCAN on 17 October 2025. The department held an initial meeting with ACCAN on a range of topics on 11 November 2025, and we plan to continue this as a regular engagement.
 - The department also met with telco industry representatives to hear their perspectives on ACMA’s preliminary views on renewals, including on pricing.

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- The department also met with the New South Wales Telco Authority on 25 August 2025 and 7 November 2025 to better understand NSW's position regarding dedicated spectrum for a public safety mobile broadband (PSMB) capability, and the needs of emergency services organisations, in the context of the ESLs process.
 - A national PSMB capability is intended to uplift existing emergency service communications capabilities. The Government's role in PSMB is led by the National Emergency Management Agency (NEMA) - within the Department of Home Affairs - through the PSMB Taskforce, established following the 2022 Independent PSMB Review (the PSMB Review).
 - The PSMB Review found that dedicated spectrum was not required for the delivery of PSMB, and that commercial arrangements to access telcos' networks would be the most efficient and cost-effective way to deliver a PSMB capability and should be the initial focus of PSMB spectrum arrangements.
 - Questions on the work of the PSMB Taskforce are best directed to NEMA.

BACKGROUND**ACMA's four stage consultation process**

- **Stage 1:** Consultation on process and relevant issues to consider in relation to expiring spectrum licences, including approaches to the public interest criteria and pricing. Consultation ran from 23 May to 7 August 2023. ACMA released its finalised framework (including affirmed public interest criteria), and response to submissions on 19 December 2023.
- **Stage 2:** Requested information relating to the current and future intended use of spectrum and spectrum bands (including alternative use cases / users), views on alternative licensing conditions and issues relating to resilience and temporary disaster responses. Consultation ran from 21 March to 5 June 2024, with stakeholders given an opportunity to 'reply to comment' from 11-30 June 2024.
 - ACMA published its report on alternative licensing conditions and commissioned analysis on international approaches on 6 March 2025.
- **Stage 3:** Consultation on preliminary views on spectrum licence renewal, duration and pricing. Consultation ran from 2 April to 25 June 2025, with a 'reply to comment' period from 2 to 23 July 2025. As set out below, ACMA is undertaking a further consultation on its preliminary views on pricing, following

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updates to its benchmarking methodology. Submissions to this consultation close to 27 February 2026.

- **Stage 4:** Issued preferred views on licence renewal and duration on 17 December 2025. In parallel, consultation on:
 - proposed application and decision-making process, including key steps and timeframes for considering applications and, where licences are renewed, arrangements for payment of spectrum access charges and,
 - approach to revised pricing for spectrum bands included in the ESL process, following the outcome of a peer review of its pricing methodology and consideration of stakeholder submissions.

ACMA will issue its preferred view on ESL pricing before the first renewal application period opens in June 2026. It will also publish application forms and guidance material for licensees in Q2 2026.

Ministerial actions in relation to ESLs to date

- On 14 December 2023, the former minister wrote to the ACMA Chair to indicate support for ACMA's approach to the ESLs process and its proposed public interest criteria. The letter requested that ACMA:
 - develop a considered view on the use of alternative licensing conditions in the Australian context including, but not limited to: roll-out obligations and their effectiveness in achieving broader coverage; and use-it-or-lose-it and use-it-or-share-it provisions and their effectiveness in achieving more efficient spectrum use; and
 - seek feedback from stakeholders on any issues around resilience and temporary disaster responses that arise in the context of spectrum licenses and their renewal.
- On 23 April 2024, the former minister issued a ministerial policy statement that set out communications policy objectives that the ACMA must have regard to when designing and enacting its process to manage the future of spectrum licenses used for mobile broadband and fixed wireless services. These are:
 - Supporting service continuity for end users, particularly where no alternative service is available;
 - Facilitating opportunities for new entrants and use cases, including for low earth orbit satellites;
 - Connectivity and investment in regional and remote areas to deliver improved services to end users;

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- Promoting competition; and
- Capacity for sustained investment and innovation.
- In addition, the minister issued a statement of expectations for the ACMA, a standard process for regulators across Government, in December 2024. This statement included that ACMA provide considered advice on expiring spectrum licences, having regard to relevant ministerial policy statements; and that it support innovation and competition in regional, rural and remote areas and technological developments through spectrum planning and allocation.

Alternative licensing conditions

- In response to a request by the former minister, ACMA consulted stakeholders during Stage 2 of its ESLs process on the potential effectiveness and impact of alternative licence conditions, including rollout obligations, use it or lose it (UIOLI) and use it or share it (UIOSI) conditions.
- In November 2024, ACMA provided a report to the former minister with its views on alternative licensing conditions, along with analysis it commissioned on international approaches, which it published on 6 March 2025.
- In its report, ACMA found that alternative licensing conditions are unlikely to be the most effective method of achieving communications policy objectives (e.g. efficient use of spectrum or broader coverage) in the Australian context.
- As an alternative to licence conditions, ACMA put forward that a demand-driven, place-based secondary licensing framework could promote efficient use of spectrum and potentially improve connectivity outcomes in regional and remote areas by enabling other users to access unused spectrum covered by spectrum licences.

Previous Expiring Spectrum Licence process

- In March 2010, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy (the Minister), announced the Australian Government's approach to the re-issue of certain 15-year radio frequency spectrum licences (Spectrum Licences), primarily used by telecommunications carriers to provide 2G and 3G mobile phone and wireless services to millions of Australian consumers.
- The Minister requested that the Department conduct an information gathering process in relation to the possible re-issue of Spectrum Licences held by Telstra Corporation, SingTel Optus, Vodafone Hutchison Australia, and Vividwireless (Renewal Process). The process commenced in May 2010.

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- As part of this Renewal Process, all participants were requested to specify how they had satisfied, and continued to meet, the public interest and detail the use (or proposed use) of the licences for which they sought renewal. Participants were also asked to state the amounts that they would be willing to pay, as spectrum access charges, for the re-issue of the Spectrum Licences.
- Expert advice on the value of the Spectrum Licences was obtained by the Department from Plum Consulting. A synopsis of the Plum Consulting Report was made available to the Renewal Process participants in February 2011, describing the methodology employed by Plum Consulting and identifying the value range for the spectrum bands.
- Later in the Renewal Process the participants were provided with updated valuation reports for the 800 MHz and 1800 MHz bands. These reports, together with the synopsis, were also made available to the public at the time the proposed Spectrum Access Charges Direction was released for public consultation.
- An inter-Departmental committee (Evaluation Committee) was established by the Minister in 2010 to evaluate the detailed materials provided by Renewal Process participants in relation to the public interest criteria, the spectrum access charges each had proposed, and all other matters raised by the Renewal Process participants in their submissions.
- The final report of the Evaluation Committee with its recommendations was provided to the Minister in December 2011.
- Having regard to all relevant matters including advice received from the Department and the Evaluation Committee, the expert advice of Plum Consulting and the current values attributed by the market for the spectrum bands, the Minister made the Spectrum Access Charges Direction. In doing so, the Minister was also guided by the object of the Act.

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Attachments

Attachment A: ACMA's preferred views on renewal – 17 December 2025

Band	Licensees	Use-case/s	Licence expiry	ACMA's preferred views
850 MHz	TPG, Telstra, Optus	Wide-Area Wireless Broadband (WA WBB)	17 June 2028	Renewal
1800 MHz	TPG, Telstra, Optus	WA WBB	17 June 2028	Renewal
	State and territory governments	Rail communications	17 June 2028	Non-renewal. Transition state and territory rail licensees to apparatus licences in this band. ACMA will consult on apparatus licence arrangements in early 2026.
2.5 GHz	Telstra, Optus	WA WBB	30 September 2029	Renewal
	ABC, Channel 7, Nine Network, Network 10	Television Outside Broadcast (TOB)		Non-renewal. Transition existing TOB licensees to apparatus licences in this band
700 MHz	TPG, Telstra, Optus	WA WBB	31 December 2029	Renewal
2.3 GHz	Telstra, Optus	WA WBB	24 July 2030	Renewal ACMA to reconsider and consult on its preferred views on Telstra's 2.3 GHz spectrum in July 2027.
	NBN Co	Fixed Wireless Access (FWA)	24 July 2030	Renewal
3.4 GHz	Telstra, Optus, TPG	WA WBB	13 December 2030	Renewal
	NBN Co	FWA	13 December 2030	Renewal
2 GHz	TPG, Telstra, Optus	WA WBB	11 October 2032	Renewal

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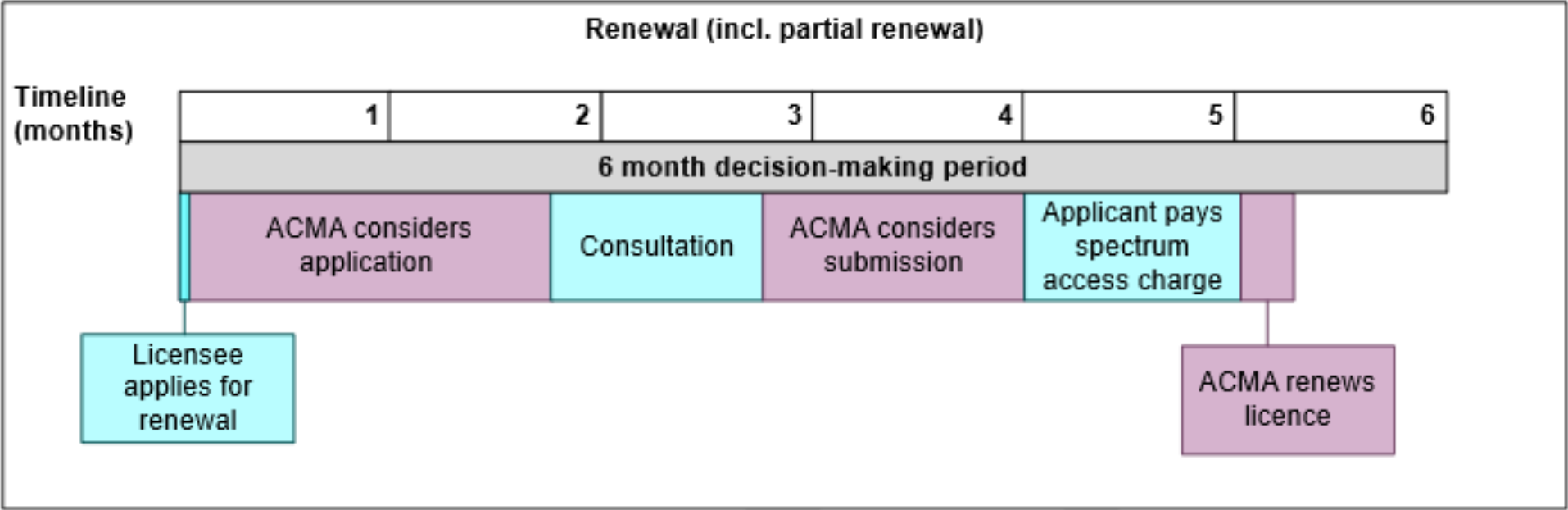
CID - BACK POCKET BRIEF**Attachment B: Summary of international approaches**

Country	Approach to licence renewals	Pricing/allocation method
Canada	Licences issued by auction have terms of 20 years, licensees have a high expectation of renewal unless a breach of license conditions has occurred	The regulator seeks to set licence fees that reflect some measure of market value. Methods to determine market value can include benchmarking, avoided cost modelling or enterprise value.
New Zealand	No formal policy on renewals but a tendency towards full or partial renewal under most circumstances	Historically bands priced at a market value utilising a number of different methodologies.
UK	Licences are indefinite with the ability for the regulator to give a five-year notice period for revocation of the license for spectrum management reasons	After a minimum licence period after first allocation of the spectrum (usually via auction), an administrative incentive pricing mechanism is applied, which sets license fees at a rate reflecting the opportunity cost of the spectrum not being made available for an alternative use.
US	Policy essentially provides an automatic right of renewal, provided the spectrum had been used during the previous licence period. In renewing, no new obligations are placed on the operators, nor are there changes to the format of the spectrum. In effect, the US has an absolute automatic full renewal policy, with a “use it or lose it” clause included in the licence terms.	A fee is charged for all spectrum renewals to cover the cost of the administration involved. This is not designed to reflect the value of the spectrum.

Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy	
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 20/01/2026	Updated:

CID - BACK POCKET BRIEF

Attachment C: Proposed ESLs application timeline (assuming full or partial renewal)



Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy	
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 20/01/2026	Updated:

CID - BACK POCKET BRIEF

Attachment D: Timeline of ESLs

Attachment E: Recent auction outcomes

Attachment F: ACCC's Stage 3 submission (public)

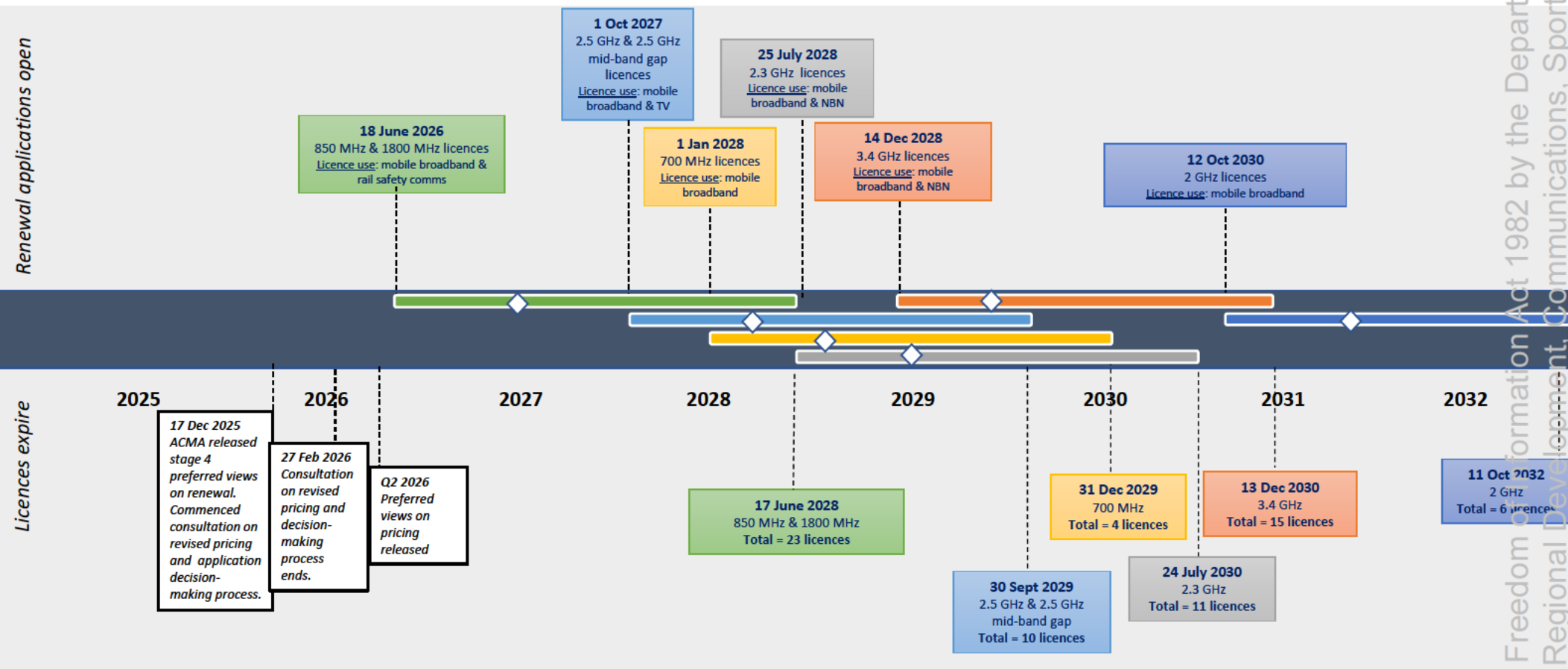
Action Officer (EL2):	s22(1)(a)(ii)	Section: Spectrum Policy	
Clearing Officer (AS):	Andrew Irwin	Branch: Spectrum, International and Markets Branch	
Mobile (AS):	s22(1)(a)(ii)	Date: 20/01/2026	Updated:

Expiring spectrum licences timeline

Key



Earliest ACMA decision point



Statutory timeframes for renewal applications and decisions

In Australia, spectrum licensees have the right to apply for renewal of their licences, and ACMA must consider an application.

Licensees may apply for renewal 2 years before expiry and ACMA has 6 months to respond to an application for renewal.

There are 69 ESLs across 7 spectrum bands that are due to expire between 2028-2032

48 are held by telcos (Telstra, Optus and TPG)
 8 are held by NBN Co
 9 are held by state rail operators
 4 are held by free-to-air television broadcasters

ATTACHMENT D- Previous spectrum auctions

Auction	Year	Previous use of band	Current use of band	Allocation limits applied	Starting prices	Notes on pricing	Prices Realised	Unsold lots	Notes on bidders
3.4 GHz 3.4 MHz licences issued for 7 years to align with 2030 expiry of existing 3.4 GHz licences (in the current ESL process)	2023 (reallocation process commenced 2020)	Mix of apparatus and spectrum licensing arrangements authorising a variety of services, including wireless broadband (WBB), fixed satellite, radiolocation and amateur services.	4G/5G	No group of persons (consisting of a person and all the person's associates) may, in the 3.4–3.8 GHz frequency range, use more than: 140 MHz of spectrum in metropolitan areas 160 MHz in regional areas	\$0.06/MHz/pop		Total \$25,374,900	7 unsold lots in 3.4 GHz band in Regional NSW, Regional SA, and Regional VIC.	Only the three major Telcos and NBN Co. participated in the 3.4/3.7 GHz auction. - NBN Co. and Telstra secured lots in the 3.4 GHz band - Telstra, Optus and Mobile JV (wholly owned subsidiary of TPG Telecom) secured lots in the 3.7 GHz band
3.7 GHz (licences issued for 20 years)		Mix of apparatus and spectrum licensing arrangements authorising a variety of services, including WBB, fixed satellite, radiolocation and amateur services.			\$0.16/MHz/pop		Total \$695,910,000 Equivalent to \$0.2887/MHz/pop	7 unsold lots in 3.7 GHz band in Regional NSW, Regional SA, and Regional VIC.	The 3.4/3.7 auction was complemented by a wider suite of re-allocations across the 3.4-4 GHz band. Included Area Wide Licence allocation in neighbouring substitutable spectrum (3.8 GHz), to support smaller, innovative users.
850/900 MHz Auction of 20 MHz of spectrum in the 850 MHz expansion band. Auction of 50 MHz of spectrum in the 900 MHz band	2021 (Reallocation process commenced in 2019)	Vacant at time of auction. 850 MHz previously Apparatus-licensed for: - land mobile services - fixed point-to-point services - fixed point-to-multipoint services. 900 MHz - previously apparatus-licensed for 3G	4G/5G	Bidders could not obtain more than an aggregate of: 82 MHz of spectrum below 1 GHz under spectrum licences in the major population areas 92 MHz of spectrum below 1 GHz under spectrum licences in the regional areas. 2x1 MHz of spectrum ("downshift spectrum") allocated to the winner of the lowest lot in the 900	\$1.15/MHz/pop general lots \$0.75/MHz/pop for lots in the lower 900 MHz band to reflect the lower utility of that lot compared with the rest of the 900 MHz band 'set aside lots' in the 900 MHz band were offered with an uplift of 25 per cent on top of the general starting price (\$1.44/MHz/pop) to reflect the value of the spectrum.	ACMA considered a number of factors including (but not limited to) anticipated demand, prices of comparable previous sub 1 GHz allocations in Australia, and current economic conditions.	Total: both bands = 2,091,618,000 850 MHz: \$615.7million 900 MHz: \$1.476 billion Average price achieved across both bands \$1.21/MHz/pop All spectrum in the major population area sold at reserve price. The average \$1.21/MHz/pop price was driven by both: - significantly higher demand for regional lots than metro lots, and; - the higher price (25% above general	No unsold lots	Only Telstra and Optus participated in the auction. TPG elected not to participate (despite previously expressing intention to do so). The absence of the anticipated third bidder significantly reduced competitive tension in the auction which limited price discovery. As such, revenue realised from the auction was lower than may have been seen if there were three bidders. The total revenue realised through the allocation was 6.3% higher than if all lots (including set aside lots) had sold at their reserve prices (revenue if all lots

Auction	Year	Previous use of band	Current use of band	Allocation limits applied	Starting prices	Notes on pricing	Prices Realised	Unsold lots	Notes on bidders
		mobile telecommunications services.		MHz band – to facilitate a 1 MHz movement of spectrum holdings within the adjacent 850 MHz band to align with internationally harmonised frequency ranges.			starting price) required to guarantee Optus's set aside lots in the 900 MHz band The average \$/MHz/pop price achieved from the auction itself (i.e. excluding pre-allocated set aside lots) was \$1.167/MHz/pop.		had sold at reserve would have been \$1.97 billion.) 2x1 850 MHz downshift spectrum auctioned currently licensed to Optus: commenced 1 July 2024, expiring 17 June 2028 (subject to ACMA's ESLs process). All other 850/900 MHz spectrum auctioned: 20-year licence period, commenced 1 July 2024, expiring 30 June 2044.
26 GHz Auction of 2.4 GHz of spectrum in 29 defined geographic areas across Australia 15-year licences	2021 (Reallocation process commenced in 2018)	Apparatus licensed and class licensed body scanning devices. Class licensed Low Interference Potential Devices (LIPD). Scientific licences for trialling mobile broadband technology. Fixed Point to Multipoint (PMP) services.	Optimised for 5G First allocation of mmWave spectrum for mobile use (supports high volume, high speed/low latency communication over short range)	No bidder could acquire more than 1000 MHz in each geographic area. Allocation limits for 26 GHz reflected the nascent stage of mmWave technology. Limits attempted to balance uncertain utility and demand, with supporting long term downstream competition by allowing the three major operators to acquire a sizable contiguous allocation which may be important for deploying competitive 5G services in the future.	\$0.004/MHz/pop for majority of lots \$0.003/MHz/pop for products the defined geographic areas known as 'Greater Perth Upper', 'Hobart Upper', 'Margaret River Upper' (these lots were subject to lower power limits to manage interference with NBN fixed satellite base stations)	Starting prices were set by the ACMA based on a number of factors, including but not limited to economic conditions, international auction results of similar spectrum, technology maturity etc. The nascent stage of mmWave technology created significant uncertainty on the utility and demand for mmWave spectrum leading starting prices to be set relatively conservatively to support price discovery.	Total \$647,642,100 Equivalent to average of \$0.0127/MHz/pop. Higher prices were realised in a few geographic locations where smaller bidders participated. However, much of the spectrum acquired by smaller bidders was unutilised and later sold to MNOs	2 (both in the upper Hobart low category-subject to additional power restrictions)	5 bidders Telstra, Optus and Mobile JV Pty. Ltd. (wholly owned subsidiary of TPG Telecom) across most geographic areas, as well as Pentanet (greater Perth and Margate river lots) and Dense Air (Melbourne/Ballarat and Sydney/Bathurst lots)



Contact officer: [REDACTED]
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25 June 2025

Nerida O'Loughlin
Chair
Australian Communications and Media Authority

By email: ESL@acma.gov.au.

Australian Communications and Media Authority Stage 3 consultation on expiring spectrum licences

The Australian Competition and Consumer Commission (ACCC) welcomes the opportunity to respond to the Australian Communications and Media Authority's (ACMA) Stage 3 consultation on the expiring spectrum licences.

The ACCC is the economy-wide competition regulator responsible for enforcing the *Competition and Consumer Act 2010* (Cth) (CCA). We protect consumers by fostering competitive, efficient, fair and informed Australian markets, including telecommunications markets.

The ACCC regulates certain telecommunications services under Part XIC of the CCA. The ACCC also has a statutory role in providing advice on allocation limits to the ACMA upon request under the *Radiocommunications Act 1992*. To this end, the ACCC works closely with the ACMA to ensure that allocations of spectrum promote competition in relevant downstream markets that rely on spectrum as an essential input.

As noted in our previous submissions to the expiring spectrum licence process, spectrum licences and allocations remain an important matter of focus for the ACCC. Spectrum is vitally important for mobile network operators (MNOs) to provide essential telecommunications services to consumers. The ACCC views the expiring spectrum licence process as an opportunity to further promote competition in the telecommunications sector in the long-term public interest.

This submission focuses on certain aspects of the ACMA's preliminary views in relation to the expiring spectrum licences.

Spectrum licence renewal

Overall, the ACCC agrees with the ACMA's preliminary view that renewing expiring spectrum licences for use by the mobile network operators to provide wide-area wireless broadband services would promote the long-term public interest. In particular, the ACCC considers that mobile services, in addition to being essential services, facilitate socially and economically beneficial activities. Almost all Australians use mobile services on a regular basis, and it is

now key to how we communicate, entertain, work and participate in the economy. For this reason, renewing expiring spectrum licences is important to supporting continuity of this essential service.

In the past, the ACCC has provided advice to the Minister for Communications and the ACMA on the use of allocation limits to promote competition in spectrum allocation processes. In the current circumstances, where a substantial number of spectrum licences are due to expire within a short period of time, and the ACMA received no interest from a prospective new entrant during its previous consultation, the ACCC agrees that renewing the expiring spectrum licences will likely promote competition in the mobile services market.¹ As noted by the ACMA, Telstra is a dominant participant in the market, and there are barriers to investment in regional areas of Australia. Renewing the expiring spectrum licences will ensure that all mobile network operators continue to have the ability to effectively compete in this market. In particular, renewing expiring spectrum licences that are intended to be used for the Optus/TPG regional network sharing arrangement and the deployment of low-earth orbit satellite direct-to-device services will help to facilitate the competitive process in the market over the longer term.

We also consider that in an environment where significant ongoing investments in mobile infrastructure are required to serve the needs of end-users, renewal of the expiring spectrum licences will provide regulatory stability to the industry and in turn encourage infrastructure investment in the long-term public interest.

Renewal of Telstra's 2.3 GHz band spectrum in remote areas

The ACCC shares the ACMA's initial reservations regarding Telstra's proposal to have its 2.3 GHz band spectrum in remote areas renewed. We consider that there is currently insufficient information to indicate that Telstra's proposed use of the spectrum would likely promote the long-term public interest. On the other hand, renewing Telstra's spectrum licences in this band may create a competitive advantage for Telstra in the private wireless network market.

Telstra has proposed using its 2.3 GHz band spectrum for private wireless networks rather than to support its public mobile network. As per the ACMA's consultation paper, 'Telstra has not indicated where and when it will use the (2.3 GHz) band for this use-case, or the likely extent of its use.'² We understand that the ACMA is seeking further information regarding Telstra's proposed use-case and how it would promote the long-term public interest.

The ACCC is concerned that renewing Telstra's 2.3 GHz band spectrum licences would not promote competition in the private wireless network market. As the ACMA's 2023 market study *Private wireless networks using 4G or 5G in Australia* found, demand for private wireless networks arises on an as-needed basis.³ Given the nature of private network deployment, spectrum suitable for this use-case is usually allocated via apparatus licences (either via allocation windows or over the counter such as in the 3.8 GHz band area-wide licences allocation). Renewing Telstra's 2.3 GHz band spectrum licences means that Telstra has a significant amount of spectrum in reserve for private wireless network deployment in remote areas which represents a distinct advantage over its competitors who may otherwise have to seek access to spectrum after a business case has arisen.

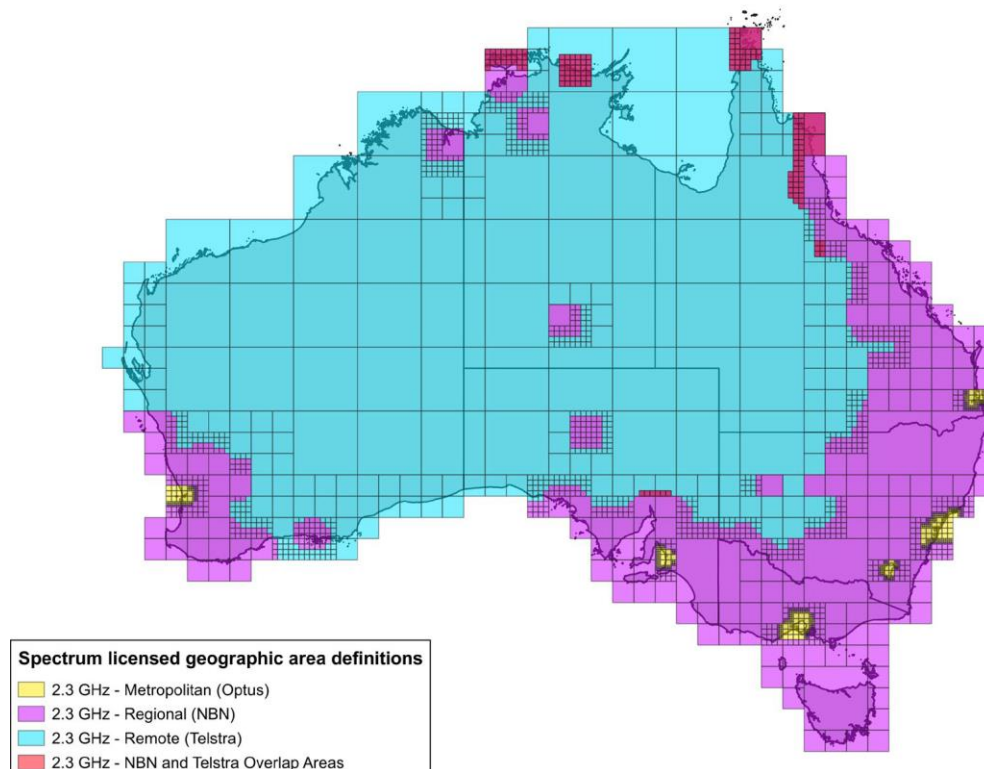
¹ ACMA, [Expiring spectrum licences, stage 3: Supporting paper 2: Competing and complementary demand for ESL spectrum](#), April 2025, p. 13.

² ACMA, [Expiring spectrum licences, stage 3: Consultation paper](#), April 2025, p 22.

³ ACMA, [Private wireless networks using 4G or 5G in Australia: Market study](#), September 2023, p 16.

The vast expanse of Telstra's 2.3 GHz band spectrum licences (as shown in teal in Figure 1) may also mean that Telstra could gain a competitive advantage in dealing with large enterprises that have private wireless needs across multiple sites (in particular, mining operations). Enterprise users with private wireless needs across a wide geographic area will likely prefer dealing with Telstra as it would likely be simpler to optimise their networks (and thus lower cost) when dealing with one provider.

Figure 1: 2.3 GHz band licensed geographic area definitions⁴



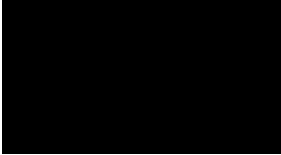
In addition, in circumstances where Telstra has not provided evidence that the spectrum will likely be used in full across the licensed areas (noting that Telstra holds 98 MHz in the band), renewing the licences does not facilitate efficiency and likely prevents the spectrum from being potentially used by other users or use-cases. This is unlikely to be in the long-term public interest.

We suggest that the ACMA consider available information regarding the potential use of the 2.3 GHz band spectrum in remote areas, including whether there is a likely demand for the band for private wireless network deployment more broadly. This may inform the ACMA as to whether it would promote the long-term public interest to reallocate the spectrum, including via apparatus licensing arrangement, so that it can potentially be accessed by other providers. Such an approach would not necessarily deny Telstra the opportunity to use the spectrum for private wireless network deployment in the future – it would simply put Telstra on a level playing field with its competitors in this market.

⁴ ACMA, [Expiring spectrum licences, Supporting paper 1: Overview of expiring spectrum licences, incumbent holdings, use and the secondary market](#), April 2025, p 58.

If you would like to discuss this submission please contact [REDACTED], General Manager,
Mobiles, Transmission and Consumer ([REDACTED] / [REDACTED]).

Yours sincerely



Anna Brakey

Commissioner