

20 August 2018

Our Ref: RB/WS

Christine McDonald
Committee Secretary
Environment and Communications Legislation Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Christine

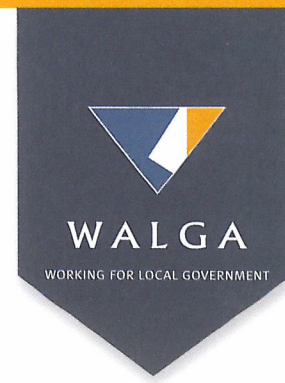
Thank you for the invitation to comment on the proposed **Telecommunications Legislation Amendment Bill 2018**

WALGA applauds the common-sense amendment to make NBN towers accessible to Emergency Services Organisations. The current statutory line of business restrictions applying to NBN should be removed to allow Emergency Service Organisations to have access to NBN towers where technically feasible.

WALGA also supports the simplification of regulations around the provision of temporary towers in the case of a genuine emergency or *unplanned* system outage or overload. Telecommunications are critical services to maintain and it is a reasonable public expectation that Carriers should be able to expedite service restoration after an unplanned system outage.

WALGA commends the inclusion of post-removal remediation responsibilities. However, substantial evidence exists that Telecommunications Carriers have a poor track record with satisfactorily remediating land and structures after installations. With this in mind, WALGA recommends the addition in para **9A of Schedule 2** of "... to the satisfaction of the land owner" after "...similar to its condition before the installation began"

However, WALGA does not support the notion that events and seasonal demand are either emergencies or are unduly subject to "delays imposed by lengthy development approvals processes". These conditions are clearly predictable and should therefore be subject to normal planning provisions.



Current protocols and procedures covering event management are well established, with Local Government and/or affected land-owners consulted about temporary structures and services such as lighting towers, toilet blocks, traffic management and garbage management. In some cases, these temporary structures and services are handled through a simple permit process. The importance of this interactivity with Local Government cannot be under-stated as the Local Government invariably retains responsibility for the amenity, aesthetics, safety and well-being of event attendees, local residents and business owners. We do not consider Telecommunication Carriers to have a sufficiently compelling case to bypass these important planning provisions.

A similar argument exists for seasonal demand. This is clearly a predictable situation and should not be beyond the capacity of Carriers to plan ahead with reasonable confidence. Once again, Local Governments have a range of permit and/or planning options to allow for a mutually-satisfactory outcome and bypassing this requirement is likely to lead to more conflict than cooperation.

Where unique local attributes exist, such as heritage or other local considerations, it is reasonable to expect that Local Government will be well-informed about them. Taking advantage of this local knowledge, rather than legislating it into irrelevance, seems to us to be a sensible approach with a clear public benefit. Therefore, WALGA recommends the removal in **Paragraphs 6(5)(a) and (b) of Schedule 3** of sub paras (d), (e) and (f). We also recommend the removal of **Clause 2 of Schedule 3** "high-demand holiday period..."

For enquiries please contact Ms Jo Burges, Executive Manager for People & Place,

Please quote our file reference in all correspondence.

Yours sincerely

~~Ricky Burges~~
Chief Executive Officer