

4 February 2016

Committee Secretary
Joint Committee of Public Accounts and Audit
PO Box 6021
Parliament House
Canberra ACT 2600

Email: jcpaa@aph.gov.au

Dear Sir/Madam

Comments on Australian National Audit Office Report No.3 2015 - 2016 – Regulation of Great Barrier Reef Marine Park Permits and Approvals

We appreciate the opportunity to provide comments on the ANAO Report and would like the following to be considered as part of the public hearings on the report.

Telstra is Australia's leading telecommunications company, offering a full range of communications services and competing in all telecommunications markets. We employ close to 32,000 people directly and facilitate access to more than 1,900 points of presence across the globe.

We are committed to reducing our environmental impacts, both arising directly as a result of our activities as well as those of our customers. We seek to achieve this goal through proactive and strategic activities, including by identifying and minimising the environmental impacts of our operations, as well as by working with suppliers to reduce the impacts of the products and services they provide to us.

Telstra's facilities

Telstra owns and/or operates a number of submarine telecommunications facilities that are essential to the functioning of government, the community at large and private sector organisations in the area of the Great Barrier Reef Marine Park ("**Marine Park**"). With the ever increasing use of internet and other high demand communications services, the need for submarine cables and communications facilities is also increasing. The durable nature of submarine telecommunications facilities also provides benefits in areas subject to natural disasters, such as cyclones, which can have far greater impacts on other types of communications infrastructure (e.g. communications towers). Submarine cables also pose a negligible risk of environmental and amenity impacts.

Telstra also operates ground based facilities in the Marine Park, which are primarily related to mobile devices, such as telecommunications towers.

As such, we are regularly involved in activities within the area of the Marine Park, and have done so prior to the park's creation and expect to continue to do so well into the future. We see ourselves as a stakeholder in the management of the Marine Park and have great interest in working with others to develop improvements to the current system which can benefit all interested parties and reflect Australia's international obligations in respect of the Marine Park.

Our comments on the recommendations in the ANAO report

The ANAO Report sets out five recommendations in relation to the management of the permitting system by the Great Barrier Reef Marine Park Authority (“GBRMPA”).

Set out below are our key comments on future opportunities as well as matters which pose a concern to us. We would be happy to discuss these items further.

Recommendations regarding procedure

(a) Standard operating procedures

Telstra supports the suggested improvement of implementing standard operating procedures and greater administrative guidance. It is in the interest of all stakeholders for such guidance and procedures to be made publicly available and for stakeholders to have an opportunity to comment on relevant provisions. As part of this review, Telstra considers that the permit process would benefit from the introduction of mandated timeframes surrounding the permit decision making process, such as:

- a) a timeframe for further information to be requested by the Marine Park Authority; and
- b) a timeframe for making a decision on an application once all required information is provided.¹

Mandated decision timeframes are important for Telstra because it enables the efficient calculation of when an approval will be granted so that contractors and employees can be scheduled to conduct work. Delays in obtaining approvals, such as Marine Park permits, can cause significant extra costs for Telstra. For example, delays lead to contractors suffering increased costs whilst workers and equipment sits idle or isn't fully utilized. This can happen both when scheduled start dates are delayed, or where work schedules need to be compressed to account for a delayed commencement of works.

More importantly, there could be significant consequences to the community, government and business enterprises especially from a protracted delay in providing new/replacement infrastructure that is needed after a major natural disaster (e.g. a cyclone) has struck the area and the community, emergency service organisations and government place additional reliance upon such infrastructure being put in place as soon as staff can safely enter the disaster area.

(b) Standard risk assessment templates

As part of developing standardised risk assessment templates, Telstra supports giving applicants clear guidance as to what needs to be included in applications in order to provide assessors with sufficient information to assess the risk of a particular proposal. However, the guidance must be sufficiently prescriptive in order to ensure that applications will not be automatically rejected because of a view as to whether generally defined requirements are being met.

¹ See sections 88Y and 88Z of the *Great Barrier Reef Marine Park Regulations 1983* (Cth).

If risk assessment templates are not properly and clearly drafted, both the assessors and the applicants will have difficulty in complying with the requirements leading to regular delays where further or alternative materials are requested from applicants.

For example, a minimum information requirement that an environmental assessment be included with the most complex applications (e.g. significant underwater works) may be acceptable. However, if the minimum information requirement is such that the environmental assessment must assess all relevant environmental impacts or be to the satisfaction of the decision maker would not be acceptable. This is because it would not be clear to an applicant whether they meet the minimum standard when they submit the application.

In addition, Telstra supports any efforts to streamline the already significant list of criteria for permits currently listed in the *Great Barrier Reef Marine Park Regulations 1983* (Cth) as these guide the assessment of risk and include a number of matters not considered under other similar laws such as the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (e.g. considering whether a proponent will obtain all approvals in other jurisdictions).

(c) Standard conditions

Telstra supports a review of the standard conditions that apply to permits and would appreciate any opportunity to provide comments on draft standard permit conditions as part of that process. Telstra notes that any standardised permit conditions will need to be flexible enough to account for the varied nature and location of infrastructure and activities in the Marine Park.

Recommendations regarding compliance and enforcement

(a) Compliance monitoring

Telstra supports the implementation of standardised compliance monitoring and reporting frameworks. However, given the remote location of much of its infrastructure, obligations to inspect or otherwise maintain the infrastructure should follow established best practice Australian industry standards for the infrastructure in question.

Any prescriptive standards should be subject to industry consultation to ensure that unnecessary actions are not required. Given the remoteness of the infrastructure, health and safety risks to staff as well as costs increase, if unnecessary actions are to be required to be undertaken.

(b) Permit non-compliance

Telstra considers that the processes for managing alleged non-compliance would benefit from the development of a set of standardised procedures. However, there will always be a need to take into account the varying nature of the infrastructure in question and what may be appropriate for infrastructure such as tourism activities, may not be appropriate for Telstra's infrastructure (which generally has an associated community necessity and benefit).

In this context, Telstra considers that any non-compliance procedures, particularly those that might lead to a requirement to remove infrastructure should be subject to a limitation that they are only used in the most extreme circumstances. That is, where a conviction has occurred or when the holder consents. Removal of infrastructure

following revocation of a permit is costly and has potentially greater environmental impacts. Therefore the power to revoke the permit should be limited to ensure that small potential non-compliances (which are not pursued in the courts) do not enliven a power which could result in greater negative environmental impact than the alleged non-compliance itself.

Telstra considers that any power to order the removal of infrastructure should be limited to the extent that that removal can be lawfully undertaken as any such activities are likely to require *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and other approvals.

Telstra is interested in supporting improvements to the current permit system for the benefit all interested parties while also upholding Australia's international obligations in respect of the Marine Park. We would be happy to further discuss and expand on these comments. Please contact Brian Miller by calling [REDACTED] or emailing [REDACTED] if you wish to do this.

Yours sincerely

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