



Australian Mobile Telecommunications Association and Communications Alliance
Submission to the Senate Standing Committees on Environment and Communications

Telecommunications Legislation Amendment Bill 2018

August 2018

1. Introduction

The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile Carriage Service Providers (CSPs), handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see www.amta.org.au.

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups. Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see www.commsalliance.com.au.

AMTA and Communications Alliance (the Associations) welcome the opportunity to provide comments to the Senate Standing Committees on Environment and Communications (the Committee) in relation to the *Telecommunications Legislation Amendment Bill 2018* (the Bill). The comments are confined to matters contained in Schedule 2 of the Bill which pertain to temporary facilities.

The Associations note the request for specific additional information in reply to a series of questions posed by the Committee in separate correspondence. This submission does not specifically deal with these questions which will be the subject of an additional submission in direct reply to the correspondence.

2. Background - Temporary Facilities Amendments

In July 2017, the Associations submitted a response to DoCA's Consultation Paper on *Possible amendments to telecommunications carrier powers and immunities (June 2017)*. Within the consultation paper (Item 22), it was proposed that installation of some types of portable temporary communications facilities including temporary towers be permitted under the Carrier Powers and Immunities provided in Schedule 3 of the Telecommunications Act.

The consultation paper also canvassed the installation of replacement towers (for maintenance or upgrade) and options for avoiding loss of service to the coverage area during such operations.

In its response to these two proposed amendments in the June 2017 consultation paper, the Associations noted support but provided no detailed comments as there was no proposed drafting for either change. In discussions with DoCA following feedback during the consultation period, the Associations provided further comment including that the installation of a temporary facility nearby

(utilising carrier powers and immunities with suitable constraints) was a practical alternative to avoid loss of service during in situ replacement operations,

Following the release of an exposure draft of Schedule 2 of the Bill in April 2018, the Associations provided detailed feedback on the proposed amendments in separate submissions in April and May 2018, supporting the adoption of amendments to permit the deployment of temporary towers under certain conditions.

The Associations are therefore pleased that the proposed amendments include provision for installation of temporary facilities for both meeting service demands associated with events and holiday periods as well as for maintenance and replacements operations associated with existing facilities.

3. Comments

The Associations' remain highly supportive of the proposed amendments as outlined in the exposure draft and in the Department's response to submissions. The ability to deploy temporary towers under certain conditions will greatly facilitate the provision of mobile telecommunications supporting public events, holiday periods and importantly good communications for public safety agencies and other responders during times of emergency. It will also benefit consumers and businesses by helping to ensure the continuity of service during in situ maintenance operations.

We have previously noted some potential clarifications that may be useful in either the amendments to the Act; the consequent amendments to the Low Impact Facilities Determination (LIFD) or other such legislative instrument implementing these provisions in the Act; or in an explanatory statement or similar document associated with the Act, the LIFD or other instrument.

- 1. Height limits:** - We request that the Department provide an explicit statement in the explanatory material or elsewhere that the height limit does not include the height of antennas attached to the tower.
- 2. Emergency operations:** - The Associations request that the Department make it clear in the explanatory material or elsewhere that the reliance on the new Clauses 6(5) (b) or (c) and 7(3A) as suggested by the Department in its response to submissions will permit the installation of a temporary facility to maintain network coverage during or following a natural disaster. Also, for the avoidance of doubt, it is requested that the explanatory material specifically mention that reference to 'facility' in the amendments includes but is not limited to a temporary tower.

We also note the specific advice of the Department that the related emergency provisions would not include a height limit.

- 3. Notification and objection processes:** - While the Associations accept the Departments position stated in response to submissions that a separate notification and objection procedure is not required if Clause 17(6) of Schedule 3 of the *Telecommunications Act 1997* can be relied on for unplanned activities requiring temporary installations including maintenance of coverage, the Associations would prefer that Clause 17(6) be expanded to explicitly include an emergency event.

4. Temporary facilities installed for a peak holiday period - use of public land: - The Associations request clarification of how 'public land' is to be defined.

5. Temporary facilities other than a tower: - The Department has indicated in response to previous submissions that temporary facilities other than the tower itself are not the subject of these amendments, but could be allowed in subsequent amendments to the LIFD required to implement the proposed changes to the Act (and therefore are not specifically allowed or disallowed by the amendments in the Bill). The Associations request that it be made clear in the Bill, the LIFD, the explanatory material or elsewhere that the Act allows for the installation of temporary antennas, equipment, equipment shelters, power sources and fibre associated with a temporary tower facility.

4. Concluding Remarks

The Associations are pleased with the continued progress of the reform of the regulatory framework to better enable the deployment of mobile and wireless network infrastructure, in particular in this case the permitting of the installation of temporary towers under certain circumstances.

The Associations support the introduction of the amendments providing abbreviated planning and statutory requirements for a range of temporary facility installations and agree these should now be introduced without delay. However, the Associations also makes some suggestions for further clarity in either the Bill, the LIFD or other instrument implementing the Act, or in the associated explanatory materials, as outlined.

For any questions in relation to this submission, please contact Ray McKenzie, MCF Manager, AMTA
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Alliance