Submission 045
Received 11/11/11

pipenetworks

11 November 2011

Committee Secretary
House of Representatives Standing Committee on Infrastructure and Communications
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

Re: Telecommunications Amendment (Enhancing Community Consultation) Bill 2011 ("the Bill")

Thank you for the opportunity to make a submission in respect of the above Bill introduced by Mr Andrew Wilkie MP on 21 September 2011.

While PIPE Networks understands and sympathises with Mr Wilkie's concerns in respect of the installation of communications towers under Schedule 3 of the *Telecommunications Act 1997 (Cth)* ("the Act"), we believe the application of the proposed amendments in the Bill to carriers installing or performing maintenance on *any* low-impact facilities is excessive and could be achieved by other, less detrimental means.

We believe that the concerns raised below by PIPE Networks, as the operator of one of the country's largest metropolitan optic fibre networks, are particularly relevant in light of the National Broadband Network roll-out.

PIPE Networks strongly believe that the additional costs and delay in installing our facilities, which consists almost exclusively of in-building subscriber connection equipment and underground conduit and cables, is disproportionate to the benefit such amendments are intended to provide and we further believe that this matter could be addressed without causing detriment to carriers installing facilities that are not communications towers.

We discuss in further detail the three proposed amendments of most concern below:

Amendment to clause 17(1)

If the Bill is passed, clause 17(1) of Schedule 3 to the Act will have the effect of requiring carriers to provide written notice to the owner or occupier of any land within 500 metres of the facility to be installed under Division 3 or 4, which includes installation and maintenance of low impact facilities.

In a CBD area, the number of separate land parcels in a 500 metre radius may be quite high meaning a large number of notices may have to be issued for every installation and a huge increase in time and resources spent identifying every person in this area that may then be

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entitled to a notice. Given the broad definition of "occupier" for the purposes of Schedule 3, in CBD areas this, at worst, may require carriers to notify every tenant on every floor of every building within that 500 metre radius every time they install a new facility or conduct maintenance on an existing facility, which would be incredibly burdensome on a carrier.

In the case of small low-value installations the cost of complying with the requirements of the proposed amendments in respect of the initial installation alone could make offering such services in high density areas commercially unviable, let alone making provision for the same requirements in respect of any future maintenance activities that may be required.

PIPE Networks does not believe that owners and occupiers of nearby buildings should be notified of the proposed installation of low-impact facilities that are not actually visible outside of the building they are to be installed in, nor should there be any need to notify owners and occupiers of nearby land of maintenance activities to be conducted on such facilities.

Amendment to clause 17(4)

The suggested amendment to clause 17(4) of the Act would require carriers to give the owners and occupiers (and owners and occupiers within 500 metres under the above amendment to clause 17(1) of the Act) thirty (30) business days' notice, rather than ten (10) business days' notice. We do not believe this additional four week delay is necessary in respect of most low-impact facilities, especially not in respect of maintenance.

By way of example, the most common form of maintenance of low-impact facilities performed by PIPE Networks is splicing, which often requires access only to a wall box (usually located in a buildings' MDF Room or other unobtrusive location) and the fibre termination panel located within our customer's tenancy. Splicing simply involves joining two fibres together end-to-end, it does not involve the installation of any additional cables or infrastructure. We fail to see why such activities would be of interest to owners and occupiers of land within 500 metres of the building in which the low-impact facility maintenance is to be conducted.

Amendment to clause 27(1)(g)(ii)

The suggested amendment to clause 27(1)(g)(ii) would rule out the ability of the Australian Communications and Media Authority ("ACMA") to issue a facility installation permit to install low-impact facilities on buildings or land within 100 metres of a community sensitive site which includes residential areas, childcare centres, schools, aged care centres, hospitals, playgrounds and regional icons. Where a facility is not actually visible outside of the land it is to be installed on and the type of facility is not linked to or speculated to cause any health problems, we do not believe there is any reason to remove the ACMA's ability to issue a facility installation permit.

Alternative

We believe a more appropriate method of addressing Mr Wilkie's concerns regarding communications towers would be to either:

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- Remove communications towers from the Low-Impact Facilities Determination 1997, meaning that a carrier cannot rely on powers under Schedule 3 of the Act to install such facilities; or
- Amending the Bill such that these increased notification requirements apply only to the installation of communications towers.

Should you have any queries in relation to the above or if there is any other information we can provide you on this issue please do not hesitate to contact us.

Sincerely,

PIPE NETWORKS PTY LIMITED

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