GENERAL

G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED.

G2. ANY QUERIES OR DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER OR PROJECT MANAGER FOR A DECISION PRIOR TO PROCEEDING WITH THE WORK.

G3. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE APPROPRIATE AUSTRALIAN STANDARD AND THE BCA AS AMENDED.

G4. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.

G5. ALL DIMENSIONS SHALL BE VERIFIED BY THE BUILDER ON SITE PRIOR TO ANY FABRICATION OR CONSTRUCTION.

G6. DIMENSIONS AND SITE SETOUT SHALL NOT BE OBTAINED BY SCALING THE STRUCTURAL DRAWINGS.

G7. TEMPORARY BRACING OR PROPPING TO ENSURE THE STRUCTURE IS KEPT IN A STABLE STATE IS THE RESPONSIBILITY OF THE BUILDER.

G8. THE STRUCTURAL ELEMENTS SHOWN ON THESE DRAWINGS HAVE BEEN DESIGNED FOR THE FOLLOWING LIVE LOADS:

STRUCTURAL ELEMENT	LIVE LOAD kPa
N/A	N/A

G9. WIND LOADS TO AS1170.2

REGION	A	B	C
WIND TERRAIN CATEGORY	3	3	3
REGION WIND SPEED ULS V500	45m/s	57m/s	69.3m/s
REGION WIND SPEED SLS V1	30m/s	26m/s	23m/s

FOUNDATIONS

F1. THE FOUNDATIONS HAVE BEEN DESIGNED FOR AN ALLOWABLE BEARING PRESSURE OF 150 kPa.

F2. APPROVAL OF THE FOUNDING MATERIAL SHALL BE OBTAINED FROM THE ENGINEER OR GEOTECHNICAL ENGINEER PRIOR TO PLACING THE CONCRETE.

F3. EXCAVATION NEAR FOOTINGS SHALL NOT EXTEND BELOW THE BASE OF THE FOOTINGS WITHOUT THE APPROVAL OF THE ENGINEER.

F4. THE BUILDER IS RESPONSIBLE FOR MAINTAINING ANY EXCAVATION IN A STABLE CONDITION WITHOUT AFFECTING SURROUNDING PROPERTY FOR SERVICES. BUILDER TO ALLOW FOR ALL SHORING REQUIRED FOR EXCAVATION OF PILE CAPS.

F5. BUILDER TO ALLOW FOR REMOVAL OF ALL SPOIL FROM SITE FROM EXCAVATIONS, PILING AND PIERING.

F6. ALL TOP-SOIL & LOOSE MATERIAL TO BE REMOVED FROM THE SLAB AREA. COMPACTED FILL IN ACCORDANCE WITH AS2870 SECTION 6.4 IF REQUIRED.

CONCRETE

C1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST VERSION OF AS3600.

C2. 'READYMIX' CONCRETE SHALL COMPLY WITH AS1379 AND HAVE THE FOLLOWING QUALITY.

STRUCTURAL ELEMENT	AS3600; f'c (MPa) AT 28 DAYS	SLUMP (mm)	AGG SIZE (mm)
PIERS	32	80	20

C3. ALL CONCRETE SHALL BE MECHANICALLY VIBRATED TO GIVE MAXIMUM COMPACTION WITHOUT SEGREGATION OF THE CONCRETE.

C4. THE DESIGN, CONSTRUCTION, INSPECTION AND CERTIFICATION OF THE FALSEWORK, FORMWORK, PROPPING OR LOADING OF STRUCTURES DURING CONSTRUCTION BY THE FALSEWORK OR PROPPING SHALL BE THE RESPONSIBILITY OF THE BUILDER AND SUB-CONTRACTORS.

C5. CLEAR CONCRETE COVER TO THE REINFORCEMENT SHALL BE AS FOLLOWS:

STRUCTURAL ELEMENT	COVER INTERNAL (mm)	COVER EXTERNAL (mm)
PIERS	45 ALL AROUND	

CONCRETE (CONTINUED)

C6. LAPPED SPLICE LENGTHS FOR HORIZONTAL BARS WITH MORE THAN 300mm CONCRETE CAST BELOW THE BAR & SPACED AT ≥ 150mm CENTRES TO COMPLY WITH THE FOLLOWING U.N.O.:-

COVER	fc	N12	N16	N20	N24	N28	N32
≥25	≥20	770	1150	1570	-	-	-
≥30	≥25	630	980	1350	1740	-	-
≥40	≥32	510	770	1100	1440	1810	2230
≥50	≥40	440	630	890	1200	1530	1890

DO NOT INTERPOLATE INTERMEDIATE VALUES OF SPLICE LENGTHS.
LAPPED SPLICE LENGTHS FOR BARS IN COLUMNS REFER TO AS3600 OR SUPERINTENDENT.
EPOXY COATED BARS, BARS IN LIGHTWEIGHT CONCRETE & SLIP FORMED CONCRETE WILL REQUIRE LONGER SPLICE LENGTHS. REFER TO AS3600 OR SUPERINTENDENT.

C7. LAPPED SPLICE LENGTHS FOR VERTICAL BARS (& HORIZONTAL BARS WITH LESS THAN 300mm CONCRETE CAST BELOW THE BAR) SPACED AT ≥150mm CENTRES TO COMPLY WITH THE FOLLOWING:-

COVER	fc	N12	N16	N20	N24	N28	N32
≥25	≥20	590	890	1210	-	-	-
≥30	≥25	490	750	1060	1360	-	-
≥40	≥32	390	600	860	1110	1400	1710
≥50	≥40	350	480	690	920	1180	1450

NOT APPLICABLE FOR BARS IN COLUMNS.
DO NOT INTERPOLATE INTERMEDIATE VALUES OF SPLICE LENGTHS.
LAPPED SPLICE LENGTHS FOR BARS IN COLUMNS REFER TO AS3600 OR SUPERINTENDENT.
EPOXY COATED BARS, BARS IN LIGHTWEIGHT CONCRETE & SLIP FORMED CONCRETE WILL REQUIRE LONGER SPLICE LENGTHS. REFER TO AS3600 OR SUPERINTENDENT.

C8. PROVIDE MINIMUM MESH LAPS TO CROSS WIRES OF REINFORCING MESH, SO THAT TWO OUTERMOST WIRES OF ONE SHEET OVERLAP TWO OUTERMOST WIRES OF ADJACENT SHEET BY AT LEAST 25mm, THUS:-

MESH TYPE	END LAP	SIDE LAP
RECTANGULAR MESHES	225	125
SQUARE MESHES SL102 TO SL42	225	225
SL81	125	125
TRENCH MESH	500	N/A

USE LAP LENGTHS BASED ON LARGEST WIRE SPACING. DO NOT LAP MORE THAN THREE SHEETS AT ANY ONE POINT.

C9. REINFORCEMENT SHALL NOT BE HEATED OR WELDED ON SITE WITHOUT THE APPROVAL OF THE ENGINEER.

C10. ALLOW FOR N12-300 SUPPORT BARS PERPENDICULAR TO ALL REINFORCEMENT WHERE NO PERPENDICULAR BARS ARE SHOWN ON PLAN.

C11. REINFORCEMENT SHALL BE IN ACCORDANCE WITH AS1302 AND AS4671 FOR 500 MPa REINFORCEMENT AND DUCTILITY CLASS N.
IN ACCORDANCE WITH AS1303, 1304 AND AS4671 FOR 500 MPa REINFORCEMENT DUCTILITY CLASS L.

C12. DAMP PROOF MEMBRANE SHALL BE 'FORTECON' ORANGE POLYTHENE.

C13. [250] INDICATES SUSPENDED SLAB THICKNESS.

C14. (250) INDICATES SLAB ON GROUND THICKNESS.

STRUCTURAL STEEL

S1. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH AS4100, AS1554 AND AS4600.

S2. STEEL MEMBERS TO HAVE THE FOLLOWING GRADES:

MEMBER	GRADE
HOT ROLLED SECTIONS UB's, UC's, PFC's AND ANGLES	300
HOLLOW SECTIONS CHS, SHS AND RHS	350
COLD FORMED PURLINS AND GIRTS	480
FLAT BARS, PLATES AND RODS	250

S3. BOLT DESIGNATION:

4.6/S	GRADE 4.6 BOLTS TO AS1111 SNUG TIGHTENED
8.8/S	HIGH STRENGTH GRADE 8.8 TO AS1252 SNUG TIGHTENED
8.8/TB	HIGH STRENGTH GRADE 8.8 TO AS1252 FULLY TENSIONED TO AS4100 AS A BEARING JOINT
8.8/TF	HIGH STRENGTH GRADE 8.8 TO AS1252 FULLY TENSIONED TO AS4100 AS A FRICTION JOINT WITH CONTACT SURFACES LEFT UNCOATED

S4. ALL BOLTS TO BE M20 GRADE 8.8/S U.N.O ON STRUCTURAL DRAWINGS.
NO STEEL TO STEEL CONNECTION TO HAVE LESS THAN 2 BOLTS.

S5. ALL PLATES, GUSSETS, FINS ETC TO BE 10mm THICK MINIMUM.
ALL WELDS TO BE 6mm CONTINUOUS FILLET WELDS ALL AROUND U.N.O.
BUTT WELDS TO BE FULL PENETRATION.
ELECTRODES TO BE E48XX/W50X U.N.O.
ALL WELDS TO BE STRUCTURAL PURPOSE (SP) U.N.O.

S6. THE BUILDER SHALL PROVIDE ALL CLEATS AND HOLES NECESSARY FOR ALL ATTACHMENTS WHETHER SHOWN ON STRUCTURAL DRAWINGS OR NOT.

S7. PROVIDE HOOK BOLTS FROM BRACING TO PURLINS AT BRACING MID POINT TO PREVENT SAG IN BRACING.

S8. THE BUILDER SHALL MAINTAIN THE STRUCTURE AND STRUCTURAL STEEL IN A STABLE CONDITION DURING THE CONSTRUCTION AND SHALL PROVIDE TEMPORARY BRACING, FALSEWORK OR PROPPING AS REQUIRED TO ACHIEVE THIS. THIS BRACING ETC SHALL BE AT THE COST OF THE BUILDER.

S9. THE BUILDER SHALL PROVIDE 4 COPIES OF STRUCTURAL STEEL SHOP DRAWINGS FOR APPROVAL BY THE ENGINEER 14 DAYS PRIOR TO FABRICATION.

S10. STRUCTURAL STEELWORK TO HAVE THE FOLLOWING SURFACE TREATMENT:

ELEMENT	SURFACE TREATMENT	SURFACE COATING
ALL STEEL	PICKLE TO AS1627 PART 5	HOT DIP GALVANISE TO AS4680:2006

S11. ALL SITE WELDED GALVANIZED STEELWORK TO BE PAINTED WITH 2 COATS OF 'GALVANITE'.

FOR CONSTRUCTION

ISS	DATE	COMMENT
1	23/11/16	FOR CONSTRUCTION
2	25/11/16	STEELWORK NOTES ADDED

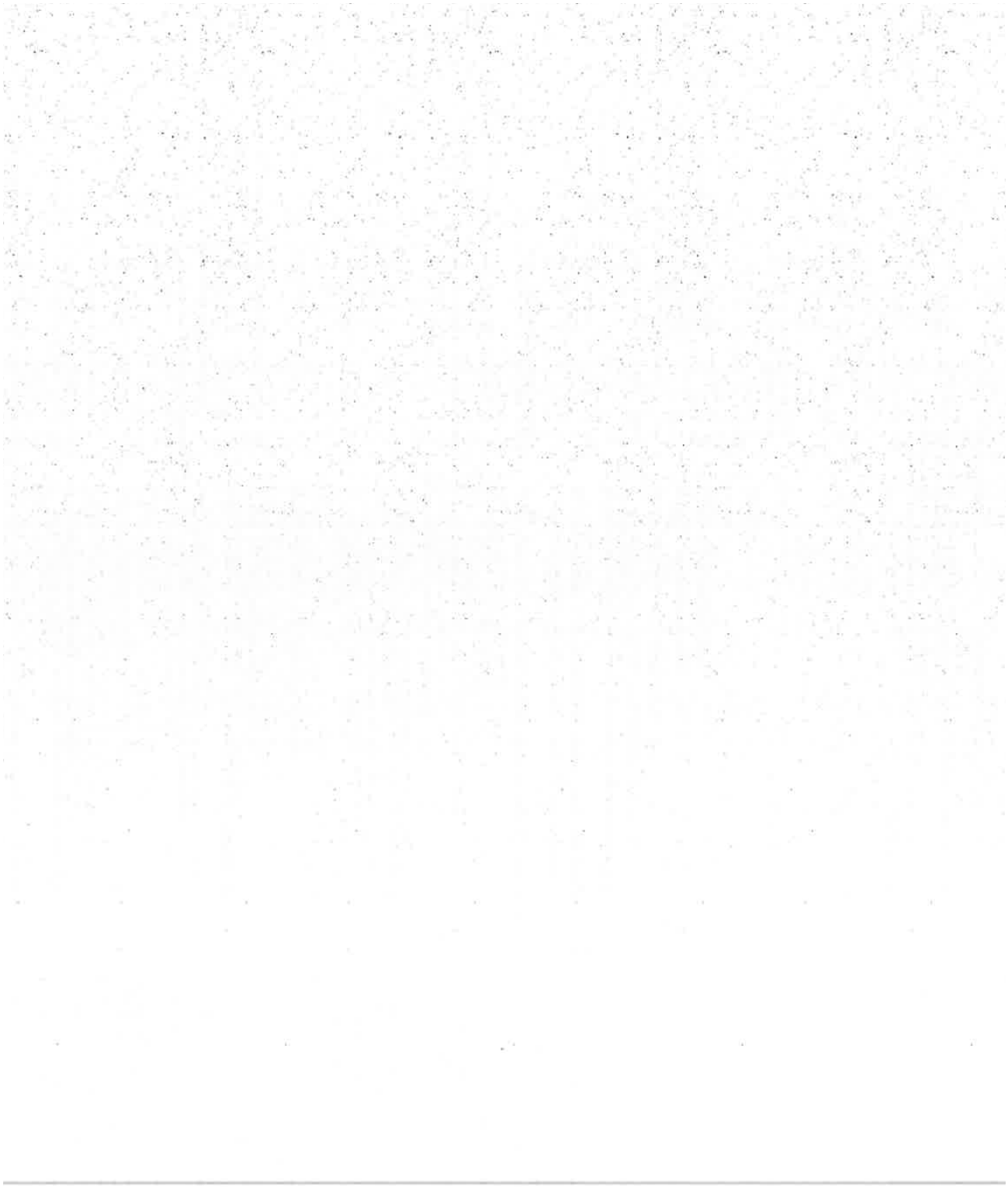
DBCE Dennis Bunt
Suite 1, Building 8, 49 Frenchs Forest Road East, Frenchs Forest, NSW 2086
P.O. Box 652, Forestville, NSW 2087
Ph: 02 9451 3455 Fax: 02 9451 3466
Email: Info@dbce.com.au
ABN 23 039 013 724

CLIENT: SIGNPAC

PROJECT: SIGNPAC DIGITAL SIGN

TITLE: STRUCTURAL NOTES

DRAWN RAS	DESIGN JL	DATE: Nov'16	
JOB NO: 16335		DWG NO: S01	
SCALE @ A3: AS SHOWN		REV: 2	



NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

Applicant:	Tanduringie State School C/- Linet Pincott
Application No:	OPW23/0010
Proposal:	Operation Work (Signage)
Street Address:	18 Main Street, Maidenwell
RP Description:	Lot 6 on SP229731
Assessment Type:	Code Assessment
Number of Submissions:	N/A

On 22 May 2023 the above development was recommended for:

☒ Approval
☐ Refusal

1. Reasons for the Decision

The reasons for this decision are:

- Development is consistent with overall outcomes for the zone.
- Reasonable and relevant conditions have been imposed to ensure compliance with the South Burnett Planning Scheme 2017 v1.4

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- Third Party Sign code

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

Note: Each application submitted to Council is assessed individually on its own merit.

15.3 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

File Number: **14-06-2023**

Author: **Administration Officer**

Authoriser: **Chief Executive Officer**

PRECIS

List of correspondence pending completion of assessment report.

SUMMARY

Reports pending completion of assessment as of 31 May 2023.

OFFICER'S RECOMMENDATION

That the List of correspondence pending completion of assessment report as of 31 May 2023 be received.

REPORT

Reconfiguration of a lot (RAL) applications

1. RAL22/0011 – Easement associated with MCU22/0004 at 79 Zerners Road MURGON
2. RAL22/0042 – Reconfiguration of a lot – Subdivision (1 Lot into 10 Lots) at 14503 D'Aguilar Highway, NANANGO
3. RAL23/0002 – Reconfiguration of a lot – Boundary Realignment at 858 Memerambi Gordonbrook Road GORDONBROOK
4. RAL23/0003 – Reconfiguration of a lot – Access Easement at Knight Street KINGAROY
5. RAL23/0004 – Reconfiguration of a lot – Combined Application Subdivision (1 Lot into 31 Lots) and associated Operational Work at Kelvyn Street KINGAROY (not properly made)
6. RAL23/0005 – Reconfiguration of a lot – Subdivision (1 Lot into 3 Lots) at 43 Brett Road BLACKBUTT SOUTH
7. RAL23/0006 – Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 46 Kingaroy Burrandowan Road TAABINGA
8. RAL23/0007 – Reconfiguration of a lot – Boundary Realignment at Weens Road KINGAROY
9. RAL23/0008 – Reconfiguration of a lot – Easement (associated with MCU23/0008) at 20 Fork Hill Drive KINGAROY
10. RAL23/0009 – Reconfiguration of a lot – Subdivision (1 Lot into 3 Lots) at 118 Gilliland Crescent BLACKBUTT NORTH

Material Change of Use (MCU) Applications

1. MCU21/0017 – Material Change of Use – Expansion of the existing piggery (57,000SPU) at 592 Morgans Road, WINDERA (and described as Lot 49 on MZ555 & Lot 203 on SP251979)

2. MCU21/0019 – Other Change to Existing Approval - Material Change of Use (Master Planned Community and Development Permit for Reconfiguration of a lot (1 lot into 6 lots plus parkland dedication) at Corner Bunya Highway & Taylors Road KINGAROY

3. MCU22/0004 – Extractive Industry and Easement at 79 Zerners Road MURGON

4. MCU22/0011 – Motorsport and Ancillary Facilities and Caretakers' Residence and ERA (63) for Sewerage Treatment at Lewis Duff Road BALLOGIE

5. MCU22/0018 – Agricultural supplies store and Special Industry (Manufacturing fertiliser) and concurrent ERA 7 (Chemical Manufacturing) at 107 River Road KINGAROY

6. MCU22/0034 – Major Utility Infrastructure – Solar Farm at Bowman Road BLACKBUTT

7. MCU23/0002 – Material Change of Use – Three (3) Additional Short-Term Accommodation Units at 5 Evelyn Street KINGAROY

8. MCU23/0003 – Material Change of Use – Warehouse (Self-Storage Facility) at 41-43 Pring Street WONDAI

9. MCU23/0005 – Material Change of Use – Warehouse at Bunya Highway KINGAROY

10. MCU23/0006 – Material Change of Use – Dual Occupancy at 27B Kingaroy Street KINGAROY

11. MCU23/0007 – Minor Change to Existing Approval – Material Change of Use (Increase to Number of Units and Associated Layout Changes) at 95 Markwell Street KINGAROY

12. MCU23/0008 – Material Change of Use – Food & Drink Outlet and Function Facility (associated with RAL23/0008) at 20 Fork Hill Drive MOFFATDALE

13. MCU23/0009 – Material Change of Use – Three (3) Additional Multi Dwelling Units at 42 & 44 Markwell Street KINGAROY

14. MCU23/0010 – Material Change of Use – Bulk Landscape Supplies Yard at 100 River Road KINGAROY

Operational Works (OPW) Applications

1. OPW23/0002 – Roadworks at 79 Tim Dwyer Road EAST NANANGO
2. OPW23/0005 – Filling or excavation at 468 Proston Boondooma Road ROSTON
3. OPW23/0006 – Roadwork, Stormwater, Water Infrastructure, Drainage Work, Earthworks, Sewerage Infrastructure and Landscaping at Kelvyn Street KINGAROY
4. OPW23/0007 – Roadwork, Stormwater, Drainage Work and Earthworks at Oliver Road KINGAROY
5. OPW23/0008 – Water Infrastructure, Stormwater, Sewerage Infrastructure, Roadworks, Drainage Works, Earthworks and Clearing Vegetation at Fairway Drive NANANGO
6. OPW23/0009 – Water Infrastructure at 155 Boat Mountain Road MURGON

ATTACHMENTS

Nil

16 QUESTIONS ON NOTICE

16.1 PURCHASE OF LOCAL HISTORY BOOKS FOR LIBRARIES

File Number: **14-06-2023**

Author: **Manager Community & Lifestyle**

Authoriser: **Chief Executive Officer**

The following question on notice was received from Councillor Kirstie Schumacher.

Question

Can local history books be purchased for our Libraries?

Response

The library does keep a collection of local history books for loan and a copy of The Blog available for browsing as it is a large format book. The Visitor Information Centre have the following titles available for purchase:

Windera SS History

Kingaroy Centenary Sporting Snapshots

Christ Church Murgon

Blue Remembered Hills Poem Book

Saul Mendelsohn & The Brisbane Ladies

Desert Wealth

Then & Now

The Gathering of the Waters

The First 100 Years

Landscapes of Change

Streets Apart

Short Story Collection – Barbara King

Wooroolin Centenary of Settlement

The Bog

RECOMMENDATION

That the response to the question regarding local history book purchases raised by Councillor Kirstie Schumacher be received and noted.

ATTACHMENTS

Nil

16.2 SOLAR PANELS NANANGO VISITOR INFORMATION CENTRE

File Number: **14/06/2023**

Author: **Manager Finance & Sustainability**

Authoriser: **Chief Executive Officer**

The following question on notice was received from Councillor Jane Erkens.

Question

Has there been any savings with the solar panels being on the Nanango Visitor Information Centre?

Response

With the solar panels installed approximately within two (2) years after the official opening in 2009, the archive retention period for financials and a change in our financial system in 2013, Council is unable to provide an accurate comparison of electricity savings for the Nanango Visitor Information Centre since their installation.

RECOMMENDATION

That the response to the question regarding Solar Panels Nanango Visitor Information Centre raised by Councillor Jane Erkens be received and noted.

ATTACHMENTS

Nil

16.3 ALGA 5G RESOLUTION

File Number: **14.06.2023**

Author: **General Manager Liveability**

Authoriser: **Chief Executive Officer**

The following question on notice was received from Councillor Otto.

Question

Question on Notice from Mayor Brett Otto:

The Australian Local Government Association (ALGA) had passed a resolution a few years back to approach the Federal Government to give local Councils greater authority in relation to upgrades of existing telecommunications infrastructure. What was this resolution and what is the status?

Response

At the 2019 the Australian Local Government Association (ALGA) passed the following resolution.

91 Port Phillip City, VIC **Carried**

That the National General Assembly (NGA) calls on the Commonwealth Government to amend the Telecommunications Act 1997, to improve the existing standards for the delivery of so called "low impact" facilities, by introducing guidelines or other regulation that requires enhanced consultation with the community and other stakeholders and consideration of community amenity in the design and placement of facilities.

In September 2019, The House of Representatives Standing Committee on Communications and the Arts commencement an inquiry into and report on the deployment, adoption and application of 5G in Australia.

Terms of Reference

The House of Representatives Standing Committee on Communications and the Arts will inquire into and report on the deployment, adoption and application of 5G in Australia.

5G refers to the fifth generation of mobile technology, in line with the International Mobile Telecommunications-2020 (IMT-2020) Standard of the International Telecommunications Union and the associated releases of the 3rd Generation Partnership Project (3GPP).

The Committee will:

1. Investigate the capability, capacity and deployment of 5G;
2. Understand the application of 5G, including use cases for enterprise and government.

ALGA provided a submission to the inquiry which is attached for Council's information.

The Australian Government response to the Inquiry is also attached for Council's information

In October 2020 the Australian Government also undertook community consultation in relation to the following matter - *"To improve the powers and immunities framework to balance the interests of stakeholders with the provision of modern telecommunications services"*

Improving the telecommunications powers and immunities framework.

September 2020

The Issue

Telecommunications companies have some powers to enter land and install and maintain some types of telecommunications facilities, and some immunities from some state and territory legislation when doing so.

The laws are set out under Schedule 3 to the *Telecommunications Act 1997* and are critical to the efficient construction and maintenance of telecommunications networks.

The Department is consulting on possible changes to strike the right balance between the community's need to access reliable, affordable telecommunications services and ensuring that property owners, local governments and communities have a say in the deployment of infrastructure that affects them.

Most aspects of carrier powers and immunities have been in place since 1997. Since then, communications technologies have evolved rapidly, and demand for services and data has increased dramatically.

The upcoming scale and level of investment in 5G networks requires a review of the powers and immunities framework to ensure it is efficient and effective in today's operating environment. This paper seeks stakeholder feedback on how to balance both deployment and landowner needs.

In 2017, the Government consulted on 24 proposed reforms to the powers and immunities framework requested by mobile carriers and NBN Co. Of the 24 proposals, the Government at the time implemented 10 reforms in 2018 and agreed to consult further on the remaining reform proposals.

In 2018, the Department established the Powers and Immunities Reference Group (PIRG) to improve the operation of the existing powers and immunities framework. The PIRG comprised carriers and property owner stakeholder groups including the Property Council of Australia, the Australian Local Government Association, rail and road authorities, and water and energy utilities.

The ideas in this consultation process have been drawn from the public submissions to the 2017 consultation process, discussions held at the PIRG and carrier workshops.

Your feedback on the proposals is important in assisting Government to consider what reforms are required to achieve a powers and immunities framework that meets the needs of modern Australia.

ALGA provided a submission to the process which is attached for Council's information. The Consultation Paper and Consultation Outcomes Paper is also attached.

Following the consultation process the Minister for Communications, Urban Infrastructure, Cities and the Arts agreed to make the *Telecommunications Code of Practice 2021* (Code of Practice) and the *Telecommunications (Low-impact Facilities) Amendment Determination 2021* (LIFD).

These instruments implement seven of the 12 proposals from the consultation paper released in September 2020.

It is understood the current operational framework reflects changes made as part of these reviews.

The attached documents have been supplied for Information only noting the report and information supplied is non exhaustive in relation to this subject matter and no commentary is provided in relation to the framework, consultation processes or outcomes.

RECOMMENDATION

That the response to the question regarding an Australian Local Government Association (ALGA) resolution to approach the Federal Government in relation to upgrades of existing telecommunications infrastructure raised by Councillor Otto be received and noted.

ATTACHMENTS

1. ALGA Submission to Inquiry into 5G - Nov 2019

2. **SCCA Government Response November 2020**
3. **Consulation improving the telecommunications powers and immunities framework**
4. **ALGA submission - Consulation improving the telecommunications powers and immunities framework**
5. **Consultation Outcomes - improving the telecommunications powers and immunities framework**

AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

Submission to The House of Representatives Standing Committee on Communications and the Arts

In response to the Inquiry into the deployment, adoption and application of 5G in Australia

1 November 2019

The Australian Local Government Association (ALGA) welcomes the opportunity to make comments on the inquiry by the House of Representatives Standing Committee on Communications and the Arts into the deployment, adoption and application of 5G in Australia.

ALGA is the voice of local government in Australia, representing around 537 councils across the nation. ALGA's President represents local government as a member of the Council of Australian Governments and several other ministerial councils. In structure, ALGA is a federation of state and territory local government associations. This submission should be read in conjunction with any separate submissions received from state and territory associations as well as individual councils.

Comments

There is no doubt that 5G is a quantum leap in technology. The Commonwealth Government's Smart Cities Plan is a vision to maximise the potential of cities by embracing new technology to revolutionalise how cities and regional centres are planned, function and to grow Australia's economy. The advent of 5G will utilise technology advancements to exponentially increase the amount of software and applications available to all levels of government and communities to feed into the Internet of Things.

While Australians support the rollout of modern infrastructure, there have been concerns raised by communities, individuals and councils over the safety of 5G, and also about the proliferation of telecommunications infrastructure, including being located on council owned infrastructure. Local government has in the past expressed concerns about the rollout of telecommunications equipment, and restates its position that the rollout of 5G should not override important planning, heritage, consultation and safety assessment provisions.

Although there has been much hype over what the rollout of 5G and the Internet of Things will bring, there seems limited understanding in the community of exactly what 5G will deliver and detail of how it will work. This situation has given rise to uncertainties about 5G including health concerns over the higher frequency emissions under which 5G will operate. A number of councils in Australia have expressed concerns over the health risks of electromagnetic radiation of 5G. A number of overseas cities have taken similar action to stop the rollout of 5G.

The proliferation of 5G and other telecommunications infrastructure has also been an issue of concern to a number of councils. This proliferation includes attaching increasing numbers of telecommunications structures to local and state government and privately held infrastructure. While ALGA supports the rollout of modern telecommunications infrastructure to improve the lifestyles, environment and economy of cities and towns, it needs to be balanced with proper process to ensure structural integrity, safety, urban design, visual amenity is retained and visual interference (eg. along road corridors) is minimised. Local government planning legislation and community consultation exist for a reason – to ensure that facilities and infrastructure meet certain standards and safety requirements.

ALGA also restates its long-held position that telecommunications should be delivered equitably to all Australians no matter where they live. Currently there are regional areas which still lack access to reliable connectivity, and which pay a higher cost for services compared to their metropolitan counterparts. The issue of black spots still affects regional, rural and remote areas of Australia and can negatively impact on individuals' and communities' access to emergency and health services, social

connections and the increasing number of online government services. These communities are likely to continue to be disadvantaged under 5G.

ALGA encourages the Commonwealth Government to lead the agenda on the 5G rollout, rather than leave the rollout to be driven by commercial interests. Commercial interest needs to be balanced with planning laws which are designed to protect public safety, limit the impacts on the environment and also to ensure the community has a say in the planning process.

ALGA is aware that the Department of Communications and the Arts has engaged the Australian Council of Learned Academics (ACOLA) to consult stakeholders and develop a report on the Internet of Things over the next 12 months. The project will examine social, cultural, legal, ethical, economic and environmental implications of deployment of IoT in Australia. It will present an evidence base to support government decision making and help to ensure the safe and responsible implementation of this transformative technology.

ALGA encourages the Commonwealth Government to undertake a similar process in relation to 5G.

Recommendation

ALGA recommends that the Commonwealth develop and release an issues paper which provides a framework to underpin the rollout of 5G. The issues paper could include:

- a policy framework which would guide the rollout of 5G;
- a review of international models which have been successfully rolled out;
- a comprehensive explanation of the facts of 5G - to demonstrate what 5G will mean to organisations and individuals in real terms (eg. driverless vehicles, traffic congestion) and the infrastructure which will be needed to enable this to occur (eg. lenses and sensors etc);
- a researched position on the safety concerns being raised by Australians and overseas countries; and
- a timetable for a structured way forward.

The issues paper would improve understanding and stimulate debate on the issues which are currently not well understood, despite 5G being mooted for at least 3 years.

Adrian Beresford-Wylie
Chief Executive

Australian Government

Australian Government response to the House of Representatives Standing Committee on Communications and the Arts:

'The Next Gen Future'

Inquiry into the deployment, adoption and application of 5G in Australia

November 2020

The Australian Government welcomes the recommendations outlined in *The Next Gen Future* report and thanks the Committee for its work.

Digital connectivity is a key enabler of Australia's social and economic activity. The mobile and fixed telecommunications networks that provide this connectivity are critical to our lives. The fifth generation of mobile technology, or 5G, represents a step change in mobile communications, with a number of advances on 4G.

The Government has been actively supporting 5G, recognising its potential to support new and improved applications for consumer, industrial and enterprise uses. In October 2017, we released Australia's 5G Strategy outlining actions to support the roll out of 5G. Since then we have been making strong progress against the actions outlined in the strategy creating an enabling environment for carriers to establish 5G networks.

The Government is further supporting 5G now that is has reached a level of maturity that enables more advanced use cases to be demonstrated. Through the Australian 5G Innovation Initiative announced in the 2022-21 Budget, the Government is investing in demonstrating the benefits of 5G to businesses through funding practical trials and testbeds of 5G technology. These trials will also showcase the benefits of the technology more widely to all Australians.

Competition is the foundation of Australia's 5G Strategy. Competition in Australia's mobile market has been highly successful in delivering investment in infrastructure across metropolitan and regional Australia, strong consumer take-up of mobile services, and positive consumer outcomes on pricing and inclusions. The GSMA has assessed Australia as having some of the world's best mobile services.

The Committee's report provides a timely insight into the opportunities 5G can bring to the Australian economy from improvements in productivity, new use cases for the Internet of Things and smart cities, regions, and industries. The recommendations touch on the work of a diverse range of portfolios including Education, Industry and Health, in addition to Communications.

The Government thanks the Committee for its thorough review and the Government notes that it is considering the important matters raised as part of its future policy development. As noted by the Committee, several of the recommendations are the responsibility of the telecommunications industry and the Government will continue to work in partnership with industry to make sure that the benefits of 5G are realised in a timely manner.

Specific responses to the recommendations of the Committee are below.

Recommendation 1

The Committee recommends that spectrum allocation be finalised expeditiously and that the Australian Communications and Media Authority, in conjunction with the Department of Communications and Australian Competition and Consumer Commission, investigate how future spectrum auctions can promote improved market competition for the benefit of consumers.

The Australian Government **supports** this recommendation.

The Australian Communications and Media Authority (ACMA) has an ambitious forward work plan for 5G-relevant spectrum allocations in support of the Australian Government's communications policy objectives to support the deployment of 5G technologies. This includes the planned auctions in the 26 GHz and 850/900 MHz bands, and the optimisation of the 3.4 GHz band. Government decisions are informed by comprehensive advice from ACMA and the Australian Competition and Consumer Commission on each allocation and accompanied by extensive consultation with industry and the public.

The Australian Government is committed to delivering spectrum reform that will provide tangible improvements in spectrum management and a more efficient regulatory framework.

In October 2019, the Government committed to a staged approach to amend the *Radiocommunications Act 1992*. The Government will progress targeted amendments to the legislation that are designed to achieve benefits for industry and spectrum users.

The *Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020* was introduced to the House of Representative on 27 August 2020. The Bill provides for:

- extension of spectrum licence terms to a maximum of 20 years, with clearer licence renewal processes and improved investment certainty;
- removal of unnecessary constraints in spectrum allocation and reallocation processes;
- the greater alignment of arrangements for apparatus licences and spectrum licences;
- clarification of the roles and responsibilities of the Minister for Communications and the ACMA in policy setting, spectrum management and regulation; and
- improved technical regulation, streamlined device supply schemes and to introduce graduated enforcement mechanisms for breaches of the Act.

As part of the 2020-21 Budget, the Government announced the investment of $7.2 million in systems to promote the efficient allocation of spectrum. This includes:

- designing and implementing a modern auction capability to allocate spectrum bands for 5G services and beyond; and
- updating and simplifying digital spectrum licence system to provide SMEs with simple, clear and fast ways to access the spectrum and licences through an efficient digital licensing system.

Recommendation 2

The Committee recommends that the Australian Government facilitate discussions between carriers, network operators and utility and infrastructure owners for managing redundant and/or ageing telecommunications equipment.

The Australian Government **supports** this recommendation.

The Government is progressing discussions with industry about how to address this issue. One option under consideration is to amend the *Telecommunications Code of Practice 2018* to include a requirement for carriers to remove redundant equipment from assets owned by utilities and infrastructure owners.

The former Department of Communications and the Arts established the Powers and Immunities Reference Group in 2018 to bring together peak level bodies (representing carriers, utilities, local government and commercial building owners) to identify and work through improvements to the operation of Commonwealth laws that assist carriers to deploy their networks. An action item undertaken by the Powers and Immunities Reference Group is to complete a stocktake of equipment located on their respective infrastructure to help understand the extent of the problem. The equipment stocktake will assist in identifying equipment that is redundant, as well as updating ownership information for legacy equipment that may still be in operation.

It is important to note that where the equipment is owned by a telecommunications carrier, infrastructure owners will need to engage with the carrier about the removal of the equipment. This is because section 474.6 of the *Criminal Code Act 1995* provides that it is an offence for a person who tampers or interferes with a facility owned or operated by carriers, carriage service providers, and nominated carriers.

Recommendation 3

The Committee recommends that the Australian Government commence a review of the low impact facilities framework to ensure that its powers to encourage co-location of facilities and equipment are fit-for-purpose in a 5G environment. As part of this process, the Australian Government should begin reviewing carrier arrangements for 5G infrastructure sharing.

The Australian Government **supports** this recommendation.

The Australian Government's 5G Strategy proposes actions to streamline arrangements to allow mobile carriers to deploy infrastructure more quickly and review existing telecommunications regulatory arrangements to ensure they are fit for purpose.

The Government is reviewing the powers and immunities framework to update and reform arrangements that will assist mobile carriers deploy 5G equipment, specified as low-impact facilities, while making sure that arrangements continue to balance the interests of communities.

The nature of 5G will require carriers to deploy networks with a larger number of smaller cells, which means an increased amount of infrastructure is needed to provide services to consumers. The Department of Infrastructure, Transport, Regional Development and Communications (the Department) is working with carriers to understand how 5G technology is likely to evolve, for example, whether transmitters are likely to get smaller, and the implications this will have for co-location of equipment on infrastructure.

Recommendation 4

The Committee recommends that the Department of Communications and the Arts assess the suitability of current powers and immunities arrangements, especially in relation to the timeframes for raising objections, noting the likelihood of an increased number of installations for the deployment of 5G.

The Australian Government **notes** this recommendation.

The Powers and Immunities Reference Group recommended to the Department that more detailed information needs to be provided to landowners and occupiers by carriers as part of the notification process to help them understand their right to object to proposed activities, and the timeframes that those objections need to made by, in the current powers and immunities framework.

The Department is developing fact sheets to be made available setting out the obligations of carriers in undertaking proposed activities and the rights of landowners and occupiers in relation to those proposed activities. The fact sheets are being developed for different audiences such as local councils, utilities and infrastructure owners, and the community.

The Department will continue to engage with stakeholders on the powers and immunities framework through existing mechanisms such as the Powers and Immunities Reference Group.

Recommendation 5

The Committee recommends that carriers work with state and territory road and transport infrastructure managers to ensure that safety standards are maintained.

The Australian Government **supports in principle** this recommendation.

The Government acknowledges that the actions of this recommendation are a matter for carriers and state and territory road and transport infrastructure managers in the context of workplace health and safety legislation in each state and territory and common law.

The Government notes that road authorities are members of the Powers and Immunities Reference Group and have raised safety as an issue for consideration in the context of reforms to the powers and immunities framework.

The Government notes there are existing provisions in the powers and immunities framework requiring carriers to ensure installations:

- comply with good engineering practice along with any standard that relates to the activity;
- are recognised by the ACMA as a standard for use in that industry; and
- are likely to reduce a risk to the safety of a person if the carrier complies with the standard.

There is an option available for road authorities to have existing technical or administrative guidelines about telecommunications installations in road reserves to be recognised as an industry code or standard by ACMA.

Recommendation 6

The Committee recommends that carriers consider multiuser infrastructure sharing to ensure that rural and regional consumers benefit from 5G services in a timely manner, and ensure adequate coverage across all 5G spectrum bands.

The Australian Government **supports in principle** this recommendation.

While the Government acknowledges that the actions of this recommendation are a matter for carriers it notes that there are mechanisms in the regulatory framework to encourage telecommunications carriers to share infrastructure. The framework provides carriers with statutory rights of access to other carriers' towers, and the sites on which those towers are located, subject to the technical feasibility of co-location.

Co-location is the standard industry model for infrastructure sharing in Australia. Typically it occurs on a site-by-site basis with co-location decisions being made based on the circumstances of individual locations. The Mobile Black Spot Program has promoted competition and efficiency outcomes by encouraging mobile network operators to co-locate on base stations funded by the Australian Government. This has included providing other mobile network operators with the opportunity to participate in the pre-design stage on base stations where they wanted to co-locate, agreed minimum technical specifications for co-location, subsidised backhaul, an independent dispute resolution process and requiring co-location to be offered where technically feasible. To date approximately 28 per cent of Round 1 to 4 funded base stations offer co-location or are co-locating on existing infrastructure.

Internationally, there has been a move to more advanced infrastructure sharing models to deliver mobile services in non-commercial areas. Draft guidelines for Round 5A, developed following consideration of feedback from industry and the community, were recently released for consultation, and include measures to incentivise applications that use sharing models to support the provision of mobile services by more than one operator.

Additionally, while it is still early in the rollout of 5G, carriers have already begun to deploy 5G in some regional centres. This has provided some regional customers with access to 5G. It is a commercial decision for the carriers to decide how they progress their respective 5G rollouts, including both installation of 5G network infrastructure and the management of their spectrum assets. It is noted that carriers have upgraded their mobile networks to adopt progressive generations of mobile technology on a national basis.

The Government also acknowledges the role of the Australian Mobile Telecommunications Association's Mobile Carriers Forum (MCF). The MCF facilitates co-location as well as sharing of information around deployment planning and community consultation. Industry has identified that there are economic incentives that encourage co-location of facilities and equipment. Industry has also acknowledge that there are also economic incentives for active sharing of infrastructure and consider that it is likely that carriers will pursue their own commercial arrangements where this is feasible.

Recommendation 7

The Committee recommends that carriers ensure rollout trials are conducted in regional and remote areas, and the Committee notes proposals for large scale trial with one of Australia's most innovative farming regions.

The Australian Government **supports** this recommendation.

The Government acknowledges that the actions of this recommendation are a matter for carriers, but recognises that there is an opportunity to support innovative farming practices with 5G. Recognising the benefits of 5G for regional communities and businesses, the Australian 5G Innovation Initiative is expected to fund the testing and trialling of 5G use cases in regional Australia, including agriculture (subject to an open and competitive grants process).

The telecommunications industry has noted that agriculture is a sector where there could be significant benefits from 5G. The industry has noted that members are collaborating with the agricultural sector in relation to innovative applications of 5G that promise to increase efficiency and yield.

The Government recognises the efforts of the carriers to test and trial 5G across Australia including their efforts in regional areas. The development of trials for 5G uses cases, including agricultural use cases, by the telecommunications carriers will be a commercial decision for carriers. All three of Australia's major telecommunications carriers have noted the potential for 5G to facilitate innovative use cases in regional and farming communities. In 2018, Telstra announced a partnership with the National Farmers' Federation (NFF), along with other state-level peak agricultural groups, to explore the potential for 5G. In 2020, Optus announced a partnership with Curtin University to uncover the benefits of new use cases for West Australian industries in the mining, oil and gas, agriculture and health sectors. TPG Telecom (formerly Vodafone), has acknowledged the potential benefits of 5G in supporting IoT applications in agricultural processes.

Recommendation 8

The Committee recommends that the Australian Government investigate ways to encourage the manufacture of 5G infrastructure within Australia.

This may be done initially via the Department of Industry, Science and Technology working with Australian telecommunications and related industry partners to examine how Australia could actively participate in the manufacture of components and equipment for use in the rollout of 5G networks - and that manufacturing partnerships be considered with Canada, New Zealand, United Kingdom and United States.

To help enable this, the Australian Government should establish a 5G R&D Innovation Fund to fast track the development and scale-up of alternative manufacturing approaches to reduce the duopoly dependency on 5G related equipment.

The Australian Government **notes** this recommendation.

The Department of Industry, Science, Energy and Resources has consulted with the Australian mobile telecommunications industry. Australian mobile carriers have existing commercial arrangements with established manufacturers for the supply of 5G components and equipment for their 5G rollouts, and Australian manufacturing of this equipment is not a priority for their rollouts. However, local industry partners are collaborating with network equipment vendors to contribute significantly to the 5G rollout in areas such as civil works site construction, assembly, integration and tuning of network equipment.

The Australian Government will continue to support Australian research, development and manufacture of technologies that complement 5G such as automated vehicle systems and advanced sensors. The Government will also encourage Australian research and development into future generations of mobile communications technologies that are expected to follow 5G.

On 1 October 2020, the Government announced the $1.5 billion Modern Manufacturing Strategy (the Strategy) to harness Australia's manufacturing capability to increase competitiveness, build scale and enhance our future resilience. The Strategy contains a number of significant measures designed to support transformative investments in technologies and processes by manufacturers.

This builds on the Government's commitment to supporting our manufacturing industries to grow, create jobs and to become globally competitive through the first round of the Manufacturing Modernisation Fund, the $100 million Advanced Manufacturing Fund, the Advanced Manufacturing Growth Centre, the Research and Development Tax Incentive, Entrepreneurs' Programme, and higher education research funding and industry-research collaboration via the Cooperative Research Centres Programme.

Recommendation 9

The Committee recommends that the Australian Government conduct a review of current legislative arrangements enforcing network and data security for the supply of 5G equipment. Further, as part of this framework, it must be incumbent on vendors to enforce Cyber Supply Chain Risk Management throughout procurement, roll out and maintenance of the 5G network.

The Australian Government **notes** the Committee's recommendation.

Telecommunications carriers generally operate their networks on a commercial basis. Telecommunications companies are responsible for managing their supply chains.

However, there are security obligations on telecommunications carriers in the *Telecommunications Act 1997*, which go to telecommunications supply chains. These provisions include:

- a security obligation, which requires carriers and carriage service providers to do their best to protect telecommunications networks and facilities from threats to national security;
- a notification requirement, which requires carriers and nominated carriage service providers to tell the Government about any proposed changes to their telecommunications systems or services that the carrier or provider considers is likely to have a material adverse effect on their capacity to comply with their security obligation;
- the ability for the Government to obtain information from carriers and carriage service providers in certain circumstances to assess compliance with their security obligations; and
- the ability to intervene and issue directions to carriers and carriage service providers in cases where the Minister for Home Affairs consider there are significant national security concerns that cannot be addressed through other means.

The Parliamentary Joint Committee on Intelligence and Security is already required to undertake a review of these provisions, commencing in September 2020, and concluding by September 2021.

Additionally, on 6 August 2020 the Government released the 2020 Cyber Security Strategy which establishes a Best Practice Regulation Taskforce to work with business to consider options for better protecting customers by ensuring cyber security is built into digital products, services and supply chains.

On 12 August 2020 the Government announced a consultation process on a package of reforms to strengthen the security and resilience of Australia's critical infrastructure, the communications sector has been identified as a sector likely to be affected by these reforms.

Recommendation 10

The Committee recommends that ARPANSA implement a suitable mechanism to consult with members of the community regarding the safe levels of electromagnetic radiation.

The Australian Government **notes** this recommendation.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provides expert advice on radiation protection and nuclear safety matters to the Australian Government. ARPANSA also publishes the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz* ('ARPANSA Standard') which sets limits for EME exposure and the standard is not limited to communications equipment.

As the Committee has found, 5G network facilities generate low levels of EME in the same way as existing 3G and 4G telecommunications networks. While 5G networks and devices are new, the radio waves used to deliver existing networks will also be used for 5G. These waves, including the higher frequency waves, have been extensively researched and are not hazardous to human health.

Under the Enhanced EME Program, which was announced on 16 December 2019 by the Hon Paul Fletcher MP, Minister for Communications, Cyber Safety and the Arts, and Senator the Hon Richard Colbeck, Minister for Aged Care and Senior Australians, responsibility for broad delivery of public information about the safety of electromagnetic energy/radiation from telecommunications facilities transferred from ARPANSA to the Department of Infrastructure, Transport, Regional Development and Communications.

ARPANSA's role (under the Program) focuses on research and measurement studies through consultation with radiation protection experts and international engagement. ARPANSA has also received $2 million in funding to upgrade its EME laboratory to enable measurement and calibration of testing instruments and research on technologies that will operate at higher frequencies such as 5G devices. ARPANSA will continue to provide information to the public on radiation protection through its existing communications platforms, which include its website and Talk-to-a-scientist program.

A revision of the ARPANSA Radiofrequency Standard is underway, based on revised international guidance, and public consultation on a revised draft commenced in August 2020. ARPANSA has engaged international partners, such as the World Health Organization to fund assessments on the state of EME research.

The Department of Infrastructure, Transport, Regional Development and Communications has taken on the broader role of providing clear and accessible information to all members of the public. This work has already commenced with updated and easier to find information on the Department's website.

Recommendation 11

The committee, welcoming the Australian Government's decision to establish a new community information campaign on 5G, recommends that the Government work closely with the ACMA to develop an integrated and comprehensive campaign that can respond to concerns raised about the new network.

The Australian Government **supports** this recommendation.

As part of the Enhanced EME Program, the public information campaign, funded to $1.8m over four years, will incorporate information about 5G, but will also aim to improve public understanding of wireless communications and the regulatory framework that applies to all networks. The Communications portfolio has carriage of this task and the Department of Infrastructure, Transport, Regional Development and Communications is working with relevant agencies, including ACMA, to design and deliver clearer information for the public.

Recommendation 12

The Committee recommends the Department of Communications and Department of Education and Training, review how current ICT curricula for roles in 5G related industries in TAFE, accredited training providers and tertiary institutions should be modified to ensure graduates are industry-ready.

The Australian Government **notes** this recommendation.

Review of Telecommunications Qualifications

The Australian Government has recognised the need to prioritise skills in the Information and Communications Technology (ICT) industry, including in relation to 5G. The relevant Certificate II, Certificate III and Certificate IV in Telecommunications qualifications were revised in August 2019 to meet industry's current and future skills needs with fit-for-purpose training products for the ICT industry (refer Attachment A). As part of that review, the rollout of 5G technology was considered in detail.

In June 2020, the Information and Communications Technology Training Package was further updated. This update had an IT focus and was designed to enable reskilling and upskilling into a range of roles in the ICT sector, such as data analysts, cloud computing developers, network engineers and network security specialists, and to ensure that graduates are job ready. These skills will support 5G related industries.

Currently, the Diploma, Advanced Diploma, Graduate Diploma, and Graduate Certificate in Telecommunications are under review and 5G technology will be considered by the ICT Industry Reference Committee as it updates those qualifications. This review is expected to be complete by December 2020.

The review of these ICT training qualifications is undertaken through an established, industry-led process for the regular assessment, review and revision of vocational education and training (VET) qualifications. The governance of this review process is set out below.

Governance

The COAG Industry and Skills Committee established the Australian Industry and Skills Committee (AISC) to approve nationally recognised VET training packages for implementation and to provide industry advice to Commonwealth, State and Territory governments.

The AISC is supported in this role by its network of 66 Industry Reference Committees (IRCs) made up of industry experts who are best placed to know the skill standards needed in the workplace. IRCs are supported in undertaking national consultation and technical writing of training package updates by six professional Skills Service Organisations that are funded by the Commonwealth.

Adjustments to qualifications are also informed by Industry Skills Forecasts. Industry Skills Forecasts bring together key economic and occupation data with industry intelligence to build an evidence base about the need for training package updates. The AISC approves training package development projects for funding on the basis of this evidence.

ICT Curricula

While the Government notes the Committee's recommendation to review ICT curricula, it is the responsibility of training providers in the VET sector to develop teaching strategies and assessment methods that will see students achieve the expected outcomes of a qualification. This ensures that the delivery of training is both nationally consistent and best able to meet the local needs, abilities and circumstances of students and industry.

Universities are autonomous bodies responsible for course design and curriculum and as such, the Government has no direct involvement in the development of curriculum for specific courses delivered through tertiary institutions. These institutions are regulated by the Tertiary Education Quality and Standards Agency, which is the independent national quality assurance and regulatory agency for tertiary education.

Recommendation 13

The Committee recommends the Australian Government lift apprenticeships in the ICT sector apprenticeships to assist with the rollout of 5G in Australia.

The Australian Government **notes** this recommendation.

The Government provides a range of financial incentives under the Australian Apprenticeships Incentives Program (AAIP) aimed at encouraging employers to take on Australian Apprentices, including in the areas of telecommunications and related trades. These incentives include:

- standard incentives available at commencement and at completion;
- incentives for specific target groups such as mature age workers and adult apprentices, and school-based apprentices; and
- incentives and capped wage subsidies for employers of apprentices in rural and regional locations in areas of national skills needs, under the Rural and Regional Skills Shortage Incentive and Australian Apprentice Wage Subsidy trial.

On 4 October 2020, the Australian Government announced the $1.2 billion Boosting Apprenticeship Commencements wage subsidy for employers of any size or industry. This assistance will support up to 100,000 new apprenticeships across Australia and is in addition to the $2.8 billion Supporting Apprentices and Trainees wage subsidy which is helping small and medium businesses to keep their apprentices and trainees in work and training.

Recommendation 14

The Committee recommends that the Australian Government work with carriers to develop campaigns to boost industry awareness about the advantages of 5G to businesses to help realise the benefits of this new network quickly. This campaign should include elements to lift 5G awareness within local government.

The Australian Government **supports** this recommendation.

The Government has been working with carriers to realise the benefits of 5G across a range of industry sectors. Since 2018 the Commonwealth has led a 5G Working Group that brings together representatives from across the telecommunication industry and Government to raise awareness of 5G. Additionally, the 5G Working Group seeks to identify enablers and barriers to the take-up of 5G in Australia.

The promotion of particular technology more broadly is the responsibility of carriers. Competition is the foundation of Australia's 5G Strategy. Competition in Australia's mobile market has been highly successful in delivering investment in infrastructure across both metropolitan and regional Australia, strong consumer take-up of mobile services and positive consumer outcomes on pricing and inclusions. The Government is committed to enabling strong competition and minimal regulation in the telecommunications sector to deliver the effective deployment and use of 5G.

However the Government recognises the importance of raising awareness of the benefits of 5G across government and industry. The Australian 5G Innovation Initiative has been established by the Government to foster 5G innovation and highlight the benefits of 5G to Australians and businesses in Australia. 5G's productivity benefits come principally from its ability to support new applications. Increasing awareness of the technology's ability to support new use cases will help demonstrate the benefits of 5G.

Additionally, carriers are actively raising awareness of 5G in a number of ways. Carriers have also partnered directly with industry to develop applications of the technology. Telstra and Ericsson, for example, have announced plans to collaborate with Commonwealth Bank of Australia to explore the potential of 5G edge computing technologies for the financial services sector. Carriers have also invested in research and innovation centres, with the aims of facilitating industry collaboration and developing use cases. Telstra and Ericsson have both established 5G Innovation Centres, and Optus has partnered with Curtin University to co-invest in 5G research and learning amongst students, researchers, and enterprise.

The Australian Government recognises the importance of 5G technology for all levels of government and partners with state and local Governments to pursue innovation and digital opportunities including deployment and use of 5G technology. Under the Western Sydney City Deal the Australian Government has supported the NSW Government and eight local councils to develop a 5G Strategy for the Western Parkland City. The Strategy provides the framework for governments at all levels to partner with the telecommunications industry to support investment, take-up and use of 5G, and supports trials of the technology to test 5G use cases and maximise connectivity in Western Sydney.

Attachment A

Telecommunications Qualifications Updated 30 August 2019

ICT20219- Certificate II in Telecommunications Network Build and Operation

ICT20319- Certificate II in Telecommunications Technology

ICT30419- Certificate III in Telecommunications Network Build and Operation

ICT30519- Certificate III in Telecommunications Technology

ICT41219 - Certificate IV in Telecommunications Engineering Technology

ICT41119 - Certificate IV in Telecommunications Network Design

Australian Government
Department of Infrastructure, Transport, Regional Development and Communications

Improving the telecommunications powers and immunities framework

September 2020

1. Improving the telecommunications powers and immunities framework
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2. Improving the telecommunications powers and immunities framework

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Introduction

Telecommunications services play an important and expanding role in how people in the community go about their daily lives and how businesses operate. The Government is committed to Australians having ready access to high-quality, reliable and affordable telecommunications services.

Digital connectivity is a key enabler of Australia's social and economic activity. The mobile and fixed telecommunications networks that provide this connectivity are critical to our lives. Mobile services have long outnumbered fixed services, although fixed services carry greater volumes of data. In June 2019, there were 7.82 million fixed-line phone services in operation and approximately 16.4 million Australians had a smartphone.[1]

The direct contribution from the technology sector in Australia is around $69 billion while the broader total contribution from the technology sector is around $122 billion (including both direct and indirect contributions).[2]

In April 2018, the Department's Bureau of Communications and Arts Research (BCAR) examined publicly available sources on the likely costs and benefits of 5G in order to model the impact of the technology on productivity and economic growth. Based on this evidence, the BCAR estimated 5G could provide an additional $1,300 to $2,000 in gross domestic product per person after the first decade of the rollout.[3] The sooner 5G networks are deployed, the sooner these economic opportunities are likely to be realised.

5G represents a step change in mobile communications, with several characteristics that differentiate it from 4G. In particular, 5G will offer significantly greater capacity and faster data speeds, significantly lower signal latency or delay, and will support much larger numbers of devices in a given area.

5G also promises better outcomes in terms of spectrum efficiency, energy usage (both in the network and in devices), mobility at high speed and reliability.

It has been designed to deliver greater capabilities to support improved and new applications, not only for the mass market, but also industrial and enterprise users. As such 5G is seen as a general purpose technology that can underpin a range of industrial, agricultural and other commercial applications.

The rollout of 5G requires a new wave of infrastructure investment, the costs of which will largely be absorbed by telecommunications carriers. This infrastructure investment will be different to the previous wide scale rollouts of mobile communications and will use a much more diverse range of technology solutions.

[1] Australian Communications and Media Authority, Communications Report 2018-19, pg. 5, available at https://www.acma.gov.au/sites/default/files/2020-04/Communications%20report%202018-19.pdf
[2] AlphaBeta, September 2019, Australia's Digital Opportunity: Growing a $122 billion a year tech industry, Page 12, www.alphabeta.com/wp-content/uploads/2019/09/australias-digital-dividend-final.pdf
[3] BCAR, 2018, Impacts of 5G on productivity and economic growth: Working paper, Page 1, www.communications.gov.au/departmental-news/impacts-5g-productivity-and-economic-growth

5G services will use a mix of different frequency bands that include higher frequency bands with different properties, and different deployment models.

- Where high frequency bands are used there may be a need to deploy a relatively dense network of equipment to account for its inability to propagate over longer distances. Where these frequency bands are used there may be a greater number of small cells that will be deployed in closer proximity to one another in high traffic areas, such as metropolitan areas and CBDs.
- Where mid-band spectrum is used there may be deployments more similar to previous generations of mobile networks. 5G infrastructure will work in conjunction with the existing telecommunications network that already uses a mix of macro cell towers and small cell technologies. The design of 5G networks will respond to the demand for telecommunications services as well as the suitability of network architecture for the environment in which it is deployed. In regional areas 5G small cells may be deployed in town centres, but will be supported by macro towers to make sure sufficient coverage is provided over larger distances. Alternatively, 5G services in metropolitan or suburban areas can use small cells deployed on public infrastructure in a way that reduces visual impact, such as light poles, supported by 4G and 5G macro cells.

Backhaul needs will also differ depending on the location of the rollout. For rollouts in metropolitan or suburban areas, backhaul could be provided by fibre networks. However, in regional areas, backhaul could be provided by microwave radiocommunications links making a number of hops before connecting to a fibre network backbone or via satellite. The design of 5G networks has a new range of trade-offs compared to previous generations of mobile technology that will need to be taken into account in network design and configuration.

The need to improve the powers and immunities framework

Since 1997, laws at the Commonwealth level[4] have allowed carriers to deploy equipment classified as 'low-impact' in a nationally consistent way across Australia. These laws are known as the 'powers and immunities framework'.

Powers and immunities are important as they provide a nationally consistent framework for the deployment of telecommunications facilities that both reduces cost for carriers and ensures carrier powers are used appropriately and landowner interests are protected.

When rolling out low-impact facilities, carriers have to act in accordance with good engineering practices and interfere as little as practicable with the landowner's use of the land. Carriers are required to notify landowners and land occupiers if they are planning to undertake upcoming works. This includes telling landowners and occupiers about plans to install telecommunications infrastructure. A notice should be sent at least 10 business days before the carrier starts any activity on the land. Landowners can use the 10 business days to raise concerns with the carrier.

[4] Schedule 3 of the *Telecommunications Act 1997*.

Carriers have to advise landholders of:

- their right to object
- the available grounds for objection (for example, the use of the land or the location of the facility on the land)
- the right to have a decision reviewed by the Telecommunications Industry Ombudsman (TIO), and
- timeframes for lodging objections.

The powers and immunities framework reduces the costs for carriers, which in the competitive market are passed on to consumers in the form of lower prices and improved services. Equally important, the framework means that carriers are more readily able to provide services in regional and rural Australia, where the costs to provide services would otherwise be prohibitive.

Telecommunications are often regarded as a vital input to essential services—for example, water, electricity and transport. The utilities sector has a long history of using telecommunications to deliver cheaper and more reliable services to the communities they serve.

The upcoming scale and level of investment in 5G networks requires a review of the framework to ensure it is efficient and effective in today's operating environment. This paper seeks stakeholder feedback on how to balance both deployment and landowner needs.

In 2017, the Government consulted on 24 proposed reforms to the powers and immunities framework requested by mobile carriers and NBN Co. The reforms sought to:

- allow some new types of facilities to be specified as low-impact facilities,
- make changes to some existing facility types subject to the framework, and
- streamline land owner notification and objection rules.

Of the 24 proposals, the Government at the time implemented 10 reforms in 2018 and agreed to consult further on the remaining reform proposals.

To improve the operation of the existing powers and immunities framework, the Department established the Powers and Immunities Reference Group (PIRG), comprised of carriers and property owner stakeholder groups including the Property Council of Australia, the Australian Local Government Association, rail and road authorities, and water and energy utilities.

The Powers and Immunities Reference Group has met eight times since its formation in 2018 and has recommended six reforms to the powers and immunities framework that are included in this paper.

In 2019, workshops were held with carriers on proposed improvements to the powers and immunities framework and resulted in four proposals being nominated that would benefit network deployments. These proposals are also included in this paper for consideration.

Ideas presented in this paper

The ideas in this paper have been drawn from the public submissions to the 2017 consultation process, discussions held at the Powers and Immunities Reference Group and carrier workshops.

This paper outlines each reform area, key issues for consideration and possible implementation approaches. Many of the proposals could be implemented in a variety of ways; ranging from non-regulatory intervention through to legislative change. Your feedback on these reforms is important to

assist Government in considering what reforms are required to achieve a powers and immunities framework that meets the needs of modern Australia.

The Department welcomes your views on these proposals. Each proposal is accompanied by a series of prompt questions to help guide your response. These are not definitive questions and we welcome views on all aspects you consider relevant to the proposals.

The proposals are categorised into three themes.

Themes discussed in this paper

Safety and notification

- It is paramount that facilities are installed safely and operate in accordance with best safety and engineering practices. Clear notification processes assist in decision making for landowners, the community and carriers. The paper seeks views on how safety and notification processes can be strengthened.

Objections and protections

- The existing framework includes processes for objections and protections. The paper seeks feedback on whether these safeguards provide the correct balance between addressing community concerns and meeting deployment needs.

Facilitating services in line with community expectations and to support economic growth

- Telecommunications services are increasingly critical to both economic and social activity. For example, telecommunications services have played an important role during the COVID-19 pandemic to enable the continued functioning of Australia's economy with many people working, studying and operating businesses remotely. The paper seeks feedback on proposals to improve coverage and backhaul outcomes to continue providing the modern telecommunications services on which the community relies.

Table: Summary of proposals presented in this paper, arranged by discussion theme

Safety and notification	Objections and protections	Services in line with community expectations
Creation of a primary safety condition	Clarifying objections processes for landowners	Improving coverage through better facilities, where safe
Standard notifications across industry	Allowing carriers to refer objections to the TIO	Improving coverage through tower extensions
Withdrawal of notifications	Removal of redundant equipment	Allow small cell deployments on poles rather than on utilities
Requirement for engineering certification		Encourage co-location of facilities
Extension of notification timeframes		

The consultation process

The Department welcomes your views on these proposals. Each proposal is accompanied by a series of prompt questions to help guide your response. These are not definitive questions and the Department welcomes views on all aspects you consider relevant to the proposals.

The Department would welcome written submissions on the proposals outlined in this paper and is available to meet with stakeholders to discuss the proposals. Instructions on how to make a submission are provided at the end of this paper. If you have any questions on the proposals set out in this paper or the consultation process, or would like to arrange a meeting with the Department, please send an email to powersandimmunities@communications.gov.au or contact:

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Department of Infrastructure, Transport, Regional Development and Communications
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1. Safety and notification

Stakeholders who interact frequently with the powers and immunities framework include larger landowners, such as public utilities, road authorities and local governments. The proposals set out in this section of the paper are intended to address the concerns of larger landowners while also clarifying the framework for smaller landowners, including residential landowners, who may be less frequently impacted.

It is paramount that facilities are installed safely and operated in accordance with best practice. This was a strong theme in submissions to the 2017 consultation process and has been reinforced in subsequent workshops with stakeholders.

In this paper, safety is referred to in the following context:

- compliance with engineering standards and practices, and
- ensuring the structural integrity of infrastructure or assets that telecommunications equipment may be installed on.

Issues related to potential health and safety of electromagnetic energy (EME) emitted by telecommunications installations are outside the scope of this paper. There is a separate work program being undertaken in relation to EME.

In December 2019, the Government announced a program to provide more accessible information to the community about, and more research into, EME from telecommunications facilities. With this funding, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) will deliver targeted research and measurement studies. The Department of Infrastructure, Transport, Regional Development and Communications is responsible for the delivery of clear and accessible information for the public about EME from telecommunications technologies.[5]

A. Creation of a primary safety condition

Issue

The powers and immunity framework gives a carrier rights to install certain kinds of 'facility' on another person's land and exemption from compliance with relevant State or Territory planning laws. This means the consent of the landowner (who could be a utility owner) is not needed, which can create concern that safety obligations will not be met.

Within the current framework, carriers are subject to a number of existing safety obligations. Reasonable safety measures, in line with expert advice, should be in place for any activity undertaken by a carrier. There are existing provisions in the powers and immunities framework that require carriers to ensure installations do as little damage as practicable, comply with good engineering practice, interfere as little as possible with the operations of public utilities, roads, traffic and the use of the land, and complies with industry standards recognised by the Australian Communications and Media Authority (ACMA).[6] It is also the case that carriers must comply with the occupational health

[5] Further information on EME is available at https://www.communications.gov.au/what-we-do/spectrum/electromagnetic-energy-eme

[6] Division 5 of Part 1 of Schedule 3 of the Act sets out the conditions carriers must comply with when carrying out activities using the powers and immunities framework.

and safety legislation in each state and territory, and that carriers can also be found negligent under common law.

It is important that equipment is deployed in a safe way. It is particularly important that carriers deploy facilities in a way that does not interfere with the operation of essential utilities. These services need to operate in tandem to produce the greatest benefit to the community.

Proposal

We seek your views on whether a new section outlining a primary safety condition could be added to the Code of Practice to make clear, and reaffirm, that safety of telecommunications installations is paramount. As discussed above, the focus would be on maintaining the structural integrity of infrastructure or assets on which telecommunications equipment may be installed. For example, the proposed primary condition could:

- make more explicit the existing safety obligations carriers must comply with,
- apply to other areas of the Code of Practice, such as in agreements between carriers and public utilities regarding inspection, installation and maintenance activities, and
- reinforce the need for carriers to comply with standards, including industry standards and codes registered by the ACMA under Part 6 of the Act.

Industry codes that are not registered by the ACMA could also be used to provide operational guidance and co-ordination for the safe installation of telecommunications facilities on sites or infrastructure managed by utilities and other landowners. Compliance with these types of industry codes is unable to be enforced by the ACMA.

The Code of Practice would need to be amended to include the new primary safety condition. The content of the proposed amendment would be consulted on before the Minister amended the Code of Practice.

Prompt questions

1. Do the current safety arrangements provide assurance for the safe and effective implementation of telecommunications equipment?
2. If no, what additional regulatory mechanisms may provide that assurance?
3. Would the addition of a primary safety condition to the Code of Practice provide that assurance?

B. Standard notifications across industry

Issue

Stakeholders, including those representing landowners in the Powers and Immunities Reference Group, have raised the need to have access to deployment information in a consistent and timely manner. This assists with making decisions on how to manage their land and operations during deployment and their rights to objection processes.

The legislation underpinning the powers and immunities framework already provides for a notification process, whereby carriers are required to give a notice, referred to by industry as a land access and activity notice (LAAN), to landowners and occupiers before undertaking an inspection, installation or

maintenance activity. The notice should inform the landowner about the activity proposed to be undertaken and relevant details associated with the proposed activity.

Specific feedback from stakeholders about the current process is that information provided in notices:

- can be different in each case,
- provides no certainty for the landowner or occupier about how long an activity could take,
- does not provide information about certification or what standard the activity will be certified to, or
- the timeframe to assess the proposed activity and request additional information, if needed, is often too short.

Standardising information in a notice required to be given by a carrier could help landowners make more effective decisions about the potential impact of proposed activities on their land, assets or operations.

Proposal

We seek your views on whether requiring new information to be included in a notice could enhance and clarify the existing notification procedures.

The Powers and Immunities Reference Group recommended the following information, or similar, could be specified for inclusion in a notice given by a carrier:

- indicative timeframes for proposed activities, such as when the activity will commence and how long the activity would usually take once commenced,
- for landowners that are public utilities, including road authorities, a statement explaining the proposed activity supplemented with technical drawings or plans, and the standards applicable to the activity, and
- for all other landowners, a plain English explanation of the proposed activity and the equipment to be installed or maintained. Landowners may request information from carriers about the technical plans or standards applicable to a proposed activity, however the provision of this information as part of the notification would only apply if the landowner is a public utility.

Including these requirements in the notice given by a carrier is intended to provide clarity to landowners about the process, and could reduce the need for landowners and occupiers to use the objections processes to gather further information about a proposed activity.

These changed information requirements could be incorporated into the Code of Practice.

The Powers and Immunities Reference Group also recommended that a template notice used by all carriers would be useful. While a template notice could contain the minimum information required to be provided about a proposed activity, it would not prevent carriers from including any additional information that could assist landowners' consideration of a proposed activity.

One option to implement this recommendation could be to develop an industry code that can be registered by the ACMA under Part 6 of the Act.

Alternatively, a condition could be included in the Code of Practice that the ACMA must prescribe the form of a notice. This type of approach was adopted in the United Kingdom where its communications regulator, OFCOM, prescribes the form of a notice to be given by carriers under each provision of the UK's land access code.

Prompt questions

1. Is there any other information that could be included on a notice would provide clarity on the installation process and timeframes?
2. What benefits, either financial or non-financial would additional notice and information bring to landowners?
3. If possible, to what extent would the inclusion of a standardised notification process increase or decrease regulatory burden, and at what cost per notification?

C. Withdrawal of notifications

Issue

Stakeholders have expressed concern that there is no specific requirement in the notification process for carriers to advise landowners and occupiers if a proposed activity is cancelled or indefinitely delayed. At the same time, the framework does allow for a carrier to notify landowners of a delay or cancellation of the proposed activity and agree to different arrangements in consultation with the landowner.

Discussion in the Powers and Immunities Reference Group highlighted the confusion that can be caused in situations where carriers issue a new notice to a landowner specifying a similar activity as a previous, or current, notice. This confusion arises especially in situations where the landowner is unaware that the carrier did not proceed with the proposed activity.

The Powers and Immunities Reference Group recommended that carriers be required to withdraw a notice when the proposed activity is cancelled or indefinitely delayed to provide certainty and transparency for landowners and occupiers. This proposal is operational and designed to effect behavioural change by carriers encouraging greater interaction and engagement with the landowner or occupier.

Proposal

We seek your views on whether the level of carrier engagement sought by landowners and occupiers could be achieved by either of the following non-regulatory or regulatory options.

Option 1: Industry commitment to withdraw a notice

The behavioural change recommended by the Powers and Immunities Reference Group could be achieved if industry provided a commitment to withdrawing notices, where possible, in the event that a proposed activity is cancelled or indefinitely delayed.

This would be a non-regulatory approach and would not be part of the legislative framework underpinning the powers and immunities framework. Industry could consider whether this commitment could be demonstrated in any way, but it would be the responsibility of industry to do so.

Option 2: Formal requirement for a carrier to withdraw a notice

Alternatively, new requirements could be introduced either in an industry code registered by the ACMA or in the Code of Practice requiring carriers to follow a procedure to withdraw a notice when the proposed activity is cancelled or indefinitely delayed. Information about the procedure could include:

- minimum timeframes for the notice to be withdrawn, such as at least two business days before the planned activity is expected to begin,
- reference to the date of the original notice, and
- information explaining why the notice is withdrawn.

If the Code of Practice is identified as the appropriate location for this requirement, the content of the proposed amendment would be consulted on before the Minister amended the Code of Practice.

Prompt questions

1. How often has a lack of withdrawal of notice created a financial, or non-financial burden to a landowner? Please provide context to help explain your response.
2. To what extent would a notice of withdrawal, provided in a timely manner, reduce this burden?
3. What methods have carriers used to notify landowners that a proposed activity would not take place, or was cancelled? How effective are these methods?
4. How often would a withdrawal notice be required, and to what extent would this great an additional regulatory burden? If so, what is the anticipated financial regulatory burden each year?

D. Requirement to provide engineering certification

Issue

The powers and immunities framework requires carriers, when undertaking an activity under Schedule 3 of the Act, to do so in accordance with good engineering practice. Feedback from some public utilities operators is they would like greater visibility and certainty that the equipment on their land or assets has been installed in accordance with certified practices, including the relevant standards the equipment is installed under.

Some landowners indicated that, in the absence of having certification from the carrier, they had independently sought their own engineering certification for equipment to provide assurance the telecommunications facility has been, or in some cases will be, constructed in accordance with good engineering practice. This is duplicative, and should be avoided if possible.

While both utilities and carriers have standards with which they must comply, it is the utility owner that bears primary responsibility for maintenance and safety of the overall infrastructure—electricity pole, water tower or bridge. Providing engineering certificates about the telecommunications facility mitigates risk for all parties, especially as carriers are liable to pay compensation for financial loss or damage resulting from installation or maintenance of a facility.[7]

[7] Section 42, Schedule 3 of the *Telecommunications Act 1997*.

The Powers and Immunities Reference Group recommended a requirement be included in the framework that carriers are to provide engineering certificates about the telecommunications facility. Industry has advised that, in some cases, carriers may receive engineering certificates up to two months after the installation or maintenance activity has been completed and assessed.

Proposal

We seek your views on whether providing a copy of the engineering certificate to the landowner or occupier would add significant administrative cost or burden to the existing process.

The proposal would rest on industry commitment to provide the engineering certificate to a landowner or occupier, if requested, as soon as possible after the installation of the facility. This would be a non-regulatory approach and would not be part of the legislative framework underpinning the powers and immunities framework.

Alternatively, new requirements could be introduced in either an industry code registered by the ACMA or the Code of Practice requiring carriers to provide an engineering certificate to a landowner or occupier within 30 business days after the certification has been received. If implemented via a change of the Code of Practice, the content of the proposed amendment would be consulted on before the Minister amended the Code of Practice.

Prompt questions

1. What benefits would landowner or occupiers see in the provision of an engineering certificate within 30 business days after the certification has been received?
2. Would the provision of an engineering certificate to landowners increase the regulatory burden on carriers? If so, what is the estimated regulatory financial impact per year?

E. Extending notification timeframes

Issue

As noted above, feedback from stakeholders highlighted notifications received from carriers often did not include sufficient information so the impact of the proposed activity to day to day operations, or on land, infrastructure or assets could be understood. This situation means public utilities need to request additional information from carriers to make such an assessment. Some landowners noted situations where delays in receiving additional information from carriers has prevented them from being able to make an objection in time.

Public utilities landowners have suggested that extending the notification time for public utilities and road authorities from 10 business days to 20 business days would provide sufficient time for this information to be considered in detail without the need to use the objection provisions. The Powers and Immunities Reference Group did not make any recommendations regarding this proposal.

A submission from the Telecommunications Industry Ombudsman (TIO) in 2017 recommended that uniform timeframes should be applied across activities. The TIO recommended the:

- minimum notification timeframe be extended from 10 to 20 business days, and
- timeframe to provide a written objection to a carrier be extended from 5 to 10 business days.

15. Improving the telecommunications powers and immunities framework

Clause 19 of Schedule 3 of the Act provides that notice must be given to utilities and road authorities at least 10 business days before the carrier begins to engage in an installation or maintenance activity. While the Act provides a minimum timeframe for notification, a carrier could still provide a notice well in advance of 10 business days or engage informally with public utilities well before the proposed activity is expected to take place. This behaviour is encouraged wherever possible.

The minimum notice period of 10 business days provided in Schedule 3 to the Act provides industry with a safeguard for those installation and maintenance activities that sit in between 'routine' and 'urgent'. These are the activities that are unable to be planned for and must be undertaken, but are not urgent. For routine installation and maintenance activities, it is more likely these activities would be subject to work planning exercises and resource allocations by industry, meaning that landowners and occupiers could be engaged with earlier in the process, even in an informal way.

Proposal

We seek your views on whether a legislative amendment to Schedule 3 of the Act to extend the minimum notification timeframe for utilities and road authorities from 10 business days to 20 business days would provide additional assurance to public utility landowners that they can meet the objection timeframes.

We also seek your views on alternative options that could achieve the same outcome. For example, the following activities intended to provide greater interaction and engagement from carriers could be included in an industry code registered by the ACMA:

- commit to greater engagement with landowners and occupiers in its business practices, and
- initiate or reinstate regular meetings with public utilities and road authorities, in particular, to share information about proposed deployments.

Informal engagement could be as simple as an email or letter outlining the proposed deployment, before the carrier gives a notice in accordance with the Act.[8]

Prompt questions

1. What are the benefits (financial and non-financial) of a non-regulatory approach in providing a longer notification timeframes?
2. What are the benefits (financial and non-financial) of a regulatory approach in providing a longer notification timeframe?
3. Should longer notification timeframes apply to all landowners, and not be limited to landowners that are public utilities and road authorities?
4. What would be the benefits (financial and non-financial) of providing a longer timeframe for objections to be made to carriers about proposed activities?
5. What other factors should be considered when considering whether to extend notification or objection timeframes?

[8] Clauses 17 and 19 of Schedule 3 to the Act set out requirements regarding giving notice to landowners and occupiers.

2. Objections and protections

It is important that the framework includes robust safeguards so that the interests of landowners and the community are taken into account and protected.

A. Clarifying the objections process for landowners

Issue

The Powers and Immunities Reference Group identified the need for more detailed information to be provided regarding landowners' rights and grounds for objection to a proposed activity. Consistent, accurate information is necessary to facilitate landowners' rights to natural justice.

Proposal

We seek your views on whether the current notice requirements under the Code of Practice provide enough clear information on the objection processes. Analysis of notices given by carriers shows that Code of Practice requirements are being met, yet landowners and occupiers remain concerned that the information in the notice does not provide necessary guidance about the objection process.

Factsheets about the powers and immunities framework could be developed including information about the objections processes. Factsheets could be developed for different audiences, such as landowners, councils and the community, and made available in a number of ways. For example, carriers could include a reference or link to the factsheets in the notice given to the landowner or occupier.

Prompt questions

1. Is the objections process as set out in the Code of Practice clear and easily understood by landowners and occupiers? If no, what parts of the process need further explanation?
2. Does the information provided by carriers when giving notice of a proposed activity outline the objections process, or only the first step, that is, to make the objection in writing to the carrier?
3. How could the objection process be better communicated to landowners and occupiers?

B. Allowing carriers to refer objections to the TIO

Issue

The objections process set out in the Code of Practice provides a complaint can only be referred to the Telecommunications Industry Ombudsman (TIO) by a carrier where a landowner has made a request for the carrier to do so.

Carriers are seeking a regulatory change that would allow carriers to refer objections to the TIO for resolution without waiting for a landowner to request the objection be referred. Such referrals would occur in cases where carriers consider it is unlikely to resolve matters directly with the landowner or occupier who are objecting to the proposed activity. This proposal was endorsed by the Powers and Immunities Reference Group which noted that the cost to resolve disputes via the TIO are borne by the carrier, regardless of who refers the dispute, so there would remain an incentive for carriers to attempt to resolve disputes within the existing objections process.

Proposal

We seek your feedback on whether the Code of Practice should be amended to allow carriers to refer objections directly to the TIO. The inclusion of such a clause would mean that both parties to the notification process—carriers and landowners and occupiers—are able to refer objections to the TIO for resolution.

In its feedback to the 2017 consultation process, the TIO suggested that existing clauses in the Code of Practice requiring a carrier to lodge an objection after receiving a request from a landowner or occupier to do so could be strengthened by including a deadline for a carrier to lodge the objection.[9] The TIO submission did not provide an indicative timeframe for such a deadline, however we are interested in stakeholder views on what timeframes, if any, would be useful.

Prompt questions

1. What benefits or disadvantages are there in including a carrier as a party that can initiate dispute resolution with the TIO?
2. To what extent would this inclusion increase, or decrease, the financial and non-financial burden on carriers or landowners during a dispute?
3. What financial or non-financial burden, if any, would the inclusion of a deadline on carriers to lodge an objection with the TIO have?
4. If there is support for the proposal to include a deadline on carriers to lodge an objection with the TIO, what timeframe should apply?

C. Removal of redundant equipment

Issue

Redundant equipment is any part of a telecommunications or radiocommunications network that is no longer used to deliver a service, and is not likely to be used to deliver services in the future. The *Mobile Base Station Deployment Code C564:2018* (the Deployment Code) includes a requirement for carriers to make sure that equipment no longer in service does not transmit, or is removed.

Although the extent of the problem has not yet been established, there is some evidence that redundant equipment has been turned off, yet left in situ on the infrastructure and assets of landowners and occupiers.

The presence of redundant equipment has a range of effects on different landowners and may make the management of critical infrastructure more difficult for operators of public utilities. It can also have a visual impact and occupy space that could otherwise be used by other operators, causing competition issues.

[9] Clauses 2.36, 4.36 and 6.36 in the Code of Practice provide information about carriers lodging an objection with the TIO after receiving a request from a landowner or occupier.

The Powers and Immunities Reference Group identified the need for policy reform to be considered that would require carriers to remove redundant equipment from infrastructure. Utilities providers also made the case for this reform in the Standing Committee on Communications and the Arts' Inquiry into 5G in Australia.[10] In its final report, the Committee made the following recommendation:

> **The Committee recommends that the Australian Government facilitate discussions between carriers, network operators and utility and infrastructure owners for managing redundant and/or ageing telecommunications equipment.**

Regardless of whether the facility is operating or not, it is an offence under section 474.6 of the *Criminal Code Act 1995* to tamper or interfere with a facility owned or operated by a carrier. As such, landowners and occupiers are unable to remove or relocate a redundant telecommunications facility without seeking prior consent from the carrier that owns the facility, except in very limited circumstances (such as a serious emergency).

Proposal

We seek your views on how prevalent the problem of redundant equipment is, and what issues this equipment causes your business practice.

If stakeholder feedback indicates this is a systemic problem, then a range of options are available. These options set the expectation that equipment should be removed when it is no longer used, either from the operator's own initiative or following a request by a landowner or occupier, unless removal would be impractical to do so. An example would be the removal of underground cabling.

We also seek your views on what maximum timeframe should apply for carriers to remove redundant equipment following a request by a landowner or occupier, and what dispute resolution mechanisms could apply in the event that carriers and landowners are unable to agree on whether the proposed removal of equipment would be impractical.

Option 1: Inclusion in a registered Industry Code

This option proposes the requirement for carriers to remove redundant equipment from infrastructure or assets of public utilities, including road authorities, and local governments be included in an Industry Code registered by the ACMA. For example, the existing requirement in the Deployment Code could be strengthened by removing the option to remove the equipment no longer in use, and making it a mandatory requirement.

Where a carrier failed to comply with a provision in a registered industry code, the compliance options available to the ACMA could include issuing a formal warning notice to the carrier, or issuing a direction to comply with the industry code. The failure to comply with such a direction may amount to an offence under the Act.[11]

[10] Information about the 5G inquiry, submissions and the final report can be accessed here.
[11] Information on ACMA's compliance and enforcement policy is available at https://www.acma.gov.au/compliance-and-enforcement-policy

Option 2: Inclusion in the Code of Practice

This option proposes a new section be included in the Code of Practice so that the removal of redundant equipment by a carrier becomes a legal requirement and part of the powers and immunities framework. Clause 15 (2) of Schedule 3 to the Act requires carriers to comply with the Code of Practice.

Where a carrier failed to comply with a requirement set out in the Code of Practice, the compliance options available to the ACMA could include issuing a formal warning notice to the carrier, giving a remedial direction which may include requiring rectification strategies, or accepting an enforceable undertaking from a carrier.

For either of the options above, a carrier or other operator would not be expected to remove redundant equipment where it is impractical to do so.

Prompt questions

1. What level of enforcement would provide the best solution to the issue of redundant equipment?
2. What regulatory burden (financial or non-financial) would occur if these options were enacted?
3. Are there other non-regulatory ways to better enforce the policy position that equipment is removed if not used?

3. Facilitating services in line with community expectations and to support economic growth

Telecommunications services are increasingly critical to both economic and social activity. For example, telecommunications services have played an important role during the COVID-19 pandemic to enable the continued functioning of Australia's economy with many people working, studying and operating businesses remotely.

The current framework sets out technical descriptions on what is considered a low-impact facility and therefore not subject to owner permissions or state and territory planning laws. Industry has expressed concern that descriptions in the LIFD are outdated and are not flexible enough to support the deployment of new technologies. Other stakeholders, including landowners and occupiers and communities, are concerned that changes to these descriptions could lead to safety issues, or lack of visual amenity in the surrounding environment.

The proposals in this section seek your views on how to strike an appropriate balance between the rollout of modern technology and visual amenity.

A. Improve coverage outcomes through better infrastructure, where safe

Issue

Coverage for mobile services, particularly in regional and remote Australia, is largely dependent on the ability of carriers to deploy towers of sufficient height so that coverage can be provided to the whole community. However, submissions to the Government's 5G inquiry show there is community concern about the visual impact of increasing amounts of telecommunications equipment being deployed.

Increasing the height of existing infrastructure, such as antenna protrusions and existing towers, could potentially reduce the visual impact because fewer antennae may need to be deployed overall. Likewise, new antenna technologies, such as radiocommunications lens antennae, could reduce the visual impact of towers as the number of panel antennas needed are reduced, while still providing efficient and effective coverage outcomes. Larger radiocommunications and satellite dishes can support stronger signals, increase reliability and provide a much needed option for backhaul ultimately improving services to a wider range of areas of Australia.

Proposal

We seek your views on whether the below technical amendments to equipment classified as a low-impact facility strikes the right balance between visual amenity and access to improved mobile coverage.

Allow antenna protrusions to be extended to a height of 5 meters

Item 4 in Part 1 of the Schedule to the LIFD provides that the maximum protrusion for a panel, yagi or other like antenna from a structure is 3 metres. It is proposed that the maximum protrusion height be extended by 2 metres to 5 metres in total. Increasing the height of the protrusions will improve coverage outcomes. The visual amenity issues could be addressed by making sure the antenna is colour-matched to its background, or in a colour agreed in writing between the carrier and the relevant local authority.

Figure 1: Antenna protrusion

Allow satellite dishes of 2.4 meters in diameter to be deployed in industrial and rural areas

Item 7 of the LIFD already specifies satellite dishes with a diameter of up to 1.8 metres as low-impact facilities that can be deployed in industrial and rural areas. It is proposed to increase the maximum diameter size of satellite dishes in industrial and rural areas to 2.4 metres. The visual amenity issues could be addressed by making sure the antenna is colour-matched to its background, or in a colour agreed in writing between the carrier and the relevant local authority.

Figure 2: Satellite dish in rural area

Specify radiocommunications lens antennae as a new low-impact facility

It is proposed that radiocommunications lens antennae could be specified as a low-impact facility in industrial and rural areas. The use of this type of antenna can reduce the number of panel antennas used on the pole or tower. If there is support for this proposal, the dimensions of lens antennae that would be permitted would be consulted on as part of any exposure draft of amendments and installation would be subject to safety objectives. The visual amenity issues could be addressed by making sure the antenna is colour-matched to its background, or in a colour agreed in writing between the carrier and the relevant local authority.

22. Improving the telecommunications powers and immunities framework

Figure 3: Radiocommunications lens antenna

Subject to stakeholder views, the Schedule to the LIFD would need to be amended to give effect to the proposals outlined above. The content of the proposed amendment would be consulted on before the Minister amended the LIFD. These proposals would be subject to the primary safety condition outlined earlier, and the other safeguards outlined in this paper and in the powers and immunities framework more generally.

Prompt questions

1. Are there alternative options that would reduce impacts to visual amenity while providing necessary coverage for a modern telecommunications service?
2. Would these options strike a balance between visual amenity and the need to maintain telecommunications services?
3. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?

B. Improve coverage outcomes through tower extensions

Issue

Coverage for mobile services, particularly in regional and remote Australia, is largely dependent on the ability of carriers to deploy towers of sufficient height. Submissions to the 2017 consultation process highlighted concern about the potential impact to visual amenity if a proposal to allow tower extensions in commercial areas was implemented to help improve coverage outcomes.

Item 12 in the LIFD already provides that the height of towers located in industrial and rural areas can be extended, subject to conditions, to a maximum of 5 metres. The proposal in 2017 sought to apply the same provisions to towers in commercial areas (which may be on the outskirts of regional towns).

While there may be some impact to visual amenity from higher structures, the improved coverage and co-location of infrastructure that could result from height extensions means less telecommunications infrastructure—towers and antennae—need to be deployed overall. A reduced infrastructure footprint could be considered a net benefit when considering impacts to visual amenity.

23. Improving the telecommunications powers and immunities framework

Proposal

We seek your views on whether tower heights (Item 12 in the Schedule to the LIFD) should be amended to allow height extensions up to a maximum of 5 metres in commercial areas in the following circumstances:

- the height of the extension does not exceed 5 metres (as in current LIFD)
- there have been no previous extensions to the tower (as in current LIFD), or
- the tower was previously extended by less than 5 metres (new suggestion).

If this amendment were supported, it would require a change to the LIFD. The content of the proposed amendment would be consulted on before the Minister amended the LIFD.

This proposal would be subject to the primary safety condition outlined earlier, and the other safeguards outlined in this paper and in the powers and immunities framework.

Prompt questions

1. Would the extension to 5m maintain a balance between visual amenity and the need to maintain telecommunications service?
2. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing this option?
3. Are there any other conditions or issues that should be considered if this proposal was to proceed?

C. Allowing deployment on poles rather than on utilities

Issue

There are different regulatory regimes that apply depending on whether a carrier deploys on a building or chooses to deploy on a pole or a tower. Poles and towers are not low-impact facilities and are subject to local planning obligations, meaning a development approval is required. These obligations ensure that significant infrastructure is subject to safety and visual amenity oversight.

5G, and in particular millimetre wave technology, will rely on small cells deployed on existing public infrastructure, including electricity poles. However, there are some locations where there is no existing infrastructure or, where infrastructure is available, it may have no spare capacity. Telecommunications carriers have developed a new type of telecommunications facility for these circumstances—a smart pole, or a slim pole. Smart or slim poles are slimline in design and able to physically accommodate equipment and antennas on or within the structure.

The costs to plan and provision a telecommunications deployment in an area of low volume or traffic density where a full development approval is required can make some deployments unfeasible.

Specifying smart or slim poles as low-impact facilities could have the effect of reducing capital costs involved in acquiring and rolling out 5G infrastructure. It means that carriers could roll out new, better mobile services in more locations where it would have been unfeasible to do so previously. Significant economic benefits may be realised if smart or slim poles are specified as low-impact facilities as deployments could be undertaken in a nationally consistent way.

There is also the potential that smart or slim poles, without limitations on type and application, could go against the low visual impact policy rationale of the powers and immunities framework. Low-impact facilities are generally telecommunications equipment that:

- are essential to the efficient operation of telecommunications networks
- have low visual impact, and
- are unlikely to cause significant community disruption during installation or operation.

While smart or slim poles may meet this criteria, clause 6(5) of Schedule 3 of the Act provides that towers, including poles or masts, cannot be specified as low-impact facilities unless certain conditions are met. None of the existing conditions outlined in clause 6(5) are applicable to the deployment of smart or slim poles.

Carriers have provided feedback they would prefer that smart or slim poles be specified as low-impact facilities provided that they are of a suitably discrete design, blending in with the surrounding environment or as a feature, such as an art installation for example. Smart or slim poles have been deployed in the Sydney Botanic Gardens to provide small cell coverage and other services to users the area. An example of a slim line pole in the Botanic Gardens is provided below.

Figure 4: Slim line pole in Sydney Botanic Gardens, Australia

Proposal

We are seeking your feedback on whether existing planning arrangements provide enough certainty for the community, landowners and carriers in creating an effective 5G network that is of low visual impact.

Alternative arrangements, such as early engagement with and leveraging support from local governments about planned smart or slim pole deployments may lead to positive development application outcomes.

We also seek your views on whether the benefits offered by the deployment of smart or slim poles are significant enough to include as a low-impact facility; or whether the risk to potential lack of visual amenity means this infrastructure should remain within the current planning processes.

25. Improving the telecommunications powers and immunities framework

If smart or slim poles were specified as a low-impact facility, a legislative change to the Act would be needed. An amendment would need to outline conditions for the deployment of smart or slim poles.

If you agree that a smart or slim pole could be classified as a low-impact facility, we are further seeking your feedback on what conditions for deployment could be useful to ensure it remains of low visual impact. For example,

- a pole could only be used to support small cell telecommunications facilities
- the height of the pole cannot exceed 12 metres
- a pole can only be installed on public land
- a pole cannot be installed in close proximity to existing public infrastructure, it must replace that item of public infrastructure
- the pole may be supported by an equipment cabinet installed at ground level
- the installation of a pole is subject to consultation in accordance with industry codes and standards, as recognised by the ACMA.

Prompt questions

1. Should smart or slim line poles, under certain conditions, be considered as low visual impact? If so, what should those conditions be?
2. What other suggestions would help to categorise a smart or slim pole as of low visual impact?
3. What alternatives to this option better meet the need for a national approach to telecommunications infrastructure investment that balances the need for visual amenity?
4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?

D. Encourage the co-location of facilities

Issue

The introduction of 5G and other similar technologies into the future will result in more small cells being deployed in areas of high use. To reduce the impact of more deployments and to continue to meet the community's expectations regarding visual amenity, co-location on existing infrastructure and urban furniture, such as utility poles, is desirable.

Figure 5: Example of co-located facilities

26. Improving the telecommunications powers and immunities framework

Submissions to the 2017 consultation process raised concerns about a proposal to remove the 25 per cent co-location limit in commercial areas, and lift the co-location limit from 25 per cent to 50 per cent in residential areas. Landowners were concerned about the potential impact the proposal would have on the structural integrity of infrastructure with larger co-located facilities on assets, as well as the impact on visual amenity. These risks are acknowledged and suitable mitigations should be put in place.

The LIFD applies a volume restriction on co-location of 25 per cent in residential and commercial areas which some stakeholders have identified as limiting the opportunities for co-location, especially for small cell infrastructure. The limitations of co-location can have the perverse result where the deployment of new towers and facilities are needed, increasing both visual impact and cost. The alternative is to lift the existing volume restriction to allow for greater co-location on existing facilities.

Encouraging co-location can help minimise the impact on visual amenity. Telecommunications technology is constantly evolving. It is possible that future equipment to be installed on public infrastructure may be smaller and less obtrusive while still operating efficiently.

Proposal

We seek your views on whether co-location volume limits should be updated and have suggested options below.

Some carriers suggest the volume restriction in commercial areas should be entirely removed. This would mean that commercial areas would be treated in the same way as industrial and rural areas in the LIFD.

Recognising there is a case for some restrictions to continue to apply to co-location volumes in residential areas, we are seeking views on whether the restriction in residential areas should be lifted from 25 per cent to 50 per cent.

Option 1: Co-location volume to be lifted to 50 per cent in residential and commercial areas

Item 2 in Part 8 of the Schedule to the LIFD could be amended to lift the total co-location volume of co-located facilities from 25 per cent to 50 per cent in residential and commercial areas.

There are no volume restrictions for co-location in industrial or rural areas and there is no expectation for this to change.

Option 2: Co-location volume lifted to 50 per cent in residential areas, no limit in commercial areas

Item 2 in Part 8 of the Schedule to the LIFD could be amended to lift the volume of co-located facilities to 50 per cent in residential areas, and remove the reference to commercial areas.

Item 1 in Part 8 of the Schedule to the LIFD could be amended to include reference to commercial areas. This would mean there would be no volume restrictions for co-location of facilities in commercial, industrial and rural areas.

Submissions to the 2017 consultation process indicated that higher co-location volume limits may be more acceptable to landowners in commercial areas if conditions are applied to deployments. For example, local councils suggested that higher co-location volumes may be more acceptable if co-location only occurred on existing telecommunications towers, or not positioned close to residential areas.

It is also noted that co-location volume can be measured in different ways and no standard methodology has been developed. For example, some carriers measure it on visual amenity while other carriers consider the impact of the weight and other dimensions of the infrastructure on the integrity of the overall structure.

Prompt questions

1. Would a consistent approach to measuring co-location volume assist or hinder the co-location and visual amenity of equipment?
2. What methodologies could be used by carriers to determine co-location volume? Are any of these methodologies agnostic regarding equipment type?
3. With safety as a primary consideration, which would be a preferred approach to co-location and why?
4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?

28. Improving the telecommunications powers and immunities framework

Next steps and conclusion

The proposals in this paper seek to improve the powers and immunities framework by addressing concerns of landowners and occupiers and supporting the deployment of telecommunications equipment in a balanced way.

A modernised deployment framework will provide greater certainty and transparency to landowners, occupiers and communities, while allowing industry to deploy telecommunications equipment to support new and expanded uses of mobile technologies.

The Department welcomes your views on these proposals. Each proposal is accompanied by a series of prompt questions to help guide your response. These are not definitive questions and the Department welcomes views on all aspects you consider relevant to the proposals.

The consultation period will be open for four weeks and submissions will be accepted up until **Friday, 16 October 2020**. To provide a written submission, please email powersandimmunities@communications.gov.au. When making a submission, please include:

- Contact name
- Organisation name, if applicable
- Contact details, including telephone number, postal and email addresses
- Confirmation whether or not your submission can be made public—published—or kept confidential.

All submissions to be made public need to meet the Digital Service Standard for accessibility. Any submission that does not meet this standard may be modified before being made public. If your submission is to be made public, please ensure you do not include any personal information that you don't want to be published. If your submission is confidential, please ensure each page of the submission is marked as confidential.

If you have any questions on the exposure draft or the consultation process, or would like to arrange a meeting with the Department, please send an email to powersandimmunities@communications.gov.au or contact:

Rachel Blackwood
Assistant Secretary
Spectrum & Telecommunications Deployment Policy Branch
Department of Infrastructure, Transport, Regional Development and Communications
Telephone (02) 6271 1591

The outcomes of the consultation process will inform the progression of the proposals included in this paper. As noted earlier, the approach towards some of the proposals is graduated ranging from non-regulatory intervention through to legislative change.

The Department expects to publish the outcomes to this consultation process at least four weeks after the consultation period closes outlining the forward approach to be taken for the various proposals set out in this paper.

Glossary

Glossary of terms

Terms	Meaning
ACMA	Australian Communications and Media Authority—the telecommunications-specific industry regulator dealing with carrier powers and immunities issues (www.acma.gov.au).
The Act	Telecommunications Act 1997
Carrier	The owner of a network unit used to supply carriage services—such as telephony or internet—to the public. Must hold a carrier licence from the ACMA in accordance with the Act.
Code of Practice	Telecommunications Code of Practice 2018
Commercial area	Referred to in the LIFD, an area where its designated use is for commercial purposes.
The Department	The Department of Infrastructure, Transport, Regional Development and Communications.
Industrial area	Referred to in the LIFD, an area where its designated use is for industrial purposes.
Mobile Base Station Deployment Code	Mobile Base Stations Deployment Code C564:2018 (www.commsalliance.com.au/Documents/all/codes/c564).
LAAN	Land Access Activity Notice—a notice issued by telecommunications carriers seeking entry to land to conduct activities authorised by Schedule 3 to the Act.
Landowners	The owner of a site or an asset where a telecommunications facility is proposed to be deployed. There are many types of landowners including government, utilities, road authorities, commercial entities and homeowners.
LIFD	Telecommunications (Low-impact Facilities) Determination 2018.
NBN Co	NBN Co Limited, the company building the National Broadband Network, a high-speed broadband network being constructed for the Australian Government (www.nbnco.com.au).
Residential area	Referred to in the LIFD, an area where its designated use is for residential purposes, and parts of built-up areas that cannot otherwise be described as a commercial. Industrial or rural area.
Rural area	Referred to in the LIFD, an area where its designated use is for rural purposes, and areas not part of built-up areas that cannot otherwise be described as a commercial, industrial or residential area.
Schedule 3	Schedule 3 to the Telecommunications Act 1997, which sets out the carriers' powers and immunities framework.
TIO	Telecommunications Industry Ombudsman—the independent dispute resolution service for telecommunications consumers, which also covers some powers and immunities issues (www.tio.com.au).

Attachment A: Outline of the powers and immunities framework

Carriers' powers and immunities are provided in a regulatory framework set out in legislation and an industry code registered by the Australian Communications and Media Authority (the ACMA).

Schedule 3 to the Telecommunications Act 1997 (the Act)

Schedule 3 to the Act provides carriers with powers to enter land, including public areas of buildings, for inspection and to install and maintain certain types of facilities. Schedule 3 also covers the installation of 'low-impact facilities', which are specified further in the LIFD. It also provides certain immunities from a range of State and Territory laws when carrying out those activities, such as laws relating to land use, planning, design, construction, siting, tenancy, environmental assessments and protection. These are collectively referred to as 'planning laws' in this paper.

Where Schedule 3 does not cover a particular telecommunications facility, carriers need to comply with applicable State and Territory planning laws and obtain landowner consent.

The Telecommunications Code of Practice 2018 (the Code of Practice)

The Code of Practice sets out the notification and objection procedures for carriers using powers and immunities authorised by Schedule 3 to the Act, as well as obligations for carriers when undertaking activities—inspecting land, installing and maintaining facilities—using their powers. Compliance with the Code of Practice is a carrier licence condition.

The Telecommunications (Low-impact Facilities) Determination 2018 (LIFD)

Schedule 3 to the Act gives the Minister for Communications and the Arts the ability to specify facilities as 'low-impact facilities' which can be installed using Schedule 3 powers and immunities. They are the most common type of carrier facilities installed under Schedule 3 and are specified in the LIFD.

The types of facilities that are currently specified in the LIFD as low-impact are those considered to be essential to the effective and efficient operation of telecommunications networks in providing services to the public, but are considered to be of low visual impact and unlikely to cause significant disruption to the community during installation or operation.

Low-impact facilities can be radiocommunications facilities, underground and above-ground housing, underground and some aerial cables, public payphones, emergency and co-located facilities. For example, mobile phone network facilities installed on existing towers and buildings can be low-impact facilities listed in the LIFD.

As well as specifying the types of facilities, the LIFD can designate the areas in which carriers can install low-impact facilities such as residential, commercial, industrial and rural areas.

The Mobile Base Station Deployment Code C564:2018 (the Deployment Code)

The Deployment Code sets out additional processes and conditions carriers are required to follow when installing mobile phone base stations. The Deployment Code was developed by Communications Alliance and is registered with the ACMA. The ACMA can warn or direct sections of industry to comply with the Deployment Code.

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

ALGA Submission to the consultation paper on improving the telecommunications powers and immunities framework

Via email to: powersandimmunities@communications.gov.au
23 October 2020

The Australian Local Government Association (ALGA) welcomes the opportunity to make comments on the Department of Infrastructure, Transport, Regional Development and Communications Consultation Paper on ***Improving the telecommunications powers and immunities framework,*** which was released on 16 September 2020.

ALGA is the voice of local government in Australia, representing around 537 councils across the nation. In structure, ALGA is a federation of state and territory local government associations. This submission has been prepared in consultation with ALGA's members and should be read in conjunction with any separate submissions received from state and territory associations, as well as individual councils.

General comments

ALGA reiterates many of the comments it made in its submission to the first consultation on possible amendments to the telecommunications powers and immunities regime, in July 2017, particularly in relation to balancing the rollout of telecommunications infrastructure with planning, environmental and safety issues.

In 2017, the issue which caused the most concern to local government was the proposal to install cables and conduits on bridges as low impact facilities. ALGA stated at the time and strongly reiterates the point that bridges are complex structures and any alteration may have significant impacts on the safety and function of the structure. This proposal is again mentioned in the current consultation paper, albeit very briefly (page 8) under the theme of "providing services in line with community expectations". State and Territory Associations strongly object to any reclassification of bridges as a low impact facility. The functional integrity of bridges must be the paramount consideration.

ALGA's position over many years has been the need to find an appropriate balance between the demand for better mobile services and the deployment of modern and effective technology, with appropriate planning laws to protect public safety and limit environmental impacts, as well as to allow community input into the planning process.

While carriers' desire to speed up approval processes, reduce their costs and reduce timeframes, this needs to be balanced against planning laws which are designed to protect public safety, limit impacts on the environment and third-party infrastructure assets and to ensure that the community is consulted. Industry expressing concerns that "descriptions in the LIFD are outdated and not flexible enough to support the development of new technologies" is consistent with the push by carriers over many years to roll out infrastructure outside the planning process.

Section 3 of the consultation paper contains the proposal by carriers to meet the community's expectation of improved coverage through better facilities**, where safe to do so**. This statement represents an inherent conflict. Who will determine whether it is safe to do so? If left to carriers to determine safety, how can safety be assessed and assured?

ALGA believes that ensuring safety is part of the role of local government – namely to ensure public safety and structural integrity amongst other considerations. Whittling away the role of local government through ever increasing structures being classified as LIFD, will erode both public safety and community consultation. Also, it should not be assumed that improved coverage will be welcomed by communities at the expense of safety or visual amenity.

The Low Impact Facilities Determination (LIFD) should not be used to override important planning considerations and community concerns. Any new telecommunications infrastructure should be assessed and approved by Local Government. Slim poles or smart poles (also referred to as Multi-Function Poles) are a substantial piece of infrastructure and issues of visual amenity, siting, heritage concerns, safety considerations, structural integrity and potential visual interference to traffic are important reasons that this infrastructure should not be considered low impact and should be determined by the planning process. The suggestion that these structures should be considered a low impact facility raises serious concerns for local government and ALGA would strongly object to any such infrastructure being installed without council approval.

Where telecommunications infrastructure is installed without the local council represented as a key stakeholder in the planning process, it has the potential to adversely impact and compromise future development, master planning or general strategic planning that the council might be concurrently undertaking.

Councils have expressed the additional concern that over and above issues of poor engineering or poor installation, councils struggle with unacceptable contract terms and installation which occurs in a way that the councils do not want (even if good quality), but which cannot be stopped under the Telecommunications Act because it is designated a low impact facility.

Some proposals in the Consultation Paper have caused serious concerns in the local government sector, insofar as they propose to override important planning, consultation and safety assessment provisions. Local governments have a legislative role in assessing developments and infrastructure which will impact the local community, to ensure there are no adverse impacts from a telecommunications facility. Local government's planning and assessment role involves ensuring the physical location, design and structural integrity are appropriate and that issues such as heritage and environmental protection are adhered to.

Despite these concerns, there are some very positive and welcome proposals in the paper, particularly the creation of a primary safety condition and extension of notification timeframes, requirement for engineering certification and standard notifications across industry.

In relation to specific numbered proposed amendments, ALGA makes the following comments:

1. Safety and Notification

A. Creation of a primary safety condition

ALGA fully supports the proposal that safety of telecommunications facilities is paramount, and the focus on maintaining the structural integrity of infrastructure and assets on which telecommunications equipment is installed. Ensuring the structural integrity of telecommunications infrastructure/assets has been an ongoing area of concern for local government. Local government would like to see existing safety obligations made more explicit, standards to be specified and enforceable. Increased inspection and maintenance regimes in agreements between carriers and public utilities is also supported.

Ideally this would be through regulation which is enforceable.

B. Standard notifications across industry

ALGA supports standard notifications across industry, as landowners need information which contains the appropriate amount of detail and is provided in a timely manner. This will allow better decisions to be made on the impact of proposed activities. This could also reduce the supplementary work that a council would need to undertake if inadequate information is provided, resulting in quicker decision making. Feedback by the Local Government Association of South Australia (LGASA) is that some notification information should be made available by carriers in other prevalent languages other than English, as English may not be the first spoken language by some landowners.

ALGA supports an industry code registered by the Australian Communications and Media Authority (ACMA).

C. Withdrawal of notifications

ALGA supports the withdrawal of a notification if a proposed activity is cancelled or indefinitely delayed. A new notification should be issued when work again commences/ is rescheduled. This is good business practice and provides the community with certainty about development intent. This proposal would assist in reducing costs and inconvenience to local government.

ALGA supports an industry code registered by ACMA, rather than making it a non-regulatory responsibility of a carrier. If it were a non-regulatory requirement of carriers, there is no certainty about how this would be monitored or enforced.

D. Requirement to provide engineering certification

ALGA fully supports this requirement, as structural integrity and safety are of primary concern for local government. Certification that equipment or structures meet engineering requirements will share responsibility more fairly. If the installation is pole-mounted, pole location and pole frangibility is particularly important in road safety. Local government supports defined time limits being imposed for the lodgement of engineering certificates. Landowners have a right to know within a reasonable timeframe that equipment has been installed correctly and to Code requirements. This is particularly important in road reserves.

ALGA supports an industry code and specification of a time limit in which to lodge the engineering certificate. The Local Government Association of Queensland (LGAQ) proposes that in addition, in the interests of public safety, there should be a formal definition of “good engineering practice” encompassing national, state/ territory and local road management standards applying to works, with provision for sanctions.

E. Extending notification timeframes

ALGA fully supports the extension of the minimum notification timeframe for utilities and road authorities from 10 to 20 days and the objection period from 5 to 10 days. Local government has repeatedly expressed concerns regarding the limited time to assess proposals, particularly with availability of staff to undertake site inspections and prepare reports. The LGASA has advised that it supports the extension of timeframes to all landowners, not just public utilities and road authorities.

Local government has maintained that being given as much notice as possible by carriers allows councils to schedule other works to coincide with carrier works, leading to less inconvenience for the public and cost savings. It is also good business practice to engage with stakeholders in a timely manner and provide as much notice as possible. In some cases, carriers would have a forward planning schedule which would allow then to give much longer notification than 20 days.

ALGA is of the view that greater certainty would be achieved if this was a legislative requirement.

2. Objections and protections

A. Clarifying the objections process for landowners

ALGA would support the development of factsheets to clarify the process and provide guidance to landowners. The factsheets should be developed for different audiences, such as landowners, councils and the community, and made available in a number of ways/communication channels. LGASA suggests that carriers could include a reference or link to the factsheets in the notice given to the landowner or occupier.

B. Allowing carriers to refer objections to the TIO

ALGA is comfortable with this proposal. If there is little chance of a resolution it is reasonable for a carrier to refer a matter to the TIO. As the consultation paper points out, there is already a disincentive for disputes to be referred to the TIO by carriers, as the cost to resolve disputes is borne by carriers. Resolving a dispute between the parties without reference to the TIO is preferable from both a cost and stakeholder engagement model.

B. Removal of redundant equipment

ALGA has raised the issue of removal of redundant equipment in previous submissions. If equipment no longer transmits if should be removed within a reasonable maximum timeframe to reduce the structural load on assets, and potentially allow for other equipment to be installed in its place (particularly with the larger volume of equipment which will be required for 5G). Only carriers are currently allowed to remove redundant equipment. LGASA has suggested it may be worth investigating the possibility of carriers being able to enter into an agreement with the landowner to provide rights to the landowner to remove redundant equipment, but they would have to be compensated for the cost of removing the equipment.

ALGA supports making the removal of redundant equipment a mandatory requirement in an Industry Code.

3. Facilitating services in line with community expectations and to support economic growth

A. Improve coverage outcomes through better infrastructure, where safe

B. Improve coverage outcomes through tower extensions

C. Allowing deployment on poles rather than on utilities (slim poles)

D. Encourage the co-location of facilities

ALGA reiterates the comments it made in its submission to the first consultation on possible amendments to the telecommunications powers and immunities regime, in July 2017, in relation to the proposals in this section. Each of the proposals (except the proposal on co-location of facilities) seeks to increase the current maximum permissible size of telecommunications equipment or introduce new LIFD categories.

The proposals in this section are exactly the same proposals as those put forward in 2107. Local government objected to each of the proposals in 2017 and that position has not changed. Local government continues to have serious concerns about extending the LIFD and classifying ever larger facilities as low-impact, which are able to be constructed without being subject to planning requirements.

The increase in proliferation of telecommunications equipment with the rollout of 5G on state and local government land and infrastructure and greater levels of co-location are yet to be fully understood. Local government is of the view that this needs to be managed before it gets out of control. Local government needs to be part of the planning process in relation to the extent, form and location of this infrastructure. Installations in road corridors are of particular concern to local government from a safety perspective and should be approved by the responsible road authority.

Local government would also reiterate the need to balance the rollout of telecommunications infrastructure with planning, environmental and safety issues. Communities want telecommunications infrastructure but not when it sacrifices their community amenity. Some councils have been told by their communities that they would choose a slightly reduced broadband speed, rather than lose their visual amenity, heritage places and environment. It cannot be automatically assumed that communities are willing to accept more infrastructure to increase their broadband speeds.

In relation to tower height extension in industrial areas, a few councils have indicated that they could support this, as long as it could be ensured that there would be less telecommunications infrastructure overall – which is difficult to predict with any certainty. Other councils and State and Territory Associations have rejected this proposal outright and object to inclusion of this provision as a low impact facility. Wherever tower extensions do occur, they should be done with minimum impact.

The Local Government Association of Tasmania (LGAT) advises that it has received representations from councils who strongly object to any further extensions of the low impact facilities determination. One council gives the example of a pedestrian mall which has been designed to have all services underground except for light poles. It has been advised that in order to install a 5G antenna on one of the light poles, Optus would also need to install a cabinet (Appendix A has a photo of the light pole and the cabinet). While council does not object to the antenna, it does object to the cabinet, as it has spent considerable money to underground other services. Council maintains that the antenna can be installed without the cabinet, but for the carrier it is cheaper to install the antenna and cabinet. Council will not be able to object to the cabinet, as it falls under the LIFD. It is expected that other carriers will come along after Optus and install their own cabinets next to other mall poles, to which council will not be able to object either.

The deployment of 5G will lead to a proliferation of telecommunications equipment, which is also of concern to local government. This proliferation will occur on state and local government managed

land and infrastructure. If amendments in this section are adopted, it is likely to result in very significant changes to the nature of our cities and the control councils can have over clutter and ugly pole development.

Advice from a Tasmanian council is that two carriers cannot share a 5G pole (this does not include a smart pole/multi-function pole which is designed for multiple uses). The council says this will lead to a proliferation of poles, regardless of council preferences for location or the undergrounding of services. If the carriers decide to install pole and cabinet at cheaper cost, council has no ability to influence or prevent the clutter of this infrastructure. Malls, footpaths, parks could see proliferation of new poles and cabinets wherever the carrier decides to put them. Additionally, council would need to gain permission to be able to use the poles for its purposes such as street lighting etc. The council has said *"With 5G, antennas are located close to the ground in a mesh, each node just a few hundred metres from its neighbours. And squeezed between any two Telstra nodes, we'd expect to see an Optus antenna, a Vodafone antenna and one for anyone else who gets themselves registered as a carrier (Amazon, Google, autonomous vehicle companies… everyone who wants to have a spatial mesh over the city)."*

While ALGA is cognizant of the demand for better mobile and data services, which in turn brings increased pressure to expand the number of telecommunications facilities, communities have expressed concerns through their local governments over the Low Impact Facilities Determination (LIFD) in terms of adequate community consultation and adequate remediation after works have been completed.

The proposals in this section cause considerable concern to the local government sector, and local government restates the concerns it expressed in the 2017 consultations. Structural integrity, safety, environmental protection and heritage issues are all assessed by local government through the planning process. Community consultation is an important aspect of local government's role in assessing projects. The (LIFD) should not be used to override important planning considerations and community concerns.

It is also important to note that what is considered a "minor" change to the LIFD is a subjective interpretation. ALGA and member Associations believe that some of these measures would have a significant impact, and that as a general principle, any facility or activity which has an impact on a local government structure should be assessed by local government. Whether the impact would be "minimal" or "minor" and what level of risk may be generated, can be assessed only on a case by case basis.

The argument that increasing the height of existing infrastructure could reduce the visual impact because fewer antennae may need to be deployed overall would on the surface seem logical. However, there is no evidence that this will occur or any guarantee that carriers will not simply install more antennae at greater heights and the particular circumstances and site conditions in the local area may also necessitate a more locally responsive solution which the blanket standards do not account for.

ALGA continues to have concerns about increasing antennae projections from 3 to 5 metres. Is there concrete evidence that the 3 metre antennae are inadequate?

Similarly, is there evidence that the existing 1.8 metre satellite dishes are inadequate and that the 2.4 metre dishes will substantially increase services? What percentage of improvement will there be?

Colour matching does not change the fact that these structures are larger. The issue of concern for local government is that these proposals are seeking to push larger devices into the LIFD. Dishes of 2.4 metres are not low impact.

The consultation paper argues that tower extensions, if extended to commercial areas, would also result in fewer towers being deployed overall. Local government would again postulate that there is no evidence that this will occur or any guarantee that carriers will not simply install more antennae at greater heights.

Local government would strongly suggest that evidence to show there will be significant benefit from extending tower heights and dishes needs to be provided to justify the assumption that this is the case, prior to making any changes to the LIFD.

Slim poles and smart poles (also referred to as Multi-Function Poles)

The proposal to specify slim poles/smart poles as low impact facilities is totally unacceptable to local government.

This is a 12-metre pole. All poles need to be assessed and approved, as they can potentially pose a safety hazard and interfere with future planned council works and upgrades. Slim poles are a substantive piece of infrastructure, which means they need to be carefully assessed – visual amenity, siting, heritage concerns, safety concerns, structural integrity, would all be concerns to local government. The size and width of the pole may also pose impaired visibility to traffic. Local government does not accept that significant economic benefits may be realised if these poles are specified as low impact facilities – cost would not be the primary consideration – safety and structural integrity are superior concerns from a local government perspective. In our 2017 submission we said that allowing 12 metre towers would remove any incentive for carriers to consider underground cabling as an alternative. The current proposal says that these slim poles accommodate equipment and antennae on or within the structure. Depending on how many additions there are to the pole, they will influence the structural integrity and safety of the pole.

Additionally, what is to guarantee that the 12-metre slim pole will not be increased by 5 metres in the next round of powers and immunities consultations?

The purpose of slim poles is to house multiple telecommunications and smart city technologies in the same unified construction, cleaning up street clutter and maintaining a high standard of amenity in doing this (such as a range of 4G and 5G small cells, public WiFi, CCTV, electric vehicle charging,

general power outlets, speakers, lighting, traffic and pedestrian signals, wayfinding, dynamic signage and smart controls and sensors). Council is clearly the appropriate party to manage this diverse range of public infrastructure and should not be beholden to a carrier for each addition or modification to a slim pole. This would effectively mean local government would lose control of the future planning of "smart cities" to carriers and other third parties.

If all players act individually, there will be no long-term planning for towns and cities, it will lead to higher costs, more above ground (cheaper) structures and decreased public amenity. The situation where carriers own a pole, not share the pole with other carriers and councils need to pay to use it is a recipe for uncontrolled proliferation of telecommunications infrastructure.

Telecommunications infrastructure needs to be rolled out in a coordinated way using shared development models and be managed so that there is no duplication and a reduced risk of unnecessary and unsightly deployment of infrastructure. This needs to be enshrined in legislation and involve DA approval, not in a low-impact definition. Once a proliferation of haphazard privately owned poles and other infrastructure is installed in cities, it will be too late and too expensive to rectify.

In terms of co-location of telecommunications facilities, the ALGA position has been to support co-location where possible. We have supported open access and co-location in greenfield sites, so that they are designed and built to be capable of supporting at least two further mobile network operators.

In terms of volume restrictions on co-located facilities, while local government is supportive of adding facilities to an existing facility, if a facility is added to a Local Government structure it should be assessed by local government. Structural integrity is of utmost importance from a local government planning perspective. The LGASA is of the view that the increased limit from 25% to 50% is excessive in respect to both visual clutter and structural integrity. Any new infrastructure should be assessed and approved by local government.

Local Government New South Wales (LGNSW) has advised that it objects to any amendments to carrier powers and immunities which are likely to exacerbate existing risks posed by carrier powers to council drinking water supply infrastructure and councils' ability to provide safe drinking water at all times. The location of telecommunications equipment on the assets of water utilities, particularly on or around drinking water in reservoirs, poses a significant risk to the ability of water utilities to provide safe drinking water and to protect public health. Structural damage caused by the installation of telecommunications facilities on water assets can result in contamination by insects, rodents, birds and associated faecal matter, which can lead to water contamination. LGNSW further notes that carriers will often ignore Section 8 of Schedule 3 of the Act (do as little damage as practicable) and Section 11 (carriers enter into an agreement with a utility on how the carrier engages in that activity).

Conclusion

While ALGA is supportive of the proposals in Sections 1 and 2 of the Consultation Paper, ALGA and the State and Territory Local Government Associations believe that many of these proposed changes in Section 3, to reduce or eliminate oversight, have the potential for adverse consequences – in terms of structural integrity, safety, urban design and interference with other infrastructure.

Strategic and local plans and planning legislation exist for a reason. Insufficient justification and evidence have been provided to support the assumption that a larger structure will mean that fewer structures overall will be built in the future.

Local government would strongly recommend that evidence to show there will be significant benefit from extending tower heights and dishes needs to be provided to justify the assumption that this is the case, prior to making any changes to the LIFD.

Allowing carriers autonomy to install "better facilities, where safe to do so", as low-impact facilities, is in local government's view, likely to lead to increased safety issues. Without an independent assessment of "where it is safe to do so", there is no guarantee that safety will be ensured. This is the role of local government under the Telecommunications Act. Extending the definitions of LIFD undermines the legislated role of local government to review telecommunications infrastructure.

Telecommunications infrastructure needs to be rolled out in a coordinated way using shared development models and be managed so that there is no duplication and a reduced risk of unnecessary and unsightly deployment of infrastructure. This needs to be enshrined in legislation and involve DA approval, not in a low-impact definition.

ALGA and member Associations believe that some of the measures proposed would have a significant impact, and that as a general principle, any facility or activity which has an impact on a Local Government structure, should be assessed by Local Government. Whether the impact would be "minimal" or "minor" and what level of risk may be generated, can be assessed only on a case by case basis.

ALGA further believes that regulation via a Code of Conduct which is enforceable is the preferable method of ensuring carrier activities are monitored and enforced.

It should not be assumed that community expectations are for more, larger infrastructure to increase their broadband speeds, at the expense of visual and community amenity.

Please contact [redacted] if you require further information.

[redacted]

Specific Instances of Problems **Attachment A**

Figure A: Pedestrian mall with services underground except for lights and some street furniture.

Figure B: In order to install a 5G antenna on one of the light poles (to which the council does not object) Optus have said they would also need to install a cabinet like the one below next to the pole. It is expected that the other carriers will soon arrive to put more cabinets next to the mall's other poles.

Figure C: Telecommunications overhead line installed by a telecommunications contractor in a tree.

Figure D: Telecommunications conduit installed through a water pipeline bracket.

Figure E: Telecommunication conduit resting on a transverse stressing bar, increasing oxidization of the bar, and preventing the road authority from undertaking maintenance (replacement of the bar). This bar is critical to bridge integrity and safety.

Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

Improving the telecommunications powers and immunities framework—consultation outcomes paper

March 2021

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Introduction

On 16 September 2020, the Department released a consultation paper outlining 12 proposed changes to the carrier' powers and immunities framework. These changes were proposed as part of the Government's commitment to improving the existing framework to get the best out of new networks, including 5G, and to better balance the interests of landowners and carriers. We also note that some proposals go part way to meeting the recommendations made in the House of Representatives Standing Committee on Communications and the Arts' The Next Gen Future inquiry into the deployment, adoption and application of 5G in Australia.[1]

This paper provides an overview of the key themes raised in submissions from stakeholders in response to the consultation paper, and an outline of the Government's intentions and next steps relating to each proposal.

The consultation period was open for six weeks, and closed on 30 October 2020. The Department received 49 submissions from a diverse range of stakeholders including: carriers and their industry representatives, telecommunications infrastructure providers, commercial property owners, councils and local governments, state government departments, energy, water, and railway utilities, and road authorities. The diversity of the responses is indicative of the many interests that must be considered to ensure the powers and immunities framework is appropriately balanced.

Submissions from landowners demonstrate a desire for the powers and immunities framework to be modernised and reflect a better balance between the commercial interests of landowners and carriers. Landowners believe the framework is excessively burdensome given the short timeframes, insufficient technical detail in carrier notifications, and fails to address transactional issues regarding payment of rent and power for the equipment. Landowners also argue the framework offers minimal means of objection or recourse for owners and occupiers. Carriers raised concerns that some proposals will carry administrative and cost burdens, while also supporting proposals to expand the *Telecommunications (Low-impact Facilities) Determination 2018* (the LIFD) to improve coverage of existing telecommunications services and further assist the roll out of new 5G services.

At this time, the Government will consult further on all 12 of the proposals included in the paper.The responses set out in the following sections have been informed by the views of all stakeholders. The proposed amendments are not intended to solely benefit or burden a single sector—balancing the framework will require compromise from everyone.

It should also be noted that while the immediate focus is on the proposals that were consulted on, the consultation identified a number of additional policy matters for Government consideration. In some cases, the Department has already met with industry peak bodies to discuss matters raised in submissions, and expects to meet with other peak bodies over time to inform the development of advice to Government.

The majority of submissions preferred changes to the framework to be included in primary or subordinate legislation rather than in an industry code. While it is proposed that amendments be considered to the LIFD, the *Telecommunications Code of Practice 2018* (the Code of Practice) and Schedule 3 to the *Telecommunications Act 1997* (Schedule 3), the Government also recognises that

[1] Information about the 5G inquiry, submissions and the final report can be accessed on the Inquiry into 5G in Australia webpage.

benefits associated with some amendments can be realised earlier if implemented outside of the regulatory framework.

For example, implementing a standard notice for use across industry would require amendment to Schedule 3 which is a lengthy process. However, developing a standard notice and making the template available for use in the short term would demonstrate what the Government expects best practice to look like.

Amendments relating to the proposals from the September 2020 consultation paper have been separated into two categories and subsequent proposed work plans, for further consultation:

- amendments that can proceed quickly, subject to the outcomes of consultation on exposure draft instruments, as they would be simple to implement (Tranche One), and
- amendments which would require further policy consideration before implementation (Tranche Two).

Further consultation on both tranches of work will commence in Quarter 1, 2021 and will have different completion milestones. A proposed high-level work plan of Tranches One and Two is provided in the section 'Next steps and conclusion'.

1. Safety and notification

A. Creation of a primary safety condition

Aim of Proposal

Landowners have previously argued conditions that inform the way carriers are to safely undertake proposed activities are spread across three different pieces of legislation in a manner which is confusing for parties unfamiliar with the legislation supporting the framework. The consultation paper proposed the inclusion of a 'primary safety condition' that would have the effect of drawing together all existing conditions that carriers must comply with when using their powers and immunities into one centralised Part to the Code of Practice. The proposal would not expand existing conditions, nor establish new grounds of objection relating to safety concerns.

What you told us

- Landowners informed us that the existing safety obligations and requirements placed on carriers are not clearly described, and many are left frustrated when interpreting the current framework.
- Carriers believed that existing safety requirements are fit-for-purpose and do not require amendment.
- Some specific industry sectors also expressed a desire to expand the existing safety conditions to include reference to their own industry requirements and standards.

Addressing your responses

- The Government is proposing changes to the Code of Practice to more clearly represent and reinforce the requirements carriers must comply with when undertaking activities under Schedule 3.

5. Improving the telecommunications powers and immunities framework

Next steps

The Government will seek comments on a proposal to amend the Code of Practice to create a primary safety condition, as part of Tranche One of the reforms. The exposure draft of the amended Code of Practice will be released for consultation. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

B. Standard notifications across industry

Aim of Proposal

Notices given by carriers seeking to undertake an activity authorised by Schedule 3 that are of high-quality and include timely and accurate information are an integral element of the powers and immunities framework. It was proposed to introduce standard notices for carriers to use that would have the benefit of helping landowners better understand what works are being proposed by carriers on their land, as well as facilitate better engagement between carriers and landowners regarding proposed works.

What you told us

- Landowners expressed a strong desire for notices to be standardised. Many landowners included extensive examples of poor quality notices being received in their submissions.
- Some carriers raised concerns that transferring to a standardised notice will impose administrative and cost burdens as they would need to reconfigure online systems to implement a new notice template.

Addressing your responses

- It is recognised that, in most cases, notices provided by carriers already include the majority of necessary information prescribed in clause 17 of Schedule 3. To implement a standardised notice framework, Schedule 3 would need to be amended. This is a lengthy process and would mean that any immediate benefit from a standard notice could not be realised.
- There would be benefit in implementing a standardised notice template outside of the regulatory framework to help improve operational relationships between carriers and landowners.
- Making a template notice available for use by carriers will clearly set out how the Government expects carriers to engage with landowners about the use of their powers and immunities. The template notice will be recognised as best practice in providing information about proposed activities to landowners and occupiers.

Next steps

The Government expects the standard notice template to be completed as part of the Tranche One reforms. The Department will work with the Australian Communications and Media Authority (ACMA) and the Telecommunications Industry Ombudsman (TIO) to develop a draft notice that will be consulted on with industry before being implemented. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

C. Withdrawal of notifications

Aim of Proposal

The consultation paper outlined a proposal that would require carriers to withdraw a notice when the proposed activity is cancelled or indefinitely delayed to provide certainty and transparency for landowners. Currently, carriers are not required to withdraw notifications they give to landowners when proposed works do not proceed, and this can be a source of confusion and frustration with larger landowners, such as public utilities, local councils, road authorities or commercial property owners, who may have undertaken their own preparations regarding the proposed works. This proposal is intended to encourage greater engagement from carriers with landowners.

What you told us

- In response to this proposal, landowners provided examples of numerous problems arising due to the lack of a withdrawal requirement, including multiple notices being issued for the same project with no clear advice as to what had changed between notices.
- Carriers were receptive to introducing a withdrawal requirement, provided that the requirement would be limited to cancelled projects, and is implemented through an industry code.

Addressing your responses

- It is recognised that, in many cases, carriers use informal methods to advise landowners of potential changes, delays or cancellation of proposed work. Implementing a requirement for carriers to formally withdraw a notice in certain circumstances will help provide a necessary exchange of information between carriers and landowners, as well as clarity and certainty about proposed works in all cases.
- The Government proposes to develop a requirement to withdraw notices where proposed works are cancelled.
- Although landowners supported applying the requirement to changed circumstances, such as where proposed works are substantially delayed, there was insufficient evidence at this time of the extent of project delays.

Next steps

The Government will seek comments on a proposal to implement the change to the Code of Practice to require a carrier to withdraw a notice in certain circumstances in Tranche One of the reforms. The exposure draft of the amended Code of Practice will be released for further consultation. Further information about Tranche One is set out in the section ‘Next steps and conclusion’.

D. Requirement to provide engineering certification

Aim of Proposal

The powers and immunities framework requires carriers, when undertaking an activity under Schedule 3 of the Act, to do so in accordance with good engineering practice. Stakeholders advised the Department in 2017 and in the Powers and Immunities Reference Group that landowners continue to bear the risk of the land, asset or infrastructure that telecommunications equipment may be affixed to. The proposal outlined in the consultation paper would require carriers to provide landowners with an engineering certificate about the installation of facilities on their land or infrastructure as a means of demonstrating "good engineering practice". This proposal would provide certainty to all parties that facilities are compliant with the conditions set out in Schedule 3.

What you told us

- Landowners have strongly requested that more information and documentation be provided by carriers about proposed works to help address concerns about the safety and quality of facility installations.
- Stakeholder responses have indicated that any new requirement should clearly outline the information that must be included in a certification, and (where possible) reflect updated state or territory legislation about professional engineering requirements for signing off certificates.
- Carriers have advised that such a requirement should not apply uniformly, as not all facilities present the same risk and subsequent need for certification, due to differences in location, type, and size.
- Carriers have also advised that introducing such requirements will apply additional cost and administrative burdens, and potentially delay the roll out of facilities and services.

Addressing your responses

- Mutual benefit can be realised from the introduction of an engineering certification requirement. The certification from a suitably qualified engineer would provide certainty and reassurance for both landowners and carriers that work is completed in accordance with relevant industry standards and reflects good engineering practice. The requirement could be introduced in the Code of Practice.
- Further work will be undertaken to determine the certain types of facilities, and the circumstances to which engineering certification will apply. It is possible that the types of facilities that the engineering certification requirement would apply to could be listed in the LIFD.

Next steps

The Government will seek comments on a proposal to amend the Code of Practice to apply a new requirement for engineering certificates to be provided to a landowner for certain types of facilities. The implementation of the requirement will be subject to further consultation in Tranche One of the reforms. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

E. Extending notification timeframes

Aim of Proposal

Extending the minimum notification timeframe from 10 business days to 20 business days is intended to better afford landowners adequate time to assess proposed works, and request additional information where necessary. It is intended to encourage greater interaction and collaboration between carriers and landowners about proposed works removing the need for landowners to immediately object to a notice.

What you told us

- Public utilities strongly supported the proposed change to extend notification timeframes to 20 business days.
- Other landowners and occupiers requested that this extension apply to all landowners, and not be limited to public utilities.
- Stakeholders told us that the current notification timeframe is frustrated and reduced by postage delays, internal staffing co-ordination requirements, and delays in carriers providing further information when requested.
- Carriers expressed a strong concern that increasing minimum notification timeframes will cause cost and administrative burdens, and could delay roll out of facilities and services.
- Carriers also noted in their submissions they rely on the current 10 day timeframe for the majority of activities undertaken using the powers and immunities framework.

Addressing your responses

- Clause 6 of Schedule 3 provides that 10 business days is the "minimum" timeframe for carriers to provide a notice to a landowner about proposed activities. While there are circumstances where the current timeframe is useful, the lead time for many activities is likely to be known in advance as time is needed to plan for equipment availability and resource assignment. Relying on the minimum timeframe in these circumstances does not afford sufficient time for larger landowners to appropriately consider proposals and leads to automatic objections to proposals as a means of "stopping the clock".
- Submissions noted that notification timeframes that some utility providers are required to adhere to for their proposed activities can be as long as 30 days.
- It is proposed that notification timeframes are extended from 10 to 20 business days and that this extension will go some way to providing balance in the operation of the powers and immunities framework.
- It is expected that the amendment will apply to notices given to all landowners.

Next steps

This change would require an amendment to primary legislation in Schedule 3. As amendments to Schedule 3 are not considered in Tranche One of the proposed work plan, the Government proposes to take steps to implement this change in Tranche Two. The proposed changes in Tranche Two will be subject to further consultation. Further information about Tranches One and Two is set out in the section 'Next steps and conclusion'.

9. Improving the telecommunications powers and immunities framework

2. Objections and protections

A. Clarifying the objections process for landowners

Aim of Proposal

The consultation paper discussed the need for a factsheet to be provided to help landowners better understand their rights to object, the grounds available for an objection, and the process and timeframes to be followed for an objection to be made.

What you told us

- Landowners agreed that the current framework is difficult to understand, and the development of a plain English factsheet outlining landowner rights and carrier obligations would be useful.
- Carriers provided a mix of responses to the proposal, with most believing the framework and process are already clearly described within the existing legislation.

Addressing your responses

- The Department is preparing a factsheet that will be made available on its website. The factsheet will be included as a link in notices provided by carriers to landowners under Schedule 3 of the Act.

Next steps

The Government expects the factsheet to be made available as part of the Tranche One reforms. The Department will work with the ACMA and the TIO to develop a factsheet. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

B. Allowing carriers to refer objections to the TIO

Aim of Proposal

Currently, a carrier may only refer an objection to the TIO where requested to do so by the landowner. This proposal would amend the existing provisions of the Code of Practice to allow carriers to refer landowner objections, without needing a request by a landowner.

Further to the suggestions made by the TIO in the 2017 consultation process, the consultation paper also sought comment on the introduction of a deadline for carriers to refer objections to the TIO, where requested by the landowner.

What you told us

Carrier Referral Right

- Landowners are concerned about the risk that carriers may game the provision to effectively "skip" negotiations, and instead immediately refer matters to the TIO to expedite the process.
- Landowners requested this referral right be subject to a condition on carriers having engaged in good faith to resolve objections with landowners.
- Carriers supported the implementation of the new referral right.

Deadline for Referrals

- Landowners supported introducing a deadline for carriers to refer landowner-requested objections to the TIO.
- Carriers object to the proposal on grounds of administrative burden.

Addressing your responses

- The Government proposes to amend the Code of Practice to include provisions to allow carriers to also refer objections to the TIO. The provisions would make it clear that referral can occur only after carriers having first made genuine attempts to resolve any issues with landowners.
- The Government also proposes to amend the current TIO referral provisions to introduce a deadline for carriers to refer landowner-requested objections.

Next steps

The Government will seek comments on proposals to implement the changes to the Code of Practice allowing a carrier to refer objections to the TIO and including a deadline for carriers to refer objections to the TIO after a landowner request in Tranche One of the reforms. The exposure draft of the amended Code of Practice will be released for further consultation. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

C. Removal of redundant equipment

Aim of Proposal

The consultation paper sought information from stakeholders on the prevalence of redundant equipment, and how such redundant equipment negatively impacted landowner operations, to assist Government consideration of options for the treatment of redundant equipment.

What you told us

- Submissions from landowners confirmed the continued presence of redundant equipment on land or infrastructure is of ongoing concern. Landowner concerns relate to increased safety risks in deteriorating equipment, diminished visual amenity, impairment of landowner usage of land, and preventing deployment of newer technologies.
- Landowners strongly support the introduction of a legislative requirement for carriers to remove redundant equipment.
- Carriers indicated they are willing to support this proposal if its application is limited to: specific types of facilities; for specific classes of landowners; only on request; where removal is reasonable; and the equipment is not capable of being repurposed. Carriers are also concerned this new requirement will substantially increase administrative and costs burdens.
- Some carriers indicated that any requirement for removing redundant equipment should be implemented through an industry code, rather than a legislative instrument.

Addressing your responses

- The feedback we have received confirms that the management of redundant facilities is a key concern for landowners. This concern was also recognised in the Standing Committee on Communications and the Arts 'Next Gen Future' 5G inquiry, which recommended the Australian Government facilitate discussion between carriers and landowners for managing redundant and ageing telecommunications equipment.[2]
- The extent of the problem that redundant equipment is causing is yet to be established. None of the submissions provided data or quantitative analysis of the extent of the problem on existing assets of infrastructure. The Department would welcome further information and evidence from stakeholders on this issue.

Next steps

The Government supported the recommendation from the 5G inquiry to consider the treatment of redundant and ageing telecommunications equipment. The Government proposes to implement a framework for carriers to remove redundant equipment and will consult on the parameters of any new requirement as part of the Tranche Two reforms. Further information about Tranches One and Two is set out in the section 'Next steps and conclusion'.

3. Facilitating services in line with community expectations and to support economic growth

A. Improve coverage outcomes through better infrastructure, where safe

Aim of Proposal

A number of changes to the LIFD were proposed that would change the dimensions of existing items and introduce a new item to the Schedule to improve the coverage footprints of existing and future telecommunications services. These proposed amendments would increase the maximum size of two existing items in the LIFD regarding antennae protrusion and satellite dishes, and would introduce radiocommunications lens antennae as a new type of low-impact facility. While these amendments are intended to improve coverage, they also help minimise impact on visual amenity as the need for new, standalone facilities in the same area would be reduced.

What you told us

- Landowners expressed concerns with the proposals, on the grounds of diminished visual amenity and the structural integrity of expanded facilities.
- Some landowners expressed fundamental concerns with the LIFD, noting its purpose and content should be holistically reviewed.
- Carriers expressed strong support for this proposal as these amendments will improve coverage footprints and the quality of services used by all Australians.

[2] The Committee's report of its inquiry into 5G in Australia can be accessed on the Next Gen Future webpage.

- The proposal enables greater co-location of carrier infrastructure and reduces the need for new, standalone facilities. A reduced infrastructure footprint can be achieved by expanding the size of existing infrastructure, and this helps balance the impact on visual amenity.

Addressing your responses

- Statements that communities are prepared to accept a lesser quality of service in order to maintain visual amenity in their suburbs are acknowledged, however the traffic volume of data and telecommunications usage in response to the COVID-19 pandemic also indicates significant community demand for high-quality telecommunications services.
- The benefit of these proposals in expanding coverage footprints or providing greater backhaul capability for existing telecommunications services is needed in the current environment to assist in Australia's recovery from the pandemic, and to support ongoing, changed arrangements to the way we work, study and connect.
- The concerns raised by landowners about the safety and structural integrity of expanded facilities are able to be addressed by the implementation of other proposals in Tranche One such as reinforcing the safety conditions carriers must comply with, along with the new requirement for engineering certification of facilities to be provided to landowners.

Next steps

The Government recognises the economic and social benefits that improved communications infrastructure provides to the Australian community and proposes to implement these changes to the LIFD in Tranche One of the reforms. The exposure draft of the amended LIFD will be released for further consultation. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

B. Improve coverage outcomes through tower extensions

Aim of Proposal

The consultation paper sought stakeholder feedback on classifying tower extensions up to 5 metres in commercial areas as a low-impact activity. Currently, extensions of up to 5 metres are permitted on existing towers only in rural and industrial areas. Permitting tower extensions facilitates improved coverage and the co-located deployment of new telecommunication technologies, while reducing the need for new facilities to be installed.

What you told us

- Responses from landowners showed primary concerns relating to safety of the larger infrastructure and visual amenity impacts.
- There were some misconceptions amongst some non-carrier stakeholders about this proposal. Some stakeholders believed this was a proposal to encourage greater tower deployment while others assumed this was an increase to the maximum height of new towers.
- Carriers advised that tower extensions will be necessary to facilitate the co-location of telecommunications infrastructure in areas of higher density usage and will improve coverage while again reducing the need for new, standalone facilities to be deployed.

Addressing your responses

- Towers and poles are unable to be specified as low-impact facilities and require development approval from local government to be installed. However, once installed the LIFD provides that carriers can extend the height of a tower using their powers and immunities if they meet certain conditions about the maximum height of the extension and the location of the tower. For example, the LIFD currently provides a maximum extension to the height of a tower located in industrial and rural areas of no greater than 5 metres. The proposal in the consultation paper sought to extend the current provision to commercial areas.
- Allowing tower extensions in commercial areas will have the benefit of increasing coverage in areas where there is a higher density of telecommunications usage. Concerns about diminished visual amenity are acknowledged and are largely balanced against the reduced need for additional infrastructure to be installed.
- The concerns raised by landowners about the safety and structural integrity of expanded facilities are able to be addressed by the implementation of other proposals in Tranche One such as reinforcing the safety conditions carriers must comply with, along with the new requirement for engineering certification of facilities to be provided to landowners.

Next steps

The Government recognises the benefit that this proposal would provide to the Australian community and proposes to implement the changes to the LIFD in Tranche One of the reforms. The exposure draft of the amended LIFD will be released for further consultation. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

C. Allowing deployment on poles rather than on utilities

Aim of Proposal

The deployment of 5G, particularly millimetre wave technology, will require telecommunications infrastructure to be deployed in a higher density than what is currently observed in our metropolitan and suburban environments. The consultation paper tested whether smart poles could be specified as a low-impact facility to help make 5G available to the community in a more efficient way, such as removing the need for a protracted development approval process, while minimising the impact on local visual amenity.

What you told us

- Landowners expressed concern about specifying smart poles as a low-impact facility. These concerns extend to the dimensions of smart poles, visual design, costs arrangements, determining pole locations, and ownership matters.
- Carriers confirmed that the rollout of 5G will require higher density deployment and that a development approval process for each smart pole renders deployment uneconomic. Carriers argue that smart poles would improve coverage and quality of service, while utilising a more discrete design.

Addressing your responses

- It is recognised that smart poles, or a variant thereof, will be integral to the effective roll out of 5G and millimetre wave technologies and the development of a policy that would enable smart poles to be deployed as low-impact facilities must necessarily address the concerns raised by landowners.

Next steps

The Government's strategy is to support the timely rollout of 5G to enable Australia's economic productivity and growth. Balancing the interests of carriers and landowners is necessary for this proposal to be able to be implemented. An amendment to Schedule 3 would be needed in order to give effect to any proposal that would see smart poles able to be specified by the Minister as a low-impact facility. The Department will consider the matters raised in submissions and will consult further on a proposed framework as part of the Tranche Two reforms. Further information about Tranches One and Two is set out in the section 'Next steps and conclusion'.

D. Encourage the co-location of facilities

Aim of Proposal

To help improve coverage and enable the deployment of 5G in high-use areas, it was proposed that the co-location volume limits set out in the LIFD be increased. Two options were proposed: increasing the volume limits in residential and commercial areas to 50 per cent, or increasing residential limits to 50 per cent and removing limits in commercial areas entirely.

What you told us

- Responses from landowners highlighted the need for a standard methodology to determine co-location volume be set out in the LIFD. While there was some support for increasing commercial area limits from 25 per cent to 50 per cent, there was little support for any increases to residential limits.
- Some landowners were concerned about the safety and structural integrity of infrastructure that may have additional equipment attached as a result of increased co-location volume limits.
- Carriers strongly support increasing residential limits to 50 per cent and removing limits in commercial areas, arguing that increased co-location will improve coverage, reduce costs, and shorten deployment timeframes.

Addressing your responses

- It is recognised that increased co-location of telecommunications equipment on existing public infrastructure offers benefits such as improved local coverage and enables the deployment of new technologies, while minimising the impact that larger, standalone infrastructure has on visual amenity.
- The need for a standardised methodology is acknowledged and would provide carriers, landowners and the community with certainty about what and how much equipment can be attached to infrastructure.
- Taking into account the information provided in submissions, the existing co-location volume limits in commercial areas will be increased from 25 per cent to 50 per cent.
- The concerns raised by landowners about the safety and structural integrity of expanded facilities are able to be addressed by the implementation of other proposals in Tranche One such as reinforcing the safety conditions carriers must comply with, along with the new requirement for engineering certification of facilities to be provided to landowners.

15. Improving the telecommunications powers and immunities framework

Next steps

The Government recognises the benefit of co-locating telecommunications equipment on public infrastructure, when it is safe to do so. The Department will continue to explore options to create a standardised co-location volume methodology with industry input. This methodology would give certainty to all stakeholders on the amount of equipment that can be attached to infrastructure. The exposure draft of the amended LIFD will be released for further consultation. Further information about Tranche One is set out in the section 'Next steps and conclusion'.

Next steps and conclusion

The Department thanks stakeholders for their insightful submissions on the consultation paper, and their interest and commitment to a modernised and streamlined legislative framework. The feedback received will allow the Department to better determine the best means of modernising, improving and balancing the powers and immunities framework, with respect to the diverse range of relevant stakeholder interests.

Tranche One

Consultation on matters included in Tranche One is proposed to occur in early 2021 as the matters included in this tranche of work involve changes to subordinate legislation, such as the Code of Practice and the LIFD, or administrative processes, such as developing a factsheet to be made available on the Department's website. The consultation process will involve consideration of exposure drafts of proposed amendments to the Code of Practice and the LIFD. An outline of the matters is provided in the table below.

Tranche One—Outline of matters for consideration

Proposal from consultation	Detail
Primary safety condition	Amendment to *Telecommunications Code of Practice 2018*
Standard notifications	Development of template notice for best practice guidance, to be made available on the Department's website
Withdrawal of notifications	Amendment to *Telecommunications Code of Practice 2018*
Engineering certification	Amendment to *Telecommunications Code of Practice 2018*
Clarifying objections process	To be made available on the Department's website
Carrier referral to TIO	Amendment to *Telecommunications Code of Practice 2018*
Extension to antenna protrusions	Amendment to the *Telecommunications (Low-impact Facilities) Determination 2018*
Larger satellite dishes	Amendment to the *Telecommunications (Low-impact Facilities) Determination 2018*
Radiocommunications lens antenna	Amendment to the *Telecommunications (Low-impact Facilities) Determination 2018*
Tower extensions	Amendment to the *Telecommunications (Low-impact Facilities) Determination 2018*
Co-location volume limits	Amendment to the *Telecommunications (Low-impact Facilities) Determination 2018*

Tranche Two

Consultation on matters included in Tranche Two is proposed to commence in the first half of 2021 allowing the Department time to further refine the proposals and address the issues raised in submissions to the consultation paper. Consultation is likely to focus on the detail of the policy proposals to inform Government consideration in advance of the legislative drafting process. It should be noted that further consultation will occur on the content of any draft legislation.

The following table identifies the three proposals from the consultation paper that will be considered in Tranche Two.

Tranche Two—Outline of matters for consideration

Proposal from consultation	Detail
Extending notification timeframes	Amendment to Schedule 3, *Telecommunications Act 1997* Subsequent amendment to: • *Telecommunications Code of Practice 2018*
Smart poles	Subject to additional policy development and consultation: Amendment to Schedule 3, *Telecommunications Act 1997* Subsequent amendment to: • *Telecommunications Code of Practice 2018* • *Telecommunications (Low-impact Facilities) Determination 2018*
Removal of redundant equipment	Subject to additional policy development and consultation: Amendment to Schedule 3, *Telecommunications Act 1997* Subsequent amendment to: • *Telecommunications Code of Practice 2018*

17. Improving the telecommunications powers and immunities framework

Glossary

Glossary of terms

Terms	Meaning
The Act	Telecommunications Act 1997
Carrier	The owner of a network unit used to supply carriage services—such as telephony or internet—to the public. Must hold a carrier licence from the ACMA in accordance with the Act.
Code of Practice	Telecommunications Code of Practice 2018
The Department	The Department of Infrastructure, Transport, Regional Development and Communications.
Notice	Land Access Activity Notice—a notice issued by telecommunications carriers seeking entry to land to conduct activities authorised by Schedule 3 to the Act.
Landowners	The owner of a site or an asset where a telecommunications facility is proposed to be deployed. There are many types of landowners including government, utilities, road authorities, commercial entities and homeowners.
LIFD	Telecommunications (Low-impact Facilities) Determination 2018.
PIRG	The Powers and Immunities Reference Group
Schedule 3	Schedule 3 to the Telecommunications Act 1997, which sets out the carriers' powers and immunities framework.
TIO	Telecommunications Industry Ombudsman—the independent dispute resolution service for telecommunications consumers, which also covers some powers and immunities issues (www.tio.com.au).

17 CONFIDENTIAL SECTION

18 CLOSURE OF MEETING