

To the Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601

Submission response—Possible amendments to telecommunications powers and immunities

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Yes

Date of submission

20 July 2017

Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

Ausgrid

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General comments

Ausgrid would seek to engage with the relevant parties and expand clarify the initial points in response to these questions and look forward to being contacted to arrange a meeting for this purpose. We provide comments below to questions 18 and 21.

Responses

The Australian Government seeks views on possible amendments to telecommunications carrier powers and immunities. In particular, the Government seeks views on:

Proposed amendments to the Telecommunications Code of Practice 1997

18 LAAN objection periods

- 18.1 Is it reasonable to end the objection period for low-impact facility activities and maintenance work according to when the notice was issued, rather than the date work is expected to commence?

Linking the objection period to the notice would require either;

A) an optional email notice process as discussed in our response to 18.2 to overcome inefficiency in the current method of serving notice ; or

B) a longer objection period of say 10 days when the commencement date allows.

- 18.2 Is 5 business days from the receipt of a notice a sufficient time period for land owners and occupiers to object to carrier activities where carriers have given more than 10 days' notice about planned activities?

Ausgrid supports efficient processes in dealing with LAAN objections. The post or hardcopy method of serving notices is not consistent with the proposal to reduce the time to lodge an objection in many instances. Since the legislation was drafted in 1997 business interaction has moved from post and hard copy to email. For example Ausgrid's interactions with telcos on facilities access agreements, covering in our case over 270,000 separate telco attachments, are all achieved via email.

Organisations may currently receive a LAAN addressed poorly to, say, "The General Manager" in paper form. This can result in lost time while the notice is forwarded to someone who can interpret it, identify the appropriate officer to deal with the issue, scan it and email it internally. This may take a material part of the 5 day period in which an objection may be lodged and undermines the intent of the legislation to provide parties with a proper opportunity to consider and respond. In particular, the absence of a process to nominate the addressee for these communications unfairly erodes the time frame allowed to Ausgrid and other land owners.

To achieve the proposed reduction to '5 days from receipt' an electronic means of serving notices should be provided. For instance organisations could elect to receive such notices directly to a nominated email address, and others would continue to receive hard copy posted notices. Suitable group email addresses likely already exist within large organisations to enable an efficient response within the targeted period.

Possible amendments to the *Telecommunications Act 1997*

21 Allowing some types of poles to be low-impact facilities

- 21.1 Is it reasonable for poles in rural areas for telecommunications and electricity cabling for telecommunications networks to be low-impact facilities?

This proposal does not preclude constructing networks of power lines, of any voltage, in the public domain or through bushland, which would require significant consultation including on the connection point and protection of the electricity distribution network. These new electricity lines would also need to be operated and maintained in a way that ensures public safety, for example relating to the bushfire risk. How is it intended that the national broadband network would meet the Commonwealth and jurisdictional legislation associated with the management of electricity transmission and distribution networks which are a mechanism to manage these and other risks on power lines in the public interest?

A pole for dual use of telecommunications and electricity would require many further controls to ensure public safety than a telecommunications pole. The electrical lines and poles should be constructed to the standards required by the local electricity distributor.

The scenario of a single “fixed wireless site” connecting via overhead power cables over private land to the distribution network is understood from an electrical viewpoint and is similar to current arrangements.

21.2 Should low-impact facility poles be allowed in other areas, or be restricted to rural areas?

In addition to the points raised in response to 21.1 Low Impact facility poles should not be allowed in non-rural areas. The proposal would allow overhead lines and poles to be constructed even in underground electricity areas. It would also increase the likelihood of duplication of assets.

21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?

Structures should not exceed the size required under appropriate standards.

21.4 Would the existing notification and objection processes for land owners and occupiers in the Tel Code be sufficient, or should there be additional consultation requirements?

These notification and objection processes are not appropriate to manage the electricity distributor’s obligations. Significant additional consultation would be needed in relation to the connection to the local electricity distribution network and a separate connection application will also be required.