

2010-11

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Telecommunications Amendment (Enhancing Community Consultation) Bill 2011

EXPLANATORY MEMORANDUM

Circulated by authority of
Andrew Wilkie MP

Telecommunications Amendment (Enhancing Community Consultation) Bill 2011

Clause 1: Short Title

1. This clause is a formal provision and specifies the short title of the Bill, once enacted, as the *Telecommunications Amendment (Enhancing Community Consultation) Act 2011*.

Clause 2: Commencement

2. This clause provides for the commencement of all Sections of the Act the day after the Act receives the Royal Assent

Schedule 1 – Amendments

Telecommunications Act 1997

Item 1: Clause 1 of Schedule 3 (fourth dot point, paragraph (g))

1. Item 1 allows for more than one owner of relevant land to be notified by carriers.

Item 2: Subclause 6(5) of Schedule 3

2. Item 2 removes the ability for any kind of tower to be specified under a legislative instrument, such as the *Telecommunications (Low-impact Facilities) Determination 1997*.

Item 3: Paragraph 6(7)(a) of Schedule 3

3. Item 3 limits the specification of extensions to towers under a legislative instrument such as the *Telecommunications (Low-impact Facilities) Determination 1997* to 1 metre, from 5 metres.

Item 4: Paragraph 7(8)(a) of Schedule 3

4. Item 4 means that measurements of towers will include antennae extending from the top of the tower.

Item 5: At the end of subclause 17(1) of Schedule 3

5. Item 5 specifies that carriers must notify any owner or occupier of land within 500 metres of an activity under Schedule 3 or Schedule 4 of the *Telecommunications Act 1997*.

Item 6: Subclause 17(4) of Schedule 3

6. Item 6 expands the time period in which notification must be given before activities commence from 10 business days to 30 business days.

Item 7: Subparagraph 27(1)(g)(ii) of Schedule 3

7. Item 7 modifies the criteria for issue of a facility installation permit for proposed facilities near community sensitive sites, mandating that all alternative less sensitive sites must be unfeasible and that any proposed facilities must be at least 100 metres away from any community sensitive site.

Item 8: After subclause 27(4) of Schedule 3

8. Item 8 disallows ACMA from having regard to commercial interests of carriers when determining if the proposed facility is an important part of the telecommunications network to which it relates.

Item 9: After subclause 35(3) of Schedule 3

9. Item 9 allows for appeals to be made to the Administrative Appeals Tribunal for review of a decision made by ACMA to issue a facility installation permit.

Item 10: Paragraph 48(2)(a) of Schedule 3

10. Item 10 repeals the requirement that ACMA must have regard to the views of associations which it is satisfied represents carriers.

Item 11 At the end of paragraph 48(2)(b) of Schedule 3

11. Item 11 restricts ACMA from considering the legitimate business interests of carriers when those interests relate to competition between carriers.

Item 12 At the end of paragraph 48(2)(b) of Schedule 3

12. Item 12 requires ACMA to consider the impacts of the proposed facility on the public when informing the public about the proposal.