

2010-2011

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Telecommunications Amendment  
(Enhancing Community Consultation)  
Bill 2011**

**No.     , 2011**

*(Mr Wilkie)*

**A Bill for an Act to enhance community  
consultation in relation to the development of  
certain telecommunications facilities, and for  
related purposes**



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1     **A Bill for an Act to enhance community**  
2     **consultation in relation to the development of**  
3     **certain telecommunications facilities, and for**  
4     **related purposes**

5     The Parliament of Australia enacts:

6     **1 Short title**

7                     This Act may be cited as the *Telecommunications Amendment*  
8                     *(Enhancing Community Consultation) Act 2011*.

9     **2 Commencement**

10                    This Act commences on the day after this Act receives the Royal  
11                    Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Amendments**  
2

3 *Telecommunications Act 1997*

4 **1 Clause 1 of Schedule 3 (fourth dot point, paragraph (g))**

5 Omit “the owner”, substitute “owners”.

6 **2 Subclause 6(5) of Schedule 3**

7 Omit all the words after “subclause (3)”.

8 **3 Paragraph 6(7)(a) of Schedule 3**

9 Omit “5 metres”, substitute “1 metre”.

10 **4 Paragraph 7(8)(a) of Schedule 3**

11 Omit “not”.

12 **5 At the end of subclause 17(1) of Schedule 3**

13 Add:

14 ; and (c) in relation to an activity under Division 3 or 4—the owner  
15 and occupier of any land within 500 metres of the facility or  
16 proposed facility concerned.

17 Note: The heading to clause 17 is altered by omitting “owner” and substituting “owners”.

18 **6 Subclause 17(4) of Schedule 3**

19 Omit “10”, substitute “30”.

20 **7 Subparagraph 27(1)(g)(ii) of Schedule 3**

21 Repeal the subparagraph, substitute:

22 (ii) all alternative less sensitive sites are not feasible; and

23 (iii) the proposed location is not within 100 metres of the  
24 community sensitive site; and

25 **8 After subclause 27(4) of Schedule 3**

26 Insert:

1 (4A) For the purposes of subclause (4), the ACMA must not have regard  
2 to the revenue, profit, market share or any other financial interest  
3 of the carrier.

4 **9 After subclause 35(3) of Schedule 3**

5 Insert:

6 (3A) Applications may be made to the Administrative Appeals Tribunal  
7 for review of a decision of the ACMA under clause 25 to issue a  
8 facility installation permit.

9 **10 Paragraph 48(2)(a) of Schedule 3**

10 Repeal the paragraph.

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

12 Add “, other than interests relating to competition between carriers”.

13 **12 At the end of subclause 48(2) of Schedule 3**

14 Add:

15 ; (e) the impact of such facilities on members of the public.