



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.<sup>1</sup>

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

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<sup>1</sup> 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.

## 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’.

## 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.<sup>2</sup>
- 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.

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<sup>2</sup> 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.



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



## 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
<b>Extending notification timeframes</b>	Amendment to Schedule 3, <i>Telecommunications Act 1997</i> Subsequent amendment to: <ul style="list-style-type: none"> <li>• <i>Telecommunications Code of Practice 2018</i></li> </ul>
<b>Smart poles</b>	Subject to additional policy development and consultation: Amendment to Schedule 3, <i>Telecommunications Act 1997</i> Subsequent amendment to: <ul style="list-style-type: none"> <li>• <i>Telecommunications Code of Practice 2018</i></li> <li>• <i>Telecommunications (Low-impact Facilities) Determination 2018</i></li> </ul>
<b>Removal of redundant equipment</b>	Subject to additional policy development and consultation: Amendment to Schedule 3, <i>Telecommunications Act 1997</i> Subsequent amendment to: <ul style="list-style-type: none"> <li>• <i>Telecommunications Code of Practice 2018</i></li> </ul>

## 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 ( <a href="http://www.tio.com.au">www.tio.com.au</a> ).