



Our reference: BN-03571-2022

Director, Telecommunications Competition
Department of Infrastructure, Transport,
Regional Development and Communications
By email: infrastructureandaccess@infrastructure.gov.au

Dear Sir/Madam

Review of the draft Telecommunications (Participating Person Exemption—Public Safety) Determination 2022.

NSW Telco Authority (NSWTA) greatly appreciates your Department's response to our request for a Ministerial exemption from the definition of 'participating person' in relation to the Telecommunications Industry Levy (TIL) and Annual Carrier Licence Charge (ACLC), by initiating consultation on the draft Telecommunications (Participating Person Exemption—Public Safety) Determination 2022 (Determination).

If enacted, the Determination will support the NSWTA to focus investment on providing reliable telecommunications coverage to support our emergency services organisations to help keep people and places safe.

NSWTA notes the draft Determination relates specifically to 'trunked radiocommunications'. While historically this has been the primary focus and method for operational communications, changes in technology are constant, and ideally the Determination should consider the nature and purpose of communications, rather than the technology used.

On this basis, we suggest an amendment to the draft to focus on 'operational communications'. This aligns with the language used in the Government Telecommunications Act 2018 (NSW) and seeks to both appropriately limit the Determination without constraining its application to only certain technologies used for this purpose.

Please find attached a table that details this proposal, along with a number of other minor suggested changes to the exposure draft.

I again thank you on behalf of NSWTA for acting upon our request and providing the exposure draft Determination.

If you wish to discuss our input further, please contact Alanna Linn, A/Chief Strategy and Innovation Officer, NSW Telco Authority on [REDACTED] or [REDACTED]

Yours sincerely

Kristie Clarke
A/Managing Director
NSW Telco Authority