

The logo for Optus, consisting of the word "OPTUS" in a bold, teal, sans-serif font.

Submission in response to
Department consultation
paper

**Review of sunseting
payphone instruments**

Public Version

February 2022

EXECUTIVE SUMMARY

1. Optus welcomes the opportunity to provide a submission in response to the Department of Infrastructure, Transport, Regional Development and Communications (the Department) consultation paper on *Review of sunseting payphone instruments – December 2021* (consultation paper).
2. Optus understands that the Department is seeking feedback on whether the five legislative instruments detailing rules about the location, installation, removal, performance, consultation and complaint handling in relation to payphones are needed in the future, and if so, what form they should take.
3. At the outset, Optus wishes to express its disappointment that the Government is not contemplating more fundamental reform of the Universal Service Obligations (USO) and in particular, the removal of the payphone component from the USO as described under the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the Act).¹
4. Optus submits, as it has done previously, that the USO arrangements “are a mess of outdated, poorly managed and costly arrangements that do not meet value for money principles and do not ensure delivery of the services needed in regional areas”.² The time for reform is well overdue and is supported by numerous studies and reports, including by the Department and the latest RTIRC Report.
5. Optus principal concern remains the ongoing lack of transparency as to how Telstra allocates the \$270 million in funding that it receives under the Telstra USO Performance Agreement (TUSOPA) and the Telecommunications Industry Levy (TIL) to fulfill its USO. Without this accountability, it remains very difficult for industry and the broader public to gauge Telstra’s performance and the level of public benefit, if any, that is derived from the USO. In the meantime, Telstra remains free to take advantage of its position as USO provider to advertise that there will be free national calls from all payphones, provide free WiFi to its customers, and obtain advertising revenues, which only serves to benefit its own brand at the expense of competitors who contribute to the TIL.
6. To be clear, the use of Telstra branding on publicly funded payphones, acquiring advertising revenue and providing free Wi-Fi for Telstra customers is a private benefit to Telstra and should not be permitted when public money is used to fund the payphones.
7. Accordingly, Optus submits that the payphone component of the USO should be removed from the Act. If this is not acceptable, then public funding of payphones should be drastically pared back to apply only in locations/areas where the local community has a demonstrated need for a payphone.
8. As Optus has stated on numerous occasions meaningful USO reform is a crucial pre-requisite to the delivery of broader communications policy objectives for regional and remote Australia. It appears that the limited scope of the Department’s consultation constitutes another missed opportunity to remove out of date legislation which would

¹ Section 9

² Optus’ October 2021 submission to the Regional Telecommunications Independent Review Committee’s 2021 Inquiry, p.8

have enabled industry to reallocate TIL funds to new competitive infrastructure investments.

9. Optus takes the opportunity of this consultation to reiterate the case for fundamental reform of the USO and in particular, the payphone related obligations. Almost three and a half years have elapsed since the Department published its report on the Universal Service Guarantee (USG), and 4G and now 5G mobile networks continue to rapidly expand, with MNOs facing lower revenues and high capital expenditure costs. It is now time for the Government to act to on the recommendations in the Department's 2018 report and remove the detailed laws and regulations governing payphone services.³
10. Notwithstanding this, and in acknowledgment of the purpose of the consultation, Optus also provides further general and specific comments on the USO payphone instruments below. In summary, Optus submits that the regulatory framework must be amended to enable the rapid removal of USO-funding for payphones in any area outside of specified locations where a payphone may have greatest utility such as areas outside mobile coverage; Indigenous communities; isolated communities and; areas of greatest socio-economic disadvantage.⁴ Similarly, while there is arguably no need for any new USO-funded payphones, if provision is to be made for this, then new payphones should only be installed in these specified areas and only after it is demonstrated that no suitable alternative voice services, satellite or otherwise, is available.
11. Optus would welcome the opportunity to discuss our feedback with the Department.

³ Development of the Universal Service Guarantee, summary report, November 2018, p.20

⁴ Ibid, p.24

THE CASE FOR FUNDAMENTAL REFORM

12. As currently administered, the USO remains an economically inefficient subsidy of out-of-date technologies that ultimately serves to reduce the level of private infrastructure investment in regional and remote areas. Since 1992, Optus has paid Telstra over \$1.2 billion in USO levies, which Optus could have otherwise invested in our mobile network to extend coverage to an additional 900,000 sq km of regional Australia. More concerning, there is no real transparency over how Telstra is spending this funding. As Optus has previously noted:

Telstra receives \$270 million per year under TUSOPA -- \$230 million for provisions of standard telephone services (STS) and \$40 million for payphones. Yet there is no public reporting on Telstra's performance and expenditure of this public money.

Australians have no information on which to assess whether this \$270 million annual scheme is a good use of money. This is an important threshold question as the majority of this funding is from Government and industry – and would otherwise result in additional competitive investment, lower prices and consumer choice. The USO diverts potentially beneficial competitive investment to the dominant incumbent – without any obligation to report on whether it leads to actual outcomes.⁵

13. Notwithstanding the Department's recent consultation on draft carrier licence conditions to improve reporting and transparency in relation to Telstra's USO performance,⁶ Telstra continues to not be under any obligation to account for its USO related expenditure. This is despite the findings of numerous inquiries including by the Productivity Commission and the Australian National Audit Office (ANAO), that the USO arrangements raise value for money concerns. Optus reiterates that this lack of accountability as to how Telstra is spending TIL and TUSOPA funding must be addressed as a matter of urgency.
14. In regard to payphones, the Productivity Commission recommended, in April 2017, that the Government should commence negotiations with Telstra to terminate the payphone component of the TUSOPA 'as soon as practical'.⁷ The ANAO report also identified mechanisms available under TUSOPA, such as the "scope of services", "flexibility" and/or review mechanisms, that allow for the reduction of USO payphone related payments.⁸ Optus resubmits that the scope of services" mechanism could be enlivened by a Ministerial determination or amendment to the Act to remove the payphone related obligations from the USO. TUSOPA also provides a mechanism for review of payphone related payments every five years, with the first potential review date being 1 July 2017.
15. While the USO funding in general suffers from an unacceptable lack of transparency, the issue is most acute in relation to payphones given the clear evidence that they are a declining service. Optus agrees with the Department that the data included in the consultation paper indicating a recent increase in weekly payphone calls since August 2021 should be treated with caution and consider that it is highly unlikely that any increase in the use of payphones resulting from COVID-19 or the availability of free

⁵ Ibid, p.3

⁶ Department of Draft Telstra Carrier Licence Condition on Regional Service Information, November 2021

⁷ Overview Inquiry Report – Telecommunications Universal Service Obligation"; Productivity Commission Inquiry Report No. 83, April 2017, p.2

⁸ Paras 3.7 and 3.12, of the ANAO Report states that the mechanism may be triggered when the value of the variation "exceeds \$12 million per year for STS and \$2 million per year for Payphones".

national calls will be sustained. Rather, over the long-term, payphone usage will continue to decline for the reasons identified in the Departments 2020 market research.⁹

16. The Department's own 2018 report observes that "*In the case of payphones, the most noteworthy trend has been their apparent displacement by mass take-up of mobile phones.*"¹⁰ It also notes that the vast majority of payphones are located in areas which now have mobile coverage and tellingly that:

"payphone usage data is heavily skewed by a small number of very high usage payphones. The most used 500 payphones in Australia, for example, represent just 3% of Telstra's total fleet but accounted for 17% of all payphone calls in 2017-18. The data also suggests that while these frequently used payphones may breakeven on a standalone basis, the average payphone in Australia is used approximately 11 times per week and is likely loss-making."¹¹

17. Optus submits that there is no longer a case to be made for USO-funding of payphones in areas adequately served by mobile services. MNOs continue to invest significantly in mobile infrastructure and Optus has more than 8,238 mobile sites across Australia, increasing its 4G geographic coverage by 43.7% between 31 January 2018 and 31 January 2021.¹² Optus has also just invested approximately \$1.45 billion in new 900 MHz "mid-band" spectrum ideal for its 5G mobile network deployment in both metro and regional Australia. Yet, Telstra will still receive approximately \$6 billion towards USO services over the 20 years of the TUSOPA, not to mention the billions it has received to date.
18. Optus acknowledges that the case for USO-funding of payphones in certain rural and remote areas of Australia is stronger, particularly with respect to vulnerable communities. However, Optus also understands that while approximately 500 of Telstra's payphones are classed as serving Indigenous communities, including in urban settings, the Department of the Prime Minister and Cabinet also separately funds 245 community phones and 301 community phones with Wi-Fi capability in smaller remote Indigenous communities.¹³ In other words, there are already arrangements in place whereby the Commonwealth directly bears the cost of installing, maintaining and removing phone services in communities where there may be a clear need.
19. Rather than continuing to pay Telstra an inefficient subsidy for of out-of-date technology, the Government should seek to prioritise alternative service solutions to avoid entrenching any digital divide. This view was echoed by the Regional Telecommunications Independent Review Committee (RTIRC) in its recently published report "*Regional Telecommunications Review – a step change in demand*":

The Committee recommends that the Government fund innovation trials to validate the value and reliability of new technology solutions able to address broadband and mobile coverage across regional, rural and remote Australia.

⁹ Consultation paper, p.7; the research found that: (i) consumers generally prefer mobile for voice; (ii) payphone usage is generally very low; (iii) most people use payphones only rarely and for ad hoc reasons—and have access to mobiles; (iv) homeless people rely on payphones to a greater degree than the broader community but have high mobile use as well; (v) there was no clear payphone preference by helpline users; (vi) victims of family and domestic violence may use payphones but generally have and prefer to use mobiles, and; (vii) most payphone use is for social and personal reasons.

¹⁰ Development of the Universal Service Guarantee, summary report, November 2018, p.11

¹¹ Ibid, p.13

¹² [ACCC Mobile Infrastructure Report 2021](#), based on external antenna coverage p.20

¹³ Department USG report, 2018, p.6

The Committee further recommends that the focus of the funding be targeted toward those technologies that have not yet been deployed commercially at scale or are not currently provided by existing commercial solutions¹⁴

20. The Committee ultimately recommends a “technology agnostic approach” to USO service delivery, noting that alternative services should exceed the existing reliability standards of current USO services.¹⁵
21. Optus is pleased that the Government’s Alternative Voice Service Trial (AVST) includes trials of Optus satellite VoIP and satellite wireless PoP, as well as Optus femtocell technology all of which are designed to provide voice equivalent services. Optus encourages the Government to support their rollout, pending successful outcomes of the trial ending in May 2022.

GENERAL COMMENTS ON USO PAYPHONE INSTRUMENTS

22. As the consultation paper notes, in the ten years since the instruments were enacted, “there have been significant changes in the Australian telecommunications industry...foremost of these is the strong take-up and use of mobile telephony and the commensurate decline in the use of payphones.”¹⁶ The consultation paper also notes that “Most payphones are in major cities (54%), followed by regional (36%) and remote (10%) areas.”¹⁷
23. Optus also notes that the consultation paper observes that “payphone use may have changed with recent developments, including recent disasters, COVID-19, and free national calls from payphones.”¹⁸ To be clear, Optus rejects any suggestion that payphones are or will become a vital source of communication for Australians going forward and any assertion to the contrary must be supported by clear evidence of sustained increases in usage over a long period.
24. The availability of low-cost mobile plans coupled with near ubiquitous mobile coverage in major cities means that there is very little to no justification for the retention of USO-funded payphones in major cities. Accordingly, the regulatory framework should be amended to impose a ban on the installation of new payphones in major cities, with clear arrangements made for the removal of existing payphones following the commencement of any revised instrument. Further, any payphones that remain should have Telstra advertising removed and provision of any other services open to all.
25. That said, Optus does recognise that a case may be made for the retention and even installation of USO-funded payphones in rural and remote communities, particularly in vulnerable communities and/or those with no mobile coverage. Accordingly, Optus makes the following general comments on the existing instruments that are the subject of this consultation:
 - (a) The instruments should be consolidated into a single Ministerial Determination. Any associated ACMA Guidelines should, where possible, be incorporated into the Determination or removed.

¹⁴ Recommendation 4, p.5

¹⁵ Recommendation 8, p.11

¹⁶ Consultation paper, p.4

¹⁷ Ibid, p.6

¹⁸ Ibid, p.7

- (b) In general, Optus agrees that a “less prescriptive, more outcomes-focused approach could be adopted”,¹⁹ but only if a key outcome is the overall reduction in the number of USO-funded payphones. Such an approach may be complemented by clear prescription as to the limited circumstances in which a payphone may be installed or retained using public funds.
- (c) Further to the above, the installation of any new USO-funded payphones should be restricted to rural and remote areas and the criteria for determining where a payphone may be located should be narrow, specific and very clear in order to improve certainty, avoid onerous consultation, unnecessary disputation and ultimately to reduce costs.
- (d) Payphones located where there is a clearly demonstrated community need, such as the approximately 500 USO payphones in remote indigenous communities, should be retained and maintained until comparable alternative low-cost voice services are made available.
- (e) Any retained payphone that is funded through USO or other Government programmes should not be Telstra branded and should not restrict services to Telstra subscribers, i.e. WiFi available for all.
- (f) Otherwise, the principal criteria for determining the need for a USO-funded payphone should be whether there is adequate and/or competitive mobile phone coverage in the area.
- (g) That said, Optus considers that the existing reference to “adequate mobile coverage in a relevant area”²⁰ requires further refinement – for example, in regional areas this may be where there are two or more competing 4G networks and in remote areas, this may be where there is 4G and a satellite service available.
- (h) Where these conditions are satisfied, Telstra should be obliged to remove any USO-funded payphones that fall within the 4G coverage area at the time the revised instrument is made, no later than one year from the commencement of any revised instrument, following notification to the local community.
- (i) The instruments should specify maximum costs of installation, relocation and removal based on verifiable industry standard equipment and labour costs with any excess costs to be paid solely by Telstra. The maximum costs may vary based on the category of area – i.e rural or remote etc.
- (j) There should be improved reporting requirements introduced to ensure sufficient transparency over Telstra’s allocation of funding towards USO payphone related obligations. This should include a general requirement to account for all payphone related expenditure and to provide a breakdown of expense based on funding source (i.e TUSOPA, TIL or other). This information should be made publicly available and subject to audit if required.
- (k) Optus submits that the cost of complying with the existing consultation requirements must outweigh any social benefit. If it is necessary to retain a consultation process, then it should be drastically simplified and uniform for installation and relocation. It should also be made clear that only local or state government and/or community representative associations, rather than

¹⁹ Ibid, p.9

²⁰ Currently “defined to mean that there is handheld terrestrial mobile phone coverage at street level in the relevant place or area”

individuals or groups of individuals can request, conduct consultation or file a complaint about a payphone.

- (l) Optus submits there should not be any consultation requirements for the removal of a payphone, particularly for the removal of payphones from areas of adequate mobile coverage. Where a decision to remove a payphone is made, Telstra should only be required to notify the local government authority and the owner/occupier of the land on which the payphone is situated. The notice simply needs to provide the location of the phone, the proposed date of removal and relevant contact details to raise concerns. The notice should be provided within “a reasonable time” prior to the proposed removal date.

SPECIFIC COMMENTS ON INDIVIDUAL INSTRUMENTS

26. Optus provides specific comments on each of the instruments discussed in the consultation paper below. While Optus reiterates its view that the telecommunications industry would be best served by removing payphones from the scope of the USO, Optus acknowledges that the Department is not currently contemplating this. Therefore, Optus encourages the Department to implement changes to the instruments to ensure that they provide for the most simple and cost effective process possible.

Telecommunications USO (Location of Payphones) Determination 2011

27. The consultation paper states that “Given the long term operational and technological changes that have occurred, there is continuing uncertainty around the long-term demand and use for payphones, as well as the costs and overall economics of supplying payphones. The approach set out by Government in 2018 was therefore to consider further the ongoing location of payphones to better align them with need and usage.”²¹
28. The explanatory statement indicates that the purpose of the “Location of Payphones” Determination is to set out rules governing where and when Telstra can locate, relocate or remove payphones.²² Optus considers that the rules are complex and unclear and should be simplified with a view to reducing compliance costs and promoting certainty.
29. Sections of the Determination appear out of date and/or no longer necessary. For example, section 6, particularly the requirement that a payphone continue to be located at “*each site at which a payphone...was located immediately prior to the date of commencement*” is no longer fit for purpose.²³ Rather, the focus of the revised instrument should be on removal of payphones from the date of commencement, other than in certain specified circumstances.
30. The net social benefit criteria are also out of date and are no longer effective for the purpose of balancing commercial and community interests. Ideally, the criteria should be replaced with the specific set a narrowly defined circumstances in which Telstra can install or relocate a payphone (as described above). However, if the criteria are necessary to determine places and areas at which payphones are to be located, then:
 - (a) Value for money must feature most prominently in any decision making. Accordingly, usage patterns, commercial viability (revenues should exceed costs) and any funding arrangements are key criteria.

²¹ Consultation paper, p.8

²² Explanatory Statement, p.1

²³ Section 6(1)(a)(i)

- (b) Outside of specified areas with a demonstrated need for a payphone, the extent to which there is adequate mobile coverage (as defined above) must be a determinative factor in any decision to install, relocate or remove a payphone.
- (c) The extent to which a payphone is needed to assist with responding in an emergency is clearly a relevant consideration, but only to the extent that the area is prone to natural disasters and alternative services remain inadequate.
31. Optus is concerned at the Departments suggestion that uses of payphones Wi-Fi hotspots and/or advertising could be included as criteria in a net social benefit assessment,²⁴ particularly while USO payphones remain funded through TUSOPA and the TIL. It would be manifestly incorrect to define these benefits as a social benefit. The benefits of WiFi and in particular, advertising, are private benefits accruing to Telstra in terms of revenue and/or improved brand recognition and accordingly should not be funded by public or industry funds. Accordingly, Optus strongly opposes this proposal.
32. The concept of “demonstrated community support” under 8(3) and (4) remains vague – allowing for a request to be made by “100 or more adults who reside in Australia” is unhelpful and arbitrary and should be removed. Similarly, the scenarios in which an eligible phone request can be made should be limited requests only from local government bodies or a relevant authority or institution in the state or territory.²⁵ The requirements relating to responding to an eligible payphone request are bureaucratic and unnecessary. Optus submit that the existing reasons for removing a payphone remain valid to the extent that the net social benefit criteria are significantly amended to emphasise the importance of the commercial viability as key criteria.²⁶
33. Optus contends that defining a “new payphone location” by reference to the three location categories under Part 3 Division 1 is unclear and appears somewhat arbitrary. In particular, Optus submits that most if not all category 1 venues (retail centres, entertainment venues, transport hubs, health facilities, industrial or commercial areas) will have some mobile services and or wifi via which end-users can access voice equivalent VoIP services. If reference to venues is to be retained, then these venues should be removed. There should not be any new payphones allowed at existing payphone sites regardless of whether there has been public consultation.²⁷
34. Ultimately, Optus considers that there should be no new USO-funded payphones installed after the commencement of a revised instrument. However, should there be an allowance for new USO-funded payphones, then it must be a last resort and generally only to meet the needs of a community where there is no mobile coverage or a vulnerable community. Any categories should be based on whether the location is regional, rural or remote. Once a USO-funded payphone is removed it should be made clear that no USO-funded payphone can be installed at that location again.²⁸
35. As long as the TIL funding may be used to support payphones under the USO, there must be transparency in relation to Telstra’s decision making for each payphone. This

²⁴ Consultation paper, p.8

²⁵ Section 14

²⁶ Section 20 provides the reasons for removal are (a) maintaining the payphone at the payphone site would not deliver a net social benefit to the local community; (b) there is demonstrated community support for the removal of the payphone from the payphone site; (c) the primary universal service provider cannot continue to reasonably operate the payphone at the payphone site; and (d) if the existing payphone site is at a place or area of a type described in Division 1 of Schedule 1 to the Telecommunications Universal Service Obligation (Location of Payphones) Determination 2011 – a payphone is to be relocated at a new payphone site within that place or area.

²⁷ Section 19

²⁸ Section 4(5)

could be achieved by way of updating and publishing the revenue and costs associated with each payphone on the existing register. Where a loss-making payphone is retained beyond the new deadline to remove phones in areas that are adequately served by mobile coverage, Telstra must bear all costs for maintenance and removal. Similarly, Telstra should be able to refuse an “eligible payphone request” simply on the basis that it is located in a 4G mobile coverage area. For the avoidance of doubt, there should be no industry funding directed towards payphones that are financially viable.

36. The ACMA’s Guidelines for assessing the net social benefit are repetitious and confusing in the manner in which they are presented and should be removed.

Telecommunications USO (Payphone Performance Standards) Instrument (No.1) 2011

37. The explanatory statement accompanying the “Performance Standards” instrument provides that the desired outcome is to “(1) to establish regulatory settings that ensure payphones are provided and maintained so that consumers are reasonably able to access such services when required, including in times of emergency, and (2), to establish arrangements that provide for consumers to have adequate input into payphone siting and removal decisions and review and complaint-handling arrangements where such decisions may be disputed”²⁹
38. The existing instrument is overly complex and sets out a framework that is potentially inconsistent with other instruments. The instrument details a disproportionately onerous and labour-intensive process for determining where a payphone should be installed, including requirements in relation to community engagement, payphone requests and assessments of accessibility to infrastructure. All of these requirements increase costs. Further, there are clearly redundant sections that refer to the “transitional period” such as rectification timeframes under section 10(2).
39. There is insufficient transparency and accountability over performance standards – for example, there is little oversight of whether it is reasonable or not for Telstra to claim a mass service disruption that might restrict the supply, installation and maintenance of a payphone or rectification of a fault or service difficulty. Without greater transparency and accountability, the installation and maintenance timeframes set out in the instrument are largely meaningless.

Telecommunications USO (Payphone Performance Benchmarks) Instrument (No.1) 2011

40. The consultation paper notes that “these benchmarks are important contractually as they are a key metric for the payment of Telstra for the provision of payphones as required under the TUSOPA”.³⁰ This statement alone makes it very clear that there must be appropriate and effective transparency and accountability for Telstra’s performance. Any revised instrument must enforce a sufficient level of transparency in this regard. At the very least, benchmarks and standards instrument should be consolidated and updated.

Telecommunications USO (Public Consultation on the Location or Removal of Payphones) Determination 2011

41. The explanatory statement indicates that the purpose of the determination “is to set an enforceable public consultation process for Telstra as the primary universal service provider in relation to decisions it makes on the installation or removal of a payphone. It is also intended that this determination will provide any people concerned about a primary universal service provider’s proposed installation or removal with sufficient

²⁹ Explanatory Statement; Telecommunications Universal Service Obligation (Payphone Performance Standards) Determination (No. 1) 2011

³⁰ Consultation paper, p.12

information to make an informed submission to the primary universal service provider and to be aware of the recourse available to them if they are unhappy with the provider's final decision on the proposal."³¹

42. Optus generally does not consider that there is an ongoing need for the consultation process set out in this Determination. In Optus' view, the existing process is too prescriptive and, in most circumstances, would involve costs that far outweigh any community benefit.
43. However, Optus also agrees with the position noted in the consultation paper, that, in line with the 2018 USG report, Telstra payphones that service Indigenous communities and those outside mobile coverage should generally be quarantined.³² Given this, Optus considers that if any public consultation process is required, it is to be solely necessary for any decision to remove payphones from these or other specified locations with a demonstrated need for a payphone. Ideally the only bodies authorised to engage in consultation are local government and relevant state/territory authorities.
44. There is no need for community consultation for installation as Telstra should not need to install any new USO-funded phones, other than in the circumstances for which an exception may already apply – such as pursuant to a commercial agreement between Telstra and the owner of the site.³³ To be clear, Optus considers that in all such instances, no funding for the installation of such a payphone should come from TUSOPA or the TIL. Any decision to relocate a payphone should only be made in exceptional circumstances – i.e for reasons beyond the control of Telstra and/or the community – such as the phone being in a flood zone, or on a construction site etc.
45. The ACMA Telecommunications (Payphone Consultation Document) Guidelines 2012 are very detailed and overly prescriptive. Optus does not consider that there is any further need for the ACMA's consultation guidelines and any relevant sections of those guidelines, such as the complaint arrangements should be incorporated into the final pared down version of this Determination. If a template "Public Consultation Document" is needed then it should be uniform across all scenarios and available on the ACMA website – with reference made to this effect in the revised instrument.

Telecommunications USO (Payphone Complaint Rules) Determination 2011

46. The explanatory statement provides that the "purpose of section 11 (Principles for the resolution of payphone complaints) of the Determination is to require that a primary universal service provider investigate and resolve all payphone complaints in an efficient, fair and timely way...the purpose of the clause is to promote a straightforward process for managing and resolving complaints".³⁴
47. The current complaint resolution process does not appear to achieve these aims. If a complaint mechanism is to be retained, then it should be simplified and incorporated into the public consultation process (for specified removals). Also, the capacity to complain to the ACMA should be narrowed to be solely about a decision to remove a payphone in specified circumstances. The decision to locate a payphone should now only be subject to commercial agreement for which there should be no right of complaint to the ACMA as it is a private matter between the parties to the agreement.

³¹ Explanatory statement, p.1

³² Consultation paper, p.7

³³ Section 5(8)

³⁴ Explanatory statement,