

20 December 2019

Infrastructure Deployment  
Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

Dear Department of Communications and the Arts,

**Consultation on proposed temporary facilities and other amendments**

Thank you for the opportunity to comment on the proposed *Telecommunications (Low-Impact Facilities) Determination 2018 (Determination)* and *Telecommunications Code of Practice 2018 (Code)*. I support measures that help keep consumers connected to essential communications services, particularly in the event of an emergency, and the proposed amendments to the Determination and Code will assist in facilitating this.

The proposed Determination and Code amendments reflect changes made to the *Telecommunications Act 1997 (Act)* in February 2019. As highlighted in my submission about those changes, it is important there is clarity around what makes a low-impact facility 'temporary' in nature. This would assist me when carrying out my role in determining land access objections under the Code.

Aspects of the proposed amendments may allow carriers to effectively install low-impact facilities for an indefinite period. To avoid these unintended consequences, I recommend clear parameters are set:

- For how long a temporary low-impact facility can remain on the land when an existing facility is being maintained or replaced (there is currently no time limit in the Act, Code or Determination)
- To prevent carriers from being able to bypass a specified installation period by repositioning the temporary low-impact facility on the same land or replacing it with a similar low-impact facility (there is currently no restriction on carrier activities after installation periods expire in the Act, Code or Determination).

Finally, it is unclear what happens to a temporary low-impact facility installed by the carrier if the carrier does not complete maintenance or replacement of the existing facility within the time specified in their land access notice. Clarifying the next steps will set clear expectations for carriers and ensure landowners or occupiers have a clear path forward when this occurs.

I look forward to seeing the finalised Determination and Code at the conclusion of this consultation.

Yours sincerely



Judi Jones

**Telecommunications Industry Ombudsman**