



## SENATOR THE HON STEPHEN CONROY

MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY  
MINISTER ASSISTING THE PRIME MINISTER ON DIGITAL PRODUCTIVITY  
DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE

<b>ALGA MAIL</b>
ITEM No:
DATE RECEIVED: 23-10-12
FILE No:

Mayor Felicity-ann Lewis  
President  
Australian Local Government Association  
8 Geils Court  
DEAKIN ACT 2600

18 OCT 2012

Dear Mayor Lewis

### **National General Assembly resolutions regarding telecommunications**

I am writing in response to the letter dated 3 September 2012 from Mayor Genia McCaffery, former President of the Australian Local Government Association (ALGA), concerning resolutions passed by the National General Assembly of Local Government (NGA) relating to telecommunications.

Firstly, I would like to congratulate you on your appointment as President of ALGA and wish you well in the role.

I have outlined my response to each of the NGA resolutions relating to my portfolio below.

*Resolution Number: 25 – The Telecommunications Act 1997 and the Telecommunications (Low-impact Facilities) Determination 1997 be amended to allow Councils to have a greater say in the location of telecommunications facilities*

As you will be aware, the powers and immunities regime for telecommunications carriers has a long history. Prior to the passage of the *Telecommunications Act 1997*, carriers had wide ranging powers to deploy infrastructure. As a result of the 1997 reforms, the installation of much telecommunications infrastructure became subject to state and territory processes. This includes free-standing towers which, in my experience, are the facilities that are of greatest concern to the community and local government. The current arrangements ensure communities have greater input into the placement of infrastructure. They also ensure that facilities that are essential for providing services to communities can be installed efficiently. In this way the regime balances community concerns about infrastructure with the community's demand for modern and efficient telecommunications.

The current powers and immunities regime provides streamlined processes and a nationally uniform approach for installing many types of facilities, including subscriber connection satellite dishes and wireless broadband antennas, subscriber lead-in cables, pits and underground cabling, public payphones and solar panels.

Removing the immunities from state and territory planning law for these types of facilities is likely to place a significant administrative burden on local governments as well as carriers. This was recognised by ALGA in its submission to a recent Parliamentary inquiry which was considering a bill introduced by former Senator Bob Brown that would have made all telecommunications facilities subject to state and territory planning law.

Communities often raise concerns about exposure to radiofrequency electromagnetic emissions from telecommunications infrastructure, such as mobile base stations. However, radiocommunications transmitters must operate below general public exposure limits set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The relevant ARPANSA standard is the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz (2002)*. All mobile phone base stations in Australia are subject to the ARPANSA exposure limits and in practice base stations typically operate at a very low percentage of the standard.

I also note that the Communications Alliance recently updated its industry code for the deployment of mobile phone infrastructure, the Mobile Phone Base Station Deployment Code, which complements the regulatory regime. The revised Code, which has been registered with the Australian Communications and Media Authority, came into effect on 1 July 2012. The new Code makes key improvements to the notification and consultation processes for mobile phone base stations. These include greater council involvement during consultation processes and extended consultation and feedback timeframes for communities. A copy of the Code can be found at [www.commsalliance.com.au/mobile-phone-tower-information](http://www.commsalliance.com.au/mobile-phone-tower-information) on the Communications Alliance website.

*Resolution Number: 26 - That the National General Assembly call for the Commonwealth Government and NBN Co for an accelerated rollout of the NBN to regional, rural and remote areas not withstanding NBN Co's pre-determined rollout timetable*

The Australian Government has previously indicated that fibre will be built in regional areas as a priority and NBN Co Limited (NBN Co) has brought forward the introduction of wireless and satellite services so that regional Australia can access better broadband as soon as possible.

It is expected that the National Broadband Network (NBN) will bring fibre to the premises technology to more than 80 per cent of Australian premises in non-metropolitan areas. The majority of construction and planning so far in the NBN project has been in non-metropolitan areas with more than 70 per cent of communities in the three year plan located in non-metropolitan Australia. NBN Co has announced that 270 of 362 (almost 75 per cent) locations in its three year rollout plan are located in non-metropolitan Australia. Of the 4.9 million non-metropolitan premises expected to receive an NBN fibre connection, nearly 1.9 million premises—which equates to about 39 per cent—are expected

to be passed or under construction by 30 June 2015. By comparison, of the 6.4 million premises in metropolitan areas, 1.6 million (or 25 per cent) are expected to be passed or under construction by 30 June 2015.

NBN Co has brought forward its wireless and satellite services, with both due to be fully deployed by 2015. NBN Co's fixed wireless services are now available in some areas, as are interim satellite services.

Deployment of NBN Co's wireless network will require the construction of new telecommunications towers which are subject to state and territory planning regimes. If local governments wish to accelerate the NBN rollout they could consider whether there are any streamlined processes they could put in place to facilitate approval of this infrastructure, noting it falls within their responsibility.

NBN Co will launch its satellites in 2015. The two Ka-band satellites NBN Co will be deploying are the most efficient technology to deliver high speed broadband to more remote Australian premises. NBN Co has also announced eight of the ten ground stations to support the Long Term Satellite Service.

A key benefit of the NBN for regional, rural and remote Australia is uniform national wholesale pricing. NBN Co will offer uniform national wholesale pricing within the three technology platforms and NBN Co will provide a uniform national wholesale price for its basic service of 12 megabits per second download and 1 megabit per second upload, with an access price of \$24 per month across all technologies. This means that wholesale broadband prices for comparable products will be the same for households and businesses regardless of where they are located – in the city, in regional Australia or in more remote parts of the country.

*Resolution Number: 27- That the National General Assembly call for the undergrounding of National Broadband Network (NBN) cables and household connections where it will not cause any environmental damage with the rollout and installation of the NBN across Australia*

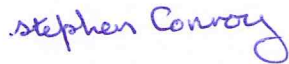
The government expects the rollout of the NBN to be as unobtrusive as possible. The Definitive Agreements between Telstra and NBN Co provide for the use of existing underground ducts, minimising duplication and allowing a greater percentage of fibre to be laid underground.

The use of aerial cabling will depend on the availability of underground facilities. In general, aerial cabling will only be used in areas without existing underground infrastructure. In all instances, NBN Co has indicated that it intends to work constructively with councils and communities in rolling out the network.

The decision to deploy aerial cabling is a commercial and an engineering decision for NBN Co. NBN Co will not know whether it has to undertake a deployment with aerial cabling until it has completed a detailed design of an area. Councils can visit [www.nbnco.com.au](http://www.nbnco.com.au) and [www.nbn.gov.au](http://www.nbn.gov.au) for more information on the implementation of the NBN.

Thank you for bringing the resolutions of the National General Assembly of Local Government to my attention. I trust this information is of assistance in clarifying the arrangements that are in place in relation to the NBN rollout and other telecommunications issues of importance to local government.

Yours sincerely



Stephen Conroy  
Minister for Broadband,  
Communications and the Digital Economy

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