



SENATOR THE HON MITCH FIFIELD

MINISTER FOR COMMUNICATIONS
MINISTER FOR THE ARTS
MANAGER OF GOVERNMENT BUSINESS IN THE SENATE

Mayor David O'Loughlin
President
Australian Local Government Association
8 Geils Court
DEAKIN ACT 2600

**National General Assembly of Local Government resolutions
concerning the National Broadband Network**

Dear Mayor O'Loughlin

Thank you for your letter of 22 August 2017 on behalf of the Australian Local Government Association (ALGA) advising me of the resolutions concerning the rollout of the National Broadband Network (the network) passed at the National General Assembly of Local Government held 18 to 21 June 2017 in Canberra. Thank you for drawing these resolutions to my attention.

Resolution 28 – declaring high speed broadband as an essential infrastructure service

You may be interested to know that there is legislation currently before Parliament [the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017 and the Telecommunications (Regional Broadband Scheme) Charge Bill 2017] which, when passed, will establish statutory infrastructure provider (SIP) obligations.

The new SIP obligations will ensure that all Australians are able to order a high-speed broadband service regardless of where they live or work, and that NBN Co Ltd (nbn) will become the default SIP as the network is rolled out. The SIP measures include a peak download speed of at least 25 Megabits per second (Mbps), support for voice services, and the ability to address connection and repair timeframes. The legislation will also establish the Regional Broadband Scheme (RBS) to provide a sustainable funding scheme for the loss-making network fixed wireless and satellite infrastructure used to deliver high-speed broadband predominantly to regional Australia. The RBS provides funding support for nbn to meet the SIP obligations.

Together, the SIP and the RBS ensure that all Australians, no matter where they live, will have access to fast broadband upon reasonable request. This commitment to providing universal access to high-speed broadband recognises, as does your resolution number 28, the importance it has for social, education and health outcomes and for better enabling all Australians to participate in the digital economy.

Resolution 29 – the impact of power outages on communications services

Generally telecommunications networks are robust and well-engineered infrastructure. However, it is important to remember that no form of communications technology can provide 100 per cent resilience during power outages or natural disasters. While traditional analogue corded fixed-line telephones are capable of providing voice-only services during a power outage in certain conditions, these services will also be rendered unavailable if the outage impacts the nearby telecommunications pillar, the local telephone exchange, or the fixed lines from the exchange to your premises.

Additionally, many fixed-line telephones incorporate cordless handsets which are mains powered and so will not operate during a power outage, irrespective of whether the premises are connected to fibre lines or a traditional copper line. Other devices such as modems, Wi-Fi routers and other powered equipment will not operate in a power outage, unless they are connected to an in-premises uninterruptible power supply such as a battery backup unit or generator. Again, this will be the case with respect to both the network services and traditional copper-line services.

Telstra's Priority Assistance provides Telstra residential customers who have a diagnosed life threatening medical condition with the highest level of service practicably available at the time. Priority assistance customers connected to the network via fibre-to-the-premises (FTTP) are required to receive battery backup. There is no requirement for the provision of battery backup for priority assistance customers connecting to the network via other fixed line technologies.

Resolution 30 – co-location of telecommunications infrastructure

The Government encourages carriers to consider co-locating their facilities where it is feasible to do so. Telecommunications facilities are sited to optimise their operation. Network design, including the placement of base stations and towers, is influenced by a range of factors including commercial demand, geography of the area and availability of suitable sites.

Telecommunications carriers have practical and commercial incentives to co-locate facilities. Generally carriers would consider the cost-effectiveness of this approach as opposed to going to the cost of installing their own facilities. A key issue for carriers would be their ability to control long term operating costs, administrative processes and technical constraints.

The Government already has legislation in place regarding co-location of telecommunications facilities. Under Part 5 of Schedule 1 to the *Telecommunications Act 1997* access to towers and underground facilities is required following a request from another carrier, but it is subject to technical capacity constraints and other exceptions. All carriers would be familiar with this element of the Act. The Australian Competition and Consumer Commission oversees this framework.

You may be interested to know that the Government committed \$220 million through the Mobile Black Spot Program to invest in telecommunications infrastructure. Carriers were encouraged to put forward proposals that included co-location. It was a condition of funding that other mobile network operators have the opportunity to elect to co-locate on the funded mobile base stations.

Should ALGA or its members have concerns, they could approach Communications Alliance (CA) which is the telecommunications industry self-regulatory body. CA has a number of guidelines and codes that assist carriers in managing their facilities and rolling out infrastructure.

I note that a number of councils, including Toowoomba Regional Council, have made submissions to the recent consultation on proposed changes to carrier powers and immunities. Government officials are currently meeting with stakeholders to discuss issues in more detail. I understand ALGA has been approach to meet with officials on 27 October 2017.

Thank you for bringing these resolutions to my attention. I trust this information will be of assistance. I also note that you have written to me about a resolution regarding the submarine cable protection regime. I will respond to that resolution separately.

Yours sincerely



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10/10/17