

2016-2017-2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Telecommunications Amendment
(Giving the Community Rights on Phone
Towers) Bill 2018**

No. , 2018

(Mr Wilkie)

**A Bill for an Act to give the community rights in
relation to the development of phone towers and
certain telecommunications facilities, and for
related purposes**

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A Bill for an Act to give the community rights in relation to the development of phone towers and certain telecommunications facilities, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Telecommunications Amendment (Giving the Community Rights on Phone Towers) Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Telecommunications Act 1997

1 Clause 1 of Schedule 3 (fourth dot point, paragraph (g))

Omit “the owner”, substitute “owners”.

2 Subclause 6(5) of Schedule 3

Omit all the words after “subclause (3)”.

3 Subclause 6(7) of Schedule 3

Omit all the words after “subclause (3)” in the first sentence.

4 Paragraph 7(8)(a) of Schedule 3

Omit “not”.

5 Clause 17 of Schedule 3 (heading)

Repeal the heading, substitute:

17 Notice to owners of land—general

6 At the end of subclause 17(1) of Schedule 3

Add:

; and (c) in relation to an activity under Division 3 or 4—both:

- (i) the owner of any land within 500 metres of the facility or proposed facility concerned; and
- (ii) if land within 500 metres of the facility or proposed facility is occupied by a person other than the owner—the occupier of the land.

7 Subclause 17(4) of Schedule 3

Omit “10”, substitute “30”.

8 Subparagraph 27(1)(g)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- (ii) all alternative less sensitive sites are not feasible; and

- (iii) the proposed location is not within 100 metres of the community sensitive site; and

9 After subclause 27(4) of Schedule 3

Insert:

- (4A) For the purposes of subclause (4), the ACMA must not have regard to the revenue, profit, market share or any other financial interest of the carrier.

10 After subclause 35(3) of Schedule 3

Insert:

- (3A) Applications may be made to the Administrative Appeals Tribunal for review of a decision of the ACMA under clause 25 to issue a facility installation permit.

11 Subclause 48(1) of Schedule 3

Omit “may”, substitute “must”.

12 Paragraph 48(2)(a) of Schedule 3

Repeal the paragraph.

13 At the end of paragraph 48(2)(b) of Schedule 3

Add “, other than interests relating to competition between carriers”.

14 At the end of subclause 48(2) of Schedule 3

Add:

- ; (e) the impact of such lines, towers or facilities on members of the public.