
Submission

7 November 2023

Director
Telecommunications Deployment Policy Section
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra ACT 2601

**Re: Consultation on possible amendments to the Telecommunications in New Developments
Policy – Mobile Connectivity and Other Measures**

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**the Department**) for the opportunity to comment on possible amendments to the Telecommunications in New Developments (**TIND**) Policy – Mobile Connectivity and Other Measures consultation (**the consultation**).

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as we work towards communications services that are trusted, inclusive and available for all.

ACCAN supports the proposed changes, and we further recommend that the Department:

- Ensure the amendments are integrated and embedded within State and Territory planning arrangements.
- Provide further detail and clarification on how the proposed amendments will support a competitive communications sector.

For more detailed feedback on specific questions regarding the consultation, see **Appendix A** below.

We thank the Department for the opportunity to comment on the consultation. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at amelia.radke@accan.org.au.

Yours sincerely,

Dr Amelia Radke
Senior Policy Adviser

Appendix A: Further response on the consultation

Question 1: Should the possible changes be adopted in full, in part, or not at all? Please provide any reasons for your recommendation if you choose in part or not at all.

ACCAN recommends that the amendments be fully adopted. To ensure the TIND policy is effective, engagement and co-ordination with State and Territory Governments should be undertaken to support the integration of the TIND across planning policies nationwide.

Question 2: Are there other criteria that could be considered as well?

ACCAN supports amendments to the TIND policy that would promote a level playing field between competitive private providers of communications infrastructure and NBN Co. We support amendments to the treatment of amortisation of backhaul arrangements to the extent that NBN Co faces restrictions on how it undertakes cost-recovery distinct from private infrastructure providers.

ACCAN notes that care should be taken to ensure that the policy precludes the use of amortisation methodologies that may allow for NBN Co to use an approach that is inconsistent with competitive practices. With respect to section 3.7 we support further detail being set out in the TIND policy to clarify that NBN Co should not use amortisation approaches that may be inconsistent with competitive neutrality policy.

Question 3: Do you believe these proposed amendments will achieve the aim of encouraging mobile telecommunication infrastructure being available in new developments when residents initially move in? If not, what suggestions or alternative approaches do you think would achieve the outcome more effectively?

ACCAN considers that the proposed amendments will encourage mobile telecommunications infrastructure to be available in new developments when residents initially move in if the amendments are integrated and embedded into State and Territory planning arrangements. ACCAN recommends that the Department makes the proposed amendments mandatory to ensure the aim of the TIND policy is achieved.

Question 4: Do you have any concerns regarding compliance with the proposed changes to the TIND Policy that you would like to raise?

ACCAN recommends that the Department make the proposed changes to the TIND policy mandatory to drive compliance. ACCAN considers that the Department should engage with its State and Territory government planning counterparts to ensure the TIND policy is integrated within State and Territory planning frameworks.

Integrating the TIND policy into planning policy instruments is critical to ensuring that the TIND is a relevant consideration for the purposes of planning and control authorities exercising administrative decision-making powers. If the TIND is not integrated into relevant legislative and planning instruments the TIND policy may have limited effect on planning decisions. It may also unnecessarily expose local and state planning authorities to legal challenges on the basis that they have not lawfully exercised their administrative decision-making powers when making planning decisions.

Question 5: Is the proposed timeframe for engagement with a possible carrier, that is, at least twelve months before the first units or homes in the development are due to be occupied,

reasonable in your view? If not, please suggest an alternative timeframe and please provide any reasons for your recommendation.

ACCAN recommends that engagement with a possible carrier begin when the relevant control or approval authority approves the new development, which in many instances will be more than 12 months in advance of occupation. ACCAN suggests that engagement is taken at this stage to ensure that adequate infrastructure is in place prior to residents moving into a new development area.

Ensuring early engagement with potential carriers is key to driving the efficient planning and rollout of infrastructure. This will facilitate effective sequencing and planning of forward infrastructure work programs and delivery of infrastructure at least cost to consumers. Delays to infrastructure delivery may also lead to delays in the construction of new developments, a lack of availability of construction staff, and poor design integration due to limited timeframes.

The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers.

ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)
