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Department of Communications  
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Dear Sir / Madam,

**Re: Consultation Paper – Facilitating the use of private infrastructure to deliver telecommunication services**

The Australian Smart Communities Association (ASCA - formerly the Broadband Today Alliance) welcomes the opportunity to make a submission to the Department of Communications in response to the Consultation Paper – Facilitating the use of private infrastructure to deliver telecommunication services..

The ASCA commends the Federal Government in proposing changes to simplify the ability for Carriers to access private telecommunication to provide public carriage services. Many ASCA members are Local Governments who own and operate, at times significant, private networks with components of spare capacity. The ability for these Local Governments to engage with Carriers to negotiate commercial access to these private networks on a simplified basis would be welcomed.

Please find enclosed the ASCA response to the questions outlined in the Consultation Paper.

Thank you for the opportunity to provide this submission. If the Department of Communications wishes to discuss any of these matters further please do not hesitate to contact me.

Yours faithfully



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About the Australian Smart Communities Association:

The Australian Smart Communities Association (ASCA (formerly the Broadband Today Alliance (BTA)) is a collaborative alliance of local government, RDA and Regional Organisations of Councils' (ROCs) built on the premise of sharing information and advocating for the resources to assist the localised creation of smart digital communities. Over 135 local governments are represented with over 8 million Australians represented across all states and Territories.

Recently the decision was made to change the trading name of the organization from the Broadband Today Alliance to the Australian Smart Communities Association. This change has been recommended based on current confusion regarding the purpose of the organisation, conflict of naming / branding with other like-minded organisations, ability to attract optimal industry support including sponsorship and the opportunity to become the leading Australian member organisation for the development of smart digital communities for metropolitan, regional, rural and remote areas of Australia.

The ASCA is an incorporated organisation and, in its current form, has been in existence for over two years and prior to that for a further 2 years as the Broadband Today Alliance and the South East Queensland Broadband and Digital Economy Working Group aligned under the Council of Mayors SEQ. In response to interest from other local governments and regional organisations such as RDA's, the group has grown to become a national organisation with members from all states and territories.

## ASCA Submission

### Carrier Licence Exemption – Private Telecommunications Infrastructure

#### 1. What large private infrastructure networks exist?

Many Local Governments have implemented various deployments of private networks, either as fixed line fibre optic or wireless microwave infrastructure. One barrier that may exist to acquiring a comprehensive knowledge of these private networks is the potential lack of detailed local technical knowledge regarding the availability of spare capacities which could be utilised by a Carrier, the ability to facilitate interconnection and the infrastructure quality of the infrastructure to support public network carriage.

#### 2. What benefits may accrue from facilitating greater infrastructure sharing along the lines proposed?

The ASCA foresees the following benefits to Local Government:

- Streamlined ability to sell or lease unused capacity to Carriers
- Streamlined ability to enter into 'Fibre Swaps' with Carriers
- Ability to enter into arrangements to exchange unused capacity for other requirements such as Internet Transit connectivity.

Benefits to Carriers include the following:

- Streamlined access to private network connectivity and reach in diverse and new geographic locations.
- The proposed new arrangements preclude the requirement for owners of private networks to potentially become Carriers in their own right, thereby limiting future market competitors.

#### 3. Is the proposed exemption a practical and useful approach?

The ASCA suggests that the proposed exemption will be a useful initiative for both Private Network owners and Carriers to facilitate new opportunities in the provision of new services in areas where existing infrastructure is limited and or commercial return on new network investment is limited. Any risks associated to the proposed exemption for both Carriers and Private Network owners can be resolved as part of network access negotiations.

#### 4. If not, are there alternatives to the exemption model outlined that should be considered?

No comment.

## 5. What risks may arise from the proposed exemptions?

The ASCA suggests the following items could present varying levels of risk

- Varying levels of private infrastructure quality
- Ability for Private Network owners to provide and facilitate any required interconnection facilities and infrastructure
- Ability for Private Network infrastructure to support Carrier grade service response and rectification principals.

It is the ASCAs view that the risk items outlined above are not insurmountable and can be dealt with effectively as part of access negotiations between Private Network owners and Carriers.

## 6. Would inclusion of an open access condition mitigate risk for Carriers?

No – the ASCA suggests that the inclusion of an open access condition would not mitigate risk for any party and should not be a requirement under the proposed Carrier license exemption.

## 7. Should the proposed exemption be limited, for example, by inclusion of a competition test or geographic limitation?

Any geographic limitation provision would have little if no affect on private networks owned by Local Governments as they are already constrained within small geographic areas.

The ASCA suggests the best framework would be a commercial and non-exclusive arrangement only limited by the amount of spare capacity available for potential use by a Private Carrier. Any proposal to limit the exemption by competition test or geographic limitation may result in adding unnecessary burden to the process of acquiring private network access, resulting in it being unattractive for Private Carriers.