

29 August 2018

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Our ref: (VK/KB)

By post and by email: ec.sen@aph.gov.au

Dear Committee Secretary

Telecommunications Legislation Amendment Bill 2018

Thank you for the opportunity to provide comments on the Telecommunications Legislation Amendment Bill 2018 (the **Bill**). Queensland Law Society (**QLS**) appreciates being consulted on this important legislation.

QLS is the peak professional body for Queensland's legal practitioners. We advocate for good law and good lawyers. QLS is an independent, apolitical representative body upon which government can rely to provide advice, and which promotes good, evidence-based law and policy.

With respect to the Bill, we provide the following comments for your consideration.

Policy intent and conditions of access not adequately described

QLS acknowledges the need for emergency services to be able to access National Broadband Network towers and associated sites and facilities. However, QLS is concerned that the Bill and accompanying Explanatory Memorandum do not provide a reasonable degree of detail with respect to outlining the relevant policy considerations, necessity, and conditions regarding the proposed access to National Broadband Network (NBN) towers.

It is critical that clear criteria be developed and enshrined either within the Bill, or in an accompanying statutory guideline (which should itself be referenced in the Bill), to ensure that any access to these sites and subsequent information obtained by the accessing party is done in accordance with clear and consistent guidelines. Such guidance will also ensure that any requests and grants to access a site are approved with the full understanding by all parties of the purpose for the access.

At present, neither the Explanatory Memorandum or the Bill provide a reasonable degree of clarity or certainty to the NBN provider or NBN consumers regarding the necessity of this access.

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Drafting is extraordinarily wide

QLS is concerned that the current drafting is unreasonably wide with respect to who may request access. QLS understands that a reasonable degree of flexibility may be required, particularly regarding urgent access by emergency services. However, as drafted section 19 provides little detail regarding who, or under what circumstances, a person or persons identifying as, for example, emergency services, ought to be granted access as requested.

We repeat our earlier comments that this detail must be included in the Bill, or by way of statutory guidelines to ensure NBN providers and consumers have appropriate information and further, to ensure there is proper oversight and accountability when granting this access.

Information Privacy Principles

There is little information in the Explanatory Memorandum or in the Bill regarding adherence to, or what mechanisms will be in place to, ensure that the use of any information collected or obtained in the course of this access will be managed in accordance with information privacy principles. This needs to be addressed.

Thank you again for the opportunity to provide comments. QLS would be pleased to assist the Standing Committee further. If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitors, Vanessa Krulin by phone on (07) 3842 5872 or by email to V.Krulin@qls.com.au or Kate Brodnik by phone on (07) 3842 5872 or by email to K.Brodnik@qls.com.au.

Yours faithfully



Ken Taylor
President