2019

The Parliament of the

Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Telecommunications Amendment (Guaranteeing Mobile Phone Service in Bushfire Zones) Bill 2019**

**No. , 2019**

(Youmaton MP

*(Written by R. Sharkie)*

**A Bill for an Act to amend the *Telecommunications Act 1997*, and for related purposes**

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**A Bill for an Act to amend the *Telecommunications Act 1997*, and for related purposes**

The Parliament of Australia enacts:

**1 Short title**

 This Act is the *Telecommunications Amendment (Guaranteeing Mobile Phone Service in Bushfire Zones) Act 2019*.

**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 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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 Subsection 112(2)**

Omit “125A and 125B”, substitute “125A, 125B and 125C”.

**2 At the end of subsection 113(3)**

Add:

 ; (zb) action to be taken to ensure that mobile base stations in high bushfire risk communities have at least 24 hours of standby power capability at all times.

**3 After section 125B**

Insert:

**125C ACMA must determine certain industry standards relating mobile base stations in high bushfire risk communities**

 (1) As soon as practicable after the commencement of this section the ACMA must, by legislative instrument, determine a standard that:

 (a) applies to participants in the section of the telecommunications industry that consists of carriers; and

 (b) deals with requiring those participants that own or operate a critical mobile base station to ensure that the critical mobile base station has at least 24 hours of standby power capability at all times.

 (2) A standard under subsection (1) is to be known as an ***industry standard***.

 (3) If the ACMA is satisfied that a body or association represents that section of the telecommunications industry, the ACMA must consult the body or association before determining a standard under subsection (1).

 (4) For the purposes of this section, a ***critical mobile base station*** is a designated radiocommunications facility that is:

 (a) of a kind referred to in paragraph 31(1)(a); and

 (b) located in a community determined to be a high bushfire risk community by the area of the Attorney-General’s Department (within the meaning of Schedule 3A) known as Emergency Management Australia.

 (5) For the purposes of paragraph (4)(b), in determining whether a community is a high bushfire risk community, Emergency Management Australia must have regard to whether the community is located in an area that is a bushfire risk area (however described) under the planning law in force in the State or Territory in which the community is located.