



## Public Consultation Document

**Telstra Reference No:** 44615  
**Payphone ID:** 02496224X2  
**Address:** Outside Bank  
James Street Plaza,  
109 Beaumont Street,  
Hamilton NSW 2303

It is proposed that a card and coin payphone be removed from:  
Outside Bank James Street Plaza, 109 Beaumont Street, Hamilton NSW 2303.  
(Payphone ID: 02496224X2)

The next nearest card and coin payphone is located:  
Outside 63 Lindsay Street, Hamilton NSW 2303 (Payphone ID: 02494003X2)  
which is approximately 100 metres away from the current site.

This request was prompted by Newcastle City Council and redevelopment works of the plaza.

Telstra intends making a final decision on this proposal by **10<sup>th</sup> April 2021**.

**Table 3: Legislative requirement  
Paragraph 13 (1)  
(b) of the Payphone Public Consultation Determination**

**Public Consultation Document—when Telstra cannot continue to reasonably operate the payphone at the site**

**i) Telstra’s reasons for the payphone removal proposal including facts upon which the proposal is based**

**Why we are proposing to remove this payphone**

*ACMA guideline*

For the payphone concerned, Telstra must clearly state why it cannot reasonably operate the payphone at the site. It must also include the facts upon which the proposal is based—for example, these could include:

- > reference to any of the applicable criteria in subsection 20 (4) of the Payphone Location Determination:
  - a. Telstra has taken all reasonable steps required to obtain the relevant approvals and does not continue to hold, or is unable to obtain, relevant approvals for the operation of a payphone at the payphone site;
  - b. Telstra has taken all reasonable steps required to obtain the relevant approvals and does not continue to hold, or is unable to obtain, relevant approvals for access to the payphone site; or
  - c. Telstra is concerned for the safety of the public, users of the payphone and the provider’s employees and agents.

Telstra response:

Newcastle City Council has requested that Telstra remove the payphone in James Street Plaza due to redevelopment works. It has been identified that the payphone cannot remain in its current location due to ongoing civil works and landscape design limitations.

ii) to the extent that it is available, and it is reasonable for Telstra to disclose it, evidence proving those facts

**Evidence to prove the facts upon which this proposal is based**

*ACMA guideline*

If Telstra has nominated criterion (a) above, to the extent that it is available, and it is reasonable for Telstra to disclose it, the evidence that it may provide includes:

- > the reasonable steps it has taken to obtain the relevant approvals to operate the payphone at the site; and
- > why it does not continue to hold, or is unable to obtain, the relevant approvals to operate a payphone at the site.

Telstra response:

Telstra has received a formal request from Newcastle City Council requesting that this payphone be removed due to redevelopment of the Plaza Mall and new design constraints. Telstra and Council jointly surveyed the Plaza Mall and concluded that no alternative new location could be identified for the payphone.

The local Police have also provided written correspondence in support for the removal of this payphone and that it not be reinstated.

*ACMA guideline*

If Telstra has nominated criterion (b) above, to the extent that it is available, and it is reasonable for Telstra to disclose it, the evidence that it may provide includes:

- > the reasonable steps it has taken to obtain the relevant approvals to access the payphone site; and
- > why it does not continue to hold, or is unable to obtain, the relevant approvals for access to the payphone site.

Telstra response:

Not Applicable

*ACMA guideline*

If Telstra has nominated criterion (c) above, to the extent that it is available, and it is reasonable for Telstra to disclose it, the evidence that it may provide includes:

- > why Telstra is concerned for the safety of the public, users of the payphone and/or its employees and agents.

Telstra response:

Not Applicable

iii) a statement about which criteria under paragraph 20 (1) (b) of the Payphone Location Determination are considered to apply to the proposed payphone removal

**The criterion that applies to this proposed payphone removal**

*ACMA guideline*

The format for this statement should be as follows:

- > ‘Telstra cannot continue to reasonably operate the payphone at the site.’

Telstra response:

Due to the redevelopment of the James Street Plaza, Telstra is unable to operate the payphone in its current location. Telstra is concerned for the safety of the public, users of the payphone and/or its employees and agents due to its close proximity to construction works being undertaken around the payphone.

No suitable new location could be identified to install this payphone however two alternate payphones are located within 150 metres of this site to service the community.

iv) details of the means by which a complaint may be made by a person who wishes to make a complaint about the proposed removal of the payphone

### How a complaint (or a request for further information) may be made

*ACMA guideline*

In this section, Telstra must include details about how a complaint (or a request for further information) may be made to Telstra about the proposed payphone removal.

Telstra must provide contact details of its complaints-handling section including a phone number and details of the method by which a person may make a written complaint (such as an email address, or link to an online complaints form).

This section should also include information (including time frames) about how a person may make a written objection to the ACMA if they are not satisfied with Telstra's response to their complaint.

Telstra response:

*Should you wish to make a complaint regarding the decision, it must be made within 20 working days of the final decision which will be communicated in writing to all stakeholders, parties that have made submissions and posted on the Telstra Payphone website. Complaints can be made through the*

Telstra Payphone Siting Manager  
Locked Bag 4850 Melbourne Vic 3001  
or by calling us on 1800 011 433 selection Option 2  
or email [Payphones@team.telstra.com](mailto:Payphones@team.telstra.com)

*To make a written objection to the ACMA regarding a Telstra payphone complaint, it must be within 10 working days from when the primary universal service provider provided it's written response to the complaint*

[www.acma.gov.au/payphones](http://www.acma.gov.au/payphones)

iii) notification, for the purposes of the Privacy Act 1988, that should a person make a complaint, Telstra may be required to disclose the complainant's personal information (as contained in the complaint), to the ACMA

### Notification for the purposes of the Privacy Act 1988

*ACMA guideline*

In addition to complying with the requirements of the Privacy Act 1988, Telstra must include a notification that if a complaint is made to Telstra, the personal information of the complainant may be disclosed to the ACMA for the purposes of resolving the complaint.

Telstra response:

Telstra advises that the personal information of the complainant may be disclosed to the ACMA for the purpose of resolving the objection.