



Public Consultation Document

Telstra Reference No. 44746
Payphone ID. 02922311X2
Address. Outside 41 Castlereagh Street, Sydney NSW 2000

It is proposed that a card and coin payphone be removed from outside 41 Castlereagh Street near King Street, Sydney NSW 2000 (Cabinet ID: 02922311X2) due to the construction of a new taxi bay as part of the City of Sydney public domain street upgrade.

The next nearest card and coin payphone is located outside: 39 Castlereagh Street, Sydney NSW 2000 (Cabinet Id: 02922336X2) which is approximately 50 metres away from the current site.

Telstra intends making a final decision on this proposal by the **27th 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:

Telstra does not continue to hold the relevant approvals for the operation of a payphone at this site. Telstra has been requested by developer Probuild and the City of Sydney to remove the Telstra payphone due to the installation of a new taxi bay.

The payphone cannot remain in operation at its current location due to the extensive modifications to streetscape design and kerb alignments which impact on the current site.

No alternate location for the payphone could be identified due to footpath congestion. There is currently an alternate payphone within 50 metres of this site to service the community.

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:

Probuild has formally notified Telstra that the payphone needs to be removed to allow for the construction of a new taxi bay. The new taxi bay has been approved by the City of Sydney and is part of the public domain street upgrade works being undertaken in conjunction with the redevelopment of the MLC building.
No alternate location for the payphone could be identified due to footpath congestion and the payphone cannot remain in its current location due to the demolition of the existing footpath.

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:

Telstra cannot continue to reasonably operate the payphone at the site due to the demolition of the existing footpath where the payphone is located for to the construction of a new taxi bay.

<p>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</p>	<p>How a complaint (or a request for further information) may be made</p> <p><i>ACMA guideline</i></p> <p>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.</p> <p>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).</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Telstra response:</p> <p><i>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</i></p> <p>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</p> <p><i>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</i></p> <p>www.acma.gov.au/payphones</p> </div>
<p>iii) notification, for the purposes of the <i>Privacy Act 1988</i>, 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</p>	<p>Notification for the purposes of the <i>Privacy Act 1988</i></p> <p><i>ACMA guideline</i></p> <p>In addition to complying with the requirements of the <i>Privacy Act 1988</i>, 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.</p> <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Telstra response:</p> <p>Telstra advises that the personal information of the complainant may be disclosed to the ACMA for the purpose of resolving the objection.</p> </div>

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