

Item 4.2**Commencement of Federal Court Proceedings****File No: X079065****Memorandum by the Chief Executive Officer**

To Council:

Council was briefed on 3 May 2021 on the proposal to commence proceedings against Telstra Corporation Limited (Telstra) in the Federal Court of Australia. These proceedings relate to the validity of a "land access and activity notice" issued to Council by Telstra. The notice relates to the installation of payphones in 60 locations around the local government area under Telstra's power to undertake maintenance on its telecommunications facilities. The City is seeking a declaration from the Federal Court that the notice is invalid, and that Telstra is unable to take action under it.

On 7 May 2021, in consultation with the Chief Executive Officer and the General Counsel, the Lord Mayor instructed the General Counsel to commence these legal proceedings. Documents were filed at the Federal Court of Australia on the same day.

The delegations from Council to the Lord Mayor require these instructions to be reported to Council at the first meeting to occur after the instructions are given.

Further updates will be provided by way of CEO Update as the matter progresses.

Recommendation

It is resolved that Council:

- (A) note the instructions given by the Lord Mayor for Council to commence proceedings against Telstra Corporation Limited in the Federal Court of Australia; and
- (B) note that further updates will be provided to Councillors by way of CEO Update as the matter progresses.

MONICA BARONE

Chief Executive Officer