

NEXTDC: Perth P2 seen as reference site for edge, as Sydney S2 DC completes

TELSTRA: Offloads Clayton, Victoria data centre complex

ACCC: NBN-led COVID group should continue until January

**11,815 opens
last issue***

COMMUNICATIONS DAY

6 August 2020

What's happening today in telecoms

ISSUE 5978

Telcos push back on Victorian business restrictions, unhappy with lack of clarity

Telco companies are still unclear on what they can and cannot do under the new COVID-19 business restrictions in Victoria which were implemented at midnight. CommsDay has learned that telcos have also lobbied the Victorian government to relax certain restrictions which impact what they see as critical retail, call centre, customer service and logistics activities.

Top of the list of concerns was the closure of retail outlets. Telcos say their retail operations support technical support, repairs and fault rectification especially for more vulnerable or less tech-savvy customers such as the elderly.

The telcos also argue that some financial hardship arrangements and domestic or family violence situations require in-store activity, especially where telcos are disassociating an end user service from a customer's account. In-store presence is also required for some identity verification processes.

Another concern was the new staffing restrictions on warehousing and logistics operations, and specifically how they impact on customer equipment and network supplies for not just Victorian buyers but those interstate. There are particular concerns that this could impact on other states, especially in an emergency situation.

Also raised was the prohibition on call centre operations, with telcos seeking partial exemptions where functions cannot be performed from home, as well as clarifications on how the restrictions impact on fault rectifications and new connections.

Telcos petitioned the Industry Control Committee of the Victorian government to consider these issues on Monday afternoon but as we went to press yesterday no decision or verdict had been communicated back. The push from telcos followed a Monday morning meeting of Communications Alliance's COVID working group.

Communications Alliance CEO John Stanton said: "We have been unable so far to get a decision from the Victorian Government, which means that, unfortunately, service providers' retail outlets will be closed – at least temporarily. We remain in discussion with the State Government on this and a number of other issues in the business restriction announcements that require clarification. The relevant service providers are



exploring alternative scenarios that, if approved, would still give customers access to the vital services that the retail outlets provide.”

Stanton added: “There have been plenty of instances in recent days that underline the importance of the retail outlets. A frontline medical worker who had to replace a mobile handset; a person running a medical clinic who needed face-to-face help with a fault; a parent dealing with the tragic death of a son. These people had their connectivity issues sorted out in-store. If similar urgent problems arise from today, they will face bigger hurdles.”

One industry source told CommsDay that the lack of clarity on how legitimate critical services could be performed by telcos under the new rules when “newsagents were free to sell lottery tickets and bottle shops free to sell grog” was “an intolerable position.” Telcos are particularly aggrieved because they feel they have worked extremely closely with other arms of government since the pandemic started in March on mutually-agreed modes of response and conduct.

The confusion from the Victorian government was such that the senior ranking federal government minister from Victoria, Josh Frydenberg, was reportedly pitched by business leaders to intervene and resolve the situation in a series of phone calls on Monday night. There were particular concerns around the national implications of supply chain restrictions in Victoria, according to newspaper reports yesterday.

Major telcos confirmed that they would be closing their retail stores in Melbourne today. Telstra said that over 75 of its own and partner stores would be shuttered, while Optus said its 60 Melbourne stores would close.

Grahame Lynch

NextDC Perth P2 site seen as a reference site for edge, as Sydney S2 completes

NextDC’s P2 microsite in Perth is a proven design that the datacentre operator can use for edge datacentre rollouts, potentially providing an option for delivering services in more regional areas, according to chief sales officer Adam Scully.

NextDC last month officially cut the ribbon on its 20MW P2 facility in Perth. However, the company in August 2019 announced the launch of its first micro datacentre at the P2 site, offering connections major public cloud services as well as national and international links, including the INDIGO cable system.

Scully told CommsDay that it was a “successful experiment in terms of what an edge datacentre would be.” He added: “Connectivity and telecommunications are critical to any datacentre and it’s really the lifeblood for customers to get in and out of a facility. We acknowledge that and wanted to make sure that from the very day that we open the doors of a facility we have that telecommunications infrastructure in place.”

The P2 microsite has been subsumed by P2 proper, and is now Interconnect Room 1 at the facility.



to

“Whether it’s regional Australia or other edge locations – we’ve already done that work and we’re ready to go,” Scully said. He noted that there were “a number of local governments and state governments that have got requirements in market at the moment,” including the NSW Gig State project, which he said the microsite design could suit, as well as Sunshine Coast Regional Council’s plan for datacentre complementing the recently established cable landing station — the P2 microsite design “would suit that as well”.

S2 COMPLETED: NextDC this week achieved functional completion for S2, although the Sydney datacentre has housed customers’ hardware since May last year.

NextDC head of channels Steve Martin said S2 is the first Tier IV datacentre in Sydney and one of only four in the country. The others are also NextDC facilities: B2, M2 and P2.

Martin said that while S1 handles a 16MW load and took around five years to fill, S2 has a total IT capacity of 30MW and over the course of around two years NextDC has already sold more than 20MW of that capacity. S3, which will be completed in 12-18 months, will support a customer load of 80MW.

Martin said there were two primary drivers of recent growth. One is cloud providers: “Not only the common ones that we know and reference today, but the next generation of cloud providers that is coming. They’re taking large amounts of very high-density space.”

The other is enterprises shifting their IT off-premises. Even when they’re maintaining their own infrastructure, putting it in a facility like S2 means they “can be right next to the cloud,” he said.

Martin added that the experience of the pandemic over the last three or four months had a lot of businesses questioning whether they need an office or whether they need an office of the size they have today. “We’ve seen quite a lot of business in the last few months with customers that have chosen to get their datacentre out of their office, so that they can move offices,” he said.

S2 is a second-generation NextDC design. Scully said that NextDC’s gen three facilities will also be Tier IV but will support increased rack density. From first to second generation rack density grew from around 2-3kW to 6-10kW. The third generation will see “10kW and beyond in a single rack,” he said.

“We’re looking at those customer needs,” he added. “We’re also looking at the growth in public cloud and hyperscale. They have a very different approach to their needs in a datacentre. But we actually accommodate both the enterprise and hyperscale in the one site, because they both leverage off each other in terms of that ecosystem and connectivity.

Rohan Pearce

Telstra to sell Clayton datacentre for \$416.7m

Telstra has found a buyer for its datacentre complex in Clayton, Victoria, with property investor Centuria Industrial REIT arranging to acquire the asset for \$416.7m.

Centuria Industrial has launched a \$341m rights issue to fund the acquisition, which is expected to close later this month.

The 3.2 hectare datacentre complex incorporates ten buildings, including Telstra’s newest 6.1MW datacentre and the adjacent 6.6MW datacentre.

Under the agreement, Telstra will lease back the site for at least the next 30 years under a triple-net lease back arrangement - which requires the lessee to pay all real estate taxes, building insurance, and maintenance on the site.

This arrangement, which also includes two optional ten-year lease extensions, will allow Telstra to maintain ownership of all equipment and operations at the site. Telstra will also retain responsibility for ongoing operations, building upgrades and repairs, capex requirements and security.

In a statement, Telstra CEO Andy Penn said the transaction brings Telstra a step closer to meeting one of the key goals of its T22 transformation strategy.

“As part of T22, we have an ambition to monetise up to \$2b worth of assets to strengthen our balance sheet,” he said. This deal means we have now reached over \$1.5b,” Penn said.

This includes the sale of a 49% stake in a trust holding 37 of the company's properties to a consortium led by fund manager Charter Hall last year for around \$700m.

It also involved the offloading of three datacentres in Europe and Asia to I-Squared Capital - the owners of Hong Kong telco Hutchison Global Communications – for \$160m, and the sale of the company's Edison Exchange building in Brisbane's CBD to Singapore's Firmus Capital for \$57m. All three transactions were completed last year.



But despite the spree of datacentre sales, Penn said Telstra's belief in the importance of datacentres has not changed. “Datacentres are an incredibly important part of the digital ecosystem and we continue to own and operate world-leading facilities in Australia and overseas,” he said.

Due to the long tenure of the lease back, Telstra does not plan to book an accounting gain from the sale.

Telstra put the Clayton datacentre on the market in May. The company also confirmed to CommsDay it is in talks over the potential sale of its Pitt Street exchange in the Sydney CBD, but that no decisions have yet been made. According to AFR, the Pitt Street building could be worth up to \$300m and would be sold under a similar triple net lease back agreement. This would put Telstra within spitting distance of the \$2b target.

The acquisition will be the largest single asset acquisition of Centuria Industrial and its parent Centuria Capital Group to date. Telstra will become the company's largest tenant, representing 13% of the portfolio's income.

A Centuria Industrial spokesperson confirmed to CommsDay that the deal will represent both the company's first purchase of a datacentre and first purchase of a telecommunications asset.

Dylan Bushell-Embling

NBN Special Working Group could continue until January 2021

The NBN Co-convened Special Working Group will be able to continue to operate until 31 January 2021 under a draft decision released by the Australian Competition and Consumer Commission.

The ACCC has proposed to authorise the group to work together, subject to the conditions that the authorised conduct is linked to meetings of the SWG and that non-member RSPs be informed of relevant information.

The ACCC last month issued new interim authorisation for the initiative after NBN Co narrowed the scope of activities the SWG could work together on. Along with NBN Co, the current members of the group are Telstra, Optus, TPG Telecom, Vocus and Aussie Broadband.

In its draft decision, the ACCC said it considers the proposed conduct for the “is likely to result in a public benefit in the form of supporting the effective operation of essential services over the NBN during the COVID-19 pandemic”.

It added: “The ACCC also considers that the public benefit from collectively managing traffic demands over the NBN will continue should there be a broader re-introduction of lock-down measures in response to any further increase in infections that could emerge across Australia or in specific geographic areas.”

The ACCC is accepting submissions in response to the draft determination until 21 August.

Staff writer

Macquarie Telecom overhauling networking core

Macquarie Telecom has engaged Juniper Networks to upgrade its national network with AI and automation capabilities as it seeks to maintain its edge on customer experience.

The operator has deployed a range of additional equipment from Juniper Networks for a refresh of its network from the core to the edge.

This includes three of the devices in Juniper's MX series range of SDN-enabled routing platforms, including one from the new MX10K line.

Through the deployment, Macquarie Telecom will be Juniper's first Australian customer to take advantage of the MX10K's segment routing capabilities to route traffic across its national network.

As part of the upgrade, Macquarie Telecom will also use Juniper's Junos OS to manage its voice, datacentre and cloud services and the vendor's range of APIs and toolkits to simplify the network automation process.

Macquarie Telecom group executive Luke Clifton told CommsDay the upgrade project commenced around a year ago, with the board approving the proposal for a complete modernisation of the company's data core.

The project is now well underway, he said. “We're in the process now of cutting our network over to our existing traffic, and that will be completed 100% by December.”

Clifton said the project had three main motivations, with one being customer demand. “We've seen an explosive amount of growth across our data networking core

that was beginning to put strain on capacity.” This demand largely came from the company's NBN enterprise Ethernet customers, as well as significant increases in demand for SD-WAN.

“We wanted to completely modernise our core with up to 100 gigabits worth of capability. And to do that we want to get rid of all of the old protocols, all of the old systems, to ensure that we had no single point of failure.”

Another motivation was moving from the legacy core served by multiple disparate suppliers to a consistent single vendor capability across the company's switching and routing networks nationwide, Clifton said. The third was to implement enhanced AI and automation capabilities.

“Automation is incredibly important for us. We here at Macquarie Telecom, have all of our contact centre and network operating centre staff here on shore in Australia. All of those individuals utilise a range of automation and AI technologies,” he said.

The upgrade is expected to help Macquarie Telecom maintain its reputation among its customers including its net promoter score of +75, which Clifton believes was the highest in Australia. Adding AI and automation capabilities will help the operator offer more flexible contract terms, shorter lead times and superior customer service.

Clifton said the upgrade was completed at an opportune time as the upgraded data core has been essential to meeting the spike in demand on its network triggered by COVID-19. At peak times during the initial lockdown traffic loads on the network spiked by up to 43%.

“One of the elements that we wanted to enable on our networks is the ability to very quickly and responsively adapt to where traffic flows are coming from and going to. In many cases, we've seen corporate networks have to toggle to provide application performance on residential networks at home,” he said. “And quite frankly, our existing previous core wasn't up to the task of managing a lot of that. [We now have] a far more robust and flexible network to direct those traffic spikes to manage that on our corporate customers' behalf.”

Dylan Bushell-Embling

NBN Sky Muster satellite outage caused by “radiation event”

Around 60,000 customers lost connectivity to NBN Sky Muster services yesterday after one of the satellites experienced a “natural radiation event and went into self-preservation mode to avoid being damaged,” according to a spokesperson.

“We are still looking into the root cause (i.e. type of radiation event) and the behaviour of the satellite following the event,” said the spokesperson. “As far as we know, this is the first time we have experienced an outage like this.”

All services were restored just after 4pm AEST yesterday with the team completing service health checks soon after.

The incident, which took place just before 0930 yesterday, led to the satellite rolling 31 degrees, according to a communications advisory sent to NBN customers.

The spokesperson told CommsDay: “The satellite is still in orbit and in communication with NBN Co network engineers. Natural radiation events are common in space and are known to disrupt a range of satellite services.”

NBN satellite retailer SkyMesh confirmed both Sky Muster and Sky Muster Plus ser-

vices were impacted during the outage. "NBN has advised that there has been movement in the satellite and they are working to fix it," said a spokesperson. "We're in close contact with NBN about the outage and we are working to keep our customers up-to-date on the situation."

The spokesperson confirmed Sky Muster outages were rare with the last significant outage occurring last January. "The issue at the root of this current outage was quickly identified by NBN and as such they have been able to get straight on to restoring services," said the spokesperson. Some services were being restored from around 1430 yesterday.

Staff writer

Intel and VMware extend virtualisation to radio access network

Intel and VMware have announced they are collaborating on an integrated software platform for virtualised radio access networks to accelerate the rollout of both existing LTE and future 5G networks.

VMware APJ VP & CTO Bruce Davie told CommsDay that RAN virtualisation, using open RAN standards, is the next step forward in the disaggregation of telco networks. "We've seen it happen a lot in the core of the network and now it's moving out to the edge. The partnership between VMware and Intel will accelerate that transition."

He said the partnership was doing "a bunch of integration work between Intel's FlexRAN architecture and VMware's Telco Cloud so that third party components like apps and the radio interfaces will all be pre-tested. "This effectively de-risks the whole approach to virtualising the RAN for carriers," he said.

Davie said that it is no longer an imperative to buy from a single vertically integrated vendor and doing so may actually limit a carrier's options. "It's reasonable to say that buying a vertically integrated solution, you get something that has been tested end-to-end and if you go and buy a disaggregated solution, then you have to make sure that all those interfaces work correctly," he said. "And so that's exactly what we're doing with Intel; we're working on pre-integration so that the risk is not high for the carrier's looking to get the benefits of a disaggregated approach, without taking on a lot of risk of doing integration themselves."

"I think it's a tremendously positive development for the telco industry to be able to start to unbundle what used to be these very vertical systems," he said. "It started with network function virtualisation in the core when operators said 'wouldn't it be great if we could decouple the hardware, the operating system, the virtualisation layer and the applications and pick and choose the best in breed from different vendors?'," he said.

The partners already announced two big telco names coming on board in Deutsche Telekom and Vodafone Group.

Davie said Intel and VMware will work with a "rich ecosystem", including telecom equipment manufacturers, original equipment manufacturers and RAN software vendors, to help carriers more easily build on top of the vRAN platform to address specific use cases.

"The overall approach we're taking is to automate as many aspects as possible of the telco network. So, for example, the RAN intelligent control app is one of the pieces that we're building that makes all the RAN components work together as a single inte-

grated whole,” he said. “You can have lots and lots of radio towers out there and you can't be managing them all individually. We are building the components to make what looks like a whole bunch of separate networks, effectively behave as a single unified network.”

Simon Dux

Vocus: Telcos must prepare for the unimaginable

Vocus chief executive for enterprise and government Andrew Wildblood has detailed the prompt actions the company took to help customers adapt to the need to work from home during COVID-19 lockdowns.

During the initial week of the widespread transition to remote work, the operator delivered more than 340 infrastructure upgrades for 230 customers, Wildblood said.

Meanwhile Vocus also accelerated its existing plans to start reselling corporate Zoom Meetings, Rooms, and Webinars services to enterprise and government customers to accommodate the sudden surge in demand for telepresence tools.

“There was a massive demand for collaboration technology, and then increases in bandwidth to support it,” Wildblood said.

“We saw a split between customers: some already had the tools and tech required and just needed to scale up, but for others, it was about enabling them for the first time, setting up security measures and providing proper configuration.”

Internally, Vocus shifted to more than 2,000 of its own staff across nine Australian offices working entirely from home.

“The nature of our business means that we had a solid plan in place that allowed us to move quickly and efficiently to serve customers and staff. We quickly formed teams focused on rapid customer order delivery and separate teams to move quickly on capacity to service customer demands,” Wildblood said.

Meanwhile the company has been monitoring its own network closely and prioritising works required to accommodate the increased demand and maintain a reliable network service, he said. This includes adjusting network capacity as needed to reduce the risk of slowdowns.

Wildblood added that the crisis has demonstrated the need for businesses in all sectors to be able to so quickly adapt to drastic changes to their operations.

“COVID-19 has just made it crystal clear that businesses now need to prepare for the unimaginable,” he said. “Being a leader always requires you to be flexible and agile as the environment around you changes, and that’s never been truer than leading a team through a life-changing event like COVID.”

Dylan Bushell-Embling

Samsung launches new Note devices, foldable phone

Samsung overnight used its Galaxy Unpacked event to launch a new line-up of high-end mobile devices. The company unveiled Galaxy Note20 and Galaxy Note20 Ultra, which both support 5G (sub-6 and mmWave) as well as Wi-Fi 6, as well as two new tablets: Galaxy Tab S7 and Galaxy Tab S7+.

In addition, it launched the Galaxy Watch3, Galaxy Buds Live headphones, and a new

foldable smartphone: The Galaxy Z Fold2.

Samsung Electronics vice-president Garry McGregor said he expected to see Australia continue “over-index” in the premium device space despite the impact of COVID-19. The experience of the pandemic has “essentially condensed what would normally be years of behavioural change, and particularly behavioural change towards technology” into a few months, he said.

McGregor said that in Australia, “we’ve had to lean into technology a lot more than we ever have done,” as people adapt to new ways of working, learning and socialising.

He noted recent Kantar that found “more than 70% of Australians are now using messaging apps to remain connected, more than 60% are using video streaming services, more than 60% of using video calling as a medium to stay in touch, and 40% more spend is being spent on technology in the last few months than anytime previously, which is obviously significant.”

The premium segment in smartphones has grown over the last 10 years, and Australia has always over-indexed in the space.

“In light of COVID, and what’s happened over the last few months, there’s been no difference: We still continue to over-index. And actually what we’re seeing is people are now understanding the role of technology in their life. They’re understanding what they need from a smartphone.”

The company’s S series smartphones are aimed at “social expressors,” while for “those who want devices as a utility – want work and play to be condensed into one – then the Note series has continued to be incredibly popular.”

“Our Note series is very exciting because it is by far and away our most loyal customer base,” he added. “It’s the most loyal customer base that exists in the industry. And with what’s happened over the last three months, and those lines between work and play really, really blurring, then we expect that Note will appeal to far more users in Australia than ever before.”

Samsung has only released limited information on the Galaxy Z Fold2, which is the company’s third foldable device. The phone’s cover screen is 6.2 inches and its main screen is 7.6 inches, making them both larger than the Galaxy Fold.

The Note20 will be available in Australia from 21 August, in 5G and non-5G versions. The New Zealand release date had not been made available at press time.

Rohan Pearce

Equinix says it welcomes new Aust foreign investment rules

Equinix says it welcomes proposed new foreign investment rules for Australia, although a statement from the company added that it looked forward to reviewing the relevant draft legislation “including the meaning proposed for key concept of ‘sensitive national security business.’”

The Federal Government in June announced that it would add new national security rules to Australia’s foreign investment framework. Draft legislation was released last week by Treasury.

A key measure proposed by the government will see scrutiny of all investment — not just that linked to foreign governments — involving a “sensitive national security business.”

Under the government's proposal that will include businesses subject to the Security of Critical Infrastructure Act or Telecommunications Act, as well as businesses considered vital to defence or intelligence agencies or that store or have access to information relating to defence or intelligence.

A statement from Equinix said: "Equinix welcomes the Australian Government's decision to introduce new foreign investment rules to protect Australia's critical infrastructure, including telecommunications and datacentres, to advance the national interest and safeguard national security."

"In Australia, Equinix has 19 years' experience operating mission-critical facilities, growing to a national footprint of 17 datacentres in Sydney, Melbourne, Perth, Canberra, Adelaide and Brisbane."

Equinix said it is a "trusted partner of many Australian government departments and businesses providing secure facilities, systems and services that comprise key elements of Australia's critical information infrastructure."

"The reforms proposed by the Australian Government are consistent with our experience of changes made recently in other advanced economies to protect essential national security interests," the statement said.

Staff writer

NOKIA SETS UP ROBOTICS LAB IN INDIA

Nokia is collaborating with the Indian Institute of Science to set up the 'Nokia Centre of Excellence for Networked Robotics.' According to Nokia, it will work with the institute to "promote interdisciplinary research involving robotics, advanced communications technologies and artificial intelligence to develop socially relevant use cases across areas like emergency management, agriculture and industrial automation." Described as a "state-of-the-art network robotics laboratory," the centre will be open to start-ups, academia and industry ecosystem partners and is aligned with the 'Start-up India' initiative of the Indian government.

TOLLRING PARTNERS WITH COMMSPLUS FOR CALL ANALYTICS AND RECORDING

Tollring has signed an exclusive PBX Partner Distribution agreement with CommsPlus Distribution to meet the unprecedented demand to monitor customer experience and measure productivity, driven partly by the necessity for the Australian workforce to work remotely. Resellers with customers who have premises-based PBX solutions from manufacturers such as Panasonic, Samsung, Mitel, Avaya, and Ericsson LG, now have access to Tollring's powerful iCall Suite call analytics and call recording solutions through CommsPlus.

TATA LAUNCHES POST-COVID ENTERPRISE PACKS

Tata Communications has launched what it calls "a new proposition for enterprises to help them rebuild and adapt their organisations for a post-COVID world." According to Tata, the new 'Secure Connected Digital Experience' product is designed to solve operational challenges faced by enterprises as a result of the global pandemic, including "far higher levels of working from home, rising security risks, a shift to digital commerce and more contactless experiences for employees, customers and supply chain partners."

OVERNIGHT STOCK PRICES (ASX)

Name	Current Price(\$)	Day Change (%)
5G Networks Ltd Ordinary Shar...	1.915	10.06
Amaysim Australia Ltd	0.655	3.97
Chorus Ltd	7.010	1.15
CommsChoice Group Ltd	0.083	0.00
Field Solutions Holdings Ltd	0.047	-6.00
Hutchison Telecommunications ...	0.160	-3.03
Macquarie Telecom Group Ltd	45.800	1.78
Megaport Ltd	13.330	0.23
MNF Group Ltd	5.680	0.53
Nextdc Ltd	11.970	-0.33
OptiComm Ltd Ordinary Shares	5.240	-0.19
Over the Wire Holdings Ltd	3.660	-4.19
Spark New Zealand Ltd	4.580	-0.65
Spirit Telecom Ltd	0.310	3.33
Superloop Ltd	1.110	-0.89
Telstra Corp Ltd	3.400	-2.30
TPG Telecom Ltd Ordinary Shar...	8.130	-0.25
Uniti Group Ltd Ordinary Shares	1.665	2.78
Vocus Group Ltd	2.970	0.34
Vonex Ltd	0.110	0.00

About Communications Day (including the Line of NZ)

Communications Day is the telecommunications news authority of Australia, New Zealand and Singapore. Published daily since August 1994, CommsDay is expertly written and edited by a team of industry writers with a combined 105 years experience in telecoms across Australia, NZ, Asia, the United States and Europe. CommsDay is available by subscription only and read by up to 10,000 industry executives as well as policymakers and parliamentarians every week day.

PUBLISHED BY DECISIVE PUBLISHING

Mail: PO Box 490 Milsons Point NSW 1565

Website: www.commsday.com

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JOB OF THE DAY

Victoria's Emergency Services Telecommunications Authority is looking for a Head of Cybersecurity who will play a key role as the information security lead to ESTAs ICT function and a key role in the information technology services Leadership Team. Ensuring security architecture, resilience and design is included in all ESTA outcomes is key to this role, together with managing and ensuring ESTA ITS risk management and compliance requirements. . It is being advertised at the authority's online application portal.

Job of the Day is a new editorial feature designed to alert readers to career opportunities in these pandemic times.

10 YEARS AGO TODAY IN COMMSDAY

A transmission link from Adelaide to Perth to complete the national Australian Research and Education Network backbone network and enable high-end research connectivity between the east and west coasts was one of eight projects that have been chosen for funding under the Federal Government's Super Science (Future Industries) initiative.

Telstra CEO David Thodey believed more help was needed to bring SMEs into the digital fold, pointing to research that suggests that as many as 40 percent of Australia's small businesses still don't have an Internet presence.

Final arguments from the parties have were delivered in the iiNet and Australian Federation Against Copyright Theft landmark copyright case appeal. but the court has still not closed formal