



17 November 2011

Dr Kilian Perrem
Inquiry Secretary
House Standing Committee on Infrastructure and Communications
Suite R1.121
Parliament House
Canberra ACT 2600

Dear Dr Perrem

**House Standing Committee on Infrastructure and Communications
Inquiry into the Telecommunications Amendment (Enhanced Community Consultation) Bill 2011**

Vodafone Hutchison Australia Pty Limited (VHA) welcomes the opportunity to make a submission to the House Standing Committee on Infrastructure and Communications Inquiry into the Telecommunications Amendment (Enhanced Community Consultation) Bill 2011 (the Bill).

VHA believes that the *Telecommunications Amendment (Enhanced Community Consultation) Bill 2011 (the Bill)* will substantially disrupt investment in mobile telecommunications infrastructure at a time when there is explosive growth in demand for mobile services and consumer pressure for increased reliability of both voice and data services.

Mobile Carriers Forum (MCF) submission

The Mobile Carriers Forum (MCF) is an industry group representing the three mobile phone carriers deploying mobile networks in Australia, in which Vodafone Hutchison Australia (VHA) is an active member. The MCF is a division of the Australian Mobile Telecommunications Association (AMTA). VHA fully supports the key principles outlined in the AMTA/MCF submission.

Deployment of Mobile Phone Network Infrastructure Industry Code

The level of carrier activity associated with the existing "Deployment of Mobile Phone Network Infrastructure Industry Code" consultation processes and provision of information is significant. The total number of low impact activities by all carriers that were subject to Code processes since the Code came into full force in 2002 (to 2010/11) is in excess of 17,089.

Over the past five years the MCF has observed a continuing decline in complaints to the ACMA regarding the Industry's consultation practices when establishing telecommunications facilities. In 2010/11 the ACMA received only 7 complaints relating to the compliance of carriers with mandatory obligations under the Code. By comparison, in 2002/2003 the ACMA received 137 complaints. The majority of Code complaints received by carriers were either addressed or rectified by the carrier directly with the complainant which demonstrates that the Code has been effective in ensuring adherence to best practice community consultation processes.

Communications Alliance (CA) submission

Communications Alliance will be also providing a submission in response to the Inquiry relevant to the "Mobile Phone Base Station Deployment Industry Code" ('the Code'). VHA has actively participated in Communications Alliance review of the Code and therefore VHA supports the submission. The Mobile Phone Base Station Deployment Industry Code is a revision of the current Communications Alliance "Deployment of Mobile Phone Network Infrastructure Industry Code".

The Code is currently being reviewed, as it is every five years, to ensure that it remains relevant and capable of guiding meaningful consultation with communities, stakeholders and local Councils.

The Communications Alliance Code Review Working Committee (which includes community representation and the ACMA) has agreed through consensus to a number of significant changes to improve notification and consultation associated with Low Impact facilities.

These include:

- improved consultation plans to be 'fit for purpose', requiring Carriers to develop and evolve the consultation plan for new proposals.
- a new community consultation web portal for new base stations proposed under this Code providing significant improvement to information, transparency and access, to be housed on the Radio Frequency National Site Archive at <http://www.rfnsa.com.au/nsa>.
- extended timeframe for Councils to review consultation plans (from 5 to 10 business days).
- extended timeframe for community consultation and feedback (from 10 to 15 business days).
- additional time for community response if required (an additional 5 days).
- regard to public and school holidays and that appropriate extensions of time are provided for consultation during these periods.
- improved and clearer information letters and signage which Carriers will use when notifying and consulting with local council and the community. Examples of the type of letters, plans, signs and reports are included in the Code.
- up-to-date RF Electro-Magnetic Radiation (EMR) Health and Safety information, reports and signage in keeping with the current and relevant standards.
- A New Communications Alliance information portal at <http://www.commsalliance.com.au/mobile-phone-tower-information>, which will be updated with the publishing of the revised Code.
- the online availability of consultation reports.
- updating the Code with further information on Land Access and Activity Notices (LAANs), Facilities Installation Permit, compensation and land owners' rights.

The Code process has provided VHA and the mobile industry as a whole to continue to modify processes in response to community feedback. VHA believes the existing regulatory regime is working effectively, striking a balance between the carriers' infrastructure deployment plans and the interests of communities across Australia.

Mobile Infrastructure investment

Investment in physical infrastructure of mobile networks is fundamental for mobile carriers to be able to meet increasing consumer demand.

The limitations of spectrum availability mean that mobile carriers must be able to make their networks more spectrally efficient while also expanding capacity to meet the demands created by consumers and businesses who are seeking the benefits of next generation advanced mobile technologies such as mobile broadband.

In practice, this means the carriers must be able to increase the number of cells in their networks and make many cells smaller. The location of the base station within the cell is determined by a number of factors, including topography and other physical constraints such as trees and buildings, the cell capacity or expected traffic for the cell and the radio frequency at which the base station will operate. As each base station has a finite capacity with regard to the traffic it can carry, in areas of high mobile use, such as central business districts and high density urban areas, more base stations are required to handle higher levels of traffic.

This means that mobile carriers need regulatory certainty to allow the roll-out of new and upgraded site facilities in order to provide the current and future mobile broadband services and manage traffic volumes.

Infrastructure development

As part of our commitment to responsible deployment, VHA applies the principles of safe systems, consultation and sensitive environmental planning, good design and environmental protection to all its base station network development and operations.

Commitment to base station safety

Community health and safety is paramount to us. VHA strictly adheres to all the national guidelines and standards relating to mobile phones and mobile infrastructure, including base stations. VHA applies a strict policy of building and operating its base stations well within the limits of national health and safety standards, applying the objective of minimising electromagnetic energy (EME) whilst meeting service requirements.

Commitment to consultation and sensitive environmental planning

When formulating proposals for base station siting and design, we undertake a thorough assessment in order to identify the most environmentally friendly solution.

This process involves assessing:

- the impact of a proposed facility design on existing land uses
- advice from specialist consultants as to the likely environmental impact of siting proposals
- regulatory requirements of Commonwealth, State and Local authorities and compliance with relevant standards
- the minimum size and type of structure required for achieving network planning objectives

In order to meet these objectives, we aim to use existing buildings and structures. Where possible, we will use existing antenna structures and design the base stations to keep the amount of telecommunications equipment to a minimum.

This minimises the amount of new infrastructure that is deployed in the community. Whilst mast sharing is always considered, it may not always be the optimum solution in all cases.

Commitment to protect the natural and built environment

VHA seeks to protect, and where possible, enhance the natural and built environment by:

- assessing potential concerns of residents and users in areas affected by its activities
- preserving the aesthetic, anthropological, archaeological, architectural, cultural, historical, social and scientific value of the area
- minimising the impact on ecosystems and preserving existing flora and fauna
- minimising the use of natural resources, and creating and disposing of waste in a safe and responsible manner
- seeking to minimise the visual impact of facilities on the local environment and minimising environmental pollution such as land disturbance and noise
- incorporating the use of environmentally friendly products in the construction whenever possible

It is the aim of VHA to achieve the best balance across a range of complex and often conflicting objectives when selecting a site. VHA takes a considered and transparent approach to balance deployment requirements with the potential concerns of communities. We are committed to an approach that genuinely considers environmental concerns applying a transparent and pro-active approach to community and local government engagement.

We acknowledge that even the most rigorous application of these principles will not always result in an outcome that satisfies all parties. While the existing Code identifies that not all parties will be satisfied with outcomes of the processes used under the Code, there are many examples where the Carriers have voluntarily sought alternative sites following feedback from the community. It is our intention and our practice to operate within the spirit as well as adhering to the specific Code rules. While there will be some instances where a community member is dissatisfied with the outcome, this does not equate to a failure in the consultation process undertaken in accordance with the rules of the Code nor does it mean that the Code rules are inadequate.

Implications of the Bill

VHA submits that the Bill will have an adverse affect on communities rather than protecting their interests.

Consumer demand for mobile broadband has been clearly established as a global trend. Mobile broadband is recognised by the ACMA and the Australian Government as being a key enabler and driver of productivity in Australia's digital economy.

For Australian consumers and businesses to enjoy the benefits of mobile broadband and participate in the digital economy we need policy and regulatory frameworks that will foster investment in infrastructure and innovation. The regulatory framework must provide certainty to industry to allow ongoing investment in mobile network infrastructure.

VHA believes that the Bill will inhibit continued investment in mobile network infrastructure. Uncertainty and the inability to roll-out viable next generation networks will result in a failure to meet the expectations of consumers and businesses across Australia. Networks that are not upgraded in a timely fashion will quickly become slow and congested and fail to meet reasonable consumer demands.

Please do not hesitate to contact me if you have any queries

Yours faithfully,

Brian Currie
General Manager Regulatory

Vodafone Hutchison Australia