



Andrew Fraser MP

State Member for Mount Coot-tha

10 November 2011

The Committee Secretary
House of Representatives Standing Committee on
Infrastructure and Communications
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: ic.reps@aph.gov.au

RE: The Telecommunications Amendment (Enhancing Community Consultation) Bill 2011

Dear Secretary,

I write on behalf of my constituents who waged a successful grassroots community campaign against plans by Telstra to erect a mobile phone tower in their neighbourhood of Rainworth, near Rainworth State School. That campaign has equipped me and community members to reflect upon best practice for community consultation in planning for and building mobile phone towers. This submission is broadly supportive of the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011. It seeks to summarise the experience of Rainworth residents to explain the benefits of some key elements of the Bill, and to propose other initiatives that would improve community consultation.

The Rainworth Community Experience

In September 2009 a small number of residents received letters from a company called Aurecon. I consider it very unlikely any resident would have known Aurecon was a contractor acting on behalf of Telstra. The letters were addressed "To the Occupier", further decreasing the prospect a resident would open and read the letter.

The letter provided a Community Consultation period of 10 days only, and was received just before the start of the September school holidays. Many families would have already left for school holidays and therefore missed the consultation period.

I understand the owner of the house and land next door to the proposed site, for example, was never formally advised of the proposal because the property is rented, and the renters disregarded the letter as junk mail.

The Rainworth State School P&C was never sent a letter either - exposing the inadequacy of current regulation that such an important stakeholder in the local community was not advised of the proposal.

As a result of research by local community members, Telstra was forced to admit the letter included incorrect information. They subsequently issued a new letter.

Despite 1000 residents signing a petition, 200 submissions and the opposition of local elected representatives at every level from both sides of politics Telstra persevered with their proposal.

I along with around 400 local residents attended a meeting held by Telstra at the school on 13 October. I understand the meeting was intended to provide a further avenue of community consultation. However, Telstra representatives refused to address the crowd and many questions put forward by community members were not answered.

Telstra ignored all of this community feedback and claimed that there were no other suitable sites.

The community raised over \$20,000 to cover the legal costs of a unit holder in the property where the tower was to be installed (27 Gerler St). Those legal proceedings ultimately proved that Telstra did not have a valid lease with the Body Corporate of the unit block. Subsequently Telstra offered a new proposal using 3 smaller facilities that would see lower cumulative emissions at the School. This new proposal was considered acceptable by local community members.

While the Rainworth Community continues to celebrate a good outcome, we also continue to bemoan the approach used by Telstra and the weakness of regulation. Ultimately the community should never have been forced to go to such lengths just to be heard. I have no doubt the telcos rely on the fact few communities would have the capacity or resources to mount such a comprehensive response.

Therefore I view the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011 as a positive step towards better regulation that would achieve a better balance between the need for an effective mobile telephone network and the need for residents to have a say about developments in their neighbourhood.

Sensitive Sites

In terms of the specifics of the Bill, item 17 proposes a buffer zone around community sensitive sites. I believe the experience of the Rainworth community is specifically informative to this element. We learnt that Telstra could in fact achieve a similar technical outcome with a number of lower intensity towers. It is the view of the Rainworth community that regulating cumulative EMR levels around sensitive locations would be more effective than a buffer zone. Admittedly it may require better planning and increased costs on the part of the telcos, however we now know it is a step they are willing to take to appease a vocal, well organised community.

Carriers Response to Community Consultation

A second concern is that the carriers are under no obligation to action community feedback, as evidenced in Rainworth/Bardon, where Telstra ignored all feedback, advising that no alternative was technically possible, and deciding to proceed with their original proposal unamended, that is until the Body Corporate Commissioner's ruling that they did not have a valid lease, which subsequently required Telstra to develop an alternative solution.

One of my constituents is a Community Representative on the Industry Code (ACIF Code) for the placement of mobile phone base stations, which is currently under review. The old and new codes require carriers to "...have regard to [community feedback]..." In practice this phrase negates the carrier's requirement to action any community feedback received during community consultation.

Increasing Size of Towers

One final concern that might be compounded by such an approach would be the scope for creeping increases in the size of individual installations over time without adequate community consultation. The Parliament should consider whether installing more or larger panels on an existing tower should trigger similar consultation to the construction of a new tower.

I believe the Rainworth community's experience provides valuable insights into how regulation of mobile phone towers can be improved. I trust the committee will find this submission useful in their consideration of the Bill.

Yours sincerely,

HON ANDREW FRASER MP