

19 July 2010

Ms Sandra Boland
President
Rainworth State School P&C Committee
185 Boundary Road
RAINWORTH QLD 4065

ACMA Ref: ACMA2009/1546-3

Dear Ms Boland

Complaint about proposed Telstra facility at 27 Gerler Street, Bardon

I refer to your letter of complaint, dated 8 April 2010, to the Australian Communications and Media Authority (ACMA) alleging non-compliance by Telstra with aspects of the *ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure* Industry Code with respect to a proposed mobile phone facility at 27 Gerler Street, Bardon.

In response to your complaint the ACMA commenced preliminary inquiries under section 511 of the *Telecommunications Act 1997*¹ (the Act) into the matters alleged. Under the Act, the ACMA can make inquiries for the purposes of determining whether the ACMA should, in its discretion, investigate the matter.

Telstra has recently advised the ACMA that in considering the community response to the Gerler Street proposal, it intends to re-commence consultations with the Bardon community, in accordance with the industry code, for a new mobile phone proposal.

Telstra further advised that the new proposal is to install three small facilities on existing infrastructure in the suburb located further away from the Rainworth State School. Telstra also advised that these three facilities will produce a lower radiofrequency EME level at the school than the previous Gerler Street proposal and the existing Main Avenue facility.

¹ Copy of the Act is available at <http://www.comlaw.gov.au>

As Telstra has made new site proposals in response to community feedback on the Gerler Street proposal, I have decided not to investigate your complaint.

In making the decision to not investigate, I intend to discuss with Telstra and the other mobile phone carriers matters raised in your complaint. The ACMA has in place a formal process with the mobile carriers to discuss code matters.

Thank you for bring the matter to the ACMA's attention.

Yours sincerely

Michelle Richardson
Manager
Radiocommunications Licensing and
Telecommunications Deployment Section