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John Truman
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Telecommunications



11 November 2011

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

Dear Sir/Madam

Re: Telecommunications Amendment (Enhancing Community Consultation) Bill 2011

Thank you for the opportunity to provide a submission to the Inquiry into the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011.

Council has recently had experience where there were major community based concerns regarding a telecommunications facility installation that was deemed low impact within the meaning of the Telecommunications (Low Impact Facilities) Determination 1997.

The low impact determination meant that the carrier did not require planning consent or Council's permission as a land owner to proceed with the installation.

In the above circumstances, the Telecommunications Code of Practice requires carriers to consult prior to proceeding to install. However the Code constrains the matters to be considered in the consultation. Further to this, there is no specific requirement for the carrier to act other than to consider the consultation outcomes.

It is our experience that when a carrier and the community are unable to reach a mutually acceptable outcome, the powers available to the Australian Communications and Media Authority and the Telecommunication Industry Ombudsman to assist or intervene are very limited.

Council recognises that it is important that telecommunication infrastructure be installed and that at times not all objections can be satisfactorily mitigated by a carrier. However, in Council's opinion, when an elected local government authority makes a decision to object to such infrastructure on behalf of the entire community, then this decision should carry significant weight in the process. In those circumstances if Council, representing the broader community interests cannot be provided with powers to amend or refuse the proposal, it is Council's submission that a relevant Federal authority be provided such powers as necessary to consider and determine submissions from the carrier and the local authority.

We understand the amendment bill is silent in respect of the consultation for low impact facilities. As we have witnessed the extent of community concerns that can result from the current arrangements, Council would appreciate the Inquiry examining the above issue.

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Again, we thank you for the opportunity to make this submission. Should you require any clarification of the above, please contact me.

Yours faithfully

John Truman
Group Manager
Civil Services