

**COMMUNICATIONS
ALLIANCE LTD**



SENATE STANDING COMMITTEE ON ENVIRONMENT AND
COMMUNICATIONS

SENATE COMMITTEE TO INQUIRE INTO THE
TELECOMMUNICATIONS AMENDMENT (MOBILE PHONE
TOWERS) BILL 2011

COMMUNICATIONS ALLIANCE SUBMISSION
MARCH 2012

About Communications Alliance

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, search engines, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

Introduction

The Senate Standing Committee on Environment and Communications is conducting an inquiry into the *Telecommunications Amendment (Mobile Phone Towers) Bill 2011*. The Bill was introduced to the Senate on 14 September 2011 and referred by the Senate to the Standing Committee on 9 February 2012. The Bill proposes 30 amendments to the *Telecommunications Act 1997*.

The Bill proposes to amend the *Telecommunications Act 1997* to:

- require certain owners and occupiers of land to be consulted when a mobile phone tower is to be installed;
- require the Australian Communications and Media Authority (ACMA) to be satisfied that the precautionary principle is taken into account when the site of a mobile phone tower is determined;
- remove the exemption for low-impact facilities from state and local government planning processes;
- remove the exemption on the application of state and territory laws; and
- require carriers to prepare local telecommunications network plans each financial year, for the next five years.

The Bill also proposes to amend the *Australian Radiation Protection and Nuclear Safety Act 1998* to require the *Radiation Health and Safety Advisory Council* to review certain radiofrequency exposure standards every five years, with the first review to be completed within six months of this bill commencing.

Communications Alliance welcomes the opportunity to make a submission to the *Senate Standing Committee on Environment and Communications Inquiry* (the Inquiry) into the *Telecommunications Amendment (Mobile Phone Towers) Bill 2011* (the Bill).

Communications Alliance is providing this submission to bring the Standing Committee up-to-date with the work that the industry and community representatives have undertaken with respect to the **Mobile Phone Base Station Deployment** Industry Code. The scope of this submission is limited to the role of the Code under telecommunications regulations. Communications Alliance is aware that the Australian Mobile Telecommunications Association (AMTA) is forwarding a submission on the proposed changes to the Bill and Communications Alliance fully supports their submission.

Under the *Telecommunications Act 1997*, there is provision for the development of industry codes by telecommunications industry bodies on any matter which relates to a telecommunications activity. Codes can be presented by industry bodies to the ACMA for registration and where the ACMA is satisfied that the code meets stipulated criteria it is obliged to include the code on a register of industry codes.

Communications Alliance published the **Deployment of Mobile Phone Network Infrastructure** Industry Code (ACIF C564:2004) to supplement the existing requirements imposed on Carriers under the current legislative scheme. This Code was registered by the ACMA in April 2005.

Communications Alliance has completed a scheduled revision of this Code which was published in December 2011. The revised Code was developed by a Communications Alliance working committee with extensive experience in this area, including prominent community and consumer representatives and industry and government representatives.

The revised Code delivers a number of significant improvements to the existing consultation process, as outlined below.

Communications Alliance believes that the strong consultative framework provided by the revised Code and the appropriate protections it provides to any member of the public who is concerned about any aspect of the deployment of mobile phone network infrastructure means that the amending legislation being considered by the Committee is unnecessary and should not be supported.

Code history

In 2002 the industry developed the **Deployment of Radiocommunications Infrastructure** Industry Code (ACIF C564:2002) and submitted the Code to the then telecommunications regulator, the Australian Communications Authority (ACA) and it was subsequently registered.

The aim of the Code is to deal with the concerns of the community about the potential risks of radiofrequency electromagnetic radiation (RF EMR) exposure, by providing for:

- the community and local councils to have greater participation in decisions made by Carriers when deploying mobile phone base stations; and
- greater transparency to local communities and councils when a Carrier is planning, selecting sites for, installing and operating mobile phone base stations.

The Code supplements the requirements already imposed on Carriers under the existing legislative scheme by requiring them to consult with the local community and to adopt a precautionary approach in planning, installing and operating radiocommunications infrastructure.

In the Code, the Precautionary Approach is manifested in the obligations it imposes on Carriers. For example, Carriers are required to:

- design and operate radiocommunications infrastructure to minimise RF EMR exposure;
- develop consultation plans for the deployment of infrastructure that is not subject to Development Approval;
- turn off transmitters that are out of service;

- test their decisions about the deployment of infrastructure against a range of important factors; and
- document their decision-making processes about the deployment of infrastructure.

A review of the Code was undertaken as specified in the Code twelve months after registration. The Code was revised following that review to clarify and provide certainty for all parties in the implementation of the Code. The title of the Code was changed to the **Deployment of Mobile Phone Network Infrastructure** Industry Code to better reflect the scope of the Code.

The current enforceable edition of the Code was registered by the ACA in April 2005.

Current revision of the Code

The latest review of the **Deployment of Mobile Phone Network Infrastructure** Industry Code was undertaken five years after registration by the ACMA. A roundtable was held at which a broad range of participants from the community sector, the industry, the regulator and government attended. Arising from the roundtable were the issues that formed the terms of reference for a Communications Alliance working committee to revise the Code.

The Working Committee was made up of individuals with extensive experience, including prominent community and consumer representatives, and industry and government representatives. The committee worked through the issues identified at the roundtable and extensively revised the Code, particularly the sections covering the carrier consultation process with the community and local government.

The Code requires mobile carriers to consult with the local community, including Local Councils and to adopt a precautionary approach in planning, installing and operating mobile phone base stations.

The Code revision has delivered a number of significant improvements:

- the renaming of the title of the Code to clarify its purpose, now called the **Mobile Phone Base Station Deployment** Industry Code.
- 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 improvements 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 five to ten business days).
- extended timeframe for community consultation and feedback (from ten to fifteen business days).
- additional time for community response if required (an additional five 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>.
- 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 is a vital tool in ensuring that the ever-growing demand throughout Australia for mobile phone coverage and data capability – which requires ongoing network development – is properly balanced against legitimate community desire to have a say in how networks are deployed locally. The Code provides a framework to ensure that communities are properly consulted on changes to mobile network infrastructure in their local areas.

The systems are now being developed to support the significant improvements delivered by this revised Code, particularly development of the new online consultation portal along with the extensive industry training, to be ready by 1 July 2012.

The revised Code was submitted to the AMCA for registration on 20 February 2012, with a commencement date of 1 July 2012.



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