

NO towers Near Schools

Update – April 14, 2010

RAINWORTH/BARDON RESIDENTS

IT'S OFFICIAL: TELSTRA HAS NO LEASE

The Body Corporate Commission has handed down its final ruling over the validity of a lease between Telstra and the body corporate of 27 Gerler St – and the news is all good for our community.

Despite Telstra's repeated assertion since October that it held a valid lease with the body corporate of 27 Gerler St to build a mobile phone facility on the property, the Body Corporate Commission's final ruling confirms our community's position that **there was never a valid lease**.

Telstra has a right of appeal over the ruling and must do so by May 12.

Possible options from this point appear to be:

1. Telstra can appeal the Body Corporate Commission's final ruling (for legal reasons only);
2. Telstra can apply for a Land Access and Activity Notice (LAAN) over 27 Gerler St. If granted, this means Telstra could move in on the site, disregarding owners' opposition; or
3. Telstra can move its proposed mobile phone facility to a more appropriate/less community-sensitive location, further away from Rainworth State School.

Our community group has been asking Telstra since last year what contingency plans were in place if 27 Gerler St ceased to be an option for its proposed facility. Despite repeated requests to the company, we still have no details about this. We still don't know if our children will be any safer under a contingency arrangement. This is indicative of the contempt that's been shown to our community for the past six months.

Of course, the battle to make sure Telstra doesn't place this tower in a location that endangers our children isn't over. The Body Corporate Commission ruling, though, is good news. It's a victory on the legal side that we've been pursuing since last year. This positive result has been paid for through donations to our fighting fund. Legal costs are coming to an end but we are approx. \$4000 short of what we need.

Thank you to those who have already donated. Your donations have helped us to this point. If you haven't contributed, please consider giving what you can to help your community. If you have and can give more, your further gift would be much appreciated.

PLEASE GIVE OUR FIGHTING FUND A FIGHTING CHANCE

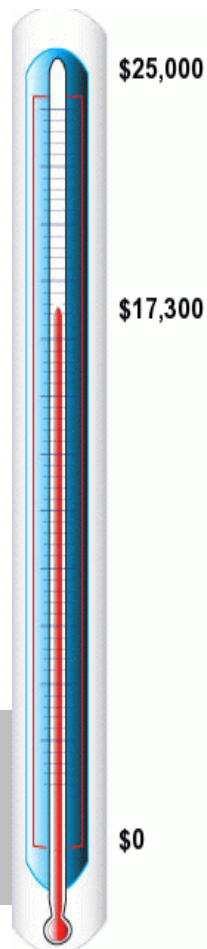
You can contribute online or at any Suncorp branch.

ACCOUNT NAME: NoTowersNearSchools

BANK: Suncorp

BSB: 484-799

ACCOUNT NUMBER: 60-135303-9



COMING SOON: ACIF CODE REVIEW – HOW YOU CAN HELP

In our next flyer, look out for details about an upcoming official review of the ACIF Code. This is the Code that outlines telcos' obligations regarding community consultation. As with the relevant telecommunications legislation, this Code is so loosely worded that it allows telcos to wield their powers over communities, permitting them to employ tactics of "notification" rather than "consultation" in regard to mobile phone facility installation. This often occurs under the guise of "consultation", although communities have no actual power at all to affect the proposals presented to them. As it stands, this Code is a toothless tiger, apparently disregarded by telcos in the majority of cases.

We will be calling on you to do two things:

1. To make submissions about the inadequacies of the current Code; and
2. To help us lobby to have a member of the **NoTowersNearSchools** group on the ACIF Code review panel. You can help us make this happen, so we have a chance to help craft this Code into a really beneficial document that assists communities and not just telcos.

OTHER COMMUNITIES

We are now aware of more than **60** communities right around the country that have been through (or are still battling) very similar situations to ours. We want to join forces with as many as possible to form a formidable lobbying force. We are continuing to track down more and more new communities each week. It is amazing how many other communities across Australia have endured what we have.

The more we find out about these battles, the more obvious it becomes that the 1997 Telecommunications Act affords telcos ludicrous powers – and that the telcos are often more than happy to brandish it in community after community around the country. This legislation must be overhauled and, as previously mentioned, our group is absolutely committed to this objective. Expanding our community base is the cornerstone of this goal. We will keep you updated as the number of communities with which we're in touch rises.

MAIN AVE UPDATE

In our last flyer, we advised that Telstra's mobile phone tower in Main Ave was to be decommissioned by the end of March. We believe that Telstra has now secured an extension to its lease at the current site until July (at which time it will be decommissioned).

If a permanent site for the facility originally proposed for 27 Gerler St has not been determined at this time, it is likely that Telstra will utilise a CoW (Cell on Wheels) temporary mobile phone facility until a permanent site is found. This could, quite literally, be placed anywhere in the area.

CAN YOU HELP?

We are still seeking volunteers to help deliver our flyers. If you can deliver to your own street or a small patch in our area, please email your contact details to notowersnearschools@live.com.au.

KEEPING UP-TO-DATE: WWW.NOTOWERSNEARSCHOOLS.COM

There's new information going up on our website all the time. It's a great way to keep yourself informed about the latest in our battle, so log on and have a look, if you haven't recently.

Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.

~ Margaret Mead