

-----Original Message-----

From: R McInnes [<mailto:rosmci@eisa.net.au>]

Sent: 11 September 2000 10:42 PM

To: telco@pc.gov.au

Subject: submission

I am a landowner in regional South Australia and having read the Northern Territory submission I fully support it.

You could safely take out the words "Northern Territory" and substitute "south east South Australia" or "the South Flinders Ranges". I don't know what I do when I get too old to climb up on a fencepost if I want to make a mobile phone call. [First, though, there is the job of finding a fence that does have mobile cover].

As the owner of high ground I would like to add that while everyone is looking at the needs of the "information rich" carriers, the people who have to live with the carrier need for hardware are getting completely left out of the equation.

If we lease land we have to put the lease in registrable form and it becomes a public document. There is no equivalent register of tower use contracts for us to view when we are trying to determine what rental is appropriate when, not if, we grant permission for towers to be erected.

We have to agree to having a tower, and then our right to engage in competition between carriers is removed because once a tower is up all tower users have to use the same tower insofar as is possible.

We can't say, well X has a tower over there, but if it is cheaper for you, Y, to rent some land on the next hill and build your tower there, and you are willing to pay the same or more than X, go for it. I have yet to see anyone offer me a contract that says if two of us are using your land you will get a benefit for making your land available to not one but two carriers.

And while all this is going on, it is happening in the most information poor parts of the country. Regional Australia.

We have to contend not only with federal regulation that means we cannot refuse to have towers [see the facilities licence provisions] but also State governments threatening land acquisition if we refuse permission for their towers and local government regulations to boot.

If a leaseholder breaches if we try to enforce the lease we are thrown back on antiquated state legislation that was drawn up to cover the needs of landlords in the days of horses and carts.

Don't say it doesn't happen, that tower lessees don't breach leases.

It is only because one tower holder wants to do some extra development that I have any hope of seeing the rent for the last 5 years, the rates taxes and charges I've paid re the site in the meantime and if I am lucky I might even get the thousands of dollars worth of repairs done that are needed re private road they built and are supposed to maintain. Otherwise, I'm up for 3km of road rebuilding so that towerholders and their service providers have access.

What is happening in regional Australia is that we are being required to put the land up for the city communications market, we are getting very little for it, we're not allowed to compete, and we are cut out of the information loop to boot.

This email isn't coming to you through my local exchange. I can't get the internet to work using our local exchange, which is one step past being operator connected party line. Once a tower is up, I can't say to a later comer using the tower to provide a different service "if you will give me internet access, don't worry about rent".

Most landowners having to contend with tower inquiries are in exactly the same boat. They can't come to you. The amounts of money involved in the leases aren't enough for them to pay consultants to make submissions and lobby on their behalf.

R Lloyd  
South Australia