



Formal Warning under subsection 122(1) of the *Telecommunications Act 1997*

TO: Telstra Corporation Limited (ACN 051 775 556)

I, Jonquil Ritter, delegate of the Australian Communications and Media Authority (**the ACMA**), being satisfied that Telstra Corporation Limited (**Telstra**):

- has contravened the *Mobile Phone Base Station Deployment Code (C564:2011)* (**the Deployment Code 2011**) as described below; and
- the conduct described below would also have contravened the *Mobile Phone Base Station Deployment Code (C564:2018)* (**the Deployment Code 2018**) if it occurred after the Deployment Code 2018 was registered,

HEREBY give Telstra a formal warning under subsection under subsection 122(2) and subsection 122(4) of the *Telecommunications Act 1997* (**the Act**) in respect of the Deployment Code 2018.

Details of the contraventions

1. The ACMA has investigated Telstra's compliance with relevant provisions of the Deployment Code 2011 in respect of the deployment of mobile phone radiocommunications infrastructure at 10 Binara Street CANBERRA ACT 2601. As a licensed telecommunications carrier that installs and operates mobile phone radiocommunications infrastructure, Telstra is a participant in the section of the telecommunications industry to which the Deployment Code 2011 applied.
2. The ACMA is satisfied that Telstra contravened the following clauses of the Deployment Code 2011:
 - a. clause 6.2.6, by not fully complying with its consultation plan, which required Telstra to contact persons residing in the immediate vicinity of the facility.
 - b. clause 6.4.4, by not sending an enveloped letter containing the information in clause 6.4.1 of the Deployment Code 2011 to all Interested and Affected Parties.
 - c. clause 11.3.1, by not acknowledging a complaint in writing within 10 business days of the receipt of the complaint.
3. On 17 December 2018, the Deployment Code 2011 (**the original code**) was replaced with the Deployment Code 2018 (**the replacement code**).
4. Had Telstra's conduct described in paragraph 2 occurred after the replacement code was registered, Telstra's conduct would have contravened the following clauses of the replacement code:
 - a. clause 6.2.6, which requires a carrier to comply with its consultation plan and any amendments to that plan.

- b. clause 6.3.4, which requires a carrier to send a letter containing the information in clause 6.3.1 to Interested and Affected Parties.
- c. clause 9.2.1, which requires a carrier to acknowledge complaints, in writing, within 10 business days of the receipt of the complaint.



Signature

Jonquil Ritter

General Manager (A/g)

Content, Consumer and Citizen Division

Delegate of the Australian Communications and Media Authority

16 May 2019