



President: Mr Ric Cohen

School Motto: Living Reflects Learning

**INQUIRY INTO THE TELECOMMUNICATIONS AMENDMENT
(MOBILE PHONE TOWERS) BILL 2011**

SUBMISSION FROM RAINWORTH STATE SCHOOL P&C 12th March 2012

The Rainworth State School Parents and Citizens Association is pleased to be able to submit to this inquiry. We welcome any amendments to the legislation that enhances community consultation and protection.

Rainworth State School P&C is a not-for-profit association representing the parents and caregivers of RSS pupils, as well as local community members. The P&C works in partnership with the school administration and staff to fulfil its mission of providing support and services to enhance the care and education of our community's children. Our school is the hub of our community at Rainworth and as such the P&C provides an important community voice for the residents of our local neighbourhood.

BACKGROUND

On 04 September 2009 Telstra announced its intention to construct a mobile phone tower facility at 27 Gerler Street, Bardon, QLD 4065. The proposed facility was to be located on top of a block of six units in a residential area and just 170 meters from Rainworth State School, which is attended by more than 450 pupils and approximately 50 staff, and 250 meters from an aged care facility. The proposed facility was to replace an existing one that was located in the aged-care facility in Main Avenue. The projected EMR (Electro Magnetic Radiation) level from the proposed facility was to be far greater than the level of EMR from the existing facility.

During the consultation period there was significant community and political (federal, state and local) objection to the proposal, which included multiple requests for Telstra to consider alternate sites, an 879-signature petition and 200 written objections. The prime issues of concern raised in the written objections related to health (130 objections), and the location, close to the school (113 objections).

The P&C were disappointed and frustrated with the lack of genuine community consultation by Telstra during the process. This was illustrated from the beginning in the following ways:

1. The P&C did not receive any notification letter about the proposal.
2. The consultation period began just before the start of a school holiday period.
3. Telstra refused to answer many questions from members of the P&C during an information session held at the school.

The P&C objection to the proposal had the support of the Qld Council of Parents and Citizens Association (QCPCA), the Teachers Union representative, and the Department of Education.

As President of the P&C at the time, I represented the P&C on the No Towers Near Schools community action group that was quickly formed to battle the inappropriate proposal.

The months of community hardship that followed, as P&C members joined with the wider community to battle the giant Telco, truly felt like a 'David and Goliath' struggle.

First and foremost the P&C set about to become informed. We thoroughly researched EMR from this type of technology from a wide variety of reputable sources both in Australia and Internationally. Particular attention was given to the research that has been done to date on the health impact of this type of EMR on children.

What the community discovered was that there are no longitudinal studies looking into the cumulative biological effects of EMR on children. The WHO continues to state that further research needs to be done and a precautionary approach needs to be taken.

We were under time pressure to become knowledgeable as Telstra pushed on with their proposal. We found no support from organizations such as the ACMA and The Department of Communications Broadband and Digital Economy. ACCAN didn't reply to our calls and have since told us that they are too busy on other issues. The Telecommunications Ombudsman declared that it did not come under his jurisdiction.

Meanwhile, we had parents on a weekly basis pushing prams in the summer heat to deliver letter box drops of information and updates throughout the community.

We held fundraises to scramble together enough money to support the legal fight of unit owners at the site of the proposal (27 Gerler St) to prove that the lease agreement with Telstra had not been executed correctly. This support cost the community approx. \$20,000.

At NO stage were the P&C against technology, we were against the inappropriate siting of the facility that was going to significantly increase the level of EMR hitting our students at the school. The P&C's responsibility is to care and protect the children of the school. A *precautionary approach* is stated in the ACIF code and in accordance with the meaning of that principle, the P&C felt that Telstra was not giving due concern to that principle. In fact, it seemed that Telstra was risking the future health of our children for the sake of their profit margin. The 27 Gerler St proposal was the cheapest option they had in our area. Telstra kept telling us it was their only option. Of course, that has been proven to have not been the case at all.

The P&C believed that Telstra did not adhere to the ACIF Code and formally complained to Telstra.

When Telstra did not resolve our complaint, the P&C formally complained to the ACMA. The ACMA decided not to investigate the matter further.(see attachment A) Please note paragraph three of the letter which states,

'Telstra has recently advised ACMA that in considering the community response to the Gerler St proposal, Telstra intends to recommence community consultation with the Bardon community in accordance with the Industry code, for a new mobile phone facility.'

The ACMA did not even register our complaint against Telstra in their statistics and did not even fully investigate the complaint we made against them.

I would like to make it perfectly clear that Telstra did not change their proposal, to the more acceptable 3 tower proposal that is in place today, because they listened to our

community. If that had truly been the case, Telstra would have changed their mind at the end of the consultation period in October 2009.

Telstra changed their proposal because in late December 2009 the Body Corporate Commissioner finally ruled that Telstra did not have a valid lease at 27 Gerler St Bardonia. (That's where our \$20,000 went)

If that had not happened, the P&C has no doubt that Telstra would have disregarded the P&C and community wishes and gone ahead with their original proposal at 27 Gerler St.

RESOLUTION

Rainworth P&C were lucky – Telstra got the lease wrong and we were then able to negotiate a better outcome for our school.

The cumulative EMR at our school is now approx. one third what it was when the old facility was in place.

However it cost our P&C members considerably – not only in financial terms, but in time and emotional terms as well. By the end of the battle this community was exhausted.

We are now very aware of other school communities throughout the country who have or are battling Telco's for the same reason. The majority fail because of two very simple reasons:

1. The telco secures an airtight lease at the site before informing the community of their plans.
2. The ACIF CODE is not embedded in legislation. The 'Precautionary Approach at community sensitive sites' within the code is not defined. Telcos are at no real obligation to give genuine consideration to a precautionary approach as it is left open to interpretation. There is no independent effective watchdog enforcing the code. Consequently there are no appropriate penalties being enforced if the code is not adhered to.

Our community never wants to have to battle a Telco again in regards to safeguarding, as much as possible, the future health of our children. We believe the government should be doing this for us. That is why it is imperative that the legislation is changed.

The P&C recommend the following changes for a genuine Precautionary Approach :

- Cumulative EMR at community sensitive sites to be less than 0.1 microwatts/cm²
- Community sensitive sites to be clarified and defined in the ACIF Code
- The ACIF Code to be enforced through legislation
- Cumulative levels of EMR at sensitive sites to be independently monitored regularly
- Any upgrading of facilities to be subject to the same consultation as new facilities.

- An Effective Government regulator to be put in place to ensure Industry compliance to the legislation

Rainworth State School now has max. EMR levels of less than 0.1 microwatts/cm² on the school grounds. **We have come to learn that the important factor is not the distance of the tower from the sensitive site, but rather the level of EMR at that site.** A child's body is thought to absorb EMR to a greater extent because of their shorter stature, thinner skull, and developing body systems.

The studies that have been done on the non-thermal effects (biological effects at cellular level eg. effect on DNA of the cells) indicate that cellular changes can occur at EMR levels of 0.1 microwatts/cm².

Even though the Bardon/Rainworth area has a very hilly topography, Telstra managed to find an acceptable plan for us. If it can be done in Bardon – it can be done anywhere!

If such a level of EMR has been achievable at our school in our community, why should other schools in other communities have to accept any higher level of EMR exposure for their children. After all, EMR from towers is not a choice for people. People can choose not to use a mobile phone, they can't choose not to be exposed to EMR from a phone tower.

I would also like to caution against Item 17 in the Amendment Schedule. It provides that no facility can be located within 200 m of a community sensitive site. I believe the Telco's would rightly argue that it would be impossible to place tower facilities 200m from all sensitive sites in residential areas.

Using the max level of 0.1 microwatts/cm² at all sensitive sites would be a far better precautionary approach than a distance measure and is achievable as proven at Rainworth State School.

Yours faithfully

Sandra Boland

(Past President of Rainworth P&C)

on behalf of

Mr Ric Cohen

(President Rainworth P&C)