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7<sup>th</sup> November 2011

Ms Sharon Bird MP  
Chair House of Representatives Standing Committee,  
Infrastructure and Communications  
Telecommunications Amendment (Enhancing Community Consultation) Bill 2011

**Re: Inquiry into the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011**

Dear Ms Bird,

In submission to the above inquiry, I'd like to raise the following concerns with the current apparent lack of consideration of local communities when deciding on the location of new mobile telecommunications infrastructure:

- Lack of community consultation - Self regulation and code of conduct
- Planning Policy Support - State and local planning schemes skewed
- Contempt for health and safety concerns with regard to EMR
- Contentious standards – Different across the world

Together with a group of residents in Warrandyte, VIC, I have been objecting to a planned mobile phone base station at the local reserve. It has been a two year process, during which it has become apparent to me that there is a total lack of regard for local communities and their concerns.

Siting decisions appeared to be made based largely on commercial interest of multi-billion dollar telecommunications companies, community consultation was nowhere near sufficient, particularly early on (it only improved – marginally - after our action group turned up the pressure on local council and the carrier), and planning regulations that should have protected the site from inappropriate development simply got sidelined through what VCAT termed 'policy support' for mobile telecommunications installations.

**Lack of community consultation – Self regulation and code of conduct**

Suffice to say that I am of the opinion that community consultation with regard to siting of the infrastructure was severely lacking. This is despite the existence of a so called mandatory industry code of practice, ACIF C564:2004 Industry Code Deployment of Mobile Phone Network Infrastructure.

This code actually prescribes in significant detail the steps a carrier must take to consult with local community groups, residents and interested parties (see also Appendix C – Consultation Guidelines of the ACIF code).

The objectives of the code are stated in Section 1.2 Objectives as follows:

- a) to apply a Precautionary Approach to the deployment of radiocommunications infrastructure;
- b) to provide best practice processes for demonstrating compliance with relevant exposure limits and the protection of the public;
- c) to ensure relevant stakeholders are informed and consulted before radiocommunications infrastructure is constructed;
- d) to specify standards for consultation, information availability and presentation;
- e) to consider the impact on the well being of the community, physical or otherwise, of radiocommunications infrastructure; and
- f) to ensure Council and community views are incorporated into the radiocommunications infrastructure site selection

In our case, the concerns around negative health impacts were at times ridiculed and summarily dismissed. I question why this code determines that the wellbeing of a community should be considered, and a precautionary approach (see Appendix A – The Precautionary Principle of the ACIF code) should be applied etc when health concerns according to carriers are completely unfounded.

The same code in section 5.1.4 states that carrier procedures for site selection must as a minimum require the carrier have regard to:

- a) the reasonable service objectives of the Carrier including:
  - i. the area the planned service must cover;
  - ii. power levels needed to provide quality of service;
  - iii. the amount of usage the planned service must handle;
- b) minimization of EMR exposure to the public;
- c) the likelihood of an area being a community sensitive location. (Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);
- d) the objective of avoiding community sensitive locations;
- e) relevant state and local government telecommunications planning policies;
- f) the outcomes of consultation processes with Councils and communities as set out in Section 5.5;

- g) the heritage significance (built, cultural and natural);
- h) the physical characteristics of the locality including elevation and terrain;
- i) the availability of land and public utilities;
- j) the availability of transmission to connect the radiocommunications infrastructure with the rest of the network, e.g. line of sight for microwave transmission;
- k) the radiofrequency interference the planned service may cause to other services;
- l) the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;
- m) any obligations, and opportunities, to co-locate facilities; and
- n) cost factors.

It is my strongly held opinion that a number of these criteria have been completely ignored by the carrier in the case of the Warrandyte proposal.

In particular, the notion of a community sensitive location is of interest here. Section 5.1.4.c provides examples of what would constitute such a community sensitive location. Surrounding the Warrandyte proposed site were a Kindergarten, a primary school, literally all the local sporting clubs, the senior citizens centre, etc. All areas where children – particularly vulnerable to EMR according to some scientific research – spend long hours. The reserve is also an area of cultural significance in accordance with the Aboriginal Heritage Act (Vic) 2006.

There was a long and varied list of reasons why the local community objected, which ranged from lack of consultation, visual intrusion and loss of amenity to environmental concerns, safety concerns with regard to helicopter evacuation, environmental, heritage and health concerns to name just a few.

Suffice to say that some 1200+ people signed a petition against the tower in the proposed location, and 228 objections to the planning permit were received. This significant level of community opposition in itself is evidence of the lack of consultation taking place prior to site selection.

When challenged on site selection and consultation, the carrier showed no flexibility, provided an inadequate response and pointed to the complaints resolution process – lodging a complaint with the ACMA. Interestingly, even if the ACMA were to find in favour of a complaint and find the carrier in breach of their obligations, they could not overturn a site selection or planning permit, but are limited to issuing fines.

This begs the question of why we have mandatory industry codes of practice without real teeth? While mandatory, if a carrier were to be found in breach of the code, a permit could still not be overturned but instead a fine might be handed down. Furthermore, it appears that the ACMA as the regulator has a bias in favour of telecommunications carriers and infrastructure.

### **Planning Policy Support - State and local planning schemes skewed**

In the case of the Warrandyte proposal, the site had various planning type instruments protecting the reserve. These are:

- Significant Landscape Overlay
- Environmental Significance Overlay
- Heritage listed sites adjacent to the reserve
- Cultural Heritage in accordance with the Aboriginal Heritage Act
- Local and State Planning Policy support for Green Wedge protection
- Part of listed Biosite ascribed 'National' significance for its biological values
- Land Subject to Inundation Overlay

I won't rehash here the various objectives and guidelines of the Local and State Planning Policy Frameworks and the specifics of the above Overlays. Suffice to say there is significant focus on protection of the landscape character, the cultural heritage and environmental significance.

Yet according to the VCAT ruling in this case the 'policy bias' is in favour of the construction of the telecommunications facility.

My challenge here is as to whether it makes sense to have planning schemes designed to protect the environment and cultural heritage of special locations only for all that to be thrown out by means of one or two clauses basically providing the Telecommunications industry with a 'free kick'. While I acknowledge that telecommunications infrastructure is important in our daily lives, personally I think this should not by default override other important factors, considerations and provisions in our planning schemes designed to protect our environment.

### **Contempt for health and safety concerns with regard to EMR**

There is now significant scientific research available that demonstrates links of increased exposure to EMR with adverse health effects.

The WHO has acknowledged these concerns recommending for parents to limit children's exposure. Results from the long awaited Interphone study showed that for heavy users of mobile phones, there may well be an increased risk of brain tumors. 'Heavy users' were defined as people with 1600+ lifetime hours of mobile phone usage. With the advent of smartphones, it is easy to see how one would accumulate such hours over the period of 5 to 6 years, furthering concerns with regard to exposure of our children.

The very standards designed to protect us, the ARPANSA RPS3 standard, appears contentious as the first attempt at ratifying it back in 1998/1999 failed, apparently largely due to concerns at the time raised by the CSIRO. It took ARPANSA some 4 years to pick up the pieces and ultimately ratify a safety standard based on outdated research and so called international standards.

Worldwide, scientists are cautioning against the use of mobiles. In Australia, renowned neurosurgeon Dr. Charles Teo has been part of a research team establishing links between mobile phone usage and increased risk of a specific type of brain tumor.

Don Maisch PhD has published research papers advocating a precautionary approach with regard to mobile telecommunications.

These are just a couple of examples of a growing number of researchers and scientists warning of the potential dangers of extensive mobile phone use and radio frequency exposure.

If health concerns were completely unfounded, why:

- Do telecommunications carriers have OH&S policies dealing with exposure limits for service personnel?
- Do said policies recommend against pregnant women carrying out certain maintenance tasks on radio transmitters?
- Does the WHO rate EMR as a category 2B possibly carcinogen
- Did Telstra publicly flag issues with getting insurance against and risk associated with EMR even back in 2004?
- Are other countries such as France taking down certain mobile base stations
- Does Switzerland have stricter emissions limits by a factor of approximately 100 in sensitive locations

The list goes on. My point is, while there is uncertainty, as a matter of prudence the Precautionary Principle should be applied. It does not help anyone if carriers try and ridicule the public's health concerns.

Another interesting fact is that carriers are obliged to provide EMR estimates for all their base stations and proposed installations. They however only need to show the emission estimates from a proposed single transmitter, not the cumulative emissions of all transmitters in an area. Therefore, when the EMR estimates are tabled, and very low percentages of the permissible limits are shown, these are in fact misleading and ignore cumulative effects of existing RF emissions.

I would suggest that at the very least, carriers are required to accurately measure existing emissions, and then add the estimates of proposed new transmitters to show the actual exposure that can be expected in the proximity of a base station.

### **Contentious Standards – Different Across the World**

I have already mentioned above the contentious history of the current ARPANSA RPS3 standard, and the outdated research and international ICNIRP standards it is based on.

I have also mentioned that other countries have different opinions of what is safe exposure. Interesting, given the technology in use is literally identical all over the world. GSM and 3G

networks operate on the same 3 or 4 radiofrequency bands, using the same equipment manufacturers etc.

Surely it must therefore be a concern that internationally regulatory bodies and researchers cannot agree on what are safe exposure limits.

A number of European countries have mandatory limits similar to Australian standards, but also have recommended limits well below the mandatory ones. As mentioned above, in the example of Switzerland there is in fact a mandatory limit in force for sensitive locations, a limit that is lower by a factor of about 100. So when carriers here point to emissions from a particular base station being very low, only around 2% of permissible emissions, imagine the percentage when evaluated against a limit 100x lower... It's worth a second thought.

### **Summary**

In summary, any strengthening of community consultation requirements for base station installations is strongly encouraged. As it stands, communities disagreeing with proposed installations in my opinion have very limited options to voice their disapproval. They face long and arduous processes such as complaints to the ACMA, challenges under local and state planning schemes to the respective administrative tribunals and so forth.

Carriers have a lot of resources that local communities simply don't have, and the playing field is not even. It is therefore crucial that consultation laws are strengthened, with unbiased review authorities that have actual clout.

It is much easier to achieve acceptable outcomes through effective early bi-directional consultation where carriers are prepared to be flexible and not just go for the commercially most attractive option.

Some other recommendations:

- Apply the Precautionary Principle at locations where children are nearby, particularly Kindergartens and Primary Schools, through application of lower emissions limits (at least by a factor of 100)
- Remove 'policy bias' from local and state planning schemes, so that proposals are evaluated neutrally against the intent of all clauses such as protection of environmental and heritage values
- Remove distinction of 'low impact' and 'high impact' installations and mandate strong consultations requirements across the board
- Require planning permits for all installations, not just ones deemed 'high impact'
- Review and reduce current exposure limits based on research and growing concern of negative health impacts, in line with international best practice
- Force carriers to use appropriate technology and broadcast frequencies that prevent proliferation of towers and base stations

- Force carriers to co-locate and share infrastructure where ever possible

I hope that my thoughts and opinions will be taken into account by the inquiry.

Regards

Markus Blaser