



The Committee Secretariat,
Standing Committee on Infrastructure and Communications,

Re: Telecommunications Amendment (Enhancing Community Consultation) Act 2011.

Our community has recently experienced the full impact of the outdated Telecommunications Act 1997 and look to the above bill to address what is perceived as a flawed piece of legislation. The Bill addresses most of our issues to our satisfaction and we support them.

However we believe there are issues that need to be addressed in regard to:

Health Considerations

There is a lack of empirical evidence regarding the negative impacts that could arise from these installations; long term health study reports about continuous radiation on different age categories as well as the strength of the transmission's impact on health.

The Australian Standard is too high in regard to the EME/EMR levels that are allowed. This level must be greatly reduced.

Consultation Process

The responsibility of the Telco in regard to 'notification' of the proposed installation versus the 'consultation' the Telcos are required to undertake if the proposed site for the tower is within 100 meters of a sensitive site are blurred in reality.

The letter of notification that we received from the Telco indicated that within 250 meters (received before this amendment which now has 500metres which is a good change) everyone had been notified and that they were doing more than was required. The letter of notification did not have a 'consultation' tone nor invite it.

Therefore it would be reasonable for any individual to believe that everyone in that zone knows about the proposal. Also, in such a letter as we received the recipient is informed that the Telco has done everything that is required of them, after all most individuals receiving such correspondence would not be knowledgeable enough about their rights, the Act or the obligations of the Telco to know otherwise when the letter is presented this way. It would be reasonable to accept the proposal as a fait accompli, for most individuals in such a case. Unfortunately, if it is a sensitive site and it has not been acknowledged as such by the Telco, further obligations of the Telco will not be questioned nor performed.

The Telco has to acknowledge that the proposed tower is either in a sensitive site or is not, for the community within a sensitive site, to actually understand that the process of 'consultation' is a right that they are entitled to as opposed to the 'notification' which presents the construction almost as a fait accompli and definitely achieves the desired effect – in too many cases.

If the Telco acknowledges it to be a sensitive site, they should list the areas they have identified, and to whom they have sent these letters to at such sites, thereby providing the transparency that should be obligatory in such cases.



Alternatively the Telco should also be obliged to state that they do not consider the area to be a sensitive area, if they deem it to be so and state what this decision is based on, thereby allowing the effected community to notify the Telco otherwise if it be the case as soon as this letter is received.

In all cases it should also be made clear the mechanism for raising queries and concerns in regard to the proposal installation whether the letter sent by the Telco is a notification or a consultative letter.

The amended bill makes clear that all other alternative sites should be proven to be not feasible first before considering a sensitive site and is an excellent addition to the Act.

The Act should have a definition of what constitutes “consultation” or alternatively provide an example of a consultation process.

Technical Data

There is lack of fully transparent data in a simple and meaningful format that can easily be understood by all concerned in material supplied by the Telco. They should be obliged to explain all technical data in plain English. Furthermore, the Telco should be obliged to prove actual readings of emissions from same or similar size and power towers as a guide, instead of using estimates based on mathematical formulas and assumptions.

Capacity vs Demand

It is not enough for the Telco to simply state that there is a need for such a tower.

There should be some evidence or a future facilities plan indicating anticipated gaps between capacity and demand in the area.

Other countries are looking at this very issue and addressing it for health reasons.

Wireless is not necessarily the only answer and we are becoming too short sighted prioritizing the convenience and least cost of provision of service as opposed to a long term responsible solution to our growing demand for and use of technology.

Impaired value perception

At the moment the owners of the land are being compensated for future use of their property before even one letter of notification or invitation to a consultation process is received. The compensation will also become a point of contest for neighboring properties as we grow our forests of towers unless there is more responsibility exercised around the placement of these towers.

The act of signing up a property owner to a legally binding long term lease before consulting the affected community invites disputes between the members of that community in a way that is contrary to the ‘good neighbour’ values we strive for.

Andre Van Zyl (President)
