Submission 001
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Ms Sharon Bird MP
Chair House of Representatives Standing Committee,
Infrastructure and Communications
Telecommunications Amendment (Enhancing Community Consultation) Bill 2011
E: ic.reps@aph.gov.au

Dear Ms Bird,

Submission: Telecommunication Amendment (Enhancing Community Consultation) Bill 2011 - Warrandyte Tower Fight

Summary:

1. **Community Sensitive Site Selection**
2. **No Alternative Sites Considered**
3. **Health Concerns and Tower Emissions**
4. **ACMA Commercial Interests**
5. **No Feasible Avenue for Appeal**
6. **Poor Community Consultation**

1. Community Sensitive Site Selection

Our community of Warrandyte, Victoria has recently fought a proposed 'high impact' 34 metre mobile phone tower which was planned to be housed within close proximity of the local kindergarten, primary school, maternal health centre and five junior sporting clubs. The proposed site is in on Crown Land and is protected by seven local planning instruments including indigenous, environmental, historical, wildfire and flooding overlays and is registered as a National Biosite. It constitutes a community sensitive location under the Telecommunications Industry Code.

2. No Alternative Sites Considered

Despite this, and although over 1300 residents (including most sporting clubs, schools, kinders, community associations, the Wurundjeri Tribe Land Council and the local state member for parliament, Ryan Smith) opposed this location, Vodafone flatly refused to co-locate with existing Telstra towers or entertain any alternative locations and our objections to Vodafone, Manningham Council, VCAT and Senator Conroy were futile.

3. Health Concerns and Tower Emissions

Council approved the permit for the tower in accordance with state government legislation (Clause 52.19 of the Victorian Local Planning Scheme) based on federal regulation and this was upheld by VCAT. This legislation only allows appeal on visual intrusion issues - thus health concerns were ignored.

Estimated emissions from the tower were indicated as being below ARPANSA's EMR limit but we believe this limit is far too high and we are supported in our belief by eminent health and research professionals worldwide.

Although the Telecommunications Industry Code urges co-location, community consultation in site selection and avoidance of 'community sensitive' areas (as indicated in the international precautionary principle), since telcos are self-regulating we believe this is an ineffectual code. Community concerns about the long-term potential health impacts of living under towers, particularly for children, are dismissed by telcos. This is despite the recent World Health Organisations rating of tower emissions as "possibly carcinogenic to humans", in May this year.

4. ACMA Commercial Interests

Our community fight has been all-consuming, disillusioning and demoralising because of the lack of support and inherent difficulties of a system which seems designed for community failure. Complaints to the telcos are promptly ignored since they believe advertising their site selection constitutes 'community consultation'. Complaints to the Minister for Broadband are referred to "relevant state, territory and local governments". Complaints to the ombudsman are referred to the regulatory body, the ACMA. Complaints to the ACMA are superfluous since telcos are self-regulating and have never been sanctioned in the ACMA's history. Further, the ACMA is conflicted since it also collects substantial revenue through telecommunications carrier licence fees and charges. Nonetheless, most people attempt to complain to the ACMA and are promptly referred to their state Administrative Appeals Tribunal - in our case, VCAT. VCAT are only equipped to deal with planning issues and since most communities are not only complaining about the colour and height of towers (issues which are rarely overruled anyway), all roads effectively lead nowhere.

5. No Feasible Avenue for Appeal

By the time communities have endured the drain on time, money and resources to no avail, they are generally sufficiently beaten and give up. Very few communities have the considerable resources necessary to appeal to the Supreme Court, which is the only legal avenue remaining.

6. Poor Community Consultation

In Warrandyte, we have endured *two years* of local government disinterest, pro-forma replies to our widely held, deeply felt objections from the Department for Broadband, a demoralising loss at VCAT and indifference from Vodafone. It was only when we managed to get media attention that our local councillors took note and, finally, voted against granting a lease to Vodafone. In our opinion, this is not consistent with the spirit of 'community consultation' as cited in the Telecommunications Industry Code.

We know we are not unique and that many communities feel disempowered by this process. The regulations have not been updated since 1997 but there has been an explosion of mobile technologies since that time. It is time to adopt a precautionary approach with the siting of telecommunications facilities and bring Australia's telecommunications industry regulations and control systems in line with the world's best practice.

We firmly support new legislation to give communities a greater say in the installation of mobile phone towers, reduce the amount of high impact facility installations, eliminate self-regulation by telecommunication providers and reduce the ARPANSA standard.

Yours sincerely,

Michelle Pini