

9th November, 2011

Ms Sharon Bird MP
Chair House of Representatives Standing Committee
Infrastructure and Communications
Telecommunications Amendment (Enhancing Community Consultation) Bill 2011-11-09

Dear Ms Bird,

We wish to strongly support amendments to the Telecommunications Act, 1997 (the Act). Along with many communities across Australia, we regard the current Act as seriously flawed, extremely outdated, and as offering no protection to communities. Amendments to the Act which afford greater protection to the public in relation to electromagnetic radiation (EMR) from telecommunication facilities, are urgently needed.

We address some key concerns below, providing the example of events in our own community, to illustrate some of the deficits inherent in the Act..

“Low Impact” a misleading term which should be removed from the Act

The use of the term “low impact” misleads many to assume that the EMR emissions from these facilities are somehow “lite”. Many people do not realise that the term “low impact” refers only to visual impact, not to the levels of EMR emissions, which are comparable to those from the tall “monopole” type of towers. The term “low impact” should be removed from the Act, and should NOT be used by carriers to describe base stations installed on existing structures.

In allowing a separate category for “low impact” base stations, the Act has given the carriers inordinate powers to determine the locations of their “low impact” facilities. They have essentially had carte blanche to install these base stations where they choose, regardless of community opposition identified during the “consultation process”. There are so many examples of this occurring in communities across Australia, one of which, affecting our local community, is provided below.

“Consultation Process” Ineffectual /Community Powerlessness within the current Act

Since early 2010, the community of Mount Hawthorn, Western Australia, have been expressing their opposition to a proposal by Optus to install a “low impact” base station on the roof of a small local shopping centre (“The Mezz”), on the basis that the site proposed was too close (around 30 metres) to residents’ homes, many of whom have young children, and that EMR exposure from base stations cannot be proven to be safe. Further, there are two other existing “low impact” facilities in this immediate vicinity, which the community was not consulted on

prior to installation, and the latest proposed base station would therefore add to an unwanted, existing cluster of base stations. Optus has also indicated their willingness to allow other carriers to locate more base antennae on the same site should it proceed, further adding to the cluster of base stations.

There has been overwhelming local opposition to the proposed base station for The Mezz, including:

- Approximately 800 signatories to a petition and letters rejecting The Mezz as a suitable site for a base station;
- Repeated written communications with Optus via their site acquisitions team, stating our objections to The Mezz as a site for a telecommunications facility;
- Repeated presentations by local residents to Town of Vincent Council, urging them to support our opposition to Optus' proposal;
- Articles in local newspapers covering the story;
- Town of Vincent Council subsequently voted to reject Optus' proposal, although their approval or rejection is ultimately powerless in light of the Act, as the facility would be deemed "low impact", and therefore exempt from council or planning authority approval processes.

The above actions resulted in Optus proposing a site less than 100 metres from the original site, simply further forward on the roof of The Mezz. This is still significantly closer than 100 metres from residents' homes, ignores the massive community feedback that The Mezz is unsuitable as a site, and is contrary to Town of Vincent Council policy which specifies a minimum distance of 300 metres between telecommunications facilities and homes.

Public Health and Exposure to Electromagnetic Radiation from Continual Sources – Inadequate protection for communities within the Act

The current legislation allows carriers to install base stations in the immediate proximity of homes, placing residents at potential risk to their health.

When confronted with communities' concerns regarding the health impacts of EMR from base stations, carriers inevitably refer to their compliance with existing Australian Standards governing EMR emissions.

This is inadequate to reassure us or many other communities across Australia, of the safety of exposure to continuous EMR emissions. There are many other countries and cities around the world which have established far more stringent limits to EMR exposure than those adopted in Australia. Furthermore, the establishment of "safe limits" in the absence of conclusive scientific evidence regarding long-term effects of exposure is, by definition, arbitrary. For this reason we must have strongest possible adherence to the Precautionary Principle.

There is no conclusive evidence in the scientific literature that long-term exposure to EMR from base stations is safe for humans. In fact the WHO has recently rated mobile tower emissions as "possibly carcinogenic to humans". Most research to date has focussed on the health impacts of

mobile phones use, with significant concerns raised by many in the scientific community. While concerns continue about the health impacts of mobile phone usage, this is intermittent exposure, and remains the individual choice of the user. Mobile base stations, however, emit EMR continuously, and *all* people within the vicinity are exposed. This is particularly concerning in relation to babies (and foetuses), along with children and adolescents, whose bodies are still developing and whose cells are far more vulnerable to the impacts of radiation. Telecommunications companies should therefore be held to the most stringent of conditions in terms of exposure of the public to EMR. They should not, as is currently the case in Australia, be largely self-regulating.

Proximity to “Community Sensitive Locations” – Need to include homes as “sensitive locations”, and reconsider minimum distance from sensitive locations.

The proposed amendment Item 7: Subparagraph 27(1)(g)(ii) of Schedule 3 states that “proposed facilities must be at least 100 metres away from any community sensitive site”. It is strongly urged that along with the usually identified “community sensitive sites”, homes *must* be included. If schools, churches and hospitals are considered community sensitive sites, then it is imperative that people’s homes are also included as sensitive sites, as this is where the longest durations of exposure to EMR occur, including to some of the most vulnerable members of the community (ie, babies and children).

We also strongly urge a reconsideration of the specified minimum distance of 100 metres from sensitive locations, including homes, as this is still a very short distance from a source of continuous EMR emissions.

Three to four hundred metres (eg, 300 metres was specified within Town of Vincent policy) would offer more protection to the public.

Commercial Interests of Carriers

The experience of our local community and so many other communities across Australia, has been that commercial interests have been a driving factor in carriers’ selection of sites for mobile base stations. This has led to community concerns about health risks to being repeatedly overridden. The changes proposed the Act as shown in the current Bill, are very welcome, and would be a considerable step towards greater protection for communities.

Thank you for your consideration of this Submission.

Yours sincerely

Kevin and Jennifer Robertson