

11<sup>th</sup> March 2012

## **Submission to the Senate Inquiry: Telecommunications Amendment (Mobile Phone Towers) Bill 2011**

Dear Members of the Senate Standing Committee on Environment and Communications:  
Senator Doug Cameron, Senator Mary Fisher, Senator Catryna Bilyk, Senator Bridget McKenzie, Senator Lisa Singh, and Senator Larissa Waters,

I ask you to please recommend supporting the proposed Telecommunications Amendment (Mobile Phone Towers) Bill 2011. This is a deeply personal request as **Optus have built a mobile phone tower just six meters from my father's home in Lennox Head, NSW.** This is my submission, including the details of his situation.

In the photograph below you can see his bedroom window at the front of the house.



**Image 1:** The mobile phone relay station built in close proximity to my father's home.

**i. My father is now living in a dangerous RF high risk area**



**Image 2:** phone antenna and my father’s bedroom

**Image 3:** Optus’ warning sign

Optus has placed a warning sign on the gate to the water tank and mobile phone antennas which reads: “RF Hazard Area Beyond this Point”. The radiofrequency electromagnetic field of the mobile phone antennas can disrupt biomedical devices like pacemakers. It can also affect the cells and systems of the human body, causing a range of health problems, the most serious being an increased incidence of cancers, including childhood brain tumours and leukaemia (please see the documented cases and scientific research discussed in section three of my submission).

**The bedrooms in my father’s house are closer to the nearest antenna than this warning sign.**

So my father is being forced to live each day and to sleep every night in a declared dangerous RF high risk area. How is he supposed to sleep at night? I’d like to ask how you would feel if this was your father who had to sleep next to a mobile phone relay antenna every night?

I am very distressed that he has been placed in such an inhumane situation, forced by Optus to live with potentially devastating health risks or he is effectively homeless. Very few people would want to rent or buy his home in these circumstances. He does not have the resources to buy or rent an alternative place to live. He is 71 years old, and has worked incredibly hard all his life (as a high school math teacher and running a farm at the same time, and now as an S.E.S. volunteer and trainer), he deserves better than this. Everyone does.

He’s a resilient, honourable and courageous man, who doesn’t easily complain, but I can see the toll the stress of the situation is taking on him.

**ii. There was no genuine ‘consultation with communities,’ Optus repeatedly violated the industry code and, under the existing legislation, there is now no other avenue of appeal.**

I’m extremely disappointed that my father and the other members of the local community have been treated so poorly, with such a lack of genuine consultation, respect and fairness, by Optus. Under the existing legislation there is nothing they can do unless they can afford to take the matter to court.



**Image 4:** Residents protesting at the site



**Image 5:** Optus starting construction

In spite of the existing Industry Code that asks telecommunications companies to avoid choosing community sensitive sites such as residential areas, near schools and childcare centres, in Lennox Head, Optus selected a site in the middle of a residential street and near a childcare centre. Subsequently, Optus received 135 submissions (and a 300 signature petition) from the local residents opposing its plan to build a phone tower at that site in the residential neighbourhood.

Ballina Shire Council voted unanimously to oppose Optus’ proposal to build the phone tower in the middle of a residential street, recommending that Optus co-locate it’s antennas with existing Telstra facilities on another water tank on the same large hill in Lennox Head, which was not close to homes or the childcare centre. Optus simply ignored all of this community response.

Despite all of the clear and unanimous opposition from the nearby local residents, and Ballina Shire Council, and the option of another viable location, Optus informed Ballina Council that they intended to go ahead with their preferred location anyway. They were not willing to consider the feedback from the residents. Council responded with a unanimous decision to take the case to the Telecommunications Industry Ombudsman (TIO) and then to the Australian Media and Telecommunications Authority (ACMA), but both of these authorities allowed Optus to go ahead even though they had violated the industry code, and now there are no other avenues of appeal.

Optus went ahead with construction in September 2011. This kind of process is what they are calling ‘community consultation’. I would call this ‘ignoring people’ who will be adversely affected by what they plan to do and showing no ethical duty of care in relation to the potential harm, suffering and distress they may cause.

**Optus violated its’ obligations under the existing legislation and the voluntary industry code** of conduct to inform and consult with communities in a number of ways, and to avoid choosing community sensitive locations (near childcare centres and residential areas). They demonstrated that not all telecommunications companies can be trusted to practice self-regulation and operate ethically or fairly, without having to be accountable to local councils and other bodies.

The process for the residents has been a long, stressful and unfair one. There were numerous discrepancies in the process. When letters informing residents of the plan were first sent out, they were only addressed to four residents and were mis-addressed to Skennars Head, not Lennox Head. Documents were sent to the wrong Federal Member, so that the Federal Member for the area, Justine Elliot, who is required under the existing legislation to be informed, was not informed. This was an unlikely co-incidence – more likely a deliberate strategy to avoid informing the key people concerned. The application drawings provided by Optus were inaccurate, describing no antennas. And there is missing council documentation in relation to the process by which Optus was given keys to the site by the Council manager.

The situation the residents have been left with and have to go on living with is horrendous: there is a facility near their homes emitting electromagnetic radiation that may possibly be slowly making them very sick and there’s nothing they can do. They can’t remove it, and they can’t remove themselves, very few people will want to rent or buy their homes in these circumstances. How would you feel if you were forced to live somewhere that could be slowly making you or someone you love very sick?

**The present legislation is flawed and the amendment is dearly needed**

Because the existing legislation has allowed facilities to be deemed “low impact” and avoid being subject to state or local government planning laws, it has left telecommunications companies largely in a position of self-regulation. They have not been demonstrating the required capacity for ethical self-regulation, and those communities who are not treated fairly have been left by the existing legislation with no legal rights nor any effective avenues of appeal.



### **iii. The health risks for people living or working in close proximity to mobile phone towers**

Dr Lindsay Martin from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) acknowledged, in his recent testimony to the House of Representatives Inquiry into the proposed Telecommunications Amendment, “the fact that there is some uncertainty in the science” and given this uncertainty minimizing RF exposure is advisable (p.24). The safety standard set by ARPANSA and followed by all the other Australian organizations (including the TIO and ACMA) and the telecommunications companies is based on looking at the existing research for the lowest threshold at which harmful effects can be observed:

“In EMR, the experimental evidence to date has suggested there is a threshold for effects. The one with the lowest threshold in the area of microwaves and high frequency radio waves turns out to be changes in animal behaviour when their whole body amount of absorbed energy exceeds a certain amount. The animals would stop pressing buttons to get food or they would go to another corner of the room or something like that. That number worked out to be fairly similar for a range of species of animals and it correlates fairly well with experiments you can do on human volunteers.”

**With long term continuous exposure, the harmful effects of lower levels of RF at the cellular level may not cause observable behavioural changes, but in 3-7 years the damage may show up with the increased incidence of cancer. This is why the current ARPANSA safety levels may be woefully inadequate in relation to long term continuous exposure.**

Dr Martin stated that ARPANSA is currently undertaking a review of the scientific literature and is waiting for the WHO to complete a project on this subject which will provide an extensive report and recommendations, a “project that will be underway for about the next two years” (p.26).

Dr Martin stated, “that may then lead us to changing our recommendations” (p.26).

**Three years later may be too late for my Dad. We need the precautionary principle to be implemented now with the proposed amendment, until the scientific evidence is clear.**

## Research

The current ARPANSA safety standard was finalized in 2002, since then two research studies, published in good, peer reviewed medical and scientific journals, have demonstrated the serious health effects of living near mobile phone base stations:

- A German study by Eger, Hagen, Lucas, Vogel, and Voit, “The influence of being physically near to a cell phone transmission mast on the incidence of cancer,” published in 2004, clearly documented that people living under 400 metres from mobile phone towers had **three times the risk of developing cancer**, after five years of exposure, than the rest of the population.
- A study undertaken in Israel, by Wolf and Wolf, also in 2004, showed that people living within 350 metres from a mobile phone tower had **four times the risk of developing cancer**, with 3 to 7 years of exposure, than the national average. Both studies showed that those who developed cancer were younger than the usual incidence.
- Six studies: Navarro (2003, Spain), Santini (2003, France), Gadzicka (2006, Poland), Abdel-Rassoul (2007, Egypt) and Blettner (2009, Germany) all documented **increased headaches and neurological impairment** in those living close to mobile phone antennas.

In 2007, the “International Bio-Initiative Report: A Rationale for a Biologically-based Public Exposure Standard for Electromagnetic Fields (ELF and RF),” prepared by a respected international group of scientists, researchers and public health policy professionals, stated '**... what is clear is that the existing public safety standards limiting these radiation levels in nearly every country of the world look to be thousands of times too lenient. Changes are needed.**'

(See: <http://www.bioinitiative.org/freeaccess/report/index.htm>)

The European Parliament Committee on the Environment, Public Health and Food Safety has also stated that '**the limits of exposure to electromagnetic fields which have been set for the general public are obsolete**'.

**And on the 31<sup>st</sup> May 2011, the World Health Organization’s International Agency for Research on Cancer (IARC) classified radiofrequency electromagnetic fields as possibly carcinogenic to humans.** The IARC Working Group, made up of 31 leading scientists in the field from 14 countries, met in Lyon, France from the 24<sup>th</sup>-31<sup>st</sup> May “to assess the potential carcinogenic hazards from exposure to radiofrequency electromagnetic fields.” They discussed and evaluated the available research literature (hundreds of scientific articles) and found that **“the evidence, while still accumulating, is strong enough to support a conclusion and the 2B classification”** –

**electromagnetic fields are possibly carcinogenic to humans.** They did not give it classification 4: “the agent is probably not carcinogenic to humans.”

(See [www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf))

## Cases

Long term exposure to the radio-frequency electromagnetic fields of both mobile phone towers and radio / TV broadcasting antennas has been linked to incidences of unusual clusters of cancers in people living or working (and children at schools) in close proximity to mobile phone and broadcasting towers in the UK, France, Italy, Germany, Spain, Israel, the US, Korea and Australia. Following are three examples, two Australian and one from France.

- Fifteen women, who had worked for the ABC in Brisbane, often in the same newsroom, for long periods between 1995 and 2007, developed breast cancer. The facilities included powerful broadcasting antennas on the roof and a lot of electronic equipment in the room in which they worked. In 2006 the ABC shut down its operations there. Three more women who had worked at the Toowong ABC building during those years have since been diagnosed with breast cancer, bringing the total to eighteen. This is eleven times the national average.
- In May 2006, seven people working at the Royal Melbourne Institute of Technology (RMIT) were discovered to have brain tumours, two of which were malignant cancers. All of these staff had worked on the top two floors of the University’s Bourke St building for periods of up to ten years. During which time there had been Telstra mobile phone towers on the roof of the building, metres above their heads.  
(see [www.abc.net.au/worldtoday/content/2006/s1637123.htm](http://www.abc.net.au/worldtoday/content/2006/s1637123.htm))
- In March 2003, the telecommunications company Orange suspended the operation of two mobile phone transmitters on the roof of a school outside Paris after eight children had been confirmed to have developed cancer (see *Le Monde*, 16 March 2003).

Many more cases have been documented and the growing body of evidence suggests a very reasonable and serious cause for concern.

The intensity of radiofrequency electromagnetic radiation drops off quickly as you move away from the source. Living 6 metres from a base station, my father is exposed to 40 times the amount of radiation that a person living 120 metres from a base station will be exposed to. What do you think his chances of developing cancer are?

I beg you to please read the short and clear summary of the existing epidemiological research: **“Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations,”** by Dr Vini Khurana (from the Department of Neurosurgery, The Canberra Hospital and The Australian National University Medical School) and five other highly qualified researchers, in the *International Journal of Occupational and Environmental Health*, Vol 16, No 3, July/September 2010, pp. 263-267. It is attached at the end of my submission and includes more details of the research studies I have mentioned.

It will be a very sad day if the telecommunications companies end up needing to pay compensation for the devastation of people’s lives because they (and the government) ignored the World Health Organization’s warning that radiofrequency electromagnetic fields are possibly carcinogenic to human beings and the increasing scientific evidence that it is. Saddest of all for the people and families devastated by the severe illness, or death, of a loved one, from cancer. Would it not be far better for everyone, (including the telecommunications companies), to get it right from the beginning with appropriate legislated guidelines?

**For all of the reasons above I ask you to Please support the Telecommunications Amendment (Mobile Phone Towers) Bill 2011, so that the telecommunications companies will be required by the law to genuinely consult with communities and to act responsibly by following the precautionary principle so that, until the scientific evidence is absolutely clear, we take reasonable precautions not to put people’s health and lives at risk.**

Yours most sincerely,  
Jacqui Godwin



Press coverage of the situation at Lennox Head:

[www.northernstar.com.au/story/2010/10/02/community-outrage-towards-optus-tower-build/](http://www.northernstar.com.au/story/2010/10/02/community-outrage-towards-optus-tower-build/)

[www.ballinaadvocate.com.au/story/2010/09/28/tower-plan-opposed/](http://www.ballinaadvocate.com.au/story/2010/09/28/tower-plan-opposed/)

[www.abc.net.au/news/2011-03-25/council-disconnects-phone-tower-plans/2643202](http://www.abc.net.au/news/2011-03-25/council-disconnects-phone-tower-plans/2643202)

[www.echo.net.au/newsitem/optus-towers-over-lennox-head-families](http://www.echo.net.au/newsitem/optus-towers-over-lennox-head-families)

[www.nbntv.com.au/index.php/2010/11/07/lennox-head-residents-outraged-over-optus-tower/](http://www.nbntv.com.au/index.php/2010/11/07/lennox-head-residents-outraged-over-optus-tower/)