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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

Telecommunications Amendment (Mobile Phone Towers) Bill 2011

We take pleasure in submitting to this inquiry, as we welcome any amendments to the legislation that may enhance community consultation and protection.

NTNS Background:

NTNS was initially formed by a group of concerned community members from the suburbs of Rainworth/Bardon in September 2009. We now represent communities Australia-wide. We have continued to voice our concerns over the inappropriate siting of mobile phone towers. We firmly believe that the current legislation governing the siting of such facilities requires urgent amendment in order to spare other communities the exhausting and costly (in terms of time, resources and finances) battle that we endured. Under the present legislation we live in constant fear of another inappropriate mobile phone tower proposal being imposed on our community, as well as other communities.

No Towers Near Schools has been invited to attend as a community representative on the ACIF Code Review and the EME Reference Group Panel (ARPANSA).

We are not alone – over the past 2 years, it has come to our attention that there have been more than 150 battles of fellow communities across Australia. Our website receives on average three enquires each week from communities in distress. They turn to us, as they feel disempowered within the current regulatory environment.

Our recommendations:

- Cumulative EMR at community sensitive sites to be less than 0.1microwatts/cm2.
- Community sensitive sites to be clarified and defined in the ACIF Code
- Cumulative levels of EMR at sensitive sites to be independently monitored regularly
- Any upgrading of facilities to be subject to the same consultation as new facilities.
- The ACIF Code to be enforced through legislation
- An Effective Government regulator to be put in place to ensure Industry compliance to the legislation

Reasons for these recommendations

1. Precautionary Approach is lacking:

The major concern for all communities is the future health and well-being of community members, particularly children whose bodies are still growing and developing, and are consequently believed to be more susceptible to the absorption of radiation.

- To date NO studies have been conducted on children.
- There are NO longitudinal studies on the cumulative effect of EMR.
- The vast majority of studies have been based on mobile phone use – not EMR from towers. EMR from Towers, though, affects people 24 hours a day, every day.
- This vast majority of studies relates to the thermal effects (temperature rising) of EMR on adults (over 25 yrs). They are not based on the new pulsed wavelengths emitted by mobile phone towers.
- Much more relevant studies which relate to non-thermal health effects (biological effects at cellular level e.g. effect on cell DNA) indicate cellular changes can occur at EMR levels of 0.1microwatts/cm2. At the very least, the precautionary approach should kick in at this level of EMR.

- Therefore, setting a limit of 0.1microwatts/cm² at all sensitive sites would ensure that these sites are not subjected to any higher radiation, regardless of where the telecommunications facility is located. This would automatically limit the facility's (or cumulative facilities') output, even if it is located closer than 200m from the sensitive site. The industry will always argue that locating all facilities away from all sensitive sites is impossible. Indeed, it probably is. However, it is perfectly feasible for the Telcos to install smaller (and more numerous if needed) facilities which are much lower-powered and don't breach the precautionary approach. This is exactly what our community forced TELSTRA to do here in Bardonia: instead of one very powerful tower right next to our school, which Telstra tried to impose, we now have 3 small installations (each one has 1 or 2 antennae on Energex poles). The resulting cumulative EMR at the school being generated by this triangle is now considerably lower, i.e. very close to 0.1microwatts/cm².

2. ACIF Code, the toothless tiger:

The ACIF Code states that a precautionary approach should be taken in regard to Community Sensitive sites and includes schools as an example. However the Code does not give a definition of the precautionary approach. And incredibly, the Code is not enforceable by legislation.

3. Consultation:

- Presently this is notification rather than meaningful consultation. The telcos ensure a lease is in place before a community is informed of any planned tower.
- Consultation is currently not required when an existing facility is upgraded or co-location occurs.

4. Government Governance:

The ACMA – In light of our experience, we believe the current regulator (The ACMA) is failing the Australian public. The current complaints process is unnecessarily difficult to navigate for communities that are unfamiliar with the industry. It is an endless hurdle, and most communities give up in frustration.

In the case of our community, we persevered and delivered a formal complaint to The ACMA, which was finally accepted. We were then astounded by The ACMA's refusal to fully investigate our complaint and enforce penalties for non-compliance. We then wrote to ACMA CEO (Chris Chapman) outlining our concerns about ACMA's complaints handling, to no avail.

ARPANSA – In light of our experience with ARPANSA, firstly through a submission to the EME Reference Group in 2010 and secondly followed by representation on to the Reference Group in 2011, it is our belief that ARPANSA is disregarding the genuine concerns of the Australian communities. ARPANSA is refusing to adopt appropriate EMR levels to ensure a Precautionary Approach at community sensitive sites. Given the fact that NO research has been done on children, that this technology is so new, and that The World Health Organization has stressed that more research needs to be done, surely it is time to review the current EMR limits permissible in Australia. ARPANSA needs to look internationally to see the kind of precautionary, best practice approach that is occurring overseas.

There are cities currently operating on the level of 0.1 microwatts/cm²: Salzburg in Austria, Legares in Spain. Furthermore, 17 cities in France are successfully trialling this level at the moment.

Conclusion:

It is the basic expectation of all Australians that the Government will protect the future health and wellbeing of their children. If there is any doubt about the health risks associated with EMR, and there so clearly still is, a precautionary approach to the usage of this technology is vital. No Towers Near Schools finds that current legislation greatly advantages industry at the very possible expense of our children's future health. This current legislation, therefore, urgently needs amending.