



**Australian Government**

**Australian Radiation Protection and Nuclear Safety Agency**

**Australian Radiation Protection  
and Nuclear Safety Agency**

**Submission to the Senate Environment and  
Communications Legislation Committee**

**Inquiry into the Telecommunications Amendment  
(Mobile Phone Towers) Bill 2011**

March 2012

## Summary

1. *The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), on behalf of the Australian Government, aims to protect people and the environment from the harmful effects of radiation.*
2. *Given ARPANSA has responsibility for a large number of codes, standards, safety guides and recommendation publications across a broad range of subject matter, ARPANSA does not believe it is appropriate to single out one standard.*
3. *ARPANSA does not believe it is appropriate that the Radiation Health and Safety Advisory Council reviews standards and codes as this is already a function of the Radiation Health Committee.*
4. *National standards such as those set by ARPANSA are subject to the Council of Australian Governments' Best Practice Regulation: A Guide for Ministerial Councils and National Standards Setting Bodies, October 2007. The Guide does not prescribe timeframes for review, leaving decisions on when to review a national standard to the individual standards setting body (in this instance the Radiation Health Committee). The Radiation Health Committee has an existing review program whereby publications are normally reviewed every ten years or as key scientific developments become clear.*

On behalf of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) I wish to make the following submission in regard to the *Telecommunications Amendment (Mobile Phone Towers) Bill 2011*.

## Scope of discussion

This submission discusses the proposed amendments to the *Australian Radiation Protection and Nuclear Safety Act 1998* (ARPANS Act) to require the Radiation Health and Safety Advisory Council (the Council) to review certain radiofrequency exposure standards every five years, with the first review to be completed within six months of commencement of the proposed legislation.

Proposed amendments to the Telecommunications Act 1997 would not change the business of ARPANSA and are not discussed here.

## ARPANSA

ARPANSA, on behalf of the Australian Government, aims to protect people and the environment from the harmful effects of radiation. ARPANSA participates in the development of national and international knowledge and best practice of radiation protection and nuclear safety to promote national uniformity; regulates the use of radiation sources, facilities and nuclear installations controlled by the Australian Government; and promotes public awareness of the harmful effects of radiation.

The ARPANS Act establishes three advisory bodies to advise the CEO of ARPANSA:

- The Radiation Health and Safety Advisory Council (RHSAC) advises the CEO on emerging issues and matters of major public concern relating to radiation protection and nuclear safety.
- The Radiation Health Committee advises the CEO and the RHSAC on matters relating to radiation protection, including formulating draft national policies, codes and standards for the promotion of uniform national standards of radiation protection for consideration by the Commonwealth, States and Territories.
- The Nuclear Safety Committee advises the CEO and the Council on matters relating to nuclear safety and the safety of controlled facilities, including developing and assessing the effectiveness of standards, codes, practices and procedures.

The proposed amendments to the *Australian Radiation Protection and Nuclear Safety Act 1998* refer to the functions of the Council.

## The Radiation Health and Safety Advisory Council

The Hon Catherine King MP, Parliamentary Secretary for Health and Ageing, has made appointments to the RHSAC from 1 January 2012.

Council membership, appointed from 1 January 2012 for the 2012-2014 triennium, currently consists of:

Chair:

- Ms Sylvia Kidziak AM (NSW), occupational health, safety and environment consultant

CEO of ARPANSA:

- Dr Carl-Magnus Larsson (NSW)

Radiation Control Officers:

- Mr Simon Critchley (Qld), A/Senior Director, Environmental Health Branch, Queensland Health  
Mr Keith Baldry (SA), Director, Regulation and Compliance Division, Environment Protection Authority

Person to represent the interests of the general public:

- Em Prof Ian Lowe AO (Qld), Emeritus Professor of Science, Technology and Society, Griffith University and President, Australian Conservation Foundation

Nominee of the Chief Minister of the Northern Territory:

- Dr Stephen Skov (NT), Public Health Physician, Centre for Disease Control, NT Dept of Health

Up to 7 other Members:

- Dr Roger Allison (Qld), Radiation Oncologist, Cancer Care Services, Queensland Health
- Assoc Professor Brad Cassels (Vic), Expert Radiation Advisor, Victorian Department of Health
- Ms Jill Fitch (SA), retired health physicist & radiation protection regulator
- Mr Frank Harris (NT), Chief Adviser Radiation Governance and Product Stewardship, mining industry
- Ms Melissa Holzberger (Qld), energy and resources law specialist
- Professor Ray Kemp (Vic), risk management consultant and Adjunct Professor of Risk and Sustainability, Swinburne University of Technology
- Dr Denise Wheeler (Qld), radiation protection adviser, retired from UK nuclear industry

The Council has the following functions:

- to identify emerging issues relating to radiation protection and nuclear safety and to advise the CEO on them
- to examine matters of major concern to the community in relation to radiation protection and nuclear safety and to advise the CEO on them
- to advise the CEO on the adoption of recommendations, policies, codes and standards in relation to radiation protection and nuclear safety
- to advise the CEO, at the CEO's request, on other matters relating to radiation protection and nuclear safety
- to advise the CEO on such other matters relating to radiation protection and nuclear safety as the Council considers appropriate
- to report to the CEO on matters relating to radiation protection and nuclear safety.

## Discussion

The *Telecommunications Amendment (Mobile Phone Towers) Bill 2011* proposes amendments to the ARPANS Act to require the Council to review certain radiofrequency exposure standards every five years, with the first review to be completed within six months of the commencement of the proposed legislation.

ARPANSA has responsibility for over 60 codes, standards, safety guides and recommendation publications. These publications cover radiation protection across a wide range of industries, practices or uses of radiation and include the Radiation Protection Series and Radiation Health Series which can be found on our website: <http://www.arpansa.gov.au/Publications/codes/index.cfm>.

ARPANSA currently has one publication in regard to radiofrequency exposure standards: the Radiation Protection Standard 3: *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002)*.

1. **Comment:** *Given ARPANSA has responsibility for a large number of codes, standards, safety guides and recommendation publications across a broad range of subject matter, ARPANSA does not believe it is appropriate to single out one standard.*

While the Council does have a role in recommending to the ARPANSA CEO the publication of revised standards, a general review requirement already exists as a function of the Radiation Health Committee under ARPANS Act section 23 (d), *Functions of the Radiation Health Committee*: “from time to time, to review national policies, codes and standards in relation to radiation protection to ensure that they continue to substantially reflect world best practice...”.

2. **Comment:** *ARPANSA does not believe it is appropriate that the Radiation Health and Safety Advisory Council reviews standards and codes as this is already a function of the Radiation Health Committee.*

In regard to timeframes for reviews, national standards are subject to the Council of Australian Governments *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies, October 2007* which does not set timeframes for review, leaving decisions on timeframes for review of national standards to individual standard setting bodies, such as the Radiation Health Committee.

The Radiation Health Committee has a review program in place whereby publications will be reviewed every ten years or as key scientific developments become clear. Unless a review identifies that there have been changes in technology or the science underpinning the particular practice or industry, the publications are not necessarily updated and/or revised and republished at that time.

Legislating a fixed review once every five years might not be as efficient as reviewing documents on the existing basis whereby review is a process within an overarching timeframe developed by the Radiation Health Committee with flexibility to respond to emerging developments in science and technology.

3. **Comment:** *National standards such as those set by ARPANSA are subject to the Council of Australian Governments' Best Practice Regulation: A Guide for Ministerial Councils and National Standards Setting Bodies, October 2007. The Guide does not prescribe timeframes for review, leaving decisions on when to review a national standard to the individual standards setting body (in this instance the Radiation Health Committee). The RHC has an existing review program whereby publications are normally reviewed every ten years or as key scientific developments become clear.*

In regard to the Radiation Protection Standard 3: *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002)*, ARPANSA is currently undertaking a review of the recent scientific literature (published since the release of this standard in 2002) on the health effects of radiofrequency exposure. An expert panel is being established to assist with this review and their report to the Radiation Health Committee is expected later this year.

I note that any revision process of national standards, such as the Radiation Protection Standard 3: *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002)*, would have to follow the Council of Australian Governments guideline, the requirements for public consultation, regulatory impact assessment, Office of Best Practice Regulation and Ministerial sign off across all jurisdictions. Given this, any revision of a standard can take several years.

For your information, the ARPANS Act is currently under review. A consultant has been identified to manage the review process and the Terms of Reference are

expected to be made available on the Department of Health and Ageing's website in the near future. ARPANSA will be providing a submission to that review.

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Carl-Magnus Larsson

CEO, ARPANSA