SUBMISSION TO THE STANDING COMMITTEE ON ENVIRONMENT AND COMMUNICATIONS

Dear members,

As one of the immediate neighbours of the recently installed Optus mobile phone base station at 2A Basalt Court, Lennox Head N.S.W. I write to support the Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

Existing legislation and its implementation are failing.

The existing legislation and its implementation are failing Australian citizens with disastrous consequences. Self regulation has not worked!

In the case at Basalt Court Optus failed to carry out even the most minimal amount of "consultation". Even Optus only claim to have spoken to 6 people. With hundreds of signatures and many written submissions in opposition from residents and unanimous opposition passed by Ballina Shire Council against this location Optus still went ahead.

Any "representations" could only be addressed to Daly International (A company paid by and therefore answerable only to Optus). Surprise, surprise that they should endorse Optus locations.

Telcos, including Singtel Optus, claim "absolute rights" to build towers "wherever they choose" under existing federal legislation. They simply ignore justified, sustained opposition and go ahead.

Claims of "urgency" in the erection of the towers are not valid. There is no urgency for the towers to be erected. Justice and wellbeing for our Australian citizens is of prime concern not the profits of multinational corporations. What is good for Singtel-Optus' profits is not necessarily good for the people of Australia.

The intentions of the legislators to maintain competition among telcos have been perverted by these companies to sieze unjustifiable power to place their towers wherever they choose.

An independent body is needed to examine each proposed site before any form of tower is allowed. Citizens and their elected bodies must have

an input and rights in the process. They must have rights of refusal and redress.

The term "low impact" has been abused and misused.

The term "low impact" under which this site was supposedly justified is not sufficiently well defined. This site was simply adjudged "low impact" by Singtel-Optus and its puppet company Daly International.

Under no stretch of the imagination can this site be described as "low impact" :

- The tower is in the midst of a fully occupied suburban subdivision within metres of surrounding homes.
- Young children who are most susceptible to the ill-effects of electromagnetic radiation live nearby.
- Children play less than 20 metres from this site in a playground/park.
- A preschool and more parks are situated within 500 metres of the site.
- Residents have suffered a great deal of stress under this process in which they have been disenfranchised in their own country.
- Optus is undoubtedly in breach of its "duty of care" to do no harm to these people.
- High voltage cables are at ground level surrounding the base.
- The "visual impact" can at best be described as "industrial". The amenity of the area has been destroyed by this construction "overshadowing" our homes and the street. Optus provided some residents with misleading "airbrushed" photomontages of the proposed installation which looked nothing like the final product. (See included pictures).
- There has been a corresponding loss of value to nearby properties as evidenced by recent sales losses.
- The nearest antenna and high voltage cables are approx 6 metres from my bedroom. The most severe harm of electromagnetic radiation on humans is when we sleep. These towers run 24/7.

Optus claim that health impacts cannot be considered when opposing a tower site. No study has shown it is safe to spend 24/7, year in year out, within 6 metres of these towers. In fact the Optus installers have affixed a sign to the gate to the tower indicating "RF Hazard Area Beyond This Point". By Optus' own admission then my bedroom which is 3 times closer must be in a Radio Frequency Hazard Area with EMR 9 times as bad.

- Medical research and opinion on these towers is such that the "precautionary principle" must be followed.

- One impact of this installation is that I can no longer have my children or grandchildren visit let alone stay with me. I may in fact even become homeless.

- Optus has totally corrupted the term "low impact".

THIS INSTALLATION IS NOT "LOW IMPACT" - BY ANY CRITERIA IT CAN ONLY BE DESCRIBED AS "HIGH IMPACT".

Current legislation has not been adhered to.

What little "procedure" there is under current legislation was not followed by Optus at Basalt Court, Lennox Head N.S.W. An independent authority is needed to supervise all aspects from application to construction and operation of these towers.

Notification procedures must be greatly widened with full notification to all in the area including via mail, local papers and other media.

As previously stated the "consultation" was a farce. The few residents "consulted" were lied to by Optus. They were shown misleading impressions of what the installation would look like. The projected EMA figures of Optus were later shown to be faulty. Optus said they would go ahead regardless of any concerns. Many objections and petitions with over 300 signatures were sent to their puppet company Daly International.

The period for objection to the ombudsman should be extended to 90 working days. Telcos had at least a two year lead in time for this site.

They have extensive resources to throw at us. By comparison we have to start from scratch on extremely short notice. There is no real urgency to build these towers whatever telcos may claim.

Australian citizens have been denied their democratic rights and justice by the current process.

Residents and Ballina Shire Councillors were denied an opportunity to raise initial objections to the Ombudsman in the short window of opportunity. A Ballina Shire bureaucrat took it upon himself to not notify them of the proposed installation.

John Truman, a director in Ballina Shire Council, at a meeting with our residents' group, informed us that he decided that the Basalt Court site was suitable. That he knew best. Even though he, on his own admission, had no legal qualifications or expertise in electromagnetic radiation. From a person who adamantly declared that he 'did not work for the residents of Ballina Shire" this was, to say the least, very worrying.

John Truman later stated that he was forced into a lease and to hand over the keys to the site under the unconscionable threat of legal action by Optus.

Singtel-Optus claim that they are not answerable to any level of democratically elected government in Australia. For example, they do not have to lodge DAs to Council, State or Federal Governments. That our only appeal is to them. How can this be?

ACMA and the Ombudsman have proved ineffective in our case. An independent body with "teeth" must be set up to administer all aspects of the mobile phone industry especially the siting of mobile phone towers!

Appeals should be available against such sitings and other excesses by telcos. These appeals must be to an independent body not a telco paid company or the telco itself.

Self-regulation has not worked!

The system is basically flawed.

Our experience shows that the system is "broke" and we need to "fix" it urgently!

I ask you to support the proposed Telecommunications Amendment (Mobile Phone Towers) Bill 2011 and the proposed Telecommunications Amendment (Enhancing Community Consultation) Bill 2011, so that the telecommunication companies will be required by law to genuinely consult with communities and to act responsibly under independent supervision in relation to potential harm (including health risks) to the public.

I will make myself available to appear as a witness if needed.

Yours sincerely,

Rob Godwin


Optus
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