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Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Submission to the Telecommunications Amendment (Mobile Phone Towers) Bill 2011

We are residents of Craignish, Queensland, a proposed site for an Optus mobile phone "low impact" facility. We are in support of the new amendments to the Bill based on the following.

1. *Amends the:* Australian Radiation Protection and Nuclear Safety Act 1998 *to require the Radiation Health and Safety Advisory Council to review certain radiofrequency exposure standards every five years, with the first review to be completed within six months of this bill commencing.*

- Where mobile phone towers/antennas are proposed and/or installed, the major concern of the public is long-term exposure to radiofrequency emissions. The possibility exists that there is a huge portion of the population affected by RF radiation, but the Australian government has no way of monitoring and recording it. The public need to be satisfied that the Australian Radiation Protection and Nuclear Safety Act is actually protecting them. This can only be addressed by regular reviews based on research and standards globally. Currently Australian standards for RF emissions is higher than in other countries.

2. Telecommunications Act 1997 *to: require certain owners and occupiers of land to be consulted when a mobile phone tower is to be installed.*

- We believe that owners and occupiers of land within 500 metres of a proposed installation should be advised of a carrier's intention and given a reasonable response time. In our case, we were advised that a "low-impact" mobile phone antenna was to be erected on an existing water storage tank only 80-100 metres from our home. The advice arrived only a few days before the Easter break and we were asked to respond within three weeks.
- No indication of the carrier's process of site selection was given. The residents of Craignish have had to apply for a Right To Information to gain some knowledge. The information showed that there were several sites available for this installation, but that this was the easiest and cheapest option.
- The community's opposition to this development was completely overridden by the carrier's commercial interests and are left with no right of reply. We

feel that we should have, at the least, the right to make a complaint to the Australian Communications and Media Authority(ACMA) and any work relating to the installation of the facility to be suspended until the complaint is resolved.

3. *Require ACMA to be satisfied that the precautionary principle is taken into account when the site of a mobile phone tower is determined.*

- The obligations on carriers when selecting a site for mobile phone facilities is clearly set out in the Industry Code(ACIF C564:2004), but no body is charged with making sure the carriers comply.
- We agree that if a RF-emitting facility may lead to serious harm, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or diminish that harm.
- The facility will be deployed here within an existing residential area, only 20 metres from the nearest home on one side and 30 metres on the other. With several other non-residential sites nearby, why weren't they chosen, based on the precautionary principle? A good case for a regulatory body to oversee the carriers.
- The accompanying 'equipment shelter' will be constructed of brick, 3 metres high and having a base of 7.5 square metres. The shelter will also house an air-conditioning unit to keep electricals at a stable temperature, thereby creating an extra noise nuisance to the community. The existing legislation limits noise emanating from the panel antenna and radiocommunications dish, but not the equipment shelter. This also should be addressed in amendments to the legislation.

4. *Remove the exemption for low-impact facilities from state and local government planning processes.*

- As has occurred in our area, a supposedly "low-impact" facility to be installed on an existing water storage tank, is blatantly flouting the law, with plans showing its height as over 5 metres. Who is monitoring the carriers? They cannot be allowed to continue to self-regulate. The community has no right of redress under the "low-impact" determination – we cannot complain to the Minister, ACMA or the TIO, with the only option of taking a giant telco with unlimited resources, to court. This option is out of the reach of the ordinary citizen, costing in the vicinity of at least $50,000. We need all developments to be approved by the local council planning department, to ensure the public's interest is protected.

5. *Remove the exemption on the application of state and territory laws.*

- We also support the amendments that any mobile phone/telecommunication facility should not be exempt from state and territory laws.

6. *Require carriers to prepare local telecommunications network plans each financial year, for the next five years.*

- In light of the uncertain effects of RF radiation, the Australian government has a duty of care to the Australian public to keep them informed of potential health hazards. Therefore it is incumbent upon the carriers to provide a five year network plan to address the long-term impacts of telecommunications technology.

Summary
Our experience has shown that carriers have no regard for the Industry Code and rely on self-assessment alone. Our community, on the other hand, have been frustrated by the lack of regulation of the carriers, suffered disempowerment, and enormous cost, not to mention impacts on our health.

We commend Senator Bob Brown for the introduction of these amendments and give our unreserved support.

Sincerely

Noel and Judy Thomas