

Subject: Telecommunications Amendment (Enhancing Community Consultation) Bill 2011
Date: Friday, 25 November 2011 2:44:49 PM

28 October 2011

Committee Secretary
House of Representatives, Standing Committee on Infrastructure and
Communications
PO Box 6021
Parliament House
Canberra ACT 2600.

Dear Sir/ Madam

Re Amendments to Schedule 3 of Telecommunications Act

I understand that the House of Representatives, Standing Committee on Infrastructure and Communications is currently considering the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011, seeking to amend schedule 3 of the Telecommunications Act 1997 .

I suggest one change to your amendment to subparagraph 27(1)(g)(ii) that ACMA must not grant a permit unless satisfied that the proposed location is not be within 100 metres of a community sensitive site. A distance of 100 metres would seem to be too short given that in many instances estimated maximum emissions now extend well over 100 metres. To give one example, for the Optus facility proposed for 53 Cross St, Double Bay the maximum RF EME level of 1.63% % at 1.5 metres above ground level specified by Optus extends for a radius of 50 to 200 metres.

A further significant deficiency of the Act is that while it permits a great degree of industry self regulation in an area with the potential for negative impacts on human health, it does not impose any obligations for ongoing risk management of the kind usually found in Commonwealth state and EU legislation relating to human health eg food safety. For example there is no

ongoing requirement for monitoring and verification of emission levels, internal audit, external audit, corrective action and record keeping as set out in, for example, the quality assurance provisions of the Export Meat Orders made under the Export Control Act.

I appreciate that these requirements could go into the ACIF Industry Code—but in the absence of amendments to the Code and failure of the Minister to provide a Ministerial Code as envisaged under clause 15 of Schedule 3 under the Act, it would seem there may be real advantages in pursuing the verification audit etc provisions as amendments to Schedule 3 of the Act. A

Yours sincerely

Elisabeth Mary Fisher.