

SUBMISSION

TELECOMMUNICATIONS AMENDMENT (ENHANCING COMMUNITY
CONSULTATION) BILL 2011

Item 1: Clause 1 of Schedule 3(fourth dot point, paragraph (g))

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| 1. Item 1 allows for more than one owner of relevant land to be notified by carriers. |
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Does this proposal include Group Title situations as occur under Queensland law where the title may be confined to the four walls of a residential unit within a complex with all land outside that unit being common property? We had a situation in Brisbane where Telstra negotiated for a substation and tower to be located within one unit within a medium density residential complex. A situation such as this could result in other unit owners having restricted legal powers of objection to a proposal because property ownership only extends to the four external walls of their residential unit. Their legal rights would be stronger if the tower were to be erected on common property but in the case mentioned above, it was not.

Item 2 : Subclause 6(5) of Schedule 3

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| 2. Item 2 removes the ability for any kind of tower to be specified under a legislation instrument, such as the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> |
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Does this also include co-location of facilities? The community has a right to be concerned about visual pollution in their area which may be caused by co-location policies. What may be considered a slight impact on the visual amenity of a residential community rapidly becomes visual blight when the location of a facility allows multiplication of facilities under the co-location policy. This is evidenced in the number of facilities which have sprouted on an old art deco building high on a hill in Ashgrove, a suburb adjoining the one in which I live. This is, however, an area which I frequently traverse.



I would also support this amendment on the basis of health issues. There is some concern over the non-thermal effects of telecommunications towers. These do not seem to be not covered by the Australian Radiation Protection Standard which seems to protect against a limited range of short term and thermal effects of radiation. Concerns about non-thermal effects of RF radiation have already been canvassed in a Federal Parliament Issues Brief 26 1996-1997. An extract from that Issues Brief outlines these concerns.

*“This section of the paper deals with the claimed **non-thermal effects** which have been reported at **low and medium** power densities, and discusses the reasons why these effects have been discounted, rightly or wrongly, as a basis for Australian and overseas standards.*

Possible behavioural changes or indirect promotion of cancer is a principal focus of low-power radiofrequency (microwave) studies. As stated earlier, the RF spectrum is not energetic enough to cause mutation damage to cell genetic material (DNA) and thus directly initiate cancer. However, among the hundreds of reports of RF effects there are some which can be interpreted as possibly assisting the spread of cancer.

Firstly, some experiments (e.g. Ref. 7) have indicated radiation-caused changes in the so-called blood-brain barrier. The healthy brain is an exclusive organ which does not admit entry of many types of chemical and biochemical substances. The research has measured abnormal passage across the blood-brain barrier of protein-bound dyes, radioactively labelled sugars or peroxidase enzyme in irradiated rats and hamsters.

Secondly, there are examples of disturbances to foetal development (teratogenic effects) in mice, chicks and rats at low RF power. Retarded development (low birth weight), eye malformations, reduction in organ weight and embryonic death have been observed.

Experiments with RF radiation and cultured cells are thought by some scientists to demonstrate low power (non-thermal) effects on the cell membrane. The best-known work, that of Professor Ross Adey, has shown a consistent increase of calcium loss from brain tissue. This indicates that the membrane permeability has been changed. Calcium is known to be a highly significant biochemical regulator, e.g. it controls the division of certain cells. The RF waves may be creating free radicals or changing the physical characteristics of fats in the cell membrane.”

Concerns about a failure to deal with non-thermal radiation effects are multiplied when antennas proliferate on one building in an area used by many people and in close proximity to residential areas.

I have read the latest fact sheet put out by ARPANSA published in June 2011. This Fact Sheet states that:

“The present concern that people have about RF exposure is whether these non-thermal effects also include cancer. While human studies to assess the possibility that RF exposure increases the risk of cancer are few in number, laboratory studies do not provide evidence to support the notion that RF fields cause cancer. Review groups evaluating the state of knowledge about possible links between RF exposure and excess risk of cancer have concluded that there is no clear evidence for any links. ARPANSA continues to closely monitor the research being conducted in this field.”

This information does not seem to deal with the cumulative effects of the co-location of multiple antennas and towers or the long-term effects of non-thermal radiation.

The Fact Sheets cast doubt on research into non-thermal effects by describing such research as being of a subjective nature, and states that:

“ Studies that have investigated if RF radiation affects biological cells, other than by heating them, are inconclusive.”

The International Commission for Electromagnetic Safety (ICEMS), which according to its webpage, “ is a non-profit organization that promotes research to protect public health from electromagnetic fields and develops the scientific basis and strategies for assessment, prevention, management and communication of risk, based on the precautionary principle,” does not seem to be the sort of organizations which would peddle theories of a subjective nature. This organization warns in a resolution, known as the Venice resolution initiated in June 2008, that

“The non-ionizing radiation protection standards recommended by international standards organizations, and supported by the World Health Organization, are inadequate. Existing guidelines are based on results from acute exposure studies and only thermal effects are considered. A world wide application of the Precautionary Principle is required. In addition, new standards should be developed to take various physiological conditions into consideration, e.g., pregnancy, newborns, children, and elderly people.

We take exception to the claim of the wireless communication industry that there is no credible scientific evidence to conclude there a risk. Recent epidemiological evidence is stronger than before, which is a further reason to justify precautions be taken to lower exposure standards in accordance with the Precautionary Principle.”

Scientists aligned with this organization passed a resolution at a conference in Benevento in September 2006 which contained the following two proposals amongst others:

- *“ Arguments that weak (low intensity) EMF cannot affect biological systems do not represent the current spectrum of scientific opinion.*
- *Based on our review of the science, biological effects can occur from exposures to both extremely low frequency fields (ELF EMF) and radiation frequency fields (RF EMF). Epidemiological and in vivo as well as in vitro experimental evidence demonstrates that exposure to some ELF EMF can increase cancer risk in children and induce other health problems in both children and adults.”*

Items 3 -5

I would support these amendments as long as they include co-location issues.

Item 6: Subclause 17(4) of Schedule 3

6. Item 6 expands the time period in which notification must be given before activities commence from 10 business days to 30 business days.

I would support these amendments. It was implied to our local community that the installation of a Telco tower was a last minute decision and that there was not enough time for a proper consultation period. Having been involved in project management myself, I cannot believe that a major Telco business would spend millions of dollars installing a tower or antennas without having undertaken some medium to long-term planning. As circumstances eventuated, millions were probably lost because the project was defeated by the weight of community opinion. I also believe elected State and local government representatives should also have a longer time to comment. Having only 5 business days to respond only encourages a tick and flick response. This process also allows local representative to perpetuate the myth that nothing can be done about proposals when in fact, local governments all over Australia have blocked Telcos proposals for telecommunication towers in particular areas.

Item 7: Subparagraph 27(1)(g)(ii)

7. Item 7 modifies the criteria for issue of a facility installation permit for proposed facilities near community sensitive sites, mandating that all alternative less sensitive sites must be unfeasible and that any proposed facilities must be at least 100 metres away from any community sensitive site.

I think the definition of community sensitive sites should include heavily used commercial buildings. In my internet researches, I noticed that one local government area was going to identify council owned properties where Telco towers could be erected. This situation is hardly equitable for people working in local government administrative or operational buildings.

Item 8: After subclause 27(4) of Schedule 3

8. Item 8 disallows ACMA from having regard to commercial interests of carriers when determining if the proposed facility is an important part of the telecommunications network to which it relates.

This section of the Act requires ACMA to have regard to at least one of the following: the technological, economic and social importance of the facilities.

I don't know why economic issues have been dropped in favour of technological or social issues. There has been a rapid increase in the installation of the 3G network which seemed to have been introduced to improve the social life of young people by enabling them to download films, facebook and youtube applications. I would rather support the economic activities of farmers than encourage young people to make fools of themselves on Twitter. However, it is possible with the NBN and fibre optic cable that mobile telephone networks will hopefully become a thing of the past.

Item 9: After subclause 35(3) of Schedule 3

9. Item 9 allows for appeals to be made to the Administrative Appeals Tribunal for review of a decision made by ACMA to issue a facility installation permit.

The ability to appeal a decision which may affect the health and property interests of households should be accepted as basic human right under the European Convention on Human Rights, Articles 6 and 8.