

Chapter 1

Introduction

Conduct of the inquiry

1.1 On 9 February 2012, the Senate referred the Telecommunications Amendment (Mobile Phone Towers) Bill 2011 (the bill) to the Senate Environment and Communications Legislation Committee (the committee) for inquiry and report by 9 May 2012.¹

1.2 The reason given for referral of the bill through was:

To allow opportunity for detailed consideration of the Bill and to allow the Committee to hear from stakeholders and consider the practical implications of the Bill.²

1.3 In accordance with usual practice, the committee advertised the inquiry on its website. In addition, the committee wrote to relevant organisations inviting submissions. The committee received 56 submissions (see Appendix 1) and held one public hearing in Canberra on 12 April 2012 (see Appendix 2).

1.4 The committee would like to thank the organisations and individuals that made submissions to the inquiry and the representatives who gave evidence at the public hearing.

Purpose of the bill

1.5 The bill is a private senators' bill introduced by Senator Bob Brown on 14 September 2011.³ In his second reading speech, Senator Brown stated that the bill aims to:

...introduce the precautionary principle for the installation of mobile phone facilities, to improve consultation with communities, scrutiny of site choices and expand the opportunities for appeal.⁴

1.6 To achieve these aims the bill seeks to amend the powers and immunities regime contained in the *Telecommunications Act 1997* (the Act) to:

1 Commonwealth of Australia, *Journals of the Senate*, 9 February 2012, pp 2089–2090.

2 Senate Selection of Bills Committee, *Report No. 1 of 2012*, www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=selectionbills_ctte/reports/2012/rep0112.htm (accessed 28 March 2012), Appendix 4, p. 7.

3 Commonwealth of Australia, *Journals of the Senate*, 14 September 2011, p. 1463.

4 Senator Bob Brown, *Senate Hansard*, 14 September 2012, p. 6092.

- expand the definition of "tower" in relation to the installation of a facility to include an antenna, aerial, dish or other attachment;
- ensure that a tower cannot be the subject of a low impact determination made by the minister;
- ensure that maintenance of a facility does not include any activity that increases the electromagnetic radiation emitted by the facility;
- create notification and consultation requirements on carriers in relation to owners and occupiers of land within 500 metres of a facility that will emit electromagnetic radiation;
- provide that no facility can be located within 200 metres of a community sensitive site;
- require carriers to provide electromagnetic radiation exposure maps and five-year plans for facility development; and
- insert a definition of the precautionary principle.⁵

1.7 The bill seeks to provide greater opportunities for people to appeal decisions made by the Australian Communications and Media Authority (ACMA) in relation to the granting of installation permits.⁶ The ACMA would also be required to inform members of the public of the location of telecommunications towers and provide electromagnetic emissions exposure maps.

1.8 The bill also seeks to amend the *Australian Radiation Protection and Nuclear Safety Act 1998* to require the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), through the Radiation Health and Safety Advisory Council, to review radiofrequency exposure standards every five years, with the first review to be completed within 6 months of the commencement of the bill.

House of Representatives inquiry

1.9 On 19 September 2011, Mr Andrew Wilkie MP, introduced the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011 (the Wilkie bill) into the House of Representatives. The Wilkie bill has similar aims to Senator Brown's bill and seeks to:

...expand the requirements of telecommunications carriers to notify and consult affected residents when installing mobile phone towers and other related infrastructure. The bill also aims to restrict the allowable distance

5 Explanatory Memorandum, pp 3–4.

6 Explanatory Memorandum, p. 4.

between a tower and a site that is regarded as 'community-sensitive' and to limit the size of tower extensions.⁷

1.10 The Wilkie bill was referred to the House Standing Committee on Infrastructure and Communications on 22 September 2011 for inquiry and report. The advisory report on the bill was tabled on 21 March 2012 and recommended that the House of Representatives not pass the bill.⁸

1.11 The House Standing Committee concluded that:

...the bill, as currently proposed, would not meet its objectives of strengthening the role of the community in the decision-making processes by carriers. Furthermore, essential routine activities by carriers, which would generally be of little concern to the community, will likely be severely disrupted by the consultation requirements of the bill.⁹

1.12 As at 9 May 2012 the Wilkie bill is before the House of Representatives for debate.¹⁰

Report structure

1.13 This report is divided into two substantive chapters. Chapter 2 briefly outlines the policy context in which the legislation is proposed. Chapter 3 then discusses key issues raised during the course of the committee's inquiry and outlines the committee's recommendation.

7 House of Representatives Standing Committee on Infrastructure and Communications, *Advisory report on the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011*, www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ic/telecommunications/report.htm (accessed 28 March 2012), p. 1.

8 House of Representatives Standing Committee on Infrastructure and Communications, *Advisory report on the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011*, p. 29.

9 House of Representatives Standing Committee on Infrastructure and Communications, *Advisory report on the Telecommunications Amendment (Enhancing Community Consultation) Bill 2011*, p. 29.

10 Commonwealth of Australia, *Votes and Proceedings*, No. 100, 21 March 2012, p. 1360.

