

To the Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

## Submission response—Possible amendments to telecommunications powers and immunities

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Partially. (Please keep name, contact details and organisation confidential)

### Date of submission

21st July 2017

### Logo of organisation—if an organisation making this submission

<response>

### Name and contact details of person/organisation making submission

Anonymous

### General comments

My general overarching comment is that the proposed amendments make it easier for telecommunication companies to install potentially hazardous, radio frequency electromagnetic radiation (RF EMR) emitting infrastructure. This is alarming given the growing number of scientific papers suggesting that the current Australian standard is not sufficiently protective.

Notably:

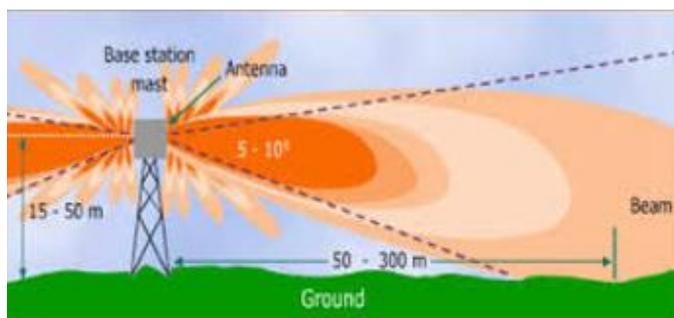
- 1) In 2011, The World Health Organisation (WHO) /International Agency for Research on Cancer (IARC) classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B).
- 2) In 2015, 190 scientists submitted an appeal to the United Nations calling for protection from non-ionizing Electromagnetic Field exposure, particularly for children, saying that current guidelines are not protective enough. There are now 225 signatories to this appeal, including the well-respected Australian neurosurgeon, Dr Charles Teo (<https://www.emfscientist.org/index.php/emf-scientist-appeal>).
- 3) The World Health Organization is currently undertaking a health risk assessment of radiofrequency electromagnetic fields.

Given the growing concern in the scientific community over the safety of wireless communication, the regulatory documents need to be made **more** stringent, not less. There should also be **more** community consultation surrounding installations and **better scrutiny** of regulatory bodies.

Selected responses are listed below to amendments relating to residential areas. I would stress however that pre-schools, schools, childcare centres and other places where young people spend significant

periods of time should also be subject to laws that minimise EMR levels. This is in accordance with the United Nation Convention on the Rights of the Child requiring of policy makers that “[laws and actions affecting children should put their best interests first and benefit them in the best possible way.](#)”

Finally, I have included below a typical radiation pattern from a mobile phone base station. Are you comfortable with people sleeping in the main part of the beam, knowing that it is possibly carcinogenic, affects melatonin levels and alters brain waves? Are you comfortable with there being no medically qualified staff to review relevant scientific papers at our standard setting authority, ARPANSA?



Selected responses appear below. I would welcome the opportunity to meet with the Minister to explain my concerns.

## Responses

The Australian Government seeks views on possible amendments to telecommunications carrier powers and immunities. In particular, the Government seeks views on:

### Proposed amendments to the Telecommunications (Low-impact Facilities) Determination 1997

#### 1. Definition of co-located facilities

1.1 Are there any issues with this proposed clarification to the definition of co-location?

<response>

#### 2. Local government heritage overlays

2.1 Are there any issues with this clarification in relation to local government heritage overlays?

<response>

#### 3. Radio shrouds as an ancillary facility

3.1 Should radio shrouds be considered ancillary facilities to low-impact facilities, or should radio shrouds be listed as distinct facilities in the Schedule of the LIFD?

<response>

3.2 If listed as distinct facilities in the Schedule of the LIFD, should there be any criteria for radio shrouds, for example in terms of size and dimensions?

<response>

#### **4. Size of radiocommunications and satellite dishes**

- 4.1 Are there any issues with permitting 2.4 metre subscriber radiocommunications dishes (or terminal antennas) in rural and industrial areas (LIFD Schedule, Part 1, Item 1A)?

<response>

- 4.2 Are there any issues with permitting other 2.4 metre radiocommunications dishes in rural and industrial areas, including those located on telecommunications structures (LIFD Schedule, Part 1, Item 5A)?

<response>

#### **5. Maximum heights of antenna protrusions on buildings**

- 5.1 Is a 5 metre protrusion height acceptable, or is there a more appropriate height?

The protrusion height should not be increased. Increasing the height would potentially allow more ad hoc installations of wireless infrastructure with distributed panels. Panels can already be supported on a tower thereby concentrating the location of panels.

- 5.2 Are higher protrusions more acceptable in some areas than others? Could protrusions higher than 5 metres be allowed in industrial and rural areas?

<response>

#### **6. Use of omnidirectional antennas in residential and commercial areas**

- 6.1 Are there any issues with permitting omnidirectional antennas in residential and commercial areas, in addition to industrial and rural areas?

Yes – as discussed there are serious concerns about RF EMR and omnidirectional antennas should therefore not be permitted in residential areas.

#### **7. Radiocommunications facilities**

- 7.1 Does the proposed approach raise any issues?

Yes – as discussed there are serious concerns about RF EMR.

- 7.2 Are the proposed dimensions for these facilities appropriate?

<response>

#### **8. Equipment installed inside a non-residential structure in residential areas**

- 8.1 Should carriers be able to enter land (including buildings) to install facilities in existing structures not used for residential purposes in residential areas?

Yes – as discussed there are serious concerns about RF EMR.

#### **9. Tower extensions in commercial areas**

- 9.1 Are there any issues permitting tower height extensions of up to five metres in commercial areas?

Yes – extensions should go through local planning processes to ensure that communities approve of the tower height.

#### **10. Radiocommunications lens antennas**

- 10.1 Is lens antenna the best term to describe this type of antenna?

This type of antenna has not been explained fully in the consultation paper. I would like to be provided with a typical radiation pattern to be able to address the questions under section 10 properly.

10.2 Are 4 cubic metres in volume and 5 metres of protrusion from structures appropriate?  
See above.

10.3 Should this type of antenna be allowed in all areas, or restricted to only industrial and rural areas?  
If this type of antenna is to be allowed, it should not be allowed in residential areas as it is a very unsightly piece of infrastructure. More importantly, there are significant concerns about RF EMR.

## **11. Cabinets for tower equipment**

11.1 Are there any issues with the proposed new cabinet type?  
<response>

## **12. Size of solar panels used to power telecommunications facilities**

12.1 Are there any issues with permitting 12.5 square metre solar panels for telecommunications facilities in rural areas?  
<response>

## **13. Amount of trench that can be open to install a conduit or cable**

13.1 Are there reasons not to increase the length of trench that can be open at any time from 100m to 200m in residential areas?  
<response>

13.2 Is 200m an appropriate length, or should the length be higher if more than 200m of conduit or cabling can be laid per day and the trench closed?  
<response>

## **14. Cable & conduit installation on or under bridges**

14.1 Are there any issues with allowing cable and conduit on bridges to be low-impact facilities?  
<response>

## **15. Volume restrictions on co-located facilities**

15.1 Are there any issues with removing volume limits for adding co-located facilities to existing facilities and public utility structures in commercial areas?  
Yes – you should not be allowing such large concentrated increases in EMR when many scientists are saying that the permissible levels are already unsafe.

15.2 Are there any issues with permitting new co-located facilities that are up to 50 per cent of the volume of the original facility or public utility structure in residential areas?  
Yes – again, you should not be allowing such large concentrated increases in EMR when many scientists are saying that the permissible levels are already unsafe.

15.3 Is another volume limit more appropriate in commercial or residential areas?  
<response>

15.4 Should alternative arrangements for co-located facilities be developed in the LIFD?  
<response>

## **16. Updates to environmental legislation references in the LIFD**

16.1 Are there any issues with the proposed updates?

<response>

16.2 Are there any further suggestions for updates to terms and references in the LIFD?

<response>

## **Proposed amendments to the Telecommunications Code of Practice 1997**

### **17. Clarify requirements for joint venture arrangements**

17.1 Are there any issues with making it clear in the Tel Code that only one carrier's signature is required on documents for facilities being installed as part of a carrier joint venture arrangement?

Yes – they should both legally sign the documents due to the potential legal issues regarding health effects from EMR. Notably Lloyd's of London and Swiss re now exclude coverage for RF/EMR claims.

### **18. LAAN objection periods**

18.1 Is it reasonable to end the objection period for low-impact facility activities and maintenance work according to when the notice was issued, rather than the date work is expected to commence?

<response>

18.2 Is 5 business days from the receipt of a notice a sufficient time period for land owners and occupiers to object to carrier activities where carriers have given more than 10 days' notice about planned activities?

<response>

### **19. Allow carriers to refer land owner and occupier objections to the TIO**

19.1 Are there any issues with allowing carriers to refer objections to the TIO before land owners and occupiers have requested them to?

<response>

### **20. Updates to references in the Tel Code**

20.1 Are there any issues with the proposed changes?

<response>

20.2 Are there any further suggestions for updates to the Tel Code?

<response>

## **Possible amendments to the *Telecommunications Act 1997***

### **21. Allowing some types of poles to be low-impact facilities**

21.1 Is it reasonable for poles in rural areas for telecommunications and electricity cabling for telecommunications networks to be low-impact facilities?

<response>

21.2 Should low-impact facility poles be allowed in other areas, or be restricted to rural areas?

Low – impact facility poles should not be allowed in residential areas. As discussed there are serious concerns about RF EMR.

21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?  
<response>

21.4 Would the existing notification and objection processes for land owners and occupiers in the Tel Code be sufficient, or should there be additional consultation requirements?  
<response>

## **22. Portable temporary communications facilities**

22.1 - Are there any issues with making portable temporary communications equipment exempt from state and territory planning approvals under certain conditions?  
<response>

22.2 - Are there any suggestions for appropriate conditions for the installation of COWs and SatCOWs, such as circumstances in which they can be used and timeframes for their removal?  
<response>

22.3 - Should the Act be amended to remove any doubt that MEOWs can be installed using the maintenance powers or another power under Schedule 3 of the Act?  
<response>

22.4 - Are there any suggestions for appropriate conditions for the installation of MEOWs if the maintenance powers are amended?  
<response>

## **23. Replacement mobile towers**

23.1 Is the proposal reasonable?

No – there should be proper community consultation as to the location of RF EMR emitting infrastructure.

23.2 Is 20 metres a suitable distance restriction for replacement towers?  
<response>

23.3 Is 12 weeks a reasonable maximum time period for installation of replacement towers?  
<response>

## **24. Tower height extensions**

24.1 Are one-off 10 metre tower height extensions suitable in commercial, industrial and rural areas, or only some of these areas? If they are only suitable in some areas, which are they and why?

No – extensions should go through local planning processes to ensure that communities approve of the tower height.

Thank you for the opportunity to make a submission.