

1 November 2019

Committee Secretariat  
Inquiry into 5G in Australia  
House of Representatives – Standing Committee on Communications and the Arts  
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Dear Committee Secretariat

### **Inquiry into 5G in Australia**

Thank you for the opportunity to comment on the Committee's Inquiry into 5G in Australia.

The Telecommunications Industry Ombudsman (TIO) responds to disputes between telecommunications providers and their customers. We currently receive a range of complaints about 5G, which is still a recent development within the telecommunications landscape. The data we collect as part of our complaint handling role allows us to provide insights into the matters we receive about 5G.

The matters we receive about 5G fit within three broad categories. While we can consider some of these complaints, others fall outside the scope of our scheme's Terms of Reference. Details about the types of complaints we see are set out below.

**1. *We receive complaints about products, services and equipment***

We receive complaints from consumers about equipment or services that are used, or can be used, on the 5G network.

While these complaints may include a 5G element, the primary issue is about a failure of the equipment or service rather than the network used by a consumer.

Where these complaints fall within our Terms of Reference<sup>1</sup>, we will handle them in line with our standard complaint handling processes.

**2. *We receive Land Access objections about the installation of small cell infrastructure***

Using our Land Access powers<sup>2</sup>, we consider and resolve disputes between landowners and carriers about the carrier's plans to install 5G small cell infrastructure on the landowner's premises.

We handle these matters outside our standard complaint handling processes. The Telecommunications Code of Practice<sup>3</sup> sets out rules for landowners and carriers, including the

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<sup>1</sup> The Telecommunications Industry Ombudsman Terms of Reference (version published 25 October 2017) available at <https://www.tio.com.au/sites/default/files/2019-05/TELECOMMUNICATIONS-INDUSTRY-OMBUDSMAN-TERMS-OF-FINAL-OCTOBER-2017.pdf> (at clause 2.7)

<sup>2</sup> Telecommunications Act 1997, Schedule 3, available at <https://www.legislation.gov.au/Series/C2004A05145>

<sup>3</sup> Telecommunications Code of Practice 2018, Division 4 – Objection made to carrier, available at <https://www.legislation.gov.au/Details/F2018L00171>

different reasons a landowner may object to a planned installation and relevant timeframes for objecting. Landowners must comply with these rules when objecting to a proposed installation.

During financial year 2019, in the early stages of the 5G rollout, we received a low number of Land Access objections to the installation of 5G small cells.

So far in financial year 2020, we have again received a low number of objections.

In its report *EMF explained*<sup>4</sup>, the Australian Mobile Telecommunications Association states that localised coverage from a 5G small cell may cover a distance as short as 10 metres, which means the rollout will require installation of a high number of small cells. Within the existing rules for low impact facilities<sup>5</sup>, landowners are not able to object to the installation of a small cell at their premises, irrespective of how many existing cells are installed there.

It would be useful to have clarity around the number of small cells the Committee considers reasonable to have installed at one location.

### 3. *We receive complaints about electro-magnetic energy (EME)*

During financial year 2019, 45 consumers complained to us about EME exposure from the 5G network. This financial year, 32 consumers have contacted us about this issue.

Generally, consumers tell us that the rollout will detrimentally impact the health of people, animals and the environment. Some consumers have told us that the rollout should cease while others have asked for it to be paused until rigorous safety testing is completed.

As our Terms of Reference does not cover complaints about health concerns, we register these matters as Enquiries and refer consumers to the Australian Communications and Media Authority (ACMA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for further information.

If a consumer complains about EME alongside an issue we can consider, we will refer the consumer to the ACMA or ARPANSA to discuss their concerns about EME and handle the issue we can consider in line with our standard processes.

We will continue to monitor the complaints we receive about 5G and any emerging systemic issues.

We hope the information we have provided in this letter assists the Committee. We look forward to the findings of this Inquiry and trust it will provide further clarity to support the work we do for consumers and providers.

Yours sincerely,



Belinda Taneski

**Assistant Ombudsman  
Improvement, Policy & Reporting**

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<sup>4</sup> *5G and EMF explained*, an information series developed by the Australian Mobile Telecommunications Association available at <https://amta.org.au/what-is-5g/> (at page 7)

<sup>5</sup> Telecommunications Industry Ombudsman Guidelines on the Installation and Maintenance of Low-Impact Facilities published 22 June 2018, available at <https://www.tio.com.au/sites/default/files/2019-05/Land-Access-Guidelines-2018-Revision.pdf> (see section 4.6)