

Our mission is to ensure the environment & communities are safe from harmful electro-magnetic radiation.



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11 April 2019

The New South Wales, Department of Education and Training.
Via, Principal Linda Trigg
Byron Bay Public School
Byron Bay, NSW, 2481
Via e-mail (printed copy to follow): byronbay-p.school@det.nsw.edu.au

Legal Notice of Request

Dear Ms Trigg,

As Chairman of ECSFR, I am responding to your notice to parents and guardians dated 3 April 2019 on behalf of concerned parents and members of the community.

ECSFR (www.ecsfr.com.au) is a community organisation, based in the Byron Shire, with an international network of Medical Doctors, Scientists, Engineers, Barristers and lawyers along with access to 10s of thousands of peer reviewed scientific papers (e.g. www.orsaa.org) demonstrating overwhelming evidence of harm to life from microwave electromagnetic radiation (e.g. Wi-Fi). Our Mission and objectives are clearly stated on our web site.

This letter serves to formally place on notice, yourself and the Department of Education of several matters pertaining to the present official position of the Department as stated in your letter of 3 April.

We respectfully request that the Department carefully consider these matters for not just the 700 school children at Byron Bay, but all children and staff at all schools in New South Wales. To this end, within 14 days, we require a written response on the Department's course of action in addressing the matters raised below and what the Department will do (e.g. Policy) to protect the health of children and staff, and particularly those who are sensitive to Microwave Radiation.

1. **A legal obligation not to discriminate against a child's right to education.** Is it Department Policy to prevent a child from attending school due to a disability caused by the school environment? We suggest the Department seek legal advice on the following:
 - [General Comment No. 2 \(2014\) Article 9: Accessibility](#)
 - [Disability Discrimination Act](#)
 - [Disability Standards for Education](#)

Further, there is a precedent in Australia for you to consider:

<https://www.emfacts.com/2015/11/parents-success-in-stopping-wifi-installation-at-australian-school-2/>

2. **Your legal obligation to mitigate OH&S risks to staff and children.** Teaching staff and parents/guardians are not informed of the risks of microwave radiation to occupational health and

safety¹ and nor are reasonable measures taken to mitigate those risks, thereby exposing the staff and students to potential harm without consent. There is legal precedent in Australia of workers compensation in relation to pain from Wi-Fi in the McDonald vs Comcare case². The expert medical witness in that case, Dr Cooper, is one of many medical advisers to ECSFR. He speaks to the harm from EMR to children on our web site³.

3. A duty of care is owed to the teaching staff and children.

- a. ARPANSA inform the public in writing in disclaimers⁴ and the forward of the Standard⁵ and information sheets⁶, that the advice of ARPANSA is not to be relied upon, but that one must conduct their own research and seek their own professional advice. We assert that the Department and the Principle have NOT realised a duty of care by ignoring that advice? The present modus operandi appears to be to interpret formal advice from ARPANSA craftily avoiding the key question: "Is Wi-Fi (or microwave radiation in general) likely to cause harm to children and workers?"
- b. The attached paper, by Professor Tom Butler, "*On the clear evidence of the risks to children from smartphone and wifi frequency radiation*", clearly demonstrates the pathways to harm, provides further evidence of harm, and also calls out the industry for knowing of the harm in that Lloyd Insurance see the harm as 'inevitable' and industry advise shareholders that should the risk be realised and they be litigated against, the risk is a material one. This is real. The evidence of harm is so overwhelming, that for an 'expert' (e.g. ARPANSA) to claim or suggest otherwise is arguably criminally negligent.

4. The deception of ARPANSA's 'Standard' as related to non-ionising radiation.

- a. Firstly, I believe it is a generally held view of most professionals that ARPANSA does a remarkable job of protecting people in relation to ionising radiation, and wish to make it clear that ionising radiation is not the issue here.
- b. The ARPANSA "Radiation Protection Standard" of 2002 is an Australian Standard in name only, its management and creation does NOT follow the informed process used to develop Australian Standards. The Standard does not follow the international principles of: "Openness

¹ https://wearetheevidence.org/french-court-recognized-electromagnetic-sensitivity-as-an-occupational-disease/?fbclid=IwAR0ydkTkCkSygoa48cgVgDXiZHNghLSv_H9E09EF9yj95q8iZkk5DVF0at8

² <https://rctlaw.com.au/legal-blog/2013/decision-recognises-possible-link-between-mobile-phones-and-office-equipment-and-injury>
<https://www.news.com.au/technology/csiro-scientist-dr-david-mcdonald-wins-compensation-for-wifi-pain/news-story/0a2abc1814dca200d9e54b05f810c8f5>

³ <http://ecsfr.com.au/dr-russel-cooper/>, or "The Real Asbestos" by Frontline Films on www.ecsfr.com.au

⁴ <https://www.arpansa.gov.au/about-us/disclaimer>

⁵ <https://www.arpansa.gov.au/regulation-and-licensing/regulatory-publications/radiation-protection-series/codes-and-standards/rps3>

⁶ <https://www.arpansa.gov.au/understanding-radiation/radiation-sources/more-radiation-sources/electromagnetic-hypersensitivity>

and transparency, Consensus and Balance of representation”⁷. Calling this document an “Australian Standard” is a deception. It is not an Australian Standard, but a Guideline as is further evidenced in the forward to the ‘Standard’⁸.

- c. Government policy is entirely based on radiation levels defined in the alleged Standard. ARPANSA reports of ‘safety’ are based on the premise that the levels in the Standard are safe for non-ionising⁹ radiation. The independent peer reviewed scientific literature, and indeed a professional analysis of ARPANSA’s own research¹⁰, demonstrates that these levels are NOT SAFE to life, and that some people are more sensitive to EMR than others at different levels...a condition recognised (not by ARPANSA) as Electro-Hypersensitivity (EHS). Before ARPANSA try another tactic - convincing you EHS is a psychological condition, know that there are biological markers that demonstrate the body’s adverse reaction to EMR; a physiological condition.
- d. The ARPANSA statement in your letter that, radiation levels children are exposed to in school is similar to “radio and TV broadcasts and mobile phone base stations”, is deeply concerning on four counts:
 - i. ARPANSA acknowledge that children are exposed to multiple sources of EMR while at school (the cumulative effect).
 - ii. Your attention is brought to a paper by Telstra’s former Chief Medical Officer (Dr Hocking) finding cancer clusters in children around communications towers¹¹. ARPANSA’s comparison of Wi-Fi to these towers is duly noted.
 - iii. The NSW Department of Education has a precautionary policy that cell towers be located 500m from a school. But the same level of radiation from a wi-fi device in a classroom only meters from a child is OK? We note that the Telco Industry are presently lobbying the NSW Dept of Education to abandon your precautionary policy¹². The article makes it clear that many communities in NSW object to cell towers near schools and the industry seeks the help of the Department to further suppress the voice of community.
 - iv. The fact that the radiation levels from wi-fi in class are of similar levels to other radiation sources does not make the classroom safe, as is seemingly implied.
- e. The study referenced in your letter¹³ states: “For the majority of schools (20) the measurements were conducted in an empty classroom”. Presumably ignoring the cumulative effect of all the wi-fi enabled laptops and other devices being on and communicating (not to mention cell phones). It seems therefore, that like countless industry / government studies, they are designed so as to not reflect reality. The measurements are also for a snapshot in time, not the 6hrs or so a day every day children are exposed. Regardless, it is the ‘safe’

⁷ <https://www.standards.org.au/standards-development/developing-standards>

⁸ <https://www.arpansa.gov.au/regulation-and-licensing/regulatory-publications/radiation-protection-series/codes-and-standards/rps3>

⁹ That is, microwave radiation as used in Wi-Fi, Cell Phones, Cordless Phones and so on.

¹⁰ http://ecsfr.com.au/wp-content/uploads/2018/08/Slideshow_Vics_Presentation_4_Aug_2018_Final.pdf (slide 18).

¹¹ Hocking B, Gordon IR, Grain HL, Hatfield GE. Cancer incidence and mortality and proximity to TV towers. Medical Journal of Australia, 165(11-12):601-5 (1996).

¹² <http://www.amta.org.au/articles/amta/MCF.Calls.on.NSW.Education.Department.to.Drop.Buffer.Zone.Policy>

¹³ <https://academic.oup.com/rpd/article/175/4/432/2883282>

levels in the 'ARPANSA guideline' that are the key point of debate in establishing harm, not the percentage.

- f. The attached UN document (4 pages only), officially tabled at the recent (2019) meeting of the Human Rights Council as Agenda Item 3, perhaps offers some insight as to why the confusion? This United Nations Human Rights Council tabled document identifies the deception, the regulatory capture and the harm to children and health and environment of microwave radiation. It finds similarity to the Tobacco and Asbestos cover up and further calls out multiple violations of human rights. This document may help the reader with overcoming cognitive dissonance.
5. **Environmental laws require the precautionary principle be applied where reasonable doubt exists as to the safety of a pollutant¹⁴.** As Barrister Raymond Broomhall pointed out to the Byron Shire Council in the matter of Telstra versus the Wilson's Creek Community¹⁵, humans are a part of the environment and therefore the precautionary principle must be applied.

Note: The Governments of France, Israel and others are removing (or have removed) wi-fi from schools. Also the Italian courts have ordered the government to warn its population of the dangers of EMR (to commence this year) and there are countless other legal precedents mounting in Australia and the world over, that some find convenient to ignore.¹⁶

6. **Criminal law makes individuals personally liable for assault or being a party to assault, and that legislation provides for assault with a pollutant.** Electromagnetic radiation (EMR or EME) is a pollutant and Class 2B potential Carcinogen (along with DDT and lead) as classified by the World Health Organisation. The act of assault or reasonable fear of assault is sufficient to constitute criminal assault. You and the Department have been placed on notice by a parent that a child is being harmed and/or afraid of harm by wi-fi in the school. This warning is based on medical evidence and is not open for debate. In fact ARPANSA advise persons to seek such medical or independent advice and to not rely on the advice of ARPANSA. The parent has followed the directive of ARPANSA¹⁷. Having been warned, if the Department's official position is to continue to ignore that warning and place the child in harm, it is suggested that persons involved in maintaining that policy seek legal advice on the implications of forming an enterprise that one might allege is a party to the assault of a child, with prior knowledge.

We have no doubt that you and the Department of Education will agree that to harm children (or staff) for profit or because it is difficult or expensive to do otherwise is wrong. It is alleged that the Department of Education is being misled into placing the nation's children and teachers at risk of harm by their reliance on ARPANSA.

We fully understand that staff, as a condition of employment, must comply with department policy. Policy is set by the minister's office, and that office is advised by institutions generally accepted as experts. It is clear, therefore, and important that all parents, guardians and the community who are reading this

¹⁴ www.orsaa.org

¹⁵ <http://ecsfr.com.au/wilsons-crk-tower/>

¹⁶ <http://www.assemblee-nationale.fr/14/propositions/pion2065.asp>, <http://www.emfsa.co.za/ehs/court-ordered-to-turn-off-wi-fi-at-a-school-in-florence/>, <https://microwavenews.com/short-takes-archive/italian-decision-precaution>, and many other legal precedents internationally:
http://www.electrosensitivity.co/legal.html?fbclid=IwAR26cV7g80fToszptSsQp-PB-mcX7BI_N5DKgtmbB6QLxU0Vu0R6Bdn4BFA

¹⁷ We further understand that the parent will be following up their verbal advice with a written warning notice and a copy of a medical report.

letter, understand that there is nothing malicious or intentional in your actions or the actions of the Department or Minister, to date. This advice seeks to educate the Department of Education, not to criticise or defame any individuals for simply doing their job and following Department policy based on the advice of ARPANSA.

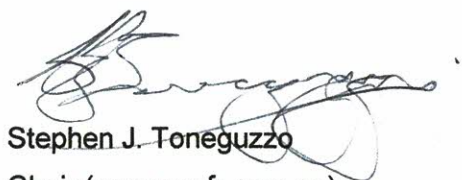
However, **the Department is now informed**, and as such, it would be prudent to seek your own independent expert advice external to ARPANSA, as have we. This advice would come from experts in the fields of: Medicine, Biological Science, Law and OH&S and liability Insurance at least.

Please be advised that ECSFR and its international network, intend supporting the parents of Byron Bay Public School (indeed all parents of children in all schools) in ensuring their children are not intentionally harmed by the school environment and that those that are more sensitive to EMR have an equal right to education.

In conclusion, we anticipate a written response on the Department's course of action in addressing the matters raised below and what the Department will do (e.g. Policy) to protect the health of children and staff, and particularly those who are sensitive to microwave radiation. This may at least take the form of:

- a. Educating principles, parents, children and staff on the probable harm from microwave radiation, and how to minimise exposure at home and in the workplace.
- b. Ensure the school's liability and workers compensation insurance covers progressive diseases and immediate harm as may be caused by exposure to microwave radiation.
- c. Removing wi-fi and hard-wiring computers from schools.
- d. Banning wi-fi, 3G-5G enabled devices, Bluetooth, cell reception and all other sources of microwave radiation from within the school premises.
- e. Maintaining the Department policy to not have a microwave tower in close proximity to a school, but at a safe distance as defined by medical and other independent experts.

Yours sincerely,



Stephen J. Toneguzzo

Chair (www.ecsfr.com.au)

(B.E.Eng., Grad.Dip.Comp.Sc., M.Eng.Sc., CPEng., Fellow IEAUST., NER, APEC, IntPE(Aus)).

Cc (Via email with attachments, and cover letter via regular mail, less attachments):

Mr Mark Scott, secretary@det.nsw.edu.au,

105 Phillip St, Paramatta NSW 2150

Sarah Mitchell, NSW Minister of Education (no e-mail contact available on parliament site),

Brad Hazzard, NSW Minister for Health, wakehurst@parliament.nsw.gov.au

GPO Box 5341, Sydney, NSW 2001

Tamara Smith, Member for Ballina ballina@parliament.nsw.gov.au

Shop 1, 7 Moon St Ballina, NSW 2478 phone 02 6686 7522.

Byron Shire Council, Deputy Mayor, Cr Michael Lyon michael.lyon@cr.byron.nsw.gov.au

Byron Shire Council, BOX 219, Mullumbimby NSW 2482

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P (02) 9217 2100 F (02) 9217 2470

The Byron Shire Community (via mailing lists and social media).