

This is a formal legal notice and warning to landowners that have been approached by the NBN to site a tower whose emissions will immediately or in the future give rise to a risk of litigation from members of the Witta community, who may reference this notice and other documented evidence of biological harm including the World Health Organization's classification of the radiofrequency electromagnetic fields as a Group 2B carcinogen. See additional evidence on web site www.nbntowers.com

This notice also warns landowners that in order to be fully compliant with the contractual requirements of a public liability insurance that a full disclosure is a requirement to ensure that the conditions of the underwriting will cover the risk of community based litigation at any point in the future and if so, to ensure that the cost of insurance will not actually exceed the revenue received from the NBN for hosting the tower and all its additional equipment over the projected 20 years of use.

Notice served upon: _____

Of [address]: _____

On [date]: _____

By: _____

On behalf of: a group of residents from Witta, Queensland 4552. This notice relates to the known financial and insurance risks associated with the microwave and radio wave emissions upon vulnerable members of the community and in particular your infants and children.

This group is serving notice upon yourself, as the property owner herein, and any other parties pertaining to the land title deed and any business or financial interests associated with the named property because the NBN have notified the Witta community that they are seeking binding contracts with landowners, such as yourself, to site a communications tower.

For your information a legal notice is commonly understood to be a notification or warning that is delivered in a written format or through a formal announcement. An individual or party is considered liable if the party (1) has knowledge of the notice, (2) received the notice, (3) knows of it through experience, (4) has knowledge with regards to an associated fact and (5) could have gained knowledge had an enquiry been undertaken.

This notice is based upon a substantial amount of discovery of other communities from their experience of the NBN; from accessing over 300 formal research papers or clinical reports; and from the admissions at the briefing meeting in Maleny from both the representatives of the NBN and our elected MP Mal Brough. The evidence of findings and facts were legally served on the these parties and a justice of the peace has signed and stamped evidence of the serving so that it forms a public record that the parties have full knowledge of the evidence of harm. Copies of evidence and notices are freely available on www.nbntowers.com

This notice now brings to your attention the following evidence of potential clinical harm and facts including issues of insurance and risk to yourself, the property and any other party with a financial interest in the property.

1. The NBN contracts to date require a landowner must have public liability of \$10m per claim for effects of all stated and future communications equipment installed and that the public liability insurance must cover the landlord with respect to "all the activities contemplated", such as subleasing the tower to third parties. It should be noted that these activities and services need not necessarily be stated in the contract but are likely to include the next high power mobile phone emission, WiFi and other microwave systems for new smart meters and other devices in the home and television via broadband. Insurance companies should be advised that the total increase in ambient radiation is dramatically affected by the inclusion of each household and each appliance which emits non-ionising radiation which is associated with biological changes leading to increased health risks.

2. Senator Ludlam: questions the Minister representing the Minister for Health, upon notice, on 12 June 2012: Given that on 31 May 2011 the World Health Organization's (WHO) International Agency for Research on Cancer classified radiofrequency electromagnetic fields as a Group 2B carcinogen, and the inability of the Australian telecommunication industry to obtain public liability insurance for potential health effects of electromagnetic radiation (EMR), what financial provision is the Australian Government making to cover future public liability claims and health costs for Australians for illnesses caused by EMR

3. Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question: In Australia, although there are no precautionary limits per se, the ARPANSA exposure standard requires a minimisation of public radiofrequency fields exposure "...which is unnecessary or incidental to achievement of service objectives or process requirements, provided this can be readily achieved at reasonable expense.

4. Whilst the NBN make public liability requirements of the landowner in the contract to cover its own subcontractors it makes no mention of the liabilities to the broader community with regard to the landlord's stated obligation in the contract regarding the use of the tower. The NBN justified this stance at the Maleny meeting by declaring that adherence to the technical standard was sufficient to mitigate the risk of harm. When challenged by a local resident who cited the evidence provided by the World Health Organization of the known risk and the classification 2B carcinogen the NBN stated that they had not factored this evidence into its own risk assessment because it regarded the WHO as a non-credible health organisation.

5. Whilst the NBN are entitled to take this stance, despite being served evidence contrary to their stated opinion, it does not negate the need for any landowner to disclose all known risks to their current or potential insurance company including the evidence cited in this notice and all the relevant evidence publically displayed on www.nbn.towers.com During the NBN Maleny meeting MP Mal Brough agreed that any prospective landowner should and must contact their insurance company to establish if they can get public liability insurance. Following receipt of this notice we bring to your attention that full disclosure pertaining to all the identified risks is required to meet the insurance contractual requirements. Your insurance company or broker will be in a position to advise on the financial implications of non disclosure.

6 It is uncertain what the potential cost of any litigation from members of the community or local business might be which may explain why the Federal Government mentioned that even the telecommunication industry players have experienced difficulty in obtaining public liability that covers this known risk. To assist landowners and their respective insurance companies we asked the NBN and MP Mal Brough at the Maleny meeting for some clarification. Based upon the fact that adherence to the standards does not guarantee that the potential health risk will not manifest in our young and that the NBN stated it would be unethical to undertake blind clinical studies on children to determine the exact risk we asked if the NBN and the government that Mal Brough represents would grant the community a ceiling to limit any potential damage by stating how many children would have to acquire a serious chronic disease, such as cancer, to trigger the tower to be closed down. Neither party were willing to respond to the notion that it would have to be at least one child and probably a cluster before probable cause could be established.

The Wiita group concluded that the risk of chronic disease, such as cancer, from long term exposure to the concentrated emissions of the proposed tower and its provision for additional microwave emissions was similar in nature to the situation where workers were legally exposed to the risk of harm from asbestos for over 20 years via compliance to industry standards, despite the available clinical evidence of harm. It was observed that those charged with responsibility to protect workers defended their position stating that they were unaware of the clinical evidence but had they known they would not have subjected workers to the known risk of harm.

Our logic was that whilst we may not be able to stop the tower we could lay down the evidence on public record so that any litigation in the future, even retrospective claims could demonstrate that the named parties did not act in ignorance to the known risks.

Signed
Print Name
email