

Formal legal notice of intent

To:

Date:

This document constitutes a formal notice of intent to hold the named parties responsible and accountable for any harm to any individual or their offspring, in any community, at any point in the future, where the cause can be attributed directly or indirectly to the installation and use of the NBN Towers that use microwave, WiFi or any future wireless infrastructure.

This notice also has the intent to hold the named parties and their respective organizations responsible and accountable for any type of non compliance of any procedure, any misrepresentation of fact or information, or if any party denies the existence of any evidence they possess or are aware of that pertains to harm from the radiation or radiowaves that are associated with the NBN towers, in particular to the known impact of concentrated use of WiFi in schools pertaining to the known risk to health in growing children and embryos.

This notice also draws attention to the named parties that both the World Health Organization and the industry standards organization (ARPANSA) who the NBN and Minister Turnbull rely upon for matters pertaining to the safety of the community where these groups recognize the existence of the clinical harm from the stated frequencies associated with the NBN Towers. As a consequence they use and recommend a precautionary approach until the recommended meaningful and relevant scientific studies are carried out to determine the level of harm and adjust the standards accordingly.

The evidence of this is contained in the documentation of this notice as is the evidence that the NBN and its contractors, and even Minister Turnbull are either unaware or have willfully ignored the available evidence (as has been alleged by some community members).

This notice is intended to draw sufficient evidence to the NBN, its contractors, and their sub-contractors, and the NBN policy makers that they too should adopt a precautionary approach as well as desisting from making statements that no evidence of clinical harm exists. For example, the following statement was made on behalf of the NBN, in writing, to communities which contradicts evidence from the WHO and other scientific papers attached: *We highlight that the exclusion zones noted in these plans have no impact on general public health and safety. (VisionStream)*

The only conclusion that the named parties to this notice can make is that a precautionary approach that would achieve the required risk mitigation pertaining to our children in this community would necessitate the use of the existing fibre optic, copper and exchange in our community to meet the stated outcome of the NBN. This would also be in accordance with the promises made at the recent election and, in particular, by the Minister Turnbull and our local MP Mal Brough.

This notice provides an indisputable fact that the evidence contained within the attachment or by URL links and referenced herein has been presented in a manner that should any community or injured party in the future take action then deniability of such knowledge of harm will be difficult to prove. We also believe that the notice will be of assistance to any named party to assess levels of public liability insurance required should any harm occur to any child or their future offspring.

The notice has been served on the named parties by the residents (details below) of the [named community] and it is probable that future notices will be served on the same parties in the short and medium term as more evidence of risk and/or harm occurring in the [named community] population becomes known or is discovered. Additional notices from other individuals and/or groups is also likely to occur as the risk implications become known and these notices will be available to any other community or injured party.

Names of people serving the notice:

Rationale of notice

This notice provides sufficient evidence of correlative harm associated with the particular range of non-ionising radiation frequencies to be utilised. You will see in the evidence that this ranges from the lowering of sperm count to a wide range of conditions, including cancer.

To assist the named parties within this notice to better understand the implications of introducing a background level of radiation operating 24 hours by 7 days a week into our environment we have supplied you with evidence that illustrates how this impacts schools. We also provide evidence of how institutions and many governments around the world, after having conducted a genuine risk assessment, have introduced measures to ban wireless systems in favour of cable.

We also draw attention that the Liberal Party and local Members promised the [named community] exactly this safer option in the form of fibre optics to the local exchange or node and then to utilise the existing copper wire phone lines to distribute. In the [named community] we already have that configuration which supplies broadband at a higher speed than the NBN can guarantee via the tower. This is mentioned because any party who in the future faces litigation will have to justify why the safer and probably less expensive option was overlooked for a high impact and high risk option.

We have also provided evidence that the standards set by industry and used by governments for their own requirements are inadequate from the perspective of ensuring that children and our vulnerable members of the community are protected from radiation harm. For example, the hypothesis employed for exposure guidelines that non-ionizing radiation within the electromagnetic spectrum that covers power frequencies, microwaves and radio frequencies is harmless if it lacks thermal or ionizing effects is now outdated as studies are producing evidence of biological responses which cause harm, including carcinogenic potential, as stated by the WHO. It is generally agreed that further research is needed to determine the long-term effects of continual exposure at these radiation levels and their possible relevance to health and to identify gaps in our current knowledge. This becomes more crucial as evidence mounts to the carcinogenic potential of radiation exposure.

We intend to provide additional notices as more evidence of risk becomes available so that you can factor the cost of risk mitigation into your business planning, should the NBN refuse to provide planning authorities with the detailed information pertaining to the increased levels of radiation for the affected homes. This would have to include the variable levels of radiation from the tower itself at today's configuration as well as the additional radiation emitting equipment as cited in the NBN contract to landowners; also the combined levels of radiation from each home towards the tower and its impact upon the total amount of radiation for those houses close to the tower who receive the combined amounts.

Following extensive research and input from many experts we would respectfully and highly recommend that before granting any permission you assess the total impact of the ongoing stated risks to the named parties should they not take a precautionary approach and simply rely upon assurance from the NBN parties. In particular, if the claim that the current industry safety standards are based upon sufficient scientific evidence that no harm can occur to young children is used in any way by the named parties to grant permission or, as the evidence illustrates, if unsubstantiated or false claims of the community's support are used by the council without undertaking the high level of due diligence that should be relied upon or where it can be shown that these false claims may have influenced the planning process, then the risk of liabilities should be fully explored.

Nature of this notice

The nature of this notice is to inform all parties associated with the strategy, planning, construction and operations and, in particular, with the hosting of the NBN tower that evidence exists of:

- A. Harm to human tissue, in particular to growing children and embryos;
- B. Sufficient associated clinical adverse conditions to require any reasonable or responsible person or organisation to use a precautionary principle when factoring in each identified risk; and
- C. That due process and the required level of due diligence has not been undertaken by other councilors with respect to the planning procedure of NBN Towers and that some critical information relied upon by said councils from the NBN and its agents or contractors was misleading or absent.

The primary intention of the notice is to make each named party fully aware of the risks that they may face of any future litigation from members of our [named community] or any other community affected by the introduction of levels of radiation into their communities and homes. In particular, as a consequence of any action by the parties

named in the notices relating to the granting of permissions with regard to the use of land pertaining to the NBN Towers.

This notice effectively challenges any named party's capacity to defend their actions or non action in the future by citing the notion that they were ignorant of the evidence of risk and harm either within, attached or referenced by this notice.

We strongly recommend that the [named council] engage independent experts for community consultation and for assessing the evidence of risk to human tissue from the type of radiation associated with the current and future use of the tower.

Evidence of previous non-compliance or indications of negligence by the Council or dereliction of duty by staff

This notice provides sufficient referenced evidence of serious non compliance with planning procedures relating to the NBN and that a dereliction of duty with regard to accepting upon face value claims by the NBN and its commercial contractors rather than performing the process with the correct levels of due diligence.

This evidence constitutes a risk for the [named council] if it ignores the said evidence and refrains from instigating rigorous scrutiny of any claim. In particular, to any claim that the tower cannot and will not cause any harm or that the community favours the siting of a tower.

Please consider the following examples of evidence referenced and provided as attachments. We request that you record all actions relating to its assessment as we will be demanding full disclosure at some point in the future.

- A. Letter from NSW Government Planning and Infrastructure confirming the legal opinion that the NBN Tower in Woombah was non compliant and requested that the local council fully consider the matter. It now appears that this did not occur.
- B. Letter from EDO containing formal legal opinion
- C. Letter from National Party candidate contradicting the advice given by the NBN and accepted by the council that the community supported the tower
- D. Letter from the NBN giving assurances that no evidence exists of any harm. This is not true as the evidence in this notice illustrates that many parties, including the World Health Organization, conclude that sufficient evidence of harm from studies exists to constitute the requirement of a new scientific study to provide the required scientific proof. They also direct that in the meantime a precautionary approach should be taken. For all parties, including council, to be compliant with this direction then it would have to use the existing fibre optic and copper infrastructure until the study is completed.
- E. Fact sheet from ARPANSA, whom the NBN reference, where the recognised safety standards endorse a precautionary approach of which the NBN is non compliant.
- F. White paper on the beneficial and adverse effects of electromagnetic fields for your expert to advise you upon
- G. Text of the findings of a recent court case where McDonald sued a party on the evidence of harm
- H. Letter from Minister Turnbull where he claims that the standards are set well below the level at which adverse health effects are known to occur which is at odds with both the WHO and the standards bodies themselves who acknowledge that sufficient scientific evidence of harm exists to warrant a full study and that until this is done a precautionary approach should be taken.
- I. Letter from Janelle Saffin MP confirming NBN refusal to answer questions or provide information and request to the NBN to halt all work until they have delivered sufficient information to support their claims of harm to the community plus a complaint of pro forma style community relations.
- J. NBN admitting wrong information given to community resulting in lack of attendance
- K. NBN claim of overwhelming community support which council accepted on face value despite evidence from community and its political representatives that the statement was untrue and unsubstantiated.
- L. NBN letter claiming full planning compliance despite legal opinion and the advice of the NSW government.
- M. Australian Radiation Protection and Nuclear Safety Agency making claims that the WHO supports their view that insufficient evidence exists of harm to people, including children, from current exposure limits which is misleading due to the evidence of WHO who say that sufficient evidence does exist to warrant a scientific study and that a precautionary approach should be adopted until such time that the standards bodies comply with this request to initiate thorough scientific examination.

Evidence of harm

For health related damages relating to the total microwave radiation generated between the various towers themselves, plus the WiFi radiation from each tower to each home and then the additional radiation from each of the 400 homes back to the tower which will for some dwellings dramatically increase the exposure and dosage.

Having undertaken a large volume of research and speaking with experts our group has formed the view that this notice provides sufficient evidence of correlative harm associated with the range of frequencies to be utilized, in particular of harm from non-ionising radiation. You will see in the evidence attached that this ranges from the lowering of sperm count, to a wide range of conditions, including cancer.

The attached 35 page report *Evidence for the Inadequacy of Standards; BioInitiative 2012* provides sufficient evidence to demonstrate that again a precautionary approach is required to match the evidence of risk and to ensure that no harm is done to our community.

We also draw attention to reports that the NBN contract appears by nature to be onerous and may attempt to switch some of the responsibilities and therefore the liabilities associated with the potential harm outlined in the evidence to the landowner.

It is our view that by providing this information within the context of a formal legal notice it will assist the landowner to acquire better specialist legal and insurance advice.

We also understand that should any litigation occur in the future then all parties would be bound to make available this and any other notes in response to any discovery. We are uncertain if this would also relate to any land and title discovery should the property be put on the market so we advise the landowner to seek legal advice as to their responsibilities.

Please find as part of the evidence the following attached documents:

1. World Health Organisation release 208. IARC Classifies radio frequency electromagnetic fields as possibly carcinogenic to humans
2. Bio-Initiative 2012 Section 4: Evidence of inadequacy of the standards
3. Safe Schools in 2012: Medical and scientific experts call for safe technologies in schools
4. Electromagnetic fields act via activation of voltage-gated calcium channels to produce beneficial or adverse effects
5. Reported biological effects from radio-frequency radiation at low-intensity exposure

We also wish to bring the named parties within this notice attention to the following information below as part of the evidence

6. A comparison of WiFi emissions to scientific research

The Parliamentary Assembly of the Council of Europe (PACE), meeting in Kyiv at Standing Committee level, today called on European governments to "take all reasonable measures" to reduce exposure to electromagnetic fields, especially to radio frequencies from mobile phones, "and particularly the exposure to children and young people who seem to be most at risk from head tumours".

According to parliamentarians, governments should "for children in general, and particularly in schools and classrooms, give preference to wired Internet connections, and strictly regulate the use of mobile phones by schoolchildren on school premises", and put in place information and awareness-raising campaigns on the risks of potentially harmful long-term biological effects on the environment and on human health, especially "targeting children, teenagers and young people of reproductive age".

Following the proposals of the rapporteur (Jean Huss, Luxembourg, SOC), the Assembly called on governments to provide information on potential health risks of DECT-type wireless telephones, baby monitors and other domestic appliances which emit continuous pulse waves, if all electrical equipment is left permanently on standby. They should, instead, recommend "the use of wired, fixed telephones at home or, failing that, models which do not permanently emit pulse waves".

Governments should “reconsider the scientific basis for the present electromagnetic fields exposure standards set by the International Commission on Non-Ionising Radiation Protection, “which have serious limitations” and apply as low as reasonably achievable (ALARA) principles.

The adopted resolution underlines the fact that “the precautionary principle should be applicable when scientific evaluation does not allow the risk to be determined with sufficient certainty” and stresses that “the issue of independence and credibility of scientific expertise is crucial” to achieve a transparent and balanced assessment of potential negative impacts on the environment and human health.

Papers finding adverse biological effects or damage to health from Wi-Fi signals, Wi-Fi-enabled devices or Wi-Fi frequencies (2.4 or 5 GHz).

Papers listed are only those where exposures were below 16V/m. Someone using a Wi-Fi-enabled tablet computer can be exposed to electromagnetic fields up to 16V/m. Papers are in alphabetical order.

Some of the references to peer reviewed studies relating to exposure to WiFi

- Atasoy H.I. et al., 2013. Immunohistopathologic demonstration of deleterious effects on growing rat testes of radiofrequency waves emitted from conventional Wi-Fi devices. *Journal of Pediatric Urology* 9(2): 223-229. <http://www.ncbi.nlm.nih.gov/pubmed/22465825>
- Avendaño C. et al., 2012. Use of laptop computers connected to internet through Wi-Fi decreases human sperm motility and increases sperm DNA fragmentation. *Fertility and Sterility* 97(1): 39-45. <http://www.ncbi.nlm.nih.gov/pubmed/22112647>
- Aynali G. et al., 2013. Modulation of wireless (2.45 GHz)-induced oxidative toxicity in laryngotracheal mucosa of rat by melatonin. *Eur Arch Otorhinolaryngol* 270(5): 1695-1700. <http://www.ncbi.nlm.nih.gov/pubmed/23479077>
- Dasdag S. et al., 2014. Effect of long-term exposure of 2.4 GHz radiofrequency radiation emitted from Wi-Fi equipment on testes functions. *Electromagn Biol Med*. Epub ahead of print. <http://www.ncbi.nlm.nih.gov/pubmed/24460421>
- Gumral N. et al., 2009. Effects of selenium and L-carnitine on oxidative stress in blood of rat induced by 2.45-GHz radiation from wireless devices. *Biol Trace Elem Res*. 132(1-3): 153-163. <http://www.ncbi.nlm.nih.gov/pubmed/19396408>
- Gürler H.S. et al, 2014. Increased DNA oxidation (8-OHdG) and protein oxidation (AOPP) by Low level electromagnetic field (2.45 GHz) in rat brain and protective effect of garlic. *Int. J. Radiat. Biol*. Epub ahead of print. <http://www.ncbi.nlm.nih.gov/pubmed/24844368>
- Havas M. et al., 2010. Provocation study using heart rate variability shows microwave radiation from 2.4GHz cordless phone affects autonomic nervous system. *European Journal of Oncology Library* Vol. 5: 273-300. <http://www.icems.eu/papers.htm?f=/c/a/2009/12/15/MNHJ1B49KH.DTL> part 2.
- Havas M. and Marrongelle J. 2013. Replication of heart rate variability provocation study with 2.45GHz cordless phone confirms original findings. *Electromagn Biol Med* 32(2): 253-266. <https://www.ncbi.nlm.nih.gov/pubmed/23675629>
- Maganioti A. E. et al., 2010. Wi-Fi electromagnetic fields exert gender related alterations on EEG. 6th International Workshop on Biological Effects of Electromagnetic fields. <http://www.istanbul.edu.tr/6internatwshopbioeffemf/cd/pdf/poster/WI-FI%20ELECTROMAGNETIC%20FIELDS%20EXERT%20GENDER.pdf>
- Margaritis L.H. et al., 2013. Drosophila oogenesis as a bio-marker responding to EMF sources. *Electromagn Biol Med*., Epub ahead of print. <http://www.ncbi.nlm.nih.gov/pubmed/23915130>
- Naziroğlu M. and Gumral 2009. Modulator effects of L-carnitine and selenium on wireless devices (2.45 GHz)-induced oxidative stress and electroencephalography records in brain of rat. *Int J Radiat Biol*. 85(8): 680-689. <http://www.ncbi.nlm.nih.gov/pubmed/19637079>

- Nazırođlu M. et al., 2012. 2.45-Gz wireless devices induce oxidative stress and proliferation through cytosolic Ca²⁺ influx in human leukemia cancer cells. *International Journal of Radiation Biology* 88(6): 449–456. <http://www.ncbi.nlm.nih.gov/pubmed/22489926>
- Nazırođlu M. et al., 2012b. Melatonin modulates wireless (2.45 GHz)-induced oxidative injury through TRPM2 and voltage gated Ca(2+) channels in brain and dorsal root ganglion in rat. *Physiol Behav.* 105(3): 683-92. <http://www.ncbi.nlm.nih.gov/pubmed/22019785>
- Ozorak A. et al., 2013. Wi-Fi (2.45 GHz)- and mobile phone (900 and 1800 MHz)- induced risks on oxidative stress and elements in kidney and testis of rats during pregnancy and the development of offspring. *Biol. Trace Elem. Res.* 156(103): 221-229. <http://www.ncbi.nlm.nih.gov/pubmed/24101576>
- Oksay T. et al., 2012. Protective effects of melatonin against oxidative injury in rat testis induced by wireless (2.45 GHz) devices. *Andrologia* doi: 10.1111/and.12044, Epub ahead of print. <http://www.ncbi.nlm.nih.gov/pubmed/23145464>
- Papageorgiou C. C. et al., 2011. Effects of Wi-Fi signals on the p300 component of event-related potentials during an auditory hayling task. *Journal of Integrative Neuroscience* 10(2): 189-202. <http://www.ncbi.nlm.nih.gov/pubmed/21714138>
- (Wi-Fi alters brain activity in young adults: <http://wifiinschools.org.uk/resources/wifi+brain+July+2011.pdf>)
- Salah M.B. et al., 2013. Effects of olive leave extract on metabolic disorders and oxidative stress induced by 2.45 GHz WIFI signals. *Environ Toxicol Pharmacol* 36(3): 826-834. <https://www.ncbi.nlm.nih.gov/pubmed/23994945>
- Sangun O. et al., 2014. The effects of long-term exposure to a 2450MHz electromagnetic field on growth and pubertal development in female Wistar rats. *Electromagn Biol Med.* Epub ahead of print. <https://www.ncbi.nlm.nih.gov/pubmed/24460416>
- Shahin S. et al., 2013. 2.45 GHz Microwave Irradiation-Induced Oxidative Stress Affects Implantation or Pregnancy in Mice, *Mus musculus*. *Appl Biochem Biotechnol* 169: 1727–1751. <http://www.ncbi.nlm.nih.gov/pubmed/23334843>
- Shahin S. et al., 2014. Microwave irradiation adversely affects reproductive function in male mouse, *Mus musculus*, by inducing oxidative and nitrosative stress. *Free Radic Res.* 48(5): 511-525. <https://www.ncbi.nlm.nih.gov/pubmed/24490664>
- Tök L. et al., 2014. Effects of melatonin on Wi-Fi-induced oxidative stress in lens of rats. *Indian Journal of Ophthalmology* 62(1): 12-15. <http://www.ncbi.nlm.nih.gov/pubmed/24492496>
- Türker Y. et al., 2011. Selenium and L-carnitine reduce oxidative stress in the heart of rat induced by 2.45-GHz radiation from wireless devices. *Biol Trace Elem Res.* 143(3): 1640-1650. <http://www.ncbi.nlm.nih.gov/pubmed/21360060>

A few more studies of similar microwave frequencies at low exposures (6V/m or below):

- Balmori A. 2010. Mobile phone mast effects on common frog (*Rana temporaria*) tadpoles: the city turned into a laboratory. *Electromagn. Biol. Med.* 29(1-2):31-35. <http://www.ncbi.nlm.nih.gov/pubmed/20560769>
- Erdinc O. O. et al., 2003. Electromagnetic waves of 900MHz in acute pentylenetetrazole model in ontogenesis in mice. *Neurol. Sci.* 24:111-116. <http://www.ncbi.nlm.nih.gov/pubmed/14600821>
- Fesenko E. E. et al., 1999. Stimulation of murine natural killer cells by weak electromagnetic waves in the centimeter range. *Biofizika* 44:737–741. <http://www.ncbi.nlm.nih.gov/pubmed/10544828>
- Fesenko E. E. et al., 1999. Microwaves and cellular immunity. I. Effect of whole body microwave irradiation on tumor necrosis factor production in mouse cells, *Bioelectrochem. Bioenerg.* 49:29–35. <http://www.ncbi.nlm.nih.gov/pubmed/10619445>

- Kesari K. K. and Behari J., 2009. Microwave exposure affecting reproductive system in male rats. *Appl. Biochem. Biotechnol.* 162(2):416-428. <http://www.ncbi.nlm.nih.gov/pubmed/19768389>
- Kesari K. K. and Behari J., 2009. Fifty-gigahertz microwave exposure effect of radiations on rat brain. *Appl. Biochem. Biotechnol.* 158:126-139. <http://www.ncbi.nlm.nih.gov/pubmed/19089649>
- Khurana V. G. et al., 2010. Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations. *Int. J. Occup. Environ. Health* 16:263–267. <http://www.ncbi.nlm.nih.gov/pubmed/20662418>
- Maier R. et al., 2004. Effects of pulsed electromagnetic fields on cognitive processes – a pilot study on pulsed field interference with cognitive regeneration. *Acta Neurologica Scandinavica* 110: 46-52. <http://www.ncbi.nlm.nih.gov/pubmed/15180806>
- Nittby H. et al., 2008. Cognitive impairment in rats after long-term exposure to GSM-900 mobile phone radiation. *Bioelectromagnetics* 29: 219-232. <http://www.ncbi.nlm.nih.gov/pubmed/18044737>
- Novoselova E. G. et al., 1998. Stimulation of production of tumor necrosis factor by murine macrophages when exposed in vivo and in vitro to weak electromagnetic waves in the centimeter range *Bofizika* 43:1132–1333.
- Novoselova E. G. et al., 1999. Microwaves and cellular immunity. II. Immunostimulating effects of microwaves and naturally occurring antioxidant nutrients. *Bioelectrochem. Bioenerg.* 49:37–41. <http://www.ncbi.nlm.nih.gov/pubmed/10619446>
- Otitolaju A. A. et al., 2010. Preliminary study on the induction of sperm head abnormalities in mice, *Mus musculus*, exposed to radiofrequency radiations from Global System for Mobile Communication Base Stations. *Bull. Environ. Contam. Toxicol.* 84(1):51-4. <http://www.ncbi.nlm.nih.gov/pubmed/19816647>
- Panagopoulos D. J. et al., 2010. Bioeffects of mobile telephony radiation in relation to its intensity or distance from the antenna. *Int. J. Radiat. Biol.* Vol 86(5):345-357. <http://www.ncbi.nlm.nih.gov/pubmed/20397839>
- Persson B. R. R. et al., 1997. Blood-brain barrier permeability in rats exposed to electromagnetic fields used in wireless communication. *Wireless Networks* 3: 455-461.
- Pyrpasopoulou A. et al., 2004. Bone morphogenic protein expression in newborn kidneys after prenatal exposure to radiofrequency radiation. *Bioelectromagnetics* 25:216-27. <http://www.ncbi.nlm.nih.gov/pubmed/15042631>
- Salford L. G. et al., 2010. Effects of microwave radiation upon the mammalian blood-brain barrier. *European Journal of Oncology Library* Vol. 5:333-355. <http://www.icems.eu/papers.htm?f=/c/a/2009/12/15/MNHJ1B49KH.DTL> part 2.
- Salford L. G., et al., 2003. Nerve cell damage in mammalian brain after exposure to microwaves from GSM mobile phones. *Environ. Health Perspect.* 111:881-883. <http://www.ncbi.nlm.nih.gov/pubmed/12782486>

Signed on behalf of