



STOP SMART METERS AUSTRALIA INC

Reg. No. A0059190N ABN 14 717 028 504

25 May 2015

Your ref: e3735868, e3748497

Amanda Cattermole
Deputy Secretary
Regulation, Health Protection & Emergency Management
50 Lonsdale Street
Melbourne VIC 3000

By email: depsec.rhpr@dhhs.vic.gov.au

Dear Ms Cattermole

Thank you for your reply of 12 May 2015 on behalf of the Minister.

Stop Smart Meters Australia (SSMA) is very concerned by the advice which you have received in respect to the scope of the *Public Health and Wellbeing Act 2008*. Your letter states that "radiofrequency matters are considered to be outside the scope of *the Public Health and Wellbeing Act 2008*, as the Commonwealth has specific legislation (the *Radiocommunications Act 1992*) with the ability to both make standards for health protection and ensure compliance with them." We believe that this is a serious misrepresentation of the situation.

In fact, the *Radiocommunications Act 1992* s 162 (1) (b) merely states that the ACMA (Australian Communications and Media Authority) **may** make standards for the maximum permitted level of radio emissions from devices. These standards, in regards to SSMA's advocacy concerns, are to consist "only of such requirements as are necessary or convenient" for protecting the health or safety of persons who are reasonably likely to be affected by the operation of radiocommunications transmitters or radiocommunications receivers.

As pointed out in our letter dated 22 February 2015 to the Minister for Energy and Resources (which was also copied to the Health Minister), the Chairman of the ACMA, Mr

Chris Chapman, confirmed the Act's intentions in a letter dated 1 October 2014 to SSMA, stating:

"I can confirm that the ACMA's role in relation to EME focuses **solely** on the operation and performance of radiocommunications transmitters. The ACMA does not have legislative responsibility for investigating the possible health effects of human exposure to EME and is not qualified to undertake such a role as it is not an expert body in health matters. The ACMA's role in the regulation of radiocommunications transmitters does not preclude other organisations from investigating health matters associated with exposure to EME."

Mr Chapman went on to make the ACMA's position abundantly clear, stating:

"The ACMA instruments regulate the technical performance and operation of equipment, **not** the use of equipment by consumers or other entities." This quite clearly refutes that the legislation enacted by the ACMA will take into account the full impact of wireless smart meters on the public health and wellbeing of Victorians. For instance, the ACMA's legislation makes no allowance for other sources of non-ionising radiation which the public may be *concurrently* exposed to, in addition to the ubiquitous pulsed radiation from wireless smart meters. The ACMA's standard only focuses on emission levels from individual items of equipment.

We also note that you have been advised that ARPANSA's standard, '*Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz*', contains exposure limits "designed to protect against all known adverse health effects". SSMA would like to point out that ARPANSA does **not** have the legislative authority to regulate this radiofrequency standard, instead commending its adoption by relevant Australian authorities and regulatory bodies.

Moreover, the ACMA has **not** adopted ARPANSA's standard in its entirety. This seriously compromises the integrity of the standard. It results in further dilution of what is already, in SSMA's opinion, a weak radiofrequency standard, in view of the fact that over 40% of the world has the benefit of significantly better protection. Patently, the Department of Health & Human Services has adopted a flawed position, in continuing to abrogate its own legislative responsibilities.

The ACMA has failed to incorporate the precautionary aspects of ARPANSA's standard within its own standard. The ACMA stated, in its response to comments received on the remaking of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard*, that "Referring to, or including, the entire ARPANSA Standard in the Human Exposure Standard is not appropriate. Many clauses, including those which apply to behavioural matters associated with EME exposure in a given situation, are not appropriate for inclusion in equipment supply arrangements" (ACMA 2014).

Critically, ARPANSA recognises that its standard does not imply legislative exclusivity. Indeed, the standard's foreword states that "It is recognised that the Standard does not operate in isolation from the legal framework within Australia. Relevant Australian occupational, health, safety, and environment laws provide obligation on employers, and the designers, manufacturers and suppliers of plant or equipment, to ensure that their activities, or their plant and equipment, do not represent a risk to the health and safety of their employees or third parties who maybe [sic] affected by them. In effect, such laws require relevant parties to continually assess and improve the safety and health impact of their activities."

SSMA would appreciate it if you would advise us on what legal basis the Department of Health & Human Services (DHHS) is able to ignore the legislative requirements of its own Act, in respect of the issues which we raised in our letter of 16 February 2015 to the Health Minister?

Specifically, we request that you refer us to the section within the *Public Health and Wellbeing Act 2008* (or other Act) which deems that adverse health effects, in consequence of exposure to radiofrequencies, lie outside of the *Public Health and Wellbeing Act 2008*.

Please note, in regards to your suggestion that SSMA passes on the information which we have collected from members of the public on alleged effects from smart meters to ARPANSA, that ARPANSA's register requires the person with the complaint to sign the lodgment form (which must be entered in a set format) in order to demonstrate that they understand the purpose for which the information has been collected and the conditions that surround its collection, retention and use. It therefore would be inappropriate for SSMA provide this information to ARPANSA. We do, however, provide a link to the lodgment form on our website.

In response to your further suggestion that we might wish to discuss the specific concerns raised in our letter regarding the perceived inadequacy of the standard with ARPANSA: SSMA office holders and members have, on numerous occasions and without success, detailed these concerns to ARPANSA. SSMA is also a member of the Electromagnetic Energy Reference Group (EMERG), whose role is to provide advice and input to the Chief Executive Officer of the ARPANSA on public health issues related to the use of the radiofrequency spectrum for communications.

SSMA wishes that the Minister's attention be directed to a Victorian Public Health Awareness information sheet on smart meters, such that she might better inform herself on the issues surrounding wireless smart meters. The flyer can be accessed via the following link: <https://stopsmartmetersau.files.wordpress.com/2015/05/public-health-awareness-about-smart-meters-vic.pdf> Please note that further supporting documentation can be accessed via the links on the flyer.

We would also appreciate it if you would bring the Minister's attention to an international appeal from scientists launched on 11 May 2015 addressed to the Secretary-General of the United Nations and the Director-General of the World Health Organization which calls for more protective exposure guidelines for electromagnetic fields (EMF) and wireless technology in the face of increasing evidence of risk. This appeal makes specific reference to smart meters and, importantly, evidences a growing alarm worldwide regarding EMF.

The appeal can be viewed via the following link:

<http://www.emfscientist.org/index.php/emf-scientist-appeal>

A press release on the appeal and a three minute video explaining the reasons for the appeal can be found here: <http://www.emfscientist.org/>

We look forward to the Minister's response, and to provision of the specific legislation which nullifies the requirements of the *Public Health and Wellbeing Act 2008*.

In addition, we are seeking permission to publish the Minister's reply on our website, www.stopsmartmeters.com.au, such that our 7,000 plus followers, in addition to our members, might better understand the Minister's position on this matter. Might it also be possible to publish your reply of 12 May 2015 on our website?

Yours sincerely



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CC: The Hon. Jill Hennessy MP, Minister for Health
Hon Liliana D'Ambrosio, Minister for Energy and Resources
Dr Pradeep Philip, Secretary, Department of Health & Human Services (Victoria)
Professor Michael Ackland, Acting Chief Health Officer

Reference

ACMA 2014, *Remaking the EME instruments – Outcome of the public consultation, July 2014*,

Available: [http://www.acma.gov.au/Google-Site-](http://www.acma.gov.au/Google-Site-Search?q=Remaking%20the%20EME%20instruments%20Outcome%20of%20the%20public%20consultation)

[Search?q=Remaking%20the%20EME%20instruments%20Outcome%20of%20the%20public%20consultation](http://www.acma.gov.au/Google-Site-Search?q=Remaking%20the%20EME%20instruments%20Outcome%20of%20the%20public%20consultation)

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