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The Executive Director,

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IP 46 SUBMISSION from Jay Williams

Advisory: The writer of this submission is regrettably not a lawyer, nor is he a person with enough time to do full justice to this submission. I learned about the ALRC’s solicitation of submissions on the subject of identifying federal laws that unreasonably encroach upon traditional rights, freedoms, and privileges at short notice, with just a few hours to prepare a submission. As the ALRC has invited submissions from anywhere, even from the wider community of ordinary Australians, I would ask the reader to persist with my submission even though, regrettably, I do not have enough knowledge of law to make this submission more succinctly and expertly presented. There may well be some minor inaccuracies in relation to the details of legislation due to legal ignorance and insufficient preparation time. No doubt some statements reflect my ignorance, but I believe that overall the presentation in this submission is reasonably reliable and valid, and therefore conforming to the essential expectations of the inquiry.

I have written this submission because the issue raised has directly impacted on my life, without a remedy in sight, has taken up a lot of my time over a period of years, and left me feeling personally oppressed, with the indelible impression that I am living in a de facto tyranny deluding itself that it is a democracy.

The fabric of the canvas of this submission’s picture is the major damage from exposure to low levels of pulsed, non-ionising, non-thermal wireless microwave radiation which thousands of scientific research studies have found, at exposure levels deemed safe and harmless by some national regulatory authorities, including Australia’s. We are now all bathed in this microwave radiation a trillion times more intensively than the natural radiation levels the human species adapted to through evolution. The radiation is generated by wireless technology: mobile phones, Wi-Fi, “SmartMeters”, and other similar wireless communication devices.

It isn’t just humans that are affected by microwave radiation exposure. Animals and plants are equally affected. The scientific evidence is accessible – at least for those who don’t have a motive to avoid it.

Even without personally reading the scientific research, everyone is aware that infertility has become a major medical problem. Alzheimer’s and autism spectrum disorders have become modern plagues, with the statistics rapidly escalating. Cancer is now having the same impact on our civilisation as the legendary Black Death had on the European medieval civilisation. So the stakes are high.

This issue of involuntary, inescapable exposure to microwave radiation can be life-changing. There are Victorians who have had to move to another state to seek refuge from the imposed microwave radiation of “SmartMeters”. Others have fallen seriously ill immediately after the installation of a “SmartMeter” on their house. These are the canaries in the coal mine, the early birds. Extensive scientific research has shown that everyone is being fundamentally bioaffected by microwave radiation, whether they are symptomatic or not.

Our health is our primary human asset which affects the outcome of everything else in our life. It needs to be protected from harmful assault, but federal legislation as formulated has had the effect of protecting a corrupt/incompetent safety standard from any form of legal or procedural recourse to correction.

The focus of this submission is to question whether the nexus of law and government in Australia allows informed, concerned, suffering individuals the realistic possibility of asserting a human right applicable to this situation.

**FEDERAL LAWS WHICH IN PRACTICE USURP, EXTINGUISH, OR OPPRESS a) A SPECIFIC HUMAN RIGHT (AND FREEDOM) DECLARED IN THE STATE OF VICTORIA, AS WELL AS b) AN UNDECLARED BUT UNDENIABLE UNIVERSAL HUMAN RIGHT (AND FREEDOM)**

**THE DECLARED AND UNDECLARED HUMAN RIGHTS (AND FREEDOMS) OF THIS SUBMISSION**

Section 10(c) of the Victorian state Charter of Human Rights and Responsibilities Act 2006 is the declared human right which has been usurped, oppressed, or de facto extinguished by federal legislation. Section 10 states a person must not be (c) subjected to medical or scientific experimentation or treatment without his or her full, free, and informed consent.

Very few people in Australia are in a position to give their informed consent to medical experimentation on them of permanent exposure to the radiation of wireless technology. For example, innocent school children using Wi-Fi rooms at school are not in a position to give informed consent to their exposure to this radiation, and electrosensitive commuters on trains who are forced to sit in a bath of intense microwave radiation from neighboring mobile phones and Wi-Fi computers are not in a position to give their free consent to their radiation exposure.

Victoria’s Charter of Human Rights and Responsibilities requires the Victorian Government, public servants, local councils, Victoria Police, and other public authorities to consider human rights when they make laws, develop policies, and provide their day-to-day services. Each new law must be checked against the Charter and requires a Statement of Compatibility to tell Parliament how it relates to human rights. However, some federal legislation is not in synchronisation with section 10(c). Federal law has unintentionally oppressed or realistically oppressed, usurped, or extinguished this declared human right.

There is an overlapping human right (and freedom) to section 10(c). This right (and freedom) has a wider focus and is undeclared and unlisted formally, but is nevertheless undeniable and universal: the right and freedom to protect self against reasonably perceived assaults on personal wellbeing. This might be categorised under medical freedom, or perhaps the freedom to reasonably defend self against a well-founded threat to personal wellbeing.

Formal lists of human rights and freedoms are characteristically incomplete, even scanty (as in the case of the Australian Constitution). At least some factors explaining this incompleteness are limitations of imagination and life experience and historical knowledge by the framers of formal human rights and freedoms, as well as a curiously casual or reluctant approach to such list compilations. But it would have to be a quite oppressive civilisation/culture which would deny anyone this particular right/freedom to protect self against a reasonably perceived assault on personal wellbeing.

It is such an obvious and fundamental right or freedom that it is probably for this reason overlooked in any such formal list. It is presumably considered inconceivable that any Australian government would create a law which would result in harming personal health and attacking personal wellbeing.

I would like to invoke this “traditional” right or freedom in this submission, although it doesn’t seem to explicitly exist. Yet it is at least as fundamental as freedom of religion or the right to a fair trial. Perhaps this “missing” right is implicit subconsciously, buried in the unarticulated intent and rationale of a wide range of legislation and/or common law. It may be present in a right to proportional self-defence in criminal law.

For whatever reason, there is no specific or formal acknowledgement of this right (and freedom). But if there is any such concept as a full set of human rights, then this particular right obviously needs be one of them to avoid any list of human rights being considered incomplete or highly selective.

When the quite specialised declared Victorian human right of section 10(c) is compared with the more basic and obvious human right to be free and unrestrained to protect self against health hazards, it seems likely that the more basic human right has never been defined or acknowledged because those with the responsible for drafting human rights have not had the life experience, or necessary cynicism/scepticism/realism/pessimism to even consider that such a human right might ever be needed in a fundamentally honest, enlightened, and good-natured country like Australia.

**THE MEDICAL EXPERIMENTATION BEING CONDUCTED WITHOUT FREE, FULL, AND INFORMED CONSENT, AND THE ASSAULT ON PERSONAL WELLBEING**

The assault on personal wellbeing and the medical/scientific experiment which Australians (particularly Victorians in this submission) are being subjected to without full, free, or informed consent is universal exposure to microwave radiation at a level a trillion times more intense than the level the human species adapted to during human evolution. Scientists who have pioneered wireless telecommunications, and other highly placed scientists and doctors and public health academics, have described the rapidly expanding, highly escalating ubiquitous exposure to the radiation of wireless technology as a vast, unethical, highly alarming, highly irresponsible, highly damaging experiment on humanity and all other living things, because there is so much good scientific evidence showing that such wireless microwave radiation exposure causes major medical problems, up to and including death.

This microwave radiation is ubiquitous as the carrier of wireless communications through the ubiquitous yet still rapidly expanding network of mobile phone base stations communicating back and forth with millions of personal mobile phones, SmartMeters (which are compulsory on all buildings, including houses, in Victoria), wireless NBN masts, and Wi-Fi networks, commonly linked up with school and home computers (and a planned network by Telstra of half a million Wi-Fi hot spots in Australia).

Documentation of this experimentation, as well as the scientific research studies exposing the significantly damaging bioeffects from exposure to non-thermal, non-ionising, wireless microwave radiation, is outlined in a supporting document which is integral to this submission, entitled A SMALL, RANDOM COLLECTION OF FACTS ABOUT MOBILE PHONE BASE STATIONS (52 pages). This document is attached. While the title mentions only base stations, the document also references the same interchangeable radiation issues with Wi-Fi and “SmartMeters”. The radiation and exposure levels for these various telecommunications signalling systems are comparable and cumulative.

The supporting background document is relevant and necessary to this submission because the absence of the information in this document is causing an enormous, incalculable distortion of reality in our country and civilisation, because it is not widely known. In actuality, this information fits into the category of taboo knowledge, a category which our civilisation doesn’t even realise or admit exists. The length of the attached background information document – 52 pages – is necessary to document the extent and enormity of this situation.

**CORRUPTION OF SCIENTIFIC RESEARCH**

Mobile phones and their base stations, “SmartMeters”, Wi-Fi networks, and the wireless NBN system (along with other ubiquitous technology relying on wireless microwave radiation, such as baby monitors, cordless phones, TV remote channel selectors, and garage door openers) are required to comply with scientifically established safety standards for regulatory approval of their commercial industries. After all, the essence of their technology is that they all work by the power of radiation.

The problem for these industries based on wireless microwave radiation signalling systems is that the microwave radiation that is being used is fundamentally and significantly damaging to the health and biological integrity of all living organisms, not just humans. There are thousands of scientific research studies which have confirmed this alarming fact.

This is a very inconvenient truth for the wireless communications industries. They have therefore taken many different sorts of measures to launder this prohibitive truth, dishonestly transforming scientific proof of harm and danger into “scientific” proof of safety. Their industries depend on obscuring and burying the terrible truth that mobile phones and their base stations, “SmartMeters”, and wireless computer networking have been proven to be significantly harmful to human health.

Scientific research in this era has been corrupted by the commercialisation of scientific research, the militarisation of scientific research, and governmental dominance of scientific research. And just as scientific research has been commercialised, militarised, and controlled by governments approaching effective omnipotence, so have government regulatory agencies and their decisions become subservient to commercial, military, and governmental priorities. This background reality is clearly documented in the attached supporting document.

This situation is very similar to the recent notorious history of tobacco companies, which used similar stratagems to fend off for decades official recognition of the reality of the toxicity of their products, with the inevitable effect on the viability of their industry.

Australia now leads the world in graphic cigarette packaging. Yet no sooner has this victory for health and truth been won than the Victorian government has just turned around and legislated compulsory “SmartMeters” installed on every home in the state, even though the World Health Organisation has branded “SmartMeters” with a Class 2b carcinogens label (along with lead and DDT). There are many research scientists who believe this classification is inaccurately conservative, and should be upgraded to Class 2a or Class 1.

In the attached supporting document, I have outlined the scientific findings of major and alarming damage caused to all living organisms through exposure to what the regulatory authorities have deemed to be harmless levels of non-ionising, non-thermal microwave radiation. For example, mice living close to mobile phone base stations become terminally sterile within 5 generations, and mice living closer to a mobile phone base station become terminally sterile within 3 generations.

I have also outlined in the attached supporting document the range of stratagems deployed by the telecommunications industry and their military and government associates and partners to whitewash the toxicity of their products.

I have also analysed in the attached supporting document the sophistry and crude trickery of circular logic deployed by some national regulatory authorities to buttress their denialist position against their “Emperor’s Clothes” vulnerability to scientific evidence – that is, the audacious denial by some regulatory agencies of the existence of a very large mass of scientific evidence that exposure to wireless microwave radiation at exposure levels below the regulatory standards is significantly harmful to health and physiological viability.

**RECOGNITION THAT A MASSIVE, HIGH-RISK, IRRESPONSIBLE, DESTRUCTIVE GRAND EXPERIMENT ON ALL LIVING ORGANISMS IS CURRENTLY UNDER WAY**

In the attached supporting document, I have provided quotes from distinguished and highly qualified persons in this field which specifically confirm that we are all lab rats in a terribly irresponsible and unethical scientific experiment determining how much DNA damage and mutation, and how much major and minor illness, is being caused by permanent exposure to the wireless instruments channeling wireless microwave radiation.

I have also been able to show in the attached supporting document that regulatory authorities have also acknowledged that they are authorising such an experiment on the public, although the wording of these regulatory authorities is provided with spin to obscure this admission.

The significance of these acknowledgements and admissions is that they confirm that this medical experimentation is under way in contempt of section 10(c) of the Charter of Human Rights and Responsibilities in the state of Victoria.

Almost no one in Australia has given informed consent to this medical experimentation, because most Australians have trustingly accepted that their regulatory authorities are protecting them from potential harm – a reasonable decision to make, assuming their governments are trustworthy, competent, alert, and governing in the interests of the people.

A very large number of informed Victorians have defied the government’s decree of compulsory acceptance of a “SmartMeter”. They have refused the installation of a “SmartMeter”, but have found their refusals bowled over by various methods of intimidation, blackmail, misinformation, cunning, and stealth, all condoned by the Victorian government, although the shonky and outrageous tactics used by electricity distributors would be familiar to those who watch TV current affairs programs.

There have been some informed communities, such as in Byron Bay and Balgowlah, who have vigorously opposed the siting of a mobile phone base station.

**AUSTRALIA’S AGENCY RESPONSIBLE FOR ALLOWING MEDICAL EXPERIMENTATION ON A POPULATION WHICH HAS NOT GIVEN ITS INFORMED CONSENT, AND SOMETIMES NOT GIVEN ITS FREE CONSENT**

Mobile phones and their bases, “SmartMeters”, Wi-Fi rooms in schools, and other similar microwave radiation-based technology products are allowed to flourish and escalate in numbers in Australia to become the standard infrastructure replacing safe, now superseded infrastructure, because the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), a federal agency, has deemed the exposure levels wireless microwave radiation use in these technologies to be safe and harmless to human health.

If ARPANSA deemed the radiation exposure levels from these technologies to be dangerous to human health, as they actually are, then a number of thriving, escalating, high-profit, powerful infrastructure industries would need to immediately restructure, or collapse overnight. Luckily for these powerful, hugely influential, and politically and militarily well-connected industries, ARPANSA has deemed them all to be safe technology.

To give these toxic industries a clean bill of health, ARPANSA has needed to audaciously resort to insisting that masses of alarming scientific evidence to the contrary don’t exist, including, for example, the spectacle of Victorians struck down with debilitating illnesses immediately after the installation of a “SmartMeter” on their home, with some having to abandon their houses and a few even having to flee the state to start a new life in a state without compulsory “SmartMeters”.

ARPANSA’s denialist stratagem is buttressed by its resort to circular logic, so as to have even a solitary bullet to shoot down incoming evidence (evidence including the spectacle of people severely sickened by exposure to wireless microwave radiation registering as living proof), and ward off attempts to bring reasonability accountability to the corrupted radiation exposure safety standards.

Yet another regulatory stratagem deployed by ARPANSA to protect its corrupted safety standards is to unscientifically deem the non-thermal, non-ionising microwave radiation of telecommunications to be theoretically incapable of causing damaging bioeffects, even though starting decades ago scientists were discovering how non-thermal, non-ionising microwave radiation could cause damaging bioeffects.

To facilitate the changeover to wireless technology infrastructure, ARPANSA has synchronised its safety standard with that of some other countries militarily allied to Australia, where the welfare of the population is a much lower priority than it has traditionally been in Australia. There is, of course, an illusion of scientific consensus and strength in numbers in this international synchronisation.

**THE LEGITIMISATION AND SANCTIFICATION OF CORRUPTION**

While federal legislators never intended to legitimise corruption through the authority of law, this has been the outcome. It was the federal Radiocommunications Act which established ARPANSA as the federal government’s regulatory agency to protect the public from harmful radiation exposure. ARPANSA’s safety standards have the force and authority of law in Australia. Other laws in Australia have been introduced which are totally dependent, indeed founded, on ARPANSA’s safety standards.

One of these laws introduced compulsory “SmartMeters” to Victoria. And ARPANSA’s safety standard is also the basis of key aspects of the federal Telecommunications Act. The carte blanche given to telcos to place their mobile phone base stations wherever is optimum for their purposes, without having to worry about the concerns and interests of other stakeholders, is legislative thinking presumably based at least in part on the presumption that ARPANSA’s safety standards for microwave radiation exposure have been scientifically determined to be safe and harmless.

Legislators must assume that their recognised regulatory agency is capable of best practice in scientific methods and objectivity. After all, scientists and their scientific methods are all about discovering objective truths. So the Radiocommunications Act has in good faith given ARPANSA’s radiation safety standards the force and authority of law, established in legislation, and therefore protected from the criticism, knowledge, and analysis of scientifically unqualified Australians wishing to assert their human right not to be medically experimented on without personal consent.

It is a naïve assumption that science, and scientific authorities, are somehow all astutely intelligent, intellectually honest, sufficiently knowledgeable, objective, and committed to the public good. Such naivety is indistinguishable from the naivety of children who have not learned “the facts of life”. This other fact of life is that scientists are corruptible and all too human, no more honest, or less opportunistic, or less susceptible to pressures of career success, than a salesman, circus barker, or builder’s laborer.

The devastation of corruption is that it wrecks systems of government. Like a cuckoo in the nest, corruption takes over a well-conceived system and transforms it into an instrument of private or exclusive advantage. Human systems are very vulnerable creations. They depend on the good faith of all involved to make them function as intended. Once corruption takes over a government system, it is very difficult to reform. Corruption tends to succeed by overwhelming not only the system but the larger government. Unfortunately, this is because honest effective leadership is much rarer than corrupt effective leadership.

Government systems require deference to hierarchy and systems, whereas reforming corruption requires an independent sense of moral responsibility. So systems are slow to reform, if at all.

This is the situation in relation to ARPANSA’s radiation safety standards. An ordinary person of ordinary means has no clear, direct, or realistic path to assert a human right to refuse to be medically experimented on, or the human right and freedom to protect self against a reasonably perceived assault on personal wellbeing:

* ARPANSA’s radiation safety standards are synchronised with the radiation safety standards of some other countries. There is strength in numbers.
* ARPANSA’s authority to set safety standards has been authorised by a law.
* There is no democratic appeal against shortcomings in the authority of an official scientific regulatory authority. No mechanism for such an appeal has been provided for in the same law.
* It’s a federal law overriding a state-declared human right, adding ambiguity and uncertainty.
* Those who complain to their state authorities find their complaints are directed back to ARPANSA. (Victorian) state authorities and the (Victorian) state government will not independently take responsibility for the manifest inadequacy of ARPANSA’s safety standards. Their own legislative violation of their own Charter of Human Rights is protected by the untouchability of a federal agency protected and legitimised by federal legislation. Individuals in Victoria requesting their government to take the responsibility of passing judgement on the unscientific, inadequate, unsafe radiation safety standards of ARPANSA are just directed back to ARPANSA, as documented in the attached supporting document.

In this situation, the issue of procedural (un)fairness would seem to apply. The power imbalance between the ordinary citizen of ordinary means and the panoply of governments, federal laws which penetrate state and local government laws, federal agencies, and the authority and mystique of science is overwhelming.

**BACKGROUND CONTEXT TO THE ATTACHED SUPPORTING DOCUMENT**

There is an industry code relevant to this submission. It appears to be the Telecommunications Code of Practice 1997, or perhaps it is the Mobile Phone Industry Base Station Deployment Industry Code. Ascertaining which code is problematic, but for the purposes of this submission, it doesn’t really matter which one applies. For an ordinary person to enter the process of ascertaining even the simplest information on regulations is to wander in a wilderness of uncertainty which is not easily clarified through reasonable diligence. Different sources say different things, without any discernible cross-referencing. And much is not explained in the available explanations, definitions, and descriptions.

What is relevant is that the applicable code has been established by the federal Telecommunications Act.

Whether a mobile phone base station is categorised as “low-impact” under the industry code is highly significant, because if categorised as low-impact a telco is given carte blanche to site it anywhere without community consent. Yet as quoted from an ACMA (Australian Communications and Media Authority) website document: “The ACMA does not have powers under the Telecommunications Act to make a ruling about whether a facility is low-impact or not. Similarly, the ACMA cannot rule or make a recommendation about whether a carrier should place a facility on an alternative site or install a facility in a particular way. Where a council does not agree with a carrier that a telecommunications facility is low-impact, the council should seek legal advice from a qualified legal practitioner. Only a court of law can make a ruling on the interpretation of legislation.”

So if an individual has reason to believe that a mobile phone base station is statistically very likely to harm his health, soundly based on extensive scientific research, and he wishes to assert his human right relevant to the situation, there is no obvious reasonable or practical recourse or remedy open to him. In this situation, a bland, remote, and shadowy code is the effective impediment.

It is the council which bears the right and responsibility to take any necessary legal action. But if the council accepts that the relevant Australian safety standards guarantee that a mobile phone base station is safe infrastructure, the individual has no practical recourse.

This has been my recent situation. The document attached to this submission was written specifically to oppose the siting of a health-hazardous mobile phone base station in the very centre of the small country town I live in, at a height of 13.34m. That submission, now an integral part of this ALRC submission, was written on the very sound, documented grounds that scientific research has well established that a mobile phone base station statistically is likely to cause severe health consequences for those living and working within 300m-400m of the antenna.

Councils have every incentive to accept the trustworthiness of the Australian radiation exposure standards, which have decreed mobile phone base stations to be safe to human health (despite the massive amount of scientific research to the contrary). Councils do not generally employ radiation safety experts. Councils see an obvious budgetary benefit in accepting at face value the blanket invigilation of the regulatory authority responsible for Australian radiation safety standards, without having to pay an independent consultant out of their own stressed budgets, even if there is such a thing as an independent radiation safety consultant.

So through the way federal legislation organises bureaucracies and extends its flow-on authority into the management and practices of state and local governments, individuals can be cordoned off from any clear or practical recourse to asserting a basic human right.

If a mobile phone base station is categorised as low-impact, there is really very little that a council can do to oppose the placement of a base station. And an individual has even less of an opportunity to oppose the siting of a base station, as was made clear by my own recent experience.

Because the base station is categorised as low-impact, there is virtually no ground available to oppose it except aesthetic. Even opposition on the ground of aesthetics has virtually no influence on the outcome. Within a week of submitting my submission, I received this notification from the facilitator of the perfunctory community consultation process, Urbis:

“Telstra has undertaken a review of the submissions received to date and acknowledges that the proposed telecommunications facility has raised concerns for a number of local residents, particularly with respect to visual amenity impacts. However, on balance Telstra has decided to proceed with the proposal, considering the proposed telecommunications facility is a necessary and important form of utility infrastructure that will provide a service to meet community expectations thereby providing benefits to the overall Kyneton township.”

This is an obviously glib and self-serving statement which could be more accurately reworded in this way without any loss of accuracy:

“Considering the proposed telecommunications facility is a necessary and important form of utility infrastructure, Telstra has decided to proceed with its proposal, because concerns raised by a number of local residents are outweighed (on balance) by the need to meet community expectations of excellent mobile phone coverage, which provide benefits to the overall Kyneton township.”

The intellectual dishonesty of either version of Urbis’s decision statement is exposed by comparing Urbis’s statement with the 52 pages of facts I submitted to Urbis/Telstra and my council and mayor as my submission (now also an attached part of my submission to the ALRC). My submission, originally to Urbis/Telstra and my council, documents that the “benefits” to the overall Kyneton township will include “guaranteed” major health problems, including cancer and infertility, for those living within 300m-400m of this “utility infrastructure”. This radius distance encompasses almost the whole town residential grid.

Yet in its glib statement, Urbis only acknowledges community concern about the aesthetic affront to the town of a prominent antenna mast on the roof of a building next to the post office and directly opposite the entrance to the town supermarket, in a heritage precinct which gives the town its town character, distinctiveness, community pride, and tourist industry appeal. The health issue of inevitable major illness to come has been swept under the carpet in this statement, just as the thousands of scientific research studies showing the major damage caused by wireless radiation to all living organisms are studiously ignored by regulatory authorities in many countries, including Australia.

So apparently, under the Telecommunications Act, anyone who would like to protect their personal wellbeing, and avoid being a lab rat for an ongoing exceptional high-risk public scientific experiment without controls, has virtually no human right to protect himself from irresponsibility/corruption/incompetence, despite the existence of section 10(c) of the Victorian Charter of Human Rights and Responsibilities.

The widespread practice of open cheating by “respectable” scientists and authorities in this field, which is covered in the attached supporting document, is also noticeable in the low-impact definition. A base station facility is deemed to be low-impact if its maximum height is 5.8m high. But this 5.8m is allowed to be placed on top of a building, thereby raising the effective height of the base station to within the height range of an independent mobile phone tower, which is apparently not categorised low-impact. In the case of the base station installation in the centre of my town, the total installation height is 13.34m, yet it is still deemed to be low-impact.

However, as analysed in this submission, it is clear that federal legislation complicates, indeed negates, the best-laid plans and intentions of Victorian state legislation – in this case section 10(c) of the Victorian Charter of Human Rights and Responsibilities. Federal legislation – in this case the Radiocommunications Act and the Telecommunications Act – penetrates into, and dominates, state legislation. Federal legislation also severely restricts the options of local government. These two federal Acts have combined to usurp the authority of section 10(c) of the Victorian Charter of Human Rights and Responsibilities. This usurpation has been accomplished through:

1. the appointment embedded in federal legislation (Radiocommunications Act) of a federal agency (ARPANSA) to determine the safety standards of microwave radiation exposure for all Australians, and
2. the almost absolute freedom granted to telcos through federal legislation (Telecommunications Act) to site hazardous mobile phone base stations wherever it is convenient for them, again based on the assumption that the authorised ARPANSA safety guidelines are reliable.

The conditions for medical experimentation on a population have not been met. There has been no informed consent anywhere in Australia about the actual scientific research establishing that Wi-Fi, mobile phones, and SmartMeters are major health hazards. The honest applicable scientific research proving that wire technology is health-hazardous has been studiously ignored by regulatory authorities, including Australia’s. There has been no free consent allowed for anyone in Victoria with the compulsory SmartMeter installed on the house who has unsuccessfully attempted to fend off compulsory installation, or for those living in an area where a mobile phone base station is installed, like myself, who are aware of the health hazard of mobile phone base stations. And there has been no full consent to any of this either for that percentage of the population who are aware that wireless radiation at any level of exposure is a major health hazard. So governments, laws, and authorities in Australia are in contempt of section 15(c) of the Victorian Charter of Human Rights and Responsibilities.

**A REVERSE SITUATION TO THE PREMISE OF IP 46**

The compulsory requirement of accepting the installation of a “SmartMeter” according to Victorian state law appears to be an encroachment on section 117 of the Australian Constitution:

“A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.”

I have been legally advised that this sentence is dependent on judicial interpretations in High Court precedent cases. One of those was suggested to be Austin 2003:

“The essence of the notion of discrimination is said to lie in the unequal treatment of equals or the equal treatment of those who are not equals, where the differential treatment and unequal outcome is not the product of a distinction which is appropriate and adapted to the attainment of a proper objective.”

The unequals in Victoria are those electrosensitive individuals who are forced into a severe state of permanent illness by Victorian government legislation, which treats unequals as equals.

I would also like to apply this definition to the unequal treatment of residents in Victoria in relation to the compulsory installation of “SmartMeters”. In all other Australian states where “SmartMeters” are being installed, residents have a choice of whether to have a “SmartMeter” installed, in contrast to Victorians, who are compelled to accept a “SmartMeter” installation.

This is a reverse situation to the interest of your Inquiry IP 46: state legislation is unreasonably encroaching on the federal Constitution.