

16 January 2024

s7(2)(a)

Kia ora, s7(2)(a)

**Re: Judicial Notice, formal notice, in equity to cease and desist the distribution and installation of EMF devices and associated technology proven to cause harm including injury, illness and death through regular exposure to excessive EMR radiation**

**Your correspondence:**

*I have monitored the levels of electro-magnetic radiation around Hamilton for some time and I have reported to councillors the levels of radio frequency radiation around cell towers in certain locations. I have pointed out the dangerous health effects for people exposed to these levels of radiation and advised that the council has a responsibility to check these levels and mitigate against any dangers based on the Health Act 1956, section 23 (b), (c) and The Local Government Act, 2002 Section 10. (1.) (b).*

*I do not need to refer to any Work and Disability Acts which would strengthen this argument.*

*So far, there is no indication that Hamilton City Council has made any attempt to fulfil its obligation to protect the people they are responsible for nor has carried out any work for monitoring levels of radiation.*

**Roll out of SG**

*My readings were based on radiation up to 4G.*

*The roll out of SG in the city is of great concern. Research going back to the 1970s in both Russia and the USA on the subject of microwave technology, some of which have been recently released after being embargoed for 50 years, has shown evidence of damage to human health. This has been confirmed by many peer-reviewed studies in recent years. A list of such studies is included in this notice.*

**Your concerns:**

*Lack of action by Hamilton City Council.*

*It is up to local council to determine how much weight is given to Government guidelines as against local concerns over health.*

*So far, Hamilton City Council has shown*

- 1. no protection for the environment,*
- 2. no concern for people with implants,*
- 3. no concern for people who are disabled with electro-hypersensitivity,*
- 4. no concern for pregnant women,*
- 5. no concern for children whose growing bodies are more susceptible to damage and*
- 6. No concern for the long term effects on all of the people living with dangerously high levels of EMR radiation.*

*You have a legal obligation to do so. I have already cited The Health Act 1956, section 23 (b), (c) and The Local Government Act, 2002 Section 10. (1.) (b).*

**Your liability**

*Your liability includes but will not be restricted to,*

- a) All medical costs of anyone receiving medical treatment to treat the damaging effects of exposure to electro-magnetic and radio frequency radiation*

- b) *Compensation to dependants for the death of a principal attributed to this exposure.*
- c) *Compensation to businesses that have to move because of the proximity of high radiation in that area.*
- d) *Compensation to house owners in area of high exposure who have experienced reduction of the value of their properties due to continued high levels of radiation.*

## **Our response**

Hamilton City Council has not installed EMF devices around Hamilton City.

It should be noted that the NZ standard sets maximum exposure limits for the public that are around 50 times lower than the recognised threshold for established effects. More information about the recognised threshold can be obtained from the ICNIRP website, the WHO International EMF Project website, or the Ministry of Health website. There is no cause or reason to investigate or to take any action under section 23(b) and (c) or any other section of the Health Act 1956.

In relation to the assertions made in your letter, Council denies and refutes your claims, and rejects any assertion that it or its Chief Executive has any liability in relation to the matters you raise. Council is required to follow the regulatory framework (refer below) set out by Central Government in relation to the establishment of cell phone towers.

## **Regulatory framework**

The establishment of cell phone towers (a telecommunication facility) is regulated by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF) which you can read below or have a look on the New Zealand legislation website and search the above.

[https://www.legislation.govt.nz/regulation/public/2016/0281/latest/DLM6697001.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_National+Environmental+Standards+for+Telecommunication+Facilities+resel\\_25\\_h&p=1&sr=1](https://www.legislation.govt.nz/regulation/public/2016/0281/latest/DLM6697001.html?search=qs_act%40bill%40regulation%40deemedreg_National+Environmental+Standards+for+Telecommunication+Facilities+resel_25_h&p=1&sr=1)

These regulations set thresholds that if exceeded would require resource consent. One of these thresholds is in relation to radiofrequency fields. These are found in regulation 55. The regulation makes reference to the following New Zealand standards-

- AS/NZS 2772.2:2016 Radiofrequency fields – Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz
- NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz

Regulation 55 requires an operator of a telecommunications facility to give Council written or electronic notice of the facility's location and a pre-commencement report before the facility becomes operational. The report must be prepared in accordance with AS/NZS 2772.2, it must take into account exposures arising from other telecommunication facilities in the vicinity of the proposed facility and predict whether the radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public will comply with NZS 2772.1 (which sets maximum exposure levels). If the report complies with these requirements, then the facility can commence operation.

However, if the report shows that the radiofrequency field levels would likely be at least 25% of the maximum level authorised by NZS 2772.1, then a post-commencement report must be prepared in accordance with AS/NZS 2772.2 and provide evidence (which normally involves measurements) that the actual radiofrequency field levels at places in the vicinity of the facility that are reasonably accessible to the general public comply with NZS 2772.1.

If the pre or post-commencement reports do not comply with the above requirements in respect of the generation of radiofrequency fields, the activity is a non-complying activity.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngaa mihi

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