

Wireless Radiation – an Emerging Legal Issue

Interview with barrister Raymond Broomhall

By Cassandra Elliott July 2017



Four years ago, Raymond Broomhall, a barrister practicing in Tasmania, was approached by a woman who told him she suffered from electromagnetic hypersensitivity (EHS). At the time, he was unaware of what that was.

Electromagnetic hypersensitivity is the name given to symptoms that people report after exposure to wireless radiation. This includes emissions from mobile phones, phone towers, wireless devices and a host of other radiating equipment. Common symptoms include headaches, sleep problems, burning sensations, memory and concentration problems, anxiety, nausea and irritability.

After learning more, Raymond's interest was piqued and he decided to take on her case.

Since then, Mr Broomhall has acted in many cases throughout Australia that involve exposure to wireless radiation.

"I have been doing most of this work on wireless radiation on a pro bono basis. I don't charge as a rule. To try and help the community, to help EHS sufferers and business alike", he says. "If I do charge, it is very minimal."

Mr Broomhall's first client was concerned about a proposed communications tower being built on a neighbouring property that would have bathed her home and land in wireless radiation to which she reacted badly.

Because she had been medically diagnosed with EHS, Mr Broomhall felt there were sufficient grounds to take the case to court and seek an injunction to stop the communications tower from operating. Although she had legislation to support her position, the client withdrew from the case to avoid the risk of paying damages to the provider for loss of profits if the injunction succeeded.

This was only the start for Mr Broomhall. Since this case, he's been contacted by many people from around Australia who believe they have EHS. He says he foresees this becoming a very big legal problem, and after considering the breadth of relevant federal and state legislation, has realised the potential implications for employers.

He believes that managers and employers are not aware of the legal risks they face in exposing individuals to wireless radiation.

Mr Broomhall warns that even "if employers keep the radiation below the recommendation in the [ARPANSA] guidelines, that is not enough to escape liability".

Employers and educators urgently need to understand how they can minimise these risks.

"I represent both victims of wireless radiation and emitters of radiation", he says. "I have a duty to act in everyone's best interest. It is an awareness campaign to protect everyone. EHS sufferers need to be protected; so do businesses that emit wireless radiation. Everyone needs to be aware", he says.

"I am probably the only lawyer in Australia who is at the precipice of this potentially huge problem". However, he foresees this becoming a significant legal issue as more lawyers and individuals become aware of the legislation that applies.

He explains that "people with EHS can feel it wherever they go. They can feel the wireless radiation and some describe it as a burning sensation. It can take some people days and weeks to recover from that one exposure", he says. "The first client I mentioned, lives in her car. She can't live in a house because she can't get refuge."

He says, "as a lawyer I have identified areas of law that put people at risk of liability. The law says it quite clearly. If you are aware of a risk, you are supposed to act on that risk and try to minimise the risk where you financially can". He says, "some of the remedies I propose are cheap".

Mr Broomhall is the keynote speaker at the seminar, [Wireless devices – Minimise your Legal Risks](#), being planned for 2018. He says, "what I am trying to do with this seminar is to try to assist businesses learn how to limit their liability."

There have already been some noteworthy legal cases in Australia on this issue and Mr Broomhall believes there will be many more to follow.