



Our Reference: 2017/01196

7 June 2018

Charlie Faulk

By email: foi+request-4458-5c350007@righttoknow.org.au

Dear Mr Faulk,

Your Freedom of Information Request

I refer to your request of 3 April 2018 under the *Freedom of Information Act 1982* (the FOI Act) seeking access to a copy of documents in the following terms:

This is a freedom of information act request regarding the Technical Report Series No. 164: Review of Radiofrequency Health Effects Research – Scientific Literature 2000 – 2012, which is published on the ARPANSA website.

I am requesting an electronic copy of the meeting minutes for any meetings conducted which discussed the above-mentioned report. This should include meetings which were specifically called with regards to this report, and those where this report was an agenda item.

On 4 April 2018 you clarified your request to refer to the formal minutes of meetings which discussed Technical Report Series No. 164: Review of Radiofrequency Health Effects Research – Scientific Literature 2000 – 2012 (either a purpose specific meeting or one where the Report was an official agenda item) and that you only sought those portions of the minutes which specifically dealt with the Report.

I am an officer authorised under section 23 of the For FOI Act to make decisions with respect to applications for access to documents under the FOI Act and this letter sets out my decision on your request.

Decision

I have identified nine documents relevant to your request and have decided to release the documents to you in full. Material in the documents which is not relevant to the scope of your request has been edited from the documents in accordance with section 22 of the FOI Act.

My reasons for making this decision are set out in Attachment A to this letter. At Attachment B is a schedule setting out each identified document and detailing my decision in relation to each document.

I have enclosed extracts of the provisions of the FOI Act relevant to your request and my decision at Attachment C to this letter.

Review Rights

You are entitled to seek review of this decision. Your rights in this regard are set out at Attachment D to this letter.

You may also complain to the Commonwealth Ombudsman about the way your request has been handled and Attachment D also sets out your rights of complaint and how to exercise them.

Publication of information in accessed documents.

ARPANSA must publish information that has been released in response to each freedom of information access request, subject to certain exceptions, in what is known as a "disclosure log".

The disclosure log requirement does not apply to personal information about any person if it would be unreasonable to publish the information or to information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. ARPANSA is not required to consult you on any decision to publish information that is released to you and the decision to publish information is not subject to internal review by ARPANSA or the Australian Information Commissioner. Any person can however, make a complaint to the Australian Information Commissioner about how an agency handles an FOI request.

I advise you that the document that will be placed on the ARPANSA disclosure log will be the same as the document released to you.

ARPANSA's disclosure log can be found at <http://www.arpansa.gov.au/AboutUs/disclosure.cfm>.

Contacts

If you require clarification of any of the matters set out in this letter please contact Martin Reynolds on 03 9433 2349 or foi@arpansa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Martin Reynolds', written over a horizontal line.

Martin Reynolds
General Counsel



ATTACHMENT A – REASONS FOR DECISION

Material taken into account

In making my decision, I had regard to the following:

- The terms of your request;
- The content of the documents to which you sought access;
- Advice from ARPANSA officers with responsibility for matters relating to the documents to which you sought access;
- The relevant provisions of the FOI Act;
- ARPANSA's guidance material on the FOI Act, and
- Guidelines on FOI, available on the Office of the Australian Information Commissioner website.

Findings of fact and reasons for decision

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that document or part of document are set out below.

Section 22 deletion of exempt matter or irrelevant material

Section 22 of the Act allows for the deletion of information which is either exempt or which is irrelevant to the scope of the request

Section 22(1)(a) – material which is exempt or irrelevant

Where a decision is made to refuse access to a document on the ground that it is an exempt document or that it contains irrelevant material, section 22 allows an agency to make an edited copy of the document with the exempt or irrelevant material deleted. You have been provided with such edited copies of documents. The schedule identifies the relevant section of the Act under which the material has been deleted.

Minutes of relevant meetings covered many topics that did not fall within the scope of the request. In accordance with the request only seeking those portions of the minutes which were within the scope of the request, I find that material in the identified documents is irrelevant to the request and should be edited from the released copy of the documents.



ATTACHMENT B – SCHEDULE OF RELEVANT DOCUMENTS

Doc No.	Document Title	Pages	Released	Reason
1	RHC Minutes November 2007	14	Edited	s22(1)(a)(ii)
2	RHC Minutes March 2010	15	Edited	s22(1)(a)(ii)
3	RHC Minutes July 2010	15	Edited	s22(1)(a)(ii)
4	RHC Minutes November 2010	7	Edited	s22(1)(a)(ii)
5	RHC Minutes November 2011	8	Edited	s22(1)(a)(ii)
6	Actions from RF Review meeting August 2012	1	Edited	s22(1)(a)(ii)
7	RHSAC Minutes August 2013	9	Edited	s22(1)(a)(ii)
8	RHC Summary Minutes November 2013	2	Edited	s22(1)(a)(ii)
9	RHS Minutes March 2014	9	Edited	s22(1)(a)(ii)



ATTACHMENT C – RELEVANT FOI ACT PROVISIONS

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.

- (2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);
- (c) section 15A (personnel records);
- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
 - (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of *exempt document* in subsection 4(1).

11C Publication of information in accessed documents

Scope

- (1) This section applies to information if an agency or Minister gives a person access to a document under section 11A containing the information, except in the case of any of the following:
 - (a) personal information about any person, if it would be unreasonable to publish the information;
 - (b) information about the business, commercial, financial or professional affairs of any person, if it would be unreasonable to publish the information;
 - (c) other information of a kind determined by the Information Commissioner under subsection (2), if it would be unreasonable to publish the information;
 - (d) any information, if it is not reasonably practicable to publish the information under this section because of the extent of any modifications to a document (or documents) necessary to delete information mentioned in paragraphs (a) to (c).
- (2) The Information Commissioner may, by legislative instrument, make a determination for the purposes of paragraph (1)(c).

Publication

- (3) The agency, or the Minister, must publish the information to members of the public generally on a website by:
 - (a) making the information available for downloading from the website; or
 - (b) publishing on the website a link to another website, from which the information can be downloaded; or
 - (c) publishing on the website other details of how the information may be obtained.

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - a. an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - b. it is possible for the agency or Minister to prepare a copy (an *edited copy*) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - c. it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
 - d. it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - a. prepare the edited copy as mentioned in paragraph (1)(b); and

- b. give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - a. that the edited copy has been prepared; and
 - b. of the grounds for the deletions; and
 - c. if any matter deleted is exempt matter-that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.
 - (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or
 - (c) endanger the life or physical safety of any person.
- (2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
 - (a) prejudice the fair trial of a person or the impartial adjudication of a particular case;
 - (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
 - (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.
- (2A) For the purposes of paragraph (1)(b), a person is taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection under a program conducted under the auspices of the Australian Federal Police, or the police force of a State or Territory, for the protection of:
 - (a) witnesses; or
 - (b) people who, because of their relationship to, or association with, a witness need, or may need, such protection; or
 - (c) any other people who, for any other reason, need or may need, such protection.
- (3) In this section, **law** means law of the Commonwealth or of a State or Territory.



ATTACHMENT D INTERNAL REVIEW OF DECISION BY ARPANSA

You have the right to apply for an internal review of this decision in accordance with Part VI of the *Freedom of Information Act 1982* (FOI Act). If you make an application for review, the CEO of ARPANSA will appoint an officer of ARPANSA to conduct a review and make a completely fresh decision on the merits of the case.

If you wish to exercise this review right, you must apply in writing for a review of the decision within 30 days of receipt of this letter. You do not have to pay any fees or proceeding charges for internal the review. No particular form is required to apply for review although it is desirable to set out in the application the grounds on which you consider that the decision should be changed.

The application for review of the decision should be sent to foi@arpansa.gov.au or:
FOI & Privacy Officer
ARPANSA
619 Lower Plenty Road
YALLAMBIE VIC 3085

If you make an application for internal review and a decision is not made by us within 30 days of receiving the application, the original decision will be deemed to be affirmed in accordance with section 54D of the FOI Act and you will be entitled to make an application to the Information Commissioner in accordance with sections 54L and 54M of the FOI Act. Similarly, if you are dissatisfied with ARPANSA’s decision on internal review, you may also apply for review of this decision to the Information Commissioner.

Review of Decision by the Australian Information Commissioner (AIC)

You do not have to seek an internal review of the decision directly from ARPANSA. You may wish to seek a review of the decision from the AIC. If so, you must apply in writing and you can lodge your application in a number of ways. More information is available on the AIC’s website at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

Complaints to the AIC or the Commonwealth Ombudsman

You may complain to the Commonwealth Ombudsman or the AIC concerning action taken by an agency in the exercise of the powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Ombudsman or the AIC will conduct a completely independent investigation of your complaint.

You may complain to the Ombudsman either orally, in person, on-line or in writing and to the AIC in writing or by completing the on-line form. Relevant addresses are:

<p>Commonwealth Ombudsman GPO Box 442 CANBERRA ACT 2601.</p> <p>Web: www.ombudsman.gov.au</p>	<p>The Australian Information Commissioner GPO Box 2999 OR GPO Box 5218 Canberra ACT 2601 Sydney NSW 2001</p> <p>Web: https://www.oaic.gov.au/freedom-of-information/foi-complaints</p>
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Irrelevant

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2.11 Discussion paper on a process for review of the RF Standard

Dr Colin Roy, Manager of ARPANSA's NIR Branch, presented a paper proposing that a working group be established to assess whether the scientific basis underpinning ARPANSA RPS 3 is still current and whether the derivation of the exposure levels in the RF Standard is therefore still valid. Dr Roy informed the Committee that it was now more than five years since the RF Standard was published and ARPANSA had received a number of queries as to whether the RF Standard is still current. He advised the Committee that there had been several major international research programs and reviews and that the final report of the 13 country Interphone Study was expected in early 2008.

Dr Roy proposed that a small working group, comprising ARPANSA staff and a couple of external members, be established to undertake a preliminary assessment of the current science relevant to RPS 3. The Committee agreed to this proposal and asked for a report to be prepared for the March 2008 RHC meeting recommending whether a formal review of RPS 3 be undertaken. The timing of the report would, however, depend on the report of the Interphone Study.

Irrelevant

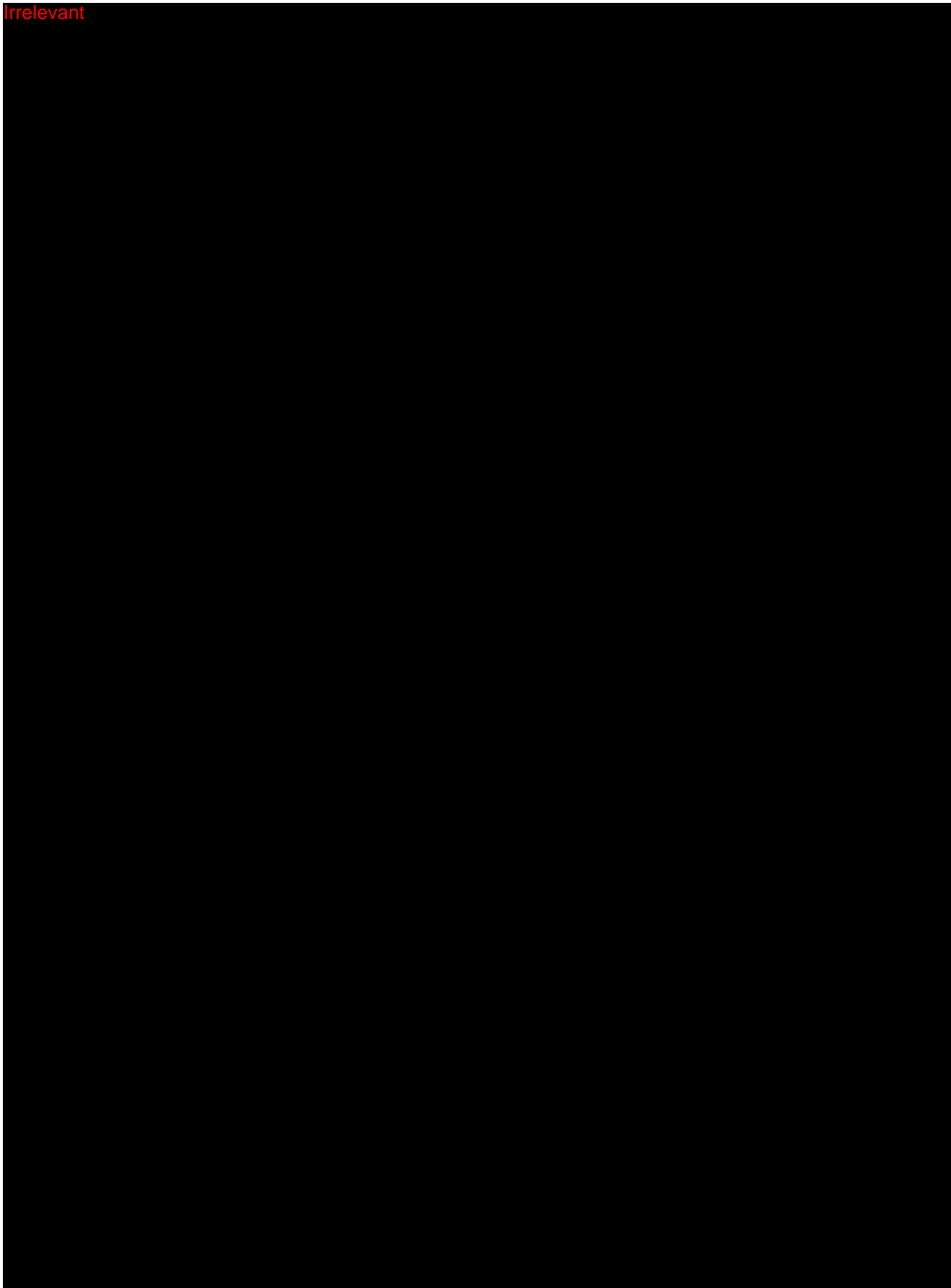
2.4 RPS 3, RF Exposure Standard – review of current literature and updated risk assessment

Dr Lindsay Martin, Acting Director of ARPANSA's Non-Ionizing Radiation Branch, informed the Committee of the progress on ARPANSA's review of the scientific literature related to radiofrequency (RF) electromagnetic radiation (EMR) and health. ARPANSA had commenced cataloguing and collecting copies of relevant primary research papers published since 2000 and had completed an internal review of the 167 epidemiological research papers. Dr Martin advised the Committee that ARPANSA intended to establish a small working group of experts to assess the collected literature, including the results of the multinational Interphone study. The working group would report to RHC in late 2010 or early 2011 on the results of the review and also on whether there will be a need to review or modify the Annexes in RPS 3. Dr Martin noted that regardless of the working group's recommendation, it was expected that the annexes of RPS 3 dealing with the scientific research would be updated to include 2000 - 2010 research and may be published separately, or incorporated into a revised RPS 3 if this was deemed necessary. Dr Martin mentioned that the International Agency for Research on Cancer (IARC) will be informing Member States of the Interphone study a week before publication and that the World Health Organisation (WHO) will publish a monograph on RF as part of the Environmental Health Criteria publication series.

The Committee endorsed the proposed plan of action and **asked Dr Martin** to seek further information on the “Radio Frequency Assisted Lipoplasty” procedure, which will be a session of the COSMETEX Conference to be held in Adelaide on 21-24 April 2010.

Irrelevant





3.4 RPS 3, RF Exposure Standard – update on assessment of current science

Dr Lindsay Martin and Dr Ken Karipidis, of ARPANSA's NRP Branch, joined the meeting for discussion of this item. The Committee noted the information paper advising of the progress of,

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and future actions in relation to, ARPANSA's review of the scientific literature related to radiofrequency (RF) electromagnetic radiation (EMR) and health, including the results of the multinational Interphone Study. Dr Larsson informed the Committee that the ARPANSA media release on the Interphone Study continued to inform people on how to reduce their exposures and recommended that children not use mobile phones excessively. He noted that the results of the Interphone Study were conclusive and reassuring as they did not establish an increased risk of brain cancer with normal mobile phone use. He also noted that there was a lack of information concerning the long-term use of mobile phones.

Irrelevant



Irrelevant

3.3 RPS 3, RF Exposure Standard – update on assessment of current science

The Committee noted the information paper advising of the progress of, and future actions in relation to, ARPANSA's review of the scientific literature related to radiofrequency (RF) electromagnetic radiation (EMR) and health.

Irrelevant

Irrelevant

2.9 Update on RF Literature Review

Dr Lindsay Martin, ARPANSA Radiation Health Services Branch, updated the Committee on the progress on ARPANSA's review of the scientific literature related to radiofrequency (RF) electromagnetic radiation (EMR) and health. He informed the Committee that ARPANSA had catalogued papers on RF and health that have been published since the year 2000 and now a small panel of experts was required to assist in finalising the review of the epidemiological and human provocation literature. International reviews would be looked at to ensure they were not contradictory. Dr Martin asked the Committee to consider the proposed terms of reference for the small expert panel.

The Committee agreed to the proposed terms of reference for establishing the panel to assess the collected literature and then report to the RHC on whether there will be a need to review or modify the annexes in ARPANSA RPS 3, *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz* (2002). The panel was expected to finalise its report by 30 June 2012.

Irrelevant

8.2. ARPANSA RF literature review – presentation on draft report

Dr Solomon briefed Council on the background and findings of the RF literature review that had been completed by a small expert working group and thanked all the experts who had been involved in the review.

The outcomes of the expert review have been considered by ARPANSA and a strategy for addressing the review and updating the Radiation Protection Series No. 3 *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002)* (RPS3) is now being developed. ARPANSA's key findings were:

- The basic restrictions specified in RPS 3 are still valid for known effects;
- Advances in numerical dosimetry have demonstrated that the reference levels in certain situations are not as conservative as previously thought (for children/short statured adults in some frequency ranges). This is important in terms of telecommunications (far field – base station RF); and
- There is no immediate urgency to change RPS 3 but ARPANSA should consider the strategy for how these changes are addressed in the future, in line with the current revision being undertaken by ICNIRP.

Dr Ken Karipidis briefed Council on technical content of the review of epidemiological studies. Annex 3 of RPS 3 is a review of literature up to the year 2000. This current review examined studies from 2000 – 2012 and demonstrated there is still no conclusive evidence of a link between RF exposure and cancers.

Council discussed the presentations and agreed that health protection needs to be evidence based and closely following ICNIRP guidance may be the best way to have international best practice reflected into the Australia context. Council noted the follow up consultation that ARPANSA must undertake with key stakeholders prior to publishing the outcomes of the review on the website and agreed that when the review is published the accompanying public messaging needs to be very clear, as does ARPANSA's strategy for dealing with the outcomes of the review and how to reflect the update of ICNIRP in to RPS 3 as efficiently as possible.

Dr Larsson agreed the strategy will be very important and acknowledged there will be an expectation that the reference levels should be addressed quickly following its release.

Council agreed the Chair should write to the CEO recommending further discussion between ARPANSA, the DoHA and other key agencies to ensure a strategic approach is developed for dealing with the public concerns and prioritising research agendas related to RF and EMR exposures. Council agreed that adoption of the ICNIRP recommendations in an Australian context is important and that the priority in the short term is to deal with the update of the reference levels for children/short statured persons in RPS 3.

Ms Kidziak thanked all the presenters for their respective contributions and overview of the status of the RF and EMR research and the review of RPS 3.

Irrelevant



Irrelevant



Radiofrequency literature review

The RF Literature Review Report has been completed. Adequate protection of the public is still provided by RPS3 but its complexity was noted. The Committee supported revision of the standard to a more simplified form.

Irrelevant



Irrelevant

Item 3.9 RF Research Report

The Committee noted the draft report and acknowledged the contribution of the experts who worked on it.

The report concludes that RPS3 continues to provide an adequate level of protection to the public however the quantum of the safety factor has been reduced on the basis of improved knowledge. A proposal to revise RPS3 will be put to the next meeting. The Committee requested that, given his expertise in the area, Dr Andrew Kerans be approached to undertake the role of project manager for the revision project.

This subject is of significant public interest and explanatory material will be released with the RF Research Report later in March.

ACTION 20: Approach Dr Kerans to undertake the role of Project Manager for the revision of RPS3 [KB/ARPANSA (NU)]

ACTION 21: Prepare PDP including a 21 Step Workplan for revision of RPS3 for June meeting [ARPANSA (RHS)]

