



Ministry of Education, National Heritage, Culture & Arts

**POLICY ON INSTALLATION OF ANY MOBILE TELECOMMUNICATIONS FACILITIES
ON OR NEAR SCHOOLS**

CONTENT

	TOPIC	PAGE
1.0	POLICY OBJECTIVE	1
2.0	POLICY	2-3
3.0	BACKGROUND	3-5
4.0	DEFINITION	6
5.0	RELEVANT LEGISLATIONS AND AUTHORITIES	7
6.0	PROCEDURES	8
7.0	GUIDELINES	9
8.0	EFFECTIVE DATE	8
9.0	REVIEW DATE	9
10.0	KEY SEARCH WORDS	9
11.0	APPROVED BY THE MINISTER FOR EDUCATION	9

1.0 POLICY OBJECTIVE

The key objectives of this policy are to:

- a) promote and safeguard the welfare and safety of children from potential health risks of radiation emanating from mobile phone masts/towers on or near school.
- b) promote, support and adopt the precautionary principle and principle of prudent avoidance that is applied in many countries internationally in the construction of Telecommunication Facilities in Fiji Schools.
- c) promote the orderly and proper development of Telecommunication Facilities in Fiji Schools
- d) provide clear statements on the responsibilities of those in authority at the Ministry of Education, National Heritage, Culture & Arts (herein after abbreviated to MoENHCA) and Schools.
- e) regulate and confirm the MoENHCA preference on the distance for the location of Mobile Telecommunication Facilities near schools.

2.0 POLICY

- 2.1 The MoENHCA shall adopt a policy of prudent avoidance by not endorsing the installation of any mobile Telecommunication Facilities on or near schools or Technical Vocational Centres.
- 2.2 This policy shall apply to all schools and Technical Vocational Centres.
- 2.3 The MoENHCA and school management shall ensure that mobile phone masts/towers are not built near schools and that normally means within a radius of at least 500 metres from the boundary of the school property.
- 2.4 The MoENHCA and school management shall based its objection to the installation of Mobile Phone Masts near schools on the precautionary principle and principle of prudent avoidance.
- 2.5 The MoENHCA through the Asset Monitoring Unit (herein after referred to as AMU) shall ensure that school heads and school managements are informed and reminded on their legal responsibilities in relation to the OHS Policy when responding to proposals to locate Telecommunication Facilities on or near school and that is that School Management should realize that they are primarily responsible for the health and safety of all workers and students at their school and are therefore, liable for any injuries caused on workplace under their control.
- 2.6 The MoENHCA shall develop and promote education awareness materials to educate school managements on the potential harmful effects of radiation emanating

from mobile phone masts/towers so that the rights, interest and health of children are protected.

- 2.7 The MoENHCA shall ensure that School Management Committees/Controlling Authorities be required to make all proposals for new Mobile Phone Masts/Towers to be the subject of full scrutiny by the MoENHCA.
- 2.8 The MoENHCA shall support objections, if appropriate, to proposals to establish mobile telecommunications facilities near school grounds and Technical Vocational Schools.
- 2.9 The Director AMU shall monitor this Policy and will report to the Permanent Secretary for Education, National Heritage Culture & Art (herein after abbreviated to PSENHCA) annually.

3.0 BACKGROUND

- 3.1 Telecommunications are important service and has become an integral component of the way society operates today. Telecommunications are used daily by the public, governments, wireless service providers, broadcasters, businesses, and safety and security organisations.
- 3.2 A high quality electronic communications infrastructure is an essential component of economic and social growth in Fiji.
- 3.3 The Government's objective is to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities.
- 3.4 The main purpose of this Policy is to provide guidance to the MoENHCA officials, School Managements and members of the public on the official position of the MoENHCA on the installation of any Mobile Telecommunications Facilities on or near Schools.
- 3.5 Whilst the MoENHCA recognises the need to respond in a positive and responsible way to applications for telecommunications development, the potential harmful effects that such development proposals can have on the lives and health of students must be managed.
- 3.6 A literature review of existing policies in overseas countries relating to the installation of mobile phone towers/masts near schools showed that Ministry of Education, Ministry of Health, Town and Country Planning as well as Town Councils have developed clear policy on the above issue so as to safeguard people and especially children from potential radiation.
- 3.7 This policy shall be read in conjunction with the MoENHCA's Occupational Health and Safety Manuals for Schools, the Policy in Occupational Health and Safety in MoENHCA Offices and Schools as well as the amended provision in the Town and

Country Planning Act of July, 2009 on the Requirements for Development and or Erection of Telecommunication Facilities.

- 3.8 The National Substance Abuse Advisory Council (herein after referred to as NSAAC) had been raising its concern on the potential health risks of radiation emanating from mobile phone transmitting masts/towers being built close to schools on the health of students since 2008 through a paper “The Potential Health Risks of Radiation Emanating From Mobile Phone Transmitting Masts Being Built Close to Schools on the Health of Students”.

Again on 27th May, 2013 a presentation was made to the Senior Staff of the MoENHCA and the recommendations were endorsed in this forum. This policy was developed on the instruction of the Honourable Minister MoENHCA on the 3rd September, 2013.

- 3.9 Studies conducted overseas indicate that those who live within three hundred metres of a power line up to the age of five were 5 times more likely to develop cancer. Those who lived close to a power line and at any point during their first 15 years of life were three times more likely to develop one of these cancers as an adult (leukemia, lymphoma and cancer of brain).

- 3.10 While, it needs to be acknowledged that there is still a gulf in scientific research and thinking on the potential health risks of radiation emanating from mobile phone transmitting masts/towers on people, evidence has started to emerge suggesting there could be some very serious health implications, most notably an increased incidence of cancer for people working or residing in the vicinity of mobile phone base station transmitter masts. In other countries, most notably the US, Australia and New Zealand, the governments have all taken this issue sufficiently seriously at both national and local level to adopt the precautionary principle and introduce policies of prudent avoidance which have effectively banned the erection of these masts from school buildings and residential areas and in other densely populated locations.

3.11 RATIONALE

- 3.11.1 This policy was formulated due to the increase in the number of mobile phone masts/towers being built on or near schools and the lack of knowledge and awareness by heads of schools and school managements on the potential health risks of radiation emanating from mobile phone transmitting masts on the health of school children. A survey conducted by NSAAC showed that a total of 7 mobile phone masts have already been built on or near schools in the Suva-Nasinu area.

- 3.11.2 This policy will form the basis of the orderly and proper development of Telecommunications Facilities in Fiji schools aligned to the Town and Country Planning Ammended Provision 2009 Schedule K on the Requirements For Development And/OR Erections of Telecommunication Facilities as well as the Environment Management Act, 2005.
- 3.11.3 A key guiding principle of the MoENHCA is that the child is at the centre of everything we do. Thus, the need to develop this policy to promote and safeguard the welfare and safety of children from potential health risks of radiation emanating from mobile phone masts/towers on or near school.
- 3.11.4 Currently there is a gap in the Town and Country Planning Act on the Requirements for Development and or Erection of Telecommunication Facilities in Section 1.2 on site selection as it does not include schools as a place Telecommunication Facilities should be located away from as well as Section 1.3 on Design, subsection (ii) the distance from property boundaries is very short.
- 3.11.5 Evidence from overseas countries attached as **Appendix (1)** shows that countries have clearly laid down policies on the distance for the construction of Telecommunications Facilities away from school property.
- 3.11.6 All independent researchers in the field agree that the radiation coming from these masts are responsible for a rising tide of ill health and have generally established that 500 metres is a safe distance to be from them.
- 3.11.7 Research on the internet shows of reports that in England, Ireland, Germany, Austria and Switzerland parents, members of Parliament and communities have campaigned and protested to stop mobile phone masts from being put up near schools or where people live so as to safeguard people from potential radiation.
- 3.11.8 Children are more vulnerable to the effects of radiation because their skulls are still forming and are much more porous than adults and doctors fear that disturbed brain activity in children could lead to psychiatric and behavioural problems or impair learning ability.
- 3.11.9 It is advisable for us in Fiji to take the above issue seriously, adopt the precautionary principle and introduce the principle of prudent avoidance on the above matter. The book of Proverb 22:3 reminds us that “Sensible people will see trouble coming and avoid it, but an unthinking person will walk right into it and regret it later”
- 3.11.10 The MoENHCA and Government under the Education Act, Occupational and Safety Act, Convention on the Rights of the Child and the Bill of Rights

in the Constitution of the Republic of Fiji 2013 has a legal responsibility and duty of care to protect the health of the people they employ and children in schools under their care.

3.11.11 Lastly, prevention is better than civil action as evident from the numerous cases of civil action that has come before the courts in overseas countries. In Fiji, the High Court Case Civil Action No. HBC 579 OF 2007 between Shireen Lateef & Others the Plaintiff And Digicel Fiji Limited & Others the Defendant is a classic example.

4.0 DEFINITIONS

4.1 Amended Provision in the Town and Country Planning Act (Cap 139) 6th July 2009

Refers to Schedule K on the Requirements for Development and/or Erection of Telecommunications Facilities.

4.2 Controlling Authority

Means the body or organisation that has overall command or control to check, direct or oversee the operations of other affiliated bodies or organisations to the main body or organisation e.g. Those registered under the Charitable Act and the Religious Societies Act

4.3 Local Authority

Refers to the Municipal Council (Town or City Council) or Rural Local Authority.

4.4 OHS Policy

The Occupational and Health Safety Policy refers to the Policy in Occupational Health and Safety in MoE Offices and Schools of 2010 which has its primary objective to safeguard the welfare and safety of teachers and students so that they can maximize their productivity in their daily school activities

4.5 Precautionary Principle

The precautionary principle or precautionary approach states if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking an action.

The original principle does not go as far as forbidding any new action or policy just because all consequences cannot be known in advance. In practice, however, it has

been interpreted in such a fashion. Thus failing to account for any the advantages of new action.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from taking a particular course or making a certain decision when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

Many definitions of the precautionary principle exist. Precaution may be defined as "caution in advance," "caution practised in the context of uncertainty," or informed *prudence*. Two ideas lie at the core of the principle:

1. an expression of a need by decision-makers to anticipate harm before it occurs. Within this element lies an implicit reversal of the onus of proof: under the precautionary principle it is the responsibility of an activity proponent to establish that the proposed activity will not (or is very unlikely to) result in significant harm.
2. the concept of proportionality of the risk and the cost and feasibility of a proposed action

4.6 Prudent Avoidance Principle

Prudent avoidance is a precautionary principle in risk management, stating that reasonable efforts to minimise potential risks should be taken when the actual magnitude of the risks is unknown. The principle was proposed by Prof. Granger Morgan of Carnegie Mellon University in 1989 in the context of electromagnetic radiation safety (in particular, fields produced by power lines).

4.7 School Management

Means the school manager and members of the school committee/School Board, and also refers to the Principal, Head Teacher, Vice Principal, Assistant Principal and Assistant Head Teacher.

4.8 School Head

Means the Principal as in the case of secondary school and the Head Teacher as in the case of primary school.

4.9 Telecommunications Facility

Means any element or physical component of a telecommunications network (other than consumer equipment), whether fixed or non-fixed, such as wires, lines, poles, masts, ducts, sites towers, satellite earth stations, infrastructure, buildings, housing structures, any apparatus using radio spectrum, submarine cables, software systems, number translation systems, virtual network services and other resources used in the provision of a telecommunications service.

4.10 Telecommunications Tower

Means any structure, whether freestanding or attached to a building, designed to support equipment used for commercial purposes to receive and/or transmit electromagnetic waves.

5.0 RELEVANT LEGISLATIONS AND AUTHORITIES

- 5.1 Constitution of the Republic of Fiji 2013. Chapter 2 – Bill of Rights, (Section 38 Rights to Health and Section 41 Rights of Children)
- 5.2 Convention on the Rights of the Child 1990 Article 19 and 24 of the CRC
- 5.3 Education Act 1978 [Cap 262] Section 17 Health and Safety
- 5.4 Environment Management Act 2005
- 5.5 Occupational Health and Safety in MoENHCA Offices and Schools Policy (OHS) 2010
- 5.6 Occupational Health and Safety Manual for Schools 2002
- 5.7 Town Planning Act (Cap139), Amended Provision, July, 2009
 - Schedule K Requirements for Development And/or Erection of Telecommunication Facilities
- 5.8 Venice Convention 2008.

6.0 PROCEDURES

- 6.1 All schools must consult the PSENHCA through the Director Asset Monitoring Unit before signing any contract with any Mobile Telecommunications Company.
- 6.2 The development plan and contract agreement must first be sighted and endorsed by the PSENHCA to ensure that the development plan of the phone mast is aligned to the MOENHCA prescribed distance on Phone Mast recommended in this policy.
- 6.3 After the PSENHCA has vetted and endorsed the plan, schools may then put in a development application to the Local Authority.

7.0 GUIDELINE

7.1 Divisional, District Education Officers and school heads will, if appropriate, support School Management Committees in responding to proposals to locate telecommunications facilities on or near school grounds by providing the relevant information relating to the above policy.

8.0 EFFECTIVE DATE 21st October, 2013

9.0 REVIEW DATE 21st October, 2015

10.0 KEY SEARCH WORDS

Electronic Communications, Phone masts/towers, Precautionary Principle, Prudent Avoidance Principle, Telecommunication Facility

11.0 APPROVED BY THE MINISTER FOR EDUCATION, NATIONAL HERITAGE, CULTURE & ARTS, AMBASSADOR FILIPE BOLE.

.....
Signature

.....
Date