

South Australian Parliament

SELECT COMMITTEE ON WIND FARM DEVELOPMENTS IN SOUTH AUSTRALIA

Held at Clare Country Club, White Hut Road, Clare
Wednesday 17 July 2013 at 1:45pm

MEMBERS:

Hon. D.W. Ridgway MLC (Chairperson)
Hon. M. Parnell MLC
Hon. R.P. Wortley MLC

Testimony of JIM DUNSTAN

892 The CHAIRPERSON: Thank you, Mr Dunstan. You have heard me read the preamble before, so I will not go over that again. Maybe if you have any comments you might like to make, and then we will probably just ask a few questions.

Mr DUNSTAN: Thanks for letting me have a go today. I will try and remember a saga that has happened over a long period of time. I am Jim Dunstan, and my wife and I live at Ngapala, which is north-west of Eudunda and on the eastern side of Tothill Range, next to the Waterloo wind farm. We have a property there, and I also instruct at the school, and have for the last nine years, on the environment and agriculture. In saying that, I have no qualifications, but I have been there for that period of time.

I guess I will go straight to the crux of what we are talking about. I will try and do this in a brief way. I will go back six years, when the company first approached farmers. The way they were approached was one farmer in the district decided he wanted wind turbines in the area. After they had contacted that person, they then drifted off to the left and the right of that person.

As farmers do, they trust one another and they try to help their neighbours out. The company would go to the next guy and he would say, 'Look, your mate is having wind turbines and you can get this amount of money. Okay, well we can't stir up our mate, so they would drift along, in my case, to Robertstown Hills.

When it came to my brother and myself, we have a gentleman's agreement over a property. His property was half of what they wanted to put turbines on, and my half—the gentleman's agreement half—I did not want anything to do with them. After negotiating with all the other farmers, they came back to my brother. At the time, I think I was building stone walls in Eudunda. He came around and said, 'Look, I want this signed today; it is my half of the land,' so I signed it. Looking back, I was an idiot, but anyway.

After that, I was under the impression that his bit of land was the only bit of land that had wind farms on it, and I was under the impression that it was only for five years. So, in that period of time, I had gone off to find out what was happening with wind farms—Hallett, in town, nearly anywhere you could think of that was in the state to see what's going on with wind farms. I came back and I thought, 'This is not good.'

With the help of the Waterloo people when the wind farm at Waterloo kicked in, they said, 'You've got to do something while you've got the opportunity; you've got to do something now before it's too late,' so I went around and I went to the farmers that had signed the contracts. I had to do this three or four times.

The first time I went to them, they said, 'We can't talk to you; the company said we can't talk to you about our contracts.' I said, 'Okay, but as neighbours we can talk about some of it, can't we?' So, we got to the stage where, over a period of visiting these farmers twice, I got them together. I had a lawyer, a doctor, and some people there to explain what was happening.

Through that, six farmers decided, 'No, we don't want anything to do with this.' At that time, all those farmers were under the impression that it was a five-year contract, and then after five years the company would come around again. There was not one of those people—even the ones that wanted the wind farms were all under that impression. So, when five years came up, I went to my brother and said, 'Did you ever get the contract looked at?' He said, 'Yes, it's all good,'

and I said, 'But who looked at it?' and he said, 'Our accountant looked at it.'

That is what happened with a lot of other farmers. They showed their accountant, the accountant flipped through it and said, 'Yes, this will be good for you, mate; no problems.' He didn't look at it properly. After those five years, I got the contract off my brother, I took it to a proper contractual lawyer and he said, 'This contract's poison, don't go near it.' I said, 'Well, I've signed it.' I was under the impression it was five years, but he said, 'This is a 25-year and on contract.'

I went back to all the farmers. We wrote to the company. We wrote a petition up, wrote to the company and said, 'You've misled us', and the only answer I ever got back from Clint Perkins from now Energy Australia was, 'It's a complicated issue.' We emailed him back and said, 'That's not an answer. We want an answer.' We have never heard from him ever again.

In that period of time I have gone with a lawyer. My brother and I don't get on any more. The lawyer said our contract was no good because the company has never ever been to my property. It has never been to our house to discuss the contract. He did say, 'Well, you have signed it. What did the other farmers do?' If they looked at the contract properly they would have understood that it was a 25-year contract. None of the farmers that I know of ever got that told to them, not in that period of time back then. A lot of those farmers have since gone off and have found out that either their contract is no good anyway because the company has misled them, or the company was supposed to come round in a five-year period to renew the contract. So, when you came to renew your contract, the company would come to your house and they would basically want your bank account numbers and that renewed your contract. If you said, 'No, bugger off, we don't want you' then that was the end of it.

In a couple of cases farmers—maybe a bit older than I am, which is not too bad, I suppose—were pressured into it. They said, 'Okay, take the bloody bank account and get out of here. We don't want you pressuring us.' In some cases the wives had to get out because they couldn't handle the pressure of what these guys were putting on them, and husband just said, 'Look, here, go for another five years.'

When we signed the six farms at the time—there's more now—signed that letter, we asked for them to come and meet with us and discuss it, and they never did. After that five-year period they came around, or were going to come around—they only went to the farmers that they knew were okaying it still and saying, 'Yes, we still want the money, we still have the contract.' When they went to the beginning of the line of farmers, the farmer that they were going to see—I don't know whether it is safe to say his name, but I won't—they said, 'Look, these guys are coming around.' So the other five of us went to meet this guy. This was the first time we had a chance to talk to him. I had my brother-in-law there. He said, 'I'm going to take the minutes of this meeting because you won't listen to us and you won't come to meet us as a group. They'll come and meet you separately because they'll play off on you every time.'

After that meeting we wanted answers for our questions, and we have never heard anything from the company. We have used a lawyer and they won't answer through a lawyer. So when people say, 'Why don't you contact the company? Why don't you write to the company?', what I bring up tomorrow is another reason why we don't bother any more. That's just basically my saga.

893 The CHAIRPERSON: Thanks for that. I am just trying to understand it. If you had signed it and it was a 25-year contract, why did they have to come back after five years?

Mr DUNSTAN: When you sign it the first time, the impression was that you were holding the land not for a wind farm. In saying that, there were already masts up and no-one in the community knew about those masts until we had meetings to make people aware of it. The impression that people got was that it was going to be just for masts and then after that maybe a wind farm. But when you got a lawyer to look at it—I don't know the legal thing because the contract would be half an inch thick—he was saying, 'No, your property'—and my half of the property, in the case of my brother, the whole farm was under a contract. In saying that, I have been to meetings where our whole property has had wind farms sitting on it in a proposed area, and those guys knew that we didn't want them.

Just going back a little bit, when we had that meeting with Clint Perkins, the following day I was at a clearing sale and the bloke right down the end that couldn't come to the meeting to discuss it with him said that Clint Perkins had met with him and said, 'It's all hunky-dory. All the farmers are okay except for one bloke.' That was the next day, and he knew what we had been on about.

about? How much are they offering per turbine?

Mr DUNSTAN: When I went around to see each farmer, after a while some of them loosened up and said, 'We're getting \$50,000.' I went to one lady who said, 'I'm only getting three.'

895 The Hon. R.P. WORTLEY: Per turbine?

Mr DUNSTAN: Per turbine. Sorry, \$5,000 per turbine, and also it was \$5,000 at the beginning when you signed up, and then after five years you get another \$10,000 to sign up to renew it for whenever they were going to be there. Just looking back on the record, the Robertstown wind farm, if you believe those guys, should have been up—in 2009 it was going to be running.

896 The Hon. R.P. WORTLEY: Just on that money, are you talking about per turbine or total?

Mr DUNSTAN: Yes, in the case of my brother I think it was \$10,000 per turbine, but the lady just next to—

897 The Hon. R.P. WORTLEY: Per year?

Mr DUNSTAN: Per year. As far as I could understand, yes.

898 The Hon. R.P. WORTLEY: You mentioned that a while later more farmers signed up, that originally you had so many and then more.

Mr DUNSTAN: Yes.

899 The Hon. R.P. WORTLEY: Did these people still sign up after they knew the issues, that you believe you were misled? After they knew the fact that they were there for 25 years, they still signed up with this company?

Mr DUNSTAN: Yes, as far as I know there are three property owners out of all the people in Robertstown who still wanted them. We have actually gone around and talked to those people and asked, 'Do they understand?' We had a petition of 350 people (there's more now) who don't want them, just within the Robertstown area, and it didn't bother them.

900 The Hon. R.P. WORTLEY: They didn't want them, and they were prepared to forgo all this money because they were worried about what they had heard about the health issues; is that right?

Mr DUNSTAN: The three farmers that still wanted them didn't care; the rest of the farmers, yes. The company actually controls your farm. If I wanted to sell my farm at the moment, even though I don't want the wind farms and I haven't got any on my bit, I have to go through the wind farm company to hand it over to my son or to sell it. If they want to do anything, they can drive anywhere on my property, even though I don't want them and even though they've misled us and other people into thinking, 'Oh, we're just going to go along here, mate, that's alright.' If you look at the contract, they can go anywhere, they can take your water. They basically own your property in a way, and that's what has swayed a lot of the other farmers to say, 'Hang on, they never told us this.'

The only thing they ever really told them—which has changed; they have changed their tune—is that they are not noisy and everyone else in the district wants them. Everyone in the district at the time didn't even know that they were coming there in our immediate district. The masts were put up, not category 3 at the time; they should have been put up at category 3, which is another saga. So, the community has never had any say. When one mast was put up at category 2, that's like, 'What will happen tomorrow?' 'Same—you'll get more of what happened there.'

901 The Hon. R.P. WORTLEY: Do all farmers get the same, or are they all getting different amounts?

Mr DUNSTAN: From what I can understand, there is a lot of confidential stuff here, but they are not all getting the same amount of money.

902 The Hon. R.P. WORTLEY: So, the ones who hold off longer are enticed with more money or—

Mr DUNSTAN: Well, I can guarantee that the three guys who are hanging in there have had visitors from the wind farm, I would assume, on other discussions, that they would be getting more money.

903 The CHAIRPERSON: Just on the way down to the other end of the table, does that mean that if you wanted to sell your property the wind farm company would have a veto over that sale or you would actually have to get their approval to sell it?

Mr DUNSTAN: You have to get their approval. What I can understand of it is that if I were to sell my property to someone who wanted to make it into an environmental place to relax I don't think the wind farm company would let them have it, only because—well, bring it up tomorrow over the environmental issues.

904 The Hon. M. PARNELL: I've never seen one of these contracts, and it might be something that you could discuss with us later, whether or not you might be able to provide us with a copy maybe in confidence, and we can explore the potential for that and maybe talk to Leslie about that afterwards, but it sounds to me what you've described is an option to purchase. A classic example with a property developer would be that they would pay a farmer a certain amount of money and they would say, 'If the land gets rezoned for housing within five years, then we're going to buy it from you and this is the price.'

It sounds to me like the contract that you're talking about is that they have bought an option to lease bits of your property, put towers up on them, develop them and they've got some access rights as well for which they have paid money because it hasn't been built yet.

Mr DUNSTAN: No; it's still a proposal.

905 The Hon. M. PARNELL: Just so I have your main concern clear. You thought it was an option for five years.

Mr DUNSTAN: That's right.

906 The Hon. M. PARNELL: But when you go through the fine print it seems that they've got this over you for 25 years.

Mr DUNSTAN: Yes; and beyond, according to the lawyer—and beyond.

907 The Hon. M. PARNELL: I guess they would want to stop you doing a deal with rival wind farm companies.

Mr DUNSTAN: That's right; that's what they said. To all the people I spoke to, property owners that have signed the contract, they were all under the same understanding that: we're holding this land for five years for a possible wind farm, even though they've got masts up and even though it's obvious that one day, if they get there, there would be a wind farm.

908 The Hon. M. PARNELL: So, the problem is that you've got no exit strategy. There's no way that you can sort of say, 'Well, yes, we're happy for five years but we're not happy for indefinite', but you find that you're locked into indefinitely to give them the option to come on, and the contract presumably sets out what you'll get for it if they do build the wind farm.

Mr DUNSTAN: That's right. When they do come back to you, you just have to tell them—excuse the French—to bugger off because otherwise they will hound you. With one farmer, they've offered to pay for his property, he said, 'I've spent my whole life here—my grandparents.' He said, 'Go to buggery. Get out of here', and he hasn't had a problem with them ever since. We tried to deal with it in a more civil way but it's got to the stage now where the blokes that have signed on it are ignoring—they still send, they haven't sent me any because they know what I'm on about, but the other farmers just ignore it.

The only people who are in touch with the wind farm are the people who still want the money for the wind farm. The company's never said that wind farm—if you read any of their propaganda, they say, 'We're doing Stony Gap stage 2 of Robertstown', even though they know there are at least nine farmers who don't want it, who they have misled into the contract. They are still saying it's all hunky-dory, it's all good, and that's what the media gets. That's what the local community—'Well, the local farmers must think it's okay.'

If you write a letter to the *Northern Argus* or the local rag you can guarantee there will be another letter from the wind farm company saying that so many people in the community are for it. They haven't presented one list of people in our community who want a wind farm, except for the people who are getting money for the masts.

909 The CHAIRPERSON: If there aren't any more questions, thank you for that. We might talk to Leslie about the possibility of you giving us a copy of the contract. That is protected by parliamentary privilege. I'm not sure if that's possible, but I might get Leslie to talk to you to see whether it is possible. You may not wish to do that either.

 Mr DUNSTAN: Me personally, but as long as I don't get all these other guys into trouble.

910 The CHAIRPERSON: That's right. We're aware of that and we don't want to put

you or them at risk.

911 The Hon. M. PARNELL: We'll see if there's a way.

Mr DUNSTAN: Yes. I'm willing to give you a copy, no problems.

912 The CHAIRPERSON: We will see whether there is a way that we can do that.
So, Mr Dunstan, thank you very much for your time, and we will see you again tomorrow.