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Reg. No. A0054185H
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4th December, 2017

Media Statement re AAT Decision in WF v ACNC

We note the decision of Justice White and Deputy President of the Australian Administrative Tribunal in SA, Ms Bean, in our appeal against the Australian Charities and Not-for-profits Commission's revocation of our Health Promotion Charity status that was handed down this afternoon.

We will be reading the decision carefully and seeking legal advice about our options for an appeal.

We would like to take this opportunity to thank the generous contribution of the many severely noise sensitized people who travelled from across south eastern Australia to be heard by the court, most of whom came at their own expense because they knew that we could not afford to meet their travel costs. These people came from the coal mines in the Hunter Valley region in New South Wales, from the site of the proposed gas fired power station and wind power facility in Wellington in Western NSW, from the site of a coal fired power station and coal mine in Lithgow, NSW, from urban Sydney where the noise source may be from a heating and cooling system from a computing cloud data centre, from a sawmill in South Australia, and from multiple wind power facilities across Western Victoria and South Australia. We note that whilst the ACNC refused to allow almost all of them to give oral evidence and be cross-examined, their written evidence was accepted by the court.

We would also like to thank the generous contributions, pro bono, of all our expert witnesses, who travelled from Portugal, the North and South Islands of New Zealand, Brisbane, Sydney, and Melbourne in order to share their combined knowledge. Most of them have spent a lifetime working in the field of noise and health and are well aware of the serious nature of the diseases caused by exposure to excessive industrial noise.

We are particularly grateful to Xenophon & Co for their help providing pro bono legal services, without which we could not have appealed the ACNC's decision to revoke our Health Promotion Charity status, and to our barrister Peter Quinn for his untiring efforts on our behalf.

We note that regardless of any decision the Waubra Foundation may make about appealing this decision, we remain a registered charity with the ACNC for the purposes of "Advancing Health" and promoting or opposing "a change to law, government policy or practice".

We will be continuing our work helping noise sensitized people, and supporting independent research efforts to identify the acoustic triggers for the physiological stress, sleep disturbance and other symptoms reported by those living and working near industrial noise sources.

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