



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

MATTERS OF PUBLIC INTEREST

Wind Farms

SPEECH

Wednesday, 26 March 2014

BY AUTHORITY OF THE SENATE

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Questioner
Speaker Back, Sen Chris

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Proof Yes
Responder
Question No.

Senator BACK (Western Australia—Second Deputy Government Whip in the Senate) (13:26): I rise to express deep concern at the approval of an application for an industrial wind turbine development in New South Wales, the actions of the proponents and, indeed, the actions of the New South Wales Department of Planning. If the evidence that has been provided to me is accurate then it needs to be addressed urgently both by the proponent and particularly by the state department. If there is a failure to do so, I intend to proceed further.

I refer to an application which was approved on 14 March 2014 for the \$200 million Flyers Creek wind farm just south of Orange, an application originally made by Babcock & Brown, subsequently renamed Infigen in April 2009. A number of potential host farmers have expressed their outrage, as evidenced in the media, about the development application to the Planning Assessment Commission on 12 February and the fact that the approval was given only one month later.

I go to the major application process for the project, which was made by Babcock & Brown under the name of an Adrian Rizza on 16 December 2008. The application form says:

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

I notice that in that application, over the signature of Mr Rizza, exactly the same question was asked:

Persons lodging applications are required to declare reportable political donations ... Have you attached a disclosure statement to this application?

The documents record the answer: 'No.' In this case, over the signature of Mr Rizza, no disclosure statement was made.

I then go to the figures of the donor annual return for the financial year 2006-07 submitted to the Australian Electoral Commission by a Christina Shi, a senior financial accountant with the company Babcock & Brown Australia. I notice that, in the space for donations totalling \$10,300 or more for the period July 2006 to June 2007, the total sum is \$43,000.

The statement made by the proponent Rizza was that there was no disclosure to be made. I then go to the following year—remember, this is a two-year statement period. For the financial year 2007-08—again, this is a return from Babcock & Brown to the Australian Electoral Commission, and it is over the name Susanne Newhouse—there were donations totalling \$108,800 to political parties. Of course, this causes me to ask the question: if donations of \$108,800 and \$43,000, totalling \$151,800, were made to political parties, where is the validity in an application going back to 2008 in which the proponent stated there was no disclosure of payments to political parties?

The New South Wales Department of Planning declared, in *Disclosure of political donations and gifts : guideline*, dated October 2008:

A person is guilty of an offence under section 125 of the ... act ... in connection with the obligations under section 147 ... if the person fails to make a disclosure of a political donation or gift in accordance with section 147 ...

Furthermore:

Section 124A of the *Environmental Planning and Assessment Act 1979* (Special provision where development consent tainted by corruption) deals with a decision of a consent authority to grant or modify development consent where the decision is tainted by corrupt conduct. In these circumstances ... the Minister or the Court may suspend the decision pending the institution and determination of proceedings in respect of the decision. The Minister is to give the consent authority and the applicant for the grant or modification of the development consent written notice of the suspension as soon as practicable ...

If the documents I am quoting from are accurate, and I have no reason to believe they are not—they are in the public arena—then it seems to me that we are looking at potential corruption occasioning the acceptance and approval of this project. To me, that is very, very serious matter and one that needs to be addressed in the public interest as well as in the interest of those affected by it. As I said, I will be inviting the department, the commissioner, the minister and the company to advise us where the anomaly may have occurred.

This whole issue of industrial wind turbines is not settled. On 24 February this year, the NHMRC released its long-awaited systematic literature review of the health effects of wind farms—a topic which I have a very keen interest in. The NHMRC did not say there were no health issues. They stated there was consistent but poor quality evidence that proximity to wind farms is associated with annoyance and, less consistently, sleep disturbance and poorer quality of life.

I draw attention to the names of three people who were on that review panel. I have no reason to believe they are not eminent, ethical and honest people, but I ask what they were doing on the review and whether they declared an interest. One of the people is Dr Norm Broner, the only acoustician on the panel. As I understand it, he is a paid consultant for SKM, which is a large multinational company with significant commercial interest within the global wind industry. He has performed work for wind developers, which was not publicly disclosed during the review process, as far as I understand it. During the time of the wind farms and human health review, Dr Broner authored or approved a report titled *Flyers Creek Wind Farm—technical review of supporting documentation*, dated 12 July 2013, containing influential advice which, it is reasonable to argue, the New South Wales department relied upon in making its decision to approve this particular project.

Another key person on the panel providing advice to the New South Wales Planning Assessment Commission was Professor Wayne Smith, Director of the Environmental Health Branch at New South Wales Health. His advice to the New South Wales Planning Assessment Commission that there was no evidence of adverse health effects is absolutely untrue and at variance with the report of the NHMRC review.

Also on the panel was Dr Elizabeth Hanna, President of the Climate and Health Alliance. This alliance assisted a major international wind turbine product manufacturer, Vestas, to launch their global denial of any adverse effects from turbines, in Melbourne in June 2013, whilst, I understand, Dr Hanna was a member of the review panel. This was despite a Vestas engineer admitting at an Australian Wind Energy Association conference in 2004 that wind turbine noise caused annoyance symptoms and needed adequate buffers.

We have a circumstance here, regrettably, where I believe the independence and, therefore, the veracity of the report of the NHMRC is very open to question. If some authors of that review have in some way had an influence on the decision of the New South Wales department in approving this particular project, I believe it must be the subject of much further scrutiny.

I now turn to a recent statement of the Australian Medical Association. On 18 March the AMA released a position statement on wind farms and health without any listed authors, with no references and containing information that had nothing to do with health research and everything to do with supporting wind farm development applications. It reflects wind farm industry promotional spin and it is a statement that essentially implied that health symptoms are not caused by wind turbine noise, rather by anxiety.

If the Australian Veterinary Association, the body representing my profession, were to come out with such a poorly structured document as this—not authored, not defended and not referred—I would be going to the association and saying, 'Hide your heads in shame.' But it does not matter what I would do as an old vet. It is more important to learn what members of the profession have said and done throughout the world.

There has been an outcry to the AMA from across the world, and quite rightly so, including from professors from the United States and Ontario, Canada. Dr Gary Hopkins from South Australia strongly condemned this statement and demanded the AMA revoke it and amend their position to support epidemiological research. Dr Hopkins is a man with 36 years experience in South Australia as a physician. He has been a lecturer at the University of South Australia in Adelaide, lecturing to undergraduate and postgraduate students, including students in the Postgraduate Diploma in Occupational and Environmental Health. He is one person who I thought might actually know something about the topic. I quote from a letter Dr Hopkins wrote to the AMA:

I am rendered speechless by your irresponsible, ill researched, ill advised and reckless statement that those who might suffer physical effects from the presence of turbines are suffering a psychological condition (anxiety). Indeed, your very statement itself causes anxiety in those likely to be effected ("who will believe me when I tell them I feel sick"?).

He went on to make the obvious point that any medical person makes to a student, and that is: first do no harm. He concludes the letter by saying:

Was this the attitude of your forbears to those of the London plague just before they died until a connection was made to the transmission of the disease by rats?

The AMA position statement should immediately be withdrawn.

The concern now reflecting on the Australian Medical Association is what role have they played in supporting the industrial wind turbine industry in coming up

with this ridiculous statement, even after the NHMRC themselves continue to cast doubt and continue to agree with the position which we have taken for so long—and that is that there needs to be strong and independent research undertaken.

It is well known that I have been promoting for a long time to my colleagues in the coalition—and indeed with the strong support of Senators Madigan and Xenophon—the view that there needs to be independent research into the health effects of wind farms. I do not know whether or not these concerns are real, and neither does anybody else, but there is a growing body of medical opinion around the world that in fact these do have a profound effect—blind studies that have been done et cetera. What I have promoted to the parliament at different times is that the NHMRC be required to cause research to be conducted into the possible effect of wind farms on human health. Indeed if the CEO advises the Minister for Health that the NHMRC does not have the resources or expertise to conduct the research—and it may well be that they do not—then the health minister and the energy minister should jointly appoint an appropriate person or panel to undertake for the first time in the world properly and independently analysed studies.

I went on to say that any research undertaken, whether by the NHMRC or an independent panel, must include full spectrum acoustic monitoring, epidemiological and laboratory studies; seek the views of industry and the community generally; identify the range of interests and concerns of those whose views are sought—and I come back to my comments of a few moments ago with regard to the panel that did the latest so-called review; and include, but not be limited to, the research into audible noise, low-frequency noise, infrasound, electromagnetic radiation and vibration arising from or associated with wind farms, including wind, turbines, transmission lines et cetera.

In the few minutes that I have available to me, I want to return to the approval that was given by the department to Infigen on 14 March 2014, and there are, quite rightly, a number of conditions pertaining to and contingent on that eventual support. I remind you the original application was made back in 2008. There was a five-year period in which the proponents had to act, and they did not. There was a circumstance in which the New South Wales department was requiring further information. The company itself, not the department, failed to fulfil the terms of the approval and that was to meet the requirements within the five-year period. We are now in the circumstance, I understand, close to some six years later, that we are at the very point of an approval being given but I say this to you: 'the project approval does not operate until the following deferred commencement conditions are complied with,

and these relate to all land within the project area being identified within the document reference'. I say again: it is incumbent on the department and the proponent to come clean and tell us where the truth lies. (*Time expired*)