



The Waubra Foundation.
PO Box 7112
Banyule
Victoria, 3084
Australia

Reg. No. A0054185H
ABN: 42 152 077 891

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Important Information for all Politicians in Victoria

Section 10 of the Victorian Charter of Human Rights and Responsibilities applies to public officials including Ministers and Heads of Government Departments as well as public servants, and states that:

A person must not be—

- a. **subjected to torture; or***
- b. **treated or punished in a cruel, inhuman or degrading way; or***
- c. **subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.***ⁱ

Victorian rural families living in the vicinity of industrial wind turbine developments have been reporting the characteristic adverse health impacts including sleep deprivation and stress symptoms from exposure to operating wind turbines since 2004,ⁱⁱ as have their health professionals and acousticians.^{iii iv}

Government Ministers from Coalition and Labor governments, politicians from other parties and senior public servants in Victoria have repeatedly been made aware of these serious health problems, **which include prolonged sleep deprivation.**

The UN Committee Against Torture made the following statement about **sleep deprivation:**^v

“The Committee against Torture (CAT) has noted that sleep deprivation used for prolonged periods constitutes a breach of the CAT, and is primarily used to break down the will of the detainee. Sleep deprivation can cause impaired memory and cognitive functioning, decreased short term memory, speech impairment, hallucinations, psychosis, lowered immunity, headaches, high blood pressure, cardiovascular disease, stress, anxiety and depression.”

Relevant Victorian History

The first Victorian Medical Practitioner to investigate and report sleep deprivation, physiological stress symptoms and other adverse health effects in residents living near industrial wind turbines was Dr David Iser, at Toora, in 2004.^{vi}

Dr Iser reported the findings of his “world first” population survey at Toora to Premier Bracks, Minister Thwaites, Minister Brumby and Minister Delahunty in May 2004, in addition to local government authorities. Dr Iser’s concerns and his request for further research were ignored.

Most of the adversely impacted Toora residents were bought out, silenced with nondisclosure clauses in their property buy out agreements,^{vii} and their homes were relocated or bulldozed.^{viii}

The recent Government Ministers for Planning and Health, and the Premier, have also ignored the ongoing reports of home abandonments, sleep deprivation and serious illness from a growing number of industrial wind developments, particularly those which have taller, more powerful wind turbines.

Nothing effective has been done by successive Victorian Governments to directly investigate these issues or to stop the harm that has repeatedly been reported.

UK Acoustician Professor Leventhall told the NHMRC Workshop in June 2011 into Wind Turbine Health Effects that *“noise annoyance” symptoms are the same as “wind turbine syndrome” symptoms*, and that he had known about them for years.^{ix} These symptoms are serious, and include sleep disturbance.

The former Victorian Chief Health Officer and two Medical Staff from the Victorian Health department were present in the NHMRC workshop during Professor Leventhall’s presentation,^x and the two medical staff subsequently publicly acknowledged on two occasions (April 2011 in Evansford, and October 2011 in Melbourne) that the health impacts reported by the residents were real. These medical practitioners are no longer with the Health department.

The current Victorian Health Department senior staff and Chief Health Officer have consistently refused to conduct investigations under the Public Health and Wellbeing Act into the many health and noise complaints they have received.^{xi}

The Health Department staff and lawyers have repeatedly refused to disclose the authorship of their fraudulent and misleading statement on wind turbine noise and adverse health effects, published in 2013.^{xii} Neither the Minister for Health nor the Health Department have corrected the errors in this document or withdrawn it, despite being repeatedly advised it was false and misleading by some of the leading scientific and acoustic academic researchers working in this area (Professors Salt, Lichtenhan^{xiii} and Hansen^{xiv}). This document has since been relied upon in court proceedings and planning hearings in Victoria^{xv} and interstate,^{xvi} despite the responsible judicial and planning officials being made specifically aware that the advice contained in this document was false and misleading.

The former Health Minister, Daniel Andrews, received statutory declarations from twenty Waubra and Cape Bridgewater residents at a community cabinet meeting in Bendigo in June 2010, handed over by former Waubra resident Mr Noel Dean. These statutory declarations contained details of the health problems the residents had experienced, many repeatedly mentioning sleep disturbance. The Minister assured Mr Dean he would get back to him within a month, however there was no further contact.

The former Labor Minister for Planning approved an increase in power generating capacity of individual wind turbines at Macarthur, with no reassessment of the noise impact. The consequences have been devastating for the health and sleep of the neighbours, with serious adverse health impacts repeatedly reported to the Waubra Foundation out to a distance of 10 km from the Macarthur Development.^{xvii}

The former Liberal Minister for Planning has quietly passed amendments which make it easy for wind developers to increase the size and power generating capacity of turbines, having taller towers and longer blades, without any revised noise impact assessment being conducted.^{xviii}

Increased turbine size is proven to increase the proportion of sound energy generated in the lower frequencies, which will inevitably lead to increased adverse health effects for the residents, out to greater distances. ^{xix}

There is already well documented population survey evidence of sleep disturbance to a distance of 10km from large 3 MW wind turbines in both Victoria and South Australia, and out to 8km from 2 MW wind turbines in New South Wales. ^{xx} Recent acoustic survey evidence at Waterloo has demonstrated excessive low frequency noise out to 8.7km. ^{xxi} The NHMRC CEO has recommended adoption of a precautionary approach with respect to wind turbine siting;^{xxii} and the field evidence suggests a setback distance of at least ten km for 3 MW turbines is required.

The Victorian Civil and Administrative Tribunal Members Wright and Liston acknowledged in the Cherry Tree case in 2013 that sleep deprivation was occurring in the vicinity of wind developments in Australia, and that the symptoms were real, and not imagined. ^{xxiii} They approved the Cherry Tree Wind Development despite accepting that sleep deprivation was occurring, “because it was government policy” to support the wind industry. ^{xxiv}

It is clear that the current system of planning and noise pollution regulation for industrial wind developments in Victoria is resulting in widely reported sleep deprivation, and serious harm to the health of some rural Victorian families.

Whilst it may be “government policy” to support industrial wind development, if this results in the torture of Victorian residents from prolonged sleep deprivation, because planning and noise pollution regulations are unsafe, this is against both Victorian Law and Commonwealth Criminal Law, and those public officials responsible may be held personally accountable for their actions in ignoring the reported harm.^{xxv}

There is **no** evidence demonstrating no adverse health impacts occur in populations living near industrial wind developments.

On the other hand, there is a steadily growing body of 30 years ^{xxvi} of independent acoustic and clinical evidence in Australia and internationally which suggests that excessive noise, and excessive levels of impulsive infrasound and low frequency noise from industrial wind turbines are directly causing these reported health problems, known as “noise annoyance” symptoms, including prolonged sleep deprivation, out to distances of 10 km with more powerful turbines, especially when they are sited closer than 5-8 rotor diameters to each other. ^{xxvii}

What is Urgently Required?

- Multidisciplinary research, as recommended by the Federal Senate in June 2011 ^{xxviii}
- Real time, full spectrum, acoustic measurements inside and outside homes, where adverse health effects and sleep disturbance are being reported by residents
- Transparent provision of acoustic, wind mast and SCADA data from wind developers to enable independent acousticians to determine compliance.
- Adoption of a precautionary approach; evidence based setback distances and wind turbine noise pollution regulations and planning permit conditions which **field evidence** demonstrates will protect health and sleep with long term exposure. Current field evidence suggests at least 10km setbacks for 3 MW turbines.

What are the consequences for public officials and the community of continuing to ignore the serious health problems, the expressed concerns of medical practitioners and acousticians, and the latest evidence?

The inevitable consequence of politicians and responsible public officials continuing to ignore the evidence of harm is more predictable yet preventable suffering and serious harm to the health of Victorian families.

The adverse clinical consequences of sleep deprivation alone are well known to clinical medicine, and are irrefutable. ^{xxix} However there are other additional adverse health effects, called “noise annoyance” which are identical to the symptoms of “wind turbine syndrome” and have been known for years to senior members of the acoustics profession used as experts for the wind industry. ^{xxx}

The recent announcement by the Brown County Town Health Board that the Shirley Wind Development in Wisconsin, USA is a Hazard to Human Health, specifically referencing “residents, visitors, workers and sensitive passers by”, based on field data from acoustic and clinical investigations, is an indication of the serious consequences of poorly sited wind turbines. ^{xxxii}

We reiterate, the UN Committee Against Torture has found that prolonged sleep deprivation is a method of torture. ^{xxxiii}

Sleep deprivation and poor sleep quality has been clearly demonstrated in Dr Bob Thorne’s psychoacoustic study of some of the most adversely impacted Victorian residents from the Waubra and Cape Bridgewater wind developments, ^{xxxiii} and a Victorian Sleep Physician who has treated some of these adversely impacted people in Central and Western Victoria has spoken out publicly about his concerns, and the need for research. ^{xxxiv}

In addition to the Victorian Charter of Human Rights and Responsibilities, the Waubra Foundation’s recent public statement outlines the possible consequences for responsible public officials if they are found to have known about torture and not acted to prevent it. ^{xxxv}

The consequences under the Commonwealth Criminal Code Act 1995 if the charge is proven include a jail sentence for up to 20 years.

Neither being at war, or “following orders” is an excuse under the law.

In addition, those who financially profit from effecting or acquiescing the torture of others are profiting from criminal acts.

ⁱ <http://waubrafoundation.org.au/resources/victorian-charter-human-rights-responsibilities-act-2006/>

ⁱⁱ <http://waubrafoundation.org.au/resources/wind-storm-sixty-minutes-story-about-wind-farm-woes-at-toora-wind-farm-victoria/>

ⁱⁱⁱ <http://waubrafoundation.org.au/resources/dr-david-iser-2004-conducts-first-survey-patients-living-near-wind-project/>

^{iv} <http://waubrafoundation.org.au/resources/wind-farm-generated-noise-and-adverse-health-effects/>

^v <http://waubrafoundation.org.au/resources/un-convention-against-torture/>

^{vi} <http://waubrafoundation.org.au/resources/dr-david-iser-2004-conducts-first-survey-patients-living-near-wind-project/>

^{vii} <http://waubrafoundation.org.au/resources/slater-gordon-acknowledge-confidentiality-clauses/>

^{viii} <http://waubrafoundation.org.au/resources/wind-storm-sixty-minutes-story-about-wind-farm-woes-at-toora-wind-farm-victoria/>

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- ix <http://waubrafoundation.org.au/resources/leventhall-g-comments-nhmrc-june-2011-wind-turbine-syndrome-symptoms-same-as-noise-annoyance/>
- x the list of attendees at the NHMRC Workshop in June 2011 is available here:
<http://waubrafoundation.org.au/resources/nhmrc-wind-turbines-health-scientific-forum-list-attendees-june-2011/>
- xi For example, in addition to the residents who have repeatedly requested investigation by the Victorian Health Department, the Pyrenees Shire Council requested the Chief Health Officer to investigate the Waubra wind development, but this request was refused.
- xii <http://waubrafoundation.org.au/resources/wind-farms-sound-health-victorian-dept-health-report/>
- xiii <http://waubrafoundation.org.au/resources/prof-alex-salt-expresses-deepest-disappoint-victorian-dept-health-report/>
- xiv <http://waubrafoundation.org.au/resources/prof-colin-hansen-writes-victorian-dept-health-recent-wind-farms-health-doc/>
- xv <http://waubrafoundation.org.au/resources/cherry-tree-vcat-final-orders-november-2013/>
- xvi <http://waubrafoundation.org.au/resources/collector-pac-hearing-nsw-speech-from-waubra-foundation/>
- xvii <http://waubrafoundation.org.au/resources/macarthur-wind-energy-facility-preliminary-survey/> shows the results of an anonymous survey collected independently of the Waubra Foundation with impacts out to 9km.
- xviii <http://waubrafoundation.org.au/resources/victorian-planning-minister-guy-quietly-amends-planning-provisions-allow-more-powerful-turbines/>
- xix <http://waubrafoundation.org.au/resources/moller-pedersen-low-frequency-noise-from-large-wind-turbines/>
- xx See particularly the noise impact surveys by Morris, Schneider and Schafer which can be accessed here:
<http://waubrafoundation.org.au/library/community-noise-impact-surveys/>
- xxi <http://waubrafoundation.org.au/resources/hansen-zajamsek-hansen-noise-monitoring-waterloo-wind-farm/>
- xxii see for example the NHMRC CEO Professor Anderson's oral testimony in the 2011 Federal Senate Inquiry
<http://waubrafoundation.org.au/resources/social-and-economic-impact-rural-wind-farms-prof-warwick-anderson-nhmrc/>
- xxiii <http://waubrafoundation.org.au/resources/vcat-cherry-tree-wind-farm-hearing-orders/>
- xxiv <http://waubrafoundation.org.au/resources/cherry-tree-vcat-final-orders-november-2013/>
- xxv <http://waubrafoundation.org.au/resources/public-officials-at-risk-criminal-charges-for-torture-public-statement/>
- xxvi <http://waubrafoundation.org.au/resources/kelley-et-al-methodology-for-assessment-wind-turbine-noise-generation-1982/>, <http://waubrafoundation.org.au/2013/explicit-warning-notice/>, some more recent acoustic field evidence is here: <http://waubrafoundation.org.au/library/community-noise-impact-surveys/>
- xxvii See the Waubra Foundation's submission to the RET review for a detailed analysis of the Macarthur wind development separation distances by Dr Malcolm Swinbanks, and Mr Les Huson
<http://waubrafoundation.org.au/resources/renewable-energy-target-review-waubra-foundation-submission-2014/>
- xxviii <http://waubrafoundation.org.au/resources/australian-federal-senate-inquiry-into-wind-farms-health-report/>
- xxix <http://waubrafoundation.org.au/resources/hillman-d-lack-l-public-health-implications-sleep-loss-community-burden-mja-oct-13/>
- xxx <http://waubrafoundation.org.au/resources/leventhall-g-comments-nhmrc-june-2011-wind-turbine-syndrome-symptoms-same-as-noise-annoyance/>
- xxxi <http://waubrafoundation.org.au/2014/duke-energys-shirley-wisconsin-wind-development-hazard-human-health-declares-brown-county-board-health/>
- xxxii For a more detailed analysis see <http://waubrafoundation.org.au/resources/public-officials-at-risk-criminal-charges-for-torture-public-statement/>
- xxxiii <http://waubrafoundation.org.au/resources/hansen-zajamsek-hansen-noise-monitoring-waterloo-wind-farm/>
- xxxiv <http://waubrafoundation.org.au/resources/sleep-physician-dr-wayne-j-spring-calls-for-noise-assessment/>
- xxxv <http://waubrafoundation.org.au/resources/public-officials-at-risk-criminal-charges-for-torture-public-statement/>