

Submission template

REVIEW OF THE NATIONAL WIND FARM COMMISSIONER

The Climate Change Authority is an independent statutory body established to provide expert advice on climate change policy issues.

The Minister for the Environment and Energy, the Hon Josh Frydenberg MP, has asked the Climate Change Authority to conduct a special review of the role of the National Wind Farm Commissioner.

At the time the National Wind Farm Commissioner was established, the Government said it would review the role in 2018. This review responds to that undertaking. The Terms of Reference for the National Wind Farm Commissioner are attached. The Authority is asked to consider to what extent the Commissioner is fulfilling its Terms of Reference, the ongoing need for the role, its scope and possible models for funding. The Authority's Terms of Reference for this special review can be found on the Authority's website. More information on the role of the Climate Change Authority is available at www.climatechangeauthority.gov.au. Information on the National Wind Farm Commissioner is available at www.nwfc.gov.au.

Submission Instructions

Submissions are invited until 13 April 2018.

Submitting via email

submissions@climatechangeauthority.gov.au

Submitting via post

Submissions
Climate Change Authority
GPO Box 787
ACT 2600

Contacts

Should you require further information about making a submission, please contact the Climate Change Authority on freecall 1800 475 869 or via email at enquiries@climatechangeauthority.gov.au.

Overview

Submissions on the National Wind Farm Commissioner review are invited, ideally using this template to assist with the Authority's analysis of submissions. However, organisations and individuals wishing to make submissions should not feel constrained by the questions below and should feel free to provide any comments they wish. The Authority is also happy to accept submissions in other forms, including letters or emails.

Contact Details

Name of Organisation: 3M
Pastoral Company

Name of Contact, Role:
Owners: Simon & Louise
Manifold

Contact Phone Number: [REDACTED]

Contact Email:
[REDACTED]

Date: 5 April, 2018

Confidentiality

All submissions except those made in confidence will be published on the Authority's website.

For submissions made by individuals, all personal details other than your name and the state or territory in which you reside will be removed from your submission before it is published.

Do you want this submission to be treated as confidential? Yes *No

1. Have you interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm? If so, please tell us about the nature of the complaint.

In particular:

- I. Did the complaint relate to an existing or proposed wind farm, or was it a general complaint?**
- II. What was your role in the process - were you the complainant or was the complaint made against you or your company?**
- III. If the complaint was about a specific wind farm, in what state and local government region is it located?**

We were invited to meet with the National Wind Farm Commissioner and a public relations representative from AGL because we had been submitting complaints about the Macarthur Wind Farm, but were not receiving satisfactory communication with AGL about on-going impacts of the working wind farm, nor had we had any input in the initiation of the project – the wind farm

We were the complainants. The Macarthur Wind Farm. Moyne Shire Council

2. If you have interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm, would you like to comment on how the complaint process was conducted?

In particular:

- I. Were you provided with information about the process for dealing with your complaint?**
- II. Were you made aware that participation in the process to deal with your complaint by other parties (like state government agencies or wind farm operators) is voluntary?**
- III. Were you asked to provide information to assist the Commissioner in dealing with your complaint? Did you do so?**
- IV. Was your complaint progressed in a timely way?**
- V. Did the Commissioner work with wind farm proponents or operators and other bodies (like state or local government agencies) on the complaint?**
- VI. Were you satisfied with the process undertaken to resolve the complaint?**
- VII. Were you satisfied with the outcome of the complaint?**

We knew the process, as provided by AGL, for submitting complaints. They were either ignored, or dealt with on a general meaningless statement.

We had the expectation that as neighbouring landowners who were directly impacted by the proposed wind farm, that we should be listened to, that we should have a say in the proceedings and planning process

We were asked to meet with the Commissioner and to provide information to be written in a format that had been communicated to us. We know how the meeting would progress and we prepared appropriately for the meeting. We also conducted some background research into the process and the role of the Commissioner on an individual basis

We received acknowledgement of our complaint and the meeting within a week (a few days) and it was good to get the feedback in a timely, clear manner

Because the representative from AGL was also at the meeting, we were able to have a 3-way discussion

We were satisfied with having a hearing – the first – and being able to put our complaints forward to someone who would listen. We had no expectation that the complaints would be addressed by AGL, based on prior experience, but hoped that our complaints would be addressed by governments. We were advised (not by the Commissioner) that we would have to put in a legal complaint/claim to AGL in order to get any changes to our current situation. It is our view that this should not happen – we would most certainly not achieve a satisfactory outcome – big business versus small landowner – the cost would be prohibitive and we feel insignificant in taking on AGL

3. The Terms of Reference for the National Wind Farm Commissioner say that the Commissioner will lead efforts to promote best practice, information availability and provide a central, trusted source for disseminating information. Do you have any comments on this aspect of the Commissioner's role?

From our meeting with the Commissioner, we felt that we had been given a good hearing; the Commissioner supported each of our complaints with his own findings. It was the first time we felt as if we did have a voice and that what we said was legitimate and needed addressing.

The fact that research that can be substantiated happens after an action (completing of the wind farm) has been taken does not help when impacts have been felt, have been commented on, but ignored. The fact that there are negative impacts is now accepted. Such as the noise associated with wind farms – it is a fact that they are noisy and can cause discomfort and illness. But AGL was responsible for disclaiming impacts and also 'bribing' organisations into accepting their claims

Big companies, like AGL, do not have the right to bully their way into establishing something that has gains for them at the expense of surrounding neighbours; their responsibility is to landowners on neighbouring properties, as well as to the people who agree to 'house' a wind farm. Governments have a duty of care to constituents to represent voters' needs and interests. The Commissioner is assigned to collect and collate unbiased information for governments

The Commissioner's most important proposal was that the neighbouring landowners who would be included within a 'buffer' zone would have the opportunity to seek compensation (at a fair rate), or have screening provided (but trees take years to establish to any height to hide the towers), or to be allowed the right to sell out to the wind farm company up to 5 years of the establishment of the wind farm at a price that the land would have attracted before the establishment of the wind farm, if owners found that the impacts were not manageable.

4. Do you think there is an ongoing need for the Commissioner? Do you see this changing in the future? If so, how?

We feel there is an on-going need for a Commissioner. We need representatives who are prepared to listen to people who are having difficulties. We need someone who is unbiased, who will collect data from all parties with vested interests in projects and to present that information on behalf of those parties

5. Do you think the Commissioner's scope, which is currently focused on proposed and operational wind farms is sufficient? Or should it be expanded to other large scale renewable energy projects, such as solar and storage?

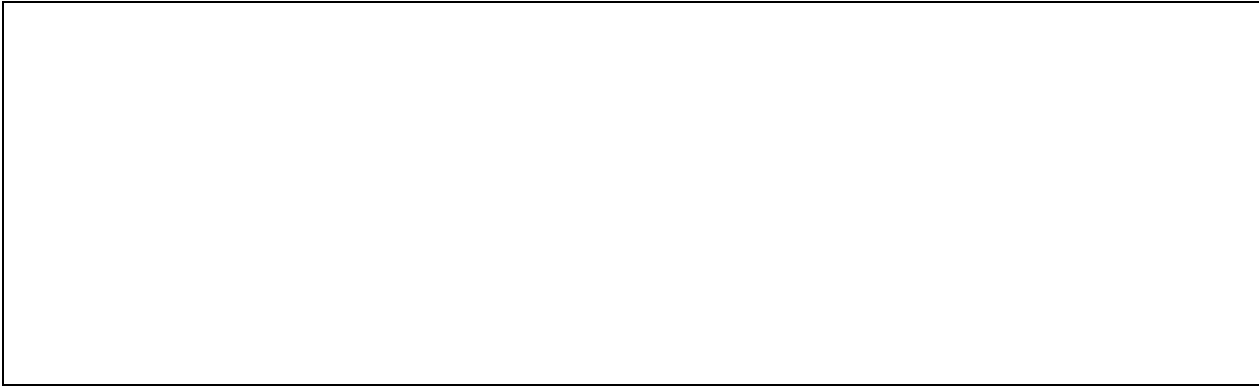
We feel that the way wind farms were foisted on communities and neighbouring landowners needs someone to specifically be in charge of wind farms. The impact has been enormous, the technology on a grand scale, the venture is new and therefore the scope of the wind commissioner should be focussed on this new technology

6. The Office of the National Wind Farm Commissioner is funded from the Commonwealth budget at a cost of approximately \$676,000 per year. Do you think the Commissioner's office should continue to be funded in this way or should other funding models (like cost recovery from industry) be considered?

We cannot comment on this, only that the Office of the National Wind Farm Commissioner should continue to be funded. It cannot be withdrawn – it is new technology that needs to be further investigated

7. Do you have any other comments about the role of National Wind Farm Commissioner?

Our greatest concern is that the findings of the Wind Commissioner will not be heard, ignored or dismissed. If an Office of the National Wind Farm Commissioner has been established, it was obviously done because there was a need for someone to find out what the impacts have been, and how to address the impacts. There have been complaints and they need to be investigated. Our complaints were reflected and supported by the findings of the Wind Commissioner. It is our understanding that five findings were going to be put to parliament. But as he said, they may be ignored or dismissed. We do not find this state of affairs satisfactory. If an Office has been established, it is up to ministers to listen to the expert advice and findings put forward by the person who has been assigned to the job.



Attachment: National Wind Farm Commissioner Terms of Reference

The negotiated settlement of the Renewable Energy Target in mid-2015 is expected to lead to increased construction of wind turbines in the next five years.

The Senate Select Committee on Wind Turbines, held during 2015, identified many issues of concern relating to the standards, monitoring and operation of wind farms.

The Government responded positively to the recommendations of the Committee's Interim Report, including creation of the role of a National Wind Farm Commissioner.

The Commissioner will work collaboratively with all levels of government, scientists, industry and the community to resolve complaints from communities about proposed and operational wind farms.

The Commissioner will refer complaints about wind farms to relevant state authorities and help ensure that they are properly addressed.

The Commissioner will work with stakeholders to identify needs and priorities for monitoring wind farms.

The Commissioner will lead efforts to promote best practices, information availability, and provide a central, trusted source for dissemination of information.

The Commissioner, supported by the Australian Government Department of the Environment, will report to the Minister for the Environment and provide an Annual Report to the Australian Parliament on delivering against these Terms of Reference.

The work of the Commissioner will not duplicate or override the important statutory responsibilities of other jurisdictions, such as those relating to the planning and approval of wind farms.

The Commissioner is to draw on the work of the Independent Scientific Committee on Wind Turbines.

The role of the National Wind Farm Commissioner will be established for an initial period of three years and will be reviewed by the Australian Government.