



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:

Name of Contact, Role:

Gunther Wilhelm and Bernadette Janssen

Contact Phone Number:

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Contact Email:

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Date:

12 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 both submitted complaints to the NWFC regarding the Waubra Windfarm, located in the Pyrenees Shire and City of Ballarat in Victoria.

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?**

1. There was detailed information provided about the process of dealing with the complaint.
2. We were made aware that participation from government agencies and the operator were voluntary. We regarded this as one of the key limitations of the NWFC. This indicated to us that the NWFC had no power whatsoever, and whilst we submitted a complaint we were not confident that it would result in any action. Indeed we realised that it would be another exercise of bureaucratic circumlocution. And we were proved right in our assessment, unfortunately.
3. We entered the process in good faith and provided information as requested, to the best of our ability and resources, to the NWFC. Request for independent acoustic assessments to verify our complaints regarding noise, are cost prohibitive for many people in our district including ourselves.
4. The question should be Was your complaint progressed? Rather than asking about its timeliness. (What is timely for one may not be for the other!) Our complaint was in 2 parts and only one aspect was addressed, the other aspect we do not consider to be progressed or timely.
5. For the complaint regarding the Complaints Procedure, the NWFC worked with Acciona, the wind facility operator. Acciona after nearly 7 years (approximately) of operating under a Permit that required a publicly accessible and transparent Complaints Procedure, and not

providing one, finally made one available on their website in 2016. One wonders what the purpose of a Permit is if a company does not adhere to it and there appears to have been no will or way to enforce it. I don't know whether the NWFC addressed this issue of enforcing Permits.

In the meantime it was very difficult for people to find out how to make a complaint. So of course, Acciona for those years said they received very few complaints. Which was little wonder, when not only was there no easily accessible way to complain but if you did complain, an Incident Report Number was provided (after the first year, Complaint Number 1 was issued in 2010, even though we know many people complained on many occasions by phone and in person) and little was done, beyond at the best, talkfests.

It could be considered a success that a Complaints Procedure was finally made publicly accessible, except that by this stage, the public no longer believed that anything would be done about their complaints. Indeed many from the outset had stated "what is the point of complaining because nothing will be done" For those who had complained from the beginning, that there was finally a publicly available way to complain was little consolation. The issue still remained "what will be done about the complaint?"

And that is our major issue What is going to be done about our complaints? There are serious issues being reported by people and they need investigation, not political placations and showy sham.

It was felt that the NWFC was fiddling around the edges whilst the real issues that had instigated the complaints were ignored, not dealt with. Indeed the Terms of Reference themselves ensured that the more difficult questions would not be addressed. So that the NWFC was nothing more than a costly sham, a political bone thrown to assuage Senate Committee Recommendations that also had been ignored for too long, and would probably have never been addressed without some political terriers.

6. The process was outlined clearly, but detailing bureaucratic procedure does not mean that it will actually yield results satisfactory to all parties involved. Bureaucratic procedure can be as much about obfuscation as clarity. We made a written complaint, and then minimal communication occurred after that, which certainly did not keep us fully informed. Also an informal aspect of this formal process was worrying. Telephone conversations and off the record meetings, appeared not to be documented and allowed for 'rubbery interpretations' and 'I cannot recall' moments.

There is always inequity, when a highly paid bureaucrat with office backup is engaging in a process with ordinary people who have jobs, lives, families etc, making a complaint. A request for detailed information and support material with a timeline of three weeks, whilst perhaps realistic where you are making the request to another paid bureaucrat is not realistic, nor empathetic, when dealing with people who are already stretched to capacity, who may not be familiar with constructing responses with the necessary support material. Whilst one is not necessarily expecting empathy, one is expecting a consideration of equity in what one would hope for in a democratic situation. But one can see that there is little consideration for such matters.

I would have thought that it would be 'best practice' to build in feedback during the process, a brief survey, customer satisfaction etc. This would ensure that as the process occurred adjustments could be made to ensure the process was achieving good results, that the complainants felt that their complaints were being addressed. This would have provided the

NWFC some hard data before spruiking how successful the NWFC had been in resolving complaints.

7. Definitely not! The scope of the NWFC brief had no authority to institute an investigation that could result in changes in standards and guidelines. Whilst we engaged in the process in good faith it became obvious fairly rapidly that it was just another sham.
8. Considering one aspect of our complaint was given little attention, we were not only not satisfied but we completely lost any remaining confidence in the NWFC. We certainly felt that we had wasted our time on what was obviously a political theatre.

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?

- The Terms of Reference themselves are part of the problem. NWFC had no powers to actually make accountable, enforce obligatory requirements of the permit, let alone have the authority to investigate and review Standards and guidelines that would lead to enforcing changes that would ensure people are protected.

Promote best practice in what? Obfuscation, distraction, the art of appearing to do something when not doing anything. Leaving complainants feeling disillusioned, betrayed, conned and their complaints, well whatever happened to those complaints? I'm sure most

complainants will feel as if they have not been addressed. The NWFC certainly demonstrates 'best practice'.

As to trust: It is a difficult task to gain trust, as it should be, since the person or office must demonstrate that they are open honest transparent accountable, and not biased, to all parties. Not an easy task, but charm, an ability to chat, are no substitute for the qualities that will earn trust.

It is also very difficult to trust the NWFC when

1. There appear to be different sets of rules for complainants and wind facility operators. One of our experiences, in a meeting organised by the NWFC we were required to provide a list of who would attend the meeting prior to the meeting but what we discovered later was that the wind facility operator did not. The wind facility operator arrived at the meeting which was framed as an 'intimate discussion' with 2 extra staff members. We were not even asked if this was acceptable. It changed the dynamics and the framework of the meeting. Whilst it could seem petty, knowing who will attend a meeting can shape the approach, the questions, etc so that you can maximise the time, especially important when you are not a paid worker. This again highlights the inequity and imbalance of power.
2. Statements are made publicly by NWFC about how complaints have been satisfactorily resolved, but where the complainants have not been surveyed to discover the level of satisfaction (*until now, which is rather a bit too late, since NWFC has already put it into the ether, whether true or not, that all has been taken care of) It would seem strange that the claim of satisfactory resolution of complaints is made by the body that is supposedly resolving the complaints. A conflict of interest wouldn't you say?
3. And when the NWFC has opined, with absolutely no evidence, that the complainants, have not followed up, or continued to complain because they are now familiar with living with the windfarm. A variation on 'they were sick because of the unfamiliar technology ie technophobic luddites, but now they are familiar they are not sick.' A completely condescending unfounded unsubstantiated opinion peddled by the NWFC, again an abuse of one's position. Whereas it is plainly obvious the reason people do not continue with their complaints, or new people instigate complaints is because nothing will be done about them. Indeed it is just a futile waste of time, effort, resources. And it would seem that an MO is revealed, that you give people the runaround, waste their time and energy for long enough that they will be worn down, give up. They will just say 'what is the point of complaining, nothing is ever done' and indeed this is evident in the latest sham, farce, theatrical production, presented by the NWFC.
4. What is being disseminated by a peddler of opinion? Trustworthy? Not likely.

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

Of course there is a role for monitoring, reviewing, investigating, enforcing (Permits, Standards, Guidelines) as independent oversight to an industry but it requires a body that has teeth. Not another government agency that is there for show.

If the NWFC had the authority, and the terms of reference had the scope, as well as the will to investigate, challenge and change there could be a role. But if its more of the same, same terms of reference, same modus operandi what is the point. It is merely a tokenistic gesture.

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?

Again, what is the point of a NWFC that has no real power, just has to invite, inveigle, manipulate,. There is no doubt that these industries and their regulation, require monitoring but the current NWFC brief is inappropriate and inadequate to ensure the transparency, accountability of the operation of these industries. Self regulation is no regulation. And monitoring by the NWFC that has no authority, no 'teeth', is also completely ineffectual and would be a waste of taxpayers money. There needs to be an agency that is truly independent, has authority, and the will and open-mindedness to explore difficult or contentious issues for the benefit of the public, now and into the future.

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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?

Unless there is a change of the terms of reference, level of authority, there is little point in continuing with what is obviously a sham.

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

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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.