



The Waubra Foundation.
PO Box 7112
Banyule Vic 3084
Australia

Reg. No. A0054185H
ABN: 42 152 077 891

CEO Mobile: 61 + 0474 050 463
E: info@waubrafoundation.org.au
www.waubrafoundation.org.au

Patron Alby Schultz
Board
Charlie Amott, BRuSci (Hons)
Dr Michael Crawford, B Sc, B A
(Admin), M Admin Studies, PhD
Sarah Laurie, BMBS (Flinders) (CEO)
Peter R. Mitchell AM, BChE (Chair)
Alexandra Nicol, B Ag (Hons)
Kathy Russell, BCom, CA
The Hon. GIVE Tadjell, AO

5 December, 2014

Hon Daniel Andrews
Premier of Victoria
Spring St
Melbourne
Sent via email: daniel.andrews@parliament.vic.gov.au

Dear Premier Andrews,

Re: Letter of Notice

This letter is to formally advise you and your government Ministers in relevant portfolios that you are all now legally on notice about the serious adverse health effects caused directly and indirectly by exposure to industrial wind turbines.

You may remember the Waubra Foundation wrote a joint open letter to yourself, Premier Napthine, and to the Greens Leader Greg Barber, about this subject, on 16th November, 2014 just before the recent Victorian election. That letter detailing a brief history of what has occurred in Victoria including your own personal knowledge of the problems in June 2010 is attached, as is the document sent to all Victorian politicians.

I note that prior to the election, you repeatedly stated you were **“concerned about the health of all Victorians”**. How you personally respond to this issue will certainly be a test of your commitment to the health of rural Victorians who live near industrial wind developments.

Victorian residents have been reporting serious adverse health effects from exposure to operating wind turbines over the last ten years, since the residents at Toora first reported their serious adverse health problems to Dr David Iser, their GP, and to the media, in 2004, some 6 years before the Waubra Foundation was established. Dr Iser’s research and copies of letters to previous Victorian Government Ministers are attached.

Sleep Deprivation & Excessive Environmental Acoustic Emissions

The commonest adverse health effect reported by residents living near industrial wind turbines is repetitive sleep disturbance, resulting in chronic and prolonged sleep deprivation with longterm exposure. The direct causal links between excessive environmental noise, sleep deprivation and consequent serious ill health are well established in clinical medicine and noise and health research, and have been acknowledged by the World Health Organisation since the mid 1990’s.¹

Research in the 1980’s established that sleep disturbance resulting in sleep deprivation was one of the “noise annoyance” symptoms **directly caused by impulsive infrasound and low frequency noise** from horizontal axis wind turbines, in a major NASA associated research project funded by the US Department of Energy, led by Dr Neil Kelley.

The Kelley field and laboratory research reported to the American Wind Energy Association in 1987 resulted in major changes to the design of horizontal axis wind turbines from downwind to upwind bladed, and to a single central tower in order to minimize the generation of excessive levels of those sound frequencies, because of the known adverse health effects. Further details of this research are available in our Explicit Warning Notice, also attached.

Sleep Deprivation, Torture, and the Australian Criminal Code Act 1995

Prolonged sleep deprivation is specifically acknowledged as a method of torture by the UN Committee against Torture, who have stated that:

“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.”

The Commonwealth Criminal Code Act 1995 as amended in 2010, specifically prohibits torture, or acquiescing to torture. Our recent public statement details the relevant legislative provisions, and the consequences for any public official who commits acts of torture, or who allows it to occur, or to continue, despite being personally advised of it. That public statement is attached.

Recent Australian Acoustic and Health Field Research

- Dr Bob Thorne (2012,ⁱⁱ updated in 2014ⁱⁱⁱ) detailed serious adverse health impacts from residents from the Cape Bridgewater and Waubra wind developments, together with measured acoustic exposures at those locations. Sleep deprivation, poor sleep quality, and indicators of severe mental health problems were identified in these residents. Comparison of these results with normal population data revealed the self assessed health parameters to be **worse than hospital inpatients** – usually acknowledged as the sickest in any population. This important research was not included in the 2014 NHMRC Systematic Literature Review as it was released a month after the cut off date of September 2012.^{iv}
- Emeritus Professor Colin Hansen of Adelaide University has found that there is excessive low frequency noise measured at the Waterloo wind development out to 8.7km from 3 MW wind turbines and that the existing noise standards cannot protect health, because the averaging methods used hide the peaks of sound energy which are well known to have an adverse impact on sleep.^v
- Mr Les Huson’s acoustic survey work at the Macarthur Wind Development in Western Victoria and exploratory work into the measurement of infrasound using pressure change sensors has found that the symptoms of “pressure bolts” to the back of the head described by one resident correlated with measured peaks of pressure changes from the Macarthur Wind Turbines, which were ten times the levels of pressure changes shown to cause nuisance from another noise source.^{vi}
- Mr Steven Cooper’s acoustic survey at Cape Bridgewater is about to be publicly released, and is currently in the hands of the residents who took part in the collaborative study. Pacific Hydro, to its credit, have not only commissioned this work but have also committed to release the document publicly. Preliminary results demonstrate that the current methodology suggested by the NZ wind turbine noise standards and specified in Planning Permits to assess wind turbine noise are “useless” at providing protection to neighbouring residents.^{vii}

Federal Senate Inquiry into Wind Turbines

The upcoming Federal Senate inquiry will be investigating the way various government agencies and departments at various levels of government have combined to **ensure** the ongoing systematic regulatory failure of the wind industry, which has resulted in serious and predictable harm to human health, as well as multiple wind developments operating and receiving renewable energy certificates whilst there are serious concerns about whether or not they are compliant with even the incompetent terms of their planning permit. The last ten years in Victoria provide many examples of this systematic regulatory failure, as well as the serious harm to human health.

Potential Exposure to Litigation for the Victorian Government & Taxpayers

There are numerous examples of regulatory failure of the wind industry, some of which have been publicly exposed for some time, which may eventually result in successful litigation against the Victorian government. These include:

- Failure of the Victorian Health Department to investigate or to commission properly conducted independent research, despite medical officers working for the Department of Health publicly acknowledging the existence of health problems in 2011, and despite being specifically requested many times to investigate, including by local government (Pyrenees Shire Council) as well as severely affected residents and health practitioners in addition to the Waubra Foundation.
- Failure of the Victorian Planning Department to properly monitor compliance with planning permit conditions and enforcement of noise pollution regulation at numerous wind developments.
- Failure of successive Victorian Governments to adopt state wind turbine noise pollution regulations and standards, which protect the public.
- Failure to identify and properly manage the serious conflicts of interest between the wind industry and acousticians working to promote the wind industry's commercial interests, and the planning, health and noise pollution regulatory authorities.
- Failure to take notice of independent acoustic advice and relevant independent scientific research.
- Implementing changes to Victorian Planning regulations (via VC 113) which will enable increased damage to health to many more residents, despite being specifically aware of the peer reviewed published research demonstrating that more powerful wind turbines will predictably cause more "noise annoyance" symptoms for residents out to greater distances

Premier, if you and your government are genuinely interested in protecting the health of ALL Victorians, you and your advisers will quickly understand that your pre election wind turbine policy is not consistent with this goal. You will also realize the risks of continuing to ignore the evidence of serious harm to the health of too many Victorians from excessive environmental noise and vibration from wind turbines, as well as a variety of other sources. We are happy to work with you and your Ministers to improve the current unacceptable situation where vulnerable Victorians are being driven out of their homes or stay to be subjected to what they and others around the world describe as torture from prolonged sleep deprivation and other symptoms.

Yours sincerely



Sarah Laurie, CEO, Waubra Foundation

**CC Minister Hennessey (Health),
Minister Wynne (Planning),
Minister Jennings (Special Minister for State – government transparency, integrity, accountability),
Minister Pulford (Regional Development)
Minister D’Ambrosio (Energy)
Minister Foley (Mental Health, Housing, Disability, Aging)
Minister Hutchins (Local Government),
Minister Mikakos (Minister for Families and Children),
Minister Neville (Environment, Environmental Protection Agency), and
Minister Pakula (Attorney General)**

Attachments

1. Open Letter to Premier Napthine, Hon Dan Andrews MP and Greg Barber MLC, 16th November, 2014
<http://waubrafoundation.org.au/resources/open-letter-leaders-all-victorian-political-parties/>
2. Important information for all politicians in Victoria, 16th November, 2014
<http://waubrafoundation.org.au/resources/important-information-for-all-politicians-victoria/>
3. Dr David Iser’s research findings, and copies of letters to Victorian Politicians, May 2004
<http://waubrafoundation.org.au/resources/dr-david-iser-2004-conducts-first-survey-patients-living-near-wind-project/>
4. Explicit Warning Notice, detailing the Kelley/NASA/US department of Energy research from the 1980’s
<http://waubrafoundation.org.au/2013/explicit-warning-notice/>
5. Waubra Foundation Public Statement re Torture and Risks for Public Officials
<http://waubrafoundation.org.au/resources/public-officials-at-risk-criminal-charges-for-torture-public-statement/>
6. Environmental Noise, Sleep Deprivation and Torture, September, 2014
<http://waubrafoundation.org.au/resources/environmental-noise-sleep-deprivation-torture-september-2014/>
7. Wind Turbine Noise, A Simple Statement of Facts, August 2014
<http://waubrafoundation.org.au/resources/definitive-document-wind-turbine-noise-simple-statement-facts-august-2014/>
8. Wind Turbine Noise & Adverse Health Effects, June 2014
<http://waubrafoundation.org.au/resources/wind-turbine-noise-adverse-health-effects-june-2014/>
9. Waubra Foundation submission to the RET Review, detailing examples of systemic regulatory failure
<http://waubrafoundation.org.au/resources/renewable-energy-target-review-waubra-foundation-submission-2014/>

ⁱ See for example 1995 Berglund & Lindquist “Community Noise” <http://waubrafoundation.org.au/resources/berglund-b-lindvall-t-community-noise/> and subsequent publications such as the 2009 WHO Night Noise Guidelines for Europe <http://waubrafoundation.org.au/resources/who-night-noise-guidelines-for-europe/> and the 2011 WHO Burden of Disease from Environmental Noise <http://waubrafoundation.org.au/resources/who-burden-disease-from-environmental-noise/>

ⁱⁱ <http://waubrafoundation.org.au/resources/wind-farm-generated-noise-and-adverse-health-effects/>

ⁱⁱⁱ <http://waubrafoundation.org.au/resources/thorne-r-victorian-wind-farm-review-updated-june-2014/>

^{iv} other notable omissions from the 2014 NHMRC Systematic Literature Review are listed in the critiques by the Waubra Foundation <http://waubrafoundation.org.au/resources/waubra-foundation-open-letter-nhmrc-re-systematic-literature-review/> and Emeritus Professor Colin Hansen <http://waubrafoundation.org.au/resources/hansen-c-expert-review-nhmrc-draft-information-paper/>

^v <http://waubrafoundation.org.au/resources/hansen-zajamsek-hansen-noise-monitoring-waterloo-wind-farm/>

^{vi} <http://waubrafoundation.org.au/resources/huson-l-expert-evidence-at-vcat-cherry-tree-hearing/> and the statement by the resident is here: <http://waubrafoundation.org.au/resources/gardner-statement-vcat-cherry-tree-hearing/>

^{vii} <http://waubrafoundation.org.au/resources/cooper-s-pacific-hydro-cape-bridgewater-acoustic-testing-preliminary-results/>