

Disclosure of Interests for Peter Richard Mitchell

In June 2012 Peter Richard Mitchell, a lifelong executive and investor in fossil fuels and long term wind farm opponent was appointed as a 'Community Representative' (later changed to 'Observer') to the NHMRC's Wind Farms and Human Health Reference Group.

Mr Mitchell was required to complete and sign a 'Form for Disclosure of Potential Conflicts of Interest', which makes clear the requirement to disclose any apparent, perceived or potential conflicts of interest. Potential conflicts extend beyond the individual to immediate family members. They also pertain to affiliations and associations with organisations with competing interests and involvement in development of related guidelines, standards, educational materials or fact sheets.

It is clear that Mr Mitchell chose only to disclose a very small subset of his activities and interests that could be considered apparent, perceived or potential conflicts of interests in relation to the wind energy sector. Such omissions would appear to be at odds with the NHMRC's sophisticated conflicts of interest management protocol.

The notes following set out some of what is now known to have been omitted by Mr Mitchell. Once informed, many would agree that Mr Mitchell has been engaged in a prolonged and multifaceted effort to frustrate the development of wind energy in Australia. Further it could be claimed that the current NHMRC Review is the culmination of his efforts.

In the interests of protecting the integrity of the NHMRC review, and in line with the published Role of Observers[1], Mr Mitchell's statement of interests[2] should be corrected.

Given Mr Mitchell's longstanding and ongoing deep connections with the anti-wind lobby, the NHMRC is strongly encouraged to implement and publish a conflict of interest management process for Mr Mitchell.

1. Fossil fuel interests

Mr Mitchell has not disclosed his (and his immediate family's) relationships (governance and ownership), both past and present, with a number of fossil fuel and uranium interests. As these energy sources compete in energy markets with wind energy, Mr Mitchell's relationships represent perceived potential conflicts of interest.

a. Directorships

Mr Mitchell's directorships include Lowell Resources Fund Management Ltd (2002 to 2009), Lowell Petroleum (Australia) P/L (1994 to 2001), Molopo Energy Ltd (1998 to 2000) and Lowell Capital Ltd (2005 to 2006). Mr Mitchell's son, Stephen Peter Mitchell, is also heavily involved in the energy sector including as chairman and major shareholder of ASX listed petroleum company Petrel Energy Ltd and former Managing Director (until 2009) of ASX listed oil and gas company Molopo Energy Ltd.

Mr Mitchell was founding chairman of the Moonie Oil Company Ltd, and chairman or a director of related companies including Clyde Petroleum plc, Avalon Energy Inc, North Flinders Mines Ltd, Paringa Mining and Exploration plc. A website connected to Mr Mitchell boasts of 25 years involvement in companies that explored for, developed and financed oil and gas fields and pipeline systems in Australia and overseas.[3]

Mr Mitchell is also Chairman of Lowell Pty Ltd, the ultimate parent company of both Lowell Capital

Limited and Lowell Resources Funds Management Pty Ltd. He is a major shareholder of Lowell (via another company, Dominion Charter Pty Ltd). Lowell is the ultimate holding company of Lowell Resources Fund and Lowell Resources Pty Ltd, both companies heavily engaged in mining and energy investment, including oil, gas and uranium. Mr Mitchell is also a former Director of the Australian Institute of Petroleum Ltd.

b. Financial interests

Mr Mitchell discloses his insignificant interests in wind energy (“shares in a large diversified energy company which is also an owner and operator of wind projects”) yet fails to disclose significant family interests in competitive energy sources. His 154 shares in Origin Energy have a market value of approximately \$2060. Origin Energy owns a single wind farm representing approximately \$90m of their \$29bn assets. This values Peter Mitchell’s interest in wind energy at just \$6.39.

Mr Mitchell and his immediate family own (or until recently owned) significant shareholdings in Otis Energy, Petrel Energy, Lowell Resources Fund, Eastern Star Gas, Molopo Australia, Predictive Discovery, and Azimuth Resources — representing many millions of dollars of investment in fossil fuel and uranium exploration and extraction companies.

Mr Mitchell should disclose all of his relationships to fossil fuel and uranium interests (as owner or director) both directly and via family members, trusts and funds.

2. Anti-wind farm activism

Mr Mitchell has not disclosed the extent of his anti-wind activism to the NHMRC.

Mawallok and the Stockyard Hill Wind Farm

Mr Mitchell does not adequately disclose that his family owns a significant and valuable country estate with extensive grounds and heritage homestead and that his concerns to ‘protect’ this property from the threats he perceives from the proposed Stockyard Hill Wind Farm have driven him to mount a wide-ranging and protracted campaign against the wind farm proposal.

Mr Mitchell has spent hundreds of thousands of dollars in legal costs and consultant reports, and mobilised dozens of family and friends to engage in the planning process to object to the proposal. Mr Mitchell has stated “I wish to protect my family’s health, assets — the assets include a heritage-listed house and garden, particularly the garden, which is listed as one of the 1001 gardens worldwide to see before you die; it is going to be destroyed.”[4] It is clearly in Mr Mitchell’s interests for the NHRMC review to confirm his hypothesis that wind farms make people sick — as such his very real conflict of interest should have been disclosed.

Landscape Guardians

Mr Mitchell was instrumental in the founding of the Australian Landscape Guardians (ALG), a group formed to help local groups fight wind farms proposed for their environment.” (see [10])

While Mr Mitchell advised the NHMRC that he was “involved in the Australian Landscape Guardians up until about mid 2010”, he was in fact still very active in March 2011 when he personally represented the ALG at the Senate Inquiry into The Social and Economic Impact of Rural Wind Farms[5]. Mr Mitchell also authored the ALG submission[6] to the enquiry, in which he disclosed that he was involved in the formation of the organisation.

Mr Mitchell was also the founding Public Officer for the Western Plains Landscape Guardians (WPLG) and represented WPLG to a Victorian Parliamentary Inquiry in 2009. (The WPLG has since been chaired by Mr Mitchell's daughter Cassie Franzose[7], the founding Public Officer of the ALG). Between members of the Mitchell family (including Froomes and Franzose) and officers of related companies, at least fourteen objections were submitted to the Stockyard Hill Wind Farm Inquiry.[8]

Mr Mitchell has been involved in the authorship of at least three 'fact sheets' attacking the capabilities of wind energy that were distributed by Lowell p/l personnel in mid-2011 (*Wind Power Important Questions and Answers*, *Wind and The Renewable Energy Target - Costs and GHG Savings* and *Can Southern Australian Winds Provide a Reliable Electricity Supply?*).

Contrary to his disclosure statement, Mr Mitchell was active in the Landscape Guardians long after the establishment of the Waubra Foundation. Mr Mitchell should disclose his on-going relationship with the anti-wind lobby.

Windburst Publishing

Mr Mitchell does not disclose any involvement with the production of a document published by Windburst Publishing: "Universal Rules for the Public Approval of Wind Energy Projects". The document advocates for planning changes with the apparent purpose of severely restricting the development of wind farms. The owner of Windburst Publishing is understood to be a member of Mr Mitchell's family and the document has been distributed by staff of Lowell P/L. **Mr Mitchell should disclose his relationship to Windburst P/L, as well as his knowledge of and personal involvement with Windburst Publishing's activities.**

Publications

In addition to Mr Mitchell's involvement with publications released by Windburst Publishing and the Landscape Guardians, Mr Mitchell has contributed significantly to the development of a proposed "Noise Measurement and Control System"[9] (NMCS). The system, heavily promoted to the bureaucracy, aims to impose additional controls on wind farms and could be argued is an attempt to use red tape to slow the development of wind energy in Australia.

Speeches and presentations

Mr Mitchell fails to disclose that he has made presentations advocating against wind farms on a number of occasions, but not limited to the 2010 National Conference of the (ironically named) Australian Environment Foundation (a spin-off of the Institute of Public Affairs) as well as a May 2012 meeting in Peshurst (where Mr Mitchell accuses the Victorian Department of Health of publishing a "document of deception" and being "absent from duty".)

In his presentation[10] at the 2010 AEF conference, Mr Mitchell raised a number of objections to wind energy beyond health concerns, including visual impact, economic efficiency, fauna impacts, increases in power prices, impacts on aquifers, carbon dioxide abatement and negative impacts on the grid.

VCAT appearances

Subsequent to Mr Mitchell's faulty disclosure of interests to the NHMRC, he has actively participated in the *Cherry Tree P/L v Mitchell Shire Council* proceedings in the Victorian Civil and Administrative Tribunal commencing January 2013. Mr Mitchell's activities support the view that he remains actively involved in wind farm opposition.

Non-independence of the Waubra Foundation

Mr Mitchell presents the Waubra Foundation as an “independent organisation formed to investigate the health problems identified by residents living near wind turbines and other industrial sites and to facilitate properly reviewed, independent research into their claims.” The public is directed to the objectives of the company that include an obligation to *“at all times maintain complete independence from government, industry and advocacy groups for or against wind turbines”*.

Nowhere does Mr Mitchell disclose that at least five of the six directors of the Waubra Foundation are conflicted by their objection to proposed wind farms in the vicinity of property owned by them, or that some of its directors have long standing public stances against wind energy. (One director, Kathy Russell is also Vice President of the Australian Landscape Guardians Inc, spokeswoman for Western Plains Landscape Guardians, Mt. Pollock Landscape Guardians and the Barrabool Hills Landscape Guardians.)

Claims that the Waubra Foundation was formed to investigate health problems are inconsistent with Sarah Laurie’s strenuous denial of conducting research (ABC Background Briefing 26 May 2013), yet entirely consistent with her claims of collecting field observations (including medical records and personal health journals) at a meeting in Cape Cod in 2011.

Nowhere does Mr Mitchell disclose that the Waubra Foundation’s CEO also makes claims that wind farms present an appreciable fire risk, negatively affect property values and fail to abate carbon emissions.

Mr Mitchell also fails to disclose that the founding members of the Waubra Foundation are all directors or employees of companies related to Mr Mitchell. He also fails to disclose that the company shares an office, officers and administrative resources with a company heavily invested in competing energy sources.

While many might surmise that the Waubra Foundation’s activities and governance are inconsistent with public expectations of a Health Promotion Charity, Mr Mitchell presents the company to the NHMRC as a benevolent institution.

Financial and in-kind support

It is suspected by many observers that Mr Mitchell has provided significant funding and in-kind support to various anti-wind farm initiatives including Landscape Guardians groups, the AEF, the Waubra Foundation and the anti-wind energy hate blog StopTheseThings.com. Mr Mitchell’s disclosure of interests lists none of the above.

Mr Mitchell’s failure to disclose his financial involvement with anti-wind activities has the potential to cast suspicion over his integrity. The NHMRC should require him to either deny or disclose his financial involvement with anti-wind activities.

Notes

1. http://www.nhmrc.gov.au/files_nhmrc/file/your_health/wind_farms_role_of_observers_120904.pdf
2. <http://www.nhmrc.gov.au/your-health/wind-farms-and-human-health/wind-farms-and-human-health-reference-group>

3. http://www.lowellcapital.com.au/pds_final1.pdf
4. http://www.parliament.vic.gov.au/images/stories/committees/enrc/renewable_energy/transcripts_of_evidence/Western_Plains_Landscape_Guardians_Association.pdf
5. http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=@Hansard/S13679.pdf
6. <https://senate.aph.gov.au/submissions/comittees/viewdocument.aspx?id=8bc7dfd2-a9f3-4572-a078-a705bcbd8fc5>
7. <http://www.theage.com.au/environment/winds-of-change-stir-up-a-rift-in-rural-community-2008-1017-53al.html>
8. http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0014/52124/Stockyard-Hill-Wind-Farm-Panel-Report-Appendices.pdf
9. <http://www.windturbinesyndrome.com/2011/windplant-noise-measurement-and-control-system-australia/>
10. <http://aefweb.info/data/Mitchell.pdf>