



Australian Government

Australian Government response to the Senate Select Committee on Wind Turbines:

Final Report

November 2016

Government Response to Senate Select Committee Report on Wind Turbines

Recommendation	Government Response
<p>Recommendation 1:</p> <p>6.5 The committee recommends that an <i>Independent Expert Scientific Committee on Industrial Sound</i> (IESC) be established by law, through provisions similar to those which provide for the <i>Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development</i>.</p> <p>6.6 The provisions establishing the IESC on Industrial Sound should state that the Scientific Committee must conduct 'independent, multi-disciplinary research into the adverse impacts and risks to individual and community health and wellbeing associated with wind turbine projects and any other industrial projects which emit sound and vibration energy'.</p>	<p>The Government supports the establishment of an Independent Scientific Committee on Wind Turbines.</p> <p>As per the Government's commitment to cross bench senators in the context of the agreement on the passage of the <i>Renewable Energy (Electricity) Amendment Act 2015</i>, the Government has established a multidisciplinary Independent Scientific Committee (ISC) via ministerial appointment, to provide research and advice to the Minister for the Environment and Energy and the Minister for Health on the impact of sound, including low frequency and infrasound, from wind turbines on the environment and human health.</p> <p>As detailed in its terms of reference, the ISC will:</p> <ul style="list-style-type: none"> • Provide advice on the development of Australian methodologies and frameworks in sound measurement and standards for wind farms, including in the field of infrasound and low frequency sound. • Provide advice on innovation in cost-effective, continuous sound monitoring of wind farms. • Provide advice on options for wind farm operators to maximise transparency such as by providing information on wind speed, operational statistics, operating hours and sound monitoring. • Monitor and periodically review progress in understanding the potential health impacts of wind farms and comment on further possible research developments to support standards and measurement protocols.

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<p>Recommendation 2:</p> <p>6.9 The committee recommends that the federal government assign the <i>Independent Expert Scientific Committee on Industrial Sound</i> with the following responsibilities:</p> <ul style="list-style-type: none"> • develop and recommend to government a single national acoustic standard on audible noise from wind turbines that is cognisant of the existing standards, Australian conditions and the signature of new turbine technologies; • develop and recommend to government a national acoustic standard on infrasound, low frequency sound and vibration from industrial projects; • respond to specific requests from State Environment Protection Authorities for scientific and technical advice to assess whether a proposed or existing wind farm project poses risks to individual and community health; • provide scientific and technical advice to the relevant State Health, Environment and Planning Minister to assess whether a proposed or existing wind farm or industrial project poses risks to individual and community health; • provide advice to the Clean Energy Regulator on whether a proposed or existing wind farm project poses health risks to nearby residents; 	<p>In undertaking its role, the ISC will:</p> <ul style="list-style-type: none"> • Complement the work of the National Wind Farm Commissioner to identify needs and priorities for monitoring efforts to deliver transparency of information. • Bring together partners to inform their work, including linking to the work being undertaken through the National Health and Medical Research Council. <p>Provide an Annual Report to the Australian Parliament reporting on delivery against its Terms of Reference and other achievements.</p>
<p>Recommendation 2:</p> <p>6.9 The committee recommends that the federal government assign the <i>Independent Expert Scientific Committee on Industrial Sound</i> with the following responsibilities:</p> <ul style="list-style-type: none"> • develop and recommend to government a single national acoustic standard on audible noise from wind turbines that is cognisant of the existing standards, Australian conditions and the signature of new turbine technologies; • develop and recommend to government a national acoustic standard on infrasound, low frequency sound and vibration from industrial projects; • respond to specific requests from State Environment Protection Authorities for scientific and technical advice to assess whether a proposed or existing wind farm project poses risks to individual and community health; • provide scientific and technical advice to the relevant State Health, Environment and Planning Minister to assess whether a proposed or existing wind farm or industrial project poses risks to individual and community health; • provide advice to the Clean Energy Regulator on whether a proposed or existing wind farm project poses health risks to nearby residents; 	<p>The Government supports the establishment of an Independent Scientific Committee on Wind Turbines.</p> <p>Refer to proposed Government Response to recommendation 1.</p>

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<ul style="list-style-type: none"> • provide advice to the federal health minister on whether a proposed or existing wind farm or industrial project poses health risks to nearby residents; • publish information relating to the committee's research findings; and • provide to the federal Minister for Health research priorities and research projects to improve scientific understanding of the impacts of wind turbines on the health and quality of life of affected individuals and communities; and • provide guidance, advice and oversight for research projects commissioned by agencies such as the National Health and Medical Research Council and the Commonwealth Scientific and Industrial Research Organisation relating to sound emissions from industrial projects. 	
<p>Recommendation 3:</p> <p>6.12 The committee recommends that the following provision be inserted into a new section 14 of the <i>Renewable Energy (Electricity) Act 2000</i>: If the Regulator receives an application from a wind power station that is properly made under section 13, the Regulator must:</p> <ul style="list-style-type: none"> • seek the advice of the <i>Independent Expert Scientific Committee on Industrial Sound</i> whether the proposed project poses risks to individual and community health over the lifetime of the project; and • confer with the federal Minister for Health and the Commonwealth Chief Medical Officer to ascertain the level of risk that the proposed project poses to individual and community health. <p>If the <i>Independent Expert Scientific Committee on Industrial Sound</i> finds that the wind power station does pose risks to human health, the Regulator must not accredit the power station until such time as the federal Minister for Health is satisfied that these risks have been mitigated.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that wind farm approvals are a matter for individual State and Territory governments.</p> <p>State Government planning regulations require a noise monitoring regime as part of wind farm development approvals. State guidelines also set out these requirements at both approval and operational stages.</p> <p>The Government will table the Senate Select Committee Report on Wind Turbines for discussion with the State and Territory governments at the next COAG Energy Council meeting.</p>

<p>Recommendation 4:</p> <p>6.15 The committee recommends that a provision be inserted into <i>Renewable Energy (Electricity) Act 2000</i> stipulating that wind energy generators operating in states that do not require compliance with the National Environment Protection (Wind Turbine Infrasonic and Low Frequency Noise) Measure (NEPM) are ineligible to receive Renewable Energy Certificates.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that wind farm approvals are a matter for individual State and Territory governments.</p>
<p>Recommendation 5:</p> <p>6.20 The committee recommends that the <i>Independent Expert Scientific Committee on Industrial Sound</i> (IESC) establish a formal channel to communicate its advice and research priorities and findings to the Environmental Health Standing Committee (enHealth). The IESC should explain to enHealth members on a regular basis and on request:</p> <ul style="list-style-type: none"> • the national acoustic standards for audible noise and infrasound and how these standards are set and enforced to monitor industrial projects; • the methodology of its research and findings relating to how infrasound and vibration can impact on human sensory systems and health; and • research priorities and possible strands of research that the National Health and Medical Research Council (a member of enHealth) could fund and commission. 	<p>The Government supports this recommendation.</p> <p>The ISC will report jointly to the Minister for Health and the Minister for the Environment and Energy on work undertaken in accordance with its terms of reference. It will also communicate its findings to the Environmental Health Standing Committee on a regular basis and on request.</p>
<p>Recommendation 6:</p> <p>6.25 The committee recommends that the proposed <i>Independent Expert Scientific Committee on Industrial Sound</i> develop National Windfarm Guidelines addressing the following matters:</p> <ul style="list-style-type: none"> • a national acoustic standard on audible sound (see recommendation 2); • a national acoustic standard on infrasound, low frequency sound and vibration (see recommendation 2); • a national standard on minimum buffer zones (see recommendation 6); • a template for State Environment Protection Agencies to adopt a fee-for-service licensing system (see recommendation 9, below); • a Guidance Note proposing that State Environment Protection Authorities be responsible for monitoring and compliance of wind turbines and suggesting an appropriate process to conduct these tasks; 	<p>The Government supports the development of national wind farm guidelines.</p> <p>The Wind Farm Commissioner will oversee, with appropriate input from the ISC, the updating of the Draft National Wind Farm Development Guidelines (July 2010) and promote their use by state and territory authorities. The range of issues to be considered in the guidelines will be consistent with the scope of the current draft guidelines.</p> <p>The <i>Renewable Energy (Electricity) Act 2000</i> was amended by the Australian Parliament in June 2015 following the outcomes of the 2014 Renewable Energy Target Review.</p>

<ul style="list-style-type: none"> • a Guidance Note on best practice community engagement and stakeholder consultation with the granting and holding of a licence conditional on meeting this best practice; • a Guidance Note that local councils should retain development approval decision-making under the relevant state planning and development code for local impact issues such as: <ul style="list-style-type: none"> ○ roads; ○ national standards for visual and landscape impacts; ○ aircraft safety and lighting; ○ indigenous heritage; ○ birds and bats; ○ shadow flicker; ○ electromagnetic interference and blade glint; and ○ the risk of fire. <p>6.26 As per recommendation 4 of the committee's interim report, eligibility to receive Renewable Energy Certificates should be made subject to general compliance with the National Wind Farm Guidelines and specific compliance to the NEPM.</p>	
<p>Recommendation 7:</p> <p>6.29 The committee recommends that the Australian Government amend the <i>Renewable Energy (Electricity) Act 2000</i> and the <i>Renewable Energy (Electricity) Act Regulations 2000</i> to enable partial suspension and point in time suspension of renewable energy certificates for wind farm operators that are found to have:</p> <ul style="list-style-type: none"> • breached the conditions of their planning approval; • had their operating licence suspended or cancelled; • establish powers to be used when breaches of statutory obligations occur that require energy generators to 'show cause'; and • link the issuing of renewable energy certificates with certified net greenhouse gas reduction in the electricity sector. 	<p>The Government notes this recommendation.</p> <p>The Government notes that wind farm approvals are a matter for individual State and Territory governments.</p>

<p>6.30 The committee recommends that the Clean Energy Regulator cannot accredit a power station until it is wholly constructed, fully commissioned and all post construction approval requirements have been met.</p>	
<p>Recommendation 8:</p> <p>6.37 The committee recommends that all State Governments consider shifting responsibility for monitoring wind farms in their jurisdiction from local councils to the State Environment Protection Authority.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that this is a matter for individual State and Territory governments.</p> <p>The Government will table the Senate Select Committee Report on Wind Turbines for discussion with the State and Territory governments at the next COAG Energy Council meeting.</p>
<p>Recommendation 9:</p> <p>6.46 The committee recommends that State Governments consider adopting a fee-for-service licencing system payable by wind farm operators to State Environment Protection Authorities, along the lines of the system currently in place in New South Wales.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that this is a matter for individual State and Territory governments.</p> <p>The Government will table the Senate Select Committee Report on Wind Turbines for discussion with the State and Territory governments at the next COAG Energy Council meeting.</p>
<p>Recommendation 10:</p> <p>6.53 The committee recommends that the federal Department of the Environment prepare a quarterly report collating the wind farm monitoring and compliance activities of the State Environment Protection Authorities. The report should be tabled in the Federal Parliament by the Minister for the Environment. The Independent Expert Scientific Committee on Industrial Sound should coordinate the receipt of State data and prepare the quarterly report. The Department of the Environment should provide appropriate secretarial assistance.</p>	<p>The Government supports this recommendation in part.</p> <p>Consistent with the Government's commitment to cross bench Senators the National Wind Farm Commissioner will publish documents on:</p> <ul style="list-style-type: none"> • The location of existing and proposed wind farms across Australia. • Planning and environmental approvals in place for each wind farm including links to state and territory planning approvals and authorities. • Renewable Energy Certificates received in respect of each wind farm.

	<ul style="list-style-type: none"> Data on wind farm operations including operating times, wind speeds, power output and sound monitoring.
<p>Recommendation 11:</p> <p>6.57 The committee recommends that the National Health and Medical Research Council (NHMRC) continue to monitor and publicise Australian and international research relating to wind farms and health. The NHMRC should fund and commission primary research that the Independent Expert Scientific Committee on Industrial Sound identifies as necessary.</p>	<p>The Government supports this recommendation.</p> <p>NHMRC will continue to monitor national and international research relating to wind farms and health and update its <i>Statement: Evidence on Wind Farms and Human Health (2015)</i> as required. Since the Committee's report was completed, the NHMRC has awarded grants totalling \$3.3 million for two projects to improve the evidence base of the effects of wind farms on human health.</p> <p>NHMRC will consider for funding research applications that address the research gaps identified by the ISC. As with all NHMRC funded research, applications will be assessed according to rigorous independent expert review processes to ensure that only the highest quality research is funded.</p>
<p>Recommendation 12:</p> <p>6.61 The committee recommends that under circumstances where the regulatory framework provided for pursuant to recommendations 8 and 9 cannot be enforced due to a lack of cooperation by one or more states, a national regulatory body be established under commonwealth legislation for the purpose of monitoring and enforcing wind farm operations.</p>	<p>The Government does not support this recommendation.</p> <p>The Government will not duplicate or override existing statutory responsibilities relating to wind farms of other jurisdictions.</p>
<p>Recommendation 13:</p> <p>7.84 The committee recommends that the Australian National Audit Office (ANAO) conduct a performance audit of the Clean Energy Regulator's (CER) compliance with its role under the legislation. In particular, the committee recommends that the CER examine:</p> <ul style="list-style-type: none"> the information held by the CER on wind effectiveness in offsetting carbon dioxide emissions at both 30 June 2014 (end of financial year) and 3 May 2015; 	<p>The Government notes this recommendation.</p> <p>The ANAO adopts a consultative approach to its forward audit program, which takes account of the priorities of the Parliament, as advised by the Joint Committee of Public Accounts and Audit, the views of entities and other stakeholders. The program aims to provide a broad coverage of areas of public administration and is</p>

<ul style="list-style-type: none"> the risk management and fraud mitigation practices and processes that are in place and whether they have been appropriate; whether all public monies collected in respect of the <i>Renewable Energy (Electricity) Act 2000</i> are appropriate; whether there are financial or other incentives, including but not limited to, the collection of public monies under the <i>Renewable Energy (Electricity) Act 2000</i> that are distorting the CER's role in achieving the objectives of the Act; and whether the expenditure of public monies by the CER has been appropriately focused on achieving the <i>Renewable Energy (Electricity) Act 2000</i> objectives. 	<p>underpinned by a risk-based methodology. The final audit program is determined by the Auditor-General.</p> <p>The Government has conveyed this recommendation to the Auditor-General.</p>
<p>Recommendation 14:</p> <p>7.88 The committee recommends that the Australian Government direct the Productivity Commission to conduct research into the impact of wind power electricity generation on retail electricity prices.</p>	<p>The Government notes this recommendation. The Australian Energy Market Commission (AEMC) produces an annual report on retail electricity price trends. As part of their analysis, the AEMC separates out all the different cost components of retail electricity prices, including the cost of the Large-scale Renewable Energy Target (LRET). In the annual report the impact on retail prices from the LRET is available by jurisdiction.</p> <p>While the AEMC's annual report does not distinguish between wind and other large scale renewables, nonetheless, with wind representing around two thirds of the LRET, the AEMC's analysis is strongly indicative of wind's impact on retail bills.</p> <p>As such, the Government does not believe further analysis is required by the Productivity Commission at this time.</p>
<p>Recommendation 15:</p> <p>7.105 The Renewable Energy Target should be amended so that all new investments in renewable energy between 2015 and 2020 will be eligible to create renewable energy certificates for a period of no more than five years. Existing investments in renewable energy should be grandfathered so that they continue to receive renewable energy certificates under the Act subject to annual audits of compliance.</p>	<p>The Government does not support this recommendation.</p> <p>The <i>Renewable Energy (Electricity) Act 2000</i> was amended by the Australian Parliament in June 2015 following the outcomes of the 2014 Renewable Energy Target Review. The Government remains committed to the 33,000 GWh target out to 2030.</p>

7.106 The Government should develop a methodology for renewable energy projects so that they can qualify for Australian Carbon Credit Units. The Government should develop this methodology over a five year period in consultation with the renewable energy industry and the methodology should consider the net, lifecycle carbon emission impacts of renewable energy.

7.107 If the Government does not adopt the above changes, the Government should instead limit eligibility for receipt of Renewable Energy Certificates to five years after the commissioning of turbines.

Government Response to the Australian Labor Party Senators' Dissenting Report

Recommendation	Government Response
<p>Recommendation 1:</p> <p>1.43 Labor Senators recommend that the Federal Government not proceed with the recommendations made to it in the majority report.</p> <p>1.44 Labor Senators further recommend that the Federal Government reassure the wind energy industry, which is both an important source of income and employment in rural areas and a vital means of abating Australia's greenhouse gas emissions, that it is not intent on preventing its further development based on unsubstantiated claims of negative health, environment and economic impacts.</p>	<p>The Government notes this recommendation.</p>
<p>Recommendation 2:</p> <p>1.45 Labor Senators recommend that the Federal Government publicly acknowledge that:</p> <ul style="list-style-type: none"> • wind farms are an important means of reducing greenhouse gas emissions from Australia's electricity sector, thereby contributing to our greenhouse gas emissions reduction goals; • the health impacts of fossil fuel extraction and generation are acknowledged by the medical and scientific community; • there are no causal links between wind turbines and impacts on human health; • the wind industry is a growing industry at a time when Australia's manufacturing sector is undergoing significant change and downsizing and that it provides valuable employment opportunities in regional Australia; and • the continued growth of the renewable energy industry, including wind, is a positive thing for Australia's economy and its environment. 	<p>The Government notes this recommendation.</p>
<p>Recommendation 3:</p> <p>1.50 Labor Senators recommend that state governments ensure that local governments are adequately resourced to undertake their monitoring and compliance roles under state planning laws.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that this is a matter for individual State and Territory governments.</p>
<p>Recommendation 4:</p> <p>1.52 Labor Senators recommend that state and territory governments consider the codification of community engagement guidelines based on the Clean Energy Council's Community Engagement Guidelines for the Australian Wind Industry to ensure a greater level of community confidence and input is generated by wind farm planning, construction and operation.</p>	<p>The Government notes this recommendation.</p> <p>The Government notes that this is a matter for individual State and Territory governments.</p>

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<p>Recommendation 5: 1.55 Labor Senators recommend that state and territory government consider reforming the current system whereby wind farm developers directly retain acoustic consultants to provide advice on post-construction compliance.</p>	<p>The Government notes this recommendation The Government notes that this is a matter for individual State and Territory governments.</p>