

When I send this submission to the Department of Planning via the online tool, **I** will be asked to respond to the following two reasonable requests:

### **7. Offence to provide false or misleading information**

It is a serious criminal offence under the Crimes Act 1900 to provide information to the Department of Planning and Environment knowing that, the information is false or misleading or the information omits any matter or thing without which the information is misleading.

I have read and understood the above ☐

I understand that by clicking the "Send Submission" button, I am providing the information contained in this form to the Department of Planning and

Environment and confirm that that information is not false or misleading ☐

It is also an offence under the EP&A Act 1979 for a **proponent** to submit information that is false or misleading. That too, is reasonable. The Act says:

#### **10.6 Offence—false or misleading information** (cf previous s 148B)

(1) A person must not provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty: Tier 3 monetary penalty.

(2) (Repealed)

(3)....

(4) An environmental impact statement or other document is part of information provided in connection with a matter if it forms part of or accompanies the matter or is subsequently submitted in support of the matter.

The department management know the details of the Act. Those of you that want to read the bits I have omitted should do so.

What the Act clearly says is that Mr Edward Mounsey, Chief Operating Officer, CWP Renewables Pty Ltd must not provide information in connection with a planning matter that he knows, or ought reasonably to know, is false or misleading in a material particular.

The EPA regulations 2000 interpret the Act in this fashion:

#### **6 Form of environmental impact statement**

An environmental impact statement must contain the following information

(a) the name, address and professional qualifications of the person by whom the statement is prepared,

(b) the name and address of the responsible person,

(c)...

(d) ...

(e) ...

(f) a declaration by the person by whom the statement is prepared to the effect that:

(i) the statement has been prepared in accordance with this

Schedule, and

- (ii) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates, and
- (iii) that the information contained in the statement is neither false nor misleading.

The issue is not whether Mr Mounsey has or has not submitted an EIS that contains false or misleading information (others may address that), but that both I and Mr Mounsey are required to vouch that we haven't.

My submission will not be accepted unless I vouch as above.

Mr Mounsey's submission (the EIS for this modification) has already been accepted by the Department without him having to vouch for its validity under the Act and the Regulations (specifically 6(f) above)

Worse than that, none of the subsections from the EIS that have been written by other consultants contain the required clauses, so Mr Mounsey is therefore responsible for the validity of all they write (and he can't add in the qualifier "to the best of my knowledge" as he has in the past. The Act or the Regulations don't give him that option)

The only other issue I have is that the qualifiers afforded to Mr Mounsey eg "ought reasonably to know" or "in a material particular" are not afforded to me. I must vouch outright that nothing in my submission is false or misleading. This bias towards developers and against wind farm communities is not unknown.

This EIS must be rejected until Mr Mounsey warrants its validity as required by the Act and the Regulations. Only then can we take the next step and make the case that he has breached the Act by including false or misleading statements in a material particular in the document for which he has sole responsibility.

Should the Department ignore the requirements of their Act and Regulations, as they have in the past, then they should expect the strongest reaction.