

Lesson 7: Step 2. Documenting the Evidence

No one will help you.

You are on your own.

The wind industry system is against you.

It wants you to disappear out of the way.

Nuisance

Wind farms won't admit to the nuisance, it is up to you to prove a nuisance exists.

Nuisance is a tort, and tort law is decided on the evidence before a Judge in court.

Only a Judge can decide if a statutory nuisance exists.

The Judge will preside over the evidence and then decide whose evidence they prefer, the evidence of the wind farm or the evidence of the plaintiff.

The Bald Hills Judge preferred the evidence of the plaintiffs (The Bald Hills Boys) and ruled to abate the nuisance.

The Boys had the wind farm on its knees – The Boys decided how much they should be paid to disappear.

It is up to the neighbour to collect and document the evidence.

The Evidence must:

- Relate to the adverse effects.
- Show the adverse effects are unreasonable.
- Show the adverse effects are ongoing.

The Bald Hills Judge determined ongoing unreasonable intermittent nuisance on the evidence of the plaintiff's diaries and history of complaints.

The Judge wanted the original evidence, so she sent the Boys home to dig up their handwritten diaries.

[The Bald Hills Judgement can be found here](#)

Diary Evidence

A diary is an affidavit of a person's "lived experience".

It is crucial evidence unique to the individual.

It is not uncommon for a husband and wife to document different experiences.

A diary must be a truthful account of the adverse effects experienced by the individual.

The Bald Hills precedent has determined:

- Original handwritten diaries are accepted as evidence.
- Notes and comments jotted in farm diaries are accepted as evidence.
- The date and time of the noise nuisance are to be accurately recorded.
- There was no requirement to include objective evidence such as wind speed, however, the plaintiffs often observed wind direction and atmospheric conditions.
- It is up to the Judge or adjudicator to determine the authenticity of the diary.

The Wind Farm will argue collusion between neighbours, that the diary is not accurate, or that it is fabricated.

A diary must reflect the reality of one's lived experience.

There is no refuting a truthful lived experience.

If there's no complaints, there's no problem.

An individual must show a history of complaints to demonstrate that unreasonable interference to the enjoyment of the land has occurred.

For a Judge to accept an ongoing unreasonable nuisance, continuous and persistent complaints of the adverse effects of the wind farm over many months are required.

Wind Farms must log every complaint.

By law, wind farms are required to log every complaint.

Complaints are bad for business and a black mark on the company's performance.

They employ tactics to deter you from sending in complaints.

A complaint is a complaint.

Complain in a way that is easy for you, not easy for the company.

They are skilled in gaslighting you.

- Save all complaints, because the company will claim they never received them.
- Always send your email complaint to the main contact email address or phone on the toll-free number to ensure they don't get lost.
- Don't be sucked into sending your complaints to the liaison officer (the rodeo clown) of the time.
These rodeo clowns leave and your complaints history paper trail can be lost.
- Don't bother filling in their bullshit forms.
They are designed to make it hard for you to complain.
- Always ask for a confirmation receipt.
You are entitled to receive a transcript of your phone call.

Complaints must be genuine.

Your complaints must match your diary record.

Ensure your diaries and complaints are accurate.

The wind farm will try and trip you up and claim your evidence is false – So ensure your complaint reconciles with your diary.

There is no requirement for any individual to provide objective or technical evidence to any authority.

It is assumed that a neighbour has no technical knowledge of why the wind farm is causing them harm.

They will try and close your case.

This is a bullying tactic – used by all authorities.

- They will claim you haven't cooperated.
- They will claim you are being unreasonable.
- They will claim the wind farm has already addressed your complaint.
- They will claim the wind farm is compliant under the permit.
- They will tell you to go away.
- Or send you onto another rodeo clown.

Every complaint is a new complaint.

The wind farm will try and roll your many complaints into one complaint to reduce their official numbers.

Insist that each complaint is a new complaint so that multiple complaints are counted in the numbers.

Phone complaints are a valid record.

It is easy to ring the toll-free number at night to log a new complaint.

Make a note in your diaries of the approximate time you made the call.

Always say - I wish to make a "new complaint".

Cooperate within reason but don't be bullied.

You are at war, and only a Judge can help you.

The Judge wants to see you trying to cooperate within reason.

Judges can see through the bullshit – Ensure you record all heavy-handed and bullying behaviour in your diaries.

Beware of the "friendly" rodeo clown, they are only gathering evidence to use against you in court.

They will try and pacify you or bully you into giving up and going away and not submitting complaints.

Be ready for the hard sell for a neighbour deed.

They will hard sell their neighbour agreement or deed, to remove you as a threatening complainant.

When they try and force a deed / neighbour agreement onto you, you know you have the upper hand.

Local Council, EPA, AEIC and other Authorities.

Expect NO help from any authority - just the run-around.

Your continuous emails to the various authorities and their inaction is evidence of the unresolved ongoing unreasonable nuisance.

The Bald Hills Boys submitted evidence of a history of being dismissed and ignored by authorities.

This evidence was tendered in court to support their case.