

16 April 2016

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
Brisbane QLD 4000  
[lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Committee Secretary,

Re: Submission in response to Inquiry into Human Rights Act for Qld

Thank you for the opportunity to make submissions to this committee.

My name is Shay Dougall.

I live in Hopeland Chinchilla.

I have been intimately involved with many individuals who have been devastatingly affected by CSG, UCG, and associated activities.

My own family are also living with the devastating results of the industry through loss of value in investments and the value of our residential home and land. Shortly we will be surrounded by gas wells, but due to the UCG (Linc) and the CSG activities, I cannot stay here with my children, knowing the effects, but we cant leave either,, who will buy our property? How can we move on when our investments have been downgraded and we have no financial means to just walk away?

I draw your attention to the Guide on Rights based Advocacy : International Human Rights Law and Fracking. (a Guide produced by the Sisters of Mercy (NGO), Mercy International Association: who enjoy special consultative status with the United Nations.)

The existing international human rights framework has evolved to the point of recognizing the interdependence between human rights and the integrity of the environment.

To this end there is a growing understanding that:

“Human rights law ... recognizes that human rights and environmental protection depend on each other. To enjoy human rights fully, it is necessary to have a safe and healthy environment; and to have a safe and healthy environment, it is critical to protect human rights.”

Human rights obligations relate to the enjoyment of a safe, clean, healthy and sustainable environment:

“Environmental degradation can and does adversely affect a broad range of human rights.”

This degradation can be caused by activities or events such as “in particular, mining operations.”

The UN Special Rapporteur warned about the impact of hazardous chemicals on human rights, including the human rights to life, health, access to information and participation in decision making processes.

Under international law the right to health includes the following elements,:

- The right to access “safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, [and] healthy occupational and environmental conditions”

- The right to access “health related information” and the need for public participation in health related decision making including the right to “seek, receive and impart information and ideas concerning health issues”

The right to a “healthy natural environment” including “an adequate supply of safe and potable water ... [and] reduction of the population’s exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health”

- Improvement of industrial hygiene, including factors such as “causes of health hazards inherent in the working environment”
- The right to “prevention, treatment and control of diseases,” including those caused by water pollution

As such it is specified:

States are required to adopt measures against environmental health hazards such as creating and implementing policies to reduce and eliminate air and water pollution. They must also take measures to prevent third parties from violating the right to health of others by enacting or enforcing laws to “prevent the pollution of water, air and soil by extractive and manufacturing industries.”

Examples of each of these rights and their violations is evidenced in my submission:

- damage to potable water – contaminated tank water, and putting RO water into rivers and creeks – towns water supplies
- damage to the atmosphere and environment rendering peoples homes unsafe
- outright refusal of the government to partake in researching and development assurances of the health impacts of the Unconventional gas mining and refusal of allowing the complaint process to run its full course and removing people’s rights to participate in the process by seek, receive and impart information and ideas concerning their health issues associated with UCG mining
- lack of baseline and ongoing testing to ensure the safety of the food grown in the unconventional gas mining environment
- deliberate and known increase of the population’s exposure to harmful substances such as radiation and harmful chemicals and other detrimental environmental conditions that directly or indirectly impact upon human health

Not only is the state government allowing third parties to violate these rights by failing to create and implement policies and ACT on regulation, but the State government is in fact the Principal Contractor ENGAGING these third parties to directly undertake these violations.

In summary, my submission and many others will demonstrate over and over again that our HUMAN RIGHTS are being VIOLATED by unconventional gas mining.

We have begged our local governments, our state governments, now our federal governments to listen to the people and act. And ultimately, the International human rights system strongly spurs States toward improved policies and practices regarding their own actions and corporate action within their jurisdiction regarding unconventional gas mining.

Infact to paraphrase Tony Fitzgerald: our DEMOCRATIC & HUMAN rights are being violated if this committee does not exercise its power only for the public benefit and commits to making recommendations from this inquiry that are based on and support in action the following:

- the public to be fully and accurately informed promptly and not to be misled;
- all government decisions and actions to be taken for the common benefit without regard to personal, political or other considerations;
- all people to be treated equally with no person given special treatment or superior access or influence; and
- all public appointments to be made on merit.

But I fear that all of our submissions are still not enough to enable the right decisions.

Without a Human Rights Act in Queensland / Australia, there is no conscience in the decision making of parliament and the interests that have been purchased by multinational companies.

Regards,

Shay Dougall

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