

Brenton Hall

Email [REDACTED]

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Re: Human Rights Act

25/11/18

To the Committee Secretary,

To whom it may concern,

I am making this submission on behalf of myself and the thousands of rural Queensland residents (mainly farmers, many of which have been on their properties for generations) who are regularly denied the most basic of human rights, that being the right to breath clean air that has not been contaminated with animal waste from the intensive livestock industry, which is also contaminating the environment because of the inability to control waste entering water ways, which will always be impossible in higher rainfall areas which are frequented by heavy downpours. My submission will also outline how these same people are having their human rights abused by being treated as second class citizens.

The Department of Environment and Heritage Protection, guidelines for odour impact assessment from developments, quite clearly states the expectations of the law, yet when challenged the authorities ensuring the laws are implemented tell me "we will arrange a meeting so we can negotiate the issues". Has our society become so dysfunctional that the law is no longer the law? A quote from Joseph P Bradley (who was an American judge instrumental in upholding the law during the mid to late 1800's) says "Society cannot exist without law. Law is the bond of society: that which makes it, that which preserves it and keeps it together. It is, in fact, the essence of civil society."

My submission will come under "clause 15" of the act – Recognition and equality before the law, drawn from articles 16 and 26 of the ICCPR.

Presenting you with several attachments from a nearby feedlot application (the only picture not included in the application is the one I have taken showing some of the silt washed into the river after a heavy rainfall event) shows our rights to have the environment protected are being ignored, you will see it is positioned right next to a major tributary of one of Australia's major rivers, as per the diagrams, you will see the property is in a flood zone, with the indicated manure spread areas on the paddocks bordering Canal Creek which is a tributary to the Condamine River (although they try to hide this fact in the diagrams). Every heavy shower of rain is going to cause runoff into the river system, carrying manure with it. As you will see in the attachments they recognise the dangers themselves of nutrients entering the river. There are thousands of families downstream in towns and on farms and indigenous communities who rely on this water for their household needs. The authorities say the feedlot has to comply with rules, many of which are self imposed and all of which are self regulated. I know from an extremely reliable source that very few of the feedlots in the state complied with regulations and reported flooding of sediment pits etc as required, during the floods. I have put this to the authorities a number of times and it has never been disputed. I have had employees that have worked in feedlots and during general conversation some of the practices that they have helped out in, like pumping sediment ponds into waterways when they were sure they wouldn't be caught have come up. Unfortunately humans have 3 flaws that make self regulation unworkable, they are LAZY (you only have to look at the obesity epidemic, the huge use of tap and go with credit cards or a vacant corner block in a country town where people will create a short cut across it, so they don't have to walk around), they LIE (just ask any policeman who has pulled someone over) and they are GREEDY (just look at the financial institutions royal commission). It is why trucks are fitted with speed limiters and are constantly pulled over and checked to enforce compliance; the intensive animal industry doesn't have anything like that. Another of the attachments shows how rural residences have had their human rights breached by being singled out, with less than one third the separation distance required for a farmers residence compared to that of a small town or village with more than 30 people. How the authorities have come to the conclusion that the farming residents are not as sensitive to smell (a lot of farms are intensive crop growers and do not have stock) and therefore can have their human rights neglected is beyond belief! The authorities suggest that rural people should have to put up with rural smells, if this is the logic used shouldn't the people living in cities be expected to put up with the smells from humans (eg. human waste)? When this feedlot application went before the council, a councillor asked the advisors if there would be a cumulative effect in regards to the nearby piggery, the advisor was blatantly wrong (or deliberately mislead them) and claimed there wouldn't be. When it was my turn to speak I refuted this point, but it made no difference as they passed it

anyway. Talking to Andrew Martin (from ASK Consulting in Brisbane, an expert on air quality) about this, I have concluded they have passed this application on incorrect information! There are strict laws governing the use of pesticides and how you cannot affect someone else's life by letting them drift off your property, yet when it comes to the drifting of smells from the intensive livestock industry the laws are very laxly enforced. After putting in a number of complaints about the smell from a nearby piggery, which has a major impact on us (to give you some understanding, quite often we are forced indoors and required to close the house up to keep the smell out because the smell is so strong. Being a weatherboard house this is not always successful and I have woken up during the night with the bedroom reeking badly of a piggery and a sore throat, obviously from breathing the bad air), the Department of Agriculture and Fisheries paid me a visit. After discussing the issues I brought up the laws and our rights, the leading officer agreed that we should be odour free 99.5% as the law stated, but then started to say, before stopping himself about the loopholes in the legislation that can stop these laws being enforced. He then added with a smug grin, we will get on top of the issues but it may take a couple of years. In the meantime the authorities want to allow the expansion of other intensive livestock facilities nearby that are going to have a cumulative effect with the nearby piggery. This same thing would not be allowed to happen in urban areas and is a classic example that farmers are being treated as second class citizens. Another example is the odour from a chicken manure heap, from chicken sheds close to the township of Pittsworth that was affecting the residents, so as one of the affected residents was a councillor at the time, they soon petitioned to have the source of the problem removed. The manure heap was moved out of town about fifteen kilometers, into the heart of an intensive agricultural area, so it is now affecting the local farmers, some to the degree that they have had to seek medical attention, their protests have had little results. As it turns out I was at a farming conference on the Gold Coast in mid November and I happen to be standing near these fellows when they started talking about the smell generated from their intensive livestock industries (including the chicken manure heap and it's processing) and how the Environmental Protection Agency had been out and inspected the manure processing and had told them if anyone complains tell them to contact the agency so they could fob them off. This is what is happening in real life and why we need our human rights protected so we cannot be treated like second class citizens!

Some of the strategies used by the authorities to minimise complaints include, only counting the number of people who submit quite lengthy and time consuming surveys for long periods of time as affected residents.

To submit a complaint you must on each form, which they suggest you do daily:

- print out the form.
- provide your title.
- provide your full name.
- your residential address.
- your postal address.
- all your contact details.
- fill out the date.
- fill out the day. (as in Monday, Tuesday, etc)
- fill out the time frame at home and awake, therefore if you leave the property you have to fill out between what times you were at home (and therefore what times you were away).
- you have to monitor what time frames each day odour is detectable, therefore if it comes and goes with the wind changes you may have to fill out numerous time segments.
- the intensity of the odour each time you can detect it using the prescribed scale.
- Fill out the odour source.
- Fill out a description of the smell.
- Fill out the wind direction.
- Fill out the wind strength.
- Fill out the cloud cover.
- Make a comment on how the smell has affected you.
- Sign and date it
- Scan and email to the regulator.

Each person in the house must fill out a separate form if they want to have their complaint registered. This is supposedly fine and an expectation for a rural resident to do, would the town or city folk be expected to do the same? As you can see it is an arduous task making a complaint, especially as a lot of farmers are older and not particularly computer literate. Below are just some of the reasons people do not submit complaints despite these industries fracturing and polarizing our communities.

1. A portion of the people affected, work for the emitters (so they fear for their jobs if they complain. I personally know people in this position), in the nearby feedlot application the employees homes are less than the required separation distance required for other residences. In the last application put before the council to vote on it, it still didn't show the correct separation distance methodology values in an effort to hide the truth, when I questioned the decision makers about this they said words to the effect "they won't mind, they smell it all day at work", seemingly oblivious to the fact that their partner and children certainly wouldn't be. You would have to wonder how this would sit with the Dept of Industrial Relations.
2. Some people affected have vested interests in the industry, eg. a neighbour leases part of the piggeries property, so they can not afford to complain.
3. Complaints have not achieved anything in the past.
4. Rural people tend to be complaisant and don't want to cause trouble. A solicitor who is representing a class action of farmers who brought grain seed which it turns out contained a very bad weed seed, which is extremely difficult to get rid of said words to the effect, " farmers won't join the class action or complain even though it would cost them nothing and they could receive substantial compensation. You could burn their houses down and they wouldn't complain" he said, when telling me the story recently.
5. Most rural people don't have the funds to pursue these things through the courts, which the government and these large companies fully realise. (Several families badly affected about 10 kms from me, tried to take on the pollution emitters but had to back down when the legal fees were quoted at \$60k odd.
6. Farming is hard enough, dealing with droughts, floods, commodity markets, diseases and numerous other problems, to stop depression and mental illness creeping in you have to ignore some things, no matter how much it annoys you.
7. Odour complaint forms are difficult to fill out as they require start and stop times and all the weather conditions while the odour is present, this is extremely difficult when it starts in the evening and is still present when you go to bed but is gone in the morning, or you wake in the morning to a rank smell but have no idea when it started.
8. Most people want to live in a harmonious society and don't want to be ostracised, so they won't criticise a nearby livestock industry, even though it is to their own detriment.

Probably the craziest part about this whole situation is that if the government stood up for rights of the farming community and enforced the laws, we could probably be solving some of the greatest dilemmas facing this country, that being the rapid urbanization of the population and the effect that is having on cities (their rapid expansion) and the rural communities (their rapid decline).

About 5% of the Australian continent is in the high rainfall and rich soil belt that hugs the Australian coastline from east to south to west, which is ideal for growing crops the most sustainable and environmentally friendly ways (including organically which is going to become ever more important as society increasingly detests the use of pesticides in the food chain), this has encouraged the populations to develop in these areas, as they want to be near their fresh produce. Unfortunately it has been where the intensive livestock industries also started when there was limited transport and refrigeration and business's initially started to value add their grain and livestock and have continued to grow despite the fact they are better suited to less humid and drier environments.

Some of the benefits from moving the intensive livestock industry inland are -

Economic

- Major boost to rural areas encouraging decentralisation.
- Grain is cheaper closer to the growing source. For example feed wheat in Taiwood Qld is approximately \$60 / tonne cheaper than on the Darling Downs, a distance of about 300kms (this equates to about a 20% saving in feed in an average season). Given the feed conversion rate of cattle is about 8kg of feed to 1 kg of beef this would represent large savings in feed costs without mentioning the environmental saving in saved "food miles"
- Abattoirs can also be moved inland closer to stock supplies.
- Given a slaughtered animal only yields about 50% of it's live weight, animals grown, fed and slaughtered in inland areas could save up to 94% of the freight currently being experienced.
- Less road maintenance costs.
- Cheaper infrastructure establishment costs as lower valued land can be utilised, with bore water able to be accessed as the water supply.
- Inland rail could be utilised to shift processed stock to larger southern markets.

- Larger amounts of renewable energy can be used on the power hungry mills used to process the stock feed. Solar power farms could be built further inland taking away the problems of transmission lines having to move the power so far, it would also lessen the burden on the existing power line infrastructure in the rural areas where the intensive industries are currently, which are having trouble coping with the high loads caused at times.

Environmental

- Inland areas have less river systems and receive less high intensity rain, therefore minimising nutrient runoff from waste waters that are currently pumped out onto river flats and ending up into river systems causing blue green algae or on the east coast going onto the Great Barrier Reef.
- Savings in emission levels as processed animal products are carted instead of livestock and grains.
- Huge reduction in diesel fuel.
- Decentralisation takes pressure off city growth and the damage it is doing to the habitats only found in coastal areas.
- 94% less "food miles"

Social

- Pungent odours will be removed from populated areas.
- Some of this countries most attractive countryside is being spoiled by large sheds being put on them. The proverb goes " a wise man learns from other peoples mistakes a fool doesn't learn from his own". In other countries they have banned this sort of environmental vandalism to protect tourism.
- More society cohesion if the above two factors are minimized, instead of parties at war with each other.
- Further from view of the general public and the perceived animal welfare issues.

Bio security

- Disease control is easier and less prevalent in drier areas.
- Quarantine areas are easier to enforce in less populated areas.
- Diseases kept away from populations (eg. bird flu) as antibiotic resistance starts to become more prevalent in the human population.
- Less risk of disease introduction by the more world transient population we now have.

Animal Welfare

- More opportunity for free range type enterprises as less restricted by space.
- Animal welfare is improved as the most detrimental effects on animals comes not from heat, but from high humidity and the animals standing on sodden ground.

I think there are ways to introduce such benefits. With animals becoming more valuable, I believe business's will chase the mighty dollar into the more rural areas if there was less choice in where to establish the business. Existing business's could be encouraged to move west with tax incentives.

As far as staffing goes, the change would mean rural people moving to other rural area's, which I believe would be a lot easier in the decentralisation process than trying to get city people to move to regional areas as happened with trying to move the APVMA.

Yours Truly,



Brenton Hall



PHOTOGRAPH 18 – SUBJECT PROPERTY – 2011 FLOOD EXTENT

The Development's proposed change has been sited on an elevated knoll rising above the floodplain and shall not affect, or be affected by, the 1% AEP riverine flood level.

Further, the Development's proposed change has been sited and designed to:

- minimise concentration or restriction of local catchment flows; and
- avoid diversion of flow to adjoining landholders.

3.1.1.3 Flooding

The climate and topography of the region results in some degree of flooding in all streams and rivers during heavy or prolonged rain events.

The subject property is located on the Condamine River floodplain and therefore subject to regional riverine flooding and passage for breakout flows from Canal Creek and the Condamine River.

The Condamine River floodplain is relatively flat with an average grade of around 0.1%, flow is generally confined to a corridor of around 10 – 20 km wide. Floodwaters are generally slow moving with relatively slow rates of rise with a high duration of flood waters remaining on the floodplain.

The closest river gauging station is the Tummaville gauge (GS422323) on the Condamine River located some 2.5 km north of the subject property. Figure 7 shows the highest yearly recorded level at the Tummaville gauge (Water Modelling Solutions Pty Ltd, 2017). Figure 7 shows that the Condamine floodplain is relatively frequently flooded with 13 years since 1961 where floods have exceeded the "Major" flood level assigned by BoM, with three of these occurring in the past seven years. There have also been 17 years with floods that exceed the BoM "Moderate" level and 32 years with floods that exceeded the "Minor" level since 1961. The highest flood on record occurred at the end of 2010 early 2011 just exceeding the 1976 event (Water Modelling Solutions Pty Ltd, 2017).

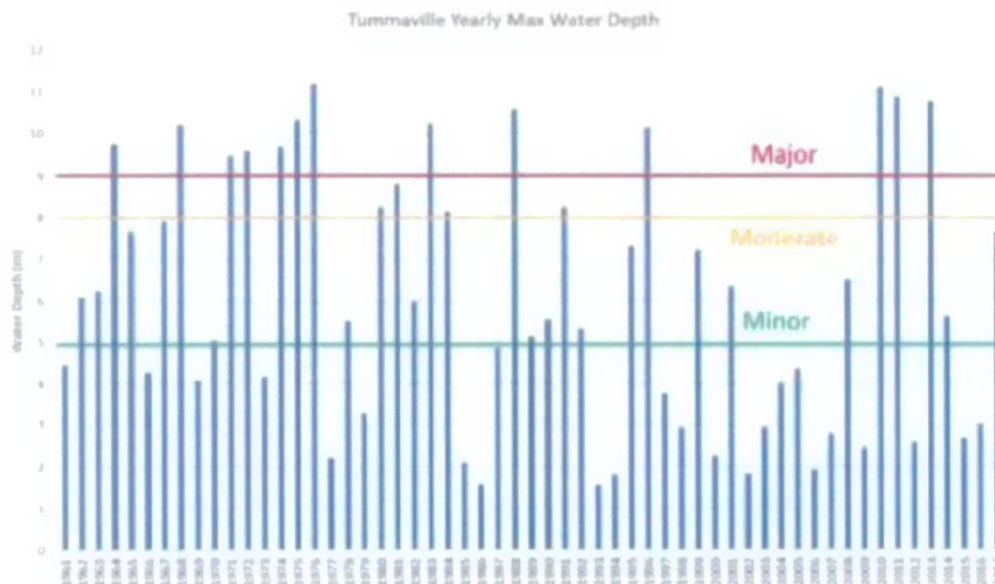


FIGURE 7 – YEARLY MAXIMUM WATER LEVELS AT TUMMAVILLE GAUGE WITH BOM FLOOD CATEGORIES (WATER MODELLING SOLUTIONS PTY LTD, 2017)



3.1.2 Quality control

3.1.2.1 Potential contaminants

Uncontrolled stormwater runoff from those areas of the Development complex containing organics may transport large quantities of organic matter, nutrients and pathogens. Stormwater runoff is a significant transport mechanism for water-soluble nutrients such as nitrate, nitrite, ortho-phosphate. Pesticides, pathogens and heavy metals are not considered a significant issue (Roser et al, 2011).

Nitrogen has different forms, but total nitrogen (TN), ammonium nitrogen (NH₄-N), organic nitrogen, nitrite (NO₂-) and nitrate (NO₃-) are concerns in runoff.

Total nitrogen is the sum of total Kjeldahl nitrogen (TKN), ammonia and nitrate-nitrite. Nitrate and ammonium are highly soluble and readily transfer with runoff and may end up in watercourses.

Similarly, phosphorus (P) is an essential nutrient for plants and animals. Phosphorus in runoff may be present as dissolved reactive phosphorus or orthophosphate (ortho-P).

Consequently, runoff from Development complex areas containing organics is controlled and prevented from entering surface waters using sedimentation basin and holding ponds to reduce solid and nutrient loads. Runoff management practices may include settling basins or vegetative filter systems to reduce solid and nutrient loads.

In addition to runoff from the controlled drainage area, organic dust emitted from the pen surface and solid waste stockpiles during dry and windy periods or from cattle or machine activity can promote fine dust suspension which contains trace amounts of contaminants. This dust is deposited around the Development complex.

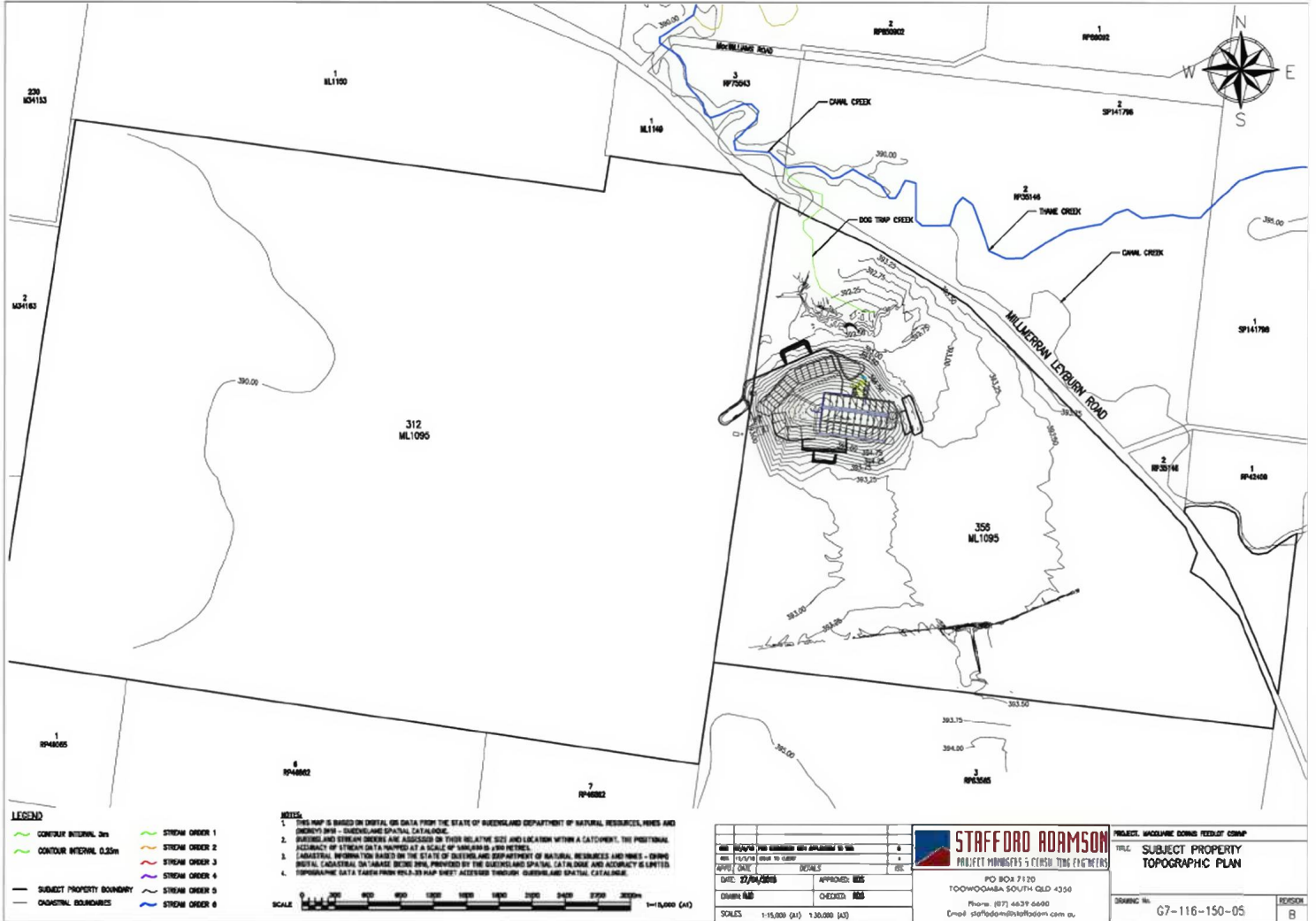
Spills or leaks of hazardous materials stored or used on-site such as fuels, chemicals etc are also a source of contaminants such as heavy metals.

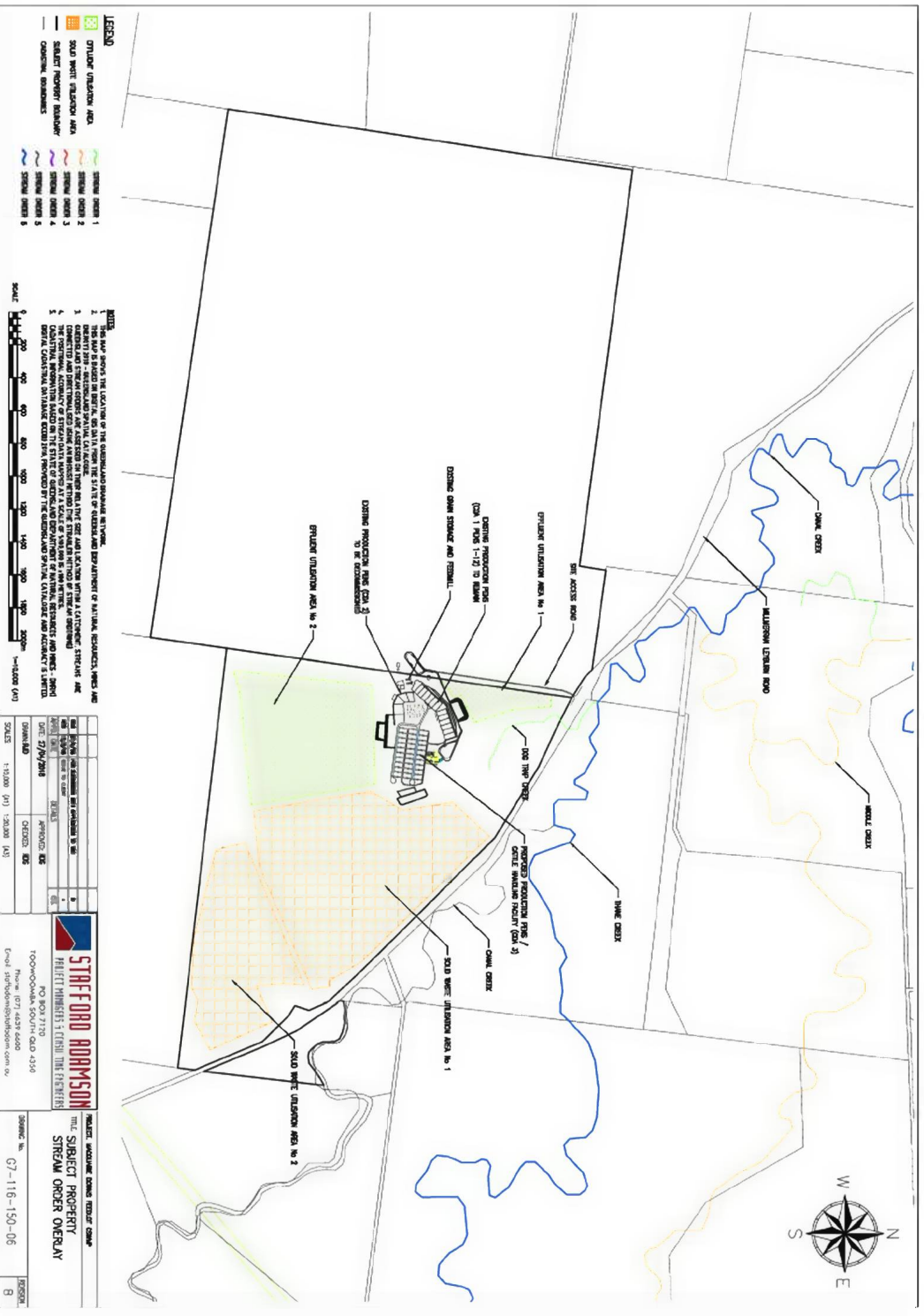
3.1.2.2 Potential impacts

Nutrients deposited on the production pen floors and adjacent grassed areas through dust deposition have the potential to be accumulated in soil and lost to runoff. While nitrogen and phosphorous are essential for plant growth, if they are present in excessive quantities this can lead to negative environmental impacts.

For example, excess amounts of nitrogen in water may cause depletion of oxygen in the water and may affect aquatic life and organisms.

Phosphorus in runoff may be present as dissolved reactive phosphorus or orthophosphate (ortho-P) and may cause eutrophication or other water quality problems. Eutrophication is caused by excessive amounts of phosphorus and nitrogen in a water body, causing algae problems.





- LEGEND**
- CRUISE PROTECTION AREA
 - SOLID WHEAT UNLAWFUL AREA
 - SUBJECT PROPERTY RESIDUAL
 - CRUISE PROTECTION AREAS
 - STIPPLED ZONE 1
 - STIPPLED ZONE 2
 - STIPPLED ZONE 3
 - STIPPLED ZONE 4
 - STIPPLED ZONE 5

- NOTES**
1. THIS PLAN IS A PRELIMINARY DESIGN OF THE PROPOSED DEVELOPMENT.
 2. THE MAIN DESIGN IS BASED ON THE DESIGN AND CONSTRUCTION OF A TYPICAL STRIP.
 3. CONSULT WITH THE LOCAL AUTHORITY FOR THE STRIP AND DESIGN WITH A TYPICAL STRIP.
 4. CONSULT WITH THE LOCAL AUTHORITY FOR THE STRIP AND DESIGN WITH A TYPICAL STRIP.
 5. QUALITY INSPECTION MADE ON THE STATE OF DESIGN AND DEPARTMENT OF NATURAL RESOURCES AND LANDS - SPENT.
 6. QUALITY INSPECTION MADE ON THE STATE OF DESIGN AND DEPARTMENT OF NATURAL RESOURCES AND LANDS - SPENT.
 7. QUALITY INSPECTION MADE ON THE STATE OF DESIGN AND DEPARTMENT OF NATURAL RESOURCES AND LANDS - SPENT.

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PRELIMINARY DESIGN	27/04/2018	DAVID
2	ISSUED FOR PRELIMINARY DESIGN	27/04/2018	DAVID

DATE: 27/04/2018
 PROJECT: 049
 CHECKED: DAVID
 SCALE: 1:1000 (A1) 1:2000 (A2)

STAFFORD ADMISSIONS
 THE SUBJECT PROPERTY
 STRAFORD ORDER OVERLAY

PROJECT: 049
 DATE: 27/04/2018
 PROJECT: 049
 CHECKED: DAVID
 SCALE: 1:1000 (A1) 1:2000 (A2)

National Guidelines for Beef Cattle Feedlots in Australia

Specific s_1 values for stocking densities between the above values can be calculated by direct interpolation. For example, for a feedlot having a stocking density of 12 m²/SCU, and is located in an area experiencing less than 750 mm per year of rain, the following calculations would apply:

1. Reading the s_1 values for tabulated stocking density values:

$$10 \text{ m}^2/\text{SCU} = 65$$

$$15 \text{ m}^2/\text{SCU} = 52$$

2. Thus the s_1 values decrease by 13 units between 10 and 15 m²/SCU or 2.6 units/m²/SCU. Consequently, the applicable s_1 value can be determined as:

$$\begin{aligned} s_1 @ 12 \text{ m}^2/\text{SCU} &= 65 - (2 \times 2.6) \\ &= 59.8 \\ &\approx 60 \end{aligned}$$

Or, in one operation:

$$\begin{aligned} s_1 @ 12 \text{ m}^2/\text{SCU} &= 65 + \frac{(65 - 52) \times (12 - 10)}{(10 - 15)} \\ &= 59.8 \\ &\approx 60 \end{aligned}$$

s_2 – Receptor factor

The s_2 values used in separation distance calculations assume that sensitivity to odour will vary in the population (i.e. not all people will be offended by the same odour). The greater the exposed population, the more likely it is that 'sensitive' individuals might be exposed to nuisance odour. Thus the s_2 value for a large population centre (and the minimum separation distance) is greater than that for a single farm dwelling (Table B.2).

Table B.2 Values of s_2 applicable to population centres

Receptor type	s_2 value
Large town (>2,000 persons)	1.6
Medium town (>500–2,000 persons)	1.2
Medium town (>125–500 persons)	0.8
Small town (>30–125 persons)	0.6
Small town (>10–30 persons)	0.5
Rural residential development (<1 ha lots)	0.4
Rural residential development (>1 ha lots)	0.3
Single rural or farm dwelling	0.2
Rural school (not located in a town)	0.5
Rural church or hall (not located in a town)	0.2
Low-use public area	0.05

- s_2 values greater than 0.05 would apply to high-use or high-value public areas, even though these are located in rural areas (e.g. a frequently visited national park). Where high-use or high-value sites exist, the responsible regulatory authorities should be consulted early in the planning process to determine an appropriate value.