MS. SHAY DOUGALL: Hi, this is Shay Dougall from Australia. And, Benedict, do you want to unmute yourself?

MR. BENEDICT COYNE: Hello, I'm Benedict Coyne from Australia.

MS. SHAY DOUGALL: And Mariann Lloyd-Smith.

DR. MARIANN LLOYD-SMITH: Hi, it's Mariann from Australia.

MS. SHAY DOUGALL: And Dr. Geralyn McCarron.

DR. GERALYN MCCARRON: Hello. I'm Geralyn McCarron.

MS. SHAY DOUGALL: So, thank you very much for this opportunity.

What else I might do is just go straight into some introductions. Can you see the screen there?

Okay. My name is Shay Dougall. I'm a wife, a mother, an OHSE professional, a landholder advocate and a gas field resident and the convener of this Australian Tribunal.

Benedict is a member of the Australian Lawyers
For Human Rights. He's also the Chair of the Human
Rights Action Committee. And Benedict is a
well-qualified and well-respected human rights lawyer in
Australia who has got an enormous amount of experience.

Doctor Geralyn McCarron is a GP who practices
in Brisbane. She has spent lots of years on the ground
out here in the gas fields and is very well respected by
the people out here and is in a very unique position
among her peers.

And Dr. Mariann Lloyd-Smith, again, eminently
qualified. A doctor who is expert in toxicology and who
has given evidence all the world and she'll be talking
about the toxics of the unconventional gas.

Our overview of the session is the basically
I'll give a brief introduction. Benedict will then
undertake his part. Doctor Geralyn McCarron will talk
about health. Doctor Mariann Lloyd-Smith will talk and
then I'll continue to complete the process of our other
sessions and then Benedict will summarize our session.
We'll have some time for questions at the end.

So basically unconventional gas in Australia.
Well, it's big business. How big?

Well, let's have a look at just how big it is.
I'll show you this interesting slide. So there is an
interesting slide and this will show you just how big
the business is in Australia.

So that's a map of Australia obviously. This is the oil and gas tenements across our country. And this is oil and gas wells that are currently drilled in our country. And you can see where the tenements are and where we are expecting it to be drilled in the future. And this is the gas pipelines across the country.

So, yes, gas is certainly very big business in Australia. As elected representatives of the people the government also has a contract with us and that contract, though, has limited rights.

So when the government is pursuing the gas our contract with them only requires them to consider limited rights with regard to us, the people, but they maximize the rights of the industry. And this is what is resulting in the impact.

The thing is that way back in 1932 a pair of academics may well have been prophetic when they theorized that the corporation as an economic organism may even supersede the state as a dominant form of social organization.

Well, in my current experience as advocating for landholders impacted by the unconventional gas it is clear to me that the line between the government and
multi-national companies is not only bird but in some cases it's not existent.

So basically us, the landholders, are the trade-off in the government's dash-for-cash. In the pursuit of the dollars of getting the gas out of the ground the government and the industry is trading off what they see is short term impacts on landholders for their own shareholders value. But the reality is that this is where they are mistaken because there are long terms impacts that they're not factoring in but it will cost them and it will cost us.

What they are actually doing is managing for gas shareholders and they're forgetting about the other stakeholders, who are us.

So our contribution to this tribunal highlights those failures to govern for us, the stakeholders, and the rights that our limited contract with the government fails to address.

Our evidence is hosted at that web address. We've written a report that summarizes our evidence and submitted that to the tribunal and that report maps out evidence against John Knox's 2018 reports and applies that to the five sub-cases that we provide evidence for.

So in considering the evidence that we have
provided and given the 20 to 40-year impact ahead of us in this existing industry both those impacts that are still to occur and this industry that is rapidly expanding, we're asking the judges to consider the potential future harm as well as the harm and our contribution to this tribunal.

And our contribution to this tribunal is a cry from thousands of real individuals who are pleading for you to help us to make our government start governing for stakeholders and not gas shareholders.

So I'd like to introduce the next speaker who is Benedict Coyne. And I will just unshare my screen so Benedict can take it.

I think I've done that. Benedict, over to you.

MR. BENEDICT COYNE: Thank you, Shay.

Good morning everyone. Our tribunal members, for the record, my name is Benedict Coyne. I'm executive counsel at a Queensland law firm and the immediate past national president of Australian Lawyers For Human Rights, which is a national association of legal professionals who advocate on the promotion and protection of international human rights standards in Australia and overseas.

I stepped off two weeks ago after being in the
national president's position and I now remain on the
Executive Management Committee and the Chair of the
Human Rights SubCommittee, which will became relevant
later in my submissions.

I appear today on behalf of the Australian
sub-cases and to provide submissions to assist the
tribunal in relation to this petition and in relation to
it's considerations and deliberations of the
Australian's government obligations under International
Human Right Law as it relates to the impugned conduct
and activities of the unconventional oil and gas
extraction industry, which I will collectively refer to
as the fracking industry, in both Queensland and
Australia.

I thank the tribunal members and the Permanent
Peoples' Tribunal and all of the organizers,
specifically Tom, Anna, Damian and Carly and everyone
else and all the contributors, the lead attorneys, Shay
especially, for organizing everything at this end.

And I thank everyone for this exciting and
worldly opportunity to present to the tribunal through
an open accessible forum of digital media on these very
important human rights and environmental issues at a
crucial time where humanity finds itself precariously
perched upon the precipice of irreversible, catastrophic
climate change.

I would like to pay my respects to the traditional custodians of the land on which I am today, which is beautiful sunny but albeit wintry Brisbane and by the Jagger and Turrible people I pay respect to their elders past and present and emerging, their ancestors and their future generations.

And I would also like to acknowledge that I speak today on stolen land. That sovereignty was never ceded neither by aboriginal Australians nor the Torres Strait Islanders.

I would further like to acknowledge the traditional indigenous custodians of the land on which everyone listening resides around the world, their elders, past and present and emerging and ancestors.

And finally I would like all of us acknowledge our future generations. Our childrens' childrens-children and so on, the plants, water bodies and eco-systems on whose behalf we engage in this important work.

In the words of the Special Rapporteur on the issue of human rights obligation relating to the enjoyment of a safe, clean, healthy and sustainable environmental, John Knox who said, "Human rights environmental protection are interdependent; a safe,
clean, healthy and sustainable environment is necessary for the full enjoyment of human rights, including the right to life, to the highest sustainable standard of physical and mental health; to an adequate standard of living; to adequate food; to safe drinking water and sanitation; to house and participation in cultural life and to development as well as the right to a healthy environment itself, which is recognized in regional agreements and most national constitutions in 2018."

At the same time the exercise of human rights, including rights to freedom of expression and association, to education and information, to participation and the effective remedies is vital to the protection of the environment and I would add to the protection of our democracies.

The global frontier of fracking and of the fracking industry -- sorry, I'll start that again.

The global frontier of the fracking industry brings high prices to international human rights law and the democracy and for the rule of law. However, the raging expansion of this dirty and dangerous and toxic industry also presents opportunities for change.

We know well the evidence of some 270,000 wells that are being fracked across North America and the world and hundreds of incursions of human rights
violations by large corporation throughout Australia, which will become the subject of detailed evidence to this, our Tribunal.

In terms of giving a bit of an overview of where Australia is at it is worth noting that in Queensland there is unrestricted access for fracking companies. Whereas our Victoria became the first state to permanently ban fracking last year. There are moratoriums in Tasmania and West Australia and New South Wales has applied certain restrictions.

The new nukes out on South Australian liberal conservative government is planning a 10-year ban on fracking in much of the state's southeast, however, the Northern Territory recently announced on the 17th of April that its ban on fracking will be lifted, much to the caution and terror, perhaps, of the Northern Territories who knows what's been happening in Queensland.

The federal government is also pushing for more fracking. Our federal minister for environment And Energy Josh Fryenburg recently stated, "I would like all moratoriums and bans across Australia lifted because more gas is good for jobs and it's good for energy, security and supply."

And thus we meet here today and the work of
the Tribunal is incredibly important.

So fracking presents high pressure politics in Australia and if the highly destructive disruptive fracking boom precedent in the U.S. and Queensland is anything could go by and expanded there is much at stake, including the very integrity of our democracy.

Beyond this proven devastating toxic environmental effects being to dire water, land and air and climate change causing contamination this most controversial industrial activity of our time is an unprecedented global threat to the intertwined complex of universal human rights.

Humans, I guess I would state, very obviously require a healthy environment for a fulfilling and dignified life, for the ability to achieve self-realization, self-determination and community harmony.

Fracking engages the profiteering might of the industrial military complex. Companies such as Halliburton, whose conduct in the U.S. to Australia is rupturing the very socio-cultural fabric of our democratic socio-cultural commons, the collective good in a place that we like to call home.

Historic boundaries delineated by law have been uprooted and challenged by the right to frack. It has exposed the profound frailties of our political
institutions meant to regulate industry, protect human health and environment.

And as our opening session explained the state is meant to be the guarantor and protector of our human rights, however, that is certainly not the case in Australia.

Fracking signifies the tragedy and promise of the dusk of an era and a last ditch rapacious land rush of a plummeting and I would submit fossil-foolish paradigm in its last desperate clutch for power, political power, energy policy power, private profit power and power itself.

Yet, of course, the counter, people power and human rights are still relevant in the mix, certainly in Australia and around the world and may indeed yet surmount the Goliath gargantuan corporate gas interests and just make it through to the finish line of protecting all of our rights, albeit gasping for breath.

The aforementioned moratorium throughout Australia and the determined work of civil society groups, in particular people like Shay, Geralyn, John Jenkin and his family and the over 40,000 persons strong Lock The Gate Alliance, which is landholders committed to engaging their fundamental democratic rights to commit civil disobedience if necessary, to refusing
access to private fracking companies to their private property and in that way to prevent from violating their human rights. All of that represents the hope.

Whereas the abhorrent destructive scorched-earth examples in Queensland over unrestrained rapacious fracking industry and government selling out such policy represent the horror and the danger to them. Therefore, there is much at stake which is why this petition to the Permanent Peoples' Tribunal is of such crucial importance.

I will now be focusing on my area of speciality being human rights law and international human rights law in Australia and outlining for the Tribunal the answer to the question of why things in Queensland, in particular, and Australia more generally, are so democratically dysfunctional to have allowed the rapid expenses of the rights violating industry.

And I think that the answer to and the exploration of that question is instructive, as history always is, to be informing our mapping of how we take steps into the future and the recommendations and advisory opinions that this Tribunal may make that will assist all of us in trying to plot a path through a more safe, sane and sustainable future.

So in order to answer the question it is
necessary to traverse the history of human rights in Australia and outline the motivations and mechanisms of its ongoing international human rights law recalcitrant.

Conceptualization of human rights have existed for many centuries mainly the threaded theaters of the world's theologies and sacred spiritual teachings weaving through the winds of time.

Human rights are ancient concepts imbued in the world's major religions. Principles of mutual respect, tolerance, compassion and dignity are a core part of Christianity, Islam, Buddhism, Hinduism, Judaism and hopefully even Pokemon god and so on.

Another historic source of human rights is, of course, the common law, rules and principles established by judges on a case by case basis throughout the centuries and when Australia was invaded the common law was imported into this land.

Of course, the world's first Bill of Rights the Magna Carta, is probably the most famous founding human rights document which then influenced various declarations, revolutions in America, in France. And all of those developments and evolutions formed the creation of the modern conceptualization of international human rights law through the formation of the United Nations.
It's also important to mention that the -- all the international treaties emanating from the United Nations and the seven core international human rights treaties, which Australia has signed and ratified, are all predicated on what I would call the international consensus of good faith participation in the modern international order.

And that comes by Article 26 of the 1969 Vienna Convention on the Law Of Treaties which stipulates the Principle of Pacta Sunt Servanda. And that is every country who ratifies the international treaty must do so in good faith. That it will uphold the principles and laws therein, including by the domestic implementation of those principles and law.

And I would suggest that this is colloquially the handshake of humankind that allows for the efficacy of international law which is arguably the cornerstone of our civilization. And without those good faith obligations being realized and without those good faith obligations being respected we are all in a much more precarious place as a global order. It's a very delicate handshake.

Human rights came into their own in an official universal international legal context as a fierce Phoenix arising from the holocaust horrors of
World War II in the revelations of an abhorrent widespread genocide.

The preamble of the Universal Declaration of Human Rights expounds, "Whereas disregarding contempt for human rights resulted in barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech, belief, freedom from fear and want has been proclaimed as the highest aspirations of the common people."

And all of that is applicable and transferable to the predicament in which we find ourselves regarding our corporate and state violations of human rights in an environmental context. Especially because we're facing such a global catastrophic situation with emissions causing climate change, et cetera.

So Australia's history in this whole process is quite remarkable given that we are such, I guess, a small nation relatively and according to population in the sense that Australia was instrumental in the drafting of the International Declaration Universal Human Rights. In fact we had one of the eight member drafting party.

That drafting party was chaired and supervised by Eleanor Roosevelt and it basically formulated a blue
print for an architectural dignity tolerance and
inclusive plurality amongst the multi-rational, multi-
ethnic, multi-cultural, multi-political, multi-sex,
multi-gender, multi-ability, multi-indigenous
kaleidoscopic expressions of humanity.

And our delegate, Australia's delegate there,
Colonel Roy William Hodgson, was a survivor of the Anzac
Gallipoli historical movement and incident in the First
World War and he went on to become an international
diplomat. At the same time Australia did also have a
foreign minister who became the third president of the
UN General Assembly and oversaw the adoption of the
Universal Declaration Of Human Rights on the 10th of
December, 1948. We have the 70th anniversary this
year.

And I saw all of that because I believe very
strongly that Australia bears a significant
responsibility in upholding that delicate handshake of
which I spoke. We are now on the UN Human Rights
Council from the 1st of January this year. We were
elected in October last year and yet we are absolutely
have a very deplorable and despicable record in terms of
the failing to uphold our obligations to the
international community.

Now I'll spend a lot of my time drawing those
contrasts and distinctions and highlighting them as well and also painting a positive way in which we can easily rectify those issues.

So I think that also is worth pointing out the competitive false dichotomies around conservative ideas of what human rights are or are not or who they belong to and whom they do not.

There appears to be a profound misconception, especially these days, of rising near liberalism, nationalism, militarism and anti-rights groups that human rights are somehow a finite resource. Whereas actually the fountain of human rights is an infinite spring. It flows freely for every one by virtue of the fact of being human.

And a meme I saw the other day on instagram and we're seeing on digital media I thought I might cite it which said "Equal rights for others does not mean less rights for you. It's not pi."

So I might jump forward, just noticing time. Now Australia, unfortunately, holds the unenviable position of being the only western liberal democracy and common law legal system without a Bill of Rights or any Human Rights Act. We have had four decades now of UN treaty bodies, special rapporteurs, heads of UN member states, recommending that Australia implement its
outstanding international obligations by way of a Human Rights Act or an International Bill Of Rights. And all of those cause have gone ignored.

Unfortunately, when the constitutional framers were meeting in the 1890s they had a number of conventions. And they were very enamored with the American model of constitutional law but also felt a loyalty to the United Kingdom and the way that was constituted. So they kind of borrowed from both. But whilst there were a number of advocates for a Bill of Rights it was rejected because it was considered that rights protections, like due process of law, may interfere with laws made to the detriment of racial minorities, including immigration laws and those laws prohibiting chinese people from working in the gold fields.

So it had started out as a racially discriminatory motivation to not have a Bill of Rights. And our constitution, very sadly, remains one of the only liberal democracies with an actively racist constitution which does not uphold any stipulations or protections even for basic quality, which is absolutely remarkable in this day and age.

As an international human rights law expert professor Ben Saul put it, "A Bill of Rights was
rejected during the drafting of the constitution because it was said that elected parliaments would never violate rights as long as you were white."

Now Australia, as I said, is a signatory and has ratified the seven core International Human Rights Treaties being the International Covenant On Civil And Political Rights, the Economic Covenant On Economic And Social And Cultural Rights, both of 1966 and we signed that on the 10th December 1972, and ratified in the subsequent years.

We've also ratified the 1963 International Convention of Malaysia on all forms of racial discrimination. The 1984 Convention against torture and other cruel, inhuman or degrading treatment or punishment. The 1981 Convention on the elimination of all forms of discrimination against woman. The 1989 Convention on the rights of the child and a 2006 Convention on rights of persons with disability.

As I stated before since our first periodic report, and this all became very live and illustrated during our First Universal Periodic Review in January of 2011 and also the Second Universal Periodic Review in November 2015 that Australia has had, as I said, four decades of UN bodies basically saying why haven't you promptly implemented your outstanding international
obligations.

So I'm going to jump forward a little bit again and just talk about our special rapporteurs with regards to Australia, have criticized Australia's lack of constitutional and legislature human rights enforcement mechanisms as follows.

We in 2000 -- and this is just a non-exhaustive list of examples. In 2006 we had the report of the Special Rapporteur on Human Rights Compliance while encountering terrorism, again, recommending Australia's ongoing failure of domestic implementation remains a significant concern of the Human Right Committee.

And the special rapporteur urged Australia to enact federal legislation implementing the ICCPR. So we haven't even complied with implementing the ICCPR which is, I would suggest, significantly embarrassing for a country who now advocated so fiercely to be on the United Nations Human Rights Council.

2007 a Special Rapporteur on Adequate Housing said the same thing. 2009 the former UN Special Rapporteur On Indigenous People, James Anaya, visited remote indigenous communities and also found Australian breach and those remote indigenous communities are affected by fracking directly.
Former Prime Minister Tony Abbott's response then, and this is symbolic of Australia's general demeanor when it comes to selective aspects of the international order was, "This is the kind of nonsense we are used to from these armchair critics."

I think he should get a life. I think factually and objectively James and I probably visited more indigenous communities than Tony Abbott ever did.

2010 the Special Rapporteur on Health recommended Australia constitutionally enshrine rights encompassed in all of those outstanding treaties and make them directly distributable.

And in March 2015 the Special Rapporteur On Torture found Australia in breach of the torture convention which was absolutely unprecedented and that was due to Australia's treatment of asylum seekers in off-shore detention centers and Nauru and Manus Island.

November 2016 the Special Rapporteur On The Rights Of Migrants also found similarly and recommended a federal human rights framework be implemented post-haste.

And the Special Rapporteur On Violence Against Women in March last year and in April last year the UN Special Rapporteur On The Rights Of Indigenous People, Victoria Tauli-Corpuz, also made similar and broader
criticism, specifically with regard to the rights on indigenous peoples. And then earlier this year, 2018, the Report Of The Special Rapporteur on the Situation Of Human Rights Defenders and that is the French jurist Michelle Frost.

Now I had a number of clients who were -- had cases against the fracking industry and fracking companies in particular and we were doing advocacy on that. And I had quite a large number of environmental advocates and communities advocates like Shay, like Geralyn, met with Michelle Frost to talk about the significant problem.

So I'm going to jump right ahead and kind of finish up now basically just talking about the rapid expansion of fracking has unfortunately manifested as the headstone of democracy and logical progression of unrestrained corporate power, a systemic indication of government against it's people.

And it violates numerous universally accepted human rights as contained in all of those treaties, including the Right To Life, Article 6 of the ICCPR; Article 6 of The Declaration Of Human Rights, The Right To The Enjoyment Of The Highest Attainable Standard of Physical And Mental Health; Article 12 of ISESCO, Article 12 of the
Declaration of Human Rights. The new emerging right to a healthy environment which finds its place in the January 2018 framework principles that have been formulated -- framework Principles On Human Rights And The environment by the former Special Rapporteur On The Environment, John Knox.

But we also need to think about, perhaps, less direct violations including the Right To Affective Legal Remedy, Article 8 of the Declaration Of Human Rights; The Right To Not Be Arbitrarily Deprived Of Property;

Article 17 of the Declaration Of The Right To Self-Determination finds itself in all of those instruments;

The right to the equal protection of the law;.

The right for indigenous people to enjoy their own culture and the Declaration Of The Rights Of Indigenous People becomes important there;

The right to Safe And Healthy Working Conditions, talking about workers:

The Right To An Adequate Standard Of Living, including adequate housing;

The Right To Legal Protection Against Arbitrary Or Unlawful Interference With Privacy, Family And Home;
The Right To Equal Access To The Public service, Article 25 of the ICCPR.

And also it's very important and I'm sure there will be focus on it and I've seen it in the submissions, the 2011 Guiding Principles On Business And Human Rights, rapidly emerging as being a substratum formulations of acceptable standards that through the behavior ever non-state actors, like corporations, are becoming more and more accepted as the standards by which corporations should operate and in fact the framework principles which I'll talk to in my next presentation, endorse and encourage and embody and apply those standards.

I think I have gone over my time. I'm pretty much at the end and I just wanted to finish off -- and, sorry, talking about the Guiding Principles On Business And Human Rights, particularly Guiding Principle 25, which stipulates as part of their duty to protect against business related human rights abuse states must take appropriate steps to ensure through judicial, administrative, legislative and other appropriate means, that when such abuses occur within their territory in all jurisdictions those affected have access to affective remedy. And that is what we need, urgently, in Queensland and in Australia.
I think might leave it there but all of what I've said will inform our recommendations to the Tribunal in its considerations and deliberations on this petition.

Thank you very much.

MS. SHAY DOUGALL: Thank you very much for that, Benedict. Thank you.

What we'll do now is start our first presentation on the sub-case of Health. I'll just start that presentation now. Share my screen and give Geralyn control. So just bear with me one minute.

So now in our first sub-case it is about Health and I would like to introduce Dr. Geralyn McCarron who will be taking this sub-case.

Geralyn, over to you.

DR. GERALYN MCCARRON: Hello. My name is Geralyn McCarron. I'm a doctor who works in Brisbane. I would like to talk about the sub-case of Health.

Health, as we know, is a state of complete physical, mental and social well-being and not nearly the absence of the seeds of infirmity. And the basic requirements for physical good health are clean air, clean water and other food supplies of uncontaminated nutritious food, but physical requirements are not enough. To be healthy one needs mental and social
well-being.

Through all the sub-cases the impact of the gas industry and the health of vulnerable groups is apparent. As far as back as 2008 in the exploratory phase, physical health impacts have been reported to health authorities in the government here. And these physical health impacts included mostly eye irritations, skin irritations, rashes, headaches, nausea, metallic taste, chest tightness, cough, muscles spasms, severe fatigue, weakness, pins and needles. And these were happening even in small children.

At the expense of their own health Australians have spent years embedded in the struggle to protect the land they love or the well-being of generations to come. Some of them have likened their experience to post-traumatic stress disorder but the trauma goes on.

And for the first peoples of this country whose connection to country and their responsibility for protecting it is an intrinsic part of who they are. An invasion by the gas industry has devastated it.

In this framework in terms of what I would like to do I would like to frame the issue of health in terms of principles to the Australian government's failure to respect, protect and fulfill human life in order to ensure a clean, safe, healthy and sustainable
The means they used to do this was through a cultural of no data, no problem. The unconventional gas industry has been allowed rapid unprecedented expansion to Queensland with little regard for the public health consequences.

Industry and government failed to establish base lines. Communities have continuously raised concerns regarding impacts on health, both direct and indirect.

Public health concerns have been trivialized and ignored by government and industry and to date no formal comprehensive health study have been undertaken to determine impacts of the industry. But despite the lack of specific official data the residents who lived with it know and can demonstrate the impact of the fossil fuel industry.

I would just like you to look at this time line. By 2010 complaints of ill health in the heart of the emerging industry were gaining traction in the media. Finally in 2013 the Queensland government produced the only publicly available assessment of health impacts of coal seam gas which was commissioned by the state.

In the same year I produced a report
documenting the health complaints and critiquing the Queensland really inadequate report and recommended action.

By about 2016, Morgan, et al., had recognized the mental health impacts and published research indicating coal and gas concerns were a significant contributors to psychological morbidity.

In 2017 Werner, et al., documented increased hospital admission rates for neoplasms and blood immune diseases in coal seam gas areas compared to other study areas in Queensland.

And then earlier this year I published a paper using gas industry and acknowledged emissions on Queensland health own data of hospitalization to indicate that there is very possibly a very large public health issue.

And then in 2018 also this year Claudio, et al., published a paper looking very closely at the 2013 Queensland government report the one that's listed there. It is really important to understand that the Queensland's government report from 2013 had one very important recommendation.

That recommendation was to monitor total gas field emissions and the exposure of the community to those emissions. And it's important to understand that
in that 2013 report that not only did the government
fail to follow-up on that Queensland health
recommendations but that the regulator actively blocked
that recommendation.

So in 2018 Claudio, et al, published a paper
looking at the Queensland government 2013 report from
the point of view of international best practice heath
impact assessment methodologies. And what they found was
that it failed to meet these international best
practices because seven out of nine steps were omitted.

Also in 2018, this year, GISERA, which is a
government and industry funded research study, they
undertook a project to review the state of knowledge
about health impacts on coal seam gas, identify the gaps
and develop a framework that can be used to design and
study.

And this report now 13-years after the start
of the industry acknowledges that an in-depth health
impact study has yet to be conducted in Australia. A
coordinated data base of chemicals used by the Australia
coal seam gas industry is not currently visible. And
inventories of emissions resulting from the extraction
process which is VOCs, NORMs, metals and salts are also
not available and access on the data owned by industry
is restricted.
The problem then is what is the difference between alternative truths and straight lies?

The significance of the evidence on the time lines is that on the basis of their totally inadequate 2013 report the government actively promoted the outright lie that they had comprehensively investigated the health complaints. And on the back of that lie they promoted massive expansion of the coal seam gas industry in Queensland.

The expansion of the coal seam gas industry into Auckland, which is a beautiful productive agricultural land which has been the site of yet another type of unconventional gas exploration and it has been the site of various environmental harms caused by LINC Energy's underground coal gasifications. And for years local people have been reporting serious environmental and health harms to people.

Just last week LINC Energy was fined a record, for Australia, 4.5 million dollars, with Judge Shanahan saying, that the offending was carried out over seven years and was persistent and in clear breach of its obligations.

But one might ask what on earth were the regulators doing for years?

The government itself was a partner at the
beginning of this project. And although LINC Energy has been fined 4.5 million dollars, no compensation and no rehabilitation is proposed for the landholders in the extensive area of the environmental contamination.

Instead, the government, ignoring all pleas to the contrary, has given coal seam gas companies permission to drill hundreds of gas wells into the same coal seam through the contaminated land under Hopeland. It's not just failure, it's willful failure.

The government has ignored all evidence on coal seam gas and underground gasification. They also have willfully ignored the industries contribution to the health impacts of climate change.

They have also actively sought industry participation in the shale gas development and they did this despite the mounting international evidence of serious adverse health impacts, which includes increased hospitalization for asthma, cardiac, neurological and skin condition, increased incidence of congenital heart defects, increased childhood leukemia, low birth weight and early infant death.

Our government has failed to protect human rights of health. There's been a failure of the government to identify the health risks. There's been a failure to assess the health risks in association with
impacts on the environment. There's been a failure to
properly assess the environmental impact and, therefore,
to integrate the environmental assessment with the
well-known associated health risks. There's been a
failure to monitor and to measure the impact on the
health risks. There's been a failure to protect people
when people have raised concerns with the government
regarding the experience of health risks.

The health risks are known from the gas
fields. The residents themselves can identify the
impacts. So I would like to hand you back to Shay who
will show you some visuals.

MS. SHAY DOUGALL: Thank you very much,
Geralyn. I appreciate that.

I thought I would start by showing us a map of
Australia with an insert of the shape and size of the
State of Oregon. And just to give you some comparison
to the next image, which is broadly the same sort of
size and shape as the State of Oregon, in the State of
Queensland this is our community here. This is where I
live. This is a vision from Google Earth and you can
see my community of Chinchilla and what you can see
there is colored in red is actually the land that is now
owned by a coal seam gas company.

If we zoom in just a little bit tighter this
is a little bit closer view of peoples properties and homes, our community, state forests and also a bit closer view of how much of the land is owned by the coal seam gas industry. No longer owned by individuals, mothers and fathers and families.

That is an image of all of the wells that have been drilled into our community today and overlapping the homes and the backyards of families.

And that, you can see, scattered through there is a few little red dots that show the acknowledged industry contributions to the atmospheric emissions and the atmospheric toxins that are produced by the industry. They are called the National Pollution Inventory Sources.

And this is what the industry admits and acknowledges that they're producing and this is just in one year as emissions into the atmosphere in that particular community there.

Now this is an even closer image of just one family's home, that black star there, in a two kilometer radius of their home. Certainly the wells -- but the wells aren't shown in this image. What is shown in this image is the points of emissions that are coming from those infrastructure from the industry but are not accounted for in any of the National Pollutant Inventory
Data.

And this is what we see when we use a fluro camera forward looking infrared camera to identify these emissions that aren't being counted. They can't be seen by the naked eye but when you look at your fluro camera you can see the volume of gases being emitted in a manner that is not monitored, is not measured, not mitigated and certainly not recorded.

And when we do our own testing of those emissions that we just showed you footage of this is what we find is coming out of those points of emissions.

So what I would like to do is now introduce you to our next speaker which is Dr. Mariann Lloyd-Smith who is going to address the issues of the toxics associated with unconventional gas and the human rights impact.

So I'll start sharing my screen and introduce you to Dr. Mariann Lloyd-Smith.

DR. MARIANN LLOYD-SMITH: Good morning.

And thank you for this opportunity to add to what you have already heard from the National Toxics Network in our testimonies and written submissions which have been provided to you.

This time, however, I'd like to speak to you as the Chair of the IPIN Toxic Fracking Working Group.
IPIN is a Global Public Interest Network representing many hundreds of NGOs and community organizations across 100 countries all committed to achieving a toxic free future.

And I'd like to highlight three important chemical issues of global concern related to the unconventional gas industry.

Firstly the international failure of the industry to adequately assess the chemicals used and released. The climate induced impacts on the industry's wastes practices and finally the role of unconventional gas and the manufacture of the plastic and the resultant marine plastic wastes. We consider these three issues as seriously impacting on basic human rights, particularly our right to live in a pollution free world.

This right was acknowledged by the United Nations Human Rights Commission in 2001 and they established that the fundamental right to life is threatened by exposure to toxic chemicals, hazardous wastes and contaminated drinking water.

So, first, the failure to adequately assess the chemical impacts.

I'm sure many of you have had governments from countries including the UK, US, Australia, New Zealand, South Africa, all regularly claim that the industry's
fracking and drilling chemicals have all been fully assessed and government regulators know all the products constituents and all their impacts.

This claim is naive at best and dishonest at worst. You may have heard in my earlier testimony of the significant failures of the Australian's government assessment of fracking chemicals. The situation is similar across all of OECD countries.

Much of the information on the potential environmental impacts of unconventional gas chemicals has still not been generated and what is available much is protected under confidentiality regimes.

Governments and industries have not evaluated the impacts of hydraulic fracturing mixtures, particularly their long term effects, nor their interactions with each other or with the natural contaminants of the coal and shale seams.

As it was put so well by one chemical regulator attending an OECD workshop for those responsible for the assessment of the industries chemicals, and I quote, "We do not have adequate information to undertake even the most basic hazard and exposure assessment."

A couples of years ago when I was participating in a debate over access to information on
fracking chemicals organized by the OECD representatives
of Halliburton, our major producer as you know of the
industry's chemicals products, repeatedly told the
audience that the full information on product
constituents would not be provided as this was their
confidential commercial business information.

Commercial confidentially regimes exist in all
countries, and while they may vary according to domestic
law, the overwhelming protection they gave for the
secrecy of product details appears universal.

Nevertheless, we are aware that fracking and
drilling products can include persistent
bio-accumulative toxins, for example flurocarbons
surfactants, bromiate herbicides and chlorinated
paraffins used in drilling.

Fluronated chemicals, often nicknamed for
every chemical, are extremely persistent and some simply
never breakdown.

These very persistent chemicals interact with
each other and with the natural chemicals in coal and
shale seams forming a range of very toxic persistent
by-products, some of which are recognized ozone
depleters.

For example, dichlorodifluromethane or
trichlorotrifluromethae, which is often called Freon 11,
it has some of the highest ozone depletion potential. Many of the Freon chemicals that are already banned for use under the Montreal Protocol but continue to be released unabated by the industry. We have measured them in flow back at the well head and, as you know and as you've seen from Shay's presentation and Geralyn's, volatile and semi-volatile toxic compounds have been detected in the air, water and urine of surrounding communities. There remains significant data gaps about the complete range of product constituents, their interactions, their environmental fate, their eco-toxicity, their long term impact on human health and the environment. And, hence, any attempt at risk assessment for this industry is bound to fail as it simply cannot evaluate the full impacts of the industry's toxic footprint. The impact of this on a child's right to clean water and to live in a pollution free world are simply incalculable. Now I know most of you are aware of the impact the industry has on climate change through its considerable release of methane. Few are aware that climate change also can impact on the industry's toxic footprint.
Climate change is altering emissions to air of the persistent polluters by changing their rate of mobilization from materials stockpiles or even the waste water ponds.

The higher temperatures and changes in weather pattern are also remobilizing historical contaminants and altering the distributions through long range transport.

Climate change impacts are altering the degradation, bio-availability and even toxicity of chemicals.

For example, increases in water temperature have shown to increase the toxicity to aquatic species of commonly used chemicals while changes in water acidity have been shown to affect the bio-accumulation of toxins in fish.

Yet none of these impacts are being addressed by the unconventional gas industry or their regulators. The use of extensive holding ponds for waste water, the burying of contaminated drilling waste in situ, the creation of massive contaminated salt stockpiles and the ongoing release of thousands of tons of volatile organic compounds into the atmosphere are all practices that will be affected by increasing climate change.

For an industry generating significance
amounts of chemical wastes, which it is currently unable
to manage, ongoing climate change represents some very
serious challenges and some very serious risks.

So finally we are deeply concerned about the
rapidly growing use of shale gas for the production of
plastic and resultant plastic wastes.

The impacts on vulnerable communities of the
ever increasing amounts of plastic waste contamination
is simply devastating.

Natural gas is now the primary source of
chemicals for plastic production in both North America
and in the Middle East. The ethane is used to make
ethylene, which is a feed stock for polyethylene, for
PVC, for PET and for polystyrene, while the propane is
used to make propylene and ultimately polypropylene.

The shale and gas boom in the US has made
these plastic feed stocks extremely cheap driving
investment at increasing production.

The US industry is planning to invest over 164
billion by 2023 with many new ethane crackers designed
and built specifically to produce ethylene from fracked
ethane.

With the over abundance supply of shale gas
analysts expect the production capacity and demands to
increase by one-third in the next five years. This
increased plastic production comes at a time when the
global community has recognized the serious and, in some
cases, irreversible impacts of plastic pollution across
the world.

Communities and countries are rapidly becoming
aware of the devastating environmental degradation from
plastic and their associated toxic chemicals and as
considerations for the new international treaty to
address marine plastics progress, it has highlighted the
human rights impacts on vulnerable populations,
particularly those dependent on the marine environment
for their only source of protein.

We believe the unconventional gas industry can
no longer be allowed to remain silent about its part in
this rapidly expanding catastrophe.

So to conclude we're only just beginning to
understand the full implications of the toxic footprint
of the unconventional gas industry and we can only hope
that we are in time to respond to effectively and to
stop the industry's global pollution of our air, soil
and water.

So thank you very much for listening.

MS. SHAY DOUGALL: Thank you very much,
Mariann. That was excellent. I appreciate your input.
What we'll do is now move straight into the
presentation on the second sub-case which I'll start the
title slide for you now.

This second sub-case is on Infrastructure. So
this is our sub-case and the evidence. And the summary
of that evidence that we'd like to provide the judges
based on our second sub-case which is on Infrastructure.

My name is Shay Dougall and the basis of our
information and the evidence that we've provided in
testimony already identifies that the vast
infrastructure and the way it has popped up across the
landscape industrializing the rural community has
adverse physical and economic impacts on property and
property values attributable to the activities and
exposures associated with unconventional gas.

So what are we talking about as far as
infrastructure goes?

Well, there is a starter list that is just a
basic outline of some of the infrastructure including
the arbitrary applications of the tenements,
prefabricated cement, ponds, infield compressing, waste
water trucks but, anyway, this is a list that is much
better told in pictures.

So what you see here is that people are not
even a consideration in the arbitrary application of the
tenements. So when the government leases out whole
sections of the country to multinational gas companies
they do so in arbitrary shapes like you see on this side
of the screen.

But on this side of the screen what is
underneath that is actually peoples homes and the
cadastral boundaries of their property. So there's
absolutely no consideration given from the get-go as to
the people who are underneath this business deal that
has been rolled across the landscape.

This is a view of that same area but with the
overlaying the industry's infrastructure, the big parts
of the infrastructure and their names.

This is the view from -- as a landholder who
lives in that area exactly what's going on there. What
used to be basic moms and dads and farms is now
scattered with -- the country is now owned by CSG
companies and pockmarked by wealth.

Now if we zoom even closer you can see this is
a very good model that is produced actually by Jazeera
in their most recent report and it's very useful in that
it really clearly identifies the massive impact when we
zoom in from a broad view down into the view from the
ground just what this industry does to one particular
area.

And if you look at that image there's a vast
impact from the sky to the air, to the ground, to the water, to the underground. It's absolutely intense and the only thing missing from that image is the families.

We zoom in even closer and this is some one's property. This is an example of some other infrastructure. This is a prefabricated cement roadway in what is supposed to be a farmers grazing paddock.

That previous picture is actually specifically taken from this image of what the industry has of that person's property. So the person who owned that property this is how the industry sees his property. No longer his home. No longer his business. Now simply industry's dash for gas.

And this is someone's home. This is more infrastructure being installed.

This is actually a public road. And this is another example of the government -- of the industry taking advantage of the entire area becoming their work place, their lay-down yard. This is a public road. It used to be my kids' bus stop. Apparently on that day it didn't matter.

This is an example of a multiple-pad gas well. More infrastructure.

This is an example of the type of things that are in peoples' backyards.
This is an example of the vents, uncontrolled, unmitigated, unreported in peoples' backyards, in their businesses. More the industry's infrastructure.

The core infrastructure has leaks and spills, which we also need to deal with, and you can see the boundary fence on that particular piece of infrastructure isn't doing a lot to contain the leak.

And then there's the impact that infrastructure has on the night's sky. And that, of course, there is the massive high voltage powerlines that are installed for the sole and express use of the industry. It's not a public asset. And then there's all the trauma that goes into actually having those things rolled out across peoples' homes.

And then there's the massive exporting facilities that they're wanting to roll up and down the coast of the entire country of Australia. And then, of course, once you take into account all of the industry's infrastructure, of course, the farmers' infrastructure is no longer useful and is destroyed.

There is a photo of a kicking gas bore that is kicking farmers stock and domestic water bore that is now producing so much gas that the gas lifts what's left
of the water.

Basically in this particular sub-case we address the framework principle No. 8 where the government has actually, our evidence proves, that the government has undertaken or authorized actions with environmental impacts that we've just shown you, that interfere with the full enjoyment of human rights.

The government has not required prior assessment of the possible environmental impacts of these projects and their policies including their potential affect on the enjoyment of human rights.

How could it possibly have been when you look at those images?

Principle No. 12, however, also shows that the government has not ensured that the effective enforcement of their own environmental standards are undertaken against public and private actors.

That evidence also shows that, under Principle 10, that the government has not provided for access to effective remedies for violations of these human rights and domestic laws relating to the environment.

So as this infrastructure is rolled out and as impacts of the infrastructure is born by the landholders there is no remedy.

So that is the end of our presentation on
Infrastructures, our sub-case of Infrastructure. And what I'll do now is just move on to the next presentation if that's all right.

Okay. So this third sub-case that we're addressed the evidence we've provided is based on the Climate Change And Environmental Impacts Of The Industry.

So the Environment Climate Change sub-case is addressed -- we address the Principles 1, 11 and 16. And basically what we're talking about here is the scale of the industry.

The scale of this industry and its footprint as we talked about in that very first picture I showed you that shows the vast big business across Australia of this industry as it rolls -- the footprint rolling across ground water, dependent eco-system, agricultural land, peoples homes, does not -- it can not ensure a safe clean, healthy and sustainable environment.

And it's anything but a precautionary approach that's being taken for this industry in Australia. The technology is novel. It's not yet standardized. It's poorly understood. There's uncertainty about the consequences and, what's worse, is that the worst case potential for harm is enormous and on the scale that it's planned it's so large that the cumulative impacts
aren't even part of the permitting process.

So surely this is the very definition of human rights and how it impacts. The government has made these choices deliberately. They have decided to choose fossil fuels over renewables. They've chosen to create a gas industry. They've legislated that a portion of electricity must be made from gas. And the governments were so led by their desire of multi-nationals instead of the good of the country that they've dashed to create an export industry they've destroyed the supply and demands basis completely for the product that they had previously legislated must be used.

Exporting not only the gas but what Australia's government is exporting the damage as well. So there is such a thing as Australian companies inflicting human rights impacts in this industry in other countries, in particular in Latin America.

We have evidence provided to us from Latin America that shows a previous company from Australia who were responsible for the damage done to the Pilliaga State Forest. That managing director is now in control of a company who is working Uruguay.

And they are undertaking this activity and putting at risk the major aquifer in Uruguay which is one of the largest underground drinking water reserves
in the world. So we're managing to export the damage as well, which is bringing into highlighting the issues associated with the guiding principles of business and human rights.

The environmental impact on large scale developments with an extensive kettle of environmental impacts and now evidence describes all the environmental impacts as can be seen here.

And the environmental impacts, the planned scale and the scope of the development in itself makes the whole question of impacts really complex. The projects are only licensed on a piece meal method but the cumulative impacts are not even potentially predicted and they may even be worse than you could even imagine given that it's the environmental system is subject to this sort of disturbance on such a massive scale.

Also we've already identified in our evidence and in the first sub-case of Health that the fugitive emissions of this industry, along with the ones that are actually acknowledged, doesn't mean that this -- proves that this industry does not wash up as the spin indicates as being cleaner than coal.

The scientific literature tells us that people are already dying from climate change. So this is
actually a legal and moral question that climate change that this industry is contributing to should it go ahead.

Governments and industries are already being sued for their contribution to this. And we already know we have to leave at least the current -- we can not start opening up new areas of fossil fuel by any level of now of commitments from the Paris Agreement.

We're supposed to love our neighbor. Australia's been called out by our neighbors for turning our back on those who would be the first affected by the impacts of climate change who have been affected now. And here we are in this ever expanding CSG industry.

Then the climate change capsules are attributable in the evidence that we've provided such that there is a current and increasing threat posed by these climate change conditions that means that they will exceed the human capacity to deal with heat stress.

And in Australia, particularly in the Northern Territory particularly, we're looking at a situation where they are already very vulnerable to heat stress. Any changes in climate change will be a huge impact in that area and yet here it is and our government has chosen just last month to raise the moratorium on fracking.
So even if the government was to convince us that their concerns regarding climate change were meeting the community's concerns and they referred us to their environmental impact statements as proof of the rigor in which industry was held, well, they would still fail.

Simone Marsh shares some extraordinary evidence to the Tribunal regarding her submissions identifying the lack of baseline data, lack of scientific rigor, star chamber protective behavior undertaken within the government in the industry all of which, of course, brings up the fatally flawed adaptive management mantra that the government hangs its hat on that gives this industry permission to continue to be rolled out.

But the environmental impact assessments address only individual projects as I've already said, they're missing the cumulative impacts.

Also ecologically speaking our evidence also provides to the Tribunal shows that these approvals were awarded to the industry without prior adequate acknowledge of the ecological impacts on terrestrial, ground water, marine environments. There are serious flow-on consequences to these.

So what it is saying is what's it going to
take for our government to hear. The government's continued response to anything that is raised as far as concerns in requiring them to have a response that is reasonable is continued denial and bloody-minded ignorance.

So that's the end of that evidence load regarding the sub-case No. 3. There's only two more quick sub-cases left. So I'll move on now to the next sub-case. And it will just take me a moment and at the end of those two sub-cases there is time for questions.

So this sub-case, this presentation, is about the evidence that we've provided the Tribunal on the sub-case about Participation In Government.

In this case we looked at Principles No. 4, 5, 7 and 9 basically that the government does not provide a safe and enabling environment in which we can operate free from threats, harassment, intimidation and violence in expressing our concerns for our human rights.

Our government did not expect them to protect the rights of freedom of expression, peaceful assembly in relation to environmental matters. The government has not provided public access to environmental information by providing affordable effective and timely access to information upon request. And the government has provided for and facilitated public participation in
decision making related to the environment and the
decision making process of this industry.

And taken from Benedict and the Australian
human lawyers example of what they've described is
really crystal clear. Our government is supposed to
protect against human rights abuses within our country.
This requires taking adequate steps to prevent,
investigate, punish and redress any abuses through
effective policies, legislation, regulations and
adjudication.

This is a significant failure of the
Australian government in relation to this industry.
They have not ensured that our human rights are
incorporated into the judicially enforceable
legislation. They haven't backed that up with
comprehensive implementation of policy and that's
enabled this GCS industry to manipulate the decisions
making possess and the outcomes in the manner that basic
human rights have been ignored. Also their breaches have
been subject to inadequate corrective measures.

And the importance and the impartiality and
accountability in the management of this government's
resources is really had hard to overstate particularly
in this case.

Mining licenses represent the largest transfer
of assets from the public to private hands where mining
companies stand to gain hundreds of millions of dollars
from any simple decisions that our government makes to
allow mining and gas field to go ahead. And that happens
with no public representation in that decision-making
process but we get to suffer through the negative and
economic impacts and on the non-mining industries, the
communities and the environment.

These impacts are devastating and they're not
certainly accounted for in any way that is appropriate,
either by the legislation, by the government or by the
industry.

This is what is at the heart of the
fundamental failure of our government to us, it's
people. They have failed in their duty to protect and
represent and facilitate public participation.

They have deliberately and relentlessly
pursued the creation of the gas industry, the removal of
red and green tape, the rejection of anything about the
proportionary approach and they avoid investing in
alternative energy industry.

The evidence we've provided this Tribunal has
been available at every single level of the
participatory process within our government. There's
been legislative bias. We've provided evidence of the
number of inquiries that we've had in this country and
that the outcomes have been clearly ignoring the will of
the people. The lack of the right to say no. The
lobbying and the revolving door. There's been
regulatory failures. There's devastating failure in the
compensation arrangements.

The right to information is awful as well.
There's unconscionable conduct demonstrable in the
industry and the individuals. They've failed to
investigate incidents. They failed to adequately
prepare for the industry potential emergencies in the
community. And the burden of proof of having any impact
rests with individuals and the anti-protest laws.

The government inquiries that I alluded to you
only have to look at the number of inquiries that have
been held into this one industry across Australia and
see the same outcome time and time again and realize
that the government is not listening to the people.

You only need to read the government's own
submissions to see the dismissive attitude that
ministers and senators have on the issue of public
opinion.

This slide just shows, in one simple view, the
number of inquiries that have been had. One of those
particular inquiries was the right of the inquiry into
the bill for landholders in Australia to have a right to refuse gas and coal. This is a perfect example of the people requesting the right to protect our lands and our homes if the government was not going to do it.

So the insulting result of that bill was an outrageously slippery maneuver on behalf of the committee responsible for that inquiry. They reneged on a technicality. They went to a lot of trouble to say that, yes, sir, we do support the principle that an agricultural landholders should have the right to determine who can enter and undertake gas mining on their priority. But we see all sorts of problems with the details in the bill.

So instead of coming up with recommendations or examples of fully participating in a meaningful engaged discussion the committee's report, the one and only recommendation was, we recommend that they don't pass the bill, the end.

We provided evidence as well that, you know, the government has focused on this industry to the detriment to any alternative industry. And a really disturbing aspect of this lack of participation that we provided evidence about has been the rampant and out of control cozy relationship that is between senior government representatives, not just in the ministry
but, also in the important depths responsible for enforcing and the industry. It's completely at odds with the fundamental principle that all interested parties get to be treated equally in the decision making.

There's been regular untruthfulness and we've identified it in previous sub-cases. These projects have been pushed through with broad regulatory tools, multiple land use frameworks legislation, broad lengthy and inconsistent conditioning, all of which means cumulative impact isn't considered and the public ultimately is prevented from participating in the decision making.

Very specific evidence we have provided about the combating compensation agreement which is a really significant abuse of human rights. The government licenses the industry to get the gas off of peoples own private property. These multi-national companies access our private properties and put infrastructure in their place.

The government refuses to give us permission to deny them access, forces us to the table to negotiate a compensation process that is constrained to a limited pool to a number of issues that certainly don't have any way close to representing the realities of what the real
impacts are.

The government forces individuals to deal with these multi-national companies and sign the contracts giving access.

The government gives each of these individuals no assistance. They leave them to enter into these long term contracts with no information, no rights and no data.

But the government does draft a sample contract for use in this process and, of course, that sample contract is heavily biased in the favor of the multi-national gas companies.

The problem with this is, again, one of those framework principles that should be a fair and balanced approach to land use access and compensation.

Well, we've provided evidence requiring the contract to be signed does that mean that there is an agreement. There is lack of requirement for the companies to disclose information that is really important to the individual expected to live with it.

The contract requires individual to provide full disclosure about their plans for their own property. It lacks any helpful information to provide individuals about what types of additional conduct requirements that might be useful for them to demand
from the company which is, again, advantageous to the
company.

These contracts encourage confidentiality
which is not in the best the interest of the individual
but certainly works for the tactic of dividing
communities.

We have provided evidence that shows that
these contracts fail to even encourage basic payment
terms regarding implications of when the industry
doesn't pay the individual.

It places an undue burden on the landholder to
protect the company's infrastructure and it proves that
the government knows about the poor insurance agreements
that exist and enshrines that poor arrangement into
these contractual clauses.

So basically their right to information is
non-existent. The landholder gets access to a handful
of information that is industry-centric and propaganda
and that's prior to being expected to sign this long
term contract for access and impacts to your life and
your property.

And I'll show you on the next slide the type
of documentation that you should really be requesting as
an individual from these companies just to begin to
understand what the real impact to you and your property
will be. And this suite of documents are not listed anywhere. It's something that the individual is required to identify and specifically request. And then, of course, the company has to be relentlessly pursued to get that documentation. And, of course, if you ever do get it as a normal person you then need to understand it.

So here's your example of the framework principle requiring easy, prompt, effective and practical access to information.

We provide evidence that shows that while the gas company -- and this is one particular example -- the gas company is pursuing a landholder, I personally dealt with this, for access and an alternative arrangement.

The landholder requested a copy of the current plan of operations, any pre-clearance surveys, environmental reports listing non-compliances, any emergency procedures, very reasonable things; noise modeling, emissions modeling, risk assessments relating to the current contamination incident you have when you're not having a contamination incident and the concurrent undertaking of CSG activities.

And the response from the industry was, yeah, we don't consider it would be useful to get bogged down in reams of paperwork. So, there you go.
So, say the landholder does sign this ridiculous contract, well, an individual landholder is then required to undertake their own preparation to prove that there's been an impact in the future. Me, I'm supposed to go out and undertake my own surveys, atmospheric monitoring, water testing, weed auditing, overland flow assessments, all of this, in order to establish my own baseline in order to be able to prove that there's been an impact in the future which is, of course, prohibitive. And not to mention important contributory data is the domain of the companies and the stuff that I'll never have access to. And when I do want to make a complaint I have to make an approved complaint in order for it to be recorded or any action to be taken. We provided evidence that the industry is dealing with individuals on his land they're trying to access but none of this, none of these arrangements consider the impact on neighbors. Alternative arrangements is another completely inconsistent issue in relation to human rights. An alternative arrangement is something that the government has permitted the industry to have access to and effectively means that the industry, if they can get individuals to sign an alternative agreement, they don't
need to comply with the legislative environmental authorities.

So this is a really slippery slope which enables the industry to breach and those breaches to become the norm. And it's a loophole then for compliance in the future.

And, also, as far as individuals are concerned, again, if I don't sign an AAA but everyone else around me does I'm the last man standing. I'm a vexatious landholder because no one else is complaining.

Of course the anti-protest laws is another example of this government failing in protecting our human rights.

So basically, to summarize this particular amount of evidence that we have provided on this sub-case, our government has failed us by not providing and actively avoiding the democratic and judically supported process to have our rights considered and our concerns addressed and the individual people at the coal face who are expected to host this industry are literally left on their own to navigate this gargantuan prospect of letting the industry into their home.

So there's only one sub-case that is left and that is the sub-case on Culture. So it wouldn't take very long either, the summary of that evidence provided
there. At the end of that sub-case Benedict will complete his summary of our submission and then there will be sometime for some questions.

So this is our last presentation that summarizes the evidence that we have provided on the social and cultural impacts of this industry.

In this framework the framework principles we used in this sub-case were Principles 3, 6, 13, 14, and 15. And effectively the transformation of the rural landscape into an industrialized gas field profoundly changes the lives of the people who live here.

The people threatened by or who suffer losses or injuries from gas field development, they're the one who suffer the symptoms of emotional, economic distress and physical ill health.

Those people, though, are not the multi-national gas companies. They are well-funded lobbyists or the politicians of government departments responsible for this industry.

The evidence we've provided we gathered on our web site says it all. It speaks of the horrendous impact that this industry has had on the people and this is but a small portion of the other thousands of similar stories happening across this land at kitchen tables everywhere and some that I get phone calls about each
This evidence is the stuff that never ever seems to be able to be heard over the thin and selfish rhetoric over the industry lobbyists and the government's greed.

It's in things like the Social Impact Assessment, and the only one that the government ever did in the ten years of the industry. And in that one particular time they had the chance to do it they made a conscious decision, as they wrote in their own report, not to meet with local landholders and community groups.

What this impact on social and culture is about it's the booms and busts. And we've provided the evidence of the impact that that has on communities.

The social and cultural impacts include the traditional owners of this land which is really important to note that the effective and genuinely representative involvement in the approval process of the traditional landholders has not occurred and this has a massive and direct impact on them.

The social and cultural impacts include insurance impacts. Farmers can't get any insurance product to protect them inches against CSG impacts. And the industry won't insure the farm either.

Social and cultural issues are associated with
the National Vendor Declaration where the farmer is expected to assure a product that is supplied in an environment that he doesn't have 100% control of.

The social and cultural issues and evidence that we have provided are about a change to the very fabric of our community. It's proved by movies that are made and songs that are written. Its impact is shown by the evidence we have provided of the water that bubbles with gas and is taken from the people.

So you know the social and cultural impacts of this industry are also in the meetings that we are forced to hold as communities. The submissions that we make over and over and again. The time that's stolen from being with our families.

It's shown and evidenced by entire change to lexicon that we now have into the development of new terms such as fracktivist, gas flu -- that's we call it when you feel sick in the gas field -- gas hole, sacrifice zone, frackwit, glow worm, land and lying officers, collateral damage which, interestingly, was the term that the industry used to describe us, ecocide, land spraying, intergenerational theft, ecocrime, gas fields refugee, produced water, and coexistence, of course. The social impacts are also in the shocking use of the then blue line by the government to try and
contain the thin green align.

The documented effects on the people living in close proximity to unconventional gas are multiple and they're listed here and include all of the things that we have discussed and provided evidence for in our testimony. Distress related to concern to our health impacts. Cost associated with environmental damage, increased stress, change to sleep patterns, impacts to health by noise, anxiety, social division, disempowerment, changes to community. Increase in all of the demands but certainly no increase in the infrastructure to cope with it.

So basically the summary of our evidence is that it shows that the unconventional gas industry is at the absolute coal face of the infringements on our basic rights and the government fails, at every turn, to set the bar at a standard that even attempts to balance the perceived benefits from royalties and jobs against the obvious intrusion on basically essential human rights and freedoms.

As I was saying the documented effects there to be seen in our evidence and our evidence shows that the unconventional gas industry is at the absolute coal face of the infringement on our basic rights. And the government's failed at every turn to set the bar at a
1 standard that even attempts to balance the perceived
2 benefits of royalties and jobs against the obvious
3 intrusion on our basic rights and the essential human
4 rights and freedoms. So we have no rights and we have
5 no remedies.
6
7 So what is missing is an independent and
8 impartial judiciary, good democratic institutions and
9 democratic processes that are, in themselves, the
10 embodiment of these human rights.
11
12 I want to thank Tom, Carly and this steering
13 group and all of those behind the scenes. The Global
14 Network For The Study Of Human Rights And The
15 Environment, Environment And Human Rights Advisory,
16 Oregon State University and students in the master's
17 degree and the Spring Creek Project. And I want to
18 think the Permanent Peoples' Tribunal and judges.
19 Thank you for being the first institution in a
20 decade that has listened to those of us impacted by this
21 industry.
22
23 I would like to now hand it over to Benedict
24 Coyne to close our summary.
25
26 MR. BENEDICT COYNE: Thank you, Shay, for
27 an incredibly comprehensive assessment and probably the
28 most comprehensive assessment that we've seen in a
29 decade as well. So thank you for all of your hard work
on this. And I reiterate Shay's thanks to everyone who's made this possible.

From all of the evidence provided in the five sub-cases that Shay has outlined and Dr. McCarron's evidence and Dr. Lloyd-Smith's evidence and all of the evidence provided and available to the Tribunal it is very clear that the fracking industry in Australia and its destructive consequences has been enabled by a perfect storm of democratic dysfunction, comprising from the disproportional political power of the energy lobby left unregulated and unfettered. And the frail corrupt-ability of political regulations as well as the lacunae of scientific evidence and baseline data and ongoing assessments and monitoring to demonstrate how harmful fracking is.

As I stated before fracking spotlights the glaring inadequacies of our centuries old legal systems and has seen a remarkable phenomenon of corporate might with wanton disregard for our democratic foundations, thundering even the most sacred creeds of capitalism being private property ownership and the common law right to the quiet enjoyment of your land without arbitrary interference of the state or any non-state actors.

I thought I might also, just on that note, in
terms of Australia, once again borrowing from the very
tainted and stained law books of other jurisdictions and
other more powerful jurisdictions, notably the U.S. and
the United Kingdom and particularly in regards to
policy, the industry's, I guess, emergence was ordained
by George W. Bush's passage of the Energy Policy Act of
2005 which exempted fracking from the Safe Drinking
was also colloquially known as the Halliburton loop hole
and Dick Cheney was probably chuffed although, perhaps,
he should have been handcuffed.

More recently the UK government has even
attempted to dilute the ancient law of trespass so
companies can frack under peoples homes without consent.
And it seems again -- and the reason I say that because
the international dimensions, notwithstanding that Shay
might be out near Chinchilla and out near Tara and out
near all of those areas, make no mistake that the advent
and rapid expansion of the destructive consequences of
fracking is effecting democracy and human rights
globally and the solution needs to be found globally.

And, again, that's why we're so pleased and
excited and honored that the Permanent Peoples' Tribunal
has taken this opportunity to hear this petition.

Now the impacts, of course, are well-known and
have been provided evidence in all of the sub-cases, especially Shay's incredible and comprehensive presentations and all of the work that she's put in over the past many years and looking at the Health impacts in sub-case 1;

Infrastructure impacts sub-case 2;

Climate Change Environmental Impact sub-case 3;

Participation in Government or lack thereof in sub-case 4;

Social and Cultural Impacts in sub-case 5.

Then Dr. McCaron's evidence and many, many being years of research in the impacts, significant debilitating impacts on human health and those impacts on local communities and especially the abject failures by governments and the responsible authorities to assess, monitor, measure and protect against the very adverse and sometimes unknown health impacts of all of the constituents and citizens and non-citizens of Australia including, of course, the rights of children the most vulnerable, the rights of women, of course the rights of men, of course the rights of people with disabilities, indigenous people and all of the noted consistently vulnerable populations of demographics that are noted consistently in our International Human Rights Law and certain in all of those documents I outlined.
We then, of course, hear from the amazing Dr. Lloyd-Smith on her evidence about the toxic footprint of the industry in terms of its contributions to, I guess, end of pipeline pollutions as well as in terms of plastics and creating a dirty unsustainable toxic international industry whose products, as well as the by-products, as well as the fugitive emissions, are just creating a very significant time -- global time bomb of toxicity.

And Dr. Lloyd-Smith also discussed in detail, and coming from an organization that represents concerned communities in some hundred of countries and academics and experts, about the air, soil and water contamination by the fracking industry. And, of course, the blood and urine contamination by this industry.

And the most concerning evidence, of course about the significant unknowns. The companies, these multi-national companies have not only turned democracy on its head but they've actually turned the international architecture of International Human Rights Law on its heads in this sense, and even the common law at the heart of the western liberal democratic legal system and the Judeo-Christian, you know, philosophical model that underpins our legal system is this sacroscant respect for private property of human being and rights
of human beings.

You can look at the 10 Commandants. You can look at all the different, you know, instruments that formed religions as I talked about them that kind of distillations and developments and evolutions of them down to the present day and how they've formed everything in our kind of existential outlook on planet earth.

Human rights have never been attributed to non-human entities. And I'm talking about corporations here. So it seems absolutely remarkable from Dr. Lloyd-Smith's evidence, and particularly that anecdote about Halliburton talking about commercial and confidence that the product rights of corporations are being prioritized very highly over that of human beings when, you know, even if broader human rights are not quite the foundation of our democratic systems and even our modern kind of corporate capitalists systems, the fact that private rights of humans are being sacrificed for the private rights of corporations is hugely concerning and, again, has that very, very potent global impact.

So universal fundamental human rights, including the right to safe, clean, healthy and sustainable environment, whether it's expressed in
national or international law or in national and sub-
national constitutions are often insufficiently brought
to bear or protected by standard state based enforcement
mechanisms.

The failure of states to respect and enforce
environment rights can open the door for intervention by
non-states actors such as this Tribunal.

The decisions and actions by this Tribunal,
less influenced by the pressures of national politics
and economic interests can robustly articulate and stand
up for the environmental human rights standards when
states and international bodies fail to do so. This
session is replete with evidence as to that.

In March of 2016 the Sisters of Mercy
delivered a joint statement with Australian landholders
at the United Nations Human Rights Council addressed to
the Special Rapporteur on Human Rights And The
environment stating, "From Australia to the U.S. to
Argentina our communities report violations related to a
safe, clean, healthy and sustainable environment."

In late 2016 the UN Special Rapporteur on the
Situation Of Human Rights Defenders visited Australia
and met with anti-fracktivists and anti-frack
campaigners and community members. I think it's
important to note that people aren't anti. People want
to protect their communities, their pro-sustainability, their pro-basic health rights. And they condemn the anti-protest legislation that our Shay referred to targeting environmental activists which would contravene Australia's international obligations.

I think it's very important on the international context, our platform of international law, that the Tribunal also consider and look further into, and I'm happy to provide a supplementary submissions on this if required, the movement for a codification of the international crime of ecocide to be amended into the 1998 Rome statute on the International Criminal Court.

And that has been the subject of quite a big movement in fact, little known about, not really made visible. Perhaps a note for another petition for the Permanent Peoples' Tribunal, who knows. But it's been considered for a long time by the UN and it's been seen as very controversial and it's yet disappearing and keeps kind of coming up and getting a gasp of breath.

In September 2016 the International Criminal Court's chief prosecutor issued a policy paper widening the court's remit to focus on environmental crimes.

Further action has been taken in the court-rooms of the world but mostly gaining little fruit as
anthropocentric legal systems are increasingly proving impotent to the challenges of vast environmental destruction.

I also think it's very important to bear in mind whilst everything I say may be considered, perhaps, unnecessarily hyperbolic or even hyperbolic -- actually, I would withdraw that and I'll state it as this.

Even though the way that I describe what I see happening may be construed as hyperbolic I would encourage the tribunal and the judges, respectfully, to really look beyond this seemingly innocuous pictures of little gas valves and invisible gas and things that you don't see and pictures of the countryside and cross woven tapestries of, you know, gas wells that I think to, in some eyes, and certainly in some non-expert eyes and layperson's eyes may seem innocuous but, the reality is this is a proven deadly industry and it's important that -- and I'll say even though I'm a slime hole in my other life and I, perhaps, have had some tendencies to go into the hyperbolic I would encourage the Tribunal to look at a strict conservative black letter reading of international human rights law and even domestic law which doesn't even engage in international human rights law in Queensland, Australia in many ways.
And that, even of itself, even in the strictest most conservative black letter reading of the law all of the sub-cases, evidence of flagrant breaches of the rule of law and of democratic, you know, principles. So in that regard the movement against the fracking industry represents a veritable final frontier and fight to save the integrity of our democracies from the clutches of unrelated corporate power.

One could perhaps describe it as a lawless lacunae or a gas land Guantanamo where the dismissive attitudes of politicians and government representatives that Shay described have really put us in this no person's land of lawlessness.

The rule of law doesn't seem to need to be considered. They have all of these kind of pantomime inquiries after the fact usually and, you know, thankfully in some of the states and territories we've had success in upholding those moratoriums but those moratoriums are very, very, fragile and are delicately in place.

So, I mean, it may even be the case and it's always easy to look back on history as we learn from history that the governments have already sold out democracy to the highest bidder and lost control. It certainly seems like that from the evidence.
And if that is the case then it's time to put all of this evidence on the record, which is why we're here, and it's time for people, community members, community advocates, everyone, to wrestle back control. We've all heard the term and the adage power corrupts. Absolutely. As much as we might want to love and trust all of our political representatives, unfortunately, there is a well-established historical fact that concentrations of power in a ruling of late without regulation tends to result in corruption, nepotism and human rights violations, even in Australia and Queensland as detailed in the evidence provided.

Politics, it has been said is "The arena where conscience and power meets and will be meeting until the end of time."

However it has been noted that "Conscience so often fairs poorly in such encounters." That we celebrate the occasion where power is more than a tip of the hat, such as drafting the adoption of the Universal Declaration Of Human Rights and all of the international human rights laws that have emanated from there.

While it's easy to be cynical and dismissive of the UN as not having any teeth or not, you know, being able to encourage and influence governments I think it's important to note that even having that
consensus there were 48 nations that adopted the Declaration Of Human Rights in 1948 and there were 56 nations in the "international community" at the time. Eight abstentions. No one voted against.

Fast forward many years to 1993 and the Vienna Conference on Human Rights passed the Vienna Declaration Program Of Action which was endorsed by over 170 nations reaffirming the Principles of the Universal Declaration of Human Rights.

So there's absolutely this kind of very, very stark duality between the aspirations of human kind for a better world and then the kind of vulnerabilities of human nature to greed and corruption and those kind of things.

So democracy is not a static state. It is a continuum of socio-political interaction requiring constant vigilance by civil society to ensure that the lines of acceptable civil power are properly and responsibly held and discharged by the executive, legislative and judicial arms of government.

Human rights are exactly the same. Rights exist and arise infinitely and naturally in every human being by virtue of being human. However, in the words of our former federal attorney general George Brandis, "I do not think rights are conferred by the state. I
I think rights need to be protected by the state but they are not conferred by the state."

This is why it's so crucial that human rights be legally protected and enforceable through the courts, in Queensland, Australia and around the world.

Laws are implemented to create standards by which we judge and regulate our own behavior and that of others, behavior that we consider as socially acceptable and in the best of interests of not only one another but also our children and future generations.

The current gaping deficit in regulating fracking is the consequence of a significant lack of political will to act in our best interest.

What Australia urgently needs is a human rights act framework at both federal and state levels to be implemented and utilized as a legislative framework through which we implement laws that regulate fracking as well as enhancing existing laws for environmental impact assessments, health assessments, social and cultural assessments, et cetera.

Laws that will properly protect the rights of citizens from arbitrary interference by the state and private corporations and laws that will proactively protect the integrity of our democracy, the rule of law, the air environment and the rights of future
generations.

And I'll requote Shay here because I think this is a particularly powerful summary of our position to the Tribunal. "We have no rights and no remedies. We need an independent and impartial judiciary, good democratic institutions and democratic processes that are themselves embodiment of various rights."

Now, in closing, I want to come to giving our submissions on what we want the Tribunal to do and our recommendations to the Tribunal in its considerations of formulating its advisory opinion on the four central questions to this petition.

I also want to preface that I would, and we would, like to really encourage the Tribunal that when it comes to its deliberations to consider whether -- or at least to consider the efficacy and utility in sending those recommendations to the prime minister of Australia, to the opposition minister of Australia, to the minister of the Environment And Energy of Australia, to the Queensland prime minister, to the Environmental Minister of Queensland, Leeanne Enoch, to the media, to all premiers in Australia, including those who have, up until now, done the right thing and maintained the moratorium and to all environmental ministers throughout Australia, because I think it will have a
huge impact and I think, and I know from my interactions with politicians, that if they have something to grab hold of to justify a conscious and conscientious moral and legal position, such as the consensus of an international tribunal, that will really help and assist the advocacy in Australia.

So, No. 1, we would respectfully request a Declaration Of The Human Rights Dimensions Of Fracking. Consider a number of risk impacts and contentious issues relating to the fracking activities. And that all of that that should be weighed before allowing any hydraulic fracking operation goes forward.

Apologies. That was not particularly articulate but in terms of enhancing preliminary assessments to assess the human rights dimensions of fracking.

No. 2. A declaration that the human rights of numerous and various landholders have been violated by the Australian government, the Queensland government and private companies as detailed in the case studies outlined.

No. 3. That without delay and as expeditiously as possible the Australian government urgently introduce, (A) a Federal Human Rights Act which includes express rights to the enjoyment of a safe,
clean, healthy and sustainable environment in adherence to the 2018 Primary Principles On Human Rights And The
environment.

No. 2. A national plan of action for the 2011 United Nations Guiding Principles On Business and Human Rights, which include specific provisions of fracking companies and their interaction with landholders, the rights of landholders against private companies and the state including with regards to access to information and access to justice.

No. 4. That we have without delay as expeditiously as possible a recommendation that every state and territory government throughout Australia urgently introduce a human rights act or human rights framework which includes express rights to the enjoyment of a safe, clean, healthy and sustainable environment in adherence with the framework principles.

No. 5. That without delay and as expeditiously as possible the Australia government and every state and territory government implement the 2018 framework principles on human rights and the environment, especially and specifically all of the principles referred to the case studies by Shay's submissions.

Framework Principle 2. The state should
respect, protect and fulfill human rights in order to
ensure a safe, healthy and sustainable environment.

Framework Principle 3. States should prohibit
discrimination to ensure equal and effective protection
against discrimination in relation to the enjoyment of a
safe, clean, healthy and sustainable environment.

Framework Principle 5. States should respect
and protect the rights to freedom of expression,
association and peaceful assembly in relation to the
environmental matters.

Framework Principle 8. To avoid undertaking
or authorizing actions with environmental impacts that
interfere with the full enjoyment of human rights.
States should require the prior assessment of the
possible environmental impacts of proposed projects and
policies, including their potential effects on the
enjoyment of human rights.

And I just want to pick up a couple of lines
from the commentary of Framework Principle 8 especially
with regard to business enterprises. Should conduct
human right impact assessments in accordance with
guiding principles on business and human rights, which
provide that businesses "should identify and assist any
actual or potential adverse human rights impacts with
which they my be involved either through their own
activities or as a result of their business relationships.

Include "meaningful consultation with potentially affected groups and other relevant stakeholders."

"Integrate the findings from the impact assessments across relevant internal functions and processes and take appropriate action." And that is referable to Guiding Principles 18 and 19 of the Guiding Principles of Business On Human Rights.

And I think actually a separate recommendation that the Tribunal recommends that all business enterprises in Australia must conduct human rights impact assessments including with the Guiding Principles On Business And Human Rights with those companies in any way involved in the fracking industry or the supply chains of the fracking industry.

Framework Principle 9. States should provide full and facilitate public participation in decision making related to the environment and take the views of the public into account in their decision-making process.

Framework Principle 10. States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment.
Framework Principle 12. 1 and 12 Shay also mentioned. Obviously we covered the field. We want all the framework principles but I'm just picking out ones that are particularly relevant.

And Framework Principle 14 is in relation to vulnerable peoples, including children, women, people with disability, indigenous peoples, et cetera.

And I would particularly like to give an acknowledgment and a shout out to a former client of mine, John Jenkin and his family. He had two children with disability who, unfortunately, were stuck right in the heart of the gas industry and all of its toxic pollution for about a decade before finally being able to move.

Moving on to the 6th recommendation. That without delay and expeditiously as possible the federal Australian government urgently implement all the outstanding recommendations of UN treaty bodies and special rapporteurs including, but not limited to the following: The Human Rights Committee;

The Committee On Economic And Social And Cultural Rights,

The Committee On The Elimination of Discrimination Against Woman;

The Committee Against Torture;
The Committee On The Elimination Of Racial Discrimination;
The Committee On The Rights Of The Child;
The Committee On Rights Of Persons With Disabilities;
The UN Special Rapporteur On Indigenous People;
The UN Special Rapporteur On Health;
The UN Special Rapporteur On The Situation Of Human Rights Defenders.

And I would specifically ask the Tribunal to consider making that declaration with regards to all of the recommendations that the Special Rapporteur On Human Rights Defenders make in his report on his country visit to Australia earlier this year.

And I won't read through them all now because I'm probably out of time but I think that is all.

Thank you very much everyone and I look forward to watching the remainder of the Tribunal.

Thank you.

MS. SHAY DOUGALL: Thanks. Any questions, Gill?

MR. GILL BOEHRINGER: No. That was an absolutely wonderful presentation. I've read the 30 page -- 33 page document -- actually 34 but there's
actually not much on the 34.

What bothers me is how do I get a hold of all the information that I've been exposed to now, particularly since I was, apparently, the only judge able to make this session?

I like to work with hard -- hard copies. So I mean it's just overwhelming the work that has gone into it. It was so impressive. I mean I've sat on a lot of tribunals and this was tops.

So, yeah, that's my basic question. I've got some other questions but, I mean, there's so much there.

MS. SHAY DOUGALL: So you're asking for access to hard copies of the evidence. I mean we've got all of the evidence we provided is hosted on the web sites.

MR. GILL BOEHRINGER: The evidence -- I have this web site although it seems to be different every time somebody mentions the web site they give a different name to it.

MS. SHAY DOUGALL: No, no, it's our web site.

MR. GILL BOEHRINGER: From the viewers, yeah, I have that. But the evidence is fine and we need that. A lot of it is similar to what we heard from the Ohio folks and probably will from Charleston but
different but similar.

MS. SHAY DOUGALL: Yes.

MR. GILL BOEHINGER: But it's --

there's just so much in the power point presentations

and in Benedict's two submissions.

MS. SHAY DOUGALL: Oh yeah, I can give you

hard copies of that.

MR. GILL BOEHINGER: If I want to sit

down with the rest of the judges and discuss these

matters we need that kind of information as well as the

evidence. So it's kind of -- with analysis and

recommendations that we need.

MS. SHAY DOUGALL: So do you want me to

e-mail you copies of those presentations, which I can

do.

MR. GILL BOEHINGER: Yeah.

MS. SHAY DOUGALL: Would that fullfil

your need? And Benedict can send you his.

MR. GILL BOEHINGER: He's already

agreed. I have chatted with him a little bit. We're old

friends.

MS. SHAY DOUGALL: I'm more than happy to

send you those power point presentations.

MR. GILL BOEHINGER: Okay.

MS. SHAY DOUGALL: And anything else that
1 you need I can send, yeah. Is that what you need?
2
3 MR. GILL BOEHRINGER: Yeah.
4
5 MS. SHAY DOUGALL: No worries.
6
7 Absolutely. Actually I've already made sure that Emily
8 Grubby has copies of all of them.
9
10 MR. GILL BOEHRINGER: Okay. So.
11
12 MS. SHAY DOUGALL: But I'll just include
13 you. I'll ask Emily how to go about making sure that
14 you have access to that data. And make sure -- or I
15 can just give you access to a drop box or whatever.
16
17 MR. GILL BOEHRINGER: Well, yeah, I need
18 it by e-mail.
19
20 MS. SHAY DOUGALL: Okay. I can e-mail you
21 to the -- see, they're quite big. I'll upload them to
22 the web site and --
23
24 MR. BENEDICT COYNE: If you e-mail -- if
25 you share the drop box it will go to your e-mail, Gill,
26 and you can just press on it and going into a drop box
27 is the same as going to an e-mail address. It's
28 effectively the same.
29
30 You might have to set up a drop box but it's
31 just like setting up an e-mail.
32
33 MS. SHAY DOUGALL: I'll just post it on
34 the web site.
35
36 MR. GILL BOEHRINGER: The least
involvement with technology the better as far as I'm concerned.

MS. SHAY DOUGALL: No worries. I will deal with that.

MR. BENEDICT COYNE: We'll send it by carrier pigeon from Chinchilla.

MS. SHAY DOUGALL: I'll get that organized, Gill, no worries.

Did you have any other questions?

MR. GILL BOEHRINGER: No. Well, one is a very simple one.

Who were the two people in 1932 who prophesied all of this?

MS. SHAY DOUGALL: Bell and -- geez, I can't remember.

MR. GILL BOEHRINGER: If you have a reference send it to me.

MS. SHAY DOUGALL: Yeah, I will. I'll send you the reference. No worries.

MR. GILL BOEHRINGER: Of course, Carl Marx predicted most of what's happening today even before 1932.

The other thing I'm not exactly sure what the context was, and this is just a comment and, you know, with respect as we say, it's not a criticism really, but
lately I've been thinking of the use of the word "shareholders" and I've seen some commentary about that and it seems to me that that's a very benign way of referring to corporate capital and, you know, what is good for the shareholders and we're all shareholders. It's good for the country blah, blah, blah.

But, in fact, not all shareholders are equal and we know that there's a small group that dominate corporate capital. And the corpor -- you know, shareholders, many of them are very nice. Some of my best friends. But the corporations, as you've demonstrated, are not very nice. And those who control the corporations are shareholders but they're the ones who have most of the shares.

So just as kind of an ideological suggestion about, you know, educating the public as we're all trying do I think we need to be careful of that word and how we use it.

MS. SHAY DOUGALL: Fair enough.

MR. GILL BOEHRINGER: Kind of disguises what's going on.


MR. GILL BOEHRINGER: It's too fuzzy and warm towards the real shareholders.
MS. SHAY DOUGALL: Got you. I got you.

Thank you for that feedback.

MR. GILL BOEHRINGER: Yeah, yeah. Sure.

Okay. I'm going to bed now. I've been up since about ten hours ago.

MS. SHAY DOUGALL: I'm sorry and I so apologize for the technical difficulties but, Gill, thank you so much for being here and lending us your ears.

MR. BENEDICT COYNE: Thank you, Gill.

MR. GILL BOEHRINGER: Thank you.

[youtube.com/watch?v=CY4YB_tR6dE]