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21st September 2011

Her Excellency Ms Quentin Bryce AC
Governor-General of the Commonwealth of Australia
Government House
Dunrossil Drive
YARRALUMLA ACT 2600

Dear Sir/Madam:

I lodge the following complaint against the Australian and NSW Government in relation to the terms and Articles contained in the **United Nations Convention on Persons with Disabilities**. The Australian Government are responsible for the **drafting, administration and enactment** of legislation that is driving wind turbine development throughout the states that make up Australia and the NSW government are responsible for the drafting, administration and enactment of planning legislation throughout the state of NSW. In addition, the Australian Government are the signatories of the aforementioned UN Convention and are bound by the terms contained thereof.

I would advise you that should the Australian and NSW Government permit (directly or indirectly), encourage, or are complicit in any planning consent awards for **ANY ADDITIONAL** wind turbines throughout Australia that does not comply with the provisions of the Convention, I reserve the right to make an application to the courts for an ***Interim Interdict/Injunction*** that would protect the legal rights of persons with Disabilities. The medical evidence is clear and unequivocal that wind turbines cause serious Medical and Mental health problems and exacerbate current Medical and Mental health conditions.

I submit my complaint as follows:

United Nations Convention on Persons with Disabilities:

1) Article 3 – General Principles: (c) **Full and effective participation and inclusion in society;**

(e) **Equality of opportunity;** Disabled persons do not participate in the planning process on an equal basis with those without a Disability. The Australian and NSW Government fails to provide planning applications in ‘Braille’ to allow those with a visual Disability to have ‘**Effective Participation**’ in the planning process. The obvious health problems from wind turbines on ALL groups in society make it even more important that the vulnerable members of society are allowed to have an effective participation. There are no special procedures put in place in Australia to allow those with a Disability to address the Planning Committee on particular applications.

a) **Article 3** will be violated by a failure to ‘effective participation’ by the authorities failing to provide the application in ‘Braille’ to allow those with a visual impairment to participate in the process.

2) **Article 10 – Right to Life:** If the person with a Disability had walking difficulties, or was unable to walk, they would be at a substantial disadvantage to someone without a Disability from the on-going health and other issue’s from wind turbines. They would not be able to simply ‘get out’ for the day due to their Disability or they may suffer from a mental health Disability and do not know or understand that they are in danger from wind turbines. The Australian and NSW Government are failing to

acknowledge or accept the mounting medical evidence against wind turbines and are exposing the most vulnerable members of society to long term health problems from wind turbines.

- 3) **Article 11 – Situations of Risk** – Governments shall take, in accordance with their obligations under International law, including International Humanitarian law and International Human Rights law, all necessary measures to ensure the protection and safety of persons with Disabilities in situations of risk... This can be interpreted as including ‘**protection and safety of persons from Government policies if they are a threat to the life and health of a person with a Disability**’ under the terms of International Human Rights law.
- 4) **Article 12 – Equal recognition before the law** – (3) State parties shall take appropriate measures to provide access by persons with Disabilities to the support they may require in exercising their legal capacity. This includes free legal representation whilst exercising their rights and protection from ‘undue influence’ from Government.
- 5) **Article 13 -Access to Justice** – This includes all legal proceedings, at investigative and preliminary stages as direct or indirect participants.
- 6) **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment** – The World Health Organisation has stated that ‘**Sleep Deprivation**’ is a form of torture. There is a mountain of information that clearly shows that wind turbines cause ‘**Sleep Deprivation**’ in every sited area throughout Australia.
 - a) **Article 15** will be violated when any wind turbine causes the complainant to have an interruption to their sleep for prolonged periods in the same night. The World Health Organisation has stated that noise above 30db in a bedroom will cause ‘**Sleep Deprivation**’.
- 7) **Article 16 – Freedom from exploitation** – The definition of ‘exploitation’ is “**to take advantage of (a person, situation, etc) esp unethically or unjustly for one’s own ends**”. The Australian and NSW Government has failed to provide a planning application in ‘Braille’ that would allow the visually impaired to participate in the planning process. This would be self-evident in the number of objectors or supporters of a planning application from the visually impaired currently on record. The Australian and NSW Government has already confirmed that they have no record of any planning objections from the visually impaired and that they are unaware of planning applications being available in ‘Braille’.
 - a) **Article 16** would be violated as those with a visual impairment are prohibited from being included in the planning process.
 - b) **Article 16(2)** states that “State Parties shall also take all appropriate measures to prevent all forms of exploitation..... State Parties have allowed the Energy Companies to make planning applications for wind turbines knowing that those with a visual impairment would be excluded from participating. The Australian and NSW Government are complicit in the exploitation of the visually impaired and thereby in violation of the aforementioned Article.
 - c) **Article 16(3)** states “In order to prevent the occurrence of all forms of exploitation, violence and abuse, State Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by Independent Authorities”. The Australian and NSW Government have no such regime in operation and are in violation of the aforementioned Article.

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- d) **Article 16(5)** states “State Parties shall put in place effective legislation and policies, including women - and child focussed legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.” No such legislation or policy decisions have been put in place by the Australian and NSW Government that prevents cases of ‘exploitation’ of the visually impaired by the planning system. In addition, there have been no prosecutions for violations by the United Kingdom planning system. The Australian Government are in violation and, complicit in continued violations, of the aforementioned Article.
- 8) **Article 17 – Protecting the Integrity of the Person** – states “Every person with disabilities has a right to respect for his or her physical or mental integrity on an equal basis with others.” A person with learning difficulties will be subjected to additional and exacerbated health problems from wind turbines. The person with learning difficulties will not have the mental capacity to participate in the planning process to object, as no provisions are made for such an occurrence by the Australian and NSW Government. In addition, the Australian and NSW Government has a legal obligation to protect the most vulnerable in society and a failure to act is a violation of the aforementioned Article.
- 9) **Article 21- Freedom of expression and opinion, and access to information** – states “State parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in Article 2 of the present Convention, including by:
- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
 - b) Accepting and facilitating the use of sign language, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.
 - c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and useable formats for persons with disabilities.
 - d) The current planning process in Australia and NSW violates the aforementioned Article as any planning application is only in a single format and does not take into consideration persons with a disability. Those who are visually impaired are unable to scrutinise the planning application in Braille and does not conform to the Convention principles.
- 10) **Article 22 – Respect for Privacy** – states “No person with disabilities, regardless of place of residence or living arrangements, shall be subject to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to protection of the law against such interference or attacks.” The Australian and NSW Government are in violation of this Article as the planning system does not make special provisions for the participation of persons with disabilities. The granting of planning consent for wind turbines is unlawful due to the failure of persons with disabilities participating in the planning process. This is also a violation of privacy, family and home of people with

disabilities due to the unlawful granting of planning consent due to the planning application only being presented in a single format and does not take into consideration those with a visual impairment.

I request that you acknowledge receipt of my complaint.

Yours sincerely

Patina Schneider
On behalf of Holly Schneider