

Final Pulp Mill Speech – Hansard Version.

[4.23 p.m.]

Mr ◀MARTIN▶ (Elwick) - Mr President, where does one start in putting together a contribution to this particular debate?

Ms Forrest - At the beginning.

Mr ◀MARTIN▶ - I think it is a case of information overload for most of us.

Mr President, this promises to be a unique debate because it is a unique motion that is before this Parliament. It is a one-off special circumstance and what we have seen this week is possibly - I say possibly because anything could unfold in this drama, so I cannot say definitely - but it is likely that the end result this week will be played out of a process which was approved by both Houses of Parliament back in March and April.

I was one of five in this Chamber who voted against the process and for me, perhaps more than some of the others, I knew at the time that because of the ramifications of that vote it was going to be a life-changing decision.

Mr Dean - Do you want a reminder of what some of the outcomes were?

Members laughing .

Mr ◀MARTIN▶ - I do not think I will go there.

Ms Forrest - Don't you remember?

Mr ◀MARTIN▶ - I am not getting into that sort of detail today; it is well and truly on the public record.

It was one of those life-changing decisions which was inevitably going to veer me off on a different course than that which I was expecting to take in my journey through life, and God knows I have had a few of them in the past five years, mostly outside my control. At the time I said it was a very difficult decision, given my position as a member of the Government, but having searched my conscience at the time I made the decision that I thought was morally right.

In my speech I referred, as I often do, to the words of probably my greatest role model in life, who is ◀Martin▶ Luther King, and quoted him on conscience. You will be pleased to know that I am not quoting ◀Martin▶ Luther King again today.

Mr Aird - You've run out of pages.

Mr ◀MARTIN▶ - No, I have a few more to go in years to come.

Mr Aird - Some of the Dalai Lama.

Mr ◀MARTIN▶ - I have lots of the Dalai Lama.

Mr Aird - JFK.

Mr ◀MARTIN▶ - Yes, I have a few of JFK.

Mr Parkinson - I don't want to interrupt you but we have a long way to go.

Mr ◀MARTIN▶ - I have a better one today, because what I have discovered is that words of wisdom can come from many various sources.

Mrs Rattray-Wagner - Did you get it from me?

Members laughing .

Mr ◀MARTIN▶ - I do not even know the name of the bloke I got it from, to be honest, but about a month after the debate a mature-age couple stopped me in the car park opposite my office in Glenorchy and spoke to me about being lifelong traditional Labor voters. They went into some detail about their opinions of government decision-making in Tasmania to date, but I am not going into that. The bloke finished by sharing with me the philosophy which he said he has led his life by ever since reading these words back in 1964. He said they were similar to ◀Martin▶ Luther King's words and the words were these, and I quote, 'Where right be right, follow it no matter what through the storm of consequence'. I asked him whose words were they and I think his direct quote was, 'Don't know, mate, it was just a quote which was on the back of a Melbourne tram ticket back in 1964' -

Members laughing .

Mr ←MARTIN→ - 'and they have stayed with me all of my life'. So, you never know where and when the life-changing moments are going to happen.

Mr President, nearly five months on, let me say for the record that I do not regret personally the life-changing decision I made in relation to the ←Pulp→ ←Mill→ Assessment Act. In fact the extraordinary response that I have received from Tasmanians from all walks of life, while almost overwhelming at times, has certainly confirmed for me that I made the right decision.

Mr Harriss - Independence is liberating, isn't it.

Mr ←MARTIN→ - I am not going there. Are you going to keep this up the whole way? The feedback I have received has been from people from all walks of life. There are many stories I could tell from the thousands of interactions I have had with so many Tasmanians over the past five months, but I do not think I need to because the depth of passion and emotion which is felt by so many Tasmanians on this issue is very well understood by everyone in this Chamber today.

Whether you are for or against this motion, everyone appreciates the depth of passion that has been engendered by this debate. And I think it is well understood that the passion is as much about the deprivation of due process and the issues of good governance as it is about the actual issue of whether we have a ←pulp mill→ or not in Tasmania and, if so, whether it is appropriately sited in the Tamar Valley. Yet, Mr President, that is the sole issue that we must decide upon today, whether or not we approve the proposed development by Gunns Limited of a ←pulp mill→ situated at Bell Bay.

We are here today because this Chamber, by majority vote, supported this one-off approval process prepared by the State Government for this one-off development. Whilst I did not support the decision at the time and I would not support it if the same position had to be made today, the fact is that I do accept the majority vote of both Houses of Parliament and I respect the decision made by the majority in this Chamber.

The reality is that we find ourselves in the unique situation of being what is said to be the statutory planning approval body for one of the largest projects proposed for development in this State. I am sure, like most honourable members, it is not a position that I covet and I do not think anyone else does and I hope it never occurs again. But it is a position that I have had some experience in, given the 20 years' experience on a land use planning committee at Glenorchy City Council. At the same time I have to stress the reality that this is not the same. This is very, very much outside the normal planning processes in this State, which is the Land Use Planning and Approvals Act and the project of State significance process through the RPDC.

Nothing about this process we are in today is what could be termed as normal. It is not normal planning law, it is not in accordance with the intent of the State planning system, it is outside State legislation and it is outside planning common law, for a number of reasons. First, there is no power for us as the so-called statutory planning authority to amend the recommended permit or conditions. That is an extraordinary situation. It is contrary to the intent of the Land Use Planning and Approvals Act and to planning law. The reality is that today we have only two options: to vote for it or against it. We have no power to amend conditions or impose new conditions. That makes this a very unusual situation for a so-called statutory planning authority.

Second, there has been no public input allowed into this particular process. This is, again, extraordinary, and I am using the word extraordinary in the true sense of the word because it is, again, contrary to the intent of the Land Use Planning and Approvals Act and planning law.

Third, there are no appeal rights. There are no appeal rights for any of the stakeholders, the proponents who normally would have the opportunity to appeal against any condition that is imposed upon them and I suspect that might be the reason for some of the actions that took place there, as mentioned in the Leader's speech. Again, there are no appeal rights for the objectors, which is an extraordinary situation.

Fourth, in this particular case we even legislate to take away the normal legal rights that people may have had to take action in the courts against the process to make the decision.

Finally, bear in mind that for a project of this magnitude and of such complexity this Parliament had approved a special process which was of course the creation of legislation back in the 1990s that created the project of State significance process through the RPDC. Both that and the Land Use Planning and Approvals Act are based on the ethos of sustainability. It is sustainability that underpins planning law in the State.

For a project of this magnitude, the POSS process created the system built around an integrated impact study that looked not only at the environmental impacts but also the economic and social impacts. Why does the POSS process do that? It is because this Parliament recognised back in the 1990s that large-scale projects of this magnitude had potential impacts on the community both socially and economically that are far beyond the normal planning process and that therefore, in the interests of the sustainability of the State and the sustainability of our lifestyle, it deserved more rigorous and more thorough scrutiny and analysis than the normal planning process would allow. That is the whole reason this Parliament created the project of State significance process, a process based on the integrated impact study. Now what we have instead of either of those two State processes is a fast-track process that has had, first of all, a fast-track environmental assessment done by, without any shadow of a doubt, a reputable firm of consultants.

I do not in any way have any criticism to make of SWECO PIC. They have delivered a report and analysis in accordance with the scope, which is the guidelines provided in the legislation together with the money that they have been paid, within the time limits paid and they have delivered what they were asked to deliver.

Secondly, we have a fast-track review of the social and economic benefits - not impacts but the benefits - and again by what I believe was a reputable firm of consultants, but I do not believe this report has a proper, thorough analysis of the social and economic cost and focuses mainly on the benefits. Most importantly, even if the studies did identify social and economic cost, the fact that it is not an integrated process under the legislation means that the social and economic cost really cannot be made a condition of the permit, and that has been clearly told to us in briefings. An example is the log truck transport road issues, et cetera, which we have been told, quite rightly, are outside the power imposed to put a condition on under this legislation.

I think the representative from the Department of Premier and Cabinet was quick to point out that exactly the same situation would apply under the normal Land Use Planning and Approvals Act because local councils do not have the power either but if under the project of State significance process, then that power would have existed.

Thirdly, we have a process before us that has no formal public consultation, there are no appeal rights, there are no legal rights -

Mr Aird - There aren't any appeal rights under POSS either.

Mr MARTIN - No, that is true. There are no legal rights and we have no ability to amend permit conditions and that is the thing I find most difficult with this, so all we have is the ability to approve or not approve this motion.

Mr President, no-one should ever suggest that we are in the position therefore of being a normal statutory planning authority because there is nothing normal about the process we find ourselves in today. Yet, Mr President, the reality is that we are here in this position and faced with what is a momentous decision and one which is, for tens of thousands of Tasmanians, a deeply emotional and passionate issue. I would think it would be fair to say that not only are the eyes of all Tasmanians on us today, I think it is also fair to say that there are many eyes from outside Tasmania on us today. Most importantly of all I think in years to come, I believe the eyes of future generations will be looking back with much interest on our actions today.

Turning to my assessment of the assessment, like each of the honourable members, back in April once the bill became legislation I immediately started thinking about my responsibilities in this

matter and what I needed to do as a layperson with no scientific or other qualifications to put myself in the best position I could to properly discharge my duties today to the best of my ability. I think each honourable member has done exactly the same thing. I have nothing but the utmost respect and admiration for the incredible effort and dedication and the manner in which - and I can only speak for the independents who I have seen in action in the workshops - each of the independents have gone about educating themselves for today's deliberations.

I am truly amazed and I must admit I feel a bit humble in the presence of many of my colleagues, given the knowledge on pulp mills which they have managed to accumulate over four months.

Mrs Smith - We're all going into consultancies.

Mr MARTIN - It is good money.

The reality is that we have each gone about it in our own way. In some cases we have pooled resources to engage independent expertise. Some of us have inspected pulp mills in Australia and overseas and some have chosen not to. I am one of those who have chosen not to because it, in my opinion, would not have been of any assistance to me in formulating my decision. I have no doubt that those members who chose to do so have found it beneficial and I have certainly taken note of the reports.

I know some have spoken to all sorts of experts as well. In my case I have sought independent advice from various scientists, engineers, planners, lawyers and pulp mill professionals so the question is, do I consider myself an expert today? No, far from it. To be an expert I would require several university degrees and it would take a lot of time and study.

Accordingly, I have chosen to rely heavily on the advice of consultants and one in particular. I sought out this particular expert because the fundamental role that I believe I have today is to assess the SWECO PIC assessment of the proposed mill against the guidelines specified in the legislation. Accordingly, I could find no-one better to advise me than the doctor of chemical engineering who, in his then employment with the well-respected consulting firm of Beca AMEC, was project manager for the preparation of the guidelines used by SWECO PIC in their assessment of the proposal. I believe no-one has a more comprehensive knowledge of the guidelines and the proposal than Dr Roberto Miotti who now has his own consulting firm, Miotti Consulting. Dr Miotti was also the project manager for two subsequent sets of guidelines that were later prepared by the RPDC to specifically address the Bell Bay pulp mill, but which unfortunately were not included in the assessment act.

Just a little bit about Dr Miotti. He has a doctorate of chemical engineering from the University of Trieste in Italy in 1973. He has had 30 years' experience in the pulp and paper industry. He is a process engineering specialist for sulphite pulp mills, kraft and soda pulp mills, chemical preparation plants, bleaching plants, paper machines, high-yield pulping plants and dinking plants. He is also a process design and simulation specialist. He has been a team member on several task forces for projects and studies in North and South America, Asia, the Middle East, New Zealand and Australia as a senior process engineer and project manager and he is currently director of his own company. He has worked all over the world - in Italy; 19 years in Canada; and for the last 12 years has worked in Australia, based in Melbourne.

Specifically relating to this project, he was the project manager in 2004 on behalf of his employer, Beca AMEC, and on behalf of the Resource Planning and Development Commission, for the independent advice in the development of environmental guidelines for any new bleached eucalypt kraft pulp mill in Tasmania, the Tasmanian guidelines which were included in the bill, and which in turn are the guidelines used for this assessment by SWECO PIC.

In the following year, 2005, he was project manager for the independent advice for an integrated impact assessment of a project of State significance of a bleached kraft pulp mill, again on behalf of the RPDC, and that is what is known as the draft scoping guidelines. Then in 2006 he was engaged by Beca AMEC as a consultant to be the technical team leader for the development of the

final guidelines, which were the guidelines being used by the RPDC at the time the process was aborted.

What Dr Miotti has done for me is prepare a peer review of the SWECO PIC report with particular regard to the identified non-compliances with the Tasmanian guidelines.

Unfortunately I only received this late last week and I have been prevented from circulating it to all members until today, but I will circulate copies as soon as I have finished speaking, although of course I realise that in practical terms it would be very difficult for members to absorb any of the information.

The report addresses the historical breakdown leading to where we are today. It looks at the terminology and the definitions of accepted modern technology with an explanation and discussion on them, as well as the best available techniques and the best practice environmental management and also a lengthy consideration of the Stockholm Convention on persistent organic pollutants.

From there he goes into a substantial discussion on the Tasmanian guidelines and the important statements and culminates with the peer review of the SWECO PIC report.

Mr President, it is important to note in this debate the historical background relating to the development of the guidelines and the aborted RPDC process because it puts today's assessment into its proper perspective. It is clear that there is a lot of misinformation about what transpired and in particular the status of the guidelines which were enacted in the legislation and accordingly utilised by SWECO PIC to assess this project, so I am going to spend a little bit of time giving an overview, a snapshot and a potted version of the historical background that is included in the report. He goes into extensively greater detail than I will now.

The whole story started back in November 2003 - see, I did go back to the start.

Mr Aird - It took you a while to get there.

Mr MARTIN - Yes, I am just starting. It started back in November 2003 when the Tasmanian Government formally appointed the Resource Planning and Development Commission to develop environmental emission limit guidelines for any new bleached eucalyptus kraft **pulp mill** in Tasmania - in other words, the Tasmanian guidelines. That was four years ago. It irks me a little when I keep hearing various people talking about the fact that this process has been going for four years as that is not true. The assessment of the Gunns project has not been going for four years; the four years refers to when the Government asked the RPDC to develop guidelines and at that time there were no specific projects on the table.

In August 2004 the RPDC submitted to the Minister for Environment and Planning its final report on the development of the Tasmanian guidelines and this report was based on that prepared by Beca AMEC in its role of independent adviser to the RPDC. In October, two months later, the Tasmanian Government approved the Tasmanian guidelines and likewise the Australian Government advised that the Tasmanian guidelines were acceptable as guidelines for emission limits for any proposal for a bleached eucalypt **pulp mill** to be examined under the Federal Environment Protection and Biodiversity Conservation Act.

In November, the following month, Gunns Limited declared its intention to develop and operate a bleached eucalypt kraft **pulp mill** in northern Tasmania. The project scope indicated two potential site locations, either Hampshire near Burnie or Long Reach near Bell Bay, so even at that stage we did not have a specific project. The proposal was declared by order to be a project of State significance and the order was approved by both Houses of the Tasmanian Parliament.

The Tasmanian Government then directed the RPDC to undertake an integrated assessment of the Gunns' proposal in accordance with the State Policies and Projects Act. Gunns were to prepare as part of that process a draft integrated impact statement which was to address all environmental, social, economic and community issues relevant to the project. Two months later, in January 2005, the Minister for the Environment and Heritage determined that the proposal by Gunns was a controlled action requiring approval for the purposes of the Federal act. The following month, in February, Gunns selected Long Reach on the Tamar River as its preferred site. The output of the

mill was said to be at that time in the range of 500 000 to 1.3 million air-dried tonnes of pulp per annum. So the specific location was identified and started in the RPDC process less than two years prior to the process being aborted.

In April of that year the RPDC issued the draft scope guidelines with new guidelines taking into account the specific location. In May Gunns provided the RPDC with a revised project scope. In July Gunns installed an ambient air quality monitoring station to provide data on existing background air quality in the Bell Bay region. The following month, in August, Gunns lodged a new referral application with the Australian Government in relation to the proposed **←pulp mill→** at Long Reach. In October the Federal minister determined that the proposed action was a controlled action pursuant to the Federal act and that an assessment by an accredited process must be conducted in accordance with the State Policies and Projects Act of Tasmania, which consequently meant that, at that stage, the RPDC then was to undertake the assessment to meet the statutory requirements of both the Australian Government and the Tasmanian Government. Then in November, the following month, Gunns submitted to the RPDC a request to issue the draft IIS with only a few months of ambient air quality monitoring data, rather than the full 12 months of data required by both the Tasmanian guidelines and the draft scope guidelines. Gunns' request was not accepted by the RPDC.

In December, the RPDC then issued the final scope guidelines, again, prepared by Beca AMEC. These are the guidelines which, in anyone's thinking, surely should have been those included in the legislation for the assessment process that we are looking at today and would have resulted in some different assessments and recommendations, I am sure.

In July 2006, Gunns issued the Bell Bay **←pulp mill→** draft integrated impact statement and in October Beca AMEC, CSIRO and URS Australia issued their reports in the draft IIS to the RPDC and straightaway a directions hearing was held in Launceston to assist the RPDC to prepare for a public hearing into the Gunns' proposal.

In November, Unicrest issued its report on the draft IIS to the RPDC and in December, the RPDC issued the directions arising out of the directions hearing. Basically they revolved around supplementary information to be provided by Gunns to address the new guidelines by 15 December and that was later put out to 31 January 2007.

In January 2007, two things happened. The RPDC panel member, Dr Warwick Rafferty, resigned and executive commissioner of the RPDC and chairman of the **←pulp mill→** assessment panel, Julian Green, also resigned. I am not going into that story. Gunns also were unable to provide the supplementary information by the due date of 31 January.

In February, the RPDC reconstituted the assessment panel with two new appointments, but then issued the Bell Bay **←pulp mill→** draft integrated impact statement, supplementary information. A second directions hearing was held to facilitate and clarify those steps which were necessary to ensure the completion of the assessment process. The panel and the RPDC staff reviewed the supplementary information against the direction given by the panel to Gunns which arose out of the directions hearing of 25 October 2006 and, at that stage, significant non-compliance with that direction was identified. That really is an important point that I believe this Parliament should have been aware of when we dealt with the assessment bill legislation.

In March 2007, the RPDC prepared a letter for Gunns in which the non-compliances with the direction were identified, the most serious of which was the failure by Gunns to integrate the supplementary information of the draft IIS. This letter was to be issued to Gunns on 9 March but it was not sent at the request of the Secretary of Department of Premier and Cabinet.

On 14 March 2007, Gunns withdrew from the RPDC assessment process. At that stage the Parliament was not told about this non-compliance with the supplementary information that had been identified with the RPDC.

In April, Gunns withdrew the referral to the Federal department. The Federal Government was to carry out an assessment of the project that included the impact on listed and threatened species,

forests as well as the marine environment, and related international treaty applications. 'The Commonwealth assessment process is an assessment on preliminary documentation' and that is a quote. The **←Pulp Mill→** Assessment Bill passed both Houses of Parliament in the Tasmanian Parliament and was given royal assent on 30 April. As a result of the act receiving royal assent, the project ceased to be a project of State significance and the RPDC had no further involvement in the project. The Finnish consultancy group, SWECO PIC, and the Melbourne consultancy, ITS Global, were announced as the Tasmanian Government's independent consultants of choice to assess the proposal by Gunns against the Tasmanian guidelines.

In June, of course, SWECO PIC issued its final report, as did ITS Global, and that is what we are considering today.

Turning to the period of review of the SWECO PIC report, under the provisions of the **←Pulp Mill→** Assessment Act 2007, SWECO PIC was engaged to carry out an assessment of the proposed Gunns Limited Bell Bay **←pulp mill→** against the Tasmanian guidelines. These guidelines are not the ones that really were appropriate for the assessment. The RPDC had already discarded them and modified them and moved beyond them and the difference between these drafts scoping guidelines from the final ones was the fact that Gunns had added the pine timber to the process and increased the footprint of the approval site and that required additional specific guidelines.

In particular also, the legislation that was passed was that SWECO PIC was to assess only sections D1, D2 and D3 of the Tasmanian guidelines and not the full guidelines. In particular, D1 was the emission limits, the solid waste disposal guidelines and the site suitability criteria. That is all SWECO PIC were asked to assess.

The monitoring, which was D4, was to be assessed by the relevant regulatory authorities, and I have no problem with that, and D5, the implementation quality assurance review, was to be addressed through conditions attached to the **←pulp mill→** permit.

I should point out, and Dr Miotti points out, that the Tasmanian guidelines consisted of four main sections. Section A was an accepted overview; section B, the background; section C importantly was the guideline strategy which was not included in SWECO PIC's assessment; and section D was the guidelines. Section C included important subsections which, in the opinion of Dr Miotti, should not have been disregarded in an assessment against the guidelines and the four subsections in particular - C5, C8, C12 and C16 - conveyed the following notions, and bear in mind this is what were in the original guidelines that were not put in the legislation for SWECO PIC to look at.

Firstly, the Tasmanian guidelines were considered the minimum environmental requirement for any new bleached eucalypt kraft **←pulp mill→** proposal in Tasmania and approval by the Tasmanian Government could depend on meeting more stringent Australian Government or Tasmanian Government requirements depending on consideration of an environmental impact assessment and planning approval process of a wider range of impacts. Secondly, environmentally critical site-specific characteristics could demand more stringent requirements, that international treaties, conventions such as the Stockholm Convention and protocols that may be relevant as well to the Australian Government legislation such as the Environment Protection and Biodiversity Conservation Act and also that through the assessment and planning approval processes the **←pulp mill→** proponent was to satisfy the Tasmanian Government that a particular site chosen was to be suitable for a **←pulp mill→** development based on meteorological, hydrodynamic and biological studies of the site as outlined in the Tasmanian guidelines and any other studies required as part of an assessment.

It is those sections which led to the additional and the redeveloped guidelines by the RPDC which they were using to assess the proposal before the proposal was aborted and it is these additional issues that were not covered in the guidelines in the act.

Moreover, section D1.1 of the Tasmanian guidelines was not assessed by SWECO PIC or commented on in their report and that contains an extremely important requirement for the proponent, namely that accepted modern technology to control emissions to the atmosphere, marine

environment and land will be mandatory. There is no comment on that and I stress the word 'mandatory'; there was no comment on that in the SWECO PIC report.

What we have in summary, Mr President, is a 70-page report and you will be pleased to know that I do not intend to read it all into *Hansard*. Mind you, I could have tried to speak for 24 hours, as has been done before in this place.

Ms Forrest - An unlimited duration.

Mr MARTIN - I do have the flu so that has probably stopped me from doing the 24 hours.

Mrs Rattray-Wagner - And you would not do it anyway.

Mr MARTIN - No, I am a nice, compassionate person.

Ms Forrest - I am not sure who would be listening.

Mr MARTIN - It does not matter; it is not unusual.

What we have in summary is a wide divergence in the assessments of SWECO PIC's and Miotti Consulting's analyses about how the Gunns **pulp mill** complies or does not comply with the **pulp mill** guidelines. They are both exceptionally experienced and reputable consultants. They have different views regarding what constitutes accepted modern technologies with respect to several important areas of **pulp mill** design and operation. According to SWECO PIC, there are eight guideline non-compliances but they also said that these could be addressed by permit conditions.

The Miotti peer review of SWECO PIC's report came to a totally different assessment. It found that the compliance score was actually 13 non-compliances and there was also an issue with a fourteenth one but the Leader covered that in his speech today. I will ask a question about that in a moment. Importantly, of the 13 non-compliances identified by Miotti, he has assessed that only six of those were capable of being addressed by permit conditions. Remember that Miotti knows the guidelines inside out as the project manager, and he found that a total of eight non-compliances could not be addressed by permits. There is a lot of detail in the peer review about that.

From my point of view, permits only deal with the process to be followed during periods of non-compliance with the guidelines. Permits do not address the underlying root cause of the non-compliance, nor do they necessarily penalise the **pulp mill** operator to enforce compliance. The peer review method, I think, is acknowledged as the cornerstone of scientific method. It is used to establish the validity of a body of scientific research and this is the method used by scientific journals and also by universities to establish academic credentials.

Now, as we said, the person who conducted this review was Dr Miotti, a highly experienced **pulp mill** process engineer, now an independent consultant who is crucially employed by Beca AMEC and was project manager for the development of all three sets of guidelines by the RPDC, which of course was on behalf of the Tasmanian Government. In other words, he was directly involved in the framing of the guidelines for the RPDC. In the peer review task Miotti was to examine the SWECO PIC assessment of the ability of the proposed **pulp mill** to meet the Tasmanian environmental guidelines. Why are the guidelines important? It is because they were created specifically to ensure that accepted modern technology and best available techniques were used in any **pulp mill** constructed in Tasmania.

It is important to note that these terms have very specific meaning to process engineers and they cannot be bandied about by scientists as they are in the vernacular. As Miotti points out, and I quote:

'Accepted modern technologies are technologies that have a demonstrated track record of being effective.'

That means AMTs that have demonstrated the capacity to achieve the desired emission concentration.

With regard to emission control, there is one primary guideline, D1.1, which states that accepted modern technologies to control the emissions to the atmosphere, marine environment and land will be mandatory. This was not mentioned in the SWECO PIC report. If you think back to the events

that led up to where we stand today, Gunns could not or would not comply with directions from the RPDC to provide a full and complete DIIS. The draft integrated impact study was labelled deficient in its content by the chairman of the ←pulp mill→ assessment panel after consideration reviewed by the independent consultants. Subsequently, Gunns withdrew from the RPDC assessment and the Government legislated this fast-track approval process. SWECO PIC assessed the same deficient and incomplete DIIS against the Tasmanian ←pulp mill→ guidelines, not the final scoping guidelines that should have been used.

I cannot and will not, for the sake of not boring everyone to death, address all of the non-compliances in this contribution, but it is useful to look at just a few examples from Miotti's report. Two of the guidelines were not even assessed by SWECO. The very first guideline was the primary emissions guideline D1.1 which is mandatory but was not assessed along with the total reduced sulphur monitoring guideline D1.4, which also included reduction of emissions of sulphur dioxide in the recovery boiler. The guidelines for odour draw the comment that it is necessary to use accepted modern technology, and due to the absence of any design features in this area the ←pulp mill→ will be non-compliant. That is what SWECO PIC said.

Miotti writes, and I quote:

'In an area close to a major city like Launceston, having well documented geographical and meteorological features that make dispersion of nuisance odours generated at or near ground level very slow and inefficient, the omission of any mention of measures taken to minimise fugitive odour emissions is considered to be a serious deficiency.'

He also had a number of concerns regarding SWECO PIC's recommendation about D1.9, about the bleaching chemical preparation, but now that Gunns are using option two instead of option one, that is not a problem.

Just quickly, without going into any of the detail, the guidelines that he considered were non-compliant included D1.1, which I have mentioned. Regarding D1.4, which is the accepted modern technology for the reduction of emissions to the atmosphere for total reduced sulphur, that was not assessed by SWECO PIC and Miotti believes that it does not comply. He believes that it is not possible to put in specific permit conditions to deal with the special design features but could have permit conditions for operation as well.

Also regarding D1.4, SWECO PIC assessed the sulphur dioxide recovery boiler as being compliant but Miotti says that it is not compliant, basically because the AMT for the reduction of emissions to the atmosphere from recovery boilers is reported as, quote:

'The firing of black liquor with high dissolved solid concentration mitigates sodium dioxide formation or flue gas scrubbing or both.'

Miotti's view is that in accordance with subsection C5 and C8, which is part of the guidelines that were not given to SWECO PIC to assess, for a sensitive site like Long Reach this accepted modern technology should read:

'The firing of black liquor with high dissolved solid concentration mitigates sodium dioxide formation and flue gas scrubbing.'

He believes it requires both to be accepted modern technology.

Guideline D1.4 regarding nitrogen oxides on the power boiler has again been assessed by SWECO PIC as being compliant but Miotti says it is not, for the reason that AMT for the reduction of emissions to the atmosphere from power boilers is reported as:

'control of firing conditions and also appropriate design.'

No mention is ever made in either Gunns 2006 or 2007 work of the application of technology to minimise nitrogen oxide through staged air supply, its low nitrous oxide burners and selected non-catalytic reduction technique - and if anyone interjects and asks me to explain that, look out.

Mrs Rattray-Wagner - Please explain?

Mr ←MARTIN→ - Trust me.

Members laughing .

Ms Forrest - He used to be with the Government.

Mr <MARTIN> - Used to be - I am okay now.

Mr Aird - It means no-one can believe you.

Mr <MARTIN> - I will move on but I did ask for trouble, didn't I?

Members laughing .

Mr <MARTIN> - The total nitrogen oxide reduction achieved will allow about 30 to 50 per cent for making changes in the combustion techniques by applying the SCNR technique of both. Yet the important point is that the nitrogen oxide has an acidifying potential and may increase eutification. In a sensitive site like Long Reach, with reduction of nitrogen oxide emissions for secondary measures, the SNCR technique is therefore regarded as necessary and that is apparently not part of the conditions.

D1.9, table 4. Again, SWECO PIC have assessed this, which is the chemical recovery in handling of accidental discharges to be compliant. Miotti says it is not. Given that all the additional technical data provided in Gunns' 2007 work is predicated on the <pulp mill> capacity of 1.1 million, this critical accepted modern technology should be applied to this higher capacity, whereas it is applied a figure of 820 000.

D1.9, table 4. The bleach and chemical preparation has been dealt with. But this apparently was changed after the SWECO PIC report was done and I would like it confirmed by the Government - I know it is in the Leader's speech - that it is legally covered and that what we are approving today is legally enforceable by this permit and conditions.

The 1.14 on table 6 is the emission limits to the marine environment, discharge limits for each biologically treated effluent sample analysed for acute and chronic toxicity. Again, SWECO PIC said it complies and Miotti says it does not comply, because the Tasmanian guidelines do not have limits for the discharge of resin and fatty acids. Eucalypts do not contain resin acids, but pines do. Because resins and fatty acids are highly toxic to fish, particularly resin acids, it is generally felt that the acute toxicity test is a good indicator of resin and fatty acid content of the treated effluent. However, since toxicity is measured only once a month, it is recommended that resin and fatty acid concentrations should be measured weekly in the 24-hour composite effluent sample, collecting for the tests for other effluent pollutants, and that a limit of 2 milligrams per litre be established for the sum of the resin and fatty acid concentrations. Miotti believes that can be covered by a permit, but there is not a condition relating to that, as far as we can see.

The difference in opinion is D3.9, which is the air quality design criteria for nitrogen dioxide which SWECO PIC have said is compliant. Miotti says it is not. The Tasmanian guideline limit report from SWECO PIC is 330, one-hour moving average, whereas the actual limit is 160, one-hour moving average. The predicted maximum concentration for the mill is given as 33 and the predicted maximum concentration, including background, is given as 180. So Miotti believes it cannot be covered by permit conditions.

D3.9, air quality design criteria for sulphur dioxide. Again, SWECO PIC says it has complied and Miotti says it has not. The Tasmanian guidelines limit is reported by SWECO PIC as 570, whereas the actual limit is 200, one-hour moving average, and the predicted maximum concentration for the mill is given as 200 and the predicted maximum concentration including background is given at 340 at Tippogoree Hills.

Good news for the Government. Regarding this D3.11, SWECO PIC says it was non-compliant and Miotti believes it is compliant with a proviso. But that has been dealt with anyway. That is about the stack height and the reason is that there was a change in the subsequent conditions and there was a mistake in the Tasmanian guidelines that the RPDC recognised, but of course did not become part of the legislation.

Mr Harriss - I do not know how Miotti reaches that conclusion.

Mr <MARTIN> - I have about four pages on that, so I will not go into the detail. They are basically the differences of opinion. I could go on, but in my opinion this is all clearly pointing to

the need for further prudent scientific review. Pushing on with permits will never cover up the shortcomings of the **←pulp mill→** design and its failure to meet all the guidelines for accepted modern technology. The RPDC and the independent consultants spent years developing and subsequently refining these guidelines. We should not just ignore non-compliance. There are 100 000 people living in the Tamar Valley and they deserve the best technology to protect their health, safety and environment. SWECO PIC, in my reading of the peer review paper, has made omissions and this raises serious questions about the validity of the assessment process. The peer review highlights the risks that were always going to surface because this has been a fast-track assessment process. In plain English, this peer review report finds that the proponents have not complied in several important areas in designing the plant. There are major failures to employ mandated - and I stress the word 'mandated' - accepted modern technologies and that will increase the risk of pollution beyond the guidelines established by the RPDC. Non-compliance means unsafe. This peer review has been prepared by the expert who was the project manager for the guidelines used and for those that should have been used. The peer review raises severe doubts about the assessment. Permits cannot fix or resolve problems arising from inappropriate technology. It is a thorough analysis, showing that there are 14, not 8, non-compliances, with 8 of those 14 not capable of being addressed by permit conditions. We have just two choices before us today. Unlike a normal statutory planning authority which would have the power to amend or include appropriate conditions, we may only approve or not approve this motion. Given the information I have, I have no alternative but to say that I will be voting against the motion.