



tasmanian conservation trust inc

Media Release

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TCT seeks Federal Court review of Minister Tony Burke's 10 March decisions in relation to the Tamar Valley pulp mill

On 6 June 2011, the Tasmanian Conservation Trust commenced a case in the Federal Court of Australia against the Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke. The case seeks a judicial review of decisions made by the Minister on 10 March 2011 relating to the proposed pulp mill in the Tamar Valley, Tasmania.

The TCT is wanting the court to over-turn the Minister's approval of a new freshwater pipeline route and strike-out a new condition (Condition No.49) that would allow fast-tracking of future changes to the environment management plan for the pulp mill.

The TCT Director Peter McGlone said in Hobart today "The TCT believes that the Minister did not comply with the law in making his decisions on 10 March 2011 and we seek the intervention of the court to reverse a number of important changes made to the proposed pulp mill."

"The TCT believes the new pipeline route for the proposed pulp mill is invalid and should be over-turned.

"The Minister incorrectly accepted reasons for approving the new water pipeline route which relate to land owner approvals, while failing to consider the impact the new pipeline route would have on nationally listed threatened species, as the law required him to.

If the TCT succeeds in over-turning the approval of the new pipeline route the previously approved route is re-instated. The previous pipeline route goes through properties whose owners did not allow the pipeline through there land.

"The Minister also approved a new 'fast-tracking' condition, 'Condition No.49', which would allow changes to the environment impact management plan relating to the proposed pulp mill without any public knowledge or public input and the law does not allow him to make such a condition," Mr McGlone concluded.

Floor 2, 191 Liverpool Street, Hobart TAS 7000 Australia

p (03) 6234 3552 f (03) 6231 2491 e tct6@bigpond.com ABN 63091237520

The case has been brought in the Federal Court at Canberra. We expect the first hearing of the case to be a directions hearing 1 July 2011.

Summary of the TCT's case:

1. The Minister decided to vary the route of the pipeline needed to transport fresh water to the pulp mill. The Minister varied the pipeline route because Gunns Limited asked him to and Gunns Limited made this request because a number of private land owners refused to let Gunns Limited construct the pipeline across their land. **The TCT believes that the relevant federal environment law does not allow the Minister to make decisions for these reasons and therefore the new pipeline route is invalid and should be set aside.**
2. When deciding to vary the pipeline route, the Minister did not consider the impact that the new pipeline route will have on threatened species. The TCT believes the law requires the Minister to have considered the impact that the new pipeline route will have on threatened species. **Because the Minister did not do so, the decision to vary the pipeline route is invalid and should be set aside.**
3. The Minister also decided to create a condition that allows the Minister to seamlessly make changes to the environment impact management plan relating to the proposed pulp mill. The new condition enables changes to the EIMP to be made without transparency. TCT believes the law does not allow the Minister to make the new condition. **As a result, the decision to make the new condition is invalid and should be set aside.**

Further comments:

Peter McGlone
Director
0406 380 545

The TCT's solicitor is available by request to provide further explanation of the reasons for taking this action.