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ABN 72 110 028 825

Suite 25 Trafalgar Centre 108 Collins Street HOBART Tas 7000

Tel:(03) 6224-8284 Fax:(03) 6224-8293

AUSCRIPT

TRANSCRIPT OF PROCEEDINGS

O/N 3665

**RESOURCE PLANNING AND
DEVELOPMENT COMMISSION**

DIRECTIONS HEARING

PULP MILL ASSESSMENT

THE HON C.R. WRIGHT QC, Chairman

MR ANDRÉ HAMMAN

MR JOHN ASHE (In absentia)

MR GEOFF DAVIS

MR LEIGH SEALY, Counsel Assisting

LAUNCESTON

THURSDAY, 22 FEBRUARY 2007

HON CHRIS WRIGHT QC: This hearing has been convened by the Assessment Panel delegated by the Resource Planning and Development Commission to conduct an integrated assessment in respect of Gunns Pulp Mill proposal for Long Reach near Bell Bay on the Tamar River. Before I proceed
5 could I just ask that people present turn off their mobile phones so that we don't have any untoward interruptions during the proceedings. An earlier directions hearing was held at this venue on Wednesday, 25 October last. Following that hearing the Executive Commissioner and panel chairman, Mr Julian Green issued a number of directions on behalf of the panel designed,
10 among other things, to elicit and clarify information which had been, or should have been, included in the draft Integrated Impact Statement produced by the proponent, Gunns Limited.

Gunns subsequently advised that it could not meet the 15 December deadline which was imposed at that time and requested, and was granted, an extension of time for the provision of that material until 31 January of this year. That deadline came and went, and the additional material, the subject of the panel's direction, was not lodged with the Commission until just six days ago, on
15 Friday, 16 February. Over the last two or three weeks newspaper reports and correspondence from the proponent, addressed to the panel, have suggested
20 that the proponent has been reluctant to provide the relevant material until certain aspects of the Commission's conduct of the assessment process have been clarified following the unexpected resignation of Mr Julian Green as Executive Commissioner and panel chairman, and the equally unexpected
25 resignation of panel member, Dr Warwick Raverty in January.

The present situation is as follows: following those resignations Mr Simon Cooper has been appointed Executive Commissioner of the Commission and the Assessment Panel has been reconstituted by the Commission. Mr John
30 Ashe and Mr Geoff Davis, both of whom were members of the original panel, have been re-appointed. I have been appointed as panel chairman and Mr André Hamman has been appointed as the fourth panel member.

These appointments were all made by the Commission on 5 February. Present
35 with me this morning are Mr Davis on my right and Mr Hamman on my left. Mr Ashe unfortunately has been unable to attend today. There is no need for me to reprise the whole sequence of events which have taken place since the Minister's initiating direction was issued requiring the Commission to undertake this integrated assessment under the *State Policies and Projects Act*
40 on 26 November 2004. Those events were comprehensively covered by Mr Green at the directions hearing on 25 October last year. Those proceedings were recorded and transcribed and are publicly available to any interested party. Today's proceedings are also being recorded and will be transcribed and made generally available upon request.
45

Since my appointment to the assessment panel two and a half weeks ago, I have carefully considered the assessment processes which were planned and publicised by the original assessment panel and having done so, and having

discussed the same with the present members of the panel and Commission staff, it is apparent to us that those processes and procedures were and remain completely appropriate to the task which we have undertaken, and we feel that they should be followed by us in the future discharge of our duties. Flow charts and draft time lines were prepared by Commission staff with the original panel's approval. And in one of the earlier time lines prepared in December 2005, it was indicated that the assessment process may be completed by 28 May of this year.

However, it has become quite apparent that due to accumulated delays, all or most of which appear to have resulted from Gunns failure or inability to comply with their own prognostications or the panel's requirements, that time line can no longer apply. This was obvious well before the October directions hearing last year and I think should come as no surprise to interested parties, least of all the proponent. A subsequent time line has now been prepared which details the remaining steps which need to be followed before this assessment process can be completed.

An approximate, and I think very optimistic, completion date has now been forecast for late November of this year. That being the date on which the panel estimates the Commission may be able to furnish its final integrated assessment report to the Minister. This estimate was based on the assumption that the information to be provided by Gunns to the panel, for which we have been waiting since October, was made available on or before 31 January. It has therefore not taken account of the further fortnight's delay in the provision of that material, between 31 January and 16 February.

The sufficiency of the supplementary impact statement material provided by Gunns from the perspective of its compliance with the panel's directions in October, is now being considered by Commission staff and the panel. It is highly likely that some aspects of that material will be referred to the panel's technical consultants for comment. If the information provided complies with the October hearing directions, it will then be placed on public exhibition. The length of the exhibition period has yet to be determined and will depend, in large measure, upon the length and complexity of the new material.

In my opinion it would be unrealistic to expect an exhibition period of less than 42 days; it may well be longer. Public responses to the exhibited material will be assessed both as those responses are received during the exhibition period and at the conclusion of that time frame. The panel's consultants will also be engaged to comment on such of the public material submitted as the panel considers appropriate. It should be noted that the panel takes the view that all material intended to be relied on by either the proponent, Gunns, or public participants, should be complete when it is lodged with the Commission. That is to say that all substantive issues which the relevant party wishes to raise for the panel's consideration must be clearly expressed in the submission and any evidence, whether expert or otherwise, supportive of that submission must also be provided either by way of statutory declaration or as a proof of evidence or

an expert report.

In the case of an expert report the qualifications of the expert should be stated.

5 If this process is not observed a never-ending sequence of claims and counter
claims, allegations and counter allegations, interspersed with varying periods
of public exhibition, may unnecessarily and unfairly prolong the proceeding. It
is no good putting material before the panel which suggests that it is merely the
first instalment and that further investigations are to be made, or that further
10 details and submissions will be made as and when they become available at a
later date. I will return to this point in a few minutes.

The next step after the expiration of the public exhibition period will be the
panel's assessment of the way in which the public hearings should be
15 conducted. There have already been several hundred public responses to the
original draft IIS. Obviously the material contained in the supplementary draft
IIS may also elicit a large number of responses. It is plain that if all or any of
these participants wish to take part in the public hearings, it will be necessary
for the panel to make representative orders for the joint representation of those
20 with a similar interest, or expressing similar or concurrent grounds for
supporting or opposing the project.

It will be necessary for us to assess the desirability of testing the reliability of
some of the evidence and in particular the evidence of conflicting experts.
25 This in turn will require us, as a preliminary step, to assess the time to be
allocated to the hearing process which will then be organised. How long the
hearings will take cannot at this stage be forecast with accuracy, but a period of
several weeks is entirely likely. Once the hearings have been concluded the
panel will need to consider and evaluate the accumulated evidence for the
purpose of preparing a draft integrated assessment report.

30 This is likely to be a fairly lengthy process too, as individual and collective
assessments by panel members must be catered for. We must have
opportunities to confer together, compare notes and discuss the matter in detail.
Once the draft integrated assessment report has been prepared it must be
35 placed on public exhibition for a minimum of 28 days. This is a specific
statutory requirement. It is anticipated that the report will attract further
comment and submissions from Gunns, members of the public and
Governmental and other agencies.

40 These responses must then be considered by the panel and a decision must be
made whether or not further hearings are necessary. Such hearings may be
required, not only to take evidence, but also to receive submissions as to the
content of the draft report and any legal issues which may arise therefrom.
Thereafter the panel must make its final report to the Commission and this will
45 be followed by the Commission's formal recommendations to the Minister
based on that report. Only then will the role of the panel and the Commission
be completed in accordance with the provisions of the governing legislation.

Having regard to the public and media comment which has been made over the last two or three weeks, and claims by Gunns Chief Executive, Mr Gay, both to the media and in the letter addressed to me personally dated 13 February of this year, that he needs to speak with me before providing the supplementary draft IIS material, it is necessary, I think, that I should clarify the situation as I see it. This is so even though Gunns has now decided to provide the material which it was previously withholding.

I have not spoken to Mr Gay about these or any matters, nor do I intend to do so. It is obvious to me, having regard to the provisions of the *State Policies and Projects Act*, the *Environmental Management and Pollution and Control Act* and the *Resource Planning and Development Commission Act*, that the Commission - and that includes the panel as delegates of the Commission - is required to play a somewhat hybrid role in relation to the assessment process. In October the former chairman of the panel, Mr Green, referred to the Commission's role as inquisitorial and up to a point that appears to me to be correct.

Mr Green also said the Commission must act judicially or quasi-judicially. That, too, is obviously correct. However, it must be borne in mind that the role of the Commission necessarily undergoes a somewhat significant change as an assessment process develops after it has been referred to the Commission by the Minister. During the initial or formative stages of the assessment process, the Commission is obliged to deal with the proponent by providing guidance in formulating scoping guidelines and delineating the parameters of potential concern which must be addressed by the proponent in preparing and presenting a draft integrated impact statement. I refer there to section 74 of the *Environmental Management and Pollution Control Act* in particular.

This process requires consultation between the proponent, its representatives, Government agencies and the Commission staff. There is also public input at that stage. However, once the draft IIS has been received and placed on public exhibition, the Commission's role advances to a new level. Members of the public are now engaged as active participants in the process of assisting the panel to assess the merits of the proposal. The panel charged with assessing the project on behalf of the Commission must act independently and impartially in furthering that process.

The panel is entitled to continue its advisory and investigative role, of course, and it's entitled to seek assistance from the Commission's technical staff, and comment and opinion from independent consultants, both as to the proponent's case and/or the public comment resulting from the exhibition period. But the panel members must remain aloof from any participation in the assessment process which could be seen as encouraging any participant to prematurely expect a successful outcome, or providing any participant with an unfair advantage or favourable treatment. It should be noted that all expert reports provided to the panel by its consultants are available for scrutiny by the proponent and the general public. Future reports will also be made available.

In this way the investigative steps taken by the panel are kept transparent at all times.

5 As already mentioned, during the public exhibition period of Gunns draft IIS
several hundred submissions were received from the public. Some of those
submissions were supported by expert opinion, many were not. All such
material has been made available to the proponent for examination and is also
available for general public scrutiny. The additional material required by the
10 panel following the October directions hearing will be publicly exhibited and
any resultant public comment received will also be made generally available.
One can be hopeful that thereafter the case being made by the proponent and
its supporters in favour of approval of the pulp mill project, will be clear to all
interested parties and that the case or cases being made by opponents of the
mill will be equally clear.

15 Once this point has been reached I am sure that it will also become clear that,
although non-adversarial in concept, there are in fact many important issues in
disputation between the proponent and its supporters on the one hand, and
those expressing opposition to the pulp mill on the other. It is apparent to me
20 that throughout the proceedings to date the Commission and the original panel
have fulfilled their functions and obligations with impartiality and propriety.
However, in Gunns actions over the past couple of weeks and the resultant
media speculation, it is our opinion that it is of absolute and paramount
importance that the new panel is seen as acting completely independently of
25 the influence of any person or group.

Accordingly, I wish to make it plain that neither I, as chairman of the panel,
nor any other individual member of the panel will consult privately with any
person or group of people involved as participants, or prospective participants,
30 in the assessment process. Any direct contact between the panel and
participants will only occur during the course of a directions hearing such as
we are holding this morning, or a plenary hearing, that is a hearing during
which evidence and submissions are being received as to the matters of merit.
The only exception to this will be in the case of minor non-contentious matters
35 of a formal nature, or directions sought with the concurrence of all interested
parties in writing.

40 It should be noted that hearings conducted by the panel will not necessarily
take place in Launceston. It must be made clear to all parties that unless the
independence of the panel is maintained in the manner I have outlined, the
whole assessment process may be exposed to legal challenge necessitating a
complete reconsideration of the whole project by a differently constituted
panel. That of course is something to be avoided if at all possible.

45 Correspondence pertaining to the project will be handled by an appropriate
Commission staff member and if relevant to the merits of the project, will be
made available to interested parties. Any questions relevant to compliance
with or comprehension of the procedures will also be dealt with initially by

Commission staff. As I have previously mentioned the panel will at some stage, before holding public plenary hearings, determine those issues upon which it requires to hear oral evidence or submissions and it will also give directions as to the representation before it of those parties who have lodged
5 written submissions with the Commission, either in response to the original exhibition of the draft IIS, or the supplementary draft IIS which was lodged last Friday.

For this reason it is of the utmost importance that those persons responding to
10 the draft or the supplementary IIS should clearly identify themselves in their response and should clearly and succinctly state their submissions, and also give full and complete details of the evidence which they wish the assessment panel to consider. Only in this way will we be able to fully assess not only the merits of Gunns proposal, but also such matters as joint representation and the
15 scope and length of the hearing process.

We also wish to make it plain that the hearing process is not to be considered an opportunity for any party to present previously undisclosed evidence upon substantive issues. In other words the panel will not countenance a process of
20 trial by ambush. The case for any party must therefore be fully and frankly disclosed before the hearing. In the case of the present proponent, Gunns, that means all relevant facts, issues and contentions in support of the project must be clearly identified and cross-referenced to relevant evidence, whether expert or non-expert, in either the draft IIS or the supplementary draft IIS, or possibly
25 by special leave of the panel.

Similarly, public organisations and individuals must do likewise, whether in support of or in opposition to the project, during the public exhibition period of the supplementary draft IIS or by special leave of the panel. If after the public
30 exhibition and prior to the commencement of the hearing phase of the assessment, any party wishing to introduce new or previously undisclosed material, it will be necessary for that party to apply to the panel for leave to do so. If, in the panel's opinion, the new material is significant or raises novel issues such that it appears that prima facie it would be unfair to other parties to
35 allow it to be belatedly introduced, a further directions hearing may be ordered to resolve those issues.

Frivolous or vexatious applications may be summarily rejected and default orders may be made in the event of non-compliance with panel directions. Our
40 overriding purpose is to deal with this proposal comprehensively, expeditiously and fairly. We ask that all parties recognise that this places a substantial workload upon the Commission staff and panel members, and accordingly we also ask for strict compliance with time limits set and general co-operation throughout the process.

45 Misbehaviour during panel hearings will be viewed seriously. Unruly persons can be ejected from the hearings. In appropriate circumstances they may even be presented in the Supreme Court by way of proceedings for contempt.

Penalties can be severe. The panel has power to summon witnesses and can make special orders as to the disclosure or non-disclosure of sensitive material. Some hearings may be held in camera, but the general rule is that hearings should take place in public. Further details of the panel's powers may be found
5 in the *Resource Planning and Development Commission Act of 1997*.

During the last few days the panel has received a number of communications from the Wilderness Society, TAP and other individuals raising questions as to such matters as the sufficiency of the scoping guidelines, the adequacy of the
10 material provided by Gunns as to emission assessment, the implementation of the Regional Forest Agreement as it applies to the protection of threatened species and the impact of the proposed pulp mill on native forests. These letters and emails have been couched in terms which appear to seek a more or less immediate ruling by the panel on the matters raised.

The panel wishes to make it clear that it will not provide a ruling upon any of these issues, or similar issues, until it has heard and considered relevant argument from all interested parties during the public hearing process which I
15 previously referred to, and which of course has yet to take place. Or alternatively, if the panel has dealt with an individual application on notice to all interested parties at a directions hearing convened for that purpose.

The panel may exercise its discretion and not convene such a directions hearing if in its opinion the subject matter of the application is inappropriate
25 for that purpose. Now, I recognise that some of the matters I've just mentioned may necessitate counsel as well as participants who are not legally represented, seeking instructions from clients or instructing solicitors, or the group from whom they have representation. So I propose to adjourn proceedings now for 30 minutes to enable what I've said to be considered and following this the
30 panel will return and invite submissions and we will start with Mr Gobbo as to submissions.

After I've heard from counsel and group representatives seated at the front table, I will give unrepresented members of the public present an opportunity
35 to ask questions about any of the procedural steps which I've been discussing this morning. I stress procedural matters as to how the process is to go forth from here, I'm not going to deal with any substantive issues. Questions, as I say, relating to the merits of the mill proposal will not of course be dealt with. All right. Thank you ladies and gentlemen, the members of the panel will now
40 take a 30 minute break. We will then return and see what all or any of you have to say. Thank you.

SHORT ADJOURNMENT

RESUMED

[11.00am]

MR GOBBO: We'd like to thank the panel for its clear and thorough explanation of its intended procedures. And we don't wish to make any submissions about those procedures at this stage.

5

HON CHRIS WRIGHT: Thank you. Well, Mr Wright?

MR M. WRIGHT: If the panel pleases.

10 HON CHRIS WRIGHT: Perhaps we should make it clear to all present that there's no relationship between the two of us.

MR M. WRIGHT: I've already been asked that on a number of occasions.

15 HON CHRIS WRIGHT: Have you? Yes.

MR M. WRIGHT: Regretfully had to deny any relationship.

HON CHRIS WRIGHT: Yes, Mr Wright, have you got anything?

20

MR M. WRIGHT: If the panel pleases, I appear with my learned friends, Ms Susan Brennan, who is seated on my right, and Ms Juliet Forsyth, who is seated behind me, for the Investors for the Future of Tasmania Inc. Our position, Mr Chairman, is that the directions that were given on the matter last year are entirely appropriate and should remain operative and I think that's entirely consistent with what you've said this morning. We have not as yet received the material that was lodged with the Commission last Friday, and in accordance with the directions that were given last year we should receive that material either today or tomorrow.

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HON CHRIS WRIGHT: Yes, this matter was mentioned to me during the adjournment.

MR M. WRIGHT: Yes.

35

HON CHRIS WRIGHT: Because it appeared to conflict somewhat with what I'd said would be the future procedure concerning the public exhibition of the supplementary draft IIS material. As I said earlier, the Commission staff is currently examining that, we may need to have our independent expert have a look at that material. Certainly the panel will look at it and it will be necessary for us to be satisfied that the material provided complies with the directions earlier given - - -

40

MR M. WRIGHT: Yes.

45

HON CHRIS WRIGHT: - - - before we're satisfied it should be put on public exhibition.

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: Now, if that takes more than a couple of days, and it obviously will, this is where I see the conflict occurring between the original
5 order and my views about how we should put it on exhibition.

MR M. WRIGHT: It was our understanding - - -

HON CHRIS WRIGHT: It was suggested to me that the appropriate way of
10 dealing with it would be to change that original direction from a direction that it be supplied within seven days of lodgement with the Commission, and that it should be changed to an order that it not be delivered to the other parties at the front table until it had been passed by the panel as appropriate for public
15 exhibition. That means you'd then get it immediately. That point had been taken and by the time it was placed on public exhibition you would have had a day or two or three to look at it.

MR M. WRIGHT: It was our understanding that the initial direction in fact
20 distinguished between the service of the material on other parties and the consideration of the extent of public exhibition and that the material would be served on other parties at the same time as the Commission itself looked at that material and decided, having regard to the scope of material, how long the period of public exhibition should be.

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: And we would ask that that protocol be adhered to because
30 there is no harm in us having the material and in fact it gives us that much greater time to look at it and investigate it. The purpose of the public exhibition is I think to alert persons who have not yet made submissions in relation to the proposal to perhaps make those submissions.

HON CHRIS WRIGHT: Well, I don't know about - - -

MR M. WRIGHT: Well, that was certainly our understanding as what was
35 intended initially. Because it was at all times appreciated that it would take the Commission longer than seven days to assess the material and make a decision as to how long the period of public exhibition should be, that period being dictated by the complexity of the additional material.

HON CHRIS WRIGHT: Yeah. I have difficulty concluding that the parties
40 represented at the table should have any priority in seeing what this draft IIS consists of. And I think that - I really think that disclosure to the parties at the front table should be contemporaneous virtually with it being placed on public
45 exhibition.

MR M. WRIGHT: Yes, well - - -

HON CHRIS WRIGHT: What do you think gentlemen?

MR M. WRIGHT: That's not a problem from our point of view, Mr
Chairman, if in fact we can then be given an extended period of public
5 exhibition to compensate us for the fact that we won't have the material as
early as we anticipated.

HON CHRIS WRIGHT: Yes, well, I was talking earlier of at least 42 days, it
10 may well be longer than that.

MR M. WRIGHT: Yes, yes.

HON CHRIS WRIGHT: But that will be a - that could be a factor we'll take
15 into account.

MR M. WRIGHT: Because I think the intent of the initial direction was to
enable us to look at the material as soon as possible and formulate our
responses.

20 HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: But if that process can be - - -

HON CHRIS WRIGHT: Well, we'd just look at the terms of the original
25 direction on that.

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: It was that the proponent is to serve copies of the
30 supplementary information on each of the parties who appeared at the
directions hearing or their respective legal representatives within seven days of
the date on which it provides the supplementary information to the
Commission.

35 MR M. WRIGHT: Yes, that's right.

HON CHRIS WRIGHT: I would suggest that the 'within seven days' part of
that direction be overridden and that we put into terms such as their respective
40 legal representatives 'immediately upon the panel advising that the
supplementary information has been assessed and passed as appropriate to be
placed on public exhibition'.

MR M. WRIGHT: Yes, well as I say - - -

45 HON CHRIS WRIGHT: Would you be content with that?

MR M. WRIGHT: We're content with that provided that the time we lose by
not having the material sought in the next seven days is compensated by adding

it on if you like to the exhibition theory that you might otherwise have had in mind.

HON CHRIS WRIGHT: Yes.

5

MR M. WRIGHT: If you see what I mean?

HON CHRIS WRIGHT: Yes.

10 MR M. WRIGHT: But I do take you point about - - -

HON CHRIS WRIGHT: Well, we'd take that into account when we come to assess the appropriate - - -

15 MR M. WRIGHT: Yes, we'd be grateful if the panel would take that into account.

HON CHRIS WRIGHT: Yes, all right. All right, well - - -

20 MR M. WRIGHT: It - it - - -

HON CHRIS WRIGHT: - - - subject to anything anyone else at the table might have to say that's the - that's the way I'd propose amending that paragraph 3 of the original direction. Yes, yes Mr Wright?

25

MR M. WRIGHT: The next matter - well it's an enquiry as much as anything, Mr Chairman. Direction 1(a) paragraph (iii) calls for a summary of the information and a document which explains how it's integrated with the IIS itself. Now, I don't know whether that's been provided with the documentation that was given to you last Friday or not.

30

HON CHRIS WRIGHT: I'm sorry, I'm not quite with you.

MR M. WRIGHT: Direction 1 - - -

35

HON CHRIS WRIGHT: Which document are you looking at?

MR M. WRIGHT: This is the directions given on the 1 December last year in consequence of the hearing on 25 October, but I think they came out on 1 December - 1(a)(iii).

40

HON CHRIS WRIGHT: Yes, I've got it.

MR M. WRIGHT: Right. It's simply an inquiry as to whether that document has been provided to the Commission, because it's a pretty critical document in terms of comprehending - - -

45

HON CHRIS WRIGHT: Yes, well, that's one of the issues that's being

examined at the moment but - - -

MR M. WRIGHT: Yes. In terms of comprehending the additional material it's a vital document.

5

HON CHRIS WRIGHT: One or two problems I think have already been detected - - -

MR M. WRIGHT: Yes.

10

HON CHRIS WRIGHT: - - - but they may be minor matters of interpretation - - -

MR M. WRIGHT: Yes.

15

HON CHRIS WRIGHT: - - - or they might not be significant. We're not in a position to say that at the moment. But that will be given attention of course - - -

20

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: - - - and we'll look at that and ensure that from our standpoint that there is compliance before it's placed on public exhibition.

25

MR M. WRIGHT: Yes. We'd be grateful if the panel could do that.

HON CHRIS WRIGHT: Thank you.

30

MR M. WRIGHT: In relation to the period of public exhibition, Mr Chairman, in our submission that should not be shortened on account of the proponent's own delay in providing the information in the first place, though we don't know what the reasons for that delay have been, we can only assume that the task was more complex than initially thought in which case presumably the evaluation would be more complex than originally anticipated.

35

HON CHRIS WRIGHT: Yes. Well, we're not in - we're not interested in punishing the proponent for being late in any way, Mr Wright.

40

MR M. WRIGHT: No, well, I'm not being critical.

HON CHRIS WRIGHT: But obviously we'll assess the period of public exhibition from an independent standpoint - - -

45

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: - - - as to what time we think it would be necessary for members of the public to consider, gain instructions upon and then put in their submissions - - -

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: - - - during that period.

5

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: As I say, 42 days is a period which appears to me to be a minimum, it may well be more than that.

10

MR M. WRIGHT: Well, my client has expressed a concern about what seems to be a clear inconsistency between repeated reports in the media of Gunns complaining about delays in the approval process on the one hand, and then Gunns own failure to adhere to its own deadline by more than two months.

15

And we simply say look, that delay should not now be advanced as a reason for truncating the process - - -

HON CHRIS WRIGHT: Yes, yes.

20

MR M. WRIGHT: - - - we wouldn't think.

HON CHRIS WRIGHT: Well, it wouldn't be accepted as a reason.

25

MR M. WRIGHT: Yes. Well, we're grateful for that indication. Mr Chairman, we do seek a direction that we be at liberty to request Gunns to deliver to us such additional documents or information that we might think appropriate to be provided and we can simply do that by letter once we have a look at the additional material.

30

HON CHRIS WRIGHT: Surely I don't have to give you leave to do that, you can write direct to Gunns and ask for them?

MR M. WRIGHT: Well, I'm happy - I'm happy for that indication simply to be on the transcript.

35

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: Because it is - - -

40

HON CHRIS WRIGHT: If there's any problem arising - - -

MR M. WRIGHT: If there's any problem you can - - -

HON CHRIS WRIGHT: - - - out of it you can come back - - -

45

MR M. WRIGHT: - - - bring it back to the panel.

HON CHRIS WRIGHT: Before the panel, yes.

MR M. WRIGHT: Yeah, that's fine, that's fine. The other matter, Mr
Chairman, is that we would like if we could have a direction that we have
access to the site for our client's legal representatives and advisers. And I raise
5 that because we have on two occasions requested Gunns to provide us with
access to the site, which you will appreciate is quite an important thing to have
in this type of case. We simply haven't got a reply from them.

HON CHRIS WRIGHT: Yes.
10

MR M. WRIGHT: So if that can be underscored by a direction from the panel
it may solve our difficulties in that regard.

HON CHRIS WRIGHT: Yes, well, the panel itself will need to have an on-
15 site inspection at some stage. This opportunity hasn't yet been afforded to us.
The panel regards it as inappropriate that it should attend even for the limited
purposes that a - an on-site inspection will fulfil at this stage, without at least a
representative cross section of interested parties being present at the time.

MR M. WRIGHT: Yes.
20

HON CHRIS WRIGHT: I think that's something we're going to have to look
at further down the track. It occurred to me that it might be appropriate to do it
at the commencement of the hearing process, but some people - - -

MR M. WRIGHT: Yes.
25

HON CHRIS WRIGHT: - - - might see that as undesirable and there might be
something to be gained by having it by arrangement at an earlier time. But
30 we've yet to give final consideration to that, but certainly I've noted what
you've said, obviously everyone who wants to have a look at the site I think
ought to be able to have a look at the site.

MR M. WRIGHT: It would be not unusual, Mr Chairman, in cases of this
35 nature to have a formal view at the outset of the hearing, so - - -

HON CHRIS WRIGHT: I'm sorry?

MR M. WRIGHT: It would not be unusual to take a formal view at the outset
40 of the hearing process.

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: When everybody is assembled.
45

HON CHRIS WRIGHT: I'm just wondering if some people might see that as
being too late. They might think that having the view - - -

MR M. WRIGHT: Oh well, we'll need our access - - -

HON CHRIS WRIGHT: - - - will enable them to provide - - -

5 MR M. WRIGHT: Yes, we'll need access

HON CHRIS WRIGHT: - - - more detail for an expert report.

10 MR M. WRIGHT: We'll need our access long before that.

HON CHRIS WRIGHT: Yes.

15 MR M. WRIGHT: - - - so that our advisers can get on to the site. But that's a separate matter.

HON CHRIS WRIGHT: Yes. All right, well, we'll have a look at that and - - -

20 MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: - - - make a decision on it as soon as possible.

25 MR M. WRIGHT: Mr Chairman, can I just clarify the proposed procedure. Sooner or later the additional information will go on public exhibition and it's anticipated that as a result of that parties may make further submissions, or they may not, or additional members of the public may make submissions for the first time. (mobile phone rings) What can I say?

30 HON CHRIS WRIGHT: I think you'd better say it again, I missed it.

MR M. WRIGHT: As the result of the public exhibition, parties may make further submissions or they may not make further submissions, depending on the material, or additional parties may make submissions for the first time.

35 HON CHRIS WRIGHT: Yes.

40 MR M. WRIGHT: Now, we envisage that after that there would then be a protocol set in place for the public hearings which would envisage the delivery of witness statements by the proponent, then the delivery of witness statements by those opposed to the project, and possibly a third round of evidence in reply from the proponent prior to the hearing.

45 HON CHRIS WRIGHT: Yes, well, that really is something we're trying to avoid. We take the view that the evidentiary material ought to be contained either in the draft IIS or the supplementary IIS from Gunns side or from the submissions received from the public during the exhibition period on the other side.

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: In other words, if you keep this process up of
5 exchanging proofs, bringing in new evidence and so on, this is going to be an
interminable process.

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: I mean this isn't a case in which you've just got one
10 or two parties.

MR M. WRIGHT: No.

HON CHRIS WRIGHT: You've got notionally the whole of the population of
15 Tasmania as prospective participants one way or another.

MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: So there's got to be a limit placed on it and that's -
20 the limit we see as being appropriate.

MR M. WRIGHT: Yes. Well, I understand that and agree with that with
respect, but it may well be that not every person who has contributed to the IIS
needs be called to give evidence.

25

HON CHRIS WRIGHT: How - - -

MR M. WRIGHT: And it may be that when the totality of the opposing
submissions are considered fifty per cent or more of the material in the IIS is
30 non-contentious.

HON CHRIS WRIGHT: I'd agree with that.

MR M. WRIGHT: In which case - - -
35

HON CHRIS WRIGHT: That could well be the case, I don't know.

MR M. WRIGHT: But at some point it will be for the proponent to indicate
which persons its going to call as witnesses during the hearing process.
40

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: And once that's done it's a matter for those opposed to
indicate what witnesses they propose to call.
45

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: And presumably that would join the issue so - - -

HON CHRIS WRIGHT: Naturally.

5 MR M. WRIGHT: But it's difficult to have to take the totality of the IIS as
Gunns case to the public hearing if you follow my meaning. It would be, in
our submission, a neater solution simply to provide witness statements which
can simply refer back to reports contained in the IIS if needs be so that those
10 who oppose the project know what evidence is to be called they can then
prepare their own witness statements and have them filed within a specific
time. And that being the case, the scope of the inquiry for the purposes of the
public hearing is well defined.

15 HON CHRIS WRIGHT: Yes, well, I - what I anticipate is that the panel will
consider what is in the original and supplementary IIS, see which witnesses it
thinks it needs to hear from, whether or not they're contradicted by opposing
witnesses who've been disclosed by the public input during the exhibition
period. We'll also look at the extent to which we need to hear from those
opposing experts for example, and I would imagine that we would then simply
20 invite the parties who are going to be represented at the hearing to tell us which
additional witnesses they'd like to be called - ought have available for cross
examination for example.

MR M. WRIGHT: Yes.

25 HON CHRIS WRIGHT: I'm not terribly attracted to the idea of putting in
proofs of those witnesses because as I've said we're anticipating proofs are
effectively contained within the IIS documents.

MR M. WRIGHT: Yes.

30 HON CHRIS WRIGHT: Being realistic, however, we realise that in any, I'll
use litigation in its - in a sense, because that's what it is once you get the
hearing, in any process of that kind you're going to have matters that have to be
tidied up at the edges or you're going to have an issue that has arisen someway
35 or other that we can't currently foresee where you might need additional
evidence or so on, even though the IIS periods and the public exhibition
periods have concluded. Well, what I'm proposing is that if that situation
arises you simply apply for a directions hearing to determine whether or not
this additional material can be presented at the public hearing.

40 MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: And that's the way I would see it as being dealt with.

45 MR M. WRIGHT: But that does create a potential difficulty, with respect, in
the sense that take for example our client which may or may not put in an
additional submission directed towards the additional material, but in its initial
submission hasn't put in it what you might call any proofs of evidence or

anything like that. Now, - - -

5 HON CHRIS WRIGHT: Well, you'd really get a second bite at the cherry by the supplementary material being put on public exhibition once we've come to the conclusion that it's in a fit state to go into that process.

MR M. WRIGHT: Yes.

10 HON CHRIS WRIGHT: I would take the view that you're not limited then simply to what is in the supplementary material.

MR M. WRIGHT: I see, yes.

15 HON CHRIS WRIGHT: But you're - - -

MR M. WRIGHT: We're at large.

HON CHRIS WRIGHT: But it's at large.

20 MR M. WRIGHT: Yes.

HON CHRIS WRIGHT: How you can respond to that.

25 MR M. WRIGHT: So - - -

HON CHRIS WRIGHT: Because by only then when you have the complete Gunns case before you - - -

30 MR M. WRIGHT: And that would be the Gunns case full stop.

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: Yes. So - - -

35 HON CHRIS WRIGHT: Subject to any special orders as to later material.

MR M. WRIGHT: Yes, of course. All right. So we could then address that on the basis that this is the case we have to meet - - -

40 HON CHRIS WRIGHT: Sorry?

45 MR M. WRIGHT: We could then deal with it on the basis that this is the case we have to meet and these are the witnesses we propose to call, notwithstanding that they don't really relate to the additional information, they relate to the initial IIS and we would then put in our, if you like, our proofs of evidence as part of our - - -

HON CHRIS WRIGHT: Response.

MR M. WRIGHT: Submission.

HON CHRIS WRIGHT: We save a second public exhibition in each case.

5

MR M. WRIGHT: Yes. Right.

HON CHRIS WRIGHT: That's how I'd see it.

10 MR M. WRIGHT: Yes. Okay, that's fine provided that the period of the public exhibition recognises that that's a task that has to be done within that period.

15 HON CHRIS WRIGHT: Right. Well, I hadn't forgotten that, you've - you made that point earlier.

MR M. WRIGHT: Yes, yes. Well, I think we can proceed on that basis, provided we get sufficient time and provided that the Gunns case in its entirety is on exhibition - - -

20

HON CHRIS WRIGHT: Yes.

MR M. WRIGHT: - - - either initially or - - -

25 HON CHRIS WRIGHT: Yes, quite so.

MR M. WRIGHT: Just pardon me a moment?

HON CHRIS WRIGHT: Is there anything else, Mr Wright?

30

MR M. WRIGHT: Yes, I'm just looking for a - - -

HON CHRIS WRIGHT: Oh, sorry, I - - -

35 MR M. WRIGHT: The only other matter, Mr Chairman, is simply to underscore what the panel said in its opening observations regarding transparency and impartiality. Because having regard to what I think is not unfairly described as a media frenzy over the past six weeks, the panel probably carries the additional, and I suspect unwanted, burden of repairing a
40 process and indeed restoring the reputation of both the process and to an extent the state of Tasmania. So we entirely endorse what the panel said about that aspect. Those are the submission subject to - just pardon me a moment?

HON CHRIS WRIGHT: Thanks, Mr Wright.

45

MR M. WRIGHT: Yes. If the panel pleases.

HON CHRIS WRIGHT: Thank you. Mr Brett?

MR BRETT: Thank you, sir. Can I just say at the outset we agree with the procedure that you've just discussed with Mr Wright in relation to the distribution of the further materials from Gunns. We think that all of the representors should be in an equal position with respect to the receipt of that material. You haven't, and we understand the reason why you haven't indicated a firm view as to the time that will be allowed in relation to public exhibition and representation in relation to the supplementary material, and we have no problem with that. We would, however, seek the opportunity to have input into that time frame once that material has been provided to us. And what I have in mind is the opportunity simply for parties to be able to say within 7 to 14 days after receipt of that material, to provide a letter to the Commission saying well we think we'll need 42 days, perhaps longer, for these reasons. With respect to that type of procedure, we also seek the opportunity to make further application in relation to - not so much a request to Gunns to provide material because we've already made those requests, but to apply to the Commission for an order or direction under section 14 of the Commission's Act with respect to the provision of material, and we are thinking in particular to material that is the subject of an earlier application by us and that is economic data which underpins some of the - some of the material contained in the original draft IIS. We will not be in a position, and it's probably not desirable that we articulate any further application until we've seen what extra material comes in because it may well be in there, but we would foreshadow and, as I say, seek opportunity to make an application for the provision of such material - - -

HON CHRIS WRIGHT: You're talking essentially about the determination that the Commission made in that earlier document?

MR BRETT: Yes.

HON CHRIS WRIGHT: I don't appear to have it dated but - - -

MR BRETT: No, it was - it was a three point determination.

HON CHRIS WRIGHT: Yes, that's right.

MR BRETT: We - there was a consent to the production of some TAPM files but there was also a request for information in relation to emissions and a request for information in relation to economic data.

HON CHRIS WRIGHT: Yes.

MR BRETT: And as I read it the Commission has said well, no we're not going to make that order now but we may decide to make that order as the process continues. Our concern about that is that if our basis for making that application is justified at the hearing, it then becomes - it then is a very late stage for such an application to be made, it would delay the time process.

HON CHRIS WRIGHT: Yes.

5 MR BRETT: So we're simply seeking a chance to have another go once we see what further material Gunns provide.

HON CHRIS WRIGHT: Right. Well, that's the very sort of thing that I imagine the further directions hearing process might be utilised to achieve.

10 MR BRETT: Yes.

15 HON CHRIS WRIGHT: If you think you need directions from the panel, you haven't been able to resolve it by correspondence with Gunns or their representative, you can ask us to hold a further hearing, put before us your case for getting that economic information and Gunns will put forward their case for resisting, if they do resist it, and we'll make a determination. We'll just have to go from there in that way. I think it's the only sensible and effective way in which these sort of issues can be resolved. You can't just let the case drag on and people bring in applications willy-nilly by letter and expect the panel to deal with them simply on the basis of a letter, that just doesn't work.

20 MR BRETT: Yes.

25 HON CHRIS WRIGHT: So if you need to look at that sort of issue apply for a directions hearing - - -

MR BRETT: Yes.

30 HON CHRIS WRIGHT: - - - and we'll have it. It may be that all directions hearings don't necessarily involve all parties, they might be on a simple narrow issue between two parties as this sort of thing may well be between yourself and Gunns; I don't know, I won't prejudge that. But it's a case of our looking at what is required to be resolved and dealing with it appropriately so that everyone with an interest in the issue has an opportunity to be heard.

35

MR BRETT: Yes.

HON CHRIS WRIGHT: Yes. Anything more, Mr Brett?

40 MR BRETT: Yes, there is. It's the point that - it follows from your comment, sir, in relation to the future of this process and the independence of the panel or assessments panel in relation to the process, my clients express their appreciation for those comments and accept them unreservedly, but we do have a concern that arises from a letter that was provided by Mr Green upon his resignation from the Commission, dated 24 December 2006, when he referred to the basis of the - or one of the reasons for his resignation as having been brought about by the activities of the Tasmanian Government's pulp mill task force.

45

We - my clients made an application for the disqualification of Dr Raverty on the basis of apprehended bias. Dr Raverty resigned and we saw that in the media and eventually on the Commission's web site. We have never received a
5 formal response to that application but our concern is that, given that there are unspecified concerns in relation to the activities of that task force which have apparently led to the resignation at least of Mr Green and perhaps Dr Raverty, our clients consider it - or considers that it would be, and submits that it would be desirable that the Commission explains what those concerns were in an
10 appropriate way and publicly, and with that explanation I am sure that there would be then a public understanding of what brought this about and that those concerns are no longer affecting the process. We certainly don't for one moment suggest that that is the case, but all we have is unspecified concerns. We have these resignations and we seek a public explanation in relation to
15 those matters.

HON CHRIS WRIGHT: Well, I don't know that we are in any position to give a public explanation. I wasn't on the panel at the time all of that occurred. I hadn't been concerned to examine that. I considered that as water under the
20 bridge and that we were effectively getting a new start and - well, not a new start completely, of course, we weren't going back to square one because of the work that had already been done and was available to us, but certainly a new start so far as this panel is concerned.

25 MR BRETT: Yes.

HON CHRIS WRIGHT: I don't see that it is a matter for us to deal with at all, Mr Brett. If you want to find out what was behind that I think you would have to go to other sources. I don't even know who is on the task force that you
30 refer to or what its function or role has been. As I say, I haven't been interested to inquire into that.

MR BRETT: Well, I suppose the difficulty we have, sir, is that we don't know what these concerns are either.

35 HON CHRIS WRIGHT: No.

MR BRETT: But they have led to a resignation of the original - - -

40 HON CHRIS WRIGHT: Yes.

MR BRETT: - - - and a reconstitution of the panel by the Commission and we endorse completely your comments in relation to the way in which the Commission should now proceed with this assessment and the independence
45 with which it should do so and simply making a submission that it would be desirable that the Commission, and I address you now as a representative of the Commission, make that public explanation, but that is really all I can say about it, I think.

5 HON CHRIS WRIGHT: Yes. Well, of course, the role that Mr Green was originally fulfilling has now been split, in effect, because Mr Simon Cooper is the Executive Commissioner of the Commission and has the day-to-day running of the Commission in all its areas of responsibility. The panel has the limited task of the pulp mill assessment. I am a Chairman of that panel, I'm not concerned with the running of the Commission. Mr Cooper will bless me for saying this I have no doubt, but I think you should perhaps address your queries, if you want to pursue them, to Mr Cooper.

10

MR BRETT: That is all I wish to say. Thank you.

15 HON CHRIS WRIGHT: Thanks very much. Mr Chipman, have you got anything you would like to say?

15

MR CHIPMAN: Just briefly, Mr Chairman. The Timber Communities Australia thanks the RPDC for providing the time lines, although we are - - -

20 HON CHRIS WRIGHT: They are having some difficulty hearing you at the back. Could you speak up a bit, Mr Chipman?

20

MR CHIPMAN: Sorry. The Timber Communities Australia thanks the RPDC for providing the outline of the guidelines - the time lines this morning. We will need some time because there is a significant extension of time. We will need to go back to our working members to discuss that, but I feel that there will be a fair amount of concern with the additional - another six months; that we feel that the guidelines are the best in the world and the RPDC has a vast panel of experts that are assessing the IIS. The additional information has now been provided and with the extension of time, the continued frustration of dependent communities that are looking for this project as if to secure their future, that that frustration and anxiety grows with the continued delay, so we would ask the RPDC to look at bringing the project to a point where you can make your determination whether it is a worthy project or not a worthy project, in the quickest possible time.

35

40 HON CHRIS WRIGHT: Yes. Well, I have been conscious since my appointment - and that was only about 17 days ago, so it's pretty recent - in looking at that very point as to procedure. I imagined that most people were anxious to bring this to a conclusion as quickly as possible, but having looked at the legislation, having looked at the size of the problem and having looked at the whole thing in a broad, but I hope comprehensive way, I have concluded that there is just no real prospect of completing it before the end of November at the earliest, at the earliest, unfortunately, and that is in part as a result of the legislative requirements and it is in part as a result of an awareness that the public has to have the opportunity to make the fullest possible contributions to the process and that is what impacts so heavily upon the extension of the time for conducting the assessment process, but it will be done as quickly as can fairly be achieved.

45

MR CHIPMAN: I suppose, Mr Chairman, that those communities out there that are looking for this project for their future feel that it has already gone on for two years. There has been two years of study, two years of debate, and I
5 suppose just to reinforce that I know that they want to see it come to the point as quickly as it can. They don't want to see another two years.

HON CHRIS WRIGHT: Yes.

10 MR CHIPMAN: They feel that another six months is six months too long.

HON CHRIS WRIGHT: Yes. Well, I'm not going to go over the questions of delay in the last couple of years. I have already mentioned that in what I read earlier, but I acknowledge that there has been some delay, but that can't really
15 have any effect on the future processes that we have to undertake.

MR CHIPMAN: Thank you.

HON CHRIS WRIGHT: Mr Cameron-Tucker, would you like to say
20 anything?

MR CAMERON-TUCKER: Yes, thank you, Mr Chairman. The AMAs interest in the process is to look at and define the impacts of this on public health in Tasmania. Our members who are reviewing the documentation are
25 specialists and as a consequence they do it in their own time, and the process as you have laid it out, I think is fair and within that we hope to be able to look at the impacts of any supplementary or additional information on health. The 42 days is a beginning. One of our issues as we get to know how complex the data or information to be given to us to review is, it may be that as Mr Brett
30 had requested, that if it is substantially complex and complicated we would like an opportunity to ask for additional time to - of that 42 days - to come to a position of confidence about the health impacts.

My doctor community are taught on day one in medical school that in dealing
35 with patients the first and only tenet is do no harm and as a consequence we are addressing the health impacts of the pulp mill in that vein and would like time to ensure that we have the confidence that we can publicly support the mill, or not, based on the do no harm principle.

40 HON CHRIS WRIGHT: Yes.

MR CAMERON-TUCKER: The other issue for us is that as our doctors are busy people we would also like, where possible, notice of public hearings so that the doctors can shift patients and/or operations and so on without
45 disadvantaging unnecessarily the community of Tasmania. Now, I know that this meeting was called at a very short time but we would hope that, where we would like to have experts, that we have substantive notice to free them up from their very busy load to be here and make expert opinions.

HON CHRIS WRIGHT: Yes. This meeting was called on short notice because at the stage we resolved to call the meeting or the hearing, Gunns was not providing the information it should have and that is why we brought it on at short notice to get the process moving again, essentially. Now, of course, the material has been provided, but I saw it as a useful opportunity to clarify the procedural steps that will be necessary and that is why this one has been on comparatively short notice.

MR CAMERON-TUCKER: Yes. We certainly accept that, and the point made by Mr Brett that if it is particularly complicated for the health impacts, and we have asked for a lot of monitoring information and other data, that to review that substantially and correctly, to have confidence in the outcome - is there a process where we may ask for the public hearing beyond the 42 days because of the workload that we put on our people out of hours?

HON CHRIS WRIGHT: The 42 days I have been speaking about - - -

MR CAMERON-TUCKER: Is a minimum.

HON CHRIS WRIGHT: - - - is the public exhibition period that has been suggested - it is yet to be determined - should apply in respect of the supplementary draft IIS.

MR CAMERON-TUCKER: Yes.

HON CHRIS WRIGHT: It is not related directly to the public hearings.

MR CAMERON-TUCKER: Okay.

HON CHRIS WRIGHT: But I have noted your concerns.

MR CAMERON-TUCKER: Thank you.

HON CHRIS WRIGHT: Thank you.

MR CAMERON-TUCKER: That's all.

HON CHRIS WRIGHT: Ms Hutchinson, would you like to say anything?

MS HUTCHINSON: Yes. Thank you, Mr Chairman. I appear on behalf of the Wilderness Society and I appear today along with my instructor, Mr Law, who is seated behind me. I thank the panel for its comments today. For the sake of clarity, just a procedural matter. At the directions hearing on the last occasion, following that directions hearing there was the directions provided by the Commission. In that direction there was a notation that a directions hearing would be set after the second public exhibition period, if I can call it that. Is it the intention of the panel to have that directions hearing, regardless

of any other directions hearings that are to be set, to clarify issues of particular information having been provided or not, consequent on the second exhibition period or is it the intention of the panel now to not hold that directions hearing?

5 HON CHRIS WRIGHT: Yes.

MS HUTCHINSON: That is my first question.

10 HON CHRIS WRIGHT: All right. I will just have a look at - that is the note at the bottom of the page of that direction, isn't it?

MS HUTCHINSON: Yes, that is correct, Mr Chairman.

15 HON CHRIS WRIGHT: Yes. Just a moment. Well, I haven't mentioned it specifically, Ms Hutchinson. It is probably something that we might need to reconsider. I think it probably will be necessary, although I didn't mention it when I was speaking earlier today, because there might well be questions that we can only resolve after taking submissions from interested parties, but I won't say we definitely will, I won't say we definitely won't, but I think it is a
20 high probability that we will hold some hearing of that kind at that point.

MS HUTCHINSON: Yes. Thank you, Mr Chairman.

25 HON CHRIS WRIGHT: Just excuse me.

MS HUTCHINSON: Mr Chairman, in relation to that directions hearing, in our submission it would be useful for the parties to have that directions hearing if, for no other reason, than to provide an indication to the panel as to whether their witnesses are available at particular times and - - -
30

HON CHRIS WRIGHT: Yes. Look, I imagine it will.

MS HUTCHINSON: Yes.

35 HON CHRIS WRIGHT: The more you talk about it the more obvious it is that it will be necessary to do that at that point.

MS HUTCHINSON: Yes. Thank you, Mr Chairman.

40 HON CHRIS WRIGHT: Yes. Thank you.

45 MS HUTCHINSON: The second point I wish to raise with the panel from my client's perspective, the period of public exhibition - and I know this has been foreshadowed by my colleagues already today, but the period foreshadowed for the second public exhibition is really, from my client's perspective, needing to be longer rather than shorter. The reason for that, of course, is that there will be, we expect, complicated information contained in that supplementary information. This is the first time - and correct me if I am wrong about that -

that the Commission has indicated to representors that all witness statements, proofs of evidence, etcetera, will be required to be given effectively at the end of that public exhibition period.

5 HON CHRIS WRIGHT: Yes.

MS HUTCHINSON: So the representors are in a position - - -

10 HON CHRIS WRIGHT: Or even before the end, if possible, yes.

MS HUTCHINSON: Yes. And in my submission, 42 days is a very short time frame if indeed that is the time frame contemplated by the panel for each of the representors to get their house in order.

15 HON CHRIS WRIGHT: Yes.

MS HUTCHINSON: It is an extremely short period of time for witnesses to be asked to really down tools and concentrate their entire efforts on having any evidence that needs to be provided, to be provided at the conclusion of that
20 period.

HON CHRIS WRIGHT: Yes.

MS HUTCHINSON: I seek an opportunity on behalf of my clients if the
25 Commission does set a timetable that my clients see a problem for particular experts, to bring that issue back to the Commission either by way of letter or a further directions hearing so that we can provide to you an indication of why an additional amount of time may be required. I can certainly envisage there may be experts that just aren't in the position to be able to exactly do that,
30 down tools and concentrate all of their efforts on this very important issue.

HON CHRIS WRIGHT: Yes.

MS HUTCHINSON: We would also seek - - -

35 HON CHRIS WRIGHT: Well, that is the very sort of thing I imagine that a directions hearing would deal with - - -

MS HUTCHINSON: Yes.

40 HON CHRIS WRIGHT: - - - so if that becomes an issue we can deal with it in that way.

MS HUTCHINSON: Yes. I particularly raise the issues of the technical
45 nature of the expert evidence that may be required, particularly relating to the decision of *Brown v Forestry Tasmania*, which I know you are aware of, and the implications of that decision, along with the fact that the supplementary information we expect is the first time the Wilderness Society will have had an

opportunity to look at information provided by the proponent as it relates to impacts on native forests, including wild life and water.

5 Really the direction given by the Commission on the last occasion clarified the position to the proponent to that. The proponent is required to provide information that would feed into the Commission's assessment on those issues and we expect that information to be in the supplementary material. If it is not then we seek an opportunity to have that matter brought back before you at a directions hearing.

10

HON CHRIS WRIGHT: Yes. Well, any of these matters that require future resolution should be dealt with in that way. I hope they won't be too numerous but we will just have to deal with them as and when they arise.

15 MS HUTCHINSON: Yes.

HON CHRIS WRIGHT: But that would be the way to deal with it.

20 MS HUTCHINSON: Thank you, Mr Chairman. I think those are my submissions.

HON CHRIS WRIGHT: Thank you. Ms Hobbs?

25 MS HOBBS: Thank you, Mr Chairman. I would like to support Mr Chipman's comments and would like to emphasise the need for certainty both within the investment community and amongst the workers at this stage. We acknowledge the time frames that you have laid down today. The directions are quite clear but we do believe that the process is still quite complex. We submit that this process needs an expeditious process and can't be allowed to drift and that is all I have to say. Thank you.

30

HON CHRIS WRIGHT: Thank you, Ms Hobbs. Mr Hayward?

35 MR HAYWARD: Thank you, Mr Chairman. I want to address the issue of the forestry impacts which I submit should be considered as a preliminary issue rather than as part of the general evidence as it overarches everything else and is absolutely essential to be determined independent of findings of fact on any particular issue and as I understand it now, it will be considered simply as an item in the general submission of evidence, which would allow 90 per cent of it to potentially be excluded as an issue, you know, not worthy of adoption by the panel and - - -

40

45 HON CHRIS WRIGHT: Mr Hayward, in 14 years on the Supreme Court bench I had to deal with many applications and matters dealt with as preliminary issues. After having attempted to do so on one or two occasions I realised that it is almost impossible, where you have a complex series of issues, to satisfactorily resolve one ahead of resolving the others where the determination will depend upon the overall resolution of the problem. I, at the

moment, can't see any particular merit in doing as you suggest, but if you would like to explain why you say that is an issue which will - I suppose you are saying it will determine the matter once and for all without our having to look at anything else. Perhaps you would like to explain that?

5

MR HAYWARD: Well, the thing is that most of the topics for examination by the panel have already been the subject of submissions by Gunns. This one, which is arguably by far the most important and significant in terms of its impact on the State, has been left out and only added on belatedly as a sort of additional topic which appears to preclude it being examined in any detail.

10

HON CHRIS WRIGHT: Yes. Well, look, I will have a look at what you are saying, Mr Hayward. I am not predisposed to agreeing with it. I think everyone should realise that at this stage my understanding of the issues and the evidence which has accumulated thus far is of a very broad and general nature. As I said, I was appointed 17 days ago and perhaps regrettably I hadn't taken any interest in this process up until that point, so I have got a lot of catching up to do and a lot of reading to do and it will be some time before I can reach a conclusion on that particular point that you have raised, but it won't be overlooked. However, at the moment I see it as very unlikely that I would agree with it.

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MR HAYWARD: So what you are saying is that the broadest, you know, potential subject of the whole inquiry will - potentially can be cast aside as just being incidental when, you know, it is fundamental to all the other questions which follow; water quality, etcetera, can be excluded, unless it is specifically identified as a subject that must be included, and the fact that it wasn't even mentioned in the original IIS is a cause of deep concern and if we are in a situation where it's up to the - - -

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HON CHRIS WRIGHT: Well, I have got to look at it and the panel has got to look at it in light of what you are saying, but if, as you say, it is of such overwhelming significance and such overarching importance that it will conclude the whole thing, the panel might agree with you in the long run and

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MR HAYWARD: I am not saying it will conclude the whole thing, I am saying that the scope of the subject is so vast that any effort to treat it as just another item in, you know, the broad range of submissions, is very, I think, errant in terms of - - -

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HON CHRIS WRIGHT: Yes. Well, look, I can't give a concluded opinion on that at the moment, Mr Hayward, but I am not well disposed towards it, I must say, but I will discuss it with other panel members. We will not forget what you have said and we will take it into account.

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MR HAYWARD: Thank you.

HON CHRIS WRIGHT: Thank you.

MS HUTCHINSON: Mr Chairman, might I just make a further submission
and note that the Wilderness Society supports Mr Hayward's submissions to
5 the panel, strenuously supports those submissions.

HON CHRIS WRIGHT: The submission he has just made?

MS HUTCHINSON: Indeed.

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HON CHRIS WRIGHT: All right. Well, I will take that into account
obviously, as well.

MS HUTCHINSON: Thank you, Mr Chairman.

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HON CHRIS WRIGHT: Mr Sealy, have you got any views you would like to
express?

MR SEALY: May it please, sir. In the light of what has been said by other
20 people at the table the only matter I was going to raise was the question of the
issue of whether there ought to be an opportunity for the parties and for
persons generally to be heard in relation to the question of the period of public
exhibition, but it seems clear from the debate that has taken place so far, that
that will be dealt with either by way of written submissions or a further
25 directions hearing and in my submission that is entirely appropriate and I don't
wish to make any other submissions at this stage.

HON CHRIS WRIGHT: Yes. Well, my initial reaction to that question about
the length of the public exhibition period is that I think initially the panel will
30 have to determine for itself what it thinks the appropriate period is. If, during
that period of time, submissions are received from interested parties that it
should be extended, well, we can consider that at a directions hearing and, if
necessary, extend it. Simple as that. So we will see how that transpires.
Anything else, Mr Sealy?

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MR SEALY: No, sir.

HON CHRIS WRIGHT: All right. Thanks very much. All right. Well, I said
I would give unrepresented members of the public an opportunity to ask
40 questions so are there any questions from the floor? Yes? Could you give me
your name please, Madam?

MS ELIZABETH: Sure. My name is Joy Elizabeth. Just in relation to your

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HON CHRIS WRIGHT: I'm sorry, just a moment.

MS ELIZABETH: Sorry.

HON CHRIS WRIGHT: Yes. It is suggested you might like to sit near the microphone so that we can have it recorded.

5 MS ELIZABETH: Oh, sure. I have got a loud voice but I'm happy to - - -

HON CHRIS WRIGHT: Yes. Well, I had no trouble hearing you.

10 MS ELIZABETH: Okay. My question deals with your comments about the procedure of grouping parties with similar interests for representation at public hearings. Now, what I would like to know is how will it be determined who is grouped together, (a); and (b) who will represent those groups of individuals whose submissions appear to cover similar issues; so that's the first bit. What will the process be?

15 HON CHRIS WRIGHT: Yes. Well, obviously the panel will make a judgment based on the written material submitted during the public exhibition period as to which of those submissions seem to be on the same lines, on the same topic raising the same grounds, for example, and we will make a
20 preliminary determination that perhaps they ought to be regarded as - that perhaps they ought to be asked to meet together and determine who is to represent them. If they say they have a different interest, well, we will have to consider that if and when it arises, but we will just have to feel our way on that really, and when we see what the written submissions amount to after we have
25 read them.

MS ELIZABETH: Thanks for that. Now, given that you may group people and so on, and you are going to get them to talk together, if an individual strongly wishes to represent their own point of view on an issue, even if it is
30 generally considered they are part of a group interest, if you like, is he or she still going to be able to put their point of view individually?

HON CHRIS WRIGHT: That is a bit hard to answer at the moment. It depends how significant the point is that they wish to make, I would think. We
35 would need to know that if there were a lot of people. As I said, there were 700 responses to the - - -

MS ELIZABETH: I'm aware of that.

40 HON CHRIS WRIGHT: - - - original draft IIS. We shall have to look at that on the merits of it. There might be someone who's got a particular interest in a particular matter that isn't perhaps seen as of interest by other people, and in that situation certainly we would favourably consider hearing directly from that individual. We would hope we wouldn't end up with a bar table of 700
45 individuals, but we would look favourably at particular cases, I would think.

MS ELIZABETH: Can I ask, is the initial structure and layout of the original IIS been considered as an issue of its own?

HON CHRIS WRIGHT: Not by me it hasn't.

5 MS ELIZABETH: Because I do know there are a lot of submissions that do
refer to that specifically, and now I am representing my husband rather than
myself, who's a scientist, and also worked in second - in tertiary institutions
and so on, and his opinion is that it's not a referencable document. And even I,
10 who have just done ordinary tertiary education, can see that, and that a lot of
the material is not properly referenced, and there's duplication of page
numbers, omission of page numbers, and things like that.

So I wondered if that was going to be looked at as an issue of itself, and I
think, although nobody has alluded to it directly in asking for extension of the
15 42 days, that that is one reason why 42 days is probably going to be
inadequate, in terms of referencing back, because subject matter occurs again,
and again, and again, within the IIS, and different information, and different
opinion is provided in subsequent subject references under the same heading,
so that one will say, this is not going to be a problem, and the next one will say
that - give completely contradictory information.

20 HON CHRIS WRIGHT: Yes.

MS ELIZABETH: So I'm just wondering if you would note that, and place
that as an issue of its own that needs to be considered.

25 HON CHRIS WRIGHT: Yes. Well, I - there have been one or two comments
that suggest there are difficulties of that kind, but I'm not quite sure what you're
driving at there. Are you suggesting that it should be re-advertised, or
something like that?

30 MS ELIZABETH: Well - - -

HON CHRIS WRIGHT: After it's been amended yet again?

35 MS ELIZABETH: Well, I suspect that that may be the reason why it was so
difficult for Gunns to present the supplementary information.

HON CHRIS WRIGHT: Yes.

40 MS ELIZABETH: Because it was very difficult for anybody to negotiate
those 17 volumes in the first instance.

45 HON CHRIS WRIGHT: Yes. Well, that certainly was my understanding as
to why the October directions hearing took place, because it was seen that there
were omissions and difficulties of the kind you've identified in the original IIS.
Whether, after this most recent document is considered, problems of a like
kind will emerge, well, I don't know at the moment. I don't know. As I've
said, we've got Commission staff looking at it, panel members will be looking

at it very soon, I imagine, and if that emerges as a serious issue we might just have to consider calling for a second supplementary document. I hope that - it won't come to that, but it's a legitimate issue, and I'm glad you've mentioned it.

5 MS ELIZABETH: Okay. And in particular there is an omission of page numbers in some instances, which suggests that perhaps the proponent may then suggest that those pages were present. So I don't know how you deal with that, but I'm just raising that, that omission and duplication of page numbers makes it quite difficult. But thank you.

10

HON CHRIS WRIGHT: Yes. Thank you. Any further questions?

MR GODFREY: Yes, sir.

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HON CHRIS WRIGHT: Yes. Your name, sir.

MR GODFREY: Peter Godfrey.

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HON CHRIS WRIGHT: Yes, Mr Godfrey?

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MR GODFREY: At the October hearing it was suggested that additional information may need to be included in the original draft IIS to make it a readable document, rather than what one would describe as a dog's breakfast. I'm wondering is that a condition that's going to make it readable? I'm only a single normal sort of run of the mill person who happened to spend a lot of time trying to read through the last document, and found that it was very confusing and written deliberately, I thought, to confuse the issue. Is the new information going to include it so I've got some hope in 42 days of reading whatever it's going to be, 8000 pages of what I consider piffle.

30

HON CHRIS WRIGHT: Yes. Well, I won't comment on that obviously, but, look, you've got to appreciate my position. I've come into this, as I said before, a few days ago. I have not yet read the original or the supplementary IIS material. I may, upon reading it, as may other panel members upon reading them together, come to the conclusion that the original directions in October have not been complied with, and that there is not a sufficient integrating explanation available, which I think you're driving at, and may even conclude that it should be done again.

40

But that has to await our opportunity to read it, and digest it, and see what we think about that. If there are submissions from other people to the same effect as you've raised in your question, well, we might have to deal with that on a directions hearing. I don't know. But we're certainly going to look at the question, as I've previously indicated. Whether or not that supplementary material fulfils the purpose for which it was obviously intended by the panel as originally constituted, and that remains to be seen.

45

MR GODFREY: Yes.

HON CHRIS WRIGHT: If there is a problem of the kind you have mentioned, well, we might be back here sooner than we anticipate.

5 MR GODFREY: Thank you. The other issue I would like to raise is that I support Mr Hayward and Ms Hutchinson in bringing the wood supply into the issue. My submission deals almost wholly with the effects of wood supply, and the effects of doubling what's currently happening in our logging in the forests are going to have a vast effect on the State, and we can see at the
10 moment, with the water issues that we've got, that by doubling the logging we're going to lose a lot more water, we're going to have a lot more siltation, and I really believe that those issues need to be addressed at a fairly deep level, apart from what some of the industry funded lobby groups suggest that they would rather expedite the thing and get the rubber stamp out now. I think that
15 actually I support Mr Hayward and Ms Hutchinson.

HON CHRIS WRIGHT: All right. Well, I've noted your support of those submissions. Thank you, Mr Godfrey. At the back? Would you like to come forward, so that - I should have asked Mr Godfrey to do that, but I forgot. Yes.
20 Could you state your full name, madam?

MS FERGUSON: Yes Fairlie Ferguson.

HON CHRIS WRIGHT: Yes.
25

MS FERGUSON: With consideration to this being such an important hearing, public hearing, could I suggest that there is a microphone available when people speak, because at the back we have great - well, I won't speak for everybody, but I do know several people have great difficulty in hearing some
30 of the speakers, and we don't - one doesn't like to constantly interrupt by saying, could you speak up. But some voices are much more easily heard than others, and, although, Mr Chairman, it was good to be able to hear you speak, I lost - missed a lot that was said by the speakers in the front row, all of which is very important for us to hear. As this is of such importance we do wish to
35 know what is being said, so perhaps - - -

HON CHRIS WRIGHT: Well, I think - - -

MS FERGUSON: - - - as I've been to two hearings and there's been no
40 improvement, I'm wondering if at the next public hearing could it accommodate a public - a microphone.

HON CHRIS WRIGHT: I think we have - - -

45 MS FERGUSON: Yes, we have here, but these people in the front could not be heard. I won't say - - -

HON CHRIS WRIGHT: Well, I'm sorry about that, but, as I said, a transcript

will be available - - -

MS FERGUSON: Yes.

5 HON CHRIS WRIGHT: - - - if you wish to - - -

MS FERGUSON: But, however, I - it is, as you can understand, important to hear it being said at the time - - -

10 HON CHRIS WRIGHT: Yes.

MS FERGUSON: - - - and if only - surely something can be arranged so that we can all hear it.

15 HON CHRIS WRIGHT: Yes. Well, we might have - if it's proving unsatisfactory we might have to arrange a different venue next time.

MS FERGUSON: Yes.

20 HON CHRIS WRIGHT: I believe that we've done the best we can with the public address system available here, but we'll look - I'll have that question looked into.

MS FERGUSON: Thank you very much.

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HON CHRIS WRIGHT: Thank you. Yes, at the back?

MR HUNTER: Peter Hunter. Do I address you as your Worship or your Honour?

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HON CHRIS WRIGHT: You can address me however you like. Yes, Mr Hunter?

35 MR HUNTER: Much has been said about the recent media frenzy, about the resignations of Mr Green and Dr Raverty, and I refer particularly to comments made by the Premier, in that he may not take any notice of any decisions that the RPDC make on this matter, and he may act politically to push this process through. Where does it leave this process, are we wasting our time?

40 HON CHRIS WRIGHT: Well, I can't answer what the Premier may or may not do once the process has been completed, Mr Hunter, but what I can assure you is that the panel as currently constituted will be assiduously working on this matter to the best of its ability, with a view to producing the best report that it can. If then the Premier determines that some other course should be
45 followed, that's a political decision by him which is out of our hands. It's not something that we can comment upon. I noted what the Premier said at the time. He has the right to act in the way that he said he would, if he wanted to dissent from the course that we propose, but I can't really say any more than

that.

MR HUNTER: So your decision is not binding politically on the Premier?

5 HON CHRIS WRIGHT: Well, it can't be. It can't be. Yes, sir?

MR WHISH-WILSON: Peter Whish-Wilson from the Surfrider Foundation.

10 HON CHRIS WRIGHT: Would you like to come up to the microphone, please. Yes?

MR WHISH-WILSON: Peter Whish-Wilson from the Surfrider Foundation. That's W-h-i-s-h.

15 HON CHRIS WRIGHT: Yes.

MR WHISH-WILSON: My question is on process. If we do give a representation to the RPDC panel, can you put some process in place now for giving feed back to those people who do give, for example, a representation?
20 The reason I raise the question is I sense there is a lot of people in this room who are here for either opposing or allowing the mill to go ahead, but if the mill should go ahead what process is there for community involvement, for example, in monitoring, or community involvement in the way the mill is run?
25 And some of the RPDC representations will involve matters that are quite important to the community.

HON CHRIS WRIGHT: Yes.

30 MR WHISH-WILSON: So will you have a formal process in place for giving feed back to those people who do make representations?

HON CHRIS WRIGHT: Well, all representations are publicly available to anyone else who makes representations, or even those who do not make representations. So once a representation is made it is publicly available at
35 large. Secondly, as to monitoring, part of the reporting process that will be engaged in is recommending what monitoring processes, if any, should be implemented, and how they should be governed by, for example, Government departments who have a particular obligation to be concerned in those areas of potential concern. So it's going to be a substantial part of the report in its final
40 form.

MR WHISH-WILSON: Excellent. So, just to clarify, the feed back I meant was your feed back as a panel to a particular representation to you. For
45 example, someone gives you a presentation, do you provide feed back on the spot? For example, I need more information on that point you make, or where did you reference that, or is that provided in some sort of written document afterwards?

HON CHRIS WRIGHT: I'm not quite sure that I follow that. Could you put it again?

5 MR WHISH-WILSON: Sure. If someone makes a representation to you as a panel, for example, presents a case study to you, do you go away and consider that, and then not comment on it again if it's not of relevance, or do you provide feedback to the person giving you the case study at the time? For example, that you need more information, or something that perhaps needs to be referenced, or information sent to you, or whether you think, for example, it is relevant at all to, you know, to the process?

10 HON CHRIS WRIGHT: Well, I wouldn't anticipate that we would respond individually as material comes in. That would be a very difficult process, and it would be one - that's one of the problems I've had with this material that's been placed before us just over the last few days, that I referred to when I was speaking earlier. We take it into account as evidence in the case, any submission that's made, and look at it alongside other evidence. If it's to be tested, or perhaps amplified at the public hearing stage, or we think it should, we'll notify the party who put in the representation to that effect. That would be the way I would see that would deal with it, rather than individual response at the time of it initially being submitted.

15 MR WHISH-WILSON: In relation to the monitoring in particular, perhaps at the time we make a representation we can put a formal letter to you asking that, you know, should the mill proceed that those concerns may be taken into account? Is that reasonable?

20 HON CHRIS WRIGHT: Oh certainly, yes. Yes. And if you like to suggest who ought to monitor it you can do that too. It can be as detailed, or as sparse in detail as you make it. The more detail the better from our stand point in assessing it.

25 MR WHISH-WILSON: Thank you.

30 HON CHRIS WRIGHT: Thank you. Any more questions? The gentleman in the rolled up sleeves. Yes, your name, sir?

35 MR WILLIAMS: Robert Williams.

40 HON CHRIS WRIGHT: Robert Williams.

45 MR WILLIAMS: It is just a question with regard to the question of expert witnesses, in the case of testimony of emotive nature. Will this require some sort of validation, will it be disregarded entirely, or will it be taken at face value? I ask because people's relationship with nature's intrinsic values are not readily verifiable.

HON CHRIS WRIGHT: Well, anyone can put in any submission, and it's not

for me to say what the content of that should be. If it's an area where expert opinion is going to assist or support the submission of course obviously it would be desirable to put it in. But we realise that a number of the submissions already put in, and to be put in will be based on strong emotion, and obviously
5 we'll consider that along with everything else. It won't be ignored because it's emotively based, I can assure you of that.

MR WILLIAMS: So, in other words, it won't require expert testimony to back up that this is a - - -
10

HON CHRIS WRIGHT: Oh, no. No submission requires it, but in an appropriate case it would be of assistance.

MR WILLIAMS: Right. And so I guess that points I raise then creates a grey issue of where expert testimony is required, and putting in a second
15 submission, or, in some cases, a first submission, if that person putting in the submission has misjudged that grey area, in terms of what was required as an expert testimony, they've lost their chance, as far as I've understood the future proceedings?
20

HON CHRIS WRIGHT: Well, we're not mind readers. If it's not clearly expressed we might not know there's some grey area that - - -

MR WILLIAMS: No. I'm talking about the people putting in submissions aren't mind readers, in the sense that if they didn't realise that they would
25 require testimony for a certain thing they may not provide it, and will there be a chance to add that on at a later point?

HON CHRIS WRIGHT: Well, generally speaking, we're trying to avoid that. As I said, if something extraordinary arises during the process, an application
30 for leave to call additional evidence might be favourably entertained. I don't know. I can't prognosticate on that. But I think it's for the submitter to really consider whether or not he or she wishes the submission to be supported or otherwise by an expert. I can't help you beyond that, I'm afraid, Mr Williams.
35

MR WILLIAMS: Thank you, your Honour.

HON CHRIS WRIGHT: Thank you. Now, there was another hand up over on this side a moment ago. It may be that the question's been resolved. Any
40 other questions? All right.

MS HUTCHINSON: Mr Chairman, I just have one more submission to make to you. It's really in support of the various people that have already made
45 submissions from the audience from today about the complexity of the cross-referencing and page numbering, it is - - -

MS FERGUSON: We can't hear at the back.

MS HUTCHINSON: Sorry. The document that was provided, the initial draft IIS, there has been a number of people - - -

5 HON CHRIS WRIGHT: Perhaps you could stand up and speak generally to the assembled multitude, Ms Hutchinson.

MS HUTCHINSON: There's been a number of people who have made submissions to you this morning, as to the complex nature of the initial document that was provided, the draft IIS, and my client just wishes to make a
10 further submission that when you are considering the adequacy of the supplementary information and the table that is provided to explain how the new information cross-references with the draft IIS, and in fact corrects the errors of the initial IIS, to make that more comprehensible, that you do give
15 very careful consideration to that highly complex nature of the document, and to the people who will be reading it, which includes several members of - well, hundreds of members of my client, who have experienced some very great difficulty in comprehending the very complex nature of that document.

20 HON CHRIS WRIGHT: Yes. Thank you, Ms Hutchinson.

MS HUTCHINSON: Thank you, Mr Chairman.

25 HON CHRIS WRIGHT: Well, I was aware of that in a general way in any event. Well, Mr Gobbo, I called on you to - just a moment. Yes, I've just been reminded that of course any information provided from one party to the other party must also be provided to the panel, so that we're keeping abreast of what's going on between the parties, and with the process generally. Yes, thank you for that. Yes?

30 MS TILLACK: Sorry, I just have the one question.

HON CHRIS WRIGHT: Yes.

35 MS TILLACK: Can I do it from here?

HON CHRIS WRIGHT: Well, that was a pretty good microphone last time. It might work again this time.

40 MS TILLACK: I'll just lean over. Sir, my name is Gemma Tillack. I just wanted to make a personal suggestion or request. In the last assessment process it actually took me six weeks to get a paid copy of the IIS from Gunns Limited. This time around I would just like to request that there would be quite a large number of hard copy printed out versions of the supplementary IIS, as well as the original IIS available for the public, and that those copies
45 weren't just individual copies available at libraries, but that they could actually be picked up from the proponent. The last time we actually had to pay \$70 for a printed out version of the IIS, which was obviously very expensive, and in my work with the community I actually noticed that a lot of people were

actually disadvantaged, because they, you know, it took them four or five weeks to even get a copy of the Integrated Impact Assessment.

HON CHRIS WRIGHT: Yes.

5

MS TILLACK: So if you could put that question to Gunns Limited to maybe carry the costs of ensuring the IIS is available for the public, in both electronic and hard copy form, and just a personal request that it's actually printed on recycled or totally chlorine free plantation paper.

10

HON CHRIS WRIGHT: Yes. Ms Tillack, I was just looking at a list of the public viewing locations for the draft IIS that was provided by Gunns earlier on, and it is available at a large number of places, and of course the supplementary documents will be, I assume, available at the same places, gentlemen. And I can understand your concern. It wouldn't immediately appear to me that Gunns charging \$70 for a copy of the original material was excessive. It's a huge product.

15

MS TILLACK: I think it's easy to go to a library, just spend a few hours referencing, or having a quick look at the IIS, but, you know, this was a 7000 page document. Now, if you actually wanted to spend a considerable amount of time, be it 42 days assessing it, you can't expect someone to take their time away from work to go and to be able to gather that information, to look into further evidence and resources, to be able to provide the evidence that you guys are requesting in your personal submissions.

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I found that within my own work hard to find that extra time, and, you know, to be able to find the \$70. And even when I did request to pay for it from Gunns it actually took them six weeks to get back to me, and there may have been some confusion, because we did make some, you know, quite a lot of requests for CDs, but for me personally I put up \$70 and it took six weeks to get that copy. So I don't know how many people that happened to, but I just want to make sure it doesn't happen again to someone else.

30

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HON CHRIS WRIGHT: Yes. Ms Tillack, I'm advised that the entirety of the original draft IIS is available at Gunns website. I don't know if you're computer literate or not. I'm not, and I like to read it in the hard copy, I must say, but I understand it is available there, and of course as soon as we've reached the point of certifying it appropriate for public exhibition, I imagine the supplementary draft material will also be available in a similar way. Will that address your problems in any way, or is it still a difficulty?

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MS TILLACK: Yes, it's still quite difficult. The last IIS, when you download it, you have to download it on a section by section basis, so if you have to refer, for instance, you know, to section 3 about roading, or, you know, find a section 1 document, you had to download them all individually. My laptop was able to handle it, which was - you know, which was a positive for me, but people that are working from a PC at home I think would find that quite labour

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intensive, and, you know, just the time that's involved in the cross referencing that's involved, so I don't think that the web site provided free access to people, and, you know, it wasn't a user friendly way. You couldn't do key word searches, or anything like that on the document, to my knowledge. You
5 couldn't cut and paste from it in your own submissions.

Like, there's heaps of, just in my personal view, restrictions on the ability for that to be readable, and, you know, for you to actually freely access parts of the IIS, and, you know, I do have a science background, so I was - you know, I am
10 able to do that in my own unit, in my life, and with my abilities, but, you know, if you're saying that this process is open to all Tasmanians, like, a lot of Tasmanians, and rural Tasmanians especially, don't have the broadband system that I operate on. And, yes, I just think that that freedom of access to the information is important, the freedom of access to the appendices in the IIS,
15 which wasn't available to me within my work, and the freedom of people on the mainland to also access this document, apart from going to Gunns own website, you know, you just - yes, just if it's going to be a free process I think
.....

20 HON CHRIS WRIGHT: Did I understand that you earlier said that you applied for a hard copy and it took a long time for it to be provided?

MS TILLACK: Yes. I - - -

25 HON CHRIS WRIGHT: What length of time are we talking about there?

MS TILLACK: Pardon?

HON CHRIS WRIGHT: What length of time did you mention?
30

MS TILLACK: A six week period. Firstly I called up to order some, as you do.

HON CHRIS WRIGHT: That's all right. I certainly think that Gunns really
35 ought to have available - - -

MS TILLACK: Yes.

HON CHRIS WRIGHT: - - - hard copies to people who want to purchase
40 them, but available immediately.

MS TILLACK: I went to their head office as well, and asked to buy one over the counter, and they said that the person that I had originally called would send one out to me. And just for clarity's sake, I do work for the Wilderness
45 Society, so I had requested some on behalf of the organisation that I work for. But these were personal requests that I made for my own copies, to do it in my own time, and they are the copies that never came to me.

HON CHRIS WRIGHT: Yes.

MS TILLACK: I actually never got those copies, but after six weeks I just
- - -

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HON CHRIS WRIGHT: Yes. Well, I'm sure Mr Gobbo - - -

MS TILLACK: Thank you.

10 HON CHRIS WRIGHT: - - - and Mr Finanzio have taken on board what
you've said, and I imagine that they'll use their best endeavours to ensure that
copies are readily available if required in future. Mr Gobbo, would you pass
that back. Thank you. Yes, sir, would you like to come forward, sit down, and
use the mike?

15

MR WILSON: My name's Paul Wilson, and I just wanted to say thank you for
the opportunity to raise some questions. I think we've seen that there's
interesting ideas and information coming to light from this, and having the
public being more involved in the process. I just wanted to ask if you'll be
20 continuing this procedure for the subsequent directions hearings you'll be
holding.

HON CHRIS WRIGHT: Well, it's certainly my intention to do so, yes.

25

MR WILSON: Okay.

HON CHRIS WRIGHT: It's obvious that the public has to have every
opportunity to become involved, and I see this as the appropriate way of doing
that.

30

MR WILSON: Great. Thanks again.

HON CHRIS WRIGHT: Thank you. Yes, madam?

35

DR PETROVSKY: Dr Kathleen Petrovsky. The original hearings - - -

HON CHRIS WRIGHT: Perhaps you could come forward and use the
microphone, could you, Doctor? Perhaps you could come around the front and
just stand there with the mike, or sit down at the other - seated if you wish to.
40 You prefer that?

DR PETROVSKY: I was originally concerned that I didn't feel the IIS dealt
with the wider problems of forestry clearing, and its resultant effect on the
water supply of Launceston. I feel the world has even moved on a notch in the
45 past few months since the hearing. I now want to ask you, are you going to
consider the effects on Tasmania, not only of the water quality, and the water
supply of the forest clearing, but also of the carbon emissions that will come
from this mill, and perhaps what our future duties are to the world, and to - if

we get a change of Government in November, the signing of the Kyoto Protocol.

5 HON CHRIS WRIGHT: I doubt that we will be ranging that far, Dr Petrovsky, but plainly the question of timber supply and its effect upon the environment will be a factor in this; a significant factor, I have no doubt.

DR PETROVSKY: Well, I would - - -

10 HON CHRIS WRIGHT: I'm having difficulty telling you about this or speaking about this because, as I say once again, I have not read the material yet and I need to. Whether it has been dealt with in detail - - -

DR PETROVSKY: It was certainly - - -

15 HON CHRIS WRIGHT: - - - or less than adequate detail I don't know at this stage.

DR PETROVSKY: I'm sorry. None of this was dealt with originally.
20 Whether the new material deals with any of this I rather doubt. But we would suggest very strongly that it should.

HON CHRIS WRIGHT: Whether or not it does, if you want to raise it as an issue during the public exhibition period, you can put in a submission about it.

25 DR PETROVSKY: Yes, I will. Thank you.

HON CHRIS WRIGHT: Thank you. Yes, lady at the back? Yes, just be seated and give us your name would you please, madam?

30 MS CLARIDGE: Pam Claridge, a member of the public. I just wish to know whether - to have it clarified about our previous submissions, whether they were effectively draft submissions, like Gunns own IIS, and whether, if we don't replace them with a new one, the original will be lost, or is it still going to
35 be on record? Have I - - -

HON CHRIS WRIGHT: No. I frankly found it something of a misnomer to call it a draft IIS because it's essentially the vehicle in which the Gunns case is being presented.

40 MS CLARIDGE: If I don't write a second one, if the original - - -

HON CHRIS WRIGHT: If you don't write a second one will we take notice of what you responded to in the first place?

45 MS CLARIDGE: Does it still stand, the previous one? Is it still acceptable as a submission? Is it still there?

HON CHRIS WRIGHT: Oh, certainly. Yes, certainly. Oh, it's all there, all to be read.

MS CLARIDGE: That was all, thank you.

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HON CHRIS WRIGHT: Thanks very much. All right. Yes, come forward. Yes, just take a seat, madam; give us your name, please?

MS THOMAS: My name is Cathy Thomas. I'm - I think one of the issues for myself, living on the Tamar Valley, is that we're being asked to assume a risk of living near a pulp mill, and I think, from my perspective, if the RPDC panel chooses that this has got an overall net gain to Tasmania, what is going to happen to the people that are actually assuming the risk, because there are very clear differences between the people who are actually getting a reward from this pulp mill and those people that are assuming the risk, and is there a process by which there can be some sharing of the risk that people are assuming and those people that are getting the reward?

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HON CHRIS WRIGHT: Well, of course, that is the perennial tension in this sort of environmental investigation. I think the short answer to your question is, the only solution that I can see that might be of assistance to you would be a political solution, but I don't imagine that there's any legal means whereby compensation can be awarded if that's the sort of thing you're talking about. Approval of the mill wouldn't, in my limited experience of land acquisition matters, amount to an acquisition of property, but the High Court is always receptive to novel propositions. You might be able to persuade them as to that. I'm not trying to be facetious. It's not something I can answer. It would appear to me on first blush to be a political solution really. Thank you.

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MS THOMAS: Thank you.

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HON CHRIS WRIGHT: Well, Mr Gobbo, I know you chose to remain silent at the beginning. Is there anything, having heard from the members of the public, that you would like to say?

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MR GOBBO: Not unless we can be of assistance to the panel, sir.

HON CHRIS WRIGHT: Yes, all right. Thank you very much. All right. Well, thank you very much. We will take on board those matters that have been raised and we will take this forward as best we can and as quickly as we can, applying the principles that I earlier outlined. And with that, I will declare this meeting closed.

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MR M. WRIGHT: Will the panel be issuing formal directions?

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HON CHRIS WRIGHT: Beg your pardon?

MR M. WRIGHT: Will the panel be issuing formal directions?

HON CHRIS WRIGHT: I don't see that it's necessary, Mr Wright, but if you submit that it is, we might need to consider that.

5 MR M. WRIGHT: There were just some of the matters we mentioned, like any access to the site and so on - - -

HON CHRIS WRIGHT: Well, I said I'd consider that and the panel is also interested in getting access, but that can be dealt with as a separate issue as we
10 go forward. It's not going to prolong the issue. Just a question of how and when a sufficient number of us can be given access, and we agree in advance what the limitations might be of that inspection process. It may be that the general consensus is that we should leave it until the commencement of the hearing, like a view in a litigious trial, but I can see benefit in doing it before
15 that step in the process.

MR M. WRIGHT: It's just that we may have advisers who need to get on to the site in order to prepare their material.

20 HON CHRIS WRIGHT: Well, that's another matter. I think you should take that up, in the first instance, with Gunns. If you don't receive a satisfactory response, take it up with the panel and we'll have another one of these hearings.

MR M. WRIGHT: We have already taken it up with Gunns and we have got
25 no response, that's the problem.

HON CHRIS WRIGHT: That might have been put in the wrong basket, Mr Wright, I don't know. You had better take it up with them again.

30 MR M. WRIGHT: We'll proceed on the basis of that charitable view for the time being.

HON CHRIS WRIGHT: Yes. All right. With that, thank you. The directions hearing is now terminated.
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ADJOURNED INDEFINITELY

[12.45pm]