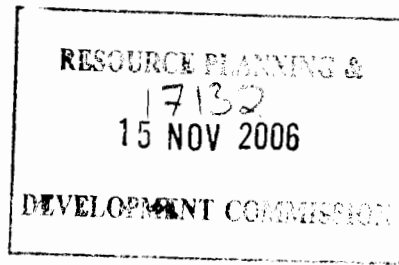


Pulp

Freehills

Fax

**Bell Bay Pulp Mill  
Response to Greens' submission**

Matter Proposed mill

From Tim Power 15 November 2006  
 Phone +61 3 9288 1484 Ref: Tim Power:42249  
 Fax +61 3 9288 1567 Mobile 0419 104 681  
 tim.power@freehills.com

Pages 20

To Executive Commissioner Copy To Mr Michael Brett  
 Resource Planning & Development Commission Barrister at Law  
 Phone 03 6233 2506 Phone 03 6333 0244  
 Fax 03 6233 5400 Fax 03 5333 0387

Dear Mr Green

**Response to the Greens' submission**

We refer to your invitation to our client, Gunns Limited, to make submissions in response to the Greens' request for information set out in their letter of dated 31 October 2006.

Gunns responds as follows:

**1 TAPM input data**

At the directions hearing Gunns advised the panel and the parties that it had no objection to TAPM input data being made available to the Commission and to the Greens.

Since the directions hearing, Gunns has sought to accumulate that material in anticipation of the Greens submission in order to be in a position to provide the material to the parties and the Commission expeditiously.

The relevant material falls into two categories:

- TAPM files developed by CSIRO; and
- TAPM files developed by GHD and Pacific Air and Environment.

**1.1 TAPM files developed by the CSIRO**

Gunns consents to an order requiring production of these files, but in doing so it is important to note the following matters:

If you are not the intended recipient:

- please phone the sender immediately (reverse charges)
- you must not disclose or use the information

101 Collins Street Melbourne VIC 3000 Australia  
 Telephone +61 3 9288 1234 Facsimile +61 3 9288 1567 [www.freehills.com](http://www.freehills.com)

- most of the meteorological, biogenic and domestic emission files were developed by CSIRO and accompany the TAPM program, although the default TAPM data was in some instances replaced with more detailed information; and
- Pacific Air and Environment also adjusted the TAPM meteorological solutions to more accurately reflect measured hourly wind data assimilation from air quality monitoring stations at Launceston airport, Ti Tree Bend and Rowella.

The measured wind data that was utilised by Pacific Air and Environment in adjusting the TAPM meteorological simulations should also be provided for completeness.

## 1.2 TAPM files developed by GHD and Pacific Air and Environment

A further file was developed by GHD and Pacific Air and Environment using the format described in section 4.2 of the CSIRO TAPM User Manual (April 2005).

This file contained the following information:

- estimated emissions from the proposed pulp mill; and
- emissions from other Bell Bay industries.

Gunns' requests for the Bell Bay industrial emission data from DPIWE were refused. The data was then sought from the Bell Bay industries directly. Accordingly, the TAPM file for industrial emissions is based on emissions data provided by a number of other Bell Bay industries (namely Carter Holt Harvey, Comalco Aluminium Limited, Ecka Granules, Temco and BBP Pty Ltd).

All of the Bell Bay industries, with the exception of Carter Holt Harvey, agreed to provide Gunns with their emission data on the express proviso that the data would be kept confidential. Accordingly, Gunns, GHD and Pacific Air and Environment each signed confidentiality agreements with those companies.

While Gunns itself has no concern about providing the Bell Bay emission data to the Commission and to the public, neither it nor its consultants are able to disclose that material without breaching undertakings given to the Bell Bay industries concerned.

Gunns has written to each of the Bell Bay industries seeking their urgent consent to Gunns providing this data to the Commission and to the parties, and copies of that correspondence is at Annexure C. We are instructed that BBP Pty Ltd has responded by consenting to the disclosure of their data, and Comalco Aluminium and Temco have responded by refusing consent. Responses from the other two companies have not yet been received.

It is submitted that:

- it would be, in the circumstances, inappropriate for the Commission to order that Gunns produce the data in contravention of its binding confidentiality undertakings; and
- the Commission has broad powers of inquiry that include the ability to require the production of information from third parties, such as the Bell Bay industries, if it considers that the data will assist in its assessment of the project.

## 2 Economic information

### 2.1 Responses to Annexure B to the Greens' submission

The specific information sought by the Greens is set out in Annexure B to the Greens' letter. Attached to this submission and marked Appendix A is an itemised response to the requests for information in Annexure B to Mr Brett's letter.

It will be clear from Appendix A that Gunns consents to the production of some of the information sought by the Greens, but there are other matters in relation to which Gunns objects to any order requiring production of certain material.

Where information is provided in answer to the Greens' request, it is based either on our client's instructions or upon the advice of Mr Jon Stanford of Insight Economics (formerly Allens Consulting).

The following submissions set out in detail the reason for our client's opposition to the production of certain material sought by the Greens.

## 2.2 The Commission's natural justice obligations

### (a) Scope and content of the duty

The Greens contend that they would be denied natural justice if they are not given access to the information sought.

This contention should be rejected.

It is acknowledged that the Commission is required to give natural justice to all parties to the hearing. This requirement translates to a duty to act fairly or to accord procedural fairness to the parties: *Wiseman v Boreman* [1971] AC 297 at 308 and 309; *Bushell v Secretary of State for Environment* [1981] AC 75; *Kioa v Minister for Immigration and Ethnic Affairs* (1985) 62 ALR 321 at 346.

The scope or extent of the Commission's duty is determined by reference to the circumstances of the case, including the nature of the inquiry, the subject matter, and the rules under which it is acting: *R v Commonwealth Conciliation and Arbitration Commission; Ex parte Angliss Group* (1969) 122 CLR 546 at 552-553; *National Companies and Securities Commission v News Corp Pty Ltd* (1984) 52 ALR 417 at 427-28, 434; *Kioa v Minister for Immigration and Ethnic Affairs* (1985) 62 ALR 321 at 346-347.

The following comments of Mason J in *Kioa* (at 347) are particularly relevant:

'the expression "procedural fairness" more aptly conveys the notion of a flexible obligation to adopt fair procedures which are appropriate and adapted to the circumstances of the case. The statutory power must be exercised fairly, that is, in accordance with procedures that are fair to the individual considered in the light of the statutory requirements, the interests of the individual and the interests and purposes, whether public or private, which the statute seeks to advance to protect or permits to be taken into account as legitimate considerations....

The critical question in most cases is not whether the principles of natural justice apply. It is: what does the duty to act fairly require in the circumstances of the particular case?'

The reliance by one party upon commercially sensitive information to assist in the preparation of its evidence does not amount to a waiver by that party of its interest in maintaining the confidentiality of that information, nor does it form a proper basis for an allegation that a refusal to disclose the material *per se* necessarily results in a denial of procedural fairness.

What is required in each case is an assessment to determine whether, by being refused access to the confidential information, a party is actually denied its opportunity to participate fairly in the process: *Ansett Transport Industries Ltd & Anor v Secretary, Department of Aviation* (1987) 73 ALR 205.

### (b) Balancing competing interests

In this case, the Commission is required to strike a fair balance between the competing interests of the party seeking inspection and the party claiming confidentiality.

To do this, the Commission must weigh the risk of disadvantage/prejudice to the Greens if they are deprived of their opportunity to review the financial projection data against the prejudice to Gunns if the information is made available to the public.

It is submitted that, on a proper analysis, the Greens' request should be rejected because:

- Gunns would be prejudiced, as customers and competitors would gain a market advantage in knowing the cost structure for the project;
- the economic assessment in Appendix 16 of the draft IIS, read in conjunction with the clarification of some of the model assumptions set out in Appendix A to this letter, provides a comprehensive economic impact assessment of the project sufficient for the Greens to prepare its case; and

- it remains open for Mr Wadsley and the Greens to demonstrate in evidence before the hearing that the economic analysis is flawed and that Gunns has not adequately assessed a 'worst case' scenario.

In forming this view the Commission must have regard to the:

- confidential nature of the information and the prejudice that would flow if the information is released.
- nature of the request; and
- utility of undertakings not to disclose the information given by the parties seeking access to the confidential material.

### 2.3 The commercial sensitivity of the information

The Greens argue that the financial projection data is not commercially sensitive. This assertion is wrong.

The financial model for the project includes forecast construction and operational costs, and revenue over the life of the project. If this information was made publicly available, Gunns could be disadvantaged in any or all of the following ways:

- if its customers became aware of the cost structure of the pulp mill, including Gunns' margins and forecast profits, it would be at a severe disadvantage in negotiating a commercially viable price for the pulp forever. Obviously, this would irreversibly affect Gunns' rate of return and hence the viability of the project,
- if its competitors became aware of Gunns' margins and forecast profits, they could use that information to structure their own pricing arrangements to become more competitive with, or even undercut, Gunns' pulp prices. This also would have irreversible implications for the rate of return for, and viability of, the project; and
- if the information is made available to the public, Gunns would contravene the continuous disclosure requirements of ASX Listing Rule 3.1 unless the information was first made available to the market. This would have very serious legal implications for Gunns as it would be in breach of the ASX Listing Rules, and as a result, the *Corporations Act (Cth) 2000*.

There can be little doubt that the material sought by the Greens falls within what the courts have described as commercially sensitive information – namely material 'that a rival in the market place who obtains access to it may turn the material to the advantage of that rival and to the disadvantage of the party who seeks to keep it secret': *Mobil Oil Australia Ltd & McDonalds Australia Ltd v Guina Developments Pty Ltd* [1996] 2 VR 34 and 39; *Mackay Sugar Co-operative Association Ltd v CSR Ltd* (1996) 63 FCR 408; *Hotrox Charcoal Co v Gebauer Nominees Pty Ltd* [2002] WASC 293; *Seven Networks Ltd v News Ltd* (No. 3) BC2004/04051.

### 2.4 The nature of the request

Annexure B of the Greens' letter is an email from Mr Alex Wadsley to Gunns which seeks an opportunity 'to review the financial analysis of the project, and in particular, estimates of revenue and cost components, including:

1. MRETS
2. Power Generation
3. Pulp premium's (*sic*) or discounts and the reference price benchmark'

As far as can be gleaned from Annexures B and C of the Greens' letter, the only basis upon which this information has been requested is that Mr Wadsley would find it 'useful'.

Annexure D, which according to the Green's letter is meant to explain why this information is important, explains that this information is needed to:

- establish that the economic modelling of construction risk was 'based on a reasonable worst case scenario';

Freehills

## 2 Economic information

- review assumptions regarding RECs; and
- review assumptions regarding electricity supply.

At the outset, and without limiting the grounds relied upon in opposition to the request made by the Greens, we observe that:

- despite not having the information requested, Australian Risk Audit has modelled what it submits is the 'worst case scenario' in Volume 2b of the Greens' submission. It has not been made clear how the provision of additional information from Gunns' financial model would add to this 'worst case scenario' analysis;
- the financial model has been prepared for the purpose of allowing Gunns to make an informed decision on the commerciality of the project, and to assist prospective lenders in their deliberations on whether or not to finance the project. This is of itself a compelling reason to infer that the model is reliable;
- while the financial assumptions regarding the value of RECs is commercially sensitive, the forecast average annual value of RECs is openly disclosed in Appendix 16 of the draft IIS;
- the draft IIS also assumes that the generation of electricity at the mill would be an 'eligible renewable energy source' for the purpose of the *Renewable Energy (Electricity) Act 2000* (Cth), and hence will be able to generate RECs; and
- Gunns has assumed that electricity generated at the mill will be connected to the grid, and be available for sale on the national electricity market.

The Greens' economic assessment is entirely reliant upon the reports prepared by Australian Risk Audit at Volume 2 of its submission to the draft IIS. It has not advanced any cogent reason to demonstrate how it could meaningfully use Gunns' financial model for the project. Put simply, it has provided no explanation as to how the Greens would benefit from having this information, or indeed how the presentation of its case, based upon its own evidence, would be prejudiced.

## 2.5 Confidentiality undertakings

The Greens and its advisers have indicated a preparedness to give confidentiality undertakings in respect of the financial and revenue model.

It is submitted that:

- there is considerable doubt as to whether the Commission has the power to compel the giving of an undertaking, and if so whether it has the power to impose sanctions for the failure to observe the terms of an undertaking; and
- even it has both the power to require and enforce undertakings, there is considerable doubt as to the utility of any such undertaking in the circumstances of this case.

### (a) Powers of the Commission

It is true that the giving of undertakings is a relatively common procedure in court proceedings. However, in such cases the undertakings were variously required to be provided to the court by the litigants, their counsel, and the expert. Failure to comply with an undertaking to court is a contempt, punishable by very severe penalties. There is therefore a compelling reason for the person providing that undertaking to adhere to it.

The Commission has the power to hear evidence *in camera* and compel the production of documents and information. However, it does not appear to us to have the power to compel a person to give an undertaking, nor punish that person for contempt if the undertaking is breached. Consequently, the severe adverse consequences for an expert witness in breaching a court undertaking would not, it appears to us, apply to a breach of an undertaking given by a person to the Commission.

If, instead of relying on an undertaking to the Commission, Gunns entered into confidentiality agreements with each party and that agreement is breached (inadvertently or otherwise), Gunns' only recourse would be to recover damages arising from the breach in the courts.

In Gunns' submission, this is entirely unsatisfactory. Once the information is released into the public domain, the commercial damage is effectively done and damages would not be an adequate remedy.

It would be unfair and unreasonable to direct Gunns to provide commercially sensitive information to a party to the Commission's hearings when:

- there is no criminal or other sanction against the person who discloses the information to a third party, inadvertently or otherwise; and
- Gunns' only redress would be through legal proceedings in the courts against the person who disclosed the commercially sensitive information.

(b) Assuming the Commission has power

Assuming for the sake of argument that the Commission has the power to require and enforce undertakings of the kind proffered, and accepting that the personal undertaking of counsel is a very serious matter (and in no way suggesting that such an undertaking might not be observed by Mr Brett or, for that matter, Mr Wadsley), it is our submission that the circumstances of this case provide little comfort that the material will remain confidential because:

- the principal expert adviser is not independent, but is instead a long standing member of an interested party in the hearing; and
- any undertaking from the Greens itself as an organisation is meaningless in the circumstances.

#### **Mr Wadsley**

In the context of discovery in court proceedings, the courts have found that commercially sensitive information can be provided to litigants and their consultants, provided the consultant is genuinely independent and provides binding confidentiality undertakings to the court. However, there are two qualifications to this case authority:

- the information should only be provided to a genuinely expert witness who is unlikely to be put in a position where the confidential information will be used or disclosed (inadvertently or otherwise): *Mobil Oil Australia Ltd & McDonalds Australia Ltd v Guina Developments Pty Ltd* [1996] 2 VR 34 ; *Hotrox Charcoal Co v Gebauer Nominees Pty Ltd* [2002] WASC 293. Such a witness is someone whose evidence is, and is seen to be, 'an independent product of the expert uninfluenced as to formal content by the exigencies of litigation': *National Justice Compania Naviera SA v Prudential Assurance Co (Ltd) The Ikarian Reefer* [1993] No 2 Lloyds Rep 68 at 81 citing *Whitehouse v Jordan* [1981] 1 WLR 246 at 256. ; and
- confidential information, once given to someone, cannot readily be forgotten. Accordingly, where a witness in his or her professional work is vulnerable to using or disclosing information in spite of their best intentions and legal obligations, caution should be exercised before deciding whether that witness should be given access to the confidential information: *Hotrox Charcoal Co v Gebruer Nominees Pty Ltd* [2002] WASC 293 at paras 48-56.

We understand that Mr Wadsley is a PhD student in economics at the University of Tasmania. He also describes himself as being a principal of Australian Risk Audit, which had been requested to review the economic 'and other risk issues' associated with the project. Australian Risk Audit is the author of Volumes 2a and 2b of the Greens' submission.

He is also, by his own admission, a long standing member of the Greens. Accordingly, in our submission Mr Wadsley simply cannot be considered an independent expert witness.

Even if Mr Wadsley's membership of the Greens by itself was not enough, the Commission's attention is drawn to Mr Wadley's email to the Commission of 15 September 2006 (Annexure C to the Green's letter). The email contains Mr Wadsley's response to our client's refusal to provide the information sought by him. In our submission it is not the response of a

dispassionate independent expert, but instead a caustic and unbalanced attack upon the 'the credibility of the [Allens Consulting] report, the proponent and the process'. It was an attack in circumstances where, it is open for the Commission to infer, any reasonable, fair minded and independent economist in the position of Mr Wadsley should have known that there might have been at least the prospect that the material that he had sought was sensitive, and that there might be legitimate reasons for resistance to disclose that material.

### **The Greens**

The Greens is a political party. Its members are comprised of politicians, politicians' staff, and rank and file members. An undertaking from a large political party, whose vehement and public opposition to the project has pre-dated the publication of the draft IIS, would in our submission be meaningless. In our submission it is impractical for a large and diverse political party to prevent the disclosure of Gunns' commercially sensitive information, whether by design or by accident, and once it is the viability or commerciality project could be irreversibly affected.

### **2.6 Alternative arrangements**

As the Commission pointed out at the directions hearing, despite the adversarial nature of the hearings brought about by the Greens' opposition to the project, the Commission's integrated assessment of the project is fundamentally an inquisitorial process.

If the Commission wishes to test the reliability of Gunns' economic assessment, Gunns would reluctantly consent to a direction to provide the financial data to it and to its consultants provided:

- the Commission and its consultants signed a confidentiality agreement with Gunns;
- prescriptive protocols were put in place regarding the provision, handling, copying, conveyance (by email or otherwise) and return of the confidential data at the conclusion of the integrated assessment process; and
- any publicly available report or other output arising out of the review does not contain, or allow a conclusion to be reached in regard to, the financial model for the project.

We would be happy to provide you with further information about the type of protocols we would propose if the Commission decides to adopt this course of action.

### **3 Apprehended bias application**

We do not consider that the Greens have made out a case for the disqualification of Mr Raverty from the Commission.

We have been provided with the opportunity to review the very thorough submissions of counsel assisting the Commission, and we adopt those submissions and do not wish to add anything further.

Yours sincerely



**Tim Power**  
Partner  
Freehills

+61 3 9288 1484  
0419 104 681  
[tim.power@freehills.com](mailto:tim.power@freehills.com)

Enc.

## APPENDIX A – Responses to Annexure B of Mr Brett's letter

**1 Investment costs****1.1 Commercial in-confidence information**

Gunns submits that the following requests seek commercial in-confidence information that is fundamental to, and reveals the sensitivity of, Gunns' financial model, margins and profit forecasts for the project:

- labour costs;
- steel costs;
- contingencies; and
- the accuracy of the assessment.

In regard to the request relating to the 'overall assessment' of the accuracy of the financial model, we are instructed to advise the Commission that Gunns and its advisors had regard to a range of sources of information that were used, by Gunns' advisors, to develop the financial model. That financial model was used by Gunns to decide on the commerciality of the project, and is provided to prospective financiers.

**1.2 Foreign currency assumptions**

The MMRF-Green modelling and economic assessment undertaken by Allens Consulting assumes that all of the finance for the construction of the project will be sourced from overseas (even if the lender is an Australian institution).

Consequently, there has been no compensating reduction in investment elsewhere in Australia.

In addition, there are the following implications:

- because funding will be sought from overseas, during the construction phase of the project there will be an increase in capital inflow and accompanying deterioration in the current account balance; and
- once the pulp mill starts operating, it is assumed that nearly all of the output of the mill is exported. However, because of the constraint on the availability of logs, the increased export from the new mill will be partly offset by reduced exports of woodchip. Overall, there will be an improvement in the balance on trade account, while the balance on income account deteriorates due to repayment of monies borrowed for the construction and payment of dividends to foreign shareholders of Gunns.

**1.3 Alliance arrangements**

We are instructed that the contractual arrangements between Gunns, Macmahon and John Holland are commercial in confidence and each party is subject to express confidentiality obligations in those contracts. Risk sharing and incentive arrangements between the parties are a private commercial matter, and our client cannot see how this can be relevant to assessing the economic impacts of the project overall.

## 2 Financial analysis of revenue

Our instructions are that this proprietary information is commercially sensitive. We submit in the strongest possible terms that it is inappropriate to make a direction requiring this revenue information to be disclosed to the Commission without robust confidentiality arrangements being put in place, and should not be provided to other parties in any circumstances, despite the offer to sign a confidentiality agreement.

Further submissions on this matter are at part 2 of the accompanying facsimile.

## 3 Key assumptions for the MMRF-Green modelling simulation

### 3.1 Financial analysis used in the development of the model

For the reasons referred to above and explained more fully at part 2 of the accompanying facsimile, this is commercially sensitive information. Gunns submits that it should not be directed to provide this information to the Commission unless robust confidentiality arrangements are put in place, and should not be provided to other parties in any circumstances. There is a detailed description of the model assumptions at Appendix B of Volume 16.

### 3.2 Assumed trade elasticities for international and interstate imports and exports

This information is set out in the spread sheet at Annexure B.

### 3.3 Assumptions for wage-mobility responses and rates of decay back

The economic assessment assumes at the national level that full adjustment in a labour market occurs after around eight years. In other words, eight years after the final exogenous shock, all of the national-labour-markets effects of the project will be revealed as a change in the national real wage rate rather than as a change in national employment.

## 4 Employment

### 4.1 Construction phase employees

As is typical of a project of this size, the draft IIS assesses a conceptual design of the project. Hence, the estimates of the number of construction phase workers on pages 27-30 of the Allens Consulting report are also estimates based on Jaakko Poyry's experience in designing pulp mills around the world.

No attempt has been made in the draft IIS to estimate the expected experience and qualification mix of construction phase workers, nor is this level of detail typical for an impact assessment of a project of this size and scale.

The proposed mitigation strategies described at Appendix B of the social impact assessment report at Appendix 10 may be of some relevance or assistance to Mr Wadsley.

### 4.2 Chemical plant employees

The reference to chemical plant employees being 'outsourced' reflects the possibility that the chemical plant may be operated by a company other than Gunns, with a recognised track record and experience in managing these operations.

There are no contracts or commitments between Gunns and any other company to design and operate the chemical plant. No such contract is expected to be entered into until the project is approved, as more than one option for the chemical plant is being considered by Gunns (see section 6.3.4 of Volume 1B and section 3.8.3 of Jaakko Poyry's report at Volume 6 of the draft IIS).

APPENDIX B – Trade elasticities spreadsheet

## Interstate import demand elasticities

|                 |      |
|-----------------|------|
| 1 Agriculture   | 7.7  |
| 2 Forestry      | 10.0 |
| 3 IronOre       | 2.5  |
| 4 NonIronOre    | 2.5  |
| 5 BlackCoal     | 2.5  |
| 6 Oil           | 10.0 |
| 7 NatGas        | 0.0  |
| 8 BrownCoal     | 10.0 |
| 9 Food          | 5.6  |
| 10 TCF          | 14.7 |
| 11 Woodpaper    | 8.8  |
| 12 Chemicals    | 9.1  |
| 13 PetrolAuto   | 2.0  |
| 14 AvGasoline   | 2.0  |
| 15 AvTurbine    | 2.0  |
| 16 Diesel       | 2.0  |
| 17 LPG          | 2.0  |
| 18 PetrolOther  | 2.0  |
| 19 Nmet_prods   | 4.4  |
| 20 Cement       | 3.8  |
| 21 Steel        | 4.1  |
| 22 AlumMagnes   | 5.0  |
| 23 OthMet_prods | 8.7  |
| 24 CarsParts    | 26.0 |
| 25 Other_man    | 6.2  |
| 26 ElectBlack   | 0.0  |
| 27 ElectBrown   | 0.0  |
| 28 ElectGas     | 0.0  |
| 29 ElectOil     | 0.0  |
| 30 ElectHydro   | 0.0  |
| 31 ElectBiom    | 0.0  |
| 32 ElectBgas    | 0.0  |
| 33 ElectSolar   | 0.0  |
| 34 ElectWind    | 0.0  |
| 35 ElectSupply  | 20.0 |
| 36 UrbanGasDis  | 0.0  |
| 37 Water        | 0.0  |
| 38 Construction | 0.0  |
| 39 TradeHotels  | 0.0  |
| 40 RoadDirect   | 0.0  |
| 41 RoadFreight  | 0.0  |
| 42 RailDirect   | 0.0  |
| 43 RailFreight  | 0.0  |
| 44 WaterDirect  | 10.0 |
| 45 WaterFreight | 10.0 |
| 46 AirDirect    | 10.0 |
| 47 AirFreight   | 10.0 |
| 48 OtherTrans   | 0.0  |
| 49 Communic     | 0.0  |
| 50 FinBusServ   | 0.0  |
| 51 Dwelling     | 0.0  |
| 52 PubServ      | 0.0  |
| 53 OthServ      | 0.0  |
| 54 PrivTranServ | 0.0  |

New paper mill

0.0

## Foreign export demand elasticities

## Import substitution elasticities

|                 |       |     |
|-----------------|-------|-----|
| 1 Agriculture   | -5.0  | 1.5 |
| 2 Forestry      | -5.0  | 2.0 |
| 3 IronOre       | -5.0  | 0.5 |
| 4 NonIronOre    | -5.0  | 0.5 |
| 5 BlackCoal     | -5.0  | 0.5 |
| 6 Oil           | -5.0  | 2.0 |
| 7 NatGas        | -5.0  | 2.0 |
| 8 BrownCoal     | -5.0  | 2.0 |
| 9 Food          | -5.0  | 1.1 |
| 10 TCF          | -5.0  | 2.9 |
| 11 Woodpaper    | -20.0 | 1.8 |
| 12 Chemicals    | -5.0  | 1.8 |
| 13 PetrolAuto   | -5.0  | 0.4 |
| 14 AvGasoline   | -5.0  | 0.4 |
| 15 AvTurbine    | -5.0  | 0.4 |
| 16 Diesel       | -5.0  | 0.4 |
| 17 LPG          | -5.0  | 0.4 |
| 18 PetrolOther  | -5.0  | 0.4 |
| 19 Nmet_prods   | -5.0  | 0.9 |
| 20 Cement       | -5.0  | 0.8 |
| 21 Steel        | -5.0  | 0.8 |
| 22 AlumMagnes   | -5.0  | 1.0 |
| 23 OthMet_prods | -5.0  | 1.7 |
| 24 CarsParts    | -5.0  | 5.2 |
| 25 Other_man    | -5.0  | 1.2 |
| 26 ElectBlack   | -5.0  | 0.0 |
| 27 ElectBrown   | -5.0  | 0.0 |
| 28 ElectGas     | -5.0  | 0.0 |
| 29 ElectOil     | -5.0  | 0.0 |
| 30 ElectHydro   | -5.0  | 0.0 |
| 31 ElectBiom    | -5.0  | 0.0 |
| 32 ElectBgas    | -5.0  | 0.0 |
| 33 ElectSolar   | -5.0  | 0.0 |
| 34 ElectWind    | -5.0  | 0.0 |
| 35 ElectSupply  | -5.0  | 0.0 |
| 36 UrbanGasDis  | -5.0  | 0.0 |
| 37 Water        | -5.0  | 0.0 |
| 38 Construction | -5.0  | 0.0 |
| 39 TradeHotels  | -5.0  | 0.0 |
| 40 RoadDirect   | -5.0  | 0.0 |
| 41 RoadFreight  | -5.0  | 0.0 |
| 42 RailDirect   | -5.0  | 0.0 |
| 43 RailFreight  | -5.0  | 0.0 |
| 44 WaterDirect  | -5.0  | 2.0 |
| 45 WaterFreight | -5.0  | 2.0 |
| 46 AirDirect    | -5.0  | 2.0 |
| 47 AirFreight   | -5.0  | 2.0 |
| 48 OtherTrans   | -5.0  | 0.0 |
| 49 Communic     | -5.0  | 0.0 |
| 50 FinBusServ   | -5.0  | 0.0 |
| 51 Dwelling     | -5.0  | 0.0 |
| 52 PubServ      | -5.0  | 0.0 |
| 53 OthServ      | -5.0  | 0.0 |
| 54 PrivTranServ | -5.0  | 0.0 |

New paper mill

-20.0

0.0

Freehills

4 Employment

APPENDIX C – Letters to Bell Bay industries



7 November 2006

Mr Steve Powell  
Environmental Manager  
Temco  
PO Box 164  
GEORGE TOWN TAS 7253

Dear Steve

**Urgent**

**Air dispersion modelling – request for data**

I refer to the air emission data you provided to us and to our consultants, GHD and Pacific Air and Environment, for the purpose of conducting TAPM dispersion modelling for our proposed pulp mill project.

As you may be aware, a panel acting as delegate of the Resource Planning and Development Commission convened a directions hearing on 25 October 2006.

Following the directions hearing, the Greens have requested a direction from the panel requiring Gunns to provide the Commission with all of the TAPM input data, including the point source emission data from your operations at Bell Bay. The Greens have indicated that they would then request a copy of that information from the Commission. We are required to provide our response to the Greens' request by midday of Friday, 10 November 2006.

Gunns does not oppose a direction to provide the data to the Greens, but is mindful of the confidentiality arrangements between us regarding the emission data from your Bell Bay operations. Could you please urgently advise in writing whether you consent to the provision of your Bell Bay emissions data to the Commission and the other parties to the panel hearing.

If you do not provide your consent, could you please explain why so that this can be reported to the Commission.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Baker', is written over a light blue horizontal line.

Les Baker  
General Manager – Bell Bay Pulp Mill Project



7 November 2006

Mr Jerry Locatelli  
Ecka Granules  
PO Box 382  
GEORGE TOWN TAS 7253

Dear Jerry

**Urgent**

**Air dispersion modelling – request for data**

I refer to the air emission data you provided to us and to our consultants, GHD and Pacific Air and Environment, for the purpose of conducting TAPM dispersion modelling for our proposed pulp mill project.

As you may be aware, a panel acting as delegate of the Resource Planning and Development Commission convened a directions hearing on 25 October 2006.

Following the directions hearing, the Greens have requested a direction from the panel requiring Gunns to provide the Commission with all of the TAPM input data, including the point source emission data from your operations at Bell Bay. The Greens have indicated that they would then request a copy of that information from the Commission. We are required to provide our response to the Greens' request by midday of Friday, 10 November 2006.

Gunns does not oppose a direction to provide the data to the Greens, but is mindful of the confidentiality arrangements between us regarding the emission data from your Bell Bay operations. Could you please urgently advise in writing whether you consent to the provision of your Bell Bay emissions data to the Commission and the other parties to the panel hearing.

If you do not provide your consent, could you please explain why so that this can be reported to the Commission.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Baker', is written over a horizontal line.

Les Baker  
General Manager – Bell Bay Pulp Mill Project



7 November 2006

Mr Patrick Griffin  
Plant Manager  
BBP Pty Ltd  
PO Box 422  
GEORGE TOWN TAS 7253

Dear Patrick

**Urgent**

**Air dispersion modelling – request for data**

I refer to the air emission data you provided to us and to our consultants, GHD and Pacific Air and Environment, for the purpose of conducting TAPM dispersion modelling for our proposed pulp mill project.

As you may be aware, a panel acting as delegate of the Resource Planning and Development Commission convened a directions hearing on 25 October 2006.

Following the directions hearing, the Greens have requested a direction from the panel requiring Gunns to provide the Commission with all of the TAPM input data, including the point source emission data from your operations at Bell Bay. The Greens have indicated that they would then request a copy of that information from the Commission. We are required to provide our response to the Greens' request by midday of Friday, 10 November 2006.

Gunns does not oppose a direction to provide the data to the Greens, but is mindful of the confidentiality arrangements between us regarding the emission data from your Bell Bay operations. Could you please urgently advise in writing whether you consent to the provision of your Bell Bay emissions data to the Commission and the other parties to the panel hearing.

If you do not provide your consent, could you please explain why so that this can be reported to the Commission.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Baker', is written over a horizontal line.

Les Baker  
General Manager – Bell Bay Pulp Mill Project



7 November 2006

Jennifer Jarvis  
Specialist Advisor - Energy and External Relations  
Comalco Aluminium Limited  
PO BOX 290  
GEORGE TOWN TAS 7253

Dear Jenni

**Urgent**

**Air dispersion modelling – request for data**

I refer to the air emission data you provided to us and to our consultants, GHD and Pacific Air and Environment, for the purpose of conducting TAPM dispersion modelling for our proposed pulp mill project.

As you may be aware, a panel acting as delegate of the Resource Planning and Development Commission convened a directions hearing on 25 October 2006.

Following the directions hearing, the Greens have requested a direction from the panel requiring Gunns to provide the Commission with all of the TAPM input data, including the point source emission data from your operations at Bell Bay. The Greens have indicated that they would then request a copy of that information from the Commission. We are required to provide our response to the Greens' request by midday of Friday, 10 November 2006.

Gunns does not oppose a direction to provide the data to the Greens, but is mindful of the confidentiality arrangements between us regarding the emission data from your Bell Bay operations. Could you please urgently advise in writing whether you consent to the provision of your Bell Bay emissions data to the Commission and the other parties to the panel hearing.

If you do not provide your consent, could you please explain why so that this can be reported to the Commission.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Baker', written in a cursive style.

Les Baker  
General Manager – Bell Bay Pulp Mill Project



7 November 2006

Mr Andrew Buckley  
Environmental Manager  
Pine Panels  
PO Box 248  
GEORGE TOWN TAS 7253

Dear Andrew

**Urgent**

**Air dispersion modelling – request for data**

I refer to the air emission data you provided to us and to our consultants, GHD and Pacific Air and Environment, for the purpose of conducting TAPM dispersion modelling for our proposed pulp mill project.

As you may be aware, a panel acting as delegate of the Resource Planning and Development Commission convened a directions hearing on 25 October 2006.

Following the directions hearing, the Greens have requested a direction from the panel requiring Gunns to provide the Commission with all of the TAPM input data, including the point source emission data from your operations at Bell Bay. The Greens have indicated that they would then request a copy of that information from the Commission. We are required to provide our response to the Greens' request by midday of Friday, 10 November 2006.

Gunns does not oppose a direction to provide the data to the Greens, but is mindful of the confidentiality arrangements between us regarding the emission data from your Bell Bay operations. Could you please urgently advise in writing whether you consent to the provision of your Bell Bay emissions data to the Commission and the other parties to the panel hearing.

If you do not provide your consent, could you please explain why so that this can be reported to the Commission.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Baker', written in a cursive style.

Les Baker  
General Manager – Bell Bay Pulp Mill Project