

## Section 11 of the Pulp Mill Assessment Act (PMAA) 2007

Section 11 says no one is entitled to appeal for compensation from damages to their business, property values or health caused by Gunns' planned pulp mill.

In passing the PMAA, Parliament has used its power to weaken the democratic rights of Tasmanians.

The legislation deliberately and thoroughly removes any opportunity for people to seek redress through the courts if they are adversely affected in any way.

Section 11 headed 'Limitation to rights of appeal', declares that:

*'a person is not entitled to appeal to a body or other person, court or tribunal; or no order or review may be made under the Judicial Review Act 2000; or no declaratory judgment may be given; or no other action or proceeding may be brought – in respect of any action, decision, process, matter or thing arising out of or relating to any assessment or approval of the project under this Act.'*

## Section 11 prevents legal redress for harm to any:

- person if their health, or the health of their children, is affected by emissions that can be traced back to the mill.
- business enterprise eg. farming, fishing, tourism and service industries, if that business is jeopardised or destroyed due to adverse impacts from the mill.
- resident or land owner for loss of value or damage to property, if land and property near or perceived to be near the pulp mill, loses value due to its location.
- farmer for damage to farmlands used for the pipelines including leakage or rupture, lost income, or weed and pest infestation from poor hygiene by construction and inspection crews.



All photos of pulp mills courtesy of Fotosearch

## What Premier Bartlett must do

Premier Bartlett must show his concern for equal treatment of all Tasmanians and repeal section 11 of the PMAA.

## Why you should ask the Premier to act

To protect yourself, your property, your children and your business from harm from the planned pulp mill.

## Why act now?

- Because the new premier said he wants to be *kind and clever and to connect* with the people.
- Because Section 11 fails his new '*public interest*' test.
- Because the pulp mill is not yet built; it will be too late when it is built.

## What you can do

Phone to make an appointment to see Premier Bartlett; write a letter, fax or email today.

**Email:** david.bartlett@parliament.tas.gov.au

**Phone:** (03) 6233 8807

**Fax:** (03) 6233 8013

**Mail:** Level 11, 15 Murray St, Hobart, 7000

## Send a copy to:

- Deputy Premier Lara Giddings  
lara.giddings@parliament.tas.gov.au
- Min. for Economic Development Paula Wriedt  
paula.wriedt@parliament.tas.gov.au
- Min for the Environment Michelle O'Byrne  
michelle.o'byrne@parliament.tas.gov.au

### Some points you could use

for your visit or when writing a letter.

Repealing Section 11:

- is a clear commitment to being '*kind clever and connected*'. Retaining section 11 makes a farce of Mr Bartlett's claims. Let him know your feelings on the issue.
- will start to rebuild support for state Labor at a time of surging demand for a healthy democracy.
- helps him meet his formal commitment to '*responsible execution of official duties, in order to promote human and environmental welfare*' made to the Governor during the swearing-in ceremony.
- restores rights of redress for taxpayers and demonstrates that the Premier is sincere about no special favours for Gunns.



### Did you know?

- The social and economic costs of the mill have not been assessed.
- There is no requirement to eliminate foul smells. See Emission Limit Guidelines Vol 2 D5.15.
- The mill requires conversion of even more land from food production to trees.
- The mill will receive government subsidies of around \$1million/day.  
Go to [www.tapvision.info/node/435](http://www.tapvision.info/node/435)
- The availability of sufficient water during dry summers for the mill and other users has not been assessed.

The planned pulp mill is:

- yet to receive all federal permits.
- yet to acquire land for its pipelines.
- still subject to a court case.
- yet to be approved for finance.
- yet to be signed off by Gunns' Board.

### Get involved

- Ask your friends and neighbours what they think. Encourage them to voice concerns.
- Keep up to date at [www.tapvision.info](http://www.tapvision.info)  
Come to TAP public meetings. Make an online donation to TAP.
- Contact the Federal Minister for the Environment about permit conditions.  
<http://www.aph.gov.au/house/members/>

Authorised by F. Thompson, Tasmanians Against the Pulp Mill Inc,  
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TAP

# Are YOU protected

by the courts from harm  
arising from Gunns' planned  
pulp mill in the Tamar Valley,  
Tasmania



Did you know that the State  
Government passed a law in 2007  
that removes your right to appeal  
for compensation for any harm  
caused by Gunns' planned pulp  
mill?