



CLIENTS | PEOPLE | PERFORMANCE

Gunns Limited

**Bell Bay Pulp Mill IIS**

Other Legislation

<b>Dangerous Goods Act 1998</b>	
<b>Description</b>	The <i>Dangerous Goods Act 1998</i> ( <b>Dangerous Goods Act</b> ) regulates the manufacture, transport and sale of dangerous goods and explosives.
<b>Scope and Application</b>	<p>A person may be granted an exemptions from complying with the regulations in relation to the handling of a particular dangerous good (section 24).</p> <p>Accreditation is required for the handling certain dangerous goods. It is an offence to fail to hold such accreditation (section 28).</p> <p>It is an offence to transport certain dangerous goods if the vehicle and/or person transporting the goods are not licensed (section 29).</p> <p>It is an offence to fail to handle goods in a safe manner (section 31).</p>
<b>Implications for Pulp Mill</b>	If goods involved in the construction and operation of the Pulp Mill are prescribed as dangerous good by the regulations or declared by the State Services Agency to be dangerous goods, Gunns may need to a keeper's licence and be accredited for the handling of those goods. Gunns will also need to ensure that it handles goods in a safe manner.
<b>Approvals required</b>	None under the Act, but see Dangerous Goods (General) Regulations 1998
<b>Authority</b>	Workplace Standards Tasmania, DIER

<b>Dangerous Goods (General) Regulations 1998</b>	
<b>Description</b>	The main object of the <i>Dangerous Goods (General) Regulations 1998</i> ( <b>Dangerous Goods Regulations</b> ) is to reduce as far as practicable, the risks of personal injury, property damage and environmental harm arising from the manufacture, storage, handling and use of dangerous goods.
<b>Scope and Application</b>	<p>The Dangerous Goods Regulations require licences and permits to be obtained before certain goods are obtained or handled. Amongst other things:</p> <ul style="list-style-type: none"> <li>• A person must not import, export or sell certain dangerous goods and/or explosives into Tasmania without a licence (regulation 9).</li> </ul>

	<ul style="list-style-type: none"> <li>• A person must not keep dangerous goods in excess of the Schedule 3 quantities without a keeper's licence (regulation 9).</li> <li>• A person must store, package and transport explosives in accordance with certain codes of practice (regulation 22).</li> <li>• A person handling dangerous goods must take precautions to prevent dangerous goods from escaping or being discharged or causing a fire or explosion or any unauthorised person accessing the goods (regulation 36)</li> <li>• There are rules regarding the transport of dangerous goods by sea, handling in ports and the construction and operation of pipelines.</li> <li>• Approval must be obtained prior to the construction of a new depot to store dangerous goods (regulation 41).</li> <li>• Use and firing of explosives must comply with AS2187, and the explosives must have been classified under the ADG Code or AE Code (as defined) (regulation 63). Generally, the person who prepares and fires the explosive must hold a shot firer's permit (regulations 65 and 66).</li> <li>• A person must not keep or use any LPG or LNG except in accordance with (where relevant) AS1596 and ASA3961. LPG systems at depots must comply with AS1596, AG601 and AG501 (Part 8, especially regulations 54-56).</li> <li>• If an incident occurs that causes or might cause loss or destruction to all or part of the dangerous goods or danger to life, property or the environment, the Competent Authority must be notified (regulation 81).</li> <li>• In almost all cases, a failure to comply with the regulations is an offence.</li> </ul>
<b>Implications for Pulp Mill</b>	<p>A number of dangerous goods will be used throughout the construction and operation phase of the Pulp Mill. The EMS will ensure that all relevant codes of practice and handling methods outlined in the Dangerous Goods Regulations are complied with, in relation to the transportation, handling and storage of dangerous goods.</p> <p>Vehicles and persons that handle dangerous goods may need to be accredited and licences may be required if dangerous goods are going to be imported or exported.</p>
<b>Approvals required</b>	The need for licences under the Regulations, and whether licences should be held by Gunns or its contractors, will be determined during the detailed design phase of the Pulp Mill project.
<b>Authority</b>	Workplace Standards Tasmania, DIER

**Workplace Health and Safety Regulations 1998**

<b>Description</b>	The <i>Workplace Health and Safety Regulations 1998 (Regulations)</i> are made under the <i>Workplace Health and Safety Act 1995</i> . They provide for the management of various risks in the workplace.
<b>Scope and Application</b>	<p>The Regulations apply to persons responsible for the management or control of the workplace. Accountable persons, which may include Gunns and its contractors, must identify all hazards and implement appropriate measures to control those risks (regulation 17). The Regulations make elimination of risk to human health and safety a priority (regulation 19), and appropriate measures include the provision of protective equipment (regulations 21 and 58) and health surveillance by a doctor (regulation 22). Where hazardous substances are used, Material Safety Data Sheets, ingredient information, labels and a register must be provided (regulations 69-72).</p> <p>Certain plant (listed in Schedule 9) must be registered before they can be built (regulation 96). Where construction involves a cost of more than \$2 million, a safety management plan must be implemented (regulation 128(10)) before construction can begin. Design requirements, such as provision for lock off (regulation 84), are also created by the Regulations (Part 4, division 3).</p> <p>Noise emissions must not constitute a hazard in the workplace, and must not exceed the exposure standards defined in regulation 107. If those standards are exceeded, engineering and/or administrative noise controls must be implemented or workers must be provided with hearing protectors (regulation 110). Audiometric testing is required of workers who use hearing protectors (regulation 111).</p> <p>There are controls for confined spaces (regulation 112), fire prevention (Regulation 113-115), workplace facilities (regulation 116), asbestos (regulations 118-125) and underwater diving (regulations 126 and 127).</p>
<b>Implications for Pulp Mill</b>	During construction, all design requirements will have to be complied with, which will include the provision of isolation systems where there is a possibility of injury being caused. During operation, particular care must be taken to identify and control risks in the workplace. In relation to hazardous chemicals, this will include the monitoring of employee health and the maintenance of a register of all hazardous chemicals produced or used at the Mill.
<b>Approvals required</b>	A safety management plan will have to be approved by the Director before construction begins. The provision of cranes or other plant under schedule 9 will require the issuing of a registration number.
<b>Authority</b>	Workplace Standards Tasmania, DIER

## General Fire Regulations 2000

<b>Description</b>	The <i>General Fire Regulations 2000</i> are made under the <i>Fire Service Act 1979</i> and provide for the maintenance and operation of fire protection measures.
<b>Scope and Application</b>	The Regulations apply to defined buildings which require the installation of fire protection systems and equipment. Fire protection equipment must be tested, maintained and repaired by a qualified person (regulation 6).
<b>Implications for Pulp Mill</b>	Any on-site buildings which fall within the definition of ‘prescribed’ or ‘specified building’ must comply with fire safety requirements, including fire protection systems, equipment and ways and means of escape (Part 3).
<b>Approvals</b>	A person can apply for a permit to install, maintain or repair fire protection equipment such as fire extinguishers, fire hose reels, fire hydrants, hydrant valves, fire blankets and “fire protection systems” (regulation 7).
<b>Authority</b>	Tasmanian Fire Services

#### **Mineral Resources Development Act 1995**

<b>Description</b>	This Act makes provides for licences in regards to mining and fossicking for minerals. The provisions of this Act appear to have no implications for the Gunns Project, as no part of the Project currently involves minerals as defined in the Act. In any event, Gunns does not propose to explore for or mine minerals for commercial exploitation.
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#### **Public Health Act 1997**

<b>Description</b>	The <i>Public Health Act 1997</i> (Tas) ( <b>Public Health Act</b> ) aims to protect and promote the health of communities in the State and reduce the incidence of preventable illness.
<b>Scope and Application</b>	<p>The Public Health Act covers a range of public health issues. Amongst other things the Public Health Act regulates tobacco use, the licensing of places of assembly, the closure of unhealthy premises, the licensing of activities which may result in the transmission of a disease (i.e. doctors surgeries), cooling towers and water quality.</p> <p>Under Part 5 Division 5, the Director of Public Health by public notice may require a regulated system to be registered and give directions necessary for the operation and maintenance of the system. Regulated system means an air handling system, cooling tower, warm-water system or humidifying system or any other system that produces a risk of legionnaire’s disease.</p> <p>Part 6 of the Public Health Act deals with water. It allows the Director to make an order if water is or is likely to become a threat to public health. It also allows for the Director to require any authority or person to monitor the quality of water under its management or control (section 130).</p>

	<p>Under Part 8, the Director may also require a person to provide information relating to public health which is reasonably needed for the purposes of the Public Health Act and require that certain items or substances are to be dealt with in accordance with relevant guidelines (section 150).</p> <p>The Public Health Act 1997 Guidelines for Legionella 2001 state that Cooling towers and warm water systems are required to be registered pursuant to the Public Health Act. Owners of premises where these regulated system are installed must not operate them unless they have been registered. Local councils are responsible for carry out registration of regulated systems. Although, the need for the registration of warm water systems should be discussed with the Department of Health and Human Services, as we have been informed that the 2001 Guidelines are currently under review, with new Guidelines set to be implemented in 2006.</p> <p>The <i>Building Regulations 2004</i> and the Building Code of Australia also require cooling towers to comply with AS/NZ 3666.1.</p>
<b>Implications for Gunns Project</b>	The Director may prescribe Guidelines for the handling of certain materials that are to be used during the construction and operation phases of the Pulp Mill (section 150).
<b>Approvals required</b>	Any regulated systems, such as cooling towers, air-handling systems, warm-water systems or humidifying systems, will need to be registered under Part 5 of the Public Health Act.
<b>Authority</b>	Director of Public Health

<b>Living Marine Resources Management Act 1995</b>	
<b>Description</b>	The <i>Living Marine Resources Act 1995 (LMRM Act)</i> provides for the sustainable management of living marine resources.
<b>Scope and Application</b>	<p>Under the LMRM Act the Minister may make management plans consisting of rules for specified fisheries.</p> <p>The rules may provide that a failure to comply with any of the rules is an offence. Rules have been made for the school and gummy shark fishery, and the Tamar estuary is a protected nursery for these species. The Rules prohibit taking these species, and activities that affect their nurseries must be minimised.</p> <p>The LMRM Act makes it an offence to cut remove, damage or destroy any “prescribed marine plant” unless otherwise authorised (section 139), or take protected fish as declared under section 135. “Take” is broadly defined and includes attempting or permitting an act which kills or destroys protected fish.</p>

	<p>A person must also not engage in any activity in a marine resources protected area which is likely to have a detrimental effect on its environment without an authorisation under section 132. A person may apply for an approval to engage in a specified activity within a marine resources protected area (Section 132).</p> <p>The Minister may also exempt a class of person from any provision of the LMRM Act subject to any conditions that the Minister determines (section 11).</p> <p>At present there are no marine resource protected areas, nor are there any “prescribed marine plant”. Species of protected fish have been detected at the ocean outfall and proposed offshore location of the effluent marine pipeline, and in the vicinity of the proposed wharf.</p>
<b>Implications for Pulp Mill</b>	The impact of the Pulp Mill on protected fish species and on the gummy and school shark fisheries are assessed in the Draft IIS.
<b>Approvals required</b>	If the Project is to be approved, the management plan for the gummy and school sharks will need to be complied with and permits may be required for “taking” protected fish under section 135.
<b>Authority</b>	DPIWE

<b>Environmental Management and Pollution Control (Waste Management) Regulations 2000</b>	
<b>Description</b>	The <i>Environmental Management and Pollution Control (Waste Management) Regulations 2000 (Waste Management Regulations)</i> are made under the <i>Environmental Management and Pollution Control Act 1994</i> .
<b>Scope and Application</b>	<p>A person must not remove from a site, receive, store, recycle or use for energy recovery a “controlled waste” otherwise than as approved or in accordance with an environmental approval or approved managed method, unless (in the case of waste being removed from the site) the waste is removed by an approved waste transporter (regulation 6).</p> <p>A person must not permit a “controlled waste” to be used in such a manner that it is reasonably likely that the controlled waste will leak, or escape into the environment or cause serious environmental harm or a nuisance (regulation 7).</p> <p>“Controlled wastes” means a substances that is a controlled waste within the meaning of <i>National Environment Protection Measure (Movement of Controlled Waste Between States and Territories)</i> and the wastes listed in regulation 5 of the Waste Management Regulations.</p> <p>Likewise a person must not deposit any controlled waste that directly or is likely to cause environmental harm or is likely to give rise to any harmful concentration of any substance in any plant, animal, organism or soil above natural</p>

	<p>concentrations; or adversely affect the value of receiving waters; or may generate sufficient heat by itself to ignite; or give rise to a harmful growth of an organism (regulation 8)</p> <p>It is an offence to use land for the disposal of “general waste” other than as approved or in accordance with an environmental approval or approved managed method granted by the Director of Environmental Management (regulation 10). Certain wastes listed in this regulation are exempt from the need for such approval.</p> <p>A failure to comply with any of the above regulations is an offence</p> <p>Under Part 4 the Director of Environmental Management may issue an environmental approval for the handling of a specified waste or classes of waste, or for energy recovery from waste (regulation 12). The Director may also approve a management method specifying the method for the management of the waste (regulation 12A).</p>
<b>Implications for Pulp Mill</b>	<p>General wastes as well as controlled wastes such as green liquid dregs, lime slaker sand, lime kiln electrostatic precipitator dust, and boiler ash waste are proposed to be disposed of to the landfill, and will require either an environmental approval or an approved management method under the Waste Management Regulations. These approvals will be required for the purpose of regulations 6 and 10.</p> <p>While it is not proposed to extract landfill gas to generate power, black liquor and wood wastes are proposed to be burnt to generate electricity at the Pulp Mill site. If these wastes are controlled wastes, an environmental approval or approved management method will be required under regulation 6.</p> <p>The recycling or reuse of controlled wastes will require either an environmental approval or approved management method under regulation 6.</p>
<b>Approvals required</b>	See above.
<b>Authority</b>	Director of Environmental Management, DPIWE

### **Workplace Health and Safety Act 1995.**

<b>Description</b>	The <i>Workplace Health and Safety Act 1995 (WHS Act)</i> provides for the health and safety of persons employed in, engaged in or affected by industry. It does so primarily by placing duties and obligations relating to workplace health and safety on employers and employees, and prescribing various penalties for breach of these responsibilities.
<b>Scope and</b>	The WHS Act covers people employed under a contract of service and employers by whom an employee is employed

<b>Application</b>	<p>under a contract of service. Selected parts of the Act also cover suppliers of services to workplaces.</p> <p>The overriding requirement of the WHS Act is the maintenance of a safe workplace through the provision of a safe working environment, system of work and substances that are in a safe condition (sections 9(1) and (2)). When designing, manufacturing, importing or supplying any plant or structure for use at a workplace, adequate information must be available regarding any associated dangers (section 14). The WHS Act also specifies that design and construction does not expose persons to risks to their health or safety (section 14). Conditions necessary to ensure that persons are not exposed to risks must be provided along with adequate training. Failure to supply this information is an offence (sections 9(2)(d) and 14).</p> <p>In addition, the WHS Act requires that adequate toxicological information concerning potential risks to health and safety be included when supplying, manufacturing or importing any substances used at a workplace. Information relevant to the safe use, handling, processing, storage, transportation and disposal of the substance is required when the substance is supplied, manufactured or imported. Failure to provide this information is also an offence (section 14).</p> <p>Where hazards have been identified, the employer must monitor the health of employees to ensure the prevention of injuries and illnesses (section 9). Under the <i>Workplace Health and Safety Regulations 1998</i>, monitoring must also occur where employees are exposed to any carcinogenic or other substance that constitutes or is likely to constitute a risk to the health or safety of the employee (regulation 22).</p>
<b>Implications for Pulp Mill</b>	<p>Various chemicals will be used in the proposed pulp mill, as will and supporting structures and the creation of hazardous waste. The design of the mill and surrounding infrastructure must be designed so that all employees, when working properly with these structures and chemicals, are not exposed to risks to their health and safety. Furthermore, all dangers and risks associated with these structures, substances and waste would need to be made known to employees along with adequate training. Although no approval is required to use toxic substances under the WHS Act, a monitoring program for the health of employees who are exposed to specified carcinogens and other hazardous substances would need to be implemented.</p>
<b>Approvals required</b>	Not applicable
<b>Authority</b>	Workplace Standards Tasmania, DIER

<b>Inland Fisheries Act 1995</b>	
<b>Description</b>	The <i>Inland Fisheries Act 1995 (IF Act)</i> provides for the preservation and management of inland waters containing fish.

<b>Scope and Application</b>	The IF Act applies to any inland waters specified by the Act, including lakes, dams and water running through any pipe or other watercourse. The IF Act regulates fish-related activities and creates offences for damage to their environment.
<b>Implications for Pulp Mill</b>	<p>Under the IF Act, it is an offence to put, or allow to flow, any liquid, gaseous or solid matter into any inland waters containing fish which is likely to be poisonous or injurious to fish (section 126). This offence does not apply to the discharge of sewage undertaken under an Act.</p> <p>It is also an offence to put into any inland waters any fertiliser or any other chemical substance, without the consent of the Director.</p> <p>Potentially relevant inland waters are Lake Trevallyn and the Tamar River.</p> <p>Given the proposal to extract water from Lake Trevallyn, Gunns will ensure that any chemicals it uses will not affect any inland waters (eg Lake Trevallyn, Tamar River) containing fish.</p> <p>When carrying out any works in relation to inland waters, a person must provide a grating, lattice or other effective means of preventing fish from passing into any turbines, pumps or similar hydraulic machines (section 162). In addition, the owner or occupier of a dam must keep the sluices shut for drawing off water which would otherwise flow over the dam into waters frequented by freshwater fish so that the water flows through a fish-pass (where applicable) or over the dam (section 163).</p>
<b>Approvals required</b>	A person may apply in writing to be exempted from any of the provisions in Part 8, Division 4 (which includes s 162 relating to turbines and s 163 relating to dams).
<b>Authority</b>	DPIWE

<b>Traffic Act 1925</b>	
<b>Description</b>	The <i>Traffic Act 1925 (the Act)</i> has been largely superseded by the <i>Vehicle and Traffic Act 1999</i> , with the two Acts to be read together. The Acts provide for the licensing of drivers, registration of vehicles and other miscellaneous provisions.
<b>Scope and Application</b>	The <i>Traffic Act</i> applies to vehicles, including motor vehicles, trucks, trailers etc. The Act provides for alternative compliance schemes, which allow one or more elements of a person's transport operations to be conducted without direct government supervision or interference.
<b>Implications for Gunns Project</b>	An alternative compliance scheme would allow transportation of goods and equipment to deviate from ordinary transport laws. Variations can include vehicle mass limits, vehicle dimension limits, driving hours or other prescribed matters.

<b>Approvals required</b>	To obtain approval for an alternative compliance scheme, Gunns would need to put in place an auditable management and operating system by which they could demonstrate a high degree of compliance with road transport laws for their transport operations. An application must be lodged with the Commission in a form provided or approved by the Commission accompanied by the prescribed fee (if any).
<b>Authority</b>	Transport Commission, DIER

<b>Roads and Jetties Act 1935</b>	
<b>Description</b>	The <i>Roads and Jetties Act 1935</i> (Tas) ( <b>Roads and Jetties Act</b> ) provides for the proclamation, construction and maintenance of State Highways, subsidiary roads and jetties in Tasmania. It also requires that the consent of the Minister be obtained prior to any works on a State highway.
<b>Scope and Application</b>	<p>A “road” in the Roads and Jetties Act means a public highway. The Governor has the power in section 7 of the Roads and Jetties Act to proclaim any road to be a State highway or subsidiary road. All State highways and subsidiary roads are vested in the Crown.</p> <p>State highway means a road declared as a State highway under Part II.</p> <p>Section 9A allows the Governor to proclaim an intended new line of a State highway or subsidiary road. Once such a proclamation has been made, no improvements can be made on the road without the consent of the Minister. In situations where the Minister is required to acquire land for a State highway, the price shall be determined in the same manner as a disputed claim for compensation under the <i>Land Acquisition Act 1993</i>.</p> <p>No structures are to be erected or placed or other works done in a State highway or subsidiary road without the consent of the Minister (section 16).</p>
<b>Implications for Gunns Project</b>	A wharf facility is proposed at Bell Bay as part of the Pulp Mill. This in turn may require the construction of roads leading to the wharf. The Pulp Mill will also require the construction of an effluent pipeline in a number of road reserves, and may require overhead electricity poles or towers in road reserves. This Act will apply to such works in road reserves for State highways or subsidiary roads.
<b>Approvals required</b>	<p>Any roads leading to the wharf may need to be proclaimed by the Minister under section 9A, and this in turn may require the acquisition of land by the Minister in accordance with the Land Acquisition Act.</p> <p>The Pulp Mill will also require works associated with the construction of the water supply and effluent pipelines in road</p>

	reserves. Such work will need to have the consent of the Minister under section 16 if they are to be installed in the road reserves for State highways and subsidiary roads.
<b>Authority</b>	DIER

<b>Local Government (Highways) Act 1982</b>	
<b>Description</b>	The <i>Local Government (Highways) Act 1982</i> governs the functions of corporations with respect to highways and other ways open to the public.
<b>Scope and Application</b>	The Act applies to highways, with certain sections specific to ‘local highways’. These are highways which are not administered by the <i>Roads and Jetties Act 1935</i> , which concerns ‘State highways’ and ‘subsidiary roads’. The Act makes a distinction between highways controlled by the municipal council and highways controlled by private persons. Private persons must follow the correct procedures under the Act to construct a highway.
<b>Implications for Gunns Project</b>	Any highways to be constructed for the Project will need to be assessed to determine whether they are local highways. Any pipes or drains to be constructed in or under a local highway will require council approval. This includes pipes for effluent (section 46(c)) or natural gas (section 46(e)). Additional requirements may exist in relation to natural gas (sections 46(2A)–(2B)).
<b>Approvals required</b>	Prior to constructing a highway, plans and specifications must be prepared by a civil engineer (or other approved person). The plans must be approved by the council (section 10). An owner may request that the council maintain the highway, but approval remains at the council’s discretion (section 8). Approval should be sought from the council to construct a pipe or drain in or under a local highway (section 46).
<b>Authority</b>	Municipal council

<b>Pollution of Waters by Oil and Noxious Substances Act 1987</b>	
<b>Description</b>	The <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> ( <b>the Pollution of Waters Act</b> ) concerns the prevention of pollution of the marine environment by oily discharges from ships, noxious substances, sewage and garbage. The Pollution of Waters Act gives effect to the ‘International Convention for the Prevention of Pollution from Ships (MARPOL) in State waters.
<b>Scope and</b>	Part II of the Pollution of Waters Act prohibits and creates offences for the discharge of substances from ships – including

<b>Application</b>	oil, garbage, sewage and other noxious substances, and imposes notification and cargo book keeping requirements on masters of ships in Tasmanian State waters.  If an incident occurs, there is a duty on the master of a ship to report the incident (section 25I).
<b>Implications for Gunns Project</b>	The threatened environmental impact posed by the discharge of substances from ships involved in the construction of the Bell Bay Wharf and marine outfall and the ongoing operation of the wharf is assessed in the Draft IIS.  All ships involved in the construction of the ancillary infrastructure and the operation of the Bell Bay Wharf will need to comply with the Pollution of Waters Act. Requirements to ensure compliance with the Pollution of Waters Act will be contained in the EMS described in the draft IIS.
<b>Approvals required</b>	No approvals are required. However, compliance with the Pollution of Waters Act is required by all ships involved in the construction of the ancillary infrastructure and the operation of the Bell Bay Wharf.
<b>Authority</b>	State Marine Pollution Committee

<b>Electricity Supply Industry Act 1995</b>	
<b>Description</b>	The <i>Electricity Supply Industry Act 1995 (ESI Act)</i> provides for the licensing requirements for electricity entities in Tasmania and regulates the rights of electricity entities in relation to land and protection for the electricity entities infrastructure.
<b>Scope and Application</b>	Under section 17 of the ESI Act, it is an offence to carry on operations in the electricity supply industry without a licence. Operations which require a licence include generation, transmission, distribution and retailing of electricity. If granted, a licence is for a term of 10 years and may be renewed (section 21). Once licensed to generate or distribute electricity, the licensee becomes an “electricity entity” for the purposes of the ESI Act. <ul style="list-style-type: none"> <li>• “Generation” of electricity means the operation of any kind of electricity generating plant.</li> <li>• “Distribution” means the carrying of electricity between different points using a distribution network.</li> <li>• “Supply” of electricity means the delivery of electricity to the electrical installation of a customer.</li> </ul> Part 4 of the ESI deals with an electricity entity’s land acquisition powers and rights in relation to the use of land for electricity infrastructure. Under section 50 an electricity entity may, by agreement with the occupier or by the regulator’s authorisation, enter and remain on land to assess the suitability of the land for infrastructure. Under section 51, an electricity entity may (once authorised by the Minister) acquire land under the <i>Land Acquisition Act 1993</i> for the purposes

	<p>of the operation that the entity is authorised under its licence.</p> <p>Under section 52, an electricity entity can undertake activities, such as erecting powerlines and building conduits for underground cables, on “public land” with the consent of the authority relevant for management of that land.</p>
<b>Implications for Gunns Project</b>	The Pulp Mill plans to generate its own electricity. There are also plans to sell any excess electricity generated back to the grid. Electricity distribution lines will need to be installed for the pulp mill, landfill, quarry and other ancillary infrastructure
<b>Approvals required</b>	<p>Gunns will need a generation licence to generate electricity under section 17.</p> <p>It is unlikely that Gunns will install and operate its own electricity distribution lines, but will contract with an existing licensee to install and operate this infrastructure.</p>
<b>Authority</b>	The Office of the Tasmanian Electricity Regulator, Office of Energy (DIER)

<b>Energy Co-Ordination and Planning Act 1995</b>	
<b>Description</b>	The <i>Energy Co-Ordination and Planning Act 1995 (the Energy and Planning Act)</i> provides for a public officer to co-ordinate and assist in planning the energy needs of the State.
<b>Scope and Application</b>	<p>The Energy and Planning Act allows for the appointment of a Director of Energy Planning (<b>Director</b>). The Director’s functions include assisting in the planning of the energy needs of the State, advising on ways of using energy and the introduction of competition in the energy industry and providing support in the resolution of disputes about energy-related matters.</p> <p>In Part 3 of the Act, the Director may require information to be given, including periodical returns at specified times. It is an offence to fail to supply information without a reasonable excuse.</p>
<b>Implications for Gunns Project</b>	Gunns may be required to provide information to the Director about the construction and energy needs of the Pulp Mill, including any electricity generated by the Pulp Mill. The Director may also play a role in assessing the impact of the Pulp Mill on the energy needs of the State, and the need for upgrade/augmentation of the electricity distribution network.
<b>Approvals required</b>	No specific approvals are required under this legislation.
<b>Authority</b>	Director of Energy and Planning, Office of Energy (DIER)

**Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995****Description**

This Act repeals and provides for the restructuring of the electricity supply industry. The transitional provisions of this Act appear to have no implications for the Pulp Mill, as it was not subject to the previous regime.

**Aboriginal Relics Act 1975****Description**

The *Aboriginal Relics Act 1975 (AR Act)* provides for the preservation and management of Aboriginal relics.

**Scope and Application**

Under the AR Act a relic is:

- any artefact, painting, carving, engraving, arrangement of stones, midden, or other object made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants;
- any object, site, or place that bears signs of the activities of any such original inhabitants or their descendants; or
- the remains of the body of such an original inhabitant or of a descendant of such an inhabitant who died before the year 1876 that are not interred in any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or
- a marked grave in any other land (section 3).

No object made or created after 1876 is a relic (section 4).

If there is a relic on land which should be protected or preserved, the Minister may declare that area of land a protected site (section 7).

On a protected site, a permit is required to do anything that:

- will destroy, disfigure, conceal, uncover, expose, excavate, or otherwise interfere with a protected object;
- be likely to endanger a protected object; or
- destroy, damage, or deface, or otherwise interfere with any fencing or notice erected, or any other work carried out, in or in respect of a protected site in pursuance of this Act (section 9).

There is also a duty to report the discovery of an relic to the Aboriginal Heritage Section of the Department of Primary Industries Water and the Environment (section 10). If relics are discovered on Crown land, they constitute the property of the Crown (section 11).

<b>Implications for Gunns Project</b>	<p>An Aboriginal cultural heritage assessment is included in the Draft IIS. If any new sites or remains are found during the construction or operation of the Pulp Mill, these will need to be reported.</p> <p>The EMS for the Pulp Mill will include procedures to ensure the notification and permit obligations in the Act are complied with.</p>
<b>Approvals required</b>	<p>If the Pulp Mill disturbs or interferes with a protected site, a permit will be required under section 9.</p> <p>If the Department is satisfied that any object is likely to suffer damage or be destroyed or lost, the Department may order that the object be removed.</p>
<b>Authority</b>	Aboriginal Heritage Office, Department of Tourism, Parks, Heritage and the Arts

<b>Historic Cultural Heritage Act 1995</b>	
<b>Description</b>	The <i>Historic Cultural Heritage Act 1995 (HCH Act)</i> seeks to promote the identification, assessment, protection and conservation of places having historic cultural heritage significance and to establish the Tasmanian Heritage Council.
<b>Scope and Application</b>	<p>Part 4 of the HCH Act allows for registration of a Historic Place on the Tasmanian Heritage Register. Shipwrecks are also listed in the Register.</p> <p>Part 5 of the HCH Act allows the Minister to declare an area to be a heritage area if it contains any place of historic cultural heritage significance.</p> <p>Approval must be granted by the Heritage Council prior to carrying out any works in relation to a registered place or a place within a heritage area, if those works may affect the historic cultural heritage significance of the place (Part 6 of the HCH Act).</p>
<b>Implications for Gunns Project</b>	The impact of the Pulp Mill on any registered place, including shipwrecks, is assessed at part of the Draft IIS.
<b>Approvals required</b>	<p>If a registered site is likely to be impacted by the Pulp Mill, Gunns an approval under section 39 of the HCH Act will be required.</p> <p>If a shipwreck on the Heritage Register is likely to be physically disturbed, or the fabric or condition of the shipwreck is likely to be changed, as a result of the construction and operation of the Pulp Mill and related infrastructure, an approval will be required under section 67 of the HCH Act.</p>

<b>Authority</b>	Heritage Council of Tasmania, Heritage Tasmania (Department of Tourism, Parks, Heritage and the Arts)
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<b>Forestry Act 1920</b>	
<b>Description</b>	The Act establishes Forestry Tasmania and provides for the better management and protection of forests.
<b>Scope and Application</b>	<p>The Act does not apply to Crown land that is reserved within the meaning of the <i>National Parks and Wildlife Act 1970</i>. The Act establishes Forestry Tasmania's functions, which include the exclusive management and control of:</p> <ul style="list-style-type: none"> <li>• all State forest;</li> <li>• all forest products on State forest including the processing, removal, selling or other disposition of those forest products; and</li> <li>• the establishment and tending of forests and all forest operations on State forest; and</li> <li>• the granting of all permits, licences, forest leases and other occupation rights.</li> </ul> <p>The Act also requires Forestry Tasmania to classify land as either dedicated State Forest or dedicated forest reserves.</p>
<b>Implications for Gunns Project</b>	Gunns may be required to obtain easements for ancillary infrastructure over State Forest land from Forestry Tasmania.
<b>Approvals required</b>	These easements can be granted as part of an Order made under the SPP Act.
<b>Authority</b>	Forestry Tasmania

<b>Building Act 2000</b>	
<b>Description</b>	The Act regulates the construction of buildings, and building and plumbing matters.
<b>Scope and Application</b>	<p>The Act establishes the Director of Building Control and the Building Regulation Advisory Committee. It:</p> <ul style="list-style-type: none"> <li>• establishes procedures for the accreditation of building surveyors;</li> <li>• establishes procedures for applying for and obtaining building permits, certificates of likely compliance and</li> </ul>

	<p>occupancy permits for building work and buildings;</p> <ul style="list-style-type: none"> <li>• establishes procedures for obtaining plumbing permits for plumbing work; and</li> <li>• deals with other matters such as party walls, appeals to the Appeal Board, insurance and limitation of liability, and enforcement matters.</li> </ul>
<b>Implications for Gunns Project</b>	<p>Subject to the Act, building work will need to comply with the Building Code of Australia, and plumbing work will need to comply with the Tasmanian Plumbing Code.</p> <p>Gunns will need building permits (section 72) and a certificate of likely compliance (section 67) before building works commence, and an occupancy permit before the works can be occupied and used (see sections 98 and 103). Temporary occupancy permits can be granted in certain circumstances (Part 6, Division 4).</p> <p>Gunns will also need a plumbing permit for plumbing works before construction commences (section 82).</p>
<b>Approvals required</b>	As above
<b>Authority</b>	Workplace Standards Tasmania, DIER

<b>Crown Lands Act 1976</b>	
<b>Description</b>	The Act provides for management, sale and disposal of Crown Land.
<b>Scope and Application</b>	<p>The Act establishes the powers and procedures in relation to the:</p> <ul style="list-style-type: none"> <li>• management of public reserves;</li> <li>• sale of Crown land;</li> <li>• lease of Crown Land; and</li> <li>• licence of Crown land.</li> </ul>
<b>Implications for Gunns Project</b>	A Crown Land lease will be required for the use and development of Crown land (section 29).
<b>Approvals required</b>	As above

<b>Authority</b>	Crown Land Services, DPIW
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<b>Threatened Species Protection Regulations 1996</b>	
<b>Description</b>	Regulations made under the Threatened Species Protection Act 1995
<b>Scope and Application</b>	The Regulations provide for the procedures for: <ul style="list-style-type: none"> <li>• dealing with listed taxon</li> </ul>
<b>Implications for Gunns Project</b>	A permit is required to take and/or disturb listed taxon listed under the Act (regulation 4).
<b>Approvals required</b>	As above
<b>Authority</b>	Threatened Species Unit, DPIW

<b>Nature Conservation Act 2002</b>	
<b>Description</b>	The Act makes provision with respect to the conservation and protection of the fauna, flora and geological diversity of the State, to provide for the declaration of national parks and other reserved land and for related purposes
<b>Scope and Application</b>	The Act provides for the procedures for: <ul style="list-style-type: none"> <li>• Reservation and acquisition of land</li> <li>• Conservation of fauna and flora</li> <li>• Conservation covenants</li> <li>• Enforcement &amp; Infringement Notices</li> </ul>
<b>Implications for Gunns Project</b>	Gunns is undertaking to provide vegetation offsets to compensate for potential loss of ' <i>Eucalyptus amygdalina</i> forest and woodland on sandstone' (DAS), ' <i>Eucalyptus ovata</i> forest and woodland' (DOV) and ' <i>Melaleuca ericifolia</i> swamp forest'.
<b>Approvals required</b>	Gunns require agreement to enter into conservation covenant to provide offset areas on Gunns properties in the north-east region of Tasmania, as close as practical to the Bell Bay pulp mill site (section 34)

Authority	DPIW
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<b>Wildlife Regulations 1999</b>	
<b>Description</b>	Regulations made under the <i>National Parks and Wildlife Act 1970</i> (replaced by the <i>Nature Conservation Act 2002</i> )
<b>Scope and Application</b>	The Regulations provide for the procedures for: <ul style="list-style-type: none"> <li>• Taking and trading in wildlife and wildlife products</li> <li>• Hunting</li> <li>• Deer farming</li> <li>• Control of wildlife exhibitions, travelling wildlife exhibitions and wildlife displays</li> </ul>
<b>Implications for Gunns Project</b>	A permit may be required to take protected wildlife (regulation 12).
<b>Approvals required</b>	As above
<b>Authority</b>	Conservation Assessment Section, Resource Management and Conservation Division, DPIW

<b>National Parks and Reserves Management Act 2002</b>	
<b>Description</b>	The Act provides for the management of national parks and reserves according to management objectives for each class
<b>Scope and Application</b>	The Act provides procedures for: - <ul style="list-style-type: none"> <li>• National Parks and Wildlife Advisory Council</li> <li>• Management of Reserved Land</li> <li>• Provisions Relating to Enforcement</li> </ul>
<b>Implications for Gunns Project</b>	A person must not cut down a tree, or damage or otherwise destroy a tree or a fallen tree, that is on reserved land without the approval of the managing authority.

<b>Approvals required</b>	Approval will be required to remove trees within the Long Reach Private Sanctuary and Long Reach Conservation Area, and other affected reserved land.
<b>Authority</b>	Parks and Wildlife Service, DTAE

<b>National Parks and Reserved Land Regulations 1999</b>	
<b>Description</b>	Regulations made under the <i>National Parks and Wildlife Act 1970</i> (replaced by the <i>National Parks and Reserves Management Act 2002</i> )
<b>Scope and Application</b>	The Regulations provide for the: <ul style="list-style-type: none"> <li>• Care, control and management of reserved land</li> <li>• Recreational use of reserved land</li> <li>• Granting of authority in relation to reserved land</li> </ul>
<b>Implications for Gunns Project</b>	A grant of authority is required to take a growing or standing plant, or remove any timber, or other natural substance on reserved land (regulation 4)
<b>Approvals required</b>	As above
<b>Authority</b>	Parks and Wildlife Service, DTAE

<b>Whales Protection Act 1988</b>	
<b>Description</b>	An Act to provide for the protection of whales and to amend the <i>Fisheries Act 1959</i>
<b>Scope and Application</b>	The Act provides procedures for the: - <ul style="list-style-type: none"> <li>• Protection of whales</li> <li>• Stranding of whales</li> <li>• Enforcement in relation to offences</li> </ul>
<b>Implications for Gunns Project</b>	A permit may be required in order to take or interfere with a whale (section 9)

<b>Gunns Project</b>	
<b>Approvals required</b>	As Above
<b>Authority</b>	Parks and Wildlife Service, DTAE

#### Permanent Forest Estate Policy

The Permanent Forest Estate Policy aims to maintain an extensive and permanent native forest estate on both private and public land in Tasmania. The policy was approved in 1997 and sets both Statewide and bioregional minimum levels of native forest. In accordance with attachment 9 of the Regional Forest Agreement the State is required to maintain and report against the Permanent Forest Estate policy. Pursuant to the Policy, the State will, in respect of Private Land, ensure that:

- (i) where clearfall harvesting of Native Forest occurs, for each hectare harvested, one hectare is to be reforested to Native Forest or a minimum of half a hectare of plantation established.
- (ii) where non clearfall harvesting of Native Forest occurs, for each hectare harvested one hectare is to be reforested to Native Forest.
- (iii) Native Forest regeneration will occur within the IBRA region of harvest.
- (iv) plantations may be established in any region.

#### NHT Bilateral Agreement

Arrangements for the implementation of the Natural Heritage Trust are outlined in Bilateral Agreements between the Australian Government and the Tasmanian Government. In particular, the Commonwealth and Tasmania jointly seek to fulfill the three overarching objectives of the Trust agreed by the NRM Ministerial Council, namely:

- a. biodiversity conservation - the conservation of Australia's biodiversity through the protection and restoration of terrestrial, freshwater, estuarine and marine ecosystems and habitat for native plants and animals;
- b. sustainable use of natural resources - the sustainable use and management of Australia's land, water and marine resources to maintain and improve the productivity and profitability of resource based industries; and
- c. community capacity building and institutional change - support for individuals, landholders, communities, industry and organisations with skills, knowledge, information and institutional frameworks to increase capacity to implement biodiversity conservation, and sustainable resource use and management.