



The Hon. Tony Burke MP

T R A N S C R I P T

The Hon Tony Burke MP Minister for Sustainability, Environment, Water, Population and Communities

Gunns approval – heritage listing of Tarkine

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TONY BURKE: As you'd be aware today is the day for the final set of decisions on the application from Gunns for the Bell Bay Pulp Mill.

This began with an application in 2007 which was dealt with by Malcolm Turnbull. At that point he approved the mill with 48 conditions and demanded more studies be made including on issues related to the discharge into Bass Strait. Peter Garrett, as Minister, then made approvals relating to the pipeline, land clearing and wharf construction. In late 2008, Gunns submitted modules L, M and N and Peter Garrett determined that the testing required for those was not yet complete and they were asked to continue with the testing.

I had intended to make this decision last week, the departmental advice had been prepared for me. Prior to me making a decision, Gunns contacted my department and said that they were intending to abide by tougher environmental standards than were reflected in the original application and they asked that these be enforced through revised conditions.

When that request came through, I delayed the decision until today so that the department could prepare fresh advice in the light of the request from Gunn's and so that the variations that were being sought could also go through the independent expert group. I will give a summary of the different decisions that I've made today.

So that you know, during the course of today beginning at the end of this media conference, the modules and briefings which have formed the basis of this decision will be made public. Similarly the work of the independent expert group will be made public and given the unusual situation of a company seeking tougher conditions than the original proposal, the advice which had been prepared for me last week, on which I had not made a decision, will also be made public. Those items will progressively begin going up onto the website at the conclusion of this media conference.

To summarise, today I have approved the remaining modules that I required for the environmental approval process for the pulp mill.

Module L involved management modelling and tests against the trigger levels that had been set by Malcolm Turnbull, and limits for discharge. These limits and trigger levels have now been finalised.

Module M deals with monitoring - both land clearing and marine monitoring. That module has now been finalised in a way that I'm satisfied with it.

N deals with response strategies in terms of what happens if in some way different conditions are not met. The conditions that have been imposed there, have now been finalised in a way that I am happy with and I have given my approval to.

In addition to the three modules, there are some further variations to the approvals that I have dealt with today – some at the request of Gunns and one at my own instigation.

Module A dealt with the project as a whole. It will now be a condition of the project as a whole that the discharge can only occur through what's known as elemental chlorine free light technology.

This is a much tougher environmental condition on the discharge; it is one that has been demanded by environmental groups. It is something that Gunns have been saying they were willing to do; they will now have to do it as a condition of the development.

Similarly under Module A, they will now, as a condition of the development only be allowed to use plantation timber. No native forestry will be allowed to be legally used through this mill. This is a substantial variation and these two changes make the proposal a very different one to what was first presented to my department back in 2007.

Module D dealt with the construction of the wharf. There are some changes, which have been sought by the company, which will have less impact on the Tamar, and so that has been modified because of the improved environmental outcome that that involves.

There is one module, but as one module it goes by the letters F, G, H, K - it deals with the changes to the pipeline route and in particular where the pipeline was previously going over the sand dunes, it will now drill under the sand dunes.

Then in respect of conditions which had been put in place under Malcolm Turnbull there are three variations. Condition 32 – there is now a lower maximum level of chlorite and that is to reflect the improved environmental condition on the discharge with ECF light technology. There is a change to 41 G, which relates to the reporting mechanisms. Condition 49 is a new condition. What was presented to me and the advice that I received from my department was to put in the standard clause, which allows a company to come back at any time and seek a variation to the conditions that have been imposed.

Given the circumstances and the history and some of the community concerns as well, I wanted to make sure that putting in what is regarded as a standard clause did not allow anyone to believe that there could be backwards steps in the environmental footprint from today. Therefore whereas the standard clause allows companies to come back at any time and seek a variation under the Act, there will now be a condition, in condition 49, that any variation will only be considered if it involves an equivalent or better environmental outcome.

Today we draw a line on the improved conditions that Gunns have sought, on the improved environmental outcomes that have been sought by the company and from today, there are no steps backwards.

My principle matter of national environmental significance which I've had to deal with has been the Commonwealth Marine Environment.

Can I say in terms of the high level of scrutiny that this project involves, my obligation has been to deal with matters of National Environmental significance. I do understand the community concern and I do understand the level of scepticism that is often out there, particularly given some aspects of the history of the project.

What needs to be recognised today is there are now tougher environmental conditions and they are not simply a matter of trust – they are now conditions for the development to go ahead.

Before I go to questions there is one other matter that a number of you have been seeking comment from me and that relates to the Tarkine.

Last week, on I think it was the 28th, I sought advice from my department on whether or not, given some mining applications that were around, whether or not it would be appropriate to renew the emergency listing which had lapsed for the Tarkine.

The emergency listing had been there because of an application that was coming for a road. Once the road was no longer on foot, on that particular path, then the emergency listing had to legally lapse. I sought advice as to whether or not, in the

context of the mining proposals, they would, under the Act, give rise to the reasons for emergency listing.

I dealt with that advice from my department today. My department advised that it did not give rise to the conditions for an emergency listing, and for that reason I am not going ahead with an emergency listing for the Tarkine. All the rules of national environmental significance remain in place for any proposals for the Tarkine. The extra overlay of a heritage listing is something where the advice of my department says the requirements of the Act are not met.

JOURNALIST: Minister, as you say, is this rather unusual for a company to willingly offer more onerous environmental conditions than are required? Can you, perhaps, explain, in laymen's terms, why governments did that last week?

TONY BURKE: Well, in part the answer for that is an answer that can only be given for motivation by Gunns. If I can say, I asked my department whether there is a precedent for a company actually coming to us and saying, "We want tougher rules, just so that you're enforcing the tougher environmental conditions on us." The officials of my department know of no occasion where this has occurred before. We often get companies who have improved the environmental outcomes, seek a variation, because the better method couldn't be done under the existing approvals. But there was no precedent that my officials could think of, where a company simply asked for tougher conditions because they wanted the better environmental outcome enforced.

JOURNALIST: And are you going to make them stick to those or you didn't think they were necessary?

TONY BURKE: They sought tougher environmental conditions. I'm the environment minister and I've given them tougher environmental conditions. I also made it clear in shifting from the standard clause in condition 49, 'don't come back wanting to soften those tougher environmental conditions.' They are now the only way the project goes ahead.

JOURNALIST: Would you have proposed those tougher conditions if they hadn't offered to do it?

TONY BURKE: I hadn't completed working through the advice from my department. When that advice goes up and is made public later today, you will see that my department was advising me, under the EPBC Act to approve at the lower standard.

JOURNALIST: Will the project receive any Federal funding?

TONY BURKE: We have received no applications for that at all. Anything on that would be dealt with by ministers other than me, but there has been no request of that nature at all.

JOURNALIST: And would you have approved it based on the department advice to you, or did you think that, in fact, the tougher conditions were necessary?

TONY BURKE: You're talking about advice that I never completed working through. So to second guess how I would have gone is something where I can't give you a frank answer on that. I can say though, because of what I've done on condition 49, it should not be presumed that I will always follow identically the advice of my department. There are occasions where, I believe, the environmental protection requires the language to be toughened up and that's exactly what I've done today.

JOURNALIST: What has the company told regarding its expectations about being able to fund the project? Have you had discussions about that, and when might construction actually begin to take place?

TONY BURKE: Since I became Environment Minister I certainly have never – I'm not involved in discussions of that nature. That's a question that would probably be best directed to Joe Ludwig.

JOURNALIST: In your deliberations, was there any canvassing of the extra cost to the company of the new environment levy? Do you have any insight into what the cost is?

TONY BURKE: No, I don't, and if I can explain, there is a difference here today compared to where environmental approvals often go. Today, I'm at the end of a process that's already been through two other ministers. When you deal with the initial approval, it is frequently the case, you'll see in my media releases, where there'll be a clause saying, we've taken economic and social issues into account but the principle focus has been on matters of national environmental significance. Because of the point in the process that we're at on this one, it is the environmental matters only that form part of my legal decision making.

JOURNALIST: Time for green groups to now get behind this project, given as what you've set out as the stringent standards of the project and further to that, what's your understanding of the Kelty process, the peace process that's underway? What's your level of confidence that a peace deal will be struck, essentially?

TONY BURKE: The first thing to remember with the Statement of Principals from Tasmania, is it's a community based agreement. It's their agreement, it's not an agreement that has been brokered by government. Certainly, if the consensus across the community holds, we're very keen to help to try to facilitate that consensus.

To environmental groups, there are a number of statements that have been made, that I've seen on the wires today, where environmental groups have demanded a number of things would have to happen, and have actually demanded that if they don't happen, that they believe I should have rejected the proposal.

One of those things they've demanded is elemental chlorine free for the discharge. That's now a condition. Another thing they've demanded is a plantation based resource. That's now there as a condition. One of the other issues they've demanded is further community consultation. As environment minister, that's not within my remit, and that's certainly something, a message that I presume they're giving loud and clear to the company as well.

JOURNALIST: Minister, on another issue, Toyota's come out today saying it's got concerns about the carbon tax. They're worried it might impact on investment in Australia and in turn jobs. Are you confident that the carbon tax won't damage the manufacturing sector?

TONY BURKE: This is about making sure that Australia engages in an economic reform to position us for the future. The world will be moving to a lower carbon economy, and the early adopters will be the economies that do best. It's an important economic reform, it's good for jobs in Australia, and as the detail continues to come through with Greg Combet and the Prime Minister, I think, that will start to be seen.

JOURNALIST: It won't hurt the current industry?

TONY BURKE: On the specifics industry, let's not forget the work that we've been doing in setting the car industry up for the future with the green car innovation fund as well.

JOURNALIST: Isn't it bad for jobs in Australia? Aren't there job losses in key parts of the economy even though later there may be job gains in other parts of the economy? How can you be sure that there's actually a net gain in jobs?

TONY BURKE: Look, what we're talking about is preparing the economy for the future. On the particular detail, you're starting to go beyond the Environment Minister and into questions that properly can be answered by Greg Combet. Certainly, as an economic reform, it's important for the future of the economy. It's important for Australian jobs.

JOURNALIST: Do you think the green jobs that people have been talking about are really there, considering when a large amount of the technology for renewable sector is now being made overseas? So the potential for job creation is actually less, or a lot of people are concerned that it is less than has been predicted.

TONY BURKE: There is no doubt that we are in a weaker position than if we'd acted a decade ago. There's no doubt. That's a reason for action, not a reason for further delay.

JOURNALIST: Mr Burke, are you fully comfortable with the overall strategy, I mean, given Tony Windsor has basically accused the government of putting the cart before the horse and coming out with a Carbon Tax Policy Price Proposal with absolutely no detail? Do you think that was wise?

TONY BURKE: As the structure of the proposal has been developed, we've let the community know, and I think, if we'd done it differently, and it was happening in secret, there'd be a very different criticism being made. I don't think providing the Australian people with information as the proposal is developed is a bad thing.

JOURNALIST: Can you really, though, continue to not provide any extra information for four months while the opposition continues its big tax campaign?

TONY BURKE: As information is ready to be made available it gets made available. I think that's the right thing to do. It's the same reason that today with the environmental approvals I've made sure, rather than wait for the demand, will you make these documents public, they're going up on the web the moment I finish this meeting, which is now thank you.

ENDS