

11th February 2004

Dr Frank Cattell
Manager
Environmental Operations
Dept. of Primary Industries Water & Environment
GPO Box 44
HOBART 7001

Your ref: Derek Walter

Dear Dr Cattell,

***ENVIRONMENTAL MANAGEMENT & POLLUTION CONTROL
(MISCELLANEOUS NOISE) REGULATIONS 2004***

I acknowledge receipt of your letter of 20th January 2004, together with its enclosures.

Your letter has the appearance of being a pro forma that has been sent to all of the persons who or which made submissions to the panel which reviewed the now-discarded draft noise policy. As there has been considerable previous correspondence between FIAT and your Department, you might at least have addressed that correspondence and respond to those parts of the submission of FIAT which are relevant to the proposed new Regulations. I raised the issue of chainsaw use, in the context of the proposed repromulgation of the Regulations, by letter dated 2nd September 2003 to your Dr W. Jones and have received no response whatsoever.

Your failure to respond and to properly address the legitimate concerns of FIAT is of considerable concern to us and we are increasingly wondering whether or not our position is being taken seriously.

Your Department is well aware that the noise limits which are proposed to be repromulgated as part of Regulation 19 and schedule 6 cannot be complied with, so far as they propose to bind those using internal combustion engined chainsaws. The evidence of Mr Pearu Terts, by report dated 29th August 2003, a copy of which has already been provided to your Department and to the Panel, establishes this beyond any question. Mr Terts is an accepted expert in this field and it is simply unacceptable for the Department to refuse even to acknowledge both the veracity of his evidence and the practical problem that repromulgation of the Regulations in this form would cause for industry.

Your regulatory impact statement does not point out that, whilst the relevant limits are those set in 1977 on some basis which is “uncertain but ... probably determined from a survey of products on the market and noise limits specified in the legislation and guidelines of other jurisdictions” (clause 4.1) they cannot be complied with by almost all of the chainsaws now in common use, and, as the proposed regulations will be new regulations, that the effect would be to shut down the timber industry.

Further, the removal of the former grandfathering and the former exemption from the 300 metre rule governing chainsaw use cannot be justified on any reasonable basis. The glib assertion that the grandfathering is no longer necessary fails to take into account the noise emission levels of all currently operating chainsaws, and the assertion that the exemption should be removed has no reasonable foundation in fact.

FIAT reiterates its submission that the noise limit for an internal combustion chainsaw should be not less than 105dB(A).

FIAT submits that the former grandfathering should be maintained and the former exemption from the 300 metre rule governing chainsaw use should be re-enacted.

If these submissions are not accepted, FIAT will be constrained to take the matter further to all appropriate authorities.

Yours faithfully,

Terry Edwards
Chief Executive