

28th September 2012.

Mr. Alex Schaap

Director
Environment Protection Authority
Level 6
134 Macquarie Street
Hobart
Tasmania 7001
Alex.schaap@environment.tas.gov.au

Dear Sir,

Back yard Burning

Thank you for your timely response dated the 26th September 2012.

I note you say you doubt you, "...will be able to clarify the situation quickly."
In relation to this point I must express an absolute need to have this matter resolved urgently.

Should someone decide again to undertake back yard burning and I am unable to escape the smoke as a result of either the EPA and/or council refusing to be responsible for the administration of this type of environmental pollution (as has been the case in the past) it is quite possible that my health will be damaged further and as a result death or serious injury could occur.

Whilst I am not privy to the legal advice received by the West Tamar Council in relation to this matter, my advice is the Environmental Management and Pollution Control Act 1994 (EMPCA) is the primary and over-riding environment protection legislation in Tasmania, and the fundamental basis of EMPCA is the prevention, reduction and remediation of environmental harm.

I have also been advised it is the role of the EPA to administer our EMPCA which is defined very broadly in section 5 of the Act as:

"any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance" (the latter is defined as 'the emission of a pollutant that unreasonably interferes with, or is likely to interfere with, a person's enjoyment of the environment')".

To date I have been denied protection from smoke from backyard burning because of administration problems between the EPA and my council. This cannot be allowed to continue.

Further, can you please advise if my correspondence has been circulated to all the Board members and what interim steps have been taken by the EPA to protect the public's health from this deliberate, harmful pollution?

Thank you and I await your further response.

Yours faithfully,

Clive M. Stott