

**ADMINISTRATIVE APPEALS TRIBUNAL
NEW SOUTH WALES DISTRICT REGISTRY**

NO N1149 OF 2010

NO SHIP ACTION GROUP INC
Applicant

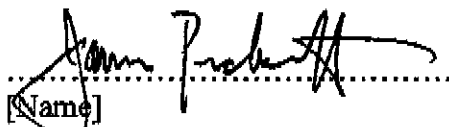
**MINISTER FOR THE ENVIRONMENT
HERITAGE AND THE ARTS**
First Respondent

STATE OF NEW SOUTH WALES
Second Respondent

AFFIDAVIT OF JIM PUCKETT

On the 23rd day of June 2010, I, Jim Puckett, Executive Director of the Basel Action Network (BAN), of business address 122 South Jackson Street, Suite 320, Seattle, WA 98104 in the United States, affirm as follows:

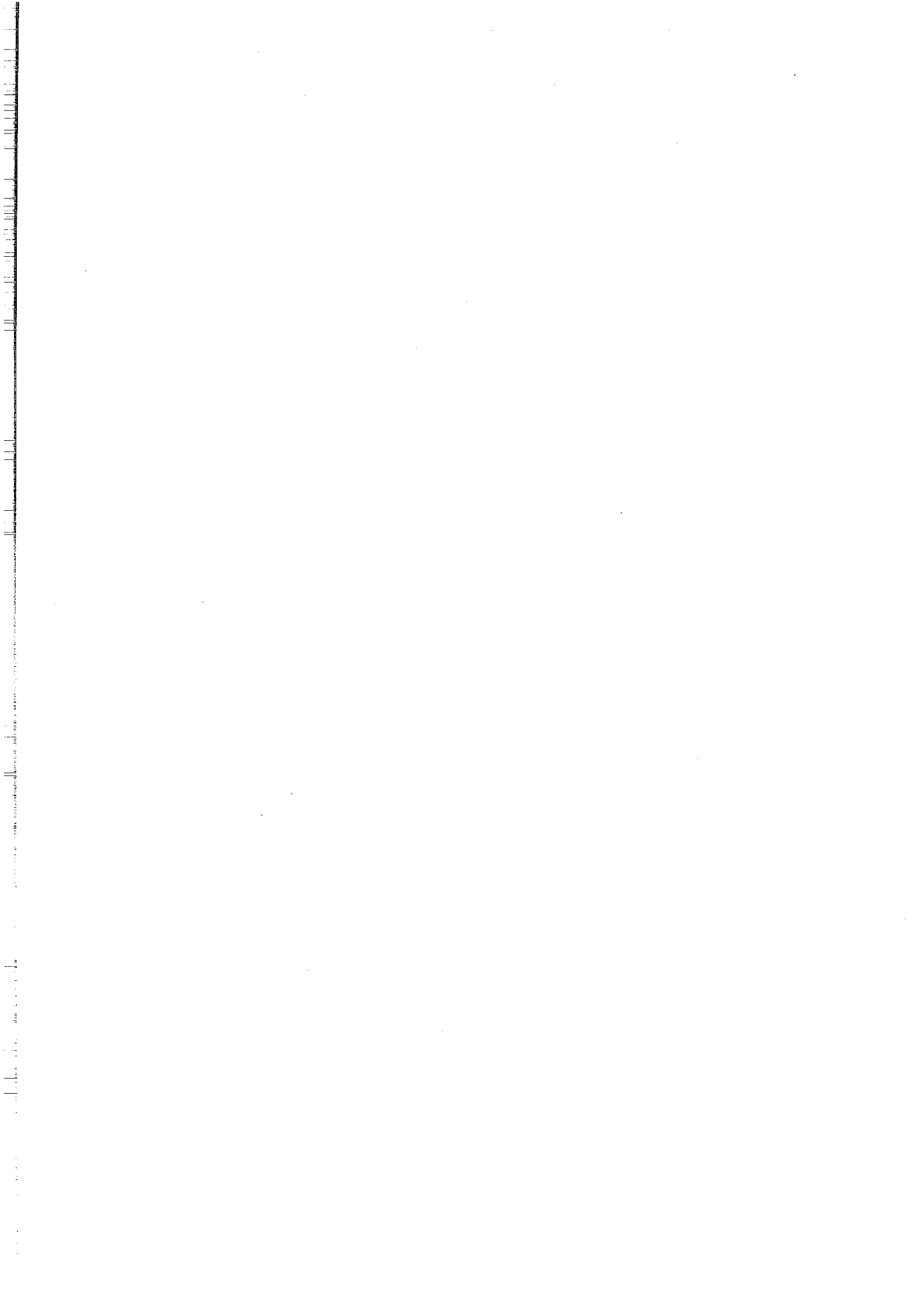
- 1 Currently I serve as the Executive Director of the Basel Action Network (BAN), an international environmental justice advocacy organization based in Seattle Washington, USA. BAN serves as non-governmental watchdog of the United Nations Basel Convention, the world's only treaty dealing specifically with the generation and management of hazardous waste.
- 2 I have 24 years experience in the field of environmentally sound management of hazardous waste and global pollution as a non-governmental advocacy leader. I have served as Greenpeace International Toxics Director prior to starting the Basel Action Network. I have travelled extensively speaking, writing, and preparing films to combat the global proliferation and mismanagement of hazardous waste. I have 12 years of experience examining ship recycling alternatives. I assisted in the creation of the Basel Convention *Technical guidelines for the environmentally sound management of the full and partial dismantling of ships* and am author of the *NGO Green Ship Recycling*


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Filed on behalf of the applicant

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Standard. I currently serve on the board of directors of the NGO Shipbreaking Platform based in Brussels.

3 For the purpose of making this affidavit, I was provided the following documents by the Environmental Defenders Office:

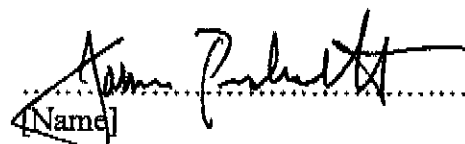
- A copy of the permit the subject of these proceedings;
- A copy of the Amended Statement of Issues;
- The reports prepared by Mr Werner Hoyt;
- An affidavit by Mr Ian Donoghue
- An affidavit (minus annexures) of Mr John Polglaze

4 **Recycling Option Not Assessed**

Vessel ocean dumping decisions should only be made after careful review of all disposal alternatives including the environmentally preferable options of vessel s re-use and materials recovery. The ex-Adelaide contains scrap metals such as steel, aluminum, brass, copper, and copper nickel alloy, amongst others valuable and strategic metals. These commodities can be reclaimed and thereby reduce direct disposal costs for the government while conserving resources. Recycling can also preserve indirect externalized costs to the environment including habitat destruction from primary metals extraction (mining) and climate impacts from fossil fuel combustion incurred from intensive primary refining and smelting of metals.

5 Paragraph 36 of the written affidavit of Mr. Ian Donoghue of 19 May 2010 (hereafter referred to as Donoghue statements) states that scrapping of an asset such as the ex-Adelaide is the "*option of last resort available.*" In other words, Donoghue affirms that vessel recycling is the last disposal option of consideration. However this assertion is in contradiction to the guidance provided to Parties under the London Protocol. Australia ratified the London Protocol in 2000 and the treaty entered into global force in 2006. Australia administers the Protocol through the Environment Protection (Sea Dumping) Act 1981 (the Sea Dumping Act).

6 In order to properly implement the obligations under that treaty, a guidance document has been produced by the *Secretariat of the London Convention/London Protocol: Specific Guidelines for Assessment of Vessels* (hereafter referred to as Protocol Guidelines). This guideline was noted in the affidavit of Mr. Polglaze (hereafter referred to as "Polyglaze


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statement") as a basis for recommending sea disposal for the government. Yet the use of this guideline has been unduly selective.

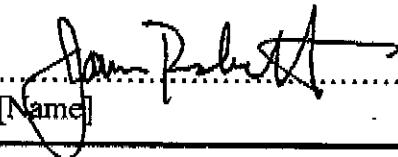
7 These guidelines state: "*These Guidelines set out the factors to be addressed when considering disposal of vessels at sea, with particular emphasis on the need to evaluate alternatives to sea disposal prior to sea disposal being determined the preferred alternative*" (paragraph 1.5). The guidelines continue, "*A permit to dump wastes or other matter shall be refused if the permitting authority determines that appropriate opportunities exist to re-use, recycle or treat the waste without undue risks to human health or the environment or disproportionate costs. The practical availability of other means of disposal should be considered in the light of a comparative risk assessment involving both dumping and the alternatives*" (paragraph 3.2).

8 It is my opinion that the responsible authorities failed to adequately conduct a comprehensive assessment of alternatives as expected of Parties to the London Protocol as explained in the above mentioned guideline and prematurely approved the Dumping Permit. Had due consideration been given to the *appropriate opportunities that exist to re-use or recycle* the waste, the government would have determined that recycling is the vastly preferable means by which waste, and in particular hazardous waste, could be treated and properly disposed without undue risks to human health or the environment.

Further, recycling is the preferred economic disposal alternative and would not be conducted at disproportionate costs to the government. Rather, a portion of the reported \$10 million spent by the government already to prepare the vessel for sinking could be recouped by scrap material recovery via recycling. As Mr. Werner Hoyt states in his June 15, 2010 response to evidence provided by the State of NSW, the estimated proceeds from recycling is US\$3.6 million, whereas the dumping of the ex-Adelaide merely forfeits all cost recovery options available to the government.

9 **Recycling Feasibility**

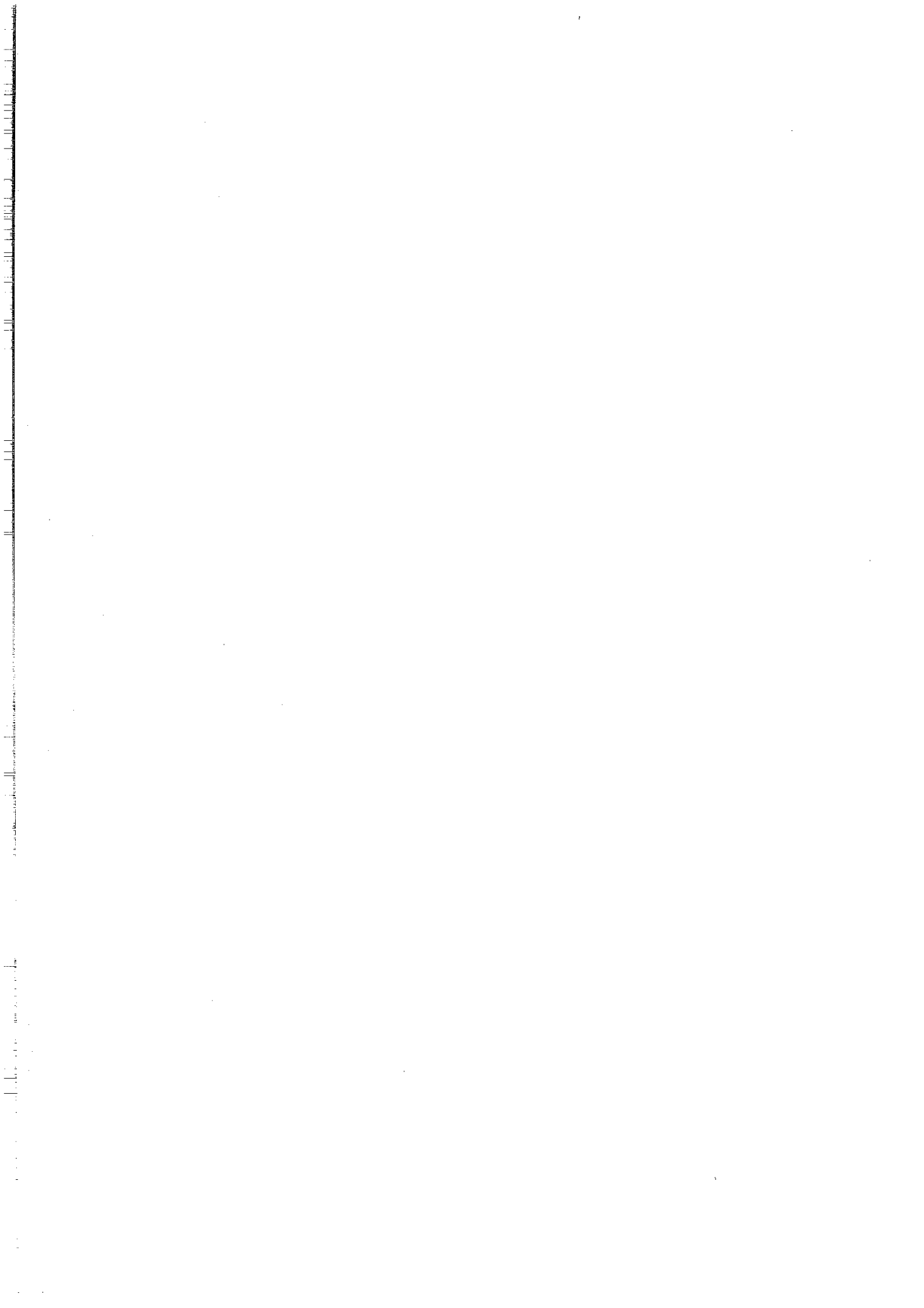
Donoghue states in Paragraph 39 "*that there may be limited current capacity to deal with a project of this size in local ship yards in Australia.*" And in Paragraph 37, that it would take many months to conduct such disposal via recycling. This is contrary to industry norms in the United States and elsewhere in the world. I have first-hand knowledge of the Esco Marine and International Shipbreaking Limited operations in Brownsville, Texas, two of the leading green ship recycling yards (slipside recycling) in the U.S., and


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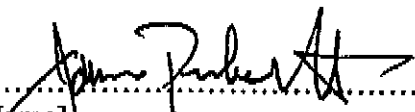
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an approved government recycler for U.S. Navy and U.S. Maritime Administration vessels. I also have first-hand knowledge of the Van Heyghen operations (dock and slipside) in Ghent, Belgium. Further, my review of the operations of Maersk shipping lines operations (dockside) in China all provide clear me with clear demonstrations that the ex-Adelaide could be dismantled in any facility with heavy lifting cranes alongside a pier and a knowledgeable foreman, environmental specialist and workforce.

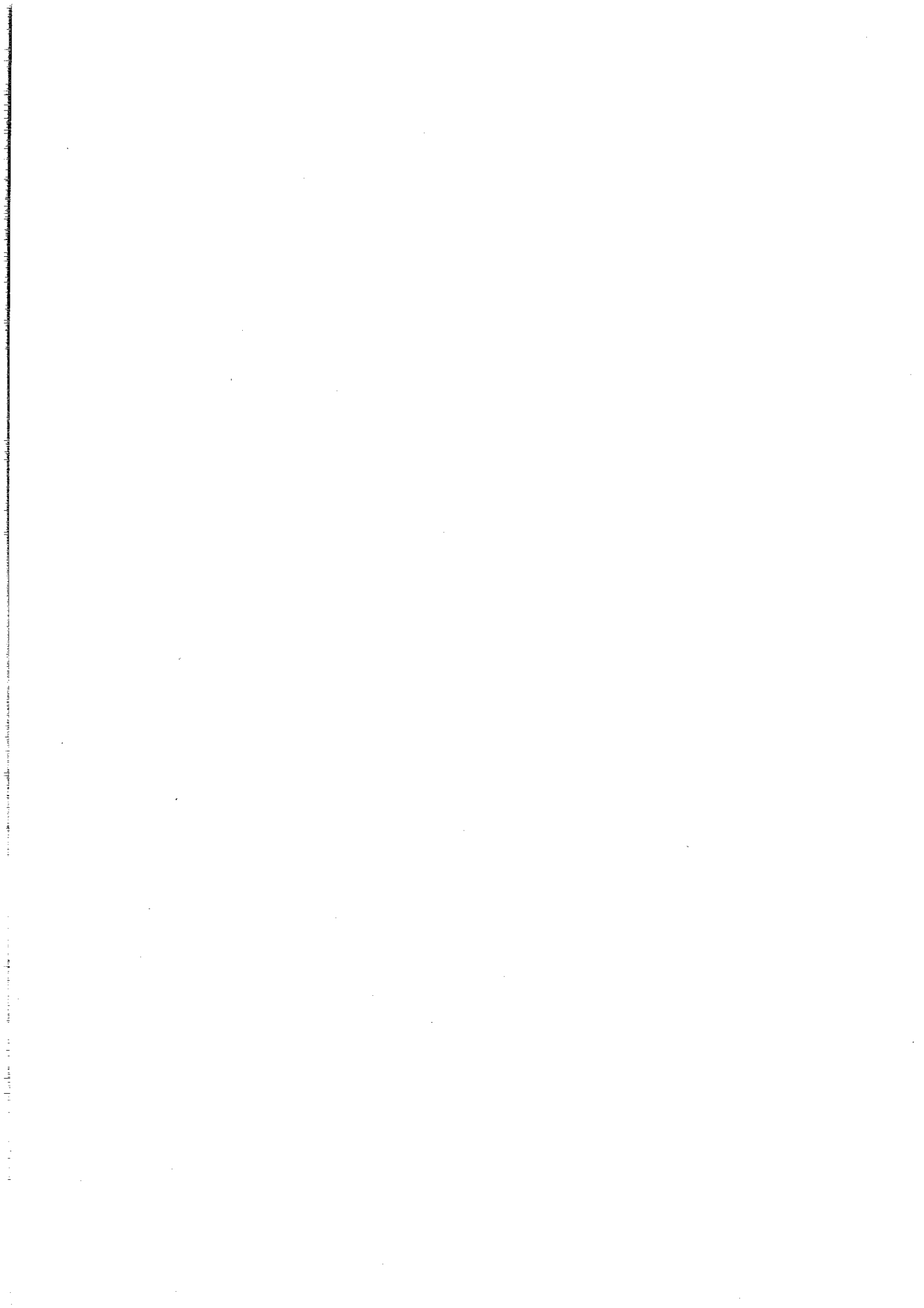
- 10 Special machinery is not needed. Dockside recycling is a proven and green method for recycling currently practiced by major shipping lines such as Maersk for much larger ships. There is no necessity for dry-dock or slip-ramp operations until the final days. The pier-side method involves asbestos abatement, removal of paint along cut lines, and then cutting and removal of the predominantly aluminum superstructure which is lifted in pieces by pier-side cranes and placed on land for further controlled cutting, PCB material removal and eventual recycling of metals and disposal of the PCB contaminated material. The vessel is then reduced to the "canoe" which itself can be pumped out of bilge and other liquids and then moved to a drydock or slip-ramp. The hull would require the use of dry dock for dismantling, but could be fully dismantled within 5-7 days.
- 11 In the United States, recycling of naval vessels has been the environmentally preferred method of disposal due to the presence of PCB contaminated material, with full dismantling being the only option capable of removing all contaminants. Vessels are dismantled and recycled in the U.S. under strict environmental and labor protection laws, and must adhere to EPA administered guidelines described in the *Guide for Ship Scrappers: Tips for Regulatory Compliance*. The Basel Convention also has created an excellent guidance document on ship recycling, as has the International Maritime Organization and the International Labor Organization. These guidance documents can help inform the recycling process in Australia. If there is not sufficient expertise in Australia to conduct dismantling with highest regard for the environment, contracting arrangements could be made with experienced U.S. contractors who are well versed in recycling U.S. built naval vessels such as the ex-Adelaide. Laborers could be trained in a week.
- 12 In this manner, the ex-Adelaide would be properly dismantled, creating local jobs, disposing of all hazardous materials at approved land based disposal facilities, and valuable scrap material would be recycled and reconstituted, thereby stimulating the local economy and generating revenue for the government from such actions. Further,

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externalities such as perpetuating damaging primary metals extraction, fossil fuel consumption and concurrent climate impacts would be internalized. Primary production is far more energy intensive than secondary metals recovery (e.g. recycling) and thus produces greenhouse gas emissions, air and water pollution in higher volumes.

13 **Recycling Value**

Recycling of naval vessels helps recirculate valuable scrap metal into the world marketplace and preserves these commodities, keeping them in the recycling chain. These metals are valuable and increasingly scarce commodities. Dumping such strategic and valuable metals into the sea makes them irretrievable and lost through corrosion. The lifespan of an artificial reef is usually 60 years. Recycling is the predominant means of vessel disposal worldwide, with well over 600 ships being scrapped in 2009 alone, approximately 30 million tons of vessels.¹

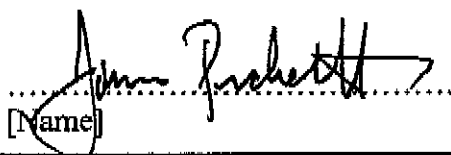
14 **London Convention and London Protocol Guidelines**

Paragraph 40 of the Polglaze Statement, states that "*there is no mention in the Protocol Specific Guidelines for Vessels of PCBs contained in solid matrices.*" Rather, he suggests in paragraph 39 that the Protocol Guidelines for Vessels are only concerned with the removal of liquid PCBs. The lack of awareness over the concern of solid matrix PCBs leaching into the marine environment is an historic relic as I shall discuss later in this document.

15 Apart from that matter, Mr. Polglaze neglects to acknowledge the Protocol Guidelines for Vessels' declaration in Paragraph 1.2, "*The London Convention 1972 prohibits the dumping of certain wastes or other matter specified therein and in the context of that Convention these Guidelines meet the requirements of its Annexes for wastes. When applying these Guidelines under the London Convention 1972, they should not be viewed as a tool for the reconsideration of dumping of wastes or other matter in contravention of Annex I to the London Convention 1972.*"

16 Article 4 of the 1972 London Convention prohibits the dumping of materials specified in Annex I, otherwise known as the *black list*. This list was created due to the strong likelihood that these contaminants will cause great harm to living resources, marine life and human health due to their hazardous characteristics. These hazardous characteristics

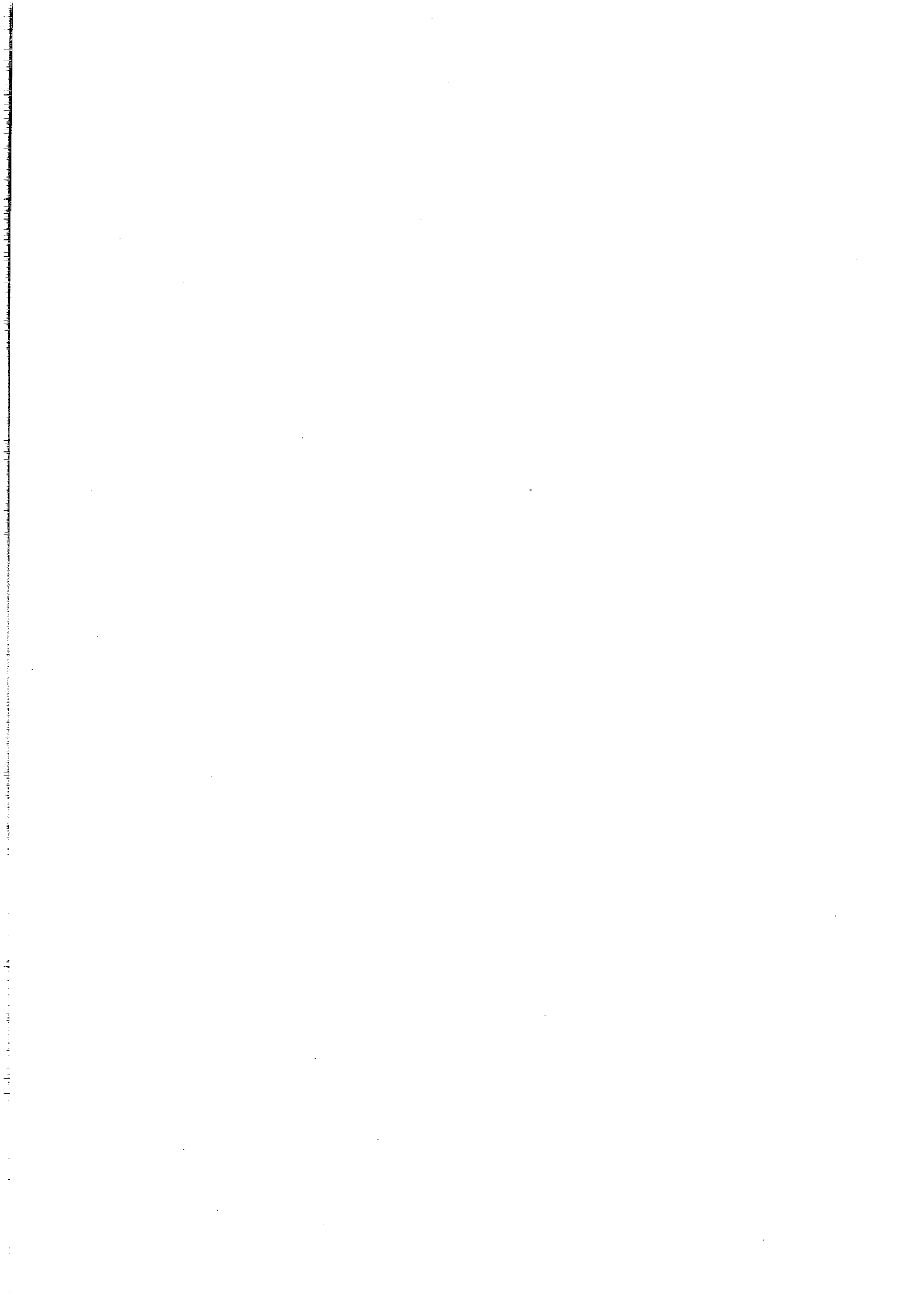
¹http://www.hellenicshippingnews.com/index.php?option=com_content&task=view&id=85491&Itemid=93


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include not only toxicity, but also the propensity to bioaccumulate and biomagnify in the human food chain. This black list includes all organohalogen compounds (e.g. PCBs), except in cases where only "trace" contaminants are present.² Trace concentrations of PCBs generally suggest concentrations of less than 50 parts per billion (ppb).³ However, from the PCB sampling reports, it is clearly evident that the ex-Adelaide contains PCB contaminated material well in excess of trace requirements. Thus the 1972 London Convention and the subsequent 1996 London Protocol are absolutely concerned with prohibiting the entry into the marine environment of PCBs as well they should be.

17 **PCB Contamination from Solid Matrices**

In Paragraph 38 of the Polglaze Statement, it is stated that any solid matrix PCBs present on the vessel "would be fairly immobile in the marine environment and thus should not be regarded as presenting any tangible marine pollution hazard." This conclusion lacks consideration for now documented solid-matrix PCBs leaching from sunken naval vessels at levels that are not only hazardous to the marine environment and living resources, but also hazardous to human health via the marine food chain. PCBs are known to be extremely viscous. They do not stay well attached to any material and thus readily leach into the environment. They may be delayed from entry, but as was discovered in the case of the ex-Oriskany described below, the migration out of the solid matrices and into the marine environment has happened in the space of less than 4 years.

18 PCB leaching from solid-matrix materials in a marine environment is documented by the U.S. Environmental Protection Agency (USEPA), but more recently they have been documented in an alarming way with fish sampling data from the sunken aircraft carrier ex-Oriskany by the Florida Fish and Wildlife Conservation Commission. The ex-Oriskany was sunk off the coast of Florida in 2006 under a risk-based disposal permit from the USEPA as an artificial reef primarily for the purpose of enhancing fisheries and entertaining divers and thereby increasing tourism dollars.

19 According to the new data from a recent study conducted by the Florida Fish and Wildlife Conservation Commission (FWC) as part of the post-sinking monitoring program, PCB concentrations in fish caught at the ex-Oriskany site are more than twice that of the USEPA forecasted levels. All liquid PCBs were removed from the vessel prior

² <http://www.austlii.edu.au/au/other/dfat/treaties/1985/16.html>

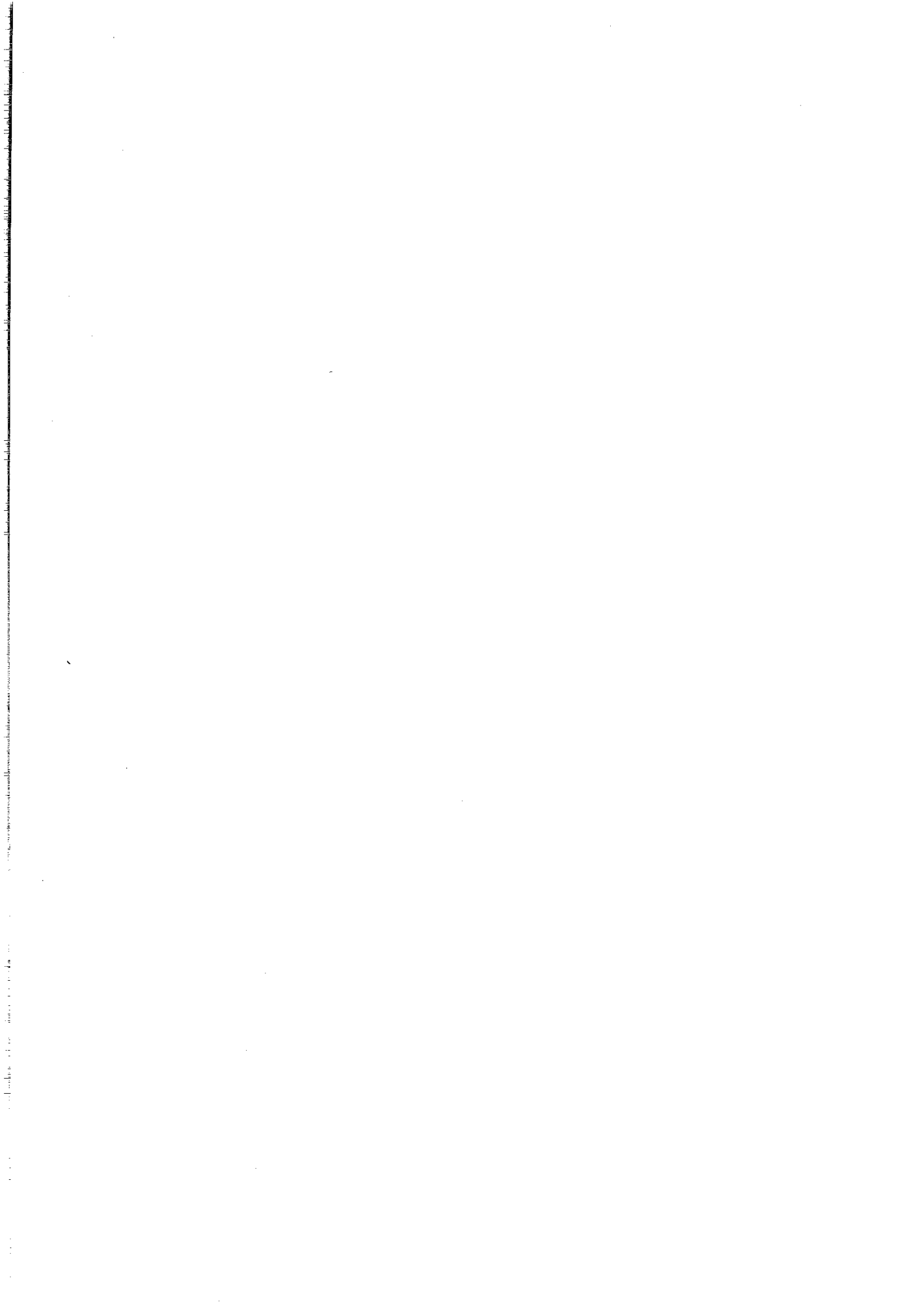
³ Sterner, G.R.; Naval Sea Systems Command; Official Correspondence with Captain Charles Wendi, U.S.AF; Subject: "Resumption of Sinking Exercises" (5 August 1994); <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA323505&Location=U2&doc=GetTRDoc.pdf> (pg. 5).

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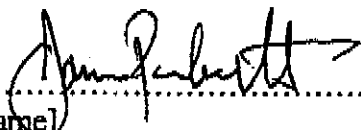
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to sinking; therefore all documented PCB leaching is from solid PCBs.

- 20 The data found that 33% of all fish sampled post-sinking in the vicinity of the ex-Oriskany had PCB concentrations above 20 parts per billion (ppb), the USEPA screening (acceptable) level. 21% of all fish sampled post-sinking had PCB concentrations above 50 ppb, the Florida Department of Health fish advisory threshold. Total PCB concentrations in fish samples increased 1,446% on average from pre-sinking to post-sinking. There were also two sampling events in 2008 on a control reef. The control reef is a concrete bridge rubble reef that is 8 miles from the ex-Oriskany site. The control reef samples were taken on the same days as the ex-Oriskany samples in 2008. PCB concentrations in fish caught at the ex-Oriskany site in 2008 averaged more than 932% higher than PCB concentrations in fish caught at the control reef.
- 21 It must be recognized that these elevated levels were discovered in less than three years after the sinking took place. It can be expected that these levels will increase over time as PCBs are extremely persistent and stable in the marine environment and solid matrix PCBs are expected to continue to leach and make their way into the food chain where they will bioaccumulate, bioconcentrate and persist in the fatty tissue of marine animal life.
- 22 The Polglaze Statement also refers in paragraph 42 to a 1996 agreement between the U.S. Navy and U.S. EPA regarding PCB remediation for SINKEX. However, the 1996 agreement Polglaze refers to was merely an interim agreement until further studies could be conducted on solid-matrix PCB leachability in a marine environment. Again this study is an historical relic. We now know that solid-matrix PCB materials readily leach PCBs into the marine environment.
- 23 In fact, Polglaze's reference to SINKEX remediation standards is a mistake, as these are not only based on data that has now been proven incorrect, they are also not applicable to vessels sunk as artificial reefs in shallower waters. SINKEX remediation standards in the U.S. are significantly less than artificial reefing remediation standards and are not required to reach 50 ppm remediation prior to sinking, as the USEPA approved SINKEX under a general permit with exceptions to general remediation standards based on their deep ocean sinking assumptions. For artificial reefing, shallow water remediation standards apply in which solid-matrix PCBs must be remediated to 50 ppm per the EPA's 2006 National Guidance document: *Best Management Practices for Preparing Vessels*

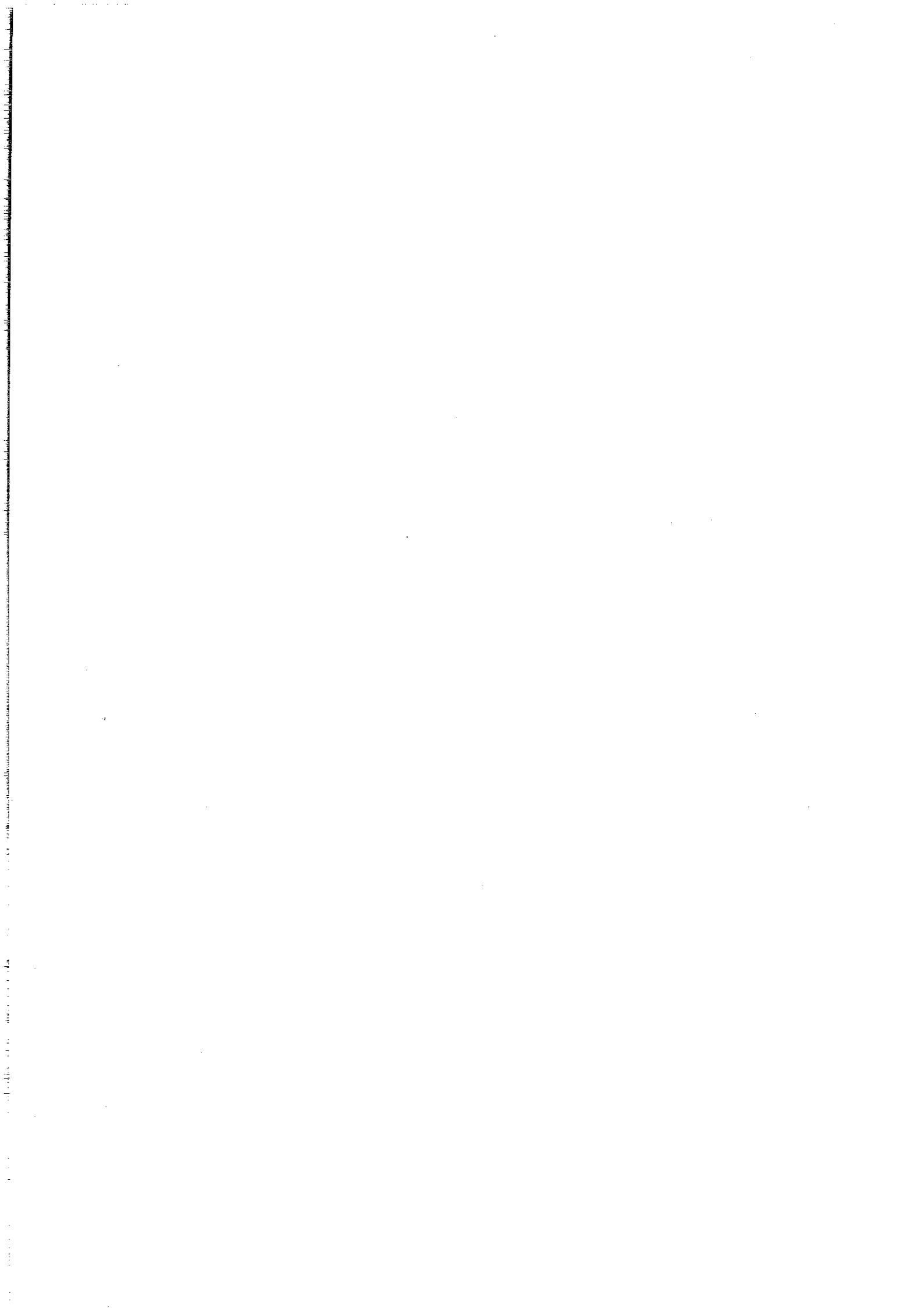


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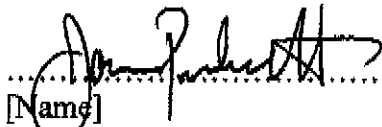
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Intended to Create Artificial (BMP) and the U.S. Toxic Substances Control Act, for which SINKEX is exempt.

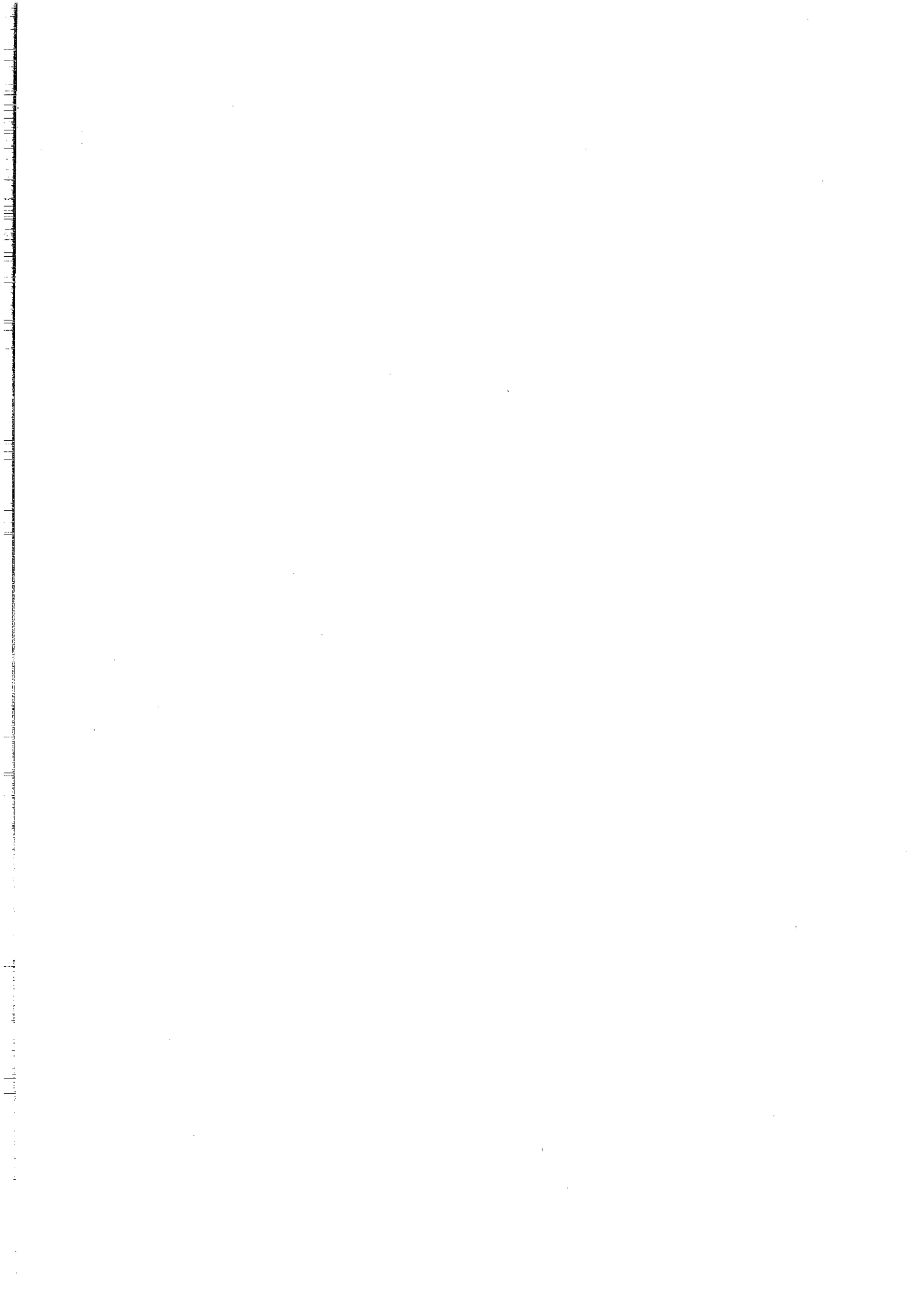
- 24 While the Polglaze Statement references "U.S. Guidelines" in paragraph 50, referring to the BMP mentioned above, and suggests that solid-matrix PCBs above 50 ppm do not necessarily need to be removed from ships before sinking, he neglects to fully disclose the context of this statement. PCB material above 50 ppm can be sunk, but only in instances where the EPA grants a risk-based disposal permit for those specific PCBs pursuant to 40 CFR 761.62(c). This requires a risk-assessment of the PCB material and its impacts to the marine environment, living resources and human health. The ex-Oriskany was sunk under such a risk-based disposal permit, allowing PCB contaminated electric cables to be left onboard the vessel; this risk assessment was conducted at a cost to the Navy of U.S.\$3.74 million. Nothing of a similar nature has been conducted by Australia. However as we now see, in any event, the conclusion that there would be minimal risk from dumping the ex-Oriskany with PCBs at these levels on board has been proven by the State of Florida data to be sadly mistaken.
- 25 **Construction Date Indicates Likely Presence of PCBs**
The HMAS Adelaide was constructed in the United States. She was laid down in 1977 and launched in 1978. The United States enacted the Toxic Substances Control Act in 1976, which regulates the manufacturing, processing, distribution in commerce and use of polychlorinated biphenyls (PCBs) in the U.S. However it was not in force until 1978, at which point the final rule only enforced regulations on marking and disposal of PCB contaminated material. The PCB ban rule wasn't fully enforced until July 1979. This period of construction suggests the vessel likely contains PCBs in various shipboard compartments and materials.
- 26 Further, the electrical cabling labelled "1977" that remains within the bulkheads of the Adelaide likely contains PCBs per the discussion above. The EPA document entitled *National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs*, states: *Although no longer commercially produced in the United States, PCBs are most likely to be present in vessels deployed before the 1979 PCB ban. For such vessels, PCBs may be found in both the solid (waxy) and liquid (oily) forms in equipment and materials onboard ships. The equipment that may contain PCBs in concentrations of greater than or equal to 50 ppm and the*

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manufactured products containing greater than or equal to 50 ppm of solid PCBs, include:

- Cable insulation
- Rubber and felt gaskets
- Thermal insulation material including Fiberglas, felt, foam, and cork
- Voltage regulators, switches, reclosers, bushings, and electromagnets
- Electronic equipment, switchboards, and consoles
- Adhesives and tapes
- Oil-based paint
- Caulking
- Rubber isolation mounts
- Foundation mounts
- Pipe hangers
- Plastics⁴

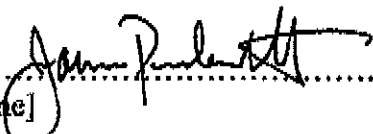
27 The 2001 RAND Report entitled *Disposal Options for Ships*, discusses the U.S. Coast Guard's remediation standards based on 2,000 PCB sampling events, and states: "Remove and dispose of (as PCB waste) electric power and signal cables dating from 1980 and earlier; retain all cables dating from 1984; and test all cable dating from 1980 to 1984 if the amount warrants, otherwise remove."⁵ If we were to use the construction date alone and follow the US guidance and Coast Guard protocol for U.S. built vessels, all electric cables in the ex-Adelaide should be removed, not just the cables readily removed. But as we know this has not been done for the ex-Adelaide.

28 **Vessel Class Suggests Presence of PCBs**

The HMAS Adelaide is modelled on the Oliver Hazard Perry class of guided-missile frigates. The lead vessel of this class was the ex-U.S.S Oliver Hazard Perry, built in the U.S. She was laid down in 1975 and launched in 1976. The Oliver Perry was dismantled in the U.S. in 2006 at a cost of more than \$2.5 million (\$839 per ton). Metro Machine Corp. out of Philadelphia conducted the dismantling in accordance with U.S. Best Management Practices. PCBs were found in the original electric cabling as well in the original base paint primer. Health and Safety Services Inc. (HSS) conducted the

⁴ <http://www.epa.gov/pwov/pepans/habitat/artificialreefs/documents/pcb.html>

⁵ RAND Report, *Disposal Options for Ships*, 2001, Pg. 78

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asbestos remediation on the Ex-U.S.S Oliver Hazard Perry and said that there was ammonia in refrigeration units, mercury in switches, and all electrical wiring had PCBs. Also of note, the U.S.S Estocin (FFG-15), also of the Oliver Hazard Perry class, was laid down and launched in 1979 in the U.S. The U.S. Navy sampled this vessel and identified PCBs and reported such findings in the RAND Report (mentioned above).

29 **Environmental Assessment is Insufficient**

The presence of hazardous materials within the composition of scuttled naval vessels constructed in the U.S. is well documented. These materials include, but not limited to: polychlorinated biphenyls (PCBs), asbestos, iron, lead paint, antifouling paint containing tributyltin (TBT), and polybrominated diphenyl esters (PBDEs). Yet these materials and their effects on the environment, marine life and human health are not discussed in the Ex-HMAS Adelaide Artificial Reef Review of Environmental Factors (EA). The scant EA acknowledged the potential of PCBs, however, it did not clearly identify PCB sampled material within the vessel. Rather the EA acknowledged the removal of just some material that was suspected of containing PCBs according to Canada's artificial reef preparation guidelines. The Polglaze Statement also states in Paragraph 32 that he held in regard the Canadian Standards as part of the consideration process. However, the Canadian Standards were not fully implemented for the ex-Adelaide.

30 The Canadian guidelines read:

PCBs held in solid matrix may be difficult to detect from visual appearance. For assets constructed before 1984, the following items must be removed:

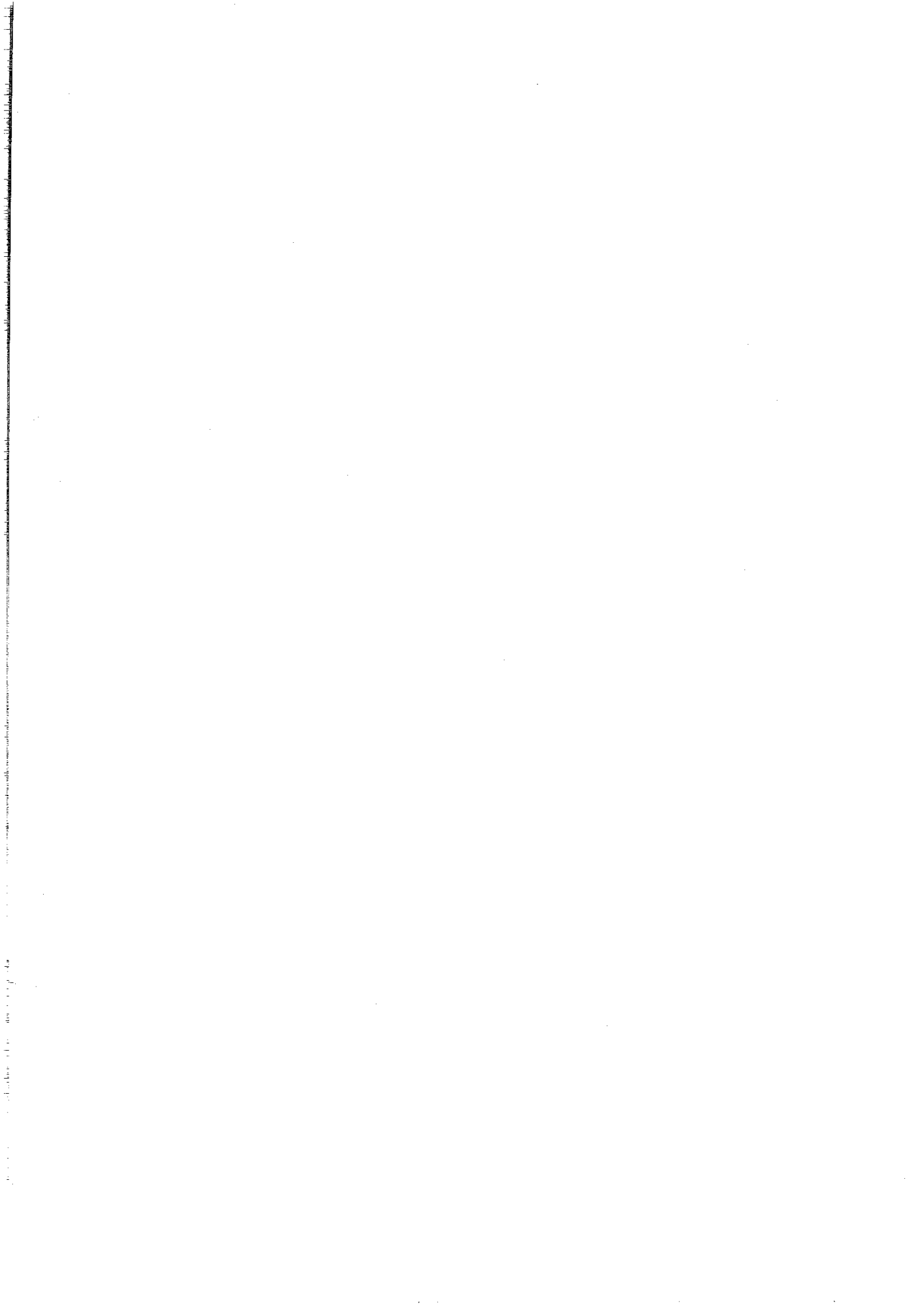
- *Oil impregnated felt or cloth gasket material.*
- *Other materials as specified by the Responsible Departmental Official. Permit applicants should check with Environment Canada for the list of required removals for their permit.*
- *Visible copper cabling must be removed.*
- *Open ends of electrical cables that show any evidence of fluid weeping (except for water) must be removed in their entirety.*
- *Where there is reason to suspect that other equipment or components may contain PCBs, then the responsible Environment Canada official will require that the permit applicant either remove the equipment or*

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component from the asset, or provide proof from a competent authority acceptable to the responsible Environment Canada official that the equipment or component does not contain PCBs.⁶

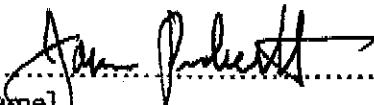
- 31 According to the Canadian guidelines, the cables labelled "1977" that remain on the vessel must be either removed or sufficiently sampled. The PCB sampling report of 1 March however only took 5 samples,⁷ none of which were on paints, felt gaskets, electric cabling or fiberglass. This minimal sampling plan is not sufficient and does not meet industry protocols, nor the Canadian Standards as implied by the EA.
- 32 Paint is also a very common source of PCBs. It is understood that paint has not been adequately sampled or remediated on the ex-Adelaide. There are likely many layers of paint. They need to all be tested for PCBs as well as lead, cadmium, and tin based paints. For example, the Cayman Islands is currently preparing the ex-USS Kittiwake, another smaller military vessel, for reefing. Their sinking preparation plan called for sandblasting the entire vessel to eliminate risks from paint and disposing of the sandblast material as hazardous waste. Clearly what Australia is planning is substandard remediation for paints, which could very well cause serious problems in future.
- 33 Finally, fiberglass, which is found in large quantities on the ship has been identified as yet another a possible source of PCBs, with concentrations in excess of 50 ppm. In fact, fiberglass has been sampled to show PCB concentrations as high as 39,000 ppm in some applications.⁸ The RAND Report (previously mentioned) states: *"Remove and dispose of plastic foam hull insulation and fiberglass insulation located close to felt joinerwork materials (Fiberglass insulation is thought to be contaminated by migration of PCBs in the PCB-felt in contact with joinerwork panels)."*⁹
- 34 **Stockholm Convention Obligations Violated**
The Stockholm Convention on Persistent Organic Pollutants is a global treaty created to protect human health and the environment from persistent organic pollutants (POPs). Australia played a leadership role in its being negotiated and adopted in 2001 and moved to ratify it in 2004. Of the twelve chemicals initially named in the Convention, nine

⁶ http://www.artificialreef.bc.ca/Resources/DisposalClean-upStandard_Rev3_Dec2007.pdf

⁷ http://www.hmasadelaide.com/_data/assets/pdf_file/0003/122592/PCB_Tests_Report.pdf

⁸ <http://www.ecy.wa.gov/programs/hwtr/demowastebris/pages2/demowasteother.html>

⁹ RAND Report, Disposal Options for Ships, 2001, Pg. 78


.....
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Filed on behalf of the applicant

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chemicals are listed in Annex A with the intent for global elimination, of which PCBs are one.¹⁰ The Convention is clear in its mandate that Annex A chemicals, such as PCBs, must be "destroyed or irreversibly transformed" so that they no longer exhibit the characteristics of POPs. That is POPs cannot be disposed of by any traditional means such as land or sea deposit.

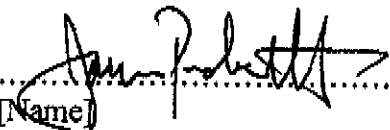
35 The Basel Convention was in fact tasked by the Stockholm Convention with developing guidelines on PCB disposal, and in particular, setting the low-POP content threshold levels. The guidelines have been completed and identify PCB concentrations of 50 ppm to be the cut-off point at which "destruction or irreversible transformation" prior to disposal be required.¹¹ Therefore, the Australian plans to dispose of the ex-Adelaide by sinking is very likely to violate Australia's new obligations under the Stockholm Convention, as it is highly likely PCBs at such levels remain on the vessel. It is also important to note that the Stockholm Convention obligations are more recent than the Australian Environment Protection (Sea Dumping) Act 1981 (the Sea Dumping Act). It is possible that the Stockholm obligations were not reflected in the permitting process.

36 **Summary**

It is my expert opinion that the sinking of the ex-Adelaide as planned is ill advised and likely to be illegal as noted. The sinking of the vessel is likely to cause unforeseen harm to the marine environment and to human health via the marine food chain. It is also my strong belief that a proper benefit/risk analysis will reveal that the economic benefit is a net negative once all of the externalities are calculated. The sinking serves little economic benefit other than to provide entertainment for sports divers and to externalize (transfer and avoid) disposal costs by the government and to place these costs and risks to the environment and to human health. These costs will be borne many times over in the future in terms of damage to human health and the environment, possible need for remediation of contamination, and loss of valuable strategic metals.

¹⁰ Annex A, Stockholm Convention on Persistent Organic Pollutants.

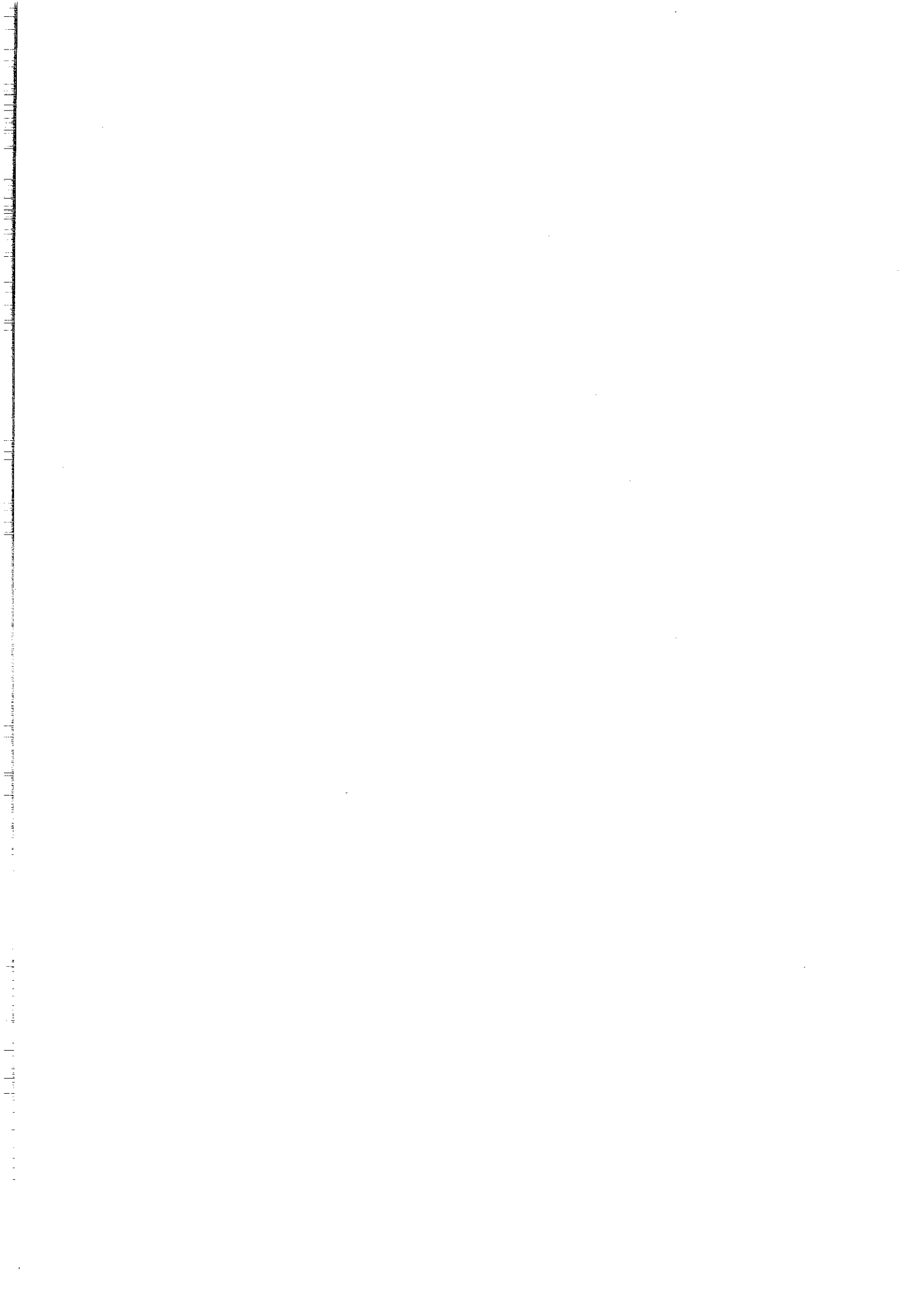
¹¹ <http://www.basel.int/pub/techguid/tg-dioxifuran.pdf>


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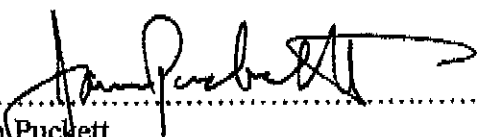
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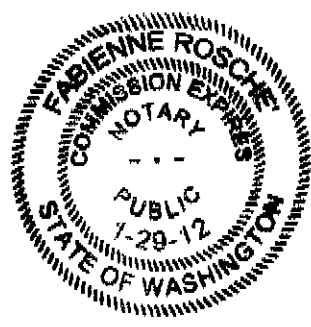


Affirmed by
Mr. Jim Puckett
at Seattle, Washington, USA this
day of JUNE 26, 2010
before me:


.....
Jim Puckett


.....
Notary Public

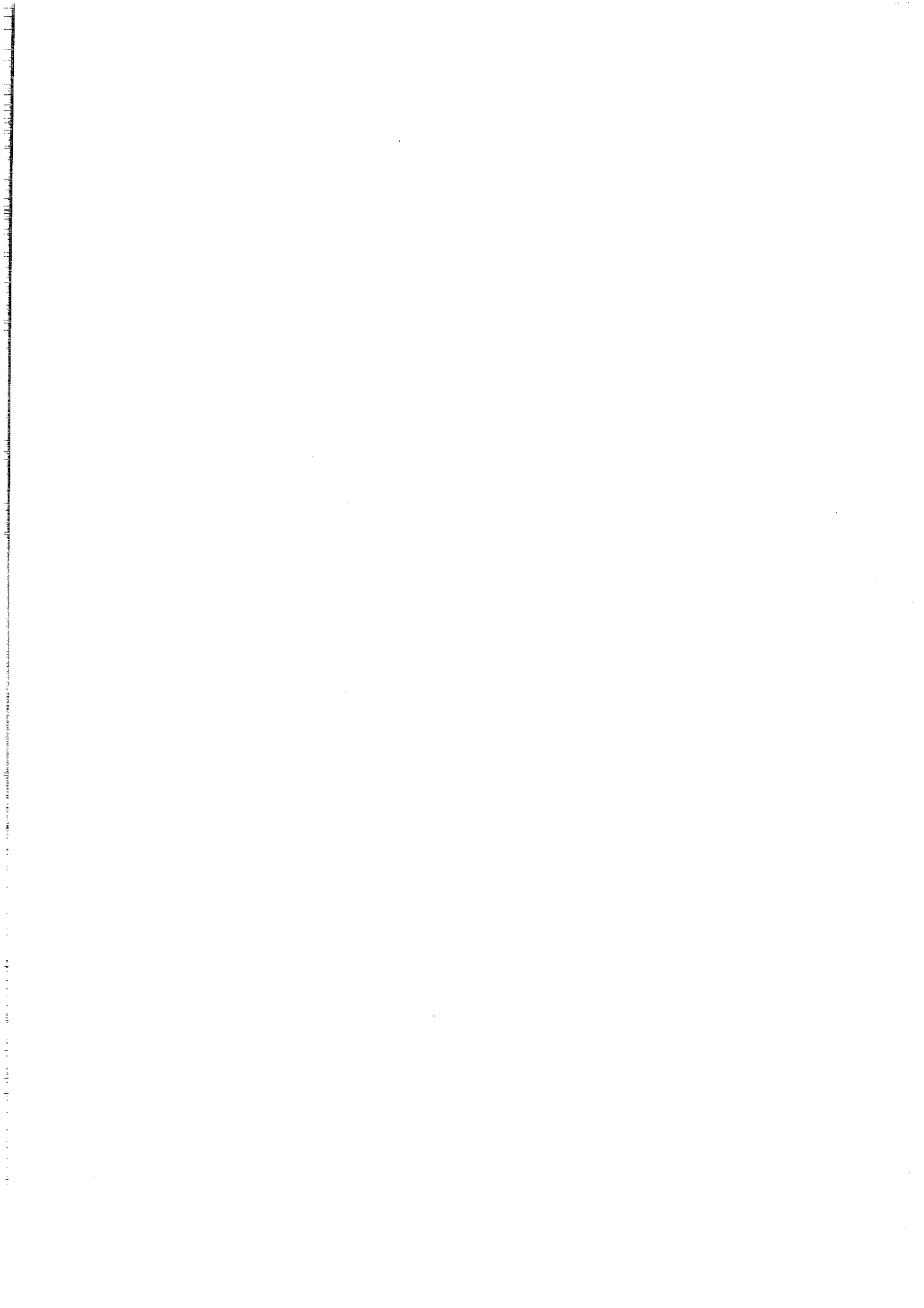
State of Washington County of King
Signed or attested before me on 26 JUNE 2010
By James Harvey Puckett
Signature 
Title Public Notary Expires 1-29-2012




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**ADMINISTRATIVE APPEALS TRIBUNAL
NEW SOUTH WALES DISTRICT REGISTRY**

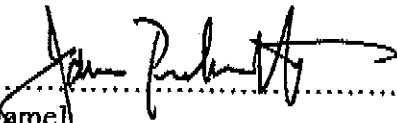
NO N1149 OF 2010

NO SHIP ACTION GROUP INC
Applicant

**MINISTER FOR THE ENVIRONMENT
HERITAGE AND THE ARTS**
First Respondent

STATE OF NEW SOUTH WALES
Second Respondent

.....
Solicitor


.....
[Name]

.....
Solicitor

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