

TASMANIA

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**ENVIRONMENTAL MANAGEMENT AND  
POLLUTION CONTROL AMENDMENT (FEE  
LIABILITY) BILL (No. 2) 2002**

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**ENVIRONMENTAL MANAGEMENT AND  
POLLUTION CONTROL AMENDMENT (FEE  
LIABILITY) BILL (No. 2) 2002**

*(Brought in by the Minister for Primary Industries, Water  
and Environment, the Honourable Bryan Alexander Green)*

**A BILL FOR**

**An Act to amend the *Environmental Management  
and Pollution Control Act 1994***

Be it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled,  
as follows:

**Short title**

1. This Act may be cited as the *Environmental  
Management and Pollution Control Amendment (Fee  
Liability) Act 2002*.

**Commencement**

2. This Act commences on the day on which this Act  
receives the Royal Assent.

**Principal Act**

**3.** In this Act, the *Environmental Management and Pollution Control Act 1994*\* is referred to as the Principal Act.

**Section 98AA inserted**

**4.** After section 98 of the Principal Act, the following section is inserted in Division 2:

**Liability for payment of fees**

**98AA. (1)** Except as otherwise provided by the regulations, a fee payable –

- (a) in relation to an assessment under section 24 or 25, is payable by the person who made the application for a permit under the *Land Use Planning and Approvals Act 1993* that gave rise to the assessment; and
- (b) in relation to an assessment undertaken under section 27 on the referral of a person, is payable by the person who made the referral; and
- (c) in relation to a permit under the *Land Use Planning and Approvals Act 1993*, is payable by the person responsible for the environmentally relevant activity conducted under the permit; and
- (d) in relation to an order made under section 26 of the *State Policies and*

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\*No. 44 of 1994

*Projects Act 1993*, is payable by the person responsible for the environmentally relevant activity in respect of which the order is made; and

- (e) in relation to an authorization under this Act, is payable by the person who applied for or holds the authorization, as the case requires; and
- (f) in relation to an environmentally relevant activity, or an action taken by the Board, the Director or an authorized officer relating to an environmentally relevant activity, is payable by the person responsible for that activity.

**(2)** If 2 or more persons are liable to pay a fee under this Act, those persons are jointly and severally liable for payment of the fee except where the regulations provide otherwise.

**(3)** If, at any time before the commencement of this section, a fee has been levied under this Act on any person, that fee is taken to have been as validly levied as if this section had been in effect at that time.