

## CLAUSE NOTES

### **Pulp Mill Assessment Amendment (Clarification) Bill 2009**

#### **CLAUSE 1 – SHORT TITLE**

This clause provides the short title to be used when citing the proposed Act for any legal purpose.

#### **CLAUSE 2 – COMMENCEMENT**

Clause 2 provides that the proposed Act commences on the day it receives Royal Assent.

#### **CLAUSE 3 – PRINCIPAL ACT**

Clause 3 defines the term “Principal Act” for the purposes of the Act as the *Pulp Mill Assessment Act 2007*.

#### **CLAUSE 4 – SECTION 8 AMENDED (EFFECT OF APPROVAL)**

Clause 4 amends section 8 of the Principal Act by inserting three new subsections.

The proposed subsection 8(4) provides that the Pulp Mill Permit lapses if the project has not been substantially commenced within 4 years from the date of commencement of the permit (ie 30 August 2011).

The proposed subsections 8(5) and (6) deal with permits that may be taken to have been issued under other legislation specified in the Pulp Mill Permit, in accordance with section 8(1)(c) of the Principal Act, and extends the life of those permits. In particular, the proposed subsection 8(5) provides that a permit that is taken to have been issued under:

- the *Land Use Planning and Approvals Act 1993 (LUPAA)* only lapses under section 53(5) of that Act if the Pulp Mill Permit lapses;
- the *Water Management Act 1999 (WMA)* lapses under section 159(8) of that Act at the end of 4 years from the date of commencement of the Pulp Mill Permit, if the dam works within the meaning of that Act are not substantially completed within that 4-year period.

The proposed subsection 8(6) provides that a permit that is taken to have been issued under either the *LUPAA* or the *WMA*, that would have lapsed prior to commencement of the Act, is deemed not to have lapsed.

#### **CLAUSE 5 – REPEAL OF ACT**

Clause 5 provides that the proposed Act, having done its work, will be repealed 90 days after it commences.