

CLAUSE NOTES

Pulp Mill Assessment Amendment Bill 2014

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 that 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 omitting subsections 8(3) – 8(6). Subsection 8(3) deals with automatic suspension of the Pulp Mill Permit, subsections 8(4)-8(6) deals with expiry of the Pulp Mill Permit.

Clause 4 also inserts six new subsections.

The proposed new subsection 8(4) extends the period of time in which the Pulp Mill Permit lapses if the project has not been substantially commenced from four years to 10 years, from the date that the Pulp Mill Permit came into force (ie by 30 August 2017).

Clause 8(5) provides that if the Pulp Mill Permit has lapsed for any reason, prior to this clause coming into operation, then it is taken not to have lapsed.

Clause 8(6) provides that the Pulp Mill Permit cannot be taken to have lapsed within 10 years from 30 August 2007.

Clauses 8(7) and 8(8) deal with the expiry of the permits, licences or other approvals that make up the Pulp Mill Permit.

By virtue of the operation of Section 8(1)(c) of the Principal Act a permit, licence or other approval contained in the Pulp Mill Permit, is taken to be a permit, licence or other approval issued under the Act specified in the Pulp Mill Permit.

By virtue of Clause 8(7), if such a permit, licence or other approval contained in the Pulp Mill Permit has lapsed for any reason, prior to this clause coming into operation, then it is taken not to have lapsed.

Clause 8(8) provides that a permit, licence or other approval, will lapse if the Pulp Mill Permit lapses, that is if the project is not substantially commenced by 30 August 2017.

Clause 8(9) defines 'lapse' for the purpose of Section 8 as not including: the surrender by the holder of the Pulp Mill Permit or of a permit, licence or approval contained in the Pulp Mill Permit; or the cancellation, revocation or other termination, by the Minister or by a regulator, of a permit, licence or other approval contained in the Pulp Mill Permit.

Clause 5: Section 9 amended (Provisions of Acts, planning schemes etc. not to apply to the project)

Clause 5 amends Section 9 of the Principal Act, by providing that, once the project is approved under Section 7 of the Act, Section 9(1) ceases to apply.

'Project' is defined in Section 3 of the Principal Act.

Clause 6: Sections 10A, 10B, 10C and 10D inserted

Clause 6 amends the Act by inserting new clauses 10A – 10D.

New Clause 10A provides that the Pulp Mill Permit can be transferred in full and that, if such a transfer occurs, then the rights and obligations in the Pulp Mill Permit are transferred to the transferee and the permits, licences or other approvals contained in the Pulp Mill Permit, transfer to the transferee.

New Clause 10A(3) excludes the operation of other Acts so far as they relate to the transfer of permits, licences or other approvals contained in the Pulp Mill Permit.

New Clause 10B provides that the Pulp Mill Permit can be transferred in part and that, if such a transfer occurs, then the rights and obligations contained in the Pulp Mill Permit relating to that part are transferred to the transferee and a permit, licence or other approval contained in the Pulp Mill Permit that relates to the part transferred, also transfer to the transferee.

New Clause 10B(3) excludes the operation of other Acts so far as they relate to the transfer of permits, licences or other approvals contained in the Pulp Mill Permit.

Where the Pulp Mill Permit is transferred in whole or in part, then new Clause 10C provides that the person to whom the Pulp Mill Permit is transferred, must notify the Minister within 28 days and on receipt of that notification, the Minister must notify the regulator responsible for the permit, licence or other approval within 28 days.

Clause 10D provides the Minister with the power to terminate a permit, licence or other approval contained in the Pulp Mill Permit on advice from the regulator responsible for enforcing that permit, licence or other approval. This power does not prevent the regulator themselves from terminating that permit, licence or other approval, where they have the power to do so.

Clause 7: Repeal of Act.

Clause 7 provides a repeal date for this Act, being the 365th day from when the Act commences. This clause is a Parliamentary Counsel drafting convention.