

TASMANIA

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**RESOURCE PLANNING AND DEVELOPMENT  
COMMISSION LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL 2009**

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**RESOURCE PLANNING AND DEVELOPMENT  
COMMISSION LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL 2009**

*(Brought in by the Minister for Planning, the Honourable  
David Edward Llewellyn)*

**A BILL FOR**

**An Act to amend the *Resource Planning and Development  
Commission Act 1997* and other Acts consequential to that  
amendment and for related purposes**

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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Resource Planning  
and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009*.

**2. Commencement**

This Act commences on a day to be proclaimed.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 3 Part 2 – Resource Planning and Development Commission Act 1997  
Amended

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**PART 2 – RESOURCE PLANNING AND  
DEVELOPMENT COMMISSION ACT 1997 AMENDED**

**3. Principal Act**

In this Part, the *Resource Planning and Development Commission Act 1997\** is referred to as the Principal Act.

**4. Long title amended**

The long title of the Principal Act is amended by omitting “**Resource Planning and Development Commission**” and substituting “**Tasmanian Planning Commission**”.

**5. Section 1 amended (Short title)**

Section 1 of the Principal Act is amended by omitting “*Resource Planning and Development Commission*” and substituting “*Tasmanian Planning Commission*”.

**6. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended by omitting “Resource Planning and Development

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\*No. 85 of 1997



*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 2 – Resource Planning and Development Commission Act 1997  
Amended

s. 7

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Commission” from the definition of  
“Commission” and substituting “Tasmanian  
Planning Commission”.

**7. Part 2: Heading amended**

Part 2 of the Principal Act is amended by  
omitting “**ESTABLISHMENT, FUNCTIONS  
AND POWERS OF RESOURCE  
PLANNING AND DEVELOPMENT  
COMMISSION**” from the heading to that Part  
and substituting “**ESTABLISHMENT,  
FUNCTIONS AND POWERS OF  
TASMANIAN PLANNING COMMISSION**”.

**8. Section 4 amended (Establishment of Tasmanian  
Planning Commission)**

Section 4(1) of the Principal Act is amended by  
omitting “A Resource Planning and  
Development Commission” and substituting  
“The Tasmanian Planning Commission”.

**9. Section 5 amended (Constitution of Commission)**

Section 5(1) of the Principal Act is amended as  
follows:

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009*  
*Act No. of*

**s. 10**                  Part 2 – Resource Planning and Development Commission Act 1997  
Amended

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- (a) by omitting from paragraph (f) “interests.” and substituting “interests; and”;
- (b) by inserting the following paragraphs after paragraph (f):
  - (g) a person, nominated by the Minister, who is either the Head of, or a State Service employee employed within, the State Service Agency that is responsible for the administration of transport and provision of infrastructure; and
  - (h) a person, nominated by the Minister, who is either the person appointed under the *Water and Sewerage Corporations Act 2008* to be the chairperson of the Regional Corporations and the Common Services Corporation or a person who is recommended by that chairperson.

**10. Section 6 amended (Functions and powers of Commission)**

Section 6 of the Principal Act is amended by inserting after subsection (1) the following subsection:

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 2 – Resource Planning and Development Commission Act 1997  
Amended

**s. 10**

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- (1A) In addition to the functions and powers referred to in subsection (1), the Commission has the following functions and powers:
- (a) to provide advice and support to the Minister in relation to the performance of his or her functions, and the exercise of his or her powers, in relation to land use planning under this or any other Act;
  - (b) to provide advice to the Minister in respect of matters related to land use planning;
  - (c) to plan for the coordinated provision of transport, and of infrastructure, for land development;
  - (d) to provide advice to local government in relation to planning schemes under the *Land Use Planning and Approvals Act 1993* and the functions of local government under that Act;
  - (e) to review, and advise the Minister in respect of, State and regional strategic land use planning matters.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 11 Part 2 – Resource Planning and Development Commission Act 1997  
Amended

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**11. Section 7 amended (Commission subject to directions of Minister)**

Section 7 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Minister may not give a direction to the Commission in relation to the outcome of the exercise of a power, or the performance of a function, specified in Schedule 3A.

**12. Sections 7A and 7B inserted**

After section 7 of the Principal Act, the following sections are inserted in Part 2:

**7A. Commission to comply with ministerial statement of expectation**

The Commission is to conduct its business and affairs in a manner that is consistent with the ministerial statement of expectation that is provided to the Commission under section 7B and that is in force.

**7B. Ministerial statement of expectation**

- (1) The Minister must provide the Commission with a ministerial statement of expectation by 31 January in each even-numbered year.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 2 – Resource Planning and Development Commission Act 1997  
Amended

s. 12

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- (2) The ministerial statement of expectation is to specify the objectives of the Minister in respect of any matter relating to the functions of the Commission.
  - (3) The ministerial statement of expectation –
    - (a) may not prevent the Commission from performing a function it is required to perform or otherwise complying with any Act; and
    - (b) may not extend the functions and powers of the Commission.
  - (4) The Minister must consult with the Commission before preparing the ministerial statement of expectation.
  - (5) The ministerial statement of expectation and any amendment to the ministerial statement of expectation is to be in writing and signed by the Minister.
  - (6) The Minister may at any time, at his or her discretion or after receiving an application from the Commission –
    - (a) amend the ministerial statement of expectation; or
    - (b) revoke the ministerial statement of expectation and substitute

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009*  
*Act No. of*

s. 13          Part 2 – Resource Planning and Development Commission Act 1997  
Amended

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another ministerial statement of expectation –

by providing the amendment or substituted ministerial statement of expectation to the Commission.

- (7) The ministerial statement of expectation, or an amendment to the ministerial statement of expectation, takes effect on a day specified in it, being a day not earlier than the day on which it is provided to the Commission.
- (8) The Commission is to make the ministerial statement of expectation, as in force from time to time, available to the public on its website.

**13. Section 8 amended (Delegation by Commission)**

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “The” and substituting “Subject to subsection (4), the”;
- (b) by inserting the following subsection after subsection (3):
  - (4) The Commission may not delegate any of its functions or powers under a provision

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 2 – Resource Planning and Development Commission Act 1997  
Amended

s. 14

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specified in Schedule 3A to a member of the Commission referred to in section 5(1)(g) or (h).

**14. Schedule 2 amended (Provisions with respect to appointment, constitution and membership of commission)**

Clause 8(2) of Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from paragraph (f) “Minister.” and substituting “Minister; and”;
- (b) by inserting the following paragraphs after paragraph (f):
  - (g) referred to in section 5(1)(g) is to be a State Service employee, nominated by the Minister, who is employed in the State Service Agency that is responsible for the administration of transport and provision of infrastructure; and
  - (h) referred to in section 5(1)(h) is to be a person nominated by the Minister on the recommendation of the person appointed under the *Water and Sewerage Corporations Act 2008* to be the

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 15 Part 2 – Resource Planning and Development Commission Act 1997  
Amended

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chairperson of the Regional Corporations and the Common Services Corporation.

**15. Schedule 3 amended (Provisions with respect to meetings of Commission)**

Clause 2(1) of Schedule 3 to the Principal Act is amended by omitting “Three” and substituting “Four”.

**16. Schedule 3A inserted**

After Schedule 3 to the Principal Act, the following Schedule is inserted:

**SCHEDULE 3A – PROVISIONS IN RESPECT OF WHICH DELEGATION AND DIRECTIONS ARE RESTRICTED**

Sections 7(2) and 8(4)

1. Part 3 of this Act.
2. Section 12 and Parts 3 and 4 of the *Land Use Planning and Approvals Act 1993*.
3. Part 2 of the *Major Infrastructure Development Approvals Act 1999*.
4. Sections 22, 23 and 24 of the *National Parks and Reserves Management Act 2002*.



*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 2 – Resource Planning and Development Commission Act 1997  
Amended

s. 16

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5. Part 2 of the *Public Land (Administration and Forests) Act 1991*.
  6. Section 4 of the *Ralphs Bay Conservation Area (Clarification) Act 2006*.
  7. Part 3 of the *State Policies and Projects Act 1993*.
  8. Sections 32 and 33 of the *Sullivans Cove Waterfront Authority Act 2004*.
  9. Section 35 of the *Threatened Species Protection Act 1995*.
  10. Sections 27 and 27A of the *Water Management Act 1999*.
  11. Sections 24B, 24C and 24D of the *Wellington Park Act 1993*.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 17                      Part 3 – Conveyancing and Law of Property Act 1884 Amended

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**PART 3 – CONVEYANCING AND LAW OF PROPERTY  
ACT 1884 AMENDED**

**17. Principal Act**

In this Part, the *Conveyancing and Law of Property Act 1884\** is referred to as the Principal Act.

**18. Section 84E amended (Applications for orders)**

Section 84E(5) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”;
- (c) by omitting “Resource Planning and Development Commission” third occurring and substituting “Tasmanian Planning Commission”.

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\*No. 19 of 1884

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 4 – Environmental Management and Pollution Control Act 1994  
Amended

s. 19

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**PART 4 – ENVIRONMENTAL MANAGEMENT AND  
POLLUTION CONTROL ACT 1994 AMENDED**

**19. Principal Act**

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

**20. Section 26 amended (Assessment of level 3 activities)**

Section 26 of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 44 of 1994

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 21 Part 4 – Environmental Management and Pollution Control Act 1994  
Amended

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**21. Section 96A amended (Environment Protection Policy Review Panel)**

Section 96A of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (2B) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

**22. Schedule 5A amended (Membership, proceedings, meetings and hearings of Panel)**

Schedule 5A to the Principal Act is amended by omitting “Resource Planning and Development Commission” from clause 2(2) of Part 1 and substituting “Tasmanian Planning Commission”.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 5 – Evidence (Audio and Audio Visual Links) Regulations 2008  
Amended

s. 23

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**PART 5 – EVIDENCE (AUDIO AND AUDIO VISUAL  
LINKS) REGULATIONS 2008 AMENDED**

**23. Principal Regulations**

In this Part, the *Evidence (Audio and Audio Visual Links) Regulations 2008\** are referred to as the Principal Regulations.

**24. Regulation 4 amended (Certain tribunals prescribed as Tasmanian courts)**

Regulation 4 of the Principal Regulations is amended by omitting paragraph (f) and substituting the following paragraph:

(f) Tasmanian Planning Commission;

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\*S.R. 2008, No. 72

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 25

Part 6 – Forestry Act 1920 Amended

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**PART 6 – FORESTRY ACT 1920 AMENDED**

**25. Principal Act**

In this Part, the *Forestry Act 1920\** is referred to as the Principal Act.

**26. Section 4 amended (Interpretation)**

Section 4(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of “Resource Planning and Development Commission”;
- (b) by inserting the following definition after the definition of “sustainable forest management”:

**“Tasmanian Planning Commission”**  
means the Tasmanian Planning Commission established under the *Tasmanian Planning Commission Act 1997*;

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\*No. 60 of 1920

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 6 – Forestry Act 1920 Amended

s. 27

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**27. Section 15 amended (Revocation of dedication of State forest)**

Section 15 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (3) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

**28. Section 17 amended (Register of Multiple Use Forest Land)**

Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (6)(a) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (7) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 29

Part 7 – Gas Act 2000 Amended

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**PART 7 – GAS ACT 2000 AMENDED**

**29. Principal Act**

In this Part, the *Gas Act 2000*\* is referred to as the Principal Act.

**30. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended by omitting “Resource Planning and Development Commission” from the definition of “Commission” and substituting “Tasmanian Planning Commission”.

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\*No. 92 of 2000



*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 8 – Local Government (Building and Miscellaneous Provisions) Act  
1993 Amended

**s. 31**

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**PART 8 – LOCAL GOVERNMENT (BUILDING AND  
MISCELLANEOUS PROVISIONS) ACT 1993  
AMENDED**

**31. Principal Act**

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993\** is referred to as the Principal Act.

**32. Section 3 amended (Interpretation generally)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 96 of 1993

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 33 Part 9 – Major Infrastructure Development Approvals Act 1999 Amended

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**PART 9 – MAJOR INFRASTRUCTURE  
DEVELOPMENT APPROVALS ACT 1999 AMENDED**

**33. Principal Act**

In this Part, the *Major Infrastructure Development Approvals Act 1999\** is referred to as the Principal Act.

**34. Section 3 amended (Interpretation)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 108 of 1999

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 10 – Marine Farming Planning Act 1995 Amended

s. 35

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**PART 10 – MARINE FARMING PLANNING ACT 1995  
AMENDED**

**35. Principal Act**

In this Part, the *Marine Farming Planning Act 1995\** is referred to as the Principal Act.

**36. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of “Resource Planning and Development Commission”;
- (b) by inserting the following definition after the definition of “sustainable development”:

**“Tasmanian Planning Commission”**  
means the Tasmanian Planning Commission established under the *Tasmanian Planning Commission Act 1997*;

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\*No. 31 of 1995

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 37

Part 10 – Marine Farming Planning Act 1995 Amended

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**37. Section 8 amended (Marine Farming Planning Review Panel)**

Section 8(2)(b) of the Principal Act is amended by omitting “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

**38. Section 20 amended (Directions for assistance)**

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (3) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (c) by omitting from subsection (4) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

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**PART 11 – MINING (STRATEGIC PROSPECTIVITY  
ZONES) ACT 1993 AMENDED**

**39. Principal Act**

In this Part, the *Mining (Strategic Prospectivity Zones) Act 1993\** is referred to as the Principal Act.

**40. Section 7 amended (Status of Crown land in strategic prospectivity zones)**

Section 7 of the Principal Act is amended as follows:

- (a) by omitting from subsection (6)(c) “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (6)(c) “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”;
- (c) by omitting from subsection (7) “Resource Planning and Development Commission” first occurring and

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\*No. 26 of 1993

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

**s. 40** Part 11 – Mining (Strategic Prospectivity Zones) Act 1993 Amended

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substituting “Tasmanian Planning Commission”;

- (d) by omitting from subsection (7) “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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**PART 12 – NATIONAL PARKS AND RESERVES  
MANAGEMENT ACT 2002 AMENDED**

**41. Principal Act**

In this Part, the *National Parks and Reserves Management Act 2002\** is referred to as the Principal Act.

**42. Section 3 amended (Interpretation)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “section 4 of the *Resource Planning and Development Commission Act 1997*” and substituting “section 4 of the *Tasmanian Planning Commission Act 1997*”.

**43. Section 22 amended (Review by Commission)**

Section 22(5) of the Principal Act is amended by omitting “*Resource Planning and Development*”

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\*No. 62 of 2002

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

**s. 43** Part 12 – National Parks and Reserves Management Act 2002 Amended

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*Commission Act 1997” and substituting  
“Tasmanian Planning Commission Act 1997”.*



*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 13 – Nature Conservation Act 2002 Amended

s. 44

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**PART 13 – NATURE CONSERVATION ACT 2002  
AMENDED**

**44. Principal Act**

In this Part, the *Nature Conservation Act 2002*\* is referred to as the Principal Act.

**45. Section 3 amended (Interpretation)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “section 4 of the *Resource Planning and Development Commission Act 1997*” and substituting “section 4 of the *Tasmanian Planning Commission Act 1997*”.

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\*No. 63 of 2002

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 46 Part 14 – Public Land (Administration and Forests) Act 1991 Amended

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**PART 14 – PUBLIC LAND (ADMINISTRATION AND  
FORESTS) ACT 1991 AMENDED**

**46. Principal Act**

In this Part, the *Public Land (Administration and Forests) Act 1991*\* is referred to as the Principal Act.

**47. Section 4 amended (Interpretation of Part)**

The definition of “Commission” in section 4 of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 42 of 1991

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 15 – Ralphs Bay Conservation Area (Clarification) Act 2006 Amended

s. 48

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**PART 15 – RALPHS BAY CONSERVATION AREA  
(CLARIFICATION) ACT 2006 AMENDED**

**48. Principal Act**

In this Part, the *Ralphs Bay Conservation Area (Clarification) Act 2006\** is referred to as the Principal Act.

**49. Section 2 amended (Commencement)**

Section 2(2)(a) of the Principal Act is amended by omitting “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

**50. Section 4 amended (Power of Resource Planning and Development Commission to determine status of land)**

Section 4 of the Principal Act is amended by omitting “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”.

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\*No. 14 of 2006

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

**s. 51** Part 15 – Ralphs Bay Conservation Area (Clarification) Act 2006 Amended

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**51. Section 5 amended (Power of Minister to give written directions to Resource Planning and Development Commission)**

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Resource Planning and Development Commission” and substituting “Tasmanian Planning Commission”;
- (b) by omitting from subsection (2) “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”.

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 16 – Roads and Jetties Act 1935 Amended

s. 52

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**PART 16 – ROADS AND JETTIES ACT 1935 AMENDED**

**52. Principal Act**

In this Part, the *Roads and Jetties Act 1935\** is referred to as the Principal Act.

**53. Section 9A amended (Alignment of highways)**

Section 9A(5)(a) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 82 of 1935

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 54

Part 17 – State Policies and Projects Act 1993 Amended

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**PART 17 – STATE POLICIES AND PROJECTS ACT  
1993 AMENDED**

**54. Principal Act**

In this Part, the *State Policies and Projects Act 1993\** is referred to as the Principal Act.

**55. Section 3 amended (Interpretation)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

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\*No. 65 of 1993

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**PART 18 – SURVEY CO-ORDINATION ACT 1944  
AMENDED**

**56. Principal Act**

In this Part, the *Survey Co-ordination Act 1944*\* is referred to as the Principal Act.

**57. Section 20A amended (Nomenclature Board)**

Section 20A(2)(d) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”.

**58. Section 20J amended (Publication of final decision as to alteration of name)**

Section 20J(1)(b) of the Principal Act is amended by omitting subparagraph (v) and substituting the following subparagraph:

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\*No. 86 of 1944

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

**s. 58**

Part 18 – Survey Co-ordination Act 1944 Amended

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- (v) the Tasmanian Planning Commission;  
and



*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 19 – Threatened Species Protection Act 1995 Amended

s. 59

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**PART 19 – THREATENED SPECIES PROTECTION  
ACT 1995 AMENDED**

**59. Principal Act**

In this Part, the *Threatened Species Protection Act 1995\** is referred to as the Principal Act.

**60. Section 35 amended (Recommendation by Resource Planning and Development Commission)**

Section 35(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting from paragraph (a) “*Resource Planning and Development Commission Act 1997*” and substituting “*Tasmanian Planning Commission Act 1997*”;
- (c) by omitting from paragraph (b) “the Commissioner” first occurring and substituting “the chairperson”;

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\*No. 83 of 1995

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

**s. 60** Part 19 – Threatened Species Protection Act 1995 Amended

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- (d) by omitting from paragraph (b) “Commissioner” second occurring and substituting “chairperson”.

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(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 20 – Water Management Act 1999 Amended

s. 61

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**PART 20 – WATER MANAGEMENT ACT 1999  
AMENDED**

**61. Principal Act**

In this Part, the *Water Management Act 1999*\* is referred to as the Principal Act.

**62. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended by omitting the definition of “Commission” and substituting the following definition:

“**Commission**” means the Tasmanian Planning Commission;

**63. Section 27 amended (Review by Commission)**

Section 27(5) of the Principal Act is amended by omitting “Part 3 of the *Resource Planning and Development Commission Act 1997*” and substituting “Part 3 of the *Tasmanian Planning Commission Act 1997*”.

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\*No. 45 of 1999

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 64

Part 21 – Wellington Park Act 1993 Amended

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**PART 21 – WELLINGTON PARK ACT 1993 AMENDED**

**64. Principal Act**

In this Part, the *Wellington Park Act 1993*\* is referred to as the Principal Act.

**65. Section 3 amended (Interpretation)**

The definition of “Commission” in section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Resource Planning and Development Commission” first occurring and substituting “Tasmanian Planning Commission”;
- (b) by omitting “section 4 of the *Resource Planning and Development Commission Act 1997*” and substituting “section 4 of the *Tasmanian Planning Commission Act 1997*”.

**66. Section 24C amended (Review by Commission)**

Section 24C(5) of the Principal Act is amended by omitting “Part 3 of the *Resource Planning and Development Commission Act 1997*” and

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\*No. 59 of 1993

*Resource Planning and Development Commission Legislation  
(Miscellaneous Amendments) Act 2009  
Act No. of*

Part 21 – Wellington Park Act 1993 Amended

**s. 66**

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substituting “Part 3 of the *Tasmanian Planning Commission Act 1997*”.

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(Miscellaneous Amendments) Act 2009  
Act No. of*

s. 67

Part 22 – Transitional Provisions

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**PART 22 – TRANSITIONAL PROVISIONS**

**67. Transitional provisions**

(1) In this Part –

**“commencement day”** means the day on which this Act commences;

**“Principal Act”** means the *Resource Planning and Development Commission Act 1997*;

**“Resource Planning and Development Commission”** means the Resource Planning and Development Commission established under the Principal Act as in force immediately before the commencement day;

**“Tasmanian Planning Commission”** means the Tasmanian Planning Commission established under the Principal Act as amended by this Act.

(2) A person who was, immediately before the commencement day, a member of the Resource Planning and Development Commission is to be taken to be a member of the Tasmanian Planning Commission until –

(a) the expiry of the period specified in the instrument under clause 4 of Schedule 2 to the Principal Act appointing the

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(Miscellaneous Amendments) Act 2009  
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person to be a member of the Resource Planning and Development Commission;  
or

- (b) the person otherwise ceases under the Principal Act to be a member of the Tasmanian Planning Commission.
- (3) All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the Resource Planning and Development Commission before the commencement day are taken to have been done or omitted to be done by, or done or suffered in relation to, the Tasmanian Planning Commission.
- (4) The reference of any question to the Resource Planning and Development Commission in respect of which that Commission has not made a final report before the commencement day is taken to be a reference of that question to the Tasmanian Planning Commission.
- (5) A direction given to or by the Resource Planning and Development Commission before the commencement day and which has not been fulfilled before that day is taken to be a direction given to or by the Tasmanian Planning Commission.
- (6) A delegation by the Resource Planning and Development Commission before the commencement day that is in existence on that

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Part 22 – Transitional Provisions

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day is taken to be a delegation by the Tasmanian Planning Commission.

- (7) A hearing conducted by or on behalf of the Resource Planning and Development Commission which has not been completed before the commencement day continues as if it had been conducted by or on behalf of the Tasmanian Planning Commission.
- (8) All rights, obligations and liabilities of the Resource Planning and Development Commission which are subsisting immediately before the commencement day are transferred to the Tasmanian Planning Commission.
- (9) Any contract, agreement or arrangement entered into by the Resource Planning and Development Commission before the commencement day and in force on that day is to be treated for all purposes as a contract, agreement or arrangement entered into by the Tasmanian Planning Commission.
- (10) Any legal or other proceedings which, before the commencement day, might have been instituted or continued by or against the Resource Planning and Development Commission may be instituted or continued by or against the Tasmanian Planning Commission.
- (11) A reference to the Resource Planning and Development Commission in any –
  - (a) Act; or



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(b) planning scheme or other instrument; or

(c) document –

in force or subsisting on the commencement day  
is taken to be a reference to the Tasmanian  
Planning Commission.