

FACT SHEET

Pulp Mill Assessment Amendment Bill 2014

The *Pulp Mill Assessment Amendment Bill 2014* amends the *Pulp Mill Assessment Act 2007* to extend the period in which the Pulp Mill Project must be substantially commenced.

The Bill provides certainty to any new proponent that the Pulp Mill Permit is still in force by extending the time during which the Pulp Mill Project (the Project) must be substantially commenced from four to 10 years (that is by 30 August 2017).

The Bill clarifies that the Pulp Mill Permit cannot be taken to have lapsed at any time during that 10 year period.

The Bill provides that the entire Pulp Mill Permit lapses if the Project is not substantially commenced before the end of the period of 10 years from the Pulp Mill Permit coming into force.

It also provides that the permits, licences and other approvals contained in the Pulp Mill Permit, that are taken to have been issued under other Tasmanian legislation, will not lapse unless the Pulp Mill Permit lapses.

These amendments apply retrospectively.

The Bill confirms the operation of Section 8(1)(c) of the *Pulp Mill Assessment Act 2007*.

In the Second Reading Speech for the *Pulp Mill Assessment Act 2007* it was stated that, once the Pulp Mill Permit was accepted by both Houses of Parliament, the conditions specified in the Pulp Mill Permit apply as if a permit, licence or other approval to which they relate had been issued under the legislation that would normally apply to those conditions.

This provision is given effect in Section 8(1)(c) of the *Pulp Mill Assessment Act 2007* and mirrors similar provisions in the *State Policies and Projects Act 1993*, which has been in operation for many years.

Section 9(1) of the *Pulp Mill Assessment Act 2007* was designed to suspend the usual application of legislative provisions referred to in that section for so long as the standalone assessment process established under the Act was in force.

The Bill makes explicit that which is currently implied; that Section 9(1) ceases to apply once the Pulp Mill Project has been accepted by both Houses of Parliament.

It makes it clear that every permit, licence or other approval relating to the Project can be enforced, varied, suspended or amended by the person responsible for enforcing it, as if it were a permit, licence or approval that had been issued under the relevant legislation that usually applies to it.

The Bill removes Section 8(3) of the *Pulp Mill Assessment Act 2007*, which provides that if the proponent does not comply with a condition of the Pulp Mill Permit, the entire Pulp Mill Permit is automatically suspended until the condition is complied with.

Section 8(3) is unnecessary, as the person responsible for enforcing a permit, licence or other approval, contained in the Pulp Mill Permit is able to respond appropriately and proportionately by exercising all the usual sanctions and powers available under Tasmanian legislation in relation to any breach of a condition, in exactly the same way that they may exercise those sanctions and powers for every other industry, project or activity in Tasmania.

This is affirmed by the amendments reinforcing the operation of Section 8(1)(c), detailed above.

The Bill provides a power for the Minister for Economic Development to terminate a permit, licence or other approval.

The Bill provides a standalone power for the Minister for Economic Development to cancel, revoke or otherwise terminate a permit, licence or other approval contained in the Pulp Mill Permit. The Minister can only exercise this power on the recommendation of the regulator responsible for that permit, licence or other approval.

This power does not prevent the person responsible for enforcing a permit, licence or other approval from terminating it themselves, where they have the power to do so under the applicable legislation.

The Bill amends the *Pulp Mill Assessment Act 2007* to explicitly provide for the transfer of the Pulp Mill Permit, in whole or in part, to a new proponent.

The Bill provides a power to the holder of the Pulp Mill Permit to sell assign or otherwise transfer the Pulp Mill Permit to another person, either in whole or in part.

It provides an administratively expedient mechanism for vesting the rights and obligations contained in the Pulp Mill Permit to that other person, and to transfer the permits, licences or other approvals to which those rights and obligations relate.