

TASMANIA

---

**PULP MILL ASSESSMENT AMENDMENT BILL  
2014**

---

**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 8 amended (Effect of approval)
5. Section 9 amended (Provisions of Acts, planning schemes, &c., not to apply to project)
6. Sections 10A, 10B, 10C and 10D inserted
  - 10A. Sale, &c., of Pulp Mill Permit
  - 10B. Sale, &c., of part of Pulp Mill Permit
  - 10C. Notification of sale, &c., of Pulp Mill Permit
  - 10D. Cancellation, &c., of permit, licence or other approval
7. Repeal of Act



**PULP MILL ASSESSMENT AMENDMENT BILL  
2014**

*(Brought in by the Minister for Energy and Resources, the  
Honourable Bryan Alexander Green)*

**A BILL FOR**

**An Act to amend the *Pulp Mill Assessment Act 2007***

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:

**1. Short title**

This Act may be cited as the *Pulp Mill Assessment Amendment Act 2014*.

**2. Commencement**

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

**3. Principal Act**

In this Act, the *Pulp Mill Assessment Act 2007*\* is referred to as the Principal Act.

---

\*No. 4 of 2007

*Pulp Mill Assessment Amendment Act 2014*  
*Act No. of*

s. 4

---

**4. Section 8 amended (Effect of approval)**

Section 8 of the Principal Act is amended as follows:

- (a) by omitting subsection (3);
- (b) by omitting subsections (4), (5) and (6) and substituting the following subsections:
  - (4) The Pulp Mill Permit lapses if the project is not substantially commenced before the end of the period of 10 years commencing on the date on which the Pulp Mill Permit came into force.
  - (5) If the Pulp Mill Permit would have, but for this subsection, lapsed on and from a day (the *relevant day*) before this subsection commences, it is to be taken, on and from the relevant day, to have not so lapsed.
  - (6) The Pulp Mill Permit cannot be taken to have lapsed during the period of 10 years commencing on the date on which the Pulp Mill Permit came into force.
  - (7) A permit, licence or other approval –
    - (a) that is taken, in accordance with

*Pulp Mill Assessment Amendment Act 2014*  
*Act No. of*

s. 4

---

subsection (1)(c), to have been issued under an Act specified in the Pulp Mill Permit; and

- (b) that would have, but for this subsection, lapsed under that Act on and from a date (the *relevant date*) before this subsection commences –

is to be taken, on and from the relevant date, to have not so lapsed.

- (8) A permit, licence or other approval that is taken, in accordance with subsection (1)(c), to have been issued under an Act specified in the Pulp Mill Permit lapses when the Pulp Mill Permit lapses, if at all, under subsection (4).
- (9) For the purposes of this section, *lapse*, in relation to the Pulp Mill Permit or a permit, licence or other approval that is taken, in accordance with subsection (1)(c), to have been issued under an Act specified in the Pulp Mill Permit, does not include –

- (a) the surrender –

*Pulp Mill Assessment Amendment Act 2014*  
*Act No. of*

s. 5

---

- (i) of the Pulp Mill Permit by the holder of the Pulp Mill Permit; or
  - (ii) of the permit, licence or other approval by the holder of the permit, licence or other approval; or
- (b) the cancellation, revocation or other termination of the permit, licence or other approval by –
- (i) the Minister under section 10D; or
  - (ii) a person, body or State Service Agency responsible for the enforcement of a condition of the permit, licence or other approval.

**5. Section 9 amended (Provisions of Acts, planning schemes, &c., not to apply to project)**

Section 9 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) On the approval of the project under section 7, subsection (1) ceases to apply.

**6. Sections 10A, 10B, 10C and 10D inserted**

After section 10 of the Principal Act, the following sections are inserted:

**10A. Sale, &c., of Pulp Mill Permit**

- (1) The holder of the Pulp Mill Permit may sell, assign or otherwise transfer the Pulp Mill Permit to another person.
- (2) If the Pulp Mill Permit is sold, assigned or otherwise transferred to another person –
  - (a) the rights and obligations under the Pulp Mill Permit vest in that other person; and
  - (b) a permit, licence or other approval referred to in section 8(1)(c) is transferred to that other person by virtue of this subsection.
- (3) If the provisions of an Act under which a permit, licence or other approval is taken, in accordance with section 8(1)(c), to have been issued would, but for this subsection, apply to the transfer of the permit, licence or other approval, those provisions do not apply to the transfer.

*Pulp Mill Assessment Amendment Act 2014*  
*Act No. of*

s. 6

---

**10B. Sale, &c., of part of Pulp Mill Permit**

- (1) The holder of the Pulp Mill Permit may sell, assign or otherwise transfer part of the Pulp Mill Permit to another person.
- (2) If part of the Pulp Mill Permit is sold, assigned or otherwise transferred to another person –
  - (a) the rights and obligations under that part vest in that other person; and
  - (b) a permit, licence or other approval referred to in section 8(1)(c) that relates to that part is transferred to that other person by virtue of this subsection.
- (3) If the provisions of an Act under which a permit, licence or other approval is taken, in accordance with section 8(1)(c), to have been issued would, but for this subsection, apply to the transfer of the permit, licence or other approval, those provisions do not apply to the transfer.

**10C. Notification of sale, &c., of Pulp Mill Permit**

- (1) The person to whom the Pulp Mill Permit is sold, assigned or otherwise transferred, in whole or in part, must notify the Minister of the sale, assignment or transfer within 28 days of the sale, assignment or transfer.



- (2) Upon receipt of notification under subsection (1), the Minister is to cause the person, body or State Service Agency responsible for the enforcement of a condition of a permit, licence or other approval transferred pursuant to section 10A(2) or 10B(2) to be notified of the sale, assignment or transfer within 28 days of the receipt of the notification.

**10D. Cancellation, &c., of permit, licence or other approval**

- (1) The Minister, on the recommendation of a person, body or State Service Agency responsible for the enforcement of a condition of a permit, licence or other approval referred to in section 8(1)(c), may cancel, revoke or otherwise terminate the permit, licence or other approval.
- (2) The Minister is to cause the person, body or State Service Agency referred to in subsection (1) to be notified of the cancellation, revocation or other termination of the permit, licence or other approval referred to in that subsection within 28 days of the cancellation, revocation or other termination.
- (3) Subsection (1) does not preclude a person, body or State Service Agency referred to in that subsection from exercising a power to cancel, revoke or

*Pulp Mill Assessment Amendment Act 2014*  
*Act No. of*

s. 7

---

otherwise terminate a permit, licence of  
other approval.

**7. Repeal of Act**

This Act is repealed on the three hundred and  
sixty fifth day from the day on which it  
commences.