



APPROVALS (DEADLINES) ACT 1993

No. 41 of 1993

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AN ACT to provide for the expeditious grant of approvals

[Royal Assent 10 September 1993]

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:—

Short title

1—This Act may be cited as the *Approvals (Deadlines) Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Interpretation

3—In this Act, unless the contrary intention appears—

“**appeal**” includes a right of review;

“**approval**” means an approval, licence, permit or other authority specified in Schedule 1;

“**relevant Act**” means the Act under which an application for an approval may be determined;

“**responsible Minister**” means the Minister administering an enactment (other than this Act) by virtue of the operation of which an approval is required.

Applications for approval to be determined within certain periods

4—(1) Where an application for an approval is required to be determined by a person or body, that person or body must determine the application within the period specified in Schedule 1 in relation to the approval.

(2) A period specified in Schedule 1 in relation to the determination of an application for an approval must not exceed the period within which that application is required to be determined under any other Act.

Power of responsible Minister to require decision-maker to determine application

5—(1) Where an application for an approval is not determined by the appropriate person or body within the period specified in Schedule 1 in relation to the approval, the responsible Minister may require that person or body to determine the application within 14 days of the expiration of that period, or such lesser period as the Minister may specify.

(2) The responsible Minister may extend the 14 day period, or the lesser period specified by the responsible Minister under subsection (1), if the responsible Minister considers that exceptional circumstances exist for extending that period.

Existing rights of appeal preserved

6—A person who would have been entitled to appeal under the relevant Act against the determination of an application for an approval under that Act may exercise the right of appeal in respect of the determination of the application notwithstanding that the responsible Minister has required the determination to be made within a period specified by the responsible Minister under section 5.

Amendment of Schedule 1

7—(1) The Governor may by order—

(a) amend Schedule 1; or

(b) repeal Schedule 1 and substitute another Schedule for the Schedule repealed.

(2) The provisions of section 47 (3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to an order under this section as if the order were regulations within the meaning of that Act.

Administration of Act

8—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

(a) the administration of this Act is assigned to the Minister for Environment and Land Management; and

(b) the Department responsible to the Minister for Environment and Land Management in relation to the administration of this Act is the Department of Environment and Land Management.

SCHEDULE 1
APPROVAL TIME LIMITS

Sections 3, 4 and 5

Approval	Period
<i>Apiaries Act 1978</i>	
Registration as a bee-keeper	60 days from the day on which an application under section 4 (1) of the <i>Apiaries Act 1978</i> is received by the Director of Agriculture.
<i>Apple and Pear Industry (Crop Insurance) Act 1982</i>	
Fruit crop insurance policy	60 days from the day on which an application under section 7 (2) of the <i>Apple and Pear Industry (Crop Insurance) Act 1982</i> is received by the Tasmanian Government Insurance Board.
<i>Child Welfare Act 1960</i>	
Approval of a children's home hostel, school or other institution	60 days from the day on which an application under section 10 (1) of the <i>Child Welfare Act 1960</i> is received by the responsible Minister.
Grant or renewal of a licence for a children's boarding home or a day nursery	60 days from the day on which an application under section 54 (1) of the <i>Child Welfare Act 1960</i> is received by the Director for Community Welfare.

SCHEDULE 1—*continued*

Approval	Period
<i>Crown Lands Act 1976</i>	
Reservation of Crown land for public purposes under section 8 of the <i>Crown Lands Act 1976</i>	180 days from the day on which an application in a form approved by the responsible Minister is received by that Minister.
Sale of Crown land under section 13 of the <i>Crown Lands Act 1976</i>	180 days from the day on which an application in a form approved by the responsible Minister is received by that Minister.
Lease of Crown land under section 29 of the <i>Crown Lands Act 1976</i>	180 days from the day on which an application in a form approved by the responsible Minister is received by that Minister.
Temporary licence under section 42 of the <i>Crown Lands Act 1976</i>	180 days from the day on which an application in a form approved by the responsible Minister is received by that Minister.

SCHEDULE 1—*continued*

Approval	Period
<i>Dairy Industry Act 1976</i>	
Milk or dairy produce vendor's licence, dairy produce manufacturer's licence, milk or dairy produce packer's or storer's licence, milk dealer's licence, milk (intended for sale to consumers) treater's licence	60 days from the day on which an application under section 21 of the <i>Dairy Industry Act 1976</i> is received by the Tasmanian Dairy Industry Authority.
<i>Dairy Produce Act 1932</i>	
Registration of dairy produce premises	60 days from the day on which an application under section 6 (2) of the <i>Dairy Produce Act 1932</i> is received by the Director of Agriculture.
Advice of the Director of Agriculture as to compliance with the prescribed conditions for the construction of dairy produce premises	60 days from the day on which notice of intention, to construct the dairy, under regulation 8 of the <i>Dairy Produce Regulations 1971</i> is received by the Director of Agriculture.
Certificate to act as a milk and cream tester, milk grader, cream grader, farm bulk milk grader, butter maker or cheese maker	60 days from the day on which an application under regulation 22 of the <i>Dairy Produce Regulations 1971</i> is received by the Director of Agriculture.

SCHEDULE 1—*continued*

Approval	Period
Table margarine or cooking margarine licence	60 days from the day on which an application under regulation 4 of the <i>Dairy Produce (Margarine) Regulations 1944</i> is received by the Director of Agriculture.
<i>Dangerous Goods Act 1976</i>	
Licence to manufacture dangerous goods	21 days from the day on which an application under section 7 (2) of the <i>Dangerous Goods Act 1976</i> is received by the Chief Inspector of Explosives.
Approval to alter premises for the manufacture of dangerous goods	21 days from the day on which an application under section 7 (5) of the <i>Dangerous Goods Act 1976</i> is received by the Chief Inspector of Explosives.
Licence to import or export dangerous goods	21 days from the day on which an application under regulation 14 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.

SCHEDULE 1—continued

Approval	Period
Licence to convey explosives	21 days from the day on which an application under regulation 29 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.
Licence in respect of depot for keeping dangerous goods	21 days from the day on which an application under regulation 38 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.
Licence to sell dangerous goods	21 days from the day on which an application under regulation 90 (3) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.
Permit to import or export a shipment of explosives	21 days from the day on which an application under regulation 15 (1) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.
Gas supplier's licence	21 days from the day on which an application under regulation 77 (1) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.

SCHEDULE 1—continued

Approval	Period
<i>Environment Protection Act 1973</i>	
Licence to operate, or registration of, scheduled premises	180 days from the day on which the application or any information required under section 24 (1) (a) of the <i>Environment Protection Act 1973</i> is given to the Director of Environmental Control.
Approval for change in operation of scheduled premises	180 days from the day on which the application or any information required under section 29 (3) (b) of the <i>Environment Protection Act 1973</i> is given to the Director of Environmental Control.
Licence to remove and transport waste	180 days from the day on which an application under section 36A (2) of the <i>Environment Protection Act 1973</i> is lodged with the Director of Environmental Control.
<i>Fisheries Act 1959</i>	
Fishing-boat licence	60 days from the day on which an application under regulation 5 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.

SCHEDULE 1—*continued*

Approval	Period
Fisherman's licence	60 days from the day on which an application under regulation 9 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Commercial crayfish-pot licence	60 days from the day on which an application under regulation 9B of the <i>Sea Fisheries Regulations 1962</i> is received by the relevant Minister.
Non-commercial crayfish-pot licence	60 days from the day on which an application under regulation 11 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Special crayfish licence	60 days from the day on which an application under regulation 12 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Scallop licence	60 days from the day on which an application under regulation 14 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.

SCHEDULE 1—continued

Approval	Period
Non-commercial scallop licence	60 days from the day on which an application under regulation 15 of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Non-commercial diving licence	60 days from the day on which an application under regulation 17B of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Commercial diving licence	60 days from the day on which an application under regulation 17CA of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Purse seine fishing licence	60 days from the day on which an application under regulation 17CC of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
Processing premises licence	60 days from the day on which an application under regulation 17CI of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.

SCHEDULE 1—continued

Approval	Period
Scallop spat collection licence	60 days from the day on which an application under regulation 30A of the <i>Sea Fisheries Regulations 1962</i> is received by the Director of Sea Fisheries.
<i>Hospitals Act 1918</i>	
Approval of alteration or addition to private medical establishments	60 days from the day on which plans, specifications and descriptions under section 65 (1) of the <i>Hospitals Act 1918</i> are received by the responsible Minister.
<i>Local Government Act 1962</i>	
Approval of a septic tank installation	60 days from the day on which plans and specifications under section 558 (2) of the <i>Local Government Act 1962</i> are received by the responsible Minister.
Consent of a municipal corporation to an offensive trade	60 days from the day on which plans and specifications under section 612 (2) (b) of the <i>Local Government Act 1962</i> are received by the municipal corporation.

SCHEDULE 1—*continued*

Approval	Period
Approval by the Commissioner for Town and Country Planning of a scheme for a building estate or a plan of subdivision	60 days from the day on which a proposal plan is received by the Commissioner for Town and Country Planning under section 757 (1) of the <i>Local Government Act 1962</i> .
<i>Mines Inspection Act 1968</i>	
Approval for use of engine underground in a mine	21 days from the day on which an application under regulation 702 (3) of the <i>Mines Inspection Regulations 1991</i> is received by the Chief Inspector of Explosives.
An approval, certificate or other requirement under the <i>Mines Inspection Regulations 1991</i>	42 days from the day on which the relevant application is received by the Chief Inspector of Mines.
<i>Mining Act 1929</i>	
Exploration licence	120 days from the day on which an application under section 15B (2) of the <i>Mining Act 1929</i> is received by the Director of Mines.
Retention licence	180 days from the day on which an application under section 15BA (6) of the <i>Mining Act 1929</i> is received by the Director of Mines.

SCHEDULE 1—continued

Approval	Period
Mining lease	180 days from the day on which an application under section 32 of the <i>Mining Act 1929</i> is received by the Director of Mines.
<i>Pesticides Act 1968</i>	
Registration as a pest controller	60 days from the day on which an application under regulation 23A (1) of the <i>Pesticides Regulations 1969</i> is received by the Registrar of Pesticides.
Pest control operator's licence	60 days from the day on which an application under regulation 23B (1) of the <i>Pesticides Regulations 1969</i> is received by the Registrar of Pesticides.
Registered dealer in restricted pesticides	60 days from the day on which an application under regulation 23H (1) of the <i>Pesticides Regulations 1969</i> is received by the Registrar of Pesticides.
Licence to purchase and use restricted pesticides	60 days from the day on which an application under regulation 23K of the <i>Pesticides Regulations 1969</i> is received by the Registrar of Pesticides.

SCHEDULE 1—*continued*

Approval	Period
<i>Pharmacy Act 1908</i>	
Registration as a pharmaceutical chemist under section 14 of the <i>Pharmacy Act 1908</i>	60 days from the day on which an application is received by the Pharmacy Board of Tasmania.
<i>Poisons Act 1971</i>	
Licence to carry on business as a manufacturing or wholesale chemist	60 days from the day on which an application under section 16 (1) of the <i>Poisons Act 1971</i> is received by the responsible Minister.
Licence to grow or cultivate a prohibited plant	60 days from the day on which an application under Part V of the <i>Poisons Act 1971</i> is received by the responsible Minister.
<i>Public Health Act 1962</i>	
Approval of places of assembly	60 days from the day on which the materials referred to in section 57 (3) of the <i>Public Health Act 1962</i> are received by the responsible Minister.
Approval of premises for the manufacture, preparation, packing or storage of food for sale	60 days from the day on which the materials referred to in section 120A (2) of the <i>Public Health Act 1962</i> are received by the responsible Minister.

SCHEDULE 1—*continued*

Approval	Period
Registration of premises for the purpose of the <i>Public Health (Skin Penetration) Regulations 1978</i>	60 days from the day on which an application is received by the municipal corporation.
<i>Radiation Control Act 1977</i>	
Licence to deal with radioactive material or electronic product	60 days from the day on which an application under section 12 (1) of the <i>Radiation Control Act 1977</i> is received by the responsible Minister.
<i>Stock Act 1932</i>	
Premises (swine feeding) licence	60 days from the day on which an application under section 20B (1) of the <i>Stock Act 1932</i> is received by the Chief Inspector of Stock.
Premises (general) licence	60 days from the day on which an application under section 20B (2) of the <i>Stock Act 1932</i> is received by the Chief Inspector of Stock.
Commercial artificial breeding licence	60 days from the day on which an application under section 35A of the <i>Stock Act 1932</i> is received by the responsible Minister.

SCHEDULE 1—*continued*

Approval	Period
Artificial breeders operator's licence	60 days from the day on which an application under section 37 of the <i>Stock Act 1932</i> is received by the Chief Inspector of Stock.
<i>Stock (Brands and Movement) Act 1984</i>	
Registration of brand or tag	60 days from the day on which an application under section 11 (6) of the <i>Stock (Brands and Movement) Act 1984</i> is received by the Registrar of Stock Brands.
<i>Vermin Destruction Act 1950</i>	
Permit to keep rabbits or other vermin	60 days from the day on which an application under section 21A (2) of the <i>Vermin Destruction Act 1950</i> is received by the Chief Inspector of Stock.
<i>Water Act 1957</i>	
Commissional water right under section 94 of the <i>Water Act 1957</i>	60 days from the day on which an application is received by the Rivers and Water Supply Commission.

SCHEDULE 1—*continued*

Approval	Period
Certificate of qualification (Hydraulic Engineer)	60 days from the day on which a recommendation from the appropriate examiners under regulation 6 of the <i>Water, Sewerage, and Drainage Board Regulations 1957</i> is received by the Rivers and Water Supply Commission.

*[Second reading presentation speech made in:—
House of Assembly on 11 May 1993
Legislative Council on 17 August 1993]*