



**ENVIRONMENTAL MANAGEMENT AND POLLUTION
CONTROL AMENDMENT ACT 1994**

No. 83 of 1994

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Section 102 amended (Regulations)
5. Schedule 2 amended (Level 2 Activities)

AN ACT to amend the *Environmental Management and Pollution Control Act 1994*

[Royal Assent 16 December 1994]

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 *Environmental Management and Pollution Control Amendment Act 1994*.

Commencement

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

Principal Act

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

Section 102 amended (Regulations)

4—Section 102 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (3) (a) “Director” and substituting “Board”;
- (b) by omitting paragraph (f) of subsection (3);
- (c) by inserting after subsection (3) the following subsection:—

(3A) Regulations under this section may prescribe fees payable—

- (a) in respect of an environmental improvement programme approved by the Board under section 40; and
- (b) in respect of an environmental improvement programme taken, under clause 5 or 6 of Schedule 6, to have been approved by the Board; and
- (c) in respect of a permit granted under the *Land Use Planning and Approvals Act 1993*; and
- (d) in respect of a permit taken, under clause 3 of Schedule 6, to have been granted under the *Land Use Planning and Approvals Act 1993*; and
- (e) in respect of an order made under section 26 of the *State Policies and Projects Act 1993* in relation to activities for which the Board is responsible for the enforcement of conditions.

* No. 44 of 1994.

- (d) by omitting from subsection (4) “listed in subsection (3)” and substituting “or matters specified in subsection (3) or (3A)”;
- (e) by omitting from subsection (5) “for the Board’s approval” and substituting “in respect”;
- (f) by omitting subsection (6) and substituting the following subsections:—

(6) Regulations under this section may provide that the fees payable—

- (a) in respect of an environmental improvement programme referred to in subsection (3A) (a), are payable on the approval of the environmental improvement programme by the Board under section 40 and on each anniversary of that approval; and
- (b) in respect of an environmental improvement programme referred to in subsection (3A) (b), are payable on the commencement of this Act and on each anniversary of the date on which the programme of works, in respect of which the environmental improvement programme is taken to have been approved, was approved by the Minister or the Director of Environmental Control; and
- (c) in respect of a permit referred to in subsection (3A) (c), are payable on the granting of the permit under the *Land Use Planning and Approvals Act 1993* and on each anniversary of the granting of that permit; and
- (d) in respect of a permit referred to in subsection (3A) (d), are payable on each anniversary of that permit; and
- (e) in respect of an order referred to in subsection (3A) (e), are payable on the making of the order and on each anniversary of the making of that order.

(6A) Regulations under this section may make provision for or with respect to—

- (a) the collection of fees by any person in relation to any act, matter or thing done or arising under this Act; and
- (b) the remission of, or exemption from liability for, any such fees.

Schedule 2 amended (Level 2 Activities)

5—Schedule 2 to the Principal Act is amended by omitting from item 2 (g) “, and in respect of which the Board has caused notice to be served on the person responsible for the activity declaring the works to be within this paragraph”.

*[Second reading presentation speech made in:—
House of Assembly on 17 November 1994
Legislative Council on 24 November 1994]*