

ENVIRONMENT PROTECTION AMENDMENT ACT 1987

No. 66 of 1987

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ENVIRONMENT PROTECTION AMENDMENT ACT 1987

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AN ACT to amend the Environment Protection Act 1973.

[Royal Assent 18 August 1987]

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—This Act may be cited as the *Environment Protection Amendment Act 1987*. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Environment Protection Act 1973** is referred to as the Principal Act. Principal Act.

* No. 34 of 1973. For this Act, as amended up to and including 1st January 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 21, 48, and 94 of 1980, Nos. 9 and 64 of 1982, Nos. 29, 110, and 111 of 1984, and Nos. 24, 81, 110, and 117 of 1985.

Amendment of
section 2 of
Principal Act
(Interpretation).

4—Section 2 (1) of the Principal Act is amended by omitting “renewed licence” from the definition of “licence” and substituting “licence renewed under section 36A and a licence restored under section 30;”.

Amendment of
section 24 of
Principal Act
(Application for
a licence).

5—Section 24 of the Principal Act is amended as follows:—

(a) by omitting from subsection (7) “sections 30, and 31” and substituting “section 31”;

(b) by omitting from that subsection “those sections” and substituting “that section”.

Amendment of
section 25 of
Principal Act
(Licences).

6—Section 25 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

(3) A licence takes effect on and from the date specified in the licence and remains in force until it expires under this Act.

Substitution of
section 30 of
Principal Act.

7—Section 30 of the Principal Act is repealed and the following section is substituted:—

Annual licence
fees.

30—(1) The holder of a licence shall pay in each year on or before the day of the month on which the licence first takes effect such fee in respect of that licence as may be prescribed.

(2) Where the holder of a licence fails to pay the annual fee required under subsection (1) on or before the day referred to in that subsection, the licence shall expire.

(3) Where a licence has expired, the Director may within one month from the date of that expiry, by notice in writing served on the holder of the expired licence, restore that licence from the date of expiry for such period, not exceeding 3 months, as he thinks fit.

(4) Where the Director restores a licence under subsection (3), the holder of the licence shall pay a fee, in addition to the fee referred to in subsection (1), for the period for which it is restored calculated in accordance with the prescribed formula.

(5) At the expiration of the period for which a licence is restored under subsection (3), the licence expires, unless the holder of the licence has, on or before that expiry, paid the fee referred to in subsection (1) and (4).

8—Section 38 of the Principal Act is amended as follows:— Amendment of section 38 of Principal Act (Rights of appeal).

(a) by omitting subsection (1A) and substituting the following subsection:—

(1A) Where the Director grants a licence, any person who lodged an objection under section 24 in respect of the application for the grant of the licence may appeal against that grant.

(b) by omitting from subsection (1B) “under subsection (1A) in respect of the renewal of a licence or”;

(c) by omitting from subsection (1B) “licence or” where secondly occurring;

(d) by omitting from subsection (1C) “or 36A, or the renewal of a licence under section 30 or 36A”;

(e) by omitting from subsection (1F) (a) “or 36A;” and substituting “; or”;

(f) by omitting paragraph (b) of subsection (1F);

(g) by omitting from subsection (1G) “or renewal” where twice occurring.

