



TASMANIA

**ENVIRONMENT PROTECTION AMENDMENT
ACT 1993**

No. 8 of 1993

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Section 5A inserted
5A—Delegation
5. Section 24 amended (Application for a licence)
6. Section 29 amended (Changes in operation of scheduled premises)
7. Section 38 amended (Rights of appeal)
8. Section 40 amended (Jurisdiction)
9. Section 55 amended (Regulations)
10. Schedule 1 amended (Scheduled premises)





**ENVIRONMENT PROTECTION AMENDMENT ACT
1993**

No. 8 of 1993

AN ACT to amend the *Environment Protection Act 1973*

[Royal Assent 20 April 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 *Environment Protection Amendment Act 1993*.

Commencement

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

Principal Act

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

Section 5A inserted

4—After section 5 of the Principal Act, the following section is inserted:—

Delegation

5A—(1) The Director may in writing—

- (a) delegate to any person any or all of the functions or powers of the Director other than this power of delegation; and
- (b) revoke wholly or partly a delegation.

(2) A delegation—

- (a) may be made either generally or as otherwise provided by the instrument of delegation; and
- (b) does not prevent the performance or exercise of a function or power by the Director.

(3) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the Director.

(4) If any services are provided by a delegate employed in any Agency, State authority or municipality, any fee payable in respect of those services is payable to the Agency, State authority or municipality in which that person is employed.

(5) For the purposes of subsection (4), “Agency” and “State authority” have the meanings assigned to those expressions under the *Tasmanian State Service Act 1984*.

* No. 34 of 1973. For this Act, as amended up to and including 1 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, Nos. 24, 81, 110 and 117 of 1985, No. 66 of 1987, No. 30 of 1989, Nos. 5 and 40 of 1990, Nos. 23, 27 and 46 of 1991 and S.R. 1992, No. 181.

Section 24 amended (Application for a licence)

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

- (a) by omitting from subsection (2A) (b) “by the date specified in the notice, being a date not earlier than” and substituting “within a period of”;
- (b) by omitting from subsection (4) “a period of 30 days” and substituting “the period referred to in subsection (2A)”;
- (c) by omitting from subsection (5) “of 30 days referred to in that subsection,” and substituting “referred to in subsection (2A),”.

Section 29 amended (Changes in operation of scheduled premises)

6—Section 29 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) (a), (b) and (c) “so as to” (wherever occurring) and substituting “in any manner that might”;
- (b) by omitting paragraph (d) from subsection (1) and substituting the following paragraphs:—
 - (d) in the case of a licensee of scheduled premises, increase the quantity of materials dealt with or used on the premises so as to exceed an amount specified in that regard in the licence held by the licensee if that increase might cause or substantially increase the emission of a pollutant or noise from the premises; or
 - (e) in the case of a person who is registered under section 35 in respect of scheduled premises, increase the quantity of materials dealt with or used on the premises so as to exceed—
 - (i) the amount specified in the application for a licence on which the registration was granted; or
 - (ii) if some other amount is specified for the purposes of this section in the notice of registration, that other amount—
if that increase might cause or substantially increase the emission of a pollutant or noise from the premises.

- (c) by inserting after subsection (2) the following subsection:—

(2A) A licensee of scheduled premises or a person who is registered under section 35 in respect of scheduled premises may, with the approval of the Director under this section, change the boundaries of the scheduled premises from those specified in the licence or certificate of registration.

- (d) by omitting from subsection (3) “(i),” and “(d) (ii),” and substituting “or (2A),” and “(e) or (2A),” respectively;

- (e) by inserting in subsection (4) after “The” (firstly occurring) “Director or, with the consent of the Director, the”.

Section 38 amended (Rights of appeal)

7—Section 38 (6) of the Principal Act is amended by omitting “38A.” and substituting “38A and the prescribed fee.”.

Section 40 amended (Jurisdiction)

8—Section 40 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “in dealing with an” and substituting “must hear and determine an appeal within 90 days after it is instituted or within such further period as may be granted under subsection (1A) and in dealing with the”;

- (b) by inserting after subsection (1) the following subsection:—

(1A) The Minister may, by notice in writing given to the clerk of the appeal board, extend the period of 90 days referred to in subsection (1) in a case where the Minister is of opinion that the interests of justice so require.

Section 55 amended (Regulations)

9—Section 55 of the Principal Act is amended by omitting subsection (5) and substituting the following subsections:—

(5) Regulations made under this section may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(5A) The regulations may, with respect to the emission of pollutants, adopt either wholly or in part and with or without modification and, either specifically or by reference, any of the standards, rules, codes or specifications of the Commonwealth, whether the standards, rules, codes or specifications are published or issued before or after the commencement of the *Environment Protection Amendment Act 1993*.

Schedule 1 amended (Scheduled premises)

10—Schedule 1 to the Principal Act is amended by omitting from items 9 and 10 “tonnes” (wherever occurring) and substituting “cubic metres”.

[Second reading presentation speech made in:—
House of Assembly on 24 March 1993
Legislative Council on 31 March 1993]

