

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Friday, 8 October 1982

CLEAN AIR AMENDMENT BILL

Proposed Amendments

HON. MR MALCOLM, in Committee, to move the following amendments.

Clause 13: To omit this clause, and substitute the following clause:

13. Scheduled processes to be licensed—Section 23 of the principal Act is hereby amended by repealing subsections (4) and (5), and substituting the following subsection:

“(4) Every application for a licence shall be accompanied by the scheduled process fee that will be payable under section 25A (1) of this Act if the application is granted, which fee, notwithstanding anything in section 25A of this Act, shall be refunded to the applicant if the application is refused or withdrawn.”

Clause 14A: To insert, after *clause 14*, the following clause:

14A. Licence fees—The principal Act is hereby amended by inserting, after section 25, the following section:

“25A. (1) On the grant of a licence a fee to be known as a scheduled process fee, of such amount as shall be prescribed, shall be payable by the licensee:

“Provided that if the licence is granted after the 30th day of April in any year the prescribed licence fee shall be reduced by one-twelfth for every complete month between the date of the grant of the licence and the 31st day of March last preceding that date.

“(2) A licensee shall, in the month of March in each year, pay to the local authority within whose district the scheduled process is carried on a fee in respect of the continuance of the licence, which fee shall be known as a scheduled process fee and shall be of such amount as shall be prescribed.

“(3) Where a licence expires at any time before the 1st day of March in any year, there shall, notwithstanding anything in subsection (4) of this section, be refundable to the person who held the licence the amount of the scheduled process fee paid in the preceding March in respect of that licence under subsection (2) of this section reduced by one-twelfth for every month between the preceding 31st day of March and the end of the month in which the licence expired.

“(4) Where a scheduled process fee is paid to a local authority, that local authority—

“(a) If the fee is paid in respect of a process specified or described in Part A of the Second Schedule to this Act, may retain such part of the fee as is prescribed

by regulations made under this Act (which part shall not exceed one-fifth of the prescribed fee) or \$100, whichever is the lesser, and shall pay the remainder of the fee into the Consolidated Account; and

“(b) In every other case, shall retain the whole of the fee.

“(5) If a scheduled process fee that is payable under subsection (2) of this section is not paid, the local authority to which that fee is payable shall send notice to the licensee that if the fee is not paid by a date specified in the notice, being a date not earlier than 21 days after the date on which the notice is sent, the licence will be suspended. If the fee is not paid on or before the date specified in the notice the licence shall be automatically suspended as from the close of that day, and the licence shall be suspended until the fee is paid. So long as any licence is suspended under this subsection the licensee shall be deemed not to be licensed to carry on the process in or on the premises to which the licence relates.

“(6) Regulations under section 55 of this Act may—

“(a) Prescribe or provide for scheduled process fees or a scale of scheduled process fees or both:

“(b) Provide for the manner in which scheduled process fees are to be assessed:

“(c) Provide for reductions in scheduled process fees and for exemptions from payments of scheduled process fees.”

Clause 15A: To insert, after *clause 15*, the following clause:

15A. Renewal and transfer of licences—(1) Section 28 (1) of the principal Act is hereby amended by omitting the words “and on payment of any fee that may be prescribed”.

(2) Section 28 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Every renewal of a licence under this section shall have effect for such period as is specified by the licensing authority in granting that renewal.”

EXPLANATORY NOTE

Under the Bill licences in respect of scheduled processes are to be issued for a specified period and are to remain in force until suspended or cancelled in accordance with the Act.

The amendments proposed in this Supplementary Order Paper effect consequential amendments in respect of renewals of licences. Those proposed amendments also ensure that licence fees will continue to be paid on an annual basis even though the licences themselves will no longer be renewed annually.