

Western Australia

Environmental Protection Amendment Bill (No. 2) 2020

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

*(As amended by the Legislative Assembly in response to a request
by the Legislative Council)*

**Environmental Protection Amendment Bill
(No. 2) 2020**

A Bill for

An Act to amend the *Environmental Protection Act 1986*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Environmental Protection Amendment Act*
3 (*No. 2) 2020*.

4 **2. Commencement**

5 (1) This Act comes into operation as follows —

- 6 (a) sections 1 to 3 — on the day on which this Act receives
7 the Royal Assent (*assent day*);
8 (b) section 4 — immediately after the *Environmental*
9 *Protection Amendment Act 2020* section 32 comes into
10 operation;
11 (c) section 5 — immediately after the *Environmental*
12 *Protection Amendment Act 2020* section 92 comes into
13 operation.

14 (2) However —

- 15 (a) if sections 4 and 5 do not come into operation before the
16 end of the period of 10 years beginning on assent day,
17 this Act is repealed on the day after that period ends; or
18 (b) if paragraph (a) does not apply, and a provision of this
19 Act does not come into operation before the end of the
20 period of 10 years beginning on assent day, that
21 provision is repealed on the day after that period ends.

22 **3. Act amended**

23 This Act amends the *Environmental Protection Act 1986*.

24 **4. Section 48AA amended**

25 After section 48AA(2) insert:
26

- 27 (3) To the extent that regulations to which subsection (1)
28 applies prescribe or provide for the determination of a

1 fee or charge that includes an amount that is a tax, the
2 regulations may impose the tax.

3 (4) Nothing in this section is to be taken as limiting the
4 operation of the *Interpretation Act 1984* section 45A.
5

6 **5. Part VIIB Division 2A inserted**

7 After Part VIIB Division 2 insert:
8

9 **Division 2A — Imposition of levy**

10 **110MA. Term used**

11 In this Division —
12 *monitored activity* means a prescribed activity the
13 impact of which is monitored under an environmental
14 monitoring programme.

15 **110MB. Levy may be prescribed**

- 16 (1) The regulations may prescribe an amount by way of
17 levy that is to be payable by persons who carry out a
18 monitored activity.
- 19 (2) The regulations may —
- 20 (a) provide that an amount by way of levy is to be
21 payable —
- 22 (i) in all cases; or
23 (ii) in all cases subject to specified
24 exceptions; or
25 (iii) in any specified case or class of case;
26 and
- 27 (b) prescribe different amounts by way of levies
28 that are payable in respect of different cases or
29 classes of case; and

s. 5

1 (c) provide for the levy to be calculated on a
2 specified basis, and in accordance with
3 specified factors.

4 (3) Nothing in this section is to be taken as limiting the
5 operation of the *Interpretation Act 1984* section 43.

6 **110MC. Levy imposed**

7 If an amount by way of levy is prescribed to be payable
8 by persons carrying out a monitored activity, that levy
9 is imposed.

10 **110MD. Liability to pay levy**

11 If a levy is imposed under section 110MC, the
12 following persons are liable to pay the amount of any
13 levy —

14 (a) if there is a licence authorising the carrying out
15 of the monitored activity — the holder of the
16 licence;

17 (b) if the monitored activity is being carried out
18 without a licence being in force — a person
19 required to hold a licence to carry out the
20 monitored activity.

21

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