



## MESSAGE No. 145

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Environmental Protection Amendment Bill 2020* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

A handwritten signature in blue ink, appearing to read "K Doust".

Hon Kate Doust  
President of the Legislative Council

Legislative Council Chamber  
Perth, 11 November 2020

*Schedule indicating the amendments made by the Legislative Council in the Environmental Protection Amendment Bill 2020*

**No. 1**

Clause 2, page 2, lines 4 to 11 — To delete the clause.

**No. 2**

Clause 2, page 2, after line 11 — To insert:

**2. Commencement**

- (1) This Act comes into operation as follows —
  - (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
  - (b) section 4(3A) — on the later of the following —
    - (i) the day on which the *Planning and Development Amendment Act 2020* section 64 comes into operation;
    - (ii) immediately after section 4(2) comes into operation;
  - (c) section 59 — on the day on which section 83 comes into operation;
  - (d) section 116A — on the day after assent day;
  - (e) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.
- (2) However —
  - (a) if no day is fixed under subsection (1)(e) before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends; or
  - (b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on assent day, that provision is repealed on the day after that period ends.
- (3) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 68(2) comes into operation, the 2<sup>nd</sup> row in the Table to section 112 —
  - (a) does not come into operation; and
  - (b) is deleted on that day.
- (4) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 70 comes into operation, the 4<sup>th</sup> row in the Table to section 112 —
  - (a) does not come into operation; and
  - (b) is deleted on that day.

**No. 3**

Clause 4, page 3, lines 5 to 15 — To delete the lines and insert:

- (1) In section 3(1) delete the definitions of:

*bilateral agreement*

*Chairman*

*Deputy Chairman*

*implementation agreement or decision*

*implementation conditions*

*proposal*

- (1A) In section 3(1) delete the definitions of:

*applicant*

*licensee*

*prescribed premises*

*works approval*

**No. 4**

Clause 4, page 5, lines 4 and 5 — To delete the lines.

**No. 5**

Clause 4, page 6, after line 6 — To insert:

- (2A) In section 3(1) insert in alphabetical order:

*prescribed activity* means an activity prescribed as a prescribed activity for the purposes of Part V;

**No. 6**

Clause 4, page 6, after line 31 — To insert:

- (3A) In section 3(1) in the definition of *planning instrument* paragraph (b) delete “section 29 and published in the *Gazette*; or” and insert:

Part 3; or

**No. 7**

Clause 16, page 24, lines 24 to 27 — To delete the lines and insert:

The Authority must keep a public record of each referred proposal, and shall in that public record set out —

- (a) whether or not that proposal is to be assessed under this Part; and
- (b) if the proposal is to be assessed under this Part, the level of assessment.

**No. 8**

Clause 18, page 25, after line 1 — To insert:

(1A) In section 40(3) delete “subsection (2)(b).” and insert:

subsection (2)(b) and publish an indicative outline of the timing of the environmental review.

**No. 9**

Clause 28, page 33, lines 25 to 27 — To delete the lines and insert:

under section 45(2).

**No. 10**

Clause 28, page 33, line 34 to page 34, line 3 — To delete “has a role, or have roles, in making major decisions in relation to matters in the proposal that may have significant effects on the environment.” and insert:

the Minister considers to be a key decision-making authority.

**No. 11**

Clause 28, page 35, line 4 — To delete “must — ” and insert:

must within 30 days of the agreement or decision being made —

**No. 12**

Clause 28, page 36, line 29 — To insert after “must”:

within 30 days of the agreement or decision being made

**No. 13**

Clause 31, page 47, line 10 — To insert after “Minister”:

and the proponent of the proposal

**No. 14**

Clause 32, page 51, line 28 — To delete “prescribing” and insert:

prescribing, or providing for the determination of,

**No. 15**

Clause 44, page 59, after line 28 — To insert:

- (2) Before regulations are made declaring an area of the State as an environmentally sensitive area for the purposes of this Part —
  - (a) the CEO must, in a prescribed manner, notify each owner or occupier of land in that area of the State of the proposed regulations and invite comments about the proposed regulations to be made within the period specified in the notification; and
  - (b) the Minister must take into account any comments about the proposed regulations made by an owner or occupier of land in that area of the State pursuant to an invitation under paragraph (a).
- (3) Subsection (1) does not apply to regulations proposing to declare an area of the State as an environmentally sensitive area if a declaration of that area as an environmentally sensitive area already has effect under subsection (1).
- (4) The CEO must notify the agency (as defined in the *Public Sector Management Act 1994* section 3(1)) principally assisting the Minister administering the *Transfer of Land Act 1893* in its administration of the declaration or amendment of an environmentally sensitive area with a view to that agency including information as to the environmentally sensitive area in information disseminated by it as to property interests in land.

**No. 16**

Clause 60, page 82, line 18 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 17**

Clause 60, page 84, line 3 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 18**

Clause 60, page 89, line 12 — To insert after “application”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 19**

Clause 60, page 90, line 5 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 20**

Clause 104, page 165, lines 14 to 16 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

2	53A(1)	\$62 500	\$12 500
3	53B(1)	\$62 500	\$12 500
4	62	\$62 500	\$12 500
5	63(3)	\$62 500	\$12 500

(4) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

11B	86O(1)	\$62 500	\$12 500
11C	86P(2)	\$62 500	\$12 500

**No. 21**

Clause 105, page 166, lines 3 to 5 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

2	53A(1)	\$125 000	\$25 000
3	53B(1)	\$125 000	\$25 000
4	62	\$125 000	\$25 000
5	63(3)	\$125 000	\$25 000

(4) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

11B	86O(1)	\$125 000	\$25 000
11C	86P(2)	\$125 000	\$25 000

**No. 22**

Clause 108, page 167, after line 15 — To insert:

(1A) In Schedule 2 item 1 insert in alphabetical order:

*fee* includes charge;

**No. 23**

Clause 108, page 168, after line 5 — To insert:

(3A) In Schedule 2 item 2A:

(a) in paragraph (b) delete “regulations.” and insert:

regulations;

(b) after paragraph (b) insert:

(c) prescribing fees that are payable before or when the authorisation is amended, transferred or surrendered.

**No. 24**

Clause 108, page 169, after line 5 — To insert:

36C. Specifying timelines for steps in processes contained in Part V.

**No. 25**

New Clause 116A, page 180, after line 11 — To insert:

**116A. *Planning and Development Amendment Act 2020* amended**

(1) In this section —

*section 71* means the *Planning and Development Amendment Act 2020* section 71.

(2) Despite the *Planning and Development Amendment Act 2020* section 2, if section 71 has not come into operation before the day on which section 55(1) of this Act comes into operation, section 71 —

(a) does not come into operation; and

(b) is deleted on that day.



Clerk of the Legislative Council