

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**AMENDMENTS AND SCHEDULES**  
**Supplementary Notice Paper No. 181**  
**Issue No. 2**  
**WEDNESDAY, 5 AUGUST 2020**

***ENVIRONMENTAL PROTECTION AMENDMENT BILL 2020 [181-1]***

When in committee on the *Environmental Protection Amendment Bill 2020*:

**Clause 15**

**Hon Dr Steve Thomas:** To move –

**1/15** Page 20, lines 23 and 24 — To delete the lines and insert:

- (b) if a requisition is issued to the person who referred the proposal and is not complied with within the compliance period — the compliance period;
- (c) if a requisition is issued to a Government Department and is not complied with within the compliance period — 14 days.

**Clause 16**

**Hon Dr Steve Thomas:** To move –

**3/16** 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.

**Clause 18****Hon Dr Steve Thomas:** To move –**4/18** Page 25, after line 1 — To insert:

- (1) After section 40(3) insert:
  - (3a) The Authority shall provide an indicative outline of the timing of any environmental review as determined under section 40(3) to the proponent of a referred proposal and the Minister as soon as is reasonably practicable.

**Clause 27****Hon Dr Steve Thomas:** To move –**5/27** Page 32, lines 2 to 5 — To delete the lines and insert:

- (1) Delete section 44(1) and insert:
  - (1) If the Authority assess a proposal, it must prepare a report on the outcome of its assessment of the proposal and give the report (the *assessment report*) to the Minister within one calendar year of the date of the Authority giving written notice of its decision to assess the proposal under section 39A(3).
  - (1a) If the Authority is unable to complete its assessment in the time period stipulated in section 44(1), it may seek in writing an extension of time from the Minister.
  - (1b) If the Minister grants in writing the extension of time sought by the Authority under section 44(1a), the Minister must —
    - (a) give notice to the person who submitted the proposal; and
    - (b) cause the written notice of that extension to be published.

**Clause 28****Hon Dr Steve Thomas:** To move –**6/28** Page 34, line 17 — To insert after “must”:

within 60 days of receiving a report from the Authority under section 44(1) of this Act

**Hon Dr Steve Thomas:** To move –**7/28** Page 34, line 24 — To insert after “must”:

within 60 days of receiving a report from the Authority under section 44(1) of this Act

**Hon Dr Steve Thomas:** To move –

**8/28** Page 35, line 4 — To delete “must — ” and insert:

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

**Hon Dr Steve Thomas:** To move –

**9/28** Page 36, line 29 — To insert after “must”:

within 30 days of the agreement or decision being made

**Hon Dr Steve Thomas:** To move –

**2/28** Page 37, lines 23 and 24 — To delete “on the environment;” and insert:

that cause material environmental harm or serious environmental harm;

### **Clause 31**

**Hon Dr Steve Thomas:** To move –

**10/31** Page 47, line 12 — To delete “with.” and insert:

with; and

- (c) the CEO gives the proponent of the proposal written notice of their advice to the Minister under section 47A(2)(b).

### **Clause 34**

**Hon Dr Steve Thomas:** To move –

**11/34** Page 53, lines 12 and 13 — To delete the lines and insert:

- (b) if a requisition is issued to the person who referred the proposal and is not complied with within the compliance period — the compliance period;
- (c) if a requisition is issued to a Government Department and is not complied with within the compliance period — 14 days.

**Clause 44****Hon Dr Steve Thomas:** To move –

12/44 Page 59, lines 21 to 28 — To delete the lines and insert:

**51B. Registration of an environmentally sensitive area by regulation**

- (1) Regulations may declare as an environmentally sensitive area for the purposes of this Part —
  - (a) an area of the State specified in the regulations; or
  - (b) an area of the State of a class specified in the regulations.
- (2) Before a regulation is declared under this section, the CEO must —
  - (a) notify each owner or occupier of the land to which the environmentally sensitive area would relate of their intention to declare by regulation an environmentally sensitive area; and
  - (b) take into account any comments received from any owner or occupier of the land to which the environmentally sensitive area would relate.
- (3) The CEO must deliver a memorial of an environmentally sensitive area to the relevant land registration officer.
- (4) The memorial must be in a form approved by the relevant land registration officer.
- (5) The relevant land registration officer must register the memorial and accordingly endorse or note the appropriate register or record in respect of the land to which the environmentally sensitive area declaration applies.

**Hon Rick Mazza:** To move –

That the Legislative Assembly be requested to make the following amendment:

17/44 Page 59, after line 28 — To insert:

**51BA. Persons affected by declaration entitled to compensation**

- (1) A person who suffers loss or damage as a result of a declaration made under section 51B is entitled to make an application to the CEO for compensation for the loss or damage.
- (2) The application must be made in the form and in the manner approved by the CEO and must state —
  - (a) the details of the person's loss or damage; and
  - (b) the amount of compensation claimed and the grounds for the amount claimed.
- (3) If an application is made under subsection (1), the CEO must determine whether or not compensation should be paid to the person.
- (4) The amount of compensation payable is to be determined by agreement between the person applying for that compensation and the CEO or, in default of any such agreement, by the Magistrates Court on the application of the person so applying or of the CEO.

**Clause 71****Hon Dr Steve Thomas:** To move –**13/71** Page 111, line 20 — To delete “may” and insert:

must

**New Clause 98A****Hon Dr Steve Thomas:** To move –**14/NC98** Page 145, after line 27 — To insert:**98A. Section 122 amended**

- (1) In section 122(1) delete “may” and insert:

must

- (2) In section 122(1)(a) delete “assessment;” and insert:

assessment, including reasonable timelines for the stages in progress;

**Clause 108****Hon Dr Steve Thomas:** To move –**15/108** Page 169, after line 10 — To insert:

- (10) After Schedule 2 item 37 insert:

38. The specifying of timelines for steps in processes contained in Part V.

**Clause 110****Hon Dr Steve Thomas:** To move –**16/110** Page 171, after line 13 — To insert:

17. Clearing that —

- (a) is done to minimise the risk of flames contacting a private dwelling-house; and
- (b) is not more than 25 metres from the private dwelling-house; and
- (c) is done in a way that limits damage to neighbouring native vegetation.

