

Western Australia

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

## **Contents**

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 48AA amended	2
5.	Part VIIB Division 2A inserted	3
	<b>Division 2A — Imposition of levy</b>	
	110MA. Term used	3
	110MB. Levy may be prescribed	3
	110MC. Levy imposed	4
	110MD. Liability to pay levy	4



Western Australia

LEGISLATIVE ASSEMBLY

**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**

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1   **1.     Short title**

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

4   **2.     Commencement**

5           This Act comes into operation as follows —

- 6           (a)   sections 1 and 2 — on the day on which this Act  
7                receives the Royal Assent;
- 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  **3.     Act amended**

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

16  **4.     Section 48AA amended**

17           After section 48AA(2) insert:

- 18
- 19          (3)   To the extent that regulations to which subsection (1)  
20                applies prescribe a fee or charge that includes an  
21                amount that is a tax, the regulations may impose the  
22                tax.
- 23          (4)   Nothing in this section is to be taken as limiting the  
24                operation of the *Interpretation Act 1984* section 45A.  
25

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

2 After Part VIIB Division 2 insert:

3

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

5 **110MA. Term used**

6 In this Division —

7 ***monitored activity*** means a prescribed activity the  
8 impact of which is monitored under an environmental  
9 monitoring programme.

10 **110MB. Levy may be prescribed**

- 11 (1) The regulations may prescribe an amount by way of  
12 levy that is to be payable by persons who carry out a  
13 monitored activity.
- 14 (2) The regulations may —
- 15 (a) provide that an amount by way of levy is to be  
16 payable —
- 17 (i) in all cases; or
- 18 (ii) in all cases subject to specified  
19 exceptions; or
- 20 (iii) in any specified case or class of case;  
21 and
- 22 (b) prescribe different amounts by way of levies  
23 that are payable in respect of different cases or  
24 classes of case; and
- 25 (c) provide for the levy to be calculated on a  
26 specified basis, and in accordance with  
27 specified factors.
- 28 (3) Nothing in this section is to be taken as limiting the  
29 operation of the *Interpretation Act 1984* section 43.

**s. 5**

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**110MC. Levy imposed**

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

**110MD. Liability to pay levy**

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

- (a) if there is a licence authorising the carrying out of the monitored activity — the holder of the licence;
- (b) if the monitored activity is being carried out without a licence being in force — a person required to hold a licence to carry out the monitored activity.

