

Western Australia

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

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended during consideration in detail)*

**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 to 3 — on the day on which this Act receives
- 7                 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.

