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for

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

Bill No. 182—2

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:

1. Short title

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

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 ~~and 2~~ to 3 — on the day on which this Act receives the Royal Assent;
- (b) section 4 — immediately after the *Environmental Protection Amendment Act 2020* section 32 comes into operation;
- (c) section 5 — immediately after the *Environmental Protection Amendment Act 2020* section 92 comes into operation.

3. Act amended

This Act amends the *Environmental Protection Act 1986*.

4. Section 48AA amended

After section 48AA(2) insert:

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

5. Part VIIB Division 2A inserted

After Part VIIB Division 2 insert:

Division 2A — Imposition of levy

110MA. Term used

In this Division —

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

110MB. Levy may be prescribed

- (1) The regulations may prescribe an amount by way of levy that is to be payable by persons who carry out a monitored activity.
- (2) The regulations may —
 - (a) provide that an amount by way of levy is to be payable —
 - (i) in all cases; or
 - (ii) in all cases subject to specified exceptions; or
 - (iii) in any specified case or class of case;and
 - (b) prescribe different amounts by way of levies that are payable in respect of different cases or classes of case; and
 - (c) provide for the levy to be calculated on a specified basis, and in accordance with specified factors.
- (3) Nothing in this section is to be taken as limiting the operation of the *Interpretation Act 1984* section 43.

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.

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