



Western Australia

Environmental Protection Amendment Act (No. 2) 2020

As at 19 Nov 2020

No. 41 of 2020

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Western Australia

Environmental Protection Amendment Act (No. 2) 2020

No. 41 of 2020

An Act to amend the *Environmental Protection Act 1986*.

[Assented to 19 November 2020]

The Parliament of Western Australia enacts as follows:

1. Short title

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

2. Commencement

(1) This Act comes into operation as follows —

- (a) sections 1 to 3 — on the day on which this Act receives the Royal Assent (*assent day*);
- (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.

(2) However —

- (a) if sections 4 and 5 do not come into operation before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends; or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Act does not come into operation before the end of the period of 10 years beginning on assent day, that provision is repealed on the day after that period ends.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. 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 or provide for the determination of 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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