



Western Australia

Environmental Protection (Landfill) Levy Act 1998

As at 21 Dec 2007

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Reprinted under the
Reprints Act 1984 as at
2 April 2004

Western Australia

Environmental Protection (Landfill) Levy Act 1998

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Environmental Protection (Landfill) Levy Act 1998

An Act to impose a levy in respect of certain waste.

1. Short title

This Act may be cited as the *Environmental Protection (Landfill) Levy Act 1998*¹.

2. Commencement

This Act comes into operation on such day as is fixed by proclamation¹.

3. Interpretation

(1) In this Act —

licensed premises means premises in respect of which the occupier is required to hold a licence under Part V of the principal Act and which are used for the purpose of disposing of waste to landfill, whether or not a licence is in force;

principal Act means the *Environmental Protection Act 1986*.

s. 4

- (2) Unless the contrary intention appears, words defined in the principal Act have the same meanings in this Act as in that Act.

[Section 3 amended by No. 54 of 2003 s. 141.]

4. Levy may be prescribed

- (1) The Governor may, on the recommendation of the Authority, make regulations under the principal Act prescribing an amount by way of levy that is to be payable in respect of waste received at licensed premises.

- (2) The regulations may —

- (a) provide that the amount by way of levy is to be payable in all cases, in all cases subject to specified exceptions or in any specified case or class of case;
- (b) prescribe different amounts by way of levies that are payable in respect of different cases or classes of case;
- (c) provide for the levy to be calculated on such basis, and in accordance with such factors, as are specified; and
- (d) provide for the reimbursement of administrative costs incurred by the person, organisation, or licensee collecting the levy.

- (3) Nothing in this section is to be taken as limiting the operation of section 43 of the *Interpretation Act 1984*.

5. Levy imposed

If an amount by way of levy is prescribed in respect of waste received at licensed premises, that levy is imposed in respect of waste received at the licensed premises.

6. Levy payable by holder of licence

The holder of a licence in respect of premises is liable to pay the amount of any levy imposed in respect of waste received at the licensed premises.

Notes

¹ This is a compilation of the *Environmental Protection (Landfill) Levy Act 1998* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Environmental Protection (Landfill) Levy Act 1998</i>	11 of 1998	30 Apr 1998	1 Jul 1998 (see s. 2 and <i>Gazette</i> 26 Jun 1998 p. 3369)
<i>Environmental Protection Amendment Act 2003</i> s. 141	54 of 2003	20 Oct 2003	19 Nov 2003 (see s. 2 and <i>Gazette</i> 18 Nov 2003 p. 4723)
Reprint 1: The <i>Environmental Protection (Landfill) Levy Act 1998</i> as at 2 Apr 2004 (includes amendments listed above)			

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Waste Avoidance and Resource Recovery Act 2007</i> s. 100 ²	36 of 2007	21 Dec 2007	To be proclaimed (see s. 2(b))

² On the date as at which this compilation was prepared, the *Waste Avoidance and Resource Recovery Act 2007* s. 100, which gives effect to Sch. 4 cl. 3 had not come into operation. It reads as follows:

“

100. Consequential amendments

Each Act specified in Schedule 4 is amended as set out in that Schedule.

”.

Schedule 4, cl. 3 read as follows:

“

Schedule 4 — Amendments and repeals

[s. 100]

3. *Environmental Protection (Landfill) Levy Act 1998* repealed

The *Environmental Protection (Landfill) Levy Act 1998* is repealed.

”.