

**2001**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**SUBORDINATE LAW NO. 9 OF 2001**

**ENVIRONMENT PROTECTION ACT 1997  
ENVIRONMENT PROTECTION REGULATIONS  
AMENDMENT**

**EXPLANATORY STATEMENT**

Circulated by authority of  
Brendan Smyth MLA,  
Minister for Urban Services

## EXPLANATORY STATEMENT

### Outline

These regulations make amendments to the provisions inserted in the *Environment Protection Act 1997* (the Act) and the *Environment Protection Regulations 1997* by the *Environment Protection Legislation Amendment Act 2000* (the Amendment Act).

The Amendment Act had the effect of establishing a firewood licensing scheme, whereby engaging in commercial activities regarding firewood (sale and preparation for sale of firewood) were defined as controlled activities requiring an environmental authorisation under the Act.

These regulations make some changes to the scheme to improve its operation and allow for more focussed enforcement.

### Formal Clauses

#### Part 1- Preliminary:

**Clause 1** is a formal requirement dealing with the commencement of the regulations. They are to commence when the *Environment Protection Legislation Amendment Act 2000* commences. This will be 5 April 2001.

**Clause 2** notes that Part 2 of these regulations amends the Act. This is possible by virtue of section 166(6) of the Act.

**Clause 3** omits the definition of firewood. The definition will cause some enforcement problems since whether the provisions apply will depend on the source of the wood, and how it was handled prior to being used for fuel. Omitting the definition will mean that the dictionary definition will apply, avoiding these problems.

**Clause 4** changes the description of the controlled activity. This is intended to allow different conditions to be placed on retailers and wholesalers of firewood, and to deal with cutting, storing and seasoning separately if necessary. Also, small retail transactions are to be exempt from the need for an authorisation.

**Clause 5** notes that Part 3 amends the *Environment Protection Regulations 1997*.

**Clause 6** amends regulation 39A to allow for all the prescribed standards to apply to retail sales of firewood only. **Clause 7** makes it so that only subregulation (1)(g) (the requirement to provide information about the source of the wood) applies to wholesale transactions. No prescribed standards are to apply to authorisations that are solely for cutting, storing and seasoning firewood.

**Clause 8** amends the dictionary of the regulations to insert a definition of seasoned, which will assist licensees in determining whether the firewood being sold complies with the licence conditions.