

EP301*

Environmental Protection Act 1986

Environmental Protection (Firewood Supply) Regulations 1998

Made by the deputy of the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Environmental Protection (Firewood Supply) Regulations 1998*.

Part 2 — Green firewood

2. Application of this Part

This Part applies in the area bounded by the low water mark of the Indian Ocean and the local government districts of Wanneroo, Swan, Mundaring, Kalamunda, Armadale, Serpentine-Jarrahdale and Mandurah (including those districts).

3. Restrictions on sale of green firewood

A person must not sell as domestic firewood any wood with an internal moisture content of more than 20%, except —

- (a) in accordance with a permit authorizing the person to do so; or
- (b) to a firewood wholesaler or retailer.

4. Restrictions on stockpiling of green firewood

A person who keeps wood with an internal moisture content of more than 20% for future retail sale by that person as domestic firewood must keep that wood —

- (a) separate from dry firewood that is for sale; and
- (b) clearly marked as being not for sale because it does not meet environmental moisture content standards.

5. Permits

- (1) An application for a permit under regulation 3 is to be —
 - (a) made to, and in a form approved by, the Chief Executive Officer; and
 - (b) accompanied by such information as the Chief Executive Officer may reasonably require.
- (2) The Chief Executive Officer may issue or refuse to issue a permit as he or she thinks fit.
- (3) When issuing a permit the Chief Executive Officer may impose such conditions on the permit as he or she thinks fit.
- (4) If the Chief Executive Officer refuses to issue a permit he or she must in writing notify the applicant of the refusal and the reasons for it.
- (5) A permit holder must promptly notify the Chief Executive Officer of any change in any of the information provided in or with the permit holder's application.

6. Duration and revocation of permits

- (1) A permit remains in force for the period specified in it unless before then it is revoked by the Chief Executive Officer.
- (2) The Chief Executive Officer may, by giving written notice to the permit holder, revoke a permit if —
 - (a) the permit holder fails to comply with a condition imposed on the permit; or
 - (b) the Chief Executive Officer considers it is not appropriate for the permit to remain in force.
- (3) Before revoking a permit the Chief Executive Officer must —
 - (a) give the permit holder written notice of the intention to revoke the permit stating the grounds on which the revocation is intended and allowing the permit holder 21 days within which to respond to the notice; and
 - (b) have due regard to any response to the notice made within that time.

7. Measurement of internal moisture content

For the purposes of this Part, the internal moisture content of wood is to be measured —

- (a) in a manner; and
- (b) using equipment of a type,
approved in writing by the Chief Executive Officer.

Part 3 — General

8. Sale of painted or treated firewood an offence

A person must not sell as domestic firewood any wood that —

- (a) is painted;
- (b) is coated with plastic; or
- (c) has been treated with copper-chrome-arsenate, or any substance containing that chemical.

9. Offences and penalties

A person who contravenes any of these regulations commits an offence.

Penalty: \$5 000.

Recommended by a resolution of the Environmental Protection Authority at a meeting of the Authority on 12 November 1998.

B. BOWEN, Chairman.

By Command of the deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.
