



Western Australia

Environmental Protection Act 1986

**Environmental Protection (Domestic Solid Fuel
Burning Appliances and Firewood Supply)
Regulations 1998**

These regulations were repealed by the *Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018* r. 16 as at 1 Sep 2018 (see r. 2 and *Gazette* 31 Aug 2018 p. 3097).

Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998

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Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998*¹.

[Regulation 1 amended in Gazette 24 Nov 1998 p. 6312.]

Part 1A — Domestic solid fuel burning appliances

[Heading inserted in Gazette 24 Nov 1998 p. 6312.]

1A. Interpretation

- (1) In this Part —

AS/NZS 4013 means “AS/NZS 4013:1999 Domestic solid fuel burning appliances — Method for determination of flue gas emission” published by Standards Australia as amended from time to time, or any Australian or Australia/New Zealand Standard made in substitution for that standard;

emission standard means the emission standard set out in section 7 of AS/NZS 4013;

heating appliance means a domestic solid fuel burning appliance to which AS/NZS 4013 applies, regardless of whether the appliance —

- (a) was manufactured before or after the commencement of these regulations; or
 - (b) is new or used.
- (2) If AS/NZS 4013:1999 is amended or a substitute standard is made, a reference in this Part to a section of AS/NZS 4013 is to be taken to be a reference to the equivalent section of the amended or substituted standard.

[Regulation 1A inserted in Gazette 24 Nov 1998 p. 6312; amended in Gazette 24 Feb 2006 p. 881 and 882.]

1B. Sale of non-complying appliance an offence

- (1) A person must not sell a heating appliance unless the appliance —
- (a) complies with the emission standard; and

- (b) is marked —
- (i) in accordance with section 10 of AS/NZS 4013; and
 - (ii) with the name and address of the person or body that tested that model of appliance for the purposes of AS/NZS 4013, and the year in which it was tested.
- (2) Subregulation (1) does not apply in relation to a heating appliance that has been installed in, and is sold together with, a building.
- (3) For the purposes of this Part an appliance is taken to comply with the emission standard if an appliance of the same make and model, when tested in accordance with AS/NZS 4013, complied with that standard.
- (4) For the purposes of this Part an appliance (“**new appliance**”) is taken to comply with the emission standard if —
- (a) an appliance of a similar make and model (“**old appliance**”), when tested in accordance with AS/NZS 4013, complied with that standard; and
 - (b) the differences between the old appliance and the new appliance are such that under section 9 of AS/NZS 4013 testing of the new appliance is not required.

[Regulation 1B inserted in Gazette 24 Nov 1998 p. 6312-13; amended in Gazette 24 Feb 2006 p. 882.]

1C. False markings

A person must not —

- (a) mark a heating appliance; or
- (b) sell a heating appliance that is marked,

in a manner that states or implies that the appliance complies with the emission standard if the person knows, or ought

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reasonably to have known, that the appliance does not comply with that standard.

[Regulation 1C inserted in Gazette 24 Nov 1998 p. 6313.]

1D. Inspection and testing of appliances

- (1) An inspector may inspect any heating appliance being offered for sale to check for compliance with regulation 1B(1)(b).
- (2) An inspector who reasonably believes that a heating appliance being offered for sale does not comply with the emission standard may, by written notice to the person selling it, require the person to —
 - (a) have the appliance, or another appliance of the same make and model, tested in accordance with AS/NZS 4013; and
 - (b) provide a copy of the test results to the inspector within the time specified in the notice.
- (3) A person must comply with a requirement under subregulation (2).

[Regulation 1D inserted in Gazette 24 Nov 1998 p. 6313; amended in Gazette 24 Feb 2006 p. 882.]

1E. Testing by registered laboratory or authorised person

A test carried out for the purposes of these regulations to determine whether an appliance complies with the emission standard must be carried out —

- (a) at a laboratory registered by the National Association of Testing Authorities; or
- (b) by a person authorised in writing by the Chief Executive Officer to carry out such tests.

[Regulation 1E inserted in Gazette 24 Nov 1998 p. 6313-14.]

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 authorising 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.

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- (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.

Notes

- ¹ This is a compilation of the *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Environmental Protection (Firewood Supply) Regulations 1998</i> ²	24 Nov 1998 p. 6309-11	24 Nov 1998
<i>Environmental Protection (Firewood Supply) Amendment Regulations 1998</i>	24 Nov 1998 p. 6311-14	24 Jan 1999 (see r. 2)
<i>Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Amendment Regulations 2006</i>	24 Feb 2006 p. 881-2	24 Feb 2006

Reprint 1: The Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998 as at 17 Mar 2006 (includes amendments listed above)

These regulations were repealed by the *Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018 r. 16 as at 1 Sep 2018* (see r. 2 and *Gazette 31 Aug 2018 p. 3097*)

- ² Now known as the *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998*; citation changed (see note under r. 1).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
AS/NZS 4013.....	1A(1)
emission standard.....	1A(1)
heating appliance	1A(1)