

EP302*

Environmental Protection Act 1986

Environmental Protection (Firewood Supply) Amendment Regulations 1998

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

1. Citation

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

2. Commencement

These regulations come into operation on the day 2 months after they are published in the *Gazette*.

3. Regulations amended

The amendments in these regulations are to the *Environmental Protection (Firewood Supply) Regulations 1998*.

4. Regulation 1 amended

Regulation 1 is amended by inserting before “*Firewood*” —
“ *Domestic Solid Fuel Burning Appliances and* ”.

5. Part 1A inserted

After regulation 1 the following Part is inserted —

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**Part 1A — Domestic solid fuel burning
appliances**

1A. Interpretation

In this Part —

“**AS4013**” means the document entitled “Domestic solid fuel burning appliances — Method for determination of flue gas emission” published as AS4013—1992 by the Standards Association of Australia;

“**emission standard**” means the emission standard set out in section 7 of AS4013;

“**heating appliance**” means a domestic solid fuel burning appliance to which AS4013 applies, regardless of whether the appliance —

- (a) was manufactured before or after the commencement of these regulations; or
- (b) is new or used.

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 AS4013; and
 - (ii) with the name and address of the person or body that tested that model of appliance for the purposes of AS4013, 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 AS4013, 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 AS4013, complied with that standard; and
 - (b) the differences between the old appliance and the new appliance are such that under section 9 of AS4013 testing of the new appliance is not required.

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

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 AS4013; 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).

1E. Testing by registered laboratory or authorized 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 authorized in writing by the Chief Executive Officer to carry out such tests.

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Recommended by a resolution of the Environmental Protection Authority at a meeting of the Authority on 29 October 1998.

B. BOWEN, Chairman.

By Command of the deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.