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ENVIRONMENTAL PROTECTION ACT 1986

**ENVIRONMENTAL
PROTECTION (SOLID FUEL
HEATER AND FIREWOOD)
REGULATIONS 2018**

Western Australia

Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018

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***Environmental Protection (Solid Fuel Heater and Firewood) Regulations
2018***

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Environmental Protection Act 1986

Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

***Environmental Protection (Solid Fuel Heater and Firewood) Regulations
2018***

Part 2 Solid fuel heaters

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Part 2 — Solid fuel heaters

3. Terms used

(1) In this Part —

AS/NZS 4012 means AS/NZS 4012: 2014 “Domestic solid fuel burning appliances — Method for determination of power output and efficiency” published by Standards Australia as amended from time to time, or any Australian or Australia/New Zealand Standard that replaces that standard;

AS/NZS 4013 means AS/NZS 4013: 2014 “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 that replaces that standard;

heater means a domestic solid burning appliance to which AS/NZS 4012 and AS/NZS 4013 apply, regardless of whether the heater —

- (a) was manufactured before or after these regulations came into operation; or
- (b) is new or used;

solid fuel heater standards means —

- (a) the efficiency standard set out in AS/NZS 4012 section 9; and
- (b) the emission standard set out in AS/NZS 4013 section 7.

- (2) If AS/NZS 4012 or AS/NZS 4013 is amended or replaced, a reference in this Part to a section of that standard is to be taken to be a reference to the equivalent section of the amended or replaced standard.

4. Application of solid fuel heater standards to heaters

The provisions of the solid fuel heater standards set out in column 1 of the Table apply to a heater on and after the date set out opposite in column 2 of the Table.

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2018**

Solid fuel heaters **Part 2**

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Table

Provisions	Application
AS/NZS 4012 section 9.1.1(a)	Date on which Part 2 of these regulations comes into operation until the close of 7 August 2019
AS/NZS 4012 section 9.1.1(b)	8 August 2019
AS/NZS 4013 section 7.1.1(a) and 7.1.2(a)	Date on which Part 2 of these regulations comes into operation until the close of 7 August 2019
AS/NZS 4013 section 7.1.1(b) and 7.1.2(b)	8 August 2019

5. Prohibition on sale of non-complying heater

- (1) A person must not sell a heater unless it —
- (a) complies with the solid fuel heater standards; and
 - (b) is marked —
 - (i) in accordance with AS/NZS 4012 and AS/NZS 4013; and
 - (ii) with the name and address of the person or body that tested that model of heater for the purposes of AS/NZS 4012 and AS/NZS 4013, and the year in which it was tested.

Penalty for this subregulation: a fine of \$5 000.

- (2) Subregulation (1) does not apply to a heater that has been installed in, and is sold together with, a building.

***Environmental Protection (Solid Fuel Heater and Firewood) Regulations
2018***

Part 2 Solid fuel heaters

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- (3) For the purposes of this Part, a heater is taken to comply with the solid fuel heater standards if a heater of the same make and model, when tested in accordance with AS/NZS 4012 and AS/NZS 4013, complies with the standards.
- (4) For the purposes of this Part, a heater (a ***new heater***) is taken to comply with the solid fuel heater standards if —
 - (a) a heater of a similar make and model (an ***old heater***), when tested in accordance with AS/NZS 4012 and AS/NZS 4013, complies with those standards; and
 - (b) the differences between the old heater and the new heater are such that under AS/NZS 4012 section 8.5 and AS/NZS 4013 section 9 testing of the new heater is not required.

6. False markings

A person must not mark a heater or sell a heater that is marked in a manner that states or implies that the heater complies with the solid fuel heater standards if the person knows, or ought reasonably to have known, that the heater does not comply with the standards.

Penalty: a fine of \$5 000.

7. Inspection and testing of heaters

- (1) An inspector may inspect a heater being offered for sale to check that it complies with the requirement for marking a heater specified in regulation 5(1)(b).
- (2) An inspector who reasonably believes that a heater being offered for sale does not comply with the solid fuel heater standards may, by written notice to the person selling it, require the person to —
 - (a) have the heater, or another heater of the same make and model, tested in accordance with AS/NZS 4012 and AS/NZS 4013; and

***Environmental Protection (Solid Fuel Heater and Firewood) Regulations
2018***

Solid fuel heaters

Part 2

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- (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).

Penalty for this subregulation: a fine of \$5 000.

8. Testing by registered laboratory or authorised person

A test carried out for the purposes of this Part to determine whether a heater complies with the solid fuel heater standards must be carried out —

- (a) at a laboratory registered by the National Association of Testing Authorities Australia (ABN 59 004 379 748); or
- (b) by a person authorised in writing by the CEO to carry out the test.

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2018***

Part 3 Green firewood

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Part 3 — Green firewood

9. 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, Rockingham and Mandurah (including those districts).

10. 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% (calculated on a wet basis), except —

- (a) in accordance with a permit authorising the person to sell the wood; or
- (b) to a firewood wholesaler or retailer.

Penalty: a fine of \$5 000.

11. Restrictions on stockpiling of green firewood

A person who keeps wood with an internal moisture content of more than 20% (calculated on a wet basis) for future retail sale by that person as domestic firewood must keep the wood —

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

Penalty: a fine of \$5 000.

12. Permits

- (1) An application for a permit referred to in regulation 10(a) must be —
 - (a) made to, and in a form approved by, the CEO; and
 - (b) accompanied by any further information that the CEO may reasonably require.

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2018***

Green firewood

Part 3

r. 13

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- (2) The CEO may —
- (a) issue or refuse to issue a permit as the CEO thinks fit; and
 - (b) impose any conditions on the issue of a permit that the CEO thinks fit.
- (3) If the CEO refuses to issue a permit the CEO must give the applicant written notice of the refusal and the reasons for it.
- (4) A permit holder must promptly notify the CEO of any change in any of the information provided in, or with, the permit holder's application.
- Penalty for this subregulation: a fine of \$5 000.

13. Duration and revocation of permits

- (1) A permit remains in force for the period specified on the permit unless it is earlier revoked by the CEO.
- (2) The CEO may, by giving written notice to the permit holder, revoke a permit if —
- (a) the permit holder fails to comply with any condition of the permit; or
 - (b) the CEO considers that it is not appropriate for the permit to remain in force.
- (3) Before revoking a permit the CEO must —
- (a) give the permit holder written notice of the proposed revocation and the reasons for it; and
 - (b) allow the permit holder 21 days to respond to the notice; and
 - (c) have due regard to any response to the notice made by the permit holder within that time.

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2018***

Part 3 Green firewood

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14. Measurement of internal moisture content

For the purposes of this Part, the internal moisture content of wood must be measured in accordance with the *Instructions for measuring the internal moisture content of wood* published by the CEO on a website maintained by or on behalf of the CEO.

***Environmental Protection (Solid Fuel Heater and Firewood) Regulations
2018***

Painted or treated firewood

Part 4

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Part 4 — Painted or treated firewood

15. Prohibition on sale of painted or treated firewood

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

- (a) is painted; or
- (b) is coated with plastic; or
- (c) has been treated with any chemical.

Penalty: a fine of \$5 000.

Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018

Part 5 Repeal and consequential amendment

Division 1 Repeal

r. 16

Part 5 — Repeal and consequential amendment

Division 1 — Repeal

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

The *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998* are repealed.

Division 2 — *Environmental Protection Regulations 1987* amended

17. Regulations amended

This Division amends the *Environmental Protection Regulations 1987*.

18. Schedule 6 amended

In Schedule 6 in the Table:

- (a) delete the item relating to *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998*;
- (b) insert in alphabetical order:

Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2017

1.	regulation 5(1)	250	500
2.	regulation 6	250	500
3.	regulation 7(3)	250	500
4.	regulation 10	250	500

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2018***

Repeal and consequential amendment **Part 5**
Environmental Protection Regulations 1987 amended **Division 2**
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5.	regulation 11	250	500
6.	regulation 12(4)	250	500
7.	regulation 15	250	500

M. INGLIS, Clerk of the Executive Council.