

South Australia

Environment Protection (Solid Fuel Heaters) Policy 2015

under section 31 of the *Environment Protection Act 1993*

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Legislative history

Part 1—Preliminary

1—Short title

This policy may be cited as the *Environment Protection (Solid Fuel Heaters) Policy 2015*.

2—Commencement

This policy will come into operation on a day to be fixed by the Governor by notice in the Gazette.

3—Interpretation

- (1) In this policy, unless the contrary intention appears—

Act means the *Environment Protection Act 1993*;

approved solid fuel heater standard means AS/NZ 4013:2014 or a standard from an overseas jurisdiction approved by the Authority as being equivalent to, or more stringent than, AS/NZ 4013:2014;

AS/NZ 4013:2014 means AS/NZS 4013:2014 *Domestic solid fuel burning appliances - Method for determination of flue and gas emission* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

certificate of compliance, in relation to a heater, means a certificate issued or approved by the Authority certifying that heaters of the same model as that heater comply with an approved solid fuel heater standard;

mandatory provision—see subclause (2);

solid fuel heater means any solid fuel burning appliance that is designed, manufactured or adapted for use in domestic premises (whether or not it is actually used in such premises).

- (2) In this policy, the expression *mandatory provision* followed by a statement as to the category of offence is to be taken to signify that contravention of the provision at the foot of which the expression appears is, for the purposes of Part 5 of the Act, an offence of the category so stated.

Note—

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

Part 2—Measures to prevent air pollution from solid fuel heaters

Note—

Compliance with the measures in this Part may be enforced by the issue of environment protection orders.

4—Sale of solid fuel heaters

- (1) A person must not sell a solid fuel heater unless—
- (a) the heater is marked in accordance with an approved solid fuel heater standard; and
 - (b) a certificate of compliance exists in relation to the heater; and
 - (c) in the case of the sale to a person whose business includes the wholesale or retail sale of heaters, a copy of the certificate has been given to the purchaser.

Mandatory provision: Category B offence.

- (2) Subclause (1)(a) only applies in relation to a solid fuel heater to the extent that the relevant approved solid fuel heater standard applies to solid fuel heaters of that model.
- (3) This clause does not apply in relation to a solid fuel heater that is a fixture in premises that are being sold.

5—Installation of solid fuel heaters

- (1) A person must not install a solid fuel heater unless—
- (a) the heater is marked in accordance with an approved solid fuel heater standard; and
 - (b) to the extent that the relevant standard contemplates requirements that are expressed as mandatory in relation to the installation of solid fuel heaters—the installation is carried out in accordance with those requirements.

Mandatory provision: Category B offence.

- (2) Subclause (1) only applies in relation to a solid fuel heater to the extent that the relevant approved solid fuel heater standard applies to solid fuel heaters of that model.

- (3) AS/NZS 2918:2001 *Domestic solid fuel burning appliances - Installation* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy applies in relation to the installation of a solid fuel heater to the extent that the standard contemplates requirements that are expressed as recommendations in relation to the installation of solid fuel heaters of that model.

6—Interference with solid fuel heaters

- (1) A person must not—
- (a) alter, or cause or permit the alteration of, the structure, exhaust system or air inlet of a solid fuel heater in relation to which a certificate of compliance exists; or
 - (b) mark, or cause or permit to be marked, on a heater that it complies with an approved solid fuel heater standard if the heater is not of a model that is the subject of the relevant certificate of compliance.

Mandatory provision: Category B offence.

- (2) Nothing in this clause prevents a person from carrying out genuine repair work on a heater.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of policy

The *Environment Protection (Solid Fuel Heaters) Policy 2015* was revoked by Sch 5 cl 1(d) of the *Environment Protection (Air Quality) Policy 2016* on 23.7.2016.

Principal policy

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 23.7.2015 p3490	s 31	<i>Gazette 23.7.2015 p3491</i>	23.7.2015: cl 2