



Victoria Government Gazette

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Environment Protection Act 1970

WASTE MANAGEMENT POLICY (SOLID FUEL HEATING)

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 16A(1) of the **Environment Protection Act 1970** and on the recommendation of the Environment Protection Authority declares the Waste management policy (Solid Fuel Heating) contained in the Schedule to this Order.

Dated 27 July 2004

Responsible Minister:
JOHN THWAITES
Minister for Environment

DIANE CASEY
Clerk of the Executive Council

SPECIAL

Environment Protection Act 1970
Act No. 8056/1970
WASTE MANAGEMENT POLICY
(SOLID FUEL HEATING)
Schedule to the Order in Council

In Victoria, all sources of air pollution are managed according to the State environment protection policy (Air Quality Management), which aims to protect the beneficial uses of the air environment and meet the environmental quality objectives and goals for air quality established by the State environment protection policy (Ambient Air Quality). This waste management policy contributes to achieving Victoria's environmental quality objectives and goals for air quality by promoting efficient use of resources and reducing emissions from solid fuel heating.

1. Title

This Order may be cited as the Waste management policy (Solid Fuel Heating) and is referred to below as 'the policy'.

2. Commencement

The policy will come into operation upon publication in the Government Gazette.

3. Application of the policy

This policy applies throughout the State of Victoria.

4. Contents of the policy

The policy is divided as follows:

1. Title
2. Commencement
3. Application of the policy
4. Contents of the policy

PART I – POLICY FRAMEWORK

5. Objectives of the policy
6. Principles of the policy
7. Intent of the policy

PART II – ATTAINMENT PROGRAM

8. Implementation of the policy
MANUFACTURE, SUPPLY AND INSTALLATION
9. Manufacture of solid fuel heaters
10. Supply of solid fuel heaters
11. Installation of solid fuel heaters
RESEARCH, INFORMATION AND EDUCATION
12. Research
13. Information and education

PART III – DEFINITIONS

PART I – POLICY FRAMEWORK

5. Objectives of the policy

The objectives of this policy are to:

- (a) improve air quality in Victoria by reducing emissions from solid fuel heaters;
- (b) protect the environment, including human health and amenity, from the hazards that may be posed by the emissions from solid fuel heating; and

- (c) minimise the generation of emissions from solid fuel heaters through the manufacture, installation and operation of solid fuel heaters.

6. Principles of the policy

The policy is guided by the following principles of environment protection.

- (1) *Integration of Economic, Social and Environmental Considerations*
 - (a) Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment.
 - (b) This requires the effective integration of economic, social and environmental considerations in decision making processes with the need to improve community well-being and the benefit of future generations.
 - (c) The measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
- (2) *Precautionary Principle*
 - (a) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 - (b) Decision making should be guided by:
 - (i) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - (ii) an assessment of the risk-weighted consequences of various options.
- (3) *Intergenerational Equity*

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (4) *Conservation of Biological Diversity and Ecological Integrity*

The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.
- (5) *Improved Valuation, Pricing and Incentive Mechanisms*
 - (a) Environmental factors should be included in the valuation of assets and services.
 - (b) Persons who generate pollution and waste should bear the cost of containment, avoidance or abatement.
 - (c) Users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including costs relating to the use of natural resources and the ultimate disposal of any wastes.
 - (d) Established environmental goals should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.
- (6) *Shared Responsibility*
 - (a) Protection of the environment is a responsibility shared by all levels of Government and industry, business, communities and the people of Victoria.
 - (b) Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life,

while progressively reducing ecological degradation and resource intensity throughout the full life cycle to a level consistent with the sustainability of biodiversity and ecological systems.

(7) *Product Stewardship*

Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.

(8) *Wastes Hierarchy*

Wastes should be managed in accordance with the following order of preference:

- (a) avoidance;
- (b) re-use;
- (c) re-cycling;
- (d) recovery of energy;
- (e) treatment;
- (f) containment;
- (g) disposal.

(9) *Integrated Environmental Management*

If approaches to managing impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.

(10) *Enforcement*

Enforcement of environmental requirements should be undertaken for the purposes of:

- (a) better protecting the environment and its economic and social uses;
- (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements; and
- (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.

(11) *Accountability*

- (a) The aspirations of the people of Victoria for environmental quality should drive environmental improvement.
- (b) Members of the public should therefore be given:
 - (i) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues; and
 - (ii) opportunities to participate in policy and program development.

7. Intent of the policy

The policy sets a framework for protecting our air environment from wood smoke pollution.

Solid fuel heating is important to the community as a cost-effective form of heating and for its cultural value. In some regions of Victoria, where alternative forms of heating are limited, it is the only feasible form of heating. In recognition of these social and economic considerations, the policy enables improvement in air quality by setting a framework to assist the community and the solid fuel heater industry to better protect Victoria's air environment. The policy implements national standards in Victoria by prohibiting the

manufacture and supply of non-compliant solid fuel heaters. Only solid fuel heaters that meet these standards can be installed in Victoria in accordance with requirements established by the **Building Act 1993** (Vic.).

The policy intent is to ensure that only compliant solid fuel heaters are sold in Victoria and that they are correctly installed and operated to minimise emissions. The policy requires minimising the generation of emissions through appropriate and efficient use of solid fuel heating devices and improved operating practices. This is achieved through point of manufacture and supply compliance with AS/NZS 4013 and correct installation through compliance with Part 12A of the **Building Act 1993** (Vic.). Correct operation of wood heating devices, including fireplaces, is to be achieved progressively through Authority initiated programs that will inform and educate the community about the health impacts of wood smoke pollution and how to reduce emissions through more effective use of solid fuel heating devices.

The policy provides for the Authority to work with stakeholders, including other Government agencies, research organisations, industry and the community to reduce wood smoke pollution. These processes will be supported by the Authority, through a range of statutory and non-statutory tools, including the application of legal measures under **Environment Protection Act 1970** (Vic.), where needed.

PART II – ATTAINMENT PROGRAM

8. Implementation of the policy

- (1) In implementing the policy, the Authority may employ statutory and non-statutory instruments and measures, including:
 - (a) working with industry, government agencies, local government and community;
 - (b) consultation with communities and other stakeholders;
 - (c) public information and education programs;
 - (d) assessing the value of economic instruments such as incentives and market mechanisms;
 - (e) the development of neighbourhood environment improvement plans;
 - (f) auditing of solid fuel heaters on sale to test for compliance with AS/NZS 4013; and
 - (g) enforcement, including requiring information, the investigation of complaints relating to manufacturers and suppliers and issuing of notices in accordance with the **Environment Protection Act 1970** (Vic.).
- (2) The Authority will authorise a body to issue certificates of compliance that certifies in relation to a solid fuel heater of a particular make and model that—
 - (a) a solid fuel heater of that make and model has been tested at a laboratory registered by the National Association of Testing Authorities in accordance with the test procedure specified in AS/NZS 4013; and
 - (b) the laboratory is satisfied that the solid fuel heater tested had an applicable particulate emission factor not greater than the maximum allowable particulate emission factor specified in AS/NZS 4013.

MANUFACTURE, SUPPLY AND INSTALLATION

9. Manufacture of solid fuel heaters

- (1) A manufacturer of solid fuel heaters must ensure that each heater is manufactured and labelled in accordance with the requirements of AS/NZS 4013 and has obtained a certificate of compliance for that heater.

- (2) If the Authority is satisfied that a process or activity being carried on or proposed to be carried on by a manufacturer has caused or is likely to cause a failure to comply with the requirements under sub-clause (1), the Authority may serve a notice requiring the manufacturer to comply with requirements contained in the policy.

10. Supply of solid fuel heaters

- (1) A supplier of solid fuel heaters must ensure that each solid fuel heater he or she supplies to any person has been issued with a certificate of compliance.
- (2) If the Authority is satisfied that a process or activity being carried on or proposed to be carried on by a supplier has caused or is likely to cause failure to comply with sub-clause (1) the Authority may serve a notice requiring the supplier to comply with the requirements contained in the policy.

11. Installation of solid fuel heaters

A solid fuel heater must be installed in accordance with Part 12A of the **Building Act 1993** (Vic.) as amended from time to time and any Regulations enacted there under.

RESEARCH, INFORMATION AND EDUCATION

12. Research

The Authority, where appropriate, will work with others including industry, Victorian Government agencies, other States and Territories, research organisations and other stakeholders to:

- (a) encourage, co-ordinate and monitor research into wood smoke pollution and its impacts on the environment, including human health and amenity;
- (b) encourage, monitor, and review developments in programs, practices, technologies and equipment that will result in the reduction of wood smoke pollution; and
- (c) implement and promote new approaches to reducing wood smoke pollution wherever appropriate.

13. Information and education

- (1) The Authority will provide information:
- (a) to raise awareness of AS/NZS 4013;
- (b) on the appropriate use and correct operating practices for solid fuel heating devices;
- (c) to encourage the appropriate selection and storage of fuel for use in solid fuel heaters;
- (d) on the potential impacts of solid fuel heating on air quality and ways in which those impacts may be minimised; and
- (e) on the environmental impacts of alternative forms of heating.
- (2) Through the provision of information, the Authority will encourage the replacement of solid fuel heaters that are not compliant with AS/NZS 4013 with those that are so compliant or alternative forms of heating that are energy efficient.
- (3) The Authority will encourage heating retailers and local government to provide information about the environmental impacts of different forms of heating to ensure that customers are aware of the environmental impacts of heating options.
- (4) The Authority will promote the development and application of codes of practice including for:
- (a) the installation, operation and maintenance of solid fuel heaters; and
- (b) firewood merchants.

PART III – DEFINITIONS

“**Alternative forms of heating**” means domestic heating appliances powered by fuel sources other than wood;

“**AS/NZS 4013**” means the Australian/New Zealand Standard 4013 Domestic solid fuel burning appliances – Method for determination of flue gas emission, published by the Standards Association of Australia as amended from time to time;

“**certificate of compliance**” means a certificate issued by a body authorised by the Authority in accordance with clause 8 (2) of the policy;

“**solid fuel heater**” means a domestic solid fuel burning appliance as defined in AS/NZS 4013, regardless of whether the appliance –

- (a) was manufactured before or after the commencement of this policy; or
- (b) is new or used;

“**the Authority**” means the Environment Protection Authority constituted under the **Environment Protection Act 1970** (Vic.).

Waste management policy (Solid Fuel Heating)**EXPLANATORY NOTES**

Waste management policies (WMPs) are declared by the Governor in Council under section 16(1A) of the **Environment Protection Act 1970**. WMPs specify requirements to be observed in managing waste.

BACKGROUND TO THE POLICY

The policy sets a framework for protecting our air environment from wood smoke pollution. The policy implements national standards in Victoria by prohibiting the manufacture and supply of solid fuel heaters that do not meet the Australian Standard.

Wood smoke may impact human health and the environment in some circumstances. In order to minimise the impact, this policy sets maximum emission limits for solid fuel heaters manufactured and sold in Victoria.

Title

Clause 1 states that the policy title is Waste management policy (Solid Fuel Heating).

Commencement

Clause 2 states when the policy comes into effect.

Contents of the policy

Clause 3 outlines the contents of the policy.

Application of the policy

Clause 4 states that the policy applies throughout the State of Victoria, including solid fuel heaters imported into Victoria.

PART I – POLICY FRAMEWORK**Objectives of the policy**

Clause 5 sets out the three objectives of the policy. Broadly the objectives focus on improving air quality, protecting the environment (including human health) and minimising emissions from solid fuel heaters. In essence the objectives of the policy are to improve air quality in Victoria by reducing emissions from solid fuel heaters; protect the environment from the hazards that may be posed by these emissions and minimise generation of emissions through specific requirements applying to the manufacture, installation and operation of solid fuel heaters.

Principles of the policy

Clause 6 indicates the principles applied by the policy, and are to be used to guide decisions undertaken in accordance with this policy. The principles mirror the principles of environment contained in the **Environment Protection Act 1970**.

Intent of the policy

Clause 7 indicates what the introduction and implementation of this policy seeks to achieve.

PART II – ATTAINMENT PROGRAM**Implementation of the policy**

Clause 8 outlines how the Authority will implement the policy. When making decisions and formulating strategies, plans and programs the Authority and protection agencies will apply the policy principles and pursue the aims and intent of the policy. In addition the Authority will employ a range of statutory and non-statutory measures in implementation.

Clause 8 allows the Authority to authorise a body to issue certificates of compliance to a manufacturer.

MANUFACTURE, SUPPLY AND INSTALLATION**Manufacture of solid fuel heaters**

Clause 9 incorporates the Australian Standard AS/NZS 4013 and outlines actions a manufacturer of solid fuel heaters must take to ensure compliance with this policy.

It also outlines actions the Authority may take if it is satisfied that a manufacturer of solid fuel heaters is not meeting the requirements of this policy.

Supply of solid fuel heaters

Clause 10 outlines actions a supplier of solid fuel heaters must take to ensure compliance with this policy.

It also outlines actions the Authority may take if it is satisfied that a supplier of solid fuel heaters is not meeting the requirements of this policy.

Installation of solid fuel heaters

Clause 11 reflects requirements for the installation of solid fuel heaters under Part 12A of the **Building Act 1993** (Vic.) and any Regulations enacted there under. It does not introduce any new requirements in relation to the installation of solid fuel heaters.

RESEARCH, INFORMATION AND EDUCATION**Research**

Clause 12 states the Authority will work with other agencies and organisations when developing new plans, programs or strategies or conducting research into wood smoke and solid fuel heating.

Information and education

Clause 13 states the Authority will provide information, and encourage other organisations to provide information, to increase stakeholders awareness of issues associated with the manufacture, supply, installation, use and operation of solid fuel heaters.

It also states the Authority will encourage the replacement of non-compliant heaters.

PART III – DEFINITIONS

Part III provides definitions of various words and terms used throughout the policy.

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