



Victoria Government Gazette

No. S 455 Tuesday 2 October 2018
By Authority of Victorian Government Printer

Environment Protection Act 1970

VARIATION OF 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(2) of the **Environment Protection Act 1970**, varies the Schedule to the Order of the Governor in Council declaring the Waste management policy (Solid Fuel Heating) made on 27 July 2004 and published in Government Gazette No. S174 on 27 July 2004 as set out below.

1. In clause 4 –
 - (a) after '4. Contents of the policy' **insert** '**PART IA – DEFINITIONS**';
 - (b) after '**PART IA – DEFINITIONS** **insert** '**4A Definitions**'; and
 - (b) **omit** '**PART III – DEFINITIONS**'.
2. After clause 4 **insert** –
'PART IA – DEFINITIONS
4A. Definitions
In the Policy –
alternative forms of heating means domestic heating appliances powered by fuel sources other than wood;
AS/NZS 4012 means the Australian/New Zealand Standard 4012:2014, Domestic solid fuel burning appliances – Method for determination of power output and efficiency, published by Standards Australia and Standards New Zealand, as amended from time to time;
AS/NZS 4013 means the Australian/New Zealand Standard 4013:2014, Domestic solid fuel burning appliances – Method for determination of flue gas emission, published by Standards Australia and Standards New Zealand, as amended from time to time;
IANZ means International Accreditation New Zealand
NATA means the National Association of Testing Authorities;
solid fuel heater means a domestic solid fuel burning appliance as set out in clause 1.2 of 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;*supply* includes sell or supply by way of lease, hire or hire-purchase, whether as principal or agent;
the Act means the **Environment Protection Act 1970**
verification statement means a statement provided under clause 10'
3. In clause 7 –
 - a. in paragraph 2 **omit** 'Only solid fuel heaters that meet these standards can be installed in Victoria in accordance with requirements established by the **Building Act 1993** (Vic.)'; and
 - b. in paragraph 3, after 'supply compliance with' **insert** 'AS/NZS 4012 and'.
4. In clause 8(1)(f), after 'for compliance with' **insert** 'AS/NZS 4012 and'.
5. Clause 8(2) is **revoked**.
6. For clause 9) **substitute** –
'9. Manufacture of solid fuel heaters
 - (1) A person must not manufacture a solid fuel heater unless it complies with AS/NZS 4012 and AS/NZS 4013.

SPECIAL

- (2) Without limiting subclause (1), a person who manufactures one or more models of solid fuel heater must ensure:
- (a) that a laboratory accredited by NATA or IANZ has tested each model of solid fuel heater being manufactured, in accordance with the procedures specified in AS/NZS 4012 and AS/NZS 4013, and the laboratory has confirmed it is satisfied that each model of solid fuel heater complies with:
- (i) clause 9.1 of AS/NZS 4012 in relation to its overall average efficiency; and
- (ii) clause 7.1 of AS/NZS 4013 in relation to the particulate emission factor produced; and
- (b) the solid fuel heater is marked or labelled in accordance with section 8 of AS/NZS 4012 and section 10 of AS/NZS 4013.

Note

A mark or label that combines the information required by AS/NZS 4012 and AS/NZS 4013 is suitable.’.

7. For clause 10 **substitute** –

‘10. Supply of solid fuel heaters

- (1) A person must not supply a solid fuel heater unless it complies with AS/NZS 4012 and AS/NZS 4013.
- (2) A person is deemed to comply with subclause (1) if that person has obtained a written verification statement that meets the requirements of (3) below.
- (3) A verification statement must state:
- (a) that the model of solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013,
- (b) that the person making the statement:
- i) did not participate in the design or manufacture of the solid fuel heater;
- ii) has an appropriate level of skill and knowledge to be able to verify the solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013; and
- iii) has satisfied themselves that the model of solid fuel heater has been manufactured, tested, marked and labelled in accordance with AS/NZS 4012 and AS/NZS 4013.’

8. In clause 13 –

- (a) in subclause (1)(a), after ‘to raise awareness of’ **insert** ‘AS/NZS 4012 and’; and
- (b) in subclause (2), after ‘not compliant with’ **insert** ‘AS/NZS 4012 and’.

9. Part III is revoked.

10. At the foot of the ‘**EXPLANATORY NOTES**’ clause **insert** ‘It is an indictable offence under section 27A(1)(a) of the Act for a person to contravene any requirements set out in a waste management policy, such as this policy. Section 27A(1) sets out the penalty for contravening this section. It is also an offence under section 40 of the Act to discharge or emit wastes into the atmosphere other than in accordance with a waste management policy which, as this policy does, specifies acceptable conditions for discharging or emitting wastes into the atmosphere. Section 43 of the Act sets out the penalty for contravening section 40.’.

11. In the ‘**BACKGROUND TO THE POLICY**’ clause –
 - (a) for ‘Standard’ **substitute** ‘Standards’; and
 - (b) after ‘maximum emission limits’ **insert** ‘and minimum efficiency requirements’.
12. After the ‘Application of the policy’ clause **insert** –

‘PART IA – DEFINITIONS

Part IA provides definitions of various words and terms used throughout the policy.’
13. In the ‘**Manufacture of solid fuel heaters**’ clause –
 - (a) for ‘Standard’ **substitute** ‘Standards AS/NZS 4012 and’; and
 - (b) for ‘It also outlines actions the Authority may take’ **substitute** ‘The Authority may issue a notice under the Act’.
14. For the ‘**Supply of solid fuel heaters**’ clause **substitute** –

‘Supply of solid fuel heaters

Clause 10(1) states that a supplier must not supply a solid fuel heater that does not comply with AS/NZS 4012 and AS/NZS 4013. A supplier is deemed compliant with clause 10(1) of this policy if it obtains a written statement that meets the requirements specified in the policy. The clause requires that the written statement must state that the model of solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013. It must also state that the person providing the statement did not participate in the design or manufacture of the solid fuel heater, that the person has an appropriate level of skill and knowledge to be able to verify that the solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013 and that the person has satisfied themselves that the model of solid fuel heater has been manufactured, tested, marked and labelled in accordance with AS/NZS 4012 and AS/NZS 4013. In practice this might include examining all relevant documentation such as NATA or IANZ test results or by otherwise testing the solid fuel heater. It is no longer a complete defence for a supplier to point to a label on a heater and claim that confirms compliance with the necessary standards. The Authority may issue a notice under section 31A of the Act if it is satisfied that a supplier of solid fuel heaters is not meeting the requirements of this policy.’
15. Part III is **revoked**.

This Order is effective from the date it is published in the Government Gazette.

Dated 2 October 2018

Responsible Minister:

HON LILY D’AMBROSIO MP

Minister for Energy, Environment and Climate Change

ANDREW ROBINSON
Clerk of the Executive Council

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