

EXPOSURE DRAFT

Ms Amanda Bresnan

(Prepared by Parliamentary Counsel's Office)

Environment and Construction Occupations Legislation (Wood Heaters) Amendment Bill 2012

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Environment and Construction Occupations Legislation (Wood Heaters) Amendment Bill 2012

A Bill for

An Act to amend legislation about the environment and construction occupations

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Environment and Construction Occupations Legislation (Wood Heaters) Amendment Act 2012*.

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 1 year beginning on its notification day, it automatically commences on the first day after that period.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the following legislation:

- *Constructions Occupations (Licensing) Act 2004*
- *Constructions Occupations (Licensing) Regulation 2004*
- *Environment Protection Act 1997*.

Part 2 Constructions Occupations (Licensing) Act 2004

4 New section 87A

insert

87A **Builder must not install certain solid fuel-burning equipment on residential premises**

- (1) A person commits an offence if the person—
- (a) is a licensee in the construction occupation of builder; and
 - (b) installs prohibited solid-fuel burning equipment on residential premises.

Maximum penalty: 10 penalty units.

- (2) In this section:

compliant solid fuel-burning equipment—see the *Environment Protection Act 1997*, schedule 2, section 2.4 (5).

prohibited solid fuel-burning equipment means solid fuel-burning equipment that—

- (a) is not included in the list mentioned in the *Environment Protection Act 1997*, schedule 2, section 2.4 (3); and
- (b) is not prescribed under the *Environment Protection Act 1997*, schedule 2, section 2.4 (1) (a) (Sale of solid fuel-burning equipment); and
- (c) is not compliant solid fuel-burning equipment.

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residential premises—see the *Environment Protection Act 1997*, schedule 2, section 2.1.

solid fuel-burning equipment—see the *Environment Protection Act 1997*, schedule 2, section 2.1.

Part 3 Constructions Occupations (Licensing) Regulation 2004

5 Demerit grounds for occupational discipline Schedule 2, part 2.1, new item 2.1.33

insert

- | | | | |
|--------|---|--|---|
| 2.1.33 | fail to comply with Act, s 87A—install prohibited
solid fuel-burning equipment on residential premises | install prohibited solid
fuel-burning equipment | 3 |
|--------|---|--|---|

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Part 4 Environment Protection Act 1997

6 New section 167

insert

167 Mutual Recognition Act and Trans-Tasman Mutual Recognition Act—temporary exemption

- (1) Solid fuel-burning equipment are goods to which the following applies:
 - (a) the *Mutual Recognition Act 1992* (Cwlth), section 15 (Temporary exemptions);
 - (b) the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth), section 46 (Temporary exemptions).
- (2) This section expires 1 year after the day it commences.
- (3) In this section:

solid fuel-burning equipment—see schedule 2, section 2.1.

7 Definitions for sch 2 Schedule 2, section 2.1, definition of AS 4013

substitute

AS/NZS 4012 means AS/NZS 4012 ‘Domestic solid fuel burning appliances—Method for determination of power output and efficiency’ as in force from time to time.

Note AS/NZS 4012 may be purchased at www.standards.org.au.

AS/NZS 4013 means AS/NZS 4013 ‘Domestic solid fuel burning appliances—Method for determination of flue gas emission’ as in force from time to time.

Note AS/NZS 4013 may be purchased at www.standards.org.au.

8 Schedule 2, section 2.1, definition of *solid fuel-burning equipment*

omit

AS 4013

substitute

AS/NZS 4013

**9 Sale of solid fuel-burning equipment
Schedule 2, section 2.4 (1)**

substitute

- (1) A person must not sell solid fuel-burning equipment for use on residential premises unless the equipment is—
- (a) prescribed by regulation; or
 - (b) included in the list mentioned in section 2.4 (3); or
 - (c) compliant solid fuel-burning equipment.

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10 Schedule 2, section 2.4 (3) to (5)

substitute

- (3) The authority must make a list of compliant solid fuel-burning equipment at least every 6 months.
- (4) Each list is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) In this section:

appliance particulate emission factor—see AS/NZS 4013.

compliant solid fuel-burning equipment means equipment that—

- (a) complies with AS/NZS 4013, other than the maximum allowable appliance particulate emission factor stated in it; and
- (b) has an appliance particulate emission factor not greater than 1.0g/kg (for equipment with or without a catalytic combustor); and
- (c) has an overall efficiency of not less than 65%.

overall efficiency—see AS/NZS 4012.

**11 Interference with solid fuel-burning equipment or attached plates
Schedule 2, section 2.5 (1)**

omit

AS 4013, section 10

substitute

AS/NZS 4012 or AS/NZS 4013

**12 Certain offences may be dealt with summarily
Schedule 2, section 2.14 (1)**

substitute

- (1) A proceeding for an indictable offence against this schedule may be heard and decided by the Magistrates Court.

13 Dictionary, definition of AS 4013

substitute

AS/NZS 4012, for schedule 2 (Specific offences)—see schedule 2, section 2.1.

AS/NZS 4013, for schedule 2 (Specific offences)—see schedule 2, section 2.1.

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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