

Prohibition notice

Open-flued gas space heaters



PROHIBITION OF SALE AND SUPPLY OF CLASS OF OPEN-FLUED GAS SPACE HEATERS PURSUANT TO SECTION 76(1) OF THE GAS SAFETY ACT 1997 (VIC)

Definitions

1. In this notice –

Act means the *Gas Safety Act 1997 (Vic)*;

ESV means the Victorian Energy Safety Commission established by section 4 of the *Energy Safe Victoria Act 2005*;

fan-assisted combustion system means a system in which all or part of the combustion air is supplied and/or in which the products of combustion are evacuated by mechanical means that is an integral part of the appliance;

flue system means a passage through which combustion products or flue gases are discharged and includes a chimney;

negative pressure means the circumstance where the absolute static pressure within a building is lower than the atmospheric pressure outside the building;

OFGSH means an open-flued gas space heater, being an appliance that–

- (a) has the primary function of heating an indoor room or space in which it is installed through either radiant or convective heat, or a combination of both; and
- (b) is designed to be connected to a flue system; and
- (c) draws combustion air from the room or space in which it is installed.

test room means a room that–

- (a) provides no greater than 10 air changes per hour at a differential pressure of 50 Pascals; and
- (b) is located in a laboratory that is accredited by a signatory to the International Laboratory Accreditation Cooperation to test an open-flued gas space heater to the relevant standard published by Standards Australia or by Standards Australia and Standards New Zealand.

2. For the purposes of paragraph (a) in the definition of **OFGSH**, an appliance has the primary function of heating an indoor room or space if the appliance

complies with the thermal efficiency requirements of Australian/New Zealand Standard AS/NZS 5263.1.3. “Gas appliances—Part 1.3: Gas space heating appliances” as published or amended from time to time.

3. Unless otherwise specified, terms and expressions used in this notice have the meanings given in the Act.

Prohibition

4. Pursuant to section 76(1)(b) of the Act, the supply and sale of all OFGSHs, including a second hand OFGSH, whether sold online, through a shop front or other marketplace, that do not meet all of the following requirements, are **prohibited** in Victoria:
 - (a) the OFGSH has a fan-assisted combustion system; and
 - (b) the burner of the OFGSH only operates while the combustion fan is functioning; and
 - (c) the OFGSH incorporates a fail-safe interlock that –
 - (i) will shut down the appliance within 15 minutes if spillage of combustion products occurs under any negative pressure conditions; and
 - (ii) in the event of a shut-down referred to in subparagraph (c)(i) –
 - A. will not allow the appliance to automatically re-set; and
 - B. will require the use of a tool for access to manually re-set the appliance; and
 - (d) the carbon monoxide/carbon dioxide ratio of the combustion products of the OFGSH does not exceed 0.02 after 10 minutes operation under any operating conditions; and
 - (e) when the operation of the fail-safe interlock specified in paragraph (c) is tested in a test room under negative pressure conditions, the concentration of carbon monoxide, in parts per million (**ppm**), in the combustion products from the test room extraction system does not exceed 90 ppm.

Duration

5. The prohibition in this notice is effective from [insert date] and remains in effect until it is withdrawn in accordance with clause 6 of this notice.

Revocation

6. The prohibition in this notice may be withdrawn by ESV publishing a notice in the Government Gazette and in a newspaper circulating generally in the State, in accordance with s 76(6) of the Act.

Penalty for failure to comply

7. Section 77(1) of the Act provides that a person must not, while a prohibition under section 76(1) remains in force, do anything prohibited by that prohibition.
8. The penalty for contravening section 77(1) is 200 penalty units in the case of a natural person and 1,000 penalty units in the case of a body corporate.

Right of review

9. Under section 80 of the Act, a person who is aggrieved by this decision of ESV in relation to the prohibition under section 76 may apply to the Victorian Civil and Administrative Tribunal for review of this decision.
10. An application for review must be made within 28 days after the later of –
 - (a) the day on which notice of the decision is received by the person; or
 - (b) if, under section 45 of the *Victorian Civil and Administrative Tribunal Act 1998*, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed, under section 46(5) of that Act, that a statement of reasons will not be given.

Approval

THE OFFICIAL SEAL of the VICTORIAN)
ENERGY SAFETY COMMISSION was)
affixed pursuant to the authority of the)
Commission in the presence of:)

Marnie Williams

COMMISSIONER AND CHAIRPERSON

Date: