



Gas Standards Act 1972

PROHIBITION OF NON-COMPLIANT OPEN-FLUED GAS SPACE HEATERS PURSUANT TO SECTION 13H OF THE GAS STANDARDS ACT 1972

Definitions

1 In this order –

Act means Gas Standards Act 1972;

Appliance means an OFGSH Appliance and an Open-flued Type 2 Appliance;

AS/NZS 5263.1.3:2021 means the 2021 standard, jointly published by Standards Australia Limited and Standards New Zealand entitled ‘Gas appliances Part 1.3: Gas space heating appliances’;

AS/NZS 5263.1.8:2021 means the 2021 standard, jointly published by Standards Australia Limited and Standards New Zealand entitled ‘Gas appliances Part 1.8: Decorative effect gas appliances’;

DES means the Director of Energy Safety, established under the Act;

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;

Non-compliant Appliance means any Appliance, whether new or second-hand, that does not meet all of the requirements listed in clause 4 of this order;

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

- (a) has the primary function of heating the space in which it is installed through 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 AS/NZS 5263.1.3:2021 or AS/NZS 5263.1.8:2021, as applicable.

Open-flued Type 2 Appliance means a decorative effect gas appliance, being an appliance that:

- (a) simulates a solid fuel fire or flame effect, where the primary function lies in the aesthetic effect of the gas flames; and

- (b) has an enclosure, for connection to a flue system that vents the flue gases outside the building.
- 2 An Appliance has the primary function stated in:
- (a) paragraph (a) of the definition of OFGSH Appliance, if the OFGSH Appliance complies with the thermal efficiency requirements of s. 5.12 of AS/NZS 5263.1.3:2021; and
 - (b) paragraph (a) of the definition of Open-flued Type 2 Appliance, if the Open-flued Type 2 Appliance satisfies the thermal efficiency based on gross heating value requirements of AS/NZS 5263.1.3:2021.
- 3 Unless otherwise specified, terms and expressions used in this order have the meanings given in the Act.

Prohibition

- 4 Pursuant to section 13H of the Act, the DES prohibits the sale in Western Australia of any new or second-hand OFGSH Appliance and Open-flued Type 2 Appliance which do not meet all of the following requirements:
- (a) the Appliance has a fan-assisted combustion system; and
 - (b) the burner of the Appliance only operates while the combustion fan is functioning; and
 - (c) the Appliance 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 sub-paragraph (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 Appliance 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.
- 5 The use of the word “sale” in clause 4 of this order does not include the sale of property in which an Appliance is installed, and any such sale of property will not constitute a breach of this order for the purposes of section 13H(4) of the Act.

Duration

- 6 The prohibition in this order is effective from 10 October 2022 and remains in effect until it is withdrawn in accordance with clause 7 of this order.

Revocation or amendment

- 7 The prohibition in this order may be withdrawn or amended by the DES publishing a notice in the Government Gazette and in such other media as the DES directs, in accordance with section 13H of the Act.

Penalty for failure to comply

- 8 Section 13H(4) of the Act provides that a person who fails to comply with a prohibition order commits an offence.

9 The penalty for contravening section 13H of the Act is \$250,000.



Saj Abdoolakhan
Director of Energy Safety
Dated 10 October 2022