



Sale and Supply of Open Flued Gas Heaters Prohibition of Sale and Supply

This Compliance Guide provides forewarning to the Gas Industry involved in the sale and supply of open flued gas heaters.

Prohibition on the supply and sale of open flued gas heaters not compliant with Amendment I of AS/NZS 5263.1.3:2021

The Director of Gas Safety is intending to exercise enforcement powers under section 50 the *Gas Safety Act 2019* (the Act) that will prohibit the sale and supply of open flued gas space heaters in Tasmania which do not comply with **Amendment I** of AS/NZS 5263.1.3:2021 *Gas Appliances Part 1.3 Gas space heating appliances* (the standard)

This prohibition will include the sale and supply of second-hand open flued gas heaters.

Open flued gas heater

An open flued gas heater is a gas consuming space heating appliance that:

1. 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
2. conforms with the thermal efficiency requirements of AS/NZS 5263.1.3; and
3. is designed to be connected to a flue system; and
4. draws air for combustion from the room or space in which it is installed.

The prohibition

The notice that will be issued under section 50 of the Act will prohibit the supply and sale of **all** open flued gas heaters in Tasmania that do not comply with **Amendment I** of AS/NZS 5263.1.3:2021 *Gas Appliances Part 1.3 Gas space heating appliances*

The prohibition will require all of the following

1. The open flued gas heater must have a fan-assisted combustion system.
2. The burner of the open flued gas heater only operates while the combustion fan is functioning.
3. The open flued gas heater incorporates a fail-safe interlock that:
 - a. will shut down within 15 minutes if spillage of combustion products occurs under any negative pressure conditions; and
 - b. in the event of a shutdown referred to in subparagraph 3a.
 - i. will not allow the appliance to automatically reset; and
 - ii. will require the use of a tool for access to manually reset the appliance.

4. A limit to the carbon monoxide and carbon dioxide ratio to a maximum of 0.02 after 10 minutes operation under any operating conditions; and
5. The fail-safe interlock specified in point 3 must operate to limit the concentration of carbon monoxide, to a maximum of 90ppm (parts per million) when tested in a test room under negative pressure conditions.

Reason for prohibition

It is the Director's opinion that open flued gas heaters that lack the additional requirements stipulated in Amendment 1, are likely to become, by reason of their design or construction, unsafe to use for the following reasons:

- a) As open flued gas heaters draw their air from the room or space in which they are installed, they are susceptible to the effects of negative pressure in buildings caused by insufficient ventilation. This negative pressure is exasperated by the operation of air extraction systems such as bathroom exhaust fans or kitchen range hoods. Negative pressure in a building can cause the products of combustion such as carbon monoxide (CO) to be drawn into the building.
- b) If ventilation is insufficient and the negative pressure is sufficiently high, airflow through the flue may become restricted or in some cases even reversed. This restriction will result in a diminished supply of fresh air to the burner resulting in high levels of CO, which in turn could be drawn into the building.
- c) The usage patterns of open flued gas heaters indicate that these appliances are operated for significant periods of time and as a result, allow for a build-up of dangerous levels of CO in houses when the appliance is operated in a negative pressure environment resulting in the heater becoming unsafe to use.

Investigations into recent fatalities in Victoria have identified the cause of death to be a result of a high level of CO. A coronial inquest into these fatalities have accepted this cause of death and recommended changes to the standard that may prevent further similar incidents.

Prohibition takes affect

The prohibition notice will take effect from the 1st December 2022 and apply to the sale and supply of all open flued gas heaters in Tasmania.

From 1st December 2022, it will be an offence for any person to sell or supply a new or second-hand open flued gas heater, whether sold online, through a shop front or other marketplace, to any person even if that supply is made without cost.

How to check if the open flued gas heater is compliant to the new requirements

To determine if the open flued gas heater complies with the requirements of Amendment 1, check the following;

- a) the appliances data plate must show that it was manufactured on or after the 1st January 2022; and
- b) the appliance is certified as compliant with contemporary standards by an external authority (AGA, IAPMO, SAI Global, BSI, Global Mark) .

Potential penalties for non-compliance to the prohibition

A maximum penalty of 50 penalty units (in the case of a natural person) or 200 penalty units (in the case of a body corporate) may apply to any non-compliance with the requirements of the prohibition.

Further information or queries relating to this notice

For further information or queries relating to this notice, please send your query to cbos.info@justice.tas.gov.au or contact the Gas Safety team on 1 300 654 499.

This document has been produced and published by the Consumer, Building and Occupational Services Division of the Department of Justice. Although every care has been taken in the production of the work, no responsibility is accepted for the accuracy, completeness, or relevance to the user's purpose, of the information. Those using it for whatever purpose are advised to verify it with the relevant government department, local government body or other source and to obtain any appropriate professional advice. The Crown, its officers, employees and agents do not accept liability however arising, including liability for negligence, for any loss resulting from the use of or reliance upon the information and/or reliance on its availability at any time.

For office use only DOC/2250149. Published August 2022