

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016

Disallowable instrument DI2016-195

made under the

Energy Efficiency (Cost of Living) Improvement Act 2012, s25 (Codes of practice)

1 Name of instrument

This instrument is the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016*.

2 Commencement

This instrument commences on the day after notification.

3 Code of practice

I approve the Eligible Activities Code of Practice in the Schedule.

4 Disapplication of Legislation Act, s47 (5) and 47 (6)

The *Legislation Act 2001*, sections 47 (5) and 47 (6) do not apply in relation to an instrument applied, adopted or incorporated under this instrument.

5 Referenced documents

- (1) Australian Standards are available at www.standards.org.au.
- (2) A copy of the National Construction Code, which incorporates the Building Code of Australia and the Plumbing Code of Australia, is available for inspection by members of the public between 9am and 4.30pm on business days at the Access Canberra shopfront, Dame Pattie Menzies House, 16 Challis Street, Dickson or for purchase at www.abcb.gov.au

6 Revocation

I revoke *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2015* (DI2015-266).

Ann Lyons Wright
Administrator
25 July 2016

Schedule

(See section 3)



Australian Capital Territory

Eligible Activities Code of Practice

August 2016

made under the

Energy Efficiency (Cost of Living) Improvement Act 2012

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Part 1 Preliminary

1 Name of code

This code is the *Eligible Activities Code of Practice*.

2 Dictionary

The dictionary at the end of this code is part of this code.

Note 1 The dictionary at the end of this code defines certain terms used in this Code and may include references (*signpost definitions*) to other terms defined elsewhere in this Code.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire code unless the definition, or another provision of the code, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

Note 3 See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

3 Offences and other consequences of contravening this code

The *Energy Efficiency (Cost of Living) Improvement Act 2012* provides offence and other enforcement mechanisms that can result from a contravention of this code.

Offences, other enforcement mechanisms and criminal and civil penalties may apply under other relevant legislation to the undertaking of eligible activities, such as for fair trading or competition and consumer law, contractual matters, environment protection, work health and safety or the carrying out of regulated work and can result from a contravention of this code.

Note 1 The Criminal Code, ch 2 applies to all offences against the Act (see Code, pt 2.1). The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (e.g. conduct, intention, recklessness and strict liability).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

Note 3 See the dictionary to this code for the definition of *relevant legislation*.

Part 2 Important concepts

4 Object of code

The object of this code is to prescribe minimum requirements for retailers undertaking eligible activities to comply with an energy savings obligation under the *Energy Efficiency (Cost of Living) Improvement Act 2012 (the Act)*.

Obligations may also apply to authorised contractors, authorised sellers and authorised installers, or other people engaged by the retailer, to arrange or undertake certain prescribed activity requirements in accordance with this code. A retailer is responsible for the compliance of eligible activities undertaken by a person contracted, employed or otherwise engaged by the retailer (a retailer's *representative*).

Section 14 of the Act provides that a tier 1 NERL retailer must undertake eligible activities complying with a relevant approved code of practice or acquire approved abatement factors complying with a relevant approved code of practice to achieve its energy savings and priority household obligations. A tier 2 NERL retailer must undertake eligible activities complying with a relevant approved code of practice, acquire approved abatement factors complying with a relevant approved code of practice or pay an energy savings contribution for all or part of its energy savings obligation.

Eligible activities are determined by the Minister under section 10 of the Act. A determination must include the minimum specifications for the performance of the activity, amongst other things. The administrator may approve a code of practice (an *approved code of practice*) that applies to an eligible activity. An eligible activity must be undertaken in accordance with relevant approved codes of practice.

This code provides for the following minimum requirements in relation to undertaking eligible activities—

- (a) consumer protection;
- (b) quality requirements;
- (c) health and safety requirements; and
- (d) environmental requirements.

This code also provides specific requirements for certain eligible activities.

Note Enquiries about the obligations of retailers or other parties under this Code should be directed to the Administrator at EPD-EEIS@act.gov.au.

5 Context of this code

This code is one of a number of instruments that should be read in conjunction, including:

- the Act;
- the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016* or its replacement; and
- the *Energy Efficiency (Cost of Living) Improvement Record Keeping and Reporting code of practice*.

Note All applicable instruments can be found at <http://www.legislation.act.gov.au/a/2012-17/default.asp>. This is a link to the main page for the *Energy Efficiency (Cost of Living) Improvement Act 2012* on the ACT Legislation Register. Links to subordinate regulations and instruments for the Act can be found on this page.

This code establishes standard consumer protection, competency and general obligations for retailers and their representatives. This code encompasses a range of eligible activities for the residential and business sector.

The activity specific requirements in this code extend the existing requirements for the relevant activity and do not limit or replace any other applicable requirements.

Note All eligible activities have an activity definition, minimum activity performance specifications, installed product requirements, a time the activity is taken to be completed and a method for calculating the abatement factor for the activity prescribed in the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016*. The requirements in this code are in addition to those provisions.

A new code will extend this code to incorporate specific requirements for eligible activities not included in this version.

The administrator may also provide guidance and explanatory material for retailers and their representatives on complying with the Act and about eligible activities on the website for the Energy Efficiency Improvement Scheme at http://www.environment.act.gov.au/energy/smarter-use-of-energy/energy_efficiency_improvement_scheme_eeis.

6 Meeting all legal requirements

The description and specifications for eligible activities in this document are minimum requirements for the purpose of complying with the Act. They are not intended to be exhaustive. In particular, in addition to the specifications set out in this document, all activities must be undertaken in accordance with all laws, regulations, codes of practice and other requirements applicable to that activity.

Relevant legislation includes, but is not limited to:

- *Building Act 2004*;
- *Construction Occupations (Licensing) Act 2004*;
- *Dangerous Substances Act 2004*;
- *Electricity Safety Act 1971*;
- *Environment Protection Act 1997*;

- *Fair Trading Act (Australian Consumer Law) Act 1992*;
- *Gas Safety Act 2000*;
- *Water and Sewerage Act 2000*;
- *Work Health and Safety Act 2011*;
- *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 (Commonwealth)*; and
- *Competition and Consumer Act 2010 (Commonwealth)*

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

To remove any doubt, eligible activities undertaken for the purpose of complying with an energy savings obligation are not exempt from the standard regulatory requirements for those activities, even if those requirements are not specifically stated or referred to in this code. Other legislative requirements may include occupational licensing, technical, safety or environmental standards for the installation or disposal of waste products, statutory approvals, statutory certifications or work health and safety requirements.

Examples of other legislative requirements that may apply to an activity

- 1 People undertaking construction and other relevant types of work are required to undertake asbestos awareness training under the *Work Health and Safety Act*. In undertaking an activity that involves replacing a window and frame at a residential premises, a person notices asbestos sheeting that must be removed. Approval, certification and licensing requirements for asbestos assessment and removals must be complied with in assessing and removing the asbestos. At the same premises, the lessee also requests a replacement of a window more than 2m wide, which triggers the relevant sections of the *Building Act 2004* for approval, licensing and certification of the work.
- 2 An authorised installer is attending a residential premises to carry out a water heater replacement on Saturday, which has previously been arranged with a consumer. The installer considers door knocking neighbouring premises after she has finished the work to see if other consumers are interested in eligible activities. However, by the time she has finished the work, it is 5:30pm. Door-to-door traders cannot call on consumers after 5pm on Saturdays under ACT fair trading legislation.

7 Inconsistencies with other requirements

If there is an inconsistency between the minimum prescribed activity requirements and a corresponding regulatory requirement in other relevant legislation applying to the activity and the regulatory requirement is greater than the activity requirement under the Act or this code, the regulatory requirement takes precedence to the extent of the inconsistency.

If there is an inconsistency between the minimum prescribed activity requirements and a corresponding regulatory requirement in other relevant legislation applying to the activity and the activity requirement under the Act or in this code is greater than the regulatory requirement, the activity requirement under the Act or in this code takes precedence to the extent of the inconsistency.

Note This means that the activity must be undertaken to the highest legislated requirement for the activity as a minimum.

8 **Application to retailers**

In this code a reference to a *retailer* means a NERL retailer as defined in the *Energy Efficiency (Cost of Living) Improvement Act 2012*, in circumstances where it is undertaking eligible activities for the purposes of complying with an energy savings obligation.

9 **Application to authorised contractors**

In this code a reference to an *authorised contractor* is a reference to an entity that is directly contracted by a retailer to provide or arrange the undertaking of eligible activities, other than an employee of a retailer, in circumstances where it is arranging or undertaking eligible activities on behalf of a retailer.

Note An authorised contractor may be an individual (sole trader), company or other business but does not include an employee of the retailer.

10 **Application to authorised installers**

In this code a reference to an *authorised installer* is a reference to an individual, whether an employee of, or under contract to, a retailer or an authorised contractor, in circumstances where he or she is undertaking an eligible activity on behalf of a retailer.

Note An authorised installer can only be a natural person. An individual may be both an authorised contractor and an authorised installer.

11 **Application to authorised sellers**

In this code a reference to an *authorised seller* is a reference to a business entity that under contract or by other arrangement with a retailer or an authorised contractor, undertakes an eligible activity that specifically refers to the purchase of a certain product, but does not require the installation of the product, on behalf of that retailer, in circumstances where it is arranging or undertaking that activity.

Note 1 An authorised seller may be an individual (sole trader), company or other business but does not include an employee of the retailer or business.

Note 2 An authorised seller may also be an authorised contractor.

Note 3 Activities that specifically refer to the purchase of a product are Activity 5.2 Purchase of high efficiency refrigerator or freezer, Activity 5.3 Purchase of high efficiency electric clothes dryer and Activity 5.5 Purchase of a high efficiency television. These activities do not require an authorised installer to install the product, or for the product to be installed for the activity to be considered complete.

12 **Meaning of certain terms—correlation with Act**

A term used in this code has the same meaning as the term has in the *Energy Efficiency (Cost of Living) Improvement Act 2012* unless this code provides a different meaning for the term.

13 Meaning of *Energy Efficiency Improvement Scheme* and the *Scheme*

In this code a reference to the *Energy Efficiency Improvement Scheme* or the *Scheme* is a reference to the name under which the obligations in the Act and the administrative and operational arrangements for the Act are promoted collectively by the ACT Government.

14 Meaning of *eligible activities determination*

In this code a reference to the eligible activities determination is a reference to the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016* made by the Minister under section 10 of the Act, as amended or replaced.

Note The determination in force at the time this code was approved was the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016*. The determination may be revoked and replaced with another determination or determinations that provide for eligible activities under the Act. This code should be read in conjunction with the latest determination or determinations.

15 Meaning of *eligible activity* and *activity*

In this code a reference to an *eligible activity* or an *activity* is a reference to an activity that is determined by the Minister to be an eligible activity under section 10 of the Act.

16 Meaning of *record keeping and reporting code*

A reference to the record keeping and reporting code is a reference to the *Energy Efficiency (Cost of Living) Improvement Record Keeping and Reporting Code of Practice* as in force from time to time.

17 Meaning of *consumer*

In this code a reference to a *consumer* is a reference to—

- (a) for eligible activities that do not require the installation of a product by an authorised installer, an individual who is a resident of the ACT that purchases the compliant product; or
- (b) for eligible activities that require the installation of a product by an authorised installer at a residential premises, an individual who is—
 - (i) a party to a residential tenancy agreement for the premises; or
 - (ii) a lessee of the residential premises; or
 - (iii) an occupier of the residential premises at least 18 years of age; or
- (c) for eligible activities that require the installation of a product by an authorised installer at a business premises, an individual who is—
 - (i) an appropriate person representing a party to a commercial lease agreement for the business premises; or
 - (ii) a lessee of the business premises; or
 - (iii) an agent of the lessee or a party to a commercial lease agreement for the business premises.

Note 1 A consumer is not limited to the person that *holds* the electricity or gas account for the premises or the lessee (owner). The person named on the individual activity record will generally be determined by which person is involved in contracting for the eligible activity or is authorised to sign that the eligible activity has been undertaken. For example, if a tenant engages an authorised installer to decommission a refrigerator, install a standby power controller or has permission to arrange for or sign for the installation of a water heater, the tenant may be recognised as the consumer. If the lessee (owner) contracts the installation of a water heater in a tenanted property, the lessee may be the consumer.

Note 2 A premises owner may come to an arrangement with a tenant for the undertaking of eligible activities. An authorised installer is not required to view or witness the authorisation provided by a lessee to a tenant.

Note 3 For the definition of an appropriate person see the Dictionary at the end of this code.

Note 4 The manager of a community organisation's business premises would be an appropriate person recognised as a consumer that could engage authorised installers for a range of activities. The commercial lease agreement will determine the range of activities that this consumer can arrange. Permanent changes to fixtures and fittings may require the lessee or their agent to be the consumer engaging authorised installers.

Note 5 A commercial lease agreement is a lease for a commercial or business premises as per the *Leases (Commercial and Retail) Act 2001*.

Examples of consumers

- 1 A tenant of a premises in which eligible activities are undertaken.
- 2 A lessee (owner) of a premises in which eligible activities are undertaken.
- 3 A lessee (owner) of a premises being constructed or renovated.
- 4 A resident of the ACT who purchases a high efficiency television for use in a residential premises.
- 5 A commercial property agent commissioning building services upgrades on behalf of a lessee (owner.)

18 Meaning of *lessee*

In this code a reference to a *lessee* is a reference to an entity who is a proprietor of the crown lease for the relevant parcel of land on which a premises is located.

Note The ACT operates a leasehold system of land tenure. A lessee is an entity who holds the lease for the land. The term lessee does not refer to a tenant, renter or occupier of a premises under a tenancy or other occupancy agreement.

19 Meaning of *activity record form*

In this code an *activity record form* means a form containing one or more individual activity records.

Note See Part 5 of the *Record Keeping and Reporting Code of Practice* for further information about activity records.

20 Meaning of *compliance method*

In this code a *compliance method* means a method or practice in this code or other relevant legislation that is allowed to demonstrate compliance with a performance requirement or standard and includes, but is not limited to,

verification methods, deemed to satisfy provisions, acceptable construction practices and the like.

21 Code does not limit other obligations

This code does not limit the operation of other legislation applicable to providing good and services that are included in undertaking eligible activities, or modify the obligations of a retailer, under any other relevant law.

Part 3 General obligations

22 Application of Part 3

This part applies to the general requirements for undertaking eligible activities for the purposes of complying with an energy savings obligation under the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

23 Nomination of activity compliance contact

- (1) Within one month of the commencement of this code, or of an entity becoming a NERL retailer if it is not a NERL retailer at the commencement of this code, a retailer must—
- (a) nominate an employee of its organisation who is an individual as its contact for compliance matters relating to undertaking eligible activities (the ***activity compliance contact***); and
 - (b) provide to the administrator the activity compliance contact's—
 - (i) first and last name; and
 - (ii) position within the organisation; and
 - (iii) direct business email address; and
 - (iv) direct business telephone number.
 - (c) Subsection (1) does not apply if the NERL retailer has already nominated an activity compliance contact.
- (2) An activity compliance contact must be an employee of the retailer with sufficient authorisation for managing compliance matters that relate to undertaking eligible activities and this code.
- (3) A retailer must notify the administrator in writing of a change of the activity compliance contact or of the activity compliance contact's details in subsection (1) within 5 working days.

Note An activity compliance contact may be a person that is nominated as a contact for other purposes such as a primary reporting contact nominated under the record keeping and reporting code.

24 Availability of Scheme information

- (1) A retailer must maintain adequate awareness of the general requirements of the Act and the Energy Efficiency Improvement Scheme in its customer contact centres to respond to consumer requests for general information.

- (2) As far as is reasonable, information provided to customer contact centre staff by the retailer on the Act and the Scheme must be kept current.

25 Management of complaints

- (1) A retailer must provide consumers with access to a complaint handling and dispute resolution process established in accordance with *Australian Standard ISO 10002-2006* for any complaints in relation to eligible activities or this code.
- (2) Retailers must maintain sufficient record keeping arrangements for complaints in relation to the Act or this code that enable the retailer to respond to an information or reporting requirement in the record keeping and reporting code of practice.

26 Privacy of consumer information

- (1) All information obtained by a retailer while arranging and undertaking eligible activities must be used, collected and stored in accordance with the “Information Privacy Principles” (IPPs) set out in the *Privacy Act 1988 (Cwlth)* as if the IPPs were provisions of this Code and the retailer was a collector and/or record-keeper of the Personal Information as defined in the Act.

27 General conduct standards

- (1) A person that arranges or undertakes an eligible activity in a residential premises or a business premises on behalf of a retailer must comply with the minimum standards of conduct in this section.
- (2) A person arranging or undertaking eligible activities—
- (a) must comply with all applicable laws of the Territory or other applicable jurisdictions; and
 - (b) for unsolicited contact, immediately identify themselves and advise the consumer the reason for contacting the consumer; and
 - (c) if attending a premises, show the consumer their identification card issued in accordance with section 30 of this code; and
 - (d) must not engage in misleading, deceptive or unconscionable conduct, whether by act or omission; and
 - (e) must not exert undue pressure on a consumer or harass or coerce a consumer; and
 - (f) must not make unsolicited contact with a consumer by calling a telephone or fax number listed on the ‘Do Not Call Register’; and
 - (g) must not make unsolicited contact with a consumer in a premises that has a ‘Do Not Knock’ or similar sign; and
 - (h) must not hold themselves out to be representative of the ACT Government; and

- (i) must provide information that is truthful and in plain language; and
 - (j) must leave a premises immediately when asked by an occupier of the premises.
- (3) For an eligible activity undertaken in a residential premises, the activity must only be carried out if one of the following people are present at the premises and aware the activity is being undertaken—
- (a) a person at least 18 years of age; or
 - (b) a person that is a lessee or party to a tenancy agreement for the premises.

Note An installer must not undertake an eligible activity in a residential premises if an adult is not present, unless one of the children is a party to the tenancy agreement or a lessee and can give consent to the activity being undertaken.

28 Management of conduct

- (1) A retailer must develop, maintain and follow a system for managing misconduct, dishonesty, fraud and non-compliance with the code of an authorised contractor, authorised seller or authorised installer.
- (2) A retailer's representative must notify the retailer in writing if it is aware of any investigation by a relevant authority relating to misconduct, fraud or any other matter in relation to the arranging or undertaking of an eligible activity it has carried out.
- (3) A retailer must notify the administrator in writing if it becomes aware of any investigation by a relevant authority relating to misconduct, fraud or any other matter in relation to the arranging or undertaking of an eligible activity on its behalf.
- (4) A notification given under this section must be given to the relevant person within 1 working day of the person becoming aware of a notifiable circumstance.
- (5) In this section:
relevant authority means a government agency, officer holder or other body with a statutory authorisation to investigate or enforce a legislative requirement applicable to arranging or undertaking an eligible activity, including a person exercising a relevant legislated function under delegation or appointment by a Minister or statutory office holder.

Examples of relevant authorities

- 1 The Construction Occupations Registrar
- 2 The Work Safe Commissioner
- 3 The Commissioner for Fair Trading
- 4 The Chief Planning Executive
- 5 The Environment Protection Authority

Note 1 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Note 2 A person may be appointed to carry out inspections, investigations and other compliance and enforcement functions under relevant legislation. These people are included in the definition of *relevant authority*.

29 Fitness and propriety

- (1) A retailer must take all reasonable steps to ensure that a person who attends a residential premises or a business premises to arrange or undertake an eligible activity on behalf of that retailer is a fit and proper person to attend or undertake the activity at that premises.
- (2) In assessing the fitness and propriety of a person for subsection (1) a retailer must consider—
 - (a) whether the person has been convicted of a criminal offence that involves fraud, dishonesty, violence or any other relevant matter; and
 - (b) if a person has committed an offence involving fraud, dishonesty or violence, the seriousness of the offence, the relevant penalties for the offence; and
 - (c) the nature of the work the person will be undertaking, including whether the work will be internal or external to the premises; and
 - (d) whether the person will be accompanied by other representatives of the retailer when attending a premises; and
 - (e) the systems and processes the retailer has in place for management of conduct of its representatives.
- (3) The administrator may request evidence of an assessment of fitness and propriety under Part 10 of the record keeping and reporting code.

30 Identification of authorised installers

- (1) A person that attends a residential premises or business premises to arrange or undertake an eligible activity on behalf of a retailer must have an identification card showing—
 - (a) the person's full name; and
 - (b) a photograph of the person; and
 - (c) the identifier of the person given to him or her under sections 20-22 of the recordkeeping and reporting code; and
 - (d) the full name of the retailer the person is representing; and
 - (e) the full name of the authorised contractor the person is representing if not employed directly by the retailer; and
 - (f) a contact address and telephone number for the retailer the person is representing.

- (2) An identification card must be clearly legible and developed in consideration of *Vision Australia's Public Policy on Access to Published Information*, particularly with respect to font choice, text layout and colour choice.

Note Vision Australia's Public Policy on Access to Published Information can be found at <http://www.visionaustralia.org/about-us/public-policy>.

- (3) An identification card may also include the retailer's logos and other branding if it does not obscure the required information on the identification card.
- (4) An identification card must not include ACT Government logos or other branding, or information that states or implies that installers are contracted to or otherwise employed by the ACT Government.

31 People undertaking activities

- (1) An eligible activity that requires the installation of a product must only be carried out by an authorised installer.

Note 1 An authorised installer can only be a natural person. An individual may be both an authorised contractor and an authorised installer.

Note 2 An eligible activity may require more than one authorised installer to complete the activity. For example, decommissioning a central electric space heater and installing a high efficiency ducted gas heater will require a licensed electrician to undertake the electrical wiring work and a licensed gasfitter complete the gasfitting work. If an installer does not hold both licences, more than one installer will be required.

- (2) If an eligible activity does not require the installation of a product by an authorised installer, the activity must be carried out only by an authorised seller.
- (3) A person who is not a representative of a retailer must not accompany an authorised contractor or authorised installer into a residential or business premises when an eligible activity is being arranged or carried out, unless otherwise authorised by the relevant retailer or the administrator.

Note A person accompanying the authorised installer must comply with any applicable work health and safety obligations and general conduct requirements.

32 Determining priority households

- (1) To determine if a household is a priority household, the authorised installer must—
- (a) view a form of identification for the person showing the person's residential address as the address of the premises in which the eligible activity is undertaken; and
 - (b) view the person's card relating to the class of priority as defined in the Act; or
 - (c) confirm with the retailer or the person that the person receives a government energy concession.

Note 1 To be eligible for an ACT Government Energy Concession, a person must have a Centrelink Health Care Card, Centrelink or Department of Veteran Affairs Pensioner Concession Card or a Department of Veteran Affairs Gold Card. These cards also relate to eligible classes of priority under the Act. An energy concession may be confirmed by the retailer from its own records where privacy laws are not being breached or a relevant card can be used to determine if a premises is a priority household.

Note 2 Only one class of priority for one person living at the premises has to be identified for the household to be a priority household.

(2) If the consumer who signs the activity record form for an eligible activity is not the person identified as the person who determines whether the premises is a priority household, an authorised installer—

- (a) does not need to confirm the details of the class of priority with the consumer; and
- (b) may confirm with the consumer that the person lives at the premises.

Note The person that is eligible for priority household status need not be the consumer that is the signatory to the form. The installer does not need to show or verify the information on the class of priority with the consumer if the person holds the concession does not agree to this, but the consumer may confirm that the person is living at the premises.

33 Tenanted premises

(1) If an eligible activity involving an addition or alteration to, or installation of fixtures or fittings in, a premises for which the consumer confirms a tenancy agreement exists, the person that arranges the activity must inform the consumer that—

- (a) undertaking eligible activities may affect the rights and obligations of the tenant and the lessor, particularly in relation to gaining consent to add fixtures or fittings to the premises, or alter the premises, and in gaining consent to entry to the premises; and
- (b) lessors and tenants of residential premises must comply with their tenancy agreement and other legal obligations under the *Residential Tenancies Act 1997*; or
- (c) lessors and tenants of commercial premises must comply with their lease agreement and other legal obligations under the *Leases (Commercial and Retail) Act 2001*.

(2) An installer undertaking an eligible activity in a residential premises or business premises for which the consumer confirms a tenancy agreement exists must alert the consumer to the information relating to rights and obligations in the standard statement on the activity record form.

Note 1 Under section 41 of the record keeping and recording code the occupancy status for a residential premises or business premises must be identified as part of the activity record. The occupancy status is one of public rental, community housing, private rental, owner occupied, commercial premises or other.

Note 2 Undertaking eligible activities on rented premises may affect the rights and obligations of the tenant and the lessee. For example, the *Residential Tenancies Act 1997* requires tenants to obtain the lessor's consent to install fixtures or fittings in rented premises and

written consent to any alterations and additions to the premises. If activities are not approved, the tenant must make good any damage to the premises on removal of any fixtures and fittings. That Act also requires that lessors and their agents must not enter the premises except as provided by the law, the relevant tenancy agreement, the Residential Tenancies Act or an order of the tribunal.

Note 3 Changing lamps and installing plug-in appliances such as standby power controllers would generally not require consent from the lessor.

(3) An authorised installer is not required to view or witness the consent provided by a lessor to a tenant, or a tenant to a lessor.

Note A lessee may come to an arrangement with a tenant for the undertaking of eligible activities in a premises he or she owns. An authorised installer is not required to view or witness the authorisation provided by a lessee to a tenant. However, if a lessor has arranged an activity and the tenant does not give consent for the installer to enter the premises, the installer must leave the premises immediately if requested, in accordance with section 27 (j) of this Code.

34 Activities in common areas – unit titles

(1) This section applies if a consumer requests an eligible activity to be undertaken in a part of a premises or property that a representative considers may be common property.

Note Common property – see section 13 of the *Unit Titles Act 2001*. Common property is generally those parts of a building and land that are not units or unit subsidiaries such as balconies, carports, storerooms, etc.

(2) The representative must inform the consumer that undertaking the activity may require authorisation from the owners' corporation, or building owner for an addition or alteration to, or installation of fixtures or fittings in, a premises for which the consumer confirms a tenancy agreement exists, the person that arranges the activity must inform the consumer that—

- (a) undertaking eligible activities may affect the rights and obligations of the consumer and the owners' corporation, particularly in relation to gaining an authorisation to use common property; and
- (b) consumers must comply with their legal obligations under the *Unit Titles Act 2001* and *Unit Titles (Management) Act 2011*.

Note 1 Undertaking eligible activities on rented premises may affect the rights and obligations of the consumer and the owners' corporation. For example, the *Residential Tenancies Act 1997* requires tenants of residential premises to obtain the lessor's consent to install fixtures or fittings in rented premises and written consent to any alterations and additions to the premises. If activities are not approved, the tenant must make good any damage to the premises on removal of any fixtures and fittings. That Act also requires that lessors and their agents must not enter the premises except as provided by the law, the relevant tenancy agreement, the Residential Tenancies Act, or an order of the tribunal.

Note 2 Changing lamps and installing plug-in appliances such as standby power controllers would generally not require consent from the lessor.

(3) An authorised installer may request to view a copy of the authorisation provided by the owners' corporation in relation to the use of common property.

- (4) An authorised installer is not required to view the authorisation provided by the owners' corporation to the unit owner.

Note An owners' corporation may grant an authorisation for a unit owner to the enjoyment or use of common property. However, the installer may request to view the authorisation if she or he wishes to confirm the eligible activity may take place and any restrictions on the use of the property.

35 Decommissioning and management of waste

- (1) If an activity involves the decommissioning of a product, a retailer and its representatives must adopt environmentally responsible and verifiable decommissioning practices.
- (2) All decommissioned products and waste products must be disposed of in a way that complies with the *Litter Act 2004* and the *Waste Minimisation Act 2001*.
- (3) Any regulated waste under the *Environment Protection Act 1997* resulting from the installation or removal of an existing product must be managed and disposed of in accordance with that Act, including obtaining any required authorisations.
- (4) Any substances to which the *Dangerous Substances Act 2004* applies, must be decommissioned and managed in accordance with that Act.
- (5) Refrigerants must be sold, stored, and disposed of in accordance with any relevant law, including but not limited to the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth).
- (6) If the *Building Act 2004* applies to the eligible activity, a prescribed activity requirement or associated work, the requirements in the ACT building code for the control of litter on building sites and waste management must be complied with if relevant.
- (7) Notwithstanding any legislated requirements for specific product components, if a water heater, space heating system, heating ductwork, refrigerator, freezer, exhaust fan, taps, shower fixture outlet or glazing is able to be removed from the premises, a retailer or its representative must take the product to a facility with the capacity to safely recycle the components of the product that can reasonably be recycled.
- (8) Decommissioned lamps must be recycled at a facility with the capacity to safely recover and reuse mercury, glass, phosphor and aluminium.
- (9) All reasonable endeavours should be used to recycle any other waste generated in the course of undertaking an activity, including any packaging from the installed product.
- (10) If recycling of a product component or other waste is not practicable, those product components or waste must be disposed of in a manner that complies with subsection (1).

36 Notification of health, safety and environmental incidents

- (1) If a public health, safety or environmental incident that must be reported or mitigated under a relevant law occurs during, or as a result of undertaking an eligible activity, it must be reported to the relevant authority or mitigated in accordance with that law.

Examples of incidents that must be reported or mitigated

- 1 A serious gas accident that must be reported under Part 5 of the *Gas Safety Act 2000*
- 2 A duty to notify of actual or threatened environmental harm under section 23 of the *Environment Protection Act 1997*.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 4 Competency of representatives

37 Application of Part 4

This part provides for the minimum competency requirements for people arranging and undertaking eligible activities on behalf of a retailer for the purpose of complying with an energy savings obligation under the Act.

38 Engaging representatives

- (1) A retailer must engage suitably competent people to arrange and carry out eligible activities.
- (2) A retailer must ensure that its representatives hold adequate insurance for the work they will be undertaking, including but not limited to any insurance required to be effected by it by law, public liability insurance and professional indemnity insurance.
- (3) A retailer must ensure that people undertaking eligible activities on its behalf have completed all necessary training, including but not limited to installation training and work health and safety training, to provide those eligible activities in accordance with all relevant requirements for the activity.
- (4) A retailer must engage a sufficient number of competent people to undertake the number of eligible activities it arranges and is planning to undertake.

Note If a retailer expects to undertake a certain number of eligible activities, it must engage enough installers to carry out the activities in the time required while complying with all relevant requirements. If a retailer fails to meet an energy savings obligation, or comply with all relevant requirements because it has failed to engage sufficient competent people to carry out eligible activities, the administrator may take any action permitted by the Act in relation to that non-compliance.

39 General competencies

- (1) A representative undertaking an eligible activity on a retailer's behalf must—
 - (a) be familiar with the objects of the Act and the general requirements of the Scheme; and
 - (b) understand the activity definition, the minimum performance specifications, all relevant standards and prescribed activity requirements for the activity; and
 - (c) have adequate and relevant technical knowledge of the product being installed, including any restrictions on its installation and the ability to instruct consumers on correct and safe use of the products; and

Note Restrictions on installation of a product may include incompatibility with other products or materials, development restrictions, effect on compliance with another law

- (d) be able to determine when a premises is not eligible for the activity; and
- (e) understand that the nature of the greenhouse gas abatement claimed for the activity is over the expected lifetime of the product; and

Note The abatement claimed for the activity is the abatement based on energy savings expected over the assumed lifetime of the product. Expected product life and abatement will differ from product to product but the calculation of abatement for each product is based on the same principle.

- (f) be familiar with the contents of the standard statement in the activity record form; and
- (g) understand the function and importance of the activity record form and activity certification and the recordkeeping obligations for the activity; and
- (h) understand the possible legal consequences to the representative and the retailer of inaccurate or fraudulent claims in relation to an eligible activity; and
- (i) be able to refer consumers to the relevant retailer's information or customer contact service relating to the Scheme, and complaint or dispute resolution processes in relation to the eligible activity.

40 Training requirements

- (1) Before an authorised contractor or authorised installer arranges or undertakes an eligible activity, they must complete successfully —
 - (a) any induction training for the Scheme and relevant activity required by the administrator under section 41; and
 - (b) any safety training required by this code or the *Work Health and Safety Act 2011*; and
 - (c) any activity specific training for the activity required by this code, such as—
 - (i) If the activity requires working at heights, the authorised installer must have completed RIIWHS204D “Work safely at heights” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Work safely at heights” refresher course within the last 3 years; and
 - (ii) If the activity requires entering the ceiling cavity, the authorised installer must also have completed RIIWHS202D “Enter and work in confined spaces” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years; and
 - (iii) If the activity requires construction work, the authorised installer must be the holder of a General Construction Induction Card and must have completed 10314NAT “Asbestos awareness” or an equivalent course; and
 - (d) any other training required by other legislation applicable to the activity.

- (2) If an authorised contractor is not a natural person, the authorised contractor must arrange for its employees who will be responsible for managing the engagement of installers, arranging or undertaking activities and reporting and record keeping for the purposes of the Energy Efficiency Improvement Scheme to complete the induction course and any relevant activity specific training.

Note After the initial training of an authorised contractors' staff, new management staff do not necessarily need to attend induction training. However, it is recommended that they attend the general Scheme induction course as a minimum.

- (3) Before a representative other than an authorised contractor or authorised installer arranges or records an eligible activity, the representative must complete successfully—
- (a) any induction training for the Scheme and relevant activity required by the administrator under section 41; and
 - (b) any other training required by other legislation applicable to the activity.

41 Scheme induction

Note on induction courses

Induction courses are not a substitute for training in the practical aspects of carrying out an eligible activity. Authorised installers must complete or have previously completed training in the competent undertaking of all eligible activities, or prescribed activity requirements, they will be carrying out. Attending an induction course for an activity is not sufficient to demonstrate competency in carrying out work associated with an eligible activity.

- (1) Before a retailer arranges or undertakes an eligible activity the retailer must arrange for its employees who will be responsible for managing the engagement of authorised contractors and authorised installers, arranging or overseeing the undertaking of eligible activities, managing customer contact and reporting and recordkeeping in accordance with the Act to complete the general induction course and any relevant activity specific training prescribed for the activity.

Note For retailers based outside of the ACT, an induction course may be offered by video conferencing or other means.

- (2) Before an authorised contractor or authorised installer arranges or undertakes an eligible activity, it must complete successfully—
- (a) the general induction course for the Scheme as arranged by the administrator; and
 - (b) the induction course specific to the eligible activity the person will be undertaking.

Note 1 If a person is undertaking more than one eligible activity, the person must complete all relevant courses for that activity. For example, an authorised contractor undertaking

building sealing, installation of standby power controllers and installation of thermally efficient windows must undertake induction specific to each of those activities.

Note 2 The administrator may combine the induction for specific activities into a single course.

- (3) If an authorised contractor is not a natural person, the authorised contractor must arrange for its employees who will be responsible for managing the engagement of installers, arranging or undertaking activities, and reporting and recordkeeping in accordance with the Act to complete the general induction and any relevant activity specific training.
- (4) Retailers must ensure that an authorised contractor provides its employees who will be involved in functions relating to the Scheme, with sufficient information on the Act, the Scheme and the eligible activities the business will be undertaking for them to adequately undertake their respective functions.

Note A person that is not undertaking the activity, but may be arranging or recording the activity does not need to have detailed technical knowledge, but must have sufficient understanding of the activities and products to provide general information and to record all required information on the activity as required by their job.

- (5) Retailers must provide an authorised seller and its employees who will be responsible for undertaking activities or other functions relating to the Scheme with sufficient information on the Act, the Scheme and the eligible activities the business will be undertaking for them to comply for them to adequately undertake their respective functions.
- (6) Employees of authorised contractors and authorised sellers may attend a general induction course and activity specific induction courses to satisfy the requirements of this section.
- (7) The administrator may request a retailer to confirm that a person requesting to attend an induction course has a demonstrated need to attend the course, including that the person is—
 - (a) an authorised installer, authorised contractor or authorised seller; or
 - (b) a retailer, authorised contractor or authorised seller's employee or representative; or
 - (c) licensed or otherwise qualified to undertake the work involved in undertaking the eligible activity, or will be undertaking functions relating to the eligible activity to which the course relates.
- (8) The administrator may refuse a person who does not have a demonstrated need to attend an induction course entry to that course.

Note The Scheme requires that retailers undertake eligible activities and that the activities must comply with any approved code of practice including to be undertaken by authorised installers. The Scheme does not permit people with no connection to, or authorisation from, a retailer to undertake activities or complete records for the purposes of the Act. Induction courses are not intended for people who are carrying out similar work as part of a business or for people that are intending to apply to a retailer or an authorised contractor to offer services to those entities.

42 Safety training

- (1) An authorised contractor or authorised installer must undertake such training to comply with all relevant requirements under work health and safety law. For instance—
 - (a) if working at heights is required, has completed RIIWHS204D “Work safely at heights” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Work safely at heights” refresher course within the last 3 years; and
 - (b) if there are risks of being exposed to asbestos, they need to have completed 10314NAT “Asbestos awareness” or equivalent course; and
 - (c) if entry to a roof cavity is required, has completed RIIWHS202D “Enter and work in confined spaces” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years.
- (2) If a course of training is prescribed by this code or work health and safety law, that course must be completed successfully by the relevant representatives to which the course applies, in the required timeframe.

Note In general, training must be completed before a person starts undertaking eligible activities. However, there may be times when the administrator or Work Safety Commissioner prescribes a course that must be completed by people already carrying out specific types of work within a specific timeframe.

- (3) If no course of training is prescribed, a retailer must provide sufficient training to relevant representatives to fulfil any obligations under the *Work Health and Safety Act 2011*.

Note 1 Builders, electricians, plumbers, gasfitters and other licensed persons will have completed work health and safety training relevant to their work. Unless otherwise prescribed by this Code, that training is sufficient for the purposes of related activities under the Scheme.

Note 2 For eligible activities involving building sealing, installation of plug-in appliances, replacement of lamps, accredited training in 22311VIC - *Course in Retrofitting for Energy and Water Efficiency* delivered by a Registered Training Organisation with relevant scope is recommended. Details of this training can be found at <http://training.gov.au/Training/Details/> noting that some work covered by this course is licensable work in the ACT.

Note 3 Work health and safety risks for installers may include but are not limited to exposure to the sun, working alone, encountering aggressive people, working at heights, working in confined spaces, working near certain building services and working where asbestos may be found.

43 Other relevant training and licensing

- (1) An authorised contractor or authorised installer must complete successfully, or have completed successfully, any required training to comply with all relevant requirements under other law applicable to the activity.

- (2) If a course of training for a person undertaking a certain eligible activity is prescribed by this code, that course must be completed successfully by the relevant representatives undertaking that eligible activity.
- (3) Representatives must hold any licences for the relevant work they will be undertaking required to comply with all relevant requirements under other law applicable to the activity.
- (4) A person must not undertake an eligible activity that requires a licence if that licence is lapsed, suspended, cancelled or conditioned in such a manner that the person cannot undertake the relevant work.
- (5) If a licence is not required to undertake certain work under other relevant legislation, but is required by this code, the relevant representatives must hold that licence to undertake the work.

Note 1 ACT legislation requires that a person providing electrical, plumbing, gasfitting, or gas servicing work must hold the appropriate class of licence as an individual. A company or partnership offering a construction service may also need to hold a licence in the relevant occupation class for the type of service. A general contractor licence is insufficient to cover work undertaken by individual practitioners.

Note 2 Building work requiring a licence must be undertaken by or under the supervision and control of a licensed builder with the appropriate class of licence.

Note 3 Licensing for construction occupations in the ACT is based on the type of work and not the value of the work. There is no minimum value of work that determines when a licence must be held.

Note 4 Where licensing of practitioners is not required, people undertaking the work must have sufficient skills and knowledge to carry out the work so that it is compliant with all requirements and does not adversely impact on other health, safety, amenity or environmental standards that apply to the building or its services.

44 Administrator may specify units of competency

- (1) The administrator may specify that certain units of competency listed in the Australian Quality Training Framework are required for safety or competency reasons by people undertaking certain eligible activities.
- (2) A specified unit of competency must be listed in this code.
- (3) A retailer must ensure that all individuals undertaking relevant prescribed activities for or on behalf of the retailer have been assessed as competent in all the applicable units of competency specified by the administrator under this section.

45 Evidence of training and licences

- (1) A retailer must keep records of the training its representatives have completed and evidence of any required licences held by a representative.

Note Evidence may include a certificate of competency from a Registered Training Organisation (RTO), confirmation of completion of an induction course, a copy of a relevant licence.

46 Direction regarding unsafe things

- (1) This section applies to anything inspected or seized under Part 5 of the Act by an authorised person if the administrator is satisfied on reasonable grounds that the thing poses a risk to the health or safety of people or of damage to property or the environment.
- (2) The administrator may direct a retailer to make the thing safe, destroy or otherwise dispose of the thing.
- (3) The direction may state one or more of the following—
 - (a) how the thing must be made safe, destroyed or otherwise disposed of;
 - (b) how the thing must be kept until it is made safe, destroyed or otherwise disposed of; or
 - (c) the period within which the thing must be made safe, destroyed or otherwise disposed of.
- (4) The administrator may give the direction orally, in writing or in electronic form.
- (5) However, if the administrator gives the direction orally, the administrator must give the notice in writing or in electronic form within 2 days after giving the notice orally.

47 Restriction of people—public safety

- (1) This section applies if a person engages in conduct, or demonstrates deficiency in a required competency, that the administrator decides, on reasonable grounds, presents or is likely to present a risk of death or injury to a person, significant harm to the environment or significant damage to property.

Examples

- 1 An authorised installer who is not an electrician is undertaking electrical wiring work in consumers' premises.
- 2 An inspection of the installation of sealing to a ventilation opening shows that a person has undertaken the work without the required building approval and has sealed a room in which there is a flueless gas heater. When questioned by the administrator, it is apparent that the person is not familiar with the requirements of the building code or the standards for ventilation for gas appliances and has undertaken a number of installations that are not compliant and may cause carbon monoxide poisoning or other problems for the occupants.
- 3 An installer is replacing a window and frame and disturbs friable asbestos. Although the installer has taken an asbestos awareness course, the installer is not a licensed asbestos assessor or an asbestos removalist. The installer attempts to remove the asbestos himself and places the removed asbestos in a normal garbage bin, releasing asbestos fibres into the air and causing a potential health problem to residents and other members of the public.
- 4 A retailer or authorised contractor employs unlicensed people to undertake gasfitting work.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The administrator may place a restriction on a person that—
- (a) prevents a person from undertaking an eligible activity; or
 - (b) prevents a person from undertaking certain prescribed activity requirements; or
 - (c) prevents a person from undertaking eligible activities or certain prescribed activity requirements without supervision; or
 - (d) requires a person to undertake specific training, assessment or other remedial activity.

Examples

- 1 After undertaking inspections on a number of solar water heater installations, the administrator determines that a number of installers employed by a particular authorised contractor have failed to install appropriate tempering devices making the installations unsafe. The administrator restricts the authorised contractor from undertaking solar water heater installations until its installers undertake remedial training and the contractor puts in place a quality assurance system for checking installations.
- 2 A retailer has been permitting unlicensed people to undertake degassing of refrigerators. The administrator may prevent the retailer from undertaking activities requiring the degassing of refrigerators until it can demonstrate that it has engaged suitably licensed people to undertake the work.

- (3) The person is restricted when the administrator gives the relevant retailer a notice that includes—
- (a) the name of the person to which the restriction applies; and
 - (b) the nature of the conduct or deficiency; and
 - (c) the nature of the risk; and
 - (d) the duration of the restriction; and
 - (e) the eligible activities, or prescribed activity requirements the restriction applies to; and
 - (f) that the retailer may apply in writing to the administrator to revoke the restriction.
- (4) The administrator may give the notice orally, in writing or in electronic form.
- (5) However, if the administrator gives the notice orally, the administrator must give the notice in writing or in electronic form within 2 days after giving the notice orally.
- (6) Any restrictions on an authorised contractor, authorised seller or authorised installer must be reflected in the register required by section 23 of the record keeping and reporting code.

- (7) In this section:

person, in relation to a restriction means an authorised installer, an authorised contractor, an authorised seller, a member of a retailer's staff or another individual that is a representative of a retailer that has functions relating to the Scheme.

48 End of restriction

- (1) This section applies if a person has been given a restriction under section 45.
- (2) The administrator must revoke the restriction if satisfied that the cause of the restriction no longer exists.
- (3) The administrator may revoke the restriction if satisfied that the circumstance that caused the restrictions will not put consumers of the person's services at a greater risk from using the services than if the thing had not happened.
- (4) The restriction must be reviewed 3 months after the day it begins, unless otherwise revoked.
- (5) The administrator may continue the restriction after the 3 months if—
 - (a) not satisfied that the cause of the restriction no longer exists; or
 - (b) the person has not complied with the restriction; or
 - (c) the person has not completed any required training.

Part 5 Activity performance specifications

49 Application of Part 5

This part applies to the general activity performance specifications that must be complied with when undertaking eligible activities for the purposes of meeting an energy savings obligation under the Act.

50 Compliance with activity requirements

- (1) An eligible activity must be undertaken so that it complies with—
- (a) all applicable requirements in the Act, relevant approved codes of practice and other relevant legislation; and
 - (b) all relevant minimum activity performance specifications for the eligible activity prescribed in the eligible activities determination and the relevant Part of this code.

Note 1 The requirements in this code are in addition to the provisions for the activity in the eligible activities determination.

Note 2 The minimum activity performance specifications for each activity in the eligible activities determination generally prescribe that the activity be completed and certified in accordance with the relevant code or codes of practice and other relevant legislation applying to the activity, including any licensing, registration, statutory approval, activity certification, health, safety, environmental or waste disposal requirements.

51 Operation within competency and knowledge

- (1) A retailer or a retailer's representative must not provide information or undertake work outside the scope of their expertise, training or licence authorisation where applicable.
- (2) A retailer or a retailer's representative must not provide advice on compliance with statutory requirements or otherwise imply that recommended activities will comply with applicable statutory requirements, or that statutory approvals will be granted for relevant activities, unless they hold a relevant licence or authority to provide such advice.
- (3) A retailer or a retailer's representative must refer consumers to relevant government agencies or appropriately qualified people for specialised advice.

Note Representatives must not assume or state to clients that statutory approvals will be granted for recommended activities and must refer enquiries to relevant authorities or to complete any required applications for approval.

52 Representative to allow sufficient time for activity

- (1) For an eligible activity that requires the installation of a product by an authorised installer, a representative arranging or undertaking the eligible activity must give the consumer a reasonable estimate of the time it will take to

carry out the prescribed activity requirements that will be undertaken on site at the consumer's premises.

- (2) A representative arranging or undertaking an eligible activity must allow sufficient time to complete all prescribed activity requirements and other relevant requirements that apply to the activity.

Part 6 Building sealing activities

53 Application of Part 6

This part applies to undertaking Activity 1.1 Building sealing activities defined in Schedule 1 Part 1.1 of the eligible activities determination as—

In accordance with the prescribed minimum activity performance specifications, restrict the air infiltration into, or air leakage out of, a premises by installation of fixed sealing to one or more of—

- (a) an unsealed door frame in an external wall; or
- (b) an unsealed door frame in a part of an internal wall that divides a conditioned zone or zones from an unconditioned zone or zones; or
- (c) each unsealed edge of an external door; or
- (d) each unsealed edge of a door in a part of an internal wall that divides a conditioned zone or zones from an unconditioned zone or zones; or
- (e) an unsealed window frame in an external wall; or
- (f) each unsealed edge of an openable window.

Note A building sealing activity must only occur where it restricts air flow into or out of the premises, or between adjoining internal spaces, one of which is not, or is not likely to be, mechanically or artificially heated or cooled.

54 Competency requirements

- (1) A building sealing activity must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be trained in the physical practice of building sealing and have all relevant competencies in building sealing including, but not limited to, competency in—
 - (a) determining if an existing building seal is present and effective;
 - (b) assessing a surface material or structure for suitability for sealing or use of relevant products;
 - (c) installing and testing for an effective seal;
 - (d) understanding ventilation requirements in the building code and AS/NZS 5601; and
 - (e) identifying whether there is a standard flueless gas appliance (see note) or a gas connection that could be used for a flueless gas appliance in the room;

Note 'Flueless gas appliances' can include gas cooktops/stoves.

- (f) understanding and communicating to consumers the needs for adequate ventilation to avoid condensation in buildings, as detailed in a range of handbooks (see note);

Note Relevant handbooks on condensation include the *Handbook: Condensation in Buildings* by the Australian Building Codes Board; Tasmanian Government's *Condensation In Buildings: Tasmanian Designers' Guide*.

55 Determining eligibility of premises

- (1) A premises is an eligible residential premises for a building sealing activity if—
- (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) the premises has at least one unsealed door, door frame, window or window frame in an external wall or an internal wall that divides a conditioned zone or zones from an unconditioned zone or zone, that—
 - (i) does not have an effective fixed weather or air seal installed but to which an effective seal can be installed; and
 - (ii) is not located in a room that contains a flueless gas appliance or a connection that could be used for a flueless gas appliance; and
 - (iii) is not prevented from being sealed by a ventilation requirement in relevant legislation; and
 - (c) the premises is not required to have weather sealing installed to doors and windows under the *Building Act 2004*.

Note 1 The 2010 Building Code of Australia requires that a building is adequately sealed. If a building, or part of a building, was approved under that version or subsequent versions of the code it must have building sealing to doors and windows unless prevented from doing so by ventilation requirements. It is not intended that the Scheme be used to fix deficient work by a builder that may be fixed under warranty.

Note 2 There is no defined limit for the number of doors and windows that may be sealed other than the natural limit of the number of doors and windows in a building. If the number of units claimed seems significantly higher than what would be present in a normal house, the administrator may request further information on the activity or conduct an inspection.

56 Minimum activity performance specifications

- (1) The minimum specifications for building sealing activity to be a compliant eligible activity are the minimum activity performance specifications in Schedule 1 Part 1.1, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.1, section 3 of the eligible activities determination and have a product warranty of a minimum of 2 years.
- (3) Installed sealing products must be permanently fixed.
- (4) A building sealing activity must not be carried out in a room that contains a flueless gas appliance.
- (5) If the installer is not sure whether an existing appliance is flueless the installer must not install building sealing to a door or window in the relevant room.

Note If the activity is being undertaken with the installation of a gas space heater under Activity 2.3, the heater must be flued.

- (6) If building sealing is installed in a room that does not contain a flueless gas appliance, but in which there is a connection that could be used for a flueless gas appliance, the installer must inform the consumer that there may be inadequate ventilation to install a flueless gas appliance.
- (7) The installer must assess the condition of the surface material and the structure to which sealing will be applied and prepare the surface in accordance with manufacturer's instructions before installing a sealing product, including to remove any existing sealing product that is no longer effective.
- (8) An installer must not install sealing to a door or window, or a part of a door or window, if the condition of the structure or the surface material after it has been prepared will not form, or is not likely to maintain a permanent and effective seal for at least the period of the product warranty or the statutory warranty, whichever is the longest.

Examples of circumstances where building sealing must not be installed

- 1 A window frame is rotting and is in such a condition that the sealing will not permanently adhere to the surface even after standard preparation of the surface.
- 2 A door frame is warped and the sealing product an installer is using will not restrict air flow from the gaps the warping has caused between the door and the frame.

Note 1 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Note 2 The statutory warranty is the warranty provided for in the Australian Consumer Law.

- (9) The authorised installer must ensure that the installation—
 - (a) for rooms with gas appliances, complies with AS/NZS 5601 *Section 6.4 Air supply to gas appliances*; and
 - (b) is unlikely to cause excessive condensation in the building.

Note 1 If the eligible activity is undertaken in association with other eligible activities or other work in the premises the installer must make sure that the combination of the work does not result in air changes and ventilation that does not comply with the minimum standards.

Note 2 Inadequate ventilation can cause health problems for occupants. An installer must not reduce the ventilation below the standards set for occupant health and amenity.

Note 3 Structural and other problems can occur due to regular condensation that forms in a well sealed and insulated building if inadequate ventilation is not available to allow the moist air to escape. This is more likely to occur in houses that are new or extensively renovated. Further information on condensation can be found in the *Condensation in Buildings: Information Handbook 2011* published by the Australian Building Codes Board and located at www.abcb.gov.au

- (10) The authorised installer must verify that the installation is unlikely to cause excessive condensation in the building and communicate to consumers the needs for adequate ventilation to avoid condensation in buildings.

- (11) If the installer is not sure that the installation maintains required air changes and ventilation the installer must consult—
- (a) for a room containing a gas appliance, an individual with an advanced gasfitter licence; or
 - (b) for any rooms not containing a gas appliance, an individual with a building surveyor licence in an appropriate occupation class.
- (12) Installation of a sealing product must not interfere with the normal operation of the window or door to which it is fixed.
- (13) The authorised installer must test all products after installation to verify the product—
- (a) it is correctly installed; and
 - (b) is operating correctly; and
 - (c) does not interfere with the normal operation of the door or window to which it is fixed.

57 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 1, Part 1.1 section 5 of the eligible activities determination.

Note Each door or window to which sealing has been installed can be counted once only.

58 Recording and reporting a building sealing activity

- (1) A building sealing activity must be recorded in accordance with the record keeping and reporting code, including but not limited to;
- (a) the abatement factor for the activity; and
 - (b) the value of services; and
 - (c) the type and certificate number of any statutory certification for the work or associated work, if applicable; and
 - (d) all required declarations; and
 - (e) the date of completion for the activity and
 - (f) all other required specific activity information for Activity 1.1 in section 54 of the record keeping and reporting code.

Note 1 Certain requirements such as disposal of waste products, or lodgement of statutory certifications, may occur on a date subsequent to the date of installation of a product. All relevant information about the installation of the product should be completed immediately after the installation has been carried out. Information about the disposal of waste products may be recorded at a later time when it is complete.

Note 2 The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 7 Exhaust fan sealing activities

59 Application of Part 7

This part applies to undertaking Activity 1.2 Exhaust fan sealing activities defined in Schedule 1 Part 1.2 of the eligible activities determination. In accordance with the prescribed minimum activity performance specifications, restrict the air infiltration into, or air leakage out of, a premises by installation of either—

- (a) removing and decommissioning an exhaust fan that is not fitted with a self-closing sealing device and is installed in a ceiling or wall and replacing the removed exhaust fan with an exhaust fan fitted with a self-closing sealing device (“Activity 1.2 (1) (a)”), or
- (b) fitting a self-closing sealing device on an existing exhaust fan that is not fitted with a self-closing sealing device (“Activity 1.2 (1) (b)”)

60 Competency requirements

(1) Activity 1.2 (1) (a) and (b) must be carried out by an authorised installer who has—

- (a) an unrestricted ACT electrician licence issued under the *Construction Occupations (Licensing) Act 2004*; and
- (b) completed all required training prescribed in Part 4 of this code; and
- (c) is sufficiently trained to carry out the relevant activity and has all relevant competencies to undertake the activity including, but not limited to, competency in—
 - (i) for Activity 1.2 (1) (a), the physical practice of installing new exhaust fans fitted with self-sealing devices;
 - (ii) for Activity 1.2 (1) (b) fitting exhaust fan sealing devices to an existing exhaust fan currently without a seal;
 - (iii) for Activity 1.2 (1) (a), determining if an existing exhaust fan is fitted with a self-closing sealing device;
 - (iv) for Activity 1.2 (1) (b), determining whether a self-closing sealing device is compatible with an existing exhaust fan;
 - (v) determining and identification of whether or not work would need to be done in a confined space;
 - (vi) identifying whether there is a standard flueless gas appliance (see note) or a gas connection that could be used for a flueless gas appliance in the room;

Note ‘Flueless gas appliances’ can include gas cooktops/stoves.

- (vii) understanding ventilation requirements in the building code and AS/NZS 5601;
- (viii) understanding and communicating to consumers the needs for adequate ventilation to avoid condensation in buildings, as detailed in a range of handbooks (see note);

Note Relevant handbooks on condensation include the *Handbook: Condensation in Buildings* by the Australian Building Codes Board; Tasmanian Government's *Condensation In Buildings: Tasmanian Designers' Guide*.

- (ix) communicating to consumers when exhaust fan sealing may cause an increase in condensation or fire risk in the building;

Note: Authorised installers also need to advise residents to check their smoke detectors and/or fire alarms are in working order.

- (x) for Activity 1.2 (1) (a) managing and effectively communicating the risks to the resident of installing more powerful new exhaust fans to avoid creating negative pressure even if the appliance is flued;
- (xi) for Activity 1.2 (1) (b), testing for an effective seal;
- (xii) for Activity 1.2 (1) (b), if installing a product over either a ceiling exhaust fan/light or an exhaust fan/light/heating combination unit, the installer must test that the seal is open when the lighting or lighting/heating element is on respectively.

- (2) If the activity requires working at heights, the authorised installer must have completed RIIWHS204D “Work safely at heights” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Work safely at heights” refresher course within the last 3 years.
- (3) If the activity requires entering the ceiling cavity, the authorised installer must also have completed RIIWHS202D “Enter and work in confined spaces” or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years; and
- (4) If the activity requires construction work, the authorised installer must be the holder of a General Construction Induction Card and must have completed 10314NAT “Asbestos awareness” or an equivalent course.

61 Determining eligibility of premises

- (1) A premises is an eligible residential premises for Activity 1.2 if—
 - (a) the premises is not listed on the affected residential premises register; and
 - (b) the premises is a residential premises as defined in the eligible activities determination; and

- (c) each exhaust fan to be fitted with a sealing device or replaced is not fitted with a self-closing sealing device; and
- (d) each exhaust fan to be fitted with a sealing device is not in a room that—
 - (i) contains a flueless gas appliance; or
 - (ii) contains a gas appliance if the authorised installer does not know, or cannot determine, if the appliance is a flueless gas appliance; and
- (e) each exhaust fan to be fitted with a sealing device is in a room with an openable external window or door.

62 Minimum activity performance specifications

- (1) The minimum specifications for exhaust fan sealing activity to be a compliant eligible activity are the minimum activity performance specifications in Schedule 1 Part 1.2, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.2, section 3 of the eligible activities determination and have a product warranty of a minimum of 2 years.
- (3) The product must be installed in accordance with the manufacturer's instructions and any other relevant legislation and standards.
- (4) If there is an inconsistency between the manufacturer's instructions, the requirements of this code or relevant legislation and standards that apply to the activity, the most stringent requirement applies to the extent of the inconsistency.
- (5) All eligible exhaust fans at premises must be fitted with a sealing device, if practical.
- (6) If an exhaust fan sealing device is installed in a room that does not contain a flueless gas appliance, but in which there is a connection that could be used for a flueless gas appliance, the authorised installer must inform the consumer that there may be inadequate ventilation to install a flueless gas appliance.
- (7) For Activity 1.2 (1) (a), the authorised installer must ensure that there is no risk of causing negative pressure through installation of new more powerful exhaust fans with sealing systems. (See section 60 Competency requirements above.)
- (8) The authorised installer must verify that the installation is unlikely to cause excessive condensation in the building and communicate to consumers the needs for adequate ventilation to avoid condensation in buildings.
- (9) The authorised installer must communicate to consumers when exhaust fan sealing may cause an increase to fire risk in the building.

- (10) For Activity 1.2 (1) (b), the authorised installer must advise the consumer if the sealing device to be fitted to the exhaust fan may impact the warranty for the exhaust fan.
- (11) If the exhaust fan is in a room with a flued gas appliance, the authorised installer must obtain certification that the installation complies with AS/NZS 5601 *Part 1 Section 6.4 Air supply to gas appliances* from an individual with an ACT gasfitter or gas appliance worker licence issued under the *Construction Occupations (Licensing) Act 2004* that authorises unsupervised gasfitting or gas appliance work on Type A gas appliances.
- (12) The authorised installer must test all products after installation to verify—
- (a) the product is correctly installed; and
 - (b) the product is operating correctly; and
 - (c) for Activity 1.2 (1) (b), the sealing device does not interfere with the safe and effective operation of the fan; and
 - (d) if the exhaust fan is above (or includes) a heating element, that the seal is open when the heating element is on.

63 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 1, Part 1.2 section 5 of the eligible activities determination.

64 Recording and reporting an exhaust fan sealing activity

Activity 1.2 must be recorded in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 9 Install a thermally efficient window

65 Application of Part 9

This part applies to undertaking Activity 1.4 Install a thermally efficient window defined in Schedule 1 Part 1.4 of the eligible activities determination as—

installing high thermal performance glazing or glazed products in a window opening or openings in an external wall of a conditioned zone to replace existing single glazed window/s that does not meet the minimum thermal performance requirements, so that the glazing fills the entire window opening or openings.

66 Competency requirements

- (1) Installing a thermally efficient window must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be trained in the physical practice of installing a thermally efficient window and have all relevant competencies in installing a thermally efficient window including, but not limited to, competency in—
 - (a) determining whether or not a window in an external wall is for a conditioned zone; and
 - (b) determining whether existing single glazing meets the minimum thermal performance standards of the eligible activities determination for Activity 1.4; and
 - (c) installing high thermal performance glazing products in a window opening.

67 Determining eligibility of premises

- (1) A premises is eligible for installing a thermally efficient window if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) the premises has one or more single glazed windows in an external wall of a conditioned zone.

68 Minimum activity performance specifications

- (1) The minimum specifications for installing a thermally efficient window to be a compliant eligible activity are the minimum activity performance specifications in Schedule 1 Part 1.4, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.4, section 3 of the eligible activities determination and have a product warranty of a minimum of 5 years.
- (3) All products must be installed in accordance with manufacturer's instructions.

- (4) The window must be installed in compliance with AS 2047 and AS 1288.
- (5) The window frame must be effectively sealed around its entire perimeter to prevent infiltration of outside air.
- (6) The window must be installed properly flashed into the existing structure to ensure no ingress of moisture around the frame perimeter.
- (7) The authorised installer must test all products after installation to verify the product is correctly installed and is operating properly.

69 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 1, Part 1.4 section 5 of the eligible activities determination.

70 Recording and reporting installation of a thermally efficient window

Activity 1.4 must be recorded and reported in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 10 Retrofit thermally efficient glazing

71 **Application of Part 10**

This part applies to undertaking Activity 1.5 Retrofit thermally efficient glazing defined in Schedule 1 Part 1.5 of the eligible activities determination as—

installing a product that improves the thermal efficiency of a window to one or more single glazed windows in an external wall of a conditioned zone where the existing glazing does not meet the minimum thermal performance requirements prescribed, so that the glazing product covers all panes of the window unit or units.

72 **Competency requirements**

- (1) Retrofitting thermally efficient glazing must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be trained in the physical practice of retrofitting thermally efficient glazing and have all relevant competencies in retrofitting thermally efficient glazing including, but not limited to, competency in—
 - (a) determining whether or not a window in an external wall is for a conditioned zone; and
 - (b) determining whether existing glazing meets the minimum standards of the eligible activities determination for Activity 1.5; and
 - (c) installing a retrofit glazing product so that it covers all panes of a window unit.

73 **Determining eligibility of premises**

- (1) A premises is an eligible residential premises for retrofitting thermally efficient glazing if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) the premises has one or more single glazed windows that do not meet the minimum standards of the eligible activities determination for Activity 1.5.

74 **Minimum activity performance specifications**

- (1) The minimum specifications for retrofitting thermally efficient glazing to be a compliant eligible activity are the minimum activity performance specifications in Schedule 1 Part 1.5, section 2 of the eligible activities determination and the provisions in this Part of this code.

- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.5, section 3 of the eligible activities determination and have a product warranty of a minimum of 2 years.
- (3) The product must be installed in accordance with manufacturer's instructions.
- (4) The window must be installed in compliance with AS 2047 and AS 1288.
- (5) The authorised installer must test all products after installation to verify the product—
 - (a) is correctly installed; and
 - (b) does not interfere with the normal operation of the window.

75 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 1, Part 1.5 section 5 of the eligible activities determination.

76 Recording and reporting on retrofitting thermally efficient glazing

Activity 1.5 must be recorded and reported in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 11 **Install thermally efficient window coverings**

77 Application of Part 11

This part applies to undertaking Activity 1.6 Install thermally efficient window coverings defined in Schedule 1 Part 1.6 of the eligible activities determination as—

installing window coverings to a window in an external wall of a conditioned zone that fully cover the window and restrict the convective air flow from between the window covering and glazing to the internal space.

78 Competency requirements

- (1) Installing thermally efficient window coverings must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be trained in the physical practice of installing thermally efficient window coverings and have all relevant competencies in installing thermally efficient window coverings including, but not limited to, competency in—
 - (a) determining whether a window is in the external wall of a conditioned zone; and
 - (b) determining whether existing curtains, drapes or blinds meet the installed product requirements of Part 1.6 of the eligible activities determination; and
 - (c) installing thermally efficient window coverings to a window.

79 Determining eligibility of premises

- (1) A premises is an eligible residential premises for installing thermally efficient window coverings if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) the premises has at least one external window on a conditioned zone which does not already have thermally efficient window coverings installed.

80 Minimum activity performance specifications

- (1) The minimum specifications for installing thermally efficient window coverings to be a compliant eligible activity are the minimum activity performance specifications in Schedule 1 Part 1.6, section 2 of the eligible activities determination and the provisions in this Part of this code.

- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.6, section 3 of the eligible activities determination and have a product warranty of a minimum of 2 years.
- (3) The authorised installer must test all products after installation to verify the product—
 - (a) is correctly installed; and
 - (b) is operating correctly; and
 - (c) does not interfere with the normal operation of the window.

81 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 1, Part 1.6 section 5 of the eligible activities determination.

82 Recording and reporting on installation of thermally efficient window coverings

Activity 1.6 must be recorded and reported in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 12 Install window pelmets

83 Application of Part 12

This part applies to undertaking Activity 1.7 Install window pelmets defined in Schedule 1 Part 1.7 of the eligible activities determination as—

installing a box pelmet to a window in an external wall of a conditioned zone so that the pelmet fully encloses the top of an existing curtain or blind that meets the installed product requirements of Part 1.6 of the eligible activities determination and restricts the convective air flow from beside or above the pelmet to the window.

84 Competency requirements

- (1) Installing window pelmets must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be trained in the physical practice of installing window pelmets and have all relevant competencies in installing window pelmets including, but not limited to, competency in—
 - (a) determining whether a window is in the external wall of a conditioned zone; and
 - (b) determining whether existing curtains or blinds meet the installed product requirements of Part 1.6 of the eligible activities determination; and
 - (c) determining whether a product will restrict the convective air flow from beside or above a pelmet to a window; and
 - (d) installing a box pelmet to fully enclose the top of an existing curtain, drape or blind.

85 Determining eligibility of premises

- (1) A premises is an eligible residential premises for installing window pelmets if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) the premises has at least one window in an external wall of a conditioned zone that has thermally efficient window coverings, but does not have a pelmet installed.

Note This activity can be conducted in conjunction with Activity 1.6 to ensure that a thermally efficient window covering is installed on the window before the pelmet is installed.

86 Minimum activity performance specifications

- (1) The minimum specifications for installing window pelmets to be a compliant eligible activity are the minimum activity performance specifications in

Schedule 1 Part 1.7, section 2 of the eligible activities determination and the provisions in this Part of this code.

- (2) The installed product must meet the installed product requirements Schedule 1 Part 1.7, section 3 of the eligible activities determination and have a product warranty of a minimum of 2 years.
- (3) The authorised installer must test all products after installation to verify the product—
 - (a) is correctly installed; and
 - (b) is operating correctly; and
 - (c) does not interfere with the normal operation of the window coverings or the window.

87 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 1, Part 1.7 section 5 of the eligible activities determination.

88 Recording and reporting on installation of window pelmets

Activity 1.7 must be recorded and reported in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 13 Replacing a ducted gas space heater with a high efficiency ducted gas space heater

89 Application of Part 13

This part applies to undertaking Activity 2.1 Replacing a ducted gas space heater with a high efficiency ducted gas heater defined in Schedule 2 Part 2.1 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications, removing a ducted gas heater that does not achieve a minimum energy efficiency rating (star rating) of 5 stars and replacing with a ducted gas heater that achieves a minimum energy efficiency rating (star rating) of 5 stars.

Note A ducted gas space heater as described in the activity definition is a ducted gas heater as defined in AS 4556 *Indirect gas-fired ducted air heaters*.

90 Competency requirements

(1) Activity 2.1 must be carried out by an authorised installer or authorised installers who—

- (a) is the holder of a gas fitter's licence that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004*; or
- (b) is the holder of a gas fitter's licence that is a general or advanced licence with an LPG gasfitter (vapour phase) licence endorsement that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004* when gas fitting work takes place at a premises in a suburb without a gas distribution network; and
- (c) is the holder of a General Construction Induction card; and
- (d) has completed all required training prescribed in part 4 of this code; and
- (e) is an authorised installer for activity 2.6 Install insulated gas heating ductwork.

(2) An authorised installer or authorised installers must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—

- (a) determining whether an existing ducted gas heater meets the installed product requirements;
- (b) determining whether existing ductwork meets the installed product requirements for activity 2.6 Install insulated gas heating ductwork;

Note 1 The gas fitter replacing the ducted gas space heater is not required to replace existing ductwork with ductwork that meets the requirements for activity 2.6 Install insulated gas heating ductwork.

Note 2 This activity 2.1 Replacing a ducted gas space heater with a high efficiency ducted gas space heater is not taken to be completed until activity 2.6 Install insulated gas heating ductwork is completed.

Note 3 This activity 2.1 Replacing a ducted gas space heater with a high efficiency ducted gas space heater is completed upon completion of this activity if existing ductwork meets the installed product requirements for activity 2.6 Install insulated gas heating ductwork.

- (c) removing, installing, commissioning and testing a ducted gas heater in accordance with the *Gas Safety Act 2000* and AS 4556;
- (d) explaining the use, operation and safety requirements of an installed product; and
- (e) understanding decommissioning requirements for the activity.

91 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 2.1 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the premises has at least one existing ducted gas heater that does not achieve a minimum energy efficiency rating (star rating) of 5 stars.

92 Minimum activity performance specifications

- (1) The minimum specifications for Activity 2.1 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 2 Part 2.1, section 2 of the eligible activities determination and the provisions in this Part of the code.
- (2) The installed product must meet the installed product requirements Schedule 2 Part 2.1 section 3 of the eligible activities determination and have a minimum manufacturer's warranty of 2 years.
- (3) The installer must determine the energy efficiency rating of an existing ducted gas heater to determine its eligibility for replacement.
- (4) The installer must determine whether existing ductwork meets the installed product requirements for activity 2.6 Install insulated gas heating ductwork.
- (5) A ducted gas heater must be installed and commissioned in accordance with the *Gas Safety Act 2000* and AS 4556;
- (6) The authorised installer must test all products after installation to verify the product is correctly installed.

93 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 2, Part 2.1 section 5 of the eligible activities determination.

Note The abatement factor is based on rated output heating capacity and star rating as provided in table 2.1 of the *Eligible Activities Determination*.

94 Recording and reporting the replacement of a ducted gas heater with a high efficiency ducted gas heater

- (1) Activity 2.1 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
- (a) the name and model number of the ducted gas heater installed; and
 - (b) the rated output heating capacity of the ducted gas heater installed; and
 - (c) the star rating expressed numerically to two decimal places of the ducted gas heater installed; and
 - (d) the abatement factor for the activity; and
 - (e) the value of services; and
 - (f) the notice number of the Notification and Certificate of Compliance for Plumbing and Gas Work (Minor Works) and certificate number of any statutory certification for the work or associated work, if applicable; and
 - (g) all required declarations; and
 - (h) the date of completion for the activity.

Part 14 Install a high efficiency ducted gas heater in a new residential premises

95 Application of Part 14

This part applies to undertaking Activity 2.2 Install a high efficiency ducted gas heater in a new residential premises defined in Schedule 2 Part 2.2 of the eligible activities determination as—

In accordance with the prescribed minimum activity performance specifications, installing a high efficiency ducted gas heater in a new residential premises that achieves a minimum energy efficiency rating (star rating) of 5 stars.

Note A ducted gas heater as described in the activity definition is a ducted gas heater as defined in AS 4556 *Indirect gas-fired ducted air heaters*.

96 Competency requirements

(1) Activity 2.2 must be carried out by an authorised installer or authorised installers who—

- (i) is the holder of a gas fitter's licence that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004*; or
- (ii) is the holder of a gas fitter's licence that is a general or advanced licence with an LPG gasfitter (vapour phase) licence endorsement that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004* when gas fitting work takes place at a premises in a suburb without a gas distribution network; and
- (iii) is the holder of an electrician's licence that is an unrestricted licence under the *Construction Occupations (Licensing) Act 2004*; and
- (iv) is the holder of a General Construction Induction card; and
- (v) has completed all required training prescribed in part 4 of this code; and
- (vi) is an authorised installer for activity 2.6 Install insulated gas heating ductwork.

(2) An authorised installer must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—

- (a) installing, commissioning and testing a ducted gas heater in accordance with the *Gas Safety Act 2000* and AS 4556, and the *Electricity Safety Act 1971* and AS/NZS 3000;
- (b) installing, commissioning and testing insulated ductwork in accordance with the requirements for activity 2.6 Install insulated gas heating ductwork; and
- (c) explaining the use, operation and safety requirements of an installed product.

97 Determining eligibility of premises

- (1) A premises is an eligible residential premises for activity 2.4 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; and
 - (b) no certificate of occupancy and use has been issued for the premises under section 69 of the *Building Act 2004* ; and
 - (c) a building approval has been issued for the premises in the 12 months prior to completion of this activity.

98 Minimum activity performance specifications

- (1) The minimum specifications for Activity 2.2 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 2 Part 2.2, section 2 of the eligible activities determination and the provisions in this Part of the code.
- (2) The installed product must meet the installed product requirements Schedule 2 Part 2.2 section 3 of the eligible activities determination and have a minimum manufacturer's warranty of 2 years.
- (3) The installer must obtain a statement from the lessee that confirms that—
 - (a) the certificate of occupancy has not been issued; and
 - (b) the date of the building approval was issued for the premises.

Note The installer is only required to obtain a verbal statement regarding this information. The installer is not required to see approved plans.

- (4) A ducted gas heater must be installed and commissioned in accordance with the *Gas Safety Act 2000* and AS 4556 and the *Electricity Safety Act 1971* and AS/NZS 3000.
- (5) The installer must ensure that installed ductwork meets the requirements for activity 2.6 Install insulated gas heating ductwork.
- (6) The authorised installer must test all products after installation to verify the product is correctly installed.

Note If the activity requires an electrical outlet it must be installed by a holder of an electrician's licence that is an unrestricted licence.

99 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 2, Part 2.2 section 5 of the eligible activities determination.

Note The abatement factor is based on rated output heating capacity and star rating as provided in table 2.2 of the *Eligible Activities Determination*.

100 Recording and reporting the installation of a high efficiency ducted gas heater in a new residential premises

- (1) Activity 2.2 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
- (a) the date of the building approval for the premises; and
 - (b) the name and model number of the ducted gas heater installed; and
 - (c) the rated output heating capacity of the ducted gas heater installed; and
 - (d) the star rating expressed numerically to two decimal places of the ducted gas heater installed; and
 - (e) the abatement factor for the activity; and
 - (f) the value of services; and
 - (g) the notice number of the Notification and Certificate of Compliance for Plumbing and Gas Work (Minor Works) and certificate number of any statutory certification for the work or associated work, if applicable; and
 - (h) the submission date of the Certificate of Electrical Safety;
 - (i) all required declarations; and
 - (j) the date of completion for the activity and
 - (k) all other required specific activity information for Activity 2.2 in section 54 of the record keeping and reporting code.

Part 18 Install insulated gas heating ductwork

101 Application of Part 18

This part applies to undertaking Activity 2.6 Install insulated gas heating ductwork defined in Schedule 2 Part 2.6 of the eligible activities determination as—

In accordance with the prescribed minimum activity performance specifications, installing insulated gas heating ductwork.

Note Gas heating ductwork is ductwork for air-handling systems in buildings as defined in AS 4254 *Ductwork for air-handling systems in buildings*.

102 Competency requirements

(1) Activity 2.6 must be carried out by an authorised installer or authorised installers who—

- (i) has completed CPCPMS3035A *Install and test ducting systems* or a preceding unit of competency named *Install and test ducting systems*; or
- (ii) can demonstrate competency in the installation and testing of ducting systems consistent with the essential outcomes of unit of competency CPCPMS3035A *Install and test ducting systems* using a method approved by the administrator; and

Note The retailer should submit their methodology for determining the competency of installers carrying out this activity to the administrator for approval before sending installers to the administrator for the training prescribed in part 4 of this code.

- (iii) has completed RIIWHS202D *Enter and work in confined spaces* within the last 3 years; or
- (iv) has completed RIIWHS202D *Enter and work in confined spaces* or an equivalent preceding unit of competency and obtain a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years; and
- (v) has completed RIIWHS204D *Work safely at heights* within the last 3 years; or
- (vi) has completed RIIWHS204D *Work safely at heights* or an equivalent preceding unit of competency and obtain a Certificate of Attendance for a “Work safely at heights” refresher course within the last 3 years; and
- (vii) is the holder of a General Construction Induction card; and
- (viii) has completed all required training prescribed in part 4 of this code; and
- (ix) is an authorised installer for activity 2.6 Install insulated gas heating ductwork.

Note 1 The retailer must retain records of training and / or determinations of competency for all authorised installers undertaking this activity. These records must be made available to the administrator on request.

Note 2 If electric dampers at 230V AC for zoning ducting have been or are to be installed a licenced electrician under the Construction Occupations (Licensing) Act 2004 will be required to complete this activity. If electric dampers at 24V AC are used, the installer does not need to have an electrician's licence.

- (2) An authorised installer must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—
 - (a) installing, commissioning and testing insulated ductwork in accordance with the requirements for activity 2.6 Install insulated gas heating ductwork; and
 - (b) explaining the use, operation and safety requirements of an installed product.

103 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 2.6 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination.

104 Minimum activity performance specifications

- (1) The minimum specifications for Activity 2.6 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 2 Part 2.6, section 2 of the eligible activities determination and the provisions in this Part of the code.
- (2) The installed product must meet the installed product requirements Schedule 2 Part 2.6 section 3 of the eligible activities determination and have a minimum product warranty of 2 years.
- (3) The installer must ensure that installed ductwork meets the requirements for activity 2.6 Install insulated gas heating ductwork.
- (4) The authorised installer must test all products after installation to verify the product is correctly installed.

105 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 2, Part 2.6 section 5 of the eligible activities determination.

Note The abatement factor is based on rated output heating capacity and star rating as provided in table 2.6 of the *Eligible Activities Determination*.

106 Recording and reporting the installation of gas heating ductwork

- (1) Activity 2.6 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
- (a) the manufacturer's name and model number of the ductwork installed; and
 - (b) the rated output heating capacity of the ducted gas heater connected to the installed ductwork; and
 - (c) the abatement factor for the activity; and
 - (d) the value of services; and
 - (e) all required declarations; and
 - (f) the date of completion for the activity and
 - (g) all other required specific activity information for Activity 2.6 in section 54 of the record keeping and reporting code.

Part 19 Decommission and replace electric resistance water heater with an electric boosted solar water heater

107 Application of Part 19

This part applies to undertaking Activity 3.1 Decommission and replace electric resistance water heater with an electric boosted solar water heater defined in Schedule 3 Part 3.1 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, decommissioning an electric resistance water heater in a hot water system servicing sanitary fixtures and appliances and installing an electric boosted solar water heater.

108 Competency requirements

(1) Activity 3.1 must be carried out by an authorised installer or authorised installers who:

- (a) is the holder of a water supply plumber licence issued under the *Construction Occupations (Licensing) Act 2004*; and
- (b) is the holder of an electrician’s licence that is an unrestricted licence under the *Construction Occupations (Licensing) Act 2004*; and
- (c) has completed and obtained a Statement of Attainment for a product manufacturer’s *course in installing solar heated water systems* or an equivalent course; and

Note The plumber planning and determining the optimum location for the solar water heater system is required to have completed this course.

- (d) has completed RIIWHS202D *Enter and work in confined spaces* within the last 3 years; or
- (e) has completed RIIWHS202D *Enter and work in confined spaces* or an equivalent preceding unit of competency and obtain a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years; and
- (f) has completed RIIWHS204D *Work safely at heights* within the last 3 years; or
- (g) has completed RIIWHS204D *Work safely at heights* or an equivalent preceding unit of competency and obtain a Certificate of Attendance for a “Work safely at heights” refresher course within the last 3 years; and
- (h) has completed 10314NAT *Asbestos awareness* or an equivalent course; and
- (i) is the holder of a General Construction Induction Card; and
- (j) has completed all required training prescribed in Part 4 of this code.

Note The retailer must retain records of training and / or determinations of competency for all authorised installers undertaking this activity. These records must be made available to the administrator on request.

- (2) An authorised installer or authorised installers must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—
- (a) decommissioning an existing electric resistance water heater;
 - (b) installing, commissioning and testing in accordance with the *Water and Sewerage Act 2000*, Plumbing Code of Australia and *Electricity Safety Act 1971* and AS 3498 an electric boosted solar water heater;
 - (c) explaining the use, operation and any safety requirements of an installed product; and
 - (d) understanding decommissioning requirements for the activity.

Note Any decommissioned appliance removed from a premises must be recycled in accordance with section 35 of the *Energy Efficiency (Cost of Living) Improvement Eligible Activities Code of Practice 2016*. Any decommissioned appliances that are not recycled must be destroyed during the disposal process.

109 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 3.1 if—
- (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the premises is a class 1 building; or
 - (d) the premises is a not a class 1 building or a class 10a building and the lessee has obtained building approval for the installation of the solar water heater in accordance with the *Building Act 2004*; and
 - (e) the solar water heater can be installed in accordance with the requirements for exemption from development approval in the *Planning and Development Act 2007*; or
 - (f) the lessee has obtained development approval for the proposed solar water heater installation; and
 - (g) the roof structure is suitable for supporting the solar water heater or any components of the solar water heater; and
 - (h) the roof structure does not contain asbestos; and
 - (i) the roof structure allows the solar water heater solar collectors to be orientated within plus or minus 45 degrees from North with an inclination of between 15 and 45 degrees from horizontal.

Note 1 Only solar water heaters fitted to class 1 or class 10a buildings are exempt from needing building approval. Exempt building and building work is provided in the *Building*

(General) Regulation 2008 accessed at <http://www.legislation.act.gov.au/sl/2008-3/current/pdf/2008-3.pdf>.

- Note 2* Section 1.27 of schedule 1 part 1.3 division 1.3.1 of the *Planning and Development Regulation 2008* provides the requirements for solar water heaters to be exempt from requiring development approval. These can be accessed at <http://www.legislation.act.gov.au/sl/2008-2/current/pdf/2008-2.pdf>.
- Note 3* Some roof structures will not support a solar water heater system or solar water heater system components because the roof will not have been designed to carry additional loads or due to damage or deterioration of roof components.
- Note 4* If the authorised installer is unable to verify the adequacy of the roof structure in supporting the solar water heater or any components of the solar water heater a structural engineer must be consulted prior to starting the installation.
- Note 5* Asbestos roofing products are found on many residential and commercial buildings. These materials can become friable with age and pose additional risks requiring management controls beyond the scope of this Code.

110 Minimum activity performance specifications

- (1) The minimum specifications for Activity 3.1 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 3 Part 3.1, section 2 of the eligible activities determination and the provisions in this Part of the code.
 - (2) The installed product must meet the installed product requirements Schedule 3 Part 3.1 section 3 of the eligible activities determination and have a minimum manufacturer's warranty of 2 years.
 - (3) The installer must determine whether existing shower fittings meet the installed product requirements of activity 3.3 Replace an existing shower fixture outlet with a low flow shower fixture outlet.
 - (4) An electric boosted solar water heater must be installed in accordance with the *Water and Sewerage Act 2000* and Plumbing Code of Australia and the *Electricity Safety Act 1971* and AS/NZS 3000.
 - (5) A maximum of two water heating units are installed per household (residential only).
 - (6) The authorised installer must test all products after installation to verify the product is correctly installed.
- Note 1* Where existing shower fixture outlets do not meet the requirements of activity 3.3 they must be replaced as required by Schedule 2 Part 2.6 of the *Water and Sewerage Regulation 2001* accessed at <http://www.legislation.act.gov.au/sl/2001-2/current/pdf/2001-2.pdf>.
- Note 2* Many solar hot water systems are not suitable for use in areas that experience frost conditions. The ACT experiences frost conditions.

111 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 3, Part 3.1 section 5 of the eligible activities determination.

Note The abatement factor is based on rated output heating capacity and star rating as provided in table 3.1 of the *Eligible Activities Determination*.

112 Recording and reporting the decommissioning of an electric resistance water heater and installation of an electric boosted solar water heater

- (1) Activity 3.1 must be recorded in accordance with the record keeping and reporting code, including but not limited to, recording—
- (a) the name and model number of the electric boosted solar water heater installed; and
 - (b) the capacity of the electric boosted solar water heater installed; and
 - (c) the number of water heating units installed; and
 - (d) the number of solar collectors installed; and
 - (e) the name and model number of the solar collectors installed; and
 - (f) the abatement factor for the activity; and
 - (g) the value of services; and
 - (h) the hydraulic certificate of compliance number completed for the work in accordance with the *Water and Sewerage Act 2000*; and
 - (i) the notice number of the notification and certificate of compliance for plumbing work (minor works) and certificate number of any statutory certification for the work or associated work, if applicable; and
 - (j) all required declarations; and
 - (k) the date of completion for the activity; and
 - (l) all other required specific activity information for Activity 3.1 in section 54 of the record keeping and reporting code.

Part 20 Decommission a gas or liquefied petroleum gas water heater and install a gas or liquefied petroleum gas boosted solar water heater

113 Application of Part 20

This part applies to undertaking Activity 3.2 Decommission a gas or liquefied petroleum gas water heater and install a gas or liquefied petroleum gas boosted solar water heater defined in Schedule 3 Part 3.2 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications, decommissioning a gas or liquefied petroleum gas water heater in a hot water system servicing sanitary fixtures and appliances and installing a gas or liquefied petroleum gas boosted solar water heater.

114 Competency requirements

- (1) Activity 3.2 must be carried out by an authorised installer or authorised installers who—
 - (a) is the holder of a water supply plumber licence issued under the *Construction Occupations (Licensing) Act 2004*; and
 - (b) is the holder of a gas fitter’s licence that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004*; or
 - (c) is the holder of a gas fitter’s licence that is a general or advanced licence with an LPG gasfitter (vapour phase) licence endorsement that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004* when gas fitting work takes place at a premises in a suburb without a gas distribution network ; and
 - (d) is the holder of an electrician’s licence that is an unrestricted license under the *Construction Occupations (Licensing) Act 2004*; and
 - (e) has completed and obtained a Statement of Attainment for a product manufacturer’s course in installing solar heated water systems or an equivalent course; and

Note The plumber and gas fitter planning and determining the optimum location for the solar water heater system is required to have completed this course.

- (f) is the holder of a General Construction Induction Card; and
- (g) has completed RIIWHS202D *Enter and work in confined spaces* within the last 3 years; or
- (h) has completed RIIWHS202D *Enter and work in confined spaces* or an equivalent preceding unit of competency and obtained a Certificate of

Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years; and

- (i) has completed RIIWHS204D *Work safely at heights* within the last 3 years; or
- (j) has completed RIIWHS204D *Work safely at heights* or an equivalent preceding unit of competency and obtain a Certificate of Attendance for a “Work safely at heights” refresher course within the last 3 years; and
- (k) has completed 10314NAT *Asbestos awareness* or an equivalent course; and
- (l) has completed all required training prescribed in Part 4 of this code.

Note The retailer must retain records of training and / or determinations of competency for all authorised installers undertaking this activity. These records must be made available to the Administrator on request.

- (2) An authorised installer or authorised installers must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—
 - (a) determining whether an operable existing gas water heater achieves a maximum energy efficiency rating that is below 5 stars when tested and rated to AS/NZS 4552;
 - (b) decommissioning an operable existing gas water heater;
 - (c) installing, commissioning and testing in accordance with the *Water and Sewerage Act 2000* and Plumbing Code of Australia, *Gas Safety Act 2000* and AS/NZS 4552, *Electricity Safety Act 1971* and AS/NZS 3000 a natural gas or liquefied petroleum gas boosted solar water heater;
 - (d) explaining the use, operation and any safety requirements of an installed product; and
 - (e) understanding decommissioning requirements for the activity.

Note Any decommissioned appliance removed from a premises must be recycled in accordance with section 35 of the *Energy Efficiency (Cost of Living) Improvement Eligible Activities Code of Practice 2016*. Any decommissioned appliances that are not recycled must be destroyed during the disposal process.

115 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 3.2 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the premises is a class 1 building; or
 - (d) the premises is a not a class 1 building or a class 10a building and the lessee has obtained building approval for the installation of the solar water heater in accordance with the *Building Act 2004*; and

- (e) the solar water heater can be installed in accordance with the requirements for exemption from development approval in the *Planning and Development Act 2007*; or
- (f) the lessee has obtained development approval for the proposed solar water heater installation; and
- (g) the premises has an existing gas hot water system that does not achieve a minimum energy efficiency rating (star rating) of 5 stars; and
- (h) the roof structure is suitable for supporting the solar water heater or any components of the solar water heater; and
- (i) the roof structure does not contain asbestos; and
- (j) the roof structure allows the solar water heater solar collectors to be orientated within plus or minus 45 degrees from North with an inclination of between 15 and 45 degrees from horizontal.

Note 1 Only solar water heaters fitted to class 1 or class 10a buildings are exempt from needing building approval. Exempt building and building work is provided in the *Building (General) Regulation 2008* accessed at <http://www.legislation.act.gov.au/sl/2008-3/current/pdf/2008-3.pdf>.

Note 2 Section 1.27 of schedule 1 part 1.3 division 1.3.1 of the *Planning and Development Regulation 2008* provides the requirements for solar water heaters to be exempt from requiring development approval. These can be accessed at <http://www.legislation.act.gov.au/sl/2008-2/current/pdf/2008-2.pdf>.

Note 3 Some roof structures will not support a solar water heater system or solar water heater system components because the roof will not have been designed to carry additional loads or due to damage or deterioration of roof components.

Note 4 If the authorised installer is unable to verify the adequacy of the roof structure in supporting the solar water heater or any components of the solar water heater a structural engineer must be consulted prior to starting the installation.

Note 5 Asbestos roofing products are found on many residential and commercial buildings. These materials can become friable with age and pose additional risks requiring management controls beyond the scope of this Code.

116 Minimum activity performance specifications

- (1) The minimum specifications for Activity 3.2 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 3 Part 3.2, section 2 of the eligible activities determination and the provisions in this Part of the code.
- (2) The installed product must meet the installed product requirements Schedule 3 Part 3.2 section 3 of the eligible activities determination and have a minimum manufacturer's warranty of 2 years.
- (3) The installer must determine whether existing shower fittings meet the installed product requirements of activity 3.3 Replace an existing shower fixture outlet with a low flow shower fixture outlet.

- (4) A gas or liquefied petroleum gas boosted solar water heater must be installed in accordance with the *Water and Sewerage Act 2000*, *Gas Safety Act 2000*, Plumbing Code of Australia and *Electricity Safety Act 1971*.
- (5) The authorised installer must test all products after installation to verify the product is correctly installed.

Note 1 Where existing shower fixture outlets do not meet the requirements of activity 3.3 they must be replaced as required by Schedule 2 Part 2.6 of the *Water and Sewerage Regulation 2001* accessed at <http://www.legislation.act.gov.au/sl/2001-2/current/pdf/2001-2.pdf>.

Note 2 Many solar hot water systems are not suitable for use in areas that experience frost conditions. The ACT experiences frost conditions.

117 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 3, Part 3.2 section 5 of the eligible activities determination.

Note The abatement factor is based on rated output heating capacity and star rating as provided in table 3.2 of the *Eligible Activities Determination*.

118 Recording and reporting the decommissioning of a gas or liquefied petroleum gas water heater and installation of a gas or liquefied petroleum gas boosted solar water heater

- (1) Activity 3.2 must be recorded in accordance with the record keeping and reporting code, including but not limited to, recording—
 - (a) the name and model number of the gas or liquefied petroleum gas boosted solar water heater installed; and
 - (b) the capacity of the cylinder of the gas or liquefied petroleum gas boosted solar water heater installed; and
 - (c) the capacity of the gas booster gas or liquefied petroleum gas boosted solar water heater installed; and
 - (d) the number of solar collectors installed; and
 - (e) the name and model number of the solar collectors installed; and
 - (f) the abatement factor for the activity; and
 - (g) the value of services; and
 - (h) the hydraulic certificate of compliance number completed for the work in accordance with the *Water and Sewerage Act 2000*; and
 - (i) the notice number of the notification and certificate of compliance for plumbing and gas work (minor works) and certificate number of any statutory certification for the work or associated work, if applicable; and
 - (j) all required declarations; and

- (k) the date of completion for the activity; and
- (l) all other required specific activity information for Activity 3.2 in section 54 of the record keeping and reporting code.

Part 21 Shower fixture outlet

119 Application of Part 21

This part applies to undertaking Activity 3.3 *Replace an existing shower fixture outlet with a low shower fixture outlet* defined in Schedule 3 Part 3.3 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications, removing a shower fixture outlet or outlets with a flow rate of greater than 9 litres per minute and replacing with a shower fixture outlet or outlets with a flow rate of 9 litres per minute or less.

120 Competency requirements

- (1) Activity 3.3 must be carried out by an authorised installer who—
 - (a) is the holder of a water supply plumber licence issued under the *Construction Occupations (Licensing) Act 2004*; and
 - (b) has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—
 - (a) determining whether an existing shower fixture outlet meets the installed product requirements;
 - (b) determining whether a requirement for a flow rate of 9 litres or less applied at the time an existing shower fixture outlet was, or was likely to have been, installed;
 - (c) removing, installing, commissioning and testing a shower fixture outlet in accordance with the *Water and Sewerage Act 2000* and the Plumbing Code of Australia;
 - (d) assessing whether a shower fixture outlet is incompatible with a water heater or hot water system or interferes with the normal operation of a shower; and
 - (e) explaining the use, operation and any safety requirements of an installed product; and
 - (f) understanding decommissioning requirements for the activity.

121 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 3.3 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and

- (c) the premises has at least one shower fixture outlet that has a maximum flow rate of greater than 9 litres per minute; and
- (d) the shower fixture outlet was not required to have a flow rate of 9 litres or less under the plumbing regulations in force at the time of the installation.

Note 1 On 1 July 2005 new provisions commenced in the *ACT Water and Sewerage Regulation 2001* that all domestic shower fixture outlets installed were required to meet minimum water efficiency standards of 9 litres per minute or less. Shower fixture outlets installed after that time should have a flow rate of no greater than 9 litres per minute.

122 Minimum activity performance specifications

- (1) The minimum specifications for Activity 3.3 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 3 Part 3.3, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements Schedule 3 Part 3.3, section 3 of the eligible activities determination and have a product warranty of a minimum 2 years.
- (3) The installer must test the flow rate of a shower fixture outlet to be replaced to determine its eligibility for replacement.

Note The flow rate of a shower fixture outlet should be measured with a simple bucket test with the water running at a typical showering temperature. Hold a bucket under the running shower for 15 seconds. Measure the quantity of water captured and multiply by 4 to ascertain the per minute flow rate. Water in the bucket should be disposed of on a garden or other sustainable use.

- (4) A shower fixture outlet must be installed and commissioned in accordance with the *Water and Sewerage Act 2000* and using a compliance method that complies with the Plumbing Code of Australia.
- (5) A low flow shower fixture outlet must not be installed where it would be incompatible with the operation of the hot water system installed in the premises or interfere with the normal operation of the shower in which it is installed.

Note 1 Low flow shower fixture outlets are typically not compatible with gravity-fed water heaters as most already have low flow rates. They may also not be compatible with older instantaneous gas water heaters where reduced flow can interfere with the operation of the water heater.

Note 2 Care should be taken in selecting a shower fixture outlet of higher efficiency levels, particularly less than 6 litres per minute. Water delivery at very high efficiency levels may cause discomfort to users of the shower.

Note 3 A low flow shower fixture outlet is required to be installed under Schedule 2 Part 2.6 of the *Water and Sewerage Regulation 2001* when a water heater is replaced. This should mitigate a number of problems that relate to compatibility older water heaters and low flow shower fixture outlets.

- (6) A shower fixture outlet that has a flow rate of 9 litres or less must not be replaced under this activity.

- (7) A replaced shower fixture outlet must be removed from the premises and decommissioned.
- (8) The authorised installer must test all products after installation to verify the product—
- (a) is correctly installed; and
 - (b) does not leak; and
 - (c) is operating correctly at a typical showering temperature.
- (9) If testing of the new shower fixture outlet demonstrates that it causes a failure in the hot water system to heat water to a standard temperature, the installer must reinstall the original shower fixture outlet, or a shower fixture outlet with a similar flow rate and quality to the original showerhead if available, unless a low flow shower fixture outlet is required to be installed under Schedule 2 Part 2.6 of the *Water and Sewerage Regulation 2001*.
- (10) If a low flow shower fixture outlet is required to be installed under Schedule 2 Part 2.6 of the *Water and Sewerage Regulation 2001*, the authorised installer must do or arrange for the work that is necessary to make the installation compliant with that regulation and the Plumbing Code of Australia.

Note If alterations are required to the hot water system to make the installation compliant, the work must be carried out by an appropriately licensed person.

123 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 3, Part 3.3 section 5 of the eligible activities determination.

Note The maximum number of shower fixture outlets that can be claimed per premises is 2.

124 Recording and reporting a low flow shower fixture outlet

- (1) Activity 3.3 must be recorded in accordance with the record keeping and reporting code, including but not limited to, recording—
- (a) water efficiency rating (WELS rated flow rate) when assessed and labelled in accordance with AS/NZS 6400; and
 - (b) the measured flow rate of the original fixture outlet; and
 - (c) the abatement factor for the activity; and
 - (d) the value of services; and
 - (e) the hydraulic certificate of compliance number completed for the work in accordance with the *Water and Sewerage Act 2000*;
 - (f) all required declarations; and
 - (g) the date of completion for the activity; and

- (h) all other required specific activity information for Activity 3.3 in section 54 of the record keeping and reporting code.

Note 1 Certain requirements such as disposal of waste products, or lodgement of statutory certifications, may occur on a date subsequent to the date of installation of a product. All relevant information about the installation of the product should be completed immediately after the installation has been carried out. Information about the disposal of waste products may be recorded at a later time when it is complete.

Note 2 The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification for plumbing work to the consumer.

Part 22 Residential Lighting activities

125 Application of Part 22

This part applies to undertaking Activity 4.1 Lighting activities defined in Schedule 4 Part 4.1 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications, installing one or more of—

- (a) low energy general lighting service (GLS) lamp in place of a mains voltage incandescent GLS lamp of at least 25 watts (tungsten filament type) or 18 watts (tungsten halogen type); or
- (b) low energy reflector lamp in place of a mains voltage incandescent reflector lamp; or
- (c) low energy 12 volt lamp to replace 12 volt halogen; or
- (d) mains voltage low energy downlight fitting in place of existing 12 volt halogen downlight fitting; or
- (e) low energy lamp with a GU10 base in place of existing mains voltage halogen lamp of at least 35 watts with a GU10 base.

126 Competency requirements

- (1) A lighting activity must be carried out by an authorised installer who—
 - (a) has completed all required training prescribed in Part 4 of this code; and
 - (b) where wiring work is involved, the installation is undertaken by a person with an unrestricted electrician licence issued under the *Construction Occupations (Licensing) Act 2004* and a Certificate of Electrical Safety is provided.
- (2) An authorised installer must have the required workplace health and safety training and qualifications. For instance—
 - (a) if working at heights is required, has completed RIIWHS204D *Work safely at heights* or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Work safely at heights” refresher course within the last 3 years; and
 - (b) has completed 10314NAT *Asbestos awareness* or equivalent course; and
 - (c) if entry to a roof cavity is required, has completed RIIWHS202D *Enter and work in confined spaces* or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years.
- (3) An authorised installer must be trained in the physical practice of replacing lamps or luminaires as appropriate to the work the installer will be

undertaking, and have all relevant competencies for the lighting activities including, but not limited to—

- (a) determining if an existing lamp or luminaire meets the existing equipment requirements;
- (b) being familiar with standard terms for lighting products and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) the product output in lumens; and
 - (ii) the product lighting efficacy in lumens/watt; and
 - (iii) the product manufacturer rated hours; and
 - (iv) the power factor of the lamp; and
 - (v) lighting source efficiency; and
 - (vi) colour temperature; and
 - (vii) beam angle; and
- (c) identifying a general lighting services non-reflector lamp, a reflector lamp, or a low energy lamp; and
- (d) for lighting activity 4.1(b), identifying the lamp base of the installed halogen lamp to ascertain as to whether the lamp base is a GU10 or MR16 (4.1(c)). If it is an eligible 240V GU10 halogen lamp, replacing it with approved replacement equipment (installed product); and
- (e) for lighting activity 4.1(c), only replacing the existing equipment (halogen MR16 lamp base) if he/she is a person with, or is an apprentice directly supervised by a person with, an unrestricted electrical licence issued under the *Construction Occupations (Licensing) Act 2004*; and
- (f) prior to installation, the person with an unrestricted electrical licence issued under the *Construction Occupation (Licensing) Act 2004* will need to—
 - (i) verify compatibility with pre-existing halogen transformer;
 - (ii) verify compatibility with any fitted dimmer switch, timer, motion sensor, daylight switch or other automated switch or control; and
 - (iii) ensure that pre-existing luminaire is not connected to dangerous or non-compliant wiring before proceeding with safe installation of replacement equipment (installed product); and
- (g) selecting an appropriate lamp for particular types of luminaire including assessing—
 - (i) whether a lamp or luminaire is incompatible with a particular luminaire or circuit, and
 - (ii) determining an equivalent light output to a replaced lamp (existing equipment); and
- (h) installing and testing for correct operation of the product; and
- (i) understanding the requirements for electrical wiring work in the ACT; and

- (j) explaining the use, operation and any safety requirements of an installed product; and
- (k) replacing existing equipment that is in working order immediately prior to removal. The obligated party must not claim abatement or pass-on associated costs for replacing lamps that are not in working order at the time of installation. They may however invoice the end user separately and keep that transaction outside of the scheme.

127 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 4.1 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the premises has at least one lamp or luminaire that does not meet the requirements of a replacement equipment (installed product); and
 - (d) a compliant lamp or luminaire can be installed in accordance with the minimum activity performance specifications in this Part.

128 Minimum activity performance specifications

- (1) The minimum specifications for Activity 4.1 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 4 Part 4.1, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements Schedule 4 Part 4.1, section 3 of the eligible activities and have a minimum product warranty of 2 years.

Note The installed product must meet all product safety requirements including those for prescribed articles under electricity safety legislation, if applicable.

- (3) An authorised installer must physically install all products for this activity.
- (4) Authorised installers must use best endeavours to first target high usage lighting for installation of products.
- (5) Installed lamps and luminaires must exhibit maintained light output of at least those of the replaced lamps or existing luminaires (existing equipment), except for situations where the existing equipment provides excessive lighting.
- (6) Authorised installers must not replace lamps that are already low energy (CFL/LED) lamps.
- (7) Where replacing a lamp, the authorised installers must remove the replaced inefficient lamp and take away for decommissioning and appropriate disposal.

- (8) If a luminaire is being replaced, a low energy lamp must be installed in the new luminaire.
- (9) No work is to be performed on any luminaire that is not securely fixed to the ceiling or surface material, has any exposed wiring or that appears unsafe.
- (10) An authorised installer who does not hold an appropriate class of electrician licence must not attempt to repair a broken or damaged luminaire or remove a lamp stuck in a luminaire and must advise the consumer that they should seek the advice or assistance of a licensed electrician.

Note If the installer does not hold an electrician's licence then she or he must not perform any wiring work including to repair the luminaire or have physical contact with any transformer/voltage converter. Other than for a simple exchange of lamps for an existing luminaire as detailed in Clause 125 (a) and (b) the installation will require a licensed electrician.

- (11) Electrical wiring work must be carried out in accordance with the *Electricity Safety Act 1971* and AS/NZS 3000.

Note Electrical wiring work must only be undertaken by a person that holds an appropriate class of electrician licence.

- (12) When replacing a lamp under Clause 125 (c) or (d), the lighting circuit must be turned off at the customer meter board and a danger tag/lock attached to the meter. If entry to a roof cavity is required, the mains power must be turned off at the customer meter board and a danger tag/lock attached to the meter.
- (13) When replacing a lamp under Clause 125 (c), a sample of the existing halogen fittings must be checked to ascertain if insulation is encroaching or covering the fitting.
- (14) When replacing a lamp under Clause 125 (c) or (d), a sample of existing halogen fittings must be checked to ascertain if the wiring is compliant.
- (15) When replacing a lamp under Clause 125 (c), the installed lamp must be compatible with the pre-existing halogen transformer or voltage converter used with the replaced halogen lamp.
- (16) When replacing a lamp under Clause 125 (c) the existing transformer must also be checked to confirm it has a regulatory compliance mark (RCM) or approval number issued by the electrical safety regulator.
- (17) If the safety check identifies any areas of non-compliance the customer must be advised they will need to contact a person with an unrestricted electrical licence issued under the *Constructions Occupation (Licensing) Act 2004* to rectify the area of non-compliance.
- (18) If the safety check identifies any areas of electrical danger, any installation must not be undertaken and the ACT Electrical Inspectorate must be notified via email at electrical.inspections@act.gov.au.

- (19) Once all lamps are replaced under Clause 125 (c) and (d), a person with an unrestricted electrical licence issued under the *Constructions Occupation (Licensing) Act 2004* will remove the danger tag/lock from the meter, turn on lighting circuit at the customer meter board, check all lamps are working and ensure the customer is satisfied with the light output/colour/design.
- (20) A lamp must not be installed or connected to a dimmer switch, timer, motion sensor, daylight switch or other automated switch or control, unless specified by the manufacturer as being compatible with such a device.
- (21) A lamp or luminaire (existing equipment) that complies with the relevant replacement product requirements must not be replaced under this activity.
- (22) Spare replacement lamps must not be left with the resident or business owner.
- (23) The authorised installer must test all replacement products after installation to verify the product—
- (a) is correctly installed; and
 - (b) for a lamp, the lamp is operating correctly in the luminaire and circuit it is installed in; and
 - (c) for a luminaire, the luminaire is operating correctly in the circuit it is installed in; and
 - (d) does not interfere with the normal operation of the lighting installation or the circuit.
- Note* This includes if the dimmer switch, sensor or other functionality is operating correctly.
- (24) The installer must inform the consumer about the operation of the product and any safety requirements.
- (25) Replaced lamps (existing equipment), transformers and luminaires that are replaced must be removed from the premises and appropriately decommissioned.
- (26) A Certificate of Electrical Safety is not required for this activity but the approved installation process must be strictly followed.

129 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 4, Part 4.1 section 5 of the eligible activities determination.

Note The activity abatement values may not be the same for each type of product or model installed in a premises. Multiple calculations may be required to determine the total abatement factor for the activity.

130 Recording and reporting residential lighting activities

- (1) Activity 4.1 must be recorded in accordance with the record keeping and reporting code, including but not limited to, recording—

- (a) the type of lighting activity being one of the five lighting activities provided in the lighting activity definition schedule 4 part 4.1 of the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016* ; and
- (b) for a replacement luminaire and any electrical wiring work, the number of the relevant certificate of electrical safety completed for the work in accordance with the *Electricity Safety Act 1971*; and
- (c) the abatement factor for the activity; and
- (d) the value of services; and
- (e) all required declarations; and
- (f) the date of completion for the activity; and
- (g) all other the required specific activity information for Activity 4.1 in section 54 of the record keeping and reporting code.

Note 1 The five types of lighting activity referenced in 125 (1)(a) refer to the five lighting activities provided in the lighting activity definition schedule 4 part 4.1 of the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016*

Note 2 Certain requirements such as disposal of waste products, or lodgement of statutory certifications, may occur on a date subsequent to the date of installation of a product. All relevant information about the installation of the product should be completed immediately after the installation has been carried out. Information about the disposal of waste products may be recorded at a later time when it is complete.

Note 3 The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing information and required documents to the consumer.

Part 23 Commercial Lighting Upgrade Activities

131 Application of Part 23

This part applies to undertaking Activity 4.2 Commercial Lighting Upgrade as defined in Schedule 4 Part 4.2 of the eligible activities determination.

132 Competency requirements

- (1) A commercial lighting upgrade shall be carried out by an authorised installer(s) who—
 - (a) has completed all required training prescribed in Part 4 of this code; and
 - (b) is a licensed ACT electrician; and
 - (c) holds a General Construction Induction Card.

- (2) The authorised installer must have the required workplace health and safety training and qualifications. For instance—
 - (a) if working at heights is required, has completed RIIWHS204D *Work safely at heights* or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Work safely at heights” refresher course within the last 3 years; and
 - (b) has completed 10314NAT *Asbestos awareness* or equivalent course; and
 - (c) if entry to a roof cavity is required, has completed RIIWHS202D *Enter and work in confined spaces* or an equivalent preceding unit of competency, either completed within the last 3 years or have obtained a Certificate of Attendance for an “Enter and work in confined spaces” refresher course within the last 3 years.

- (3) An authorised installer shall be trained in the physical practice of replacing lighting equipment as appropriate for the work to be undertaken, and have all relevant competencies for the work, including but not limited to—
 - (a) being familiar with standard terminology for lighting products; and
 - (b) being able to accurately identify the existing lighting equipment, as required to complete activity records and perform abatement factors calculations; and
 - (c) being able to locate product information for the new lighting equipment, as required to complete activity records and perform abatement factors calculations; and
 - (d) providing information to consumers regarding the new lighting equipment, including for—
 - (i) its operation and any safety requirements; and

- (ii) light output in lumens; and
 - (iii) rated manufacturer's lifetime; and
 - (iv) colour temperature and colour rendering; and
 - (v) expected glare; and
 - (vi) expected changes in performance over time; and
 - (vii) resultant long-term illumination levels and uniformity of illuminance; and
- (e) installing, commissioning and testing for correct operation of the new energy efficient lighting equipment which reduces electricity consumption without reducing service levels below levels required under AS/NZS 1680.
- (4) All authorised installers must receive effective training in modified light emitting diode (LED) linear tube upgrade, before undertaking modified LED linear tube installations.
- (5) Where the consumer is a small electricity customer, the commercial lighting upgrade shall be implemented by persons who are suitably trained and experienced in installing energy efficient commercial lighting systems which satisfy the consumer with regard to the colour temperature, colour rendering, glare, long term illumination levels and uniformity of illuminance.

Note A small electricity customer uses less than 160 MWh per annum per National Meter Identifier in the 12 months prior to upgrade.

- (6) Where the consumer is a large electricity customer, the commercial lighting upgrade shall be designed by persons who are suitably trained and experienced in designing a commercial lighting system with regard to the long term illumination levels, uniformity of illuminance, colour, glare and all necessary knowledge and skills to meet the requirements of the following—
- (a) AS/NZS 1680; and
 - (b) the Building Code of Australia (BCA) section F4.4, Safe Movement; and
 - (c) ensure an Illumination Power Density that equals or is less than the maximum Illumination Power Density for each space, as defined in Part J6 of the BCA; and
 - (d) where applicable, AS 2293 Emergency escape lighting and exit signs for buildings.

Note A large electricity customer uses more than 160 MWh per annum per National Meter Identifier in the 12 months prior to upgrade.

Note For further explanation see NSW Energy Saving Scheme (ESS) Commercial Lighting Method Guide – 3.8.2 Performance requirements for upgrades of building lighting.
http://www.ess.nsw.gov.au/Methods_for_calculating_energy_savings/Commercial_Lighting

Note For a list of relevant standards for commercial lighting energy efficiency improvements in the AS/NZS 1680 series see NSW ESS Commercial Lighting Method Guide – Appendix B
http://www.ess.nsw.gov.au/Methods_for_calculating_energy_savings/Commercial_Lighting

133 **Determining eligibility of premises**

- (1) A premises is an eligible premises for Activity 4.2 if—
 - (a) the premises is a business premises as defined in the eligible activities determination; and
 - (b) the premises is a building that is classified under the Building Code of Australia as either Class 3, 5, 6, 7, 8, 9, 10 or the Common Areas of Class 2; and

Note For detailed explanation of Classes 3-10 in the BCA see NSW ESS Commercial Lighting Method Guide – Appendix A
http://www.ess.nsw.gov.au/Methods_for_calculating_energy_savings/Commercial_Lighting

- (c) the existing lighting equipment is in working order immediately prior to removal and has not previously been installed as part of a commercial lighting upgrade activity; and
- (d) the new lighting equipment will result in a reduction in the consumption of electricity compared to what would have otherwise been consumed without reducing service levels below pre-upgrade levels.

134 **Minimum activity performance specifications**

- (1) The minimum specifications for Activity 4.2 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 4 Part 4.2, section 2 of the eligible activities determination and the provisions in this Part of this code.
 - (2) The new lighting equipment shall meet the installed product requirements Schedule 4 Part 4.2, section 3 of the eligible activities and have a minimum product warranty of 2 years.
 - (3) Energy efficiency upgrades must reduce electricity consumption without reducing service levels below pre-upgrade levels.
 - (4) Lighting shall be fully de-energised before any work commences.
 - (5) An authorised installer shall physically install all new lighting equipment for this activity.
 - (6) Electrical wiring work must be carried out in accordance with the *ACT Electricity Safety Act 1971* as well as AS/NZS 3000.
- Note* Under the AS/NZS 3000, where there is electrical wiring work to be done, it is a requirement to install a Residual Current Detector (RCD), if no RCD is currently being used.
- (7) Where electrical wiring work is involved the authorised installer must provide a Certificate of Electrical Safety.
 - (8) No work is to be performed on any equipment that has any exposed wiring or that appears unsafe, unless it is made safe by a licensed electrician. If any

areas of electrical danger persist, installation shall not be undertaken and the ACT Electrical Inspectorate shall be notified.

Note The ACT Electrical Inspectorate can be notified via email at electrical.inspections@act.gov.au

- (9) New lighting equipment must not be installed or connected to a dimmer switch, timer, motion sensor, daylight switch or other automated switch or control, unless specified by the manufacturer as being compatible with such a device.
- (10) The installer must check that all new lighting equipment is working correctly.
- (11) The installer must inform the consumer about the operation of the product and any safety requirements.
- (12) The installer must demonstrate that the consumer is satisfied with the light levels, colour temperature, glare and control regime, as well as the overall lighting design. The installer shall not compromise long-term illumination levels and uniformity of illuminance and these shall meet or exceed pre-existing levels, unless otherwise agreed to by the consumer.
- (13) Commercial lighting upgrades for large electricity users shall also meet the relevant requirements of the following—
 - (a) AS/NZS 1680; and
 - (b) the BCA section F4.4, Safe Movement; and
 - (c) ensure an Illumination Power Density that equals or is less than the maximum Illumination Power Density for each space, as defined in Part J6 of the BCA; and
 - (d) where applicable, the relevant requirements of AS 2293 Emergency escape lighting and exit signs for buildings.

Note The upper consumption threshold for large electricity users is more than 160 MWh per annum per National Meter Identifier in the 12 months prior to upgrade.

- (14) Where the new lighting equipment has not been installed to the demonstrated satisfaction of the consumer, the installer shall replace any components of the equipment that are causing the dissatisfaction, at no expense to the recipient. Such a request shall be acted upon if made within 20 business days of the installation of the new lighting equipment.

135 Decommissioning and waste disposal

- (1) Existing lighting equipment must be decommissioned and removed for appropriate disposal.
- (2) Lamp waste from the scheme must not be aggregated or mixed with lamp waste from other accounts or contracts not a part of the scheme.

- (3) Where fluorescent lamps containing mercury are broken during installation or fail under warranty, the lamps must be tracked and discarded in accordance with legal Environment Protection Authority (EPA) requirements as “trackable” waste.

Note Contact the ACT Government’s EPA via Access Canberra for more information on the requirements for trackable waste.

- (4) Fluorescent lamps must be recycled.

- (5) Lamp waste must be weighed and have “Destruction Certification” or “Recycling Certification” issued for disposal.

- (6) Incandescent (including halogen) lamp waste must not be aggregated with fluorescent lamp waste and must be weighed and certified separately. If the tax invoices show “mixed” or “CFL” or “fluorescent” then the abatement for that activity cannot be claimed.

- (7) The Destruction Certification or Recycling Certification must match the Weighbridge Certificate.

136 Calculation of abatement factor

For Activity 4.2, the abatement factor shall be calculated in accordance with Schedule 4, Part 4.2 section 5 of the eligible activities determination.

137 Record and Reporting commercial lighting activities

Activity 4.2 must be recorded and reported in accordance with the record keeping and reporting code of practice in force at the time the activity was undertaken.

Part 24 Decommissioning and disposal of refrigerator or freezer

138 Application of Part 24

This part applies to undertaking Activity 5.1 Decommissioning and disposal of refrigerator or freezer defined in Schedule 5 Part 5.1 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, dispose and decommission one or more of—

- (a) a 1-door refrigerator or freezer in working order; or
- (b) a 2-door refrigerator or freezer in working order.

139 Competency requirements

- (1) Activity 5.1 must be carried out by an authorised installer who is a licensed technician for decommissioning a refrigerator or freezer to remove refrigerant gases with the Australian Refrigeration Council.
- (2) An authorised installer must be proficient in all relevant competencies required for undertaking the activity including, but not limited to—
 - (a) determining if a refrigerator or freezer disposed of under this part meets the minimum activity performance specifications; and
 - (b) decommissioning a refrigerator or freezer in accordance with the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth); and
 - (c) disposing of scheduled substances within the meaning and in accordance with the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth.)

Note Only a licensed technician or authorised business can decommission a refrigerator or freezer to remove the refrigerant gasses they contain. These refrigerant gases are often potent greenhouse gases; many will also deplete the ozone layer. Licences are issued and administered by the Australian Refrigeration Council (ARC.)

- (3) Activity 5.1 must be carried out by an authorised installer who has completed all required training in prescribed in Part 4 of this code.

140 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 5.5 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination.

141 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.1 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.

142 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.1 section 4 of the eligible activities determination.

143 Recording and reporting the decommissioning and disposal of a refrigerator or freezer

- (1) Activity 5.1 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
- (a) the abatement factor for the activity; and
 - (b) the value of services; and
 - (c) a completed installer declaration; and
 - (d) the date of completion for the activity and
 - (e) documentary records demonstrating transfer and destruction or transfer and recycling of scheduled substances in accordance with the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth.) and
 - (f) all other required specific activity information for Activity 5.1 in section 54 of the record keeping and reporting code.

Note The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 25 Purchase of high efficiency refrigerator or freezer

144 Application of Part 25

This part applies to undertaking Activity 5.2 Purchase of high efficiency refrigerator or freezer defined in Schedule 5 Part 5.2 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, purchase for installation in a premises a high efficiency—

- (a) single door refrigerator; or
- (b) two door refrigerator; or
- (c) chest freezer; or
- (d) upright freezer.

145 Competency requirements

- (1) A high efficiency refrigerator or freezer purchased under this part must be sold by an authorised seller who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised seller must also be trained in the other relevant competencies for undertaking the activity, including, but not limited to—
 - (a) understanding the difference between eligible high efficiency refrigerators and freezers and other refrigerators and freezers
 - (b) being familiar with standard terms and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) minimum size of eligible refrigerators and freezers
 - (ii) maximum size of eligible refrigerators and freezers
 - (iii) minimum star rating index of eligible refrigerators and freezers as determined in accordance with AS/NZS 4474.2
 - (iv) determining whether products are on any product register for the activity.

146 Determining eligibility of premises

- (1) A premises is an eligible residential premises or commercial premises for activity 5.2 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the product or products are purchased by a resident of the ACT

Note The retailer can determine purchaser eligibility with a signed declaration from a purchaser that demonstrates their eligibility. A retailer is not required to sight photographic ID or rates notices.

147 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.2 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.
- (2) The installed product must meet the installed product requirements Schedule 5 Part 5.2, section 3 of the eligible activities determination activities and have a minimum warranty period of 2 years.

148 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.2 section 5 of the eligible activities determination.

Note The abatement factor can be calculated for each eligible refrigerator and freezer sold by a retailer prior to any sales.

149 Recording and reporting the purchase of a high efficiency refrigerator or freezer

- (1) Activity 5.2 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
 - (a) the abatement factor for the activity; and
 - (b) the value of services; and
 - (c) a completed seller declaration; and
 - (d) the date of completion for the activity and
 - (e) all other required specific activity information for Activity 5.2 in section 54 of the record keeping and reporting code.

Note The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 26 Purchase of high efficiency electric clothes dryer

150 Application of Part 26

This part applies to undertaking Activity 5.3 Purchase of high efficiency electric clothes dryer defined in Schedule 5 Part 5.3 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, purchase for installation in a premises a high efficiency electric clothes dryer.

151 Competency requirements

- (1) A high efficiency electric clothes dryer purchased under this part must be sold by an authorised seller who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised seller must also be trained in the other relevant competencies for undertaking the activity, including, but not limited to—
 - (a) understanding the difference between eligible high efficiency electric clothes dryers and other electric clothes dryers
 - (b) being familiar with standard terms and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) determining that an eligible electric clothes dryer is not part of a combination clothes washer;
 - (ii) determining that an eligible electric clothes dryer is registered for energy labelling in accordance with AS/NZS 2442.2;
 - (iii) determining that an eligible electric clothes dryer achieves a minimum energy efficiency rating of 5 stars when tested in accordance with AS/NZS 2442.2;
 - (iv) determining whether products are on any product register for the activity.

152 Determining eligibility of premises

- (1) A premises is an eligible residential premises or commercial premises for activity 5.4 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the product or products are purchased by a resident of the ACT

Note The retailer can determine purchaser eligibility with a signed declaration from a purchaser that demonstrates their eligibility. A retailer is not required to sight photographic ID or rates notices.

153 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.3 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.
- (2) The installed product must meet the installed product requirements Schedule 5 Part 5.3, section 3 of the eligible activities determination activities and have a minimum warranty period of 2 years.

154 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.3 section 5 of the eligible activities determination.

Note The abatement factor can be calculated for each eligible electric clothes dryer sold by a retailer prior to any sales.

155 Recording and reporting the purchase of a high efficiency electric clothes dryer

- (1) Activity 5.3 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
 - (a) the abatement factor for the activity; and
 - (b) the value of services; and
 - (c) a completed seller declaration; and
 - (d) the date of completion for the activity; and
 - (e) all other required specific activity information for Activity 5.3 in section 54 of the record keeping and reporting code.

Note The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 27 Install a standby power controller

156 Application of Part 27

This part applies to undertaking Activity 5.4 Install a standby power controller defined in Schedule 5 Part 5.4 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications, installing one or more standby power controllers in a premises for—

- (a) an information technology environment; or
- (b) an audio visual environment.

157 Competency requirements

- (1) Activity 5.4 must be carried out by an authorised installer who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised installer must also be trained in the other relevant competencies for undertaking the activity including, but not limited to—
 - (a) understanding the difference between an audio visual and information technology environment; and
 - (b) being familiar with standard terms and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) Off Mode; and
 - (ii) Active State; and
 - (iii) standby power consumption; and
 - (iv) master and slave or controlled appliances; and
 - (c) identifying an audio visual and information technology standby power controller; and
 - (d) identifying appropriate master and controlled appliances for an audio visual and information technology standby power controller; and
 - (e) identifying when a standby power controller relies on sensing infra-red signals from the remote controls of controlled appliances to operate; and
 - (f) understanding and explaining the meaning and function of surge protection in relation to a standby power controller determine whether a standby power controller has inbuilt surge protection; and
 - (g) identifying and explaining a reduction in surge protection in relation to an existing product to be replaced; and
 - (h) assessing a socket outlet for suitability for a standby power controller to be installed; and
 - (i) installing and testing for correct operation of the product; and
 - (j) understanding the definition and licensing requirements for electrical wiring work in the ACT; and

- (k) explaining and demonstrating the use and operation and any safety requirements of an installed product; and
- (l) explaining any safety requirements of an installed product.

158 Determining eligibility of premises

- (1) A premises is an eligible premises for Activity 5.4 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the premises has a sufficient number of appliances that are not connected to a standby power controller to meet the activity requirements; and
 - (d) an existing compliant standby power controller that could be used for the appliances is not installed in the premises; and
 - (e) a compliant standby power controller can be installed in accordance with the minimum activity performance specifications in this Part.

159 Minimum activity performance specifications

- (1) The minimum specifications for Activity 5.4 to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.4, section 2 of the eligible activities determination and the provisions in this Part of this code.
- (2) The installed product must meet the installed product requirements in Schedule 5 Part 5.4, section 3 of the eligible activities activities and have a minimum warranty period of 2 years.
- (3) The product register for this activity is the Victorian Energy Efficiency Target product register of standby power controllers held by the Essential Services Commission of Victoria.
- (4) The presence of a product on the product register can be confirmed by—
 - (a) an official approval letter issued by the Essential Services Commission of Victoria under the *Victorian Energy Efficiency Target Regulations 2008*; or
 - (b) the presence of the product on a register, or subset of information from the register, made available to the retailer by the Essential Services Commission of Victoria; or
 - (c) the administrator on request by a retailer.

- (5) Before a standby power controller is installed, the installer must—
- (a) inform the consumer if the device has inbuilt surge protection; and
 - (b) if the standby power controller is replacing a powerboard that has inbuilt surge protection—
 - (i) inform the consumer of any reduction in surge protection in relation to an existing powerboard; and
 - (ii) explain the implications of the reduction in surge protection to the consumer; and
 - (c) explain how master and controlled appliances work while connected to a standby power controller; and
 - (d) obtain the informed consent of the consumer to install the product.
- (6) The installer must select the appropriate product type for an information technology or audio visual environment.
- (7) Only information technology devices can be connected to a standby power controller for an information technology environment.

Examples of information technology controlled appliances

Laptop Computer
Desktop Computer
Printer
Router
Fax
Scanner
Photocopier
Speakers
Modem
Monitor
Gaming Controller
External Hard drive

- (8) Only audio visual devices can be connected to a standby power controller for an audio visual environment.

Examples of audio visual controlled appliances

TV
Projector
Set Top Box
VCR
Audio Department
Gaming System
Pay TV Device
Blue Ray Player
DVD Player
Gaming Accessories
Surround Sound
Stereo

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (9) The installer must use best endeavours to first target high usage appliances for connection to the standby power controller.
- (10) The standby power controller must be connected to—
- (a) a standard wall socket outlet; or
 - (b) if it is not practical to connect to a standard wall socket outlet, an extension cord.
- Note* Heavy or bulky furniture may prevent the standby power controller being installed or accessed for connecting appliances. In such cases an extension cord may be used to connect the standby power controller to a wall socket outlet.
- (11) The standby power controller must not be connected to a socket outlet that is not fixed to the wall, has any exposed wiring or that appears unsafe.
- (12) An authorised installer who does not hold an appropriate class of electrician licence must not attempt to repair a broken or damaged socket outlet or fix a socket outlet to a wall and must advise the consumer that they should seek the advice or assistance of a licensed electrician.
- Note* If the installer does not hold an electrician's licence then she or he must not perform any wiring work including to repair the fitting. Other than for a simple plug in of the standby power controller, any work on the socket outlet will require a licensed electrician.
- (13) Master appliances must be connected to the correct outlet of the standby power controller.
- Note* The master appliance in the audio visual (AV) environment is the television. For the information technology (IT) environment, the master appliance is a computer.
- (14) The minimum number of controlled appliances prescribed in the eligible activities determination must be connected to the standby power controller.
- Note* A standby controller in an information technology or an audio visual environment must be connected to at least 2 controlled appliances at the time of installation.
- (15) A recording device must not be plugged into the standby power controller unless the installer has confirmed that consumer understands the implications of the device being a controlled appliance and agrees to it being connected.
- Note* If a consumer does not agree to the device being connected as a controlled appliance it should be connected to another socket outlet or an uncontrolled outlet on the standby power controller, if available.
- (16) The consumer must be informed of the minimum warranty period for the installed product and provided with a copy of warranty documents.
- (17) A standby power controller that complies with the installed product requirements must not be replaced under this activity.
- (18) The installer must provide a demonstration of the functionality of the standby power controller to the consumer.
- (19) The consumer must be provided with—
- (a) adequate instruction on the working of the product;

- (b) the printed factsheet on standby power controllers approved by the administrator and provided to retailers; and
 - (c) printed instructions on the specific product installed; and
 - (d) details of customer support the retailer will provide to the consumer for the product.
- (20) The authorised installer must test all products after installation to verify the product—
- (a) is correctly installed; and
 - (b) is operating correctly; and
 - (c) is not interfering with the normal operation of controlled appliances when the master appliance is in an Active State.

160 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.4 section 5 of the eligible activities determination.
- (2) If a product has been assigned a specific abatement factor by the Essential Services Commission of Victoria, the custom abatement factor must be multiplied by 0.8 to calculate the abatement factor for the activity under the Act.
- (3) An assigned specific abatement factor provided by the Essential Services Commission of Victoria at the start of a compliance period is the abatement factor for that activity until the end of the compliance period.

Examples of custom abatement factor calculation

A product was assigned an abatement factor of 3.56 tonnes CO₂-e by the Essential Services Commission of Victoria. To calculate the ACT abatement factor for this product the calculation is $0.8 \times 3.56 = 2.848$ tonnes CO₂-e.

Note 1 While higher abatement factors apply under the Scheme, to account for the lower emissions intensity of the electricity supply in the ACT relative to Victoria, the abatement factor applicable to the Victorian Energy Efficiency Target (VEET) Scheme needs to be multiplied by a factor of 0.8.

Note 2 If a custom abatement factor provided by the Essential Services Commission for a standby power controller is changed part way through a compliance period the abatement factor for the remainder of the compliance period is the abatement factor that applied at the start of the compliance period.

161 Recording and reporting standby power controllers

- (1) Activity 5.4 must be recorded in accordance with the record keeping and reporting code, including but not limited to, recording
 - (a) the required specific activity information for Activity 5.4 in section 54 of the record keeping and reporting code including
 - (b) the type of standby power controller being one of— audio visual (AV) or information technology (IT);
 - (c) a description of the master appliance, and the number and type of controlled appliances connected; and
 - (d) the abatement factor for the activity; and
 - (e) whether the product has inbuilt surge protection; and
 - (f) the value of services; and
 - (g) all required declarations; and
 - (h) the date of completion for the activity.

Note 1 Certain requirements such as disposal of waste products, or lodgement of statutory certifications, may occur on a date subsequent to the date of installation of a product. All relevant information about the installation of the product should be completed immediately after the installation has been carried out. Information about the disposal of waste products may be recorded at a later time when it is complete.

Note 2 The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing information on the use of the device to the consumer.

Part 28 Purchase of high efficiency television

162 Application of Part 28

This part applies to undertaking Activity 5.5 Purchase of high efficiency television defined in Schedule 5 Part 5.5 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, purchase for installation in a premises a high efficiency television.

163 Competency requirements

- (1) A high efficiency television purchased under this part must be sold by an authorised seller who has completed all required training prescribed in Part 4 of this code.
- (2) An authorised seller must also be trained in the other relevant competencies for undertaking the activity, including, but not limited to—
 - (a) understanding the difference between eligible high efficiency televisions and other televisions
 - (b) being familiar with standard terms and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) determining that a television is registered for energy labelling in accordance with AS/NZS 62087.2.2;
 - (ii) determining that a television has a minimum star rating of 5.5 stars as determined in accordance with AS/NZS 62087.2.2;
 - (iii) determining that comparative energy consumption of a television does not exceed 450 kWh/y.

164 Determining eligibility of premises

- (1) A premises is an eligible residential premises or commercial premises for activity 5.5 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination; and
 - (c) the product or products are purchased by a resident of the ACT

Note The retailer can determine purchaser eligibility with a signed declaration from a purchaser that demonstrates their eligibility. A retailer is not required to sight photographic ID or rates notices.

165 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.5 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.
- (2) The installed product must meet the installed product requirements Schedule 5 Part 5.5, section 3 of the eligible activities determination activities and have a minimum warranty period of 2 years.

166 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.5 section 5 of the eligible activities determination.

Note The abatement factor can be calculated for each eligible television sold by a retailer prior to any sales.

167 Recording and reporting the purchase of a high efficiency television

- (1) Activity 5.5 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
 - (a) the abatement factor for the activity; and
 - (b) the value of services; and
 - (c) a completed seller declaration; and
 - (d) the date of completion for the activity and
 - (e) all other required specific activity information for Activity 5.5 in section 54 of the record keeping and reporting code.

Note The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 29 Installation of a high efficiency swimming pool pump

168 Application of Part 29

This part applies to undertaking Activity 5.6 Installation of a high efficiency swimming pool pump defined in Schedule 5 Part 5.6 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, installing in a swimming pool or spa in a premises a high efficiency pool pump with a minimum energy efficiency rating (*star rating*) of 6.0.

169 Competency requirements

(1) Activity 5.6 must be carried out by an authorised installer who—

- (i) is the holder of an electrician's licence that is an unrestricted licence issued under the *Construction Occupations (Licensing) Act 2004*; and
- (ii) is the holder of a General Construction Induction card; and
- (iii) has completed all required training prescribed in part 4 of this code; and
- (iv) is an authorised installer for activity 5.6 Install a high efficiency swimming pool pump.

(2) An authorised installer must also be trained in the other relevant competencies for undertaking the activity, including, but not limited to—

- (i) determining that a pool pump is a single phase, single speed, dual speed, multiple speed or variable speed pump unit with an input power of not less than 100W and not more than 1500W when tested in accordance with AS 5102.1;
- (ii) determining that a pool pump is listed as part of a labelling scheme determined in accordance with the Equipment Energy Efficiency (E3) Committee's Voluntary Energy rating Labelling Program for Swimming Pool Pump-units: Rules for Participation, April 2010, and achieves a minimum energy efficiency rating of 3 stars when determined in accordance with AS 5102.2;
- (iii) determining that a pool pump is registered for energy labelling and achieves a minimum 3 star rating when determined in accordance with AS 5102.2;
- (iv) installing, commissioning and testing a high efficiency swimming pool pump in accordance with the *Electricity Safety Act 1971* and AS/NZS 3000; and
- (v) explaining the use, operation and safety requirements of an installed product.

170 Determining eligibility of premises

- (1) A premises is an eligible residential premises or commercial premises for activity 5.6 if—
 - (a) the premises is a residential premises as defined in the eligible activities determination; or
 - (b) the premises is a business premises as defined in the eligible activities determination.

171 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.6 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.
- (2) The installed product must meet the installed product requirements Schedule 5 Part 5.6, section 3 of the eligible activities determination activities and have a minimum warranty period of 2 years.
- (3) A high efficiency swimming pool pump must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS/NZS 3000.

172 Calculation of abatement factor

- (1) The abatement factor must be calculated in accordance with Schedule 5, Part 5.6 section 5 of the eligible activities determination.

Note The abatement factor can be calculated for each high efficiency swimming pool pump sold by a retailer prior to any sales.

173 Recording and reporting the installation of a high efficiency swimming pool pump

- (1) Activity 5.6 must be recorded in accordance with the record keeping and reporting code, including but not limited to—
 - (a) the name and model number of the high efficiency swimming pool pump installed; and
 - (b) the submission date of the Certificate of Electrical Safety; and
 - (c) the abatement factor for the activity; and
 - (d) the value of services; and
 - (e) a completed seller declaration; and
 - (f) the date of completion for the activity and
 - (g) all other required specific activity information for Activity 5.6 in section 54 of the record keeping and reporting code.

Note The activity is not taken to be completed until the day all prescribed activity requirements are completed. This includes providing copies of any relevant certification or other document to the consumer.

Part 30 Installation of a high efficiency refrigerated display cabinet

174 Application of Part 30

This part applies to undertaking Activity 5.7 Installation of a high efficiency refrigerated display cabinet defined in Schedule 5 Part 5.7 of the eligible activities determination as—

in accordance with the prescribed minimum activity performance specifications in section 2 of this part, installing a refrigerated display cabinet that is rated as 'high efficiency' within the meaning of the AS 1731 series of standards.

175 Competency requirements

- (1) Activity 5.7 must be carried out by an authorised installer who—
 - (a) is a licensed electrician; and
 - (b) is the holder of a General Construction Induction card; and
 - (c) where refrigerant gases are required to be installed and/or recovered, is a licensed technician for the handling of refrigerant gases with the Australian Refrigeration Council (Licence Type: RAC01); and
 - (d) where installing Remote Type Refrigerated Display Cabinets, is a licensed technician for the handling of refrigerant gases with the Australian Refrigeration Council (Licence Type: RAC01); and
 - (e) has completed all required training prescribed in part 4 of this code.
- (2) An authorised installer must also be trained in the other relevant competencies for undertaking the activity, including, but not limited to—
 - (a) understanding the difference between eligible high efficiency refrigerated display cabinets and other refrigerated display cabinets; and
 - (b) being familiar with standard terms and able to locate product information for a product as required to complete activity records, abatement factors calculations and provide information to consumers, including for—
 - (i) determining the refrigerated display cabinet type and sub-class as defined in the AS 1731 series of standards; and
 - (ii) determining the refrigerated display cabinet total display area (TDA) as defined in the AS 1731 series of standards; and
 - (iii) determining the refrigerated display cabinets M-package temperature class as defined in the AS 1731 series of standards; and
 - (iv) determining whether products are on any product register for the activity; and
 - (c) installing, commissioning and testing refrigerated display cabinet in accordance with the *Electricity Safety Act 1971* and AS/NZS 3000; and
 - (d) providing a test report for systems as defined in the AS 1731 series of standards; and

- (e) explaining the use, operation and safety requirements of an installed product.

176 Determining eligibility of premises

A premises is an eligible premises for activity 5.7 if it is a business premises as defined in the eligible activities determination.

177 Minimum activity performance specifications

- (1) The minimum specifications for activities under this part to be a compliant eligible activity are the minimum activity performance specifications in Schedule 5 Part 5.7 section 2 of the eligible activities determination and the provisions in this Part of this code, as relevant to the activity.
- (2) The installed product must meet the installed product requirements Schedule 5 Part 5.7, section 3 of the eligible activities determination activities and have a minimum warranty period of 2 years.
- (3) A high efficiency refrigerated display cabinet must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS/NZS 3000.
- (4) A high efficiency refrigerated display cabinet must be tested in accordance with the AS 1731 series of standards.
- (5) Refrigerants where used must be used in accordance with any relevant law, including but not limited to the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth) and *The Australian Refrigerant Handling Code of Practice 2007*.

Note Refer to the Australian Institute of Refrigeration, Air Conditioning and Heating *Flammable Refrigerants Safety Guide* for further explanation on managing the health and safety risks associated with refrigeration equipment and systems that use a flammable refrigerant.
http://www.airah.org.au/imis15_prod/Content_Files/TechnicalPublications/Flammable-Refrigerant-Safety-Guide-2013.pdf

178 Calculation of abatement factor

The abatement factor must be calculated in accordance with Schedule 5, Part 5.7 section 5 of the eligible activities determination.

179 Recording and reporting of the installation of a high efficiency refrigerated display cabinet

Activity 5.7 must be recorded and reported in accordance with the record keeping and reporting code.

Dictionary

(see s 2)

Note 1 Other terms may apply to this code to this instrument. Terms not defined in this dictionary but defined in associated legislation have the same meaning as in that legislation unless it is evident a contrary meaning is intended.

Note 2 The Legislation Act, the *Energy Efficiency (Cost of Living) Act 2012*, the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination*, the *Building Act 2004*, the *Construction Occupations (Licensing) Act 2004*, the *Gas Safety Act 2000*, the *Electricity Safety Act 1971*, and the *Water and Sewerage Act 2000* may contain definitions and other provisions relevant to this code.

abatement factor means the number of tonnes of carbon dioxide equivalent emissions that an eligible activity is taken to save. The method for calculating the abatement factor for each eligible activity is outlined for each eligible activity in the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination* as in force from time to time.

Active State, in relation to a computer, means a state in which the computer is carrying out useful work in response to prior or concurrent—

- (a) user input; or
- (b) instruction over a network.

activity means an eligible activity as determined by the Minister under section 10 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

activity certification means the certification prepared by a person or people involved in carrying out an activity declaring compliance with relevant activity eligibility requirements and includes any statutory certifications required under another law of the Territory, and documents and evidence prescribed in Part 6 to this code.

activity item, in relation to eligible activities, means one of a number of options for an installation or of product type that may be permitted under the activity definition to undertake and complete and eligible activity.

activity item unit means the unit of measurement for the number of units installed used to calculate the abatement factor for an activity item, and include square metres, length in metres, number of products and the like.

activity record— see Part 5 of the *Energy Efficiency (Cost of Living) Improvement Record Keeping and Reporting Code of Practice*.

activity record form— see Part 5 of the *Energy Efficiency (Cost of Living) Improvement Record Keeping and Reporting Code of Practice*.

administrator means the person appointed as the administrator by the Minister under section 23 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

affected residential premises register— see section 47N (1) of the *Dangerous Substances Act 2004*.

agent means an entity with demonstrable authority to create or affect legal relations between the appointing entity and an independent third party.

appropriate person means a person with demonstrable authority to create or affect legal relations on behalf of a consumer occupying a business premises between that consumer and the retailer or their agent.

approved code of practice means a code of practice approved by the administrator under section 25 of the Act.

approved product abatement value means an abatement value approved by the administrator for a particular product model (expressed in tCO₂-e), which may be used to calculate the abatement factor for an eligible activity.

associated work in relation to eligible activities, means work required to complete the installation other than work within the standard scope of the activity including but not limited to, electrical wiring work, plumbing work, gas-fitting work, building work, asbestos assessment and removal, and handling of dangerous goods.

AS 1288 means the relevant parts of Australian Standard 1288 as in force from time to time.

AS 1731 means the relevant parts of Australian Standard 1731 (parts 1 – 14) as in force from time to time.

AS 2047 means the relevant parts of Australian Standard 2047 as in force from time to time.

AS 2293 means the relevant parts of Australian Standard 2293 as in force from time to time.

AS 3498 means the relevant parts of Australian Standard 3498 as in force from time to time.

AS 4254 means the relevant parts of Australian Standard 4254 as in force from time to time.

AS 4474.2 means the relevant parts of Australian Standard 4474.2 as in force from time to time.

AS 4556 means the relevant parts of Australian Standard 4556 as in force from time to time.

AS 5102.1 means the relevant parts of Australian Standard 5102.1 as in force from time to time.

AS/NZS 1680 means the relevant parts of Australian/New Zealand Standard 1680 as in force from time to time.

AS/NZS 2442.2 means the relevant parts of Australian/New Zealand Standard 2442.2 as in force from time to time.

AS/NZS 3000 means the relevant parts of Australian/New Zealand Standard 3000 as in force from time to time.

AS/NZS 4552 means the relevant parts of Australian/New Zealand Standard 4552 as in force from time to time.

AS/NZS 5601 means the relevant parts of Australian/New Zealand Standard 5601 as in force from time to time.

AS/NZS 6400 means Australian/New Zealand Standard 6400 as in force from time to time.

AS/NZS 62087.2.2 means the relevant parts of Australian/New Zealand Standard 62087.2.2 as in force from time to time.

Australian Standard ISO 10002-2006 means Australian Standard ISO 10002-2006 Customer satisfaction—Guidelines for complaints handling in organisations (ISO 10002:2004, MOD) as in force from time to time.

authorised contractor means an entity that is directly contracted or otherwise authorised by a retailer to provide or arrange the undertaking of eligible activities, but is not an employee of the retailer.

authorised installer means an individual, whether an employee of, or under direct contract to, a retailer or an authorised contractor, who undertakes an eligible activity on behalf of a retailer, including the physical installation of products.

authorised seller means a business entity that, under contract or by other direct arrangement with a retailer or an authorised contractor, undertakes an eligible activity that specifically refers to the purchase of a compliant product but does not require the installation of the product for the activity to be considered complete.

air sealing means sealing of openings between materials in a building to minimise air leakage from and air infiltration between rooms in a building, but not necessarily to exclude rain or other effects of weather.

building code means the ACT building code, which is comprised of Volumes 1 and 2 of the National Construction Code published by the Australian Building Codes Board and the ACT Appendix to the building code as determined by the responsible Minister.

building lighting has the same meaning as in the ESS Rule Section 10.

building sealing means weather sealing or air sealing.

building work— see Section 6 of the *Building Act 2004*.

business premises means a premises that—

- (a) is not a residential premises; and
- (b) is not a new premises; and
- (c) for which the energy consumption is not included in a reporting obligation under of any of the following;
 - (i) the National Greenhouse and Energy Reporting Act 2007 (Commonwealth); or

- (ii) the Australian Government’s Energy Efficiency in Government Operations Policy; or
- (iii) the Carbon Neutral ACT Government Framework.

Note 1 A business premises may be occupied by a business, not-for-profit organisation or other enterprise.

Note 2 A business premises may represent part of a larger building.

code of practice means a code of practice made by the administrator under section 25 (Codes of practice) of the *Energy Efficiency (Cost of Living) Improvement Act 2012* that may address consumer protection obligations, quality, health, safety and environmental requirements, record keeping requirements and reporting requirements for eligible activities.

commercial lease means a commercial lease agreement for a commercial or business premises as per the *Leases (Commercial and Retail) Act 2001*.

commercial lighting means the lighting equipment affixed to commercial premises that are classified under the Building Code of Australia as either Class 3, 5, 6, 7, 8, 9, 10 or the common areas of a Class 2 building.

common property— see section 13 of the *Unit Titles Act 2001*.

compliance period report means the compilation of all information in relation to a compliance period a retailer is required to give to the administrator under section 19 of the Act and prepared in accordance with Part 8 of this code.

conditioned zone means a room or rooms in premises that due to their use is capable of being fully enclosed and is likely to be artificially heated and / or cooled. Conditioned zones include, but are not limited to habitable rooms, internal corridors and utility rooms without direct natural ventilation to the room such as an ensuite bathroom.

Note A large wall furnace or fixed electric resistance heater may be installed in a corridor to provide heating to adjacent rooms. This heating works by providing more heating than is required in the corridor, causing the excess heat to enter habitable rooms.

construction work has the same meaning as in the *Work Health and Safety Act 2011*.

consumer means the occupier of the premises to which the activity relates.

control gear means lighting ballasts, transformers or drivers.

decommission means disable and render permanently unusable.

Do Not Call Register means the Do Not Call Register managed by the Australian Communications and Media Authority

electric resistance water heater means a hot water heater using an electric resistance element to heat the water in a storage tank.

electrical wiring work has the same meaning as in the *Electricity Safety Act 1971*.

eligible activities determination means the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination* as in force from time to time

eligible premises means a residential premises or business premises that meets all criteria for an eligible activity and is not excluded by another law of the Territory, or by the failure to obtain a required approval for any part of the activity, from the activity being undertaken at the premises.

energy Savings Scheme refers to the NSW Government's energy efficiency obligation scheme. Specifically it is defined and has the same meaning as in Part 9 of the *Electricity Supply Act 1995 (NSW)*.

ESS Administrator has the same meaning as Scheme Administrator in Part 9 of the *Electricity Supply Act 1995 (NSW)*.

ESS Rule has the same meaning as Scheme Rule in Part 9 of the *Electricity Supply Act 1995 (NSW)*.

entity— see entities as defined in the *Corporations Act 2001*.

external wall means an outer wall of a building other than a wall separating or common to adjoining buildings.

flueless gas appliance— includes gas cooktops.

gasfitting work— see the Dictionary of the *Gas Safety Act 2000*.

General Construction Induction Card has the same meaning as in the *Work Health and Safety Act 2011*.

glazing means a transparent or translucent element and its supporting frame located in an external wall of a building, and includes a window other than a roof light.

habitable room— see section 1.1.1 Definitions in Volume 2 *Building Code of Australia Class 1 and Class 10 Buildings* of the National Construction Code Series.

IEC/TR 61341 Edition 2.0 means the Method of measurement of centre beam intensity and beam angle(s) of reflector lamps Edition 2.0 2010-02, published by the International Electrotechnical Commission on 18 February 2010.

illumination power density refers to the number of watts produced by lighting per square metre.

in association, in relation to work or other eligible activities undertaken in a premises, includes at the same time as, or subsequent to alterations and additions to a premises, or part of a premises, or as a result of an eligible activity, or as part of the same contract with a lessee or occupier of a premises.

indication means a mark such as a cross, a tick in a check box, an abbreviation, a number, text or the like included on a document signifying a particular fact or piece of information.

install includes modify or replace to achieve compliance with eligible activity criteria.

installed products means the products installed to meet the installed product requirement relevant to the eligible activity.

installer means a person physically installing a product as part of an eligible activity in a consumer's residence on the behalf of a NERL retailer for the purposes of the NERL retailer complying with the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

K means Kelvins.

kW means kilowatt.

lamp waste means decommissioned lamps, possibly integrated into a luminaire.

large electricity customer means a business who consumes electricity at or above the upper consumption threshold for electricity.

Note The upper consumption threshold for large electricity users is more than 160 MWh per annum per National Meter Identifier in the 12 months prior to upgrade.

lessee— see section 234 of the *Planning and Development Act 2007*.

lessor— see section 5 of the *Residential Tenancies Act 1997*.

licensed, in relation to undertaking work involved in undertaking eligible activities means, licensed, registered or accredited under a relevant law where that licence, registration or accreditation is not lapsed, suspended, cancelled or conditioned so that the work cannot be undertaken by the entity holding the licence.

licensed electrician means a person who is the holder of an electrician's licence that is an unrestricted licence issued under the *Construction Occupations (Licensing) Act 2004*.

licensed gasfitter means a person who is the holder of a gas fitter's licence that is a general or advanced licence issued under the *Construction Occupations (Licensing) Act 2004*.

licensed plumber means a person who is the holder of a water supply plumber licence issued under the *Construction Occupations (Licensing) Act 2004*.

lighting source efficacy means the initial luminous flux of a lamp or the total radiant flux in the visible spectrum weighted by the spectral response of the eye, divided by the electric power that will be consumed by the lamp but excluding ballast and control gear power losses.

LPG means liquefied petroleum gas.

mains power switching device means a relay or other device that switches the power to the controlled appliances on or off.

manual dimmer means a product that enables manual control of a light fitting's light output by a dial, slider or other mechanism.

master/slave arrangement, in relation to a standby power controller, means an arrangement where the standby power controller is connected to an uncontrolled master appliance, whose current or power is solely used to control the electrical input to controlled appliances connected to the standby power controller.

MEPS means a minimum energy performance standard.

MJ means megajoules.

modified linear LED tube installations means modification style installations are those where the existing linear fluorescent lamp is replaced with a linear LED lamp, the original starter is replaced with a fuse as supplied with the LED lamp (in accordance with instructions provided with the LED lamp) and the original fluorescent lamp control gear – including both the ballast and capacitor where fitted – is rendered inoperable by removal and destruction of the whole item.

M-package temperature class means the operational temperature range for the refrigerated display cabinet as defined in AS 1731.6.

multiple activity record form means a form that contains more than one activity record for eligible activities.

MWh means megawatt hours.

natural person means a human being.

NERL retailer means a person who holds a retailer authorisation under the *National Energy Retail Law (ACT)* to sell electricity to premises in the ACT for consumption.

new residential premises means a residential premises for which—

- (a) the building approval for the construction of the residence is issued after 1 January 2011, under the *Building Act 2004*; and
- (b) no certificate of occupancy for the respective dwelling has been issued; and
- (c) the premises has never been occupied.

occupier of premises, includes—

- (a) a person believed, on reasonable grounds, to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

Off Mode, in relation to a computer, means the lowest power state, of the computer when the computer is switched off by the user, but does not include Sleep Mode.

plumbing work— see sanitary plumbing work and water supply plumbing work as defined in the dictionary of the *Water and Sewerage Act 2000*.

prescribed activity requirement means a requirement for an eligible activity that must be completed or complied with and includes an action, a product

specification, a manner of carrying out a particular task and a resultant performance of an installation.

primary reporting contact means an individual nominated by a retailer as the main contact for the administrator in relation to the record keeping and reporting requirements under the Act and this code.

priority household means residential premises in which 1 person who lives at the premises—

- (a) is a recipient of an ACT Government energy concession; or
- (b) holds a Commonwealth pensioner concession card or healthcare card; or
- (c) holds a Department of Veterans Affairs pensioner concession card, TPI gold repatriation health care card, war widows repatriation health care card, or gold repatriation health care card; or
- (d) is within a class of people prescribed by regulation.

product includes an appliance, equipment and material.

product warranty means a warranty provided by the product manufacturer or other product supplier.

purchase does not include by private sale.

record includes report on all or certain criteria of an eligible activity where an obligation to report exists.

refrigerated display cabinet has the same meaning as in AS 1731.

register of products, in relation to an eligible activity means a register of products (including the VEET and ESS registers of products) that meet one or more of the installed product requirements and product testing criteria for the activity that is prescribed by the administrator under a relevant code of practice NERL retailers with an energy savings obligation under the Act.

relevant authority see section 28 of this code.

relevant legislation means a law of the Territory or another jurisdiction that applies to all or part of the activity being undertaken, including but not limited to the—

- *Building Act 2004*;
- *Gas Safety Act 2000*;
- *Electricity Safety Act 1971*;
- *Electronic Transactions Act 2001*;
- *Water and Sewerage Act 2000*;
- *Dangerous Substances Act 2004*;
- *Work Health and Safety Act 2011*;
- *Unit Titles Act 2001*;
- *Fair Trading Act (Australia Consumer Law) Act 1992*;
- *Environment Protection Act 1997*;
- *Construction Occupations (Licensing) Act 2004*;

- *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Commonwealth) ;
- *Planning and Development Act 2007*;
- *Consumer and Competition Act 2010* (Commonwealth).

representative, in relation to a retailer, means an entity contracted, employed or otherwise engaged by the retailer to arrange or undertake an eligible activity, or a prescribed activity requirement.

residential tenancy means a tenancy agreement as defined in the *Residential Tenancies Act 1997*.

resident of the ACT, in relation to eligible activities that require the purchase of certain products from an authorised seller, means person who resides in a residential premises, or a lessee of a residential premises located in the ACT.

residential premises means as a building or part of building located in the Australian Capital Territory and classified under Part A3 of the Building Code of Australia as a class 1 building, a class 10a building associated with a class 1 building, a sole occupancy unit in a class 2 building, or a class 4 building, or is a transportable home or vehicle designed for habitation that is not used for short-stay or holiday accommodation, but is not a new residential premises.

residual current detector (RCD) means a device which disconnects current to prevent risk of an electric shock. RCDs monitor the flow of electricity from the main switchboard and prevent electrocution by cutting the electricity supply if an imbalance in the current is detected.

retailer— see *NERL retailer*.

R-value means the thermal resistance in $\text{m}^2\text{K/W}$ of a component calculated by dividing its thickness by its specific ability to conduct heat thermal conductivity.

Sleep Mode, in relation to a computer, means a low power state that the computer is capable of entering automatically after a period of inactivity or by manual selection.

small electricity customer means a business who consumes electricity below the upper consumption threshold for electricity.

Note A small electricity customer uses less than 160 MWh per annum per National Meter Identifier in the 12 months prior to upgrade.

statutory warranty, in relation to a product, means the warranty provided for in the Australian Consumer Law.

tCO₂-e means tonnes of carbon dioxide equivalent of a greenhouse gas.

the Act means the *Energy Efficiency (Cost of Living) Improvement Act 2012* as in force from time to time.

tier 1 retailer— see Dictionary, *Energy Efficiency (Cost of Living) Improvement Act 2012*.

tier 2 retailer— see Dictionary, *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Total Display Area (TDA) means the area as defined in AS 1731.1 and AS 1731.14, Appendix D.

unconditioned zone means a room or rooms in a premises that is not a conditioned zone. Unconditioned zones include unheated bathrooms with direct natural ventilation and unheated laundry rooms with direct natural ventilation

unsealed, in relation to a door, door frame, window, window frame, exhaust fan, or chimney or flue to a solid fuel burning appliance, means not sealed in accordance with the relevant building sealing provisions of the building code for the class of building and may include partially sealed frames and/or sealing that is in a condition that renders the sealing ineffective.

weather sealing means sealing of openings between elements in a building to minimise air leakage from and air infiltration from the outside of a building and the inside of a building and to weatherproof the building to prevent the ingress of precipitation.

window includes a glass panel, glass block, glass brick, glazed sash, or similar glazing product that, when closed, transmits natural light directly from outside a premises to the inside of the premises, but does not include a louvred product, and includes a door in an external wall that has a glazing pane or panes that comprise 60 per cent or more of the door.

working day means a day that is not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.