



Australian Capital Territory

Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Act 2009

A2009-26

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Australian Capital Territory

Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Act 2009

A2009-26

An Act to amend legislation to promote the use of solar and other efficient hot-water systems in the ACT, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Act 2009*.

2 Commencement

This Act commences on 31 January 2010.

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

Part 2 Water and Sewerage Act 2000

3 Legislation amended—pt 2

This part amends the *Water and Sewerage Act 2000*.

4 New section 45A

insert

45A Meaning of *plumbing code*

(1) In this Act:

plumbing code means the ACT plumbing code as affected by subsection (2).

(2) The plumbing code is taken to be amended to the effect that a hot-water system in a class 1 building must comply with the standard prescribed by regulation.

(3) However—

(a) the old plumbing code as in force immediately before the commencement of this subsection continues to apply to a building built, or started to be built, before subsection (2) commences until 1 January 2010; and

(b) the new plumbing code applies in relation to a building built, or started to be built, before that subsection commences on 1 January 2010.

(4) In subsection (3):

old plumbing code means the plumbing code in force immediately before the commencement of this section.

new plumbing code—see subsection (1).

- (5) Subsections (3), (4) and this subsection expire 1 year after the day this section commences.
- (6) In this section:
class, of building—see the *Building Act 2004*, dictionary.

5 Section 46

substitute

46 Declaration of ACT plumbing code

- (1) The Minister may declare a document to be the ACT plumbing code for this Act.
- (2) A declaration is a notifiable instrument.

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

6 Dictionary, new definition of ACT plumbing code

insert

ACT plumbing code means a document declared under section 46.

7 Dictionary, definition of plumbing code

substitute

plumbing code—see section 45A (1).

Part 3 Water and Sewerage Regulation 2001

8 Legislation amended—pt 3

This part amends the *Water and Sewerage Regulation 2001*.

9 New section 28

insert

28 Application of plumbing code—hot-water system standard—Act, s 45A (2)

The hot-water system standard in schedule 2 is prescribed.

10 New schedule 2

insert

Schedule 2 Hot-water system standard

(see s 28)

2.1 Definitions—sch 2

In this schedule:

building—see the *Building Act 2004*, dictionary.

class, of building—see the *Building Act 2004*, dictionary.

2.2 Compliant hot-water systems

- (1) In this schedule:

compliant gas hot-water system means a gas hot-water system that—

- (a) complies with AS 4552; and
- (b) achieves a minimum energy rating of 5 stars in accordance with AS 4552.

compliant heat pump hot-water system means a heat pump hot-water system that—

- (a) complies with AS/NZS 2712; and
- (b) has been rated in accordance with AS/NZS 4234; and
- (c) if the hot-water system is to be installed in a class 1 building with 1 or 2 bedrooms—
 - (i) has at least 14 renewable energy certificates for the climate zone in which the ACT is located; and
 - (ii) achieves a minimum energy saving of 40% in accordance with the requirements under AS/NZS 4234 for a small system; and
- (d) if the hot-water system is to be installed in a class 1 building with 3 or 4 bedrooms—
 - (i) has at least 22 renewable energy certificates for the climate zone in which the ACT is located; and
 - (ii) achieves a minimum energy saving of 60% in accordance with the requirements under AS/NZS 4234 for a medium system; and

- (e) if the hot-water system is to be installed in a class 1 building with 5 or more bedrooms—
 - (i) has at least 28 renewable energy certificates for the climate zone in which the ACT is located; and
 - (ii) achieves a minimum energy saving of 60% in accordance with the requirements under AS/NZS 4234 for a large system.

compliant solar hot-water system means a solar hot-water system that—

- (a) complies with AS/NZS 2712; and
- (b) has been rated in accordance with AS/NZS 4234; and
- (c) if the hot-water system is to be installed in a class 1 building with 1 or 2 bedrooms—
 - (i) has at least 14 renewable energy certificates for the climate zone in which the ACT is located; and
 - (ii) achieves a minimum energy saving of 40% in accordance with the requirements under AS/NZS 4234 for a small system; and
- (d) if the hot-water system is to be installed in a class 1 building with 3 or 4 bedrooms—
 - (i) has at least 22 renewable energy certificates for the climate zone in which the ACT is located; and
 - (ii) achieves a minimum energy saving of 60% in accordance with the requirements under AS/NZS 4234 for a medium system; and

(e) if the hot-water system is to be installed in a class 1 building with 5 or more bedrooms—

(i) has at least 28 renewable energy certificates for the climate zone in which the ACT is located; and

(ii) achieves a minimum energy saving of 60% in accordance with the requirements under AS/NZS 4234 for a large system.

(2) In this section:

AS 1056 means Australian Standard AS 1056.1:1991 (*Storage water heaters—general requirements*), as in force from time to time.

Note Australian and New Zealand standards may be purchased at www.standards.org.au.

AS 4552 means Australian Standard AS 4552-2005 (*Gas fired water heaters for hot water supply and/or central heating*), as in force from time to time.

AS/NZS 2712 means Australian and New Zealand Standard AS/NZS 2712:2007 (*Solar and heat pump water heaters—design and construction*), as in force from time to time.

AS/NZS 4234 means Australian and New Zealand Standard AS/NZS 4234:2008 (*Heated water systems—calculation of energy consumption*), as in force from time to time.

AS/NZS 4692 means Australian and New Zealand Standard AS/NZS 4692.1:2005 (*Electric water heaters—energy consumption, performance and general requirements*), as in force from time to time.

building code—see the *Building Act 2004*, section 136 (1).

climate zone means a zone determined by the regulator and set out in the register of solar hot water heaters kept under the *Renewable Energy (Electricity) Regulations 2001* (Cwlth).

regulator means the regulator under the *Renewable Energy (Electricity) Act 2000* (Cwlth).

renewable energy certificate—see the *Renewable Energy (Electricity) Act 2000* (Cwlth), section 5 (1).

2.3 Hot-water system—installation

- (1) A person who installs a hot-water system in a new class 1 building must ensure that the hot-water system is 1 of the following:
- (a) a compliant gas hot-water system;
 - (b) a compliant heat pump hot-water system;
 - (c) a compliant solar hot-water system;
 - (d) a hot-water system determined by the Minister under section 2.5.

Example—par (d)

the minister determines a low-energy electric hot-water system

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) However, this section does not apply if any of the following apply:
- (a) the hot-water system—
 - (i) consists of solid fuel-burning equipment; and
 - (ii) is being installed in a class 1 building located in an area of non-urban land;
 - (b) the hot-water system—
 - (i) is replacing an existing hot-water system in a class 1 building that is located in an area without access to the gas distribution network; and
 - (ii) is a compliant electric hot-water system; and

- (iii) is insulated with thermal insulation material that has an R-value of at least R1; and
- (iv) is the only hot-water system for the building;
- (c) the hot-water system—
 - (i) is replacing, under warranty, an existing hot-water system in a class 1 building; and
 - (ii) is an electric hot-water system;
- (d) the hot-water system is replacing an existing hot-water system in a completed existing class 1 building in a circumstance prescribed by regulation.

(3) In this section:

AS 4013 means Australian Standard 4013:1999 (*Domestic solid fuel burning appliances—method for determination of flue gas emission*), as in force from time to time.

fuel-burning equipment means a furnace, boiler, fireplace, oven, retort, incinerator, internal-combustion engine, chimney or any other apparatus, device, mechanism or structure, in the operation of which combustible material is, or is intended to be, used or that is, or is intended to be, used in relation to the burning of combustible material.

new class 1 building means a class 1 building that has not been previously occupied or sold as a place of residence, and includes a building built to replace demolished premises.

non-urban land means—

- (a) territory land in 1 of the following zones under the territory plan:
 - (i) broadacre zone;
 - (ii) rural zone;

- (iii) hills, ridges and buffer areas zone;
 - (iv) river corridor zone;
 - (v) mountains and bushlands zone;
 - (vi) transport and services zones TS1-TS2; or
- (b) land other than land in an area identified under the national capital plan as—
- (i) an urban area; or
 - (ii) the Central National Area.

solid fuel-burning equipment means fuel-burning equipment that is designed to burn hard wood, soft wood or briquettes and to which AS 4013 applies.

2.4 Hot-water system—declaration of compliant hot-water systems

- (1) The Minister must, in consultation with the planning and land authority, declare hot-water systems that are the following kinds of hot-water systems:
 - (a) compliant gas hot-water systems;
 - (b) compliant heat pump hot-water systems;
 - (c) compliant solar hot-water systems.
- (2) A declaration must be made at least once each financial year.
- (3) The first declaration must be made as soon as practicable after the commencement of this section.
- (4) Subsection (3) and this subsection expire 1 year after the day this section commences.
- (5) A declaration is a notifiable instrument.

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

2.5 Hot-water system—determination of other hot-water systems

- (1) The Minister may determine a hot-water system for section 2.3 (1) (d) if satisfied that the greenhouse gas emissions associated with the hot-water system are not more than the greenhouse gas emissions associated with the operation of any of the following hot-water systems:
 - (a) a compliant gas hot-water system;
 - (b) a compliant heat pump hot-water system;
 - (c) a compliant solar hot-water system.
- (2) A determination is a notifiable instrument.

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

2.6 Hot-water system—water flow performance standard

- (1) A person who installs a hot-water system in a class 1 building, or replaces a hot-water system in a completed existing class 1 building, must ensure that each shower outlet connected to the hot-water system has a maximum flow capacity of not more than 9 litres per minute.
- (2) A shower outlet is taken to comply with subsection (1) if it is connected to a shower head, flow controller or flow restrictor that—
 - (a) achieves a minimum water rating of 3 stars in accordance with the WELS standard for the shower head, flow controller or flow restrictor; and
 - (b) carries a mark certifying that the shower head, flow controller or flow restrictor complies with the plumbing code.
- (3) This section does not apply to a hot-water system that is not connected to water mains.

(4) In this section:

WELS standard—see the *Water Efficiency Labelling and Standards Act 2005*, dictionary.

11 Dictionary, note 2

insert

- national capital plan
- territory plan

12 Dictionary, note 4

insert

- hot-water system

13 Dictionary, new definitions

insert

building, for schedule 2 (Hot-water system standard)—see the *Building Act 2004*, dictionary.

class, of building, for schedule 2 (Hot-water system standard)—see the *Building Act 2004*, dictionary.

compliant gas hot-water system, for schedule 2 (Hot-water system standard)—see schedule 2, section 2.2.

compliant heat pump hot-water system, for schedule 2 (Hot-water system standard)—see schedule 2, section 2.2.

compliant solar hot-water system, for schedule 2 (Hot-water system standard)—see schedule 2, section 2.2.

hot-water system standard means the hot-water system standard prescribed in schedule 2.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 17 June 2009.

2 Notification

Notified under the Legislation Act on 8 September 2009.

3 Republications of amended laws

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

I certify that the above is a true copy of the Water and Sewerage (Energy Efficient Hot-Water Systems) Legislation Amendment Bill 2009, which was passed by the Legislative Assembly on 26 August 2009.

Clerk of the Legislative Assembly

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