

Australian Capital Territory

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016 (No 2)

Disallowable instrument DI2016 - 302

made under the

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

EXPLANATORY STATEMENT

Terms of Reference

Administrator—the person appointed as administrator by the Minister as described in Part 4 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Compliance period—for the *Energy Efficiency (Cost of Living) Improvement Act 2012* a compliance period is either 1 January 2013 to 31 December 2013; 1 January 2014 to 31 December 2014; 1 January 2015 to 31 December 2015; 1 January 2016 to 31 December 2016; 1 January 2017 to 31 December 2017; 1 January 2018 to 31 December 2018; 1 January 2019 to 31 December 2019 or 1 January 2020 to 31 December 2020.

Compliance plan—a compliance plan for a compliance period that is required to contain defined information that must be provided to the Administrator before a retailer undertakes eligible activities as described in section 17 of *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Eligible activity —an activity determined by the Minister that is intended to reduce the consumption of energy as described in section 10 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

Retailer—a *National Energy Retail Law (ACT)* retailer who holds a retailer authorisation to sell electricity to premises in the ACT for consumption.

Tier one retailer—means a *National Energy Retail Law (ACT)* retailer that has at least 5000 customers in the ACT and sells at least 500,000MWh of electricity to customers in the ACT annually.

Tier two retailer—means a *National Energy Retail Law (ACT)* retailer that is not a tier one NERL retailer.

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Introduction

This explanatory statement relates to the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016* (the disallowable instrument) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the disallowable instrument. It is not, and is not meant to be, a comprehensive description of the disallowable instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

This disallowable instrument establishes a code of practice relating to consumer protection obligations, quality, health, safety and environmental requirements, for eligible activities under the *Energy Efficiency (Cost of Living) Improvement Act 2012* (the Act). It replaces an existing code of practice to ensure that the requirements are up to date.

Energy Efficiency Improvement Scheme

The Act provides the legal framework for obligations and administrative arrangements promoted as the Energy Efficiency Improvement Scheme (the Scheme). The Act places a number of obligations on electricity retailers selling electricity in the ACT (retailers) to meet an energy savings obligation.

Section 14 of the Act provides that a *National Energy Retail Law (ACT) 2012* (NERL) retailer may meet their target in whole or in part by undertaking eligible activities. To achieve its energy savings and priority household obligations, a tier 1 NERL retailer, as defined in the Act, 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.

A tier 2 NERL retailer as defined in the Act 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 obligations.

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. To be included in the calculation of an energy savings result at the end of a compliance period, an eligible activity must be undertaken in accordance with relevant approved codes of practice.

The eligible activities retailers may undertake are provided for in the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016* (the eligible activities determination).

Section 25 of the Act provides that the Administrator may approve codes of practice relating to consumer protection obligations, quality, health, safety and environmental requirements, record keeping requirements and reporting requirements for eligible activities.

Recordkeeping and reporting requirements relevant to eligible activities are prescribed in the *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016* (DI2016-303).

This Code of Practice

In accordance with section 25 of the Act, this disallowable instrument 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.

A retailer must complete an activity in accordance with the requirements of a relevant Code of Practice. This is the fifth version of this disallowable instrument, replacing the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016*. The policy objective of this instrument is to ensure that activities conducted under the EEIS are conducted to a sufficient standard. This is achieved by updating the code of practice to take account of changes including the inclusion of new eligible activities.

This explanatory statement provides information on both the updates to the disallowable instrument and also the pre-existing sections. This provides retailers, contractors and installers with clarity where feedback has suggested this will improve the quality of installations. The setting of specific requirements is essential to provide clear methods of engaging with consumers and undertaking work involved in eligible activities without compromising consumer protections and the health and safety of workers, householders and other members of the public whilst ensuring the environment is protected.

These code requirements will be used to assess whether an activity has been undertaken correctly so that the Administrator may establish a retailer's compliance with all relevant activity and general scheme requirements. This will inform the Administrator's actions under the Scheme in relation to calculating an energy savings result for a retailer, and assist with promoting safe and effective outcomes.

The determination does not affect any human right set out in the *Human Rights Act*

2004 and is in accordance with the Scrutiny of Bills Committee's Terms of Reference, as set out below.

(a) Disallowable instrument is in accord with the general objects of the Act under which it is made

The instrument is in accord with the objects of the *Energy Efficiency (Cost of Living) Improvement Act 2012* (the Act). The relevant disallowable instrument supports the achievement of the objects of the Act, namely:

- a) encourage the efficient use of energy
- b) reduce greenhouse gas emissions associated with stationary energy use in the Territory
- c) reduce household and business energy use and costs
- d) increase opportunities for priority households to reduce energy use and costs.

The disallowable instrument is also in accord with the with the purpose for making the codes of practice. The code of practice is for consumer protection obligations, under s 25(1)(a) of the Act, and quality, health, safety and environmental requirements applying to eligible activities, under s 25(1)(a) of the Act.

(b) The disallowable instrument does not unduly trespasses on rights previously established by law

The instrument does not unduly trespass on rights previously established by law. The instrument determines codes of practice for implementing the Energy Efficiency Improvement Scheme.

(c) The disallowable instrument does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions

The instrument does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions. The new code of practice simply includes updates to take account of changes since the last code of practice was made. Decisions which may be impacted by the code of practice, such as determining retailer energy savings result, are reviewable, see Schedule 1 of the Act.

(d) Contains matters which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly

The matters contained in the code of practice are appropriate to be dealt with in subordinate legislation and are in accordance with the Act.

A new code will be introduced at a later date, to extend this code to incorporate specific requirements for eligible activities not included in this version.

Consultation

There has been extensive consultation on the updates to the disallowable instrument. This includes the following:

- Ten written submissions were received to a stakeholder consultation forum held in 2014. Respondents expressed support for expanding the number and range of activities, particularly to include commercial lighting. Details of this feedback are on pages 30-37 of the 2015 Regulatory Impact Assessment

*Energy Efficiency Improvement Scheme: Setting Key Parameters to 2020*¹ (the Scheme Extension RIS).

- The *Scheme Extension RIS* also presented modelling results which included commercial lighting, commercial refrigeration, expansions to space and water heating and other activities included here. The sooner these activities are brought in, the more accurate will be the modelled results for savings to be gained from the Scheme.
- A Stakeholder Forum held in September 2015 attracted 57 registrations. The *Energy Efficiency Improvement Scheme Stakeholder Forum Report on Results*² shows each of the new and updated activities included here to be high priorities for stakeholders (page 9).
- The *Energy Efficiency Improvement Scheme Stakeholder Consultation on 2016 Activities Update*³ was emailed to all energy efficiency scheme stakeholders in Victoria, New South Wales and the ACT. The ACT Stakeholder list includes 200 names and a similar or greater number are likely on the lists from the other states. They include energy retailers, abatement providers, government agencies, industry peak bodies and non-government organisations including both environment and social services groups.
- The *Energy Efficiency Improvement Scheme Stakeholder Consultation on 2016 Activities Update* report was also provided in hard copy to 68 participants at the 2016 Scheme Stakeholder Forum. The report was also the focus of discussion at the 2016 forum. It included details on all of the activities proposed in the disallowable instrument and invited feedback.
- Business and other non-government stakeholders registered for the 2016 stakeholder forum included:
 - abatement providers (44%);
 - government (25%);
 - electricity retailers (9%);
 - consultants (9%);
 - appliance sellers (9%);
 - peak bodies (4%); and
 - research and training organisations (2%).
- Government agencies attending the Scheme 2016 Stakeholder Forum included the:
 - Australian Department of the Environment;
 - Australian Department of Industry, Innovation and Science;
 - AusIndustry Business Services;
 - ACT Environment and Planning Directorate;
 - ACT Education and Training Directorate;

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http://www.environment.act.gov.au/_data/assets/pdf_file/0006/735990/Attachment-C-Regulatory-Impact-Statement-EEIS-Parameters-to-2020-FINAL.pdf

2 http://www.environment.act.gov.au/_data/assets/pdf_file/0004/798232/EEIS-Report-on-EEIS-Stakeholder-Forum,-3-September-2015.pdf

3 http://www.environment.act.gov.au/_data/assets/pdf_file/0008/857789/ACT-EEIS-Stakeholder-Consultation-on-2016-activities-update-report-2.pdf

- ACT Justice and Community Safety Directorate; and
 - ACT Office of the Commissioner for Sustainability and the Environment.
- Forum notes, including results of workshop discussions were recorded from the 68 participants at the 2016 Scheme Stakeholder Forum. Eighteen written responses were also received on the specific proposals. These responses have been considered in developing the disallowable instrument. Details of this feedback and how it has been addressed in the disallowable instrument are in the *Energy Efficiency Improvement Scheme Stakeholder Forum Report*⁴.

Focused consultation on the codes of practice for space heating and cooling and water heating activities has been undertaken in advance of this disallowable instrument because the ACT Tier 1 retailer (ActewAGL Retail) has already invested in training and program development to implement elements of these activities.

Internal and external consultation based on the detail of the updated disallowable instrument has been undertaken with several parties. These include:

- Actsmart programs staff have reviewed and provided feedback to ensure consistency and integration with the Sustainable Home Advice Program, and compatibility of messaging surrounding Actsmart and EEIS activities;
- Access Canberra inspectorate staff have reviewed the licensing, installation and other technical requirements and confirmed consistency with related legislation and appropriate safety levels;
- All electricity retailers affected by the EEIS received the full set of proposed instruments and were invited to provide feedback;
- A meeting with ActewAGL confirmed that the changes are understood, appropriate and provide for continued potential to meet EEIS targets and timeframes; and
- The update package was shared with all abatement providers and other stakeholders who provided feedback relevant to the updates during the stakeholder forums. Several email exchanges were completed to explain the updates and their timing and potential impacts and opportunities. No new issues were raised during these exchanges which confirmed that the updates are in line with expectations based on earlier consultation.

Compliance and Enforcement

The Act requires retailers undertaking eligible activities to undertake the eligible activities determined by the Minister. The activities in the eligible activities determination must be completed in accordance with a relevant code of practice. If activities are not completed in accordance with this disallowable instrument, abatement cannot be attributed to the activity. A retailer that does not meet its energy saving obligation under the Act is liable to pay a shortfall penalty to the Territory set at \$300 per tonne of carbon dioxide equivalent.

⁴http://www.environment.act.gov.au/energy/smarter-use-of-energy/energy_efficiency_improvement_scheme_eeis

Notes on Provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section provides for the commencement of the instrument.

Section 3 – Code of practice

This section approves the code of practice as contained in the schedule. Details of the provisions of the code of practice are explained below.

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

This section allows the code of practice to apply, incorporate or adopt an instrument without the instrument having to be notified.

Section 5 – Referenced documents

This section contains information about documents which the code of practice refers to. Links to the relevant references documents are also provided.

Section 6 – Revocation

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

Outline of the provisions in the schedule

Part 1 Preliminary

Part 1 provides for the name of the code of practice, the application of the dictionary and makes reference to the offences provided for by the Act and under other legislation relating to the undertaking eligible activities.

Part 2 Important concepts

Part 2 identifies a number of important concepts relating to undertaking eligible activities as they relate to the Act and the Scheme, as well as the application of the disallowable instrument to certain stakeholders under the Scheme, including retailers, authorised contractors, authorised installers and authorised sellers.

This part also provides the object of and context for the disallowable instrument. The disallowable instrument is intended to be read in conjunction with a number of relevant instruments so that people operating under the Scheme will be aware of and consider all of the requirements applying to an eligible activity. This is important as requirements for activities are located in the Act, the eligible activities determination made by the Minister and other codes of practice.

In addition, this part clarifies that the disallowable instrument is not intended to be exhaustive and all relevant legislation that applies to work involved in undertaking an eligible activity must be complied with. Retailers and their representatives cannot rely solely on the disallowable instrument to determine all relevant requirements. This includes other construction legislation that applies to certain activities, as well as fair trading, work health and safety and privacy legislation. This is important when

considering the range of activities and the health, safety and other risks that may apply regardless of the Scheme. Section 7 provides that in the case of an inconsistency with another law, the highest legislative requirement must be complied with.

Part 3 General obligations

Part 3 outlines the requirements universal to the undertaking of eligible activities. Section 23 of the code of practice requires each retailer to nominate a central contact for compliance purposes. The purpose of this is to facilitate the coordinated provision of information between retailers and the Administrator.

This part provides for a number of consumer protections including:

- availability of information on the Scheme;
- management of consumer complaints;
- privacy of consumer information;
- general conduct standards, including those that reflect Australian Consumer Law in relation to unsolicited contact and dealings with consumers;
- a retailer's requirements to manage the conduct of their representatives and report any investigations by a relevant authority to the Administrator; and
- the mandatory provision of identification cards to authorised installers and other people attending premises on behalf of the retailer to arrange or undertake activities.

Section 29 also prescribes a requirement for retailers to assess the fitness and propriety of any person that will be attending a residential or business premises to arrange or undertake an eligible activity on its behalf. This section does not prescribe a particular test for fitness and propriety but provides for circumstances the retailer must consider such as whether a person attending a premises has been convicted of a criminal offence involving fraud, dishonesty or violence and the seriousness of the offence; the nature of work undertaken; whether the person attending a premises will be working alone or with others and the systems the retailer uses to manage the conduct of representatives.

This, and the other consumer protections included in this disallowable instrument, is essential for public safety as the Scheme requires that people attend and enter residential premises to undertake activities. The Scheme also requires that 20% of a Tier 1 retailer's obligation must be met by activities undertaken in a priority household.

Sections 33 and 34 focus on the responsibility of persons arranging or undertaking eligible activities to inform people of their potential obligations under the *Residential Tenancies Act 1997*, *Leases (Commercial and Retail) Act 2001* and unit titles legislation so that consumers are able to make appropriate arrangements for activities if required. However, a representative is not responsible for ensuring any authorisations required are obtained.

Sections 35 and 36 prescribe practices for the decommissioning and management of waste and reiterate the need to make any notifications for health, safety and environmental incidents to relevant people.

Part 4 Competency of representatives

This Part provides for the general competency requirements of retailer and their representatives in relation to undertaking eligible activities, including that the retailer must engage suitably competent people to arrange and undertake eligible activities. The purpose of this part is to put in place regulation that mitigates risks associated with incompetent installation of products and to provide for a minimum level of competency for a person undertaking an eligible activity. While the actual competencies required will differ from activity to activity, consumers should be able to expect a reasonable level of competency from installers and other people they may deal with under the Scheme. It is particularly important that representatives have specific skills and knowledge relating to the activities they will be undertaking, and that a person holds any relevant licences or authorisations for the work. Representatives should also be familiar with the Scheme so that they are able to accurately inform consumers.

Section 40 outlines training requirements for each type of representative and section 41 provides for requirements to attend induction courses on the Scheme and individual activities as required. Induction courses for installers are intended to familiarise all relevant parties with their rights and obligations under the Act and in relation to specific activities. Induction courses are run by the Administrator at no cost to the participant and provide an important tool for managing compliance of installers with the Act and for providing each participant with clear, consistent information about the Act and any requirements that may apply to a person.

Section 42 outlines the training requirements for authorised contractors and installers, beyond the activity-specific training requirements covered in relevant sections and any generic training on the Scheme. Minor updates have been included to recognise new mandatory safety training requirements that have been brought into the Victorian Energy Efficiency Target scheme (VEET).

Sections 46 and 47 provide for the Administrator to be able to take certain actions when a retailer or their representative engage in conduct, or undertake an eligible activity, that presents or is likely to present a risk of death or injury to a person, significant harm to the environment or significant damage to a property. Section 46 allows the Administrator to give a direction to the retailer regarding an unsafe thing. Work associated with some eligible activities can pose serious risks to people, property and the environment. Activities include electrical work, plumbing work, gasfitting work and other work that can present a serious health and safety risk if not undertaken correctly and competently. While certain powers for rectification or mitigation do exist under relevant acts, these do not necessarily extend to all parties and activities in the Scheme. It is essential in these instances that a retailer that is responsible for an activity carried out under the Scheme is also made responsible for the management of the unsafe thing caused by undertaking that activity.

In cases of serious risks, section 47 allows the Administrator to restrict a person's operation under the Scheme. This restriction applies only to undertaking eligible

activities for compliance with an energy savings obligation and not to activities a person may carry out for other purposes. The Administrator must be reasonable in the application of this section and be satisfied that reasonable grounds exist for giving the restriction. A restriction must be proportional to the risk and could take the form of requiring additional quality assurance of work, requiring a person undergoes training, requiring a person works under supervision or preventing a person from undertaking all or part of an activity.

For fairness, section 48 provides that the Administrator must review any restriction after three months of operation and must revoke the restriction if the cause no longer exists or that consumers will not be at a greater risk by using the person's services. The requirement to revoke in certain circumstances applies even where a restriction is continued.

Part 5 Activity performance specifications

Part 5 prescribes general activity performance specifications and provides that an activity must meet all applicable requirements including those prescribed in the Act and the disallowable instrument.

The purpose of the provisions in section 51, which require a person to operate within their own skills and training, are to protect consumers from unsafe or poor quality work or to prevent customers from being misinformed and deciding to take a particular action on the basis of that information.

The following Parts have been rearranged from earlier versions of the disallowable instrument to follow the order in the eligible activities determination.

A change is proposed in this update to achieve consistency in warranty requirements for the Scheme activities. Where a warranty is applicable, all activities now include a requirement for a minimum 2-year product warranty, although one activity has a 5-year warranty period. This is the installation of a thermally efficient window, which differs from all other activities in making structural changes to a building. Warranties are not considered applicable to the activity of decommissioning a refrigerator or freezer and are therefore not included there. This standard was proposed for commercial lighting in the Scheme Stakeholder Consultation on 2016 Activities Update, discussed at the Stakeholder Forum and in targeted consultation, and has been supported by stakeholders consulted. Prior to these amendments there were a range of warranty requirements within the disallowable instrument. These included requirements for a warranty (without specifying a time), and for a 'manufacturer's warranty' (which may exclude activities involving retrofits).

The disallowable instrument has been updated so that where products are installed, the installation must be done in accordance with manufacturer's instructions.

All of the activities must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 6 Building sealing activities

Part 6 details the specific requirements for undertaking building sealing activities as defined in Schedule 1 Part 1.1 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

Building sealing activities aim to minimise the flow of air into and out of, and the movement of differently heated air within buildings and rooms. These activities carry inherent risks related to condensation and oxygen supply. This is because oxygen can be depleted and/or moisture may build up in populated, fully sealed spaces. These risks are managed through the competency requirements and minimum activity performance specifications in Part 6. Some updates have been introduced to clarify the requirements for oxygen exchange.

Building sealing activities must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 7 Exhaust fan sealing activities

Details the specific requirements for sealing exhaust fans as defined in Schedule 1 Part 1.2 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 8 Gap in numbering for future ventilation opening sealing codes

There is a gap in numbering within this disallowable instrument for activity 8. This is because codes of practice have not been finalised for existing activity 1.3 (ventilation opening sealing) from the eligible activities determination. The gap in numbering will allow a possible future code of practice for this activity to be inserted into a future iteration of this disallowable instrument. The ACT Parliamentary Counsel has been consulted and has confirmed that it is appropriate to leave numbering gaps in these circumstances.

Part 9 Install a thermally efficient window

Details the specific requirements for installing a thermally efficient window as defined in Schedule 1 Part 1.4 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

Installers do not need to be licensed tradespeople. The product must be installed to comply with relevant Australian Standards.

The activity requirements are consistent with the requirements in the South Australian REES scheme. In particular, minimum warranty, compliance with Australian Standards and requirements for sealing the frame.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 10 Retrofit thermally efficient glazing

Details the specific requirements for retrofitting thermally efficient glazing as defined in Schedule 1 Part 1.5 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

There have been no changes to the requirements for this activity.

Part 11 Install thermally efficient window coverings

Details the specific requirements for installing thermally efficient window coverings as defined in Schedule 1 Part 1.6 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

There have been no changes to the requirements for this activity.

Part 12 Install window pelmets

Details the specific requirements for installing window pelmets as defined in Schedule 1 Part 1.7 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

There have been no changes to the requirements for this activity.

Overview of Parts 13 to 19

Parts 13 to 19 detail the specific requirements for installing high efficiency space heating and cooling systems and water heating systems, defined in Schedules 2 and 3 of the eligible activities determination.

This version of the disallowable instrument introduces a new matrix of options for space heating under EEIS that replaces the existing activities (Parts 2.1 to 2.4) and also introduces some new activities that more closely align with the scope of VEET. It

provides considerably more flexibility for these types of activities in the ACT. The range of activities, and the contents of the disallowable instrument, are similar to previously and where the explanatory statement describes some added or amended sections these refer to previous versions of equivalent activities.

A previous activity to install a high efficiency ducted gas heater in a new residential premises (Part 14 in DI2016-195) has not been carried over into this version. This is consistent with government policies to achieve zero net emissions by 2050, including achieving firm interim targets for emission reductions.

The licensing requirements for installers have been clarified consistently within Parts 13 to 19 so that licensing is only specified where the work requires it and to ensure consistency throughout the document. In particular:

- where electrical wiring is involved, the installation is undertaken by a person who is the holder of an unrestricted electrician licence issued under the *Construction Occupations (Licensing) Act 2004*; and
- where gas fitting work is involved, the installation is undertaken by 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*; and
- where Liquefied Petroleum Gas (LPG) gas fitting work is involved, the installation is undertaken by a person who is the holder of a gas fitter's licence that is a general or advanced licence with an LPG gasfitter (vapour phase) licence endorsement issued under the *Construction Occupations (Licensing) Act 2004*; and
- where plumbing work is involved, the installation is undertaken by a person who is the holder of a plumbing licence that is issued under the *Construction Occupations (Licensing) Act 2004*; and
- subclauses under 'Competency requirements' have been altered where required to allow for consistent wording.

References to standards have been updated. AS4556 is superseded by AS5263.1.6:2016 and is a manufacturing standard. References to this manufacturing standard have been consistently replaced by AS5601 which is the relevant standard for installing this equipment.

Decommissioning requirements have been clarified in new subsections within each Part, to provide references to relevant standards and competency standards requiring understanding of the decommissioning, recycling and disposal requirements for the activity.

Part 13 Install a specified high efficiency central electric space heater

Details the specific requirements for installing a high efficiency central electric space heater defined in Schedule 2 Part 2.1 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity is available in an existing residence or a new residence. The specifications in the installed product requirements will ensure that any heaters installed under this activity are suitable for the ACT environment and will operate efficiently at low temperatures throughout the Canberra winter.

The electric heater must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded to meet current standards of the *Electricity Safety Act 1971* and AS3000. These inclusions refer to the relevant Act and legislation for installation and provide for consistent wording throughout the document.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 14 Install a high efficiency ducted gas heater

Details the specific requirements for installing a high efficiency ducted gas space heater defined in Schedule 2 Part 2.2 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity is available in an existing residence.

The gas heater must be installed and commissioned in accordance with the *Gas Safety Act 2000* and AS5601, and the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded to meet current standards of the *Electricity Safety Act 1971* and AS3000 *Gas Safety Act 2000* and AS5601. These inclusions refer to the relevant Act and legislation for installation and provide for consistent wording throughout the document.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 15 Install a specified high efficiency electric room heater

Details the specific requirements for installing a high efficiency central electric space heater defined in Schedule 2 Part 2.3 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity is available in an existing residence or a new residence.

This is the first time that EEIS has offered a high efficiency electric room heater. The specifications in the installed product requirements will ensure that any heaters installed under this activity are suitable for the ACT environment and will operate efficiently at low temperatures throughout the Canberra winter.

The electric heater must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded or decommissioned to meet current standards of the *Electricity Safety Act 1971* and AS3000 and the *Gas Safety Act 2000* and AS5601. These inclusions refer to the relevant Act and legislation for installation and provide for consistent wording throughout the document.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 16 Install insulated space conditioning ductwork

Details the specific requirements for installation in a premises of insulated space conditioning ductwork defined in Schedule 2 Part 2.4 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

This activity has been updated to allow installation of insulated ducting for central electric heaters as well as gas heaters. Additional requirements have been added, including from REES (South Australia), the requirements to install in accordance with Australian Standards, as well as requirements for duct taping the inner and outer liners and for repairing tears.

This activity is available in an existing residence or business premises.

Competency requirements now include understanding the decommissioning, recycling and disposal requirements for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 17 Decommission an electric resistance water heater and install a specified high efficiency water heater

Details the specific requirements for decommissioning and replacing an electric resistance water heater with either an electric boosted solar water heater or an electric heat pump water as defined in Schedule 3 Part 3.1 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

The electric water heater must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded to meet current standards of the *Electricity Safety Act 1971* and AS3000. These inclusions refer to the relevant Act and legislation for installation and provide for consistent wording throughout the document.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 18 Decommission a gas or liquefied petroleum gas water heater and install a specified high efficiency water heater

Details the specific requirements for decommissioning and replacing gas or liquefied petroleum gas water heater with either an electric boosted solar water heater or an electric heat pump water as defined in Schedule 3 Part 3.2 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

The electric water heater must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded to meet current standards of the *Electricity Safety Act 1971* and AS3000 *Gas Safety Act 2000* and AS5601. These inclusions refer to the relevant Act and legislation for installation and provide for consistent wording throughout the document.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 19 Replace an existing shower fixture outlet with a low flow shower fixture outlet

Part 21 details the specific requirements for undertaking a replacement of an inefficient shower fixture outlet with a low flow product as defined in Schedule 3 Part 3.3 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

The activity is now available at an existing residential or business premises.

Where plumbing work is involved, the installation is undertaken by a person who is the holder of a plumbing licence that is issued under the *Construction Occupations (Licensing) Act 2004*.

The Part has been updated to require installers to understand the decommissioning, recycling and disposal requirements for the activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 20 Residential Lighting activities

Details the specific requirements for undertaking lighting activities as defined in Schedule 4 Part 4.1 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity. This part was updated to reflect current LED technology, electrical safety, updates in VEET and best practice in other jurisdictions. The requirement to turn off mains power when installing LED lamps in place of an existing 12 volt halogen downlight has been replaced by the requirement to turn off the lighting circuit.

Activity abatement values have been adjusted in the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2016* in line with baseline updates made in April 2016 by VEET but there have been no changes to the requirements for this activity.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Part 21 Commercial lighting upgrades

Details the specific requirements for commercial lighting upgrades defined in Schedule 4 Part 4.2 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 22 Decommissioning and disposal of refrigerator or freezer

Details the specific requirements for the decommissioning and disposal of a refrigerator or freezer as defined in Schedule 5 Part 5.1 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 23 Purchase of high efficiency refrigerator or freezer

Details the specific requirements for the purchase of a high efficiency refrigerator or freezer as defined in Schedule 5 Part 5.2 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 24 Purchase of high efficiency electric clothes dryer

Details the specific requirements for the purchase of a high efficiency electric clothes dryer as defined in Schedule 5 Part 5.3 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 25 Install a standby power controller

Details the specific requirements for installing a standby power controller as an eligible activity as defined in Schedule 5 Part 5.4 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 26 Purchase of high efficiency television

Details the specific requirements for the purchase of a high efficiency television as defined in Schedule 5 Part 5.5 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

The abatement formula has been updated for this activity to bring it in line with current baselines and to align with the REES scheme.

There have been no changes to the requirements for this activity.

Part 27 Installation of a high efficiency swimming pool pump

Details the specific requirements for the installation of a high efficiency swimming pool pump as defined in Schedule 5 Part 5.7 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

There have been no changes to the requirements for this activity.

Part 28 Installation of a high efficiency refrigerated display cabinet

Details the specific requirements for the installation of a high efficiency refrigerated display cabinet as defined in Schedule 5 Part 5.7 of the eligible activities determination including the minimum competency requirements and activity performance specifications, determining if a premises is eligible for the activity and calculating abatement factors for the activity.

The high efficiency refrigerated display cabinet must be installed and commissioned in accordance with the *Electricity Safety Act 1971* and AS3000. Where required, existing components of the installation are to be upgraded to meet current standards of the *Electricity Safety Act 1971* and AS3000. An update to this section clarifies that where electrical wiring is involved, the installation is undertaken by a person who is the holder of an unrestricted electrician licence issued under the *Construction Occupations (Licensing) Act 2004*. This change has been based on feedback confirming that not all high efficiency refrigerated display cabinets require electrical wiring work as many self-contained units come pre-wired with a standard plug-type connection.

This activity must be recorded in accordance with the record keeping and reporting disallowable instrument.

Dictionary

New definitions have been included for:

- affected residential premises register;
- AS 1731;

- construction work;
- flueless gas appliance;
- General Construction Induction Card;
- lamp waste;
- large electricity customer;
- licensed electrician;
- licensed gasfitter;
- licensed plumber;
- LPG;
- M-package temperature class;
- product warranty;
- refrigerated display cabinet;
- small electricity customer;
- statutory warranty; and
- total display area (TDA).

The definition of the register of products has been amended so that it refers to VEET **and/or** ESS, not VEET **or** ESS, as in previous versions. The dictionary has been amended so that if a product is suspended from either the VEET or the ESS product register, it is not eligible to be used under EEIS.