

# Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2017

## Disallowable instrument DI2017 - 308

made under the

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

## EXPLANATORY STATEMENT

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### 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.

## Contents

Introduction .....	3
Overview .....	3
Energy Efficiency Improvement Scheme .....	3
This Code of Practice .....	4
Consultation .....	5
Compliance and Enforcement .....	6
Notes on Provisions .....	6
Outline of the provisions in the schedule .....	8
Part 1 Preliminary .....	8
Part 2 Important concepts .....	8
Part 3 General obligations .....	9
Part 4 Competency of representatives .....	10
Part 5 Activity performance specifications .....	11
Part 6 Building sealing activities .....	11
Part 7 Exhaust fan sealing activities .....	13
Part 8 Gap in numbering for future ventilation opening sealing codes .....	14
Part 9 Install a thermally efficient window .....	14
Part 10 Retrofit thermally efficient glazing .....	14
Part 11 Install thermally efficient window coverings .....	15
Part 12 Install window pelmets .....	15
Part 13 Install a specified high efficiency central electric space heater .....	16
Part 14 Install a high efficiency ducted gas heater .....	16
Part 15 Install a specified high efficiency electric room heater .....	17
Part 16 Install insulated space conditioning ductwork .....	17
Part 17 Decommission an electric resistance water heater and install a specified high efficiency water heater .....	18
Part 18 Decommission a gas or liquefied petroleum gas water heater and install a specified high efficiency water heater .....	18
Part 19 Replace an existing shower fixture outlet with a low flow shower fixture outlet .....	19
Part 20 Residential Lighting activities .....	19
Part 21 Commercial lighting upgrades .....	20
Part 22 Decommissioning and disposal of refrigerator or freezer .....	23
Part 23 Purchase of high efficiency refrigerator or freezer .....	23
Part 24 Purchase of high efficiency electric clothes dryer .....	24
Part 25 Install a standby power controller .....	24
Part 26 Purchase of high efficiency television .....	24
Part 27 Installation of a high efficiency swimming pool pump .....	25
Part 28 Installation of a high efficiency refrigerated display cabinet .....	25
Dictionary .....	26

## Introduction

This explanatory statement relates to the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2017* (the instrument) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the 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 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.

The Explanatory Statement addresses updates to the instrument that are being applied to achieve several outcomes. The changes include:

- Consequential amendments associated with a new regulation to increase the scope of priority household classes;
- Updates to requirements associated with some activities;
- Streamlining of requirements so that all activity-specific recording and reporting requirements are in this instrument; and
- New requirements for authorised installers to pass on educational material on how recipients can use the equipment to achieve energy and bill savings.

## 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 2017* (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.

General record keeping and reporting requirements relevant to eligible activities are prescribed in the *Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2017* (the record keeping and reporting code of practice).

### **This Code of Practice**

In accordance with section 25 of the Act, this 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 sixth version of this instrument, replacing the *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016 (No 2)*. 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 addition of new eligible activities.

This explanatory statement provides information on both the updates to the 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 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 instrument 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 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 instrument is also in accord 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 (Section 25).

## **Consultation**

A different consultation process was undertaken for each of the different types of amendments provided for in this update. Those consultation processes are detailed in the accompanying *Regulatory Impact Statement updating activities and streamlining instruments* and are summarised here.

**(a) Consultation on consequential amendments associated with a new regulation to increase the scope of priority household classes**

Targeted consultation was undertaken with a broad group including government, electricity retailers and non-government organisations with an interest in the welfare of low income households. The non-government organisations who were consulted included all of the proposed referral agencies and a wide range of housing providers. Feedback was very positive with all stakeholders supporting the proposed expansion of priority households. The verification processes that are included in Section 32 were all supported by stakeholders.

**(b) Consultation on updates to requirements associated with some activities**

Consultation on activity updates was undertaken primarily with electricity retailers involved in delivering activities, but also with suppliers of energy efficiency products and services. Each of the proposed new activity requirements were supported by the stakeholders involved in consultation.

**(c) Consultation on streamlining of requirements so that all activity-specific record keeping and reporting requirements are in this instrument**

Retailers who have been involved in delivering EEIS were consulted on the updates to activity-specific record keeping and reporting requirements. They confirmed that changes are needed to reduce administrative complexity and agreed that this change is a good start.

**(d) Consultation on new requirements for authorised installers to pass on educational material on how recipients can use the equipment to achieve energy and bill savings**

Retailers involved in delivering activities were consulted on the proposal to provide educational material to EEIS recipients. They confirmed during consultation that they would welcome information from the government that can be used by installers to help deliver a quality product and positive outcomes.

## **Compliance and Enforcement**

The Act requires retailers undertaking eligible activities to undertake the eligible activities determined by the Minister. The activities in the determination must be completed in accordance with a relevant Code of Practice. If activities are not completed in accordance with the 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.

## **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.

The effect of subsection 47(5) is to make any law of another jurisdiction, or an instrument, that is applied by a subordinate law or by a disallowable instrument, as in force from time to time, a ‘notifiable instrument’. The effect of subsection 47(6) is to make any amendments or revisions of such (external) instruments also notifiable instruments.

The reason for disapplying the application of section 47(5) and (6) is to avoid breaching copyright. The code refers to Australian standards which would be required to be notified if s47 of the Legislation Act applied. Standards Australia is the nation's peak non-government, not-for-profit standards organization whose main responsibility is the development of standards. Australian Standards are protected by copyright and are sold and distributed worldwide by SAI Global Limited. To provide a Standard referred to in legislation as a notifiable instrument on the Act Legislation Register (that is make it available publically for free) would constitute a breach of Standards Australia’s copyright in that particular standard. For this reason, the instrument disapplies s47(5) and (6) of the Legislation Act which requires the documents to be notified.

Disapplying s47 (5) and (6) means interested persons will be required to purchase the relevant standard. In relation to the cost associated with having to purchase a standard, the only people likely to have sufficient interest or need to purchase a Standard are those considering delivering activities as part of the Energy Efficiency Improvement Scheme (EEIS). Those parties include service providers such as electricians and plumbers who should already have access to the relevant Standards as part of their professions. The cost therefore should be minimal.

Additionally, many Australian and International Standards are available for viewing at the National Library of Australia (NLA). An online search of the NLA’s catalogue can be undertaken to identify which Standards it has available.

#### **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 (No 2)*.

## **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 code 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 code. The code 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 determination of eligible activities made by the Minister and other codes of practice.

In addition, this part clarifies that the code 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 code 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.

A streamlining process was carried out to avoid duplication of record keeping and reporting requirements across instruments. This was needed because the record keeping and reporting code of practice had sections that overlapped activity specific record keeping and reporting sections of this instrument. Therefore, all activity specific record keeping and reporting requirements were moved from the record keeping and reporting code of practice to this instrument to reduce duplication. Specific changes will be reflected in the respective clauses. Part 5 of the record keeping and reporting code of practice continues to include the general aspects of activity record keeping and reporting.

The following notes were added to Part 2 of this instrument:

- Section 16 and section 19: The “activity specific” record keeping and reporting requirements for each activity are listed in Parts 6-28 of this *Eligible Activities Code of Practice*.
- Section 19: See Part 5 of the record keeping and reporting code of practice for further information about general aspects of activity record keeping and reporting.



This was done in response to external advice to reduce duplication and streamline the codes of practice.

Activity IDs are also clarified in this update. The *Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination* has been amended so that an activity ID is explicitly defined for each activity. This aims to clarify how activities are referred to in record keeping and reporting. Consequential amendments are made to activity references throughout this instrument.

### **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 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.

Section 32 has been amended to support the *Energy Efficiency (Cost of Living) Improvement Regulation 2017* which establishes additional classes of priority households. These include new classes of commonwealth concessions, people on financial hardship programs, financial hardship referrals and priority dwellings. This section establishes how each class of priority household is to be determined.

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 39 was amended to include a requirement for a representative undertaking an eligible activity on a retailer's behalf to provide energy efficiency information to consumers in a form prescribed by the Administrator. This requirement will support targeted promotion of complementary Government programs to consumers explaining options and benefits of energy efficiency.

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 and Section 43 outline 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.

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, gas fitting 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 in the 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.

All of the activities must be recorded in accordance with the record keeping and reporting code of practice.

## **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.

The Building Sealing activities have been reviewed, streamlined and updated to harmonise with other jurisdictions including the updates of “Schedule 15 – Weather Sealing Activity” of the Victorian Energy Efficiency Target Scheme (VEET), which started on 1 July 2017. The previous 6 sub-categories of the EEIS Building Sealing activity:

- an unsealed door frame in an external wall; or
- 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
- each unsealed edge of an external door; or
- 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
- an unsealed window frame in an external wall; or
- each unsealed edge of an openable window.

Have been streamlined into two activity sub-types:

- Door sealing activities; and
- Window sealing activities.

A new third sub-activity has been added, ducted evaporative cooling systems, and incorporated into Part 6 to harmonise with the equivalent VEET evaporative cooling systems activity, which commenced on 1 July 2017. Ducted evaporative cooling system covers are being added to VEET and EEIS based on Sustainability Victoria (SV) testing which found this to be one of the single largest air leakage reduction measures. Subsequently it was recommended that installation of evaporative cooling covers/outlet covers be added to VEET and other schemes. This has been added as part of the building sealing activities because ducted evaporative cooling system covers are a building sealing strategy. External expert consultants therefore recommended incorporating this into this upgrade of Activity 1.1 rather than creating a totally new activity.

Activity Abatement Value (AAV) baselines for building sealing activities have been updated and a new AAV calculated for the ducted evaporative cooling system sub-activity. These ensure that activity abatement values are in line with other jurisdictions including VEET ensuring harmonisation to maximise consistency between jurisdictions.

Product warranties were increased to a minimum of 5 year product warranty to provide:

- greater integrity to the EEIS’s 10 year building sealing product deeming assumptions,
- harmonise with VEET and
- align with industry stakeholder feedback.

Industry stakeholders provided feedback of >80% that EEIS should only allow products with at least a 5 year minimum product warranty for these building sealing

activities. EEIS has reviewed and checked that all product types are available on the Australian market with 5 year warranties.

Section 58 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

The exhaust fan sealing activity has been reviewed, streamlined and updated to harmonise with other jurisdictions including updates to VEET's "Schedule 15 Weather Sealing Activity" that commenced on 1 July 2017. Key improvements include:

- Updated activity definition – to better harmonise with VEET's activity definition.
- Clearer eligibility – the activity is no longer limited to habitable rooms only.
- Easier to enforce Minimum Activity Performance Specifications – Removing the requirement that the installation maintains natural air changes and ventilation at a rate that complies with the building code and other relevant legislation in force at the time of installation and replace with the following two requirements that:
  - The activity is not located in a room that contains a flue-less gas appliance or a connection that could be used for a flue-less gas appliance; and
  - The exhaust fan is not prevented from being sealed by a ventilation requirement in relevant legislation.
- Higher minimum product warranty of a minimum of 5 years in line with industry feedback. EEIS has reviewed and checked that all product types are available on the Australian market with 5 year warranties.
- Updated baselines and AAV values for both types of exhaust fan seal upgrades have been done harmonising with VEET's latest updates taking into account the ACT climate zone, building stock/types and grid intensity.

Section 64 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic

activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **Part 8            Gap in numbering for future ventilation opening sealing codes**

There is a gap in numbering within this 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 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.

Section 70 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 76 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 82 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 88 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.
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### **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.

Section 96 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

### **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.

Section 104 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

A reference to an Australian Standard in this section has 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 AS/NZ 5263 which is the relevant standard for installing this equipment.

For the product to be listed in the referred product register it has to meet the standard. To eliminate redundancy, “as determined in accordance with AS 4556” was removed from the following requirement:



- “the rated output heating capacity of the installed product ~~as determined in accordance with AS 4556~~ in kW and the “effective from” date on the product register.

## **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.

Section 112 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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 is available in an existing residence or business premises.

Section 119 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

Section 119 was amended to support the option for completing the activity when a section of existing ductwork is inaccessible. The option is only available when the

section of ductwork is inaccessible in a section of the building such as between floors or vertical riser shafts. The option is not intended to be available for ceiling spaces or under floors or riser ducts where replacement of the existing ductwork is practical.

An example of the application of Schedule 2 Part 2.4, section 3(f) of the eligible activities determination is where existing ductwork that does not meet the requirement of having an R-Value of R1.5 in the case of riser shafts. In this case, where access is available at the top and bottom of the shaft and it is practical to do so, the ductwork within should be removed and R1.5 replacement ductwork pulled through the riser. Where it is not practical to replace the ductwork within the riser, then the space between the ductwork and the riser shaft should be effectively sealed at the top of the shaft and the bottom of the shaft where practical, so as to prevent airflow up the shaft.

## **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.

Section 127 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 135 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic

activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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 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*.

Section 141 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 147 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic

activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Several updates are proposed to EEIS Activity 4.2 Commercial Lighting to:

- Align with changes and updates to relevant national standards;
- Reflect previously agreed improvements with ActewAGL Retail;
- Streamline and reduce duplication with other parts of the codes of practice;
- Ensure that the Recording and Reporting section of commercial lighting still better aligns with the evidence pack and commercial lighting fields, with which retailers are already complying;
- Achieve greater harmonisation - Under the Council of Australian Governments (COAG) National Energy Productivity Plan, Measure 2.1, the ACT Government has committed to work towards greater harmonisation across schemes such as commercial lighting in the NSW Energy Saving Scheme (ESS), South Australian Retailer Energy Efficiency Scheme (REES) and VEET.

Specific changes included to EEIS Activity 4.2 Commercial Lighting in the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2017 (Notifiable Instrument) include:

- **Updating and increasing the minimum LED lighting product warranty requirements** so that it better aligns with the manufacturer's product warranty. Consultation evidenced that this can easily be done without adding to costs as the changes align with the actual manufacturer's product warranty of the products being widely used by retailers and approved providers in the EEIS. This harmonises with similar changes to manufacturer product warranty requirements for Hi Bay lighting upgrades in the forthcoming SA REES commercial lighting activity Jan 1 2018 update. This also improves the rigour around the 10 year average lighting lifetime assumption which underpins the 10 year deeming assumptions for this activity.
- **Removing the ACT air-conditioning multiplier** and now using the default NSW ESS commercial lighting air-conditioning multiplier of 1.07. Previously the activity had an air-conditioning multiplier for the ACT climate zone of 1.05 that was aligned with the VEET commercial lighting air-conditioning

multiplier. In the first half of 2017, the NSW ESS changed the NSW ESS commercial lighting air-conditioning multiplier from 1.3 to 1.07. Given the ACT commercial lighting activity utilises the NSW ESS commercial lighting energy savings calculator and 1.07 is virtually identical to 1.05, there are efficiencies to be gained by harmonising with NSW ESS here.

- **Specifying that LED linear tube products must be listed on the Victorian Energy Efficiency Target Scheme Product Register**, and comply with all relevant requirements of AS/NZS60598.2.1:2014, Including Amendments 1:2016. This is done to recognise that VEET product registry is more actively updating its LED linear tube products to be used in their VEET scheme. Therefore this recognises that if there are any issues or concerns being experienced on the ground VEET is most likely to be the first to change their product requirements. This aligns with forthcoming changes in SA REES commercial lighting activity.

The following amendments were made to Section 149 of this instrument:

- Clause (2) regarding workplace health and safety training and qualifications requirements was removed to reduce duplication. These requirements are covered under section 42 *Safe Training* of this instrument. This amendment has changed the numbering of this section;
- A reference to safety requirements of AS/NZS60598.2.1:2014, Including Amendment 1:2016 was added to the new clause (3) regarding effective training in modified light emitting diode (LED) linear tube upgrades;
- Differentiation between small and large retailers as far as competency goes was removed from new clause (4). All installers must be trained to meet the standards mentioned in this section;

Section 151 of this instrument was amended to include:

- The minimum LED lighting product warranty requirements were updated and increased in clause 2 so that it better aligns with the manufacturer's product warranty
- A note to clarify that where businesses do not have RCDs, the electrician needs to tell business managers about the associated safety risks and record this in their Certificate of Electrical Safety. This is needed based on advice from Access Canberra and previously agreed;
- A new clause, "To ensure electrical safety, any terminal cover, safety device or guard which is or was supplied by the manufacturer as part of the original fixture must be reinstalled or, if missing replaced and installed, as part of the completion of this activity." This is to provide clarity and improve safety;
- Updates to relevant requirements for commercial lighting upgrades (clause 14): references to AS/NZS 1680, the National Construction Code sections F4.4 and E4 were broadened and reference to Part J6 of the BCA was removed as recommended by external consultation and to reflect updates.

Section 154 of this instrument was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of

the record keeping and reporting code of practice to reduce duplication across codes of practice. As part of this update, the following changes have been made to this section:

- A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice.
- The record keeping and reporting section has been updated to better communicate what needs to be reported and how it needs to be reported. For instance, the record keeping and reporting sub-section has been updated to better align with the EEIS database and the reporting process;
- An addition to allow bulk recycling certificates to evidence effective recycling of old lights, now that the market is providing this option. This has previously been discussed and agreed with relevant stakeholders as a positive update;
- A requirement to provide a declaration for AS/NZS 1680 compliance has been added for small energy using businesses. The previous code of practice clearly required this activity, like all EEIS activities, to be implemented in accordance with all relevant legislation, codes and standards including AS/NZ 1680. In the previous code of practice there was no requirement to record that jobs in small energy using businesses had complied with AS/NZ 1680;
- For large and small energy using businesses the option of either evidencing mostly with either geotagged photos or a professional lighting diagram has been added. There is a mandatory requirement for lighting diagrams for businesses that are using over 160MWh per annum and a non-mandatory option for businesses that are using under 160 MWh per annum. This does not change the mandatory requirements for professional lighting diagrams compared to the previous code of practice. This just creates the option for using either professional lighting diagrams for small energy using businesses or mainly geotagged photos as evidence of compliance;
- A requirement to report if the business is a large or small energy using business;
- New clause 1(a) replaced previous clauses 1(a), 1(c) and 1(d) for clarity and reduce duplication.
- New clause 1(c) to require licence type and number.
- Clause 1(d) was amended to allow the use of the tracking code number for the reporting on Certificates of Electrical Safety.
- Clause 1(f)(v) was amended to simplify reporting of product type and applicable product register.
- Clause 1(f) was amended to include the requirement to report on space type, which was previously only implied.
- Clause 1(f)(ii) was amended to provide terminology consistent with the relevant product registry.
- Clause 1(i) was added to fill a gap in the reporting process and require reporting of large or small energy consuming customers.

- Clause 1(l) was added to clarify other reporting requirements regarding co-payments and how they apply to this activity.
- Clause (2) and its sub-items were added to differentiate between data reporting and evidence collection requirements. Some of these sub-items were transferred from clause (1).
- Clause (2)(d) was amended to include an option for the use of a retailers or authorised contractors own energy savings calculation tool. The requirement to provide the actual calculation tool and not only a report from this tool was also added.

## **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.

Section 160 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 166 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 172 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Section 178 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## **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.

Item 2.b.iii of Part 26, Section 180 of this instrument refers to item 3(c) of Part 5.5 of the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2017 (Notifiable Instrument). It was removed to be consistent with the



changes made to the referred part of the Notifiable Instrument, from which item 3(c) of Part 5.5 was removed. Item 3(c) of Part 5.5 of the Notifiable Instrument requires an installed television to have a comparative energy consumption on the energy rating label of not more than 270 kWh/y. This requirement restricts larger efficient televisions from being delivered as an eligible activity under the EEIS. A minimum star rating of 7 stars is also a requirement under activity 5.5 and it is considered to be sufficient to guarantee that efficient televisions are installed.

Section 184 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the Record Keeping and Reporting Code of Practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

### **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.

Section 190 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

### **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.

This activity must be recorded in accordance with the record keeping and reporting code of practice.

Section 196 was amended to include record keeping and reporting requirements relevant for this activity, which have been transferred from section 54 of the record keeping and reporting code of practice to reduce duplication across codes of practice. A new clause was added to require all information in Part 7 Section 59.1 for periodic activity reporting and Part 8 Section 67.3 for compliance period reporting of the record keeping and reporting code of practice. As part of the streamlining process to align record keeping processes with scheme databases and formalise record keeping and reporting requirements with information that is currently provided by retailers, the following requirement was deleted:

- the date of completion, being the date all prescribed activity requirements are completed.

## Dictionary

The dictionary has been updated to include or amend definitions for the following terms:

- AS/NZS 5263 – standard definition for new Australian Standard regarding ducted gas heaters energy efficiency rating;
- Australian Business Number – standard definition for new record keeping and reporting requirement;
- Business premises – amendment to existing definition to align with National Construction Code business classes and updated and streamlined with the eligible business premises definition;
- Date of completion – streamlining standard definition for existing record keeping requirement;
- Eligible business premises – updated and streamlined with the business premises definition
- Eligible residential premises – updated and streamlined with the residential premises definition;
- Implementation date – standard definition for new record keeping and reporting requirement;
- National Construction Code – standard definition required to allow updating of references from the previous ‘Building Code of Australia’ to the ‘National Construction Code’;
- New premises – “new residential premises” and “new business premises” definitions were deleted as they incorrectly defined new premises as being residential or commercial buildings built since 2011. The intention of EEIS is that activities will be done on existing buildings including those built since 2011;
- Priority Households – amended to include note with reference to the *Energy Efficiency (Cost of Living) Improvement (Priority Household Classes) Regulation 2017*;
- Register of products – amended to include Greenhouse and Energy Minimum Standards Act 2012 (GEMS); amended so that it refers to VEET and/or ESS, not VEET or ESS, as in previous versions; amended so that if a product is suspended from either GEMS, the VEET or the ESS product register, it is not eligible to be used under EEIS;
- Residential premises – updated and streamlined with the eligible residential premises definition.