

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2020

Disallowable instrument DI2020–32

made under the

Energy Efficiency (Cost of Living) Improvement Act 2012, s10 (Eligible activities)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2020 (the Determination). It has been prepared in order to assist the reader of the Determination. It does not form part of the Determination and has not been endorsed by the Assembly.

This explanatory statement clarifies the intent of the Determination and must be read in conjunction with the Determination. It is not, and is not intended to be, a comprehensive description of the Determination. What is written 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

The *Energy Efficiency (Cost of Living) Improvement Act 2012* (the Act) requires electricity retailers to achieve energy savings in households and small-to-medium enterprises. It is a key mechanism for delivering on the ACT's emission reduction targets by helping households and businesses reduce emissions and energy costs.

The purpose of the Determination is to describe eligible activities that are intended to reduce the consumption of energy, provided for by the Act. The Determination supports the operation of the Energy Efficiency Improvement Scheme (EEIS).

The Determination is a disallowable instrument described under the *Energy Efficiency (Cost of Living) Improvement Act 2012*, s10.

Clause 1 names the instrument.

Clause 2 indicates the time of commencement.

Clause 3 establishes the eligible activities that can be undertaken by electricity retailers and approved abatement providers to meet the Energy Savings Target.

In summary, the schedule of the Determination:

- a) defines the eligible activities; and for each activity:
- b) sets minimum performance specifications;
- c) outlines installed product requirements;
- d) specifies when activities are complete; and
- e) sets out how the abatement factor is calculated for each activity.

The eligible activities described in the Determination are categorised as:

- 1. Residential building envelope activities
- 2. Space heating and cooling activities
- 3. Hot water service activities
- 4. Lighting activities
- 5. Appliance activities

Clause 4 disapplies *The Legislation Act 2001*, sections 47 (5) and 47 (6). These sections are disapplied because they stipulate that any external text which is to be applied as law in the ACT needs to be republished as a notifiable instrument. It is not possible to republish text contained in Australian Standards documents as they are protected by copyright. It is not practical to republish information in the National Construction Code as it contains over 400 pages of information across 4 volumes.

Clause 5 indicates that the referenced documents are the Australian Standards and the National Construction Code, and the clause also informs readers where copies of these documents may be obtained.

Clause 6 defines the Dictionary is for the schedule of the Determination.