

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Ms Caroline Le Couteur)

# Building (Energy Efficient Hot Water Systems) Legislation Amendment Bill 2009

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# **Building (Energy Efficient Hot Water Systems) Legislation Amendment Bill 2009**

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## **A Bill for**

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Building (Energy Efficient Hot Water Systems)*  
4 *Legislation Amendment Act 2009*.

5 **2 Commencement**

6 This Act commences on 1 July 2009.

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

## Part 2 Building Act 2004

### 3 Legislation amended—pt 2

This part amends the *Building Act 2004*.

### 4 Building code Section 136 (1)

*substitute*

(1) In this Act:

***building code*** means the Building Code of Australia published by the Australian Building Codes Board—

(a) as amended from time to time by—

(i) the Australian Building Codes Board; and

(ii) the Australian Capital Territory Appendix to the Building Code of Australia; and

(b) as affected by subsection (1A).

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

(1B) For subsection (1A)—

(a) a regulation may provide for the standard to apply, adopt or incorporate an instrument as in force from time to time; and

- 1 (b) the Legislation Act, section 47 (6) does not apply to such an  
2 instrument.
- 3 *Note 1* The text of an applied, adopted or incorporated instrument, whether  
4 applied as in force from time to time or as at a particular time, is taken  
5 to be a notifiable instrument if the operation of the Legislation Act,  
6 s 47 (5) or (6) is not disapplied (see s 47 (7)).
- 7 *Note 2* A notifiable instrument must be notified under the Legislation Act.
- 8 (1C) However, the building code as affected by subsection (1A) does not  
9 apply in relation to a building built, or started to be built, before that  
10 subsection commences until 1 January 2010.
- 11 (1D) Subsection (1C) and this subsection expire 1 year after the day  
12 subsection (1A) commences.

## Part 3 Building (General) Regulation 2008

### 5 Legislation amended—pt 3

This part amends the *Building (General) Regulation 2008*.

### 6 New section 43A

*in part 5, insert*

### 43A Application of building code—hot water system standard—Act, s 136 (1A)

The hot water system standard in schedule 3A is prescribed.

### 7 New schedule 3A

*insert*

## Schedule 3A Hot water system standard

(see s 43A)

### 3A.1 Definitions

In this schedule:

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

*Note* Australian and New Zealand standards may be purchased at [www.standards.org.au](http://www.standards.org.au).

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

- 1           **AS/NZS 2712** means Australian and New Zealand Standard  
2           **AS/NZS 2712:2007** (*Solar and heat pump water heaters—design*  
3           *and construction*), as in force from time to time.
- 4           **AS/NZS 4234** means Australian and New Zealand Standard  
5           **AS/NZS 4234:2008** (*Heated water systems—calculation of energy*  
6           *consumption*), as in force from time to time.
- 7           **AS/NZS 4692** means Australian and New Zealand Standard  
8           **AS/NZS 4692.1:2005** (*Electric water heaters—energy consumption,*  
9           *performance and general requirements*), as in force from time to  
10          time.
- 11          **climate zone 7**—see the building code.
- 12          **compliant electric hot water system** means an electric hot water  
13          system that—
- 14           (a) complies with AS 1056; and
- 15           (b) has been rated in accordance with AS/NZS 4692; and
- 16           (c) has a volume of not more than 80 litres.
- 17          **compliant gas hot water system** means a gas hot water system  
18          that—
- 19           (a) complies with AS 4552; and
- 20           (b) achieves a minimum energy rating of 5 stars in accordance  
21           with AS 4552.
- 22          **compliant heat pump hot water system** means a heat pump hot  
23          water system that—
- 24           (a) complies with AS/NZS 2712; and
- 25           (b) has been rated in accordance with AS/NZS 4234; and
- 26           (c) achieves a minimum energy saving of 60% for an annual  
27           average hot water demand level of 38 MJ per day for climate  
28           zone 7.



1        ***compliant solar hot water system*** means a solar hot water system  
2        that—

- 3            (a) complies with AS/NZS 2712; and  
4            (b) has been rated in accordance with AS/NZS 4234; and  
5            (c) achieves a minimum energy saving of 60% for an annual  
6            average hot water demand level of 38 MJ per day for climate  
7            zone 7.

8        ***gas distribution network***—see the *Utilities Act 2000*, section 10 (2).

9        ***hot water system*** means a system for supplying hot water for  
10       domestic purposes including washing, bathing and showering.

11       ***non-urban land***—see section 44 (2).

12       ***solid fuel-burning equipment***—see the *Environment Protection*  
13       *Act 1997*, schedule 2, section 2.1.

14       ***R-value***—see section 28 (2).

### 15       **3A.2       Hot water system—installation or replacement**

- 16            (1) A person who installs a hot water system in a class 1 building, or  
17            replaces a hot water system in a completed existing class 1 building,  
18            must ensure that the system is 1 of the following:

- 19            (a) a compliant gas hot water system;  
20            (b) a compliant heat pump hot water system;  
21            (c) a compliant solar hot water system;  
22            (d) a hot water system determined by the Minister.

- 23            (2) However, this section does not apply to the following:

- 24            (a) the installation or replacement of a hot water system in a  
25            class 1 building in an area of non-urban land if the hot water  
26            system consists of solid fuel-burning equipment;

- 1 (b) the replacement of a hot water system in a class 1 building if—
- 2 (i) the hot water system would be the only hot water system
- 3 for the building; and
- 4 (ii) the building is not in an area that has access to the gas
- 5 distribution network; and
- 6 (iii) the hot water system is a compliant electric hot water
- 7 system; and
- 8 (iv) the hot water system is insulated with thermal insulation
- 9 material that has an R-value of at least R1.

10 **3A.3 Hot water system—determination**

- 11 (1) The Minister may determine a hot water system for section 3A.2 if
- 12 satisfied that the greenhouse gas emissions associated with the hot
- 13 water system are not more than the greenhouse gas emissions
- 14 associated with the operation of any of the following hot water
- 15 systems:
- 16 (a) a compliant gas hot water system;
- 17 (b) a compliant heat pump hot water system;
- 18 (c) a compliant solar hot water system.
- 19 (2) A determination under this section is a notifiable instrument.
- 20 *Note* A notifiable instrument must be notified under the Legislation Act.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2009.

**2 Notification**

Notified under the Legislation Act on 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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