

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Ms Caroline Le Couteur)

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

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# **Water and Sewerage (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, and for other purposes

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

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J2009-479

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences on 1 October 2009.

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

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## 1 Part 2 Water and Sewerage Act 2000

### 2 3 Legislation amended—pt 2

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

### 4 4 New section 45A

5 *insert*

#### 6 45A Meaning of *plumbing code*

7 (1) In this Act:

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

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

13 (3) However—

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

18 (b) the new plumbing code applies in relation to a building built,  
19 or started to be built, before that subsection commences on  
20 1 January 2010.

21 (4) In subsection (3):

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

24 *new plumbing code*—see subsection (1).

1 (5) Subsections (3), (4) and this subsection expire 1 year after the day  
2 this section commences.

3 (6) In this section:

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

5 **5 Section 46**

6 *substitute*

7 **46 Declaration of ACT plumbing code**

8 (1) The Minister may declare a document to be the ACT plumbing code  
9 for this Act.

10 (2) A declaration is a notifiable instrument.

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

12 **6 Dictionary, new definition of ACT plumbing code**

13 *insert*

14 *ACT plumbing code* means a document declared under section 46.

15 **7 Dictionary, definition of plumbing code**

16 *substitute*

17 *plumbing code*—see section 45A (1).

1 **Part 3** **Water and Sewerage**  
2 **Regulation 2001**

3 **8** **Legislation amended—pt 3**

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

5 **9** **New section 28**

6 *insert*

7 **28** **Application of plumbing code—hot-water system**  
8 **standard—Act, s 45A (2)**

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

10 **10** **New schedule 2**

11 *insert*

12 **Schedule 2** **Hot-water system standard**

13 (see s 28)

14 **2.1** **Definitions—sch 2**

15 In this schedule:

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

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

18 **2.2** **Compliant hot-water systems**

19 (1) In this schedule:

20 *compliant electric hot-water system* means an electric hot-water  
21 system that—

- 1 (a) complies with AS 1056; and  
2 (b) has been rated in accordance with AS/NZS 4692; and  
3 (c) has a volume of not more than 80 litres.
- 4 ***compliant gas hot-water system*** means a gas hot-water system  
5 that—
- 6 (a) complies with AS 4552; and  
7 (b) achieves a minimum energy rating of 5 stars in accordance  
8 with AS 4552.
- 9 ***compliant heat pump hot-water system*** means a heat pump  
10 hot-water system that—
- 11 (a) complies with AS/NZS 2712; and  
12 (b) has been rated in accordance with AS/NZS 4234; and  
13 (c) if the hot-water system is to be installed in a class 1 building  
14 with 1 or 2 bedrooms—
- 15 (i) has at least 14 renewable energy certificates for climate  
16 zone 7; and  
17 (ii) achieves a minimum energy saving of 40% in accordance  
18 with the requirements under AS/NZS 4234 for a small  
19 system; and  
20 (d) if the hot-water system is to be installed in a class 1 building  
21 with 3 or 4 bedrooms—
- 22 (i) has at least 22 renewable energy certificates for climate  
23 zone 7; and  
24 (ii) achieves a minimum energy saving of 60% in accordance  
25 with the requirements under AS/NZS 4234 for a medium  
26 system; and



- 1 (e) if the hot-water system is to be installed in a class 1 building  
2 with 5 or more bedrooms—
- 3 (i) has at least 28 renewable energy certificates for climate  
4 zone 7; and
- 5 (ii) achieves a minimum energy saving of 60% in accordance  
6 with the requirements under AS/NZS 4234 for a large  
7 system.
- 8 ***compliant solar hot-water system*** means a solar hot-water system  
9 that—
- 10 (a) complies with AS/NZS 2712; and
- 11 (b) has been rated in accordance with AS/NZS 4234; and
- 12 (c) if the hot-water system is to be installed in a class 1 building  
13 with 1 or 2 bedrooms—
- 14 (i) has at least 14 renewable energy certificates for climate  
15 zone 7; and
- 16 (ii) achieves a minimum energy saving of 40% in accordance  
17 with the requirements under AS/NZS 4234 for a small  
18 system; and
- 19 (d) if the hot-water system is to be installed in a class 1 building  
20 with 3 or 4 bedrooms—
- 21 (i) has at least 22 renewable energy certificates for climate  
22 zone 7; and
- 23 (ii) achieves a minimum energy saving of 60% in accordance  
24 with the requirements under AS/NZS 4234 for a medium  
25 system; and

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

3 (i) has at least 28 renewable energy certificates for climate  
4 zone 7; and

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

8 (2) In this section:

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

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

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

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

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

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

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

27 **climate zone 7**—see the building code.

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

- 1    **2.3       Hot-water system—installation or replacement**
- 2       (1) A person who installs a hot-water system in a class 1 building must
- 3       ensure that the hot-water system is 1 of the following:
- 4           (a) a compliant gas hot-water system;
- 5           (b) a compliant heat pump hot-water system;
- 6           (c) a compliant solar hot-water system;
- 7           (d) a hot-water system determined by the Minister under
- 8           section 2.5.
- 9       (2) However, this section does not apply if any of the following apply:
- 10       (a) the hot-water system—
- 11           (i) consists of solid fuel-burning equipment; and
- 12           (ii) is being installed in a class 1 building located in an area
- 13           of non-urban land;
- 14       (b) the hot-water system—
- 15           (i) is replacing an existing hot-water system in a class 1
- 16           building that is located in an area without access to the
- 17           gas distribution network; and
- 18           (ii) is a compliant electric hot-water system; and
- 19           (iii) is insulated with thermal insulation material that has an
- 20           R-value of at least R1; and
- 21           (iv) is the only hot-water system for the building;
- 22       (c) the hot-water system—
- 23           (i) is replacing, under warranty, an existing hot-water system
- 24           in a class 1 building; and
- 25           (ii) is an electric hot-water system;

1 (d) the hot-water system is replacing an existing hot-water system  
2 in a completed existing class 1 building in a circumstance  
3 prescribed by regulation.

4 (3) For paragraph (2) (d), a regulation may only prescribe a  
5 circumstance in which compliance with this section would be  
6 unreasonable because of a technical difficulty with the location or  
7 operation of the hot-water system.

8 (4) In this section:

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

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

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

19 **install** a hot-water system includes replace an existing hot-water  
20 system.

21 **non-urban land** means—

22 (a) territory land in 1 of the following zones under the territory  
23 plan:

24 (i) broadacre zone;

25 (ii) rural zone;

26 (iii) hills, ridges and buffer areas zone;

27 (iv) river corridor zone;

28 (v) mountains and bushlands zone;

- 1 (vi) transport and services zones TS1-TS2; or  
2 (b) land other than land in an area identified under the national  
3 capital plan as—  
4 (i) an urban area; or  
5 (ii) the Central National Area.

6 ***R-value*** means the thermal resistance ( $m^2K/W$ ) of a component  
7 worked out by dividing its thickness by its thermal conductivity.

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

11 **2.4 Hot-water system—declaration of compliant hot-water**  
12 **systems**

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

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

- 1     **2.5     Hot-water system—determination of other hot-water**  
2     **systems**
- 3           (1) The Minister may determine a hot-water system for  
4           section 2.3 (1) (d) if satisfied that the greenhouse gas emissions  
5           associated with the hot-water system are not more than the  
6           greenhouse gas emissions associated with the operation of any of  
7           the following hot-water systems:
- 8               (a) a compliant gas hot-water system;
- 9               (b) a compliant heat pump hot-water system;
- 10              (c) a compliant solar hot-water system.
- 11          (2) A determination is a notifiable instrument.
- 12           *Note*     A notifiable instrument must be notified under the Legislation Act.
- 13     **2.6     Hot-water system—water flow performance standard**
- 14           (1) A person who installs a hot-water system in a class 1 building, or  
15           replaces a hot-water system in a completed existing class 1 building,  
16           must ensure that each shower outlet connected to the hot-water  
17           system has a maximum flow capacity of not more than 9 litres per  
18           minute.
- 19           (2) A shower outlet is taken to comply with subsection (1) if it is  
20           connected to a shower head, flow controller or flow restrictor that—
- 21               (a) achieves a minimum water rating of 3 stars in accordance with  
22               the WELS standard for the shower head, flow controller or  
23               flow restrictor; and
- 24               (b) carries a mark certifying that the shower head, flow controller  
25               or flow restrictor complies with the plumbing code.
- 26           (3) This section does not apply to a hot-water system that is not  
27           connected to water mains.

1 (4) In this section:

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

4 **11 Dictionary, note 2**

5 *insert*

- 6 • national capital plan  
7 • territory plan

8 **12 Dictionary, note 4**

9 *insert*

- 10 • hot-water system

11 **13 Dictionary, new definitions**

12 *insert*

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

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

17 **compliant electric hot-water system**, for schedule 2 (Hot-water  
18 system standard)—see schedule 2, section 2.2.

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

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

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

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

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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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