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Confidential Draft prepared by the Office of Chief Parliamentary Counsel Victoria

Victorian Energy Efficiency Target Amendment (Weather Sealing) Regulations 2017

S.R. No.

TABLE OF PROVISIONS

<i>Regulation</i>		<i>Page</i>
1	Objective	1
2	Authorising provision	1
3	Commencement	1
4	Principal Regulations	2
5	Definitions	2
6	Prescribed activities	2
7	New regulation 6AA inserted	3
8	Conditions and circumstances under which a certificate cannot be created	6
9	Schedule 15 substituted	6
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Endnotes		14

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STATUTORY RULES 2017

Third Draft 5/5/2017

S.R. No.

Victorian Energy Efficiency Target Act 2007

**Victorian Energy Efficiency Target Amendment
(Weather Sealing) Regulations 2017**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy, Environment and Climate Change

Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Victorian Energy Efficiency Target Regulations 2008 to make changes to the prescribed activity of undertaking one or more activities restricting the airflow into or out of the premises.

2 Authorising provision

These Regulations are made under section 75 of the **Victorian Energy Efficiency Target Act 2007**.

3 Commencement

These Regulations come into operation on 1 July 2017.

4 Principal Regulations

In these Regulations, the Victorian Energy Efficiency Target Regulations 2008¹ are called the Principal Regulations.

5 Definitions

In regulation 4 of the Principal Regulations **insert** the following definition—

"warranty against defects has the same meaning as it has in the Australian Consumer Law (Victoria);".

6 Prescribed activities

For regulation 6(2)(b) of the Principal Regulations **substitute**—

- "(b) undertaking in the premises one or more of the weather sealing activities referred to in regulation 6AA unless that activity results, or those activities together result, in—
- (i) the volume of air that is exchanged at the premises each hour being less than 50% of the volume of the premises; or

Note

This concept is known as the air change rate. Expressed as a decimal number, the air change rate referred to in this provision is 0·5.

- (ii) the premises failing to comply with Part 3.8.5 of the Building Code as amended from time to time;".

7 New regulation 6AA inserted

After regulation 6 of the Principal Regulations
insert—

"6AA Weather sealing activities

- (1) For the purposes of regulation 6(2)(b), the following activities are the weather sealing activities—
 - (a) installing a product that complies, or 2 or more products that together comply, with the criteria specified in item 15A in Part A of Schedule 15, to the frame of an external door or to each edge of an external door if that installation—
 - (i) is in accordance with the manufacturer's instructions; and
 - (ii) restricts airflow around the entire perimeter of the door; and
 - (iii) does not impair the normal operation of that door;
 - (b) installing a product that complies, or 2 or more products that together comply, with the criteria specified in item 15B in Part A of Schedule 15, to the frame of an external window if that installation—
 - (i) is in accordance with the manufacturer's instructions; and
 - (ii) restricts airflow through the window; and

- (iii) does not impair the normal operation of that window;
- (c) doing each of the following things—
 - (i) removing a ceiling or wall exhaust fan that does not comply with the criteria specified in item 15C in Part A of Schedule 15; and
 - (ii) decommissioning that ceiling or wall exhaust fan; and
 - (iii) installing, in accordance with the manufacturer's instructions and in the place of the decommissioned fan, a ceiling or wall exhaust fan that complies with the criteria specified in item 15C in Part A of Schedule 15;
- (d) installing a product that complies with the criteria in item 15D in Part A of Schedule 15—
 - (i) in accordance with the manufacturer's instructions; and
 - (ii) on a ceiling or wall exhaust fan that expels air either outside or into the roof space of the premises and on which no such product is already installed;
- (e) installing a product that complies with item 15E in Part A of Schedule 15—
 - (i) in accordance with the manufacturer's instructions; and

- (ii) in an unsealed wall vent; and
 - (iii) with the result that a ventilation opening in an external wall is sealed or closed;
- (f) installing a product that complies with the criteria specified in item 15F in Part A of Schedule 15—
 - (i) in accordance with the manufacturer's instructions; and
 - (ii) to an unsealed chimney or flue of a fireplace to which no such product is already installed;
- (g) subject to subregulation (2), installing a product that complies with the criteria specified in item 15G in Part A of Schedule 15—
 - (i) in accordance with the manufacturer's instructions; and
 - (ii) to an unsealed chimney or flue of a fireplace to which no such product is already installed; and
 - (iii) along with signage that includes instructions for removing the product;
- (h) subject to subregulation (2), installing a product that complies with the criteria specified in item 15H in Part A of Schedule 15—
 - (i) in accordance with the manufacturer's instructions; and

(ii) so that the product covers the ceiling outlet of a ducted evaporative cooling system to which no such product is already installed.

(2) Subregulation (1)(g) and (h) do not include the reinstallation of a product.

Note

Part A of Schedule 15 specifies that these products are products that are designed to be installed on a temporary or seasonal basis."

8 Conditions and circumstances under which a certificate cannot be created

After regulation 10(3) of the Principal Regulations **insert—**

"(4) For the purposes of section 17(3)(d) of the Act, a certificate cannot be created in relation to a reduction in greenhouse gas emissions that results from an activity referred to in regulation 6AA(1)(f) or (g) if the ESC is satisfied that the premises in which the activity is undertaken are not predominantly heated by gas or electricity."

9 Schedule 15 substituted

For Schedule 15 to the Principal Regulations **substitute—**

"Schedule 15—Weather sealing

Regulation 6(2)(b)

Prescribed activity under regulation 6(2)(b): *Undertaking in the premises one or more of the weather sealing activities referred to in regulation 6AA unless that activity results, or those activities together result, in the volume of air that is exchanged at the premises each hour being less than 50% of the volume of the premises, or the premises failing to comply with Part 3.8.5 of the Building Code as amended from time to time.*

Part A—Criteria

Item

- 15A A door sealing product or weather stripping product, or a combination of such products—
- (a) each of which is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
 - (b) that is listed on the ESC register as a single product or as a combination of products (as the case requires).
- 15B A window sealing product or weather stripping product, or a combination of such products—
- (a) each of which is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
 - (b) that is listed on the ESC register as a single product or as a combination of products (as the case requires).
- 15C A product, being a ceiling or wall exhaust fan, that—
- (a) expels air either outside or into the roof space of the premises; and
 - (b) is fitted with a self-closing damper, flap, filter or other sealing product that allows airflow through the exhaust of the fan when the fan is operating, but restricts airflow when the fan is not operating; and
 - (c) is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
 - (d) is listed on the ESC register.

15D A product, being a self-closing damper, flap, filter or other sealing product that—

- (a) when installed on a ceiling or wall exhaust fan, allows airflow through the exhaust of the fan when the fan is operating and restricts airflow when the fan is not operating; and
- (b) is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
- (c) is listed on the ESC register.

15E A product that—

- (a) is made of a robust non-shrinking sealing material; and
- (b) is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
- (c) is listed on the ESC register.

15F A product that—

- (a) when fitted to a chimney or flue of an open fireplace used to burn solid fuel when closed—
 - (i) restricts the airflow into or out of the chimney or flue; and
 - (ii) allows the fireplace to operate safely and effectively when open; and
- (b) is designed to be fitted permanently to the chimney or flue; and
- (c) is covered by a warranty against defects for a period of at least 5 years from the date of installation; and
- (d) is listed on the ESC register.

15G A product that—

- (a) when fitted to a chimney or flue of an open fireplace used to burn solid fuel, restricts the airflow into or out of the chimney or flue; and
- (b) is designed to be installed on a temporary or seasonal basis; and
- (c) is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
- (d) is listed on the ESC register.

15H A product that—

- (a) when installed to cover the ceiling outlet of a ducted evaporative cooling system, restricts airflow from inside the residential premises into the evaporative cooling ductwork; and
- (b) is designed to be installed on a temporary or seasonal basis; and
- (c) is covered by a warranty against defects for a period of at least 2 years from the date of installation; and
- (d) is supplied for installation with instructions regarding—
 - (i) the installation and removal of the product; and
 - (ii) the time of year that the product should be installed and removed; and
- (e) is listed on the ESC register.

Part B—Calculation of carbon dioxide equivalents of greenhouse gases

The carbon dioxide equivalent (in tonnes) of greenhouse gases to be reduced by undertaking one or more of the weather sealing activities referred to in regulation 6AA is the sum of the figures obtained by multiplying, for each item in Part A, the number of products or combinations of products referred to in that item that are installed as part of the activity by the abatement factor for that item (or, in the case of item 15B, by the area in m² of the window the frame of which is sealed) and by the regional factor applying to the place where the products or combinations of products are installed.

The following are the abatement factors and regional factors for each item in Part A:

Item

15A Abatement factor:

For each door:

- (a) If the product, or one or more of the products, is covered by a warranty against defects for a period of at least 2 years, but less than 5 years: 0.3025;
- (b) If the product, or each of the products, is covered by a warranty against defects for a period of at least 5 years: 0.605.

15B Abatement factor:

For each m² of the window, the frame of which is sealed:

- (a) If the product, or one or more of the products, is covered by a warranty against defects for a period of at least 2 years, but less than 5 years: 0.0135;

Victorian Energy Efficiency Target Amendment (Weather Sealing)
Regulations 2017
S.R. No.

(b) If the product, or each of the products, is covered by a warranty against defects for a period of at least 5 years:	0·027.
15C Abatement factor: For each exhaust fan:	
(a) If the warranty against defects covers a period of at least 2 years, but less than 5 years:	0·464;
(b) If the warranty against defects covers a period of at least 5 years:	0·928.
15D Abatement factor: For each exhaust fan:	
(a) If the warranty against defects covers a period of at least 2 years, but less than 5 years:	0·899;
(b) If the warranty against defects covers a period of at least 5 years:	1·798.
15E Abatement factor: For each ventilation opening sealed or closed:	
(a) If the warranty against defects covers a period of at least 2 years, but less than 5 years:	0·118;
(b) If the warranty against defects covers a period of at least 5 years:	0·236.
15F Abatement factor: For each chimney or flue in which a product is installed:	5·234.
15G Abatement factor For each chimney or flue in which a product is installed:	2·617.

15H Abatement factor:

For each evaporative cooling cover installed:

- (a) If the warranty against defects covers a period of at least 2 years, but less than 5 years: 0.119;
- (b) If the warranty against defects covers a period of at least 5 years: 0.238.

15A–15G Regional factor:

- (a) If the prescribed activity is undertaken in metropolitan Victoria: 1.05;
- (b) If the prescribed activity is undertaken in regional Victoria—climatic region Mild: 0.84;
- (c) If the prescribed activity is undertaken in regional Victoria—climatic region Cold: 1.32;
- (d) If the prescribed activity is undertaken in regional Victoria—climatic region Hot: 0.69.

15H Regional factor:

- (a) If the prescribed activity is undertaken in metropolitan Victoria: 1.05;
- (b) If the prescribed activity is undertaken in regional Victoria—climatic region Mild: 0.84;
- (c) If the prescribed activity is undertaken in regional Victoria—climatic region Cold: 1.93;
- (d) If the prescribed activity is undertaken in regional Victoria—climatic region Hot: 0.78.

**Part C—Time at which activity
undertaken and reduction in greenhouse
gas emissions occurs**

The time at which the activity is taken to have been undertaken, and the time at which the reduction in greenhouse gas emissions resulting from that activity is taken to have occurred, is—

- (a) if one or more products referred to in item 15C of Part A is installed as part of the activity, the beginning of whichever of the following days is later—
 - (i) the day on which the last of those products is installed;
 - (ii) the day of the decommissioning of the last of the ceiling or wall exhaust fans in place of which those products were installed; or
- (b) otherwise, the beginning of the day on which the last of the products or combinations of products is installed as part of the activity."

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Endnotes

¹ Reg. 4: S.R. No. 158/2008. Reprint No. 2 as at 12 May 2016. Reprinted to S.R. No. 16/2016. Subsequently amended by S.R. No 147/2016.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

In this table, Principal Regulations means the Victorian Energy Efficiency Target Regulations 2008.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 6 which substitutes regulation 6(2)(b) of the Principal Regulations	The Building Code of Australia comprising— (a) Volume One of the Australian Building Codes Board Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and (b) Volume Two of the Australian Building Codes Board Series including any Victorian additions set out in Appendix A of that Volume	Part 3.8.5
Regulation 9 which substitutes Schedule 15 to the Principal Regulations	The Building Code of Australia comprising— (a) Volume One of the Australian Building Codes Board Series including any variations or additions	Part 3.8.5

Victorian Energy Efficiency Target Amendment (Weather Sealing)
Regulations 2017
S.R. No.
Endnotes

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	in the Appendix Victoria set out in the Appendices to that Volume; and (b) Volume Two of the Australian Building Codes Board Series including any Victorian additions set out in Appendix A of that Volume	