**Victorian Energy Efficiency Target (Weather Sealing and Other Matters) Regulations 2016**

**S.R. No. XX/2016**

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S.R. No. XX/2016

***Victorian Energy Efficiency Target Act 2007***

**Victorian Energy Efficiency Target (Weather Sealing and Other Matters) Regulations 2016**

The Governor in Council makes the following Regulations:

Dated: DATE

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy and Resources

ANDREW ROBINSON

Clerk of the Executive Council

Part 1—Preliminary

 1 Objective

The objective of these Regulations is to amend the Victorian Energy Efficiency Target Regulations 2008 to—

 (a) make changes to certain prescribed activities; and

 (b) incorporate more recent versions of certain documents that are relevant to certain prescribed activities; and

 (c) make other minor and technical amendments.

 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 September 2016.

 4 Principal Regulations

In these Regulations, the Victorian Energy Efficiency Target Regulations 2008[[1]](#endnote-2) are called the Principal Regulations.

Part 2—Amendments to prescribed activities

 5 Definitions

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

"***enclosed subfloor*** means an underfloor area that is not exposed to external weather conditions other than by vents;".

 6 Regulation 6 amended

 (1) In regulation 6(1)(k) of the Principal Regulations, for "AS 3999—1992 published on 16 April 1992 incorporating Amendment No. 1 published on 9 March 2012" **substitute** "AS 3999—2015 published on 23 July 2015".

 (2) In regulation 6(2)(b) of the Principal Regulations, for "the 2008 edition of the Building Code" **substitute** "the Building Code as amended from time to time".

 (3) In regulation 6(2)(b)(iii) of the Principal Regulations, after "removing a ceiling or wall exhaust fan" **insert** "that does not comply with the criteria specified in item 15C in Part A of Schedule 15".

 (4) In regulation 6(2)(b)(iv) of the Principal Regulations—

 (a) for "installing on an exhaust fan" **substitute** "installing, on a ceiling or wall exhaust fan that expels air either outside or into the roof space of the premises,"; and

 (b) after "Schedule 15" **insert** ", where that ceiling or wall exhaust fan does not already have such a product installed".

 (5) In regulation 6(2)(b)(v) of the Principal Regulations **omit** "permanently".

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

 "(vi) installing a product that complies with the criteria specified in either item 15F or 15G in Part A of Schedule 15 to an unsealed chimney or flue of an open solid fuel burning appliance, which does not already have such a product installed, in residential premises for which the predominant method of heating is electricity or gas;
 **Note**
 This would exclude installation works in buildings where wood heating is the only or predominant method of heating.

 (vii) installing a product that complies with the criteria specified in item 15H in Part A of Schedule 15 to cover the ceiling outlet of a ducted evaporative cooling system;".

 7 Schedule 12 amended

 (1) In Schedule 12 to the Principal Regulations, for "AS 3999—1992 published on 16 April 1992 incorporating Amendment No. 1 published on 9 March 2012" **substitute** "AS 3999—2015 published on 23 July 2015".

 (2) In Schedule 12 to the Principal Regulations, in Part A, for item 12A **substitute**—

 "12A A product, or combination of products, installed in an enclosed subfloor—

 (a) that achieves a minimum material R-value of 1⋅5 when measured in accordance with section 2.3 of AS/NZS 4859.1:2002 incorporating Amendment No. 1 published on 28 December 2006; and

 (b) each of which—

 (i) is not conductive; and

 (ii) complies with the performance criteria of AS/NZS 4859.1:2002 incorporating Amendment No. 1 published on 28 December 2006.

 12B A product, or combination of products, installed in a subfloor that is not an enclosed subfloor—

 (a) that achieves a minimum material R-value of 1⋅5 when measured in accordance with section 2.3 of AS/NZS 4859.1:2002 incorporating Amendment No. 1 published on 28 December 2006; and

 (b) each of which—

 (i) is not conductive; and

 (ii) complies with the performance criteria of AS/NZS 4859.1:2002 incorporating Amendment No. 1 published on 28 December 2006.".

 (3) In Schedule 12 to the Principal Regulations, in Part B—

 (a) for "12A Abatement factor: 0⋅073" **substitute**—

" 12A Abatement factor: 0⋅05

 12B Abatement factor: 0⋅099";

 (b) before "Regional factor" **insert** "12A—12B";

 (c) for "0⋅86" **substitute** "0⋅83";

 (d) for "1⋅23" **substitute** "1⋅16"; and

 (e) for "0⋅79" **substitute** "0⋅8".

 (4) In Schedule 12 to the Principal Regulations, in Part C, after "12A" **insert** "—12B".

 8 Schedule 15 amended

 (1) In Schedule 15 to the Principal Regulations—

 (a) for "(vi)" **substitute** "(vii)"; and

 (b) for "the 2008 edition of the Building Code" **substitute** "the Building Code as amended from time to time".

 (2) In Schedule 15 to the Principal Regulations, in Part A, for item 15A **substitute**—

 "15A A door sealing product or weather stripping product, or a combination of such products, that—

 (a) is designed to restrict the airflow into or out of the premises through gaps between an external door and the door frame and floor;

 (b) is installed on an external door or the door frame so as to restrict airflow around the entire perimeter of the external door;

 (c) the installation of which does not impair the normal operation of the door;

 (d) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (e) is listed on the ESC register.".

 (3) In Schedule 15 to the Principal Regulations, in Part A, for item 15B **substitute**—

 "15B A window sealing product or weather stripping product, or a combination of such products, that—

 (a) is designed to restrict the airflow into or out of premises through an openable window and the window frame;

 (b) is installed on an external window or the window frame so as to restrict airflow through the window;

 (c) the installation of which does not impair the normal operation of the window;

 (d) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (e) is listed on the ESC register.".

 (4) In Schedule 15 to the Principal Regulations, in Part A, for item 15C **substitute**—

 "15C A product, being a ceiling or wall exhaust fan, that—

 (a) expels air either outside or into the roof space of the premises;

 (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;

 (c) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (d) is listed on the ESC register.".

 (5) In Schedule 15 to the Principal Regulations, in Part A, for item 15D **substitute**—

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

 (a) is designed to be fitted to an existing ceiling or wall exhaust fan so as to allow airflow through the exhaust of the fan when the fan is operating, but restrict airflow when the fan is not operating;

 (b) is installed in accordance with the manufacturer’s instructions;

 (c) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (d) is listed on the ESC register.".

 (6) In Schedule 15 to the Principal Regulations, in Part A, for item 15E **substitute**—

 "15E A product that—

 (a) is designed to restrict the airflow into and out of a wall ventilation opening, or is approved by the ESC as suitable for this purpose; and

 (b) is made of a robust non-shrinking permanent sealing material;

 (c) is installed on an unsealed wall vent located inside the dwelling;

 (d) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (e) is listed on the ESC register.".

 (7) In Schedule 15 to the Principal Regulations, in Part A, for item 15F **substitute**—

 "15F A product that—

 (a) is designed to restrict the airflow into or out of a chimney or flue when closed, but to allow the fireplace to operate safely and effectively when open;

 (b) is fitted permanently to the chimney or flue;

 (c) is installed in accordance with the manufacturer’s instructions;

 (d) the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances; and

 (e) is listed on the ESC register.

 15G A product that—

 (a) is designed to be fitted to the chimney or flue on a temporary or seasonal basis so that airflow through the chimney is restricted when the product is installed;

 (b) is capable of being easily and correctly re-installed by the occupant of the residential premises;

 (c) is installed with appropriate signage to indicate the product is installed, with instructions for removal;

 (d) the ESC is satisfied that the product has a lifetime of at least 5 years when operating under normal circumstances; and

 (e) is listed on the ESC register.

 15H A product that—

1. is designed to be fitted to cover the ceiling outlet of a ducted evaporative cooling system on a temporary or seasonal basis, so as to restrict airflow from inside the residential premises into the evaporative cooling ductwork;
2. the ESC is satisfied that the product has a lifetime of at least 10 years when operating under normal circumstances;
3. includes instructions on the installation and removal of the product, and the time of year that the product should be installed and removed; and
4. is listed on the ESC register".

 (8) In Schedule 15 to the Principal Regulations, in Part B—

 (a) for "0⋅371." **substitute** "0⋅605.";

 (b) for "0⋅025." **substitute** "0⋅027.";

 (c) for "0⋅911.", where first occurring, **substitute** "0⋅928.";

 (d) for "0⋅911.", where second occurring, **substitute** "1⋅798.";

 (e) for "0⋅231." **substitute** "0⋅236.";

 (f) for the item headed "15F Abatement factor:" **substitute**—

 "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: 0.238.".

 (9) In Schedule 15 to the Principal Regulations, in Part B in the item headed “15A-15F Regional factor”—

 (a) for "15A–15F" **substitute** "15A–15G;";

 (b) for "1⋅03;" **substitute** "1⋅05;";

 (c) for "0⋅91;" **substitute** "0⋅84;";

 (d) for "1⋅30;" **substitute** "1⋅32;";

 (e) for "0⋅84;" **substitute** "0⋅69;";

 (10) In Schedule 15 to the Principal Regulations, at the end of Part B **insert**—

"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.".

 (11) In Schedule 15 to the Principal Regulations, in Part C, for "15A–15F" **substitute** "15A–15H".

 9 Schedule 24 amended

 (1) In Schedule 24 to the Principal Regulations, in Part A—

 (a) for "5.5" **substitute** "7"; and

 (b) for "450" **substitute** "300".

 (2) In Schedule 24 to the Principal Regulations, in Part B—

 (a) for "0·512" **substitute** "0.32768";

 (b) for "0·1825" **substitute** "0.09344";

 (c) for "127·5" **substitute** "65.408"; and

 (d) for "0·01079" **substitute** "0.00964".

Endnotes

1. Reg. 4: S.R. No. 158/2008. Reprint No. 1 as at 19 April 2013. Reprinted to S.R. No. 24/2013. Subsequently amended by S.R. Nos 24/2013, 96/2013, 74/2014, 167/2015 and XX/2016.

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**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.

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| --- | --- | --- |
| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6 which amends regulation 6 of the Principal Regulations  | AS 3999—2015 Bulk thermal insulation – Installation published on 23 July 2015. | The whole |
| Regulation 7(1) which amends Schedule 12 to the Principal Regulations | AS 3999—2015 Bulk thermal insulation – Installation published on 23 July 2015. | The whole |
| Regulation 7(2) which amends Schedule 12 to the Principal Regulations  | AS/NZS 4859.1:2002 Materials for the thermal insulation of buildings - General criteria and technical provisions published on 15 October 2002 incorporating Amendment No. 1 published on 28 December 2006. | The whole |

 [↑](#endnote-ref-2)