



Australian Capital Territory

Building (General) Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-42

The Australian Capital Territory Executive makes the following regulation under the *Building Act 2004*.

Dated 20 December 2023.

ANDREW BARR
Chief Minister

REBECCA VASSAROTTI
Minister



Australian Capital Territory

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made under the

[Building Act 2004](#)

1 Name of regulation

This regulation is the *Building (General) Amendment Regulation 2023 (No 1)*.

2 Commencement

This regulation commences on the commencement of the [Building and Construction Legislation Amendment Act 2023](#), section 18.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

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

4 Section 44AA

substitute

44AA Energy efficiency provisions—Act, s 139C (3), def *energy efficiency provision*

- (1) The following provisions are prescribed for a class 1 and associated class 10a building:
 - (a) the following provisions of the building code, volume 2:
 - (i) clause H6V2 (Verification using a reference building);
 - (ii) clause H6D1 (Deemed-to-Satisfy Provisions);
 - (iii) clause H6D2 (Application of Part H6);
 - (iv) clause S42C2 (Heating and cooling loads);
 - (v) clause S42C3 (Net equivalent energy usage);
 - (b) a provision of the ACT appendix that allows compliance with stated energy efficiency requirements to be assessed using software accredited under the Nationwide House Energy Rating Scheme.
- (2) The following provisions of the building code, volume 1, are prescribed for a class 2 building or class 4 part of a building:
 - (a) clause J1V5 (Verification using a reference building for a Class 2 sole-occupancy unit);
 - (b) clauses J3D3 to J3D15.

- (3) In this section:

ACT appendix means the Australian Capital Territory Appendix to the Building Code of Australia made under the Act, section 136 (3).

Note Requirements for certain energy efficiency certificates are prescribed by s 44AB and s 44AC. Other requirements for energy efficiency certificates may be in the building code (see, for example, the building code, vol 1 or vol 2, pt A5).

**44AB Preparation of NatHERS energy efficiency certificates—
Act, s 139C (2)**

- (1) This section applies to an energy efficiency certificate for any of the following energy efficiency provisions:
- (a) the building code, volume 1, clause J3D3 (1) (a) and (2) (Reducing heating and cooling loads of a sole-occupancy unit of a Class 2 building or a Class 4 part of a building using house energy rating software);
 - (b) the building code, volume 1, clause J3D15 (Net equivalent energy usage for a sole-occupancy unit of a Class 2 building or Class 4 part of building – home energy rating software);
 - (c) the building code, volume 2, clause S42C2 (Heating and cooling loads);
 - (d) the building code, volume 2, clause S42C3 (Net equivalent energy usage);
 - (e) a provision of the ACT appendix that allows compliance with stated energy efficiency requirements to be assessed using software accredited under the Nationwide House Energy Rating Scheme.

- (2) The energy efficiency certificate must be prepared by a building assessor in accordance with any code of practice applicable to the building assessor under the *Construction Occupations (Licensing) Act 2004*, section 126A.

Note The certificate must also be a Nationwide House Energy Rating Scheme certificate issued in accordance with that scheme (see building code, vol 1 or vol 2, cl A5G9).

- (3) In this section:

ACT appendix—see section 44AA (3).

building assessor—see the *Construction Occupations (Licensing) Act 2004*, section 8A.

44AC Preparation of whole-of-home calculator energy efficiency certificates—Act, s 139C (2)

- (1) This section applies to an energy efficiency certificate for any of the following energy efficiency provisions:
 - (a) the building code, volume 2, clause H6D2 (2) (b) (Application of Part H6);
 - (b) the building code, volume 1, clause J3D14 (Net equivalent energy usage of a sole-occupancy unit of a Class 2 building or a Class 4 part of a building).
- (2) The energy efficiency certificate must be produced using the whole-of-home calculator.
- (3) The *Legislation Act*, section 47 (5) does not apply in relation to the whole-of-home calculator.

(4) In this section:

whole-of-home calculator means the NCC Whole of Home Calculator published by the Australian Building Codes Board on its website.

Note The whole-of-home calculator does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see [Legislation Act](#), s 47 (7)). The calculator is accessible at www.abcb.gov.au.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 21 December 2023.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
