



Australian Government

Department of the Environment, Water, Heritage and the Arts

Dear Stakeholder,

Subject: Registration – Rental Chillers

A proposal was recently considered by regulators of the Equipment Energy Efficiency Committee in relation to the hire of chillers that fall within the scope of AS/NZS 4776.2-2008. General information from that meeting is as follows.

Currently, in Queensland, Western Australia and New South Wales it is an offence to sell electrical equipment requiring minimum energy performance standards (MEPS) registration if that equipment is not registered. In all other States and Territories of Australia and New Zealand there are also offence provisions relating to hire of electrical equipment that do not have the required MEPS registration.

Essentially to import and hire the chillers in Victoria, Tasmania, South Australia, Northern Territory and Australian Capital Territory you are unlikely to be compliant with the energy efficiency legislative requirements of those jurisdictions unless the chillers are MEPS compliant and registered.

"Grandfathering provisions" are included in legislation, allowing non compliant chillers already in Australia prior to the enactment of the legislation to be sold or hired. However grandfathering principles have never extended to allow non compliant equipment already manufactured to be imported and sold or hired in Australia (regardless of if they have been ordered or paid for before the date of enactment of legislation, or were unavoidably delayed on delivery until after the date legislation was enacted). There is no impetus to alter the grandfathering principles.

While it is acknowledged there are currently some differences between the States in relation to hire of equipment, and there may be some relief to requirements through mutual recognition legislation, it is important that you are aware of the intention to have supply of chillers (regardless of sale or hire use) to be encompassed in national legislative requirements that will require MEPS registration. This activity is in progress now and while timeframes are not finalised, national legislation is expected to be in place in the near future.

You should consider obtaining you own independent technical, legal and ethical advice and consider the appropriate course of action your business should take based on the advice you obtain.

Yours sincerely

Mel Slade
Chair, Equipment Energy Efficiency Committee
12 August 2009

