
From: s 22 @dmirs.wa.gov.au>
Sent: Monday, 22 July 2024 5:04 PM
To: s 22
Cc: s 22
Subject: FW: Performance Solution Manipulation and VURB Manipulation of the NCC 2019 and future 2022 Building Codes for Energy Efficiency [SEC=OFFICIAL]

OFFICIAL

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Hi s 22

s 22

Leo is on leave today and s 22 asked if I could assist while his computer is down.

See s 22 response at the end of this email trail. 😊

Regards,

s 22
Building and Energy Division

Department of Energy, Mines, Industry Regulation and Safety
303 Sevenoaks Street Cannington WA 6107

s 22
s 22 @dmirs.wa.gov.au | www.demirs.wa.gov.au



**Department of Energy, Mines,
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

From: s 22
Sent: Monday, July 22, 2024 1:14 PM
To: s 22 @dmirs.wa.gov.au>
Subject: FW: Performance Solution Manipulation and VURB Manipulation of the NCC 2019 and future 2022 Building Codes for Energy Efficiency [SEC=OFFICIAL]

From: s 22 @dmirs.wa.gov.au>
Sent: Tuesday, July 9, 2024 10:38 AM
To: s 22 @dmirs.wa.gov.au>; s 22 @dmirs.wa.gov.au>

Cc: s 22 @dmirs.wa.gov.au>

Subject: RE: Performance Solution Manipulation and VURB Manipulation of the NCC 2019 and future 2022 Building Codes for Energy Efficiency [SEC=OFFICIAL]

Thanks s 22

Happy with that as a response.

The problem shouldn't be a factor after 1 May next year and the building surveyors who do accept inappropriate performance solutions between now and then may be subject to a disciplinary complaint if they get reported or audited.

Regards,

s 22
Building and Energy Division

Department of Energy, Mines, Industry Regulation and Safety
303 Sevenoaks Street Cannington WA 6107
s 22
s 22 @dmirs.wa.gov.au | www.demirs.wa.gov.au



We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

From: s 22 @dmirs.wa.gov.au>

Sent: Tuesday, July 9, 2024 10:19 AM

To: s 22 @dmirs.wa.gov.au>

Cc: s 22 @dmirs.wa.gov.au>; s 22 @dmirs.wa.gov.au>

Subject: RE: Performance Solution Manipulation and VURB Manipulation of the NCC 2019 and future 2022 Building Codes for Energy Efficiency [SEC=OFFICIAL]

Hi gents,

Draft reply to s 22 for consideration.

Hi s 22

Thank you for raising the issue with us.

Certainly, prior to reintroducing the modelling criteria for the VURB, we were receiving allegations that energy assessors were gaming outcomes while claiming compliance with the VURB. This was one of the reasons for IB 140. There have been less of these concerns raised recently.

Notwithstanding, some may be continuing the previous practice with Performance Solution using a Verification Method other than the VURB in the NCC.

It is up to the building surveyors responsible for assessing and certifying the designs for compliance with the NCC to ensure that Performance Solutions meet the Performance Requirements.

We have emphasised this responsibility many time during our information sessions for building surveyors, bringing their attention to:

- The Performance Solution Process in the NCC A2G2 (4)
- The ABCB Performance Solution Process Handbook and other supporting documents such as the case studies.
- Our guidance document for Fire Safety Performance Solutions (FSPS) which, while specific to FSPS has principles which can be applied to any Performance Solution.

We have run several sessions, individual and as part of larger events, on the topic of Performance Solutions and the role of the building surveyor.

We have also held a comprehensive information session specific to Energy Efficiency in NCC 2019 , which ran through the DTS pathways and the VURB, the use of Performance Solutions and Appropriate Documentation.

We have not planned on running anything further for NCC 2019 but will revisit energy efficiency for the purpose of NCC 2022.

In doing so we will be drawing attention to the quantified Performance Requirements for performance of the building thermal energy flow and, the energy use of its domestic services.

We have some expectation that the:

- Quantified requirements and,
- Recast elemental provisions (aligned with 7 Star)

will further reduce the opportunity for gaming outcomes with Performance Solutions.

Regard,

s 22

s 22

Building and Energy Division

Department of Energy, Mines, Industry Regulation and Safety

303 Sevenoaks Street Cannington WA 6107

s 22

s 22 [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au) | www.demirs.wa.gov.au



**Department of Energy, Mines,
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

From: s 22 [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au); [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au); [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au)

Sent: Tuesday, July 9, 2024 9:20 AM

To: s 22 [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au); s 22 [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au)

Cc: s 22 [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au); [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au); [@dmirs.wa.gov.au](mailto:dmirs.wa.gov.au)

Subject: Performance Solution Manipulation and VURB Manipulation of the NCC 2019 and future 2022 Building Codes for Energy Efficiency [SEC=OFFICIAL]

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Hi s 22

I hope you are well.

In the past few weeks, we have received an enquiry alerting us to companies in WA that are using a manipulation of a Performance Solution using NatHERS software to achieve sub-par energy efficiency standards that are being accepted by building surveyors.

s 22

In my research I have noted the attached information that has been issued by WA which should address the gaming of the Performance Solution pathway. So, I wanted to reach out and ask whether this was an issue you were aware of, and any steps forward you may view necessary to circumvent any potential gaming now and also when WA adopts the NCC 2022 version in May next year.

I look forward to hearing from you.

Kind regards,

s 22



s 22

s 22 Policy and Analysis (Energy Efficiency)
Australian Building Codes Board

s 22

s 22 [@abcb.gov.au](mailto:s 22@abcb.gov.au)



s 22



Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

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From: s 22 @dcceew.gov.au>
Sent: Thursday, 24 October 2024 5:47 PM
To: s 22
Subject: RE: Performance Solution Report Example - Confidential [SEC=OFFICIAL]

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Got it, (belated) thanks again s 22

From: s 22 @abcb.gov.au>
Sent: Wednesday, 23 October 2024 12:07 PM
To: s 22 @dcceew.gov.au>; s 22 @ABC.gov.au>
Subject: RE: Performance Solution Report Example - Confidential [SEC=OFFICIAL]

OFFICIAL

Hi s 22

What you are hitting on is where the regulation meets our education materials.

There is no hierarchy of compliance options in the NCC, all are considered equal. Industry perceive Performance as more complex than the DTS, which is reflected in the language of the communications document.

s 22

OFFICIAL

From: s 22 @dcceew.gov.au>
Sent: Wednesday, October 23, 2024 9:59 AM
To: s 22 @abcb.gov.au>; s 22 @ABC.gov.au>
Subject: s 45, s 47G(1)(a) [SEC=OFFICIAL]

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Thanks s 22 I appreciate the extra info.

I see how that example for an accessible entrance talks about addressing building constraints and the significant impact if a DTS Solution was followed.

What I'm trying to wrap my head around – and I appreciate you helping me with – is how that intersects with the NCC governing requirements providing for Performance Requirements to be satisfied through a Performance Solution, Deemed-to-Satisfy Solution, or a combination of the two. The idea of explaining why a DTS wouldn't be

suitable suggests a hierarchy to solutions for demonstrating NCC compliance, which isn't something I've come across before now.

Is there anything in the Performance Solution Process Handbook, or other handbooks, that speaks further to that point? The alert box on pg 18 of the handbook you shared says a brief should typically include 'a description and explanation of the proposed solution' but that's the only thing that jumped out at me.

Thanks again,

s 22

From: s 22 <[redacted]@abcb.gov.au>
Sent: Tuesday, 22 October 2024 12:52 PM
To: s 22 <[redacted]@dcceew.gov.au>; s 22 <[redacted]@ABCB.gov.au>
Subject: RE: s 45, s 47G(1)(a) [SEC=OFFICIAL]

OFFICIAL

Hi s 22

Have a look at the scope section of this document, it's an example and non-regulatory, but it speaks to why the Performance Solution is being developed in this instance.

https://www.abcb.gov.au/sites/default/files/resources/2021/Case_Study_Accessible_Entrance_Performance_Solution.pdf

More general info on the contents of a PBDB is here:

<https://www.abcb.gov.au/sites/default/files/resources/2024/NCC%202022-%20Performance%20Solution%20Process%20handbook.pdf>

s 22

OFFICIAL

From: s 22 <[redacted]@dcceew.gov.au>
Sent: Monday, October 21, 2024 4:28 PM
To: s 22 <[redacted]@abcb.gov.au>; s 22 <[redacted]@ABCB.gov.au>
Subject: RE: s 45, s 47G(1)(a) [SEC=OFFICIAL]

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Thanks s 22 much appreciated.

I wondered about that but my understanding of the changes for performance solutions is limited, and I can't recall what happened in 2019 Amdt 1 vs 2022.

The 2021 performance solution handbook sets out similar info but I appreciate that's guidance rather than a hard requirement.

I'm keen to better understand what you meant by a PBDB needing to explain why a performance solution has been chosen (I think your illustration was along the lines of the design having features that couldn't be modelled in NatHERS), so please let me know if there's more light than can be shed on this?

Cheers,

s 22

From: s 22 <@abcb.gov.au>
Sent: Monday, October 21, 2024 1:11 PM
To: s 22 <@dcceew.gov.au>; s 22 <@ABCB.gov.au>
Subject: s 45, s 47G(1)(a) [SEC=OFFICIAL]

OFFICIAL

Hi s 22

Apologies, I made a mistake when we spoke last when I indicated that I didn't think the approach being taken was consistent with the NCC Governing requirements, as required by a Performance Based design Brief. The requirement for a PBDB only come in in 2022, so with WA still working under 2019 and only have 1-3, not 4 of A2G2 (below), which is a lot less proscriptive and allows for a lot more building surveyor flexibility in what evidence they accept. So, me going through and documenting how the work is inconsistent with the PBDB would be moot in this instance. We know that WA are aware of this issue as we have raised it with them recently following s 22

s 22

I'm hopeful that this will be resolved when WA moves to adopt 2022 (or skips 2022 and goes straight to 2025). Our conversation with WA is that their focus is now supporting industry to move to the 2022 provisions, so a good chance this will happen. Once WA adopt 2022/2025, which includes quantified performance standards for heating and cooling loads I would think NatHERS VURB/Performance approach would be even harder, given the proponent would have to say why the design was acceptable in comparison to the quantified minimum's in H6P1 for HCCL.

s 22

A2G2

(1) A [Performance Solution](#) is achieved by demonstrating—

1. compliance with all relevant [Performance Requirements](#); or
2. the solution is at least [equivalent](#) to the [Deemed-to-Satisfy Provisions](#).

(2) A [Performance Solution](#) must be shown to comply with the relevant [Performance Requirements](#) through one or a combination of the following [Assessment Methods](#):

1. Evidence of suitability in accordance with [Part A5](#) that shows the use of a material, product, [plumbing](#) and [drainage product](#), form of construction or design meets the relevant [Performance Requirements](#).
2. A [Verification Method](#) including the following:
 1. The [Verification Methods](#) provided in the NCC.
 2. Other [Verification Methods](#), accepted by the [appropriate authority](#) that show compliance with the relevant [Performance Requirements](#).
3. [Expert Judgement](#).
4. Comparison with the [Deemed-to-Satisfy Provisions](#).

(3) Where a [Performance Requirement](#) is satisfied entirely by a [Performance Solution](#), in order to comply with (1) the following method must be used to determine the [Performance Requirement](#) or [Performance Requirements](#) relevant to the [Performance Solution](#):

1. Identify the relevant [Performance Requirements](#) from the Section or Part to which the [Performance Solution](#) applies.
2. Identify [Performance Requirements](#) from other Sections or Parts that are relevant to any aspects of the [Performance Solution](#) proposed or that are affected by the application of the [Performance Solution](#).

(4) Where a [Performance Requirement](#) is proposed to be satisfied by a [Performance Solution](#), the following steps must be undertaken:

1. Prepare a [performance-based design brief](#) in consultation with relevant stakeholders.
2. Carry out analysis, as proposed by the [performance-based design brief](#).
3. Evaluate results from (4)(b) against the acceptance criteria in the [performance-based design brief](#).
4. Prepare a final report that includes—
 1. all [Performance Requirements](#) and/or [Deemed-to-Satisfy Provisions](#) identified through A2G2(3) or [A2G4\(3\)](#) as applicable; and
 2. identification of all [Assessment Methods](#) used; and
 3. details of steps (4)(a) to (4)(c); and
 4. confirmation that the [Performance Requirement](#) has been met; and
 5. details of conditions or limitations, if any exist, regarding the [Performance Solution](#).

OFFICIAL

From: s 22 <[redacted]@dcceew.gov.au>
Sent: Monday, October 21, 2024 10:18 AM
To: s 22 <[redacted]@ABCB.gov.au>; s 22 <[redacted]@abcb.gov.au>
Subject: FW: Performance Solution Report Example - Confidential [SEC=OFFICIAL]

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Hi s 22

s 22

s 45, s 47G(1)(a), s 47G(1)(b)

Cheers,

s 22

s 22

NatHERS Program Delivery

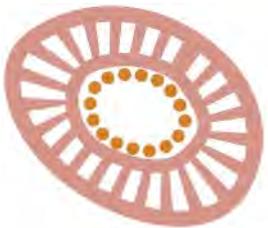
Home Ratings and Disclosure Branch
Energy Performance and Security Division
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000

s 22 [redacted] [@dcceew.gov.au](mailto:[redacted]@dcceew.gov.au)

s 22 [redacted]



DCCEEW.gov.au ABN 63 573 932 849



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[SEC=OFFICIAL:Sensitive]

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From: s 22 @dcceew.gov.au>
Sent: Tuesday, 12 November 2024 5:32 PM
To: s 22
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

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OFFICIAL

Thanks s 22

Cheers,

s 22

OFFICIAL

From: s 22 @abcb.gov.au>
Sent: Tuesday, 12 November 2024 5:25 PM
To: s 22 @dcceew.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

Hi s 22

Thanks for clarifying. I see you have booked us in for a chat and will see if that provides some answers to the questions below.

s 22

OFFICIAL

From: s 22 @dcceew.gov.au>
Sent: Tuesday, November 12, 2024 12:15 PM
To: s 22 @abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

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Hi s 22

s 22

Thanks for coming back to me on this, glad I'm not seeing things when it comes to the PBDB and appreciate your thoughts on referring to the latest guidance. Rest assured I/we will also discuss any messaging with our jurisdiction contacts, esp WA.

The best way to explain what I meant by "understand[ing] ABCB's role in providing advice" may be to say it differently. That turn of phrase wasn't intended to have any loaded / weighty meaning, it's just the expression that came to mind as I composed my email.

I see this as a meet & greet to:

- Better understand what ABCB does, in terms of education on the NCC – this is not just for my sake but also my team, who has even less experience in NCC than I do.
- Using comparison with DTS as an example, explore the ways that our team can reinforce guidance messages that are relevant to NatHERS.
- Following from that, get a better sense of ABCB – and the education team specifically – level of engagement when it comes to guidance materials that we develop (in addition to consulting with relevant jurisdictions)
 - e.g. should we request a fact check if we draw on info from the handbooks/s, to ensure we are accurate?

Coming back to my comments about NatHERS (& the Program Delivery section) not overstepping our role, think of the last point as helping us to better understand where ABCB has authority and a deciding voice in whether we do something – noting we are also seeking to work in partnership with jurisdictions, hence the recent meet & greets with bldg admins.

I know you s 22 will always be interested and we'll keep you looped in, we also need to know what must be approved/cleared/endorsed by ABCB (by which I mean the Office, I truly hope this sort of thing wouldn't need to go to the Board!)

Give me a poke if it's still unclear, happy to have a quick call to thrash it out.

It's also worth noting that it was s 22 idea to link us up with the education team: if you have a different view & especially if you're concerned it's not a good use of that team's time, I'm open to your advice on an alternate approach.

Cheers,

s 22

OFFICIAL

From: s 22 <s22@abcb.gov.au>

Sent: Monday, 11 November 2024 5:34 PM

To: s 22 <s22@dcceew.gov.au>

Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

Hi s 22

s 22

So, apologies, I was wrong about what I was wrong about in relation to the update to require a PBDB. I did not realise it came in under Amendment 1, when I was talking to you, I was looking at the NCC 2019 pre-amendment hard copy, so that is where the confusion had come from.

So, moving on, on the question of “would it be appropriate to refer practitioners to the latest guidance, i.e. in the information in the NCC 2022 Handbook”, there’s no reason I can think of that you couldn’t make assessors aware of its existence, especially in the context of both WA and SA moving to adopt NCC 2022 soon.

However, I don’t really understand what you are looking for from us in relation to the question of wanting to know more about the ABCB “role in providing advice.” Can you expand on this please?

s 22

OFFICIAL

From: s 22 <s22@dcceew.gov.au>
Sent: Friday, November 8, 2024 6:55 PM
To: s 22 <s22@abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

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Thanks again s 22 and I hope you’re reading this after a restful and rewarding weekend (I’m not on deck Monday so please take your time)

I’m not sure we’re talking about the same thing, and that’s on me for not being precise.

I was referring to the suite of assessment methods in A2G2(2) formerly A2.2(2), and not the requirement for a Performance Based Design Brief in A2G2(4) nee A2.2(4).

I recall you raising, among other things, two points about performance solutions:

- Whether the assessor had explained why a performance solution was being used (linked to the PBDB), which you clarified in the attached email chain.
- If the assessment method for comparison with DTS provisions was substantively unchanged, then enhanced guidance about using NatHERS for that method in the 2022 EE handbook is arguably applicable to NCC 2019 Amdt 1.

I heard those as separate points, but you seem to be saying that your clarification about the first point (PBDB) means the second point is a no-go?

...all of that said, I just rechecked the 2019 Amdt 1 version of [Part A2 Compliance with the NCC](#) to make sure I had my facts straight about A2.2(2) and it looks like the old edition also had substantively the same requirement for a PBDB under subclause 4.

The [WA e-letter about adoption of NCC 2022](#) (linked from [NCC 2022 state and territory adoption dates](#)) references BCA 2019 Amdt 1 as the alternative to applying NCC 2022 so the PBDB should be an active requirement.

If the PBDB requirement has a bearing on the applicability of latest guidance about the (unchanged) assessment method for comparison with DTS provisions, then that suggests to me that this is not an impediment for making assessors aware of that now, in relation to both 2022 *and* 2019 Amdt 1.

What am I missing?

Thanks again for helping me unpack this, I thought I understood the ways of the NCC & its arcana but more fool me!

Cheers,

s 22

OFFICIAL

From: s 22 <[redacted]@abcb.gov.au>
Sent: Friday, 8 November 2024 5:29 PM
To: s 22 <[redacted]@dcceew.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

Hi s 22

s 22 In this instance, if you recall, I realised I had made an error while we are talking that I thought that I had let you know about via email or while we were talking.. The changes requiring a Performance Based Design Brief came in 2022, this is when the NCC made the requirement explicit, so there is a difference in the governing requirements between 2019 and 2022 in regards to the NCC.

I am happy to talk more Monday, have to dash now.

s 22

OFFICIAL

From: s 22 <[redacted]@dcceew.gov.au>
Sent: Friday, November 8, 2024 4:41 PM
To: s 22 <[redacted]@abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

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[SEC=OFFICIAL]

Hi again s 22

A postscript between the two of us...

I'm perplexed by your response below, which contradicts what you said when the two of us & s 22 discussed this issue in mid-October. I found it encouraging when you suggested an argument could be made that, because the requirements on performance solutions (in A2G2 / A2.2 ?) have not substantively changed, enhanced guidance in the 2022 handbooks about using NatHERS in a comparison with DTS provisions is relevant to practitioners working to NCC 2019. I'm keen to understand, what's changed between now & then?

s 22

Continued best wishes for the weekend, chat soon 😊

Cheers,

s 22

From: s 22
Sent: Friday, 8 November 2024 4:15 PM
To: s 22 <[redacted]@abcb.gov.au>
Cc: s 22 <[redacted]@abcb.gov.au>; s 22 <[redacted]@abcb.gov.au>; NATHERS Admin <admin@nathers.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

Thanks s 22

I'm afraid you've misunderstood the intent of the meeting, and I apologise if I was unclear.

I hear you about compliance being a responsibility of the states and territories, and we have no desire to overstep our role. Our conversations with the building admins have shown a strong shared interest in improving how NatHERS is used, and a recognition that we are better placed than the bldg admins to develop (and jointly distribute) advisory material. To be clear, the audience for that advice cannot be limited to assessors – their clients and peers, particularly builders and certifiers/surveyors, will benefit from straightforward advice on what is acceptable.

Coming back to the purpose of this meeting, it will be incredibly helpful to understand ABCB's role in providing advice, as we don't want to overstep our role their either.

s 22 we'd still like to meet with you to better understand the education team's remit and how we can best complement your activity. Please let me know if any of the times highlighted by s 22 also work for you?

Thanks again, and best wishes for the weekend ahead!

Cheers,

s 22

s 22

NatHERS Program Delivery

Home Ratings and Disclosure Branch
Energy Performance and Security Division

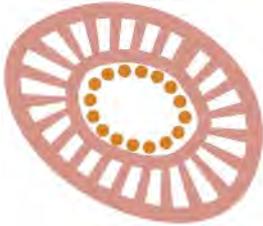
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000

s 22 @dceew.gov.au

s 22



DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

From: s 22 @abcb.gov.au>
Sent: Friday, 8 November 2024 3:41 PM
To: s 22 @dceew.gov.au>
Cc: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

Hi s 22

I've discussed this briefly with s 22 and while she's well placed to talk to about future issues of our handbooks, she isn't able to provide compliance type advice of the type you are seeking, i.e. "if it is correct to tell assessors that even if complying via NCC2019 that they should follow the guidance provided for NCC 2022."

Personally, I don't see an issue with you referring people to the 2022 materials as a way of preparing them for their change to NCC 2022, but WA and SA are still working to 2019 so it's not relevant on the ground, and there were important changes between 2019 and 2022 related to the use of performance solutions (e.g. the requirement for Performance Based Design Brief). Ultimately it is a compliance issue that is the responsibility of the WA or SA governments to deal with and provide advice on. The best advice that NatHERS can give to assessors in these states is to work to the requirements of local certifying authorities.

Happy to talk further, I've highlighted the times I am free below.

s 22

OFFICIAL

From: s 22 @dceew.gov.au>
Sent: Thursday, November 7, 2024 11:44 AM
To: s 22 @abcb.gov.au>
Cc: NATHERS Admin <admin@nathers.gov.au>; s 22 @abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

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[SEC=OFFICIAL]

Hi s 22

s 22

Picking up a conversation from last month, it would be great to meet with you to explore how we can help to communicate & reinforce guidance in ABCB handbooks on use of NatHERS, particularly as part of a performance solutions.

As an example of our interest, we are aware that some assessors in Western Australia are using NatHERS in ways that circumvent our controls for quality and authenticity of ratings. Not only does this present a risk of designs being misrepresented as complying with the NCC, it also risks undermining the integrity of NatHERS.

To complement our work with the relevant building administrators (and noting they have constrained capacity & multiple priorities) we are exploring how we can raise awareness amongst energy assessors, builders and certifiers/surveyors of guidance and expectations for using NatHERS to demonstrate compliance with H6P1 and H6P2 in NCC Volume 2 as well as the matching provisions in Section J of Vol 1.

I'd like to revisit s 22 interim advice about the applicability of guidance in the latest editions of the [housing EE handbook](#) and [apartment energy efficiency handbook](#) where NCC 2022 is yet to come into effect (e.g. WA). The latest handbooks provide much clearer guidance on using NatHERS software as part of a performance solutions, and the relevant provisions for performance solutions haven't materially changed from what was set out in NCC 2019 – would it be appropriate to refer practitioners to the latest guidance?

Please let me know if any of these windows would suit for a half-hour meeting?

Friday 15 November, 3-4pm

Monday 18 November, 1-2:30pm or 4pm onwards

Tuesday 19 November, 11:30am-12:30pm or 1:30-2:30pm

Wednesday 20 November, 10:30am-12pm or 1:30-2:30pm

Thursday 21 November, 11am-1pm

Friday 22 November, 10:30am-12:30pm or 2pm onwards

I'll send through a Teams invite once we've settled on a date & time.

Thanks in advance, I look forward to discussing this!

Cheers,

s 22

s 22

NatHERS Program Delivery

Home Ratings and Disclosure Branch
Energy Performance and Security Division

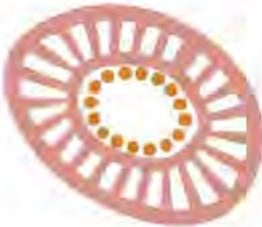
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000

s 22 [@dcceew.gov.au](mailto:dcceew.gov.au)

s 22



DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

From: s 22

Sent: Thursday, 10 October 2024 9:54 AM

To: s 22 [@industry.gov.au](mailto:industry.gov.au); s 22 [@ABCB.gov.au](mailto:ABCB.gov.au)

Cc: s 22 [@dcceew.gov.au](mailto:dcceew.gov.au); s 22 [@abcb.gov.au](mailto:abcb.gov.au); s 22

s 22 [@abcb.gov.au](mailto:abcb.gov.au)

Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

Thanks for coming back to me, s 22 -s 22

s 22 I'll touch base later in the month to see if we can set something up for early-mid November.

Appreciate the advice on the handbook application – that's what I thought but it's really useful to have that confirmed by the source 😊

Unfortunately, that doesn't help us much with this recent issue as guidance about performance solutions in the 2019 editions focuses on the verification methods in Part 2.6 / Section J – the broader guidance on performance solutions was a very welcome enhancement for the 2022 editions.

Thanks again,

s 22

From: s 22 [@industry.gov.au](mailto:industry.gov.au)

Sent: Wednesday, October 9, 2024 6:26 PM

To: s 22 [@dcceew.gov.au](mailto:dcceew.gov.au); s 22 [@ABCB.gov.au](mailto:ABCB.gov.au)

Cc: s 22 [@dcceew.gov.au](mailto:dcceew.gov.au); s 22 [@abcb.gov.au](mailto:abcb.gov.au); s 22

s 22 [@abcb.gov.au](mailto:abcb.gov.au)

Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

Some people who received this message don't often get email from s 22 [@industry.gov.au](mailto:industry.gov.au). [Learn why this is important](#)

OFFICIAL

Hi s 22

I'm transitioning to a new role next week and s 22 will be leading the team.

I suggest giving her a chance to get her feet under the desk and then catching up from there.

In the interim, The handbooks you provided links to are intended for NCC 2022. We have an earlier versions of the handbook on our website for NCC 2019:

- Volume Two - <https://www.abcb.gov.au/sites/default/files/resources/2022/Handbook-energy-efficiency-NCC-Volume-Two-2019.pdf>
- Volume One - <https://www.abcb.gov.au/sites/default/files/resources/2022/Handbook-energy-efficiency-NCC-Volume-One-2019.pdf>

Thanks

s 22

OFFICIAL

From: s 22 <[redacted]@dcceew.gov.au>
Sent: Friday, October 4, 2024 11:52 AM
To: s 22 <[redacted]@ABCB.gov.au>; s 22 <[redacted]@industry.gov.au>
Cc: s 22 <[redacted]@dcceew.gov.au>; s 22 <[redacted]@abcb.gov.au>
Subject: RE: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

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s 22

It would be great to have a 30-minute Teams meeting to tease this out, if you have time?

Here are some dates & times when we're free, let me know if any would work for you:

- Thurs 10 Oct, 3:30pm onwards
- Fri 11 Oct, 1pm onwards
- Weds 16 Oct, 1:30-4pm
- Thurs 17 Oct, 11am-12:30pm or 3pm onwards
- Fri 18 Oct, 1:30pm onwards

Cheers,

s 22

s 22

NatHERS Program Delivery

Home Ratings and Disclosure Branch
Energy Performance and Security Division

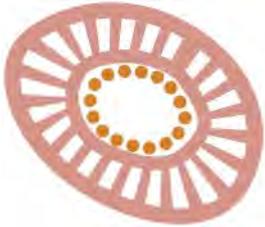
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000

s 22 @dcceew.gov.au

s 22



DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

From: s 22 @ABCB.gov.au>

Sent: Friday, October 4, 2024 11:09 AM

To: s 22 @industry.gov.au>

Cc: s 22 @dcceew.gov.au>; s 22 @dcceew.gov.au>; s 22

s 22 @abc.gov.au>

Subject: Introduction to the NatHERS program delivery team [SEC=OFFICIAL]

OFFICIAL

Hi s 22

I wanted to send through an introduction to s 22 from the NatHERS Program Delivery team. They have some questions that have come up for them that relate to the ABCB's education materials. An intro from s is included below:

The NatHERS Program Delivery section is the operational arm for administering the Nationwide House Energy Rating Scheme, including being the primary conduit for queries and concerns about NatHERS and its role as a compliance pathway for Parts H6 and J3 of the National Construction Code.

We're interested in exploring how we can work together with the Education team to reinforce guidance and messaging in ABCB's handbooks and other materials.

Our goal is to ensure energy assessors understand the expectations for using NatHERS to demonstrate compliance with H6P1 and H6P2 & matching provisions in Section J.

One current issue we're addressing is the use of NatHERS software as part of a performance solution, by way of Comparison with the DTS Provisions s 22

s 22

We understand the latest editions of the [housing EE handbook](#) and [apartment energy efficiency handbook](#) envisage that the Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters **s 22**

s 22

- It would be good to understand whether this guidance applies only to NCC 2022 or if the new handbook is also intended to apply to NCC 2019, noting that some jurisdictions are yet to adopt energy efficiency requirements in NCC 2022.
- We'd also like to assist with ensuring accredited energy assessors are aware of this guidance.

Kind regards,

s 22



ABCBC

s 22

s 22 – Policy and Analysis (Energy Efficiency)

Australian Building Codes Board

s 22

s 22 [@abcb.gov.au](#)



s 22



Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

The information provided by the ABCB is provided for general information purposes only. While we make every effort to ensure that information provided is accurate and up to date, such information does in no way constitute the provision of professional advice. The Commonwealth of Australia (acting on behalf of the Commonwealth of Australia, the State of New South Wales, the State of Queensland, the State of Victoria, the State of South Australia, the State of Tasmania, the State of Western Australia, the Australian Capital Territory and the Northern Territory (ABCBC)) does not provide any warranties in relation to the accuracy, currency, reliability or completeness of any information provided by the ABCB. The ABCB accepts no responsibility or liability for any damage, loss, or expense incurred by you or anyone else that arises out of reliance on any information provided by the ABCB. You should make your own independent inquiries, undertake your own due diligence, and obtain your own independent professional advice prior to relying on, or making any decisions in relation to any information provided by the ABCB.

OFFICIAL

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forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Commonwealth is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

From: s 22
Sent: Wednesday, 16 April 2025 10:59 AM
To: s 22
Cc: s 22
Subject: RE: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

s 22 s 22

Hi s 22

Ah, ok.

s 22 the ABCB is not obliged to
divulge internal policy or rationale, nor are we required to respond in writing. s 22
s 22

I would also remind him that guidance documents provided by the ABCB are not mandatory.

If we receive several enquiries about this issue, we can consider releasing a guidance article.

s 22

OFFICIAL

From: s 22 @abcb.gov.au>
Sent: Wednesday, 16 April 2025 10:49 AM
To: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>
Cc: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>
Subject: RE: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

OFFICIAL

Hi s 22

I can answer it verbally, but he's asking for something in writing s 22
s 22

s 22

OFFICIAL

OFFICIAL

From: s 22 @abcb.gov.au>
Sent: Wednesday, 16 April 2025 10:00 AM
To: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>
Cc: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>
Subject: RE: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

OFFICIAL

Hi s 22

s 22

s 22

OFFICIAL

OFFICIAL

From: s 22 @abcb.gov.au>

Sent: Wednesday, 16 April 2025 9:21 AM

To: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>

Cc: s 22 @abcb.gov.au>; s 22 @abcb.gov.au>

Subject: FW: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d)
[SEC=OFFICIAL]

OFFICIAL

Hi, see below from s 11C(1)(a)

s 22

I'm not planning on providing a written response on the issue, but would appreciate if you could provide wording to use to respond to this request:

If a written response cannot be provided, I request that this be formally confirmed along with the relevant internal policy or rationale.

Thanks,

s 22

OFFICIAL

OFFICIAL

From: s 11C(1)(a)

Sent: Tuesday, 15 April 2025 5:35 PM

To: s 22 @abcb.gov.au>

Cc: NCC <NCC@abcb.gov.au>

Subject: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d)

CAUTION - This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear s 22

I am seeking clarification regarding the interpretation of guidance published in the **ABCB's NCC 2022 House Energy Efficiency Handbook** (page 113), in relation to **Clause A2G2(2)(d) – Comparison with the DTS Provisions**, for demonstrating compliance with the **energy efficiency provisions of Volume Two of NCC 2022**.

The guidance states:

“It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB.”

To ensure consistent interpretation across industry, I would appreciate your clarification on the intended meaning of this statement.

The WA regulator (DMIRS) has advised that they are not in a position to interpret this clause, stating:

*“I cannot confirm the Department’s position, and we don’t provide interpretations.”
“I suggest you seek clarification from the ABCB Office, we would be unlikely to disagree with how they would apply their own guidance.”*

Accordingly, could you please confirm:

That NatHERS tools (such as BERS Pro) are not permitted to be used under Clause A2G2(2)(d) – Comparison with the DTS Provisions – when assessing compliance with the energy efficiency provisions of NCC 2022 Volume Two, in line with the ABCB’s published guidance?

Given the industry-wide relevance of this issue and the position taken by the state regulator, I would **strongly appreciate a written response**, even if informal, to ensure this guidance is applied consistently and responsibly across jurisdictions.

If a written response cannot be provided, I request that this be formally confirmed along with the relevant internal policy or rationale.

Thank you for your time.

Kind regards

s 11C(1)

()

From: s 22 [redacted]@demirs.wa.gov.au>
Sent: Wednesday, 16 April 2025 10:16 AM
To: s 22 [redacted]
Subject: RE: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

s 22 [redacted]

s 22 [redacted]

OFFICIAL

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Hi s 22 [redacted]

Thanks for the letting me know.

Alistar reached out to us yesterday on the same matter asking for WA's position on the guidance. I note that our response forms part of Alistar's correspondence.

I think the guidance is clear; NatHERS software should not be used for a Performance Solution using the comparison with DTS Assessment Method.

Regards,
s 22 [redacted]

s 22 [redacted]
Building and Energy Division

Department of Energy, Mines, Industry Regulation and Safety
303 Sevenoaks Street Cannington WA 6107
s 22 [redacted]
s 22 [redacted] [@demirs.wa.gov.au](mailto:s 22 [redacted]@demirs.wa.gov.au) | www.demirs.wa.gov.au



**Department of Energy, Mines,
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

OFFICIAL

From: s 22 @abcb.gov.au>
Sent: Wednesday, 16 April 2025 7:26 AM
To: s 22 @demirs.wa.gov.au>
Subject: FW: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d)
[SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender's full email address and know the content is safe.

OFFICIAL

Hi s 22

Just FYI –s has reached out to me (again) on this issue.

s 22

OFFICIAL

OFFICIAL

From: s 11C(1)(a)
Sent: Tuesday, 15 April 2025 5:35 PM
To: s 22 @abcb.gov.au>
Cc: NCC <NCC@abcb.gov.au>
Subject: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d)

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Dear s 22

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“It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB.”

To ensure consistent interpretation across industry, I would appreciate your clarification on the intended meaning of this statement.

The WA regulator (DMIRS) has advised that they are not in a position to interpret this clause, stating:

“I cannot confirm the Department’s position, and we don’t provide interpretations.”

“I suggest you seek clarification from the ABCB Office, we would be unlikely to disagree with how they would apply their own guidance.”

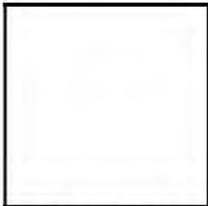
Accordingly, could you please confirm:

That NatHERS tools (such as BERS Pro) are not permitted to be used under Clause A2G2(2)(d) – Comparison with the DTS Provisions – when assessing compliance with the energy efficiency provisions of NCC 2022 Volume Two, in line with the ABCB’s published guidance?

Given the industry-wide relevance of this issue and the position taken by the state regulator, I would **strongly appreciate a written response**, even if informal, to ensure this guidance is applied consistently and responsibly across jurisdictions.

If a written response cannot be provided, I request that this be formally confirmed along with the relevant internal policy or rationale.

Thank you for your time.



Kind regards

s 11C(1)

(a)

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From: s 22 [redacted]@demirs.wa.gov.au>
Sent: Monday, 28 April 2025 2:37 PM
To: s 22 [redacted]
Cc: s 22 [redacted] s 22 [redacted]
Subject: RE: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

s 22 [redacted]

s 22 [redacted]

OFFICIAL

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Hey s 22 [redacted]

It was a good conversation, and I appreciate you keeping me in the loop.

Thank you for responding to s [redacted] also, I hope he finds the helpful. He has raised the matter again in relation to Wednesday's webinar, and will be advised that this matter does not form part of the information planned to be shared during the session.

Regards,
s 22 [redacted]

OFFICIAL

From: s 22 [redacted]@abcb.gov.au>
Sent: Monday, 28 April 2025 12:30 PM
To: s 22 [redacted]@demirs.wa.gov.au>
Subject: FW: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

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OFFICIAL

Hi s 22 [redacted]

Good to talk the week before last. Just wanted to keep you in the loop of the conversation I had with s 11C(1) s 11C(1)(a) [redacted] on the use of NatHERS in performance solution. Following speaking to him on the topic, where he maintained that he was not using NatHERS in a performance solution based on comparison to the DTS but was competing with people who were, I did provide a response that essentially re-states our guidance materials on the topic.

s 22 [redacted]

OFFICIAL

OFFICIAL

From: s 11C(1)(a) [redacted]
 Sent: Monday, 28 April 2025 1:43 PM
 To: s 22 [redacted] @abcb.gov.au>
 Subject: Re: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

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Hi s 22

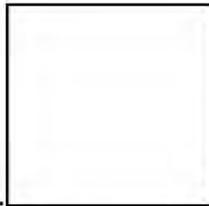
Thanks again for your clarification regarding the use of NatHERS software tools under the Comparison with DTS Provisions method (A2G2(2)(d)) of NCC 2022 Volume Two.

I understand that DMIRS will be holding a webinar on **Wednesday 30 April** to provide industry guidance ahead of NCC 2022 implementation in Western Australia.

Given the importance of consistent understanding across jurisdictions, would it be possible for you to informally flag with DMIRS the ABCB's expectation regarding the exclusion of NatHERS tools under this method, in case they are preparing materials or intend to address this topic?

It would greatly assist in ensuring that consistent guidance is provided at the outset of NCC 2022's application in WA.

Appreciate your consideration.



Kind regards

s 11C(1)(a)



On Wed, 23 Apr 2025 at 14:53, s 22 [redacted] @abcb.gov.au> wrote:

Hi s 11C(1)

Good to talk to you yesterday.

When a Performance Solutions is undertaken to demonstrate compliance with the NCC, a performance-based design brief must be prepared in consultation with relevant stakeholders. The analysis must then be carried out as proposed by the performance-based design brief. The ABCB has published written guidance on the Performance Based Design Process guidance which you can find [here](#). This outlines the process of developing an agreed pathway for the design process to follow, which should be considered case-by-case. In terms of your query about using NatHERS as the basis of a Performance Solution that is based around comparison to the DTS I personally think that our guidance on this issue is clear in setting out the ABCB's expectation:

“It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB.”

As discussed on the phone I'd also advise you look at the statements on the following page in section 7.3.1 the to do with the Quantified nature of performance requirement H6P1,

“For NCC 2022, H6P1 is quantified and H6P2 is partially quantified. This means both Performance Requirements contain measurable benchmarks that should be used in the acceptance criteria for a PBDB for housing energy efficiency.”

That said, the ABCB has no regulatory authority in determining matters of compliance. This is vested in the state/territory administrations who have jurisdictional authority for auditing the acceptance of Performance Solutions. You may also direct questions to the appropriate authority – usually the building certifier or building surveyor.

Best wishes,

s 22

s 22

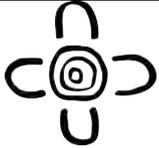
s 22

s 22 @abcb.gov.au

GPO Box 2013 Canberra ACT 2601



www.abcb.gov.au



Acknowledgement of Country

Our department recognises the First Peoples of this Nation and their ongoing cultural and spiritual connections to the lands, waters, seas, skies, and communities.

We Acknowledge First Nations Peoples as the Traditional Custodians and Lore Keepers of the oldest living culture and pay respects to their Elders past and present. We extend that respect to all First Nations Peoples.

OFFICIAL

OFFICIAL

From: s 11C(1)(a)

Sent: Tuesday, 15 April 2025 5:35 PM

To: s 22 @abcb.gov.au

Cc: NCC <NCC@abcb.gov.au>

Subject: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d)

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Dear s 22

I am seeking clarification regarding the interpretation of guidance published in the **ABCBB's NCC 2022 House Energy Efficiency Handbook** (page 113), in relation to **Clause A2G2(2)(d)** –

Comparison with the DTS Provisions, for demonstrating compliance with the energy efficiency provisions of Volume Two of NCC 2022.

The guidance states:

“It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB.”

To ensure consistent interpretation across industry, I would appreciate your clarification on the intended meaning of this statement.

The WA regulator (DMIRS) has advised that they are not in a position to interpret this clause, stating:

“I cannot confirm the Department’s position, and we don’t provide interpretations.”
“I suggest you seek clarification from the ABCB Office, we would be unlikely to disagree with how they would apply their own guidance.”

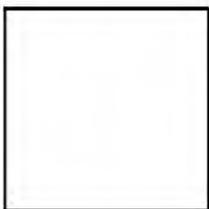
Accordingly, could you please confirm:

That NatHERS tools (such as BERS Pro) are not permitted to be used under Clause A2G2(2)(d) – Comparison with the DTS Provisions – when assessing compliance with the energy efficiency provisions of NCC 2022 Volume Two, in line with the ABCB’s published guidance?

Given the industry-wide relevance of this issue and the position taken by the state regulator, I would **strongly appreciate a written response**, even if informal, to ensure this guidance is applied consistently and responsibly across jurisdictions.

If a written response cannot be provided, I request that this be formally confirmed along with the relevant internal policy or rationale.

Thank you for your time.



Kind regards

s 11C(1)

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From: s 22
Sent: Tuesday, 29 April 2025 5:58 PM
To: s 22
Subject: FW: for red-flag review, please: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

s 22

s 22

Hi s 22

FYI – further s 22 emails on the use of NatHERS as a performance solution in WA, with DCCEEW now getting involved.

I think that what s 22 has said below is OK and consistent with the content of the NCC, do you think it is OK?

s 22

s 22

s 22

OFFICIAL

From s 22 @dcceew.gov.au>
Sent: Tuesday, 29 April 2025 5:32 PM
To: s 22 @abcb.gov.au>
Subject: for red-flag review, please: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

OFFICIAL

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OFFICIAL

Hi s 22

Thanks very much for cc'ing us into your response to s 11C(1)(a) I hope the preceding conversation was also useful!

He raised essentially the same query with DMN today, which s 22 referred to us. I intend to reply to reinforce your advice and provide additional comments from a scheme perspective.

Can you please look over the near-final draft below and let me know if you see any red flags with the highlighted paragraphs?

Cheers,

----->8 cut here 8<-----

Dear s 11C(1)

Thanks again for your query, and I appreciate your patience while we considered it.

Some further points to complement s 22 response to the similar query you sent to the ABCB, which I've attached for cross-reference. I note that you also requested guidance from s 22 at DMN, who I've cc'ed.

NatHERS software is accredited for the purpose of demonstrating compliance with the National Construction Code through 'regulation mode', which is defined for the purposes of our [Software Accreditation Protocol](#) as "The input and parameter requirements that must be followed when conducting a NatHERS assessment in regulatory mode for demonstrating compliance to the Deemed-To-Satisfy NatHERS Pathway of the National Construction Code (NCC) or the requirements of the Building Sustainability Index (BASIX) in NSW".

As s 22 has noted, implementation of the NCC including what is acceptable to demonstrate compliance is a matter for states and territories. To add to this, I understand that several building administrators have issued guidance on using NatHERS to assess alterations and additions. The WA Alterations and Additions Protocol for Energy Efficiency, available at [Sustainable and energy-efficient homes](#), provides the basis of a performance solution that may entail use of NatHERS software. This is an example of a performance solution where using NatHERS is recognised as being acceptable, which in this case I note is due to the NatHERS DTS pathway not being suited to demonstrating compliance for renovated homes (unless the entire home can be brought up to the required star rating).

I also note that using NatHERS software to demonstrate compliance with NCC energy efficiency requirements involves generating a certificate in the relevant NatHERS software portal:

- This is a requirement for all users of NatHERS software through end user license agreements. For BERS Pro, the software you raised as an example, clause 2.4 of the [end user license agreement](#) states that "BERS Pro shall only be used to generate Project Files for the purpose of generating Universal Certificates [now called NatHERS Certificates and Residential energy rating reports]. Use of BERS Pro for any other purpose shall constitute a breach of these Terms of Use."
- This requirement is reinforced for accredited Assessors through the code of conduct set by their AAO in accordance with our [Protocol for Assessor Accrediting Organisations](#). I note that you, s 22 and s 22 are all currently accredited with DMN, and Clause 4d of the [DMN EEA Code of Conduct](#) is a commitment to 'Generating NatHERS Certificates when using NatHERS Software to demonstrate compliance with a Jurisdiction's application of the NCC'.
- Governing requirement A5G9 in the NCC, introduced in the 2022 edition, states that "Where house energy rating software is required to be used, evidence of the house energy rating software output must be in the form of a NatHERS certificate issued in accordance with the NatHERS scheme."

A final note to expand on what kinds of software should not be used for Comparison with the DTS provisions: the expectations in section 7.2.3 of ABCB's [housing energy efficiency handbook](#) for Comparison with the DTS provisions should be read in the context of provisions for VURB set out in H6V2 in Volume 2 of the NCC, for which house energy rating software is defined as "software accredited or previously accredited under the Nationwide House Energy Rating Scheme (NatHERS) and the additional functionality provided in non-regulatory mode".

[closing]

OFFICIAL

From: s 22

Sent: Thursday, 24 April 2025 4:07 PM

To: s 22 @dcceew.gov.au>

Subject: FYI: advice sought by CoB 28/4, please: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

Howdy,

s 22 & I just had a chat about this, and she'll think about it further & come back by the end of Monday.

s 22

s 22

Cheers,

s 22

OFFICIAL

From: s 22

Sent: Thursday, 24 April 2025 2:43 PM

To: s 22 @dcceew.gov.au>; s 22 @dcceew.gov.au>

Cc: s 22 @dcceew.gov.au>

Subject: advice sought by CoB 28/4, please: Request for Clarification – Use of NatHERS Tools under NCC 2022 Volume Two Clause A2G2(2)(d) [SEC=OFFICIAL]

Hi s 22

Further to my email last week & parallel to the exchange with s 22 can you please give me a fact check & red-line review of the following proposed response to s 11C(1)(a) ?

s 22 done most of the work but there are additional points that should be raised about compliance with our governing requirements, as well as the NCC.

Thanks in advance,

s 22

----->8 cut here 8<-----

Dear s

Thanks again for your query, and I appreciate your patience while we considered it.

Some further points to complement s 22 response to the similar query you sent to the ABCB, which I've attached for cross-reference:

- NatHERS software is accredited for the purpose of demonstrating compliance with the National Construction Code through 'regulation mode', which is defined for the purposes of our [Software Accreditation Protocol](#) as "The input and parameter requirements that must be followed when

conducting a NatHERS assessment in regulatory mode for demonstrating compliance to the Deemed-To-Satisfy NatHERS Pathway of the National Construction Code (NCC) or the requirements of the Building Sustainability Index (BASIX) in NSW”.

- As **s 22** has noted, implementation of the NCC including what is acceptable to demonstrate compliance is a matter for states and territories. For example, several building administrators have issued guidance on using NatHERS to assess alterations and additions, recognising that the NatHERS DTS is best suited to demonstrating compliance for entirely new homes. The WA Alterations and Additions Protocol for Energy Efficiency, available at [Sustainable and energy-efficient homes](#), provides the basis of a performance solution that may entail use of NatHERS.
- Use of NatHERS-accredited software is subject to compliance with end user license agreements. For BERS Pro, the software you raised as an example, clause 2.4 of the [end user license agreement](#) states that “BERS Pro shall only be used to generate Project Files for the purpose of generating Universal Certificates. Use of BERS Pro for any other purpose shall constitute a breach of these Terms of Use.”
- Expectation for comparison with DTS provisions set out in ABCB’s [housing energy efficiency handbook](#) should be read in the context of provisions for VURB set out in [H6V2](#), for which house energy rating software is defined as software accredited or previously accredited under NatHERS and the additional functionality provided in non-regulatory mode.

[closing]

From: **s 11C(1)(a)**

Sent: Wednesday, 16 April 2025 12:37 PM

To: NATHERS Admin <admin@nathers.gov.au>

Subject: Clarification Request – Use of NatHERS Tools under NCC 2022 Clause A2G2(2)(d)

Dear NatHERS Administrator,

I am seeking clarification regarding the **intended scope of permitted use for NatHERS-accredited software tools** (e.g. BERS Pro), specifically in the context of a **Performance Solution under Clause A2G2(2)(d) of NCC 2022**, as it applies to **residential compliance in Volume Two**.

While we understand that NatHERS tools are accredited for use within the **Deemed-to-Satisfy energy rating pathway**, as referenced in **Clause H6D2(1)(a)** of Volume Two, there is ongoing uncertainty within the industry about whether they may also be used in a Performance Solution that involves comparing a proposed building against a reference building that complies with the **Elemental Provisions** (Parts 13.2 to 13.5 of the Housing Provisions in Volume Two).

This type of comparative assessment is sometimes proposed under **Clause A2G2(2)(d)**, using consistent modelling assumptions across both the reference and proposed buildings. However, the **NCC 2022 House Energy Efficiency Handbook (page 113)** states:

“It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB.”

In light of this guidance — and in parallel with previous technical warnings issued by CSIRO in 2017 regarding VURB — we are seeking clarification from the NatHERS Administrator on the following point:

Could you please confirm whether the use of NatHERS-accredited tools for comparative Performance Solutions under Clause A2G2(2)(d) falls within the scope of the NatHERS scheme’s intended application?

Just to clarify — we are **not referring to the VURB assessment method** (as described in **Clause H6V2** of NCC 2022), but specifically to **Clause A2G2(2)(d) – Comparison with the DTS Provisions**.

A clear position — even informally — would be greatly appreciated to help ensure NatHERS tools are used in a way that is consistent with their intended policy and accreditation framework.

Kind regards

s 11C(1)(a)



s 11C(1)(a)



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From: s 22 [redacted]@demirs.wa.gov.au>
Sent: Wednesday, 30 April 2025 9:39 AM
To: s 22 [redacted]
Subject: RE: FW: NCC 2022 Compliance Alert – Use of BERS Pro in Performance Solutions (Comparison with DTS Provisions) [SEC=OFFICIAL]

s 22 [redacted]

s 22 [redacted]

OFFICIAL

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Thanks s 22 [redacted]

My fingers are crossed on both accounts.

s 22 [redacted]

OFFICIAL

From: s 22 [redacted]@abcb.gov.au>
Sent: Wednesday, 30 April 2025 7:33 AM
To: s 22 [redacted]@demirs.wa.gov.au>
Subject: RE: FW: NCC 2022 Compliance Alert – Use of BERS Pro in Performance Solutions (Comparison with DTS Provisions) [SEC=OFFICIAL]

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OFFICIAL

No worries, I'm going to try and keep out of this from now on, s 22 [redacted]
s 22 [redacted]

However the NatHERS admin will be keen to weigh on this as well, so more to come on this topic I fear.

Hope the forum goes well today.

s 22 [redacted]

OFFICIAL

OFFICIAL

From: s 22 [redacted]@demirs.wa.gov.au>
Sent: Wednesday, 30 April 2025 9:16 AM
To: s 22 [redacted]@abcb.gov.au>

Subject: RE: FW: NCC 2022 Compliance Alert – Use of BERS Pro in Performance Solutions (Comparison with DTS Provisions) [SEC=OFFICIAL]

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Hey s 22

Thanks for keeping me posted.

s 22

s 22

OFFICIAL

From: s 22 <[redacted]@abcb.gov.au>

Sent: Tuesday, 29 April 2025 10:03 AM

To: s 22 <[redacted]@demirs.wa.gov.au>

Subject: FW: FW: NCC 2022 Compliance Alert – Use of BERS Pro in Performance Solutions (Comparison with DTS Provisions) [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender's full email address and know the content is safe.

OFFICIAL

Hi s 22 or info, further correspondence from s 11C(1)(a)

s 22

OFFICIAL

OFFICIAL

From: s 11C(1)(a) <[redacted]>

Sent: Tuesday, 29 April 2025 11:56 AM

To: s 22 <[redacted]@abcb.gov.au>

Subject: Fwd: FW: NCC 2022 Compliance Alert – Use of BERS Pro in Performance Solutions (Comparison with DTS Provisions)

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Hi s 22

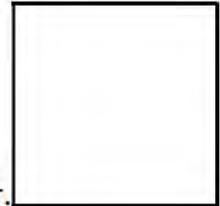
I hope you're well.

Following on from our earlier discussions regarding the use of NatHERS software tools for Performance Solutions using the Comparison with DTS Provisions method (Clause A2G2(2)(d)) under NCC 2022 Volume Two, I thought it might be helpful to provide a real-world example that has recently come to light.

Please find below a communication I recently received **s 22**
s 22

I am providing this purely for your awareness, in case it is useful in understanding some of the emerging compliance risks as NCC 2022 takes effect nationally.

It may also be worth noting that continued misinterpretation or disregard of the ABCB's expectations could undermine consistent application of the NCC 2022 provisions across jurisdictions, particularly as industry transitions into the new requirements.



Please let me know if you require any further information or if I can assist further.

Kind regards

s 11C(1)(a)



s 22

Dear Team,

I'm writing to bring to your attention a significant compliance issue that appears to be emerging across several residential projects **in Western Australia** assessed under the **Comparison with the DTS Provisions** method in Clause A2G2(2)(d) of **NCC 2022 Volume Two**.

It has come to our attention that some assessments submitted under this pathway are being carried out using **BERS Pro**, a **NatHERS-accredited tool**. While this software is appropriate for use under the House Energy Rating pathway, it is **not suitable** for assessments under A2G2(2)(d).

The **NCC 2022 Housing Energy Efficiency Handbook**, first published by the ABCB in March 2023, provides clear guidance on this point (refer page 113):

"It is expected that a Performance Solution that uses a Comparison with the DTS Provisions Assessment Method would use a similar set of reasonable assumptions, parameters and exclusions (such as not permitting use of NatHERS software tools) to those specified in VURB."

This expectation was also reaffirmed in direct correspondence from the ABCB's Assistant Director of Energy Efficiency, which further clarified that NatHERS software tools are not intended to be used under this assessment method.

This guidance has been **publicly available** for some time and is intended to ensure consistent application of the NCC across all projects assessed using this pathway.

We have observed that some recently approved assessments under A2G2(2)(d) appear to have been completed using **BERS Pro**, despite this guidance. In light of this, we wanted to ensure certifiers are aware of the ABCB's position to avoid inadvertent reliance on assessments that may not satisfy the requirements of a valid Performance Solution.

A copy of the relevant page from the **Housing Energy Efficiency Handbook** is attached for your reference.

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From: s 22 @dcceew.gov.au>
Sent: Friday, 16 May 2025 9:52 AM
To: s 22
Subject: RE: NatHERS v performance solutions [SEC=OFFICIAL]

OFFICIAL

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OFFICIAL

Thanks again s 22 and I'll make this my last email on the subject for today.

That might be partly what s 22 is angling towards: transparency and equivalence in terms of assumptions, so that software types are on a more even footing?

I recall hearing similar concerns from s 47G(1)(a) when VURB for Class 2 was in the works for NCC '22: s 47C
s 47C

s 22 relayed an intriguing suggestion from another practitioner to do away with stringency levels for energy efficiency and use NatHERS ratings for every build, with any performance allowed so long as the rating was transparent – sounds a lot like disclosure to me.

Happy Friday 😊

s 22

OFFICIAL

From: s 22 @abcb.gov.au>
Sent: Friday, 16 May 2025 9:19 AM
To: s 22 @dcceew.gov.au>
Subject: RE: NatHERS v performance solutions [SEC=OFFICIAL]

OFFICIAL

OFFICIAL

Unfortunately, it does not. Might have been s 22

Not sure what value it could provide, assumptions made around weather, occupancy etc would dwarf differences between the software calculation level.

s 22

OFFICIAL

OFFICIAL

From: s 22 [redacted] <[\[redacted\]@dcceew.gov.au](mailto:[redacted]@dcceew.gov.au)>
Sent: Friday, 16 May 2025 9:07 AM
To: s 22 [redacted] <[\[redacted\]@abcb.gov.au](mailto:[redacted]@abcb.gov.au)>
Subject: RE: NatHERS v performance solutions [SEC=OFFICIAL]

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OFFICIAL

No worries s 22 [redacted]

s 22 [redacted] mentioned that he recalled ABCB did some analysis of the accuracy of ASHRAE 140 models, does that ring any bells?

Cheers,

s 22 [redacted]

OFFICIAL

OFFICIAL

From: s 22 [redacted] <[\[redacted\]@abcb.gov.au](mailto:[redacted]@abcb.gov.au)>
Sent: Thursday, 15 May 2025 5:49 PM
To: s 22 [redacted] <[\[redacted\]@dcceew.gov.au](mailto:[redacted]@dcceew.gov.au)>
Subject: RE: NatHERS v performance solutions [SEC=OFFICIAL]

OFFICIAL

OFFICIAL

Thanks for the heads up,

s 47C [redacted]

s 22 [redacted]

OFFICIAL

OFFICIAL

From: s 22 <[redacted]@dcceew.gov.au>
Sent: Thursday, 15 May 2025 5:02 PM
To: s 22 <[redacted]@abcb.gov.au>
Subject: NatHERS v performance solutions [SEC=OFFICIAL]

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Hi s 22

A heads-up that you might be contacted by s 22

s 22

s 22 had been in communication with s 22 while she was at ABCB, and is hoping to re-establish a connection with ABCB now that she's left.

s 45, s 47G(1)(a), s 47G(1)(b)

I had a lengthy conversation with s 22 and s 22 this afternoon, and walked him thru what I could as best I can:

- It's up to jurisdictions to determine how they implement the NCC (and I stressed that you & ABCB have limited scope to act).
- We're the measuring tape and the policies themselves are set through national work by jurisdictions in consultation with industry.
- NatHERS' limited control consists of our Software Accreditation Protocol and conditions placed on software users (noting that our [newest SAP](#) states that tool providers are not to support non-regulatory modes of operating their tools for NCC compliance, and the latest terms and conditions that are with EI & other software providers now defines regulatory mode and includes a standard end-user term about only using NatHERS to demonstrate NCC compliance thru the pathways defined as regulatory mode).
- We are at the early stages of developing guidance to building certifiers / surveyors on NatHERS.

Cheers,

s 22

s 22

NatHERS Program Delivery

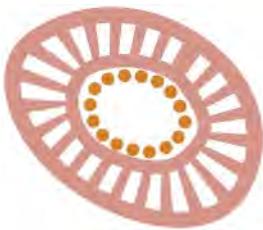
Home Ratings and Disclosure Branch
Energy Performance and Security Division
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000

s 22 [redacted] [@dcceew.gov.au](mailto:[redacted]@dcceew.gov.au)

s 22 [redacted]



DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

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From: s 22
Sent: Thursday, 29 May 2025 1:52 PM
To: s 22
Subject: FW: FYI: performance solution info from s [SEC=OFFICIAL]
Attachments: RE: Clarification Request – Use of NatHERS Tools under NCC 2022 Clause A2G2(2) (d)

s 22 s 22

Further on this conversation between NatHERS and WA admin.

From: s 22 @dcceew.gov.au>
Sent: Thursday, 29 May 2025 1:47 PM
To: s 22 @demirs.wa.gov.au>
Cc: s 22 @demirs.wa.gov.au>; s 22 @abcb.gov.au>
Subject: RE: FYI: performance solution info from s 22 [SEC=OFFICIAL]

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Thanks s 22 and hi s 22

If that local WA assessor was s 11C(1)(a) then we've all contributed to that conversation: see the attached email, which I cc'ed to the BE standards inbox earlier this month (and the linked advice form s 22 for the ABCB).

I've also had a conversation with s 22 about this recently, spurred by s also raising his question with Energy Inspection.

Please keep us posted if there are any further developments?

A few things to highlight, from NatHERS' perspective:

- Our [Software Accreditation Protocol](#) was updated last year, and now explicitly states that NatHERS software tool providers are not to support use of accredited software as a tool for NCC compliance outside of the scope of 'regulation mode'.
- Regulation mode is defined in our agreements with NatHERS software tool providers, which also set standard end-user terms and conditions.
- That definition currently refers to the NatHERS DTS pathway and BASIX in NSW but no other pathways.
- s 47C

s 47C

Cheers,

s 22

OFFICIAL

From: s 22 <[redacted]@demirs.wa.gov.au>
Sent: Thursday, 29 May 2025 12:34 PM
To: s 22 <[redacted]@dcceew.gov.au>; s 22 <[redacted]@abcb.gov.au>
Cc: s 22 <[redacted]@demirs.wa.gov.au>
Subject: RE: FYI: performance solution info from [redacted]^{s47G(1)(a)} SEC=OFFICIAL]

OFFICIAL

Hi s 22

Thanks for the update.

I've cc'd s 22 into this response as he recently met with a local WA assessor to discuss the use of NatHERS software for conducting a comparison to DtS Performance Solution that mimics the VURB.

It's early days for us, with the NCC 2022 energy efficiency provisions only being made mandatory from 1 May this year but we are keen to take a stance that prevents Performance solutions that achieve less than the benchmarked requirements.

Regards,

s 22
Building and Energy Division

Department of Energy, Mines, Industry Regulation and Safety
303 Sevenoaks Street Cannington WA 6107

s 22
s 22 <[redacted]@demirs.wa.gov.au | www.demirs.wa.gov.au



**Department of Energy, Mines,
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

OFFICIAL

OFFICIAL

From: s 22 <[REDACTED]@dcceew.gov.au>
Sent: Thursday, 29 May 2025 10:13 AM
To: s 22 <[REDACTED]@demirs.wa.gov.au>; s 22 <[REDACTED]@abcb.gov.au>
Subject: FYI: performance solution info from [REDACTED] SEC=OFFICIAL]

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OFFICIAL

Hi s 22 and s 22 hope you're both well!

A follow-up from conversations earlier this year about performance solutions involving a combination of NatHERS and verification using building sealing.

I reached out to [REDACTED] recently, which was the firm mentioned to s 22 by a WA housing developer looking to adopt their method.

It appears [REDACTED] isn't the source of the novel solution that was raised with ABCB (without detail) earlier this year [REDACTED]
s 47G(1)(a), s 47G(1)(b)

s 47G(1)(a), s 47G(1)(b)

Cheers,

s 22

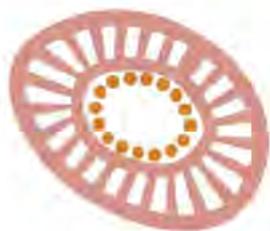
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NatHERS Program Delivery

Home Ratings and Disclosure Branch
Energy Performance and Security Division
Department of Climate Change, Energy, the Environment and Water
Wurundjeri Woi-wurrung country, Level 3 of 500 Bourke St Melbourne 3000
s 22 <[REDACTED]@dcceew.gov.au>

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We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.