



Australian Capital Territory

Energy Efficiency Ratings (Sale of Premises) Act 1997 No 121

Republication No 3

Effective: 1 July 2003 - 30 June 2004

Republication date: 1 July 2003

Last amendment made by A2002-56

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Energy Efficiency Ratings (Sale of Premises) Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2003. It also includes any amendment, repeal or expiry affecting the republished law to 1 July 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Energy Efficiency Ratings (Sale of Premises) Act 1997

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Australian Capital Territory

Energy Efficiency Ratings (Sale of Premises) Act 1997

An Act to facilitate the disclosure of energy efficiency ratings in relation to premises for sale

R3
01/07/03

Energy Efficiency Ratings (Sale of Premises)
Act 1997
Effective: 01/07/03-30/06/04

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1 Short title

This Act may be cited as the *Energy Efficiency Ratings (Sale of Premises) Act 1997*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

energy efficiency rating means the energy efficiency rating contained in an energy efficiency rating statement.

energy efficiency rating statement means—

- (a) a statement prepared in accordance with the Energy Ratings System for Residential Buildings prescribed by the planning and land authority for the purposes of the Territory plan as in effect from time to time under the *Land (Planning and Environment) Act 1991*; or
- (b) if the regulations make provision for energy efficiency rating statements—a statement prepared in accordance with the regulations.

premises means premises that may lawfully be used for residential purposes.

publish means communicate or disseminate information in such a way or to such an extent that it is available to, or likely to come to the notice of, the public or a section of the public.

4 Industry and environment impact statement

- (1) When a regulation made for section 3, definition of **energy efficiency rating statement** is presented to the Legislative Assembly under the *Legislation Act 2001*, section 64 (1), the Minister must

present to the Assembly an industry and environment impact statement.

- (2) For subsection (1), an industry and environment impact statement is a statement prepared by the Minister describing the likely costs and benefits of the energy efficiency rating statement to the real estate and housing industries and consumers generally.

5 Not applicable to certain premises

- (1) This Act does not apply to—
- (a) a caravan or mobile home; or
 - (b) a hotel or motel; or
 - (c) premises used for the purposes of a club; or
 - (d) premises situated on the campus of an educational institution; or
 - (e) a retirement village; or
 - (f) a nursing home or hostel for aged or disabled persons conducted by an eligible organisation within the meaning of the *Aged or Disabled Persons Care Act 1954* (Cwlth) or an approved provider within the meaning of the *Aged Care Act 1997* (Cwlth); or
 - (g) premises in respect of which there has been given an approval within the meaning of the *Land (Planning and Environment) Act 1991*, part 6 for a development that involves the demolition of the premises; or
 - (h) premises in respect of which a notice directing that they be demolished has been served under the *Building Act 1972*, section 46; or
 - (i) premises prescribed by the regulations.

- (2) In subsection (1):

mobile home means a dwelling (whether on wheels or not) capable of being transferred from place to place and re-erected.

retirement village means a complex of residential premises (whether including hostel units or not) established primarily for occupation by persons who are at least 55 years of age under a scheme in which a person makes a payment (including a gift) to the authority administering the scheme in consideration for being admitted as a resident of the complex.

6 Energy efficiency rating—advertising

- (1) A person shall not, without reasonable excuse, publish an advertisement for the sale of premises unless the advertisement contains a statement of the energy efficiency rating of the habitable part of the premises.

Maximum penalty: 5 penalty units.

- (2) A person shall not, without reasonable excuse, publish an advertisement for the sale of premises that includes a statement of the energy efficiency rating of the habitable part of the premises that is false or misleading in a material particular.

Maximum penalty: 5 penalty units.

7 Energy efficiency rating statement

- (1) Before entering into a contract for the sale of premises, the vendor shall give a prospective purchaser—

(a) a copy of an energy efficiency rating statement in relation to the habitable part of the premises; or

(b) if—

(i) building work within the meaning of the *Building Act 1972* has been carried out on the premises that affects the

energy efficiency rating of the habitable part of the premises; and

- (ii) before that building work was carried out, an energy efficiency rating statement had been prepared in relation to the habitable part of the premises;

a copy of a fresh energy efficiency rating statement in relation to the habitable part of the premises.

- (2) On receipt of an energy efficiency rating statement under subsection (1) (a) or (b), a prospective purchaser shall certify in writing that he or she has received a copy of the statement.
- (3) If the vendor fails to comply with subsection (1), the vendor is liable to pay to the purchaser an amount equal to 0.5% of the purchase price of the premises.
- (4) The vendor shall be taken to have complied with subsection (1) if an energy efficiency rating statement under subsection (1) (a) or (b) and the certificate under subsection (2) form part of the contract for sale.
- (5) In this section:

energy efficiency rating statement means an energy efficiency rating statement that is not false or misleading in a material particular.

7A Offences in preparation of energy efficiency rating statements

- (1) A person shall not, knowingly or recklessly, prepare an energy efficiency rating statement that—
 - (a) is false or misleading in a material particular; or

- (b) omits anything without which the statement is misleading in a material particular.

Maximum penalty: 5 penalty units.

- (2) A person shall not knowingly or recklessly give to another person, for the purpose of the preparation of an energy efficiency statement, information or a document that—

- (a) is false or misleading in a material particular; or
- (b) omits anything without which the information or document is misleading in a material particular.

Maximum penalty: 5 penalty units.

8 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Energy Efficiency Ratings (Sale of Premises) Act 1997 No 121

notified 24 December 1997 (Gaz 1997 No S420)
s 1, s 2 commenced 24 December 1997 (s 2 (1))
remainder commenced 31 March 1999 (s 2 (2))

as amended by

Energy Efficiency Ratings (Sale of Premises) (Amendment) Act 1998 No 73

notified 23 December 1998 (Gaz 1998 No S212)
commenced 23 December 1998 (s 2)

Energy Efficiency Ratings (Sale of Premises) (Amendment) Act 1999 No 13

notified 31 March 1999 (Gaz 1999 No S17)
commenced 31 March 1999 (s 2 (2))

Legislation (Consequential Amendments) Act 2001 No 44 pt 129

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 129 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Planning and Land (Consequential Amendments) Act 2002 A2002-56 sch 3 pt 3.5

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
sch 3 pt 3.5 commenced 1 July 2003 (s 2 and see Planning and Land Act 2002 A2002-55, s 2)

4 Amendment history

Commencement

s 2 am 1998 No 73 s 4
om 2001 No 44 amdt 1.1469

Definitions for Act

s 3 def **energy efficient rating statement** am A2002-56 amdt 3.30
def **premises** sub 1999 No 13 s 4

Industry and environment impact statement

s 4 am 2001 No 44 amdt 1.1470

Not applicable to certain premises

s 5 am 1999 No 13 s 5; pars renum R2 LA

Energy efficiency rating statement

s 7 am 1999 No 13 s 6

Offences in preparation of energy efficiency rating statements

s 7A ins 1999 No 13 s 7

Regulation-making power

s 8 sub 2001 No 44 amdt 1.1471

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1999 No 13	31 August 1999
2	A2001-44	5 March 2002

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