

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Tucker)

**Energy Efficiency Ratings (Sale of
Premises) Bill 1997**

A BILL

FOR

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

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

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

Commencement

- 10 2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
 (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.
 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which

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this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Interpretation

3. In this Act, unless the contrary intention appears—

5 “energy efficiency rating” means the energy efficiency rating contained in an energy efficiency rating statement;

“energy efficiency rating statement” means—

10 (a) a statement prepared in accordance with the Energy Ratings System for Residential Buildings prescribed by the Australian Capital Territory Planning 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 an energy efficiency rating statement is prescribed—that statement;

15 “premises” includes—

(a) any habitable structure, whether it is affixed to the land or not;

(b) part of any premises; and

(c) any land, buildings or structures belonging to the premises;

20 “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.

Not applicable to certain premises

4. (1) This Act does not apply to—

25 (a) a caravan or mobile home situated in a mobile home park,

(b) a hotel or motel;

(c) premises used for the purposes of a club;

(d) premises situated on the campus of an educational institution;

(e) a retirement village;

30 (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* of the Commonwealth, or

(g) 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;

5 “mobile home park” means land lawfully used for the purpose of accommodating mobile homes or caravans, and includes a caravan park or camping ground;

10 “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.

Energy efficiency rating—advertising

15 5. (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.

Penalty:

(a) if the offender is a natural person—5 penalty units;

20 (b) if the offender is a body corporate—25 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.

25 Penalty:

(a) if the offender is a natural person—5 penalty units;

(b) if the offender is a body corporate—25 penalty units.

Energy efficiency rating statement

30 6. (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) where—

- (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
- 5 (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.

10 (2) On receipt of an energy efficiency rating statement under paragraph (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 purchaser may, by notice in writing given to the vendor, rescind the contract.

15 (4) The vendor shall be taken to have complied with subsection (1) if an energy efficiency rating statement under paragraph (1) (a) or (b) and the certificate under subsection (2) are attached to the contract for sale.

Regulations

7. The Executive may make regulations for the purposes of this Act.

NOTE

Penalty units

See section 33AA of the *Interpretation Act 1967*