



AUSTRALIAN CAPITAL TERRITORY

Energy Efficiency Ratings (Sale of Premises) (Amendment) Act 1999

No. 13 of 1999

An Act to amend the Energy Efficiency Ratings (Sale of Premises) Act 1997

[Notified in ACT Gazette S17: 31 March 1999]

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

1. Short title

This Act may be cited as the *Energy Efficiency Ratings (Sale of Premises) (Amendment) Act 1999*.

2. Commencement

(1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on 31 March 1999.

3. Principal Act

In this Act, “Principal Act” means the *Energy Efficiency Ratings (Sale of Premises) Act 1997*.¹

4. Interpretation

Section 3 of the Principal Act is amended by omitting the definition of “premises” and substituting the following definition:

“ ‘premises’ means premises that may lawfully be used for residential purposes;”.

5. Not applicable to certain premises

Section 5 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “situated in a mobile home park”;
- (b) by inserting in paragraph (1) (f) “or an approved provider within the meaning of the *Aged Care Act 1997* of the Commonwealth” after “Commonwealth”;
- (c) by omitting from paragraph (1) (f) “or” (last occurring);
- (d) by inserting after paragraph (1) (f) the following paragraphs:
 - “(fa) premises in respect of which there has been given an approval within the meaning of Part 6 of the *Land (Planning and Environment) Act 1991* for a development that involves the demolition of the premises;
 - (fb) premises in respect of which a notice directing that they be demolished has been served under section 46 of the *Building Act 1972*; or”; and
- (e) by omitting from subsection (2) the definition of “mobile home park”.

6. Energy efficiency rating statement

Section 7 of the Principal Act is amended—

- (a) by omitting from subsection (3) all the words after “subsection (1),” and substituting “the vendor is liable to pay to the purchaser an amount equal to 0.5% of the purchase price of the premises”;
- (b) by omitting from subsection (4) “are attached to” and substituting “form part of”; and

(c) by adding at the end the following subsection:

“(5) In this section—

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

7. Insertion

After section 7 of the Principal Act the following section is inserted:

“7A. Offences in the 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.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 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.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.”.

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NOTES

Principal Act

1. Act No. 121, 1997. See also Act No. 73, 1998.

Penalty units

See section 33AA of the *Interpretation Act 1967*.

[Presentation speech made in Assembly on 10 March 1999]

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