

# Civil Law (Sale of Residential Property) Energy Efficiency Rating Guidelines Determination 2009 (No 2)\*

Disallowable instrument DI2009–124

made under the

Civil Law (Sale of Residential Property) Act 2003, s 20A (Energy efficiency rating guidelines)

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## 1 Name of instrument

This instrument is the *Civil Law (Sale of Residential Property) Energy Efficiency Rating Guidelines Determination 2009 (No 2)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Making of guidelines

I make the document entitled “ACT House Energy Rating Scheme Interim Guidelines for Preparing Energy Efficiency Rating Statements Version 1.2”, attached to this instrument, guidelines for preparing an energy efficiency rating statement under the *Civil Law (Sale of Residential Property) Act 2003*, s 20A (Energy efficiency rating guidelines).

## 4 Revocation

All previous guidelines for preparing an energy efficiency rating statement are revoked.

Neil Savery  
Chief Planning Executive  
26 June 2009

\*Name amended under Legislation Act, s 60

# ACT House Energy Rating Scheme

## Interim Guidelines for Preparing Energy Efficiency Rating Statements

**Version 1.2**  
**June 2009**

# 1. GENERAL INFORMATION

## 1.1. Guidelines

The *Civil Law (Sale of Residential Property) Act 2003*, section 20A (Energy efficiency rating guidelines), entitles the planning and land authority to make guidelines for preparing an energy efficiency rating statement for that Act. The guideline is a disallowable instrument.

## 1.2. Purpose

The purpose of these Guidelines is to ensure that Energy Efficiency Rating Statements are prepared in such a way as to provide credible and meaningful information to prospective purchasers and tenants of residential premises, and outline interim provisions for new constructions that have been assessed under the current energy efficiency requirements in the Building Code of Australia.

## 1.3. Application

These guidelines apply to preparation of energy efficiency ratings and energy efficiency rating statements and assessor services provided in relation to energy efficiency ratings.

## 1.4. Revision History

This document supersedes the previous interim ACT House Energy Rating Scheme Guidelines Interim Guidelines for Preparing Energy Efficiency Rating Statements (version 1.1) made on 5 May 2009.

## 1.5. Definitions

The following definitions are used within this document.

ACTHERS	The ACT House Energy Rating Scheme administered by the ACT Planning and Land Authority
alternate energy rating	An energy rating produced under verification methods JV1 or V2.6.2.1 of the <i>Building Code of Australia</i> demonstrating compliance of a premises with the energy efficiency requirements of the Code.
assessor services	EER assessment services, or issuing an EER statement, for use relating to advertising property subject to the <i>Civil Law (Sale of Residential Property) Act 2003</i>
Class 1 building	A class 1 building as defined in the <i>Building Code of Australia</i>
Class 2 building	A class 2 building as defined in the <i>Building Code of Australia</i>
Class 4 part of building	A class 4 part of building as defined in the <i>Building Code of Australia</i>

Energy Efficiency Rating (EER)	The assessment conducted by a registered assessor in compliance with the rules and protocols and energy rating software specified in these guidelines, for a purpose relating to issuing an energy efficiency statement under the <i>Civil Law (Sale of Residential Property) Act 2003</i>
EER statement	A report generated by the energy rating software specified under these guidelines.
registered assessor	An individual, who the planning and land authority has registered by recording the individual's relevant details in the authority's register of energy assessors, if that registration is not lapsed, invalidated, suspended or cancelled.

## 2. REQUIREMENTS FOR ENERGY EFFICIENCY RATING STATEMENTS

### 2.1 Allowable energy efficiency rating statements

An energy efficiency rating statement used for the purposes of the *Civil Law (Sale of Residential Property) Act 2003* must be—

- (a) a current, valid and complete energy efficiency rating statement as described in clause 2.2 of these guidelines; or
- (b) a deemed energy efficiency rating statement as described in clauses 2.3 and 2.4 of these guidelines.

### 2.2 Requirements for energy efficiency rating statements

An EER Statement must be current, valid and complete.

- (a) An EER Statement is **current** if—
  - i. it reflects the status of construction and rateable building elements of the relevant building; and
  - ii. for premises that have been occupied, the vendor or the owner of the relevant property has commissioned the EER; and
  - iii. the EER is not older than 6 months since it was issued; or
  - iv. if the EER is older than 6 months since it was issued, it is accompanied by a statutory declaration made by the vendor under the *Statutory Declarations Act 1959* (Commonwealth) declaring that the fabric of the building and external elements used in the EER have not been materially altered or changed since the EER was issued.
- (b) An EER Statement is **valid** if—
  - i. the relevant EER assessment was carried out by a person who was a registered assessor as defined in Clause 3.5 of these guidelines at the time of issuing the EER; and
  - ii. the relevant EER assessment was undertaken using FirstRate V3.1 or V4.05 house energy rating software marketed by the Victorian Government; and
  - iii. the relevant EER assessment was carried out in accordance with these guidelines; and
  - iv. the statement does not contain information that is materially false or misleading; and
  - v. the front page of the statement is marked with an authorised ACTHERS stamp containing:

- the name of the registered assessor who has undertaken the EER; and
- the rating score points and corresponding star rating from 0 to 6 stars; and
- the date the EER statement was issued; and
- the registration number and signature of the registered assessor.

- (c) An EER Statement is *complete* it includes –
- i. the rating summary sheet; and
  - ii. the detailed house data tables; and
  - iii. options for how to improve the rating.

Note—an EER statement in respect of plans for a proposed building, issued before the building was constructed is not necessarily a complete EER statement after the building is subsequently completed.

### 2.3 Deemed energy efficiency rating statements for certain new buildings

- 1) This section applies only if—

- (a) the certificate of occupancy for the premises is issued in respect of a building approval issued after 1 January 2007, under the *Building Act 2004*; and
- (b) the certificate of occupancy is issued for the entire premises; and
- (c) there is no other energy rating complying with these guidelines for the premises; and
- (d) the premises has never been occupied.

Note—Clause 2.3 provides for buildings that have been constructed since the introduction of performance requirements equivalent to 5 star ratings under the Building Code of Australia, but not yet occupied. This will avoid the requirement for new residences to obtain a separate rating if—

- a) the building has been rated under the 2006 ABCB House Energy Rating Protocol (on second generation tools); or
- b) the building has met deemed-to-satisfy solutions or demonstrated compliance by an alternate verification method.

- 2) A deemed energy efficiency rating statement for new buildings must contain—

- (a) a certificate of occupancy issued under the *Building Act 2004*, s 69 (1) or (2); and
- (b) for buildings using one of the Building Code of Australia verification methods mentioned below an energy efficiency rating certificate for the residence in the relevant format in Schedule 1—
  - i. V2.6.2.1 *Verification using a stated value*; or
  - ii. JV1 *Verification using a stated value for a sole-occupancy unit of a Class 2 building or for a Class 4 part of a building*; or
- (c) for buildings approved under a verification method other than those in 2.3 (2)(b)—
  - i. the statutory declaration at Schedule 2 stating the nominal rating as mentioned in Clause 2.5; and

- ii. any relevant energy assessment documentation detailing the efficiency of the building and or building elements.

Note – Relevant energy assessment documentation refers to documentation that verifies that the building meets the performance requirement and could include an engineer’s certificate or statement of compliance issued by a building design professional. Lengthy technical reports are not necessarily required. It is assumed that minimal documentation will be produced when a building is constructed to Deemed-to-Satisfy provisions.

## **2.4 Deemed energy efficiency rating statements for sale off the plan**

For incomplete or proposed premises to be sold ‘off the plan’ the vendor must provide—

- (a) if a building approval for the premises has been issued under the *Building Act 2004*, a copy of the floor plan and elevation from that approval; and
- (b) for buildings using one of the Building Code of Australia verification methods mentioned below an energy efficiency rating certificate for the residence in the relevant format in Schedule 1—
  - i. V2.6.2.1 *Verification using a stated value*; or
  - ii. JV1 *Verification using a stated value for a sole-occupancy unit of a Class 2 building or for a Class 4 part of a building*; or
- (c) for buildings approved under a verification method other than those in 2.4 (b)—
  - i. the statutory declaration at Schedule 3 stating the nominal rating as mentioned in Clause 2.5; and
  - ii. any relevant energy assessment documentation detailing the efficiency of the building and or building elements.

Note—this allows buildings that meet the energy efficiency performance requirements for new buildings under the BCA to use verification of those requirements ratings in order to on-sell the building. This method is only permissible for building yet to be completed at the time of sale.

Note—Relevant energy assessment documentation refers to documentation that verifies that the building meets the performance requirement and could include an engineer’s certificate or statement of compliance issued by a building design professional. Lengthy technical reports are not necessarily required. It is assumed that minimal documentation will be produced when a building is constructed to Deemed-to-Satisfy provisions.

## **2.5 Advertising of energy efficiency ratings**

Energy ratings must be advertised as below—

- (a) premises requiring an EER Statement must be advertised using the star rating stated in that document; or
- (b) premises that meet the requirements of section 2.3 or 2.4 and for which an alternate energy rating has been produced, the premises may be advertised using the alternate energy rating; or
- (c) premises that meet the requirements of section 2.3 or 2.4 and for which an alternate energy rating has not been produced, the premises may be advertised using a nominal rating of no greater than 5 stars for class 1 buildings and 3 stars for premises in class 2 and class 4 parts of buildings.

## **3 ASSESSMENT PROTOCOLS AND PROCEDURES**

### **3.1. Application of Part 3**

The general assessment protocols and procedures apply to premises for sale requiring an EER Statement in accordance with Clause 2.2 of these Guidelines.

### **3.2. Software**

EER's are to be undertaken using First Rate 4.05 as mentioned in Clause 2.1 of this EER Guideline.

Note—the Building Code of Australia provides for other methods of achieving and estimating a building's energy efficiency. Those methods do not necessarily comply with this guideline.

### **3.3. Software Settings**

EER's are to be assessed in “non regulation” mode only.

### **3.4. Climate Zone**

EERs for premises are to use the climate zone data for:

- a) climate zone 24 for premises in Canberra ACT; or.
- b) climate zone 25 for premises in alpine areas of the ACT.

Note —the climate zone can be selected by entering the correct region or the correct postcode for the suburb.

### **3.5. Registered Assessors**

An EER or EER Statement must be prepared by a person who is registered as an energy assessor by the planning and land authority at the time of preparation if the registration is not lapsed, invalidated, suspended or cancelled.

### **3.6. ACTHERS Stamps**

The authority may give a registered assessor an ACTHERS manual stamp or an authority to use an ACTHERS approved electronic stamp, or both. The stamp will contain a number unique to the device.

Documents must not be marked with an authorised electronic stamp unless—

- a) the planning and land authority has given written authorisation for the use of the device, and
- b) the use is consistent with these guidelines and any conditions of the authorisation; and
- c) the mark the device produces is a legible facsimile of the mark produced by the respective approved ACTHERS manual stamp; and
- d) the marked document is reasonably secured or locked so as the mark is not readily copied or reused on another document.

## Schedule 1



### Energy Efficiency Rating Certificate for a single dwelling\*

*Civil Law (Sale of Residential Property) Act 2003 pt3 and  
Civil Law (Sale of Residential Property) Energy Efficiency Rating  
Guidelines Determination 2009 (No 2)*



Energy Efficiency Rating determined using a thermal calculation method in accordance with Building Code of Australia  
Housing Provisions Verification V2.6.2.1

\*Classification of single dwellings in accordance with Building Code of Australia Part 1.3

#### Property Information

Unit                      Block                      Section  
Street Address  
Property Owner  
Owner's Address

#### Energy Rating Assessor

Name    Company  
Address  
Telephone    Email

#### House Energy Rating software

#### Version

Star Rating	Floor Area (m <sup>2</sup> )		Loads (area adjusted MJ/m <sup>2</sup> /annum)		
	Conditioned	Unconditioned	Heat	Cool	Total

#### Rating Elements

NOTES – 1) All features and specifications must be described where included in the rating eg bulk insulation, plasterboard lined partition walls. Features not included in the premises and/or rating should be marked N/A.  
2) Documents from which details of elements have been sourced, eg development approval, specifications, plan; their numbers and dates are to be included below. Where a detail is assumed this must be indicated.

					Reference Doc., No. and date
Roof					
Construction Type	Insulation R Value	Colour - solar absorptance			
Ceilings					
Construction Type	Insulation R Value	Insulation description			
Floors					
Construction Type	Insulation R Value	Insulation description			
Internal Walls					
Construction Type	Insulation R Value	Insulation description			
External Walls					
Construction Type	Insulation R Value	Colour - solar absorptance			
Windows					
Glass identification, colour, thickness (mm)*	Frame Material*	Total U value <sup>+</sup>	SHGC <sup>+</sup>	Area (m <sup>2</sup> )	*Total U-value and SHGC assessed for the combined effect of glass and frames as measured by the relevant Australian Fenestration Rating Council (AFRC) protocol.

**Carpets, Internal Window Coverings and Pelmet (features included in the rating must have a degree of permanency)**


**External Shading (eg pergolas, verandas, louvres, awnings etc)**


**Other features assisting in minimising energy usage for heating and cooling, air leakage and infiltration**

Orientation (from nominal north)		*glass colour, thickness and frame material are not separate factors in the thermal calculation and are listed for additional information.
Terrain category		
Ventilated skylights		
Seals to windows and doors		
Exhaust fans without dampers		
Vented downlights		

Signature of Energy Rating Assessor \_\_\_\_\_  
Date \_\_\_\_\_





## Energy Efficiency Rating Certificate for a sole occupancy unit\*

issued under the *Civil Law (Sale of Residential Property) Act 2003* and the  
*Civil Law (Sale of Residential Property) Energy Efficiency Rating  
Guidelines Determination 2009 (No 2)*



Energy Efficiency Rating determined using a thermal calculation method in accordance with Building Code of Australia  
Verification JV1

\*Classification of sole occupancy unit in accordance with Building Code of Australia Part A3

### Property Information

Unit                      Block                      Section

Street Address

Property Owner

Owner's Address

### Energy Rating Assessor

Name    Company

Address

Telephone    Email

### House Energy Rating software

### Version

Star Rating	Floor Area (m <sup>2</sup> )		Loads (area adjusted MJ/m <sup>2</sup> /annum)		
	Conditioned	Unconditioned	Heat	Cool	Total

### Rating Elements

NOTES – 1) All features and specifications must be described where included in the rating eg bulk insulation, plasterboard lined partition walls. Features not included in the premises and/or rating should be marked N/A.  
2) Documents from which details of elements have been sourced, eg development approval, specification, plan; their numbers and dates are to be included below. Where a detail is assumed this must be indicated.

					Reference Doc., No. and date
Roof					
Construction Type	Insulation R Value		Colour - solar absorptance		
Ceilings					
Construction Type	Insulation R Value		Insulation description		
Floors					
Construction Type	Insulation R Value		Insulation description		
Internal Walls					
Construction Type	Insulation R Value		Insulation description		
External Walls					
Construction Type	Insulation R Value		Colour - solar absorptance		
Windows					
Glass identification, colour, thickness (mm)*	Frame Material*	Total U value <sup>+</sup>	SHGC <sup>+</sup>	Area (m <sup>2</sup> )	*Total U-value and SHGC assessed for the combined effect of glass and frames as measured by the relevant Australian Fenestration Rating Council (AFRC) protocol.

### Carpets, Internal Window Coverings and Pelmet (features included in the rating must have a degree of permanency)


### External Shading (eg louvres, shutters, awnings etc)


### Other features assisting in minimising energy usage for heating and cooling, air leakage and infiltration

Orientation (from nominal north)		*glass colour, thickness and frame material are not separate factors in the thermal calculation and are listed for additional information.
Terrain category		
Ventilated skylights		
Seals to windows and doors		
Exhaust fans without dampers		

Signature of Energy Rating Assessor \_\_\_\_\_  
Date \_\_\_\_\_

## Schedule 2

You should use this form if you are selling a new residence that requires a Statutory Declaration under s2.3 of the *ACT House Energy Rating Scheme Interim Guidelines for Preparing Energy Efficiency Rating Statements* for compliance with the *Civil Law (Sale of Residential Property) Act 2003*.

Commonwealth of Australia

### STATUTORY DECLARATION AS TO A NOMINAL ENERGY EFFICIENCY RATING (NEW BUILDINGS)

*Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration

I, <sup>1</sup> .....  
.....

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

- 2
1. That I/we am/are offering for sale the premises Unit.....Block.....Section..... also known as ..... (the premises).
  2. That I/we am/are aware of the requirement under the *Civil Law (Sale of Residential Property) Act 2003* that a deemed energy efficiency rating statement must be provided to form a part of the Contract of Sale for the premises.
  3. That the certificate of occupancy for the premises was issued in respect of a building approval issued after 1 January 2007, under the *Building Act 2004*.
  4. That the certificate of occupancy is issued for the entire premises.
  5. That there is no other energy rating complying with the *ACT House Energy Rating Scheme Interim Guidelines for Preparing Energy Efficiency Rating Statements Version 1.2* for the premises.
  6. That the premises has never been occupied.
  7. That the premises complies with the respective energy efficiency provisions of the Building Code of Australia and that compliance was demonstrated by the method <sup>3</sup>.....
  8. That the premises meets a nominal rating of <sup>4</sup>..... stars.

3 Describe method of compliance ie construction to Deemed-to-Satisfy provisions; or Verification using a reference building; or an Alternate Solution.

4 The premises may be advertised using a nominal rating of no greater than 5 stars for class 1 buildings (single dwellings) buildings and 3 stars for premises in class 2 and class 4 parts of buildings(sole-occupancy units)

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

5 Signature of person making the declaration

5

6 Place  
7 Day  
8 Month and year

Declared at <sup>6</sup> ..... on <sup>7</sup> ..... of <sup>8</sup> .....

Before me,

9 Signature of person before whom the declaration is made (see over)

9

10 Full name, qualification and address of person before whom the declaration is made (in printed letters)

10

**Note 1** A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

**Note 2** Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

## Schedule 3

You should use this form if you are selling a premises off the plan that requires a Statutory Declaration under s2.4 of the *ACT House Energy Rating Scheme Interim Guidelines for Preparing Energy Efficiency Rating Statements* for compliance with the *Civil Law (Sale of Residential Property) Act 2003*.

Commonwealth of Australia

### STATUTORY DECLARATION AS TO A NOMINAL ENERGY EFFICIENCY RATING (INCOMPLETE OR PROPOSED PREMISES)

*Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration	I, <sup>1</sup> .....
2 Set out matter declared to in numbered paragraphs	2 .....
3. Describe method of compliance ie construction to Deemed-to-Satisfy provisions; or Verification using a reference building; or an Alternate Solution.	make the following declaration under the <i>Statutory Declarations Act 1959</i> :
4. The premises may be advertised using a nominal rating of no greater than 5 stars for class 1 buildings (single dwellings) buildings and 3 stars for premises in class 2 and class 4 parts of buildings (sole-occupancy units)	<ol style="list-style-type: none"><li>1. That I/we am/are offering for sale the premises Unit.....Block.....Section..... also known as ..... (the premises).</li><li>2. That I/we am/are aware of the requirement under the <i>Civil Law (Sale of Residential Property) Act 2003</i> that a deemed energy efficiency rating statement must be provided to form a part of the Contract of Sale for the premises.</li><li>3. That the premises complies with the respective energy efficiency provisions of the Building Code of Australia and that compliance will be demonstrated using the method <sup>3</sup> .....</li><li>4. That the premises will meet a nominal standard of <sup>4</sup> ..... stars.</li></ol>
5 Signature of person making the declaration	5
6 Place	Declared at <sup>6</sup> .....
7 Day	on <sup>7</sup> .....
8 Month and year	of <sup>8</sup> .....
9 Signature of person before whom the declaration is made (see over)	Before me, <sup>9</sup> .....
10 Full name, qualification and address of person before whom the declaration is made (in printed letters)	10 .....

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution