



Sustainability declaration

Frequently asked questions

What is a sustainability declaration?

A sustainability declaration is a compulsory checklist that must be completed by the seller when selling a house, townhouse (class 1a buildings) or unit (class 2 building) from 1 January 2010.

The declaration will inform buyers about the sustainability features of a property and increase community awareness of the value of such features.

The declaration identifies the dwelling's environmental and social sustainability features in four key areas:

- energy
- water
- access
- safety.

Is the sustainability declaration related to the contract of sale?

No. The declaration does not form part of the contract of sale.

Do advertisements need to refer to the sustainability declaration?

Yes. Under the new legislation, from 1 January 2010 real estate agents and private sellers cannot publish an advertisement for the sale of the property unless the advertisement includes information about where a copy of the sustainability declaration can be obtained. This requirement excludes advertisements published in newspapers and magazines, or signs that are not designed to specifically advertise the sale of a particular property (e.g. a generic 'for sale' sign).

What are the requirements for making the sustainability declaration available?

During the period that the property is on the market, certain requirements exist for making the sustainability declaration available:

- advertisements (excluding newspapers, magazines and non-property specific signs) must not be published unless they declare the location the sustainability declaration can be obtained from.

- if requested, the sustainability declaration must be made available to a prospective buyer.

Will the declaration be required at open inspections?

Yes. Whenever the home that is for sale is open to the public for inspection, the seller must ensure a copy of the sustainability declaration is visibly displayed at the site or in the dwelling. The seller's agent is not obliged to provide a copy of the sustainability declaration to every prospective purchaser in this instance if requested.

Why is this being introduced?

There is growing concern about the impacts of climate change and the need to improve existing housing stock. Encouraging prospective buyers to make informed choices about the sustainability performance of residential buildings is becoming increasingly important.

Properties with a greater number of sustainability features potentially have lower energy costs and use less water. They can also be more comfortable to live in and generate fewer greenhouse gas emissions. Homes with access features may be more liveable for occupants during their various life stages and the inclusion of safety features can reduce potential risks around the home.

The declaration aims to increase awareness about sustainable housing features when a property is marketed for sale. It also promotes possible ongoing financial and environmental benefits that could be achieved with specific features. It is anticipated that the declaration will help promote the sustainability of a home and become a key marketing tool for real estate agents and private sellers.

Where can I get a copy of the sustainability declaration?

The sustainability declaration is available on the Department of Infrastructure and Planning's website www.dip.qld.gov.au

Who can complete the sustainability declaration?

The declaration is a simple, self-assessable checklist that can be completed by a property owner. However, if an owner is unable to complete the form, they can seek help from another person to complete it on their behalf as long as the owner signs it. Where an owner cannot sign the form, a person authorised under a power of attorney or other statutory power may sign the form.

I need help completing the declaration. Is a guideline available?

A guideline to assist with completing the sustainability declaration will be available on the Department of Infrastructure and Planning's website in the near future.

What could happen if the information on the declaration was false or misleading?

If a buyer purchased a home and the sustainability declaration was found to be false or misleading or prepared without reasonable skill and care, the seller may be liable to compensate the buyer for the loss or expense (for example, where a seller claims that ceiling insulation is installed and it is not).

Could a buyer terminate a contract if the declaration is incorrect?

No. The buyer would not be able to terminate a contract on the basis of information contained in the sustainability declaration as the declaration does not form part of the contract of sale.

How does this affect rental properties?

A sustainability declaration is not required when a new lease is signed for rental properties. However, if a rental property is being sold, a sustainability declaration will still need to be completed.

What if I need to amend the declaration?

If the home has been upgraded during the marketing period or the seller recognises that the declaration has been incorrectly completed, the declaration should be amended or replaced. The seller should initial and date the change on the original form, or alternatively prepare and sign a replacement declaration.

For further information

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Disclaimer

This fact sheet is not a comprehensive statement of the law. The laws referred to can be complex and various qualifications may apply to the provisions in different circumstances.

You are encouraged to obtain independent legal advice if you are unsure if the laws apply to your situation.