

You should use this form if you are selling a new residence that requires a Statutory Declaration under s15 of the *Construction Occupations (Licensing) Building Energy Efficiency Assessment Sale and Lease of Residential Premises Code of Practice 2012 (No 1)* 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, ¹

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

- 2 Set out matter declared to in numbered paragraphs
- 3 Describe method of compliance e.g. to construction acceptable construction practice 3.12.0(a)(i) ; or an Alternative Solution.
- 4 The premises may be advertised using a nominal rating of no greater than the minimum energy efficiency rating for the individual dwelling (eg sole-occupancy unit) required in the version of the building code the dwelling was approved under.
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 *Construction Occupations (Licensing) Building Energy Efficiency Assessment Sale and Lease of Residential Premises Code of Practice 2012 (No 1)* 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 ³
 8. That the premises meets a nominal rating of ⁴..... stars.

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 ⁶ on ⁷ of ⁸

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*)
Bailliff

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