

Sustainability Declaration MUST GO!



By Alan Liddle

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The Government has yet again burdened the Real Estate industry with more paperwork, under the threat of hefty fines, to perform a marketing campaign on their behalf.

The new Sustainability Declaration is ludicrous in the extreme. It is discriminatory, costly (time, effort, paper, heavy fines & possible litigation) to both Sellers and Agents, contradictory, absolutely non-productive and just a smoke screen anyway.

Bear in mind that the declaration process is supposed to be a simple marketing aid.

The declaration requirements act as a brake on effective real estate marketing. There will inevitably be homes that do not receive sufficient marketing exposure and home owners may suffer lower realised sale prices as a result.

Discrimination

When drafting this legislation the Government gave absolutely no thought to the many people who will be severely disadvantaged by it.

The Government *wants* buyers to make an informed decision regarding the property that will affect its market value and make judgements based on a form that may be incomplete, partially completed or fully completed. This effectively means that a property's sustainability form will become part of the buyer's decision making process.

Legislation is quite specific in that the seller must complete "*the declaration to the best of the person's ability*" (Section 246C of the *Sustainable Planning Act 2009*). Unfortunately there are many socioeconomic groups in the community who are disadvantaged financially or otherwise who will be far less *able* to complete the declaration than others.

The legislation also discriminates against people who own older homes and/or can't afford to improve the sustainability of their homes. Because the declaration is designed to draw attention to eco-friendly fittings etc, older homes that have not been suitably upgraded will be potentially devalued.

Home owners and real estate agents are also severely discriminated against for having to bare the brunt of the responsibility of providing consumer education under the threat of hefty fines and possible litigation.

Consumers Face Potential Heavy Fines

The Government have downplayed the fact that there are hefty fines for failing to complete "*the declaration to the best of the person's ability*". A property owner can be fined up to \$2,000 for not doing so.

The Act is quite specific in its example stating that a feature need not be completed "*if the person can not reasonably find out the information*".

The simple fact is that some of the declaration is quite simple (ie. *reasonable*) to complete, especially if you follow the Government's guide to completing the declaration. However it still remains if the seller of a property does not complete any part of the declaration that they could *reasonably* find out the information for, they *can* be fined.

If the Government had no intention of fining home owners for not completing the declaration in a reasonable manner they wouldn't have legislated fines for doing so.

Consumers Face Potential Litigation

Legislation allows buyers to sue sellers if they feel that any information on a declaration is false or misleading. Any such legal action will most certainly cost either, but probably both the buyer or seller dearly.

The pressure on the seller to complete the declaration to the best of the sellers ability to ensure a speedy sale at the best possible price will certainly lead to errors. As a result, court action will be inevitable in many situations.

Legal representatives of buyers will take full advantage of this sloppy legislation to protect their clients' interests. Sellers will have to be very careful about the way they complete their declarations.

Real Estate Agents Face Hefty Fines

Real estate agents have been handed the responsibility of ensuring that Sustainability Declarations are readily available to prospective buyers, with stiff penalties for every instance where they get it wrong.

The legislation outlines strict procedures to follow in respect to advertising and making copies of the declaration available to buyers.

An agent can be fined up to \$10,000 per infringement.

Given the volume of properties placed on the market and advertised every day in Qld, it is without a doubt that errors may (and will) occur in respect to this legislative process regardless of an agent's best intentions.

Declaration is Contradictory

The basic concept of having a sustainability declaration was to educate people into making their homes more environmentally friendly.

The concept of education is a very good idea, but did anyone in the Government stop to think about the extra paper and ink required to produce the many hundreds of thousands of copies of these declarations and information sheets each year?

An agent **MUST** provide a copy of the declaration to anyone who asks for it for any property. Given that one prospective buyer alone could request declarations for any number of properties from numerous agents, the amount of extra paper used within the industry per year will be absolutely enormous.

It takes one whole tree to produce approx. 150 reams of paper!

Apart from the fact that one tree can extract up to one metric ton of carbon dioxide from the atmosphere every year, enormous amounts of electricity, water and pollutant chemicals are required to produce all this extra paper & ink.

(The above article represents the opinion of Alan Liddle and is not meant as professional advice nor is it necessarily the opinion of A.D.L. Software.)

The pulp and paper industry represents around 10% of all global emissions.

[Refer the Green PDF Document](#) and [Paper Facts & Figures](#)

There must be a more efficient way to educate the populace.

Given the State and Federal Governments' stand on carbon emissions, the State Government's actions are a demonstration of hypocrisy at its worst!

But Wait There's More!

"ALL Australian homes will soon have to undergo a mandatory energy-efficiency assessment costing up to \$1,500 per property."

This will mean that every home will have a star rating for its energy efficiency, similar to electrical appliances.

Pure Bloody Insanity!

[Click here to read more about the proposed rating system](#)

A home is not a simple appliance. It is a complex combination of electrical circuitry providing electricity to many appliances and electrical devices. A home is constantly changing and evolving.

As soon as a new appliance, or even a light bulb, is added or replaced in the home (don't forget the work shed and garden) the rating for the home would be out of date – woops another \$1,500 needs to be paid for an update to the home's rating.

Regardless of how energy efficient a home is, its energy supply can still be abused. On the contrary, a low rated home could be used efficiently by environmentally conscious occupants.

Where does the Federal Government expect to find enough professionals to not only provide the initial rating scores for all 9.8 million homes in Australia, let alone maintain those ratings?

If this goes ahead not just homes will be rated, but whole suburbs, based on the average rating of the homes in the suburb. As if we haven't got enough emphasis on social class in our society already!

The best rated homes will most likely be owned by the wealthy. The worst rated homes will be occupied by tenants and the financially disadvantaged. The gap between the classes will dramatically widen.

This home energy efficiency rating system is basically flawed from the get-go. It cannot possibly work.

Waste of Governments' Time & Effort

Notwithstanding the fact that there should be NO Sustainability Declaration and NO Home Rating system, both the Federal and State Governments have wasted precious time, effort, resources and our money by NOT working together on a suitable solution to educate consumers about energy sustainability.

Instead they have attacked the situation separately and come up with two very different unworkable solutions.

The Truth

Our Government is clutching at straws! They should first ensure they can produce the energy required to power Queensland's rapidly growing population and supply its growing water needs..

They have seriously burdened the Real Estate industry and the State's home owners with the costly job of educating people to be more energy and water wise, with the very real threat of extra expenses in the way of hefty fines and litigation. This is most certainly their job – NOT OURS!

When there are little or no positive results the Government will blame the PEOPLE for the Government's inability to supply.

In the long term, housing prices will rise, pushing rental prices up and greatly disadvantaging tenants.

It is time for the Government to start building more dams and environmentally friendly power supplies if they want Queensland to move forward with the rest of the world.

The Sustainability Declaration MUST GO! It is a burden on the community. It is unfair, discriminatory and confusing. In a nutshell, it is a smokescreen by the Government to lull you into believing they are doing something positive – DON'T BELIEVE IT!

With the Sustainability Declaration in place everyone is a LOSER!

With an Australia-wide Home Energy Rating in place everyone is a LOSER!

If we don't succeed in putting a stop to Qld's Sustainability Declaration we won't stand a chance against the proposed Federal Energy Efficiency Rating System.

It is time to let our Governments know that they are here to serve us. *They* MUST take responsibility for their own lack of action.

[Carter Capner Law](#) have kindly provided a pre-completed email to the Minister for the Department of Infrastructure and Planning, Shadow Minister, Premier and Opposition Leader demanding that Queensland's Sustainability Declaration be abolished.

[Click here to send your email to the Minister](#)

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