



Government announces Sustainability Declaration required for all house sales

On 12 November, the Queensland Government amended the *Building Act 1975* (Qld) and the *Property Agents and Motor Dealers Act 2000* (Qld) (**PAMDA**) to introduce a sustainability declaration for dwellings – the amendments take effect from 1 January 2010.

A seller of a dwelling (house, townhouse or unit), including a mortgagee or a receiver, will have to prepare and sign a sustainability declaration prior to marketing the sale of the property. During the marketing and until the sale is settled, the seller and their agent are each responsible for ensuring that buyers receive the sustainability declaration. Penalties will apply to the seller or the agent if they do not comply with their various respective obligations.

The new sustainability declaration is intended to increase awareness of a dwelling's sustainable building features (energy, water, safety and access) and act as an incentive for sellers to improve the dwelling's sustainability performance. **Interestingly, the sustainability declaration does not require the disclosure of asbestos in a residential dwelling nor does it involve a formal building inspection.**

While a buyer will not have the right to terminate a contract simply because a sustainability declaration has not been provided, false or misleading information in a sustainability declaration may entitle a buyer to claim compensation from the seller.

Relevant information about the new sustainability declaration may be found at:

- [Sustainability Declaration](#)
- [Sustainability Declaration form](#)
- [Sustainability Declaration factsheet](#)