

19 February 2010

Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam

Re: Insulation installation waiver

I realise that the date for submissions to your inquiry have closed, I wish to quickly raise an important issue, which I hope you will consider.

We are currently renting a house and when insulation was installed, funded by the Federal Government's programme, I was disturbed to read the form the installer asked us to sign. It seems they would not get paid, if we did not sign the form. The form asserted several things, required by the Federal Government, obviously drafted by lawyers and to me are a complete nonsense.

I have attached a copy of the form in question.

The following are a couple of examples in particular that I think are of concern (but not limited to these):

- the form asserts '**I declare that:** I am satisfied with the installation work' – how would a lay person have any idea and in any case the hot, sweaty installer just presents the form, I suggest 99% of people have just signed it;

- and later, 'I **release** the Australian Government from all liability for any loss, damage, injury or cost incurred as a result of, or relating to, the installation of ceiling insulation or the installation process.

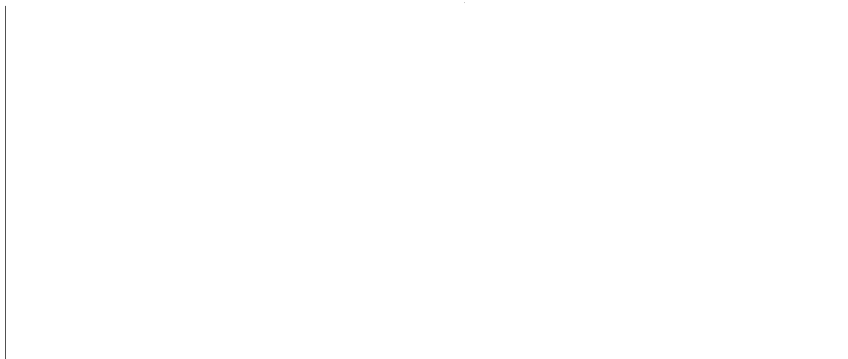
The form even has a renter assert that they have authority to sign on behalf of the owner, I should think setting them up with some liability to the owner, if something goes wrong.

I have not checked, but I imagine the form used for owners to sign, instead of renters, would be the same.

I am concerned because the Government has attempted to entirely absolve itself of responsibility for any problems emerging from the programme. Whether someone can in fact contract themselves out of negligence is a question I will leave for lawyers, but if they cannot, the impression given to a lay person is they have no rights remaining and that principle alone is something government should just not be doing.

In the current climate with this programme I have been concerned that the funding may have been handed out with little thought for where it was going and no acceptance of responsibility by the Government.

I hope the committee is able to take into account my submission and I thank you in any case for examining what I have to say.



Energy Efficient Homes Package—Homeowner Insulation Program and Low Emission Assistance Plan for Renters

Print in **BLOCK LETTERS**

Tick where applicable

Installer details

1 Name of registered installer

2 Trading name of registered installer

3 ABN of registered installer

Installation details

4 Date of installation
 7/10/09

5 Name of individual installing the insulation

6 Installation address

7 Area insulated 30 m²

8 Insulation product type:
 Polyester Glasswool
 Rockwool Cellulose
 Natural wool Foil
 Other (specify) _____

9 Material or total R-value rating:
 3 3.5 4+

10 Total cost (incl. GST) \$ _____

Installer declaration

I declare and acknowledge that:

- I comply with and have completed the work in accordance with the requirements of the relevant program guidelines
- the information provided on this work order form is correct and that providing false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*
- the R-value of existing insulation is 0.5 or less
- I must retain a copy of this work order form for a period of five years for Australian Government audit purposes.

Signature _____ Date 7/10/09

Householder/Landlord declaration

Note: An authorised representative of the landlord (e.g. tenant or real estate agent) may complete and sign this form.

Indicate the relevant program:
 Homeowner Insulation Program
 Low Emission Assistance Plan for Renters

Note: You can only apply for assistance under one of the programs for the same dwelling.

I declare that:

- I am satisfied with the installation work
- I have the permission of any other owner(s) and/or body corporate for the purposes of this program
- The dwelling is NOT a new home or a major extension of an existing home completed in 2003 or later
- I will provide persons authorised by the Australian Government with access to my records and property for audit purposes, upon request
- I have read and comply with the program guidelines and will retain copies of the documents referred to in Section 2
- the information provided on this work order form is correct and I acknowledge that providing false or misleading information is a serious offence and carries penalties under the *Criminal Code Act 1995*.

I release the Australian Government from all liability for any loss, damage, injury or cost incurred as a result of, or relating to, the installation of ceiling insulation or the installation process.

For the Homeowner Insulation Program only - I declare that:

- I am an Australian citizen or permanent resident aged 18 years or over
- I am the owner or beneficial owner of the dwelling where the insulation has been installed and occupy it as my principal place of residence
- (if a beneficial owner) I have the written permission of the owner for the installation of ceiling insulation and to legally bind the owner including the giving of the release herein
- I have not accessed the Solar Hot Water Rebate since it was increased on 3 February 2009 to \$1,600

For Low Emission Assistance Plan for Renters - I declare that:

- the landlord of the dwelling where the insulation has been installed is an Australian citizen or permanent resident aged 18 years or over, OR is a corporate entity incorporated in Australia
- (if an authorised representative) I have the written permission of the landlord for the installation of ceiling insulation and to legally bind the Landlord including the giving of the release herein.

Full name of the Householder/Landlord

Full name of the authorised representative

Signature _____ Date 7/10/09

Address of person completing this section

Contact phone number _____

Email

Personal information collected on this form will be stored and used to assess applications and process claims for payment and for related purposes. This information may be exchanged between the Department of the Environment, Water, Heritage and the Arts, other agencies and authorised persons directly involved in the administration, compliance and audit of the Energy Efficient Homes Package or as authorised or required by law.

Homeowner Insulation Program and Low Emission Assistance Plan for Renters

Information for householders and landlords

Before signing the Work Order Form, it is important that you have read the Program Guidelines and assessed your eligibility under the Homeowner Insulation Program or the Low Emission Assistance Plan for Renters (the programs). A summary of the steps is provided below, however it is your responsibility to read the complete guidelines which are available at www.environment.gov.au/energyefficiency

- ✓ Read the guidelines and carefully assess your eligibility.
- ✓ Select an Installer from the Installer Provider Register at www.environment.gov.au/energyefficiency or by phoning 1800 808 571.
- ✓ Contact your selected Installer and arrange for a written quote. It is suggested that you contact a number of Installers on the Installer Provider Register to explore a range of insulation installation options and pricing.
- ✓ You are responsible for entering into a contractual arrangement for the installation of ceiling insulation with an Installer.
- ✓ The Commonwealth will only pay the Installer on your behalf for the cost of the installation up to the maximum amount you are eligible for under the relevant program (up to \$1,600 for the Homeowner Insulation Program or up to \$1,000 under the Low Emission Assistance Plan for Renters). **For example, if you are an eligible householder under the Homeowner Insulation Program and the cost for the ceiling insulation is \$1,600 or less, you will not need to pay anything.**
- ✓ If you are also applying for assistance for the installation of ceiling insulation under a state, territory or local government scheme, the maximum amount you are eligible to receive under this program when combined with the state, territory or local government scheme assistance cannot exceed the cost of the installation of the ceiling insulation.
- ✓ You will be responsible for any cost in excess of the maximum amount you are eligible for or the total cost if you are not eligible under the programs.
- ✓ Once the installation is complete, the Installer will complete and sign the Installer section of the Work Order Form.
- ✓ The Installer will then present the Work Order Form to you to complete the Householder/Landlord section.
- ✓ If you are satisfied with the work, complete and sign the Householder/Landlord section of the Work Order Form.
- ✓ All parts of the Work Order Form except the Householder/Landlord section must be completed by the Installer.
- ✓ Retain a copy of the written quote, tax invoice, completed and signed Work Order Form and any other proof of purchase documents provided to you by the Installer for Australian Government audit purposes for a period of 5 years.
- ✓ The Installer will retain a copy of the Work Order Form and will apply for payment from the Australian Government by logging on to the online payment system.
- ✓ Applying for assistance through the programs requires you to allow an authorised inspector to access your property for audit purposes, if requested.