



Application for exemption from energy efficiency disclosure obligations

This form is for use by constitutional corporations that wish to apply for an exemption from a disclosure obligation imposed by section 11 or section 15 of the *Building Energy Efficiency Disclosure Act 2010*

Purpose of this form

Under subsection 17(1) of the *Building Energy Efficiency Disclosure Act 2010* (BEED Act), a person who would otherwise be subject to an energy efficiency disclosure obligation under section 11, 12 or 15 of the BEED Act may apply to the Secretary for an exemption from that obligation. Under subsection 17(2) of the BEED Act, applications for an exemption must be submitted in the approved form, include any prescribed information, and must be accompanied by the prescribed fee.

This form has been approved for the purpose of applying for an exemption from a disclosure obligation under section 11 or section 15 of the BEED Act. This form can be used to seek an exemption during the transition period for the program, as well as an exemption from the disclosure obligations after the transition period ends.

There is a separate form for applications for exemption from a disclosure obligation under section 12 of the BEED Act, available from www.cbd.gov.au.

Commercial Building Disclosure Program

The BEED Act provides for the establishment of a new national program, the Commercial Building Disclosure (CBD) Program ('the program'). The program requires disclosure of certain energy efficiency information relating to commercial office buildings in the context of sale, lease and sublease transactions.

The program requires the disclosure of energy efficiency information relating to prescribed classes of 'disclosure affected buildings' from 1 November 2010. Broadly, when advertising a disclosure affected building for sale, lease or sublease, the building owner or prospective sublessor must include an energy efficiency star rating for the building in the advertisement. At the time of offering the building for sale, lease or sublease, the owner or prospective sublessor must also disclose additional information about the energy efficiency of the building and the office lighting, in the form of a valid, current and registered building energy efficiency certificate. Equivalent requirements apply where an area of a building (rather than the whole building) is advertised or offered for lease or sublease. There is a transition period for the program between 1 November 2010 and 31 October 2011. During that period, a NABERS Energy rating can be obtained and registered in place of a full building energy efficiency certificate.

Further information about the program and these requirements is available at www.cbd.gov.au. Further information about NABERS Energy is available at www.nabers.com.au. This information is necessarily general in nature and you should seek appropriate professional advice about your obligations under the program and the BEED Act.

**Information about how to use this form, and how to submit this form,
is set out on the next page.**

Further information

This document contains important terms that are found in the BEED Act. You should refer to the BEED Act for the meaning of the terms contained in this document, and seek appropriate professional advice about applying them in your specific circumstances.

The BEED Act, the *Building Energy Efficiency Disclosure Regulations 2010* (the BEED Regulations), other subordinate legislative instruments and associated information and guidelines can be obtained at the program website: www.cbd.gov.au.

You can contact the Commercial Building Disclosure Section of the Department of Climate Change and Energy Efficiency (the Department) by **email** at commercialbuildings@climatechange.gov.au or by phoning the **hotline** on 1800 020 131.

How to use this form

This form consists of seven Parts:

- Part A – Applicant details
- Part B – Disclosure obligation for which the exemption is claimed
- Part C – Reasons for the exemption
- Part D – Other persons relevant to this application
- Part E – Declaration by the Applicant
- Part F – Payment details
- Part G – Supporting statement by accredited assessor

The following parts of the form are required for an application, in accordance with the BEED Act and regulation 5 of the BEED Regulations:

- **If the exemption is being claimed because the relevant building or area is used for police or security operations** –Parts A, B, C, D, E and F must be completed. All questions must be answered unless identified as 'optional'.
- **If the exemption is being claimed because it is impossible to assign an energy efficiency rating or assess the energy efficiency of the lighting under the methods and standards determined under the BEED Act** –Parts A, B, C, D, E, F and G must be completed. All questions must be answered unless identified as 'optional'. *Note that the requirement to obtain and disclose an assessment of the energy efficiency of the lighting does not apply until 1 November 2011 (that is, after the transition period). There is no need to apply for an exemption relating to tenancy lighting assessments during the transition period.*

Submitting this form

You should make a copy of the completed and signed form for your records.

The completed form should be submitted so as to allow sufficient time for the application to be assessed by the Department *before* the relevant obligation under the BEED Act becomes operative. The Department will aim to respond to applications within 15 business days of receipt of a complete and signed application (including all relevant attachments etc.). If an issue with the application arises which may lead to a longer response time, the Department will advise the applicant as soon as practicable.

To submit the form in hard copy, send the completed hard copy form to:

Commercial Building Disclosure Program administrator
Building and Government Energy Efficiency Branch
Department of Climate Change and Energy Efficiency
PO Box 854, Canberra ACT 2601

To submit the form electronically, email the completed form to:

commercialbuildings@climatechange.gov.au and include the term 'exemption application' in the subject line.

Privacy Statement

Personal Information

This form may require you to provide personal information. "Personal information", as defined in the *Privacy Act 1988*, means any information from which a person's identity is apparent or can be reasonably ascertained.

In compliance with the Privacy Act, the Department has appropriate measures in place to ensure that personal information is protected. Measures include procedures and systems for the receipt, management and storage of personal information and ongoing monitoring of these arrangements. A full Privacy Statement for the Department is available online at: <http://www.climatechange.gov.au/footer/privacy-overview.aspx>.

It is recommended that you read the Privacy Statement before starting to complete this form.

If you have further questions on privacy of information collected under the BEED Act, please contact the Commercial Building Disclosure Section at commercialbuildings@climatechange.gov.au or by phoning the hotline on 1800 020 131.



Application for exemption from energy efficiency disclosure obligations

This form is for use by constitutional corporations that wish to apply for an exemption from a disclosure obligation imposed by section 11 or section 15 of the *Building Energy Efficiency Disclosure Act 2010*

ULI Code (Office use only)

PART A – APPLICANT DETAILS

1. Applicant's name
(Corporation's name)

Please specify **one** of the following identifying details

	Australian Business Number (ABN)	<input type="checkbox"/>	<input type="text"/>
<i>or, if no ABN</i>	Australian Company Number (ACN)	<input type="checkbox"/>	<input type="text"/>
<i>or, if no ACN</i>	Australian Registered Business Number (ARBN)	<input type="checkbox"/>	<input type="text"/>

2. Applicant's contact details

Telephone number	()
Email address	<input type="text"/>
Postal address	<input type="text"/>
	<input type="text"/>
State	Postcode

3. Applicant contact person (optional)

Name	<input type="text"/>
Position	<input type="text"/>
Telephone number (if different from above)	()
Email address (if different from above)	<input type="text"/>

PART B – DISCLOSURE OBLIGATION FOR WHICH THE EXEMPTION IS CLAIMED

4. Disclosure obligation

The Applicant seeks an exemption from *(please tick either or both boxes)*:

- Registering building energy efficiency certificate (or energy efficiency rating in transition period) Including energy efficiency rating in advertisement

5. Nature of activity

The Applicant seeks an exemption in relation to offering or inviting offers for (or continuing to offer or invite offers for) the:

- Sale
 Lease
 Sublease

of the Building/Area described below in question 6.

6. Description of Building/Area in relation to which exemption is sought

The exemption is sought in relation to:

- a whole building** (Building) **an area of a building** (Area)
Fill in 'Building' details below. Fill in 'Building' and 'Area' details below

Net Lettable Area of Building/Area (m²) (optional)

Building details

(for all applications)

Building address
(required)

State	Postcode

Building name (optional)

Area details

(for 'Area' applications only)

Description of Area
for example, 'Levels 2-9'

7. Nature of Applicant's interest in the Building/Area

- Owner
 Lessee (prospective sublessor)
 Sublessee (prospective sub-sublessor)

8. Has the Applicant previously applied for an exemption in respect of this Building/Area?

- Yes No

If yes, provide the date/s of the previous application/s (when signed):

PART C – REASONS FOR EXEMPTION

9. The Applicant is seeking an exemption:

- a) Because the Building/Area is used for police or security operations
(please attach supporting information verifying the Building/Area is used for police or security operations and provide a supporting statement at Item 10 below indicating why this prevents compliance with the disclosure obligation)
- b) Because of the characteristics of the Building/Area, it is not possible to assign an energy efficiency rating to the Building in accordance with the assessment methods and standards determined under the BEED Act
(attach supporting statement from accredited assessor in Part G)
- c) Because of the characteristics of the Building/Area, it is not possible to assess the energy efficiency of the lighting of the Building/Area in accordance with the assessment methods and standards determined under the BEED Act
(attach supporting statement from accredited assessor in Part G)
Note that the requirement to obtain and disclose an assessment of the energy efficiency of the lighting does not apply until 1 November 2011 (that is, after the transition period). There is no need to apply for an exemption relating to tenancy lighting assessments during the transition period.

10. Additional information

Provide any additional information supporting the reason for seeking an exemption as stated in Item 9

11. Steps taken by Applicant to comply with disclosure obligations

The Applicant has taken the following steps to comply with the disclosure obligations:

List details of any steps taken to comply with the disclosure obligations, including timeframes for being able to comply with the disclosure obligations in the future (if available)

PART D – OTHER PERSONS RELEVANT TO THIS APPLICATION

This section must include the details of any other person who has an interest in the Building/Area, or an area that is not the subject of the application, if:

- (i) the person's interest relates to the disclosure obligation; and
- (ii) the person is affected by the disclosure obligation; and
- (iii) in the Applicant's opinion, the person may be of assistance to the Department in determining the application; and
- (iv) the person provides his or her consent to having his or her personal details included in the application.

If there are more than two people who meet these criteria, please provide additional details using additional copies of this page.

Person 1

Please tick this box to indicate the person has consented to having his or her personal details (as set out below) included in the application.

Person's name

Telephone number ()

Email address

Postal address

State Postcode

Optional information

Nature of person's interest in the Building/Area

Person 2

Please tick this box to indicate the person has consented to having his or her personal details (as set out below) included in the application.

Person's name

Telephone number ()

Email address

Postal address

State Postcode

Optional information

Nature of person's interest in the Building/Area

PART E – DECLARATION BY THE APPLICANT

Declaration

This form must be signed by a duly authorised representative of the Applicant. The person signing should read the following declaration and sign below.

Division 137 of the Criminal Code makes it an offence for a person to give information in purported compliance with a law of the Commonwealth, to a Commonwealth entity or to a person exercising powers or performing functions under or in connection with a law of the Commonwealth, if the person providing the information knows that the information is false or misleading. The maximum penalty for such an offence is imprisonment up to 12 months.

By signing below, the signatory acknowledges that he or she is an authorised representative of the Applicant, and that the information contained in this application for exemption is true and correct in all material particulars. The signatory also acknowledges that any of the information provided in this form may be copied, recorded, used or disclosed for the purposes of ensuring compliance with the BEED Act.

Full name of the person signing as representative of the Applicant

Date

Position

Signature

PART F – PAYMENT DETAILS

The application fee of \$350 (GST free*) is paid by:

Enclosed cheque Please make cheque payable to:
'Department of Climate Change and Energy Efficiency'

Electronic Funds Transfer Please deposit the payment into the following account before submitting this form.
Ensure that your Unique Lodgement Identification Code (see below) is included in your bank electronic transfer in the payment description field.

BSB: 092-009
Account Number: 118777
Account Name: DCCEE Official Administered Receipts Account

Unique Lodgement Identification Code

This Code needs to be inserted in the boxes on this form, and used as the payment description for the Electronic Funds Transfer

For an exemption application in respect of a whole building:

B X

Insert the following fields to complete your 18 digit Unique Lodgement Identification Code:

- the postcode of the building in which the area is located;
- the number of the street address of the building, in four digits. For example, 0004 or 0159;
- as much of the street address as fits in the remaining boxes, in letters.

As an example, for the building located at 5 Farrell Place Canberra, ACT, 2601, the Unique Lodgement Identification Code would be **B26010005FARRELLPX**

OR**For an exemption application in respect of an area of a building:**

A X

Insert the following fields to complete your 18 digit Unique Lodgement Identification Code:

- the postcode of the building in which the area is located;
- the floor level on which the area is located (or the lowest floor level, if the area covers more than one floor), in two digits. For example, 02 or 21. Use 0G for ground level;
- the number of the street address of the building, in four digits. For example, 0004 or 0159;
- as much of the street address as fits in the remaining boxes, in letters.

As an example, for an area located on level 8 of the building located at 5 Farrell Place Canberra, ACT, 2601, the Unique Lodgement Identification Code would be **A2601080005FARRELLX**

*This fee is a prescribed fee for exemption applications under the BEED Act and is payable regardless of whether the exemption is granted or not granted. From 1 July 2011 all applications for exemption under the BEED Act will no longer be charged GST. Whilst the prescribed fee will remain at \$350, you will no longer pay any GST on this amount and you will not be able to claim an input tax credit. A receipt will be provided to the Applicant with the letter of notification of the decision regarding the exemption application.

PART G – SUPPORTING STATEMENT BY ACCREDITED ASSESSOR

Information about this Part

Pursuant to regulation 5(1)(k) of the BEED Regulations, the Applicant must attach to this Application a supporting statement from an accredited assessor if the Application for exemption is being made for either or both of the following reasons:

- Because the characteristics of the Building/Area mean that it is not possible to assign an energy efficiency rating to the Building in accordance with the assessment methods and standards determined under the BEED Act (see Question 9(b) in Part C of this form); and/or
- Because the characteristics of the Building/Area mean that it is not possible to assess the energy efficiency of the lighting of the Building/Area in accordance with the assessment methods and standards determined under the BEED Act (see Question 9(c) in Part C of this form).

The supporting statement must include certain information (see item 7 on this page). The accredited assessor should read the information at item 7 before preparing the supporting statement.

The Applicant must provide the details of the accredited assessor who has prepared the supporting statement (at items 1-6 on this page), and attach the supporting statement to the Application.

1. Assessor's name
2. Assessor's telephone number
3. Assessor's email address
4. Registration number
6. Address of place of business

State	Postcode

7. The supporting statement by accredited assessor must be attached to this Application

Information about the supporting statement

The supporting statement must verify and explain why the characteristics of the Building/Area (as applicable) mean that it is not possible, using the assessment methods and standards prescribed under section 21 of the Act, to:

- assign an energy efficiency rating to the Building; or
- assess the energy efficiency of the lighting of the Building, or the Area of the building, for which an exemption is being claimed; or
- both, if the exemption is being sought on both grounds.

The supporting statement should set out the reasons for the assessment and include references to the applicable provisions in the assessment methods and standards described in the *Building Energy Efficiency Disclosure Determination 2010*.

The supporting statement must also identify whether the assessor has complied with his or her conflict of interest obligations, and in particular, whether the assessor has any material interest in the granting of the exemption if that interest could conflict with the proper performance of the assessor's functions.

The supporting statement should include the name and address of the Building (and, if applicable, description of the Area) and be signed and dated by the accredited assessor.