



## Application for exemption from requirement to provide information or access

This form is for use by an owner, lessee or sublessee of a building or area of a building who wishes to apply for an exemption from section 18 of the *Building Energy Efficiency Disclosure Act 2010*

### Purpose of this form

Under subsection 18(8) of the *Building Energy Efficiency Disclosure Act 2010* (BEED Act), an owner, lessee or sublessee of a building or area of a building who would otherwise be subject to a requirement to provide information or access under section 18 of the BEED Act may apply to the Secretary for an exemption from that requirement. Under subsection 18(9) 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 requirement to provide information or access under section 18 of the BEED Act.***

### 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 (BEEC). Equivalent requirements apply where an area of 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.

In order to apply for a BEEC, the relevant owner or prospective lessor of the disclosure affected building (or area) must engage an accredited assessor to undertake an assessment of the building (or area). Section 18 of the BEED Act provides that if the accredited assessor reasonably believes an owner, lessee or sublessee of the building (or area) possesses information necessary for the purposes of the assessment, the accredited assessor may, by notice in writing, require that owner, lessee or sublessee to provide the assessor with that information. The accredited assessor may, separately or in addition, by notice in writing, require an owner, lessee or sublessee to provide them with access to the building, area or other associated place, if access is necessary for the purposes of the assessment. An owner, lessee or sublessee that receives a notice under section 18 must comply with it unless that person has obtained an exemption under subsection 18(8) of the BEED Act.

Further information about the program and these requirements is available at [www.cbd.gov.au](http://www.cbd.gov.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](http://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](mailto:commercialbuildings@climatechange.gov.au) or by phoning the **hotline** on 1800 020 131.

## How to use this form

This form consists of seven Parts, in accordance with the BEED Act and regulation 6 of the BEED Regulations:

- Part A – Applicant details
- Part B – Requirement to provide information or access for which exemption is claimed
- Part C – Reasons for the exemption: Information
- Part D – Reasons for the exemption: Access
- Part E – Other persons relevant to this application
- Part F – Declaration by the Applicant
- Part G – Payment details

## When to submit this form

You should submit this form only after you have received a notice:

- requesting information under s 18(2) of the BEED Act, or
- requesting access under s 18(4) of the BEED Act.

## Submitting this form

Before submitting the form, you should make a copy of the completed and signed form for your records.

**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.*

## When to expect a response from the Department

The Department will aim to respond to applications within 5 business days of receipt of the complete, signed application form (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.

## 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](mailto:commercialbuildings@climatechange.gov.au) or by phoning the hotline on 1800 020 131.



## Application for exemption from requirement to provide information or access

This form is for use by an owner, lessee or sublessee of a building or area of a building who wishes to apply for an exemption from section 18 of the *Building Energy Efficiency Disclosure Act 2010*

ULI Code (Office use only)

### PART A – APPLICANT DETAILS

**1. Applicant details for an Applicant who is an *individual***

- Applicants other than individuals should go to Question 2.

- If there is more than one Applicant who is an individual, the primary contact for the application should complete this section.

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

**1a. Is there more than one Applicant?**

(for example, joint building ownership)

No

Yes

If **yes**, how many other Applicants?

Please provide the names of the other Applicants. Use a separate sheet if you need more space.

Applicant 2	<input type="text"/>
Applicant 3	<input type="text"/>
Applicant 4	<input type="text"/>

If the other Applicants wish to be contacted separately about this application, please provide relevant contact details below.

Applicant 2	<input type="text"/>
Applicant 3	<input type="text"/>
Applicant 4	<input type="text"/>

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**PART A – APPLICANT DETAILS (continued from previous page)**

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**2. Applicant details for an Applicant who is *not* an individual**

**2a. Applicant's name**  
(e.g. Corporation 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"/>

**2b. Applicant's contact details**

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

**2c. 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"/>

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**PART B – REQUIREMENT TO PROVIDE INFORMATION OR ACCESS FOR WHICH EXEMPTION IS CLAIMED**

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

The exemption is sought in relation to:

**a whole building** (Building)

Fill in 'Building' details below.

**an area of a building** (Area)

Fill in 'Building' and 'Area' details below

**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'

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

Owner

Lessee

Sublessee

**5. 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):

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**6. Content of exemption sought**

The Applicant seeks an exemption in relation to the requirement to provide:

*Indicate one or both, as appropriate*

Information

*Provide details in Part C of this Form*

Access to the building or area of a building

*Provide details in Part D of this form.*

The information/access is required by/on the following date:

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**PART C – REASONS FOR EXEMPTION: Information**

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**Complete this Part if you are seeking an exemption from a requirement to provide *information***

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**7. The Applicant is seeking an exemption from providing the following information:**

*Provide details of the information, or types of information, the Applicant wishes to be exempt from providing.*

**8. Reasons for seeking the exemption**

*Provide the reasons why the Applicant is seeking the exemption. Information supporting those reasons should be provided to enable the Department to properly assess the application.*

**9. Steps taken to comply with the requirement to provide information**

*List details of any steps taken to comply, including timeframes for being able to comply with the requirement to provide the information.*

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**PART D – REASONS FOR EXEMPTION: Access**

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**Complete this Part if you are seeking an exemption from a requirement to provide access**

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**10. The Applicant is seeking an exemption from providing access to the following place:**

*Provide details of the place from which the Applicant wishes to be exempt from providing access.*

*This may be the Building or Area specified in Question 3, or another place in or associated with the Building/Area, for example, a particular office within, or floor of, the Building).*

**11. The Applicant seeks an exemption from providing access to the place:**

At all times

At a particular time or during a particular period of time:

**12. Reasons for seeking the exemption**

*Provide the reasons why the Applicant is seeking the exemption. Information supporting those reasons should be provided to enable the Department to properly assess the application.*

**13. Steps taken to comply with the requirement to provide access**

*List details of any steps taken to comply, including timeframes for being able to comply with the requirement to provide access*

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**PART E – OTHER PERSONS RELEVANT TO THIS APPLICATION**

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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.

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**Person 1**

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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

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**Person 2**

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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

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**PART F – DECLARATION BY THE APPLICANT**

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**Declaration for Applicant who is an *individual***

The Applicant must 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 Applicant acknowledges that the information contained in this application for exemption is true and correct in all material particulars. The Applicant 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 Applicant		Date	
Signature			

**Declaration for Applicant that is *not an individual***

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			

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## PART G – PAYMENT DETAILS

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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     Y

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 **B26010005FARRELLPY**

#### OR

#### For an exemption application in respect of an area of a building:

A     Y

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 **A2601080005FARRELY**

\*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.

**Information about how to submit this form is set out on page 2, under the heading 'Submitting this form'.**