



Australian Government



CBD Tenancy Lighting Assessment for Offices Ruling

Version 3.0

August 2021

This document is incorporated by reference in the *Building Energy Efficiency Disclosure Determination 2016* (BEED Determination).

The rules described in this document (the Ruling) should only be applied by people who have received training in the application of the Tenancy Lighting Assessment (TLA) Rules and who are CBD Accredited Assessors in accordance with the *Building Energy Efficiency Disclosure Act 2010* (BEED Act).

The Ruling may specify a preferred means of assessment, or provide different options for the means of assessment. For instance, the TLA Rules provide for both floor based and closer inspection methodologies when conducting a lighting assessment. Persons applying this Ruling should make their own decision on the most appropriate approach to assessment, including consideration of their safety, experience and qualifications and must comply with the safety procedures set out in the TLA Rules and elsewhere, all relevant occupational health and safety standards and workplace safety laws.

Formatting conventions used in this document:

Note text appearing with a grey tint in the background is explanatory text only.
It is not a substantive part of the Rules.

Published by the Department of Industry, Science, Energy and Resources

GPO Box 2013

Canberra ACT 2601 Australia

CBD Enquiry Line: 1800 020 131

Email: info@cbd.gov.au

Website: www.cbd.gov.au

This work is licensed under the Creative Commons Attribution 3.0 Australia Licence. To view a copy of this license, visit <http://creativecommons.org/licenses/by/3.0/au>.

The Department of Industry, Science, Energy and Resources (the Department) asserts the right to be recognised as author of the original material in the following manner:

© Commonwealth of Australia (Department of Industry, Science, Energy and Resources) 2021.



The material in this publication is provided for general information only, and on the understanding that the Australian Government is not providing professional advice. Before any action or decision is taken on the basis of this material the reader should obtain appropriate independent professional advice. All content not licensed under a Creative Commons licence is all rights reserved, and you must request permission from the copyright owner to use this material.

This document is available at: www.cbd.gov.au.

While reasonable efforts have been made to ensure that the contents of this publication are factually correct, the Department does not accept responsibility for the accuracy or completeness of the content, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this publication.

IMPORTANT NOTICE

While reasonable care has been taken in preparing this publication, the Commonwealth provides no warranties and makes no representations that the information contained is correct, complete or reliable. The Commonwealth expressly disclaims liability for any loss, however caused and whether due to negligence or otherwise, arising directly or indirectly from the use or reliance on information contained in the publication by any person.

Ruling – Site assessments

1.1 About this document

1.1.1 When does this Ruling apply?

This Ruling, and any amendments, applies from the publication date.

The CBD Administrator may expire this Ruling by first giving not less than six weeks' notice to CBD Program stakeholders.

Any amendments will be published on the CBD website (www.cbd.gov.au).

1.1.2 Who this Ruling is for

This document is incorporated by reference in the BEED Determination for use by CBD Accredited Assessors and Auditors while conducting and reviewing TLAs.

This document should only be used by people who have undertaken the CBD Accredited Assessor Training Course.

1.1.3 What's new in this Ruling

This Ruling clarifies how the TLA Rules will apply in a variety of circumstances where Assessors are not able to attend disclosure affected buildings in person.

In Version 3.0 of this Ruling, the fixed expiry date has been removed and instead the CBD Administrator will provide at least six weeks' notice to CBD Program stakeholders prior to expiring this Ruling.

1.1.4 Related documents

This Ruling is part of a set of documents that govern how TLAs are to be carried out for offices, and audited as per the CBD Education, Compliance and Enforcement Policy. Other documents in the set cover:

- The current TLA Rules as published on the CBD website.
- Conditions of CBD Assessor Accreditation.
- Relevant industry Work Health and Safety (WHS) guidelines.

This Ruling should be read in conjunction with the most recent version of the *NABERS Energy and Water for offices: Rules for collecting and using data* and any associated and current rulings or determinations for undertaking NABERS Energy for offices ratings.

1.2 Site assessments

1.2.1 Alternative options

This section regarding site assessment requirements applies to both new TLA applications, and existing TLA applications that are being modified.

To make use of the options provided in this Ruling CBD Accredited Assessors must contact the CBD Administrator and:

1. Outline their proposed strategy to collect the required information to complete a TLA.
2. Seek written approval from the CBD Administrator via email. If in doubt call the CBD hotline (1800 020 131) to discuss the specific situation.
3. Justify the need to carry out a TLA during this period i.e. is the building going to be leased or sold? Is there an option to postpone the BEEC application to a later date?
4. Demonstrate that their proposed strategy will generate enough compliant information to complete a TLA according to the TLA Rules, in conjunction with this Ruling.

Assessors remain responsible for the accuracy of their rating and must collect and retain the required documentation as per the TLA Rules, and provide this for audit if required. If the Assessor is uncertain of the correct approach, they should contact the CBD Administrator in advance.

In exceptional circumstances where it is not possible to attend a building to complete a TLA site assessment as per TLA Rules section 3.3 – Site Inspection, several new options are provided in this Ruling.

These options are not intended to apply in circumstances where section 3.3.2 or 3.3.3 of the TLA Rules already outline a process for Assessors to address an inability to conduct a site inspection.

Assessors should contact the CBD Administrator if they are in doubt about the best approach for their situation.

1.2.2 How to use this Ruling

Assessors must seek approval in writing from the CBD Administrator prior to using any of the options set out in this Ruling.

Following approval from the CBD Administrator, **Assessors may use any of the options outlined below** to complete their site assessment:

1. Section 1.2.3 – Engage a local Assessor
2. Section 1.2.4 – Use existing documentation
3. Section 1.2.5 – Use of non-Assessor information from a site visit

Where these options are not viable, Assessors may seek approval from the CBD Administrator to use Section 1.2.6 – All spaces non-assessable.

Assessors **must provide evidence** to the CBD Administrator demonstrating why the options outlined in sections 1.2.3, 1.2.4 and 1.2.5 are not viable, and seek approval in writing before proceeding with the process outlined in Section 1.2.6 – All spaces non-assessable.

1.2.3 Engage a local Assessor

If approved in writing by the CBD Administrator, an Assessor may be permitted to engage another local Assessor to complete a site visit on their behalf. This local Assessor will collect all required information including site notes, photos and documentation and provide this to the Assessor who will submit the TLA application as normal.

Checklist for CBD Assessors using this option to complete prior to assessment:

- Written confirmation from local Assessor agreeing to complete the site assessment.
- Confirm the local Assessor has completed an appropriate safe work method statement or equivalent risk assessment process that relates to TLA site assessments. This risk assessment must also include precautions to limit potential exposure to COVID-19 such as hand sanitiser and hand washing.

The Assessor can provide their own standard safe work method statement or equivalent risk assessment document that covers TLA site assessments for the local Assessor to review.

- Written confirmation from the CBD Administrator approving this approach.

1.2.4 Use existing documentation

If approved in writing by the CBD Administrator, an Assessor may collect existing documentation directly from site contacts such as building managers to complete their assessment without a site visit. Note in this scenario the site contact is not required to visit the site to collect photos or additional documentation, provided **all documentation requirements** in the TLA Rules can be satisfied. The Assessor may then proceed with the TLA application as normal. The CBD Administrator must approve this approach in writing before the TLA application is submitted.

Checklist for CBD Assessors using this option to complete prior to assessment:

- Review all provided documentation and consult with the CBD Administrator to confirm whether TLA Rules documentation requirements can be met.
- Written confirmation from the CBD Administrator approving this approach.

In practice this will require the building to have high quality documentation readily available such as lighting layouts, electrical system schematics and technical specifications that will allow an Assessor to meet the TLA Rules documentation requirements without on-site photos. This documentation would need to be broad enough to cover all functional spaces being assessed in the building.

Older office buildings may be difficult to assess in this fashion due to a lack of appropriate documentation. If in doubt contact the CBD Administrator to discuss specific scenarios.

1.2.5 Use of non-Assessor information from a site visit

If approved in writing by the CBD Administrator, an Assessor may make arrangements with someone who has detailed knowledge of the building such as a building/facility manager or a licenced tradesperson such as an electrician to visit the site and collect the required photos and documentation. The CBD Administrator must approve this approach in writing before the TLA application is submitted, including approving the proposed person who will collect the

required site data. The non-Assessor site contact must comply with the safety procedures set out in Section 5.2 of the TLA Rules, all relevant occupational health and safety standards and workplace safety laws.

Checklist for CBD Assessors using this option to complete prior to assessment:

- Confirm the non-Assessor is familiar with the building to be assessed or a licenced tradesperson.

Real estate agents or listing agents will not be approved for this role due to inherent conflicts.

- Confirm the non-Assessor has been provided with a copy of the TLA Rules and this Ruling to review, prior to completing the site assessment.
- Confirm the non-Assessor is covered by appropriate insurance including public liability, professional indemnity and relevant state workers compensation insurance.
- Confirm the non-Assessor has completed any standard site induction processes that are in place for visitors working in the building.
- Confirm the non-Assessor has completed an appropriate safe work method statement or equivalent risk assessment process that relates to TLA site assessments. This risk assessment must also include precautions to limit potential exposure to COVID-19 such as hand sanitiser and hand washing

The Assessor can provide their own standard safe work method statement or equivalent risk assessment document that covers TLA site assessments for the non-Assessor to review.

- Written confirmation from the CBD Administrator approving this approach, including approval of the proposed person who will collect the required site data.

1.2.6 All spaces non-assessable

If the other options outlined in sections 1.2.3, 1.2.4 and 1.2.5 are not feasible, and following approval in writing by the CBD Administrator, an Assessor may submit a TLA application listing all Functional Spaces in the building as 'Non-Assessable'.

These applications must be submitted as a TLA-only application through the CBD Assessor Portal, and Assessors must select 'Other' for the non-assessable reason. Additional text must then be entered in the available field confirming the Assessor is following this Ruling and have received written authority to proceed from the CBD Administrator.

These TLAs will only be certified for a period of six months. Once the short term TLA has been certified, an Assessor may submit a BEEC application using this TLA and a certified NABERS rating.

The CBD Administrator must approve this approach in writing before the application is submitted.

Checklist for CBD Assessors using this option to complete prior to submitting an application:

- Consult the CBD Administrator to discuss why this approach is necessary.
- Confirm why other options provided in this Ruling are not feasible for this building.
- Collect relevant documentation or correspondence documenting why this option is necessary.
- Written confirmation from the CBD Administrator approving this approach.

1.2.7 Assessment validity period

Following written approval from the CBD Administrator, new TLAs that have been certified using options outlined in sections 1.2.3, 1.2.4 or 1.2.5 will be valid for up to five years from the Certification Date.

Similarly, modified TLAs assessed using these options will retain their original expiry date, up to five years from their original Certification Date.

Where Assessors have received written approval from the CBD Administrator to complete a TLA application using Section 1.2.6 – All spaces non-assessable, on approval these TLAs will be valid for six months from the Certification Date.

Assessors should note that Building Energy Efficiency Certificates (BEECs) expire when either the NABERS rating or TLA expires, **whichever expires first**.

In practice this means that BEECs using TLAs certified using Section 1.2.6 – All spaces non-assessable will expire when the TLA expires in six months, and may require another assessment if the building is still being offered for sale or lease.