



# CBD COMPLIANCE

## GUIDE FOR REAL ESTATE AGENTS AND BUILDING OWNERS

MARCH 2018

### 1. PURPOSE

This guidance is intended to assist real estate agents comply with the requirements of the Commercial Building Disclosure (CBD) Program and the [Building Energy Efficiency Disclosure Act 2010](#) (BEED Act) when offering the sale, lease, or sublease of disclosure affected buildings or areas of buildings.

### 2. ABOUT THE CBD PROGRAM

Under the CBD Program, a building or area of a building is disclosure affected if:

- at least 75% of the space in the building is used or capable of being used for administrative, clerical, professional, or similar information based (office) activities; and
- this office space is at least 1,000 m<sup>2</sup>

Under the BEED Act, entities and persons offering to sell, lease, or sublease such office space are required to provide energy efficiency information to prospective buyers and tenants via:

- Building Energy Efficiency Certificates or BEECs which contain a
  - [NABERS](#) Energy rating for the building and
  - [tenancy lighting energy efficiency assessment](#) (TLA) for the building or area of the building
- advertisements for the office space which must contain the current NABERS Energy rating expressed in the advertisement in the correct manner by
  - using a whole number or one half of a whole number, from 0 to 6, worked out for the building under the NABERS Energy rating rules
  - adding the words '-star NABERS Energy rating' after the number, for example:
    - § 4.5-star NABERS Energy rating
    - § 3-star NABERS Energy rating

Advertising can be found on banners on buildings, foyers, and perimeter fences; newspapers; brochures; magazines; internet sites; and in expressions of interest.

However, section 17 of the BEED Act allows an exemption to be granted when a NABERS Energy rating cannot be completed or the building is used for police or security purposes. In these instances, advertisements are not required to display exemption details.

### 3. OFFENCES

For owners and lessors of disclosure affected office space, section 11 of the BEED Act provides offences for the sale, lease, or sublease of such office space without a BEEC; whilst section 15 mandates that advertisements include energy efficiency ratings.

However, real estate agents, by advertising the sale, lease or sublease of disclosure affected office space may have obligations under section 52 of the BEED Act if owners and lessors do not comply with sections 11 or 15. As such, it is important real estate agents ensure a current BEEC for the building is registered prior to any offer to sell, lease, or sublease; and, all advertisements contain the current NABERS Energy rating expressed in the correct manner.



Civil penalties of 1,000 penalty units (currently \$275 per penalty unit) mean that penalties of up to \$275,000 for the first day and \$27,500 for each subsequent day may be imposed by a court for each contravention. Alternatively, the Secretary of the Department of Industry, Science, Energy and Resources (Department) may give an infringement notice of up to \$27,500 for the first day and \$2,750 for each subsequent day

#### 4. USEFUL INFORMATION

Generally, the [CBD Program](#) and [NABERS](#) websites are valuable sources of information, however, some of the more relevant components include:

<b>CBD Program</b>	
<a href="#">What is CBD?</a>	Short video outlining the CBD Program
<a href="#">CBD Program presentation</a>	PowerPoint overview of the CBD Program
<b>CBD Compliance</b>	
<a href="#">CBD Legal Framework</a>	The act, determinations, and regulation
<a href="#">CBD Compliance</a>	How to comply with the BEED Act?
<a href="#">CBD Compliance</a>	How we monitor compliance of disclosure obligations
<a href="#">CBD Compliance</a>	CBD Compliance Policy
<b>Information for real estate agents</b>	
<a href="#">Real estate agents</a>	Information for real estate agents
<a href="#">Advertising requirements</a>	PowerPoint - Getting the energy rating right
<b>Advertising information</b>	
<a href="#">Advertising requirements</a>	Guidance note about advertising requirements
<a href="#">CBD Guidance Notes</a>	Guidance notes for elements of the CBD Program
<b>Information about NABERS</b>	
<a href="#">NABERS Accredited Ratings</a>	Information about NABERS Energy ratings
<a href="#">NABERS for Offices</a>	Information about NABERS and office ratings

#### 5. CBD REGISTERS

The BEED Act requires the CBD Program maintain three registers:

- [Find a CBD accredited assessor](#)
  - contains the names and contact details of CBD accredited assessors accredited by the Department. The Department does not endorse any particular accredited assessor.
- [Find a rated building](#)
  - lists the buildings with current, registered BEECs.
- [Energy Efficiency Non-disclosure Register](#)
  - lists individuals and corporations that persistently failed to comply with the requirements of the CBD Program. There are no current items in this register.

#### 6. CBD PROGRAM CONTACTS

- CBD Compliance – [compliance@cbd.gov.au](mailto:compliance@cbd.gov.au)
- General enquiries about the CBD Program – [info@cbd.gov.au](mailto:info@cbd.gov.au)
- General enquiries hotline – 1800 020 131
- Frequently asked questions