



EVERYTHING MATTERS

Mandatory Disclosure of Commercial Office Building Energy Efficiency

Melbourne Forum

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Overview



- Background
- Who does the proposed scheme apply to?
- What does the proposed scheme apply to?
- What must be disclosed
- When and where to disclose
- Assessors
- BEEC Issues
- Penalties
- Being prepared
- Questions

Background



- 18 December 2008 - DEWHA issued a consultation regulation document and RIS:
 - **Mandatory Disclosure of Commercial Office Building Energy Efficiency**
- Part of the National Framework for Energy Efficiency
- Early 2009 – forums, workshops, submissions
- November 2009 roll out of updated proposal
- **Legislation introduced mid March**
- Waiting Regulations
- Proposed start: mid 2010

Who does the proposed scheme apply to?



- Commonwealth legislation
- Constitutional Corporations
 - Companies
 - Trading trusts
- COAG support – National Strategy on Energy Efficiency
 - No State handover of powers
- No cross over with State laws, eg S32 Sale of Land Act

What does the proposed scheme apply to?



- Determined by Minister – intention:
 - Whole building or tenancy or sub-tenancy > 2000m²
 - Class 5 Commercial Office Buildings
- Able to be extended by Minister

What must be disclosed?



- Energy Efficiency Rating by:
 - Building Energy Efficiency Certificate
 - Valid (Process, qualification)
 - Current (less than 12 months old)
 - **Registered**
- BEEC includes:
 - NABERS Energy Base Building Rating (initially)
 - Without Green Power
 - Assessment of energy efficiency of lighting in tenancy
 - Guidance on improving energy efficiency

When and where to disclose



- On the Register
- Publicly searchable
- **Prior** to offering to sell or lease
- Provided to prospective purchasers/tenants upon request
- In all advertisements for sale or lease
 - Star rating only (without Green Power?)

Who wants to be an assessor?



- Accreditation required
- Assessment must be in accordance with scheme
- Assessor can request information to produce a BEEC, but heavy penalties for misuse of information
- Assessor is liable for incorrect certificates/methodology to owner, tenant, purchaser
- Assessor must ensure conflicts do not override obligations
- Auditing of assessors for verification

BEEC Issues



- Issues
 - Duplicates star rating?
 - Cost? Pass through to tenants as part of building operations?
 - Availability of assessors?
 - Capacity of DECC to administer
 - Victoria penalised by NABERS
- Exemptions – at Secretary’s discretion (in Regulations?)
 - Buildings awaiting demolition/redevelopment
 - Data not available – eg metering issues, new buildings
- Transition – existing NABERS ratings ok (if registered)

Penalties



- Compulsory Scheme
 - Civil penalty up to a maximum of \$110,000 per day/event for most offences
 - Penalties can be imposed by infringement notice scheme (Amount?)
 - Name on register if 2 infringements in 12 months
 - Eg run a week's advertisements in 3 newspapers, would be 15 offences
 - Eg 30 day EOI campaign for a building, would be 30 offences

Being prepared



- Collect data
 - Electricity, gas and diesel bills
 - Green Power bills
 - NLA surveys – PCA or BOMA guidelines
 - Occupancy level (eg leases)
 - Hours of use (prior leases?)
 - Operational efficiency
- Consider assessing now – transitional provisions
- Reality check outcomes
- Recognise state of current buildings

Questions

