

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Defence Materiel and Science
for the Minister for Climate Change, Energy Efficiency and Water

Building Energy Efficiency Disclosure Act 2010

Proclamation

The *Building Energy Efficiency Disclosure Act 2010* (the Act) establishes a scheme for public disclosure of energy efficiency information relating to large commercial office spaces. The scheme is intended to enable prospective purchasers and tenants to access consistent and accurate energy efficiency information about office spaces, to better inform sales and leasing decisions.

The Proclamation fixes 1 November 2010 as the implementation day. This is a day within the six-month period mentioned in subsection 22(4). The proposed implementation day has been arrived at following substantial industry consultations undertaken between January 2009 and June 2010 through workshops, advisory committees and feedback received on the design of the scheme. The 1 November 2010 implementation day provides the optimum timeframe and assistance to industry in satisfying the requirements of the Act.

Sections 11, 12 and 15 of the Act impose disclosure obligations on certain owners and lessees of 'disclosure affected buildings' and 'disclosure affected areas of buildings'. Broadly, owners and lessees are required to disclose energy efficiency information to prospective purchasers and lessees (including sublessees), by:

- having a valid and current 'building energy efficiency certificate' registered on the Building Energy Efficiency Register at the time of offering a building (or area) for sale, lease or sublease; and
- including an energy efficiency 'star rating' in any sale, lease or sublease advertisement.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Authority: Subsection 22(3) of
the *Building Energy Efficiency Disclosure Act 2010*