1 Name of Determination
This Determination is the *Building Energy Efficiency Disclosure (Disclosure Affected Buildings) Determination 2010*.

2 Commencement
This Determination commences on the commencement of section 3 of the *Building Energy Efficiency Disclosure Act 2010*.

3 Definitions
In this Determination:

*Act* means the *Building Energy Efficiency Disclosure Act 2010*. 
**Section 4**

*fit to be used*, for a support facility, means it:

(a) is fit for continuous occupation for the performance of administrative, clerical, professional or similar information-based activities; and

(b) has lighting and ventilation that is adequate and suitable for those activities that is of at least the standard provided for most of the building.

*net lettable area*, for a building or an area of a building, has the same meaning as in the document *Method of Measurement for Lettable Area*, dated March 1997, published by the Property Council of Australia Limited, as in force at the commencement of this Determination.


*support facility* means a part of a building that:

(a) is not used for administrative, clerical, professional or similar information-based activities; and

(b) is available to support those activities; and

(c) occupies a space that is fit to be used for those activities; and

(d) is exclusively for the use of office tenants.

### 4 Disclosure affected buildings

(1) For subsection 10 (1) of the Act, this section specifies the kinds of buildings that are disclosure affected.

(2) Subject to subsections (3) and (4), a building is disclosure affected if:

(a) it has a net lettable area of at least 2 000 square metres; and

(b) the net lettable area is for administrative, clerical, professional or similar information-based activities, including any support facilities for those activities that are located in that area.

(3) A building is not, on a particular day, disclosure affected if, after the construction of the building:

(a) a local authority issues a certificate of occupancy (however described) for the building, under a law of a State or Territory, that indicates the building is safe for occupancy; and

(b) the certificate was issued less than 2 years before the day.

(4) A building is not disclosure affected if the building is held under a strata title system (however described) established under a law of a State or Territory.

*Note* See the definition of *disclosure affected building* in the Act.

### 5 Disclosure affected areas of a building

(1) For subsection 10 (2) of the Act, this section specifies the kinds of areas of buildings that are disclosure affected.
(2) Subject to subsections (3) and (4), an area of a building is disclosure affected if:
   (a) it has a net lettable area of at least 2 000 square metres; and
   (b) the net lettable area is for administrative, clerical, professional or similar information-based activities, including any support facilities for those activities that are located in that area.

(3) An area of a building is not, on a particular day, disclosure affected if, after the construction of the building:
   (a) a local authority issues a certificate of occupancy (however described) for the building, under a law of a State or Territory, that indicates the building is safe for occupancy; and
   (b) the certificate was issued less than 2 years before the day.

(4) An area of a building is not disclosure affected if the area is held under a strata title system (however described) established under a law of a State or Territory.

*Note*  See the definition of *disclosure affected area of a building* in the Act.

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**Note**