



**Australian Government**



# **Commercial Building Disclosure Program guidance on COVID-19**

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# Clarifications and guidance

## Introduction

Commercial Building Disclosure (CBD) Program Accredited Assessors (Assessors) and affected building owners have raised questions with the CBD Team about the impacts of COVID-19 on the CBD Program.

This document answers general questions and provides clarifications around the recently released updated [Tenancy Lighting Assessment \(TLA\) Rules and TLA Ruling](#).

The TLA Ruling will apply until 30 September 2020. The CBD Team will continue to monitor for changing circumstances and may extend the Ruling or provide further Rulings as needed.

The CBD team encourages CBD Accredited Assessors, building owners and any other affected parties to contact us directly if you have any questions:

- 1800 020 131 (toll free)
- [info@cbd.gov.au](mailto:info@cbd.gov.au)

## TLA Ruling overview

This section provides general information and you should refer directly to the [TLA Rules and TLA Ruling](#) prior to undertaking an assessment.

It is important to be safe while undertaking assessments. Where it is not possible to attend a building to complete a TLA site assessment, the TLA Ruling provides several temporary options to assist Assessors. Seek written approval from the CBD Administrator prior to completing an assessment using the options listed in the TLA Ruling.

1. **Engage a local Assessor** – A local Assessor can collect the required information including site notes, photos and documentation and provide this to the Assessor who can submit the TLA application as normal.
2. **Use existing documentation** – An Assessor can use existing available documentation to complete an assessment without a site visit. This approach can assist where all documentation requirements are available without the need to collect additional photos etc. on site.
3. **Use of non-Assessor information from a site visit** - If the Assessor can confirm the options above are not feasible, they may arrange for someone to visit the site and collect the required photos and documentation. This must be someone with detailed knowledge of the building such as a building/facility manager or a licenced tradesperson such as an electrician, but cannot be a real estate agent. To ensure everyone's safety, the Assessor must confirm that the non-assessor:
  - a. has been provided with a copy of the TLA Rules and this Ruling;



- b. is covered by appropriate insurance;
  - c. has completed any standard site induction processes that are in place for visitors working in the building; and
  - d. 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.
4. **All spaces non-assessable** – If the Assessor can confirm that all other options are not feasible, they may submit a TLA application listing all Functional Spaces in the building as ‘Non-Assessable’. These TLAs will only be certified for a period of six months. If approved to undertake an assessment under this option, the Assessor must:
- a. submit the assessment as a TLA-only application through the Assessor Portal and select ‘Other’ for the non-assessable reason. Additional text must be entered in the available field confirming the Assessor is following this Ruling and has received written authority to proceed from the CBD Administrator.
  - b. Once the short term TLA has been certified, an Assessor may submit a BEEC application using this TLA and a certified NABERS rating.

## For building owners

### Do I still need to comply with the disclosure requirements of the CBD Program?

Yes, the CBD Program is legislated by the *Building Energy Efficiency Disclosure Act 2010* (the Act) and the requirements in the Act, and the associated Regulations and Determinations, remain in force.

### Can I obtain an exemption for my building because of COVID-19?

If you are unable to complete a NABERS rating due to technical reasons, or if the building is tenanted by police or security operations tenants, you can apply for an exemption. See the [Exceptions and Exemptions](#) page on the CBD website for more information.

### What if I receive an unsolicited offer for my building?

There are provisions in the Act for unsolicited offers, where a building owner has not been offering their building for sale or lease. See [Unsolicited Offer Exemptions](#) for more information.

### My tenants are unwilling to have visitors walk through the building, how can I complete a BEEC?

The [amended TLA Rules and a newly issued TLA Ruling](#) will apply until 30 September 2020 to help your Assessor complete a rating on your building without attending in person.

The new [NABERS ruling](#) provides similar options that will assist your Assessor to complete the NABERS rating component of your BEEC application.



## What if I can't find an Assessor who will complete a BEEC for my building?

The [amended TLA Rules and a newly issued TLA Ruling](#) will help to ensure assessors can continue to complete BEECs. The [CBD Assessor Register](#) lists all assessors available nationally, and can help you find a local company. We recommend seeking multiple quotes before engaging an Assessor. The Department of Industry, Science, Energy and Resources (DISER) does not regulate Assessor fees.

## What is the CBD Program compliance approach over the coming months?

If members of the regulated community have business continuity issues, for example limitations on assessor travel, CBD Compliance will take a constructive and pragmatic approach to any potential non-compliance.

Contact [compliance@cbd.gov.au](mailto:compliance@cbd.gov.au) as soon as possible when such issues are emerging and we will look at the circumstances of each case.

More information can be found on the [How we monitor compliance](#) page of the CBD website.

## For CBD Assessors – TLA Ruling

### What is the Government doing to reduce the risks for Assessors travelling and assessing buildings in person?

The [amended TLA Rules and newly issued TLA Ruling](#) will apply until 30 September 2020. The Ruling is designed to temporarily help Assessors complete TLAs without attending a building in person. There are multiple options available depending on your situation. If in doubt, please contact the CBD Team directly to discuss specific scenarios.

### Will my TLA still be certified for five years?

As per the TLA Ruling, TLAs will receive the normal validity period of up to five years unless they have been submitted with all spaces as 'Non-assessable', which will only be valid for six months from the certification date.

Note that in practice, TLAs with all spaces as 'Non-Assessable' can be certified until 30 September 2020 and valid as late as 30 March 2021.

### Do I still need to keep my TLA documentation for seven years if I have used the amendments in the TLA Ruling for my application?

Yes, all documentation requirements in the TLA Rules remain the same. Auditing of applications will continue as normal, following the [CBD Program Level 2 audit program](#).

### How do I approach TLA modifications?

As per the TLA Ruling, TLA modifications will be treated in the same way as new TLA applications. Site visit requirements have been temporarily amended in the TLA Ruling to help Assessors complete TLAs without attending a building in person. There are multiple options available depending on the specific situation. If in doubt, please contact the CBD Team directly to discuss specific scenarios.



## What happens after 30 September 2020 when the TLA Ruling expires?

The CBD Team will continue to engage with industry and monitor for changing circumstances, and may extend the Ruling or provide further Rulings as needed.

## For CBD Assessors – Exemption applications

Documentation requirements as set out in the [Exemption Application Guidance Note](#) will be temporarily amended due to COVID-19 travel and social distancing restrictions. Please see new requirements for each type of exemption application below, and some answers to frequently asked questions.

Assessors are encouraged to contact the CBD Team directly to discuss specific scenarios prior to submitting an exemption application.

### Do I still need to consult NABERS before submitting an exemption application?

If you are submitting an exemption application on the basis that the building cannot be rated due to technical reasons, you will need confirmation from NABERS that the building is not rateable. Note that extended vacancy, major refurbishment and police/security operations exemption applications do not require NABERS consultation.

### Extended vacancy exemption applications

Where buildings have been vacant for more than 12 months, Assessors can submit an exemption application on extended vacancy grounds. In this scenario Assessors do not need to consult with the NABERS team prior to submitting the application.

Assessors will not be required to provide site photos for these applications, however the Assessor must provide written confirmation (letter or email) from the building owner or their agent confirming the vacancy period.

### Major refurbishment exemption applications

For Major Refurbishment exemption applications, Assessors do not need to consult with the NABERS team prior to submitting the application. Assessors will not be required to provide site photos for these applications.

As per the [Exemption Application Guidance Note](#), the CBD Team will still require:

- Confirmation that the refurbishment project is underway.
- Detailed information about how the extent of works being carried out will impact the NABERS Energy rating for the building by half a star when completed.

### Police and security operations exemption applications

No change from the [Exemption Application Guidance Note](#), the applicant will have to provide written evidence that the building is being used for these purposes from the police or security operation. No need for a site visit or site photos for these applications.

