

Advertising Requirements

Organising advertising for office space of 2000m² (1000m² from 1 July 2017) or more?

The Commercial Building Disclosure (CBD) Program is a national program to improve the energy efficiency of Australia's largest office buildings. The [Building Energy Efficiency Disclosure Act 2010](#) (BEED Act), implemented through the CBD Program, imposes mandatory energy efficiency disclosure obligations on many commercial buildings.

Under the BEED Act, most sellers or lessors of office space of 2000 square metres (1000 square metres from 1 July 2017) or more are required to:

- obtain and disclose an up-to-date Building Energy Efficiency Certificate (BEEC)[#], which includes a National Australian Built Environment Rating System (NABERS) Energy for offices rating* and CBD Tenancy Lighting Assessment (TLA)
- include the NABERS Energy rating in any advertising.

What does this mean for advertising?

A BEEC must be approved and issued by the CBD Administrator **before** advertising[†] the disclosure affected office space for sale, lease or sublease. Advertising includes banners on buildings, foyers and perimeter fences, and advertising in newspapers, brochures, magazines and Internet sites.

All advertisements must include a NABERS Energy rating expressed by:

- using the rating from 0 to 6 worked out for the building under the NABERS Energy rating rules, disregarding the effect of the purchase of electricity under the GreenPower program
- adding the words '-star NABERS Energy rating' after the number. For example:

4.5-star NABERS Energy rating

3-star NABERS Energy rating

0-star NABERS Energy rating

Every advertisement must display the rating so that:

- it is clearly visible
- it is not obscured
- the number and the text are at least as large as the majority of the text in the advertisement.

An additional NABERS Energy rating, inclusive of GreenPower, may be included as long as it is not more prominent than the required NABERS Energy rating.

A NABERS Energy Commitment Agreement rating cannot be disclosed in advertising **instead of** an officially certified NABERS Energy rating. A building owner may choose to include a Commitment Agreement rating **in addition to** the certified rating on advertising, but this is not a legal requirement.

[#] Refer to section 11 of the BEED Act

* The rating must be a base or whole office building rating (excluding GreenPower). A whole building rating also covers the tenanted space and is disclosed when there is inadequate metering to obtain a base building rating.

[†] Refer to section 15 of the BEED Act and section 5 of the *Building Energy Efficiency Disclosure Determination 2016*, accessible via the CBD website



Advertising Requirements

What if I advertise without a BEEC, or the NABERS Energy rating is not included in an advertisement?

If you offer to sell, lease or sublease a disclosure affected office space without a valid, current BEEC being registered, you may be in contravention of Section 11 of the BEED Act.

If you advertise the sale, lease or sublease of a disclosure affected office space without a valid, current NABERS Energy rating included in the advertisement you may be in contravention of Section 15 of the BEED Act.

Civil penalties of up to \$180,000 for the first day and \$18,000 for each subsequent day may be imposed by a Court for each breach of a disclosure obligation. Alternatively, the Australian Government can issue an infringement notice of up to \$18,000 for the first day and \$1,800 for each subsequent day of non-compliance.

Can we proceed with advertising the building if we are waiting for a NABERS rating?

No. If the NABERS Energy rating has not been issued by the issuing authority (NSW Office of Environment and Heritage), then you will not be able to apply for a BEEC which is required prior to advertising. If you offer to sell, lease or sublease a disclosure affected office space without a valid, current BEEC being registered you may be in contravention of Section 11 of the BEED Act.

Can an exemption be obtained?

It is possible to apply for an exemption from the requirement to obtain a BEEC, show a prospective purchaser or lessee a BEEC, or to display a NABERS Energy rating in limited circumstances[§].

Until an exemption has been issued by the CBD Administrator, advertising cannot proceed.

If an exemption is granted under the BEED Act, there is no requirement for advertising to indicate a building is exempt. However, the words “NABERS Energy rating exempt” may be included voluntarily.

Examples

The following examples[†] (next page) of commercial property advertising demonstrate how the NABERS Energy ratings must be disclosed.

[§] See section 17 of the BEED Act.

[†] The material in this document is made available on the understanding that the Commonwealth is not providing professional advice and should not be taken to indicate the Commonwealth's commitment to a particular course of action. Please see the [Disclaimer](#) on the CBD website for more information.



Advertising Requirements



FOR SALE Smith-Jones Real Estate

Let's do a deal

- Up to 5,500m²
- Flexible fitted out space
- Basement car parking
- 2.5-star NABERS Energy rating

PHONE 00 1234 5678
www.example1.com.au
Ground floor, 1-2 Example St, Example City



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- Up to 5,500m²
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Ground floor, 1-2 Example St, Example City

Rating must not be smaller than the majority of the text.



FOR SALE Smith-Jones Real Estate

12-18 North St, City

- 2,000m²
- Parking available
- 2.5-star NABERS Energy rating
- Commitment agreement of 4.5-star NABERS Energy rating

PHONE 00 1234 5678
www.example1.com.au
Ground floor, 1-2 Example St, Example City



FOR SALE Smith-Jones Real Estate

12-18 North St, City

- 2,000m²
- Parking available
- Commitment agreement of 4.5-star NABERS Energy rating

PHONE 00 1234 5678
www.example1.com.au
Ground floor, 1-2 Example St, Example City

Displaying a NABERS Commitment agreement rating only does not meet CBD legislation.



Advertising Requirements

Building banner style advertising





Smith-Jones Real Estate

Now Leasing

2.5-star NABERS Energy rating
Phone John Smith 0012 345 678

Smith-Jones Real Estate

Now Leasing

Phone John Smith 0012 345 678

Rating must be included in all advertising.

Internet style advertising





Smith-Jones Real Estate

Property Summary

Address: 12-18 North St, City

Category: Offices

Contract type: For lease

Floor area: 4,500m²

Energy efficiency rating: 0-star NABERS Energy rating

Parking: Secure basement parking

Listing agent: John Smith 00 1234 5678

Smith-Jones Real Estate

Property Summary

Address: 12-18 North St, City

Category: Offices

Contract type: For lease

Floor area: 4,500m²

Energy efficiency rating: Pending

Parking: Secure basement parking

Listing agent: John Smith 00 1234 5678

Owners and lessors who proceed without disclosure risk fine or prosecution.

