

# DRAFT FOR CONSULTATION

## **Building (Energy Efficient Office Buildings) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

Labour is committed to putting the environment at the heart of how New Zealand builds. By introducing mandatory energy performance rating requirements for office buildings, this Bill will drive better energy efficiency decisions, reduce emissions, and lower operational costs for businesses.

Similar schemes overseas, such as those in Australia, have been well received by the property sector. Studies have shown that energy-rated buildings often command higher asset values and are more attractive to tenants. NABERSNZ, which is an adaptation of the National Australian Built Environment Rating System (NABERS), is the scheme currently licensed in New Zealand by the Energy Efficiency and Conservation Authority. It provides a reliable, independent measure of a building's energy performance, empowering owners and tenants to make informed decisions while reducing energy demand.

This reform aligns with New Zealand's broader climate resilience and emission reduction goals, ensuring commercial buildings are prepared for the long-term challenges of climate change. It also sends a clear signal to the property sector that energy efficiency is a core responsibility.

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides for the Bill to come into force on 1 January 2028.

*Clause 3* identifies the Building Act 2004 as the Act being amended by the Bill.

*Clause 4* inserts *new Part 4C* into the Act. This Part inserts provisions relating to the requirement for office buildings over 1,000 square meters to obtain a building energy efficiency certificate.

*Clause 5* amends section 273 to provide for that the chief executive must keep a register for office building energy efficiency certificates.

*Clause 6* amends section 274 to provide for the purposes of the register.

*Clause 7* inserts a regulation-making power into the Act to empower regulations to be made to implement the policy of the Bill.

*Clause 8* and the *Schedule* provide for transitional matters.

*Hon Rachel Brooking*

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The Parliament of New Zealand enacts as follows:

- 1     **Title**  
This Act is the Building (Energy Efficient Office Buildings) Amendment Act **2025**.
- 2     **Commencement**  
This Act comes into force on 1 January 2028.
- 3     **Principal Act**  
This Act amends the Building Act 2004.
- 4     **New **Part 4C** inserted**  
After Part 4B, insert:

**Part 4C**  
**Office building energy efficiency**

**362VG Purpose**  
The purposes of this Part are to:  
(a)   promote the disclosure of information about the energy efficiency of certain buildings; and  
(b)   contribute to New Zealand’s broader climate resilience and emission reduction goals.

**362VH Interpretation**  
In this Part,—  
**affected building**—  
(a)   means a building that—  
      (i)   exceeds 1,000 square meters in size; and

- (ii) is used primarily for commercial activities; and
- (iii) contains 1 or more offices; but
- (iv) does not include an exempt building

**building energy efficiency certificate** means a certificate issued by a licensed rating body under **section 362VK**

**current energy efficiency rating** means an energy efficiency rating set out in a current building energy efficiency certificate

**Energy Efficiency and Conservation Authority** means the Crown entity established under section 20 of the Energy Efficiency and Conservation Act 2000

**exempt building** means an affected building that has been granted an exemption under **section 362VK**

**licensed rating body** means a body licensed by the Energy Efficiency and Conservation Authority to issue building energy efficiency certificates for the purposes of this Part

**office** means a place in which a person is employed, directly or indirectly, to do any clerical work in connection with any business carried on by the occupier of that place

**register** means the register established under **section 362VL**.

*Affected buildings must have building energy efficiency certificate*

### **362VI Energy efficiency certificates**

- (1) The owner of an affected building must obtain a building energy efficiency certificate for the building from a licensed rating body as soon as practicable after the commencement of this section.
- (2) The owner of an affected building must ensure that they have a current building energy efficiency certificate for the building at all times.
- (3) The certificate must contain the following information:
  - (a) the name of the owner of the building:
  - (b) the building name (if any):
  - (c) the street address of the building:
  - (d) the hours of occupancy of the building:
  - (e) the energy consumption of the building, measured in magajoules, per year:
  - (f) the greenhouse gas emissions generated by the building:
  - (g) the date the certificate was issued:
  - (h) the date the certificate ceases to be current:
  - (i) a unique identifying number for the certificate:

- (j) other prescribed information.
- (4) The owner must:
  - (a) provide a copy of a certificate to the Energy Efficiency and Conservation Authority and the chief executive for registration, as soon as practicable after obtaining it; and
  - (b) notify the Energy Efficiency and Conservation Authority and the chief executive, as soon as reasonably practicable, if any changes are made to a certificate.

**362VJ Exemptions from requirement to have building energy efficiency certificate**

- (1) A person may apply to the chief executive for an affected building to be exempt from the requirements of this Part.
- (2) The application must—
  - (a) be in writing in a form approved by the Chief executive; and
  - (b) include the prescribed information.
- (3) The chief executive may grant the exemption if satisfied that the affected building is non-assessable.
- (4) For the purposes of this section, **non-assessable** means it is not possible to calculate the energy efficiency rating for the building because of the characteristics of the building.

**36VK Energy Efficiency and Conservation Authority to license rating bodies**

- (1) A person may apply to the Energy Efficiency and Conservation Authority to be a licensed rating body.
- (2) The application must—
  - (a) be in writing; and
  - (b) be in the prescribed form (if any); and
  - (c) be accompanied by the prescribed fee (if any).
- (3) The Energy Efficiency and Conservation Authority must issue a license for persons wishing to undertake energy efficiency rating work, unless:
  - (a) the Energy efficiency and Conservation Authority is satisfied that the person,—
    - (i) does not have the qualifications or necessary experience;
    - (ii) has been convicted of an offence under this Act within the last 3 years.
- (4) The Energy Efficiency and Conservation Authority must notify the person in writing of the outcome of the application.

*Register*

**362VL Energy efficiency register**

- (1) The chief executive must maintain a register kept under **section 273(1)(h)**, to be known as the office building energy efficiency register.
- (2) The register must contain the following information:
  - (a) details of each current building energy efficiency certificate, including,—
    - (i) the information specified in **section 362VI(3)**; and
    - (ii) the name of the licensed rating body who issued the building energy efficiency certificate; and
  - (b) current exemptions under **section 362VJ**.

*Sale, lease, or sublease of affected buildings*

**362VM No sale, lease, or sublease without a building energy efficiency certificate**

- (1) The owner of an affected building must not do any of the following unless the building has a current building energy efficiency certificate:
  - (a) offer, or continue to offer, to sell the building;
  - (b) invite offers, or continue to invite offers, to purchase the building;
  - (c) offer, or continue to offer, to let the building;
  - (d) invite offers, or continue to invite offers, to lease the building.
- (2) A lessee of an affected building must not offer, or agree, to sublet or sublease the building unless the building has a current building energy efficiency certificate.

**362VN Advertisements to include energy efficiency ratings**

No person may advertise an affected building for sale, lease, or sublease unless:

- (a) a current energy efficiency rating for the building is included in the advertisement in the prescribed format (if any); and
- (b) the advertisement includes information about how the building's current energy efficiency certificate may be inspected.

*Offences*

**362VO Offences relating to building energy efficiency certificates**

A person who fails to comply with **sections 362VM** and **362VN**—

- (a) commits an offence; and
- (b) is liable on conviction,—

- (i) in the case of an individual, to a fine not exceeding \$5,000:
- (ii) in the case of a body corporate, to a fine not exceeding \$25,000.

**5 Section 273 amended (Chief executive must keep registers)**

After section 273(1)(g), insert:

- (h) a register of building energy efficiency certificates for the purposes of **Part 4C**.

**6 Section 274 amended (Purpose of registers)**

After section 274(a)(vii), insert:

- (viii) in the case of the register of building energy efficiency certificates, the energy efficiency rating of affected buildings.

**7 New section 401D inserted (Regulations: affected office buildings)**

After section 401C, insert:

**401D Regulations: affected buildings**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations for all or any of the following purposes:
  - (a) prescribing information that must be included in a building energy efficiency certificate:
  - (b) prescribing the fee payable for an application to be a licensed rating body:
  - (c) prescribing information that must be included in an application for an exemption under **section 362VJ**:
  - (d) prescribing how energy efficiency ratings are to be advertised.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**8 Schedule 1AA amended**

In Schedule 1AA, insert the **Part** set out in the **Schedule** of this Act as the last Part.

**Schedule**  
**New Part 6 inserted into Schedule 1AA**

**s 8**

**Part 6**  
**Provisions relating to Building (Energy Efficient Office Buildings)**  
**Amendment Act 2025**

**18 Interpretation**

In this **Part**,—

**amendment Act** means the Building (Energy Efficient Office Buildings) Amendment Act **2025**

**commencement date** means the date on which the amendment Act comes into force.

**19 Transitional matters**

The requirements in **sections 362VM** and **362VN** do not apply to an affected building—

- (a) offered for sale, lease or sublease within the 3-month period immediately proceeding the commencement date; or
- (b) in respect of which an agreement to sell, lease, or sublease, has been initiated but not finally concluded by the commencement date.