

# New laws

## For loose-fill asbestos insulation

A number of new laws have been introduced to identify properties affected by loose-fill asbestos insulation and to protect residents, workers and communities.

### Loose-Fill Asbestos Insulation Register

New laws have been introduced under the *Home Building Act 1989* to establish a publicly available Loose-Fill Asbestos Insulation Register. The Register identifies and records:

- NSW premises where the presence of loose-fill asbestos insulation has been confirmed; and
- NSW premises where the Government is satisfied that there is substantial evidence that loose-fill asbestos insulation is present at the premises.

More information is available on the Public register of affected properties page on the NSW Fair Trading website.

### Property tagging

To ensure the health and safety of emergency service workers, tradespeople, maintenance workers and service providers, the new laws require mandatory hazard labelling (or 'tagging') of properties that appear on the Register.

More information is available on the Mandatory tagging page on the NSW Fair Trading website.

### Proactive disclosures

#### Amendment to section 149(2) Certificates

Changes have been made to the Environmental Planning and Assessment Regulation 2000 to add a property being listed on the Loose-fill Asbestos Insulation Register as a matter to be included on a Section 149 (2) planning certificate.

Where it is confirmed via the Register that loose-fill asbestos insulation is present in a property, this will be included in the prescribed matters to be disclosed.

#### Section 149(5) Planning Certificates

Currently, a council may include information regarding loose-fill asbestos insulation in a home when issuing a certificate for that property. Alternatively, they may choose to include a generic statement on the possibility of loose-fill asbestos insulation in pre-1980s homes on all Section 149(5) certificates that it issues.

The Department of Planning and Environment will work with the Office of Local Government to develop generic wording on the possibility of loose-fill asbestos insulation in pre-1980s homes in identified local government areas for inclusion in Section 149(5) planning certificates.

### Property transaction notifications

#### Property sales

The NSW Government is considering legislative amendments to the *Conveyancing Act 1919* and the *Conveyancing (Sale of Land) Regulation 2010* to:

- Introduce a standard loose-fill asbestos insulation warning notice, as a Prescribed Document in a Contract for Sale, to alert purchasers of the risks associated with loose-fill asbestos insulation in pre 1980s properties in areas known to have loose-fill asbestos insulation affected premises.
- Require a vendor to warrant, at the time of sale of the property, that no premises on the land contains loose-fill asbestos insulation, unless it is specifically disclosed in the contract.

The Office of the Registrar General is responsible for implementing any future legislative changes in this regard.

### Residential tenancies

The following amendments have been made to ensure tenants are notified of premises that are listed on the Loose-fill Asbestos Insulation Register (LFAI Register):

- Amendment of the New tenant checklist to specifically include a property being listed on the LFAI register
- Amendment of clause 7 of the Residential Tenancies Regulation 2010 to add a property being listed on the LFAI Register as a material fact that must be disclosed to potential tenants
- The standard Residential Tenancy Agreement (Residential Tenancies Regulation 2010) requires disclosure during a tenancy if the property is listed on the Register.

### Real estate agents

NSW Fair Trading has amended the Misrepresentation Guidelines to note loose-fill asbestos insulation as a material fact for the purposes of section 52 of the *Property, Stock and Business Agents Act 2002* to ensure disclosure of loose-fill asbestos insulation in affected properties by real estate agents.

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
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