

New laws for loose-fill asbestos insulation

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Current situation

The NSW Government is considering a number of laws and regulations to protect the community from unknowingly purchasing a property that contains loose-fill asbestos. The overhaul first began when the *Home Building Act 1989* was amended in late 2015 to allow for the establishment of the loose-fill asbestos insulation register. For the register to become operational and effective, changes are required to various regulations. NSW Fair Trading released the proposed *Loose-fill Asbestos Insulation Amendment Regulations* for public comment and comments closed on 15 April 2016.

The regulations actually implemented (or soon to come into effect) include:

- The establishment of a public Loose-Fill Asbestos Insulation Register;
- Mandatory hazard labelling of affected properties; and
- Amendments to residential tenancy laws to protect current and future tenants living in premises affected by loose-fill asbestos insulation and ensure it is disclosed by landlords and/or real estate agents.

Likely future legislation

The Government is also 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; and
- Require a vendor to warrant, at the time of sale of the property, that no premises on the land contain loose-fill asbestos insulation, unless it is specifically disclosed in the contract.

Stakeholders will be consulted on these potential changes and NSW Land and Property Information will be responsible for implementing any future legislative changes. If these changes are implemented, precedent sales contracts will need to be updated to comply with the additional requirements.

Changes are also likely to be made to the *Environmental Planning and Assessment Regulation 2000*, in relation to information on and disclosures of loose-fill asbestos insulation in a property on s 149(2) and (5) certificates.

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