



Australian Capital Territory

# Dangerous Substances (Asbestos) Amendment Act 2005

A2005-3

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Australian Capital Territory

# **Dangerous Substances (Asbestos) Amendment Act 2005**

**A2005-3**

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An Act to amend the *Dangerous Substances (Asbestos) Amendment Act 2004*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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2005 009B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Dangerous Substances (Asbestos) Amendment Act 2005*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Dangerous Substances (Asbestos) Amendment Act 2004*.

**4 Commencement  
Section 2 (3)**

*substitute*

- (3) Section 5 commences on 4 April 2005.

**5 Section 5, new section 47J (1)**

*omit*

, or ought reasonably to know,

**6 Section 5, new section 47J (2)**

*substitute*

- (2) The owner or occupier has a duty of care to a relevant person to tell the person, in writing, what the owner or occupier knows about the asbestos at the premises.

*Note* If a form is approved under s 222 for this provision, the form must be used.

- (2A) To remove any doubt, this section does not require an owner or occupier of premises to find out whether there is asbestos, or anything about the location or condition of any asbestos, at the premises.

**Example**

An owner or occupier is not required to obtain an asbestos report for the premises.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**7 Section 5, new section 47J (4), definition of *person at risk***

*substitute*

***relevant person***, for premises, means—

- (a) a person doing relevant work at the premises; or
- (b) a person who is, or is likely to be, a purchaser of the premises;  
or
- (c) a person who is a tenant of the premises.

**8 Section 5, new section 47J (4), definition of *required information***

*omit*

**9 Section 5, new section 47J (4), new definition of *tenant***

*insert*

***tenant***, for premises, means—

- (a) someone who is a tenant for the premises under the *Leases (Commercial and Retail) Act 2001*, dictionary, definition of ***tenant***; or
- (b) someone who is a tenant for the premises under the *Residential Tenancies Act 1997*, section 6, definition of ***tenant***; or

- (c) a person prescribed by regulation for this paragraph;  
but does not include a person declared by regulation not to be a tenant.

*Note* Under the definitions of **tenant** in the *Leases (Commercial and Retail) Act 2001* and the *Residential Tenancies Act 1997*, a ‘tenant’ includes a prospective tenant.

**10 Section 5, new section 47K (4), definition of *required information***

*substitute*

***required information***, about asbestos, means—

- (a) up-to-date information about the location and condition of the asbestos; and  
(b) any other information prescribed by regulation.

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 15 February 2005.

**2 Notification**

Notified under the Legislation Act on 22 February 2005.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Dangerous Substances (Asbestos) Amendment Bill 2005, which was passed by the Legislative Assembly on 17 February 2005.

Clerk of the Legislative Assembly

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