



Australian Capital Territory

Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015

A2015-6

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Australian Capital Territory

Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015

A2015-6

An Act to amend legislation about loose-fill asbestos insulation, and for other purposes

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

J2014-581

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

4 Land Titles Regulation 2015—sch 2

- (1) The provisions set out in schedule 2 are taken, on the commencement of this section, to be a regulation made under the [Land Titles Act 1925](#), section 179 (Regulation-making power).
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 2 may be amended or repealed as if they had been made as a regulation by the Executive under the [Land Titles Act 1925](#), section 179.

- (3) To remove any doubt, the regulation mentioned in subsection (1) is taken—
 - (a) to have been notified under the [Legislation Act](#) on the day this Act is notified: and
 - (b) to have commenced on the commencement of this section; and
 - (c) not to be required to be presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1).
- (4) Subsections (1), (2) and (3) are laws to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This section expires on the day it commences.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 Civil Law (Sale of Residential Property) Act 2003

[1.1] New section 6 (3) and (4)

insert

- (3) Also, this part does not apply to a contract, or proposed contract, for the sale of residential property if—
- (a) the property is an affected unit; and
 - (b) the Territory is buying the property under the buyback scheme.

- (4) In this section:

affected unit means a unit that contains or has contained loose-fill asbestos insulation.

buyback scheme means the scheme—

- (a) involving the acquisition of residential premises that contain or have contained loose-fill asbestos insulation; and
- (b) for which funding was appropriated under the *Appropriation (Loose-fill Asbestos Insulation Eradication) Act 2014-2015*.

loose-fill asbestos insulation—see the *Dangerous Substances Act 2004*, section 47M.

[1.2] New section 23 (4A)

insert

- (4A) This section does not apply to a contract for the sale of residential property mentioned in section 6 (3) (Application of pt 2).

Part 1.2 Dangerous Substances Act 2004

[1.3] New sections 47M to 47O

in chapter 3A, insert

47M Meaning of *loose-fill asbestos insulation*

In this Act:

loose-fill asbestos insulation means loose-fill amosite or crocidolite asbestos used as ceiling insulation.

47N Affected residential premises register

- (1) The Minister must keep a register of residential premises that contain or have contained loose-fill asbestos insulation (the *affected residential premises register*).
- (2) The Minister must include the following details in relation to residential premises in the register:
 - (a) the address of the parcel of land where the premises are located;
 - (b) the block and section;
 - (c) the date the premises were included in the register;
 - (d) whether the premises have been acquired by the Territory under the buyback scheme.

Note 1 **Buyback scheme**—see s (6).

Note 2 Power to make a decision includes power to reverse or change the decision. Power to reverse or change the decision is exercisable in the same way, and subject to the same conditions, as the power to make the decision (see [Legislation Act](#), s 180).

- (3) The Minister must remove all details about affected residential premises from the register if—
 - (a) the premises have been demolished; and
 - (b) the Minister is satisfied that the parcel of land where the premises were located has been remediated.
- (4) The register may be kept in any form, including electronically, that the Minister decides.
- (5) The Minister may make the register publicly available.

Example—publicly available

published on an ACT Government website

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).

- (6) In this section:

buyback scheme means the scheme—

- (a) involving the acquisition of residential premises that contain or have contained loose-fill asbestos insulation; and
- (b) for which funding was appropriated under the [Appropriation \(Loose-fill Asbestos Insulation Eradication\) Act 2014-2015](#).

class, of building—see the [Building Act 2004](#), dictionary.

residential premises means premises, or a part of premises, that are a class 1 or class 2 building.

470 **Notice of affected residential premises to registrar-general**

The Minister must, as soon as possible after including or removing details of residential premises from the affected residential premises register, tell the registrar-general about the inclusion or removal.

[1.4] Dictionary, new definitions

insert

affected residential premises register—see section 47N.

loose-fill asbestos insulation—see section 47M.

**Part 1.3 Dangerous Substances (General)
Regulation 2004**

[1.5] Section 338, definitions of *class* and *loose-fill asbestos insulation*

omit

[1.6] Section 338, definition of *residential premises*

substitute

residential premises—see the [Act](#), section 47N (6).

[1.7] Section 339 (1)

omit

asbestos

substitute

loose-fill asbestos insulation

[1.8] Dictionary, note 3

insert

- loose-fill asbestos insulation (see s 47M)

[1.9] Dictionary, definitions of *class* and *loose-fill asbestos insulation*

omit

[1.10] Dictionary, definition of *residential premises*

substitute

residential premises, for part 3.5 (Asbestos management—residential premises)—see the [Act](#), section 47N (6).

Part 1.4 Electricity Feed-in (Renewable Energy Premium) Act 2008

[1.11] New section 11 (3) and (4)

insert

- (3) For subsection (1), a micro renewable energy generator (the *old generator*) is taken to remain connected to the network if—
- (a) the old generator was or is installed on premises that are, or are on the same parcel of land as, affected residential premises; and
 - (b) the affected residential premises have been or are to be demolished; and
 - (c) the eligible entity for the affected residential premises becomes an eligible entity in relation to other premises (the *new premises*); and
 - (d) a micro renewable energy generator (the *new generator*) is installed on the new premises; and

- (e) the total capacity of the new generator is not greater than the total capacity of the old generator when the old generator was first connected to the network; and
- (f) the new generator is connected to the network.

(4) In this section:

affected residential premises means premises, or a part of premises—

(a) that—

- (i) are a class 1 or class 2 building; and
- (ii) contain or have contained loose-fill asbestos insulation;
or

(b) that are included in the affected residential premises register.

affected residential premises register—see the [Dangerous Substances Act 2004](#), section 47N.

class, of building—see the [Building Act 2004](#), dictionary.

loose-fill asbestos insulation—see the [Dangerous Substances Act 2004](#), section 47M.

Part 1.5 Information Privacy Regulation 2014

[1.12] Dictionary, definition of *loose-fill asbestos insulation*

substitute

loose-fill asbestos insulation—see the [Dangerous Substances Act 2004](#), section 47M.

Part 1.6 Land Titles Act 1925

[1.13] Section 69A, definition of *administrative interest*, new example

insert

- 3 the inclusion of a property on the affected residential premises register under the *Dangerous Substances Act 2004*

Part 1.7 Planning and Development Regulation 2008

[1.14] Dictionary, definition of *loose-fill asbestos insulation*

substitute

loose-fill asbestos insulation—see the *Dangerous Substances Act 2004*, section 47M.

Part 1.8 Residential Tenancies Act 1997

[1.15] New section 36 (l)

insert

- (l) if a party to the agreement terminates the agreement under section 64AA because the premises are affected residential premises.

Note *Affected residential premises*—see the dictionary.

[1.16] New section 55A

insert

55A Affected residential premises

- (1) On application by a lessor, the ACAT may make a termination and possession order if satisfied that—
 - (a) the premises are affected residential premises; and
Note *Affected residential premises*—see the dictionary.
 - (b) the lessor has given the tenant written notice under section 64AA (Termination—affected residential premises) terminating the tenancy agreement; and
 - (c) the tenant has not vacated the premises as required by the notice.
- (2) The ACAT may suspend the operation of the termination and possession order for a stated period of up to 3 weeks if satisfied that—
 - (a) the tenant would suffer significant hardship if the order were not suspended for the stated period; and
 - (b) the hardship would be greater than the hardship the lessor would suffer if the order were suspended for the stated period.

[1.17] New section 64AA

in division 4.7, insert

64AA Termination—affected residential premises

- (1) This section applies if premises that are the subject of a residential tenancy agreement are affected residential premises.
Note *Affected residential premises*—see the dictionary.

- (2) A party to the residential tenancy agreement may, by written notice to the other party, terminate the agreement.
- (3) If the tenant terminates the agreement, the tenant must give the lessor at least 2 days notice of the termination.
- (4) If the lessor terminates the agreement, the lessor must give the tenant at least 1 week's notice of the termination.
- (5) The tenancy ends on the date stated in the notice.

[1.18] Dictionary, new definitions

insert

affected residential premises means premises, or a part of premises—

(a) that—

(i) are a class 1 or class 2 building; and

(ii) contain or have contained loose-fill asbestos insulation;
or

(b) that are included in the affected residential premises register.

affected residential premises register—see the *Dangerous Substances Act 2004*, section 47N.

class, of building—see the *Building Act 2004*, dictionary.

Part 1.9

Work Health and Safety Regulation 2011

[1.19] Section 142 (5), definition of *loose-fill asbestos insulation*

substitute

loose-fill asbestos insulation—see the [Dangerous Substances Act 2004](#), section 47M.

[1.20] Section 292 (2), definition of *loose-fill asbestos insulation*

substitute

loose-fill asbestos insulation—see the [Dangerous Substances Act 2004](#), section 47M.

Schedule 2 **New Land Titles Regulation 2015**

(see s 4)



Australian Capital Territory

Land Titles Regulation 2015

Subordinate Law SL2015-

made under the

[Land Titles Act 1925](#)

1 Name of regulation

This regulation is the *Land Titles Regulation 2015*.

2 Authorised entity for Act, pt 8A—Act, s 69B (d)

The Minister administering the *Dangerous Substances Act 2004*, section 47N (Affected residential premises register) is prescribed.

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 19 February 2015.

2 Notification

Notified under the [Legislation Act](#) on 31 March 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015, which was passed by the Legislative Assembly on 17 March 2015.

Clerk of the Legislative Assembly

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