

**2015**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CIVIL LAW (SALE OF RESIDENTIAL PROPERTY)  
AMENDMENT REGULATION 2015 (No 1)  
SL2015-18**

**EXPLANATORY STATEMENT**

**Presented by  
Simon Corbell MLA  
Attorney-General**



## **Civil Law (Sale of Residential Property) Amendment Regulation 2015 (No 1)**

### **Overview**

This explanatory statement relates to the *Civil Law (Sale of Residential Property) Amendment Regulation 2015 (No 1)* (the Amending Regulation). The Statement must be read in conjunction with the Amending Regulation. It is not, and is not meant to be, a comprehensive description of the Amending Regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

The Amending Regulation is made under the *Civil Law (Sale of Residential Property) Act 2003* (the Act). The amendment is complementary to the amendments made by the *Dangerous Substances (General) Amendment Regulation 2015 (No 1)* and the *Dangerous Substances (General) Amendment Regulation 2015 (No 2)*. Those amendments have the effect of requiring an inspection of the living areas of premises that are affected by loose-fill asbestos insulation to identify the extent, if any, of asbestos contamination in those living areas.

The Amending Regulation is consequential to the amendments to the *Dangerous Substances (General) Regulation 2004* and ensures that the specific reports that are required under that Regulation are given a similar status and made available in the same way as an asbestos assessment report under the *Dangerous Substances Act 2004*, section 47K.

There are two stages to the commencement of the Amending Regulation and this reflects the two stages of the requirements for inspection and management of loose-fill asbestos contamination in the living areas of residential premises in the *Dangerous Substances (General) Regulation 2004*. The amendments made by the *Dangerous Substances (General) Amendment Regulation 2015 (No 1)* require homeowners of affected residential premises to have an inspection of the living areas of the premises for loose-fill asbestos contamination and to have this inspection by 15 May 2015. This requirement is replaced by the more extensive requirement in the *Dangerous Substances (General) Amendment Regulation 2015 (No 2)* for an asbestos contamination report that includes a risk assessment and management component.

### Regulatory impact statement

A regulatory impact statement is not required for this regulation as it does not impose any appreciable costs on the community, or a part of the community.

### Human Rights Implications

The Amending Regulation does not engage the *Human Rights Act 2004*.

### **Outline of provisions**

#### **Clause 1—Name of regulation**

This is a technical clause that explains that the regulation is the *Civil Law (Sale of Residential Property) Amendment Regulation 2015 (No 1)*.

## **Clause 2—Commencement**

This clause sets out a split commencement for the Amending Regulation that aligns to the commencement of the *Dangerous Substances (General) Amendment Regulation 2015 (No 1)* and the *Dangerous Substances (General) Amendment Regulation 2015 (No 2)*.

## **Clause 3—Legislation amended**

This clause provides that this regulation will amend the *Civil Law (Sale of Residential Property) Regulation 2004*.

## **Clause 4—New section 10A**

This clause prescribes an asbestos contamination identification report required under the *Dangerous Substances (General) Regulation 2004*, section 341 as a required document. The asbestos contamination identification report is the first stage requirement for the inspection of living areas for loose-fill asbestos contamination. The effect of prescribing an asbestos contamination identification report is that this document—if it is required in relation to the premises under the *Dangerous substances (General) Regulation 2004*—must be included in a proposed contract for the sale of property. The requirement for this report is inserted in the *Dangerous Substances (General) Regulation 2004* by the *Dangerous Substances (General) Amendment Regulation 2015 (No 1)*. This clause is intended to ensure that an asbestos contamination identification report is taken into account in the sale process in the same way as an asbestos assessment report.

## **Clause 5—Section 10A**

This clause substitutes a new section 10A as a consequence of the commencement of the second stage of the new requirements for inspection and management of asbestos contamination under the *Dangerous Substances (General) Amendment Regulation 2004*. Similar to the above clause 4, this clause is intended to ensure that an asbestos contamination report under the *Dangerous Substances (General) Regulation 2004*, section 342 is taken into account in the sale process in the same way as an asbestos assessment report.