

Mandatory tagging

of properties affected by loose-fill asbestos insulation

Under the *Home Building Act 1989*, a property affected by loose-fill asbestos must display a warning sign at its main switchboard once it has been added to the Loose-fill Asbestos Insulation Register (the LFAI Register). The tagging of premises helps ensure the health and safety of emergency services workers, tradespeople, service providers and maintenance workers by enabling them to easily identify properties that contain loose-fill asbestos insulation.

Displaying warning signs

The owner of an affected property is responsible for ensuring that a compliant warning sign is displayed at the main switchboard of the affected premises. A warning sign needs to be displayed once a property has been verified as being affected by loose-fill asbestos insulation and appears on the Register. More information can be found on the Public register of affected properties page on the NSW Fair Trading website.

If the property is within a strata scheme, the owner's corporation must ensure that a compliant warning sign is displayed at the main switchboard located on common property.

NSW Fair Trading will provide all homeowners with an approved warning sign label.

Homeowners still have a responsibility to inform emergency services, tradespeople, other workers, tenants and potential buyers that the property contains loose-fill asbestos, even when the warning label is displayed.

It is very important that homeowners do not attempt to attach the warning sign label if doing so presents a risk to their health or safety. For example, if the switchboard is at a height the owner cannot access, is in a poor condition or if the switchboard has been confirmed to contain loose-fill asbestos.

If a homeowner needs assistance to place the warning sign label on the main switchboard, they can contact

NSW Fair Trading on 13 77 88 or Asbestosenquiry@finance.nsw.gov.au.

Removal of warning signs

Once a warning sign is affixed, it must not be removed. For homeowners participating in the Voluntary Purchase and Demolition program (the Program), the warning signs must remain on the main switchboard until the property has been demolished, remediated and removed from the Register. Evidence of satisfactory demolition and remediation must be supplied to NSW Fair Trading in order for the property to be removed from the Register.

NSW Fair Trading may authorise a person, in writing, to remove a warning sign. If this permission is not obtained from NSW Fair Trading and a warning sign is removed, penalty notices of \$1,100 for an individual and \$2,200 for a corporation may apply.

If a warning sign is removed or defaced, the homeowner or resident must contact NSW Fair Trading on 13 77 88 or Asbestosenquiry@finance.nsw.gov.au to arrange a replacement label.

Unverified premises

In cases where a property has not tested positive, but NSW Fair Trading is satisfied that there is substantial evidence that a premises contains loose-fill asbestos insulation, these premises may be listed on the Register. A warning sign will need to be displayed at the property's main switchboard if the property is listed on the Register.

Non-compliance with tagging

It is a legislative requirement for warning signs to be displayed once an affected property is listed on the Register. If a homeowner refuses to attach the warning sign label on the main switchboard, they can receive on the spot fines of \$1,100 for an individual and \$2,200 for a corporation.

Tagging process

NSW Fair Trading will provide homeowners with approved warning sign labels in the mail as part of the following package:

- A letter outlining responsibilities and requirements around the warning signs
- Approved warning sign labels for affixing to the affected premises electrical switchboard
- Information on how and where to place the warning sign label
- A confirmation form for the homeowner to complete when the warning sign label is displayed as required. The homeowner will need to return this form to NSW Fair Trading.

Upon receiving this warning sign label pack, homeowners with any questions should contact NSW Fair Trading on 13 77 88 or AsbestosEnquiry@finance.nsw.gov.au.

Homeowners who do not participate in the Program

Homeowners who elect to withdraw from the Program after their property is confirmed to contain loose-fill asbestos insulation through a positive sample test, will still be required to display a warning sign at the property's main switchboard. In these circumstances, there is no avenue for homeowners to remove the warning sign from their premises until the property is removed from the LFAI Register. In order to be removed from the LFAI Register, the affected premises needs to be demolished and the land on which the affected premises was erected has been remediated and a clearance certificate issued.

Information for workers

Should a tradesperson encounter a property with a warning sign, all necessary steps should be taken to mitigate any risks of exposure to themselves and the residents. It may also be appropriate to engage with a licensed asbestos assessor to assist with the work to be undertaken.

More information can be found on the Working in an affected home page on the NSW Fair Trading website.

Tenant responsibility

A tenant is not to remove or deface the warning sign. If the warning sign label is removed, damaged or defaced, the tenant should notify their landlord or managing agent so a replacement can be arranged.

If a tenant knows that the property they are renting contains loose-fill asbestos and there is no warning sign label on the property's main switchboard, details should be sent to NSW Fair Trading at AsbestosEnquiry@finance.nsw.gov.au.