

# Public register of affected properties

## Containing loose-fill asbestos insulation

The NSW Government is required under the *Home Building Act 1989* to maintain a register of residential properties that contain loose-fill asbestos insulation. The register is known as the Loose-fill Asbestos Insulation Register (LFAI Register).

The public release of a property's address will enable emergency services, tradespeople, Councils and the broader community to know whether a particular property is affected by loose-fill asbestos insulation. Knowing that a property is affected by loose-fill asbestos insulation will assist members of the wider community to be informed about any risks associated with a specific property and to take any appropriate safety measures.

### Adding a property to the LFAI Register

The address of a property will be added to the LFAI Register once the presence of loose-fill asbestos insulation has been verified. For verification to occur, the Home Building Regulation 2014 requires that a licensed asbestos assessor attends the premises and completes an investigation. A National Association of Testing Authorities (NATA) accredited laboratory must then confirm that a sample of material, removed from the premises in the course of the investigation, contains loose-fill asbestos.

NSW Fair Trading can also add a property's address to the LFAI Register if it is satisfied that there is substantial evidence that loose-fill asbestos insulation is present. This is to safeguard the public where the presence of loose-fill asbestos has not been verified in accordance with a NATA test, but Fair Trading is in possession of sufficient evidence to confirm that the property is affected.

When a property is added to the register, only its address will be made available. The register will not identify current or former homeowners, tenants or residents.

It is proposed that Planning Certificates issued under section 149(2) of the *Environmental Planning and Assessment Act* by local councils will disclose that a

property is listed on the LFAI Register. As a section 149(2) certificate must be included in the Contract for Sale of Land and Premises, this will alert potential buyers that a property is listed on LFAI Register.

Once the address of a property has been added to the LFAI Register, the property must display a warning tag. More information can be found on the Mandatory tagging page on the NSW Fair Trading website.

### Removing a property from the LFAI Register

A property will be removed from the LFAI Register once the affected premises has been demolished and the land on which the affected premises was erected has been remediated.

For more information on the demolition process, visit the Demolition and remediation page on the NSW Fair Trading website.

Once a property has been removed from the LFAI Register, it is no longer required to be tagged. The section 149(2) certificate will also be updated by local councils to reflect that the property is no longer on the LFAI Register.

### Maintaining the LFAI Register

NSW Fair Trading is responsible for maintaining the register, which includes adding and removing properties from the register as required.

### Accessing the LFAI Register

The LFAI Register is available on the NSW Fair Trading website and each property can be searched for by its street address (number, street name and suburb).

### Property has been tested but does not contain loose-fill asbestos

If a property has undergone sample testing and no loose-fill asbestos was identified, the property will not be added to the LFAI Register.

### Can I organise private demolition?

Homeowners may choose to undertake the demolition and remediation of the affected property outside of the Program. Before a homeowner chooses to undertake private demolition work, NSW Fair Trading strongly recommends they consider the cost involved.

If a homeowner proceeds with private demolition, in order to have their property address removed from the LFAI Register, they will need to demonstrate that the affected premises has been demolished and the land on which the affected premises was erected has been remediated in a manner consistent with the demolition process under the Program. They will also need to provide a clearance certificate from a licensed asbestos assessor that verifies the land on which the affected premises was erected has been remediated. NSW Fair Trading may undertake its own inspection of the property to ensure it is free of loose-fill asbestos prior to removal from the LFAI Register.

If NSW Fair Trading believes demolition work may have been undertaken that does not meet the relevant legislative requirements for the safe removal of asbestos, it will refer the matter to SafeWork NSW.

### Homeowners who do not participate in the Program

If a property tests positive for loose-fill asbestos insulation and its owner subsequently withdraws from the Program, the property address will remain on the LFAI Register and the requirement to display a warning sign on the main switchboard continues.

A property can only be removed from the LFAI Register if the premises is demolished, the land on which the premises was previously erected is remediated and a satisfactory Clearance Certificate is issued by a Licensed Asbestos Assessor.

Homeowners who are aware their property is affected by loose-fill asbestos must ensure it is safe for residents, emergency service workers, tradespeople, service

providers and maintenance workers. More information can be found on the Living in an affected home and Working in an affected home pages on the NSW Fair Trading website.

### Information for landlords and managing agents

It is a material fact if a property is listed on the register. This means that, if a premises is listed on the LFAI register, this information must be disclosed by the property manager or private landlord to prospective tenants.

From 30 October 2016, the standard tenancy agreement will be updated to include a new clause. This clause will notify tenants if the premises they want to lease is on the register.

### Information for tenants

While tenants cannot register the property they are renting for free sample testing, they should ask their landlord or managing agent if the property has been tested for loose-fill asbestos insulation. Tenants can also check at any time if the property they are renting is on the Register.

If a tenant finds out that the property they are renting is affected by loose-fill asbestos insulation and they are not concerned, they can choose to keep renting the property.

If tenants are not within the fixed term period of a tenancy agreement and they wish to vacate an affected property, they will need to give 21 days' notice. If tenants are still within the fixed term period of a tenancy agreement but intend to vacate the property as soon as possible, they should contact their managing agent or landlord and seek to negotiate the termination of the lease.