

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Industrial Relations)

Dangerous Substances (Asbestos) Amendment Bill 2005

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Dangerous Substances (Asbestos) Amendment Bill 2005

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Dangerous Substances (Asbestos) Amendment Act*
3 *2005*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

11 **4 Commencement**
12 **Section 2 (3)**

13 *substitute*

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

15 **5 Section 5, new section 47J (1)**

16 *omit*

17 , or ought reasonably to know,

18 **6 Section 5, new section 47J (2)**

19 *substitute*

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

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

1 (2A) To remove any doubt, this section does not require an owner or
2 occupier of premises to find out whether there is asbestos, or
3 anything about the location or condition of any asbestos, at the
4 premises.

5 **Example**

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

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

10 **7 Section 5, new section 47J (4), definition of *person at risk***

11 *substitute*

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

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

17 **8 Section 5, new section 47J (4), definition of *required***
18 ***information***

19 *omit*

20 **9 Section 5, new section 47J (4), new definition of *tenant***

21 *insert*

22 ***tenant***, for premises, means—

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

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

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

7 **10 Section 5, new section 47K (4), definition of *required***
8 ***information***

9 *substitute*

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

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

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