

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

# **Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015**

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J2014-581

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(Chief Minister)

# **Dangerous Substances (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015**

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## **A Bill for**

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

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

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J2014-581

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **1 Name of Act**

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

4 **2 Commencement**

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

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

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

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

15 **3 Legislation amended—sch 1**

16 This Act amends the legislation mentioned in schedule 1.

17 **4 Land Titles Regulation 2015—sch 2**

18 (1) The provisions set out in schedule 2 are taken, on the  
19 commencement of this section, to be a regulation made under the  
20 [Land Titles Act 1925](#), section 179 (Regulation-making power).

21 (2) To remove any doubt and without limiting subsection (1), the  
22 provisions set out in schedule 2 may be amended or repealed as if  
23 they had been made as a regulation by the Executive under the [Land](#)  
24 [Titles Act 1925](#), section 179.

25 (3) To remove any doubt, the regulation mentioned in subsection (1) is  
26 taken—

27 (a) to have been notified under the [Legislation Act](#) on the day this  
28 Act is notified: and

- 1           (b) to have commenced on the commencement of this section; and  
2           (c) not to be required to be presented to the Legislative Assembly  
3           under the [Legislation Act](#), section 64 (1).  
4       (4) Subsections (1), (2) and (3) are laws to which the [Legislation Act](#),  
5       section 88 (Repeal does not end effect of transitional laws etc)  
6       applies.  
7       (5) This section expires on the day it commences.



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## 1 Part 1.2 Dangerous Substances Act 2004

### 2 [1.3] New sections 47M to 47O

3 *in chapter 3A, insert*

#### 4 47M Meaning of *loose-fill asbestos insulation*

5 In this Act:

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

#### 8 47N Affected residential premises register

9 (1) The Minister must keep a register of residential premises that  
10 contain or have contained loose-fill asbestos insulation (the *affected*  
11 *residential premises register*).

12 (2) The Minister must include the following details in relation to  
13 residential premises in the register:

14 (a) the address of the parcel of land where the premises are  
15 located;

16 (b) the block and section;

17 (c) the date the premises were included in the register;

18 (d) whether the premises have been acquired by the Territory  
19 under the buyback scheme.

20 *Note 1 Buyback scheme*—see s (6).

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

- 1            (3) The Minister must remove all details about affected residential  
2            premises from the register if—
- 3            (a) the premises have been demolished; and
- 4            (b) the Minister is satisfied that the parcel of land where the  
5            premises were located has been remediated.
- 6            (4) The register may be kept in any form, including electronically, that  
7            the Minister decides.
- 8            (5) The Minister may make the register publicly available.
- 9            **Example—publicly available**  
10           published on an ACT Government website
- 11           *Note*        An example is part of the Act, is not exhaustive and may extend, but  
12           does not limit, the meaning of the provision in which it appears (see  
13           [Legislation Act](#), s 126 and s 132).
- 14           (6) In this section:
- 15           ***buyback scheme*** means the scheme—
- 16           (a) involving the acquisition of residential premises that contain or  
17           have contained loose-fill asbestos insulation; and
- 18           (b) for which funding was appropriated under the [Appropriation](#)  
19           ([Loose-fill Asbestos Insulation Eradication](#)) Act 2014-2015.
- 20           ***class***, of building—see the [Building Act 2004](#), dictionary.
- 21           ***residential premises*** means premises, or a part of premises, that are  
22           a class 1 or class 2 building.

23           **47O        Notice of affected residential premises to**  
24           **registrar-general**

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



1 **[1.4] Dictionary, new definitions**

2 *insert*

3 *affected residential premises register*—see section 47N.

4 *loose-fill asbestos insulation*—see section 47M.

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

7 **[1.5] Section 338, definitions of *class* and *loose-fill asbestos***  
8 ***insulation***

9 *omit*

10 **[1.6] Section 338, definition of *residential premises***

11 *substitute*

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

13 **[1.7] Section 339 (1)**

14 *omit*

15 asbestos

16 *substitute*

17 loose-fill asbestos insulation

18 **[1.8] Dictionary, note 3**

19 *insert*

- 20
  - loose-fill asbestos insulation (see s 47M)



1 (e) the total capacity of the new generator is not greater than the  
2 total capacity of the old generator when the old generator was  
3 first connected to the network; and

4 (f) the new generator is connected to the network.

5 (4) In this section:

6 *affected residential premises* means premises, or a part of  
7 premises—

8 (a) that—

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

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

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

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

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

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

18 **Part 1.5** **Information Privacy**  
19 **Regulation 2014**

20 **[1.12] Dictionary, definition of *loose-fill asbestos insulation***

21 *substitute*

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

1      **Part 1.6                      Land Titles Act 1925**

2      **[1.13]      Section 69A, definition of *administrative interest*, new**  
3      **example**

4                      *insert*

5                      3      the inclusion of a property on the affected residential premises register under  
6                      the *Dangerous Substances Act 2004*

7      **Part 1.7                      Planning and Development**  
8      **Regulation 2008**

9      **[1.14]      Dictionary, definition of *loose-fill asbestos insulation***

10                     *substitute*

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

13      **Part 1.8                      Residential Tenancies Act 1997**

14      **[1.15]      New section 36 (l)**

15                     *insert*

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

19                     *Note*      *Affected residential premises*—see the dictionary.

1 **[1.16] New section 55A**

2 *insert*

3 **55A Affected residential premises**

4 (1) On application by a lessor, the ACAT may make a termination and  
5 possession order if satisfied that—

6 (a) the premises are affected residential premises; and

7 *Note Affected residential premises—see the dictionary.*

8 (b) the lessor has given the tenant written notice under  
9 section 64AA (Termination—affected residential premises)  
10 terminating the tenancy agreement; and

11 (c) the tenant has not vacated the premises as required by the  
12 notice.

13 (2) The ACAT may suspend the operation of the termination and  
14 possession order for a stated period of up to 3 weeks if satisfied  
15 that—

16 (a) the tenant would suffer significant hardship if the order were  
17 not suspended for the stated period; and

18 (b) the hardship would be greater than the hardship the lessor  
19 would suffer if the order were suspended for the stated period.

20 **[1.17] New section 64AA**

21 *in division 4.7, insert*

22 **64AA Termination—affected residential premises**

23 (1) This section applies if premises that are the subject of a residential  
24 tenancy agreement are affected residential premises.

25 *Note Affected residential premises—see the dictionary.*



1 **Part 1.9** **Work Health and Safety**  
2 **Regulation 2011**

3 **[1.19] Section 142 (5), definition of *loose-fill asbestos insulation***

4 *substitute*

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

7 **[1.20] Section 292 (2), definition of *loose-fill asbestos insulation***

8 *substitute*

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





