

Loose-fill asbestos insulation register

 fairtrading.nsw.gov.au/housing-and-property/loose-fill-asbestos-insulation/public-register-of-affected-

08-01-2019

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 Loose-fill Asbestos Insulation 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.

This 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.

If a property does not appear on the public register and you have concerns that it may be affected by loose-fill asbestos insulation, you are encouraged to discuss the matter with the homeowner.

Accessing the register

The Register is available on the NSW Fair Trading website and each property can be searched by its street address.

[Access the Loose-fill Asbestos Insulation Register](#)

Adding a property to the register

The address of a property will be added to the register once the presence of loose-fill asbestos insulation has been verified. For this 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 insulation.

NSW Fair Trading can also add a property's address to the register if there is substantial evidence that loose-fill asbestos insulation is present. When a property is added to the register, only its address will be provided.

When a local council issues a Planning Certificate under section 10.7 of the *Environmental Planning and Assessment Act* it will disclose whether a property is listed on the register.

As a section 10.7 certificate must be included in the Contract for Sale of Land and Premises, this will alert potential buyers that a property is affected by loose-fill asbestos insulation.

Once the address of a property has been added to the register, the property must display a warning tag. More information can be found on the [Mandatory tagging](#) page.

Removing a property from the register

A property will be removed from the register once the affected premises is demolished and the land remediation is confirmed by a clearance certificate. A clearance certificate will confirm that no loose-fill asbestos insulation has been detected from within the footprint of the affected premises.

Once a property has been removed from the register, it is no longer required to be [tagged](#). Local council will be notified that the site has been remediated and that the section 10.7 planning certificate should no longer indicate that the property is on the register.

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

If sample testing is done and no loose-fill asbestos insulation was identified, it will not be added to the register.

Can I organise private demolition?

Homeowners may choose to demolish their premises and remediate the site independent of the program. NSW Fair Trading strongly recommends that before a homeowner decides to undertake private demolition and remediation work, 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 it has been demolished and the land on which it 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 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 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.

A property can only be removed from the register if the premises is demolished, the land on which the premises had been on is remediated and a clearance certificate is issued by a licensed asbestos assessor.

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

Information for landlords and managing agents

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

The standard tenancy agreement includes a new clause which notifies tenants if the premises they want to lease is on the register.

Information for tenants

If you are concerned, as a tenant you can:

- ask your landlord or managing agent if the property you are renting has been tested for loose-fill asbestos insulation, or
- check if the property you are renting is on the register.

If you find out that the property is affected and you are not concerned, you can choose to keep renting the property.

If you're not within the fixed term period of a tenancy agreement and you want to leave an affected property, you need to give 21 days' notice. If you're within the fixed term period of a tenancy agreement but intend to vacate as soon as possible, you should contact your managing agent or landlord and negotiate the termination of the lease.

An appeal of a listing on the Loose-fill Asbestos Insulation Register

Residential premises that have been verified by a licensed asbestos assessor and a NATA-accredited laboratory to contain loose-fill asbestos insulation (LFAI) are to be listed on the Public Register of Affected Properties (the Register), as required under section 119B of the *Home Building Act 1989* (the Act).

Residential premises may also be listed on the Register if the Secretary is satisfied that there is substantial evidence that LFAI is present at the premises under clause 68B of the *Home Building Regulation 2014*.

Once a premises is added to the Register, it may only be removed or edited if the Secretary (or delegated officer) is satisfied that the premises:

- has been demolished and the land remediated
- particulars are false, erroneous or misleading
- was erroneously included in the Register.

Owners who wish to appeal a listing of their property on the Register can complete the Loose-fill Asbestos Insulation Register - Request for Internal Review form and submit it to NSW Fair Trading.

The Commissioner for Fair Trading will conduct an internal review of a decision made under the Program about the listing of a property on the Register.

Written notice of each decision will be provided to the person seeking the review. Reviews will be conducted within 28 days of a request being received.

An owner or resident that is dissatisfied with the results of a review conducted by the Commissioner for Fair Trading can apply to the Supreme Court of NSW for judicial review. An application for judicial review must be filed within 28 days of receiving a decision from the Commissioner for Fair Trading.

Download a copy of the [Loose-fill Asbestos Insulation Register - Request for Internal Review form \(PDF, 152.41 KB\)](#).

Contact the Supreme Court Registry on 1300 679 272, or through the [Supreme Court of NSW](#) website for more information.

[Next](#) Testing for loose-fill asbestos insulation