



New South Wales

# Home Building Amendment (Loose-fill Asbestos Insulation) Regulation 2016

under the

Home Building Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

VICTOR DOMINELLO, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2014* as follows:

- (a) to specify how the presence of loose-fill asbestos insulation (**LFAI**) at premises is to be verified, for the purposes of the requirement in Division 1A of Part 8 of the *Home Building Act 1989* that residential premises be listed on the register (the **LFAI Register**) under that Division if the Secretary is satisfied that the presence of LFAI at those premises has been verified in accordance with the regulations,
- (b) to prescribe the circumstances in which residential premises at which the presence of LFAI has not been verified in accordance with the regulations may be listed on the LFAI Register,
- (c) to prescribe the places where signs at residential premises warning about the presence of LFAI must be displayed and other requirements relating to those signs,
- (d) to provide for offences relating to those signs to be dealt with by penalty notices.

This Regulation is made under the *Home Building Act 1989*, including sections 119B (2) and (3), 119C (1), (3) and (7) (definition of **compliant warning sign**), 138A and 140 (the general regulation-making power).

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### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Loose-fill Asbestos Insulation) Regulation 2016*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Home Building Regulation 2014

### [1] Part 8A

Insert after Part 8:

### Part 8A Premises affected by loose-fill asbestos insulation

#### 68A Verification of presence of loose-fill asbestos insulation

- (1) For the purposes of section 119B (2) of the Act, the presence of loose-fill asbestos insulation at premises has been verified if:
  - (a) a licensed asbestos assessor has investigated the premises to determine whether or not loose-fill asbestos insulation is present at the premises, and
  - (b) a NATA-accredited laboratory accredited for the relevant test method has confirmed that a sample of material, removed from the premises in the course of the investigation, is or contains amosite or crocidolite asbestos.

- (2) In this clause:

**licensed asbestos assessor** means a person who holds an asbestos assessor licence under regulations made under the *Work Health and Safety Act 2011* and includes a person who holds an equivalent licence under a corresponding WHS law (within the meaning of that Act).

**NATA-accredited laboratory** means a testing laboratory accredited by the National Association of Testing Authorities, Australia (**NATA**) or recognised by NATA either solely or with someone else.

#### 68B Inclusion of unverified premises on the Register

Residential premises that are not required to be listed under section 119B (2) of the Act may be listed on the Register if the Secretary is satisfied that there is substantial evidence that loose-fill asbestos insulation is present at the premises.

#### 68C Warning signs

- (1) For the purposes of section 119C (1) and (3) of the Act, a compliant warning sign is to be displayed at affected residential premises at the main switchboard at the premises.
- (2) For the purposes of the definition of **compliant warning sign** in section 119C (7) of the Act, the following requirements are prescribed:
  - (a) the sign must be clearly legible,
  - (b) the sign must contain the words “Danger these premises contain loose-fill asbestos insulation” in block letters,
  - (c) the sign must be in accordance with Australian Standard AS 1319—1994, *Safety signs for the occupational environment*.

**[2] Schedule 7 Penalty notice offences**

Insert in appropriate order:

Section 119C (1)	\$1,100	\$2,200
Section 119C (3)	Nil	\$2,200
Section 119C (4)	\$1,100	\$2,200