



New South Wales

# Residential Tenancies Amendment (Loose-fill Asbestos Insulation) Regulation 2016

under the

Residential Tenancies Act 2010

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 2010*.

VICTOR DOMINELLO, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Residential Tenancies Regulation 2010* as follows:

- (a) to prescribe, as a material fact that must not be knowingly concealed by a landlord or landlord's agent to induce a tenant to enter into a residential tenancy agreement, the fact that residential premises to which the agreement applies are listed on the register (the **LFAI Register**) under Division 1A of Part 8 of the *Home Building Act 1989* of residential premises that contain or have contained loose-fill asbestos insulation,
- (b) to require landlords, as a term of the standard form of residential tenancy agreement, to advise tenants if premises are listed on the LFAI Register.

This Regulation commences on 30 May 2016, except for the amendments to the standard form of tenancy agreement, which commence on 30 October 2016.

This Regulation is made under the *Residential Tenancies Act 2010*, including sections 15 (1) and (2), 26 (1) and 224 (the general regulation-making power).

## **Residential Tenancies Amendment (Loose-fill Asbestos Insulation) Regulation 2016**

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### **1 Name of Regulation**

This Regulation is the *Residential Tenancies Amendment (Loose-fill Asbestos Insulation) Regulation 2016*.

### **2 Commencement**

- (1) Except as provided by subclause (2), this Regulation commences on 30 May 2016 and is required to be published on the NSW legislation website.
- (2) Schedule 1 [3] and [4] commence on 30 October 2016.

## **Schedule 1      Amendment of Residential Tenancies Regulation 2010**

### **[1]    Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

***LFAI Register*** means the register of residential premises that contain or have contained loose-fill asbestos insulation that is required to be maintained under Division 1A of Part 8 of the *Home Building Act 1989*.

### **[2]    Clause 7 Disclosure of information to tenants generally: s 26 (1) of Act**

Insert after clause 7 (b):

(b1) the residential premises are listed on the LFAI Register,

### **[3]    Schedule 1 Standard Form Agreement**

Insert after clause 40A:

#### **LOOSE-FILL ASBESTOS INSULATION**

#### **40B.    The landlord agrees:**

**40B.1** if, at the time that this residential tenancy agreement is entered into, the premises have been and remain listed on the LFAI Register, the tenant has been advised in writing by the landlord that the premises are listed on that Register, or

**40B.2** if, during the tenancy, the premises become listed on the LFAI Register, to advise the tenant in writing, within 14 days of the premises being listed on the Register, that the premises are listed on the Register.

### **[4]    Schedule 1**

Insert in alphabetical order in clause 1 of the Notes appearing after clause 45:

***LFAI Register*** means the register of residential premises that contain or have contained loose-fill asbestos insulation that is required to be maintained under Division 1A of Part 8 of the *Home Building Act 1989*.