



**ACT**  
Government

**Asbestos Response  
Taskforce**

15 August 2016

## Resale Info Sheet

### TOPIC: FIRST RIGHT OF REFUSAL

The ACT Government understands that some homeowners may wish to maintain a connection to their former neighbourhood. Through the First Right of Refusal homeowners have an opportunity to repurchase their block to rebuild the family home.

#### OVERVIEW

The First Right of Refusal provides homeowners with the opportunity to repurchase their former affected block for owner occupation, at full market value determined at the time of purchase, after it is remediated.

The government is looking to defray some of the significant expenditure of the Buyback and Demolition Program whilst balancing the needs of homeowners, the community and the Territory.

#### KEY DETAILS

- The process of exercising a First Right of Refusal involves a number of steps and decision points over a period of time. Homeowners considering their First Right of Refusal should carefully read the *Exercising Your First Right of Refusal Guidelines* to inform themselves of the eligibility criteria, conditions and process.
- A member of the Personal Support Team will contact eligible homeowners to discuss their intentions, the First Right of Refusal process, decision points and possible preservation of improvements on particular blocks.
- Additionally, general information about the First Right of Refusal process will be provided on the website and through the Taskforce e-newsletter, as well as at community meetings and information sessions.
- Homeowners need to ensure the Taskforce holds their current contact details. If three attempts to make contact using the last provided contact details are unsuccessful, the Taskforce may deem the First Right Holder to have forfeited their First Right of Refusal. Homeowners can update their contact details by:
  - Sending an email to [asbestostaskforce@act.gov.au](mailto:asbestostaskforce@act.gov.au); or
  - Calling Access Canberra on 13 22 81
- First Right Holders may be permitted to take up a Land Rent lease on a Remediated Block in accordance with the eligibility criteria for the Land Rent Scheme. Legislative and regulatory amendments are required to give effect to this undertaking. If you are considering a Land Rent lease, please make contact with the Taskforce so that further information can be provided as it becomes available.

Phone ACCESS CANBERRA 13 22 81  
Web [www.act.gov.au/asbestostaskforce](http://www.act.gov.au/asbestostaskforce)

Email [asbestostaskforce@act.gov.au](mailto:asbestostaskforce@act.gov.au)  
Twitter @TaskforceACT

## ELIGIBILITY

Eligible Homeowners become First Right Holders if they meet *all* the following eligibility criteria – i.e. they:

- entered the Buyback Program
- are eligible to receive a First Right of Refusal under the Buyback Program
- elected to receive the First Right of Refusal in their Deed of Surrender, and
- surrendered the Crown Lease on their affected block in accordance with the Deed of Surrender.

## CONDITIONS

The First Right of Refusal cannot, with limited exceptions, be sold or otherwise passed to another person or company.

A First Right Holder must:

- construct at least one residential dwelling on the block
- maintain ownership interest in and occupy at least one residential dwelling on the block as their primary residence for **at least six months**.

## PROCESS

### 1. ASSESS ELIGIBILITY & CONSIDER CONDITIONS

Homeowners should review the eligibility criteria and understand the implications of the conditions to assess whether they can remain eligible and satisfy the repurchase conditions.

### 2. CONSIDER DEMOLITION SCHEDULE & BLOCK AVAILABILITY

The Taskforce will progressively advise First Right Holders of the indicative timing of the expected demolition of their affected property and consequently an indicative date when the remediated block will be available for repurchase.

### 3. BLOCK ASSESSMENT

No two houses are the same and each affected property presents different considerations which need to be understood before demolition work can commence.

The decision about what must be demolished or removed and what can be kept will be based on a range of considerations.

Refer to the *Demolition – Scoping of each House and Site* information sheet for further details.

### 4. PURCHASE PRICE DETERMINED

The sale price will be determined by the Land Development Agency (LDA) taking account of independent market valuations in keeping with its normal land sale practices.

**The sale price offered to First Right Holders for Remediated Blocks will not be negotiable.**

Refer to the *Valuation and Sale Price* information sheet for further details.

### 5. CONSIDER OFFER TO PURCHASE

When the sale price has been set the Taskforce will send a letter of offer to the First Right Holder.

The First Right Holder will then have 30 working days to respond advising whether they wish to purchase the Remediated Block.

## 6. CONFIRM IMPROVEMENTS

Preserved Improvements are those items on the block that the Taskforce would remove if the block was being prepared for sale by public auction but the First Right Holder wishes to retain.

The Taskforce will not consider retention of Improvements that they have determined must be removed due to contamination, approval status, or logistical factors.

Additionally, The Taskforce will not agree to any additional works beyond those it would undertake if the property was being prepared for public auction.

If agreement of the Preserved Improvements cannot be reached within 60 working days, the Taskforce will issue a Contract for Sale based on its scope of demolition works.

## 7. FINALISE THE CONTRACT FOR SALE

The Taskforce will prepare a Contract of Sale which will include the price, warranties and indemnities, deposit arrangements, indicative availability date, date for completion and a schedule of agreed Preserved Improvements.

Homeowners will be given 60 working days from issue of the Contract of Sale to exchange.

### WARRANTIES & LIABILITIES

The Taskforce will instruct demolition contractors to take due care and exercise due diligence with all works, but there is no guarantee that Improvements will not be accidentally damaged during the demolition process.

Homeowners should consider the conditions regarding damage and maintenance of improvements as outlined in the *Exercising Your First Right of Refusal Guidelines*.

## SUPPORTS & RESOURCES

Homeowners are encouraged to access support services that can assist them in the significant decision to repurchase their Remediated Block and rebuild their home.

Throughout the process, the Personal Support Team will be available to provide information and guide you through the process and decision points.

Homeowners might like to consider:

- discussing their options with close family and friends
- accessing an independent solicitor who can provide advice and guidance
- engaging a financial advisor, who can help them make an informed financial decision
- discussing their plans with a bank or financial institution.

The following resources may assist in the decision making process:

### ONLINE RESOURCES AND FINANCIAL ADVICE:

ASIC 'MoneySmart' Financial Guidance: Tips and tools to assist you in making financial decisions – <https://www.moneysmart.gov.au/>

Care Inc: Provides free financial counseling services including information, support and advocacy - **1800 007 007** <http://www.carefcs.org/>

The Australian Government's Department of Human Services 'Financial Information Service' is a free, confidential service that provides financial information and support - **132 300**

A list of banks and financial institutions providing support to 'Mr Fluffy' homeowners can be found on the Taskforce Website.

## LEGAL ADVICE:

Legal Aid ACT: A free service that helps people in the ACT with their legal problems, especially people who are socially or economically disadvantaged - **1300 654 314**

The ACT Law Society: 'Find a Lawyer' search function available on the website: <https://www.actlawsociety.asn.au/>

## PERSONAL SUPPORT:

Lifeline (24 hours) [13 11 14](tel:131114)

Beyond Blue [1300 224 636](tel:1300224636)

Capital Health Network (Medicare Local) New Access program – face to face / phone coaching service for those experiencing mild to moderate anxiety or depression [6287 8066](tel:62878066)

Asbestos Response Taskforce Support: [www.act.gov.au/asbestostaskforce/support](http://www.act.gov.au/asbestostaskforce/support)

## Further information

A range of materials to support homeowners to exercise their First Right of Refusal can be found on the Taskforce website including:

- *Exercising Your First Right of Refusal Guidelines*
- First Right of Refusal Process diagram
- Demolition – Scoping of Each House and Site
- Valuation and Sale Price
- Waiver of First Right of Refusal Form
- First Right of Refusal Frequently Asked Questions

Related materials also available on the website:

- Stamp Duty Concession information sheet

## ACCESSIBILITY

The ACT Government is committed to making its information, services, events and venues as accessible as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in an alternative format, such as large print, please phone 13 22 81 or email [asbestostaskforce@act.gov.au](mailto:asbestostaskforce@act.gov.au)

If English is not your first language and you require a translating and interpreting service, please phone 13 14 50 and ask for 13 22 81.



If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, please phone 13 36 77 and ask for 13 22 81.

For speak and listen users, please phone 1300 555 727 and ask for 13 22 81. For more information on these services visit <http://www.relayservice.com.au/>

Phone **ACCESS CANBERRA 13 22 81**  
Web [www.act.gov.au/asbestostaskforce](http://www.act.gov.au/asbestostaskforce)

Email [asbestostaskforce@act.gov.au](mailto:asbestostaskforce@act.gov.au)  
Twitter [@TaskforceACT](https://twitter.com/TaskforceACT)