



Q & A: December Forums

Thank you for your questions asked prior to, during and after the December forums. We put the call out for questions on our Facebook page, Twitter and email as well as at the forum through question boxes and from the floor. We received more than 200 questions, many similar in nature. This document publishes the key questions centred around the popular themes as well as providing an update of other Frequently Asked Questions from our website: www.act.gov.au/asbestostaskforce

Will the Taskforce clear the block?

The key priority of the Taskforce is to clear the block of loose fill asbestos. How much of the garden/landscaping or other improvements are removed will be determined at each block by soil testing which will be overseen by a licensed asbestos assessor. Within this key objective, the Taskforce will work with homeowners who wish to return to their block with regard to what external features can potentially remain. Further information will be provided by the Taskforce in early 2015.

Will the Taskforce provide a timeline for families wishing to repurchase their land?

The Taskforce is working toward providing an indicative schedule of when blocks may be available for repurchase. Establishing this schedule is linked to other factors and pieces of work currently in train - the take up of the buyback program; the demolition program and sequencing and any necessary changes to the Territory Plan. Further information will be provided by the Taskforce in 2015 when available.

Can we rent our house back from the ACT Government for a couple of weeks after surrender?

No. The house must be vacated at surrender and must remain vacated. At surrender it will be a Territory asset and liabilities will be with the ACT Government. The Taskforce has had representations from a number of homeowners seeking access to the property for a week after surrender to assist in removal of furniture. The Taskforce will have individual conversations with such homeowners around requests of this nature.

How much time will there be between the valuation of houses and the payment?

Each house will receive two valuations by independent valuers, with the average of the two to form the ACT Government's offer to purchase. Valuers have indicated they will endeavour to provide reports to the Australian Property Institute (API) 10 working days after they value the property. This will vary based on work volumes at any time. The API waits until both reports for the property are received before sending to homeowner and taskforce simultaneously.

The Taskforce then (usually within 2-5 days) provides an offer to homeowners with an Election Form that allows the homeowner to choose if they wish to accept the offer, request a Presidential Determination or withdraw from the scheme.

If the Homeowner chooses to accept the offer and proceed to surrender, the Taskforce advises the Government Solicitors office, who then instructs a conveyancing firm acting on behalf of the Government. This process generally takes between 2- 5 working days. The conveyancing firm then prepares a formal Deed of Surrender and makes contact with homeowner or their solicitor to arrange the exchange of the deed.

Date of surrender of the property is then negotiated based on homeowner requirements. Payment is upon surrender with the ability for multiple cheques to be drawn as required.

Are there any instances in which pre-payment or part payment of surrender sums will be paid to homeowners?

Generally no. The only circumstances in which this may occur would be around assisting a small number of eligible homeowners to undertake risk mitigation (sealing) works of properties, or in relation to modifications to accommodate people with a disability. Further detail on this will be provided in 2015.

What will be a priority for demolition?

Demolition will occur in such a way to ensure efficiency of the work as well as reduce disruption to the broader community during these works. A pilot program of a select number of houses will take place early in 2015 to finalise process and procedures and to inform the safe rollout of the broader program. Timelines and further information will be provided to the community as soon as they are determined.

Are there still plans to release the list of Mr Fluffy homes?

Yes. The list will be released in 2015. To date the list has not been released in line with homeowner requests for privacy with the ACT Government introducing tagging of properties and search mechanisms to assist tradesmen and former owners/tenants to determine if a property was affected.

To enable the ongoing implementation of the program (including administration of waivers) a final list of properties does need to be publicly issued. We anticipate this will occur in mid 2015.

What about neighbours? When will they be informed?

The Taskforce will be working closely neighbours and the broader community. Information about the timelines, as well as the safety aspects of the demolition program, will be made available to the community through methods such as letterbox drops, community discussions, public notices, public forums and website updates.

The important thing to note is the demolition of these houses can be done safely. We will be working closely with the community around vacant properties, providing a direct number on which neighbours can raise concerns about the ongoing maintenance and security.

Can I take my solar panels?

[This answer was updated in January to reflect the revised position on solar panels as provided in the Guide to Fixtures and Fittings]

Generally, solar panels and their components (including inverters) should not be removed. There are safety issues in relation to removal of panels and their components including working at heights, potential to damage roofs and in relation to licensable electrical work.

Under no circumstances should mounting systems be removed from roof tops.

In addition, changes to legislation in 2012 renders most pre-July 2013 panels to be non-compliant with current fire safety requirements, so they can not be re-installed in a new location. Non-compliant panels must remain. However, post July-2013 solar panels and their components may be removed by a licensed contractor and reinstalled at a new property (for personal use only – panels may not be sold or given to a new owner) so long as the new installation complies with the current photovoltaic (PV) installation standard AS/NZS 5033:2014. This is a matter for the homeowner and licensed contractor. Owners can review the Clean Energy Council website to ensure the panels are compliant. <http://www.solaraccreditation.com.au/products/modules.html>.

All other laws must also be complied with when removing and reinstalling solar panels including work health and safety, electrical safety and building laws. If you are unsure consult your solicitor and licensed contractor.

The Taskforce is working on enabling the solar feed-in tariffs to be transferred to another property in the ACT immediately or at some point in the future when the homeowner rebuilds. It is expected that further information about the solar feed-in tariff transfers will be available in early 2015.

What about my garden, can I remove my plants and trees?

You can remove your plants and shrubs if desired after the valuation process is completed. The Taskforce will consider a request from homeowners to have access to the perimeter of the property to remove trees in appropriate seasons if required, subject to demolition program schedules. Homeowners are responsible to ensure any removal of plants does not cause trip hazards for anyone entering the block (i.e. any holes need to be re-filled in following plant/shrub removal).

What can be removed from the house upon vacating?

All fittings and fixtures will be included in the valuation of the property. Guidance on what can be removed after valuations and before surrender will be published on the Taskforce website soon.

This guidance will be centred on ensuring the safety of homeowners and people entering the property.

What if we stay in the house? Are there guidelines for how to manage our 'Mr Fluffy' house?

The Taskforce has advised that homeowners can stay in their houses in the medium term of up to five years. This will be done through a rolling process of approvals in 12-month intervals rather than a fixed term. However staying in your affected house comes with responsibilities to ensure your safety and that of anyone entering the property including:

- Under the Dangerous Substances Act (2004) homeowners need to continue to disclose to people entering your house that it contains loose fill asbestos and provide a copy of the assessment report/or management plan. The tagging sticker must also be in place in switchboards/meter boxes.
- From 1 July 2015 properties will require an Asbestos Management Plan, which will be similar to that of commercial buildings. The cost for the Plan will be borne by the homeowner. Further detail will be provided in 2015.
- As every affected house is different, the risks to manage to comply with the Management Plans will be unique to each property, and again the cost of any works will be on the homeowner.
- Worksafe ACT will be ensuring compliance with Management Plans.

How can I be confident that the valuation is fair?

Valuations are undertaken independent of the Taskforce and ACT Government with the process managed by the Australian Property Institute (API).

Valuers use a range of factors to determine the value of a property. Importantly they are ignoring the presence of loose fill asbestos, any maintenance issues and including unimproved structures on the site.

They also factor in comparable suburb sales, suburb profile, noting improvements made to the house and the actual fittings and fixtures of the house among other considerations. Each house will get two independent valuations from different valuation firms, with the average of the two valuations offered by the ACT Government as the purchase price.

Should homeowners be dissatisfied with the initial valuations, they may request a Presidential Determination through the API, at their own cost. The value sum returned from a Presidential Determination is binding on both the homeowner and the Taskforce, regardless of whether it is less than or more than the original offer sum (which is the average of the two initial valuations).

How will the block/our block be valued after demolition?

As with all land released by the Land Development Agency these blocks would be valued based on market value at the date of release. The LDA determines market value based on independent advice from qualified professional property valuers.

When will we know how the block/our block will be zoned post demolition?

Any changes to planning permissions will require a variation to the Territory Plan, which will attract community consultation. Any blocks over 700 square metres could be subject to a change in zoning or subdivision.

Do all homeowners have to leave their house by 30 June 2015?

No. This is just the date you have to lodge your application to opt-in to the program. The Taskforce will work with homeowners around their individual circumstances on settlement dates as well as any risk mitigation works that will need to be undertaken if homeowners want to stay in their house in the medium term (up to five years).

Does returning the opt-in form lock homeowners into the ACT Government buying their house?

No. It simply allows the Taskforce to organise valuations of properties through the Australian Property Institute.

Can stamp duty waivers be cashed out or used in NSW?

No. Waivers can only be used on the next purchase of a property in the ACT or the repurchase of a block of land. A comprehensive stamp duty guide is available here:

http://www.act.gov.au/_data/assets/pdf_file/0005/677309/FactSheet-StampDuty-Final.pdf

If my block is subdivided, can I buy one of these blocks?

Yes, if you will be an owner occupier and your original block becomes capable of permitting subdivision, the Land Development Agency will consider selling one of the newly subdivided blocks back to you at market value when it becomes available for release. Note, in all circumstances homeowners will be offered the original boundary of the block back for purchase.

Will all affected blocks be subdivided/rezoned?

Not all blocks will be suitable for either unit-titling or subdivision. This process will not be followed for blocks smaller than 700 square metres, or those in heritage precincts, on a rural lease, or if characteristics do not permit it.

Will the ACT Government make a profit out of the program?

No. The implementation of the Loose Fill Asbestos Insulation Eradication Scheme is expected to have a net cost to the ACT of at least \$300-\$400 million even after the resale of available blocks.

Do I still need to put the tagging stickers on my meter box and switchboard even though I am selling my property and moving out?

Yes. Affixing the tag becomes mandatory as at 1 January 2015.

What will the tax implications be for homeowners taking part in the program?

As individual circumstances vary, we recommend you discuss your situation with the Australian Taxation Office or with a financial advisor. Generally, support such as the Relocation Assistance Grant, is not taxable. The ACT Government has written to the Federal Human Services Minister as well Treasurer seeking support and a compassionate approach around issues such as impacts on pension and other payments and Capital Gains Tax.