



## **LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME**

### **GUIDELINES: ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT**

These Guidelines outline how the Eligible Impacted Properties Relocation Assistance Grant (Grant) will be administered and explain the purpose of the Grant, eligibility criteria and the application process.

These Guidelines should be read in conjunction with:

- *Policy: Voluntary Eligible Impacted Property Buyback Program*
- *Guidelines: Implementation of the Voluntary Eligible Impacted Property Buyback Program*

#### **INTRODUCTION**

The Loose Fill Asbestos Insulation Eradication Scheme (the Scheme) is designed to eradicate the ongoing exposure risks from the continuing presence of loose fill asbestos insulation in affected Canberra houses and a small number of units/townhouses. This will be achieved through the demolition of affected properties and site remediation.

Under the Scheme the ACT Government offered to purchase all Affected Properties on 28 October 2014. A small number of Affected Properties share a wall, roof space or sub-floor space with one or more adjoining properties. In these cases, it may not be possible to safely and efficiently demolish the Affected Property and completely remove the risks of loose fill asbestos insulation unless some, or all, of the adjoining property is demolished. These properties are considered to be 'Potentially Impacted Properties'.

The ACT Government will therefore consider whether it is necessary to purchase a Potentially Impacted Property in order to facilitate the safe and efficient demolition of an Affected Property that is purchased by the Territory under the Scheme's Buyback Program. A property becomes an Eligible Impacted Property where it meets the matters for consideration set out in the *Policy: Voluntary Eligible Impacted Property Buyback Program*.

The Eligible Impacted Property Buyback Program and the Eligible Impacted Property Relocation Assistance Grant only apply to Eligible Impacted Properties, and are only relevant if the associated Affected Property is participating in the Scheme's Buyback Program.

#### **PURPOSE OF THE ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT**

The Grant is intended to assist owner occupiers or tenants in moving out of Eligible Impacted Properties that are participating in the voluntary Eligible Impacted Property Buyback Program.

## PURPOSE OF THESE GUIDELINES

These Guidelines will be used by the Asbestos Response Taskforce (Taskforce) to assess applications for the Grant. They are also intended to help homeowners understand the eligibility criteria and application process.

## DEFINITION

**Affected Property** – a property listed on the Affected Residential Premises Register (the Register) established under the *Dangerous Substances Act 2004*.

**Eligible Impacted Property** – A Potentially Impacted Property that has been determined to be an Eligible Impacted Property in accordance with the [Civil Law \(Sale of Residential Property\) Act 2003](#) section 9A.

**Owner Occupier** – a person who resides in the Eligible Impacted Property and who is the Crown lessee/unit title holder of the Eligible Impacted Property.

**Tenant** – a person who has a right to occupy the Eligible Impacted Property under a residential tenancy agreement in accordance with the *Residential Tenancies Act 1997*.

**Scheme** – the Loose Fill Asbestos Insulation Eradication Scheme.

## WHO CAN APPLY FOR AN ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT?

To be eligible for the Grant you must have been living in the Eligible Impacted Property at the date that it was determined by the ACT Government to be an Eligible Impacted Property, and be either:

1. an Owner Occupier, or
2. a Tenant.

At the time of your application you must already have moved out of the Eligible Impacted Property and it must remain vacant. Applications for the Grant cannot be lodged while any residents remain in the Eligible Impacted Property.

Tenants will need to provide with their application a copy of their residential tenancy agreement and evidence of lodgement of their bond with Access Canberra. Applications for the Grant can only be made by those Tenants named on the valid residential tenancy agreement.

Landlords/lessors of Eligible Impacted Properties are not eligible to claim the Eligible Impacted Property Relocation Assistance Grant.

## HOW MUCH IS THE ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT?

The Grant is a lump sum payment of \$5,000 per household, regardless of the number of people residing in the Eligible Impacted Property.

The Taskforce will not split payments. Any division of funds must occur between the relevant parties.

Payments will be made by electronic bank transfer to a single recipient, who must be nominated on the application form.

## **HOW DO I APPLY FOR THE ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT?**

Eligible Owner Occupiers and Tenants may lodge an application form with the Taskforce following relocation from the Eligible Impacted Property.

All Owner Occupiers or Tenants are required sign the application form.

## **ADDITIONAL INFORMATION**

Additional information may be requested by the Taskforce to enable assessment of your application.

## **GRANT CRITERIA**

To be eligible to receive the Grant, applicants must satisfy the following criteria:

1. They were an Owner Occupier or a Tenant at the time that the Eligible Impacted Property was assessed and determined by the ACT Government to be an Eligible Impacted Property.
2. They have permanently vacated the Eligible Impacted Property at the time of application.
3. They have signed a declaration agreeing not to return to reside in the Eligible Impacted Property.
4. They have signed a declaration agreeing not to knowingly allow anyone else to reside at the Eligible Impacted Property.

## **WHEN IS THE ELIGIBLE IMPACTED PROPERTY RELOCATION ASSISTANCE GRANT PAYABLE?**

Applications will be processed within 21 working days of receipt by the Taskforce of an application and all supporting material, including any further information requested by the Taskforce.

## **REVIEW PROCESS**

Eligible applicants can seek a review of the funding provided if they are dissatisfied with the support provided. A review form is available on the Taskforce website ([www.asbestostaskforce.act.gov.au](http://www.asbestostaskforce.act.gov.au)).

An initial review will be conducted by the relevant Director at the Asbestos Response Taskforce. Where the reviewed decision remains unacceptable to the person seeking the review they may seek a second review from the Head of the Taskforce, whose decision will be final. Written notice of each decision will be provided to the person seeking the review.

A review will be conducted within 14 days of a request being received dependent on the person seeking the review providing all information on which they wish to relay to the Taskforce.

Following a second level review, applicants can contact the ACT Ombudsman Office on 1300 362 072 or at [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au) if they have concerns about the process and outcome.

## FURTHER INFORMATION

These Guidelines should be read in conjunction with:

- *Policy: Voluntary Eligible Impacted Property Buyback Program*
- *Guidelines: Implementation of the Voluntary Eligible Impacted Property Buyback Program*