

Transition Assistance Program Guidelines

LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME

July 2022

OVERVIEW

These Guidelines provide information for homeowners of individually titled properties added to the Affected Residential Premises Register to transition into new living arrangements

TRANSITION ASSISTANCE

Transition Assistance provides support to those homeowners who have been unable to move from their home (the Affected Property) into new living arrangements due to complex health and/or financial circumstances.

Transition Assistance provides access to a portion of the equity currently held in your home to pay for expenses associated with moving to new living arrangements. This might include:

- paying the deposit on a new property;
- payment to secure a place in a retirement village; or
- installing disability modifications in your new home.

To access Transition Assistance you will need to apply to the Loose Fill Asbestos Coordination Team (Coordination Team) by completing the application form and submitting a Transition Plan. The Transition Plan will set out your housing, financial, timing and support needs that will help you move to new living arrangements.

If approved, you will need to enter into a Transition Assistance Deed of Surrender for your Affected Property. This is a new contractual arrangement between you and the Territory. Once contracts are exchanged, access to the equity in your home will be made available and the surrender of your home, under the Transition Assistance Deed of Surrender, must be completed within six-months of exchange.

Proceeding with Transition Assistance will not prevent you from having access to the entitlements available to you under the existing Loose Fill Asbestos Insulation Eradication Scheme (Scheme) and the Buyback Program.

WHO IS ELIGIBLE FOR TRANSITION ASSISTANCE?

To be eligible for Transition Assistance, you must:

1. be the registered owner of a property on the Affected Residential Premises Register (the Register);
2. be currently occupying the property on the Register;
3. be participating in the Loose Fill Asbestos Insulation Eradication Scheme (Scheme) Buyback Program.

If you are not currently participating in the Scheme you will need to apply to be part of the Buyback Program prior to applying for Transition Assistance so that valuations can be obtained, and a buyback offer can be made.

TIMEFRAME FOR PARTICIPATION

To access Transition Assistance, you must:

1. exchange on the Transition Assistance Deed of Surrender for the Affected Property prior to the close of the Buyback Program for your property; and
2. settle on this Deed of Surrender within six (6) months of exchange (no later than six months after the Buyback Program closes for your property).

In order to meet the deadline to exchange on the Transition Assistance Deed of Surrender, you are encouraged to apply for Transition Assistance as early as possible.

HOW DOES TRANSITION ASSISTANCE WORK?

Applying for Transition Assistance

Before applying for Transition Assistance, you should:

- choose a transition pathway that will best suit your needs and consider how you will move to new living arrangements within a six-month period;
- let your bank know of your plans (if there is a mortgage over your Affected Property). Discuss that:
 - you intend on accessing a portion of the equity in your home to fund your move. This money will be provided to you by the ACT Government and will be deducted from the final amount paid to you at settlement; and
 - if you have access to a redraw facility on your mortgage, how the amount of money owing will not increase; and
 - the Territory will be placing a Caveat on your Certificate of Title to protect the Territory's interest;
- discuss your plans with a member from the Coordination Team.

If, after these discussions you would like to proceed with Transition Assistance, you will need to submit:

- a completed and signed Transition Assistance application form along with the following information:
 - a letter from your bank (only applies if you have a mortgage(s)), providing:
 - the amount owing on your loan(s);
 - the amount of money you have access to under a redraw facility; and

- how the amount of money owing will not increase (i.e. how you will ensure that no money is drawn down from your redraw facility); and
- a Transition Plan (which forms part of the application form):
 - providing information about your housing, financial, timing and support needs to help with your move; and
- your latest utility bill for water and sewerage for the Affected Property.

Transition Assistance Approval

A decision on your application can only be made by the Coordination Team if all the relevant information is provided. If additional information is required and:

- not supplied; or
- not supplied in sufficient time; or
- not considered adequate

your application will be incomplete and unable to be assessed by the Coordination Team.

Only completed applications will be assessed by the Coordination Team and a decision made as to whether you have been found eligible to participate in the Transition Assistance program. This process is anticipated to take no longer than a few working days provided all relevant information has been included with the application form.

The Coordination Team will assess your application and determine the amount of money that will be made available to you to implement your transition plans. In general, 50% of the funds you would normally receive upon settlement will be made available to you prior to settlement. This amount takes into consideration:

- any amount owed to the bank to discharge a mortgage;
- the 10% deposit paid to the approved applicant's solicitor trust account;
- any outstanding money due to ACT Revenue;
- any outstanding money due to Icon Water; and
- an amount reserved for disbursements upon settlement.

Should your Transition Plan require more than 50% of your funds to be available, you will need to provide supporting evidence of the need in your application for consideration by the Coordination Team.

The Coordination Team will provide approval in writing advising:

- the amount of money available for you to access;
- how this amount was calculated;
- when the money will be available;
- how to apply for release of the money; and
- that a Caveat will be lodged against your Certificate of Title.

If your application for Transition Assistance is not approved, the Coordination Team will advise in writing of the reasons and provide information about your right to seek a review of the decision.

Exchanging your Deed of Surrender for Transition Assistance

Following approval, you will need to engage a solicitor to assist you in understanding the Transition Assistance contractual arrangements. A Certificate of Independent Legal Advice, to be completed by your solicitor, is required to take part in the Transition Assistance Program.

Your solicitor will talk you through the contractual arrangements including:

- the need to rescind any existing Deed of Surrender;
- the Transition Assistance Deed of Surrender;
- the Caveat the Territory will put on your Certificate of Title for the Affected Property.

Your solicitor will also:

- complete and sign a Certificate of Independent Legal Advice for each homeowner of the affected property. This Certificate will confirm the solicitor has provided you with advice as to the nature of the Deed of Rescission (if applicable), the Transition Assistance Deed of Surrender and your rights and obligations; and
- return the signed Deeds and the signed Certificate of Independent Legal Advice to the Coordination Team's solicitor to complete the exchange.

To assist you with meeting your legal costs, the Coordination Team will contribute \$1,000, regardless of the amount your solicitor charges you. This money will be included in your settlement payments.

Once the Transition Assistance Deed of Surrender is exchanged, a Caveat will be lodged with Land Titles over your house. This means that if you try to sell your house, the Coordination Team will be notified so action can be taken to stop the sale. The Territory's interests need to be protected in this way as we are providing access to funds prior to settlement.

Accessing your approved amount for transition expenses

You will need to apply to the Coordination Team each time you wish to access any of the money, up to the approved amount, to assist with your transition plans on the Transition Payment Request form.

Each request will need to be submitted on this form and provide:

- amount being requested;
- purpose for the payment;
- how the payment supports your Transition Plan; and
- relevant evidence / invoices.

Once the Transition Assistance Deed of Surrender is exchanged and a Transition Payment Request form lodged with the Coordination Team, please allow a minimum of five (5) working days for the money to be released to you.

Should sufficient evidence not be provided for authorising the release, the Coordination Team will refuse the request. You will be able to then provide further evidence or seek a review of the decision. Funds will be provided by Electronic Funds Transfer (EFT) and the

amount of money released will be deducted from the final amount payable to you at settlement.

Settlement

Settlement will need to occur **six (6) months** from the date the Transition Assistance Deed of Surrender is exchanged (signed by both parties). If you are in a position to settle in less than six (6) months, the Coordination Team will make every reasonable effort to accommodate your request. All settlements need to be finalised no later than six months after the Buyback Program closes for your property.

Vacant possession of your home will be required at the time of settlement as you will not be allowed to reside in the property post settlement.

Once you know the settlement date, you and your solicitor will need to work together to meet this date and to make sure settlement occurs.

You are free to leave any household items that you consider contaminated in the affected property provided such items were part of the contents of the affected block prior to settlement. The Coordination Team will dispose of these as part of the demolition process.

On the date of settlement, you are required to hand over a reasonably clean site (save for asbestos contamination and household items you have chosen to leave behind). The Coordination Team may not accept the property if the block contains other waste or is unsafe. If settlement needs to be rescheduled because of the condition of the property (for example, excessive waste) or safety issues, you may be required to pay additional fees.

HOW TO APPLY FOR TRANSITION ASSISTANCE

1. Read these guidelines to assess and understand what Transition Assistance provides and the eligibility requirements.
2. Contact the Coordination Team on 6205 4700 to discuss how Transition Assistance could assist you with your Transition Plan.
3. Discuss with your bank the implications around applying for Transition Assistance.
4. If you are eligible to apply, request an application form from the Coordination Team.
5. Send the completed and signed application form, along with all supporting documents, , to the Coordination Team email at loosefillasbestos@act.gov.au or via post to:

Loose Fill Asbestos Coordination Team
GPO Box 158
Canberra City ACT 2601

TERM USED IN THIS GUIDE

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

Affected Residential Premises Register – the register of residential premises that contain or have contained loose fill asbestos insulation, established under the *Dangerous Substances Act 2004*.

Settlement – affected property vacated and surrender completed.

ENQUIRIES

Call Access Canberra on 13 22 81 and ask to speak with the Loose Fill Asbestos Coordination Team, or email loosefillasbestos@act.gov.au

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 publication and would like to receive this publication in an alternative format, such as large print, please phone 13 22 81 or email loosefillasbestos@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 this service visit www.relayservice.com.au