

Important changes to asbestos laws for commercial premises in the ACT came into play on 1 September 2008.

The new obligations are set out in Part 3.4 of the *Dangerous Substances (General) Regulations 2004* and affect those who control or manage commercial premises which were built prior to 31 December 2003.

Changes to Asbestos Laws for Commercial Premises

The Act has been amended so that a person who controls or manages (e.g. owners, occupiers or property managers) now have a wide ranging duty of care to inform (in writing) a relevant person (e.g. a tradesman, tenant or purchaser) about the presence of asbestos in the premises.

Timeframes

Different timeframes for compliance with the new laws exist depending on the type of building which is controlled or managed. Significant penalties apply for non-compliance within these timeframes.

- Multi-storey commercial premises (of 2 or more storeys) – [September 2008]
- Single storey commercial premises – [September 2009]
- Industrial Premises - [March 2010]
- Community or recreational premises – [September 2010]

Managing Asbestos

There are 5 steps to managing asbestos and it is important that owners/managers of commercial buildings are aware of and understand each of the steps in order to comply with their obligations under the Act.

Step 1 - Identification and Assessment

A Licensed Assessor must be engaged to conduct an identification and risk assessment of all asbestos in the Premises and present the results in an Asbestos Management Report.

Step 2 - Plan

The next step is to develop and implement a written Asbestos Management Plan which must include an Asbestos Register.

An Asbestos Register is a document that helps inform relevant people of any asbestos in the premises.

Step 3 - Control

The Act now requires owners or managers of commercial buildings to develop measures to prevent exposure to airborne asbestos fibres.

Owners or managers must take into account any risk assessment and treatment options for asbestos but first priority should be given to the removal of asbestos during any renovations or refurbishment of the premises and all asbestos related work must be carried out by qualified persons, removalists or asbestos assessors.

Step 4 - Communicate

Before any work is performed in a commercial building it is very important that there is open communication and consultation between owners/managers and the Asbestos Register and Asbestos Management Plan must be made readily available to anyone who may be exposed or at risk.

Step 5 - Review

Asbestos Management Plans must be periodically reviewed at least every 5 years or sooner if there are significant changes to the commercial building (e.g. renovations).

Contact Us

Please call John Irvine, Principal, or Jorgie Gorman, Associate at Trinity Law on 02 6163 5050 for further information.