

Common Property Doors and Asbestos

With changes to work health and safety laws in recent years and increasing numbers of asbestos reports, schemes are experiencing difficulties managing contractors engaged to carry out repair and maintenance works involving asbestos contaminated materials. The most common scenario involves common property doors, e.g. replacement of a lock or shaving of a sticking door. People, even contractors, are often unaware that doors installed prior to 1990 may contain asbestos materials.

We have experienced scenarios in which inadequately experienced contractors, even after being warned of the presence of asbestos, have caused the release of asbestos contaminated materials, potentially exposing occupants to health risks and compensation claims by lot owners, whose homes have been rendered uninhabitable for extended periods of time.

These losses are uninsurable, as policies for strata buildings exclude asbestos related claims. It may be difficult to recover these costs from the contractor, who may not have the financial resources to satisfy a large claim and may also be uninsured in respect of that loss.

The likelihood of problems can be greatly reduced by adopting the following approach:

- It is always a good idea, whether or not legally required, to engage a consultant to prepare an asbestos register, so that contractors and owners are aware of asbestos present in the building.
- Unless certain that asbestos is not present in the work area, assume that it may be present. Asbestos was used in a wide variety of building materials and fire retardant products, up to 1990. It can be difficult to determine whether asbestos materials are present, without engaging an expert consultant. Records may no longer be held, if they were ever held, in relation to asbestos materials used in the construction of the building. Doors containing an asbestos core may no longer have identification tags or they may have been painted over.
- When engaging a contractor, ensure that the contractor is aware of any asbestos present and any other relevant site risks.
- When an asbestos licence is required for the relevant work, ensure that the contractor holds that licence. A class A licence is required for removal of friable asbestos (asbestos containing material which is easily crumbled) and a class B licence is required for removal of more than 10 m² of bonded asbestos.

- Whether or not a licence is required, ensure that the contractor is competent to work with asbestos and familiar with the requirements of the legislation.
- Consider critically requests by contractors to engage further consultants to conduct air monitoring and issue clearance certificates, as they are not always required, despite the usual advice from contractors that they are. They will be required for work which requires an asbestos licence, but may not be the case for less sensitive works, e.g. they may not be required for work involving small quantities of bonded asbestos. However, precautions such as air monitoring are generally regarded as good practice, even when not legally required and it can be difficult to engage contractors on any other basis. The person required to arrange air monitoring and clearance certificates, if required, is the contractor in the case of a residential property and otherwise the person who commissioned the works.

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