



March 2019

Asbestos and a body corporate

A body corporate is considered to be a Person Conducting a Business or Undertaking (PCBU) under the Health and Safety at Work Act 2015 ([HSWA](#)).

This means that a body corporate has a duty to ensure, so far as is reasonably practicable, the health and safety of workers, and that the health and safety of other persons is not put at risk from its work. This duty applies to matters over which the body corporate has influence and control.

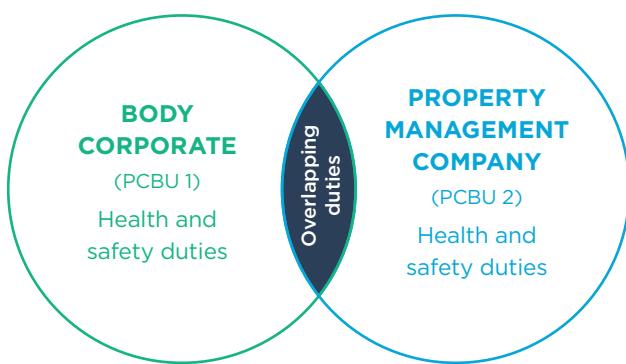
Under the [Health and Safety at Work \(Asbestos\) Regulations 2016](#) (the Regulations), the PCBU with management or control of a workplace is responsible for asbestos identification and management.

When a body corporate employs a property manager

When a body corporate employs someone as a Property Manager, this person is considered to be a worker for the body corporate. This means that the body corporate has full responsibility for asbestos identification and management.

When a body corporate engages a property management company

When a body corporate engages a property management company (also a PCBU) to manage its property (for example, a multi-storey, multi-unit building), the body corporate and the property management company will both have duties to identify and manage asbestos.



When more than one PCBU is involved

When there is more than one PCBU with management and control of a workplace:

- The PCBUs' duties will overlap. The PCBUs must work together, so far as is reasonably practicable, by consulting, cooperating, and coordinating activities in relation to identification and management of asbestos. This helps prevent any gaps in managing work health and safety risks. It also helps the PCBUs reach a common understanding and establish clear roles, responsibilities and actions.
- The extent of a PCBU's duty to manage asbestos-related health and safety risks depends on each PCBU's ability to influence and control the matter. The more influence and control a PCBU has over an asbestos health and safety risk, the more responsibility it is likely to have.
- We recommend that a body corporate seek independent legal advice if it is unclear about its asbestos management duties.

What sort of work might create a risk?

Renovations, refurbishments or demolition

The risk of exposure depends on the kind of work that will be done. For example, drilling or cutting into asbestos-containing material during renovations, refurbishments or demolition work will produce asbestos dust that could be inhaled.

The Regulations require a PCBU with management or control of the workplace, or of the structure or plant, to identify asbestos or asbestos-containing material before any demolition or refurbishment work on a structure or plant is carried out at a workplace if:

- it was constructed or installed before 1 January 2000
- asbestos has been identified, or
- asbestos is likely to be present from time to time.

Minor or routine maintenance work

WorkSafe expects any PCBU doing work that may result in exposure to asbestos to be able to recognise it and manage the risks. This includes minor or routine maintenance work such as drilling into a wall to fit a power point.

Identifying asbestos

To identify if asbestos is present:

- WorkSafe recommends that you consider contracting an asbestos surveyor to assess the property. Some surveyors may be able to assist with preparation of an asbestos management plan.
- Alternatively, follow the guidance in Section 9 of WorkSafe's approved code of practice:
Management and removal of asbestos

An asbestos surveyor needs to have sufficient training, qualifications, knowledge, experience and ability to identify or assume the presence of asbestos. For asbestos identification, an asbestos surveyor needs to:

- be trained to take and handle asbestos samples safely
- have the knowledge and experience to identify suspected asbestos and work out the risk and control measures
- be familiar with building and construction practices so that they can figure out where asbestos is likely to be present
- be able to confirm that material may be friable or non-friable asbestos, and evaluate its condition.

People who designed a structure (eg architects or engineers) won't necessarily know what materials were eventually used during construction. While the original building specifications may not have included asbestos or ACM, workers may have used them.

Asbestos management plans

An asbestos management plan sets out where any identified asbestos or asbestos-containing material is present, and how it will be managed. The workplace PCBU must make sure a copy of the asbestos management plan is readily accessible to workers and their representatives, as well as to other PCBUs. A copy of the plan should be kept at the workplace.

The workplace PCBU must review and (if necessary) revise the asbestos management plan every five years, or when:

- asbestos controls are reviewed
- asbestos is removed, disturbed, sealed or enclosed
- the plan is no longer adequate for managing the asbestos risks. For example, if new asbestos is identified, or if a previously inaccessible area is now accessible.

As well, a representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that:

- any of the situations noted above affects, or may affect, the health and safety of a member of the work group being represented, and
- the workplace PCBU has not adequately reviewed the asbestos management plan in relation to the situation.

When is an asbestos management plan needed?

A PCBU must have an asbestos management plan in place for a structure where asbestos is found or is likely to be present at a workplace from time to time.

Having an asbestos management plan will ensure that a PCBU (such as a body corporate) can manage risks in situations where people at the property – such as unit owners, tenants, workers, or visitors – could be exposed to respirable asbestos fibres (fibres able to be breathed in).

Is a surveyor needed to create an asbestos management plan?

Not necessarily. A PCBU can create its own asbestos management plan by following the process outlined in Section 9 of WorkSafe's approved code of practice:
Management and removal of asbestos

See these WorkSafe resources for more information:

- Asbestos
- Demolition and refurbishment
- Overlapping duties
- Property management FAQs
- Work involving asbestos