



# Changes to the Asbestos Management Code

**Source: October 2011 Elevation edition**

## **Changes to the Asbestos Management Code**

### **The word of strata – your questions answered!**

#### **Question:**

How do the new asbestos laws affect our property and how are they different from previous requirements?

#### **Answer:**

From January 1 2012 new changes to the Asbestos Management Code will take effect across all states of Australia. The new national law applies to all commercial buildings, including all bodies corporate with common property areas that are deemed workplaces built prior to December 31, 2003. These properties will require an inspection for Asbestos Containing Material (ACM).

#### *What is required?*

All bodies corporate built prior to December 31 2003 will now have to provide proof of an asbestos inspection and subsequent asbestos register even if the inspection results are negative.

#### *Responsibility:*

The new legislation outlined changes in the definition of who is responsible for meeting the new requirements. Responsibility will fall on: the body corporate, the person managing the property and the person carrying out demolition or refurbishment work.

#### *Penalties:*

Failure to comply will attract fines of up to \$60,000 or six years imprisonment.

#### *How are the new requirements different from previous requirements?*

<b>Requirements under model WHS Regulation 2012</b>	<b>Requirements under the WHS Regulation 2008</b>
Registers will be required for workplace buildings built up to December 31, 2003.	Currently Queensland has a January 1, 1990 cut-off date for workplace buildings to have a register.



Asbestos management plans and training will be required for naturally occurring asbestos.	No equivalent under the current Regulation in Queensland.
Persons conducting a business or undertaking (PCBUs) will have to provide health monitoring for certain workers involved in removal or other asbestos-related work.	No equivalent under the current Regulation in Queensland.
Specific requirements (eg: identification and removal of asbestos before demolition work commences) will be demanded of PCBUs involved in demolition and refurbishment of structures and plant built or installed before December 31, 2003.	No equivalent under the current Regulation in Queensland.
There will be a requirement to notify the regulator of any licensed asbestos removal work, demolition of a pre December 31 2003 structure or plant in an emergency and when asbestos fibre levels exceeding 0.02 fibres/ml during Class A asbestos removal work.	No equivalent under the current Regulation in Queensland.
There will be a new licence category for individual asbestos assessors required for clearance inspections, clearance certificates and air monitoring for Class A asbestos removal work.	No equivalent under the current Regulation in Queensland.
For Class B asbestos removal work, an independent competent person will be required to complete a clearance inspection and clearance certificate following the work.	No equivalent under the current Regulation in Queensland.

### *How do Bodies Corporate become compliant?*

If your body corporate was built before 31st December 2003, an Asbestos Inspection Report and subsequent Asbestos Register must be obtained. This report will identify if your body corporate has any ACM in it. If no ACM is found then nothing further is required.

If ACM is found an Asbestos Management Plan will be required. The asbestos management plan will provide vital information to occupiers within a building about the



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management of the ACM and must also be provided to contractors working within the building to advise them of the condition and location of any ACM.

Ernst will be contacting all bodies corporate that this new legislation applies to and will work with these committees to ensure all our clients are compliant with these new laws. If you have any questions please contact your Body Corporate Manager.

SOURCE: <http://www.deir.qld.gov.au/workplace/publications/safe/sep11/asbestos-management/index.htm>

## **STOP PRESS!!**

New transitional arrangements have been put in place that will affect buildings constructed between 1 January, 1990 & 31 December, 2003.

The grace period means that these buildings can put up motions for asbestos compliance throughout 2012 and ensure any required Onsite Asbestos Registers and Asbestos Management Plans are in place before June 30, 2013 when the transitional period ends.