

TCRC *Property Update*

Our TCRC *Property Updates* are intended to bring important property issues and current training programs, seminars and events to your attention.

If you wish to submit content for an article or be removed from the distribution, please feel free to contact me.

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Licensed Estate Agent



Asbestos Audits are deemed an Owner Responsibility

Asbestos is made up of microscopic bundles of fibers that may become airborne when disturbed.

Asbestos is not always an immediate hazard. It is only when asbestos containing materials (ACM) are disturbed or the materials become damaged that it becomes a hazard.

Under Section 504 of the Occupation Health and Safety (Asbestos) Regulations 2003 it is a requirement for the person in control of a workplace to revise and review asbestos in premises at intervals of not less than five years. This section requires asbestos audits to be carried out to determine whether asbestos in the building has altered in its state which could cause harm to occupiers and visitors to the site.

It is a requirement of the "occupier" in control of a workplace to ensure the safety of the workers in the workplace/premises. The regulations are unclear as to who is actually responsible for carrying out and incurring the expense of such audits.

WorkSafe Victoria advises that the Owner of a commercial building is in fact deemed to be the "occupier".

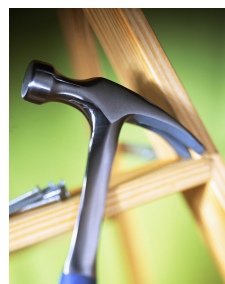
Section 501 of the regulations provides: "*Occupier*" is defined in the Occupational Health and Safety Act as "in relation to a workplace, means a person who has management or control of a workplace".

To reduce your liability as Property Managers and Leasing Consultants audits should be carried out at the commencement of a lease and an Asbestos Register kept to ensure audits are carried out within the require time frames. If Owners refuse to come to the party, ensure you keep written correspondence on file.

New National Codes of Practice on Asbestos

The National Occupational Health and Safety Commission declared a revised *National Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]* and a new *National Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]*. To obtain a copy of the new National Codes, visit www.nohsc.gov.au.

These two new national codes of practice propose practical safer methods for managing asbestos hazards to support the Australia-wide ban on new uses of asbestos and asbestos-containing material which came into force in December 2003.



Make Good Schedules

A Make Good Schedule outlines the requirements of a Tenant to bring the property back to its state at lease commencement.

A Make Good Schedule makes comparisons to the property's condition at the commencement of a lease and clearly sets out works that are required to be carried out by the Tenant in order that the property is returned in the same condition as it was initially offered.

Make Good Schedules are ideally carried out prior to lease end and carry much more weight if a Condition Report or Dilapidation Report is provided as evidence of the property's original condition.

Please contact our office if you require our services.



the
condition report
company

protecting your interests