
Wednesday, 2 March 2022

Conviction over asbestos offences

An Adelaide company and one of its directors have been convicted and fined for causing environmental harm over the dislodging of asbestos fibres from the roof of a building.

Aurora Property Investments, which owns the building at 7 Portrush Rd, Payneham, and one of its directors, Mr Alex Panas, had each pleaded guilty to one count of causing material environmental harm and one count of failure to notify the Environment Protection Authority.

In the Environment, Resources and Development Court, Aurora was fined a total of \$24,000 and Mr Panas \$12,000, plus \$1,030 for EPA costs. They will also pay the \$60,000 cost incurred by the EPA for decontamination, clean-up and monitoring.

The offences occurred on 28 October 2017, when as part of a 'facelift' of the property, Mr Panas arranged for a section of the roof to be pressure cleaned so it could be painted.

It was agreed during previous court hearings that Mr Panas knew the roof contained asbestos and there was an asbestos register for the site.

He provided the cleaning equipment used, including a high-pressure water cleaner, but failed to notify the tenant, a Goodlife 24-hour gym operator, before the roof cleaning. He was informed by a Goodlife representative on 1 November that patrons had made complaints about debris from the roof and raised concerns that it was asbestos.

The EPA was notified by a member of the public the following day. The building was subsequently evacuated, the air-conditioning was shut down and the site was closed off.

Samples taken on three separate days found asbestos in the debris in the air-conditioning units, part of the roof gutter and on the bitumen surface of the car park.

In sentencing, Judge Durrant said he was satisfied the company and Mr Panas were remorseful and unlikely to reoffend.

However, their actions meant members of the public had no knowledge or ability to protect themselves from exposure.

He said the failure to notify the EPA as soon as concerns were raised by gym members was the more serious of the two offences.

"Potentially hundreds of people could have been exposed to asbestos," he said.

"I do not consider this offending to be minor or administrative or inadvertent or procedural."

EPA Director Operations Andrew Pruszinski said the case served as a warning to anyone dealing with asbestos that it was vital to seek professional advice or visit the government website

asbestos.sa.gov.au