

# Frampton

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MWF:sle:0900532  
7 May 2009

Mr Bruce Taylor  
Purifying Solutions Pty Ltd

By Email Only: [bruce@purifyingsolutions.com.au](mailto:bruce@purifyingsolutions.com.au) and  
[shane@purifyingsolutions.com.au](mailto:shane@purifyingsolutions.com.au)

Dear Bruce and Shane,

## **GARBAGE DOCTOR**

We met in conference on 15 April 2009.

As requested we provide the following general advice:

### **Body Corporate Liability**

A Body Corporate is invested with a duty to care for lot owners, tenants and guests.

That duty requires the Body Corporate to take steps reasonably required to minimise a foreseeable risk of injury caused by the common property.

Common property includes garbage chutes and waste disposal areas of the building.

Garbage chutes and waste disposal areas are literally a dumping ground for decomposing matter and therefore a haven for harmful bacteria and germs, some of which are or may become airborne.

It is not fanciful and therefore foreseeable that the same garbage chute used to carry the waste can also transport the airborne bacteria back to lot owners, tenants and guests causing illness, injury and disease.


A Body Corporate is required to respond reasonably to that risk. A reasonable response is to ensure that the building has an adequate waste management system including regular waste removal, cleaning and use of appropriate technology to reduce airborne germs.

Failure to provide an adequate system will make the Body Corporate legally liable for the illness, injury and disease and the compensation which follows to the persons affected.

Please contact us if you have any further questions.

Yours faithfully  
**FRAMPTON LEGAL**

**Mark Frampton**  
Principal

  
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