

Are your gates protecting your assets — or creating liability?

As an asset owner or property manager, you carry a duty of care for every automatic gate on your site. Beyond convenience and security, gates can also be one of the **most overlooked risks** on your property.

- Do you know if the gates on your sites comply with current Australian Standards?
- Could you confidently show, in the event of an incident, that risks were identified and controlled?
- Are your maintenance contractors trained to recognise safety hazards—or are they unknowingly leaving you exposed?

The reality is, even a minor oversight in gate safety can result in **serious injury, costly downtime, and personal liability for asset owners**.

At Gate Safe Australia, we've developed practical tools and frameworks that help property managers reduce risk, protect assets, and meet their WHS obligations.

But here's what most property professionals don't realise...

There are three critical questions every property manager should be asking about their gates today—and most can't answer even the first.

Want to find out what those questions are—and how they apply to your sites?

Click **Enquire Online** to access the full guide tailored for property owners and managers.

Accidents and Case Law – Why Property Managers Can't Afford to Ignore Gate Safety

In **SafeWork NSW v The Owners – Strata Plan No 93899 [2024] NSWDC 277**, the tragic consequences of poor gate safety became crystal clear.

In June 2020, at a property in Berkeley, NSW, a **damaged gate fell and fatally crushed a worker**. The circumstances that followed highlight the risks and responsibilities that many property managers and asset owners overlook.

The owners' corporation had given approval for repairs to be carried out, but only after a makeshift adjustment was made so that the gate could continue to be operated manually. On the surface, this may have seemed like a practical temporary solution—but it left the gate in a dangerous state. The risk that the gate could fall was real, foreseeable, and ultimately catastrophic.

The Court found that the **defendants failed to ensure the gate was properly taken out of service** until it was fully repaired. There were no clear signs, barriers, or instructions preventing manual use. As a result, the gate remained accessible and operable, despite being unsafe.

When the matter was heard, the unit owners argued that they had never anticipated such an incident, and did not realise they could be personally liable for breaches of the **Work Health and Safety Act (WHS Act)**. However, the Court made it clear:

“It is important to note that the risk to be assessed is not the risk of the consequence... but is the risk arising from the failure to take reasonably practicable steps to avoid the injury occurring.”

In other words, the law does not require owners or managers to predict the exact nature of a fatality. What it requires is that **every reasonably foreseeable risk must be identified, and practical steps taken to eliminate or control that risk.**

The outcome was sobering. The defendants were required to pay a **\$225,000 fine**, plus **\$40,000 in prosecution costs**. Beyond the financial impact, the reputational damage and emotional toll were immense.

This case should serve as a **wake-up call for all asset owners and property managers**. The risks associated with automatic and manual gates are not abstract. They are real, they are serious, and they can result in both human tragedy and heavy liability.

The critical question is: **could you demonstrate, today, that the gates on your sites are safe, compliant, and risk-assessed?**

To learn the three essential checks every property manager should be doing right now, and how to protect yourself from liability, visit **www.gatesafe.com.au** and enquire online.

Gate Safe Australia

Making Gates Safe.

