



Licensing Guidelines

for
**Asbestos
Removalists**

and
**Asbestos
Assessors**

Please note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and any other relevant legislation. To view, go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au

We welcome your feedback on this guide.
Send to: wstinfo@justice.tas.gov.au

PCBU = Person Conducting a Business or Undertaking. This may be an individual, a body corporate, a government agency, a partnership or an unincorporated association.

WHS = work health and safety

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About this guide

This guide explains the requirements you must meet:

- if you wish to be licensed to be an asbestos removalist and/or an asbestos assessor
- once you are a licensed asbestos removalist and/or a licensed asbestos assessor:

We have stated the specific sections of the Work Health and Safety Regulations 2012 that set out these requirements.

In this guide:

- ACD = asbestos contaminated dust or debris. ACD is any dust or debris that has settled within a workplace and is (or is assumed to be) contaminated with asbestos.
- ACM = asbestos containing material. ACM is any material or thing that, as part of its design, contains asbestos.

Types of licenses

Found in this section/clause of the Regulations

For an amount less than 10 square metres of non-friable asbestos, you do not need an asbestos removalist licence to remove it.

An amount of non-friable asbestos over 10 square metres, and asbestos identified as friable, can only be removed by a licensed asbestos removalist.

You must get a licence from WorkSafe Tasmania for this. Specifically, you need:

- a Class A asbestos removal licence to remove friable asbestos, non-friable asbestos and asbestos contaminated dust (ACD) Clauses 485 and 487
- a Class B asbestos removal licence to remove non-friable asbestos, and ACD associated with removing non-friable asbestos Clause 487(1)
- an asbestos assessor licence for air monitoring, clearance inspections and clearance certificates for class A removal work (friable asbestos removal work). Clause 489

You could be fined if you carry out this work without being licensed by WorkSafe to do so. Part 8.10

The licenses in detail

Found in this section/clause of the Regulations

Class A asbestos removal licence

A class A asbestos removal licence is required for removing friable asbestos, non-friable asbestos and ACD.

Clause 485

It is valid for 5 years, unless cancelled by WorkSafe.

Clause 503

A class A asbestos removal licence is not required for removing ACD that is associated with removing non-friable asbestos or is only a minor contamination.

Clause 486

Class A asbestos removal work requires a licensed assessor for the clearance inspection and to issue the clearance certificate.

Class B asbestos removal licence

A class B asbestos removal licence is required for removing non-friable asbestos or ACM, or ACD associated with removing more than 10 square metres of non-friable asbestos.

Clause 487

It is valid for 5 years, unless cancelled by WorkSafe.

Clause 503

A Class B asbestos removal licence is not required for removing:

- 10 square metres or less of non-friable asbestos or ACM
- ACD associated with removing 10 square metres or less of non-friable asbestos or ACM.

Class B asbestos removal work requires a competent person for the clearance inspection and to issue the clearance certificate.

Asbestos assessor licence

An asbestos assessor licence is required for air monitoring, clearance inspections or issuing clearance certificates for class A asbestos removal work, where a class A licence is required.

Clause 489

It is valid for 5 years, unless cancelled by WorkSafe.

Clause 503

A competent person who is not a licensed asbestos assessor can carry out a clearance inspection for licensed asbestos removal work that does not require a class A licence.

Clause 473(2)(a)(b)

Use the Visual Clearance Certificate (Asbestos Removal) form. You can find it on the WorkSafe website at www.worksafe.tas.gov.au by searching for 'AR4'.

Who may apply for a licence: Eligibility

Found in this section/clause of the Regulations

For either of the asbestos removal licenses, you must be a Person Conducting a Business or Undertaking (PCBU).

Clause 491(1)

Your application (using the application form available at the WorkSafe website — go to www.worksafe.tas.gov.au and search for GF085) must include the name of the competent person you've engaged to supervise the removal work (the supervisor).

Clauses 493(1)(a) and 494(1)(a)

If you (as an individual applicant) propose to be this supervisor, then these must be your details.

Clause 493(2) and 494(2)

The supervisor (whether this is you or someone you've engaged) must be at least 18.

Clauses 493(1)(b) and (493(2)

You must submit proof of age.

Clauses 494(1)(b) and 494(2)

Experience and qualifications

Found in this section/clause of the Regulations

Class A asbestos removal licence

These requirements apply to the supervisor, whether this is you or someone you've engaged.

You must have at least three years relevant industry experience in removing friable asbestos.

Clauses 493(1)(d) and 493(2)

You must demonstrate this by submitting (with your application form):

- a description of work you've done over three years and
- references (names and contact phone numbers) relevant to this period: for example, from employers/licence holders or nominated supervisors for friable asbestos licence holders. References are only required for new applications.

You must submit (with your application form) a copy of the certification that proves they have successfully completed the vocational education and training (VET) course for supervising asbestos removal.

Clauses 493(1)(c) and 494(2)

Class B asbestos removal licence

These requirements apply to the supervisor, whether this is you or someone you've engaged.

You must have at least 12 months industry experience in removing non-friable asbestos.

Clauses 494(1)(d) and 494(2)

You must demonstrate this by submitting (with your application form):

- a description of work you've done over 12 months and
- references (names and contact phone numbers) relevant to this period: for example, from employers/licence holders or nominated supervisors for friable asbestos licence holders. References are only required for new applications.

You must submit (with your application form) a copy of the certification that proves you have successfully completed the vocational education and training (VET) course for supervising asbestos removal.

Clauses 494(1)(c) and 494(2)

Asbestos assessor licence

You must have the knowledge and skills of the relevant asbestos removal industry practice, gained through experience and training.

Clause 495(a)

You must demonstrate this experience by submitting (with your application form):

- a description of your experience performing or supervising the work of an asbestos assessor (that is, air monitoring, clearance inspections and issue of clearance certificates) over the previous two years.
- references (names and contact phone numbers) relevant to this period. References are only required for new applications.

You must demonstrate this training by submitting (with your application form) either:

Clause 495(b)

- the VET course for conducting asbestos assessment associated with removal, or
- a tertiary qualification in occupational health and safety, industrial hygiene, science, building construction or environmental health.

This is only required for new applications.

Other requirements

Found in this section/clause of the Regulations

Certified safety management system

If you're applying for a class A asbestos removal licence, you must submit (with your application form) evidence that you have a certified WHS management system in place at the time of lodging your application.

Clause 493(1)(e)

A certified system is one that complies with Australian Standard AS 4801:2001 Occupational Health and Safety Management Systems, or an equivalent system determined by WorkSafe Tasmania.

Clause 5

Workers compensation

If you're applying for either class of asbestos removal licence, you must submit (with your application form) a certificate of currency for workers compensation insurance.

This does not apply if you are an exempt employer.

Certificate of registration of trading name

If you're applying for either class of asbestos removal licence and you will be trading under a business name, you must submit (with your application form) a copy of your certificate of registration of trading name.

Clause 492(2)(d)

State of residency/registered address

WorkSafe Tasmania will not issue you an asbestos removal licence or asbestos assessor licence if you hold an equivalent licence from another state/territory/the Commonwealth, unless that licence is due for renewal.

Clause 497(2)(b)

Subject to meeting the other requirements outlined in this guide, WorkSafe must issue you with an asbestos removal licence or asbestos assessor licence:

- if you reside in Tasmania; or if residing outside Tasmania, you satisfy the circumstances justifying the granting of the licence
- if (as a body corporate applicant) you have your registered address in Tasmania; or if located outside Tasmania, you satisfy WorkSafe of circumstances justifying the granting of the licence.

Clause 497(2)(c)

Clause 497(2)(d)

These 'justifying circumstances' would be the proximity of your residency/registered address to a state/territory/Commonwealth WHS regulator's office.

Recognising interstate licenses

Found in this section/clause of the Regulations

WorkSafe Tasmania will recognise a current asbestos removal licence or asbestos assessors licence from another state/territory (except Victoria and Western Australia) or the Commonwealth that is being used according to the licence's terms and conditions.

Clause 490

How to apply for a licence

Found in this section/clause of the Regulations

To apply for an asbestos removal licence, complete the asbestos removal licence application form. You can find it on the WorkSafe website at www.worksafe.tas.gov.au by searching for 'GF082'.

To apply for an asbestos assessor licence, complete the asbestos assessor licence application form. You can find it on the WorkSafe website at www.worksafe.tas.gov.au by searching for 'GF085'.

Instructions for submitting your application are on the forms.

Granting, renewing, refusing a licence

Found in this section/clause of the Regulations

Granting a licence

To issue or renew your licence, WorkSafe will consider:

- whether the nominated supervisor for asbestos removal work is at least 18 years old (see page 7)
- whether you have provided evidence of successfully completing the required VET course (see page 7 and 8)
- whether you live in Tasmania; or if a body corporate applicant, you have your registered address in Tasmania (see page 9)
- whether you hold an equivalent licence from another state/territory/the Commonwealth and whether the licence is due for renewal (see page 10)
- whether you are disqualified from holding an equivalent licence in another state/territory/the Commonwealth
- whether your application contains false or misleading information, or is missing required information
- whether you can ensure that work/activities related to the licence is done safely, competently, and in compliance with any conditions of the licence.

WorkSafe will also consider:

Regulation 500

- any offence you've been convicted of/found guilty of under the Work Health and Safety Act, Regulations or corresponding WHS law
- any offence you've been convicted of/found guilty of related to unlawfully disposing of hazardous waste under the Environmental Management and Pollution Control Act 1994
- any enforceable undertaking you've entered into under the Work Health and Safety Act, Regulations or corresponding WHS law
- your compliance record relating to any matters under the Work Health and Safety Act, Regulations or corresponding WHS law.

For any equivalent licence that you've applied for or held, WorkSafe will also consider any:

- refusal to grant the licence
- condition imposed on the licence
- suspension/cancellation of the licence or disqualification from applying for any licence.

Granting a conditional licence

WorkSafe may impose conditions on your licence, such as:

- control measures to be implemented when carrying out the work
- records to be kept
- retraining or reassessment to be done
- information to be provided to WorkSafe
- restrictions on the work/activities that may be done
- restrictions on the circumstances that work may be done in.

You have the right to appeal or 'review' these conditions.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

Amending a licence

WorkSafe may amend your licence; for example, varying or removing a condition or imposing a new condition.

Clause 508

To do so, WorkSafe will provide you with a written notice:

- stating the proposed amendment and the reasons for it
- advising that you may (by a specified date, no less than 28 days after the notice), make a submission to WorkSafe about the proposed amendment.

After the specified date, WorkSafe must:

- consider any submission you've made
- (whether or not you made a submission) decide whether or not to make the proposed amendment or a different amendment.

Within 14 days after making its decision, WorkSafe must provide you with a written notice stating:

- its final decision
- any reasons
- the date the amendment will take place.

You have the right to appeal or 'review' these amendments.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

Refusing a licence

WorkSafe must refuse to issue or renew a licence if it is satisfied that:

Clause 501

- you have been disqualified from holding an equivalent licence by another state/territory/the Commonwealth
- your application contains false or misleading information, or is missing required information.

WorkSafe may amend an asbestos removal or asbestos assessor licence: for example, varying or deleting a condition or imposing a new condition.

Clause 509

To do so, WorkSafe will provide you with a written notice:

- stating the reasons for the proposed refusal
- advising that you may (by a specified date, and not until 28 days after the notice), make a submission to WorkSafe about the proposed amendment.

After the specified date, WorkSafe must:

- consider any submission you've made
- (whether or not you made a submission) decide whether or not to grant or renew the licence.

Within 14 days after making its decision, WorkSafe must provide you with a written notice of its final decision, plus any reasons.

You have the right to appeal or 'review' this refusal.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

Cancelling suspending, disqualifying you, or your licence

Found in this section/clause of the Regulations

Making a decision

WorkSafe may suspend/cancel/disqualify you or your licence if it is satisfied that:

Clauses 520 and 521(3)

- you have failed to ensure the work or other activities authorised by the licence were carried out safely and competently
- you have failed to comply with a condition of your licence
- your application contained false or misleading information, or is missing required information
- (for either removal licence) you do not have a qualified nominated asbestos removal supervisor
- (for a class A asbestos removal licence) you do not have a certified safety management system in place
- (for either removal licence) your licence was granted or renewed on the basis of certification obtained from giving false or misleading information.

To make its decision, WorkSafe will consider:

- any submission you make
- any advice from another state/territory/ the Commonwealth WHS regulator

For the first two points in particular, WorkSafe must consider:

Clause 521

- any offence you've been convicted of/found guilty of under the Work Health and Safety Act, Regulations or corresponding WHS law
- any refusal/suspension/cancellations of an equivalent licence applied for or held under Tasmania's Work Health and Safety Act or Regulations, or from another state/territory/the Commonwealth
- any enforceable undertaking you've entered into under the Work Health and Safety Act, Regulations or corresponding WHS law
- your compliance record relating to any matters under the Work Health and Safety Act, Regulations or corresponding WHS law.

Notifying you (prior notice)

Before it suspends/cancels/disqualifies you or your licence, WorkSafe must provide you with a written notice:

Clause 522

- stating the reasons for the proposed refusal
- advising that you may (by a specified date, and not until 28 days after the notice), make a submission to WorkSafe about the proposed suspension/cancellation/disqualification.

Within 14 days after making its decision, WorkSafe must provide you with a written notice stating:

- its final decision
- any reasons
- that you must return your licence to WorkSafe,

Clause 523

plus:

If your licence is **suspended**:

- when the suspension begins and ends
- if you must do retraining, reassessment or anything else before the suspension can end
- if you are disqualified from applying for a further licence during the suspension.

If your licence is **cancelled**:

- the date the cancellation takes effect
- if you are **disqualified from applying for a further licence**.

If you are disqualified from getting a further licence:

- when the disqualification begins and ends
- if you must do retraining, reassessment or anything else before the disqualification can end.

You have the right to appeal or 'review' this suspension/cancellation/disqualification.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

Immediate suspension without notice

WorkSafe may immediately suspend your licence without giving you prior notice if:

- any work should stop, because it may involve an imminent serious risk to people's health and safety, or
- another state/territory/the Commonwealth WHS regulator has suspended an equivalent licence that you hold.

Clause 524(1)

If WorkSafe decides to immediately suspend your licence, it must provide you with a written notice stating the reasons for this.

Clause 524(2)

The suspension will take effect on the date of the notice.

WorkSafe may advise you in a second written notice (within 14 days of the above first notice) that you have at least 28 days to make a submission to WorkSafe about the immediate suspension.

Clause 524(3)

If you **do not** receive this second notice, the suspension will end after 14 days of the first notice.

Clause 524(5)

If you **do** receive this second notice, the suspension remains until WorkSafe makes a final decision.

You must return your licence to WorkSafe. WorkSafe must return it to you within 14 days after the suspension ends.

Clauses 523 and 526

You have the right to appeal or 'review' this immediate suspension.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

Your obligations

Found in this section/clause of the Regulations

Change of details

You must give WorkSafe written notice of any changes to your details within 14 days of becoming aware of a change.

Clause 506

For a licensed removalist, this includes changes to details of nominated supervisors.

To add or delete a supervisor, or change their details, you must also notify WorkSafe Tasmania in writing.

Send to:

- PO Box 56, Rosny Park Tas 7018, or
- wstinfo@justice.tas.gov.au

Supervisor on site

A licensed asbestos removalist must ensure the nominated supervisor is present at the site whenever friable asbestos removal work is being done and is readily available to attend the site for non-friable asbestos removal work.

Clause 459

Asbestos removal workers must be trained

A licensed asbestos removalist must not allow a worker to carry out asbestos removal work unless the worker holds certification for the specified VET course for asbestos removal, relevant to the class of asbestos removal that is being done.

Clause 460

Replacement licence document

You must give WorkSafe written notice as soon as practicable if your licence has been lost, stolen or destroyed.

Clause 513

You may apply for a replacement licence; your application must include a declaration describing the circumstances that your original licence was lost, stolen or destroyed.

If WorkSafe refuses to use a replacement licence, you have the right to appeal or 'review' this refusal.

Regulation 676

For details about the review process, go to the WorkSafe website at www.worksafe.tas.gov.au and search for 'reviews'.

What to notify WorkSafe of

Found in this section/clause of the Regulations

Of regular removal work

You must give WorkSafe written notice at least 5 days before any licensed asbestos removal work is to start.

Clause 466(1)

You cannot give this notice on a Saturday, Sunday, public holiday or bank holiday.

You must complete a Start Work Notification form and a Control Plan for the proposed asbestos removal work.

Clause 464

You can find these on the WorkSafe website at www.worksafe.tas.gov.au by searching for 'ARI' and 'AR2'.

You must submit these to WorkSafe at least 5 days before you start any licensed asbestos removal work.

Of emergency removal work

Asbestos removal can begin immediately (without the 5 days notice) where there is:

- a sudden and unexpected event (such as equipment failure) which could expose anyone to respirable asbestos fibres, or
- an unexpected breakdown of an essential service that requires immediate asbestos removal work to be done the service to continue.

However, you must notify WorkSafe:

Clause 466(3)

- immediately by telephone on 1300 366 322
- within 24 hours in writing.

Make sure you include:

- the name of the licensed removalist
- the address of the workplace where the asbestos was removed
- the reason for the immediate need to remove the asbestos.

Of emergency demolition work

WorkSafe must be notified of any emergency demolition or refurbishment of a structure or plant:

Clauses 454(1) and 455(1)

- constructed or installed before 31 December 2001
- located in a workplace or residential premises where an emergency has occurred
- that is essential
- that had asbestos fixed to it or installed in it before the emergency occurred.

For emergency demolition **at a workplace**: the person with management or control of the workplace must notify WorkSafe immediately in writing after they become aware of the emergency and before demolition begins.

Clause 454(3)

For emergency demolition **at residential premises**: the person to carry out the demolition must notify WorkSafe in writing immediately after they become aware of the emergency and before demolition begins.

Clause 455(3)

There is no specific WorkSafe form to use, so please list:

- the name of the person who will be carrying out the demolition work
- the address where the demolition will happen
- the nature of the emergency.

Definitions:

Essential services are the supply of gas, water, sewerage, telecommunications, electricity and similar services, chemicals, fuel and refrigerant in pipes or lines.

Clause 5

An **emergency** is when a structure or plant is structurally unsound or collapse of the structure or plant is imminent.

Clauses 454(4) and 455(4)

Demolition or refurbishment does not include minor or routine maintenance or other minor work.

Clause 447

Of respirable asbestos fibres levels at more than 0.02 fibres/ml

You must immediately notify WorkSafe when respirable asbestos fibre levels exceed 0.02 fibres/ml in the removal area.

There is no specific WorkSafe form to use, so please list:

- the name of the licensed removalist
- the address of worksite
- the date the asbestos removal notification was made to WorkSafe
- a copy of the air monitoring results.

How to notify WorkSafe

*Found in this section/clause
of the Regulations*

Find the form 'Notification of the Commencement of Asbestos Removal Work' on the WorkSafe website at www.worksafe.tas.gov.au by searching for 'ARI'.

Clause 466

You must complete all required details.

Email the completed form to asbestos.notifications@justice.tas.gov.au

Transporting and Disposing of Asbestos

*Found in this section/clause
of the Regulations*

The Environment Protection Authority Tasmania regulates:

- the transporting of commercial asbestos waste
- approved disposal sites, with local councils.

For more information:

- www.epa.tas.gov.au
- 03 6165 4594
- EnvironmentEnquiries@environment.tas.gov.au

1300 366 322
www.worksafe.tas.gov.au

For more information contact

Phone: 1300 366 322 (within Tasmania)
(03) 6166 4600 (outside Tasmania)

Fax: (03) 6173 0260

Email: wstinfo@justice.tas.gov.au

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