

## Applicant Guide

# Asbestos removal and licensing

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## Introduction

The Work Health and Safety (National Uniform Legislation) Regulations – the WHS (NUL) Regulations – provides for the licensing of asbestos removal work and asbestos assessor work. It also requires notification to the Regulator:

- for licensed asbestos removal work
- when results of air monitoring show the concentration of respirable asbestos fibres is more than 0.02 fibres/ml
- before the demolition of a structure or plant in an emergency situation where asbestos is fixed or installed in the structure or plant

## Why you need a licence

Asbestos removal licences aim to protect workers with the greatest potential for asbestos exposure and to secure safe removal practices to protect building occupants and others at the workplace.

Asbestos assessor licences aim to improve the consistency and accuracy of advice from consultants who provide air monitoring, and clearance certificates in relation to friable asbestos removal work.

Part 4 of the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) Act – imposes penalties on people who carry out work at a workplace without authorisation where the Regulations require that work be authorised. Part 8.10 of the WHS (NUL) Regulations require authorisation (in this case licensing) for certain asbestos removalists and assessors.

## Why you need to notify

Notifications of asbestos work and emergency demolition provides risk based information to the Regulator so it can apply resources and target compliance and enforcement actions to areas of greatest risk to health and safety.

## Licence types

A Class A asbestos removal licence allows the licence holder to remove friable asbestos and non-friable asbestos and asbestos contaminated dust (ACD) – Regulation 485.

A Class B asbestos removal licence allows the licence holder to remove non-friable asbestos and ACD associated with the removal of non-friable asbestos – Regulation 487.

An asbestos assessor licence is required for air monitoring, clearance inspections and clearance certificates for Class A removal work (friable asbestos removal work) – Regulation 489.

## Scope

### Class A asbestos removal licence

A Class A asbestos removal licence is required for the removal of friable asbestos or ACD – Regulation 485.

ACD is asbestos contaminated dust or debris and means any dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos – Regulation 5.

A Class A asbestos removal licence is not required for the removal of ACD that is associated with the removal of non-friable asbestos or is only a minor contamination – Regulation 486.

## Class B asbestos removal licence

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

Class B asbestos removal licence is not required for the removal of:

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

Regulation 487

Asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos – Regulation 5.

## Asbestos assessor licence

An asbestos assessor licence is required for air monitoring, clearance inspections or the issuing of clearance certificates for Class A asbestos removal work, where a Class A licence is required – Regulation 489.

An independent competent person who is not a licensed asbestos assessor can carry a clearance inspection for licensed asbestos removal work that does not require a Class A licence, that is, for Class B asbestos removal work – Regulation 473(2).

## Who may apply for a licence

Only a person who conducts a business or undertaking in which asbestos removal work is carried out may apply for an asbestos removal licence – Regulation 491(1). “Person conducting a business or undertaking” (PCBU) is defined in Section 5 of the WHS (NUL) Act.

A PCBU may be an individual, a body corporate, a government agency, a partnership or an unincorporated association.

Only an individual holding the qualifications set out in Regulation 495 may apply for an asbestos assessor licence – Regulation 491(2).

## Supervisor for asbestos removal licences

The application for either Class A or Class B asbestos removal licence must include the name/s of the competent person/s who have been engaged to supervise the asbestos removal work – Regulation 493(1)(a) and 494(1)(a).

If the applicant is an individual who proposes to supervise the carrying out of asbestos removal work, the details must relate to the applicant – Regulation 493(2) and 494(2).

## Age restrictions

Each nominated supervisor must be at least 18 years of age. If the individual applicant is also the supervisor, then the applicant must be at least 18 years of age – Regulation 493(1)(b), 493(2) and 494(1)(b), 494(2). Evidence of age is required.

## Experience and qualifications

Each nominated supervisor and if the individual applicant is also the supervisor, then the applicant must have at least three years' experience in the removal of friable asbestos. Regulation 493(1)(d) and Regulation 493(2).

The Regulator requires such experience to be demonstrated by submitting, with the application form, a description of the work undertaken over a 3 year period (at least) which is supported by references relevant to the three year period. For example: references from employers/licence holders or supervisors who are nominated supervisors for friable asbestos licence holders.

## Competencies required

Each nominated supervisor and if the applicant is also the supervisor, then the applicant must submit evidence, with their application form, of the successful completion of the following national unit/s of competency:

- Class A asbestos removal work – CPCCE3015, and
- Class B asbestos removal work – CPCCE3014, and
- Supervise asbestos removal – CPCCE4008.

Regulation 493(1)(c) and 494(2).

## Class B asbestos removal licence

Each nominated supervisor and if the individual applicant is also the supervisor, then the applicant must have at least 12 months experience in the removal of non-friable asbestos – Regulation 494(1)(d) and 494(2).

The Regulator requires experience to be demonstrated by submitting, with the application form, a description of the work undertaken over a 12 month period (at least) which is supported by references relevant to the 12 month period. For example: references from the employer/licence holder or supervisors who are nominated supervisor for non-friable asbestos work.

## Competencies required

Each nominated supervisor and if the individual applicant is also the supervisor, then the applicant must submit evidence, with their application form, of the successful completion of the following national units of competency:

- Class B asbestos removal work – CPCCE3014, and
- Supervise asbestos removal – CPCCE4008.

Regulation 494(1)(c) and 494(2).

## Asbestos assessor licence

The applicant must demonstrate through training or experience the knowledge and skills of the relevant asbestos removal industry – Regulation 495(a).

The Regulator will generally require a description of work experience in performing or supervising the work of an asbestos assessor (i.e. air monitoring, clearance inspections and issue of clearance certificates) over the preceding two years. The description should include the name and contact telephone numbers of referees.

## Competencies required

An applicant must submit, with their application evidence of the successful completion of either:

- The national unit/s of competency for asbestos assessor work – CPCCDE5001, or
- A tertiary qualification in occupational health and safety or industrial hygiene or science or building construction or environmental health.

Regulation 495(b).

## Certified safety management system plan

A certified safety management system plan is required of all Class A applicants. The business must provide evidence that they have in place a safety management system which complies with AS4801: Occupational health and safety management systems – Specification with guidance for use, or equivalent.

## Certificate of registration for asbestos removal licence

An applicant for an asbestos removal licence who will be trading under a business name must submit, with the application, a copy of their Certificate of Registration of Trading Name – Regulation 492(2)(e).

## Residency/location

An asbestos removal licence or asbestos assessor licence will not be issued if the applicant holds an equivalent licence under a WHS law of another State or Territory or the Commonwealth unless the licence is due for renewal – Regulation 497(2).

Subject to the applicant meeting other requirements of the WHS (NUL) Regulations, the Regulator must issue an asbestos licence or asbestos assessor licence to an applicant who:

- Resides in the Northern Territory or if residing outside the Northern Territory satisfies the Regulator of circumstances justifying the granting of the licence – Regulation 497(2)(c), or
- If a body corporate applicant has its registered address in the Northern Territory or if located outside the Northern Territory satisfies the Regulator of circumstances justifying the granting of the licence – Regulation 497(1) and 497(2)(d).

A circumstance justifying the grant of the licence would be the proximity of the residence/registered address to a State or Territory or the Commonwealth WHS Regulator's office.

## Proof of identity

Applicants must provide evidence of their identity – Regulation 492(2)(b).

Body corporate applicants for an asbestos removal licence must submit, with their application, a copy of their Certificate of Registration (issued by Australian Securities and Investment Commission) or a copy of a Certificate of Incorporation (issued by a State or Territory or the Commonwealth Regulator), whichever is applicable.

Individual applicants will be required to provide documents for proof of identity.

## Duration of licence

An asbestos removal licence or asbestos assessor licence is valid for five years unless cancelled earlier – Regulation 503.

## Recognition of interstate authorisations

Each State or Territory or the Commonwealth WHS Regulator will recognise a current asbestos removal licence or current asbestos assessors licence issued by another State or Territory or the Commonwealth that is being used in accordance with the terms and conditions under which it was granted – Regulation 490.

## How to apply for a licence

Application forms are available on the NT WorkSafe website [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au) or by phoning 1800 019 115.

### Fees

- Asbestos removal licence – new and renewal \$3276
- Asbestos assessor licence – new \$269 renewal \$114
- Replacement licence document – \$43

## Obligations

### Change of details

The licensed asbestos removalist or asbestos assessor must advise the Regulator of any changes to their details within 14 days of becoming aware of a change. This includes, for a licensed removalist, changes to details of nominated supervisors – Regulation 506.

### Supervisor on site

A licensed asbestos removalist must ensure that the nominated supervisor for the removal work is present at the site whenever friable asbestos removal work is being carried out and is readily available to attend the site for non-friable asbestos removal work – Regulation 459.

### Asbestos removal workers to be trained

A licensed asbestos removalist must not allow a worker to carry out asbestos removal work unless the worker holds a certification in the appropriate unit of competency relevant to the work and must provide site specific training to the worker – Regulation 460.

### Replacement licence document

A licence holder of an asbestos removalist licence or an asbestos assessor licence must give written notice to the Regulator as soon as practicable if the licence is lost, stolen or destroyed, and may apply for a replacement licence. An application for a replacement licence must include a declaration describing the circumstances in which the original document was lost, stolen or destroyed – Regulation 513.

A decision to refuse to issue a replacement asbestos removalist or asbestos assessor licence document is a reviewable decision.

### Notification of licensed asbestos removal work

The licensed asbestos removalist must give written notice of “licensed asbestos removal work” to the Regulator at least five days before the following asbestos removal work is started:

- friable asbestos, or
- more than 10 square metres of non-friable asbestos.

Five days' notice of asbestos removal work is not required and asbestos removal can be started immediately where there is:

- a sudden and unexpected event that may cause persons to be exposed. Example: the discovery of asbestos on or near a roadway and requiring immediate removal to minimise disruption to traffic, or
- an unexpected breakdown of an essential service that requires immediate asbestos removal work to allow the service to continue.

Essential services mean the supply of gas, water, sewerage, telecommunications, electricity and similar services – chemicals, fuel and refrigerant in pipes or lines – Regulation 5.

Where asbestos removal is required immediately, the Regulator must be notified:

- immediately by telephone, and
- in writing within 24 hours after the Regulator is notified by telephone.

Regulation 466.

### Notification of respirable asbestos fibre levels of more than 0.02 fibres/ml

The licensed asbestos removalist must notify the Regulator immediately when the results of air monitoring show the concentration of respirable asbestos fibres is more than 0.02 fibres/ml – Regulation 476(1)(b)(ii). As well as the notification obligation, the WHS (NUL) Regulations impose other obligations on the licensed asbestos removalist where fibres are at this level, to stop work and implement controls – Regulation 476(1).

### Demolition notification

Although the WHS (NUL) Regulations do not require the Regulator to be notified of demolition in all cases, there are special requirements for notification where an emergency has occurred and asbestos is involved. Specifically, certain persons are required to notify the Regulator for the demolition of a structure or plant:

- that was constructed or installed before 31 December 2003 – Regulation 447(1), and
- is located in either a workplace or a domestic premises where an emergency has occurred, and
- the structure or plant must be demolished, and
- asbestos is fixed to or installed in the structure or plant before the emergency occurred.

Regulation 454(1) and 455(1).

Emergency occurs if a structure or plant is structurally unsound or collapse of the structure or plant is imminent – Regulation 454(4) and 455(4).

### Who must notify and when

In relation to a workplace the person with management or control of the workplace must notify the Regulator immediately in writing after they become aware of the emergency and before demolition is commenced – Regulation 454(3).

In relation to domestic premises the person who is to carry out the demolition of the premises must notify the Regulator in writing immediately after the person becomes aware of the emergency and before demolition is commenced – Regulation 455(3).

### How to notify

Notifications are required to be made to NT WorkSafe. Notification forms are available on the NT WorkSafe website [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au) or by phoning 1800 019 115.

## Further information

### Legislation

The *Work Health and Safety (National Uniform Legislation) Act* and Work Health and Safety (National Uniform Legislation) Regulations are available on the NT WorkSafe website [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)

### Contact us

For further information please contact us on 1800 019 115, via email at [ntworksafe@nt.gov.au](mailto:ntworksafe@nt.gov.au) or go to the NT WorkSafe website at [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au).

### DISCLAIMER

This publication contains information regarding work health and safety. It includes some of your obligations under the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) Act – that NT WorkSafe administers. The information provided is a guide only and must be read in conjunction with the appropriate legislation to ensure you understand and comply with your legal obligations. NT WorkSafe does not warrant the information in this publication is complete or up-to-date and does not accept any liability for the information in this report or as to its use.