



APPLICANT GUIDE FOR ASBESTOS LICENCES AND NOTIFICATIONS

SAFEWORK NSW

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This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website www.legislation.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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INTRODUCTION

The Work Health and Safety Regulation 2017 provides for the licensing of asbestos removal work and asbestos assessor work. It also requires notification to SafeWork NSW of asbestos work when results of air monitoring show the concentration of respirable asbestos fibres is more than 0.02 fibres/ml and before the demolition of a structure or plant in an emergency situation where asbestos is fixed or installed in the structure or plant.

RELEVANT LEGISLATION, STANDARDS AND CODE OF PRACTICE

- Work Health and Safety Regulation 2017
- *Work Health and Safety Act 2011*
- *Code of Practice: How to safely remove asbestos*
- *Code of Practice: How to manage and control asbestos in the workplace*

WHY YOU NEED A LICENCE

An asbestos removal licence is a legal requirement for certain types and quantities of asbestos. The objective is to ensure that persons undertaking this work are appropriately qualified, and have the appropriate skills and training to carry out this kind of work.

An asbestos removal licence is required to ensure so far as is reasonably practicable the health and safety of workers and other persons is not put at risk from work carried out as part of the asbestos removal process.

An asbestos assessor licence aims 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 *WHS Act 2011* 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 Regulation 2017* requires authorisation (in this case licensing) for certain asbestos removalists and asbestos assessors.

A person conducting a business or undertaking (PCBU) who commissions the removal of asbestos at the workplace must ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the *WHS Regulations* that a licence is not required.

WHY YOU NEED TO NOTIFY

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

LICENCE TYPES

There are two types of asbestos removal licences: Class A and Class B. The type of licence required will depend on the type and quantity of asbestos or asbestos containing material (ACM) that is being removed at a workplace.

An asbestos assessor licence is required to carry out air monitoring and clearance inspections for class A asbestos removal work.

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or ACM, including: <ul style="list-style-type: none">• any amount of friable asbestos or ACM• any amount of asbestos contaminated dust or debris (ACD)• any amount of non-friable asbestos or ACM
Class B	Can remove: <ul style="list-style-type: none">• any amount of non-friable asbestos or ACM• ACD associated with the removal of non-friable asbestos or ACM
Asbestos Assessor	Can conduct the following: <ul style="list-style-type: none">• air monitoring for Class A asbestos removal work• clearance inspections for Class A asbestos removal work• issuing clearance certificates in relation to Class A asbestos removal work

CIRCUMSTANCES WHERE A LICENCE IS NOT REQUIRED

Can remove:

- Up to 10 square metres of non-friable asbestos or ACM
- ACD that is:
 - associated with the removal of less than 10 square metres of non-friable asbestos or ACM
 - not associated with the removal of friable or non-friable asbestos and is only a minor contamination.
- Air monitoring, clearance inspections and issuing clearance certificates for Class B work can be undertaken by a 'competent person'.

WHO MAY APPLY FOR A LICENCE

A person conducting a business or undertaking (PCBU) who commissions the removal of asbestos at the workplace must ensure asbestos removal work is carried out only by a licenced asbestos removalist who is appropriately licenced to carry out the work.

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

Only a person who conducts, or proposes to conduct a business or undertaking may apply for either an asbestos removal licence or an asbestos assessor licence.

Only an individual holding the qualifications set out in clause 493 of the WHS Regulation 2017 may apply for an asbestos assessor licence.

SUPERVISOR FOR ASBESTOS REMOVAL LICENCES

The application for either Class A or Class B asbestos removal licences must include the name(s) of the competent person(s) who has been engaged to supervise the asbestos removal work.

If the applicant is an individual who proposes to supervise the carrying out of asbestos removal work, the details must relate to the applicant.

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.

PROOF OF IDENTITY

Applicants including each nominated supervisor are required to provide evidence of identity as set out in clause 492 of the WHS Regulation 2017.

Applicants for an asbestos assessor licence additionally must submit with their application two passport size photographs with their name, date of birth and signature on the back of the photographs.

An applicant for an asbestos removal licence who will be trading under a business name must submit evidence of identity and a copy of their certificate of registration of trading name.

Applicants will be required to have a Justice of the Peace (JP) sign the application form certifying that they have sighted a combination of original documents that in total add up to at least 100 points.

The combination of documents you supply must include the following information:

- your date of birth
- your current residential address
- a recent photograph of yourself
- your signature.

The documents must be current, photocopied and certified by a Justice of the Peace. When providing photocopies of your credit cards or bank account details ensure the account and/or card numbers are covered. If you are producing a birth certificate as evidence of identity, it must be a full Australian birth certificate not an extract.

The following table outlines the acceptable identity documents and their points value.

Document type	Document	Points
Primary documents Only use one document	Australian Birth Certificate / card issued by the Registrar of Births, Deaths and Marriages	70
	Passport – Australian or international (current or expired within the last two years but not cancelled)	70
	Australian citizenship certificate	70
Secondary documents 1. Allowed to use a combination of secondary documents 2. Documents provided must contain the participants full name (not initials)	Current Australian Driver’s licence / permit	40
	Student card issued by a tertiary institution	40
	Utility bill in applicant’s name (e.g. council rates notice, water, power or phone account)	25
	Medicare card	25
	Credit or debit card, passbook or account statement from a financial institution (only one per financial institution can be counted)	25

Nominated supervisors must provide evidence of identification. This evidence must include the following information:

- Supervisors full name
- Date of birth
- a recent photograph
- must be certified by a Justice of the Peace (JP)

HOW TO APPLY FOR A LICENCE

To apply for an asbestos removal licence complete the form *New Application - Class A or Class B Asbestos Removal Licence* (catalogue no. SW09148).

To add an additional supervisor or delete a supervisor or change supervisor's details use the form *Asbestos removal supervisor nomination* (catalogue no. SW08901).

To apply for an asbestos assessor licence complete the form *New Application - Asbestos Assessor Licence* (catalogue no. SW08124).

These forms are available on the SafeWork NSW website.

In order for SafeWork NSW to accept your application, the form must be completed in full, all supporting documentation must be provided and payment of the prescribed fee must be included.

You must:

- provide evidence of identity
- complete the application in the format outlined in this guide, addressing the criteria and providing sufficient evidence of industry experience
- have the relevant training competencies and include copies of the certification.

Where possible please submit all documentation as individual documents to facilitate the review process effectively.

Note: The relevant training certification is collected by SafeWork NSW for the purposes of verifying the qualification documents supporting your application. The information will not be accessed by any third parties in a way that would identify you, unless the disclosure is required by law.

Letters of reference provided by applicants may be subject to a reference check by SafeWork NSW to verify the evidence of experience provided.

All declarations must be completed to the best of the applicant's knowledge and in a manner, that is true and correct. It is an offence under the WHS Act to provide false and misleading information in the application or in any documents submitted in support of the application.

LODGEMENT INSTRUCTIONS

Email: Only applicable for asbestos removal licence applications and renewals
licensing@safework.nsw.gov.au

Post: SafeWork NSW – Locked bag 2906, Lisarow NSW 2252

***All asbestos assessor applications must be sent via post only**

Email or post the application (do not send more than once).

FEES

Refer to the [SafeWork NSW fees schedule](#) on the SafeWork NSW website or call 13 10 50.

Note: where SafeWork NSW refuse or withdraw an application, processing costs have already been incurred. Where the fee is less than \$300 the entire fee is the application processing fee and no refund is payable.

Where the application fee is greater than \$300, then \$300 plus 20% if the application fee is retained.

EXPERIENCE AND QUALIFICATIONS

CLASS A FRIABLE ASBESTOS REMOVAL LICENCE

Each nominated supervisor and if the individual applicant is also the supervisor must have at least three years of relevant industry experience within the last five years from the date of application. Evidence must include a detailed description of tasks performed under the supervision of a nominated supervisor for a least three (3) friable asbestos removal jobs performed over a period of three years that are verifiable by a referee (provide contact details for the referee). In the circumstance where an applicant is unable to provide a minimum of three friable asbestos removal jobs the applicant must advise reasons in writing.

A Reference letter/s must be provided from employer/s (manager, supervisor) or organisation on company letterhead, dated and signed.

The evidence of this experience should be provided as follows:

Experience Table

Date	Project name / location	Removal Work completed	Nominated Supervisor	Supporting Documents
<ul style="list-style-type: none"> <i>Date work completed</i> <i>Duration of job</i> 	<p><i>Asbestos removal project name, site details/ location/ quantities removed</i></p> <p><i>*Minimum of 3 examples over a three year period.</i></p>	<p><i>Type of asbestos removal work carried out. Some examples:</i></p> <ul style="list-style-type: none"> <i>Friable soil</i> <i>Pipe lagging</i> <i>Fire Doors</i> <i>Fire damaged property</i> <i>Water blasting</i> <i>*Evidence should include at least 1 example of encapsulation where reasonably practical</i> 	<p><i>Provide details of the nominated supervisor that supervised this work (include contact details)</i></p>	<p><i>Supporting documents should include where reasonably practical the following:</i></p> <ul style="list-style-type: none"> <i>Site specific Asbestos Removal Control Plan (ARCP)</i> <i>SWMS</i> <i>Tool box talks</i> <i>Air monitoring reports</i> <i>Smoke test</i> <i>Clearance certificates</i>

Provide a copy of the certification that demonstrates the successful completion of the vocational education and training (VET) course for the following:

- CPCCDE3015A - Remove friable asbestos
- CPCCBC4051A - Supervise asbestos removal

Note: Training qualifications for the removal of friable asbestos must be obtained at least three years prior to the commencement of industry experience.

CLASS A FRIABLE ASBESTOS FIRE DOORS AND SAFES ONLY

A Class A asbestos removal licence is required to remove fire doors and safes therefore all qualification requirements for that licence are applicable.

Note: This is a restricted licence for fire doors and safes only. Any applicant who wishes to carry out other Class A friable asbestos removal will be required to apply for a full licence.

A Reference letter/s must be provided from employer/s or organisation on company letterhead dated and signed.

The evidence of this experience should be provided as follows:

Experience Table

Date	Project name/ location	Removal work completed	Nominated supervisor	Supporting documents
<ul style="list-style-type: none"> Date work completed Duration of job 	<p>Asbestos removal project name, site details/ location/ quantities removed</p> <p><i>*Minimum of 3 examples over a three year period.</i></p>	<p>Types of asbestos removal work carried out and duration:</p> <ul style="list-style-type: none"> Fire doors and safes 	<p>Provide details of the nominated supervisor that supervised this work (include contact details)</p>	<p>Supporting documents should include where reasonably practicable the following:</p> <ul style="list-style-type: none"> Site specific Asbestos Removal Control Plan (ARCP) SWMS Clearance certificates

CLASS B NON-FRIABLE ASBESTOS REMOVAL LICENCE

Each nominated supervisor, and if the individual is also the supervisor have at least 12 months relevant industry experience within the last five years from the date of application. Evidence must include a detailed description of at least three (3) non-friable asbestos removal jobs outlining tasks performed by the applicant for that period that are verifiable by a referee (provide contact details for the referee). In the circumstance where an applicant is unable to provide a minimum of three non-friable asbestos removal jobs the applicant must advise reasons in writing.

A Reference letter/s must be provided from employer/s or organisation on company letterhead dated and signed.

The evidence of this experience should be provided as follows:

Experience Table

Date	Project name/ location	Removal work completed	Nominated supervisor	Supporting documents
<ul style="list-style-type: none"> Date work completed Duration of job 	<p>Asbestos removal project name, site details/ location/ quantities removed</p> <p><i>*Minimum of 3 examples over a three year period.</i></p>	<p>Type of asbestos removal work carried out.</p>	<p>Where applicable provide details of the nominated supervisor that supervised this work (include contact details)</p>	<p>Supporting documents should include:</p> <ul style="list-style-type: none"> SWMS Invoices Tip receipts Contracts of work Site specific photos

Provide a copy of the certification that demonstrates the successful completion of the vocational education and training (VET) courses for the following:

- CPCCDE3014A – Remove non-friable asbestos
- CPCCBC4051A – Supervise asbestos removal

Note: Training qualifications for the removal of non-friable asbestos should be obtained at least twelve months prior to the commencement of industry experience.

ASBESTOS ASSESSOR LICENCE

Each applicant must be able to demonstrate the knowledge and skills of friable asbestos removal industry practice gained through training and/or experience within the last five years from the date of application. Evidence may include a detailed description of work experience for at least three (3) jobs under the direct supervision of a licensed asbestos assessor for friable asbestos removal work. For example, preparing asbestos removal control plans, air monitoring, clearance inspections, and issuance of clearance certificates for that period. This must include dates and locations of jobs and a description of the job. It must also include referees that can be contacted to verify the work undertaken.

In the circumstance where an applicant is unable to provide a minimum of three jobs the applicant must advise reasons in writing.

Note: SafeWork NSW will accept a copy of the certification that demonstrates the successful completion of the VET course CPCCDE3015A – Remove friable asbestos as evidence of training, knowledge and skills of a relevant asbestos removal industry practice.

A Reference letter/s must be provided from employer/s or organisation on company letterhead dated and signed.

Evidence of this experience can be provided in the following way:

Experience Table

Date	Project name/ location	Duties performed	Asbestos assessor	Supporting documents
<ul style="list-style-type: none"> • Date work completed • Duration of job 	<p>Asbestos removal project name, site details/ location/ quantities removed</p> <p><i>*Minimum of 3 examples over a three year period.</i></p>	<ul style="list-style-type: none"> • Setup pumps • Smoke testing • Write air-monitoring reports based on results • Conduct clearance inspections • Write clearance certificates • Enclosure testing • Supervise compliance with ARCP and SWMS 	<p>Provide details of the Asbestos Assessor that supervised this work (include contact details)</p>	<ul style="list-style-type: none"> • Development of SWMS & ARCP for friable asbestos removal work • Air monitoring reports • Smoke testing of enclosure • Clearance certificates • Diagrams of friable work areas, location of enclosures, decontamination units, and location of air monitors

Provide the following:

- a copy of the certification that demonstrates the successful completion of the vocational education and training (VET) course for
 - CPCCBC5014A – Conduct asbestos assessment associated with removal, or
- a copy of the certification that demonstrates the successful completion of a tertiary qualification in occupational health and safety or industrial hygiene or science or building construction or environmental health (diploma level and above).

OTHER LICENCE REQUIREMENTS

CERTIFIED SAFETY MANAGEMENT SYSTEM REQUIRED FOR A CLASS A ASBESTOS REMOVAL LICENCE

Applicants for a Class A asbestos removal licence must also submit with the application evidence that they have a certified work health and safety management system in place.

Certified safety management system means a safety management system that complies with AS4801:2001 *Occupational health and safety management systems – Specification with guidance for use*, or an equivalent system determined by SafeWork NSW.

A certified Principal or Lead Auditor if approved, may be eligible to provide a certificate of accreditation, stating that a provider's safety management system complies with the *NSW Government WHS management system auditing guidelines 5th Edition September 2013 (updated May 2014)*. A search register is located on the Exemplar Global website and can be used by anyone looking for a certified auditor around the world.

SafeWork NSW has determined the following types of evidence produced by an applicant will be acceptable:

- AS/NZS 4801:2001 *Certification issued by a Certification Accreditation Body registered with JAS-ANZ*
- NSW Government Procurement Work Health and Safety Management system accreditation, or
- Office of the Federal Safety Commissioner (OFSC) accreditation

SafeWork NSW requires that your CSMS (or equivalent) remains current for the duration of your Class A asbestos removal licence for a 5 year period. If your CSMS expires prior to your Class A asbestos removal licence, you must immediately renew it. Failure to hold a current CSMS (or equivalent) in place may result in cancellation of your licence.

For additional information refer to the [NSW Government website](#).

WORKERS COMPENSATION

Asbestos removal licence holders who are not exempt employers must submit with their application a certificate of currency for workers compensation insurance.

An exempt employer is defined as an employer who during a financial year has reasonable grounds for believing that the total amount of wages that will be payable by them during the financial year to workers employed by them will be not more than the exemption limit for that financial year.

Section 155AA of the *Workers Compensation Act 1987* states that the

...exemption limit for a financial year means \$7,500 or such other amount as may be fixed by the Workers Compensation Market Practice and Premiums Guidelines as the exemption limit for that financial year.

Refer to the [SIRA website](#) for further information.

RESIDENCY/LOCATION

An asbestos removal licence or asbestos assessor licence will not be issued if the applicant holds the equivalent licence under a work health and safety law of another state or territory or the Commonwealth unless the licence is due for renewal.

Subject to the applicant meeting the requirements of the WHS Regulation, SafeWork NSW must issue a licence to an applicant who:

- resides in NSW or if residing outside NSW satisfies SafeWork NSW that the circumstances justify the granting of the licence, or
- if a body corporate applicant has its registered address in NSW or if located outside NSW, satisfies SafeWork NSW that the circumstances justify the granting of the licence.

A circumstance justifying the granting of a licence would be the proximity of the residence / registered address to a state or territory or the Commonwealth work health and safety regulator's office.

RECOGNITION OF INTERSTATE AUTHORISATIONS

In accordance with clause 490 of the WHS Regulation 2017 SafeWork NSW will recognise a current asbestos removal licence or current asbestos assessor licence issued under a corresponding work health and safety law of another state, territory or the Commonwealth that is being used in accordance with the terms and conditions under which it was granted.

Mutual Recognition

Licence Type	State
Asbestos Removal Licence mutually recognised in the following states	South Australia Queensland Tasmania Northern Territory ACT - only for licences issued after 1/1/2015
Asbestos Assessor Licence mutually recognised in the following states	South Australia Queensland Tasmania Northern Territory ACT - only for licences issued after 1/1/2015

DURATION OF LICENCE

An asbestos removal licence or asbestos assessor licence lasts for five years unless cancelled earlier.

CHANGE OF DETAILS

The licensed asbestos removalist or asbestos assessor must give written notice to SafeWork NSW 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.**

Change of details please complete *Change of details application* (catalogue no. SW08163).

Any change of details for nominated supervisors please complete the *Asbestos removal supervisor nomination* (catalogue no. SW08901).

REPLACEMENT LICENCE DOCUMENT

A licence holder must give written notice to SafeWork NSW 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.

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

OBLIGATIONS OF LICENCE HOLDERS

Licensed asbestos removal work can differ greatly depending on the type, quantity and condition of the asbestos or ACM being removed. There are several obligations of a licence holder when carrying out asbestos removal work to ensure it's carried out safely and without releasing airborne asbestos fibres and exposing workers and other persons.

Below is a summary of specific duties of a licence holder:

- For Class A licence holders, a nominated supervisor must be present at site, for a Class B licence holder an nominated supervisor must be readily available or present when work is being carried out
- provide appropriate training and ensure the asbestos removal worker has the required competencies associated with asbestos removal
- preparing a site-specific asbestos removal control plan (ARCP) prior to work commencing
- provide health monitoring to workers carrying out asbestos removal
- prior to carrying out asbestos removal work informing persons in the immediate vicinity that asbestos removal work will be conducted
- obtaining the asbestos register where applicable
- notifying the regulator of the licensed asbestos removal work
- limiting access, displaying signs and installing barricades
- decontamination procedures
- waste containment and disposal to an authorised waste facility (EPA regulations apply)
- clearance inspection and clearance certificate
- air monitoring where applicable.

For more information on the obligations for licensed asbestos removal work please refer to the *Code of Practice: How to safely remove asbestos* and *Code of Practice: How to manage and control asbestos in the workplace*.

HEALTH MONITORING

The WHS Regulation 2017 requires that a PCBU ensure health monitoring is provided to all workers if they are carrying out licenced asbestos removal work, other ongoing asbestos removal work or asbestos related work and is at risk of exposure to asbestos when carrying out the work.

Health Monitoring includes a medical examination to provide an initial baseline medical assessment. Health monitoring must include the following (unless another form of health monitoring is recommended by a registered medical practitioner):

- consideration of the worker's demographic, medical and occupational history
- consideration of records of the worker's personal exposure
- a physical examination of the worker with emphasis on the respiratory system, including standardised respiratory function tests, unless another form of health monitoring is recommended by a registered medical practitioner.

Workers must be informed of any health monitoring requirements before the worker carries out work that may expose them to asbestos.

For further information on Health Monitoring please refer to [Safe Work Australia](#) website.

SUPERVISOR ON SITE OR READILY AVAILABLE

Class A – asbestos removal work:

The licensed asbestos removalist must ensure that the nominated supervisor is present at the site whenever asbestos removal work is being carried out.

Class B – asbestos removal work:

The licensed asbestos removalist must ensure that the nominated supervisor is present at site or, readily available to attend the site whenever Class B asbestos removal work is being carried out. To be considered readily available the nominated supervisor must be contactable by telephone and able to arrive at the site within 20 minutes.

ASBESTOS REMOVAL WORKERS TO BE TRAINED

A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless they are satisfied the worker holds a certification that is relevant to the class of licensed asbestos removal work they will be carrying out.

Workers who are carrying out licensed asbestos removal work must demonstrate they have obtained the relevant units of competency by completing the following vocational education and training (VET) courses:

- CPCCE3015A – Remove friable asbestos
- CPCCE3014A – Remove non-friable asbestos.

Asbestos supervisors are required to complete an additional unit of competency:

- CPCBC4051A – Supervise asbestos removal.

Note: All workers who are carrying out asbestos removal work under 10 square metres must have completed asbestos awareness training prior to any asbestos removal work being carried out as per clause 445 of the WHS Regulation 2017. The content of the asbestos awareness training must include the identification and safe handling of, and suitable control measures for asbestos and ACM. For more information please refer to the [Code of Practice: How to safely remove asbestos.](#)

NOTIFICATION OF ASBESTOS REMOVAL WORK

Notifications are to be made to SafeWork NSW five calendar days prior to the licensed asbestos removal work commencing.

Interstate asbestos removalists operating in NSW must also notify SafeWork NSW when carrying out asbestos removal work in NSW.

Asbestos removalists licensed in NSW and Interstate asbestos removalists operating in NSW can lodge the notification electronically using the [asbestos and demolition online notification system](#) or complete the *Notification of asbestos removal work* (catalogue no. SW08122) available on the SafeWork NSW website.

NOTIFICATION OF RESPIRABLE ASBESTOS FIBRE LEVELS OF MORE THAN 0.02 FIBRES/ML

For Class A work, the licenced asbestos removalist must order removal work to stop and notify SafeWork NSW immediately if respirable asbestos fibre levels exceeds 0.02 fibres/ml in the removal area.

Asbestos removalists in NSW and Interstate asbestos removalists operating in NSW can lodge the notification electronically using the [asbestos and demolition online notification system](#) or complete the *Notification of respirable asbestos fibre levels at more than 0.02 fibres/ml* (catalogue no. SW08879) available on the SafeWork NSW website.

NOTIFICATION OF THE EMERGENCY DEMOLITION OF A STRUCTURE OR PLANT INVOLVING ASBESTOS

The licenced asbestos removalist must notify SafeWork NSW of the demolition or refurbishment of a structure or plant:

- that was constructed or installed before 31 December 2003, and
- is located in either a workplace or a residential premise where an emergency has occurred, and
- the structure or plant must be demolished, and
- asbestos is fixed or installed in the structure or plant before the emergency has occurred.

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

An emergency occurs if:

- a structure or plant is structurally unsound
- collapse of the structure or plant is imminent.

The person with management or control of the workplace or, if in residential premises the licensed asbestos removalist, must notify SafeWork using the asbestos and demolition online notification system or complete the form *Emergency demolition notification where asbestos is involved* (catalogue no SW08902) available on the SafeWork NSW website.

Interstate asbestos removalists operating in NSW must also notify SafeWork NSW by lodging the notification electronically using the asbestos and demolition online notification system or completing the form available on the SafeWork NSW website.

CLEARANCE INSPECTION

As a licensed asbestos removalist, you must ensure that once the asbestos removal work has been completed:

- a clearance inspection is carried out, and
- a clearance certificate in writing is issued before the workplace or residential property can be re-occupied.

Clearance inspections must be carried out and clearance certificates issued by:

- **an independent licensed asbestos assessor**, for work that must be carried out by a Class A licensed asbestos removalist (e.g. if the removal work involved friable asbestos) or,
- **an independent competent person**, for asbestos work that is not required to be carried out by a Class A licensed asbestos removalist (e.g. if removal work involved more than 10 square metres of non-friable asbestos).

As per clause 474 of the WHS Regulation a clearance certificate is required before the asbestos removal area at a workplace or residential property is re-occupied. It is the responsibility of the licensed asbestos assessor or competent person to ensure that the asbestos removal area does not pose a risk to health from exposure to asbestos.

A clearance certificate must NOT be issued unless the licensed asbestos assessor or competent person is satisfied that the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination and if air monitoring was undertaken as part of the clearance inspection, the monitoring must not show respirable asbestos fibre levels greater than 0.01 fibres/ml.

To be independent, the licensed asbestos assessor or competent person must:

- not be involved in the removal of asbestos for that specific job
- not be involved in a business or undertaking involved in the removal of the asbestos for that specific job.

In the circumstance where it is not reasonably practicable for the licensed asbestos assessor or competent person to be independent from the person who carried out the asbestos removal work, an exemption must be obtained from the regulator from this requirement under Part 11.2 of the WHS Regulations.

A person is considered a 'competent person' for the purpose of conducting a clearance inspection and issuing certification in relation to Class B asbestos removal work if they hold:

- a Statement of Attainment for the VET course CPCBC5014A Conduct asbestos assessments associated with removal or its superseded equivalent; or
- a tertiary qualification at the diploma level or above in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

Evidence of one of the above options must be combined with evidence of knowledge and skills of the relevant asbestos removal industry practice.

AUDITS

As part of SafeWork NSW's commitment to keeping NSW workers safe, and to ensure the quality and integrity of all our approved asbestos licence holders, SafeWork NSW will conduct regular audits to strengthen capability within the industry. SafeWork NSW commit to implementing a robust audit program which will ensure compliance with WHS legislation and to avoid any ongoing compliance issues which could lead to the issuance of penalty notices.

An audit is considered a full review of the licence holders WHS management systems and compliance history. Each licence holder will be required to have the following documentation readily available for an Inspector to conduct a full review:

- Asbestos Removal Control Plan (ARCP) (site specific)
- Safe Work Method Statement (SWMS)
- Clearance Certificates
- Evidence of Health Monitoring for all workers
- Licences
- Evidence of training for all workers and nominated supervisors.

In circumstances of non-compliance or direct breaches of legislation significant penalties apply, with fines ranging from \$3,600 for individuals and \$30,000 for body corporate.

LICENCE RENEWAL

Upon renewal SafeWork NSW will review all compliance history of an asbestos licence holder when determining eligibility for renewal.

Circumstances where a licence holder has changed the ABN, you will be required to complete a new application form.

All licence holders must provide with the application a detailed description of at least three (3) asbestos removal or asbestos assessor jobs carried out over the five year term of your licence. In the circumstance where a licence holder is unable to provide a minimum of three (3) jobs the licence holder must advise reason in writing.

For asbestos removal licence holders, the asbestos jobs provided must demonstrate the licence holder and nominated supervisor(s) competency in the asbestos removal work authorised by the licence.

Any asbestos removal work throughout the licence period not carried out by the licence holder or nominated supervisor(s) directly is not considered appropriate evidence to demonstrate competency to grant a renewal.

Example: a licence holder who sub-contracts the asbestos removal work to another licenced asbestos removalist and not directly involved in any aspect of the removal work nor are present on site.

Licence holders must ensure that all nominated supervisor(s) details are updated and current at the time of renewal.

For asbestos assessor licence holders, the evidence of work must demonstrate the licence holder's competency throughout the licence period.

The evidence of work should be provided in the following way:

Evidence of Work Table

Date	Project name/ location	Removal work completed	Nominated supervisor/ Licence holder/ Asbestos assessor	Supporting documents
<i>Date work completed</i> <i>Duration of job</i>	<i>Asbestos removal project name/ notification reference numbers/ site details/ location</i> <i>*min of 3 examples</i>	<i>Type of asbestos removal work carried out</i>	<i>Provide details of the nominated supervisor that supervised this work</i>	<i>Supporting documents should include:</i> <ul style="list-style-type: none"> • References • Invoices • Site specific photos • Site specific ARCP • SWMS • Tip receipts • Clearance certificates • Clearance inspections • Notification reference numbers

HOW TO APPLY FOR A RENEWAL

Complete the form *Renewal Application - Class A or Class B Asbestos Removal Licence* (catalogue no. SW09149).

Complete the form *Renewal Application - Asbestos Assessor Licence* (catalogue no. SW9146).

These forms are available on the SafeWork NSW website.

GRANTING/RENEWAL/REFUSING

WHAT DOES THE REGULATOR TAKE INTO ACCOUNT WHEN DECIDING WHETHER TO GRANT OR RENEW A LICENCE

SafeWork NSW will consider the following when making a decision to issue an asbestos removal licence or an asbestos assessor licence:

- Whether the applicant is competent to carry out this type of work to which the application relates. To be competent the applicant and/or nominated supervisor(s) must:
 - provide evidence of the successful completion of the required VET courses or tertiary qualifications
 - hold a current General Construction Induction Card
 - demonstrate industry and operational experience.
- Whether an equivalent licence is held by the applicant under the work health and safety law of another state or territory or the Commonwealth and whether the licence is due for renewal.
- Whether the applicant lives in NSW or if a body corporate applicant has its registered address in NSW. Where the applicant resides/is located outside NSW, the applicant must satisfy SafeWork NSW there are special circumstances that justify the granting of the licence.
- Whether nominated supervisor(s) and if the applicant is the supervisor the applicant, is at least 18 years of age.
- Whether the applicant is disqualified under a corresponding work health and safety law of another state or territory or the Commonwealth from holding an equivalent licence.
- Whether the applicant in making the application has given information that is false or misleading or has failed to provide information that should have been provided in the application.
- Whether the applicant is able to ensure that work or other activities to which the licence relates is carried out safely and competently in compliance with any conditions on the licence. In making its decision SafeWork NSW will consider whether the applicant and in the case of a body corporate and each officer of the body corporate:
 - has been convicted or found guilty of any offence under the WHS Act or the WHS Regulation or under the work health and safety law of another state or territory or the Commonwealth
 - has been convicted or found guilty of any offence in relation to the unlawful disposal of hazardous waste under the Protection of the *Environment Operations Act 1997*
 - has previously been refused an equivalent licence under the work health and safety law of another state or territory or the Commonwealth
 - previously held an equivalent licence under the work health and safety law of another state or territory or the Commonwealth with
 - condition and/or whether the licence was suspended or cancelled and whether a disqualification period had been applied
 - has entered into an enforceable undertaking under the WHS Act or under the work health and safety law of another state or territory or the Commonwealth
 - An enforceable undertaking is an alternative to court action for an alleged breach of the Act. It is a legal agreement in which the employer takes on the obligation to carry out specific activities to improve not only worker health and safety, but also deliver benefits to industry and the broader community.

- Compliance record with respect to any matters arising under the WHS Act or the WHS Regulation or under the work health and safety law of another state or territory or the Commonwealth. In respect to compliance records SafeWork NSW will consider the following in making a decision, current and previous suspension, cancellation or disqualification. A previous refusal of a licence by any work health and safety regulator. History of compliance to any condition of the licence and/or any requirement to improve or modify performance and improvement and prohibition notices that have been issued.
- For the granting of an asbestos assessor licence or renewal of an asbestos assessor licence that the applicant/licence holder has agreed to have their details published in a public register pursuant to clause 702B of the WHS Regulation 2017.
- For the renewal of an asbestos removal licence SafeWork NSW will in addition consider matters including:
 - whether asbestos removal work relevant to the licence type has been carried out during the preceding term of the licence
 - whether written evidence was submitted with the application of any training/reassessment or taken any other action imposed as a condition on the licence
 - whether the applicant has declared that the applicant or supervisor named by the applicant (as applicable) has maintained his or her competency to carry out the work covered by the licence.

If SafeWork NSW decides to grant the licence, it must notify the applicant within 14 days after making the decision. If SafeWork NSW does not make a decision within 120 days after receiving the application, or the additional information requested under clause 496 of the WHS Regulation, is insufficient, the applicant will be notified in writing that the application has been refused.

IMPOSING CONDITIONS ON A LICENCE

SafeWork NSW may impose conditions on an asbestos removal or asbestos assessor licence. Conditions that may be imposed include:

- control measures to be implemented in carrying out of the work
- record keeping
- requiring the licence holder or nominated supervisor of the licence holder to undertake retraining or reassessment during the term of the licence
- provision of information to SafeWork NSW
- nature of work or activities authorised by the licence
- circumstances in which work may be carried out.

The imposition of conditions on a licence is a reviewable decision. See section titled 'Application for review of decision'.

SafeWork NSW may on its own initiative, amend an asbestos removal licence or asbestos assessor licence including varying or deleting a condition or imposing a new condition on the licence.

If SafeWork NSW proposes to amend a licence, it must provide written notice to the licence holder that includes setting out the proposed amendment and the reasons for it and advising the licence holder that they may be a specified date (not being less than 28 days after giving the notice), make a submission in relation to the proposed amendment.

After the specified date, SafeWork NSW must:

- if the licence holder made a submission, consider the submission
- whether or not the licence holder made a submission, decide whether or not to make the proposed amendment or a different amendment resulting from consideration of the submission received.

Within 14 days after making a decision SafeWork NSW must provide written notice to that licence holder that:

- sets out the amendment, if any, or states that no amendment is to be made
- if a submission was made in relation to the proposed amendment, sets out SafeWork's reasons for making the amendment
- specifies the date, not being less than 28 days after the licence holder is given notice, on which the amendment takes effect.

A decision to amend a licence is a reviewable decision.

REFUSING TO GRANT OR RENEW AN ASBESTOS REMOVAL OR ASBESTOS ASSESSOR LICENCE

SafeWork NSW must refuse to issue a licence or renew a licence if satisfied that the applicant:

- has been disqualified under the work health and safety law of another state or territory or the Commonwealth from holding an equivalent licence
- in making the application has given information that is false or misleading or did not provide information that should have been provided.

If SafeWork NSW proposes to refuse to grant the licence or renewal, it must provide written notice to the applicant:

- informing the applicant of the reasons for the proposed refusal
- advising the applicant that they may, by a specified date (not being less than 28 days after giving the notice), make a submission in relation to the proposed refusal.

After the specified date SafeWork NSW must:

- if the applicant has made a submission, consider the submission
- whether or not the applicant has made a submission, decide whether to grant or refuse to grant the licence
- within 14 days after making the decision, give the applicant written notice of the decision including reasons for the decision.

The refusal to grant a licence or renew a licence is a reviewable decision.

CANCELLATIONS/SUSPENSIONS OF A LICENCE

SafeWork NSW may suspend or cancel an asbestos removal licence or asbestos assessor licence for one or more of the following:

- The licence holder has failed to ensure that the work or other activities authorised by the licence are carried out safely and competently.
- The licence holder has failed to comply with a condition of the licence
- The licence holder has given false or misleading information or failed to give information that should have been given in the application for the granting of a licence or renewal of the licence or where requested by SafeWork NSW.
- The licence holder of an asbestos removal licence does not have a qualified nominated asbestos removal supervisor.
- In relation to a Class A asbestos removal licence, the licence holder has failed to have a certified safety management system in place.
- In relation to an asbestos removal licence, the licence was granted or renewed on the basis of certification that was obtained on the basis of giving of false or misleading information by any person or body.

In making a decision to cancel or suspend a licence, SafeWork NSW must consider the following:

- any submission made by the licence holder
- advice received from another work health and safety regulator.

Additionally, SafeWork NSW must take into account any relevant matter, including:

- any offence under the WHS Act or WHS Regulation or under the work health and safety laws of another state or territory or the Commonwealth, of which the licence holder has been convicted or found guilty
- any refusals, suspensions or cancellations of an equivalent licence applied for or held under the WHS Act or WHS Regulation or under the work health and safety laws of another state, territory or the Commonwealth
- any enforceable undertaking that has been entered into by the licence holder under the WHS Act or work health and safety laws of another state, territory or the Commonwealth
- the licence holder's record in relation to any matters arising under the WHS Act or WHS Regulation or under the work health and safety laws of another state or territory or the Commonwealth.

IMMEDIATE SUSPENSION

SafeWork NSW may immediately suspend an asbestos removal licence or asbestos assessor licence without giving prior notice under clause 524 of the WHS Regulation if:

- work carried out under the licence should cease because the work may involve an imminent serious risk to the health and safety of any person, or
- another state or territory or the Commonwealth work health and safety regulator has suspended an equivalent licence held by the licence holder.

If SafeWork NSW decides to immediately suspend the licence, it must give the licence holder written notice of the suspension and the reasons for the suspension. The suspension of the licence takes effect on the giving of the notice.

SafeWork NSW may in addition to the notice of suspension under clause 524(2) of the WHS regulation give notice to the licence holder giving them not less than 28 days to make a submission in relation to the suspension. SafeWork NSW must issue this notice within 14 days of the notice advising of the suspension.

If SafeWork NSW does not give notice under 524(3) of the WHS Regulation, the suspension of the licence ends at the end of the 14 days. If notice is given the licence remains suspended until a decision is made.

NOTICE TO AND SUBMISSIONS BY THE LICENCE HOLDER (PRIOR NOTICE)

Except where suspension action is taken under clause 524, before suspending or cancelling an asbestos removal licence or asbestos assessor licence SafeWork NSW must:

- give the licence holder written notice of the proposed suspension, cancellation or disqualification that outlines all relevant allegations, facts and circumstances known to SafeWork NSW.
- advise the licence holder that they may, by a specified date (not being less than 28 days after giving the notice), make a submission to SafeWork NSW in relation to the proposed suspension or cancellation and any proposed disqualification.

NOTICE OF THE DECISION

SafeWork NSW must give the licence holder written notice of a decision to suspend or cancel an asbestos removal licence or an asbestos assessor licence within 14 days after the decision is made. The notice must state that the licence is to be suspended or cancelled and, if the licence is suspended the notice must state:

- when the suspension begins and ends and the reasons for the suspension
- whether the licence holder is required to obtain retraining or reassessment or take any other action before the suspension ends
- whether or not the licence holder is disqualified from applying for a further licence during the suspension
- when the licence document must be returned to SafeWork NSW.

If the licence is to be cancelled, the notice must state when the cancellation takes effect and the reasons for the cancellation and whether or not the licence holder is disqualified from applying for a further licence.

If the licence holder is disqualified from obtaining a further licence or authorisation the notice must state:

- when the disqualification begins and ends
- reasons for the disqualification
- whether or not the disqualification ending is conditional upon the licence holder obtaining retraining, reassessment or taking any other action and any class of licence or authorisation under the WHS Regulation that the licence holder must not apply for during the disqualification.

APPLICATION FOR REVIEW OF DECISION

The table in clause 676 of the WHS Regulation sets out decisions that are reviewable (reviewable decisions) and who is eligible (eligible person) to apply for the review of a reviewable decision.

The applicant is the eligible person to request a review of a decision to refuse to grant or refuse to renew a licence and for the imposition of a condition on a licence or the imposition of a condition on the renewal of a licence, and for the refusal to issue a replacement licence document (clauses 497, 501, 501, 513, and 517 of the WHS Regulation)

The licence holder is the eligible person to request a review of the decision to cancel or suspend a licence or a decision to disqualify the licence holder from applying for another licence, and for the decision, initiated by the regulator to amend a licence (clauses 520 and 508 of the WHS Regulation).

INTERNAL REVIEW

An application for internal review allows SafeWork NSW's decision to be reviewed by an officer who was not involved in the original decision. A written application for the internal review of a reviewable decision is made using the application form provided by SafeWork NSW. The application must be lodged within 28 days of the day on which the decision first came to the eligible person's notice or such longer periods as SafeWork NSW allows (clause 678(1) of the WHS Regulation).

The internal reviewer may:

- confirm or vary the reviewable decision, or
- set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

If the reviewable decision is not varied or set aside within the 14 day period the reviewable decision is taken to have been confirmed (clause 680(6) of the WHS Regulation).

SafeWork NSW will give the applicant written notice of the decision on the internal review and reasons for the decision within 14 days of making the decision (clause 681 of the WHS Regulation).

An application for an internal review does not affect the operation of the original decision or prevent the taking of any lawful action to implement or enforce the decision, though once the decision on internal review is made if a new decision is substituted then that new decision takes effect (clause 682 of the WHS Regulation).

EXTERNAL REVIEW

If the applicant or licence holder is not satisfied with the decision on internal review, they can apply to the NSW Civil and Administrative Tribunal (NCAT).

FURTHER INFORMATION

For notification enquiries contact Asbestos and Demolition Services on (02) 8260 5885 or email adu@safework.nsw.gov.au.

For all general enquiries, contact SafeWork NSW on 13 10 50 or email contact@safework.nsw.gov.au.

EXPERIENCE TABLE TEMPLATES

CLASS A FRIABLE ASBESTOS REMOVAL

Date	Project name / location	Removal Work completed	Nominated Supervisor	Supporting Documents

CLASS B NON- FRIABLE ASBESTOS REMOVAL

Date	Project name / location	Removal Work completed	Nominated Supervisor	Supporting Documents

ASBESTOS ASSESSOR

Date	Project name / location	Removal Work completed	Asbestos Assessor	Supporting Documents

