

Asbestos licensing and notification guide for applicants

Use this guide if you are:

- applying for an asbestos removal work licence
- applying for an asbestos assessor licence
- notifying of asbestos removal work, asbestos fibres and emergency demolition of structures containing asbestos.

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Introduction

The Work Health and Safety Regulation 2011 (WHS Regulation) provides for the licensing of asbestos removal work and asbestos assessor work. It also requires notification to Workplace Health and Safety Queensland (WHSQ):

- of licensed asbestos removal work
- when results of air monitoring during Class A asbestos removal work show the concentration of respirable fibres is more than 0.02 fibres/ml
- before the demolition of a pre-31 December 1989 building or a pre-31 December 2003 non-building structure or plant in an emergency situation where asbestos is fixed or installed in the structure or plant.

Why you need a licence

The 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 Act 2011* (WHS Act) imposes penalties on people who carry on work at a workplace without authorisation where the regulations require that work to be authorised. Part 8.10 of the WHS Regulation requires authorisation (in this case licensing) for certain asbestos removalists and assessors.

Why you need to notify

Notifications of licensed asbestos removal work and emergency demolition provide risk based information to WHSQ 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 or debris (ACD). [sections 485 and 487 of the WHS Regulation].

A Class B asbestos removal licence allows the licence holder to remove more than 10 square metres of non-friable asbestos and ACD associated with the removal of more than 10 square metres of non-friable asbestos. [section 487 of the WHS Regulation]

An asbestos assessor licence is required for air monitoring, clearance inspections and clearance certificates for Class A removal work (friable asbestos removal work). [section 489 of the WHS Regulation].

Scope

Class A asbestos removal licence

A Class A asbestos removal licence is required for the removal of friable asbestos or ACD. [section 485 of the WHS Regulation].

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. [Schedule 19 of the WHS Regulation].

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. [section 486 of the WHS Regulation].

A Class A asbestos removal licence holder is also authorised to carry out Class B asbestos removal work.

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.

A 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.

[section 487 of the WHS Regulation].

Asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos. [Schedule 19 of the WHS Regulation].

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. [section 489 of the WHS Regulation].

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, that is, for Class B asbestos removal work. [section 473 (2) of the WHS Regulation].

Who may apply for a licence

Only a person who conducts, or proposes to conduct, a business or undertaking may apply for an asbestos removal licence. [section 491 (1) of the WHS Regulation]. Person conducting a business or undertaking (PCBU) is defined in section 5 of the WHS Act.

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

Only an individual holding the qualifications set out in section 495 of the WHS Regulation may apply for an asbestos assessor licence. [section 491 (2) of the WHS Regulation].

Supervisor for Class A asbestos removal licences

The application for a Class A asbestos removal licence must include the name/s of the competent person/s who has been engaged to supervise the asbestos removal work. [sections 493 (1) (a) and 494 (1) (a) of the WHS Regulation].

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

Age restrictions

Each nominated supervisor for a class A asbestos removal licence 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. [sections 493 (1) (b), 493 (2) and 494 (1) (b), 494 (2) of the WHS Regulation]. Evidence of age is required.

Experience and qualifications

Class A asbestos removal licence

Each nominated supervisor and if the individual applicant is also the supervisor, then the applicant must have at least three years of relevant industry experience. [sections 493(1) (d) and 493 (2) of the WHS Regulation].

Workplace Health and Safety Queensland requires such experience to be demonstrated by submitting, with the application form, a description of the work undertaken over a three 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 units of competency:

- CPCBC4051A Supervise asbestos removal
- CPCDE3015A Remove friable asbestos

[sections 493 (1) (c) and 494 (2) of the WHS Regulation].

Named person for Class B asbestos removal licence

In Queensland, an application for a Class B asbestos removal licence must include information about a person who proposes to carry out Class B asbestos removal work under the licence. The application must include the person's name and evidence the person has certification in either of the following VET courses:

- CPCDE3014A *Remove non-friable asbestos*; or
- CPCDE3015A *Remove friable asbestos*.

If the applicant is an individual who proposes to carry out the Class B asbestos removal work (e.g. a self-employed person), the information provided must be about the individual. For other applicants, information must be provided about a qualified person who will be carrying out Class B asbestos removal work for the licence holder.

Asbestos assessor licence

The applicant must demonstrate through training or experience the knowledge and skills of the relevant asbestos removal industry practice. [section 495 (a) of the WHS Regulation]

Competencies required

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

- the VET course for asbestos assessor work (CCPCBC5014A Conduct asbestos assessment associated with removal)
- a tertiary qualification in occupational health and safety or industrial hygiene or science or building construction or environmental health.

[section 495 (b) of the WHS Regulation].

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 at the time of lodging their application for a licence. [section 493 (1) (e) of the WHS Regulation].

Certified work health and safety management system means a work health and safety management system that complies with AS 4801:2001 (Occupational health and safety management systems), or an equivalent system determined by Workplace Health and Safety Queensland (WHSQ). [Schedule 19 of the WHS Regulation].

WHSQ have deemed that the AS 4801:2001 compliant safety management system or equivalent certified safety management system must be provided by:

- i. a JAS-ANZ accredited conformity assessment body, or
- ii. an Exemplar Global (previously known as RABQSA) certified auditor, or
- iii. another person deemed to be suitably qualified by the regulator

JAS-ANZ is the government-appointed accreditation body for Australia and New Zealand responsible for providing accreditation of conformity assessment bodies (CABs) in the fields of certification and inspection. Accreditation by JAS-ANZ demonstrates the competence and independence of these CABs. *For further information please visit the JAS-ANZ web site at www.jas-anz.com.au.*

Exemplar Global (previously known as RABQSA) is an independent body providing certification of auditors of management systems including Work Place Health and Safety Management Systems. *For further information please visit the RABQSA web site at www.rabqsa.com*

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. [section 492 (2) (e) of the WHS Regulation].

Residency/location

An asbestos removal licence or asbestos assessor licence will not be issued if the applicant holds an equivalent licence under a work health and safety (WHS) law of another state or territory or the Commonwealth unless the licence is due for renewal [section 497 (2) (b) of the WHS Regulation].

Subject to the applicant meeting other requirements of the WHS Regulation, WHSQ must issue an asbestos licence or asbestos assessor licence to an applicant who:

- Resides in Queensland or if residing outside the Queensland satisfies the WHSQ of circumstances justifying the granting of the licence [section 497 (2) (c) of the WHS Regulation]; or
- If a corporate body applicant has its registered address in Queensland, or if located outside Queensland, satisfies WHSQ of circumstances justifying the granting of the licence. [sections 497 (1) and 497 (2) (d) of the WHS Regulation].

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

All applicants must provide evidence of their identity. [section 492 (2)(b) of the WHS Regulator].

Corporate body 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 a copy of the supervisor's current Queensland driver's licence or a driver's licence of another state or territory. If this type of identification is not available for the supervisor any other form of government issued photographic identity card is acceptable.

Duration of licence

An asbestos removal licence or asbestos assessor licence lasts for five years unless cancelled earlier. [section 503 of the WHS Regulation].

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. [section 490 of the WHS Regulation].

How to apply for a licence

The application for an asbestos removal or asbestos assessment must be lodged with WHSQ. [section 492 of the WHS Regulation].

Post applications to:

Licensing and Advisory Services
Workplace Health and Safety Queensland
PO Box 820
Lutwyche 4030
QLD

In order for WHSQ to accept the application, the form must be completed in full, all supporting documentation must be provided and payment of the prescribed fee must be included. [section 492(3) of the WHS Regulation]

The regulations require that the applicant for a Class A asbestos removal licence provides details of a competent, qualified and experienced person (or persons) nominated to perform the supervisory requirements when removing asbestos from a site. [sections 492 and 493 of the WHS Regulation].

The regulations require that the applicant for a Class B asbestos removal licence provides details of a qualified person to perform Class B asbestos removal work under the licence [sections 492 and 494 of the WHS Regulation].

Asbestos assessors are required to provide their own details of competency, qualification and skills and these are to be submitted with the application. [section 495 of the WHS Regulation]

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.

Failure to provide the information may result in the application being withdrawn. [section 496 of the WHS Regulation]

The application form is available on the internet and must be down loaded with the form guide for completion.

Fees

View the list of scheduled fees at worksafe.qld.gov.au/oir-fees. GST does not apply to fees.

Please note that fees are reviewed annually and fee changes may occur from 1 July each year.

Granting/renewal/refusing

What does the regulator take into account when deciding whether to grant or renew a licence

Workplace Health and Safety Queensland will consider the following in making a decision for the issue of an asbestos removal licence or assessor licence or the renewal of an asbestos removal licence or assessor licence:

- Whether an equivalent licence is held by the applicant under the WHS law of another state or territory or the commonwealth and whether the licence is due for renewal.
- Whether the applicant lives in Queensland or if a corporate body applicant has its registered address in Queensland. Where the applicant resides/is located Queensland, the applicant must satisfy WHSQ there are special circumstances that justify the grant of the licence.
- Whether the applicant has provided evidence of the successful completion of the required competencies and/or other qualifications and experience.

- Whether a nominated supervisor for Class A asbestos removal licences, and if the applicant is the supervisor the applicant, is at least 18 years of age.
- Whether the applicant is disqualified under a corresponding WHS 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 WHSQ will consider:
 - Whether the applicant has been convicted or found guilty of any offence under the WHS Act or the WHS Regulation or under the WHS law of another state or territory or the Commonwealth or the *Waste Reduction and Recycling Act 2011*; and
 - Whether the applicant or in the case of a body corporate, any officer of the body corporate has been convicted or found guilty of any offence in relation to the unlawful disposal of hazardous waste under *Environmental Protection Act 1994*; and
 - Whether an equivalent licence or other authorisation held by the applicant or in the case of a corporate body, any officer of the corporate body has been refused or suspended or cancelled under the WHS Act or the WHS Regulation or under the WHS law of another state or territory or the Commonwealth; and
 - Whether the applicant or in the case of a corporate body, any officer of the corporate body has entered into an enforceable undertaking under the WHS Act or under the WHS law of another state or territory or the Commonwealth.

An enforceable undertaking is an alternative to court action for an alleged breach of the WHS 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.

- The applicant or in the case of a corporate body, any officer of the corporate body compliance record with respect to any matters arising under the WHS Act or the WHS Regulation or under the WHS law of another state or territory or the Commonwealth. In respect to compliance record, WHSQ will consider the following in making a decision, current and previous suspension, cancellation or disqualification. A previous refusal of a licence by any WHS 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.

[sections 497, 498, 499 and 500 of the WHS Regulation].

- For the renewal of an asbestos removal licence WHSQ 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. [section 518 (b) of the WHS Regulation].
- Whether written evidence was submitted with the application of any retraining/reassessment or taken other action imposed as a condition on the licence.
- Whether the application for renewal was submitted before the expiry of 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. [section 516 of the WHS Regulation].

If WHSQ decides to grant the licence, it must notify the applicant within 14 days after making the decision. [section 497 (4) of the WHS Regulation].

If WHSQ does not make a decision within 120 days after receiving the application, the application is taken to have been refused. [section 497 (5) of the WHS Regulation].

Granting of a conditional licence

Workplace Health and Safety Queensland may impose conditions on an asbestos removal or asbestos assessor licence when granting or renewing the licence. Conditions that may be imposed include:

- control measures to be implemented in carrying out of the work
- record keeping
- requiring the licence holder to undertake training or obtain information
- provision of information to WHSQ
- nature of work or activities authorised by the licence
- circumstances in which work may be carried out.

[section 502 of the WHS Regulation].

The imposition of conditions on a new licence or the renewal of a licence is a reviewable decision. See section titled 'Application for review of decision' below.

Amendment imposed by the regulator

Workplace Health and Safety Queensland 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 WHSQ proposes to amend a licence it must provide written notice to the licence holder that includes reasons for the proposed amendment and advising the licence holder that they may, by a specified date (not being less than 28 days after the giving of the notice) make a submission in relation to the proposed amendment.

After the specified date WHSQ must:

- If the licence holder made a submission consider the submission and,
- 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 WHSQ must provide written notice to the licence holder that:

- Sets out the amendment; and
- If a submission was made in relation to the proposed amendment, sets out the reasons for making the amendment; and
- 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. [section 508 of the WHS Regulation]

Refusing to grant or renew an asbestos removal or asbestos assessor licence

Workplace Health and Safety Queensland must refuse issue a licence or renew a licence if satisfied that the applicant:

- Has been disqualified under the WHS law of another state or territory or the Commonwealth from holding an equivalent licence. (Mandatory refusal). [section 497 (3) (a) of the WHS Regulation].
- In making the application has given information that is false or misleading or did not provide information that should have been provided. (Mandatory refusal). [sections 497 (3) (b) of the WHS Regulation].

If WHSQ 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; and
- 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 WHSQ must:

- If the applicant has made a submission, consider the submission ; and
- Whether or not the applicant has made a submission, decide whether to grant or refuse to grant the licence; and
- 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. [section 501 of the WHS Regulation]

Obligations

Change of details

The licensed asbestos removalist or asbestos assessor must advise WHSQ 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 for class A asbestos removal licences. [section 506 of the WHS Regulation].

Supervisor on site or readily available

If the asbestos removal work requires a class A licence, the Class A asbestos removal licence holder must ensure the nominated supervisor is present at the asbestos removal area whenever the asbestos removal work is being carried out. For class A asbestos removal licences, the nominated supervisor is the person nominated as supervisor to the regulator by the licence holder.

If the asbestos removal work requires a class B licence and is carried out by more than one person, the licence holder must ensure a nominated supervisor is readily available to a worker carrying out asbestos removal work whenever the work is being carried out. For class B asbestos removal licences, the nominated supervisor means a person the licence holder is satisfied:

- is at least 18 years old; and
- holds a certification for the specified VET course for either class A asbestos removal work or class B asbestos removal work; and
- has a least 1 year of relevant industry experience.

[section 459 of the WHS Regulation].

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 the worker holds a certification in the specified VET course relevant to the class of licensed asbestos removal work to be carried out.

The specified VET courses are as follows:

- CPCCE3015A Remove friable asbestos
- CPCCE3014A Remove non-friable asbestos

A licensed asbestos removalist must provide site specific training to the worker.

[section 460 of the WHS Regulation]

Replacement licence document

The holder of an asbestos removal licence or an asbestos assessor licence must notify WHSQ 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. [section 513 of the WHS Regulation].

Cancellations/suspensions of a licence

Workplace Health and Safety Queensland may suspend or cancel an asbestos removal licence or asbestos assessor licence if it is satisfied about one or more of the following:

- The licence holder has failed to ensure that the work or other activities authorised by the licence were 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 grant of a licence or renewal of the licence or where requested by WHSQ.
- The licence holder of a class A 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 renewal licence, the licence was granted or renewed on the basis of certification that was obtained on the basis of the giving of false or misleading information by any person or body.

In making a decision regarding these first two points above [section 520(1) (a) and (b) of the WHS Regulation], WHSQ must take into account any relevant matter, including:

- Any offence under the WHS Act or the WHS Regulation or under the WHS laws of another state or territory or the Commonwealth, of which the licence holder has been convicted or found guilty.
- Any suspensions or cancellations of an equivalent licence or other authorisations held under the WHS Act or the WHS Regulation or under the WHS laws of another state or territory or the Commonwealth.
- Any enforceable undertaking that has been entered into by the licence holder under the WHS Act or the WHS laws of another state or territory or the Commonwealth.
- The licence holder's record (compliance record) in relation to any matters arising under the WHS Act or the WHS Regulation or under the WHS laws of another state or territory or the Commonwealth.

[section 521 (2) of the WHS Regulation].

Notice to and submissions by the licence holder (prior notice)

Before suspending or cancelling an asbestos removal licence or asbestos assessor licence WHSQ must:

- Give the licence holder written notice of the proposed suspension or cancellation or disqualification that outlines all relevant allegations, facts and circumstances known to WHSQ.
- Give the licence holder not less than 28 days to make submissions to WHSQ in relation to the proposed suspension or cancellation and any proposed disqualification.

[section 522 of the WHS Regulation].

Notice of the decision

Workplace Health and Safety Queensland 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, 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; and
- Any class of licence or authorisation under the WHS Regulation that the licence holder must not apply for during the suspension.

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 or 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.

The notice must also state when the licence document must be returned to WHSQ. [section 523 of the WHS Regulation].

Immediate suspension

Workplace Health and Safety Queensland may immediately suspend an asbestos removal licence or asbestos assessor licence without giving prior notice, 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
- another state or territory or the Commonwealth regulator has suspended an equivalent licence held by the licence holder.

[section 524 (1) of the WHS Regulation]

If WHSQ 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. [section 524 (2) of the WHS Regulation].

Workplace Health and Safety Queensland may in addition to the notice of suspension [section 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. Workplace Health and Safety Queensland must issue this notice within 14 days of the notice advising of the suspension. [section 524 (3) of the WHS Regulation].

If WHSQ does not give notice [section 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. [section 524 (5) of the WHS Regulation].

Workplace Health and Safety Queensland must return the licence document to the licence holder within 14 days after the licence suspension ends. [section 526 of the WHS Regulation].

A decision to suspend or cancel a licence or to disqualify a licence holder from applying for a further licence is a reviewable decision. [section 520 of the WHS Regulation].

Notification of licensed asbestos removal work

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

- Asbestos removal work requiring a Class A asbestos removal licence; or
- Asbestos removal work requiring a Class B asbestos removal licence.

Five days notice of licensed 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 means the supply of gas, water, sewerage, telecommunications, electricity and similar services; chemicals, fuel and refrigerant in pipes or lines. [section 5 of the WHS Regulation]

Where asbestos removal is required immediately WHSQ must be notified:

- Immediately by telephone; and
- In writing within 24 hours after WHSQ is notified by telephone. [section 466 of the WHS Regulation].

Notification of respirable asbestos fibre levels of more than 0.02 fibres/ml during class A asbestos removal work

The licensed asbestos removalist must notify WHSQ immediately when the results of air monitoring during class A asbestos removal work show the concentration of respirable fibres is more than 0.02 fibres/ml. [section 476 (1) (b) (ii) of the WHS Regulation]. As well as the notification obligation, the WHS Regulation imposes other obligations on the licensed asbestos removalist where fibres are at this level, to stop work and implement controls [section 476 (1) of the WHS Regulation].

Emergency demolition notification

Although the WHS Regulation does not require WHSQ 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 WHSQ for the demolition of a structure or plant:

- That was a building constructed before 31 December 1989 or a non-building structure or plant constructed or installed before 31 December 2003 [section 447 (1) of the WHS Regulation]; 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.

[sections 454 (1) and 455 (1) of the WHS Regulation].

An emergency occurs if a structure or plant is structurally unsound or collapse of the structure or plant is imminent. [sections 454 (4) and 455 (4) of the WHS Regulation].

Who must notify and when

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

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

How to notify

Notifications are required to be made to WHSQ; refer to the WHSQ website www.worksafe.qld.gov.au for more information and the correct form to complete to submit a notification to WHSQ.

Information to be provided to the regulator

Notification of licensed asbestos removal work

Where asbestos is required to be removed immediately the licensed asbestos removalist must telephone WHSQ immediately and should provide the following information:

- Name of the licensed removalist.
- Address of the workplace where the asbestos is to be removed.
- Reason for the immediate need to remove the asbestos.

A written notification for licensed asbestos removal work requires the following information to be provided to WHSQ:

Licensed removalist details:

- Name that appears on the asbestos removalist licence and their registered business (trading) name.

- State/territory or Commonwealth that issued the licence.
- Australian Business Number (ABN).
- Licence number.
- Licence class (either Class A or Class B)
- Business contact details.

Supervisor details:

- Name and business contact details of the supervisor for the Class A asbestos removal work or Class B asbestos removal work being carried out by more than one person.

Competent person or licensed assessor details:

- The name of the competent person or licensed asbestos assessor engaged to carry out a clearance inspection and issue a clearance certificate.

Note: Friable asbestos removal (Class A asbestos removal work) requires a licensed assessor to undertake the clearance inspection and issue the clearance certificate. Non – friable asbestos removal work (Class B asbestos removal work) only requires a competent person to undertake the clearance inspection and issue the clearance certificate.

Details of the person for whom the work is being carried out:

- Name and contact details.

Details of the workplace (site) where the notifiable asbestos is to be removed:

- Name of the person or organisation conducting a business or who has control of the workplace and the registered business (trading) name.
- Address of the workplace. If the workplace is large, the specific location of the asbestos to be removed.
- The kind of workplace.

Notification details:

- The notification must be dated.

Date when asbestos removal is to be undertaken:

- The date when the asbestos removal work is expected to commence.
- The date when the asbestos removal work is expected to finish.

Details of the asbestos:

- Type of asbestos to be removed (friable or non friable); and
- Estimated quantity of asbestos to be removed.

Details of work methods:

- The number of workers to be used for the asbestos removal.

- For each worker, their competency in carrying out asbestos removal work.
- If friable asbestos is to be removed, the method to be used to enclose the removal area.

[section 466 of the WHS Regulation].

Immediate notification of respirable asbestos fibres

A licensed removalist should provide the following information when making an immediate or telephone notification to WHSQ for air monitoring results of more than 0.02 fibres/ml:

- name of licensed removalist
- address of worksite
- date on which the notification of the asbestos removal was made to WHSQ
- the submission of a copy of the air monitoring results, as soon as practical.

Written notification of a demolition emergency

A person should provide the following information when making a written notification for emergency work:

- name and contact details of the person with management or control of the workplace or name of person who will be carrying out the demolition at a domestic premise
- address of the worksite or domestic premises
- nature of the emergency.

Application for review of decision

The table in section 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 [section 501 of the WHS Regulation] and for the refusal to issue a replacement licence document [section 513 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 [section 520 of the WHS Regulation] and for the decision, initiated by the regulator to amend a licence [section 508 of the WHS Regulation].

Internal review

An application for internal review allows WHSQ's decision to be reviewed and possibly changed by a person 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 WHSQ. The application must be lodged with 28 days of the day on which the decision first came to the eligible person's notice or such longer period as WHSQ allows. [section 678 (1) of the WHS Regulation].

The internal reviewer may:

- confirm or vary the reviewable decision

- set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

[section 680 (2) of the WHS Regulation].

If the reviewable decision is not varied or set aside within the 14 day period the reviewable decision is taken to have been confirmed by the internal reviewer. [section 680 (6) of the WHS Regulation].

Workplace Health and Safety Queensland 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. [section 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. [section 682 of the WHS Regulation].

External review

If the applicant or licence holder is not satisfied with the decision on internal review, they can appeal the stay of decision pursuant to section 229 of the WHS Act.

Further information

Should further clarification be required in reference to matters detailed in this guide, contact WHSQ Advisory Services on 1300 362 128.

Legislation

The *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011* can be accessed via the WHSQ home page at www.worksafe.qld.gov.au.

List of jurisdiction contacts

Jurisdiction	Name of regulator	Telephone	Web site
Commonwealth	Comcare	1300 366 979	www.comcare.gov.au
New South Wales	WorkCover NSW	13 10 50	www.workcover.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	www.worksafe.vic.gov.au
South Australia	SafeWork SA	1300 365 255	www.safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000	www.worksafety.act.gov.au
Tasmania	Workplace Standards TAS	1300 366 322 (Inside Tasmania) (03) 62337657 (Outside Tasmania)	www.wst.tas.gov.au
Northern Territory	NT WorkSafe	1800 019 115	www.nt.gov.au/justice/worksafe

Checklists

Checklist for asbestos removal licence	
	<p>Application form is complete including a signature in the declaration.</p> <p>The declaration must be signed by each individual in the partnership or unincorporated association. Copy and complete the declaration for each individual and submit with the application form.</p>
	Fee has been submitted
	Certified copy of registration of business name has been submitted, if applicable
	Corporate body applicants to submit a copy of their Certificate of Registration (Issued by Australian Securities and Investment Commission) or a certified copy of a Certificate of Incorporation (issued by the State/Territory Regulator), whichever is applicable.
	Supervisors have been nominated for class A asbestos removal licences.
	For each supervisor nominated for a class A asbestos removal licence, certified copy of the document showing successful completion of the specified VET courses CPCBC4051A Supervise asbestos removal and CPCDC3015A Remove friable asbestos.
	Description of the work performed that is supported by references over a three year period for friable or Class A asbestos removal licence has been submitted.
	References supporting work experience may be from employers/licence holders or supervisors who are nominated supervisor for friable asbestos work for a Class A asbestos removal licence application.
	Evidence of a certified safety management system that complies with AS 4801:2001. Only required for Class A asbestos applications and renewals.
	For a class B asbestos removal licence, a copy of the document showing a person named in the application has successfully completed one of the following specified VET courses – CPCDC3014A <i>Remove non-friable asbestos</i> or CPCDC3015A <i>Remove friable asbestos</i>

Checklist for asbestos assessor licence	
	Application form is complete including a signature in the declaration.
	Fee has been submitted.
	Certified copy of documentation showing the successful completion of the specified VET course for asbestos assessors or the tertiary qualification has been submitted.
	The tertiary qualification must be in occupational health and safety or industrial hygiene or science or building construction or environmental health.
	Description of work experience that includes referees and their contact details has been submitted.