

Asbestos Removalist Licences Guidelines

Workplace Health and Safety Act 1995

GB231
June 2010

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1. Scope

Under the Workplace Health and Safety Regulations 1998, removal of asbestos or Asbestos-Containing Materials (ACM) may only be done by a person who holds a current asbestos removalist licence, unless the work is Exempt Removal work as defined in the regulations.

This document sets out:

- (a) The procedures for applying for an asbestos removalist licence; competencies required to be an asbestos removalist;
- (b) The assessment of applicants;
- (c) The requirements for those licensed as asbestos removalists;
- (d) Management system requirements for Class A (friable) asbestos removalists.

Note: The requirements for the licensing of asbestos removalists may be altered to reflect changes in Tasmanian legislation, relevant approved codes of practices or Australian Standards as they occur.

2. Objective

The licensing system aims to protect asbestos removal workers, building occupants and the public by ensuring that contractors have the appropriate skills, training and experience in asbestos removal to prevent occupational and environmental contamination.

Because the level of risk associated with friable asbestos removal is acknowledged to be greater than with bonded asbestos, two levels of operator competency and licence class have been established.

CLASS A Asbestos Removalist Licence: Approval to remove all types of asbestos and asbestos-containing materials (ACM).

CLASS B Asbestos Removalist Licence: Approval to remove only non-friable, or bonded, types of asbestos-containing materials. (For example: asbestos-cement products (sheet, pipe), floor and wall tiles, gaskets and pipe sealants.)

A person may apply to the Director for an asbestos removalist licence. Once a licence is granted, the licence holder assumes the responsibility for any asbestos removal work that the licence holder performs or any asbestos removal work performed by any person employed or contracted by the licence holder.

3. References

- 3.1 *Workplace Health and Safety Act 1995.*
- 3.2 *Workplace Health and Safety Regulations 1998.*
- 3.3 Australian Safety and Compensation Council (ASCC), Code of Practice for the Safe Removal of Asbestos, 2nd edition, NOHSC: 2002 (2005).

4. Competencies for becoming a licensed asbestos removalist

An applicant for either a Class A or Class B licence must be able to meet the following criteria:

- (a) Have an understanding of occupational health and safety together with a sound knowledge of the responsibilities an asbestos removalist as prescribed in legislation and the relevant codes of practice;
- (b) Have attended and successfully completed a relevant course in asbestos removal conducted by an 'approved authority' (See Schedule 1 of the Regulations);
- (c) Have relevant work experience;
- (d) Have access to appropriate equipment necessary to perform the removal of asbestos or asbestos containing material, and be capable of using it in a safe manner.
- (e) Be capable of providing appropriate supervision and training of any employee removing asbestos or asbestos-containing materials;
- (f) Be the holder of a workers compensation insurance policy, or be able to verify that a policy will be issued upon granting of an asbestos removalist licence, covering all workers who may undertake asbestos removal work;
- (g) Does not suffer from any ailment or impediment or dependence that may hinder or obstruct his or her capacity to conduct the activities of an asbestos removalist.

5. Applying for a licence

In order to obtain an asbestos removalist licence, a person must:

- (a) Complete an application form;
- (b) Attach to the application form copies of all relevant documentation, e.g. courses successfully completed; work experience; work history; confirmation of possession or availability of asbestos removal equipment;

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- (c) Submit the completed application form and copies of documentation together with the application fee to your local:

Service Tasmania Shop

- Note:**
- (i) The application fee is non-refundable.
 - (ii) As much relevant information as possible should be included in support of the application.
 - (iii) Original documentation must not be included with the application.
 - (iv) Application forms are available from www.wst.tas.gov.au or by contacting Workplace Standards Tasmania, Helpline on 1300 366 322 (Inside Tasmania) or (03) 6233 7657 (Outside Tasmania).

6. Assessment of an application for an asbestos removalist licence

The assessment of an applicant for an asbestos removalist licence consists of three parts:

- (1) An evaluation of the application and documentation submitted.

All documentation submitted is reviewed and verified as to its authenticity. Any falsification of documentation found will result in the application being rejected. Once the evaluation is completed and found to have met the criteria, the applicant will be requested to attend an office of Workplace Standards Tasmania to undertake the second part of the assessment consisting of;

- (2) A written examination. This is an open-book examination; reference material is permitted in the examination room.

Class A Licence: The examination is of 3¹/₂ hours duration.

Class B Licence: The examination is of 1¹/₂ hours duration.

To achieve competency, an applicant for either class of licence must achieve an overall pass of 80%.

- (3) A panel interview. The applicant is made aware of their responsibilities as a removalist licensed under the legislation. There are opportunities for the applicant to ask any questions about the process.

7. Issue of Asbestos Removalist Licence

If the results of the assessment and written examination confirm that an applicant has the necessary competencies to conduct asbestos removal work, then the applicant will be advised that a licence will be granted.

A licence, together with a Licence Number, will only be issued once the appropriate licence fee has been paid.

No asbestos removal work, except for Exempt Removal work as defined in the regulations, is permitted until such time as the licence has been issued.

Note: A person issued with a Class B Licence shall not perform any asbestos removal work for which a Class A licence is required.

8. Operational procedures

8.1 A licensed asbestos removalist must have procedures for:

- (a) Ensuring that asbestos removal functions and asbestos assessment or inspection functions are clearly separated to ensure that final clearance inspections certificates can be issued in accordance with Part 11 of the Code of Practice.
- (b) Dealing with complaints;
- (c) Any other procedures that may be necessary to meet the requirements of legislation, standards and codes of practice relevant to the work for which a licence has been granted.

8.2 A licensed asbestos removalist must identify, meet and adhere to all necessary requirements to ensure the safety of any person during all phases of an asbestos removal operation.

9. Viability

The employer of a licensed asbestos removalist must provide the removalist with the necessary resources to effectively perform their duties and meet responsibilities for which the licence has been granted.

10. Employees and sub-contractors

In the event that a licensed asbestos removalist employs any person or contractor to perform asbestos removal work, the licensee is responsible for the actions and supervision of that person or contractor.

The licensed asbestos removalist must ensure that:

- (a) The person or contractor engaged to perform asbestos removal work is competent to perform the required work and able to comply with the criteria stipulated in this guide, the requirements of legislation and code of practice and any other requirements for the work being employed or sub-contracted;
- (b) The person or contractor engaged to perform asbestos removal work is provided with the necessary training to ensure that any asbestos removal work is done in a safe manner and in accordance with the relevant regulations and code of practice.

11. Management system requirement — Class A Licence only

Applicants for a Class A licence must have a documented safety or quality management system in place. The system must specifically include asbestos removal work in the scope.

The safety or quality management system must be maintained while the removalist is licensed for Class A removal work. It must be regularly reviewed and kept up to date, and be audited to the satisfaction of Workplace Standards Tasmania. Records of all reviews and audits must be maintained and be available for inspection.

12. Records

12.1 A licensed asbestos removalist must maintain a suitable record system, satisfying any legal and legislative requirements.

12.2 The record system may be hardcopy or computer-based or a combination of both.

13. Audits

Licensed asbestos removalists will be audited by Workplace Standards to ensure compliance with licence conditions, the regulations and the Code of Practice.

For audit purposes:

- (a) Licensed asbestos removalists may be called upon to produce records required to be kept under the regulations and those pertaining to asbestos removal work carried out;
- (b) On-site inspections where asbestos removal work is in progress may be undertaken by officers from Workplace Standards Tasmania to ensure the maintenance of procedures, equipment and all other matters relating to the removal of asbestos;
- (c) Clients of a licensed asbestos removalist may be selected at random and interviewed by Workplace Standards Tasmania.

14. Renewal of an asbestos removalist licence

14.1 (a) The licence is valid for a period of three years.

(b) Renewal of a licence is the responsibility of the licensed asbestos removalist.

14.2 Applications for renewal of an asbestos removalist licence must be made on the appropriate form (Form ARL01) and be accompanied by the appropriate fee (See Section 17).

14.3 Any application for renewal of licence should be lodged at least 21 days before its expiry date. Failure to submit an application in sufficient time may result in a licence lapsing and rendering the applicant unable to undertake asbestos removal other than exempt removal work.

14.4 As part of the process for renewing a licence the work history of the applicant over the previous licence period and the results of any audits conducted will be taken into account.

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- 14.5 Licensed asbestos removalists who have not conducted any removal work during a licence period, or have allowed their renewal to lapse for a period of ninety days or more, will be required to follow the same procedures as for an initial application, that is,
- (a) Submit a new application form, including all the substantiating documentation and the assessment fee, to Workplace Standards Tasmania;
 - (b) Undertake a written examination and an interview in order to demonstrate current competency.

15. Suspension or cancellation of licence

Where inappropriate standards of operation or behaviour are identified, the licence of an asbestos removalist may be suspended or cancelled. In keeping with the regulations and code of practice, some examples of actions that may result in suspension or cancellation of an asbestos removalist licence are:

- (a) Failure to follow the recommendations of the Code of Practice;
- (b) Performing any asbestos removal work in such a manner as to expose any person to a health risk from asbestos, that could reasonably have been avoided;
- (c) Failure to provide appropriate training in asbestos removal techniques and personal hygiene relevant to asbestos removal prior to an employee or other person commencing this type of work including failing to ensure provision for the particular training requirements of non-English speaking workers;
- (d) Failure to adequately supervise persons employed or engaged to perform asbestos removal work for the licensee;
- (e) An unsatisfactory record of Notices issued by inspectors from Workplace Standards Tasmania in relation to asbestos removal work performed during the current licence period;
- (f) Non-compliance with any Notice issued by inspectors from Workplace Standards Tasmania;
- (g) Any convictions under the *Workplace Health and Safety Act 1995* or any other occupational health and safety legislation;
- (h) Failure to notify Workplace Standards Tasmania of asbestos removal work as required by the regulations;
- (i) Provision of false or misleading information in regard to the application for an asbestos removalist licence;
- (j) Any physical or mental disability that may prevent the licensee from performing or supervising any asbestos removal work in accordance with the regulations or code of practice;
- (k) Failure to comply with any conditions of licence;

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- (l) Failure to maintain an appropriate Quality or Safety Management System;
 - (m) A 'Class B' licence holder undertaking 'Class A' asbestos removal work.

Note: The above is not a complete list of possible reasons for cancellation or suspension of a licence. Each situation will be considered on a case-by-case basis.

16. Additional requirements

16.1 A licensed asbestos removalist must:

- (a) Comply with the requirements of the *Workplace Health and Safety Act 1995* and the *Workplace Health and Safety Regulations 1998*;
- (b) Meet all the requirements of *Workplace Standards Tasmania*;
- (c) Claim recognition only in respect of work for which the licence has been issued and which is performed in accordance with these requirements and any other criteria required by *Workplace Standards Tasmania*.

16.2 It is recommended that when making reference to the licence in documents, brochures or advertising, the licensed asbestos removalist clearly makes reference to the class of licence (Class A or Class B), the type of asbestos they are licensed to remove and the licence number issued by *Workplace Standards Tasmania*.

17. Payment

Lodgement of form and payment of fees should be made at Service Tasmania. Fees are noted on the application form or can be located at www.wst.tas.gov.au/fees

- Note:**
- (i) The Application Fee is non-refundable in any event.
 - (ii) All fees are payable to Service Tasmania.

18. Sources of documentation

- Legislation, available from Print Applied Technology Pty Ltd.
- Code of Practice for the safe removal of asbestos, 2nd edition, NOHSC: 2002 (2005), available from Australian Safety and Compensation Council (ASCC).
- Australian Standards, available from Standards Australia.

19. More information

For more information, contact:

Workplace Standards Tasmania

PO Box 56, Rosny Park 7018

Ph: 1300 366 322 (within Tasmania)

(03) 6233 7657 (outside Tasmania)

Fax: (03) 6233 8338

Email: wstinfo@justice.tas.gov.au

Web: www.wst.tas.gov.au