



Australian Government

Comcare

# NOTIFICATION OF LICENSED ASBESTOS REMOVAL WORK

Comcare has provided this notification form to assist licensed asbestos removalists to meet their obligations under the *Work Health and Safety Regulations 2011* (WHS Regulations).

Regulation 466 requires a licensed asbestos removalist to give written notice to Comcare of the licensed asbestos removal at least five days before removal work is commenced.

Where asbestos is to be removed immediately, the licensed asbestos removalist must telephone Comcare immediately on 1300 366 979, and complete and submit this form within 24 hours of the telephone notification.

Immediate removal of asbestos may be commenced if:

- > there is a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres, or
- > an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue.

## PRIVACY AND PERSONAL INFORMATION

Any personal information collected by Comcare in this form is for the purpose of administering and enforcing the *Work Health and Safety Act 2011* (WHS Act) and WHS Regulations.

Comcare collects, uses, discloses and stores information in accordance with the WHS Act, WHS Regulations, and the *Privacy Act 1988* (the Privacy Act). Personal information may be used or disclosed in accordance with the Privacy Act when required or authorised by law. For further information on how Comcare manages privacy, please visit [www.comcare.gov.au/about\\_us/privacy](http://www.comcare.gov.au/about_us/privacy).

## INSTRUCTIONS

Guidance for the completion of this form is provided at the end of the form. For further assistance please contact Comcare's WHS Helpdesk on 1300 366 979.

Completing this form ensures that the information provided to Comcare is sufficient to comply with the notification requirements under regulation 466 of the WHS Regulations.

**see Guidance 1**

## LODGING YOUR NOTIFICATION

Written notifications can be provided to Comcare by:

- > Email: [notify@comcare.gov.au](mailto:notify@comcare.gov.au), or
- > Fax: 1300 305 916

# 1. NOTIFICATION TYPE

A.  Written notice to Comcare of licensed asbestos removal work which will commence at least five (5) days after the date this notice is given to Comcare [subregulation 466(1)].

OR

B.  Written notice following telephone notification given to Comcare concerning the immediate licensed asbestos removal work to be commenced [subregulation 466(3)(b)].

## Telephone notification to Comcare

Date  /  Time (approximate)

Name of Comcare personnel spoken to

### see Guidance 2

The removal of 10 square metres or less of non-friable asbestos is not licensed asbestos removal work for the purposes of the WHS Act and is not required to be notified to Comcare.

# 2. LICENSED ASBESTOS REMOVALIST

Name on asbestos removalist licence

Registered business name of the licence holder  Australian Business Number

Licence number  Licence expiry date  /  State, territory or Commonwealth that issued the licence

Licence class  Class A (friable asbestos)  Class B (non-friable asbestos)

## Business contact details

Telephone  Fax

Email

# 3. SUPERVISOR OF THE ASBESTOS REMOVAL WORK

## Contact details

Mr  Mrs  Miss  Ms

First name  Surname

Telephone (work)  Mobile

Email

### see Guidance 3

## 4. PERSON TO CONDUCT CLEARANCE INSPECTION AND ISSUE CLEARANCE CERTIFICATE

Independent licensed asbestos assessor  Independent competent person

Mr  Mrs  Miss  Ms

First name	<input type="text"/>	Surname	<input type="text"/>
Telephone (work)	<input type="text"/>	Mobile	<input type="text"/>
Email	<input type="text"/>		

If it is not reasonably practicable for the licensed asbestos assessor or competent person to be 'independent' you must apply to Comcare for an exemption under Part 11.2 of the WHS Regulations (Note under regulation 473(3)).

see Guidance 4

## 5. PERSON FOR WHOM THE WORK IS CARRIED OUT

Registered business or company name

Or

Personal name (if applicable)

Mr  Mrs  Miss  Ms

First name	<input type="text"/>	Surname	<input type="text"/>
Telephone (work)	<input type="text"/>	Mobile	<input type="text"/>
Email	<input type="text"/>		

## 6. DETAILS OF THE WORKPLACE WHERE THE ASBESTOS IS BEING REMOVED

The asbestos removal area is

Domestic premises  A workplace

If the area is a workplace, what kind? (e.g. warehouse, office, ship)

Person with management or control of the workplace

Registered business or company name

Address where the asbestos removal will take place

Street no.	<input type="text"/>	Street name	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>	Postcode	<input type="text"/>

Specific location of the asbestos removal within the site (i.e. if the site is a large workplace)

## 7. DETAILS OF THE LICENSED ASBESTOS REMOVAL WORK

Date the asbestos removal work is expected to commence

Date the asbestos removal work is expected to finish

Type of asbestos to be removed

- Friable asbestos (Class A)  
 Non-friable asbestos (Class B)

If friable asbestos is to be removed, describe the way the area of removal will be enclosed

Estimated quantity of asbestos to be removed (m2)

The number of workers who are to carry out the asbestos removal work

**Name and competency details of each worker who is to carry out asbestos removal work**

First name	Surname	Competency details

## 8. PERSON COMPLETING THIS FORM

Mr  Mrs  Miss  Ms

First name

Surname

Telephone (work)

Mobile

Email

Position or role within business or undertaking

## 9. APPLICANTS DECLARATION

I declare that:

- > I have authority from the body corporate to complete and submit this notification (body corporate notifiers)
- > the information in this notification is true and correct to the best of my knowledge
- > I consent to Comcare making inquiries and exchanging information with other work health and safety regulators in the Commonwealth, states and territories regarding any matter relevant to this notification.

Name

Signature

Date

Tick box to confirm declaration if submitting by email (signature not required)

# GUIDANCE

## Disclaimer

These guidance notes provide a basic and general overview of their subject matter only. They are not a substitute for independent professional advice and cannot be relied on as a statement of the law relating to the WHS Act or the WHS Regulations. Comcare recommends duty holders obtain appropriate independent professional advice relevant to their particular needs and circumstances.

## 1. Who owes the duty to notify Comcare of licensed asbestos removal work?

It is the duty of the licensed asbestos removalist to notify Comcare of the asbestos removal work.

You will be a licensed asbestos removalist if you are a person conducting a business or undertaking who is licensed under the WHS Regulations to carry out Class A or Class B asbestos removal work.

This includes asbestos removalists who have been granted an asbestos removal licence by a state or territory regulator under any of the laws set out in regulation 6A of the WHS Regulations, who will conduct licensed asbestos removal work at any workplace of the Commonwealth, a Commonwealth public authority or a non-Commonwealth licensee.

### What is 'licensed asbestos removal work'?

Licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required. This definition can be found in regulation 5.

Regulation 485 provides that a person must not carry out certain friable asbestos removal work at a workplace unless they, or the person they work for, hold a Class A asbestos removal licence. This regulation also provides that a PCBU must not direct or allow a worker to carry out certain friable asbestos removal work unless the PCBU holds a Class A asbestos removal licence.

Regulation 487 provides that a person must not carry out certain non-friable asbestos removal work at a workplace unless they, or the person they work for, hold either a Class A or Class B asbestos removal licence. This regulation also provides that a PCBU must not direct or allow a worker to carry out certain non-friable asbestos removal work unless the PCBU holds a Class A or Class B asbestos removal licence.

### Does the removal of less than 10 square metres of non-friable asbestos or ACM need to be notified to Comcare pursuant to regulation 466?

No. In accordance with regulations 485 and 487, a Class A or Class B asbestos removal licence is not required where the asbestos or ACM is non-friable and the removal work is less than 10 square metres..

### Can I, submit one notification to cover licensed asbestos removal work at multiple workplaces?

No. It is a requirement that you notify Comcare of each workplace you are commissioned to undertake licensed asbestos work on separate notification forms.

Please be aware that an asbestos removal control plan must be prepared for each workplace at which licensed asbestos removal work is undertaken, in accordance with regulation 464.

## 2. What does this notification duty require me to do?

If you are a licensed asbestos removalist and you carry out asbestos removal work requiring a Class A or Class B asbestos removal licence, you will be required to notify Comcare of that work (regulation 466 of the WHS Regulations).

Specifically, you are required to either:

**A.** Provide a notification to Comcare at least five (5) days before you commence the licensed asbestos removal work [subregulation 466(1)].

or

**B.** Where the asbestos must be removed immediately due to a sudden or unexpected event that may cause exposure to respirable asbestos fibres, or where an unexpected breakdown of an essential service requires immediate rectification to enable the service to continue, provide:

a) immediate notice by telephone to Comcare on 1300 366 979; and

b) written notice to Comcare within 24 hours of that telephone notification [subregulation 466(3)].

### **What information needs to be included in a notification of licensed asbestos removal work?**

Subregulation 466(4) of the WHS Regulations sets out the information that must be provided to Comcare. This notification form has been designed to capture all of that information.

### **What types of urgent asbestos removal work can commence without providing Comcare five (5) days advance written notice?**

You can commence licensed asbestos removal work without providing Comcare five (5) days advance written notice, provided there is a need to remove the asbestos immediately due to:

(a) a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres; or

(b) an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue [subregulation 466(2)].

However, in these circumstances, immediate telephone notice must be given to Comcare, on 1300 366 979. In addition, you must provide written notice to Comcare within 24 hours of notifying Comcare by telephone [subregulation 466(3)].

### **What is an essential service?**

Essential services means the supply of:

(a) gas, water, sewerage, telecommunications, electricity and similar services; or

(b) chemicals, fuel and refrigerant in pipes or lines.

(regulation 5)

I have already notified another regulator about this licensed asbestos removal work. Do I still need to notify Comcare about the same work?

You may be required to notify both Comcare and a state or territory work health and safety regulator about the same licensed asbestos removal work.

If you are unsure whether you are also required to notify the relevant state or territory work health and safety regulator, you should contact that regulator.

### 3. Supervisor of the asbestos removal work

The licensed asbestos removalist must ensure that the asbestos removal work is supervised by the supervisor named in the Notification of Licensed Asbestos Removal Work (regulation 529).

### 4. Person to conduct clearance inspection and issue clearance certificate

Regulation 473 requires licensed asbestos assessors and competent persons carrying out clearance inspections to be independent.

Class A (friable) asbestos removal work requires a licensed asbestos assessor to undertake the clearance inspection and issue the clearance certificate.

Class B (non-friable) asbestos removal work only requires a competent person to undertake the clearance inspection and issue the clearance certificate.

(regulations 473 and 474)

#### **Competent person**

A competent person, for the purposes of performing a clearance inspection under regulation 473 and preparing a clearance certificate under regulation 474, means a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- (i) a certification in relation to the specified VET course for asbestos assessor work; or
- (ii) a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health (regulation 5).

If it is not reasonably practicable for the licensed asbestos assessor or competent person to be independent, the licensed asbestos removalist may apply to Comcare for an exemption under Part 11.2 of the regulations from the requirement that the assessor or competent person be independent (see Note under regulation 473(3)).