



**Australian Government**

**Comcare**

# **ASBESTOS LICENSING**

**Guide for Applicant's for  
Asbestos Removal Licences**

# CONTENTS

ASBESTOS REMOVAL LICENCES	4
INTRODUCTION	4
SCOPE	4
Class A asbestos removal licence	4
Class B asbestos removal licence	4
WHO MAY APPLY FOR A LICENCE?	5
HOW TO APPLY FOR A LICENCE?	5
DURATION OF A LICENCE	5
CONTENT OF APPLICATION	5
Content of Class A asbestos removal licence	5
Content of Class B asbestos removal licence	6
CERTIFIED SAFETY MANAGEMENT SYSTEM	6
INDUSTRY EXPERIENCE	6
Class A asbestos removal licence	6
Class B asbestos removal licence	6
QUALIFICATIONS	7
ADDITIONAL INFORMATION	7
CHANGES TO INFORMATION	7
RECOGNITION OF STATE AND TERRITORY ISSUED ASBESTOS LICENCES	7
LICENCE DOCUMENT TO BE AVAILABLE	7
CONDITION OF A LICENCE	7

REPLACING A LICENCE	8
RENEWING A LICENCE	8
REFUSAL TO GRANT A LICENCE	8
VOLUNTARY SURRENDER OF A LICENCE	8
SUSPENSION OR CANCELLATION OF A LICENCE	9
NOTICE OF THE DECISION	9
INTERNAL REVIEW OF DECISIONS	10
EXTERNAL REVIEW OF DECISIONS	10
ADDITIONAL INFORMATION	10
PRIVACY AND PERSONAL INFORMATION	11
APPLICATION CHECKLIST	11
DEFINITIONS	11

# ASBESTOS REMOVAL LICENCES

## INTRODUCTION

This guide has been developed to assist you in understanding your responsibilities under the *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in regard to asbestos removal licences.

Part 8 of the WHS Regulations outlines the provisions for the licensing of asbestos removal work.

It is an offence under Section 43 of the *Work Health and Safety Act 2011* (WHS Act) for a person to carry out work at a workplace if the WHS Regulations require the work or class of work to be carried out by, or on behalf of, an authorised person and that person is not so authorised. It is also an offence for a person conducting a business or undertaking (PCBU) to direct or allow a worker to carry out unauthorised work.

## SCOPE

A PCBU that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work for which they have been engaged. The WHS Regulations recognises two classifications of asbestos removal licences—a Class A or Class B asbestos removal licence.

### CLASS A ASBESTOS REMOVAL LICENCE

A person must hold a Class A asbestos removal licence if the person is required to remove friable asbestos or asbestos-contaminated dust or debris (ACD).

Friable asbestos means material that contains asbestos and is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry.

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

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 not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

### CLASS B ASBESTOS REMOVAL LICENCE

A person must hold a Class B asbestos removal licence if the person is required for the removal of more than 10 square metres of non-friable asbestos or asbestos containing material (ACM) or ACD associated with the removal of more than 10 square metres of non-friable asbestos.

ACM means any material or thing that, as part of its design, contains asbestos.

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

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

# 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.

# HOW TO APPLY FOR A LICENCE?

1. To apply for an asbestos removal licence applicants must complete the approved Comcare *Application for an asbestos removal licence* form.
2. Applicants seeking to nominate more than one supervisor or to change the details of their nominated supervisor must use Comcare's *Asbestos removal licence—Supervisor nomination* form.
3. Applicants wishing to update personal details previously provided to Comcare may update these details using the approved *Asbestos licensing—Change of details* form.

All forms are available on Comcare's website and upon completion may be submitted to [WHS.Asbestos@comcare.gov.au](mailto:WHS.Asbestos@comcare.gov.au).

# DURATION OF A LICENCE

An asbestos removal licence is issued for a duration of five years, unless it is otherwise cancelled.

# CONTENT OF APPLICATION

Applicants wishing to obtain an asbestos removal work must complete Comcare's approved *Application for an asbestos removal licence* form.

As a component of the application process, applicants will also need to submit the following information to Comcare:

# CONTENT OF CLASS A ASBESTOS REMOVAL LICENCE

1. The names of 1 or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence.
2. Evidence, that each named supervisor is at least 18 years of age.
3. A copy of the certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work.
4. Evidence that each named supervisor has at least three years of relevant industry experience.
5. Evidence that the applicant has a certified safety management system in place.

If the applicant is an individual who proposes to supervise the carrying out of the Class A asbestos removal work, the statement and information referred to in items 2, 3 and 4 must relate to the applicant.

## CONTENT OF CLASS B ASBESTOS REMOVAL LICENCE

1. The name of one or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence.
2. Evidence that each named supervisor is at least 18 years of age.
3. A copy of the certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work.
4. Evidence that each named supervisor has at least one year of relevant industry experience.

If the applicant is an individual who proposes to supervise the carrying out of the Class B asbestos removal work, the statement and information referred to in items 2, 3 and 4 must relate to the applicant.

## CERTIFIED SAFETY MANAGEMENT SYSTEM

Applicants wishing to obtain a Class A asbestos removal licence must submit evidence they have a certified work health and safety management system in place at the time of lodging their application for a licence.

A certified safety management system means a safety management system that complies with *AS/NZS 4801:2001—Occupational health and safety management systems*, or an equivalent system determined by the Regulator.

## INDUSTRY EXPERIENCE

### CLASS A ASBESTOS REMOVAL LICENCE

Applicant's and/or nominated supervisors wishing to obtain a Class A removal licence, must have at least three years relevant industry experience in the removal of friable asbestos.

Comcare requires applicants to demonstrate their experience by submitting, with the application form, a description of the work undertaken over a three year period. This description of work must be supported by references relevant to the specified three year period. References may include references from PCBU's/licence holders, supervisors who are nominated supervisors for friable asbestos licence holders.

### CLASS B ASBESTOS REMOVAL LICENCE

Applicants and/or nominated supervisors wishing to obtain a Class B removal licence must have at least 12 months industry experience in the removal of non-friable asbestos.

Comcare requires applicants to demonstrate their experience by submitting, with the application form, a description of the work undertaken over a 12 month period. This description of work must be supported by references relevant to the specified 12 month period. References may include references from PCBU's/licence holder or supervisors who are nominated supervisors for non-friable asbestos work.

# QUALIFICATIONS

The WHS Regulations require applicants to submit a copy of the certification that evidences the successful completion of the vocational education and training (VET) course that was undertaken in regard to the relevant asbestos licence for which they have applied.

# ADDITIONAL INFORMATION

If an application for a licence does not contain sufficient information to enable the Regulator to make a decision, Comcare may ask the applicant to provide additional information. A request for information may be made more than once.

Should the applicant fail to provide the additional information by the requested date, the application is taken to be withdrawn.

# CHANGES TO INFORMATION

The licence holder of an asbestos removal licence must give Comcare written notice of any change to any information given at any time by the licence holder. This information must be provided within 14 days after the licence holder becomes aware of the change.

Applicants are to complete the Comcare *Asbestos licensing—Change of details* form to update their personal information.

# RECOGNITION OF STATE AND TERRITORY ISSUED ASBESTOS LICENCES

Comcare recognises a current asbestos removal licence that has been granted under a corresponding WHS law and is being used in accordance with the terms and conditions under which it was granted.

# LICENCE DOCUMENT TO BE AVAILABLE

The WHS Regulations require a licence holder to keep the licence document and ensure that the licence document is available for inspection under the WHS Regulations.

# CONDITION OF A LICENCE

Comcare may impose any condition it considers appropriate on an asbestos removal licence.

Comcare may impose conditions in relation to one or more of the following:

1. Control measures which must be implemented in relation to carrying out work or activities under the licence.
2. Recording or keeping of information.
3. Requiring the licence holder, or a nominated supervisor to undergo retraining or reassessment during the term of the licence.
4. The nature of work or activities authorised by the licence.
5. The provision of information to the Regulator.

# REPLACING A LICENCE

The licence holder must give Comcare written notice as soon as practicable if the licence document is lost, stolen or destroyed.

Applicants will be required to complete the Application for an asbestos removal licence as a 'replacement' to be issued a replacement licence document.

Applicants are required to provide a description of the circumstance under which the licence was lost, stolen or destroyed.

Should Comcare refuse to issue a replacement licence document, the licence holder will be provided written notice of this decision within 14 days of the decision being made.

# RENEWING A LICENCE

Applicants seeking a renewal of their asbestos licence must complete the Comcare 'Application for an Asbestos Removal Licence' form.

Applications for the renewal of an asbestos removal licence must be made before the expiry of the licence.

Comcare will not renew an asbestos licence unless satisfied that:

1. Each supervisor named by the applicant
  - i. holds a certification for the specified VET course for supervision of the asbestos removal work to be authorised by the licence
  - ii. has appropriate experience in the asbestos removal work to be authorised by the licence.
2. Asbestos removal work of the type authorised by the licence has been carried out on behalf of the applicant during the term of the licence.

# REFUSAL TO GRANT A LICENCE

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

- > has been disqualified under a corresponding WHS law from holding an equivalent licence
- > in making the application, given information that is false or misleading or did not provide information that should have been provided.

# VOLUNTARY SURRENDER OF A LICENCE

A licence holder may voluntarily surrender their asbestos removal licence to Comcare. The licence expires and is no longer valid on the surrender of the licence document.



# SUSPENSION OR CANCELLATION OF A LICENCE

Comcare may suspend or cancel an asbestos removal licence if satisfied about one or more of the following:

1. The licence holder has failed to ensure that the work or activities authorised by the licence are carried out safely and competently.
2. The licence holder has failed to ensure compliance with a condition placed on the licence, including a condition requiring the licence holder or a nominated supervisor of the licence holder to undergo retraining or reassessment during the term of the licence.
3. The licence holder, in the application for grant or renewal of the licence or on request for additional information, has given false or misleading material information.
4. 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 false or misleading information to any person or body.
5. In relation to a Class A asbestos removal licence—the licence holder has failed to have a certified safety management system in place.
6. The licence holder does not have a qualified nominated asbestos removal supervisor.

If Comcare suspends or cancels a licence, Comcare may disqualify the licence holder from applying for another licence of the same type or another licence under the WHS Regulations to carry out work which required skills that are the same or similar to those required for the work authorised by the licence that has been suspended or cancelled.

A decision to suspend a licence, cancel a licence or to disqualify the licence holder from applying for a further licence is a reviewable decision.

## NOTICE OF THE DECISION

Comcare must give the licence holder written notice of a decision to suspend or cancel an asbestos removal licence. The notice is to be provided to the licence holder within 14 days of the decision being 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
- > whether the licence holder is required to undergo training 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 period.

If the licence is to be **cancelled**, the notice must state:

- > when the cancellation is to take effect
- > the reason for the cancellation
- > whether or not the licence holder is qualified from applying for a further licence.

If the licence holder is **disqualified**, the notice must state:

- > when the disqualification begins and ends
- > the reasons for the disqualification
- > whether or not the disqualification is conditional on the licence holder undergoing retraining or reassessment or taking any other action before the disqualification ends
- > whether the licence holder is disqualified from obtaining any other class of licence under the WHS Regulations
- > state whether the licence document must be returned to Comcare.

# INTERNAL REVIEW OF DECISIONS

An applicant and/or licence holder is eligible to seek an internal review for the following decisions made by Comcare:

WHS Regulation	Decision	Who can apply for a review?
497	Refusal to grant licence	Applicant
501	Refusal to grant licence	Applicant
502	Imposition of a condition when granting licence Imposition of a condition when renewing licence	Applicant
508	Amendment of licence, on regulator's initiative	Licence holder
509	Refusal to amend licence on application (or a decision to make a different amendment)	Licence holder
513	Refusal to issue replacement licence document	Licence holder
517	Refusal to renew licence	Applicant
520	Suspension of licence	Licence holder
520	Cancellation of licence	Licence holder
520	Disqualification of licence holder from applying for another licence	Licence holder

As per WHS Regulation 678, an individual seeking the review of a decision must first seek an internal review by Comcare. An internal review cannot be conducted by the same individual who made the reviewable decision.

The internal reviewer may either:

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

An application for internal review should be made in writing using the *Application for internal review* form available on Comcare's website at [www.comcare.gov.au](http://www.comcare.gov.au). An application must be lodged within 28 days after the day on which the decision first came to the eligible persons notice.

Comcare will advise the outcome of the reviewed decision, and the reasons for the decision in writing within 14 days of receiving a complete application. An application for an internal review can be withdrawn at any time.

## EXTERNAL REVIEW OF DECISIONS

In the event the applicant and/or licence holder is not satisfied with the decision of the internal review, they may apply for an external review conducted by the Administrative Appeals Tribunal (AAT).

The application for external review may be made within 28 days after the day on which the decision first came to the applicant's notice or any extended time that the AAT allows.

## ADDITIONAL INFORMATION

For further information on any of the content found within this guide, or alternatively for information on asbestos licensing please contact the Authorisations team at Comcare on 1300 366 979 or by emailing [WHS.Asbestos@comcare.gov.au](mailto:WHS.Asbestos@comcare.gov.au).

# PRIVACY AND PERSONAL INFORMATION

For information about how we handle personal information, please visit [www.comcare.gov.au/privacy](http://www.comcare.gov.au/privacy) or contact us on 1300 366 979 and request a copy of our *Privacy policy*.

## APPLICATION CHECKLIST

Asbestos removal licence	
Applicant has completed Comcare’s Application for an asbestos removal licence form?	<input type="checkbox"/>
Applicant has nominated one or more relevant supervisors?	<input type="checkbox"/>
For each nominated supervisor, applicant has provided copies of their certification for the specified VET course?	<input type="checkbox"/>
<b>For a Class A</b> —Applicant has provided evidence that each named supervisor has at least three years relevant industry experience?	<input type="checkbox"/>
<b>For a Class B</b> —Applicant has provided evidence that each named supervisor has at least 12 months relevant industry experience?	<input type="checkbox"/>
Applicant has provided evidence they have a certified safety management system in place (only applicable for applicants applying for a Class A asbestos removal licence)?	<input type="checkbox"/>

## DEFINITIONS

Term	Definition
<b>Asbestos</b>	The asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following: a) Actinolite asbestos; b) Grunerite (or amosite) asbestos (brown) c) Anthophyllite asbestos d) Chrysotile asbestos (white) e) Crocidolite asbestos (blue) f) Tremolite asbestos g) A mixture that contains one or more of the minerals referred to in paragraphs (a) to (f)
<b>Asbestos containing material (ACM)</b>	Any material or thing that, as part of its design, contains asbestos.
<b>Asbestos-contaminated dust or debris (ACD)</b>	Dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.
<b>Asbestos-related work</b>	Work involving asbestos (other than asbestos removal work to which Part 8.7 applies) that is permitted under the exceptions set out in WHS Regulations 419(3), (4) and (5).
<b>Asbestos removal licence</b>	A Class A asbestos removal licence or a Class B asbestos removal licence.
<b>Asbestos removal work</b>	Work involving the removal of asbestos or ACM or in Part 8.10 – Class A or Class B asbestos removal work.
<b>Asbestos removalist</b>	A person conducting a business or undertaking who carries out asbestos removal work.

Term	Definition
<b>Asbestos waste</b>	Asbestos or ACM removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.
<b>Class A asbestos removal licence</b>	A licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.
<b>Class A asbestos removal work</b>	Work that is required to be licensed under WHS Regulation 485.
<b>Class B asbestos removal licence</b>	A licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.
<b>Class B asbestos removal work</b>	Work that is required to be licensed under WHS Regulation 487, but does not include Class A asbestos removal work.
<b>Friable asbestos</b>	Material that is in powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry and contains asbestos.
<b>In-situ asbestos</b>	Asbestos or ACM fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.
<b>Licence holder</b>	In the case of an asbestos assessor licence – the person who is licensed to: <ul style="list-style-type: none"> <li>(i) Carry out air monitoring during Class A asbestos removal work</li> <li>(ii) Carry out clearance inspections of Class A asbestos removal work</li> <li>(iii) Issues clearance certificates in relation to Class A asbestos removal work.</li> </ul> <p>In the case of an asbestos removal licence—the person conducting the business or undertaking to whom the licence is granted.</p>
<b>Licensed asbestos assessor</b>	A person who holds an asbestos assessor licence.
<b>Licensed asbestos removalist</b>	A person conducting a business or undertaking who is licensed under the Regulations to carry out Class A asbestos removal work or Class B asbestos removal work.
<b>Licensed asbestos removal work</b>	Asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.
<b>Naturally occurring asbestos</b>	The natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.
<b>Non-friable asbestos</b>	Material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.
<b>Respirable asbestos fibre</b>	Asbestos fibre that: <ul style="list-style-type: none"> <li>(a) Is less than 3 micrometres wide; and</li> <li>(b) More than 5 micrometres long; and</li> <li>(c) Has a length to width ratio of more than 3:1</li> </ul>
<b>Specified VET Course</b>	In relation to <b>Class A</b> asbestos removal work—the VET course ‘Remove friable asbestos’ or <ul style="list-style-type: none"> <li>(i) Remove non-friable asbestos;</li> <li>(ii) Remove friable asbestos</li> </ul> <p>In relation to <b>Class B</b> asbestos removal work—the VET course ‘Remove non-friable asbestos’.</p> <p>In relation to the <b>supervision of asbestos removal work</b>—the VET course ‘Supervise asbestos removal’.</p> <p>In relation to <b>asbestos assessor work</b>—the VET course ‘Conduct asbestos assessment associated with removal’.</p>