



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**



Applicant Guide - Application for Asbestos Removal Licence CLASSES A and B

Licensing Services Directorate, Department of Mines, Industry Regulation and Safety

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Disclaimer – The information contained in this guide is provided as general information only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

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When is a licence required?

WorkSafe WA regulates asbestos removal work and determines applications for Asbestos Removal licences. The information is based on the *Work Health and Safety Act 2020 (WA)* (the Act) and Division 3 of Part 8.10 of the *Work Health and Safety (General) Regulations 2022 (WA)* (the Regulations). For the purposes of this guide, the 'regulator' refers to the WorkSafe Commissioner.

An asbestos removal licence of the appropriate class is required when work is as follows for each class:

Class A asbestos removal is the removal at a workplace of:

- friable asbestos;
- asbestos contaminated dust that is associated with friable asbestos.

Friable asbestos means any material that contains asbestos and is in the form of a powder or can be easily crumbled, pulverised or reduced to a powder by hand when dry. A Class A asbestos removal licence also allows a worker to remove non-friable asbestos.

Class B asbestos removal is the removal at a workplace of:

- more than 10 square meters of non-friable asbestos;
- asbestos containing dust associated with the removal of more than 10 square meters of non-friable asbestos containing material.

Non-friable asbestos (or bonded asbestos) contains material such as cement or rubber, which stabilises the product and give it a non-friable structure.

Conditionally restricted Class B licenses

The Class B application form does allow applicants to apply for a conditionally restricted licence to remove non-friable asbestos. There are three types of conditionally restricted licence available:

- Fencing
- Roofing
- Telecommunication Pits

If granted these licence will restrict the licence holder to only removing asbestos of the type specified.

When applying for a conditionally restricted licence the experience examples provided can be limited to the type of asbestos removal being applied for.

Who can apply

You can apply for an asbestos removal licence if:

1. you are an individual who resides in WA or are a body corporate and your registered office is located in WA, and
2. you do not already hold an equivalent licensing in another Australian jurisdiction.

If you reside outside of WA you may still be eligible to apply if you can provide suitable information that justify the grant of a licence.

If you do hold an equivalent licence in another Australian jurisdiction you can apply for a licence in WA if your existing licence is due for renewal.

Approved applications

If your application is granted you will be notified by email with a licence document attached.

An asbestos removal licence takes effect on the day it is granted and, unless cancelled, expires 5 years after that day.

Refused applications

If your application is assessed as not meeting the requirements to be granted you will be notified by email that the decision maker has formed a 'preliminary view to refuse' (PVTR) your application.

The notification will give you detail of why the decision has been made and you will be provided with at least 28 days to provide additional information in support of your application. You can request further information if needed.

You can choose to:

- Provide additional information to address the decision makers concern, or
- Withdraw your application.

If your application is not withdrawn the decision maker will reconsider your application, including any additional information you have provided, after the period to respond has passed.

If your application is refused you will be notified by email.

You can request a review of a decision to refuse your application. The options to request a review will be detail in the notice of refusal.

Help with applications

The WorkSafe licensing team can be contacted for help on 1300 424 091 or at Worksafelicensing@dmirs.wa.gov.au

Application requirements

Asbestos removal licence applications require a significant amount of supporting detail. To maximise the likelihood that your application will be granted it is recommended that you:

1. download a copy of the application form from the Department's website and take time to read it in full,
2. read the supporting information below to help you understand all the requirements,
3. contact the WorkSafe licensing team if you have any questions before submitting your application,
4. provide as much detail in your application as you can,
5. check the application carefully before submitting it.

Applicant details

Individual applicants

- Complete all parts of the application form related to individual applicants.
- Ensure you attach all the required proof of identity documents.

Body corporate applicants

- Complete all parts of the application form related to body corporate applicants.
- When answering the probity questions note that you are answering for all directors of the body corporate and the body corporate itself.
- Attach a copy of your extract of registration of a business name.
- Licensing officers will check the Australian Business Register. Your application will be refused if the detail you provide does not match the registered business details.
- Unless you have a sole director the declaration must be signed by two company directors or a director and the company secretary.

Interstate applicants

If you are either:

1. an individual applicant and you reside outside of WA, or
 2. a body corporate located outside of WA,
- attach a document which provides information which justifies why your application should be granted.

Safe work requirements

Certified Safety Management Systems

Class A asbestos removal licence holders are required to maintain a Safety Management System (SMS) which has been certified compliant with AS/NZS ISO 45001:2018 (Occupational health and safety management systems — Requirements with guidance for use) within the last 3 years

This is not required for Class B licences.

Having your SMS certified can take some time. Evidence of certification of a safety management system can be provided in one of three ways:

1. A certificate of certification of the applicant's safety management system (SMS) which can be validated by searching the JAS-ANZ register: register.jas-anz.org/certified-organisations , or
2. A certificate of certification of the applicant's SMS which has been issued by an accredited auditor who is listed on the Exemplar Global directory: exemplarglobal.org/certification-overview , or
3. Written confirmation from a person or organisation who is a qualified SMS auditor, that the applicant's SMS meets the required standard and which is accompanied by satisfactory evidence of the auditor's qualifications to assess the system against the relevant standard.

The evidence provided must show that the SMS is yours (the applicant's) and demonstrate that the SMS relates to asbestos removal.

Equipment

Both the Class A and Class B application forms have sections where applicants are required to provide details of:

1. the equipment they will use, and
2. how they will ensure access to that equipment.

Insufficient responses here may result in your application being refused. Licensing officers will be checking to see that you have demonstrated that you have access to the equipment listed. They are also checking to see that you have a reasonable level of

knowledge of the minor equipment and consumables required to remove asbestos safely for yourself, your workers, and the public.

Nominated supervisors

All asbestos removal licence holder are required to ensure that asbestos removal work is completed under the supervisors of a suitably qualified person. These are known as 'nominated supervisors'.

Availability

In the case of Class A licences, a nominated supervisor is required to be on site at all times that work is being completed.

Class B work must be completed with a nominated supervisor readily available.

If you expect to be doing more than one asbestos removal at any one time you may need more than one nominated supervisor.

Both Class B and Class A applications include a requirement for applicants to give details of how they will ensure nominated supervisors are available in accordance with the regulations. This may include:

- Processes to stop work until a supervisor become available,
- Maintaining more than one approved nominated supervisor on the licence
- Scheduling work to ensure a supervisor is present/available.

Accreditation

All nominated supervisors are required to have completed the following courses:

1. CPCCE4008 – Supervise asbestos removal, and
2. One of the following:
 - a. For Class A licences: CPCCE3015 – Remove friable asbestos
 - b. For Class B licences: CPCCE3014 – Remove non-friable asbestos

To meet this requirement applicants are required to provide copies of the statement of attainment issued to the nominated supervisor by a registered training organisation.

Experience

For a nominated supervisor to be approved they must be able to provide evidence of a suitable level of experience in removing asbestos. Evidence of experience is provided by way of examples of asbestos removal work which the person nominated was directly involved in.

The following table provides a breakdown of the number and age of examples of experience required for each person nominated.

Table 1: Number and age of experience examples

Experience criteria	Class A	Class B
Number of examples of asbestos removal work required	6	6
Examples must have occurred within the last:	3 years	3 years
Number of examples which must relate to friable asbestos	3	0
Number of examples which must relate to non-friable asbestos	0	6

In addition to the number and age requirement all examples of experience must also meet the following criteria:

1. Asbestos removal must have been conducted by a licenced asbestos removalist who had an approved nominated supervisor at the time.
2. Must have occurred after the person nominated had completed the asbestos removal courses that were required by law at the time.
3. Must be able to be verified by a suitable referee.
4. The required notification of asbestos removal must have been submitted prior to the work being commenced.

When applying for a conditionally restricted licence, the experience examples provided can be limited to the type of asbestos removal being applied for.

Probity questions

Applications for asbestos removal licences have a list of probity question which must answered. These questions all need to be answered and additional detail must be attached to the application where indicated. The answers to these questions aid licensing officers to ensure that applicants are suitable to do the work safely.

Common mistakes

There are a number of common mistakes to look out for when applying for an asbestos removal licence.

Insufficient details in experience

Licensing officers are looking for enough information of a nominated supervisor's experience to be sure they can safely carry out asbestos removal. If there is any doubt, the application will not be granted. Always provide as much detail as you can, to be sure your application has the greatest chance of being accepted.

Improper referees

Licensing officers will contact referees to confirm the nominated supervisor's experience. If the referee is uncontactable or is not able to confirm the detail in the application the application may be refused.

It is a good idea to contact the referees before submitting your application to ensure they are available.

Incomplete forms

Missing a probity question or forgetting to attach a document will at best delay your application and at worst make it invalid. Take time to check your application is complete before submitting it.

Renewal requirements

Holders of an asbestos removal licence are required to ensure that:

- their nominated supervisors experience and skills are maintained, and
- they maintain an appropriate compliance and safety record, and
- Their safety systems and processes are maintained.

Licensing Officers are required to conduct checks of these things when an application for renewal is received. The application will be refused if the licence holder cannot satisfy these requirements.

The requirements checked at renewal include:

- Maintenance of experience

Licensing Officers will check the Departments record of asbestos removal to confirm if each nominated supervisor has completed at least 6 asbestos removals in the previous 3 years.

- Compliance history

Any history of ongoing and or serious compliance matters may affect the outcome of a renewal application.

- Safety Management System (Class A only)

A current SMS which is no more than 3 years old is required to be maintained.