



**INTERPRETIVE
GUIDELINES**

Asbestos Removal Licensing Guide for Applicants

May 2016 SECOND EDITION

These interpretive guidelines help PCBUs who want to do licensed asbestos removal work apply for the relevant asbestos removal licence from WorkSafe New Zealand.

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INTRODUCTION

This guide explains:

- > how the asbestos removal licence system works
- > whether you need a licence
- > how to get a licence.

The Health and Safety at Work (Asbestos) Regulations 2016 (the Asbestos Regulations) set out the requirements for licensing asbestos removal work.

Asbestos removal licences aim to protect workers with the greatest potential for asbestos exposure. They also secure safe removal practices to protect building occupants and others at the workplace.

ACRONYMS

ACM	Asbestos-containing material
ACD	Asbestos-contaminated dust
JAS-ANZ	Joint Accreditation System of Australia and New Zealand
NATA	National Association of Testing Authorities (Australia)
NZQA	New Zealand Qualifications Authority

Table 1: Acronyms

KEY DEFINITIONS

TERMS	DEFINITIONS
PCBU	means a person who conducts a business or undertaking. A PCBU may be an individual person or an organisation. In most cases the PCBU will be an organisation (for example, a business entity such as a company). An individual, such as a sole trader, can also be a PCBU.
Certificate of Competence holder	an asbestos worker who is authorised by WorkSafe to conduct restricted work relating to asbestos specified in the certificate. Certificates of Competence were issued under the Health and Safety in Employment (Asbestos) Regulations 1998.
Friable asbestos or ACM	means asbestos in a powder form or able to be crumbled, pulverised, or reduced to a powder by hand pressure when dry.
Non-friable asbestos or ACM	means asbestos that is not friable (including material containing asbestos fibres reinforced with a bonding compound).
Certified safety management system	means a safety management system that: <ul style="list-style-type: none"> > an auditor accredited by JAS-ANZ or NATA has certified as being compliant with: <ul style="list-style-type: none"> - AS/NZS 4801:2001 <i>Occupational Health and Safety Management Systems</i>; or - another international standard recognised by WorkSafe; and > meets any requirements prescribed in a safe work instrument issued by WorkSafe (if there is one).

TERMS	DEFINITIONS
Business	means an activity carried out with the intention of making a profit or gain.
Undertaking	means an activity that is non-commercial in nature, eg certain activities of a local authority.

Table 2: Key definitions

WHY YOU MIGHT NEED A LICENCE

If a PCBU (a company, sole trader or self-employed person) carries out building, demolition or renovation work on buildings built before 1 January 2000, it may be removing material which contains asbestos.

Under the Asbestos Regulations, the PCBU may need an asbestos removal licence to remove asbestos legally.

ASBESTOS REMOVAL LICENCES: A SUMMARY

TYPES OF LICENCES

There are two classes of asbestos removal licence: Class A and Class B.

CLASS OF ASBESTOS REMOVAL LICENCE	TYPE AND AMOUNT OF ASBESTOS THAT CAN BE REMOVED UNDER THAT LICENCE
Class A	Any type or quantity of asbestos or ACM, including any amount of: <ul style="list-style-type: none"> > friable asbestos or ACM > asbestos-contaminated dust or debris (ACD)¹ > non-friable asbestos or ACM.
Class B	<ul style="list-style-type: none"> > over 10 m² (cumulatively, over the whole course of the site's removal project) of non-friable asbestos or ACM > ACD associated with removing over 10 m² (cumulatively, over the whole course of the site's removal project) of non-friable asbestos or ACM².

Table 3: Types of removal licences

¹ Except ACD associated with removing non-friable asbestos, or when the ACD is not associated with asbestos removal and is only a minor contamination.

² Except ACD associated with removing 10 m² (cumulatively, over the whole course of the site's removal project) of non-friable asbestos or ACM, or when the ACD is not associated with removing 10 m² (cumulatively, over the whole course of the site's removal project) of non-friable asbestos or ACM.

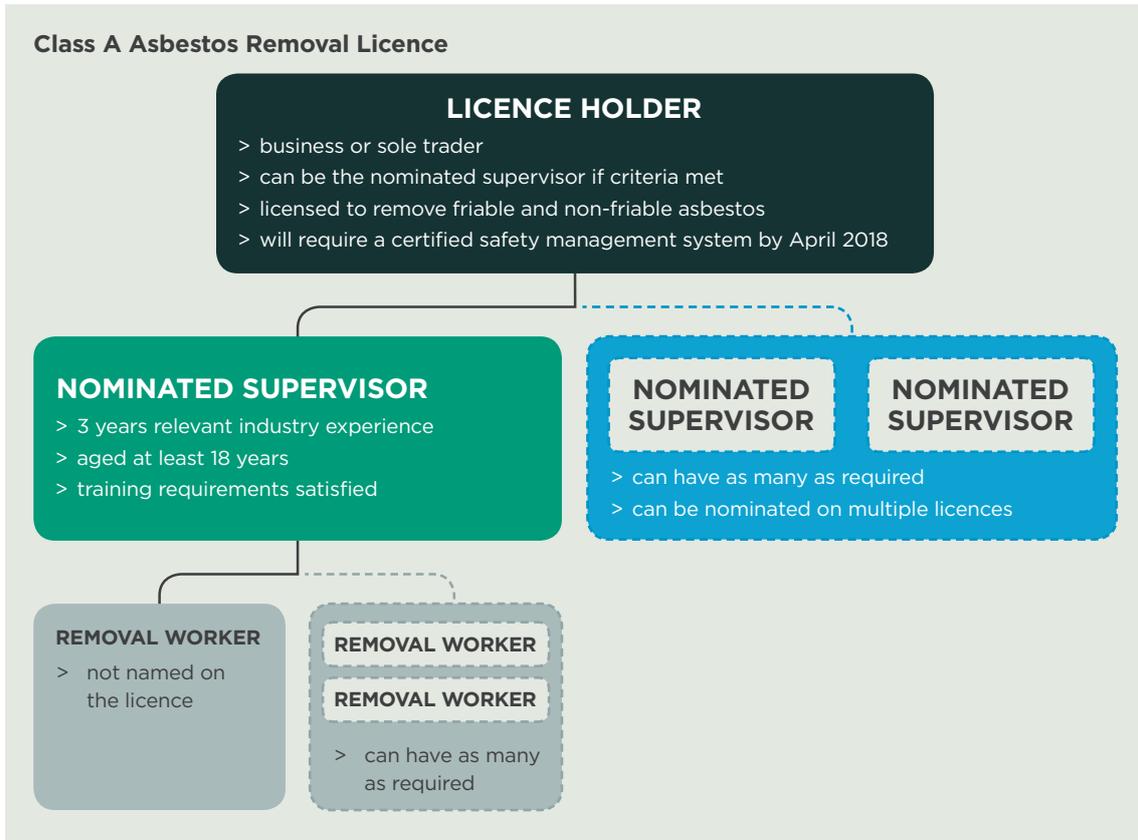


Figure 1: Class A Asbestos Removal Licence

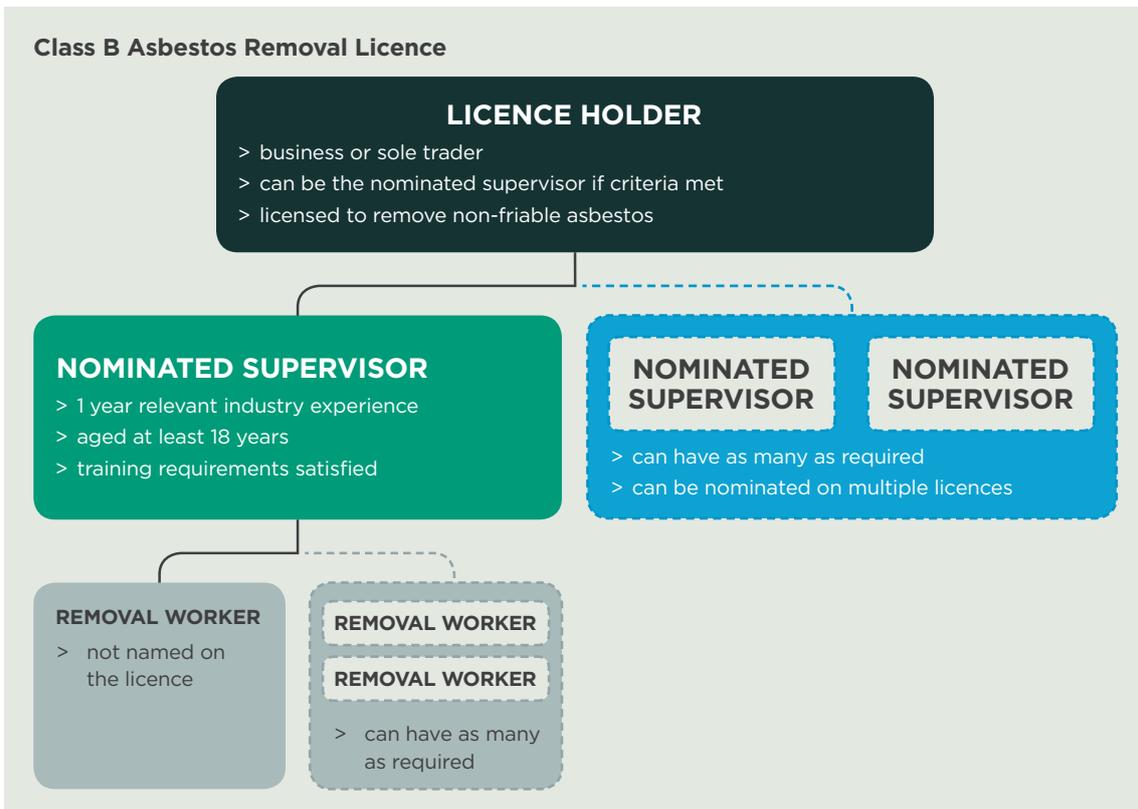


Figure 2: Class B Asbestos Removal Licence

A licence is not required for removing:

- > up to and including 10 m² of non-friable asbestos or ACM, cumulatively, over the whole course of the removal project for the site
- > ACD associated with removing up to and including 10 m² of non-friable asbestos or ACM and associated minor ACD.

LICENCE HOLDER

The PCBU holds the asbestos removal licence (either Class A or Class B). The licence authorises the holder to remove the type of asbestos covered by the class of licence.

It is an offence under the Asbestos Regulations for a PCBU to carry out, direct, or allow a worker to carry out Class A or Class B asbestos removal work unless the PCBU holds the relevant licence.

The licence holder nominates supervisors on their licence to supervise asbestos removal workers. An asbestos removal licence must have at least one nominated supervisor. However, there is no limit to the number of supervisors a licence can have.

A Class A asbestos removal licence holder must provide evidence to WorkSafe that they have a certified safety management system by 4 April 2018.

SUPERVISORS

A supervisor must be a competent person that can oversee the removal work and make sure the work is done safely and in accordance with the Asbestos Regulations.

Supervisors must be:

- > present at the removal area whenever Class A asbestos removal work is being carried out
- > in the vicinity, and readily available to workers whenever Class B removal work is being carried out.

Supervisors can be nominated on more than one licence.

The licence holder may nominate themselves as a supervisor. For example, if they are a sole trader and they meet the competency requirements to be a supervisor.

PCBUs can apply to WorkSafe to add or remove supervisors from a licence at any time.

TERM OF THE LICENCE

An asbestos removal licence expires five years from the day it was granted unless cancelled earlier.

WHO MAY APPLY FOR AN ASBESTOS REMOVAL LICENCE?

Only a PCBU that carries out, or proposes to carry out asbestos removal work may apply for an asbestos removal licence.

TRANSITIONAL ARRANGEMENTS

Non-Certificate of Competence holders applying for a Class B licence can continue work between 4 April 2016 and 4 October 2016 as long as the PCBU has:

- > applied for a licence

- > does removal work according to requirements in the Asbestos Regulations, and
- > notifies WorkSafe when removal work will be conducted.

SUPERVISORS ON ASBESTOS REMOVAL LICENCES

Applications for Class A or Class B asbestos removal licences must include the name(s) of the competent person(s) engaged to supervise the asbestos removal work.

If the applicant is an individual who proposes to also supervise asbestos removal work, the supervisor details must relate to the applicant.

AGE RESTRICTIONS

Each nominated supervisor must be at least 18 years of age.

If the individual applicant is also the supervisor, the applicant must be at least 18 years of age.

Evidence of age is required as part of the application process.

REQUIRED EXPERIENCE AND QUALIFICATIONS FOR SUPERVISORS

REQUIRED EXPERIENCE

Each nominated supervisor, or the individual applicant who is also the supervisor, must have at least:

- > three years relevant industry experience in removing friable asbestos for a Class A asbestos removal licence
- > one year's relevant industry experience removing non-friable asbestos for a Class B asbestos removal licence.

WorkSafe requires the applicant to provide proof of this experience by submitting a description of the work conducted over:

- > a three-year period (at least) for a Class A asbestos removal licence
- > a one-year period (at least) for a Class B asbestos removal licence.

Evidence of experience should show that the supervisor has:

- > been actively engaged in asbestos removal work in the last six months
- > suitable experience for the class of asbestos removal licence being applied for.

REFERENCES

The description must be supported by references relevant to the one or three year period.

Examples are:

- > references from Asbestos Certificate of Competence holders
- > asbestos removal licence holders
- > people who are nominated supervisors for friable asbestos licence holders.

Evidence of overseas training, experience or qualifications in Australia may be acceptable.

WorkSafe will contact referees to validate the information provided in the application.

QUALIFICATIONS

Supervisors must satisfy training requirements to be nominated on a Class A or B asbestos removal licence.

This includes formal training in asbestos removal and supervising asbestos removal, provided by accredited training providers. The training is set at NZQA level 5, and is expected to be available from late 2016/early 2017.

To give time for the training infrastructure to be established, the Asbestos Regulations contain transitional provisions. Starting 4 April 2016, for the next two years, nominated supervisors can satisfy the training requirement by:

1. holding a 'full' (non-specified) Certificate of Competence for restricted asbestos work that is current at 4 April 2016

OR

2. holding a Certificate of Competence for restricted asbestos work that is current at 4 April 2016 for one or more of the following categories:
 - a. friable insulation or fire protection (Class A or B)
 - b. friable lagging (boilers, ducts, furnaces, or pipes) (Class A or B)
 - c. demolition or maintenance containing friable asbestos (Class A or B)
 - d. friable asbestos encapsulation (Class A or B)
 - e. using on cement or bonded products:
 - i. cutting or abrasive power tools (Class B only)
 - ii. other equipment resulting in release of dust (Class B only)
 - f. dry sanding of floor coverings (Class B only)

OR

3. passing a supervisor competency test at a WorkSafe office (written and oral test for Class A; written test for Class B)

OR

4. successfully completing formal training for:
 - a. Class A asbestos removal and supervision, or
 - b. Class B asbestos removal and supervision.

Note: all supervisors must complete the formal training in asbestos removal and supervision for Class A or B asbestos removal licences by 4 April 2018. WorkSafe will issue Class A and B asbestos removal licences that are conditional on the training being completed by that date. Evidence that the training has been completed must be provided to WorkSafe.

SUPERVISOR COMPETENCY TEST

Supervisors who do not hold a Certificate of Competence must successfully sit a supervisor competency test to satisfy the training requirement for being nominated on a licence until the formal supervisor training is available in early 2017.

Each nominated supervisor must complete the *Application for an Asbestos Nominated Supervisor Competency Test* and email it to their local WorkSafe office with a test booking request.

See **Competency testing for supervisors** on [WorkSafe's website](#) for more information on the tests and how to book one.

Note: each supervisor must pass the test and get their application form endorsed by WorkSafe so it can be included with the licence application.

HOW TO COMPLETE THE APPLICATION FORM

This information will help you complete the *Application for Asbestos Removal Licence* form. If you have further questions about the application form, please contact WorkSafe on 0800 030 040, or email asbestos@worksafe.govt.nz.

For WorkSafe to accept your application, you must:

- > complete the form correctly, and
- > provide all supporting documentation, and
- > pay the prescribed fee.

Failure to do any of these things will delay your application. You will be asked to provide any missing information. If you do not do this within the given timeframe (which will be at least 28 days) WorkSafe will treat your application as withdrawn.

Each application will be assessed on the details provided. However, WorkSafe may contact you for additional information.

You may apply by:

- > completing the online form and submitting to WorkSafe (preferred), or
- > completing the PDF version of the form and emailing it to WorkSafe, or
- > printing the PDF version of the form, completing the required information, then scanning and emailing or posting the form to WorkSafe.

APPLY USING THE ONLINE FORM

The online application process is divided into two parts. First you complete the applicant details and submit this to WorkSafe. You will then receive an email within two working days, providing you with a link to add your nominated supervisors.

Before you begin, read through the instructions and make sure you have all the required documentation ready. Once you begin entering either the applicant details or nominated supervisors, you cannot save a draft to continue at a later time.

From the WorkSafe website, click the online version of the *Application for Asbestos Removal Licence*.

Follow these steps to apply online.

Note: Mandatory fields in the online form are indicated with a red asterisk.

STEP	ACTION
1	<p>Complete the Step 1 – Applicant Details screen:</p> <ul style="list-style-type: none"> > Select the type of licence being applied for from the dropdown list. > Complete the Applicant Details section. <ul style="list-style-type: none"> Enter the full legal name of business, eg name registered with the Companies Office or Inland Revenue. Enter the trading name (if different from the full legal name), and New Zealand Business Number (NZBN) for the PCBU applying for the licence. Note: You can find your company’s NZBN by searching the company at www.nzbn.govt.nz > Complete the Contact person section. <ul style="list-style-type: none"> Provide the details of the person that WorkSafe can contact during the application process if necessary, and once any licence has been granted. You must complete the first name, last name and email fields, and provide at least one contact phone number. > Complete the Physical address section. <ul style="list-style-type: none"> Provide the current business address details by completing the level/unit number and building name (if relevant), street number, street name, suburb (if relevant), town/city and postcode fields. > Complete the Postal address section. <ul style="list-style-type: none"> Select ‘Yes’ if the postal address is the same as the physical address. Select ‘No’ and complete the required fields if the postal address is different to the physical address. > Click Next.
2	<p>Complete the Step 2 – Equivalent licences in Australia screen:</p> <ul style="list-style-type: none"> > Select ‘Yes’ or ‘No’ for each question. <ul style="list-style-type: none"> If ‘Yes’ is selected, enter a declaration to provide further details. Note: Having a licence suspended or cancelled, or having a conviction does not automatically exclude the PCBU from holding an asbestos removal licence. > Click Next.
3	<p>Complete the Step 3 – Certified safety management system screen:</p> <ul style="list-style-type: none"> > For a Class A application only, select ‘Yes’ or ‘No’ to indicate if you have a certified safety management system in place. <ul style="list-style-type: none"> Note: WorkSafe is working with JAS-ANZ to develop the standards for certifying a safety management system. This is expected to be available late 2016. At this time it is expected that accredited assessors will be available to certify safety management systems. If ‘Yes’ is selected you must upload your evidence: <ul style="list-style-type: none"> – Click Attach File, then click Browse to locate and select the file. – Click Open, then click Upload File. You will see on-screen confirmation that the file has been uploaded successfully. > Click Close. > Select ‘Yes’ or ‘No’ to indicate if you will provide evidence that a certified safety management system is in place by 4 April 2018. > Click Next.

STEP	ACTION
4	<p>Review the Step 4 - Fees screen:</p> <ul style="list-style-type: none"> > Review the fee payment information, then click Submit. You will see on-screen confirmation that your application is complete. > Click Close. You must now wait to receive an email from WorkSafe with a link to add your nominated supervisor(s) to your application.
5	<p>Click the link within your email from WorkSafe. The Supervisor Details screen displays.</p>
6	<p>Complete the Supervisor Details section:</p> <ul style="list-style-type: none"> > Enter the first name, last name and date of birth for the nominated supervisor. > Enter a Certificate of Competence number if the nominated supervisor held one as at 4 April 2016. > Select the relevant licence class from the dropdown list.
7	<p>Complete the Document Attachments section:</p> <ul style="list-style-type: none"> > Attach all of the required files: <ul style="list-style-type: none"> - Select 'Yes' in the relevant dropdown list, then click Attach Files. The Upload Files screen displays. - Select the type of file you are uploading from the Type dropdown list, eg Evidence of supervisor's experience. - Locate the file to upload by clicking to select the file source, eg Browse for a file. - Click Upload. <p>Note: Provide a recent head-and-shoulders passport-sized photo of each nominated supervisor. Photographs must:</p> <ul style="list-style-type: none"> - be less than six months old - be full colour, on plain white photographic paper with no border - not have creases or tears - be taken against a plain cream or other light-coloured background - have a strong contrast between the image and background - not have shadows - not contain other objects or people - be a true image, not altered in any way - be clear and in focus - be head and shoulders only, with the head facing straight at the camera - make sure the maximum head size, including hair, is 75% of the photo - have eyes open, no red-eye, and not have a reflection or glare from glasses - not have a head covering, such as hats, unless for religious reasons - not have anything covering the face. <p>You must also provide evidence that each supervisor is at least 18 years old. This could be a copy of the photo page of their passport, driver's licence or firearms licence.</p> > Click Close to return to the main screen. You may view the files you have uploaded by clicking View files. If required, you may remove a file by selecting the Remove checkbox, then click Remove file.

STEP	ACTION
8	<p>Indicate if you have any more supervisors to add.</p> <p>If more supervisors to add:</p> <ul style="list-style-type: none"> > Select 'Yes' from the dropdown list. > Click Submit. A screen displays to thank you for your application. > Click click here. > Repeat from step 6 above. <p>If no more supervisors to add:</p> <ul style="list-style-type: none"> > Select 'No' from the dropdown list. A Declaration section displays.
9	<p>Complete the Declaration section:</p> <ul style="list-style-type: none"> > Select 'Yes' or 'No' for each statement. > Enter your first and last name in the Name field. > Enter the date in the Date field. > Click Submit. A screen displays to thank you for your application. > Close your browser session.

Table 4: Online form steps

APPLY USING THE PDF FORM

TYPE OF LICENCE APPLIED FOR

You must select the class of licence you require:

- > for a Class A asbestos removal licence, tick 'Class A'
- > for a Class B asbestos removal licence, tick 'Class B'.

Only tick ONE box.

Note: Class A licence holders are authorised to carry out both Class A and Class B asbestos removal work.

APPLICANT DETAILS

Enter the full legal name of the business, eg name registered with the Companies Office or Inland Revenue.

Enter the trading name, and New Zealand Business Number (NZBN) for the PCBU applying for the licence in the boxes provided.

Note: you can find your company's NZBN by searching for the company at www.nzbn.govt.nz.

CONTACT PERSON

Provide the details of the person that WorkSafe can contact during the application process if necessary, and once any licence has been granted.

You must complete the first name, last name and email fields, and provide at least one contact phone number.

PHYSICAL ADDRESS

Provide the current business address details by completing the level/unit number and building name (if relevant), street number, street name, suburb (if relevant), town/city and postcode fields in the boxes provided.

The physical address must be a New Zealand address and cannot be a postal address (PO Box).

POSTAL ADDRESS

Only provide postal address details if the postal address is different to the physical address. Otherwise, tick 'Same as above' and leave the remaining boxes blank.

EQUIVALENT LICENSES IN AUSTRALIA

You must tick 'Yes' or 'No' to each question.

If 'Yes' is ticked for any of the questions in this section, make a declaration to provide further details about the statement.

Having a licence suspended or cancelled, or having a conviction, does not automatically exclude the PCBU from holding an asbestos removal licence.

CERTIFIED SAFETY MANAGEMENT SYSTEM

For Class A asbestos removal licences, you must tick the appropriate statement about the status of your safety management system. If your safety management system is certified, attach evidence of the certification to your application.

You have until 4 April 2018 to submit evidence that you have a certified safety management system in place.

WorkSafe is working with JAS-ANZ to develop the standards for certifying a safety management system. This is expected to be available late 2016. At this time it is expected that accredited assessors will be available to certify safety management systems.

Progress updates will be available on WorkSafe's website throughout 2016.

SUPERVISOR DETAILS

Provide the name of the person or people who will be a supervisor for the licence.

Additional supervisors may be included, but you must complete a separate *Asbestos Removal Licence Additional Supervisor* form for each one.

Complete the first name, last name and date of birth fields.

SUPERVISOR ADDITIONAL DOCUMENTS REQUIRED

Provide a recent head-and-shoulders passport-sized photo of each nominated supervisor. Photographs must:

- > be less than six months old
- > be full colour, on plain white photographic paper with no border
- > not have creases or tears

- > be taken against a plain cream or other light-coloured background
- > have a strong contrast between the image and background
- > not have shadows
- > not contain other objects or people
- > be a true image, not altered in any way
- > be clear and in focus
- > be head and shoulders only, with the head facing straight at the camera
- > make sure the maximum head size, including hair, is 75% of the photo
- > have eyes open, no red-eye, and not have a reflection or glare from glasses
- > not have a head covering, such as hats, unless for religious reasons
- > not have anything covering the face.

You must also provide evidence that each supervisor is at least 18 years old. This could be a copy of the photo page of their passport, driver's licence or firearms licence.

The extra documents may be provided electronically or in hard copy.

Make sure you tick each item to indicate they are included with your application.

FOR A CLASS A OR B APPLICATION

Make sure you tick each box to indicate the information you are providing to WorkSafe.

EXPERIENCE

You must provide evidence that the nominated supervisor has at least:

- > three years' relevant industry experience in removing friable asbestos for a Class A application
- > one years' relevant industry experience in removing non-friable asbestos for a Class B application.

You may demonstrate experience by submitting a description of the work conducted over the applicable period (at least), supported by references for the period.

References can be from employers, Certificate of Competence holders, or others who have directly been involved in supervising and monitoring the supervisor's asbestos removal work.

Provide the relevant business name, first and last name (if different to the business name), work and/or mobile phone number, and email address.

Complete the *Supervisor Experience* table in this guide and submit it for each nominated supervisor with the licence application, unless you can provide your own records.

TRAINING

Select only one of the options and attach the relevant evidence of training to the licence application.

ADDITIONAL SUPERVISORS

Show the number of *Asbestos Removal Licence Additional Supervisor* forms that are attached to your asbestos removal licence application.

If there are no additional supervisors, enter '0'.

APPLICANT'S DECLARATION

Tick 'Yes' for each item to declare it correct. If the statement is not correct you must provide details about each conviction, finding of guilt or enforceable undertaking.

You must also confirm that you consent to WorkSafe making enquiries and exchanging information with work health and safety regulators in Australia (if the applicant is, or has been, based in Australia).

Enter your first and last name, and the date, in the space provided. This is considered to be an electronic signature that is reliable for the purpose of this application.

WHERE TO SEND YOUR APPLICATION

Send your completed application and documents to WorkSafe by email or post.

Email: asbestos@worksafe.govt.nz

Put 'Asbestos Removal Licence Application' and the PCBU's legal name in the email's subject line.

Post:

WorkSafe New Zealand, CAR Team, Asbestos Licensing, PO Box 165, Wellington.

SUPERVISOR EXPERIENCE

Provide the name and details for the nominated supervisor, including their experience in asbestos removal work. Employers may be contacted for reference checks.

For additional supervisors, provide details on a separate table and submit with the *Asbestos Removal Licence Additional Supervisor* form.

Supervisor's name _____ Years of asbestos removal experience _____ Years of supervisory experience _____

PROJECT NAME AND REMOVAL ADDRESS	EMPLOYER/CLIENT CONTACT PERSON AND CONTACT NUMBER	PROJECT START AND FINISH DATES	NUMBER OF DAYS SPENT ON SITE	SUPERVISOR'S DIRECT EMPLOYER/CLIENT	FRIABLE OR NON-FRIABLE (indicate type of ACM, eg asbestos cement sheeting, lagging, vinyl tiles, asbestos cement pipes, gaskets)	AMOUNT OF ASBESTOS REMOVED (m ²)	ROLE (indicate supervisor or worker)	NUMBER OF STAFF SUPERVISED
1.								
2.								
3.								
4.								
5.								
6.								

Table 5: Supervisor experience

THE LICENCE APPLICATION PROCESS

You must provide WorkSafe with enough information so it can decide whether or not you qualify for an asbestos removal licence.

It is important that you work out exactly what you need to send. If you do not provide the correct information to WorkSafe, there could be a delay in processing your application.

For each asbestos removal licence application, WorkSafe needs to:

- > check that the application contains all the required information
- > process the fee
- > confirm the applicant criteria
- > confirm the supervisor criteria
- > check evidence (call referees, etc)
- > notify the applicant about the decision.

MISSING THE TIMEFRAME

This process will be delayed if information is missing or if WorkSafe requires more information. In this case, you will be notified and given time to provide the information (at least 28 days).

If you miss the timeframe to supply missing or additional information and do not contact WorkSafe, it will treat your application as withdrawn.

You will need to begin the application process again, including repaying the fee.

You can contact WorkSafe and request a time extension to provide the information if you have a valid reason for not supplying the information in the specified time.

You will be notified if WorkSafe proposes to refuse to grant a licence. You will be given time to prepare and submit a submission (at least 28 days) to give WorkSafe additional information to reconsider your application.

You will be notified of WorkSafe's final decision.

If WorkSafe does not make a decision within 120 days after receiving the application or any additional information requested, WorkSafe is taken to have refused to grant the licence.

THE LICENCE APPLICATION DECISION

WorkSafe will make a decision whether to issue a licence based on the information and evidence you provide.

WorkSafe will either:

- > grant the licence, or
- > grant the licence with conditions attached, or
- > refuse to grant the licence.

WHEN THE LICENCE IS GRANTED

Within 14 days after WorkSafe makes the decision, you will receive a letter advising that your licence has been granted. Your licence name, number, type, expiry date and approved supervisors will be included in the letter.

You will receive the licence document in the post as soon as it is ready. In the meantime, you can use the letter as an interim licence document.

WHEN THE LICENCE IS GRANTED WITH CONDITIONS ATTACHED

WorkSafe may impose any conditions it considers appropriate on an asbestos removal licence. For example, it may require you to put control measures in place when carrying out work or activities under the licence.

In the first two years of the licensing regime, the licence conditions are likely to include the requirement for:

- > supervisors to complete the required relevant training in asbestos removal and supervision by 4 April 2018
- > Class A licence holders to have a safety management system certified by a JAS-ANZ accredited auditor by 4 April 2018.

Within 14 days after WorkSafe makes the decision, you will receive a letter that will include the reasons for the asbestos removal licence being granted with conditions attached.

You are entitled to apply to WorkSafe for a review of the decision if your licence is granted with conditions.

IF WORKSAFE REFUSES TO GRANT A LICENCE

If WorkSafe decides to refuse your asbestos removal licence application, it will notify you that it proposes to refuse to grant the licence.

You will receive a notification letter that will include WorkSafe's reasons for the proposed refusal.

You are entitled to make a submission to WorkSafe outlining why you believe the licence should be granted. The notification letter will provide details of the submission process and provide a due date for any submission you may want to make (at least 28 days).

After the submission period has ended, and within 14 days after making the decision, WorkSafe will advise you of its final decision.

HOW DOES WORKSAFE DECIDE WHETHER IT SHOULD GRANT A LICENCE?

WorkSafe must be satisfied that:

- > the application was made in accordance with the Asbestos Regulations
- > **for individual applicants:** the applicant resides in New Zealand. If the applicant resides outside New Zealand, there must be circumstances to justify WorkSafe granting the licence
- > **for body corporate applicants:** the applicant's registered office is located in New Zealand. For applicants located outside New Zealand, there must be circumstances that justify WorkSafe granting the licence

- > the applicant can ensure
 - that asbestos removal work that relates to the licence are carried out safely and competently
 - compliance with any conditions that will apply to the licence (WorkSafe will assess the applicant's previous compliance with current and previous health and safety legislation and regulations in New Zealand and Australia)
 - compliance with any previous licence the applicant held in New Zealand or Australia
- > each nominated supervisor meets the requirements to be nominated on the licence

WorkSafe must refuse to grant a licence if the applicant:

- > is disqualified under the law of an Australian State or Territory from holding an equivalent licence
- > has given false or misleading information in the application, or has failed to give information that should have been given.

REQUESTING A REVIEW OF THE DECISION

You are entitled to prepare and send a submission to WorkSafe outlining why you believe the licence should be granted.

The application needs to be made using the *Apply for a Review of a Licence Decision* form and must be submitted to WorkSafe within 28 days after the date that WorkSafe gave you written notice of the decision.

An applicant may apply for a review for any of the following decisions:

- > refusal to grant a licence
- > imposing a condition when granting or renewing a licence
- > refusal to renew a licence.

You need to state why you want the decision to be reviewed, and include any additional information that will support your application.

ASBESTOS REMOVAL LICENCE REGISTER

WorkSafe keeps a register of all asbestos removal licences on the WorkSafe website.

Information published in the asbestos removal licence register includes:

- > the licence holder name
- > licence number
- > licence class (A or B)
- > licence expiry date
- > supervisor name(s).

APPLICATION FEES AND PAYMENT

Applying for an asbestos removal licence incurs a non-refundable fee. Asbestos removal licence fees are listed as follows:

ITEM	FEE PAYABLE (INCL GST)	NOTES
Application for Class A asbestos removal licence	\$490.00	Licence valid for 5 years
Nominated supervisor in Class A asbestos removal licence application	\$470.00	Fee is for each supervisor
Application for Class B asbestos removal licence	\$490.00	Licence valid for 5 years
Nominated supervisor in Class B asbestos removal licence application	\$80.00	Fee is for each supervisor
Application to add a new nominated supervisor to Class A asbestos removal licence	\$550.00	Fee is for each supervisor
Application to add a new nominated supervisor to Class B asbestos removal licence	\$170.00	Fee is for each supervisor

Table 6: Fees and payment

For example, if you are applying for a Class A licence, and you have three supervisors, your fee is:

Class A licence	1 x \$490.00 =	\$490.00
Supervisors	3 x \$470.00 =	\$1410.00
TOTAL		\$1,900.00

Table 7: Example of fee

HOW TO PAY

Preferred methods of payment are internet banking or over the counter at any Westpac branch.

When paying, you must enter 'asbestos' in the particulars, and enter the first 12 characters of the name that will be on the licence document (the 'Full legal name' in the Applicant Details section) as the reference. If you do not do this, your payment cannot be tracked and you may be asked to pay again.

Note: payments will not be accepted at WorkSafe offices.

You will be sent a GST receipt when your payment has been processed.

WorkSafe's account details are:

Account Name: WorkSafe New Zealand

Bank: Westpac Account 03-0251-0040445-000

HOW TO GET SUPPORT

For more information about asbestos and asbestos removal licensing, go to:

[WorkSafe New Zealand's website](#)

[Health and Safety at Work \(Asbestos\) Regulations 2016](#)

Approved Code of Practice for the Management and Removal of Asbestos (check WorkSafe's website for updates)

Email: asbestos@worksafe.govt.nz

Phone: 0800 030 040

WHAT YOU NEED TO DO DURING THE TRANSITIONAL PERIOD

Although there is a transition period to let industry catch up with the changes (the transition period is two years from 4 April 2016), some things need to be done immediately.

IMMEDIATE REQUIREMENTS

1. If you are an asbestos removalist removing friable asbestos or more than 10 m² of non-friable asbestos cumulatively and over the course of the project, you must apply for an asbestos removal licence – either Class A or Class B.

Note: conditions will be attached to the licence, since not all requirements can be met, eg approved training, certified safety management systems.

2. You must name at least one supervisor on an asbestos removal licence. This does not have to be a separate person, eg sole trade operations will be their own supervisor.

Note: there are likely to be training conditions attached to the licence.

3. You must have enough evidence to prove that supervisors nominated on a licence satisfy WorkSafe's criteria in terms of experience, knowledge and skills.
4. You must provide evidence about the PCBU's compliance history. You must provide clear details if there have been any breaches of legislation regarding asbestos or hazardous substances.

TRANSITIONAL INFORMATION

1. The transition period ends on 4 April 2018.
2. Current Certificate of Competence holders can continue to operate as a licence holder until the certificate expires, or until 4 April 2018, whichever is earlier. The certificate is taken to be a Class A or Class B licence, depending on whether any specified categories apply.
3. A certified safety management system (required for a Class A licence), certified by a JAS-ANZ accredited auditor, was not possible to attain on 4 April 2016.
 - > There will be a condition attached to the licence stating that by the end of the transition period a certified safety management system must be in place.

- > You must supply evidence of a certified safety management system before the end of the transition period by completing the *Certified Safety Management System Advice* form and submitting it to WorkSafe.
 - > WorkSafe will follow up if safety management systems remain uncertified after the transition period ends.
4. There is a WorkSafe-administered competency test for supervisors who do not hold a Certificate of Competence, so they can satisfy WorkSafe's training requirements and be nominated on an asbestos removal licence.
 5. Supervisors must have received relevant and certified training as required by the Asbestos Regulations by the end of the transition period. Evidence of training must be sent to WorkSafe.
 - > There will be conditions associated with the licence, stating that supervisors must have received the required training by the end of the transition period.
 - > You must supply evidence of the relevant and certified training before the end of the transition period by completing the *Supervisor Training Advice* form and submitting it to WorkSafe.
 - > WorkSafe will follow up if supervisors remain uncertified after the transition period ends.
 6. Non-Certificate of Competence holders applying for a Class B licence can continue work between 4 April 2016 and 4 October 2016 as long as the PCBU has applied for a licence, does removal work according to requirements in the Asbestos Regulations and notifies WorkSafe when removal work will be conducted.

DISCLAIMER

WorkSafe New Zealand has made every effort to ensure the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe New Zealand may change the contents of this guideline at any time without notice.

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