

Asbestos licensing

REMOVALIST APPLICANT GUIDELINES

April 2021

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This guide is for persons conducting a business or undertaking (PCBUs) involved in the removal of asbestos.

This guide outlines what PCBUs need to know when applying for a new asbestos removal licence or for the renewal of an existing asbestos removal licence from WorkSafe New Zealand (WorkSafe). It must be read together with the other documents referred to.

1.0

Asbestos licensing regime – general principles

IN THIS SECTION:

- 1.1 When you need a licence
- 1.2 When you don't need a licence

Asbestos is a Class 1 carcinogen and one of the greatest causes of work related deaths in New Zealand.

Exposure to asbestos presents substantial health risk for those who work with asbestos or remove asbestos as well as those affected by such operations.

Due to the risk associated with asbestos and based on the principle that the legal duty to manage risks lies with PCBUs that creates them, WorkSafe expects licensed asbestos removalists to act with integrity and carry out asbestos removal work with professionalism and with care to their workers and other people. All the asbestos removal works undertaken by a licensed asbestos removalist must be undertaken in accordance with the requirements of the Health and Safety at Work Act 2015 (the Act), the Health and Safety at Work (Asbestos) Regulation 2016 (the Regulations) and other relevant health and safety regulations.

1.1 When you need a licence

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 - ACD - non-friable asbestos or ACM.
Class B	<ul style="list-style-type: none"> - over 10m² (cumulatively, over the whole course of the removal project for the site) of non-friable asbestos or ACM - ACD associated with removing over 10m² (cumulatively, over the whole course of the removal project for the site) of non-friable asbestos or ACM.

TABLE 1:
When you need a licence

1.2 When you don't need a licence

A licence is not required for removing:

- up to and including 10m² of non-friable asbestos or ACM, cumulatively, over the whole course of the removal project for the site
- ACD not associated with removing friable or non-friable asbestos and that is only a minor contamination
- ACD associated with removing up to and including 10m² of non-friable asbestos or ACM and associated minor ACD.

Note: Even though a licence is not required in these circumstances it does not lessen your responsibilities to manage the risks. You must still make sure that your workers and other people are protected from exposure to asbestos, that risks are minimised and that suitable control measures are implemented.

2.0

How to apply for a licence

IN THIS SECTION:

- 2.1 Submitting an application
- 2.2 Preliminary verification
of applications

2.1 Submitting an application

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

If you are a PCBU and wish to obtain or renew an asbestos removal licence you can apply by:

- completing the online form and submitting to WorkSafe (new licence applicants only)
- completing the PDF version of the form and emailing it to WorkSafe along with all required documentation, or
- printing the PDF version of the form, completing the required information, then scanning and emailing or posting the form to WorkSafe.

All the relevant application forms can be found here: worksafe.govt.nz

Completed application and documents must be sent to WorkSafe by email or post.

Email: asbestos@worksafe.govt.nz

Post: WorkSafe New Zealand, Authorisations – Asbestos, PO Box 165, Wellington.

2.2 Preliminary verification of applications

For WorkSafe to accept an application, you must:

- complete and submit the relevant form(s) correctly
- provide all required supporting documentation
- pay the prescribed fee.

If you don't do this the application will be considered incomplete by WorkSafe. You will then be asked (in writing) to provide additional information by a date specified by WorkSafe, which must be not less than 28 days after the date on which the request was made.

If you don't provide the additional information by the date specified by WorkSafe, then your application will be considered to be withdrawn and the application fees will not be refunded.

Application fees

The asbestos removal licence application fees are applicable to new licence and licence renewal application, and are as follow:

ITEM	FEE PAYABLE (including 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 2:
Application fees

To calculate the correct fee for an asbestos removal licence application with multiple nominated supervisors please follow this example:

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

TABLE 3:
Fee calculation

Methods of payment

You can pay the application fees over internet banking or over the counter at any Westpac branch.

When paying, the applicant PCBU must enter 'Asbestos' in the particulars, and enter the first 12 characters of the full legal name that will be on the licence document as the reference. **Failure to do so could result in lost tracking of the payment and necessity to submit the payment again.**

A GST receipt will be issued to the applicant when the payment has been processed.

WorkSafe's account details are as follows:

Account name: WorkSafe New Zealand

Bank: Westpac Account 03-0251-0040445-000

Payments will not be accepted at WorkSafe offices.

3.0

Class A asbestos removal licence applications

IN THIS SECTION:

- 3.1 New Class A asbestos removal licence
- 3.2 Renewal of a Class A asbestos
removal licence

3.1 New Class A asbestos removal licence

Applications for a Class A asbestos removal licence must be made by a PCBU intending to carry out Class A asbestos removal work, must be made in the format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: [worksafe.govt.nz](https://www.worksafe.govt.nz)

The PCBU must have a Certified Safety Management System in place. Provision of evidence of certification (copy of certificate) to AS/NZS 4801:2001 or another international standard recognised by WorkSafe and issued by a JAS-ANZ or NATA accredited auditor is required as part of the application process.

Refer to the following link for the latest updates on international standards recognised by WorkSafe: [worksafe.govt.nz](https://www.worksafe.govt.nz)

The PCBU must nominate supervisor(s) for the Class A asbestos removal licence at the time the application is made. It is a regulatory requirement for a Class A asbestos removal licence to have at least one nominated supervisor.

The PCBU can nominate themselves (if they are a sole trader) as a supervisor on the Class A asbestos removal licence application but only if they meet nominated supervisor criteria.

Class A nominated supervisor(s)

AGE RESTRICTIONS

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

A photo ID must be provided as part of the application process.

TRAINING

Each nominated supervisor must satisfy the training requirements to be nominated on a Class A asbestos removal licence. Those requirements are as follows:

- Relevant course for supervision of asbestos removal work: The relevant course for the supervision of asbestos removal work is a course that includes NZQA unit standard 29767.
- Relevant course for Class A asbestos removal work: The relevant course for Class A asbestos removal work is a course that includes NZQA unit standard 29766.

Training certificates demonstrating course completion must be provided as part of the application process.

Note: The corresponding Australian units of competency are currently recognised by WorkSafe New Zealand as equivalent to the NZQA units standard listed above.

EXPERIENCE

Each nominated supervisor must have at least three years of relevant industry experience, including a minimum of 600 days in removing friable asbestos evidenced by notifications to WorkSafe.

Provision of evidence of experience in the required format (by completing the *Nominated supervisor's experience* form) is required as part of the application process. Evidence of experience must show that the nominated supervisor has been actively engaged in Class A asbestos removal work within six months from the application date.

Note: If the applicant is currently nominated class A supervisor on another licence (or was nominated and active in the last six months), they will not need to provide the above evidence of asbestos removal work.

3.2 Renewal of a Class A asbestos removal licence

Applications for renewal of a Class A asbestos removal licence must be made by a PCBU intending to continue carrying out Class A asbestos removal work, must be made before the licence expiry date, must be made in the format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: [worksafe.govt.nz](https://www.worksafe.govt.nz)

The PCBU must have a Certified Safety Management System in place. Provision of evidence of certification (copy of certificate) to AS/NZS 4801:2001 or another international standard recognised by WorkSafe and issued by a JAS-ANZ or NATA accredited auditor is required as part of the application process.

Refer to the following link for the latest updates on international standards recognised by WorkSafe: [worksafe.govt.nz](https://www.worksafe.govt.nz)

The PCBU must nominate supervisor(s) for the Class A asbestos removal licence at the time the renewal application is made. It is a regulatory requirement for a Class A asbestos removal licence to have at least one nominated supervisor.

The PCBU can nominate themselves (if they are a sole trader) as a supervisor on the Class A asbestos removal licence renewal application but only if they meet nominated supervisor criteria.

It should be noted that after a licence renewal application has been made, a licence will continue to remain in force from the day it would have expired until the licence holder is given notice of WorkSafe's decision on the licence renewal application.

Class A nominated supervisor(s)

AGE RESTRICTIONS

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

A photo ID must be provided as part of the application process.

TRAINING

Each nominated supervisor must satisfy the training requirements to be nominated on a Class A asbestos removal licence. Those requirements are as follows:

- Relevant course for supervision of asbestos removal work: The relevant course for the supervision of asbestos removal work is a course that includes NZQA unit standard 29767.
- Relevant course for Class A asbestos removal work: The relevant course for Class A asbestos removal work is a course that includes NZQA unit standard 29766.

Training certificates demonstrating course completion must be provided as part of the application process.

Note: The corresponding Australian units of competency are currently recognised by WorkSafe New Zealand as equivalent to the NZQA units standard listed above.

EXPERIENCE

New supervisor nomination

Each newly nominated supervisor, must have at least three calendar years of relevant industry experience, including a minimum 600 days in removing friable asbestos evidenced by notifications to WorkSafe.

Provision of evidence of experience in the required format (by completing the Nominated supervisor's experience form) is required as part of the application process. Evidence of experience must show that the nominated supervisor has been actively engaged in Class A asbestos removal work within six months from the renewal application date.

Currently nominated supervisor

For the purpose of class A licence renewal, the provision of technical evidence in regards to supervisor(s) currently nominated on a PCBU's licence is a staged process.

For each supervisor currently nominated on their licence, the PCBU must be able to provide:

Stage 1: Provision of evidence of 100 days of experience in supervising removal of friable asbestos conducted within last 24 months (from the renewal application date). This evidence must be provided at the time of the renewal application by completing the *Nominated supervisor's experience* form.

Stage 2: Provision of specific Asbestos Removal Control Plans (ARCPs) as selected by WorkSafe. These ARCPs will be selected at the sole discretion of WorkSafe, based on the experience declared during stage 1, and will reflect a minimum of 50 days of experience. Selected ARCPs must be provided via email to: asbestos@worksafe.govt.nz within 48 hours of WorkSafe's request. Request will be sent by email to the contact person specified on the application form.

4.0

Class B asbestos removal licence applications

IN THIS SECTION:

- 4.1 New Class B asbestos removal licence
- 4.2 Renewal of a Class B asbestos
removal licence

4.1 New Class B asbestos removal licence

Applications for a Class B asbestos removal licence must be made by a PCBU intending to carry out Class B asbestos removal work, must be made in a format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: worksafe.govt.nz

The PCBU must nominate supervisors for the Class B asbestos removal at the time the licence application is made. It is a regulatory requirement for a Class B asbestos removal licence to have at least one nominated supervisor.

The PCBU can nominate themselves (if they are a sole trader) as a supervisor on the Class B asbestos removal licence application but only if they meet nominated supervisor criteria.

Class B nominated supervisor(s)

AGE RESTRICTIONS

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

A photo ID must be provided as part of the application process.

TRAINING

Each nominated supervisor must satisfy the training requirements to be nominated on a Class B asbestos removal licence. Those requirements are as follows:

- Relevant course for supervision of asbestos removal work: The relevant course for the supervision of asbestos removal work is a course that includes NZQA unit standard 29767.
- Relevant course for Class B asbestos removal work: The relevant course for Class B asbestos removal work is a course that includes NZQA unit standard 29765.

Training certificates demonstrating course completion must be provided as part of the application process.

Note: The corresponding Australian units of competency are currently recognised by WorkSafe New Zealand as equivalent to the NZQA units standard listed above.

EXPERIENCE

Each nominated supervisor must have at least one year of relevant industry experience, including a minimum of 200 days in removing non-friable asbestos evidenced by notifications to WorkSafe.

Note: For the purpose of class B supervisor nomination, evidence of combination of friable and non-friable work is acceptable.

Provision of evidence of experience in the required format (by completing the *Nominated supervisor's experience* form) is required as part of the application process. Evidence of experience must show that the nominated supervisor has been actively engaged in Class B asbestos removal work within 6 months from the application date.

4.2 Renewal of a Class B asbestos removal licence

Applications for renewal of a Class B asbestos removal licence renewal must be made by a PCBU intending to continue carrying out Class B asbestos removal work, must be made before the licence expiry date, must be made in the format required by WorkSafe, and must be accompanied by specific information.

All the relevant application forms can be found here: worksafe.govt.nz

The PCBU must nominate supervisor(s) for the Class B asbestos removal licence at the time the renewal application is made. It is a regulatory requirement for a Class B asbestos removal licence to have at least one nominated supervisor.

The PCBU can nominate themselves (if they are a sole trader) as a supervisor on the Class B asbestos removal licence renewal application but only if they meet nominated supervisor criteria.

It should be noted that after a licence renewal application has been made, a licence will continue to remain in force from the day it would have expired until the licence holder is given notice of WorkSafe's decision on the licence renewal application.

Class B nominated supervisor(s)

AGE RESTRICTIONS

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

A photo ID must be provided as part of the application process.

TRAINING

Each nominated supervisor must satisfy the training requirements to be nominated on a Class B asbestos removal licence. Those requirements are as follows:

- Relevant course for supervision of asbestos removal work: The relevant course for the supervision of asbestos removal work is a course that includes NZQA unit standard 29767.
- Relevant course for Class B asbestos removal work: The relevant course for Class B asbestos removal work is a course that includes NZQA unit standard 29765.

Training certificates demonstrating course completion must be provided as part of the application process.

Note: The corresponding Australian units of competency are currently recognised by WorkSafe New Zealand as equivalent to the NZQA units standard listed above.

EXPERIENCE

New supervisor nomination

Each newly nominated supervisor must have at least one year of relevant industry experience, including a minimum 200 days in removing non-friable asbestos evidenced by notifications to WorkSafe.

Note: For the purpose of class B supervisor nomination, evidence of combination of friable and non-friable work is acceptable.

Provision of evidence of experience in the required format (by completing the Nominated supervisor's experience form) is required as part of the application process. Evidence of experience must show that the nominated supervisor has been actively engaged in Class B asbestos removal work within 6 months from the renewal application date.

Currently nominated supervisor

For each supervisor currently nominated on their licence, the PCBU must be able to provide evidence of 100 days of experience in supervising non-friable asbestos removal within 24 months from the renewal application date evidenced by notifications to WorkSafe.

5.0

The licence application decision

IN THIS SECTION:

- 5.1 Licence granted or renewed
- 5.2 Licence granted or renewed with conditions
- 5.3 Licence refused
- 5.4 Requesting a review of the decision

WorkSafe will make a decision whether to grant or renew a licence based on the information and evidence provided by the applicant.

Upon completion of the asbestos removal licence application review, WorkSafe will either:

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

When making a decision to grant or renew an asbestos removal licence, WorkSafe must be satisfied that:

- the applicant can carry out work and other activities to which the licence relates to safely and competently
- the applicant is able to ensure compliance with any conditions that will apply to the licence
- each nominated supervisor meets the requirements to be nominated on the licence
- the applicant has a certified safety management system in place (Class A asbestos removal licence only)
- the application was made in the required format
- the application was made on time (renewal applications only)
- an individual applicant has been confirmed as residing in New Zealand (or if the applicant resides outside New Zealand, then there must be circumstances to justify WorkSafe granting the licence)
- a body corporate applicant's registered office is located in New Zealand (or if the registered office is located outside New Zealand, then there must be circumstances that justify WorkSafe granting the licence).

WorkSafe must refuse to grant or renew an asbestos removal licence if:

- the applicant is disqualified under a corresponding law from holding an equivalent licence; or
- the applicant, in making the application, has:
 - given information that is false or misleading in a material particular, or
 - failed to give any material information that should have been given.

5.1 Licence granted or renewed

Within 14 days after WorkSafe makes the decision, the applicant will receive a letter advising that the asbestos removal licence has been granted or renewed. The advisory letter will include the following details:

- full legal name of the licence holder (PCBU)
- licence number
- licence type
- licence expiry date
- list of approved nominated supervisors
- any conditions imposed on the licence.

A hardcopy of the licence document will be issued separately shortly after the issue of the advisory letter. The advisory letter can be used by the licence holder as an interim licence document.

5.2 Licence granted or renewed with conditions

WorkSafe may impose any conditions it considers appropriate on an asbestos removal licence.

Applicants can apply to WorkSafe for a review of the decision to grant an asbestos removal licence with conditions.

Class A asbestos removal licence – standard conditions

From 4 April 2021 all granted and renewed Class A asbestos removal licences will be subject to the following standard conditions:

1. Whenever the licence holder carries out Class A licensed asbestos removal work during the period of this licence, the licence holder must, at the time the work is notified to WorkSafe under regulation 34 of the Health and Safety at Work (Asbestos) Regulations 2016, have the following in place:
 - a. An asbestos removal control plan that the licence holder is required to prepare under regulation 32 of the Health and Safety at Work (Asbestos) Regulations 2016.
 - b. A copy of all the information relied on to detail the location, type, and condition of the asbestos in the asbestos removal control plan, including any asbestos survey reports.
2. If requested by WorkSafe, the licence holder must immediately provide to WorkSafe a copy of all the information referred to in condition 1 above by emailing: asbestos@worksafe.govt.nz
3. The licence holder must ensure the asbestos removal control plan, the information referred to in condition 1 above and the notification to WorkSafe under regulation 34 are readily accessible at the asbestos removal area where the Class A asbestos removal work is being carried out, until the work is completed.
4. During the period of the licence, the licence holder must provide WorkSafe with a copy of any audit report issued by an auditor accredited by JAS-ANZ or NATA relating to the licence holder's certified safety management system no later than five days after the report has been issued by the auditor.

5.3 Licence refused

If WorkSafe decides to refuse an asbestos removal licence application, the applicant will be notified that WorkSafe proposes to refuse to grant or renew the licence. The notification letter will include WorkSafe's reasons for the proposed refusal.

Applicants have a right to make a submission to WorkSafe outlining why they believe the licence should be granted. The notification letter will provide details of the submission process and provide a due date for the submission, being no less than 28 days from the date that WorkSafe's notification letter is issued).

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

5.4 Requesting a review of the decision

Applicants have a right to request review of the WorkSafe's decision.

The application needs to be made (whenever practicable) 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 written notice of its decision.

The relevant form can be found here: worksafe.govt.nz

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

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

WorkSafe must make a review decision as soon as is reasonably practicable after receiving a review application. In making a decision on the review, WorkSafe must have regard to any written submissions made by the applicant; and any action taken by the applicant to address a matter, or to prevent the recurrence of a matter, that was a ground for WorkSafe's original decision.

An applicant may appeal to a District Court against a review decision. The appeal must be brought within 28 days after that date on which the applicant was given notice of the review decision, or within any longer period as the Court may allow.

6.0

Asbestos licence holder register

WorkSafe keeps a public register of all asbestos licences which can be found here:

[worksafe.govt.nz](https://www.worksafe.govt.nz)

Information published in the asbestos removal licence register includes:

- the licence holder name
- licence number
- licence class
- licence expiry date
- nominated supervisor name(s).

7.0

Further information on asbestos licensing

7.0 Further information on asbestos licensing

For more information about asbestos and asbestos removal licensing, go to our website: [worksafe.govt.nz](https://www.worksafe.govt.nz)

Email: asbestos@worksafe.govt.nz

Phone: 0800 030 040

Appendix

IN THIS SECTION:

Appendix 1: Glossary

Appendix 1: Glossary

TERMS	DEFINITIONS
ACM	Asbestos-containing material.
ACD	Asbestos-contaminated dust and debris.
Certificate of Competence holder	An asbestos worker who was 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, however as of April 2018 those are no longer valid.
Certified safety management system	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 Occupational Health and Safety Management Systems, or - another international standard recognised by WorkSafe, and - meets any requirements prescribed in a safe work instrument issued by WorkSafe (if there is one).
Friable asbestos or ACM	Asbestos in a powder form or able to be crumbled, pulverised, or reduced to a powder by hand pressure when dry.
JAS-ANZ	Joint Accreditation System of Australia and New Zealand.
NATA	National Association of Testing Authorities (Australia).
Non-friable asbestos or ACM	Asbestos that is not friable (including material containing asbestos fibres reinforced with a bonding compound).
NZQA	New Zealand Qualifications Authority.
PCBU	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.

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worksafe.govt.nz



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