



New South Wales

# Occupational Health and Safety Amendment (Licensing of Asbestos Removal and Demolition Work) Regulation 2008

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Minister Assisting the Minister for Finance

## Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001*:

- (a) to remove the provision that authorises the carrying on of the business of bonded asbestos removal work by the holder of a licence that authorises the carrying on of the business of demolition work or restricted demolition work, and
- (b) to ensure that fees for licences (namely, application fees and fees payable on the grant or renewal of licences) to carry on the business of demolition work or restricted demolition work (or both) and bonded asbestos work do not exceed fees for licences to carry on the business of demolition work or restricted demolition work (or both) but not bonded asbestos work, and
- (c) to enable WorkCover to require supporting material or information to be provided by an applicant for a licence to carry on the business of demolition work, restricted demolition work, friable asbestos removal work or bonded asbestos removal work, and
- (d) to provide for renewal of licences referred to in paragraph (c), and
- (e) to enable WorkCover to approve the manner in which certain applications and notices under that Regulation are to be lodged, and
- (f) to update references to certain documents referred to in that Regulation.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including sections 33 (the general regulation-making power), 35 and 38.

**2008 No 140**

Clause 1 Occupational Health and Safety Amendment (Licensing of Asbestos  
Removal and Demolition Work) Regulation 2008

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**Occupational Health and Safety Amendment (Licensing  
of Asbestos Removal and Demolition Work) Regulation  
2008**

under the

Occupational Health and Safety Act 2000

**1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment  
(Licensing of Asbestos Removal and Demolition Work) Regulation  
2008*.

**2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set  
out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 43 Asbestos—risk assessment and control**

Omit “ ‘Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1988)]’ ”.

Insert instead “*Code of Practice for the Management and Control of Asbestos in the Workplace* [NOHSC: 2018 (2005)]”.

**[2] Clause 259 Particular risk control measures**

Omit “in August 1988” from clause 259 (1).

**[3] Clause 259 (1) (a) and (b)**

Omit the paragraphs. Insert instead:

- (a) *Code of Practice for the Management and Control of Asbestos in the Workplace* [NOHSC: 2018 (2005)],
- (b) *Code of Practice for the Safe Removal of Asbestos* [NOHSC: 2002 (2005)].

**[4] Clause 261 Monitoring**

Omit “ ‘Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust [(NOHSC: 3003 (1988)]’ ” from clause 261 (1).

Insert instead “*Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition* [NOHSC: 3003 (2005)]”.

**[5] Clause 318 Licensed work not to be carried on without a licence**

Omit “, demolition work or restricted demolition work” from clause 318 (3).

**[6] Clause 318, note**

Omit “See definitions of *licensed work* and *demolition work*”.

Insert instead “See definition of *licensed work*”.

**[7] Clause 319**

Omit the clause. Insert instead:

**319 Applications for licences or renewals**

- (1) An application for the grant of a new licence or renewal of an existing licence:

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#### Schedule 1 Amendments

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- (a) must, in the case of the grant of a new licence, specify the class or classes of licensed work for which the licence is required, and
  - (b) must be in the approved form, and
  - (c) must be accompanied by such material or information to support the application as WorkCover may require, and
  - (d) must be accompanied by the fee fixed for the time being by WorkCover to cover expenses in connection with applications for licences, or renewals of licences, of the class concerned, and
  - (e) must be lodged in a manner approved by WorkCover.
- (2) The fee fixed under subclause (1) (d) for an application for a licence to carry on the business of demolition work or restricted demolition work (or both) and bonded asbestos removal work is not to exceed the fee for an application to carry on the business of demolition work or restricted demolition work (or both) but not bonded asbestos removal work.
- (3) An application by persons who intend to carry on business in partnership may be made by any one or more of those persons.

**[8] Clause 321 Determination of applications**

Insert “or renewal of the licence” after “licence” in clause 321 (1) (a).

**[9] Clause 322 Notice of refusal**

Insert “or the renewal of a licence” after “licence”.

**[10] Clause 323**

Omit the clause. Insert instead:

**323 Term of licences**

- (1) A licence remains in force, unless sooner cancelled, for a period of 2 years commencing on the date on which it was granted or last renewed.
- (2) A licence has no effect during any period for which it is suspended.
- (3) Despite subclause (1), if the holder of a licence has applied for renewal of the licence before its expiry, the existing licence continues in force until WorkCover grants the renewal or gives the notice referred to in clause 322.

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**[11] Clause 324**

Omit the clause. Insert instead:

**324 Licence fees**

- (1) A fee is payable to WorkCover for the grant of a licence or renewal of a licence.
- (2) The fee is to be the amount fixed for the time being by WorkCover to cover expenses in connection with the regulation of licensees of the classes concerned.
- (3) The fee fixed under subclause (2) for the grant of a licence or renewal of a licence to carry on the business of demolition or restricted demolition work (or both) and bonded asbestos removal work is not to exceed the fee fixed under that subclause for the grant of a licence or renewal of a licence to carry on the business of demolition or restricted demolition work (or both) but not bonded asbestos removal work.
- (4) A licence or renewal of a licence has no effect until the relevant fee fixed under this clause for the grant or renewal of the licence has been paid.

**[12] Clause 330 Savings and transitional provisions**

Insert after clause 330 (5):

- (6) For the purposes of clause 318 (1) and (2), a licence that authorises the carrying on of the business of demolition work or restricted demolition work and that:
  - (a) was in force immediately before the commencement of the *Occupational Health and Safety Amendment (Licensing of Asbestos Removal and Demolition Work) Regulation 2008*, or
  - (b) is granted after that commencement and for which an application had been made, but not determined, before that commencement,also authorises the holder to carry on the business of bonded asbestos removal work, but only until the expiration of 2 years after the date on which the licence was or is granted.
- (7) Despite subclause (6), a licence referred to in that subclause authorises the holder to carry on the business of bonded asbestos removal work for an additional 2 months immediately following the expiration of the authorisation under that subclause, but only

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for the purpose of enabling the completion of any bonded asbestos removal work commenced before the beginning of that 2-month period.

**[13] Clause 333 Applications for permits**

Omit “at the offices of WorkCover” from clause 333 (1) (g).

Insert instead “in a manner approved by WorkCover”.

**[14] Clause 345 Proposed work in respect of which notice to WorkCover is required**

Omit clause 345 (2) (e). Insert instead:

(e) be lodged in a manner approved by WorkCover.

BY AUTHORITY

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