



New South Wales

# Work Health and Safety Amendment (Demolition Licensing) Regulation 2022

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

VICTOR DOMINELLO, MP  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are as follows—

- (a) to establish, under the *Work Health and Safety Act 2011*, a licensing regime for demolition work,
- (b) to require workers undertaking demolition work to be properly trained,
- (c) to require workers undertaking demolition work to be supervised by appropriately qualified persons.

## **Work Health and Safety Amendment (Demolition Licensing) Regulation 2022**

under the

Work Health and Safety Act 2011

### **1 Name of Regulation**

This Regulation is the *Work Health and Safety Amendment (Demolition Licensing) Regulation 2022*.

### **2 Commencement**

This Regulation commences as follows—

- (a) Schedule 1[3], to the extent it inserts clause 142D—on 1 March 2025,
- (b) otherwise—on 1 March 2023.

## Schedule 1 Amendment of Work Health and Safety Regulation 2017

### [1] Clause 5 Definitions

Insert in alphabetical order in clause 5(1)—

- chemical installation*, for Part 4.6—see clause 141A.
- corresponding demolition law*, for Part 4.6—see clause 141A.
- corresponding demolition regulator*, for Part 4.6—see clause 141A.
- corresponding environment protection law*, for Part 4.6—see clause 141A.
- demolition licence*, for Part 4.6—see clause 141A.
- explosives law*, for Part 4.6—see clause 141A.
- licensed demolition work*, for Part 4.6—see clause 141A.
- load shifting machinery*, for Part 4.6—see clause 141A.
- named supervisor*, for Part 4.6—see clause 141A.
- relevant law*, for Part 4.6—see clause 141A.
- relevant licence*, for Part 4.6—see clause 141A.
- relevant matter*, for Part 4.6—see clause 141A.
- restricted demolition licence*, for Part 4.6—see clause 141A.
- unrestricted demolition licence*, for Part 4.6—see clause 141A.

### [2] Clause 5(1), definition of “licence holder”

Insert at the end of paragraph (d)—

, or

- (e) in the case of a demolition licence—the person conducting the business or undertaking to whom the licence is granted.

### [3] Part 4.6

Omit the Part. Insert instead—

## Part 4.6 Demolition work

### Division 1 Preliminary

#### 141A Definitions

In this Part—

*chemical installation* means a structure or major plant that contains or may contain a hazardous chemical, but does not include anything a competent person has declared in writing to be free from hazardous chemicals.

*corresponding demolition law* means a law of an Australian jurisdiction providing for the licensing or regulation, however described, of demolition work.

*corresponding demolition regulator* means the holder of a public office, or a public authority, of the Commonwealth, or of a State, who or which is responsible for administering a corresponding demolition law.

*corresponding environment protection law* means a law of an Australian jurisdiction serving substantially the same purpose as the *Protection of the Environment Operations Act 1997*.

*demolition licence* means the following—

- (a) an unrestricted demolition licence,
- (b) a restricted demolition licence.

**explosives law** means the following—

- (a) the *Explosives Act 2003*,
- (b) a law of an Australian jurisdiction providing for the regulation and control of the handling of explosives and explosive precursors.

**licensed demolition work** means the following—

- (a) demolition work required to be notified to the regulator under clause 142,
- (b) demolition work on a chemical installation.

**load shifting machinery** means powered mobile plant used in the demolition of a structure, other than powered mobile plant, such as elevated work platforms and forklifts, used only for access purposes, and includes the following—

- (a) bulldozers,
- (b) cranes,
- (c) excavators,
- (d) front end loaders,
- (e) skid steer loaders.

**named supervisor**, for a demolition licence, means the individual who will supervise the demolition work undertaken under the licence, who may be the licence holder.

**relevant law** means the following—

- (a) the Act,
- (b) this Regulation,
- (c) a corresponding demolition law,
- (d) a corresponding WHS law.

**relevant licence** means the following—

- (a) a demolition licence or an equivalent licence issued under a corresponding demolition law,
- (b) an asbestos removal licence or an equivalent licence issued under 1 of the following—
  - (i) a relevant law,
  - (ii) the *Occupational Health and Safety Act 2004* of Victoria.
- (c) a high risk work licence or an equivalent licence issued under 1 of the following—
  - (i) a relevant law,
  - (ii) the *Occupational Health and Safety Act 2004* of Victoria.
- (d) a licence issued under an explosives law.

**relevant matter**, for demolition work, includes the following—

- (a) a conviction or finding of guilt for an offence under—
  - (i) a relevant law, or
  - (ii) an explosives law, or

- (iii) the *Protection of the Environment Operations Act 1997*, or a corresponding environment protection law, relating to the unlawful disposal of hazardous waste,
- (b) the entering into of an enforceable undertaking under—
  - (i) a relevant law, or
  - (ii) an explosives law,
- (c) for a relevant licence—
  - (i) a refusal to grant the licence, or
  - (ii) a condition imposed on the licence, if granted, or
  - (iii) a suspension or cancellation of the licence, if granted, including a disqualification from applying for a licence,
- (d) a person's record for matters arising under—
  - (i) a relevant law, or
  - (ii) an explosives law.

**restricted demolition licence** means a demolition licence authorising the licence holder to undertake licensed demolition work other than demolition work—

- (a) on a structure over 15 metres in height, or
- (b) on a structure that is a chemical installation, or
- (c) on a structure with structural components that are pre-tensioned or post-tensioned, or
- (d) involving a tower crane, or
- (e) involving a mobile crane with a rated capacity of over 100 tonnes, or
- (f) involving floor propping, or
- (g) involving explosives.

**unrestricted demolition licence** means a demolition licence authorising the licence holder to undertake licensed demolition work.

**Note**—The regulator may, under clause 143F, impose conditions on a demolition licence.

## Division 2 Giving notice

### 142 Notice of demolition work

- (1) A person conducting a business or undertaking who proposes to carry out the following demolition work must ensure written notice is given to the regulator in accordance with this clause at least 5 days before the work commences—
  - (a) demolition of a structure, or a part of a structure that is load-bearing or otherwise related to the physical integrity of the structure, that is at least 6 metres in height,
  - (b) demolition work involving load shifting machinery on a suspended floor,
  - (c) demolition work involving explosives.

Maximum penalty—

- (a) for an individual—15 penalty units, or
- (b) for a body corporate—70 penalty units.

**Note**—See the Act, section 268 for offences relating to giving false or misleading information.

- (2) The notice must be given in the form required by the regulator.
- (3) Subclause (4) applies to an emergency service organisation for demolition work carried out or proposed to be carried out by an emergency service worker at the direction of the emergency service organisation in responding to an emergency.
- (4) An emergency service organisation must give notice under subclause (1) as soon as practicable, whether before or after the work is carried out.
- (5) In this clause, a reference to the height of a structure is a reference to the height of the structure measured from the lowest level of the ground immediately adjacent to the base of the structure at the point at which the height is to be measured to the structure's highest point.

### **Division 3 Requirement to be licensed**

#### **142A Requirement to hold demolition licence**

A person must not carry out licensed demolition work at a workplace unless—

- (a) the person has a demolition licence authorising the person to carry out the work, or
- (b) the work is carried out at the direction of a person who has a demolition licence authorising the carrying out of the work.

#### **142B Duty to ensure person undertaking licensed demolition work is licensed**

A person conducting a business or undertaking who commissions licensed demolition work to be carried out at a workplace must ensure the person commissioned to carry out the work has a demolition licence authorising the carrying out of the work.

Maximum penalty—

- (a) for an individual—70 penalty units, or
- (b) for a body corporate—345 penalty units.

### **Division 4 Supervision and training**

#### **142C Named supervisor must be present**

A demolition licence holder carrying out licensed demolition work must ensure that whenever the work is being carried out a named supervisor—

- (a) is present at the work site, and
- (b) supervises the carrying out of the work.

Maximum penalty—

- (a) for an individual—70 penalty units, or
- (b) for a body corporate—345 penalty units.

#### **142D Demolition worker must be trained**

In addition to the training required by Part 3.2, Division 1, a demolition licence holder must not allow a worker to carry out licensed demolition work for the licence holder unless the licence holder is satisfied the worker has completed a course in safe demolition practice approved by the regulator.

Maximum penalty—

- (a) for an individual—70 penalty units, or

- (b) for a body corporate—345 penalty units.

**142E Licence holder must keep training records**

- (1) A demolition licence holder must keep a record of the training undertaken by a worker carrying out licensed demolition work—
  - (a) while the worker is carrying out licensed demolition work for the licence holder, and
  - (b) for 5 years after the day the worker ceases carrying out licensed demolition work for the licence holder.

Maximum penalty—

- (a) for an individual—15 penalty units, or
- (b) for a body corporate—70 penalty units.

- (2) The demolition licence holder must ensure the records are available for inspection under the Act.

Maximum penalty—

- (a) for an individual—15 penalty units, or
- (b) for a body corporate—70 penalty units.

**142F Approval of courses of training and authorisation of RTOs**

- (1) The regulator may approve a course of training for demolition work (an *approved course*).
- (2) Different courses of training may be approved for different types of demolition work.
- (3) The regulator must publish the list of approved courses on the regulator's website.
- (4) The regulator may authorise an RTO to deliver an approved course.
- (5) An application by an RTO for authorisation must be made in the form required by the regulator.
- (6) The regulator may refuse an application for authorisation or may grant the application unconditionally or subject to conditions.
- (7) The regulator may, by written notice to an RTO—
  - (a) suspend, cancel or vary, including by imposing a condition, an authorisation held by the RTO, or
  - (b) disqualify the RTO from applying for authorisation under this clause.
- (8) In this clause—  
*deliver* an approved course includes carrying out an assessment required of a person undertaking the course.

**Note—** A decision to refuse an application for authorisation, to suspend, cancel or vary an authorisation or to disqualify an RTO from applying for authorisation is a reviewable decision—see clause 676.

**Division 5 Licensing process**

**Note—** See the Act, section 268 for offences relating to giving false or misleading information.

## **Subdivision 1 Applying for licence**

### **143 Who may apply for licence**

Only a person who conducts, or proposes to conduct, a business or undertaking may apply for a demolition licence.

### **143A Application for licence**

- (1) An application must—
  - (a) be in a form approved by the regulator, and
  - (b) include the names of 1 or more individuals nominated as named supervisors for the licence, and
  - (c) include or be accompanied by the information the regulator requires to assess the application.
- (2) The application must be accompanied by the relevant fee.
- (3) If the regulator considers it necessary to do so, the regulator may, by written notice, require the applicant to give additional information before making a decision about an application.

### **143B Withdrawal of application**

- (1) An applicant is taken to have withdrawn an application if the applicant does not give the regulator the additional information required by the regulator under clause 143A(3) within—
  - (a) 28 days of the date of the regulator's notice, or
  - (b) a longer period notified to the applicant in writing.
- (2) An applicant may, by written notice to the regulator, withdraw an application.

## **Subdivision 2 Decision about application**

### **143C Decision about application**

- (1) The regulator may grant a demolition licence if satisfied about the following—
  - (a) an application for the licence has been made in accordance with this Regulation,
  - (b) the applicant is able to ensure the work or other activities to which the licence relates will be carried out safely and competently,
  - (c) the applicant is able to ensure compliance with the conditions that will apply to the licence,
  - (d) each individual nominated as a named supervisor for the licence—
    - (i) is at least 18 years of age, and
    - (ii) has the qualifications and experience necessary to supervise the work or other activities to which the licence relates.
- (2) The regulator must refuse to grant a demolition licence if satisfied the applicant—
  - (a) is disqualified under a relevant law from holding an equivalent licence, or
  - (b) has, in making the application—
    - (i) given information that is false or misleading in a material particular, or



- (ii) failed to give material information that should have been given.

**Note—** A decision to refuse an application for a licence is a reviewable decision—see clause 676.

#### **143D Matters to be taken into account**

When assessing whether or not an applicant is able to ensure the work or other activities to which the licence relates will be carried out safely and competently, the regulator must consider all relevant matters concerning the following—

- (a) the applicant,
- (b) if the applicant is a body corporate—each officer of the body corporate,
- (c) each individual nominated as a named supervisor for the licence.

#### **143E Refusal to grant licence—process**

- (1) If the regulator proposes to refuse to grant a demolition licence, the regulator must give the applicant written notice—
  - (a) informing the applicant of the reasons for the proposed refusal, and
  - (b) advising that the applicant may, by a specified date, make a submission to the regulator about the proposed refusal.
- (2) The specified date must be at least 28 days after the date of the notice.
- (3) After the specified date, the regulator must—
  - (a) if the applicant has made a submission about the proposed refusal to grant the licence—consider the submission, and
  - (b) whether or not the applicant has made a submission—decide whether to grant or refuse to grant the licence, and
  - (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.
- (4) The regulator is taken to have refused to grant the licence if the regulator does not make a decision within 120 days after receiving the last of the following—
  - (a) the application,
  - (b) the additional information requested under clause 143A(3).

#### **143F Licence conditions**

- (1) The regulator may impose conditions the regulator considers appropriate on a demolition licence.
- (2) Without limiting subclause (1), the regulator may impose conditions in relation to 1 or more of the following—
  - (a) control measures that must be implemented when carrying out work or activities under the licence,
  - (b) recording or keeping information,
  - (c) requiring the licence holder, or a named supervisor, to undergo retraining or reassessment during the term of the licence,
  - (d) giving information to the regulator,
  - (e) the nature of the work or activities authorised by the licence,
  - (f) the circumstances in which the work or activities authorised by the licence may be carried out.

**Note 1**— A person must comply with the conditions of a licence—see the Act, section 45.

**Note 2**— A decision to impose a condition on a licence is a reviewable decision—see clause 676.

### **Subdivision 3 Issuing licence**

#### **143G Duration of licence**

A demolition licence takes effect on the day it is granted and, unless cancelled earlier, expires 5 years after that day.

#### **143H Licence document**

- (1) If the regulator grants a demolition licence, the regulator must give the applicant a licence document in the form approved by the regulator.
- (2) The licence document must include the following—
  - (a) the name of the licence holder,
  - (b) if the licence holder conducts the business or undertaking under a business name—the business name,
  - (c) whether the licence is a restricted licence or an unrestricted licence,
  - (d) conditions imposed on the licence by the regulator,
  - (e) the date the licence was granted,
  - (f) the date the licence expires.

#### **143I Licence document to be available**

- (1) A demolition licence holder must keep the licence document available for inspection under the Act.  
Maximum penalty—
  - (a) for an individual—15 penalty units, or
  - (b) for a body corporate—70 penalty units.
- (2) Subclause (1) does not apply if the licence document is not in the licence holder's possession because—
  - (a) it has been returned to the regulator under clause 143P, or
  - (b) the licence holder has applied for, but has not received, a replacement licence document under clause 143Q.

### **Division 6 Amendment of licence**

#### **143J Changes to information**

If there is a change to a material particular in information given by a demolition licence holder to the regulator, the licence holder must give the regulator written notice of the change within 14 days of becoming aware of the change.

Maximum penalty—

- (a) for an individual—15 penalty units, or
- (b) for a body corporate—70 penalty units.

**143K Change to named supervisor initiated by licence holder**

- (1) A demolition licence holder must, within 14 days of ceasing to use an individual as a named supervisor, apply to the regulator to amend the licence under clause 143N to remove the individual from the licence.  
Maximum penalty—
  - (a) for an individual—15 penalty units, or
  - (b) for a body corporate—70 penalty units.
- (2) If a licence holder wishes to add an individual as a named supervisor for a demolition licence—
  - (a) the licence holder must give the regulator—
    - (i) evidence the individual is at least 18 years of age, and
    - (ii) the information the regulator requires to assess the individual's qualifications and experience to supervise demolition work, and
  - (b) the regulator must—
    - (i) consider all relevant matters concerning the individual, and
    - (ii) assess whether or not the individual has the qualifications and experience to supervise demolition work, and
  - (c) the individual is not a named supervisor for the purposes of this Regulation until the regulator has—
    - (i) approved the individual as a named supervisor, and
    - (ii) given the licence holder written notice of the change to the licence.

**143L Removal of supervisor by regulator**

- (1) The regulator may, on the regulator's own initiative, remove a named supervisor from a licence if—
  - (a) the regulator becomes aware of a relevant matter for the named supervisor, or
  - (b) the regulator is satisfied the named supervisor was approved on the basis of information that is false or misleading in a material particular, including a certification obtained by giving information that is false or misleading in a material particular.
- (2) Before amending a licence under this clause, the regulator must give the licence holder written notice informing the licence holder—
  - (a) of the proposed removal of the named supervisor from the licence and the reasons for the proposed removal, and
  - (b) that the licence holder may, by a specified date, make a submission to the regulator about the proposed removal.
- (3) The specified date must be at least 28 days after the date of the notice.
- (4) After the specified date, the regulator must—
  - (a) if the licence holder has made a submission about the proposed amendment—consider the submission, and
  - (b) whether or not the licence holder has made a submission—decide whether or not to remove the named supervisor from the licence, and
  - (c) within 14 days after making the decision, give the licence holder written notice of the decision, including the reasons for the decision.

- (5) The regulator's decision takes effect when notice of the decision is given to the licence holder.

**143M Amendment imposed by regulator**

- (1) The regulator may, on the regulator's own initiative, amend a demolition licence, including by amending the licence to—
- (a) vary or delete a condition, or
  - (b) impose a new condition.
- (2) Before amending a licence under this clause, the regulator must give the licence holder written notice—
- (a) setting out the proposed amendment and the reasons for it, and
  - (b) advising that the licence holder may, by a specified date, make a submission to the regulator about the proposed amendment.
- (3) The specified date must be at least 28 days after the date of the notice.
- (4) After the specified date, the regulator must—
- (a) if the licence holder has made a submission about the proposed amendment—consider the submission, and
  - (b) decide—
    - (i) to make the proposed amendment, or
    - (ii) to make a different amendment resulting from consideration of a submission, or
    - (iii) to not make an amendment, and
  - (c) within 14 days after making the decision, give the licence holder written notice—
    - (i) setting out the amendment made or stating no amendment is to be made, and
    - (ii) if a submission was made about the proposed amendment—setting out the regulator's reasons for the decision, and
    - (iii) if an amendment has been made—setting the date, at least 28 days after the date of the notice, on which the amendment takes effect.

**Note—** A decision to amend a licence is a reviewable decision—see clause 676.

**143N Amendment on application by licence holder**

- (1) The regulator may, on application by the licence holder, amend a demolition licence, including by amending the licence to vary or delete a condition of the licence.
- (2) If the regulator makes the amendment applied for, the amendment takes effect when the licence holder is given written notice of the regulator's decision.
- (3) If the regulator proposes to refuse to amend the licence, the regulator must give the licence holder written notice—
- (a) informing the licence holder of the proposed refusal and the reasons for the proposed refusal, and
  - (b) advising that the licence holder may, by a specified date, make a submission to the regulator about the proposed refusal.
- (4) The specified date must be at least 28 days after the date of the notice.
- (5) After the specified date, the regulator must—

- (a) if the licence holder has made a submission about the proposed refusal—consider a submission made by the licence holder, and
- (b) decide—
  - (i) to make the amendment applied for, or
  - (ii) to make a different amendment resulting from consideration of a submission, or
  - (iii) to not make an amendment.
- (6) If the regulator refuses to make the amendment applied for or makes a different amendment, the regulator must give the licence holder written notice of the decision—
  - (a) if a submission was made about the proposed amendment—setting out the reasons for the regulator’s decision, and
  - (b) if the regulator makes a different amendment—
    - (i) setting out the amendment, and
    - (ii) setting the date, at least 28 days after the date of the notice, on which the amendment takes effect.

**Note—** A refusal to make the amendment applied for, or a decision to make a different amendment, is a reviewable decision—see clause 676.

**143O Minor corrections to licence**

The regulator may make minor amendments to a demolition licence, including an amendment—

- (a) to correct an obvious error, or
- (b) to change an address, or
- (c) that does not impose a significant burden on the licence holder.

**143P Licence holder to return licence document**

- (1) The holder of a demolition licence that has been amended must, at the written request of the regulator and within the time specified in the request, return the licence document to the regulator for amendment.  
Maximum penalty—
  - (a) for an individual—15 penalty units, or
  - (b) for a body corporate—70 penalty units.
- (2) If a licence document is returned for amendment, the regulator must give the licence holder the amended licence document within 14 days after the licence document is returned.

**143Q Replacement licence document**

- (1) A demolition licence holder must notify the regulator as soon as practicable if the licence document is lost.  
Maximum penalty—
  - (a) for an individual—15 penalty units, or
  - (b) for a body corporate—70 penalty units.
- (2) If a licence document is lost, the licence holder may apply to the regulator for a replacement document.

**Note—** A licence holder is required to keep the licence document available for inspection—see clause 143I.

- (3) An application for a replacement licence document must be made in the form required by the regulator and must—
  - (a) include a declaration describing the circumstances in which the original document was lost, and
  - (b) be accompanied by the relevant fee.

**Note—** See the Act, section 268 for offences relating to giving false or misleading information.
- (4) The regulator must issue a replacement licence document if satisfied the original document was lost.
- (5) If the regulator refuses to issue a replacement licence document, the regulator must, within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

**Note—** A refusal to issue a replacement licence document is a reviewable decision—see clause 676.
- (6) In this clause—

*lost* includes stolen or destroyed.

**143R Voluntary surrender of licence**

- (1) A demolition licence holder may voluntarily surrender the licence document to the regulator.
- (2) The licence expires on the surrender of the licence document.

**Division 7 Licence renewal**

**143S Regulator may renew licence**

The regulator may renew a demolition licence on application by the licence holder.

**143T Application for renewal**

- (1) An application for renewal of a demolition licence must—
  - (a) be in a form approved by the regulator, and
  - (b) include or be accompanied by the information the regulator requires to assess the application, and
  - (c) be accompanied by the relevant fee.

**Note—** See the Act, section 268 for offences relating to giving false or misleading information.
- (2) If the application to renew a licence is made before the expiry of the licence, the licence continues in force until the regulator notifies the applicant of the decision to grant or refuse the application.
- (3) If the application to renew a licence is made within 3 months after the expiry of the licence, the licence may be renewed but does not continue in force while the regulator makes a decision about the application.
- (4) An application to renew a licence may not be made more than 3 months after the licence expires.

**143U Decision about application**

- (1) The regulator may, on application by the licence holder, renew a demolition licence if satisfied about the following—
  - (a) the application has been made in accordance with this Regulation,

- (b) the applicant is able to ensure the work or other activities to which the licence relates will be carried out safely and competently,
  - (c) the applicant is able to ensure compliance with the conditions that will apply to the licence.
- (2) The regulator must refuse to renew a demolition licence if satisfied the applicant—
- (a) is disqualified under a relevant law from holding an equivalent licence, or
  - (b) does not have at least 1 named supervisor who has been assessed by the regulator as having the qualifications and experience necessary to supervise the work or other activities to which the licence relates, or
  - (c) has not carried out demolition work of the type authorised by the licence during the term of the licence, or
  - (d) has, in making the application—
    - (i) given information that is false or misleading in a material particular, or
    - (ii) failed to give material information that should have been given.

**Note—** A refusal to renew a licence is a reviewable decision—see clause 676.

#### **143V Matters to be taken into account**

When assessing an application to renew a demolition licence, the regulator must consider all relevant matters concerning the following—

- (a) the applicant,
- (b) if the applicant is a body corporate—each officer of the body corporate,
- (c) each individual nominated as a named supervisor for the licence.

#### **143W Refusal to renew licence—process**

- (1) If the regulator proposes to refuse to renew a demolition licence, the regulator must give the applicant written notice—
- (a) informing the applicant of the reasons for the proposed refusal, and
  - (b) advising that the applicant may, by a specified date, make a submission to the regulator about the proposed refusal.
- (2) The specified date must be at least 28 days after the date of the notice.
- (3) After the specified date, the regulator must—
- (a) if the applicant has made a submission about the proposed refusal to renew the licence—consider the submission, and
  - (b) whether or not the applicant has made a submission—decide whether to renew or refuse to renew the licence, and
  - (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

**Note—** A refusal to renew a licence is a reviewable decision—see clause 676.

#### **143X Status of licence during review**

- (1) If the regulator gives a demolition licence holder written notice of the regulator's decision to refuse to renew the licence, the licence continues to have effect until the last of the following occurs—
- (a) if the licence holder does not apply for an internal review of the decision—

- (i) the licence expires, or
    - (ii) the time for applying for an internal review ends,
  - (b) if the licence holder applies for an internal review of the decision—
    - (i) the licence holder withdraws the application for review, or
    - (ii) the regulator makes a decision about the review,
  - (c) if, following an internal review, the licence holder applies for an external review—
    - (i) the licence holder withdraws the application for review, or
    - (ii) the Civil and Administrative Tribunal makes a decision about the review.
- (2) The licence continues to have effect under this clause even if the licence expiry date passes.

## **Division 8      Suspension or cancellation**

### **143Y    Suspension or cancellation of licence**

- (1) The regulator may suspend or cancel a demolition licence if satisfied about 1 or more of the following—
- (a) the licence holder has failed to ensure the work or other activities authorised by the licence are carried out safely and competently,
  - (b) the licence holder has failed to ensure compliance with a condition of the licence, including a condition requiring the licence holder, or a named supervisor for the licence, to undergo retraining or reassessment during the term of the licence,
  - (c) the licence holder, in the application for the grant or renewal of the licence or in response to a request by the regulator for additional information—
    - (i) gave information that was false or misleading in a material particular, or
    - (ii) failed to give material information that should have been given,
  - (d) the licence was granted on the basis of a certification obtained by the licence holder, or a named supervisor for the licence, due to the giving of false or misleading information by a person or body,
  - (e) the licence holder does not have at least 1 named supervisor,  
**Note—** Clause 143K requires a licence holder to notify the regulator of a change to the licence holder's named supervisors.
  - (f) the licence holder has failed to comply with the requirements of a notice under this Regulation,
  - (g) the licence holder has been convicted or found guilty of an offence under—
    - (i) a relevant law, or
    - (ii) an explosives law,
  - (h) the licence was issued by mistake.
- (2) For the purposes of subclause (1)(b), a licence holder complies with a condition of the licence requiring the licence holder, or a named supervisor for the licence, to undergo retraining or reassessment during the term of the licence if the licence holder provides a certification for a VET course in relation to the retraining or reassessment.



**Note—** Certification is defined in clause 5.

- (3) If the regulator suspends or cancels a licence, the regulator may disqualify the licence holder from applying for the following—
- (a) a further licence of the same type,
  - (b) another licence under this Regulation to carry out work requiring the same or similar skills as the skills required for the work authorised by the suspended or cancelled licence.

**Note—** A decision to suspend a licence, to cancel a licence or to disqualify the licence holder from applying for a further licence is a reviewable decision—see clause 676.

**143Z Matters to be taken into account**

- (1) In making a decision under clause 143Y, the regulator must consider—
- (a) submissions made by the licence holder under clause 143ZA, and
  - (b) advice received from a corresponding demolition regulator.
- (2) For the purposes of clause 143Y(1)(a) and (b), the regulator must consider all relevant matters concerning the following—
- (a) the licence holder,
  - (b) if the licence holder is a body corporate—each officer of the body corporate,
  - (c) each individual nominated as a named supervisor for the licence.

**143ZA Notice to and submissions by licence holder**

- (1) Before suspending or cancelling a demolition licence, the regulator must give the licence holder written notice of—
- (a) the proposed suspension or cancellation, and
  - (b) a proposed disqualification.
- (2) The notice must—
- (a) outline all relevant allegations, facts and circumstances known to the regulator, and
  - (b) advise that the licence holder may, by a specified date, make a submission about the proposed suspension or cancellation and proposed disqualification.
- (3) The specified date must be at least 28 days after the date of the notice.

**143ZB Notice of decision**

- (1) The regulator must give the licence holder written notice of a decision under clause 143Y to suspend or cancel a demolition licence within 14 days after making the decision.
- (2) The notice must—
- (a) state the licence is to be suspended or cancelled, and
  - (b) if the licence is to be suspended—state the following—
    - (i) the date the suspension begins,
    - (ii) the reasons for the suspension,
    - (iii) the actions the licence holder is required to take, such as retraining or reassessment, before the suspension ends,
    - (iv) whether or not the licence holder is disqualified from applying for a further licence during the period of suspension, and

- (c) if the licence is to be cancelled—state the following—
  - (i) the date the cancellation takes effect,
  - (ii) the reasons for the cancellation,
  - (iii) whether or not the licence holder is disqualified from applying for a further licence, and
- (d) if the licence holder is disqualified from applying for a further licence—state the following—
  - (i) the date the disqualification begins,
  - (ii) the reasons for the disqualification,
  - (iii) the actions the licence holder is required to take, such as retraining or reassessment, before the disqualification ends,
  - (iv) another class of licence under this Regulation the licence holder is disqualified from applying for, and
- (e) state when the licence document must be returned to the regulator.

**143ZC Immediate suspension**

- (1) The regulator may suspend a demolition licence on a ground mentioned in clause 143Y without giving notice under clause 143ZA if satisfied—
  - (a) the work carried out under the licence should cease because it may involve an imminent serious risk to the health or safety of a person, or
  - (b) a corresponding demolition regulator has, under this clause as applying in the corresponding jurisdiction, suspended an equivalent licence held by the licence holder.
- (2) If the regulator decides to suspend a licence under this clause—
  - (a) the regulator must give the licence holder written notice of the suspension and the reasons for the suspension, and
  - (b) the suspension of the licence takes effect on the giving of the notice.
- (3) The regulator must then—
  - (a) give notice under clause 143ZA within 14 days after giving the notice under subclause (2), and
  - (b) make a decision under clause 143Y.
- (4) If the regulator does not give the notice under clause 143ZA as required by subclause (3), the suspension ends at the end of the 14-day period.
- (5) If the regulator gives notice under clause 143ZA as required by subclause (3), the licence remains suspended until a decision is made under clause 143Y.

**143ZD Licence holder to return licence document**

A licence holder, on receiving a notice under clause 143ZB, must return the licence document to the regulator in accordance with the notice.

Maximum penalty—

- (a) for an individual—15 penalty units, or
- (b) for a body corporate—70 penalty units.

**143ZE Regulator to return licence document after suspension ends**

The regulator must return the licence document to the licence holder within 14 days after the licence suspension ends.

**[4] Clause 676 Which decisions under this Regulation are reviewable**

Insert after item 16 in the table to clause 676(1)—

<b>Demolition licences</b>		
16AA	142F(6)—Decision to refuse an application for authorisation of an RTO, or to impose conditions on the authorisation of an RTO	Applicant
16AB	142F(7)(a)—Decision to suspend, cancel or vary the authorisation of an RTO	Authorisation holder
16AC	142F(7)(b)—Decision to disqualify an RTO from applying for authorisation	Disqualified RTO
16AD	143C—Refusal to grant licence	Applicant
16AE	143F—Decision to impose conditions on licence	Applicant or licence holder
16AF	143M—Amendment imposed by regulator	Licence holder
16AG	143N—Refusal to amend a licence as requested by licence holder	Licence holder
16AH	143Q—Refusal to issue a replacement licence document	Licence holder
16AI	143U—Refusal to renew a licence	Licence holder
16AJ	143Y—Decision to suspend or cancel a licence or to disqualify a person from holding a licence	Licence holder
<b>Traffic control work</b>		

**[5] Clause 702A Savings and transitional provisions**

Insert after clause 702A(7)—

- (7A) An existing demolition licence—
- (a) has effect as a demolition licence under this Regulation, and
  - (b) may be amended under Part 4.6, Division 6, and
  - (c) may be suspended or cancelled under Part 4.6, Division 8, and
  - (d) continues in force until the first of the following occurs—
    - (i) the licence expires,
    - (ii) the licence is cancelled under Part 4.6, Division 8.
- (7B) An existing demolition licence that, because of subclause (7A)(a), has effect as a demolition licence under this Regulation may be renewed under Part 4.6, Division 7 as a demolition licence.
- (7C) An existing demolition licence application must be determined as if it had been made under this Regulation, Part 4.6.
- (7D) An existing demolition licence suspension or cancellation decision must be determined under this Regulation, Part 4.6.

**[6] Clause 702A(8)**

Insert in alphabetical order—

***amending Regulation*** means the *Work Health and Safety Amendment (Demolition Licensing) Regulation 2022*.

**existing demolition licence** means a licence for demolition work or restricted demolition work issued under the former Regulation, Chapter 10 and in force immediately before the commencement of the amending Regulation.

**existing demolition licence application** means each of the following applications made under the former Regulation, Chapter 10 but not determined before the commencement of the amending Regulation—

- (a) an application for the grant of a licence for demolition work or restricted demolition work,
- (b) an application for the renewal of a licence for demolition work or restricted demolition work,
- (c) an application for amendment of the conditions of a licence for demolition work or restricted demolition work.

**existing demolition licence suspension or cancellation decision** means a decision under the former Regulation, Chapter 10 about the suspension or cancellation of an existing demolition licence that was under consideration but not determined before the commencement of the amending Regulation.

**former Regulation** means the *Occupational Health and Safety Regulation 2001*.

**[7] Clause 702B Register of certain licences and training cards**

Omit clause 702B(1)(c). Insert instead—

- (c) a demolition licence,

**[8] Schedule 2 Fees**

Insert after item 6 in Part 1—

6AA	Application for demolition licence (clause 143A(2))	22.81
6AB	Application for replacement of demolition licence document (clause 143Q(3)(b))	0.34
6AC	Application to renew demolition licence (clause 143T(1)(c))	22.81

**[9] Schedule 18A Penalty notice offences**

Insert “142B, 142C,” after “78–80,” in the matter relating to **Offences under this Regulation**.

**[10] Schedule 18A**

Omit “142(1),” in the matter relating to **Offences under this Regulation**.

Insert instead “142(1), 142E, 143I(1), 143J, 143K(1), 143P(1), 143Q(1), 143ZD,”.