



Work Health and Safety Amendment (Licensing of Asbestos Removalists and Other Measures) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 November 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Michaelia Cash
Minister for Employment

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1 Name

This is the *Work Health and Safety Amendment (Licensing of Asbestos Removalists and Other Measures) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	26 November 2016
2. Schedule 1, Part 1	The day after this instrument is registered.	26 November 2016
7. Schedule 1, Part 2	1 January 2017.	1 January 2017
8. Schedule 1, Part 3	The day after this instrument is registered.	26 November 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Work Health and Safety Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments relating to licensing of asbestos removalists

Work Health and Safety Regulations 2011

1 Subregulation 488(1)

Repeal the subregulation, substitute:

- (1) In this Division, a reference to an asbestos removal licence includes a reference to an equivalent licence:
 - (a) granted under a corresponding WHS law; and
 - (b) that is being used in accordance with the terms and conditions under which it was granted.

2 After Division 2 of Part 8.10

Insert:

Division 3—Licensing process

491 Who may apply for a licence

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

492 Application for asbestos removal licence

- (1) An application for an asbestos removal licence must be made in the manner and form required by the regulator.
- (2) The application must include the following information:
 - (a) the name and address of the applicant;
 - (ab) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
 - (b) any other evidence of the applicant's identity required by the regulator;
 - (c) the class of licence to which the application relates;
 - (d) if the applicant conducts the business or undertaking under a business name—that business name and a certificate or other written evidence of the registration of the business name;
 - (e) a declaration that the applicant does not hold an equivalent licence under a corresponding WHS law;
 - (f) if the applicant is an individual:
 - (i) a declaration as to whether or not the applicant has ever been convicted or found guilty of any offence under the Act or these Regulations or under any corresponding WHS law; and
 - (ii) details of any conviction or finding of guilt declared under subparagraph (i); and

- (iii) a declaration as to whether or not the applicant has been convicted or found guilty of any offence in relation to the unlawful disposal of hazardous waste under a law of the Commonwealth, a State or a Territory dealing with environmental protection; and
- (iv) details of any conviction or finding of guilt declared under subparagraph (iii); and
- (v) a declaration as to whether or not the applicant has ever entered into an enforceable undertaking under the Act or under any corresponding WHS law; and
- (vi) details of any enforceable undertaking declared under subparagraph (v); and
- (vii) if the applicant has previously been refused an equivalent licence under a corresponding WHS law, a declaration giving details of that refusal; and
- (viii) if the applicant has previously held an equivalent licence under a corresponding WHS law, a declaration:
 - (A) describing any condition imposed on that licence; and
 - (B) stating whether or not that licence had been suspended or cancelled and, if so, whether or not the applicant had been disqualified from applying for any licence; and
 - (C) giving details of any suspension, cancellation or disqualification;
- (g) if the applicant is a body corporate, the information referred to in paragraph (f) in relation to:
 - (i) the body corporate; and
 - (ii) each officer of the body corporate;
- (h) the additional information referred to in regulation 493 or 494, as applicable.

Note 1: See Part 7.4 of the *Criminal Code* for offences relating to the giving of false or misleading information under the Act or these Regulations.

Note 2: Division 3 of Part VIIC of the *Crimes Act 1914* provides that a person is not required to disclose a conviction which is spent in accordance with that Act.

- (3) The application must be accompanied by the relevant fee (if any).

493 Content of application—Class A asbestos removal licence

- (1) For the purposes of paragraph 492(2)(h), an application for a Class A asbestos removal licence must include the following:
- (a) the names of one or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;
 - (b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;
 - (c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;
 - (d) evidence that each named supervisor has at least 3 years of relevant industry experience;
 - (e) evidence that the applicant has a certified safety management system in place.

- (2) If the applicant is an individual who proposes to supervise the carrying out of the Class A asbestos removal work, the statement and information referred to in paragraphs (1)(b), (c) and (d) must relate to the applicant.

494 Content of application—Class B asbestos removal licence

- (1) For the purposes of paragraph 492(2)(h), an application for a Class B asbestos removal licence must include the following:
 - (a) the name of one or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;
 - (b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;
 - (c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;
 - (d) evidence that each named supervisor has at least one year of relevant industry experience.
- (2) If the applicant is an individual who proposes to supervise the carrying out of the Class B asbestos removal work, the statement and information referred to in paragraphs (1)(b), (c) and (d) must relate to the applicant.

496 Additional information

- (1) If an application for a licence does not contain sufficient information to enable the regulator to make a decision whether or not to grant the licence, the regulator may ask the applicant to provide additional information.
- (2) A request for additional information must:
 - (a) specify the date (not being less than 28 days after the request) by which the additional information is to be given; and
 - (b) be confirmed in writing.
- (3) If an applicant does not provide the additional information by the date specified, the application is to be taken to have been withdrawn.
- (4) The regulator may make more than one request for additional information.

497 Decision on application

- (1) Subject to subregulation (3), the regulator must grant an asbestos removal licence if satisfied about:
 - (a) the matters referred to in subregulation (2); and
 - (b) the additional matters referred to in regulation 498 or 499, as applicable.
- (2) The regulator must be satisfied about the following:
 - (a) the application has been made in accordance with these Regulations;
 - (b) the applicant does not hold an equivalent licence under a corresponding WHS law unless that licence is due for renewal;
 - (c) either:
 - (i) the applicant is the Commonwealth, a public authority or a non-Commonwealth licensee; or

- (ii) the regulator is satisfied that circumstances exist that justify the grant of the licence;
 - (e) the applicant is able to ensure that the work or other activities to which the licence relates are carried out safely and competently;
 - (f) the applicant is able to ensure compliance with any conditions that will apply to the licence.
- (3) The regulator must refuse to grant a licence if satisfied that:
 - (a) the applicant is disqualified under a corresponding WHS law from holding an equivalent licence; or
 - (b) the applicant, in making the application, has:
 - (i) given information that is false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given.
- (4) If the regulator decides to grant the licence, it must notify the applicant within 14 days after making the decision.
- (5) If the regulator does not make a decision within 120 days after receiving the application or the additional information requested under regulation 496, the regulator is taken to have refused to grant the licence applied for.

Note: A refusal to grant a licence (including under subregulation (5)) is a reviewable decision (see regulation 676).

498 Class A asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of paragraph 497(1)(b), in relation to a Class A asbestos removal licence, the regulator must be satisfied that:

- (a) each supervisor named by the applicant:
 - (i) is at least 18 years of age; and
 - (ii) holds a certification for:
 - (A) the specified VET course for the supervision of asbestos removal work; and
 - (B) the specified VET course for the Class A asbestos removal work; and
 - (iii) has at least 3 years of relevant industry experience; and
- (b) the applicant has a certified safety management system in place.

499 Class B asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of paragraph 497(1)(b), in relation to a Class B asbestos removal licence the regulator must be satisfied that each supervisor named by the applicant:

- (a) is at least 18 years of age; and
- (b) holds a certification for:
 - (i) the specified VET course for the supervision of asbestos removal work; and
 - (ii) the specified VET course for the Class B asbestos removal work; and
- (c) has at least one year of relevant industry experience.

500 Matters to be taken into account

- (1) For the purposes of paragraphs 497(2)(e) and (f), the regulator must have regard to all relevant matters, including the following:
 - (a) any offence under the Act or these Regulations or under a corresponding WHS law of which the applicant has been convicted or found guilty;
 - (b) any offence in relation to the unlawful disposal of hazardous waste under a law of the Commonwealth, a State or a Territory dealing with environmental protection of which the applicant has been convicted or found guilty;
 - (c) any enforceable undertaking the applicant has entered into under the Act or a corresponding WHS law;
 - (d) in relation to any equivalent licence applied for or held by the applicant under the Act or these Regulations or under a corresponding WHS law:
 - (i) any refusal to grant the licence; and
 - (ii) any condition imposed on the licence, if granted; and
 - (iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;
 - (e) the record of the applicant in relation to any matters arising under the Act or these Regulations or under a corresponding WHS law.

Note: Division 3 of Part VIIC of the *Crimes Act 1914* provides that a person is not required to disclose a conviction which is spent in accordance with that Act.

- (2) For the purposes of paragraphs 497(2)(e) and (f), if the applicant is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subregulation (1), in relation to:
 - (a) the body corporate; and
 - (b) each officer of the body corporate.

501 Refusal to grant licence—process

- (1) If the regulator proposes to refuse to grant a licence, the regulator must give the applicant a written notice:
 - (a) informing the applicant of the reasons for the proposed refusal; and
 - (b) advising the applicant that the applicant may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.
- (2) After the date specified in a notice under subregulation (1), the regulator must:
 - (a) if the applicant has made a submission in relation to the proposed refusal to grant the licence—consider that 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.

Note: A refusal to grant a licence is a reviewable decision (see regulation 676).

502 Conditions of licence

- (1) The regulator may impose any conditions it considers appropriate on an asbestos removal licence.

- (2) Without limiting subregulation (1), the regulator may impose conditions in relation to one or more of the following:
- (a) control measures which must be implemented in relation to the carrying out of work or activities under the licence;
 - (b) the recording or keeping of information;
 - (c) requiring the licence holder, or a nominated supervisor of the licence holder, to undergo retraining or reassessment during the term of the licence;
 - (d) the provision of information to the regulator;
 - (e) the nature of work or activities authorised by the licence;
 - (f) the circumstances in which work or activities authorised by the licence may be carried out.

Note 1: A person must comply with the conditions of a licence (see section 45 of the Act).

Note 2: A decision to impose a condition on a licence is a reviewable decision (see regulation 676).

503 Duration of licence

Subject to this Part, an asbestos removal licence takes effect on the day it is granted and, unless cancelled earlier, expires 5 years after that day.

504 Licence document

- (1) If the regulator grants an asbestos removal licence, the regulator must issue to the applicant a licence document in the form determined 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—that business name;
 - (c) the class of asbestos removal licence and a description of the work within the scope of the licence;
 - (d) any conditions imposed on the licence by the regulator;
 - (e) the date on which the licence was granted;
 - (f) the expiry date of the licence.

505 Licence document to be available

- (1) A licence holder must keep the licence document available for inspection under the Act.

Penalty:

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

- (2) Subregulation (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 regulation 512; and
 - (b) the licence holder has applied for, but has not received, a replacement licence document under regulation 513.

Division 4—Amendment of licence and licence document

506 Changes to information

- (1) The licence holder of an asbestos removal licence must give the regulator written notice of any change to any material particular in any information given at any time by the licence holder to the regulator in relation to the licence within 14 days after the licence holder becomes aware of the change.

Penalty:

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

- (2) Subregulation (1) applies whether the information was given in the application for grant or renewal of the licence or in any other circumstance.

507 Change to nominated supervisor

- (1) If there is a change in relation to a supervisor named to the regulator by the holder of an asbestos removal licence (other than a licence holder who is an individual), the licence holder must:
 - (a) if the change is to remove a supervisor—within 14 days after the change, ask the regulator to amend the licence under regulation 509 to make that change; and
 - (b) if the change is to add a supervisor—give the regulator the information about the supervisor referred to in regulation 498 or 499.

Penalty:

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

- (2) If the change referred to in subregulation (1) is to add a supervisor, that supervisor is not a nominated supervisor for the purposes of these Regulations until the regulator has approved the nomination.

508 Amendment imposed by regulator

- (1) The regulator may, on its own initiative, amend an asbestos removal licence, including by amending the licence to:
 - (a) vary or delete a condition of the licence; or
 - (b) impose a new condition on the licence.
- (2) If the regulator proposes to amend a licence, the regulator must give the licence holder written notice:
 - (a) setting out the proposed amendment and the reasons for it; and
 - (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed amendment.
- (3) After the date specified in a notice under subregulation (2), the regulator must:
 - (a) if the licence holder has made a submission in relation to the proposed amendment—consider that submission; and

- (b) whether or not the licence holder has made a submission—decide:
 - (i) to make the proposed amendment; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence holder; and
- (c) within 14 days after making that decision, give the licence holder written notice that:
 - (i) sets out the amendment, if any, or states that no amendment is to be made; and
 - (ii) if a submission was made in relation to the proposed amendment—sets out the regulator’s reasons for making the amendment; and
 - (iii) specifies the date (being not less than the 28 days after the licence holder is given the notice) on which the amendment, if any, takes effect.

Note: A decision to amend a licence is a reviewable decision (see regulation 676).

509 Amendment on application by licence holder

- (1) The regulator, on application by the licence holder, may amend an asbestos removal licence, including by amending the licence to vary or delete a condition of the licence.
- (2) If the regulator proposes to refuse to amend the licence, the regulator must give the licence holder a written notice:
 - (a) informing the licence holder of the proposed refusal to amend the licence and the reasons for the proposed refusal; and
 - (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.
- (3) After the date specified in a notice under subregulation (2), the regulator must:
 - (a) if the licence holder has made a submission in relation to the proposed refusal—consider that submission; and
 - (b) whether or not the licence holder has made a submission—decide:
 - (i) to make the amendment applied for; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence holder; and
 - (c) within 14 days after making that decision, give the licence holder written notice of the decision in accordance with this regulation.
- (4) If the regulator makes the amendment applied for, the notice under paragraph (3)(c) must specify the date (being not less than 28 days after the licence holder is given the notice) on which the amendment takes effect.
- (5) If the regulator refuses to make the amendment applied for or makes a different amendment, the notice under paragraph (3)(c) must:
 - (a) if a submission was made in relation to the proposed refusal of the amendment applied for—set out the reasons for the regulator’s decision; and
 - (b) if the regulator makes a different amendment:

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- (i) set out the amendment; and
- (ii) specify the date (being not less than 28 days after the licence holder is given 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 regulation 676).

510 Minor corrections to licence

The regulator may make minor amendments to a 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.

511 Regulator to give amended licence to the holder

If the regulator amends an asbestos removal licence and considers that the licence document requires amendment, the regulator must give the licence holder an amended licence document within 14 days after making the decision to amend the licence.

512 Licence holder to return licence

The holder of an asbestos removal licence that has been amended must return the licence document to the regulator for amendment at the written request of the regulator and within the time specified in the request.

Penalty:

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

513 Replacement licence document

- (1) A licence holder of an asbestos removal licence must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.

Penalty:

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

- (2) If a licence document is lost, stolen or destroyed, 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 regulation 505).

- (3) An application for a replacement licence document must be made in the manner and form required by the regulator.
- (4) The application must:
 - (a) include a declaration describing the circumstances in which the original document was lost, stolen or destroyed; and
 - (b) be accompanied by the relevant fee (if any).

Note: For paragraph (a), see Part 7.4 of the *Criminal Code* for offences relating to the giving of false or misleading information under the Act or these Regulations.

- (5) The regulator must issue a replacement licence document if satisfied that the original document was lost, stolen or destroyed.
- (6) If the regulator refuses to issue a replacement licence document, it must give the licence holder written notice of this decision, including the reasons for the decision, within 14 days after making the decision.

Note: A refusal to issue a replacement licence document is a reviewable decision (see regulation 676).

514 Voluntary surrender of licence

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

Division 5—Renewal of licence

515 Regulator may renew licence

The regulator may renew an asbestos removal licence on application by the licence holder.

516 Application for renewal

- (1) An application for renewal of an asbestos removal licence must be made in the manner and form required by the regulator.
- (2) The application must include the following information:
 - (a) the name and address of the applicant;
 - (b) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
 - (c) any other evidence of the applicant's identity required by the regulator;
 - (d) written evidence that the applicant has obtained any retraining or reassessment or taken any other action required under regulation 502;
 - (e) a declaration by the applicant that the applicant or a supervisor named by the applicant, as applicable, has maintained the competency required to carry out the work covered by the licence.

Note: See Part 7.4 of the *Criminal Code* for offences relating to the giving of false or misleading information under the Act or these Regulations.

- (3) The application must be accompanied by the relevant fee (if any).
- (4) The application must be made before the expiry of the licence.

517 Provisions relating to renewal of licence

- (1) For the purposes of this Division:
 - (a) regulation 496 applies as if a reference in that regulation to an application for a licence were a reference to an application to renew a licence; and

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- (b) regulations 497 (except subregulation (5)), 500, 502 and 503 apply as if a reference in those regulations to the grant of a licence were a reference to the renewal of a licence; and
 - (c) regulation 501 applies as if a reference in that regulation to a refusal to grant a licence were a reference to a refusal to renew a licence.
- (2) The regulator must not renew an asbestos removal licence unless the regulator is satisfied about the matters referred to in regulation 518.
 - (3) The regulator must not renew an asbestos removal licence granted to a person under a corresponding WHS law if that licence is renewed under that law.
 - (4) If a licence holder applies under regulation 516 for the renewal of an asbestos removal licence, the licence is taken to continue in force from the day it would, apart from this subregulation, have expired until the licence holder is given notice of the decision on the application.

Note: A refusal to renew a licence is a reviewable decision (see regulation 676).

518 Renewal of asbestos removal licence—regulator to be satisfied about certain matters

For the purposes of regulation 517, the regulator must not renew an asbestos removal licence unless satisfied that:

- (a) each supervisor named by the applicant:
 - (i) holds a certification for the specified VET course for supervision of the asbestos removal work to be authorised by the licence; and
 - (ii) has appropriate experience in the asbestos removal work to be authorised by the licence; and
- (b) asbestos removal work of the type authorised by the licence has been carried out on behalf of the applicant during the term of the licence.

519 Status of licence during review

- (1) This regulation applies if the regulator gives a licence holder written notice of its decision to refuse to renew the licence.
- (2) If the licence holder does not apply for internal review of the decision, the licence continues to have effect until the last of the following events:
 - (a) the expiry of the licence;
 - (b) the end of the time for applying for an internal review.
- (3) If the licence holder applies for an internal review of the decision, the licence continues to have effect until the earlier of the following events:
 - (a) the licence holder withdraws the application for review;
 - (b) the regulator makes a decision on the review.
- (4) If the licence holder does not apply for an external review, the licence continues to have effect until the end of the time for applying for an external review.
- (5) If the licence holder applies for an external review, the licence continues to have effect until the earlier of the following events:
 - (a) the licence holder withdraws the application for review;
 - (b) the Administrative Appeals Tribunal makes a decision on the review.

- (6) The licence continues to have effect under this regulation even if its expiry date passes.

Division 6—Suspension and cancellation of licence

520 Suspension or cancellation of licence

- (1) The regulator may suspend or cancel an asbestos removal licence if satisfied about one or more of the following:
- (a) the licence holder has failed to ensure that 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 nominated supervisor of the licence holder, 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 on request by the regulator for additional information:
 - (i) gave information that was false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given in that application or on that request;
 - (d) the licence was granted or renewed on the basis of a certification that was obtained on the basis of the giving of false or misleading information by any person or body;
 - (e) in relation to a Class A asbestos removal licence—the licence holder has failed to have a certified safety management system in place.
- (2) It is a ground for the suspension or cancellation of an asbestos removal licence if the licence holder does not have a qualified nominated asbestos removal supervisor.

Note: Regulation 507 provides for a licence holder to notify the regulator of any change in a nominated supervisor.

- (3) For the purposes of paragraph (1)(b), a licence holder complies with a condition on the licence that requires the licence holder or a nominated supervisor of the licence holder to undergo retraining or reassessment during the term of the licence if the licence holder provides a certification in relation to that retraining or reassessment.
- (4) If the regulator suspends or cancels a licence, the regulator may disqualify the licence holder from applying for:
- (a) a further licence of the same type; or
 - (b) another licence under these Regulations to carry out work which requires skills that are the same as or similar to those required for the work authorised by the licence that has been suspended or cancelled.

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 regulation 676).

521 Matters taken into account

- (1) In making a decision under regulation 520, the regulator must have regard to:
- (a) any submissions made by the licence holder under regulation 522; and

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- (b) any advice received from a corresponding regulator.
- (2) For the purposes of paragraph 520(1)(a) and (b), if the licence holder is an individual, the regulator must have regard to all relevant matters, including the following:
- (a) any offence under the Act or these Regulations or under a corresponding WHS law, of which the licence holder has been convicted or found guilty;
 - (b) any enforceable undertaking the licence holder has entered into under this Act or a corresponding WHS law;
 - (c) in relation to any equivalent licence applied for or held by the licence holder under the Act or these Regulations or under a corresponding WHS law:
 - (i) any refusal to grant the licence; and
 - (ii) any condition imposed on the licence, if granted; and
 - (iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;
 - (d) the record of the licence holder in relation to any matters arising under the Act or these Regulations or under a corresponding WHS law.
- Note: Division 3 of Part VIIC of the *Crimes Act 1914* provides that a person is not required to disclose a conviction which is spent in accordance with that Act.
- (3) For the purposes of regulation 520(1)(a) and (b), if the licence holder is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subregulation (2), in relation to:
- (a) the body corporate; and
 - (b) each officer of the body corporate.

522 Notice to and submissions by licence holder

Before suspending or cancelling an asbestos removal licence, the regulator must give the licence holder a written notice of the proposed suspension or cancellation and any proposed disqualification:

- (a) outlining all relevant allegations, facts and circumstances known to the regulator; and
- (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission in relation to the proposed suspension or cancellation and any proposed disqualification.

523 Notice of decision

- (1) The regulator must give the licence holder written notice of a decision under regulation 520 to suspend or cancel an asbestos removal licence within 14 days after making the decision.
- (2) The notice must:
 - (a) state that the licence is to be suspended or cancelled; and
 - (b) if the licence is to be suspended, state:
 - (i) when the suspension begins and ends; and
 - (ii) the reasons for the suspension; and

- (iii) whether the licence holder is required to undergo retraining or reassessment or take any other action before the suspension ends; and
- (iv) whether or not the licence holder is disqualified from applying for a further licence during the suspension; and
- (c) if the licence is to be cancelled, state:
 - (i) when the cancellation takes effect; and
 - (ii) the reasons for the cancellation; and
 - (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:
 - (i) when the disqualification begins and ends; and
 - (ii) the reasons for the disqualification; and
 - (iii) whether or not the licence holder is required to undergo retraining or reassessment or take any other action before the disqualification ends; and
 - (iv) any other class of licence under these Regulations that the licence holder is disqualified from applying for; and
- (e) state when the licence document must be returned to the regulator.

524 Immediate suspension

- (1) The regulator may suspend an asbestos removal licence on a ground referred to in regulation 520 without giving notice under regulation 522, if satisfied that:
 - (a) work carried out under the licence should cease because the work may involve an imminent serious risk to the health or safety of any person; or
 - (b) a corresponding regulator has suspended an equivalent licence held by the licence holder under this regulation as applying in the corresponding jurisdiction.
- (2) If the regulator decides to suspend a licence under this regulation:
 - (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 regulation 522 within 14 days after giving the notice under subregulation (2); and
 - (b) make its decision under regulation 520.
- (4) If the regulator does not give notice under subregulation (3), the suspension ends at the end of the 14 day period.
- (5) If the regulator gives notice under subregulation (3), the licence remains suspended until the decision is made under regulation 520.

525 Licence holder to return licence document

A licence holder, on receiving a notice under regulation 523, must return the licence document to the regulator in accordance with the notice.

Penalty:

Schedule 1 Amendments

Part 1 Amendments relating to licensing of asbestos removalists

- (a) in the case of an individual—\$1,250.
- (b) in the case of a body corporate—\$6,000.

526 Regulator to return licence document after suspension

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

3 Before regulation 529

Insert:

527 Asbestos removal licence register

The regulator must keep a register of:

- (a) each person holding an asbestos removal licence; and
- (b) each supervisor named to the regulator in relation to an asbestos removal licence.

4 Clause 1 of Schedule 2 (at the end of the table)

Add:

2.6	Subregulation 492(3)	Application for asbestos removal licence	no fee	On application for licence
2.7	Paragraph 513(4)(b)	Application for replacement licence document	no fee	On application for replacement document
2.8	Subregulation 516(3)	Application for renewal of asbestos removal licence	no fee	On application for renewal

Part 2—Amendments relating to reach stacker licensing

Work Health and Safety Regulations 2011

1 After subregulation 83(1)

Insert:

- (1A) For the purposes of subregulation 83(1) and without limitation, a non-slewing mobile crane licence is taken to be equivalent to a high risk work licence for the class of work referred to in table item 23 in Schedule 3 if the licence:
- (a) is granted under a corresponding WHS law that authorises the carrying out of that class of work under such a licence; and
 - (b) is being used in accordance with the terms and conditions under which it was granted.

2 Subregulation 83(2)

Omit “Subregulation (1) does not”, substitute “Subregulations (1) and (1A) do not”.

3 Division 4.5 of Part 4 of Chapter 12

Repeal the Division.

Part 3—Other amendments

Work Health and Safety Regulations 2011

1 Amendments of listed provisions—repeals

Repeal the following provisions:

- (a) Part 3 of Chapter 12;
- (b) regulation 718;
- (c) Divisions 4.6 and 4.8 of Part 4 of Chapter 12;
- (d) regulation 742;
- (e) Parts 6 to 8 of Chapter 12;
- (f) regulation 758;
- (g) Division 2 of Part 12 of Chapter 12.