

Workplace Health and Safety Queensland

Asbestos transitional arrangements

The following new transitional arrangements for asbestos will be phased in with the implementation of the *Work Health and Safety Regulation 2011* (WHS Regulation 2011) from 1 January 2012.

Class A asbestos removal (friable)

Existing friable asbestos certificates (class A)

A business holding a current friable asbestos removal certificate (also known as a class A asbestos removal certificate) issued under the *Workplace Health and Safety Regulation 2008* (WHS Regulation 2008) is authorised to carry out licensed asbestos removal work under the new WHS laws up to 31 December 2013. This applies despite any other expiry date on the certificate.

This gives existing class A friable asbestos certificate holders up to two years (until 31 December 2013) to apply for a new class A asbestos removal licence under the WHS Regulation 2011.

A class A friable asbestos removal certificate issued under the WHS Regulation 2008 is regarded as a 'transitional class A asbestos removal licence'.

Under the WHS Regulation 2011, a class A asbestos removal licence is required for:

- removal of friable asbestos
- removal of asbestos-contaminated dust (ACD) or debris except where the ACD is:
 - associated with the removal of non-friable asbestos; or
 - is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Holders of a class A asbestos removal licence are also authorised to carry out class B asbestos removal work, which is:

- removal of more than 10m² of non-friable asbestos or asbestos containing material; or
- asbestos-contaminated dust or debris associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material.

Existing 'competent persons' for class A friable asbestos certificate holders

A 'competent person' for supervising friable asbestos removal work under the WHS Regulation 2008 is regarded as a supervisor for a transitional class A asbestos removal licence holder under the new WHS Regulation 2011.

If there is a change in supervisors, the transitional class A licence holder must notify Workplace Health and Safety Queensland (WHSQ). While operating under the transitional class A asbestos removal licence, it is sufficient for the supervisor to meet the requirements for a 'competent person' under the WHS Regulation 2008.

By 31 December 2013, all supervisors for licensed asbestos removal work will need to have completed the new vocational education and training (VET) course *Supervise asbestos removal*.

Training for workers under a transitional class A asbestos removal licence

Transitional class A asbestos removal licence holders must continue to ensure that their workers have received appropriate training in safe working methods for carrying out asbestos removal. This maintains the training requirement under s.49 of the WHS

Regulation 2008 during the transitional period.

By 31 December 2013, all workers carrying out licensed asbestos removal work will need to have completed the new VET courses for asbestos removal. For class A asbestos removal work, the VET courses are *Remove non-friable asbestos* and *Remove friable asbestos*.

In addition to the new VET courses for asbestos removal work, s.460 of the WHS Regulation 2011 requires all licensed asbestos removalists to provide 'appropriate training' to workers to ensure the licensed asbestos removal work is carried out in accordance with the asbestos removal control plan. For s.460(2) of the WHS Regulation 2011, 'appropriate training' means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace. This requirement applies from 1 January 2012.

Conditions for transitional class A asbestos removal licences

A transitional class A asbestos removal licence is subject to the following conditions:

- any condition imposed under the WHS Regulation 2008
- any condition imposed by the regulator
- the holder of the licence must take all reasonable steps to ensure that the person continues to satisfy the approved criteria stated in [Information Paper AR1](#) (*Approved criteria for a certificate to perform work to remove friable asbestos containing material*) issued under the WHS Regulation 2008. This information paper will remain on the WHSQ website during the transitional period.

Applicants for a new class A asbestos removal licence if the VET course for asbestos removal supervisors is not reasonably available within Queensland

If a person conducting a business or undertaking (PCBU) wants to apply for a new class A asbestos removal licence but the VET course for asbestos removal supervisors is not reasonably available within Queensland, it is still possible for the PCBU to apply for the licence. Instead of showing that the person nominated as supervisor has completed the specified VET course, the applicant can demonstrate that the supervisor is a 'competent person' under [Information Paper AR2](#) (*Requirements for a competent person*

to supervise work to remove friable asbestos containing material) issued under the WHS Regulation 2008.

If the new licence is granted, it will be on the condition that each person nominated as a supervisor obtains a certificate for the VET course *Supervise asbestos removal* as soon as practicable after the course becomes available (and in no case later than 31 December 2013), and that a copy of the certificate is provided to WHSQ.

Class B asbestos removal (bonded)

Existing bonded asbestos removal certificates (class B)

A bonded asbestos removal certificate (also known as a class B asbestos removal certificate) issued under the WHS Regulation 2008 continues in effect up to 31 December 2013 despite any other expiry date on the certificate.

Under the new WHS Regulation 2011, only a PCBU proposing to carry out class B asbestos removal work is required to hold a class B asbestos removal licence. This is different to the requirements in the WHS Regulation 2008 where all individuals carrying out certain bonded asbestos removal work were required to hold a bonded asbestos removal certificate.

Certificates issued under the WHS Regulation 2008 are regarded as a 'transitional class B asbestos removal licence'.

A transitional class B asbestos removal licence authorises the carrying out of class B asbestos removal work, which is:

- removal of more than 10m² of non-friable asbestos or asbestos containing material; or
- asbestos-contaminated dust or debris associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material.

Existing bonded asbestos removal certificate holders who are PCBUs will have up to two years (until 31 December 2013) to apply for a new class B asbestos removal licence.

Conditions for transitional class B asbestos removal licences

A transitional class B asbestos removal licence is subject to the following conditions:

- any condition imposed under the WHS Regulation 2008
- any condition imposed by the regulator.

Supervisors for class B asbestos removal work

The WHS Regulation 2011 has requirements about nominated asbestos removal supervisors for licensed asbestos removal work. Licensed asbestos removal work requires either a class A or class B asbestos removal licence.

For class B asbestos removal work, a licensed asbestos removalist is required to ensure a nominated asbestos removal supervisor is readily available to a worker carrying out the asbestos removal work. Where work is being carried out under a transitional class B asbestos removal licence, a reference to the nominated asbestos removal supervisor is taken to include a holder of a transitional class B asbestos removal licence performing the function of supervising the asbestos removal work.

When notifying the regulator about proposed licensed asbestos removal work, a transitional class B asbestos removal licence holder does not need to include the details of a nominated asbestos removal supervisor.

By 31 December 2013, all supervisors for licensed asbestos removal work will need to have completed the new VET course *Supervise asbestos removal*. Once a new class B asbestos removal licence is granted under the new WHS Regulation 2011, the licence holder will be required to comply with all requirements regarding the nominated asbestos removal supervisor, including ensuring they are readily available for supervision of class B asbestos removal work and including the supervisor's contact details when notifying WHSQ about licensed asbestos removal work.

Applicants for a new class B asbestos removal licence if the VET course for asbestos removal supervisors is not reasonably available within Queensland

If a PCBU wants to apply for a new class B asbestos removal licence but the VET course for asbestos removal supervisors is not reasonably available within Queensland, it is still possible for the PCBU to apply for the licence. Instead of showing that the person nominated as supervisor has completed the specified VET course, the applicant can demonstrate that the supervisor holds a transitional class B asbestos removal licence.

If the new licence is granted, it will be on the condition that each person nominated as a supervisor obtains a certificate for the VET

course *Supervise asbestos removal* as soon as practicable after the course becomes available (and in no case later than 31 December 2013), and that a copy of the certificate is provided to WHSQ.

Training for workers carrying out licensed asbestos removal work (class A and class B asbestos removal work)

The WHS Regulation 2011 has requirements for training of workers carrying out licensed asbestos removal work. Licensed asbestos removalists must ensure workers hold certification in the new VET courses for asbestos removal that are relevant to the class of asbestos removal work being carried out (that is, either friable asbestos removal under class A asbestos removal work or non-friable asbestos removal under class B asbestos removal work).

Up to 31 December 2013, the new training requirements do not apply to licensed asbestos removal work being carried out under transitional class A asbestos removal licence or transitional class B asbestos removal licence.

If a worker does not hold a bonded asbestos removal certificate under the WHS Regulation 2008 and the new VET course for non-friable asbestos removal is not yet available, the worker can obtain a certificate from a registered training organisation (RTO) if the worker is assessed as competent by the RTO under the approved criteria in [Information Paper AR3](#) (*Approved criteria for a certificate to perform work to remove bonded asbestos containing material*) issued under the WHS Regulation 2008. This maintains the existing training requirement for class B asbestos removal work as an option for training in non-friable asbestos removal until the new VET courses for asbestos removal are being delivered by registered training organisations in Queensland.

While operating under a transitional class A or class B asbestos removal licence, workers will have up to 31 December 2013 to complete the new VET courses for friable asbestos removal and non-friable asbestos removal.

In addition to the new VET courses for asbestos removal work, s.460 of the WHS Regulation 2011 requires all licensed asbestos removalists to provide 'appropriate training' to workers to ensure the licensed asbestos removal work is carried out in accordance with the asbestos removal control

plan. For s.460(2) of the WHS Regulation 2011, 'appropriate training' means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace. This requirement applies from 1 January 2012.

Air monitoring, clearance inspections and certificates

Licensed asbestos assessors – class A (friable)

Under the WHS Regulation 2011, an independent licensed asbestos assessor is required to carry out certain functions connected with class A asbestos removal work. These are:

- air monitoring
- clearance inspections
- issuing a clearance certificate.

Until 31 December 2013, a reference to a licensed asbestos assessor includes a person who:

- has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice; and
- holds either a certificate for the VET course for an asbestos assessor **or** a tertiary qualification in OHS, industrial hygiene, science, building construction or environmental health.

From 1 January 2014, the asbestos assessor must hold an asbestos assessor licence issued under the WHS Regulation 2011.

As the new VET course for asbestos assessors is in the process of becoming available, WHSQ will accept the pre-1 January 2012 situation in relation to the competence of a person doing asbestos assessor work until such time as the VET course for asbestos assessors is reasonably available within Queensland. This means a person who does not hold a tertiary qualification in one of the specified fields but has acquired through training, qualifications and experience the knowledge and skills to carry out the task would be able to continue to do asbestos assessor work until they can meet the new requirement of holding a certificate for the VET course for asbestos assessors.

Competent persons – class B (bonded)

Under the WHS Regulation 2011, an independent competent person is required to carry out a clearance inspection and issue a

clearance certificate following Class B asbestos removal work.

Until 31 December 2013, a reference to a 'competent person' for s.473 and s.474 of the WHS Regulation 2011 is taken to include a 'person who has acquired through training, qualifications and experience the knowledge and skills to carry out the task'.

From 1 January 2014, a competent person for a clearance inspection for Class B asbestos removal work must be a person who:

- has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice; and
- holds either a certificate for the VET course for an asbestos assessor **or** a tertiary qualification in occupational health and safety (OHS), occupational hygiene, science, building, construction or environmental health.

Asbestos registers and asbestos management plans for workplace buildings

The WHS Regulation 2008 required workplace buildings constructed before 1 January 1990 to have an asbestos register.

The WHS Regulation 2011 requires asbestos registers unless:

- the workplace is a building that was constructed after 31 December 2003; and
- no asbestos has been identified at the workplace
- no asbestos is likely to be present from time to time.

If an asbestos register was not required under the WHS Regulation 2008, a person has until 30 June 2013 to comply with the new requirements about asbestos registers in Parts 8.3 and 8.6 of the WHS Regulation 2011. This provides a phase-in time for workplace buildings constructed between 1 January 1990 and 31 December 2003, and also workplace buildings constructed after 31 December 2003 where asbestos has been identified or is likely to be present from time to time.

The same transitional period has been provided for asbestos management plans at workplaces (other than where naturally occurring asbestos is found as this is covered by a separate transitional provision). If an asbestos management plan was not required under the WHS Regulation 2008, a person

has until 30 June 2013 to comply with requirements about asbestos management plans in Part 8.3 of the WHS Regulation 2011.

Health monitoring for asbestos workers

The WHS Regulation 2011 has requirements for health monitoring for certain workers involved in asbestos removal or other asbestos-related work, Part 8.5, Division 1 (ss.435 to 444). These provisions commence on 1 January 2013.

Asbestos management plans for naturally occurring asbestos

The WHS Regulation 2011 has requirements for asbestos management plans where naturally occurring asbestos is identified or likely to be present at a workplace (s.432 and s.433). These provisions commence on 1 January 2013.

GHS labelling for containers and asbestos waste

The WHS Regulation 2011 has requirements regarding labelling of containers and asbestos waste (ss.471, 472, 483 and 484). There is a transitional period in relation to the requirement for labelling to be done in accordance with the GHS (Globally Harmonised System of Classification and Labelling of Chemicals, Third revised edition published by the United Nations as modified under schedule 6 of the WHS Regulation 2011). Current labelling provisions and the GHS system will operate concurrently until 31 December 2016, after which classification and labelling will be required only in accordance with GHS.

Further information

Further information on workplace health and safety and the new laws is available at www.worksafe.qld.gov.au or by calling the WHS Infoline on 1300 369 915.

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