



GUIDE FOR APPLICANTS FOR DEMOLITION LICENCES AND NOTIFICATIONS

SAFework NSW

DECEMBER 2015

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This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website www.legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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INTRODUCTION

Schedule 18 B Savings and Transitional Provisions of the Work Health and Safety Regulations 2011 provides that chapter 10 (Licensing of certain businesses) of the Occupational Health and Safety Regulation 2001 (OHS Regulation) (except clause 319 (2)) continues to apply as if it had not been repealed in respect of demolition work and restricted demolition work.

The OHS Regulation provides for the licensing of:

- demolition work by hand of any building or structure ten metres and above in height; or
- mechanical demolition of a building or structure four metres and above in height.

The *Work Health and Safety Regulation 2011* also requires notification to SafeWork NSW before commencing demolition:

- of a structure or a part of a structure that is loadbearing or otherwise related to the physical integrity of the structure (only if six meters or above in height)
- involving load shifting machinery on a suspended floor
- involving explosives.

(Clause 142 of the WHS Regulation)

LICENCE TYPES

Restricted demolition licence

Restricted demolition licence authorises all demolition work except:

- demolition of chemical installations
- demolition above 15 metres in height
- demolition using a tower crane on site
- demolition using a mobile crane with a rated capacity greater than 100 tonnes
- demolition of pre-tensioned or post-tensioned structures
- demolition involving floor propping
- demolition using explosives.

(Clause 317 of the OHS Regulation)

Applications may be made for an upgraded restricted demolition licence that authorises any one or more of these generally prohibited demolition activities. To upgrade a current restricted demolition licence or further upgrade an upgraded restricted demolition licence, use the *Application to amend a restricted demolition licence* - (Demolition - 02) form (catalogue no. SW08101).

Demolition licence

Demolition licence authorises all types of demolition work. (Clause 317 of the OHS Regulation).

WHO MAY APPLY FOR A LICENCE

Only an individual or a corporation may apply for a demolition licence. (Clause 320 of the OHS Regulation). Corporations include government entities and incorporated associations.

One or more partners in a partnership may each apply for an individual demolition licence. (Clause 319 (3) of the OHS Regulation). A licence will not be issued to a partnership.

If one of the partners to a registered partnership is eligible for a demolition licence and if the individual's application is approved then the partnership's name can be used as the business (or trading) name on the licence.

The trustee in a trust arrangement where that trustee is a corporation or an incorporated association or a government entity or an individual may apply for a demolition licence.

AGE RESTRICTIONS

An individual applicant must be of or above the age of 18 years. (Clause 320 (1) (a) (i) of the OHS Regulation). There is no age limit for a nominated supervisor.

SUPERVISORS FOR DEMOLITION WORK

A corporation applicant must nominate a person who is involved in the management of the corporation and who is suitably qualified (has the required experience and has completed the relevant training course) in the demolition for which the licence is sought. (Clause 320 (1) (b) (iii) of the OHS Regulation). This person is called the management supervisor.

Site supervisors may also be nominated. These persons may supervise demolition work but **do not** need to be involved in the management of the corporation. Individual licence applicants may also nominate additional supervisors.

The *Application for a demolition licence* (Demolition – 01) form (catalogue no. SW08099) allows for the nomination of one management supervisor. If you wish to nominate additional supervisors please complete the *Demolition supervisor nomination* (Demolition – 03) form (catalogue no. SW08100) and submit with the *Application for a demolition licence* (Demolition – 01) form (catalogue no. SW08099).

TRAINING REQUIREMENTS

Individual licence applicants, management supervisors and site supervisors must have successfully completed the SafeWork NSW recognised training with a registered training organisation (RTO). (Clause 320 of the OHS Regulation). A copy of the certificate or transcript or statement of attainment showing successful completion of the training is required to be submitted with the application. To find an RTO, visit www.training.gov.au.

EXPERIENCE

In addition to the above training requirements, individual licence applicants, management supervisors and site supervisors must demonstrate relevant experience to the type of demolition for which the licence is sought. (Clause 320 of the OHS Regulation).

Restricted demolition class

Individual licence applicants, management supervisors and site supervisors must have demonstrated experience in one or a combination of the following trades:

- demolition
- carpentry
- building
- general construction
- civil construction
- excavation.

SafeWork NSW generally requires three years of experience in undertaking relevant demolition work. Experience must be demonstrated by providing:

- a description of the work undertaken, including knowledge of safe working methods
- references from the employer/supervisor to support the description of work.

See appendix 1 for a reference template.

Conditional (Upgraded) restricted demolition licence

A restricted demolition licence cannot undertake the following types of demolition work:

- demolition of chemical installations
- demolition above 15 meters in height
- demolition using a tower crane on site
- demolition using a mobile crane with a rated capacity greater than 100 tonnes
- demolition of pre-tensioned or post-tensioned structures
- demolition involving floor propping
- demolition using explosives.

SafeWork NSW may allow one or more of the demolition types listed above on a conditional restricted demolition licence if the applicant meets the experience and training requirements.

Individual licence applicants, management supervisors and site supervisors must have demonstrated experience in demolition work for each type of demolition for which an upgrade is sought (eg demolition of chemical installations). SafeWork NSW generally requires three years of experience undertaking relevant demolition work. Experience must be demonstrated by providing:

- a description of work undertaken for each of the types of demolition for which an upgrade is requested
- references from the employer/licence holder or supervisors qualified in the type of demolition work, to support the description of work for each of the types of demolition for which an upgrade is requested
- two safe work method statements for each of the types of demolition for which an upgrade is requested
- photographs of the work undertaken for each of the types of demolition for which an upgrade is requested.

See appendix 1 for a reference template.

Demolition licence

Individual licence applicants, management supervisors and site supervisors must have demonstrated experience in each of the following types of demolition work:

- demolition of chemical installations
- demolition above 15 metres in height
- demolition using a tower crane
- demolition using a mobile crane with a rated capacity greater than 100 tonnes
- demolition of pre-tensioned or post-tensioned structures
- demolition involving floor propping
- demolition using explosives.

SafeWork NSW generally requires three years of experience undertaking relevant demolition work. Experience must be demonstrated by providing:

- a description of work undertaken for each of the types of demolition listed above
- references from the employer/licence holder or supervisors qualified in the type of demolition work, to support the description of work for each of the types of demolition listed above

- two safe work method statements for each of the types of demolition listed above
- photographs of the work undertaken for each of the types of demolition listed above.

See appendix 1 for a reference template.

Written references must include contact telephone number(s) and a business address. They do not need to be on letterhead but must contain sufficient information to check their validity. Documents showing experience are only required if seeking authorisation for the first time grant

INSURANCE

Workers Compensation insurance

Demolition licence holders who are not exempt employers must submit, with their application, a certificate of currency for workers compensation insurance.

An exempt employer is defined as an employer who during a financial year has reasonable grounds for believing that the total amount of wages that will be payable by them during the financial year to workers employed by them will be not more than the exemption limit for that financial year. Section 155AA of the *Workers Compensation Act 1987*.

The 'exemption limit' for a financial year is \$7,500.

'Financial year' means a period of 12 months commencing on 1 July in any year.

'Wages' means wages as defined in section 174 of the Workers Compensation Act 1987 and includes any distribution to a worker as a beneficiary under a trust that would (under section 174AA) constitute wages for the purposes of section 174.

Licence applicants who are employers and not exempt employers must attach a certificate of currency for workers compensation insurance to the application. Subcontractors must be covered by a workers compensation insurance policy (where applicable).

Public liability insurance

Applicants are required to hold public liability insurance and have the business activity listed on the certificate of currency as 'demolition'. A certificate of currency for their public liability insurance must be submitted with the application form.

DURATION OF THE LICENCE

A licence is valid for two years unless cancelled; however, if the licence holder applies for renewal of the licence before its expiry date, the licence continues until the application is approved or refused. A licence is not valid if suspended. (Clause 323 of the OHS Regulation).

To ensure that the licence continues you must have a renewal application to SafeWork NSW by midnight on the expiry date. If the application is approved the new expiry date will be set two years from the previous expiry date.

If SafeWork NSW does not receive the renewal form by midnight on the expiry date the licence will expire and you will not be authorised to undertake any demolition work until the application is processed and approved.

HOW TO APPLY

To apply for a demolition licence complete and submit the *Application for a demolition licence* (Demolition - 01) form (catalogue no. SW08099).

To add an additional supervisor or remove a supervisor or change supervisors details use the *Demolition supervisor nomination* (Demolition - 03) form (catalogue no. SW08100).

To upgrade a restricted demolition licence, use the *Application to amend a restricted demolition licence* (Demolition - 02) form (catalogue no. SW08101).

All forms are available on the SafeWork NSW website. Lodgement instructions are on the forms.

FEES

Refer to the [fees schedule](#) on the SafeWork NSW website or call 13 10 50.

REFUNDS

The fee charged for a demolition class has a non-refundable component.

GRANTING/RENEWAL/REFUSING

WHAT DOES THE REGULATOR TAKE INTO ACCOUNT WHEN DECIDING WHETHER TO GRANT OR RENEW A LICENCE

SafeWork NSW will consider the following in making a decision to grant or renew a demolition licence:

- Whether the individual or the corporation has had a conviction for an offence under NSW occupational health and safety or other legislation administered by SafeWork NSW.
- Whether there is a record that the person - whether on behalf of a corporation or as an individual - has made a statement or provided information in connection with a SafeWork NSW licence, permit or notification knowing that the statement or information was false or misleading.
- Whether the person or the corporation has failed to comply with the conditions of a conditional demolition or asbestos licence.
- Whether the person or the corporation has been issued a significant number of notices pertaining to unsafe systems of work by a SafeWork NSW inspector(s).
- Whether the person or corporation has had a demolition or asbestos licence cancelled or suspended by SafeWork NSW.

The period of assessment is two calendar years preceding the date of the licence application or the date of the renewal for an existing licence.

If an applicant or licence holder has breached any one of the above, a review will be undertaken internally by SafeWork NSW and the application or renewal may be refused.

If SafeWork NSW decides to refuse a licence or renewal of a licence it must give written notice of the refusal and reasons for it to the applicant. (Clause 322 of the OHS Regulation).

GRANTING OF A CONDITIONAL LICENCE

SafeWork NSW may issue the licence or renew a licence subject to conditions. (Clause 321 of the OHS Regulation).

OBLIGATIONS

SUPERVISOR ON SITE

It is a condition of a demolition licence that, during the carrying out of the licensed work, a nominated supervisor must supervise the carrying out of the work. (Clause 325 of the OHS Regulation).

NOTIFICATION OF DEMOLITION WORK

A person conducting a business or undertaking (PCBU) at a workplace is required to ensure, so far as reasonably practicable, the health and safety of workers and others. Demolition notifications provide risk based information to SafeWork NSW so that it can apply resources and target compliance and enforcement actions to areas of greatest risk to health and safety. They support the duty of a person conducting a business or undertaking to manage risks associated with the carrying out of demolition work.

SCOPE

Notification of demolition work is required for demolition:

- of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height
- involving load shifting machinery on a suspended floor
- involving the use of explosives.

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 to the highest point.

If the structure being demolished contains friable asbestos or more than 10 square metres of non friable asbestos then a separate notification must be made to SafeWork NSW by a licensed asbestos removalist. For more information regarding asbestos licensing and notifications visit www.safework.nsw.gov.au.

WHO MUST NOTIFY

The following persons must notify:

- the PCBU who proposes to carry out the demolition work. This person will be the demolition licence holder that has been authorised by SafeWork NSW to undertake such demolition work.
- the emergency service organisation where the demolition work was carried out or is proposed to be carried out by an emergency services worker at the direction of the emergency service organisation.

WHEN TO NOTIFY

For demolition work located in NSW, the following applies:

- The demolition licence holder is required to notify SafeWork NSW at least five days before the work commences. Notification is required to be made to SafeWork NSW on a weekday that is not a public holiday.
- The emergency service organisation is required to notify SafeWork NSW as soon as practicable, whether before or after the work is carried out.

HOW TO NOTIFY

NSW demolition licence holders may notify online at www.safework.nsw.gov.au and click on the 'Licences and Registrations' heading.

Alternatively, you can complete the *Notification of demolition work* (ND-01) form (catalogue no. SW08116), which is available at www.safework.nsw.gov.au. Lodgement instructions are on the application form.

FEES

There is no fee for a demolition notification.

WHAT INFORMATION DOES THE REGULATOR REQUIRE

SafeWork NSW requires written notification of demolition work to include the following information.

- Lodgement date.
- Type of demolition.
- The name and contact details of the PCBU (ie the demolition licence holder or emergency service organisation).
- Licence number and class of the demolition licence.
- Details of the demolition – eg type of structure to be demolished including height, type of machinery to be used and whether explosives will be used.
- If explosives are to be used, the licence details of the person who is to use the explosives.
- If the value of the demolition work exceeds \$250,000, the name of the principal contractor (if different to the demolition licence holder).
- Name of the demolition supervisor (if demolition supervisor different to the principal contractor).
- Address where the demolition work will be undertaken.
- Expected start date and end date of the demolition.

FURTHER INFORMATION

For notification enquiries, contact the Asbestos Demolition Unit on 13 10 50 or by email at adu@safework.nsw.gov.au.

For licensing enquiries, or general information, contact the Customer Service Centre on 13 10 50 or email licensing@safework.nsw.gov.au or visit www.safework.nsw.gov.au

APPENDIX 1: REFERENCE TEMPLATE

[Date]

[Business address]

To whom it may concern,

I, _____
[Name and position]

[Name of organisation]

confirm that _____
[Name of the applicant]

has been employed/supervised by myself for _____ years/months and has the following experience:

Yours faithfully

[Signature]

Telephone _____
[daytime contact telephone number]

