



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996

Guidelines for applicants for a demolition licence

November 2019



Foreword

Since 1 July 2001, under the Occupational Safety and Health Regulations 1996 ('Regulations') a licence has been required to carry out certain types of demolition work. This paper sets out the process for applying for a licence and criteria used in assessing an application. The WorkSafe Western Australia Commissioner determines such applications and any application for exemption from any of the assessment criteria. The WorkSafe Western Australia Commissioner has the power to suspend or cancel licences on specified grounds.

This paper does not cover demolition work procedures or work practices. All demolition work must be carried out in accordance with Australian Standard AS 2601-2001 - The demolition of structures (AS 2601) or as approved by the WorkSafe Western Australia Commissioner. While a licence is not required for some demolition work, all demolition work whether licensed or non-licensed, must comply with AS 2601, or otherwise be approved by the WorkSafe Western Australia Commissioner.

The Occupational Safety and Health Act 1984 (section 18) provides for the WorkSafe Western Australia Commissioner to delegate his functions in the Regulations to a WorkSafe Western Australia officer. The Commissioner may do this in respect of some functions relating to the issue of a demolition licence.

The following are included as appendices to the Guidelines

- The Occupational Safety and Health Legislative Framework in Western Australia (Appendix 1);
- an outline of AS 2601-2001 - The demolition of structures – summary (Appendix 2).



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1. What is demolition?

The Occupational Safety and Health Regulations 1996 define demolition and include regulations which relate specifically to demolition. These are regulations 3.114 to 3.128 in Subdivision 7, Division 9 of Part 3 of the Regulations.

In the Regulations "demolition" means the complete or partial demolition of a building or structure by pre-planned and controlled methods or procedures.

Not all work commonly understood to be demolition work is covered by regulations 3.114 to 3.128. These regulations do not apply to the demolition of a building or structure by a person in the metal fabrication or engineering industry in the course of maintaining, refurbishing, upgrading, modifying or decommissioning plant. The exemption applies only to these particular regulations.

Demolition work in mines is covered by the Mines Safety and Inspection Act and regulations made under that Act.

2. Is a licence required for all demolition work?

A licence is required to carry out certain types of demolition work.

It is an offence to do any of the work described as class 1, class 2 or class 3 demolition work unless licensed to do the work.

class 1, in relation to demolition work, means demolition work of any of the following kinds —

- a) work comprising the total demolition of a building or structure that is 10 metres or more in height when measured from the lowest ground level of the building or structure to the highest part of the building or structure;
- (b) work —
 - (i) comprising the partial demolition of a building or structure that is 10 metres or more in height when measured from the lowest ground level of the building or structure to the highest part of the building or structure; and
 - (ii) affecting the structural integrity of the building or structure;
- (c) work —
 - (i) comprising the total or partial demolition of a building or structure; and
 - (ii) involving the use of load shifting equipment on a suspended floor;
- (d) work comprising the total or partial demolition of pre-tensioned or post-tensioned structural components of a building or structure;
- (e) work comprising the total or partial demolition of a building or structure containing precast concrete elements erected by the tilt-up method of construction;
- (f) work involving the removal of key structural members of a building or structure so that the whole or a part of the building or structure collapses;
- (g) work done to a building or structure involving explosives;
- (h) work comprising the demolition or partial demolition of a building or structure that involves the use of a tower crane or any crane with a safe working load greater than 100 tonnes;



- (i) work involving the removal of an area of brittle or fragile roofing material in excess of 200 m² from a building or structure if any part of the area to be removed is 10 metres or more above the lowest ground level of the building or structure;

class 2, in relation to demolition work, means demolition work comprising the total or partial demolition of a building or structure that is less than 10 metres in height when measured from the lowest ground level of the building or structure to the highest part of the building or structure but does not include —

- (a) the total or partial demolition of a single storey dwelling; or
- (b) work of a kind referred to in paragraphs (c), (d), (e), (f), (g), or (h) of the definition of class 1;

class 3, in relation to demolition work, means work comprising the removal of more than 200 m² of brittle or fragile roofing material from a building or structure;

“licensed person”, in relation to class 1, class 2 or class 3 demolition work, means a person who has been issued with a licence that allows that person to do that class of demolition work.

“licence” means a licence issued under regulation 3.116(2), that is, a person who satisfies the WorkSafe Western Australia Commissioner that he or she is able to do that class of demolition work in a safe and proper manner.

3. Apply for a licence?

A person may, in an approved form with the prescribed fee, apply to the WorkSafe Western Australia Commissioner to do licensed class 1, class 2 or class 3 demolition work. A person includes, a Pty Ltd Company or Government Authority. Thus, a person who carries on the business of demolition work whether personally, or by engaging employees or agents, or if the person advertises that he or she carries on such a business, can only carry out class 1, class 2 or class 3 demolition work if he or she has a licence to do that work.

The person holding the demolition licence is referred to as the licensed person. The licensed person has the duties of an employer and may have additional duties if he or she is a self-employed person.

4. How does a person apply for a licence?

Applications must be made using the approved form with the prescribed fee.

The fee will be refunded if the application is refused.



5. Do I meet the application requirements?

Persons applying for a demolition licence must meet all of the following criteria

- Have relevant and recent demolition experience (minimum of three (3) jobs within the last five (5) years in the class of demolition work that is sought. Please complete the provided template as a means of detailing your demolition experience. Note: relevant demolition experience is experience investigating, planning and supervising the safe methods of demolition for the demolition work you were involved in. Please note that the Commissioner will not consider unlawfully obtained experience.
- Provide two written references from contactable referees that verify your claimed demolition experience. The information that is provided in the reference must verify the information that you provide in your statement of experience. References from companies are to be on letterhead, and those from individuals to be submitted as a completed statutory declaration. (If your references do not meet these criteria they will not be accepted).
- Proof that the applicant has been trained in safe methods of demolition by a Registered Training Organisation (RTO) registered by the Western Australian Training Accreditation Council (TAC).

Occupational Safety and Health Management Plan

Applicants are required to supply a copy of an Occupational Safety and Health Management Plan for their business operations. As a minimum, the plan must address the following elements:

- Consultation
- Hazard management
- Management commitment
- Planning
- Training

Pass written exams which demonstrate familiarity with:

- *Occupational Safety and Health Act 1984*
- Occupational Safety and Health Regulations 1996
- AS 2601-2001 - The demolition of structures
- Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)]
- WorkSafe Code of practice - Prevention of falls at workplaces

Other criteria that may support your demolition application

Please let us know if you have other relevant training/qualifications that would support your application. For example: Builders Registration Certificate or Civil Engineering Qualification.

Licences are issued by the WorkSafe Western Australia Commissioner subject to the Commissioner being satisfied that the applicant meets the criteria to hold a licence.

Criteria

1. The applicant will be required to show that they have had demolition work experience relevant to the class of licence applied for.
2. The applicant will be required to show that they have a policy or operating procedures in place that ensure every person engaged to do licensed demolition work will be trained before demolition commences, in safe demolition work by a registered training organisation.
3. The applicant will be required to show that they have a policy in place that will ensure the demolition work will be directly supervised by a competent person.



6. How does the WorkSafe Western Australia Commissioner determine whether the applicant is able to do the work in a safe and proper manner?

The applicant (person making the application) is assessed in the form of an exam on:

- (i) the extent of his or her knowledge of:
 - safe working methods relating to demolition work;
 - Australian Standard AS 2601-2001 - The demolition of structures;
 - the relevant parts of the Occupational Safety and Health Regulations 1996; and
 - the *Occupational Safety and Health Act 1984*;
- (ii) other relevant training/qualifications;
- (iii) relevant experience; and
- (iv) Occupational Safety and Health performance and policies.

Applicants must achieve a pass mark of at least 80% on the demolition exam relating to the class of which registration is sought. All applicants will be allowed three (3) attempts to pass the exam(s). If an applicant fails three (3) times, the applicant will be refused on the grounds that the applicant has not demonstrated that they can perform the licensed working a safe and proper manner, or have the necessary skills for that licence type.

7. Conditions attached to a licence

The licence will be issued subject to conditions. The conditions are on the reverse of the licence / certificate.

8. Can a licence be suspended or cancelled?

The WorkSafe Western Australia Commissioner may suspend or cancel a licence where:

- (i) a statement has been made in the application for the licence that the licensed person knew to be false or misleading;
- (ii) where the licensed person has carried out demolition work in such a manner as to expose an employee or a person to a safety or health risk from such demolition work which could reasonably have been avoided;
- (iii) where the licensed person contravened conditions set by the WorkSafe Western Australia Commissioner for a particular job;
- (iv) the licensed person contravened a condition of the licence;
- (v) the licensed person has failed to comply with the requirements of an improvement or prohibition notice issued under the Occupational Safety and Health Act;
- (vi) the licensed person has been convicted of an offence under the *Occupational Safety and Health Act 1984* or Occupational Safety and Health Regulations 1996;
- (vii) changes in material circumstances which make the licensed person no longer eligible to hold a licence; and



(viii) any other matter the WorkSafe Western Australia Commissioner considers relevant.

9. What other obligations are there in relation to a licence?

The WorkSafe Western Australia Commissioner must be notified at least 5 working days before any class 1, class 2 or class 3 demolition work is intended to begin. Failure to notify the Commissioner may result in the licence being suspended or cancelled.

A copy of the notification form must be kept at the demolition site whilst the work is being done. A copy of AS 2601 and a copy of the workplan required by the Regulations must also be kept at the site.

10. Can a person who holds a Demolition Licence remove asbestos?

In accordance with Regulation 5.45, any asbestos work involving more than 10 m² of non-friable asbestos-containing material requires either a Restricted, or Unrestricted Asbestos licence.

The removal of any amount of friable asbestos requires an Unrestricted Asbestos licence.

11. Re-issuing a licence – current licence holders

The Regulations do not provide for the ability to renew a demolition licence.

Current licence holders are sent courtesy reissue reminders prior to the expiry of the current licence. You are required to submit the application form for reissue, which if received prior to the expiry of your current licence, and granted, you may retain the same licence number.

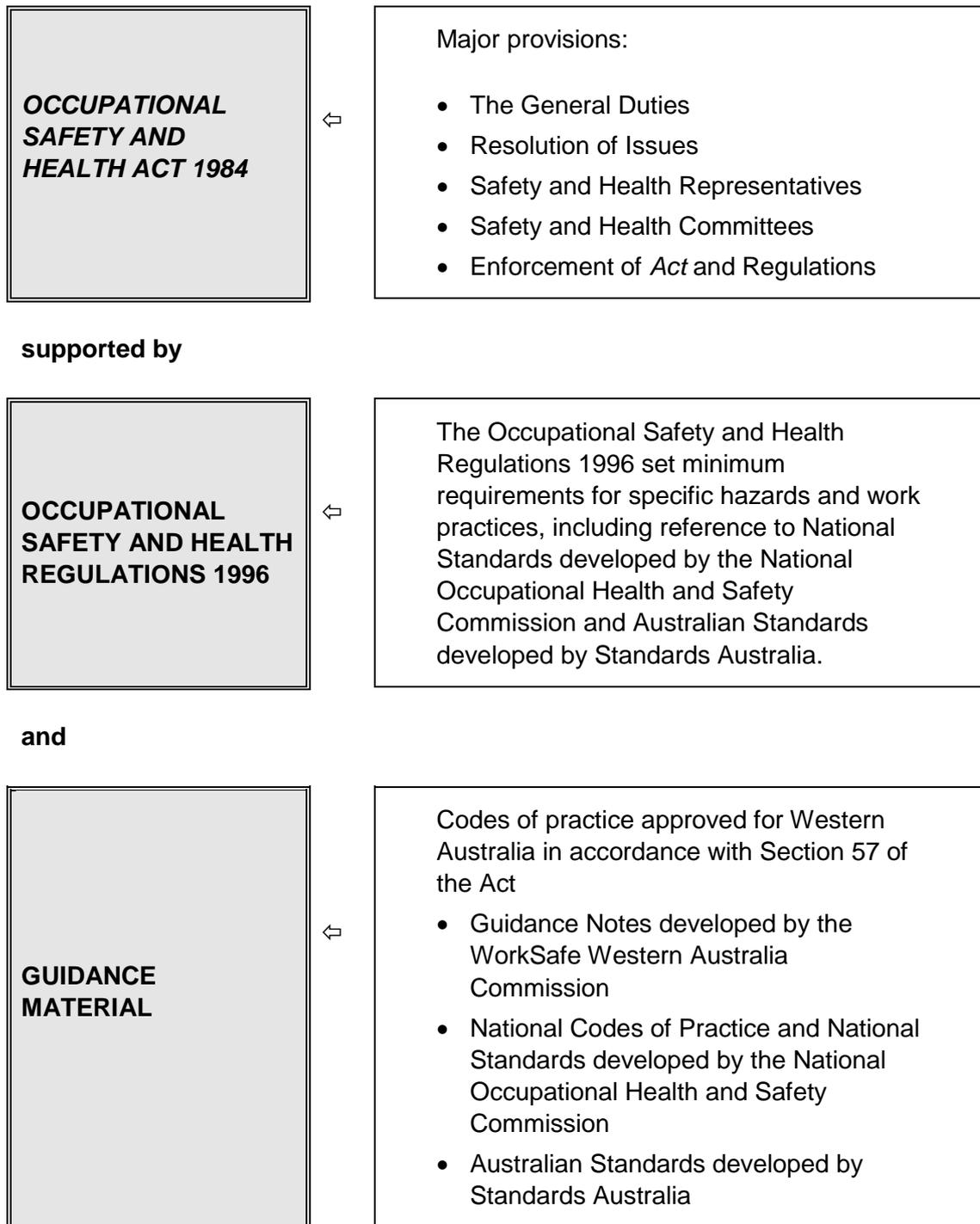
Practical experience in demolition work is assessed at each reissue – a minimum of 3 substantial jobs within the last 5 years. If you submit your application prior to the expiry of your current licence, there is no need to resit the exam.

If you fail to submit a complete application prior to the expiry of your current licence, your licence will expire and you are required to submit a new application and will be assessed in all components of the new application process.



THE OCCUPATIONAL SAFETY AND HEALTH LEGISLATIVE FRAMEWORK IN WESTERN AUSTRALIA

The *Occupational Safety and Health Act 1984* sets objectives to promote and improve occupational safety and health standards. The Act sets out broad duties and is supported by more detailed requirements in the Occupational Safety and Health Regulations 1996. The legislation is further supported by guidance material such as approved codes of practice. This legislative framework is depicted below.





The legislative framework in Western Australia for occupational safety and health in relation to demolition work consists of the *Occupational Safety and Health Act 1984* (the *Act*), the *Occupational Safety and Health Regulations* (the *Regulations*). The *Regulations* have general requirements as well as specific regulations relation to demolition work. There are also codes of practice and other guidance material, some of a general nature, which are applicable to demolition work.

1. Overview of the general duties

The *Act* contains general duties which describe the responsibilities of people who affect safety and health at work.

Employers must, so far as is practicable,

- provide a workplace and safe system of work so that, as far as practicable, employees are not exposed to hazards;
- provide employees with information, instruction, training and supervision to allow them to work in a safe manner;
- consult and co-operate with safety and health representatives in matters related to safety and health at work;
- provide adequate protective clothing and equipment where hazards cannot be eliminated; and
- ensure plant is installed or erected so it can be used safely.

Employees must take reasonable care to ensure their own safety and health at work and the safety and health of others affected by their work.

Self-employed persons also must take reasonable care to ensure their own safety and health at work and, as far as practicable, ensure the work does not affect the safety and health of others.

People who have, to any extent, control of workplaces, must ensure, so far as is practicable, that the workplace and all entrances and exits are safe so that people may enter, leave and use the workplace without exposure to hazards.

Designers, manufacturers, importers and suppliers of plant must ensure the plant is safe to install, maintain and use at workplaces. Safety and health information must be supplied with all plant and substances used at work.

Designers or builders of a building or structure for use as a workplace must ensure, so far as is practicable, that persons constructing, maintaining, repairing, servicing or using the building or structure are not exposed to hazards.

The WorkSafe Western Australia Commission *Guidance Note: General Duty of Care in Western Australian Workplaces* provides information on general duties.



2. Persons in the demolition industry with duties under the Occupational Safety and Health Act

The nature of demolition work often involves a number of contractors each with responsibilities under the *Occupational Safety and Health Act 1984*.

A person may find that he or she has duties under several sections of the Act. For example, where a demolition contractor is a self-employed person, he or she has duties as a self-employed person (section 21 of the Act) and if he or she engages labour for the work, he or she will have duties as an employer (section 19 of the Act).

Persons in the demolition industry who have duties under the *Occupational Safety and Health Act* include but are not limited to:

- the owner of the building or structure who may be the employer, the main contractor, or the demolition contractor or a self-employed person carrying out the demolition work;
- a main contractor or a demolition contractor engaged by the owner to carry out the demolition work;
- a self-employed person engaged by the owner, the main contractor or demolition contractor to carry out the demolition work; and
- employees of the person who carries out the work.

All persons involved in demolition work should be aware of their specific role and responsibilities and the roles and responsibilities of others who may be involved in the work.



AS 2601-2001 - THE DEMOLITION OF STRUCTURES - SUMMARY

Demolition work is to be carried out in accordance with AS 2601-2001 (AS 2601). If the work is not covered by or included in AS 2601, the work must be done in a manner acceptable to the WorkSafe Western Australia Commissioner. As compliance with AS 2601 is mandatory, the detail of AS 2601 is not repeated in the Regulations or these Guidelines. However, the content and safety and health issues covered in the AS 2601 are summarised below.

AS 2601-2001 - The demolition of structures:

- (i) sets out requirements for the planned demolition of buildings and certain other structures so that the risk of injury to workers, other site personnel and the public, and the risk of damage to adjacent property and the immediate environment is minimised;
- (ii) covers the methods and safety procedures applicable to demolition work in general as well as procedures for some types of structures;
- (iii) deals with manual and mechanical demolition techniques including those employing specialised earth-moving type machinery;
- (iv) includes informative appendices covering the demolition of pre-stressed concrete structures, some contractual considerations, checklist for contractors and qualifications for site personnel;
- (v) safety and health issues are addressed under the headings of:
 - Health and safety of the public - covering general requirements, lighting, falling materials, fencing, hoardings and warning notices, scaffolding, overhead protection for footpaths, and hazardous materials and conditions;
 - Safety and health of site personnel - covering general safety, personal protective clothing and equipment, cutting and welding, fire protection, first aid, amenities, removal of hazardous material and electrical safety;
 - Protection of adjoining buildings and protection of immediate environment - covering requirements relating to access and egress, damage and structural integrity, vibration and concussion, weatherproofing, burning, dust control, noise control, protection of public roads and protection of sewers and water courses; and
- (vi) protection of the site.

AS 2601 is not intended to apply to the demolition of road and railway bridges or of other specialised civil engineering structures such as dams or nuclear reactors.

The Regulations require a copy of AS 2601 to be at every demolition site (except where the thing to be demolished is a fence or wall less than 1.8 metres in height or a building or structure less than 2 metres in height) while demolition work is taking place.



FURTHER INFORMATION

Legislation

- *Occupational Safety and Health Act 1984*
- Occupational Safety and Health Regulations 1996

Are available online at the State Law Publisher's website: www.legislation.wa.gov.au

Commission for Occupational Safety and Health codes of practice and guidance notes

- General duty of care in Western Australian workplaces
- Code of practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)]

Standards Australia

- Australian Standard AS 2601-2001 - The demolition of structures

Australian Standards are developed and published by Standards Australia and available from SAI Global Limited at www.saiglobal.com or by telephoning 131 242

Commission and WorkSafe publications are available:

- www.worksafe.wa.gov.au;
- WorkSafe 1300 307 877; and
- WorkSafe Library.

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