



Guide for applicants for demolition licences

January 2012

Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover 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 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Health and Safety Regulation 2001* (OHS Regulation) (except clause 319 (2)) continues to apply as if it had not been repealed in respect of demolition work and restricted demolition work.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 a building or structure four metres and above in height.

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.

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. WC03525).

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) (b) 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.

Supervisors for demolition work

A corporation (includes government entity and incorporated association) 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. WC03526) allows for the nomination of one supervisor. If you wish to nominate additional supervisor please complete the *Demolition supervisor nomination (Demolition – 03)* form (catalogue no. WC03523) and submit with the *Application for a demolition licence (Demolition – 01)* form (catalogue no. WC03526).

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.

Experience and qualifications

Experience and qualifications applies to individual applicants and nominated supervisors. Clause 320 OHS Regulation.

Restricted demolition class

An individual licence applicant or a site supervisor or a management supervisor must have three years in one or a combination of the following trades: demolition or carpentry or building or general construction or civil construction and/or excavation. Experience must be demonstrated by attaching to the application form a description of the work undertaken, supported by references from the employer or if a sole trader, the submission of copies of invoices of work undertaken. See appendix 1 for a reference template.

The individual applicant or the nominated supervisor must also have successfully completed the demolition (restricted) course at TAFE (NSW). A copy of the certificate showing successful completion of the course is required to be submitted with the application form.

Conditional (Upgraded) restricted demolition licence

Generally, a restricted demolition licence cannot undertake the following types of demolition work:

- 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.

WorkCover 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.

Licence applicants/management supervisors

Individual applicants and management supervisors must have three years demonstrated experience **at a supervisory level** for each type of demolition work for which an upgrade is sought (eg demolition above 15 metres in height). Experience is demonstrated by attaching to the application:

- 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 type of demolition work for which an upgrade is requested.

Site supervisors

Site supervisors are required to demonstrate three years experience in demolition work for each type of demolition for which an upgrade is requested. A description of the work undertaken is to be attached to the application form supported by references from employers/licence holders or supervisors qualified in the type of demolition work for which authorisation is sought. See appendix 1 for a reference template.

The individual applicant or the nominated supervisor must also have successfully completed the demolition (unrestricted) course at TAFE (NSW). A copy of the certificate showing successful completion of the course is required to be submitted with the application form.

Demolition licence

Licence applicants/management supervisors

Individual applicants and management supervisors must have three years demonstrated experience **at a supervisory level** in each of the following types of demolition work:

- 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.

Experience is demonstrated by attaching to the application:

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

Site supervisors

Site supervisors are required to demonstrate three years experience in demolition work for each type of demolition listed above. Experience must be demonstrated by attaching to the application form a description of the work undertaken supported by references from employers/licence holders or supervisors qualified in demolition. See appendix 1 for a reference template.

The individual applicant or the nominated supervisor must also have successfully completed the demolition (unrestricted) course at TAFE (NSW). A copy of the certificate showing successful completion of the course is required to be submitted with the application form.

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.

Insurance

Workers Compensation insurance

Demolition licence holders who are not exempt employers must have 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 \$7500.

'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 WorkCover 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 WorkCover 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. WC03526).

To add an additional supervisor or delete a supervisor or change supervisors details use the *Demolition supervisor nomination (Demolition – 03)* form (catalogue no. WC03523).

To upgrade a restricted demolition licence, use the *Application to amend a restricted demolition licence (Demolition – 02)* form (catalogue no. WC03525).

All forms are available on the WorkCover website. Lodgement instructions are on the forms.

Fees

Refer to the [WorkCover NSW fees schedule \(catalogue no. WC01011\)](#) on the WorkCover website or call 13 10 50.

Refunds

Generally the fee charged for a demolition class has a non-refundable component; however the entire fee is refunded where the application is lodged in error.

Granting/renewal/refusing

What does the regulator take into account when deciding whether to grant or renew a licence

WorkCover 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 WorkCover.
- 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 WorkCover 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 WorkCover inspector(s).
- Whether the person or corporation has had a demolition or asbestos licence cancelled or suspended by WorkCover.

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 WorkCover and the application or renewal may be refused.

If WorkCover 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

WorkCover 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 will supervise the carrying out of the work. (Clause 325 of the OHS Regulation).

Further information

For licence enquires, contact Licensing Solutions at WorkCover on (02) 4321 5507 or by fax (02) 9287 5507 or email licensingolutions@workcover.nsw.gov.au.

For all general enquiries, contact WorkCover information centre on 13 10 50 or visit workcover.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 the following experience:

Yours faithfully

[Signature]

Telephone _____
[daytime contact telephone number]

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