#

Demolition work: Licence –

Work Health and Safety Regulations for Western Australia

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# Introduction

Part 3 – Workplace safety requirements, Division 9 – Safety requirements in relation to certain work processes, Subdivision 7 Demolition of the Occupational Safety and Health Regulations 1996 (Subdivision 7) prescribes requirements for three licence classes (r. 3.114 to r. 3.129) of entities undertaking demolition work. In addition to licence classes of demolition work, Subdivision 7 also prescribes requirements in relation to:

1. demolition work being done in accordance with Australian Standard AS 2601 Demolition of structures
2. certain types of documents to be at the demolition workplace
3. demolition work involving asbestos
4. restricting access to workplaces where demolition work is being conducted; and
5. scaffolding used at demolition workplaces to comply with Australian Standard/New Zealand Standard AS/NZS 1576 Scaffolding – General requirements.

These licence classes for demolition work requirements are not included in the model Work Health and Safety (WHS) Regulations. It is intended that, subject to consultation, the requirements that the licence classes for entities and related requirements for demolition work in the OSH regulations will be included in the WA WHS regulations.

For your information, below is a copy of Subdivision 7. If you require further information such as specific definitions, these can be obtained from the [Occupational Safety and Health Regulations 1996](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a555.html).

# *Subdivision 7 — Demolition*

 [Heading inserted: Gazette 30 Mar 2001 p. 1774.]

## 3.114. Terms used

 In this Subdivision —

 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;

 demolitionmeans the complete or partial dismantling of a building or structure by pre‑planned and controlled methods or procedures;

 licence means a licence issued under regulation 3.116(2);

 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 the person to do that class of demolition work.

 [Regulation 3.114 inserted: Gazette 30 Mar 2001 p. 1774‑5; amended: Gazette 7 Jun 2002 p. 2734; 22 Dec 2009 p. 5236.]

## 3.115. Application of Subdivision

 (1) This Subdivision does 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.

 (2) This Subdivision does not apply to the demolition of —

 (a) a fence or wall less than 1.8 metres in height; or

 (b) a building or structure less than 2 metres in height.

 [Regulation 3.115 inserted: Gazette 30 Mar 2001 p. 1775‑6; amended: Gazette 7 Jun 2002 p. 2734.]

## 3.116. Class 1, 2 or 3 demolition licences, application for etc.

 (1) A person may, in an approved form, apply to the Commissioner to be licensed to do class 1, class 2 or class 3 demolition work and the application is to be accompanied by the appropriate fee set out in Schedule 6.1A, which is to be refunded if the application is refused.

 (2) On an application under subregulation (1) the Commissioner may issue to the applicant a licence to do class 1, class 2 or class 3 demolition work if the Commissioner is satisfied that the applicant is able to do that class of demolition work in a safe and proper manner.

 (3) A licence may be issued subject to such conditions that the Commissioner sees fit and endorses on the licence.

 (4) A licence has effect for 2 years from its issue unless it is sooner cancelled or suspended under subregulation (5).

 (5) The Commissioner may, by notice in writing, cancel or suspend a licence issued to a person if —

 (a) the person is convicted of an offence against these regulations or the Act; or

 (b) in the opinion of the Commissioner, the person —

 (i) breaches a condition of the licence; or

 (ii) is unable to comply with a condition of the licence or a provision of these regulations or the Act.

 [Regulation 3.116 inserted: Gazette 30 Mar 2001 p. 1776.]

## 3.117. Class 1, 2 or 3 demolition work not to be done without or contrary to licence

 (1) A person must not do class 1 demolition work unless the person has been issued with a licence to do class 1 demolition work and the work is done in accordance with the conditions of the licence, if any.

 (2) A person must not do class 2 demolition work unless the person has been issued with a licence to do class 1 or class 2 demolition work and the work is done in accordance with the conditions of the licence, if any.

 (3) A person must not do class 3 demolition work unless the person has been issued with a licence to do class 1 or class 3 demolition work and the work is done in accordance with the conditions of the licence, if any.

 (4) A person licensed to do class 2 demolition work must not do class 3 demolition work unless —

 (a) the building or structure from which the roofing is removed 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; and

 (b) the work is done in accordance with the conditions of the licence, if any.

 Penalty applicable to subregulations (1), (2), (3) and (4) for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty applicable to subregulations (1), (2), (3) and (4) in any other case: the regulation 1.16 penalty.

 [Regulation 3.117 inserted: Gazette 30 Mar 2001 p. 1776‑7; amended: Gazette 7 Jun 2002 p. 2734‑5; 14 Dec 2004 p. 6017.]

## 3.118. Class 1, 2 or 3 demolition work, duty of employer etc. to ensure person doing is licensed

 A person who, at a workplace, is an employer, the main contractor, a self‑employed person or the person having control of the workplace must ensure that —

 (a) any class 1 demolition work to be done at the workplace is done by a person who has been issued with a licence to do class 1 demolition work; and

 (b) any class 2 demolition work to be done at the workplace is done by a person who has been issued with a licence to do class 1 or class 2 demolition work; and

 (c) any class 3 demolition work to be done at the workplace on 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 is done by a person who has been issued with a licence to do class 1, class 2 or class 3 demolition work; and

 (d) any class 3 demolition work to be done at the workplace on 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 is done by a person who has been issued with a licence to do class 1 or class 3 demolition work.

 Penalty: the regulation 1.16 penalty.

 [Regulation 3.118 inserted: Gazette 30 Mar 2001 p. 1777; amended: Gazette 7 Jun 2002 p. 2735; 14 Dec 2004 p. 6018.]

## 3.119. Proposed class 1, 2 or 3 demolition work in accordance with standard, Commissioner to be notified of

 (1) A person who wishes to do class 1, class 2 or class 3 demolition work in a manner that would be in accordance with AS 2601 is to notify the Commissioner at least 5 working days before the work is intended to begin.

 (2) The notification is to be in an approved form and is to be accompanied —

 (a) by the name of the licensed person who will do the demolition work; and

 (b) subject to subregulation (3), by written confirmation of the licensed person that the demolition work will be done in accordance with AS 2601; and

 (c) by written confirmation of the licensed person that another person will not be allowed to do the demolition work unless that person has been trained in safe methods of demolition work by a training organisation registered under the Australian National Training Authority framework; and

 (d) by written confirmation of the licensed person that the demolition work will be directly supervised by a competent person at all times when the demolition work is being done.

 (3) For the purposes of subregulation (2)(b) it is not necessary for the licensed person to give written confirmation that the work plan required to be prepared under AS 2601 will be submitted to the Commissioner for approval.

 [Regulation 3.119 inserted: Gazette 30 Mar 2001 p. 1777‑8.]

## 3.120. Proposed class 1, 2 or 3 demolition work not in accordance with standard, approval of Commissioner to be sought

 (1) A person who wishes to do class 1, class 2 or class 3 demolition work but to do the work in a manner that would not be in accordance with AS 2601 is to apply, at least 10 working days before the work is intended to begin, to the Commissioner for approval to do the work.

 (2) The application is to be in an approved form and is to be accompanied by —

 (a) the work plan referred to in AS 2601 in respect of the demolition work; and

 (b) such other information as the Commissioner requires to consider the application.

 [Regulation 3.120 inserted: Gazette 30 Mar 2001 p. 1778.]

## 3.121. Application under r. 3.120, Commissioner’s functions as to

 (1) The Commissioner is to acknowledge the receipt of an application under regulation 3.120 within 10 days of receiving the application.

 (2) The acknowledgment is to include either —

 (a) advice to the effect that the demolition work has not been approved by the Commissioner; or

 (b) advice to the effect that the demolition work has been approved by the Commissioner without conditions; or

 (c) advice to the effect that the demolition work has been approved by the Commissioner on conditions imposed or to be imposed by the Commissioner.

 (3) The Commissioner may impose any condition that the Commissioner thinks is necessary in relation to any occupational safety and health matter in respect of demolition work that is the subject of an application under regulation 3.120 but if the Commissioner imposes a condition then it must be communicated to the applicant within 50 days from the day of the acknowledgment.

 [Regulation 3.121 inserted: Gazette 30 Mar 2001 p. 1778.]

## 3.122. Class 1, 2 or 3 demolition work not to be done without notification or approval or until conditions set

 A person must not do class 1, class 2 or class 3 demolition work unless —

 (a) in the case of work to be done in accordance with AS 2601, the Commissioner has been notified in accordance with regulation 3.119; or

 (b) in the case of work that is not to be done in accordance with AS 2601, the Commissioner has approved the work under regulation 3.121 and conditions imposed or to be imposed by the Commissioner have been communicated to the person who applied for the approval.

 Penalty for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty in any other case: the regulation 1.16 penalty.

 [Regulation 3.122 inserted: Gazette 30 Mar 2001 p. 1779; amended: Gazette 14 Dec 2004 p. 6017.]

## 3.123. Demolition work other than class 1, 2 or 3 demolition work to be in accordance with standard

 (1) A person who, at a workplace where demolition work other than class 1, class 2 or class 3 demolition work is being done, is an employer, the main contractor or a self‑employed person must ensure, subject to subregulation (2), that the work is done in accordance with AS 2601.

 Penalty: the regulation 1.16 penalty.

 (2) For the purposes of subregulation (1) it is not necessary for a person referred to in that subregulation to ensure that the work plan required to be prepared under AS 2601 is submitted to the Commissioner for approval.

 [Regulation 3.123 inserted: Gazette 30 Mar 2001 p. 1779; amended: Gazette 7 Jun 2002 p. 2735; 22 Oct 2004 p. 4841; 14 Dec 2004 p. 6018.]

## 3.124. Class 1, 2 or 3 demolition work to be in accordance with standard or approval

 (1) A licensed person must ensure, subject to subregulation (2), that any class 1, class 2 or class 3 demolition work that is to be done in accordance with AS 2601 and which is done by the licensed person is done in accordance with AS 2601.

 (2) For the purposes of subregulation (1) it is not necessary for a person referred to in that subregulation to ensure that the work plan required to be prepared under AS 2601 is submitted to the Commissioner for approval.

 (3) A licensed person must ensure, in relation to any class 1, class 2 or class 3 demolition work that is not to be done in accordance with AS 2601 and which is done by the licensed person that —

 (a) the work is done in accordance with the Commissioner’s approval to do the work under regulation 3.121; and

 (b) there is compliance with each condition (if any) imposed by the Commissioner in relation to the approval to do the work.

 Penalty applicable to subregulations (1) and (3) for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty applicable to subregulations (1) and (3) in any other case: the regulation 1.16 penalty.

 [Regulation 3.124 inserted: Gazette 30 Mar 2001 p. 1779‑80; amended: Gazette 14 Dec 2004 p. 6017.]

## 3.125. Demolition workplace, certain documents to be kept at

 (1) A licensed person must ensure that at all times when class 1, class 2 or class 3 demolition work is being done by that person at a workplace, there is kept at the workplace —

 (a) a copy of the notification or approval, as the case requires, and each condition (if any) imposed by the Commissioner, in relation to the work; and

 (b) a copy of AS 2601; and

 (c) a copy of the work plan referred to in AS 2601.

 (2) A person who, at a workplace where demolition work other than class 1, class 2 or class 3 demolition work is being done, is an employer, the main contractor or a self‑employed person must ensure that at all times when the work is being done, there is kept at the workplace —

 (a) a copy of AS 2601; and

 (b) a copy of the work plan referred to in AS 2601.

 Penalty applicable to subregulations (1) and (2) for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty applicable to subregulations (1) and (2) in any other case: the regulation 1.16 penalty.

 [Regulation 3.125 inserted: Gazette 30 Mar 2001 p. 1780‑1; amended: Gazette 7 Jun 2002 p. 2735; 14 Dec 2004 p. 6017.]

## 3.126. Demolition work involving asbestos, duties of employer etc. as to

 (1) In this regulation —

asbestos‑containing material has the meaning given in regulation 5.42;

 asbestos demolition site means a workplace where demolition work is being done that involves the demolition of a building or structure in which there is any asbestos‑containing material.

 (2) A person who, at an asbestos demolition site, is an employer, the main contractor, a self‑employed person or the person having control of the workplace must ensure that the work —

 (a) does not commence or immediately ceases when the presence of asbestos‑containing material is apparent; and

 (b) does not proceed until the material has been removed in accordance with regulation 5.45.

 Penalty for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty in any other case: the regulation 1.16 penalty.

 [Regulation 3.126 inserted: Gazette 22 Dec 2009 p. 5236‑7.]

## 3.127. Demolition work area, employer etc. to limit entry to

 (1) A person who, at a workplace, is an employer, the main contractor or a self‑employed person must not allow any person to enter or remain in an area of the workplace where demolition work, other than class 1, class 2 or class 3 demolition work, has commenced other than —

 (a) a person doing the work; or

 (b) a person authorised by the employer, main contractor or self‑employed person to enter the area for a purpose connected with doing the work; or

 (c) a person authorised under a written law to enter the area.

 (2) A licensed person must not allow any person to enter or remain in an area of a workplace where class 1, class 2 or class 3 demolition work being done by the person has commenced other than —

 (a) a person doing the work; or

 (b) a person authorised by the licensed person to enter the area for a purpose connected with doing the work; or

 (c) a person authorised under a written law to enter the area.

 Penalty applicable to subregulations (1) and (2) for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty applicable to subregulations (1) and (2) in any other case: the regulation 1.16 penalty.

 [Regulation 3.127 inserted: Gazette 30 Mar 2001 p. 1781‑2; amended: Gazette 14 Dec 2004 p. 6017.]

## 3.128. Scaffold used in demolition work, requirements for

 (1) A person who, at a workplace, is an employer, the main contractor or a self‑employed person must ensure that any scaffold involved in demolition work at the workplace, other than class 1, class 2 or class 3 demolition work —

 (a) is a heavy duty scaffold that meets the requirements of AS/NZS 1576.1; and

 (b) is erected to the full height of the building or structure; and

 (c) has a closely boarded platform with a minimum width of one metre that abuts on the face of the building or structure at the working level; and

 (d) has a fender board not less than 900 mm high fitted on the outer edge and on the ends of the working platform; and

 (e) has the external face and ends sheathed with a fire retardant material and wire mesh that has wires that are at least 3 mm in diameter and with apertures not greater than 50 mm x 50 mm; and

 (f) is maintained in position and in an effective state up to the working level of the scaffold for the whole of the period during which the demolition work is being done; and

 (g) is progressively dismantled so that the unsupported part of the scaffold does not exceed by more than 4 metres the height of the last row of ties that secure the scaffold to the building or structure.

 (2) A licensed person must ensure that any scaffold involved in class 1, class 2 or class 3 demolition work that the person is doing at a workplace complies with subregulation (1)(a) to (g).

 Penalty applicable to subregulations (1) and (2) for a person who commits the offence as an employee: the regulation 1.15 penalty.

 Penalty applicable to subregulations (1) and (2) in any other case: the regulation 1.16 penalty.

 (3) A person does not commit an offence under subregulation (1) or (2) if, proof of which is on the person, the scaffold is otherwise in accordance with any approval of, or a condition imposed by, the Commissioner in relation to the demolition work.

 [Regulation 3.128 inserted: Gazette 30 Mar 2001 p. 1782‑3; 14 Dec 2004 p. 6017.]