

Consultation on Safe Work Instrument Prescribing Training Requirements for Asbestos Removal Work

Purpose

1. This document provides you with information on a draft safe work instrument (SWI) prescribing relevant courses for the purposes of the Health and Safety at Work (Asbestos) Regulations 2016 (Asbestos Regulations). We are seeking your views on the draft SWI before it can be approved by the Minister for Workplace Relations and Safety.

Background

2. The Asbestos Regulations came into force on 4 April 2016 and created a new licensing system for asbestos removal and new training requirements for those involved in asbestos removal. [Read further information about the new licensing system](#)
3. Applicants for asbestos removal licences and all workers involved in asbestos removal work must be appropriately trained and hold a certificate for the relevant course.

Discussion

New licencing system

4. PCBUs must ensure that asbestos removal work is carried out by an appropriately licensed removalist. There are now two types of asbestos removal licence.
5. A licence is not required for removal of up to and including 10m² of non-friable asbestos or asbestos containing material, cumulatively, over the whole course of the removal project for the site, and asbestos containing dust or debris associated with this removal. The Asbestos Regulations refer to holding certificates for relevant courses:

Class A asbestos removal licence	Regulations 60(1)(c) and 65(a)(ii)(B)
Class B asbestos removal licence	Regulations 61(1)(c) and 66(b)(ii)
Supervision of asbestos removal work	Regulations 65(a)(ii)(A), 66(b)(i) and 84(a)(i)

6. There is a transitional period between the old and new licensing systems. Certificates of competence for supervisors issued under the previous asbestos regulations are valid until they expire or until 4 April 2018, whichever is earlier. While the certificates of competence remain valid, certificate holders are treated as licence holders under the new regime. Supervisors will be able to sit interim competency tests at WorkSafe offices in order to supervise asbestos removal before the new training is ready. [An Asbestos Removal Licensing Guide for Applicants is available on WorkSafe's website](#)
7. Training is an important part of the new rules for asbestos removal, including the licensing system. The Asbestos Regulations aim to improve the quality of training for people removing asbestos and supervising asbestos removal work.
8. Workers and supervisors involved in Class A and Class B asbestos removal work must receive relevant training. Unit standards have been developed under the New Zealand Qualifications

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Framework and courses that meet these training standards will be offered by industry training providers.

9. Applicants for class A and class B asbestos removal licences and all workers carrying out licensed asbestos removal work must hold a certificate in relation to a relevant course. The Asbestos Regulations specify that a relevant course in relation to a particular type of asbestos removal work is a course prescribed in a SWI.

<p>What is a safe work instrument?</p> <ul style="list-style-type: none">• SWIs are a form of tertiary legislation provided for in section 227 of HSWA. SWIs have legal effect to the extent that any regulations made under HSWA refer to them.• SWIs can be made for the purposes of prescribing matters, defining terms or making any other provision for managing workplace risk.• The WorkSafe New Zealand Act 2013 gives WorkSafe the function of developing SWIs.• Once developed by WorkSafe, SWIs are approved by the Minister for Workplace Relations and Safety.• The Minister may only approve a SWI if satisfied that the appropriate people and organisations have been consulted on its development.
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10. WorkSafe can implement the training system for asbestos removal work by defining the relevant courses in a SWI. The SWI will implement policy decisions made by Cabinet as part of reforming the workplace health and safety system. A draft of the SWI prescribing training requirements for asbestos removal work is enclosed in Annex 1.

Training standards

11. WorkSafe has worked with an industry training organisation, training providers and sector groups to develop unit standards and assessment processes for asbestos removal workers, assessors and other trade workers coming into contact with asbestos. Training standards have been developed within the New Zealand Qualifications Framework (NZQF) administered by the New Zealand Qualifications Authority (NZQA). The training standards are at NZQF levels four and five.
12. NZQA manages the NZQF, and is responsible for the quality assurance of non-university tertiary training providers and their courses, and moderates assessment activities and processes for national qualifications for unit standards. The unit standards asbestos removal can be found on the NZQA website:

Unit standard		Link to NZQA
29765	Remove non-friable asbestos	http://www.nzqa.govt.nz/nqfdocs/units/pdf/29765.pdf
29766	Remove friable asbestos	http://www.nzqa.govt.nz/nqfdocs/units/pdf/29766.pdf
29767	Supervise asbestos removal	http://www.nzqa.govt.nz/nqfdocs/units/pdf/29767.pdf

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13. Part of the success of workplace based training is the confidence people can place in the quality of standards, training programmes and qualifications. Quality assurance within the NZQF will make sure assessments against unit standards are fair, valid, consistent and meet industry and NZQA standards.
14. WorkSafe estimates that 668 people currently in the workforce will enrol in the courses. This is a conservative figure that does not include any new applicants wishing to enter the asbestos removal industry.

Class A and B licences issued with the condition that their nominated supervisors must sit the unit standards training or equivalent by 04 April 2018	296
Supervisors who have not had licences issued yet	270
Holders of current certificates of competence who will require training	102
Total	668

15. Once the relevant courses have been prescribed, training providers will be able to offer courses that meet the training standards. Course fees are estimated in the range of \$700 to \$1,500.
16. Licence fees payable to WorkSafe are set in the Asbestos Regulations. These fees are independent of course fees paid to training providers.

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Annex 1: Asbestos (Relevant Course) Safe Work Instrument 2017

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Asbestos (Prescribed Relevant Courses) Safe Work Instrument 2017

SWI 2017/x

Pursuant to section 227 of the Health and Safety at Work Act 2015, the Minister (as defined by section 16 of that Act), after being satisfied that appropriate consultation has been carried out under section 227(3), approves the following safe work instrument, which has been developed by WorkSafe New Zealand, and is referred to the definition of 'relevant course' in regulation 3(1) of the Health and Safety at Work (Asbestos) Regulations 2016.

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Safe Work Instrument

1 Title

This is the Asbestos (Prescribed Relevant Courses) Safe Work Instrument 2017.

2 Commencement

This safe work instrument comes into force on [4 April 2017].

3 Interpretation

- (1) In this safe work instrument, unless the context otherwise requires,—

Act means the Health and Safety at Work Act 2015

NZQA means New Zealand Qualifications Authority

NZQA unit standard 29765 mean NZQA unit standard (remove non-friable asbestos) or any substantially equivalent NZQA unit standard that replaces it

NZQA unit standard 29766 means NZQA unit standard (remove friable asbestos) or any substantially equivalent NZQA unit standard that replaces it

NZQA unit standard 29767 means NZQA unit standard (supervise asbestos removal) or any substantially equivalent NZQA unit standard that replaces it

Regulations means the Health and Safety at Work (Asbestos) Regulations 2016.

- (2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this safe work instrument has the same meaning as in the Act or the Regulations.

4 Relevant course for supervision of asbestos removal work

The relevant course for the supervision of asbestos removal work is a course that includes NZQA unit standard 29767.

5 Relevant course for Class A asbestos removal work

The relevant course for Class A asbestos removal work is a course that includes NZQA unit standard 29766.

6 Relevant course for Class B asbestos removal work

The relevant course for Class A asbestos removal work is a course that includes NZQA unit standard 29765.

Dated at Wellington this [date] day of [month] [2017].

[Name],
Minister

Date of notification in *Gazette*:

This safe work instrument is administered by WorkSafe New Zealand.