



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



GUIDE

Operating as an approved provider of health and safety representative (HSR) training in Western Australia





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WorkSafe
Western Australia



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WHSC
WORK HEALTH AND SAFETY COMMISSION

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1 Purpose

The requirement for a health and safety representative (HSR) to undertake a course of training is outlined in the *Work Health and Safety Act 2020* (WHS Act). The WHS Act provides the HSR training must be provided through a course of training that is approved by Work Health and Safety Commission (the Commission).

This document sets out the terms and conditions under which the Commission agrees to grant authority to an approved training provider to provide HSR training in Western Australia.

To become an approved training provider for HSR training a provider must be a registered training organisation (RTO) accredited by the Training Accreditation Council (TAC) or the Australian Skills Quality Authority (ASQA).

This document provides details of the specific conditions of the conduct of HSR training and associated administrative procedures to help uphold public and industry confidence in the quality of HSR training in Western Australia.

The Commission may amend, add or revoke any of these conditions without consultation by supplying a written copy of the amended document to the approved training provider or by sending an electronic copy to the most recent email address provided to the Commission.

Failure to conduct HSR training and associated activities in accordance with these conditions, or failure to comply with any reasonable request from the Commission in relation to such training, may result in the suspension or cancellation of the authority to deliver.

2 Becoming an approved training provider

An RTO wishing to become an approved training provider for HSR training in Western Australia is required to submit a completed application form (Appendix 1) along with the required evidence to support the nomination of an individual trainer. The application must be signed by an authorised officer of the RTO and submitted to WHSCommission@dmirs.wa.gov.au.

At least one suitably qualified trainer must be nominated by an RTO at the time of application.

Approval typically takes between 4 and 6 weeks. An RTO may not commence operation as an approved provider until that authority is granted by the Commission.

Authority to deliver HSR training in Western Australia as an approved training provider lasts for three years. Within three months of the end of an authority period an RTO may apply for renewal of its authority. The renewal process is the same as the original approval process.

3 General requirements

An approved provider must comply with all provisions of the WHS Act and WHS Regulations, the terms and conditions of this publication.

An approved provider must utilise the materials provided to deliver the course of training approved by the Commission. Some flexibility in terms of course format, examples, case studies and scheduling is allowable, consistent with the principles of reasonable adjustment, to ensure good learner outcomes.

The Commission reserves the right to suspend or cancel an RTO's authority to deliver at any time, at its discretion. Any decision to do so will occur after due consideration, and in accordance with the principles of due process and natural justice.

Approved providers accept that the Commission can give 21 days' written notice terminating the authority to deliver HSR training, and upon such notice being given the RTO understands that they must cease all HSR training on or before the specified date.

An approved provider must ensure that its marketing and advertising of the approved HSR training is consistent with the approved course of training.

An approved provider will not infringe copyright, intellectual property rights and moral rights of the owner of and persons having interest in training materials developed for use in the approved HSR course.

The Commission is not liable for any damage or loss caused by an error in course materials supplied to an approved provider by any person acting on behalf of the Commission. An approved provider must advise the regulator in writing to WHSCommission@dmirs.wa.gov.au as soon as reasonably practicable of any errors contained within the training materials supplied.

Approved providers must submit to audit by WorkSafe, if directed to do so by the Commission.

An approved provider must have a documented system for the administration of the approved course consistent with the standards required of an RTO.

An approved provider must ensure that all nominated trainers, and others associated with the administration and delivery of the HSR training are provided access to these conditions and abide by them at all times.

An approved provider must have a system for the provision of information and training to approved trainers prior to them delivering any course content to ensure they are familiar with the content. Updates must be provided on the basis of any changes to course content.

Approved providers, including approved trainers and others associated with the administration and delivery of the HSR training, will represent the Commission in a professional manner and promote WorkSafe and the WorkSafe Commissioner in a positive manner.

An approved provider must disclose any real or perceived conflicts of interest as soon as reasonably practicable via email to WHSCommission@dmirs.wa.gov.au.

An approved provider must not collude with a participant or anyone else regarding HSR training outcomes. This includes demanding or accepting bribes, gifts or other inducements of benefits that may directly or indirectly influence or appear to influence the RTO's ability to act impartially. This applies to the approved provider and any other entity associated with the approved provider.

An RTO must ensure that it holds public liability insurance that covers the scope of its operations throughout the duration of its term as an approved training provider.

An RTO granted authority to deliver the HSR training by the Commission is an approved provider in Western Australia only.

4 Nominated trainer criteria

Each application for approval to become an approved provider must be accompanied by the nomination of at least one suitably qualified and experienced trainer for approval by the Commission.

An approved provider must seek approval from the Commission for any additional trainers who will be delivering HSR training. Requests can be made using the form at Appendix 2 and email it to WHSCommission@dmirs.wa.gov.au along with information to support validation of the requirements listed. Notification of approval must be received from the Commission before trainers can undertake any HSR training activities on behalf of the provider.

The provider must ensure trainers delivering the HSR course meet the following requirements:

- (a) a minimum qualification of Certificate IV in Work Health and Safety, or a higher relevant qualification
- (b) a Certificate IV in Training and Assessment, or higher qualification
- (c) a minimum of two years relevant experience in an industrial/workplace relations or work health and safety role
- (d) evidence of qualifications or experience in consultation, negotiation and issue resolution that empowers workers' in a workplace setting
- (e) relevant experience in delivering training in an adult learning environment

Trainers must conduct themselves diligently, efficiently, honestly, impartially and with integrity.

5 Training

An approved provider must only use the approved training package as provided by the Commission.

The provider must utilise the approved materials in the delivery of the HSR course. Some flexibility in terms of course format, examples, case studies and scheduling is allowable, consistent with the principles of reasonable adjustment, to ensure good learner outcomes.

If an approved provider alters the delivery of the material in the training package to suit the particular needs of participant cohorts it must ensure that the training package in its entirety is delivered over the course of the training.

All training must be conducted in a face-to-face setting unless with the express consent of the Commission.

All training course components must be completed within six months of commencement.

An approved provider must provide trainers with all relevant documentation including trainer notes, and presentation materials.

An approved provider must provide:

- (a) educational and support services to meet the needs of the learner cohort/s undertaking the training
- (b) learning resources to enable learners to understand and retain course content, and which are accessible to the learner regardless of location or mode of delivery
- (c) facilities, and equipment to accommodate and support the number of participants undertaking the training and knowledge evaluation

An approved provider must ensure that all training facilities and equipment enable the effective delivery of the approved course and the training environment is safe without risk to health.

Each participant is to be provided with information on how to access copies of the WHS Act and WHS Regulations.

An approved provider must sight and verify evidence of the participant's identity prior to commencing training.

There is no formal assessment for the HSR training course, but the facilitator must make a decision about engagement and the achievement of learning outcomes for each individual participant. Participants must have obtained an appropriate level of understanding of the knowledge and skills necessary to perform the role of an HSR before they are deemed to have completed the HSR training course.

An anonymous course feedback form must be provided to each participant following the completion of the training course.

6 Post training administration

Each successful participant must be issued with a certificate of attendance

The certificate must contain the following information:

- (a) the name of the approved HSR trainer
- (b) the participants full name, as per the registration details
- (c) all date/s of training
- (d) the provider name
- (e) the signature of an authorised person for the provider
- (f) the date of issue
- (g) a statement that the course and the provider is approved by the Work Health and safety Commission to deliver HSR training in Western Australia

Data for annual reporting purposes must be collated.

7 Record keeping

All records must be maintained in English.

The provider must not make false or misleading declarations in their dealings including falsifying any information, participant responses or issuing a certificate of attendance to a participant who did not successfully complete training.

An approved provider must maintain the participant records for a minimum of seven years for inspection by WorkSafe, on behalf of the Commission, if requested (electronic records are sufficient). This should include, but is not necessarily limited to;

- (a) records of all course training dates
- (b) participant enrolment or registration forms
- (c) records of attendance for each day of training
- (d) records of all certificates of attendance issued
- (e) participant training and feedback forms, and responses to complaints

In the event that training records are lost, stolen, destroyed or damaged the provider must advise the Commission in writing via WHSCommission@dmirs.wa.gov.au within 14 days with details of what has occurred and what specific records were affected.

The provider must retain appropriate records and evidence on file for each trainer engaged to deliver the HSR course. Records and evidence should be consistent with the requirements of the criteria for a nominated trainer.

8 Annual reporting

The Commission requires each approved provider to submit an annual report. The report will be about the delivery of courses for the preceding year, ending on 30 June. The first annual report may cover only part of the twelve-month period because a course may be accredited in any month.

The information given in the annual report provides a profile of HSR participation by industry and occupation.

The information required in the annual report is to be collected from course participants. A template for the Annual report is provided at Appendix 3. An optional form is provided at Appendix 4 which may assist an approved provider with collecting the required data from HSR training course participants.

The annual report should be submitted before 31 July of each year, via the email address WHSCommission@dmirs.wa.gov.au.

9 Audits

WorkSafe may, at the request of the Commission, conduct an audit on an approved provider to confirm compliance with the conditions of delivery. This may include;

- (a) WorkSafe attendance at training sessions to ensure the course continues to meet these guidelines and criteria
- (b) desktop audits
- (c) discussing training activities with trainers and participants
- (d) reviewing trainer qualifications as listed
- (e) any other activity deemed necessary by the Commission to ensure compliance is maintained with these guidelines and criteria

The approved provider will provide all reasonable assistance to the Commission during audit and upon request.

The approved provider will supply all documents to the Commission upon request within the specified timeframe.

The Commission will confirm the outcome of any audit in writing within 14 days.

The approved provider must supply rectification evidence for any non-compliance identified by the WorkSafe within 14 days by emailing WHSCommission@dmirs.wa.gov.au.

10 Complaints process

The approved provider must have a complaints policy to manage and respond to allegations involving the conduct of the provider, its nominated trainers or other staff.

The approved provider must:

- (a) securely maintain records of all complaints and their outcomes
- (b) identify potential causes of complaints and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence
- (c) provide information about such feedback and complaints to the Commission if requested to do so.

Occupation category	Number
Labourers and Related Workers Including Trades Assistants, Factory Hands, Cleaners, Farm Hands, Meat Packers, Process Workers, Scaffolders, Riggers, Security Officers, Fishing Workers, Deckhands, Labourers, Miners	
Not stated	
Total	

10. Of the HSRs trained, how many are from metropolitan or from non-metropolitan regions in the period covered in this report?

Regional area	Number
Metropolitan	
Non-metropolitan	
Not stated	
Total	

11. How many courses were conducted in the following regions in the period covered in this report?

Regional area	Number
Metropolitan	
Non-metropolitan	
Other	
Total	

Appendix 4 Participant data collection

1. Name

2. Occupation

3. Please tick the category, which best describes the industry of your employer.

- Accommodation and food services
- Agriculture, forestry and fishing
- Arts and recreational services
- Construction
- Education and training
- Electricity, gas, water and waste services
- Financial and insurance services
- Health care and social assistance
- Information media and telecommunications
- Manufacturing
- Mining – Onshore
- Professional, scientific and technical services
- Public administration and safety
- Administrative and support services
- Other services
- Rental, hiring and real estate services
- Retail trade
- Transport, postal and warehousing
- Wholesale trade
- NOPSEMA
- Seafarers

4. Please tick the occupational category in which you work.

- Managers and Administrators
Including School Principals, Directors, Mine Managers, Farm, Managers, Managing Supervisors, Commissioned Police Officers, Chief Executives, Trade Union Secretaries
- Professionals
Including Chemists, Teachers, Architects, Accountants, Engineers, Geologists, Metallurgists, Journalists, Actors, Librarians, Public Relations Officers, Registered Nurses
- Para-Professionals
Including Technicians, Police Officers, Ships Captains, Welfare Officers, Safety Inspectors, Prison Officers
- Tradespersons
Including Fitters, Welders, Tilers, Hairdressers, Chefs, Tailors, Mechanics, Gardeners, Apprentices
- Clerks
Including Typist, Secretaries, Messengers, Computer Operators, Bookkeepers, Telephonists, Teachers Aids, Law Clerks
- Salespersons and Personal Service Workers
Including Travel Agents, Enrolled Nurses, Dental Nurses, Waiters, Insurance Brokers, Sales Representatives, Tellers, Cashiers, Beauty Therapists
- Plant and Machine Operators
Including Bus Drivers, Forklift Drivers, Crane Operators, Press Operators, Processing Machine Operators, Treatment Plant Operators, Mining Equipment Operators
- Labourers and Related Workers
Including Trades Assistants, Factory Hands and Cleaners, Farm Hands, Meat Packers, Process Workers, Scaffolders, Riggers, Security Officers, Fishing Workers, Deckhands, Labourers, Miners
- Other / not stated

5. Where do you usually work (in your current job)? Metropolitan Non-metropolitan

6. Please tick your age group

- 15-19 20-24 25-29 30-34 35-39
 40-44 45-49 50-54 55-59 60-64
 65+

7. Your gender

- Female Male Non-binary
 Prefer not to disclose



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