



Conditions

for conducting high risk work licence
assessments in NSW under the
Work Health and Safety Regulation 2011

Effective 1 January 2013

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 (www.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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Section 1: Purpose

These *Conditions for conducting high risk work licence assessments in NSW under the Work Health and Safety Regulations 2011* (catalogue no. WC03720) (the conditions) are issued under the *Work Health and Safety Regulation 2011* (WHS Regulation) and are effective from 1 January 2013. The conditions form part of the *Agreement between WorkCover and the registered training organisation to conduct high risk work licence assessments in NSW* (catalogue no. WC03713) (agreement). These conditions supersede the previously issued conditions which were effective 1 January 2012 and the *Guidelines for conducting high risk work assessments in NSW* (catalogue no. WC02050) (the guidelines).

Persons wishing to apply to WorkCover NSW for a licence to perform high risk work (HRW) must be trained and assessed in the appropriate Vocational Education and Training (VET) course (or unit of competency (UOC)) as prescribed in Schedule 4 of the WHS Regulation and attachment 2 of this document.

A WorkCover HRW accredited assessor must conduct the HRW licence assessment for or on behalf of a Registered Training Organisation (RTO), and only conduct competency assessments for the class(es) of HRW for which the assessor is accredited. An RTO may only deliver training and conduct assessments for the prescribed VET courses if it has a current written agreement in place with WorkCover, and has received an approval certificate.

For the purposes of this document, an RTO means a training organisation that is listed as an RTO on the national register established under the *National Vocational Education and Training Regulator Act 2011* (NVETR Act) and has entered into an agreement with WorkCover to deliver training and conduct assessments for HRW. The RTO conditions of approval extend to any representative and/or partner(s) of the RTO.

High risk work means scheduled work as prescribed in Schedule 3 of the WHS Regulation.

For the purposes of this document, an 'assessor' is any person who has been accredited or approved by WorkCover, to assess the competency of individuals in scaffolding and rigging, dogging, crane and hoist operation, concrete placing boom operation, forklift operation, reach stacker and pressure equipment, for the purposes of obtaining an HRW licence. 'Assessment Instrument' means the current version of Safe Work Australia's National Assessment Instrument(s).

Consistent with ensuring public and industry confidence in the assessment of individuals for HRW licence classes, this document prescribes specific conditions that must be adhered to by RTOs and assessors conducting HRW licence assessments and associated administrative procedures.

In addition to the conditions, an RTO or an assessor may have responsibilities and obligations under the:

- *Work Health and Safety Act 2011* (WHS Act)
- *Work Health and Safety Regulation 2011* (WHS Regulation)
- *Privacy and Personal Information Protection Act 1998* (PPIP Act)
- *Anti-Discrimination Act 1977* (AD Act)
- *State Records Act 1998* (SR Act)
- *Independent Commission Against Corruption Act 1988* (ICAC Act)
- *Vocational Education and Training Regulator Act 2011* (VETR Act).
- *Copyright Act 1968* (Copyright Act).

Additional copies of this document are available on the WorkCover website at workcover.nsw.gov.au or by contacting:

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Section 2: Requirements for WorkCover assessors

An accredited assessor must conduct a competency assessment in accordance with the conditions imposed under their accreditation under clause 121 of the WHS Regulation (see clause 114 of the WHS Regulation). It is a condition of accreditation that HRW accredited assessors must comply with the conditions and any amendments to it.

For the purpose of the conditions, an assessment is defined as commencing when an assessor accepts a completed *Application for an assessment by a WorkCover accredited assessor for a national licence to perform high risk work* (CA1 form) (catalogue no. WC00781). An assessment is considered concluded when an 'Assessment Summary' (AS) form or 'Notice of Satisfactory Assessment' (NSA) form is completed and issued to a licence applicant. In the case of a partial assessment, the assessment may be conducted over a number of days. The assessment is considered to have ceased at the end of each day when the assessor completes the Assessment Instrument Assessment Summary (AI AS) form, and re-commences the next assessment day when the first applicant commences assessment activities.

If you do not understand any aspect of the conditions, you must contact 3PM for clarification before an assessment for an HRW licence is conducted.

Assessors are required under the WHS Regulation to comply with the conditions. Failure of an assessor to carry out assessments in accordance with the conditions is an offence and may result in suspension or cancellation of accreditation. Assessors must therefore be familiar with the conditions and understand the requirements before conducting assessments or undertaking assessment administrative requirements.

If an assessor is suspended or cancelled they may also be suspended or cancelled as a nominated trainer for the delivery of general construction induction (GIT) and/or approved training provider for health and safety representative (HSR) training.

In addition to the conditions, assessors are required to assess applicants to the current version of the National Assessment Instrument for the relevant HRW licence class.

WorkCover assessor accreditations are for a three year period, subject to renewal, unless otherwise specified in writing.

All assessors must:

- a. Comply with the conditions including the code of conduct.
- b. Comply with the administration, delivery and assessment requirements as outlined in the conditions.
- c. Conduct assessments on behalf of WorkCover only within the state borders of NSW.
- d. Not appoint any other person or agent to conduct any assessment activity for which the assessor is accredited or approved.
- e. Conduct a minimum of three assessments in any of their accredited class(es), per 12 month period, totalling at least nine assessments per three year accreditation period.
- f. Attend any compulsory briefings, orientation programs or refresher programs as requested by WorkCover.
- g. Cooperate with any reasonable request from WorkCover in connection with their accreditation and associated assessment activities.
- h. Professionally represent WorkCover and promote WorkCover's initiatives in a positive manner.
- i. Not make any adverse comments about WorkCover or WorkCover activities, while undertaking assessments on behalf of WorkCover.
- j. Maintain ethical and professional conduct at all times.
- k. Notify 3PM in writing, of any change in address and/or contact details within 14 days.
- l. Notify 3PM in writing, of any court conviction in Australia for a work health and safety/occupational health and safety offence, within seven days.

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- m. Within seven days report to WorkCover any criminal offence, or if their accreditation as a work health and safety/occupational health and safety trainer and/or workplace assessor in any Australian state or territory is cancelled or suspended.
 - n. Within seven days report to WorkCover any breach of the conditions that they become aware of by themselves or another WorkCover accredited assessor or WorkCover approved RTO.
 - o. Comply with the WHS Act and the WHS Regulation.
 - p. Within seven days report to WorkCover any changes of status in their employment, or partnership arrangements, with an RTO.
 - q. Within seven days report to WorkCover in writing, cessation of employment, or partnership arrangements with an RTO.
 - r. Not conduct assessments without the knowledge or permission of an RTO that the assessor is affiliated with.
 - s. Hold the relevant HRW operator licence class(es), for which they are accredited to assess on behalf of WorkCover.
 - t. Hold a current workplace training and assessment qualification that meets the Australian Skills Quality Authority (ASQA) and/or State Training Authority (STA) requirements.

Section 3: Requirements for registered training organisations

RTOs that have the recognised HRW licence VET courses (or UOC) added to their scope to deliver training and assessment in NSW are also required to enter in to a written agreement with WorkCover prior to conducting HRW licence assessments in NSW.

3.1 Applying to WorkCover to enter into an agreement

RTOs must first complete and submit to WorkCover the *Application for a registered training organisation to conduct high risk work licence assessments in NSW* (catalogue no. WC03713) as per the instructions on that form. The purpose of this application is for the RTO to enter into an agreement with WorkCover to conduct HRW licence assessments in NSW.

If the RTOs application is successful, they will be sent two copies of an agreement between WorkCover and the RTO to conduct HRW licence assessments in NSW under the WHS Regulation, which is subject to the requirements specified in the agreement, and may be amended from time to time.

As part of the written agreement, RTOs must agree to comply with the conditions.

An RTO that satisfies application requirements will be issued with an approval certificate by WorkCover.

An RTO must not commence training and assessing for any HRW licence VET course (or UOC) until it has a written agreement in place with WorkCover, and the RTO has received an approval certificate from WorkCover.

WorkCover may refuse to enter into an agreement with an RTO for any reason it considers sufficient.

If the registration of an RTO is suspended or cancelled by any national or state training authority, the WorkCover agreement with that RTO (and any assessor affiliations with that RTO) will also be suspended or cancelled. RTOs are responsible and accountable for all activities conducted by their employees, staff and/or partner(s) (ie assessors).

3.2 Complying with the agreement and conditions

All RTOs must:

- a. Comply with all Requirements of the agreement with WorkCover.
- b. Comply with the conditions which includes the code of conduct.
- c. Gain approval from WorkCover for all nominated assessors prior to them conducting any HRW assessment.
- d. Notify 3PM in writing, within 14 days of any nominated assessor who is no longer authorised by the RTO to undertake HRW assessments.
- e. Notify 3PM in writing within 14 days of any change to the contact details of the RTO or authorised officer.
- f. Attend any compulsory briefings, orientation programs or assessment programs as requested by WorkCover. Non-attendance may result in a suspension or cancellation of this agreement and the RTO's WorkCover approval to deliver HRW training and assessment activities in NSW.
- g. Cooperate with audit and compliance activities being undertaken in relation to HRW licence assessment activities.
- h. Cooperate with any reasonable requests from WorkCover in connection with the approval or delivery of HRW training and assessment activities in NSW.
- i. Professionally represent WorkCover and promote WorkCover's initiatives in a positive manner.
- j. Protect the copyright of WorkCover and/or Safe Work Australia publications and comply with WorkCover advertising specifications.
- k. Immediately report to 3PM in writing, any court conviction against the RTO or a nominated HRW assessor in Australia for work health and safety/occupational health and safety offence.
- l. Immediately report to 3PM if the RTO's registration is suspended, cancelled or amended in any way by ASQA and/or STA.
- m. Immediately report to 3PM any criminal offence of the RTO, its directors, authorised officers or nominated HRW assessors.
- n. Immediately report to 3PM any identified breach of these agreement requirements by another RTO or by a nominated HRW assessor.
- o. Immediately report to 3PM any nominated HRW assessor who is identified as being suspended or cancelled as a work health and safety/occupational health and safety and/or VET provider in any state or territory.
- p. Arrange for the reassessment of any applicant if directed by WorkCover to do so.

Breaches of the agreement and/or conditions may result in WorkCover referring details of RTO non-compliance to ASQA and/or STA, and/or cancellation of the WorkCover HRW agreement with that RTO. Other penalties for non-compliance with the agreement and/or conditions are outlined in section 11 of this document.

3.3 High risk work licence activities

RTOs undertaking assessments for the purpose of obtaining an HRW licence are required to complete the notification activities prescribed within this document and must comply with the agreement and the conditions. WorkCover is unable to process any HRW licence application if:

- The RTO does not have a current written HRW agreement in place with WorkCover.
- The VET course (or UOC) is not listed as approved by WorkCover on WorkCover's Online Environment (OLE).
- The assessor is not listed as approved by WorkCover on the OLE.
- The assessor does not hold currency of accreditation in the specified HRW licence class.

WorkCover retains the right to cease to recognise the output of an RTO for the purposes of issuing an HRW licence, if it has been proven that the training or assessment was not conducted properly or in accordance with the agreement, the conditions or the appropriate assessment instrument, or for any reason it considers sufficient.

3.4 Advertising specifications

Use of the terms: Approved and accredited

RTOs who have a current agreement in place with WorkCover to conduct HRW training and assessment are considered as **approved** by WorkCover. As part of this approval, RTOs must **nominate** the WorkCover accredited assessors with whom they are affiliated. WorkCover **accredits** assessors to perform HRW assessments.

RTOs must ensure that any advertising or publicity they undertake uses the terms approved and accredited correctly.

- 'Approved' refers only to the RTO that has a current agreement in place with WorkCover to conduct HRW licence assessments, and 'WorkCover' must be identified as the approving authority. The term cannot be used to refer to partners or to individual trainers or assessors.
- The term 'accredited' refers to HRW assessors that WorkCover has accredited to carry out HRW licence assessments in NSW
 - The term 'accredited' cannot be used in reference to trainers.
 - The term 'accredited' cannot be used in reference to the RTO or the training itself.

General specifications

- It is the responsibility of an approved RTO to ensure that their partners and all RTO representatives comply with these advertising specifications.
- Any advertising or publicity claiming that an RTO has WorkCover approval must refer to the RTO name exactly as it has been approved and documented on the WorkCover approval certificate.
- Any advertising or publicity carried out by an RTO partner or representative must not carry the claim to be WorkCover approved without reference to the approved RTO and their ASQA or STA registration number.
- An RTO must not advertise that they are WorkCover approved when they are not.
- An RTO must not claim to be WorkCover approved if it is not or while approval is pending.
- Advertising and publicity must not be misleading or ambiguous.

Copyright

WorkCover material

Use of WorkCover material is protected by copyright. It may only be downloaded, displayed, printed or reproduced, without amendment, for personal, in-house or non-commercial use.

WorkCover does not approve the commercial use of its material where a direct profit will be made from its reproduction/distribution.

Other use of WorkCover material, including alteration, transmission or reproduction for commercial use is permitted only with written permission from WorkCover. A copyright request for use of WorkCover materials: Application form (catalogue no. WC05734) is available on workcover.nsw.gov.au

WorkCover logo

The WorkCover logo is a registered trademark. It must only be reproduced by non-government sites that have written permission from WorkCover.

Using WorkCover branding to promote individual companies for competitive advantage is strictly prohibited

All inquiries regarding the use of WorkCover's material or logo should be directed to the Communications Group comms@workcover.nsw.gov.au

WorkCover website

Written consent is required from the Communications Group to link to the WorkCover website. Applicants are required to complete a *Request to link to WorkCover website* (catalogue no. WC02618).

Links to the WorkCover website must, when activated, continue to display frames of the original website around the Workcover web pages and must not state or imply that WorkCover endorses a brand, product or service. Non-government sites linking to WorkCover must check these links every 30 days to ensure they are active.

Audit and self-audit

Advertising and promotion material produced by RTOs and their partners or representatives may be subject to an audit by WorkCover against the advertising specifications. Non-compliance will be regarded as a breach by the RTO and may result in disciplinary action.

RTOs are encouraged to undertake regular self-audit, to ensure that their own and their partner's advertising and promotional material is fully compliant with WorkCovers specifications and those of their training authority.

Section 4: Code of conduct

RTOs and assessors are deemed 'public officials' for the purposes of the *Independent Commission Against Corruption Act 1988* (ICAC Act) as they are conducting HRW licence assessments on behalf of WorkCover.

Public officials have an obligation to the community to conduct business diligently, efficiently, honestly, impartially and with integrity. Public officials must act in a manner to maintain public confidence and trust. Unethical or improper behaviour or any form of corruption is not acceptable.

Corrupt conduct includes:

- Any conduct by any person which adversely affects or could, directly or indirectly, adversely affect the honesty or impartiality of an assessor.
- Any conduct by assessors, which involves dishonest or partial exercise of the functions of an assessor.

RTOs and assessors are required to comply with the conditions, including the code of conduct, at all times whilst conducting or participating in assessment activities. Failure to do so may result in a penalty being applied as described in section 11 of the conditions.

1. RTOs and assessors must not collude with an applicant regarding an HRW licence assessment. An example of collusion could be an assessor or RTO providing a copy of the national Assessment Instrument questions and/or acceptable responses as per the confidential assessor version of the assessment instrument, prior to the licence assessment.
2. Assessors must not collude with an RTO regarding the outcome of an HRW licence assessment. An example of collusion could be an assessor intentionally deeming an applicant not competent for the purposes of requiring to be reassessed, or providing the RTO with the acceptable responses as per the confidential assessor version of the assessment instrument(s).
3. RTOs and assessors must not collude with the applicant's persons conducting a business or undertaking (PCBU) regarding assessment of any workers. An example of collusion could be an assessor intentionally deeming an applicant competent for the purposes of generating business opportunities.
4. RTOs and assessors must not demand or accept a gift, benefit or favour for services associated with the conducting of HRW licence assessments.
5. The RTO and assessor or any person connected to or associated with the assessor (eg partners, family members, friends, associates) must not accept any bribe, gift, hospitality, travel, benefits or inducement that may directly or indirectly influence, or appear to influence, an assessor's ability to act or perform their duties impartially.

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6. If an RTO or assessor is offered a bribe, they must immediately terminate the assessment. The RTO or assessor is to write a detailed record of what occurred, including the time, location and exactly what was said. The assessor must inform any person who offered a bribe, or inducement for an assessment, that it will be reported to WorkCover. The assessor must immediately report the matter to 3PM on **1800 855 969**.
 7. An RTO or assessor must not make false or misleading declarations in their dealings with WorkCover or during any part of the assessment process. This could include, for example, falsifying information or omitting information or providing incorrect information on plant details, an applicant's answers, applicant's training records, assessment times and assessment results etc.
 8. RTOs and assessors are required to report to 3PM any corrupt behaviour associated with the assessment of applicants or behaviour that they may be aware of which is contrary to the conditions, including any suspicion or reasonable belief that the assessment process may be compromised.
 9. An RTO or assessor must not carry out an assessment if they know, suspect or reasonably believe that any information provided by the applicant in support of their application for an HRW licence may be false or misleading.
 10. RTOs and assessors must fully disclose any actual or potential conflicts of interest involving an assessment to 3PM. If there is a conflict or potential conflict of interest, the assessment is not to proceed.

Conflicts of interest include any financial or personal interest that could directly or indirectly influence the performance of the duties as an assessor. An example of a conflict of interest is conducting an assessment(s) for family or friends or for organisations in which the assessor or a family member of the assessor has a financial interest.

Note: If an RTO or assessor is uncertain about a potential conflict of interest, they are to immediately contact 3PM. In general, the issue of conflict of interest does not apply where an assessor is employed as an in-house assessor for a PCBU. However, if still in doubt, contact 3PM for clarification.

11. RTOs and assessors are required to provide any records requested by WorkCover that are associated with the assessment for an HRW licence within the timeframe specified by 3PM.
12. The applicant's personal details and assessment records must be kept confidential at all times and must not be disclosed by the RTO or assessor to any person other than their affiliated RTO and/or authorised WorkCover officers.
Note: Information collected from an applicant is covered by the PPIP Act and may be made available to other state government agencies for the purpose of confirming the applicant's details.
13. An assessor must not conduct an assessment for an HRW licence if under the influence of alcohol, illicit drugs or substances.
14. An assessor must not conduct an assessment for an HRW licence if they suspect that an applicant is under the influence of alcohol, illicit drugs or substances.
15. RTOs and assessors must advise 3PM in writing, immediately if:
 - they have a court conviction in Australia for a work health and safety/occupational health and safety offence, or any criminal offence
 - their accreditation as an assessor in any state or territory is cancelled or suspended and provide the reason.
16. RTOs and assessors may not use the WorkCover logo or reproduce WorkCover publications (except as provided by the Copyright Act) without prior written permission from WorkCover.

Section 5: Registered training organisation pre-assessment administration

All HRW licence assessments must be notified to WorkCover at least 48 hours prior to the assessment.

Partial assessment notifications

A partial assessment is an assessment that is planned to take place over more than one day. If you are conducting an assessment over more than 1 day, you must schedule a separate notification for each day the assessment will take place via WorkCover's Online Environment (OLE). When doing so, you must make a notation in the free text fields RTO1, RTO2 and RTO3 whether you will be conducting the knowledge, performance and/or calculations on each day. Please also note any other special arrangements in the RTO 1, 2 and 3 fields.

The RTO is responsible for ensuring the following administrative actions are carried out before an assessment is conducted by an assessor:

5.1 Notification of and/or variation to an assessment

Initial notification

17. All HRW licence assessments must be notified to WorkCover via the OLE at least 48 hours prior to the assessment. The RTO should retain, with the assessment records, the email acknowledgement from the OLE as evidence of the date and time the assessment was entered into the OLE.

Variations to initial notification

18. If there is any variation to the initial notification, the RTO must update the scheduled assessment details on the OLE at least 48 hours prior to the assessment.
19. If a variation is required less than 48 hours prior to the start time of the assessment – including varying assessor, date/time, licence class, venue or cancellation – 3PM must be contacted immediately on **1800 855 969**, and the details of the assessment entered in the OLE. All variations/cancellations on a weekend or public holiday are to be notified to 3PM on the morning of the next business day and varied within the OLE.
20. An HRW licence assessment must not proceed if there is an outstanding exemption against it. If the exemption against an assessment is declined or pending, the RTO must ensure the HRW licence assessment does not go ahead, unless otherwise approved by 3PM, or unless the variation arises on a weekend or public holiday (see condition 19).
21. Where the original date of the assessment may have changed, the variation must be submitted to WorkCover via the OLE at least 48 hours prior to the new date.
22. The number of applicants originally notified on the OLE cannot increase within 48 hours. However, the RTO may substitute one applicant for another within 48 hours.
23. The RTO must provide the details of the assessor conducting the HRW licence assessment on the OLE.
24. An RTO must not replace the originally notified assessor without prior exemption approval via the OLE from 3PM. If a replacement assessor is arranged less than 48 hours prior to the assessment (and the exemption application has not yet been approved on the OLE) the RTO must phone 3PM for approval on **1800 855 969** prior to conducting the HRW licence assessment, unless the variation arises on a weekend or public holiday (see condition 19).

5.2 Information for applicants/persons conducting a business or undertaking and their responsibilities

25. The RTO must inform an applicant that WorkCover may request that an HRW licence holder be reassessed any time.
26. The RTO must make the applicant aware that WorkCover may suspend, cancel or refuse to issue or renew an HRW licence if the licence holder refuses or fails to comply, without reasonable excuse, with the requirements set out in a written notice.
27. The RTO must ensure the appropriate plant, equipment, venue and/or materials for an assessment in the relevant HRW licence class, is readily available.
28. The RTO or assessor must not collect the prescribed WorkCover HRW licence application fee from an applicant. The required fee for the HRW licence application is to be submitted to Australia Post by the applicant at the time of lodgement.

Section 6: WorkCover NSW notice of satisfactory assessment/assessment summary books

The WorkCover Notice of Satisfactory Assessment/Assessment Summary (NSA/AS) book is used by WorkCover assessors to record the details and results of an HRW licence assessment. Each NSA/AS book contains 50 forms uniquely numbered in sequential order and three carbon copies of each NSA/AS form.

The WorkCover NSA/AS form serves a dual purpose:

- when an applicant achieves competency in all assessment areas, they are issued with an NSA (ie the full form)
- when an applicant does not achieve the required level of competency in all assessment areas, they are issued with an AS (ie the partial form torn from below the perforated line).

29. The assessor conducting the HRW licence assessment is the only person authorised to issue an NSA/AS form.
30. All NSA/AS books allocated to an assessor must remain under the control of an assessor and not be given to other persons. An NSA/AS book must not be left unattended and must be stored in a secure location at all times.
31. The assessor issued with the NSA/AS book is the only person permitted to record details of the assessment in the NSA/AS book, apart from the signature of a person assisting in a dogging or crane assessment and an applicant's signature.
32. The NSA/AS forms must be issued by the assessor in numerical sequential order. The whole NSA/AS book must be completed before commencing a new NSA/AS book.
33. In the event of a NSA/AS book and/or form being lost, stolen, damaged or destroyed, an assessor must notify 3PM within 14 days by submitting a *Notification of the disposal, destruction, theft, loss of and/or damage to notice of satisfactory assessment/assessment summary books and/or forms* (catalogue no. WC05999).
34. Used and/or partially used NSA/AS books must be retained by the assessor for a minimum of five years from the date of the last assessment unless otherwise notified by WorkCover. An assessor may lawfully and securely dispose of used NSA/AS books after the minimum five-year retention period. The assessor must advise 3PM within 14 days of any NSA/AS book that has been disposed of by submitting the *Notification of the disposal, destruction, theft, loss of and/or damage to notice of satisfactory assessment/assessment summary books and/or forms* (catalogue no. WC05999).
35. In the event of ceasing business, lapsing or cancellation of accreditation, the assessor must securely return any unused NSA/AS books, along with their accredited assessor certificate, to 3PM within 21 days.

Section 7: Commencement of licence assessment

Before an assessment for an HRW licence can be conducted, the applicant must have provided evidence that they have achieved the required competencies to have their skills and knowledge assessed against the whole relevant unit(s) of competency.

An assessment for an HRW licence must be as per the current assessment instrument and involves both a knowledge and performance assessment and, depending on the HRW licence class, a calculations assessment.

7.1 Application for assessment

36. An *Application for an assessment by a WorkCover NSW accredited assessor for a national licence to perform high risk work* (CA1 form) (catalogue no. WC00781) must be completed in full by both the applicant and the assessor. The CA1 form must be completed by the applicant prior to the assessment. The applicant must sign the CA1 form in the presence of the assessor.

Note: in the case of a partial or cumulative assessment, the CA1 form is required to be completed on the first day of assessment only, however the CA1 and all training evidence must be in the possession of the assessor on all days of assessment to allow for WorkCover audit checks. All assessment components of a partial or cumulative assessment must be completed within seven days of the first day of assessment (ie knowledge, performance and calculations if applicable).

37. Before the assessor signs and accepts the CA1 form, they must:

- ensure the applicant has completed the CA1 form correctly and understands that providing false or misleading information is an offence
- have sighted an applicant's evidence of engagement in a recognised course of training for the type of licence assessment to be undertaken
- sight evidence that the applicant has achieved the required competencies to have their skills and knowledge assessed against the relevant unit(s) of competency.

Note: Where an applicant is undergoing a reassessment a new CA1 form is required to be completed by the applicant and assessor.

38. If the applicant answers 'Yes' to question 1(a) on the CA1 form '*Do you live in a state or territory other than NSW*', the assessor must not conduct an assessment in that HRW licence class without prior written approval from 3PM. RTOs should apply for approval via thirdparty@workcover.nsw.gov.au prior to enrolling an applicant with an interstate address in the HRW licence VET course (or UOC).

Note: Clause 89(2)(c) requires that WorkCover must be satisfied that all applicants reside in NSW. If an applicant resides outside NSW, circumstances must exist to justify a NSW licence being issued.

39. If the applicant has answered 'Yes' to question 4(a) on the CA1 form '*Have you previously been issued with a WorkCover assessment summary (AS) by an accredited assessor for the HRW licence class(es) to which this application applies?*' The assessor must not conduct the assessment until at least 48 hours of the date (and end time) of the previous assessment has elapsed (as per the prescribed notification period). This is regardless of whether the original assessment was carried out by the same assessor.

40. In the case of a partial or cumulative assessment being conducted where the applicant has successfully completed the knowledge, performance or calculations component of the assessment, an applicant is not required to wait 48 hours to complete the assessment.

However, if the applicant is deemed not yet competent in an assessment component during a partial examination, they are required to wait the specified 48 hours after the issue of the WorkCover AS before being re-assessed in that assessment component.

41. If the applicant has answered 'Yes' to question 4(b) on the CA1 form '*Have you ever been issued with a NSA by an accredited assessor for an HRW licence class(es) to which the application applies?*' The assessor must not conduct an assessment in that HRW licence class without prior approval from 3PM. RTOs should apply for approval via thirdparty@workcover.nsw.gov.au prior to enrolling applicants in the HRW licence VET course (or UOC).

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42. If the applicant answers 'Yes' to question 5 on the CA1 form '*Has an HRW licence or equivalent HRW licence class held by you been suspended or cancelled by any Australian certifying authority within the last five years?*' or 'Yes' to question 6 '*Have you ever entered into an enforceable undertaking under WHS Act or WHS Regulation in NSW or work health and safety law in another state or territory?*', the assessor must not conduct an assessment in that HRW licence class without prior written approval from 3PM. RTOs should apply for approval via thirdparty@workcover.nsw.gov.au prior to enrolling applicants in the HRW licence VET course (or UOC).
43. An assessor is required to provide applicants with all the necessary information concerning the assessment process. If the applicant is not satisfied with the assessor's decision, the assessor must inform the applicant that they have the right of appeal to WorkCover. Applicants may appeal a decision by writing to the Coordinator, Third Party Management Unit, Locked Bag 2906, Lisarow, NSW 2252 within 14 days of the date of assessment.

7.2 Evidence of identity

An RTO must advise applicants who are enrolling in a HRW licence VET course (or UOC) that there are evidence of identity EOI requirements that must be satisfied as per the EOI table below, before they can be assessed by an accredited assessor and when lodging their application for a HRW licence at Australia Post.

44. An assessor must verify the applicant's identity prior to commencing an assessment. The assessor must record and confirm sighting the EOI documents provided in section 7 of the CA1 form. The documents are to be returned back to the applicant. All documents must contain an applicants name in full, not just the initials. The only exception is a council rates notice.

Note: The assessor should suggest to the applicant that these same EOI documents be provided at Australia Post when lodging their application. In doing so, the likelihood of the application being rejected by Australia Post will be minimised.

45. An applicant must provide original EOI documents with at least one document listing a current NSW address and that add up to at least 100 points.

Note: Certified copies must not be accepted.

Within the EOI documents provided, the applicant must be able to show their:

- photograph
- date of birth
- signature
- current address.

46. If an applicant cannot provide the required EOI documents as per the below table, the assessor must refuse to conduct the assessment.

Acceptable EOI documents and their point value

EOI table		
Document type	Document	Points
Primary documents Only use ONE document.	Australian Birth Certificate/card issued by the Registrar of Births Deaths and Marriages	70
	Passport – Australian or international (current or expired within last two years, but not cancelled)	70
	Australian citizenship certificate	70
Secondary documents 1. Allowed to use a combination of secondary documents. 2. If you want to use more than one credit and savings account card (up to a maximum of two), they must be from different financial institutions. 3. Documents provided MUST contain the participant's full name, NOT initials.	Current Australian driver's licence	40
	Current Australian learner driver's licence/permit	40
	Current Australian boat operator's photo licence (Note: only the Personal Watercraft Licence (PWC) is issued in NSW with a photo and is acceptable. The NSW non-photo boat licence is not acceptable).	40
	Current NSW firearms photo licence	40
	Current Australian issued NCOC photo licence (post 2006) or high risk work licence	40
	Current state/territory proof of age or photo card (eg a NSW RTA issued photo card)	40
	Australian defence or Police photo ID card	40
	Department of Veterans Affairs card	25
	Current Centrelink card	25
	Property (council) rates notice	25
	Property lease agreement	25
	Home insurance papers	25
	Utility bills – eg water, electricity, gas	25
	Telephone account	25
	Current Medicare card	25
	Current motor vehicle registration or insurance papers	25
Credit/savings cards/bank statements	25	
Correctional facility For inmates of a correctional centre an arrangement exists between WorkCover and the Department of Corrective Services to accept two additional forms of EOI as listed below. This additional EOI applies to Correctional Centre inmates who are being trained in a correctional facility under this arrangement ONLY .	Correctional centre inmate MIN card photo card	40
	Correctional centre inmate MIN card	5
	Letter of verification from the department of corrective services	25

Also refer to Attachment 1 for additional explanatory information regarding EOI requirements.

7.3 General requirements

47. WorkCover accredited assessors cannot conduct HRW licence assessments outside of NSW using their NSW accreditation or NSW paperwork, regardless if they are affiliated with an interstate RTO.

48. An assessor cannot assess the following persons:

- immediate relatives
- business partners
- persons under the age of 18 years
- an applicant who cannot speak and/or understand the English language
- an applicant applying for a partial or cumulative assessment if the original AS form has an issue date of more than 90 days old.

Note: A full assessment in all assessment areas will be required in this circumstance.

49. The assessor must have in their possession the following documentation when conducting an assessment for an HRW licence:

- the current and relevant national assessment instrument
- the conditions, including the code of conduct
- their WorkCover accredited assessor certificate
- sufficient NSA/AS forms
- sufficient CA1 forms
- sufficient application for a national licence to perform HRW – new (N4) forms
- sufficient new national licence to perform HRW information sheets (N4 guidelines)
- sufficient Safe Work Australia Assessment Instrument Assessment Summary (AI AS) forms (if conducting a partial or cumulative assessment).

Note: an assessor must keep their accredited assessor certificate available for inspection under the WHS Act, and make it available for inspection by any person in relation to whom the assessor is conducting or is to conduct a competency assessment. Maximum penalty \$1250 for individuals.

50. An assessor must not assess another assessor without prior written approval from 3PM.

Note: It is WorkCover policy to have an auditor present to observe the assessment of another assessor where possible. Therefore an assessor should allow a minimum of seven days for a request of this kind to be considered.

51. Recognition of prior learning (RPL) must not be applied to any part or component of the assessment instrument. RPL may, however, be applied by the RTO to some or all of the training against the UOC. The assessor must document the evidence and attach to the CA1 form for audit purposes.

52. All assessments completed in NSW must be recorded on the WorkCover *Notice of satisfactory assessment/assessment summary* form (catalogue no. WC01201). Assessments recorded on other forms or documents are not recognised in NSW and any subsequent HRW licence application will not be processed.

53. An assessor must only conduct assessments in the HRW licence classes for which they hold WorkCover assessor accreditation. Assessors cannot assess an applicant in the class of HRW licence where they have trained that applicant without prior written approval from 3PM.

54. Under no circumstances may an assessor use a language interpreter. **Note:** Except in the case of a hearing impaired applicant and only with written approval from 3PM.

55. Assessors must only conduct an HRW licence assessment using plant and equipment that is safe to operate and complies with relevant legislation (eg compliance plate on a forklift or load chart on a mobile crane).

Section 8: Conducting a licence assessment

Assessors are required to provide candidates with 15 minutes reading time prior to the commencement of each component of the licence assessment. Candidates must not be provided with an assessment component ie knowledge, calculations or performance, until immediately prior to that component being assessed.

8.1 Conditions for assessment

56. Under no circumstances may an applicant or RTO be provided with a copy of the current national assessment instrument acceptable responses, as per the confidential assessor version of the instrument. Additionally, an applicant must not be provided with the national assessment instrument questions prior to the licence assessment. Should an RTO or assessor provide the applicant with the national assessment instrument questions and/or acceptable responses prior to the assessment, WorkCover may determine that a HRW licence will not be issued to the applicant for the class(es) assessed.
57. If it is identified during an assessment that a work practice being undertaken by the licence applicant is unsafe or poses an immediate risk to a person's safety, the assessment must be stopped immediately. The assessor must advise the PCBU, supervisor or other appropriate person at the workplace that the assessment has ceased.
58. The assessor must maintain direct supervision of the applicant during the entire assessment process – eg an assessor must not mark assessment papers while other participants are still completing assessments or must not conduct a performance assessment while conducting a knowledge assessment for another applicant.
59. The assessor must not conduct an assessment with any other person acting as an agent. **Note:** An assistant can be used for dogging or crane assessments. The assistant must have either a valid HRW licence or NSA form in the relevant class.
60. The assessor must not assist the applicant in any part of the assessment. An example of assisting an applicant would be acting as a dogman during a crane assessment, or acting as the crane driver during a dogging assessment.
61. An assessor must not conduct a performance assessment at the same time as calculations or knowledge assessment.
62. If the applicant does not reach the required level of competency, the assessor is to explain the reasons and record the components and areas in which the applicant is not yet competent on the WorkCover AS form.

8.2 Knowledge and calculations (or assignment) assessments

63. A full knowledge assessment and, depending on the HRW licence class, a calculations assessment must be conducted in the prescribed manner as set out in the relevant national assessment instrument.
64. The applicant must be provided with a copy of the candidates version of the relevant national assessment instrument, including the candidate instruction pages, after completion of the CA1 form and immediately prior to that component being assessed. If conducting a partial assessment, assessors must only provide the questions in the component that are being assessed on the day and immediately prior.
65. Some questions in the knowledge section have multiple options of which only one option must be selected by the assessor. Candidates are required to answer all questions, including the identified option for those questions with options.
66. During an assessment, the assessor must be in the same location, within sight and sound of the applicant, for the entire duration of the assessment process.
67. An assessor must ensure that applicants are positioned so they are unable to copy or cheat during the knowledge assessment and, if applicable, the calculations assessment.
68. The knowledge assessment and, if applicable, the calculations assessment is to be completed solely by the applicant, without any assistance from any other person.
69. Where appropriate, a knowledge assessment may be conducted orally, but must not be conducted while other applicants are undertaking assessments. Oral knowledge assessments must be conducted in a location where other applicants are not able to hear the questions or answers.

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70. When conducting an oral knowledge assessment, the assessor must record the applicant's answer immediately on the assessment paper. The answer must be recorded exactly as stated by the applicant.
- Note:** The assessor must note 'oral assessment' on top of the front page of the assessment to clearly indicate that an oral assessment was conducted. The applicant must countersign each page where the exam was undertaken orally.
71. The assessor must be the person who marks the knowledge assessment and, if applicable, the calculations assessment.
72. Applicants must answer all of the critical questions correctly and meet the required pass mark for that class for non-critical questions. When marking the knowledge assessment, each question must be marked as either satisfactory or unsatisfactory. The assessor must ensure the answer provided by the applicant is comparable to the acceptable answers as per the relevant national assessment instrument, before marking it as satisfactory (or correct). Applicants must achieve the required pass mark within each unit of the knowledge assessment component, (ie units include legislative requirements, hazards-controls and planning, communications, pre-start inspection etc) to be marked as competent for that whole component.
- Applicants must answer all calculations questions correctly to be marked as competent for that whole component.
73. For written knowledge assessments, assessors may ask the candidate questions at the end of the assessment to clarify any responses that are not clearly articulated. Clarification must not be sought for answers that are clearly incorrect on the first attempt. The assessor or applicant must not cross out the applicant's original answer and the assessor must note in the margin that oral clarification was sought for that specific question. The assessor must record the applicant's response exactly as stated by the applicant, initial the response and have the applicant initial the response.
74. During an assessment containing questions that require the applicant to undertake calculations, the answer provided by the applicant must show the formula, full working calculations as to how the answer was achieved and the correct metric unit of weight (ie kg or t) or measurement (ie mm or m). The applicant must also include an answer to the question, not just supply the formula. An oral response to these questions is not acceptable.
75. An applicant must not have available for their reference any answers, formulas or other documents relating to the assessment at any stage during the assessment – eg study papers, formulas or drawings left on whiteboards and/or any relevant training documents.

8.3 Performance (or practical) assessments

76. A full performance assessment must be conducted in the prescribed manner, as set out in the relevant national assessment instrument.
77. The assessor is to ensure he/she has a comprehensive understanding of the tasks described in the relevant national assessment instrument, and he/she has made the necessary arrangements to enable the applicant to undertake all the required performance tasks.
78. During the performance assessment, the assessor must be present at all times and be in a position to observe and communicate with the applicant. The applicant at all times must be aware of the location of the assessor.
79. Performance assessments must be conducted one applicant at a time, except scaffolding and/or rigging assessments. In cases of scaffolding and/or rigging assessments teams may be used as prescribed in the relevant assessment instrument(s), however, each applicant must demonstrate competence in each prescribed task, as required by the instrument. The associated ropes assessment must be conducted in a location where other applicants are not able to observe the process.
80. The assessor must ensure that all plant and equipment is available for the applicant to complete a full performance assessment. An example would be the dogging assessment where there should be different types of loads available to be slung, moved and placed etc.
81. Items on the performance assessment observation checklist must be marked by the assessor as per the instructions in the relevant instrument during the assessment. Additional comments may be made in the appropriate fields.

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82. The assessor must use a separate performance assessment checklist for each assessment, including applicants undertaking a reassessment.
 83. The assessor must not prompt the applicant for answers or responses in any part of the performance assessment. An example of prompting may include the assessor asking during the pre-operational checks: 'Would you check the brakes before using the forklift?' or 'What fluids would you check for?'
 84. A crane operator or dogman assisting during the performance assessment must hold a current HRW licence or a valid NSA form in the relevant HRW class. This person's HRW licence or NSA form number must be recorded in the 'licence number held' field in the assessment details area of the applicant's WorkCover NSA/AS form.

8.4 Cumulative and partial assessments

A full HRW licence, ie knowledge, performance and/or calculations assessment is not required to be completed in one day. If not completed in one day, these assessments are called either a 'partial' or 'cumulative' assessment. If conducting a partial or cumulative assessment, all knowledge, performance and/or calculation assessments for each applicant must be completed over no more than three days (or three occasions), with the full assessment to be completed within seven days of the first date of assessment.

Where an applicant has been deemed not yet competent in an assessment component, they must wait at least 48 hours after the WorkCover AS is issued before being re-assessed for that component. If being re-assessed, where previously deemed to be not yet competent, they may do so outside the seven day partial/cumulative completion requirement, but within 90 days of the WorkCover AS issue date.

Partial assessment: Where an RTO schedules an assessment to be conducted over a number of days (maximum three days or three occasions) for each applicant. For example, the knowledge component of an assessment may be undertaken one day and the performance component (or some units within the component) on another day(s).

Cumulative assessment: Where circumstances beyond the control of the assessor and/or applicant cause the assessment to be completed over more than one day. For example, machinery breakdown, inclement weather, illness etc, may result in the assessment being conducted over more than one day (either whole or partially).

National Assessment Instrument Assessment Summary (AI AS) Template: The AI AS template is contained in the assessor version of all assessment instruments. The AI AS must be completed for each applicant at the end of each day of a partial or cumulative assessment, noting their assessment progress. A WorkCover NSA/AS form is only required to be completed at the conclusion of each day of assessment.

85. When all components of a HRW licence assessment (ie partial or cumulative assessment) are not completed within one day, the assessor must complete the national Assessment Instrument Assessment Summary (AI AS) form for each applicant at the conclusion of each day of assessment(s), indicating the:

- date
- time commencing and time ceasing
- components (and/or units/tasks within each component) of the assessment completed
- the outcome ie competent or not yet competent (NYC), noting the NYC areas in the comments/feedback field
- assessor and applicant signatures.

For example, if an applicant is deemed competent in all units of the knowledge component, and competent in task 1 of the performance component on day one, the assessor must complete the following details on the AI AS form:

- candidate name
- licence class
- UOC title and code

- date of knowledge assessment and tick ✓ 'satisfactory'
- for the performance assessment write in the comments/feedback section 1) the date. 2) time assessment commenced, time assessment ceased and 3) 'Performance criteria task 1 satisfactorily completed'
- form must be signed by the assessor and candidate each day.

The assessor must retain the AI AS with the assessment records, and provide to the RTO at the conclusion of the assessment. An applicant may request a copy of the AI AS form.

86. At the conclusion of the final day of assessment, the assessor must record the assessment(s) results in the assessment details box on the WorkCover NSA/AS form, indicating the assessment components completed satisfactorily and assessment components not achieved or not completed. The assessor must record details in the comments field on the NSA/AS form indicating either a partial or cumulative assessment was conducted. The last date assessed for each component must be written on the NSA/AS form assessment date fields.

Note: A WorkCover NSA/AS must be completed by the assessor within seven days of the first date of assessment if not already done so. If the applicant is not available to sign the NSA/AS, the assessor is to note this in the comments field.

87. If an applicant is deemed not yet competent and issued with an AS, the applicant must be re-assessed within 90 days from the date of issue of the AS form. The applicant does not need to be reassessed in the areas where competency has been achieved.

88. If the applicant is re-assessed and is deemed competent in all components of the HRW licence assessment within 90 days of the issue date of the original AS, the assessor must issue the applicant with an NSA. The assessor must record the previous WorkCover AS assessment details, where an applicant was competent on the NSA form in the 'assessment times' and 'assessment date' fields in the assessment details area. The previous AS number must be recorded in the 'assessment results' field.

8.5 Reassessment of applicants

An applicant who has been deemed not yet competent in one or more parts of the HRW licence assessment, may undertake a reassessment at a later date.

89. Before conducting a reassessment on an applicant, the assessor must ensure the following:

- The applicant can provide their original WorkCover AS form issued.
- At least 48 hours, but not more than 90 days have elapsed since the issue date of the original WorkCover AS form.
- Applicants have completed a CA1 form including providing the appropriate training evidence. Training evidence must be in the possession of the assessor at the time of the re-assessment to allow for WorkCover audit checks.

90. The assessor must not conduct a HRW licence assessment if:

- The applicant cannot provide their original WorkCover AS form.
- It is within 48 hours of the issue date of the WorkCover AS form.
- The date of issue of the original WorkCover AS form exceeds 90 days.
- The assessor has any doubts regarding the applicant's competence.

91. The assessor can decide to apply the whole assessment or only the unit(s) within the knowledge component or task(s) within the performance component that were not previously achieved. For calculations, incorrect questions only may be re-assessed if determined as appropriate by the assessor.

Section 9: Post assessment administration

9.1 Completing a WorkCover NSW notice of satisfactory assessment and/or assessment summary

An assessor must complete all appropriate fields on the WorkCover NSA/AS form, including signing the declaration in section D. By signing the NSA and/or the AS form, the assessor is declaring that the HRW licence assessment has been conducted in accordance with the requirements of the conditions, the code of conduct, and the relevant national assessment instrument.

Note: Signing the NSA/AS form without conducting a full and proper HRW licence assessment, or not following the conditions, including the code of conduct, and/or the relevant national assessment instrument, is regarded as making a false declaration. There are penalties for making a false declaration under the WHS Act and the *Crimes Act 1900* (Crimes Act).

92. The times and dates for each assessment component must be accurately recorded in the relevant fields in the assessment details area of the NSA/AS form. If a partial or cumulative assessment was conducted, the last date and times that each assessment component was conducted must be recorded on the NSA/AS. For example, if a performance was done over two days, the day 2 date and times must be recorded on the NSA/AS, with the day 1 date, times and outcome previously recorded on the Assessment Instrument Assessment Summary (AI AS) form.
93. All times recorded on the NSA/AS form must be recorded in 24 hour clock format. **Note:** The 24 hour clock is a convention of time keeping in which the day runs from midnight to midnight and is divided into 24 hours, numbered from 0 to 23, eg 4:30pm would be recorded as 16:30hrs.
94. The assessor must not begin to complete any part of the NSA/AS form until the completion of the assessment, except in the case that another person is assisting the assessor with the assessment. (An example would be a crane driver assisting a dogging assessment. In these circumstances only the applicants name and 'person assisting' fields in the assessment details area of the NSA/AS may be completed prior to the completion of the assessment – see below.)

Plant owner's daytime telephone number	Name of other person assisting during assessment	Assistant's daytime telephone number
Other person's signature	HRW licence number	Class

Note: If a crane driver or dogman is assisting, their current licence number or valid NSA form number and class type must be written in the 'HRW licence number' and 'class' fields in the assessment details area.

95. The assessor must complete an NSA/AS form for all HRW licence assessments conducted. This includes assessments that may have been terminated. The reason why the assessment was terminated must be noted in the 'comments' field. If the applicant refuses to sign the NSA/AS form this must also be noted. (Examples of why an assessment was terminated are 'applicant found cheating', 'applicant walked out during knowledge assessment', etc.) In the case of a partial or cumulative assessment, AI AS must be completed at the end of each day, with a WorkCover NSA/AS issued on the last day.
96. An applicant who has achieved competency in all assessment areas in accordance with the relevant national assessment instrument in the class(es) they are assessed, is to be issued with an NSA by the assessor on the day the assessment was concluded. The applicant is to be given the original (orange/white copy) and pink copy of the NSA form.
97. An applicant who has been deemed not yet competent in accordance with the relevant national assessment instrument is to be issued with a WorkCover AS by the assessor on the last day the assessment was conducted. The applicant is to be given the original (orange/white copy) and pink copy of the AS form.

NOT YET COMPETENT

98. The assessor must record the reasons for the applicant being assessed as not yet competent on the WorkCover AS in the 'comments' field. The assessor is to clearly print in the NSA section (above the perforated line), 'NOT YET COMPETENT' and retain this section in the NSA book.

NSW | **WorkCover** | **Assessor's Determination** | **No HR**
Notice of Satisfactory Assessment
This Notice of Satisfactory Assessment is valid for 60 days from the date of issue
I have assessed the applicant (whose name appears below) for the purposes of performing high risk work in NSW in accordance with the *Work Health and Safety Regulation 2011* (WHS Regulation). I have determined that the applicant is competent in the class specified and I am aware that not complying with the conditions for conducting high risk work licence assessments in NSW is a breach of my accreditation conditions.

Code: [] Class details: [] Today's date: [DD][MM][YY][YY] Assessor's signature: []

99. Assessors must note on the NSA/AS form in the 'Assessment number' field, the notification reference number as generated from the OLE and provided by the RTO. The notification number is prefixed HA followed by 6 digits (eg HA123456). For partial/cumulative assessments note the assessment number from the final day.

A. DETAILS OF APPLICANT

Applicant's Family/Surname: [] Given names: []

Date of birth: [DD][MM][YY][YY] Daytime contact number: [] Class code: [] Assessment number: HA []

100. A separate NSA/AS form must be completed and issued to the applicant for each separate HRW licence class for which he/she has been assessed. For example, a person being assessed in the class SI (intermediate scaffolding) who has no previous qualifications, would be assessed for both SB (basic scaffolding) and SI (intermediate scaffolding). In this case (if the applicant was competent in both), an NSA form must be completed for SB and a further NSA form must be completed for SI.

101. The applicant must sign and date the applicant's declaration on the NSA/AS form at the completion of the assessment and in the presence of the assessor.

C. APPLICANT'S DECLARATION

I declare that I am 18 years or older, and the information provided and the supporting documents are true and correct in every particular and I understand that the Notice of Satisfactory Assessment is valid for 60 days from date of issue and/or the Assessment Summary is valid for 90 days from date of issue. I confirm that the assessment took place at the times indicated above.

Date: [DD][MM][YY][YY] Applicant's signature: []

102. The assessor must advise a successful applicant that, within 60 days of the date of assessment, they must attend a NSW or ACT Australia Post Bank@Post outlet with the following:

- the original (orange/white copy) of the NSA form
- an *Application for a national licence to perform high risk work – new application* (N4) form (catalogue no. WC02084)
- original and acceptable EOI documents totalling at least 100 points
- colour, passport size photo
- the prescribed application fee(s).

Note: The assessor must advise the applicant that failure to lodge an HRW licence application within 60 days of the NSA being issued, will result in the applicant having to undergo another full assessment, should he/she wish to obtain that HRW licence class in the future.

103. The assessor must provide the RTO with the green copy of the NSA/AS form the CA1 and assessment papers from each HRW licence assessment undertaken. In the case of a partial or cumulative assessment, the Assessment Instrument Assessment Summary (AI AS) must also be given to the RTO.

104. Under no circumstances may an applicant be provided a copy of the assessment instrument paper(s). The RTO must retain the original applicant assessment instrument papers.

105. Re-issue: An assessor may only re-issue a WorkCover NSA/AS form if an applicant loses the original NSA/AS form within the specified time frame (60 days from the original date of issue for an NSA and 90 days from the original date of issue for an AS). The replacement NSA/AS form must be clearly marked as 'replacement'. The original NSA/AS form number and date of the original assessment must be recorded in the comments field of the replacement NSA/AS form. 'Today's date' in the top section of the NSA form is the date the replacement form was issued, not the issue date of the original NSA form. To re-issue outside these timeframes requires prior 3PM approval.

Note: The replacement NSA form is only valid for 60 days from the issue date on the original NSA form. The replacement AS form is only valid for 90 days from the original issue date. The WorkCover NSA/AS form must be signed by the applicant in the presence of the assessor.

106. If a WorkCover NSA/AS form is incorrectly completed, the assessor must write 'cancelled' across the form and retain all four copies in the NSA Book for auditing purposes.

Section 10: Record keeping

107. All HRW licence assessment records must be kept in a secure location to prevent loss or damage through theft, fire or flooding and to prevent access to the records that would enable alteration by other persons.
108. An RTO must maintain the following records for the period prescribed by its Training Authority – eg ASQA and/or STA:
- electronic copies of scheduled course notification and variation email applications and confirmations.
- Additionally, WorkCover requires hard copies to be maintained for five years for the following:
- HRW licence assessment papers
 - green copy of the NSA/AS form
 - All AS forms for partial or cumulative assessments
 - completed *Application for an assessment by a WorkCover accredited assessor for a national licence to perform high risk work* (CA1) form (catalogue no. WC00781)
 - applicants' evidence and/or record of training (including RPL applications and documents) that they achieved the required competencies to have their skills and knowledge licence assessed.
109. An RTO must comply with any request from WorkCover to produce any of the above records in the timeframe prescribed by WorkCover.
110. NSA books must be **kept** by the assessor for a period of **five years** following the last assessment date in the book unless the assessor is notified in writing to the contrary by 3PM.
111. In the event of ceasing business and the lapsing or cancellation of accreditation, an assessor must return any unused NSA Books and their assessor's certificate to 3PM within 21 days. Partially and fully used NSA Books are to be retained by the assessor. The assessor must maintain all other records for a period of five years.
112. Assessors must send 3PM, a six-monthly return for the period 1 January to 30 June and 1 July to 31 December within 30 days from the end of the relevant period, as prescribed by WorkCover. (Failure to complete and send in the return within the designated timeframe may result in suspension proceedings by WorkCover).

Section 11: Audits, compliance and penalties

11.1 WorkCover site visits, audit and compliance

The RTO and assessors must:

- a. Permit WorkCover staff to observe and monitor the delivery and assessment of HRW activities.
- b. Cooperate with WorkCover auditing processes to review the conduct of RTOs and accredited assessors in the delivery and assessment of HRW, to ensure compliance with the specified VET course/UOC, the agreement requirements and current mandated assessment instruments and any amendments to it including but not limited to:
 - providing WorkCover with access to all relevant training and assessment records
 - permitting WorkCover to take copies of any relevant materials.

WorkCover will:

- a. Investigate any allegation made, or complaint received, against an RTO, their representatives or accredited assessors including, but not restricted to, the following:
 - a breach of the conditions
 - a breach of the agreement requirements

-
- inappropriate, discriminatory or corrupt behaviour
 - inappropriate or discriminatory comments.

As a result of an audit or investigation, WorkCover may contact the RTO and/or the nominated assessor requesting further information or assistance.

- b. share any information regarding the RTO and its nominated assessors with ASQA and/or their STA, and or other state/territory work health and safety regulators.

11.2 Registered training organisation penalties

WorkCover may impose penalties on an RTO or refer matters to ASQA and/or STA for not complying with the requirements of the agreement with Workcover; the conditions, and any relevant provisions of the WHS Act and Regulation.

The penalty will be determined by the type, frequency and severity of the breach. Penalties may include (but are not limited to):

- corrective action notice
- suspension of agreement (up to 12 months)
- cancellation of agreement
- prosecution.

Prior to any suspension or cancellation, WorkCover will issue to the RTO written notice of the proposed suspension or termination. The RTO will be given 28 days to make written representations to WorkCover in relation to the proposed suspension or cancellation. WorkCover will have regard to the written representations before making a final decision on suspending or cancelling an RTO's approval.

If an RTO has had their agreement to deliver HRW suspended or cancelled, this may also result in the suspension or cancellation of other agreements, accreditations, approvals, authorisations or registrations held by the RTO with WorkCover.

WorkCover may refuse to accept an application from an RTO or refuse to acknowledge training and assessment delivered by an RTO or nominated accredited assessor who has been suspended or cancelled from delivering a service by either ASQA, or an STA, or by any state or territory work health and safety Regulator.

Review process

If the RTO does not agree with the decision by WorkCover to suspend or cancel their agreement, the RTO is entitled to request an internal review of the decision.

If the RTO wishes to apply for an internal review, a written request (an application form is also available on request or via download from the WorkCover website), including any additional information, must be submitted to the following address within 28 days of being notified of the decision to suspend or cancel the RTO's agreement:

Team Coordinator
Governance and Appeals
WorkCover NSW
PO Box 592
Richmond NSW 2753

The request for review is to specifically address the issues as identified by WorkCover. The RTO will be advised of the outcome of the review in writing.

11.3 WorkCover accredited assessor penalties

Depending on the type, frequency and severity of the breach penalties may apply to accredited assessors for acting contrary to the conditions of their accreditation, that being the *Conditions for conducting high risk work licence assessments in NSW under the Work Health and Safety Regulations 2011* (catalogue no. WC03720).

Penalties may include (but are not limited to):

- corrective action notice
- suspension of accreditation (up to 12 months)
- cancellation of accreditation
- prosecution
- infringement penalty notice.

Under clause 134 of the WHS Regulation, WorkCover may suspend or cancel the accreditation of a person who is accredited as an assessor if one or more of the following occur:

- a. The accredited assessor is no longer qualified to conduct the competency assessment specified in the assessor's accreditation document.
- b. The accredited assessor is not able to conduct the competency assessment to which the accreditation relates competently.
- c. The accredited assessor has failed to comply with a condition imposed on the accreditation under clause 121 (the *Conditions for conducting high risk work licence assessments in NSW under the Work Health and Safety Regulations 2011* (catalogue no. WC03720)).
- d. The accredited assessor, in the application for the grant or renewal of accreditation or on request by the regulator for additional information:
 - i. Gave information that was false or misleading.
 - ii. Failed to give any information that should have been given in that application or on that request.

If accreditation as an assessor is cancelled or suspended, this may affect the status of other WorkCover accreditations held including suspension and cancellation of other accreditations – eg approved trainer status. Similarly, the suspension or cancellation of training approval may affect the status of accreditation as an assessor.

Additionally:

- An assessor who does not comply with the conditions of their accreditation, that being the *Conditions for conducting high risk work licence assessments in NSW under the Work Health and Safety Regulations 2011* (catalogue no. WC03720) may be guilty of an offence under section 45 of the WHS Act. Maximum penalty \$20,000 for an individual and \$100,000 for a body corporate.
- An assessor who gives false or misleading information may be guilty of an offence under clause 268 of the WHS Act. Maximum penalty \$10,000.

Attachment 1: Evidence of identity fact sheet

An applicant is to provide EOI documents to the accredited assessor that add up to a minimum of 100 points. These documents should be the same documents that will be provided to a NSW Australia Post Bank@Post outlet as EOI when the application is lodged.

Within the documents, the applicant must be able to show their photo, date of birth, signature and current address. The documents must be **original documents**, certified copies will not be accepted.

The assessor must verify the applicant's identity, date of birth, signature, and current address prior to commencing the assessment. Assessors must refuse to conduct an assessment where the applicant has failed to provide adequate EOI. The assessor must record the EOI document details in their entirety on the CA1 form and then hand the documents straight back to the applicant.

Acceptable EOI documents and their point value

EOI table		
Document type	Document	Points
Primary documents Only use ONE document.	Australian Birth Certificate/card issued by the Registrar of Births Deaths and Marriages	70
	Passport – Australian or international (current or expired within last two years, but not cancelled)	70
	Australian citizenship certificate	70
Secondary documents 1. Allowed to use a combination of secondary documents. 2. If you want to use more than one credit and savings account card (up to a maximum of two), they must be from different financial institutions. 3. Documents provided MUST contain the participant's full name, NOT initials.	Current Australian driver's licence	40
	Current Australian learner driver's licence/permit	40
	Current Australian boat operator's photo licence (Note: only the Personal Watercraft Licence (PWC) is issued in NSW with a photo and is acceptable. The NSW non-photo boat licence is not acceptable).	40
	Current NSW firearms photo licence	40
	Current Australian issued NCOC photo licence (post 2006) or high risk work licence	40
	Current state/territory proof of age or photo card (eg a NSW RTA issued photo card)	40
	Australian defence or Police photo ID card	40
	Department of Veterans Affairs card	25
	Current Centrelink card	25
	Property (council) rates notice	25
	Property lease agreement	25
	Home insurance papers	25
	Utility bills – eg water, electricity, gas	25
	Telephone account	25
	Current Medicare card	25
	Current motor vehicle registration or insurance papers	25
Credit/savings cards/bank statements	25	

Correctional facility For inmates of a correctional centre an arrangement exists between WorkCover and the Department of Corrective Services to accept two additional forms of EOI as listed below. This additional EOI applies to Correctional Centre inmates who are being trained in a correctional facility under this arrangement ONLY .	Correctional centre inmate MIN card photo card	40
	Correctional centre inmate MIN card	5
	Letter of verification from the department of corrective services	25

The only acceptable EOI is listed in the EOI table.

Australia Post **will not** accept any EOI not listed in the table. If an applicant is unable to meet the EOI requirements, do not conduct the assessment. All EOI documentation presented to Australia Post must be originals. Certified copies are not acceptable.

Assessors or providers are not permitted to lodge licence applications on behalf of applicants.

An applicant is the only person who can lodge their application. The applicant needs to provide **original EOI** documents for verification at the post office and the applicant is required to sign the application form in the presence of an Australia Post representative.

Under no circumstances are EOI documents to be photocopied and retained by assessors or providers for the purpose of obtaining a licence for HRW.

Presented EOI documents must total at least 100 points and be in the same name.

Nicknames or assumed names may not be used when accepting EOI.

Where there is a change of name, documentary evidence of the name change may be accepted. The change of name document may be any one of the following:

- a change of name certificate issued by a Registry of Births, Deaths and Marriages
- a marriage certificate (excluding commemorative certificates or certificates issued by NSW churches)
- a divorce decree (bearing the name reverted to)
- a deed poll registered with the relevant authority
- a birth certificate showing the name at birth and the new name (excluding commemorative certificates)
- a document showing evidence of change of name registered with the Land Titles Office.

The name recorded on the NSA/AS form must be the same name as per the EOI documentation.

An original full birth certificate signed by the registrar, contains either of the following wording:

- 'I <registrar name> hereby certify that the above is a true copy of particulars recorded in a register kept by me.'
- 'I, <registrar name>, Registrar General for the state of New South Wales, do hereby certify that the above is a true copy of an entry in a Register kept at the Registrar General's office.'

All EOI documents must be issued within Australia, the only document not subject to this requirement is a passport.

Only one form of **primary EOI document** may be accepted.

If the applicant cannot produce a primary document, multiple secondary documents may be used. Within the documents the applicant must be able to show their photo, date of birth, signature and current address.

For example, an applicant may provide a rates notice, credit card, Medicare card and utilities bill to meet the 100-point criteria, however, this combination is not acceptable as there is no photo or date of birth within the documents.

All EOI documents presented to assessors and Australia Post must be current. The only exceptions are passports, which may be accepted if they are within two years of expiry but have not been cancelled.

If an assessor is asked to assess an Aboriginal or Torres Strait Islander from a remote location who cannot meet the 100-point EOI requirements, either the assessor or applicant are to contact 3PM, prior to being assessed.

Photo licences

The applicant must lodge his/her application for a photo licence at Australia Post. Australia Post will conduct a 100-point EOI check and an initial review of the application form. The documents are scanned by Australia Post and sent electronically to WorkCover, where the application is processed and arrangements made for production of the photo licence.

To find the nearest participating Australia Post Bank@Post outlet, select the Bank@Post tick box located on the Australia Post website, type in the postcode of the required location and it will give you a list of outlets. The Australia Post Hotline number is **13 13 18**.

Australia Post

Only original NSA and HRW N4 application forms may be presented to Australia Post for lodgement. The N4 application forms are bar coded and Australia Post cannot process photocopies. Assessors are provided with approximately 55 – 60 application forms with each NSA book purchased. Applicants can complete all fields of the application with the exception of the signature panel, prior to lodgement at Australia Post. The applicant must sign the form in front of an Australia Post representative.

Attachment 2: National licence to perform high risk work – recognised vocational education and training courses/units of competency

CPC08 Construction, Plumbing and Services Integrated Framework Training Package		
Class	VET course/UOC code	VET course/UOC name
PB	CPCCLBM3001A	Licence to operate a concrete placing boom
DG	CPCCLDG3001A	Licence to perform dogging
HP	CPCCLHS3001A	Licence to operate a personnel and materials hoist
HM	CPCCLHS3002A	Licence to operate a materials hoist
RB	CPCCLRG3001A	Licence to perform rigging – basic level
RI	CPCCLRG3002A	Licence to perform rigging – intermediate level
RA	CPCCLRG4001A	Licence to perform rigging – advanced level
SB	CPCCLSF2001A	Licence to erect, alter and dismantle scaffolding – basic level
SI	CPCCLSF3001A	Licence to erect, alter and dismantle scaffolding – intermediate level
SA	CPCCLSF4001A	Licence to erect, alter and dismantle scaffolding – advanced level
CT	CPCCLTC4001A	Licence to operate a tower crane
CS	CPCCLTC4002A	Licence to operate a self-erecting tower crane

TLI10 Transport and Logistics Training Package		
Class	VET course/UOC code	VET course/UOC name
CV	TLILIC0012A	Licence to operate a vehicle loading crane (capacity 10 metre tonnes and above)
CD	TLILIC3004A	Licence to operate a derrick crane
CP	TLILIC3007A	Licence to operate a portal boom crane
C2	TLILIC3008A	Licence to operate a slewing mobile crane (up to 20 tonnes)
C6	TLILIC4009A	Licence to operate a slewing mobile crane (up to 60 tonnes)
C1	TLILIC4010A	Licence to operate a slewing mobile crane (up to 100 tonnes)
C0	TLILIC4011A	Licence to operate a slewing mobile crane (over 100 tonnes)
CB	TLILIC3003A	Licence to operate a bridge and gantry crane
CN	TLILIC3006A	Licence to operate a non-slewing mobile crane (greater than three tonnes capacity)
WP	TLILIC2005A	Licence to operate a boom type elevating work platform (boom length 11 metres or more)
LF	TLILIC2001A	Licence to operate a forklift truck
LO	TLILIC2002A	Licence to operate an order picking forklift truck

30498QLD Course in Operating Pressure Equipment		
Class	VET course/UOC code	VET course/UOC name
TO	OHSCER242A	Operate a turbine
ES	OHSCER243A	Operate a reciprocating steam engine
BB	OHSCER239A	Operate a boiler (basic)
BI	OHSCER240A	Operate a boiler (intermediate)
BA	OHSCER241A	Operate a boiler (advanced)

Notes for HRW licence VET courses/units of competency

Boilers and reach stackers note:

Schedule 18B savings and transitional provisions in the WHS Regulation provide transition arrangements for HRW licence requirements for reach stackers and boilers.

- Boilers: Clause (22)(4) states 'A transitional licence or transitional accreditation that was for basic or intermediate boiler operation under the OHS Regulation is converted on the commencement of the WHS Act to a licence or accreditation for standard boiler operation'.
- Reach stackers: Clause (22)(9) states 'For the purposes of an application made during the 18-month period after the commencement of the WHS Act for a HRW licence for reach stacker work under the WHS Regulation, a certification in the VET course for the non-slewing mobile crane class (specified in item 14 of Schedule 4 to the WHS Regulation) is deemed to be certification in the VET course for the reach stacker licence class'.

3PM will provide updates to assessors and RTOs regarding these transitions as they become available.

VET course/units of competency numbers

From time to time the VET course/UOC codes are updated as part of national training package updates. The codes listed in the above table are current at the time of publication. Should these codes be updated as part of a course package update, the appropriate new course codes are considered as current. ASQA or the appropriate STA provide advice to RTOs as to the currency of superseded VET courses/UOC.

Descriptions of scheduled work for classes of HRW

The descriptions of scheduled work for the classes of HRW is available within Schedule 3 of the WHS Regulation.

Attachment 3: Requirements for conducting high risk work licence assessments for correctional centre inmates

As inmate may not be able to lodge their application in person, or meet the EOI requirements including photographic identification, WorkCover has entered into a memorandum of understanding (MOU) with Corrective Services NSW (corrective services). Under these arrangements corrective services will provide an EOI service to inmates, and will lodge applications on behalf of inmates directly with WorkCover. The inmate EOI procedure does not remove the requirement to provide documentary evidence equating to at least 100 points. Instead, it allows for inmates to provide corrective service documents to assist them in meeting the required point value.

Corrective services will provide a 'verification of identity' letter (25 points) and a copy of the inmate's Master Index Number (MIN) card containing personal information required for the licensing process for each assessment. **Note:** A MIN card's EOI points value is dependant upon being a photo card (40 points) or a non photo card (5 points).

Corrective services will provide passport quality photographs of inmates (taken no longer than six months prior to the date of application being made) that have been certified as being photographs of the inmates named in the MIN cards and 'verification of identity' letters.

Corrective services will provide a WorkCover accredited assessor with the same EOI that will be provided to WorkCover.

WorkCover will supply direct to corrective services 'green' *Application for a national licence to perform high risk work – new application* (N4-C) form (catalogue no. WC02087) (new application).

Acceptable EOI documentation for correctional centre inmates

EOI table		
Document type	Document	Points
Primary documents Only use ONE document.	Australian Birth Certificate/card issued by the Registrar of Births Deaths and Marriages	70
	Passport – Australian or international (current or expired within last two years, but not cancelled)	70
	Australian citizenship certificate	70
Secondary documents 1. Allowed to use a combination of secondary documents. 2. If you want to use more than one credit and savings account card (up to a maximum of two), they must be from different financial institutions. 3. Documents provided MUST contain the participant's full name, NOT initials.	Current Australian driver's licence	40
	Current Australian learner driver's licence	40
	Current Australian boat operator's photo licence (Note: only the Personal Watercraft Licence (PWC) is issued in NSW with a photo and is acceptable. The NSW non-photo boat licence is not acceptable).	40
	Current NSW firearms photo licence	40
	Current Australian issued NCOC photo licence (post 2006) or high risk work licence	40
	Current state/territory proof of age or photo card (eg a NSW RTA issued photo card)	40
	Australian defence or Police photo ID card	40
	Department of Veterans Affairs card	25
	Current Centrelink card	25
	Property (council) rates notice	25
	Property lease agreement	25
	Home insurance papers	25
	Utility bills – eg water, electricity, gas	25
	Telephone account	25
	Current Medicare card	25
	Current motor vehicle registration or insurance papers	25
Credit/savings cards/bank statements	25	
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	Correctional centre inmate MIN card	5
	Letter of verification from the department of corrective services	25

All procedures remain consistent with a standard licence assessment, other than the EOI recorded on the CA1 form and the use of the N4C application form. This includes the RTO notifying WorkCover at least 48 hours prior to the assessment and the assessor sighting evidence of engagement in a recognised course of training. RTOs and/or assessors should contact 3PM on **1800 855 969** should they have any queries regarding the administration processes for assessing inmates in a correctional centre.

Recording inmate EOI on the CA1 form

The inmate and the assessor are to complete the CA1 form. Relevant EOI documents are to be recorded in the appropriate sections with the relevant points assigned. For example, if a full birth certificate is presented, cross the box, record the registration number and state and apply 70 points. For verification of identity letters and MIN cards, place a cross in the appropriate boxes.

After the assessment

Corrective services will prepare an application package for successful inmates. This will include:

- new application form (N4C)
- passport size photo
- NSA issued by a WorkCover accredited assessor
- payment.

Corrective services will lodge the application package direct with WorkCover.

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