



HOW TO BECOME A SAFEWORK NSW APPROVED PROVIDER OF ENTRY PERMIT HOLDER TRAINING

SAFEWORK NSW

APRIL 2020

Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork 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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CONTENTS

Introduction	4
Purpose	4
Part 1: The approval process	5
Who can apply?	5
Fees	5
What should be submitted?	5
How will the application be assessed?	5
Period of approval	5
Can applicants be approved to offer training in more than one jurisdiction?	6
Part 2: Trainer qualifications	6
Part 3: Conditions of approval	7
Part 4: Application for renewal of approved provider status	7
Part 5: Compliance monitoring and enforcement	7
Attachment 1: Application form and checklist	8

INTRODUCTION

The function, obligations and powers of entry permit holders (EPHs), and the requirement to satisfactorily complete prescribed training, are set out in the *Work Health and Safety Act 2011* (WHS Act) and *Work Health and Safety Regulation 2017* (WHS Regulation).

The WHS Act provides that EPH training must be provided through a course of training that is approved by SafeWork NSW.

In considering an application for approval to conduct EPH training, SafeWork NSW may have regard to all relevant matters including:

- the capability and capacity of the applicant to be a provider of training
- the qualifications, knowledge and experience of each person who is to deliver the course.

An applicant for approval to provide EPH training may be a training organisation, a company or a sole trader.

As training can only be delivered to EPHs in the state, territory or commonwealth in which the approval has been granted, the SafeWork NSW course materials may only be delivered to NSW EPHs in NSW.

PURPOSE

This document is intended to assist training providers to apply for approval to conduct EPH training under the WHS Act.

This document outlines the process that is required when applying for approval to conduct EPH training. It includes information about:

- the approval process
- the conditions of approval
- minimum trainer qualifications
- monitoring and quality assurance processes.

The information (including the requirements and conditions of approval) in this document apply to applications made to SafeWork NSW for approval of EPH training under the WHS Act. In the interests of continuous improvement and to ensure national consistency, these conditions and requirements will be reviewed as and when considered necessary by work health and safety regulators.

PART 1: THE APPROVAL PROCESS

An application must be made to SafeWork NSW for approval to deliver **EPH training** in NSW which must be a minimum of seven hours face-to-face training over a period of one day.

WHO CAN APPLY?

A training organisation, company or sole trader may apply for approval to deliver the course of training developed for EPH training.

The applicant must possess, or have access to, sufficient resources and infrastructure to undertake all administrative activities necessary to comply with all general and any specific conditions of approval.

FEES

Your Entry permit training fee will be waived as part of the NSW Government's economic stimulus package for licences affected by COVID-19. The fee waiver applies to applications lodged from 20 April 2020 to 19 April 2021.

The SafeWork NSW approved course package includes a facilitator guide, participant workbook and powerpoint slides. Approved training providers will receive the materials electronically.

WHAT SHOULD BE SUBMITTED?

- Completed application.
- Documentation associated with verifying trainer qualifications and identity.
- Proposed marketing and enrolment information where SafeWork NSW would be mentioned and where reference is made to the legislative entitlement of EPHs to training.

A checklist to assist new applicants in completing their application is provided in this document.

HOW WILL THE APPLICATION BE ASSESSED?

In assessing an application SafeWork NSW may have regard to all relevant matters including qualifications, knowledge and experience of the trainer(s) who will deliver the training.

SafeWork NSW may make enquiries to verify information provided by the applicant and take into consideration information provided by other relevant regulators (for example work health and safety regulators, Vocational Education and Training (VET) regulators). Assessment of applications by SafeWork NSW is conducted in line with procedural fairness requirements. Applicants will be provided with an opportunity to provide further information in relation to enquiries made by SafeWork NSW.

If after considering an application SafeWork NSW proposes to refuse the application, the applicant will be notified and given a reasonable opportunity to provide any further information. SafeWork NSW will make a final decision on the application when:

- any further information is received
- the period given to provide further information has expired.

There is no appeal process provided under the WHS Act for an unsuccessful application. However, an internal (second) review is available.

PERIOD OF APPROVAL

Approval will be granted for a period of up to five years and will be subject to the approved training provider (ATP) continuing to satisfy all the conditions of approval including trainer qualifications and course requirements.

CAN APPLICANTS BE APPROVED TO OFFER TRAINING IN MORE THAN ONE JURISDICTION?

Applicants can be approved to deliver training in more than one state/territory or the commonwealth. Applicants who wish to be approved to deliver training in more than one state, territory or the commonwealth, should make an initial application to the work health and safety regulator in the state, territory or the commonwealth in which they intend to conduct the majority of EPH training or where their head office or registered business address is located.

Once approval has been granted in one jurisdiction, an applicant may apply for approval in other jurisdictions. The application, assessment and approval information, and any decisions regarding approval or otherwise of an applicant by SafeWork NSW, may inform the assessment of an application undertaken in other jurisdictions. Applicants must, however, meet any specific requirements particular to any jurisdiction in which they apply. For example, in NSW all training providers must comply with the *SafeWork NSW Conditions for approved training providers delivering entry permit holder training in NSW under the Work Health and Safety Act 2011* (catalogue no. SW08451) (the conditions).

Note: Approval to deliver EPH training in one jurisdiction does not guarantee that approval will be given in another state, territory or the commonwealth. An applicant must gain approval from SafeWork NSW prior to delivering EPH training in NSW.

PART 2: TRAINER QUALIFICATIONS

This section describes the required qualifications, knowledge and experience of the person or people who will be delivering the training for the applicant following approval.

All trainers who wish to deliver EPH training in NSW must first be approved by SafeWork NSW.

All trainers must have:

- a minimum Certificate IV in Training and Assessment – TAE40116 or equivalent **and**
- a minimum of two years relevant experience in an occupational or work health and safety role, **or**
- relevant tertiary or vocational qualifications in a field related to occupational or work health and safety, for example a Graduate Diploma of occupational health and safety.

Once an application is approved, the training provider must ensure that their trainers have a thorough knowledge and understanding of the work health and safety legislative framework including the entitlements, functions, powers and protections of an EPH. In addition, providers must ensure that their approved trainers undertake professional development activities that maintain the currency of their occupational or work health and safety industry experience and facilitation/training skill set.

PART 3: CONDITIONS OF APPROVAL

In addition to the requirements outlined in part 2, applicants who wish to be approved to deliver EPH training in NSW must comply with the conditions. The conditions apply to all SafeWork NSW approved EPH training providers, nominated trainers and staff.

The purpose of the conditions is to ensure industry confidence in training through a consistent approach to the administration and delivery of EPH training in NSW.

All applicants and their trainers should read the conditions prior to completing the application form and ensure that they are able to comply.

The conditions document is available on www.safework.nsw.gov.au

PART 4: APPLICATION FOR RENEWAL OF APPROVED PROVIDER STATUS

An application for renewal of an approval must be made at least two months prior to the expiration of an approval. If assessment of an application by SafeWork NSW takes longer than two months and the application was submitted prior to the approval expiry date, the approved provider will retain their approved status until such time as the assessment is finalised. However, if the application is received after the expiry date the approval status will remain expired until a decision is made.

PART 5: COMPLIANCE MONITORING AND ENFORCEMENT

To ensure that EPHs are receiving high quality approved training, SafeWork NSW will conduct post approval monitoring and quality assurance activities.

Failure to comply with the conditions or reasonable requests from SafeWork NSW may result in the suspension or cancellation of the provider's approval status.

Information regarding SafeWork NSW compliance monitoring can be found in the conditions.

APPROVAL TO DELIVER ENTRY PERMIT HOLDER TRAINING IN NSW UNDER THE *WORK HEALTH AND SAFETY ACT 2011* – APPLICATION

APRIL 2020

Introduction

Applicants who wish to apply for approval to deliver entry permit holder (EPH) training using the SafeWork NSW course materials are required to complete this application form. As training can only be delivered to EPHs in the state, territory or commonwealth in which the approval has been granted, the SafeWork NSW course materials may only be delivered to NSW EPHs in NSW. Applicants are required to declare that they will comply with the SafeWork NSW *Conditions for approved training providers delivering entry permit holder training in NSW under the Work Health and Safety Act 2011* (catalogue no. SW08451) (the conditions).

How to fill in this form

Please type directly into the form. When complete, save a copy before emailing or printing.

If completing by hand, please print clearly and mark box(es) with a tick where required.

For assistance call 13 10 50

Fees

Your Entry permit training fee will be waived as part of the NSW Government's economic stimulus package for licences affected by COVID-19. The fee waiver applies to applications lodged from 1 April 2020 to 31 March 2021.

Lodgement

Email: thirdparty@safework.nsw.gov.au

Privacy statement

Information provided in this form will not be used or disclosed except in accordance with

the requirements of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and/ or *Government Information (Public Access) Act 2009* (GIPA Act). This information is collected by SafeWork NSW (the Regulator) for the purposes of undertaking the evaluation, assessment and processing of this application for delivery of approved EPH training in NSW as required by the WHS Act, and for the purpose of ensuring compliance with that legislation.

The Regulator may also use this information for the purposes of confirming applicant details and to establish and maintain internal and external databases. The information may also be used to assist the Regulator and its inspectorate with their work generally and may also be made available to other NSW state Government agencies, other state or territory training authorities or the Commonwealth, state or territory work health safety regulatory authorities. Except for the purpose of prosecution or the purposes referred to above, and unless such disclosure is otherwise required or permitted by law, the information will not be otherwise accessed by any third parties in a way that would identify the individual, without the consent of that individual.

Applicants are able to gain access to personal information held by the Regulator pertaining to this application. You may also apply to access and correct any of your own personal information if that information is inaccurate, incomplete, not relevant or out of date.

Completed applications must be emailed to thirdparty@safework.nsw.gov.au

SECTION 1. TRAINING PROVIDER ORGANISATION DETAILS

Please complete the following details and check for legibility and accuracy to avoid delays.

Registered business name

Trading Name (if applicable)

ABN

Daytime contact number

Website

Email

PRINCIPAL PLACE OF BUSINESS (MUST NOT BE A PO BOX)

Unit number/Street number/Property number
(include Lot or DP number if applicable)

POSTAL ADDRESS

Same as street address

Unit number/Street number/Property number
(include Lot or DP/PO Box/GPO Box/Private Bag/Locked Bag)

Street name

Street name

Suburb

Suburb

State

Postcode

State

Postcode

Registered Training Organisation
(RTO) registration number (if applicable)

RTO expiry date (if applicable)

Does your organisation hold **public liability insurance** in NSW? Yes No

Public liability insurance policy number

Does your organisation hold workers compensation insurance in NSW? Yes No

Workers compensation insurance policy number

SECTION 2. MARKETING OF ENTRY PERMIT HOLDER TRAINING COURSE

A copy of your proposed marketing material and enrolment information where SafeWork NSW is mentioned and where any reference is made to the legislative entitlements of trained EPHs is required to be provided with this application.

This includes hard copy material and/or information for your website.

I have attached copies of all proposed marketing and enrolment information where SafeWork NSW would be mentioned and where any reference is made to the legislative entitlements of trained EPHs.

SECTION 3. AUTHORISED OFFICER DETAILS

Authorised officer(s) (Chief Executive or equivalent) or sole trader's name if applicable.

If you are also an RTO, the Authorised officer(s) must be the current contact person(s) listed for your RTO on training.gov.au

AUTHORISED OFFICER 1

Title Family/Surname

Given name

Date of birth (DD/MM/YYYY)

Position

Daytime contact number

Mobile number

Email

AUTHORISED OFFICER 2

Title Family/Surname

Given name

Date of birth (DD/MM/YYYY)

Position

Daytime contact number

Mobile number

Email

SECTION 4. NOMINATED TRAINER DETAILS

Please read and ensure that required evidence and documentation are attached to this page.

- A nominated trainer is the applicant or a person employed by, contracted to, partnered with or affiliated with, the applicant training provider and who will deliver the EPH training if approved by SafeWork NSW.
- Nominated trainers are required to declare any work health and safety disciplinary proceedings in any state or territory – such as suspensions, cancellations and court related matters.
- The applicant training provider is required to provide details of at least one nominated trainer with this application.
- The applicant training provider must gain SafeWork NSW approval for any additional nominated trainer(s) prior to delivery of EPH training in NSW.
- The applicant training provider must attach certified copies of each nominated trainer's formal qualifications as well as certified evidence of identity for each trainer containing a photo, current address, signature and date of birth.
- The applicant training provider must attach details of each nominated trainer's previous work experience to demonstrate compliance with the trainer qualifications in part 2 of the application manual. Details should contain examples of relevant work undertaken, the involvement of the nominated trainer and what was accomplished. All references must be on company letterhead and contain the names and contact phone numbers of the referees.

Section 4 continued over...

NOMINATED TRAINER NAMETitle Date of birth (DD/MM/YYYY)Family/Surname Daytime contact numberGiven name Email**STREET ADDRESS** (MUST NOT BE A PO BOX)Unit number/Street number/Property number
(include Lot or DP number if applicable)**POSTAL ADDRESS**

Same as street address

Unit number/Street number/Property number
(include Lot or DP/PO Box/GPO Box/Private Bag/Locked Bag)Street name Street nameSuburb SuburbState Postcode State Postcode**SECTION 5. NOMINATED TRAINER DECLARATION**I, (print name)

declare that:

- The information contained in this application is true and correct in every particular.
- I have not been suspended or cancelled as a work health and safety/occupational health and safety service provider in any state or territory. If yes, please provide details in an attachment.
- I have never entered into an enforceable undertaking under the WHS Act or under the work health and safety/occupational health and safety law of another state, territory or the Commonwealth. If yes, please provide details in an attachment.
- I have not been convicted of any work health and safety/occupational health and safety offence under any Australian work health and safety/occupational health and safety legislation or any criminal offence within the past five years. If yes, please provide details in an attachment.
- I consent to the making of enquiries, and the exchange of information, with the Australian Skills Quality Authority (ASQA) or any State Training Authority (STA) or any commonwealth, state or territory work health and safety regulatory authority regarding my activities relevant to this application and any approval provided by SafeWork NSW in respect of it.
- I have read and agree to abide by the conditions for delivering EPH training in NSW.

Nominated trainer's signature

Date (DD/MM/YYYY)

It is an offence under the *Crimes Act 1900* (Crimes Act) and the WHS Act to make a false or misleading statement in this form, heavy penalties apply.

SECTION 6. NOMINATED TRAINER EVIDENCE OF TRAINING

THIS SECTION MUST BE COMPLETED IN FULL TO NOMINATE A TRAINER

Nominated trainers must provide:

- A certified copy of Certificate IV or above in Training and Assessment (TAE40116 or equivalent)

In addition, nominated trainers may also provide:

- Certified copies of relevant tertiary or vocational qualifications in a field related to occupational or work health and safety, for example a Graduate Diploma of occupational health and safety. If this qualification cannot be provided, Section 7 must be completed.

SECTION 6A. CERTIFICATE IV OR ABOVE IN TRAINING AND ASSESSMENT

I have attached a copy of my certificate or transcript or statement of attainment

SECTION 6B. RELEVANT TERTIARY OR VOCATIONAL QUALIFICATIONS IN A FIELD RELATED TO OCCUPATIONAL OR WORK HEALTH AND SAFETY

I have attached a copy of my certificate or transcript or statement of attainment

CONSENT TO VALIDATE QUALIFICATION CERTIFICATES

DECLARATION

I, _____ (print name)
hereby declare (insert name(s) of educational provider who issued your training certificate):

to provide SafeWork NSW with any educational training records that relate to my application to be a nominated trainer to deliver EPH training in NSW

Applicant's signature

Date (DD/MM/YYYY)

SECTION 7. NOMINATED TRAINER EXPERIENCE

ONLY TO BE COMPLETED IF EVIDENCE IN SECTION 6B HAS NOT BEEN SUPPLIED.

If 6B is supplied, please go to section 8.

THIS SECTION MUST BE COMPLETED

Nominated trainers must provide:

- A minimum of two years relevant experience in an occupational or work health and safety role (experience not required over a consecutive period)
- Examples must include relevant work undertaken, the involvement of the nominated trainer and what was accomplished
- Written references from employers must be supplied to support the relevant experience
- References must be on company letterhead and contain the names and contact phone number of the referees
- Please photocopy this page if additional evidence is required.

Title	Family/Surname	Date of project (DD/MM/YYYY to DD/MM/YYYY)
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-

Given name	Supervisor/Reference Name
------------	---------------------------

Position held	Reference contact number
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OPERATIONAL EXPERIENCE

Please detail relevant work undertaken

Please detail the involvement of the nominated trainer

Please detail what was accomplished

I have attached written reference(s) to support the experience detailed above

I, the undersigned, do solemnly and sincerely declare that the information contained on this form is true and correct in every particular, to the best of my knowledge.

Nominated trainer's signature

Date (DD/MM/YYYY)

SECTION 8. ACCEPTANCE OF APPROVAL CONDITIONS AND DECLARATION

To be completed by the authorised officer(s).

Approval conditions	Yes	No
Have you read, and can your training organisation meet, the approval conditions of this document?		
Do you agree to comply with the ongoing obligations of approval as defined by the approval conditions, including the code of conduct and advertising specifications?		
Do you consent to your training provider's name and office contact details being listed on the approved training provider public register on the SafeWork NSW website?		
Have each of your nominated trainers completed the nominated trainer declaration?		

Approval conditions	Yes	No
Does each nominated trainer meet the requirements detailed in part 2 of this document?		
Have you attached certified copies of each nominated trainer's formal qualifications and evidence of identity, as well as details of their work experience with references?		
Do you acknowledge that any breach of the approval conditions may result in the suspension or cancellation of SafeWork NSW's approval to deliver EPH training and/or prosecution?		

SECTION 9. AUTHORISED OFFICER DECLARATION

As authorised officer(s) I/we declare:

- The information contained in this application is true and correct in every particular.
- I/we have not been suspended or cancelled as a work health and safety/occupational health and safety service provider in any state or territory. If yes, please provide details in an attachment.
- I/we have not been suspended or cancelled as an ATP in any state or territory. If yes, please provide details in an attachment.
- I/we have never entered into an enforceable undertaking under the WHS Act or under the work health and safety/occupational health and safety law of another state, territory or the Commonwealth. If yes, please provide details in an attachment.
- I/we have not been convicted of any work health and safety/occupational health and safety offence under any Australian work health and safety/occupational health and safety legislation or any criminal offence within the past five years. If yes, please provide details in an attachment.
- I/we consent to the making of enquiries of, and the exchange of information with ASQA and/or any STA or any commonwealth, state or territory work health and safety regulatory authority regarding my activities relevant to this application and any approval provided by SafeWork NSW in respect of it.
- Where I/we provide personal information to SafeWork NSW in connection with this application about any other individual, I am/we are authorised to provide that information, the information has been collected in accordance with applicable privacy legislation and the individual has been or will be made aware of SafeWork NSW's identity and how to contact it, and of the other matters which an individual is required to be made aware of when personal information is collected about them.

Name

Name

Position

Position

Authorised officer's signature

Authorised officer's signature

Date (DD/MM/YYYY)

Date (DD/MM/YYYY)

It is an offence under the *Crimes Act 1900* and the WHS Act to make a false or misleading statement in this form, heavy penalties apply.

SECTION 9. CHECKLIST

Please fill in the checklist to ensure your application is complete

- Step 1** – Read the approval conditions and decide if you can satisfy the requirements.
- Step 2** – Ensure you have read and understood the information contained in this document including the application form instructions.
- Step 3** – Complete all relevant sections of the application form including payment details.
- Step 4** – Attach the proposed marketing and enrolment information where the Regulator would be mentioned and where any reference is made to the legislative entitlements of EPHs to training.
- Step 5** – Nominate at least one trainer and ensure the nominated trainer reads and signs the declaration in the nominated trainer details section of the application form.
- Step 6** – Attach certified copies of the nominated trainer’s formal qualifications and evidence of identity.
- Step 7** – Attach details of the nominated trainer’s relevant work experience (as required under trainer qualifications) and attach evidence (for example – signed references on company letterhead).
- Step 8** – Authorised officer(s) must complete the acceptance of approval conditions and declaration.
- Step 9** – Forward the completed application to: thirdparty@safework.nsw.gov.au