

How to become an approved provider of health and safety representative training using SafeWork NSW course materials

August 2023

Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety legislation 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 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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Introduction

The entitlement of health and safety representatives (HSRs) to undertake a course of training is outlined in the *Work Health and Safety Act 2011 (WHS Act)*.

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

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

- the content and quality of the course, including its relevance to the functions and powers of a HSR
- 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.

To assist in these arrangements there are two options for SafeWork NSW approval:

Option 1 – use of the SafeWork NSW approved course materials

– SafeWork NSW have developed and approved a standard five day HSR initial training course and a one day HSR refresher course for delivery in NSW by SafeWork NSW approved training providers.

Option 2 – development of own course material for SafeWork NSW approval

– Applicants may submit their own course for approval rather than use the standard SafeWork NSW courses. Please refer to How to submit a course to become a SafeWork NSW approved provider of health and safety representative training (catalogue no. SW08083). Contact Training Accreditation and Compliance Services via tacs@safework.nsw.gov.au for further information on this option.

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

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

Purpose

This document is intended to assist training providers to apply for approval to conduct initial and refresher HSR training under the WHS Act via option 1.

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

- the approval process including 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 both initial and refresher HSR training under the WHS Act from 1 January 2013. 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.

1. The approval process

An application must be made to SafeWork NSW for approval to deliver the following HSR training in NSW:

- initial HSR training which must be a minimum of 35 hours face-to-face training over a period of five days
- refresher HSR training which must be a minimum of seven hours face-to-face training over a period of one day.

1.1 Who can apply

A training organisation, company or sole trader may apply for approval to deliver the course of training developed for initial and refresher HSR 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.

1.2 Fees

Refer to the SafeWork NSW fee schedule available at safework.nsw.gov.au or call 13 10 50.

The SafeWork NSW approved course packages include facilitator guides, participant workbooks and PowerPoint slides. Approved training providers will receive the materials electronically.

1.3 What should be submitted

- a. completed application form
- b. documentation associated with verifying trainer qualifications and identity
- c. proposed marketing and enrolment information where SafeWork NSW would be mentioned and where reference is made to the legislative entitlement of HSRs to training.

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

1.4 How will the application be assessed

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

When assessing an application, SafeWork NSW may make independent 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 regulators). The 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, SafeWork NSW will notify the applicant and provide reasonable opportunity to provide further information. Following receipt of further information or the expiration of the period within which the applicant was invited to provide further information, SafeWork NSW will make a final decision on the application. There is no appeal process provided for under the WHS Act

in relation to an unsuccessful application. An internal (second) review is however available.

1.5 Period of approval

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

1.6 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 WHS regulator in the state, territory or the Commonwealth in which they intend to conduct the majority of HSR 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 Western Australia and Queensland, training providers must be registered training organisations, and in NSW all training providers must comply with the SafeWork NSW Conditions for approved training providers delivering health and safety representative training in NSW under the *Work Health and Safety Act 2011* (catalogue no. SW08167).

Note: approval to deliver HSR 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 HSR training in NSW.

2. Trainer qualifications

This section describes the 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 approved HSR training in NSW must first be approved by SafeWork NSW.

All trainers must have a minimum Certificate IV in Training and Assessment – TAE40116 and:

- a minimum 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 entitlements, functions, powers and protections of a HSR. 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.

3. Conditions of approval

In addition to the requirements outlined in part 2, applicants who wish to be approved to deliver HSR training courses in NSW must comply with the *SafeWork NSW Conditions for approved training providers delivering health and safety representatives training in NSW under the Work Health and Safety Act 2011* (the Conditions) (catalogue no. SW08167). The Conditions apply to all SafeWork NSW approved HSR training providers.

The purpose of the Conditions is to ensure industry confidence in training through a consistent approach to the administration and delivery of HSR training courses 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 or by contacting Training Accreditation and Compliance Services.

Training Accreditation and Compliance Services
SafeWork NSW
Locked Bag 2906
Lisarow NSW 2252
Email: tacs@safework.nsw.gov.au

4. Application for renewal of approved provider status

An application for renewal of an approval must be made at least three months prior to the expiration of an approval. If assessment of an application by SafeWork NSW takes longer than three months, the approved provider will retain their approved status until such time as the assessment is finalised, or the approved provider is deemed not to have complied with the conditions and requirements and their approved status is suspended and/or cancelled.

5. Compliance monitoring and enforcement

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

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

Information regarding SafeWork NSW's compliance monitoring can be found in the Conditions.

Approval to deliver health and safety representative training under the WHS Act 2011 using the SafeWork NSW course material – application

Introduction

Applicants who wish to apply for approval to deliver health and safety representative (HSR) training using the SafeWork NSW course materials are required to complete the following application form under the Work Health and Safety Act 2011 (WHS Act). As training can only be delivered to HSRs in the state, territory or Commonwealth in which the approval has been granted, the SafeWork NSW course materials may only be delivered to elected NSW HSRs, in NSW. Applicants are required to declare that they will comply with the SafeWork NSW Conditions for approved training providers delivering health and safety representatives training in NSW under the Work Health and Safety Act 2011 (the Conditions) (catalogue no. SW08167). The Conditions require the training provider to adhere to specific requirements including a code of conduct, administrative processes such as notifications of scheduled training and advertising guidelines. Non-compliance with the Conditions may result in suspension or cancellation of approval status.

Privacy Collection Notice

SafeWork NSW, Department of Customer Service gives priority to protecting the privacy of your personal information. We do this by handling personal information in a responsible manner and in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act).

The personal information contained in the application is collected and held by SafeWork NSW.

We are collecting your personal information for the following purposes:

1. For determining an Approval to deliver health and safety representative training under the WHS Act 2011 using

the SafeWork NSW course material – application.

2. Internal administrative purposes, including liaising with you in relation to the application.
3. We may use the information to support more informed policy making, program management, evaluation, research and service planning as it can facilitate more efficient service delivery for residents and business in NSW.
4. To record information on a public register, parts of which will be published online.

If required, we may make enquiries and exchange information with other NSW government agencies (including the NSW Police Force), or other States, Territories and/or the Commonwealth for the purpose of assessing your application and for compliance purposes.

We may also disclose your personal information to ASQA, relevant STA, and Nominated Trainers/ RTO/ third parties that have an agreement with the RTO to deliver training or assessment related services listed in this application.

We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or permitted to do so by law. Our Privacy Statement describes when this may occur. You can find this information and our Privacy Management Plan on our website.

Please see <https://www.safework.nsw.gov.au/about-us/privacy> for more information about how we handle your personal information, how you can request access to or correct the personal information we hold about you (if the information is inaccurate, incomplete, not relevant or out of date) and who to contact if you have a privacy enquiry or complaint, or email brdprivacy@customerservice.nsw.gov.au.

Directions to the applicant

Prior to submitting an application please:

- read the approval conditions and ensure you are able to comply with all requirements
- complete the application and attach all requested documentation
- ensure all nominated trainers meet the required trainer qualifications and are able to verify their claims
- ensure the Authorised Officer(s) (Chief Executive or equivalent) signs the application
- complete the application checklist
- Forward the completed application to: Training Accreditation and Compliance Services via email at tacs@safework.nsw.gov.au

Applicants will receive notification of receipt via phone or email.

Approval process

All applications will be reviewed by Training Accreditation and Compliance Services.

Outcomes of application assessments will be provided in writing and directed to the Authorised Officer(s) listed in the application.

Approval is granted for a five year period and subject to audit during that time. Failure to comply with the required trainer qualifications and approval conditions may result in suspension or cancellation of the approval.

If an application is unsuccessful, written confirmation will be provided, including the reason(s) for the decision. If the applicant disagrees with SafeWork NSW's decision about the application, a written request for an internal review may be made to the Team Coordinator, Governance and Appeals, SafeWork NSW, PO Box 592, Richmond, NSW 2753 within 28 days of being notified of the decision.

An independent person will review the decision. The applicant may submit additional evidence when requesting a review, which will be taken into account during the review. The applicant will be advised in writing of the decision of the internal reviewer within 60 days of SafeWork

NSW receiving the request, or within 60 days of providing additional information to support the application, whichever is the latter.

The decision following the internal review is final.

Section 1. Training provider organisation details

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

Section 1.1 Training provider details

Registered business (trading) name (if applicable)

ABN (for Australian businesses only)

Principal place of business (not 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

Daytime contact number

Email

Website

If applicable:

RTO number registration expiry date

Registration expiry date

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

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

Public liability insurance policy number

Workers compensation insurance policy number

Section 2. Marketing of HSR training course

Proposed marketing and enrolment information where SafeWork NSW would be mentioned and where any reference is made to the legislative entitlements of HSRs to training.

Section 3. Authorised officer details

AUTHORISED OFFICER 1

Name

Date of birth (DD/MM/YYYY)
(required for identification purposes)

Position

Daytime contact number

Mobile number

Email

AUTHORISED OFFICER 2

Name

Date of birth (DD/MM/YYYY)
(required for identification purposes)

Position

Daytime contact number

Mobile number

Email

Section 4. Nominated trainer details

Please read and ensure that required evidence and documentation is 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 HSR training if approved by SafeWork NSW.
- Nominated trainers are required to declare any work health and safety disciplinary proceedings in any state or territory ie 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 HSR 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 number of the referees.

Section 4.1 Nominated trainer details

| | | |
|--|--|----------------------|
| Title | Email | |
| <input type="text"/> | <input type="text"/> | |
| Family name | Street address (must not be a PO Box) Unit number/Street number/Property number (include Lot or DP number if applicable) | |
| <input type="text"/> | <input type="text"/> | |
| Given name | Street name | |
| <input type="text"/> | <input type="text"/> | |
| Date of birth (DD/MM/YYYY) (required for identification purposes) | Suburb | |
| <input type="text"/> | <input type="text"/> | |
| Daytime contact number | State | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Section 5. Nominated trainer declaration

I declare that:

- The information contained in this application is true and correct in every particular.
- I have not been suspended or cancelled as an work health and safety/occupational health and safety service provider in any state or territory.
- I have not been suspended or cancelled as an RTO in any state or territory.
- I will comply with the ongoing obligations of approval as defined by the Approval Conditions, including the Code of Conduct and advertising specifications
- 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.
- I consent to the making of enquiries of, and the exchange of information with, 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.

Nominated trainer 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. Acceptance of approval conditions

To be completed by the Authorised Officer(s) (please tick if applicable)

Have you read and can your training organisation meet the approval conditions referred to in this application?

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 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?

Does each nominated trainer meet the requirements detailed in part 2 of the document How to become an approved provider of health and safety representative training using SafeWork NSW course materials (catalogue no. SW08081)

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 HSR training and/or prosecution?

Section 7. 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 an work health and safety/occupational health and safety service provider in any state or territory.
- I/we have not been suspended or cancelled as an RTO in any state of territory.
- 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.
- I/we consent to the making of enquiries of, and the exchange of information with, 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

Position

Authorised officer's 1 signature

Date (DD/MM/YYYY)

Name

Position

Authorised officer's 2 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 8. Safework NSW Public Register

I/We wish the ATP's details to be included on the SafeWork NSW/Service NSW website for the purposes of validating to the public the ATP's approval to deliver HSR in NSW.

Please mark appropriate box Yes No

If yes, please list my ATP as operating in the following locations – as per the SafeWork NSW region map key below.

Indicate the proposed region(s) you will conduct HSR training.

A B C D E F G H I J K L M or ALL

Safework nsw region map – proposed areas of HSR delivery



Section 9. Lodgment fees

A fee must be paid on lodgement of the application form.

Refer to the SafeWork NSW fees schedule available at www.safework.nsw.gov.au.

Pay by credit card or PayPal using the following link:

www.safework.nsw.gov.au/applicationpayments

STEP 1 – Click on the link or type the URL into your web browser

STEP 2 – Follow the instructions online to complete payment

STEP 3 – When the lodgement fee is paid online you will receive a receipt number. Please record the receipt number below before lodging the application; not providing this information may result in delays in processing your application.

Receipt number

Note: If you are having difficulty lodging the application please contact SafeWork NSW on 13 10 50.

Section 10. Application 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. Contact Training, Accreditation & Compliance Services if you need additional information.

Step 2 – Ensure you have read and understood the information contained in the document How to become an approved provider of health and safety representative training using SafeWork NSW course materials (catalogue no. SW08081) including the application form instructions.

Step 3 – Complete all relevant sections of the application form including payment details.

Step 4 – Attach the following documents:

- Proposed marketing and enrolment information where SafeWork NSW would be mentioned and where any reference is made to the legislative entitlements of HSRs to training.

Step 5 – Nominate at least one trainer and ensure each nominated trainer reads and signs the declaration in the nominated trainer details section of the application form.

Step 6 – Attach certified copies of each nominated trainer’s formal qualifications and evidence of identity.

Step 7 – Attach details of each 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 – Make a copy of your full application (and all attachments) for your records.

Step 10 – Forward the completed application to: Training, Accreditation & Compliance Services via email at tacs@safework.nsw.gov.au.

