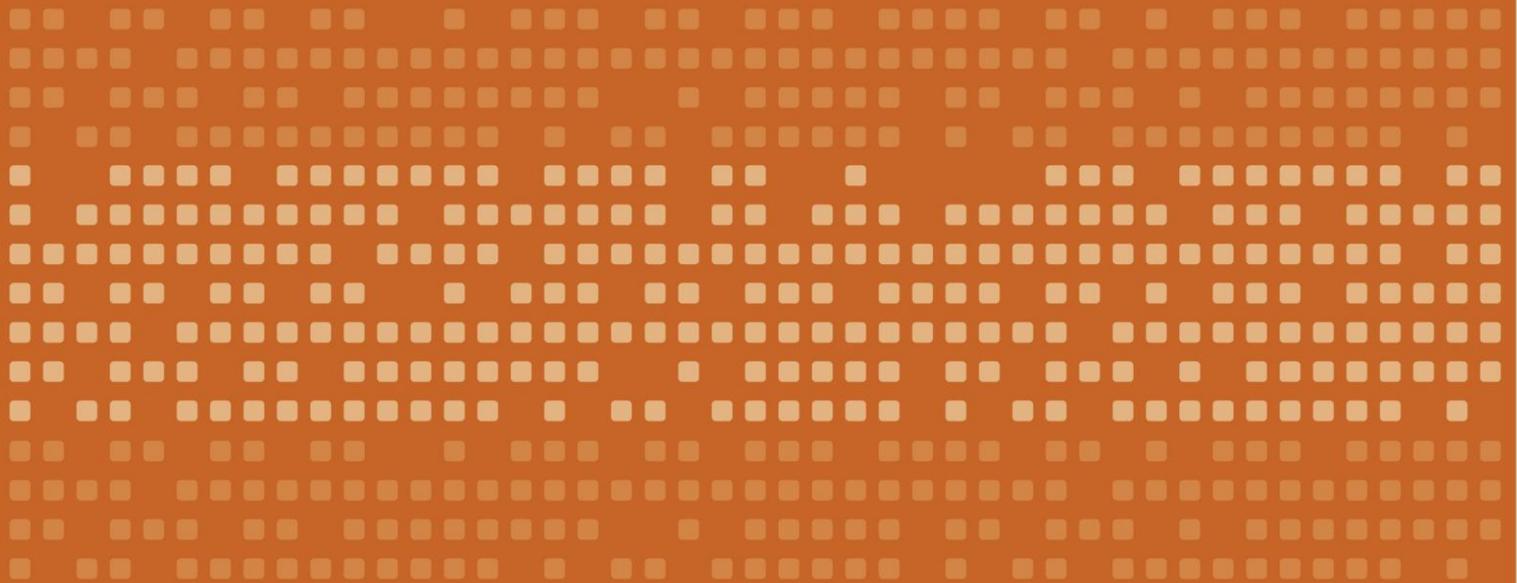


# Conditions of agreement as an authorised RTO of Work Health and Safety Officer (WHSO) training

Version 1: effective 1 July 2018



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## Section 1: Purpose

The requirement of a Work Health and Safety Officer (WHSO) to undertake a course of training is outlined in the *Work Health and Safety Act 2011* (WHS Act). The WHS Act provides the WHSO training must be provided through a course of training that is approved by Workplace Health and Safety Queensland (WHSQ).

This document sets out the terms and conditions on which the Regulator for work health and safety in Queensland agrees to grant authority to the Registered Training Organisation (RTO) to provide WHSO training and assessment in Queensland.

This document provides details of the specific conditions of this agreement relating to the conduct of WHSO training and assessment and associated administrative procedures to help uphold public and industry confidence in the quality of WHSO training.

The Regulator may amend, add or revoke any of these conditions without consultation by supplying a written copy of the amended document to the RTO or by sending an electronic copy to the most recent email address provided to Workplace Health and Safety Queensland (WHSQ).

In signing this agreement RTO acknowledges that it has read and understood the contents of this document and agrees to fully abide by them at all times.

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

This agreement expires 5 years from the date it is signed.

## Section 2: General requirements

1. The RTO must comply with the provisions of the WHS Act and Work Health and Safety Regulation (WHS Regulation), the terms and conditions of this agreement and any other relevant legislation.
2. The RTO must comply with the requirements of the training package.
3. The RTO accepts that the Regulator can give 21 days written notice terminating the approval to deliver WHSO training in Queensland and upon such notice being given the RTO understands that they must cease all WHSO training and assessment in Queensland on or before the specified date.
4. The RTO will not infringe copyright, intellectual property rights and moral rights of the owner of and persons having interest in training materials developed for use in the approved WHSO course.
5. The Regulator is not liable for any damage or loss caused by an error in course materials supplied to the RTO by any person.
6. The RTO must advise the Regulator in writing to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) as soon as reasonably practicable of any errors contained within the training package or assessment

tool.

7. The RTO must submit to audit on an ongoing basis throughout the life of this agreement.
8. The RTO must have a documented system for the administration of the approved course.
9. The RTO must ensure that all trainers are provided access to these conditions and abide by them at all times.
10. The RTO must provide information and training sessions to all trainer/assessors prior to them delivering any course content or administering any assessment to ensure they are familiar with the content.
  - a. This includes ongoing information and training sessions to advise of any changes to course content.
11. The RTO, including workers and others, will represent WHSQ in a professional manner and promote WHSQ's initiatives in a positive manner.
12. The RTO must provide the site addresses and contact details of all locations where WHSO training and assessment is delivered to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) within 14 days of signing this agreement.
  - a. The RTO will ensure any change to this list is notified to WHSQ within 14 days to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au).
13. The RTO must disclose any real or perceived conflicts of interest as soon as reasonably practicable via email to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au).
14. The RTO must not collude with a participant or anyone else regarding WHSO outcomes. This includes demanding or accepting bribes, gifts or other inducements of benefits that may directly or indirectly influence or appear to influence the RTO's ability to act impartially. This applies to the RTO and any other entity associated with the RTO.
15. The RTO must have a transparent and accessible process available to address participant concerns that will ensure complaints about the administration and/or delivery of the approved course attended are addressed effectively and efficiently.
  - a. This includes providing relevant WHSQ complaint avenues.
16. The RTO holds public liability insurance that covers the scope of its operations throughout the life of this agreement.
17. The RTO is responsible for the collection and submission to WHSQ of all reportable data relevant to participants they train and assess.
18. The RTO must possess all relevant facilities, resources and personnel required for the delivery and assessment of the course.
19. The RTO must demonstrate sufficient resources and strategies to systematically monitor any services provided.

## Section 3: Approved trainer requirements

20. Trainer/assessors delivering the WHSO course must have the following qualifications and experience:
  - a. A minimum Certificate IV in Work Health and Safety or Diploma of Work Health and Safety; and
  - b. adult education credentialing consistent with Appendix 3; and
  - c. a minimum of two years relevant experience in an occupational or work health and safety role.
21. The RTO will seek approval from WHSQ for trainers who will be delivering WHSO training. Requests will be made by email to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) and must include:
  - a. Trainers full name
  - b. Date of birth
  - c. Address
  - d. Contact phone number
  - e. Email address
  - f. Information to support validation of the requirements listed in conditions 20 and 21.
22. Notification of approval must be received from WHSQ before trainers undertake any training activities on behalf of the RTO.
23. Trainer/assessors must conduct themselves diligently, efficiently, honestly, impartially and with integrity.
24. Trainer/assessors must not conduct training or assessment if under the influence of alcohol, illicit drugs or substances.

## Section 4: Training and assessment

25. The RTO must only use the approved training package as provided by the Regulator unless otherwise directed.
26. The RTO must not alter, including adding or subtracting, any content of the training package or assessment instrument without the express written consent of the Regulator.
27. Requests to amend the training package and/or assessments are to be made to the Regulator via [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au).
28. All training and assessment must be conducted face-to-face in Queensland with a trainer/student ratio no greater than 1:10.
29. All training and assessment must be completed within 12 months of commencing training.
30. The RTO must provide trainers with all relevant documentation including trainer notes, assessment instrument etc.

31. RTO must provide:
  - a. Educational and support services to meet the needs of the learner cohort/s undertaking the training and assessment; and
  - b. Learning resources to enable learners to meet the requirements for each unit of competency, and which are accessible to the learner regardless of location; and
  - c. Facilities, and equipment to accommodate and support the number of learners undertaking the training and assessment.
32. RTO must implement an assessment system that is:
  - a. Fair;
  - b. Flexible;
  - c. Valid;
  - d. Reliable and
  - e. Compliant with the rules of evidence
33. The RTO must ensure that all training facilities and equipment enable the effective delivery of the approved course and that the training environment is safe without risk to health.
34. The RTO must notify the Regulator via email to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) at least 5 days prior to any WHSO training and assessment, including reassessment. The period includes the day of the notification, and excludes the day the training commences.
35. The notification must include the following details:
  - a. The site address
  - b. The name of the trainer
  - c. Contact details of the trainer
  - d. Participant name/s
  - e. Date/s & time/s
  - f. Any site specific requirements such as induction, PPE etc.
36. Trainer/assessors must sight and verify evidence of the participant's identity in accordance with Appendix 2 prior to commencing training.
37. Participants must successfully complete all required training before sitting assessment.
38. RTO must not provide a copy of the assessments to any person other than a participant in the ordinary course of an assessment. A copy being an imitation, reproduction or duplicate of any original or part thereof or any acceptable answers in any form including hard copy, electronic or audio.
39. An anonymous training and assessment evaluation form must be provided to each participant at the conclusion of the training and assessment.

## Section 5: Post assessment administration

40. Each successful participant must be issued with the approved certificate of attendance, as provided by the Regulator, within 14 days of completion.
41. The certificate must contain the following information:
  - a. The name of the approved WHSO trainer
  - b. The participants full name, as per the registration details
  - c. All date/s of training
  - d. The name of the approved WHSO training course
  - e. The RTO name and RTO number
  - f. The signature of an authorised person for the RTO
  - g. The date of issue
  - h. A unique identifying number
  - i. A statement that the course and RTO is approved by WHSQ to deliver WHSO training and assessment in Queensland.

## Section 6: Record keeping

42. All records must be maintained in English.
43. The RTO must not make false or misleading declarations in their dealings including falsifying any information, participant responses or issuing a certificate of attendance to a participant who did not successfully complete training or assessment.
44. The RTO must maintain the following records for a minimum of 7 years for the inspection by the Regulator (electronic records are sufficient);
  - a. All student records including completed assessments
  - b. Records of all course training and assessment dates
  - c. Participant enrolment or registration forms
  - d. Documentary evidence of the dates that each participant was in attendance at approved WHSO training
  - e. Records of all Certificates of attendance issued
  - f. Participant evaluation forms and responses to complaints
  - g. Register of all training and assessment conducted (see Condition 45)
  - h. All written processes and procedures
  - i. All training and qualification records for approved trainers
  - j. All records of all complaints and appeals and their outcomes
  - k. Any other relevant correspondence between RTO and the Regulator.
45. The RTO must maintain a register of all training and assessment conducted. The register is to be provided quarterly to the Regulator. The register must be sent by email to [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) and contain the following information in CSV format:
  - a. Location of training and assessment; and
  - b. dates of training and assessment; and
  - c. trainer/assessor details; and
  - d. outcome of training/assessment; and
  - e. date of issue of certificate; and

- f. identifying any reissued certificates.
46. In the event that training records are lost, stolen, destroyed or damaged the RTO must advise WHSQ in writing via [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au) within 14 days with details of the incident and what specific records were affected.
47. The RTO must retain appropriate records and evidence on file for each trainer engaged to deliver the WHSO course including:
- a. A copy of their Certificate IV in Training and Assessment; and
  - b. copy of their resume; and
  - c. copies of any of their relevant qualifications, eg: OHS qualifications
  - d. evidence to demonstrate their practical experience in OHS ; and
  - e. evidence of all professional development undertaken.

## Section 7: Regulator audits

48. The RTO will submit to regular audits by the Regulator. This may include:
- a. Attendance at training sessions to ensure the course delivery continues to meet the Conditions of agreement as an authorised RTO of Work Health and Safety Officer (WHSO) training
  - b. Desktop audits
  - c. Discussing training activities with trainers and participants
  - d. Reviewing course materials
  - e. Reviewing trainer qualifications as listed in condition 20.
  - f. Any other activity deemed necessary by the Regulator to ensure compliance is maintained with these conditions and the legislation.
49. The RTO will provide all reasonable assistance to the Regulator during audit and upon request.
50. The RTO will supply all documents to the Regulator upon request within the specified timeframe.
51. The Regulator will confirm the outcome of any audit in writing within 14 days.
52. The RTO must supply rectification evidence for any non-compliance identified by the Regulator within 14 days via [whstraining@oir.qld.gov.au](mailto:whstraining@oir.qld.gov.au).

## Section 8: Enforcement procedures

53. The RTO and trainers will provide all required assistance when the Regulator is conducting an investigation or other compliance related activity.
54. The Regulator may suspend or cancel this agreement by giving 21 days written notice to the RTO.

55. The Regulator may suspend or cancel this agreement if satisfied about one or more of the following:
- a. A failure to comply with the legislative requirements as a PCBU;
  - b. A failure to comply with these conditions;
  - c. A failure to comply or respond to any reasonable request by the Regulator;
  - d. In dealing with the Regulator the RTO gave or maintained information that was false or misleading in a material particular;
56. The Regulator may suspend or cancel the approval of a WHSO trainer.
57. The Regulator may suspend or cancel an approved trainer if satisfied about one or more of the following:
- e. A failure to comply with these conditions;
  - f. A failure to administer the assessment as required;
  - g. The trainer provided the Regulator or maintained information that was false or misleading in a material particular.
  - h. A failure to hold the relevant qualifications or experience detailed in condition 20.
58. The RTO or trainer may be offered the opportunity to provide the Regulator with further information in the 21 day notice period before the approval is suspended or cancelled.
59. If this agreement is suspended or cancelled, the RTO must immediately cease delivery of the WHSO course.
60. If cancelled, the RTO must destroy all electronic and hard copy course materials, excluding student records within seven (7) days of being advised of the cancellation.
61. If suspended or cancelled, trainers must immediately cease to deliver WHSO training and assessment.

## Section 9: Complaints process

62. The RTO must have a complaints policy to manage and respond to allegations involving the conduct of the RTO, its trainers, assessors or other staff.
63. The RTO must have an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a trainer/assessor on the RTO's behalf. The complaints policy and appeals policy must:
- a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
  - b. be publicly available;
  - c. set out the procedure for making a complaint or requesting an appeal;
  - d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
  - e. provide for review by WHSQ of the RTO and the complainant at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

64. The RTO must:

- a. securely maintain records of all complaints and appeals and their outcomes; and
- b. identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

## Section 10: Acknowledgement and undertaking

Witnessed signature of the authorised executive agreeing on behalf of the Registered Training Organisation under this agreement to be bound by the conditions.

Signed for and on behalf of Registered Training Organisation ACN/ABN \_\_\_\_\_ on  
\_\_\_\_\_ (day) \_\_\_\_\_ (month) 20\_\_ by:

\_\_\_\_\_  
Print Authorised Executive's name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness name

\_\_\_\_\_  
Signature

## Appendix 1 – Definitions

**Approved Course** means the course approved by the Regulator to train WHSOs.

**Approved trainer** means a person approved to train and/or assess in the WHSO course in Queensland. A reference to a trainer is also a reference to an assessor and vice versa.

**Assessment tool** means the assessment document as provided by WHSQ.

**Conditions** means the provisions specified in this document.

**Days** means calendar days and includes weekends and public holidays.

**Legislation** refers to the *Work Health and Safety Act 2011*, and the Work Health and Safety Regulation 2011.

**Participant** is also a reference to student and means a person undertaking the WHSO course and assessment.

**Record/s** means a true and correct hard or electronic copy.

**Regulator** means the public service officer so appointed under schedule 1 of the Act.

## Appendix 2 – Evidence of identity requirements

**Evidence of identity (EOI)** documents must be made up of three **matching original** EOI documents. A copy must be retained, excepting a financial institution debit/credit card, on the applicant's file. You are required to keep a record that a debit/visa card was one of the original documents sighted. The three documents can be made up of:

**One category A + two category B OR Two category A + one category B**

At least one category A document must be photographic and show a full name and date of birth (DOB).

Category A documents	Status
<ul style="list-style-type: none"> <li>Australian Birth Certificate - full (not an Extract or a Commemorative Certificate)</li> <li>Bicentennial Birth Certificate (born in 1988)</li> <li>Australian Citizenship Certificate/Naturalisation Certificate</li> <li>Department of Immigration and Border Protection (DIBP)                             <ul style="list-style-type: none"> <li>Certificate of Evidence of Resident Status</li> <li>Visa Evidence Card (with PLO56 Visa)</li> </ul> </li> <li>Queensland or Federal police officer photo identity card.</li> <li>Queensland High Risk Work licence (photographic)</li> </ul>	Current
<ul style="list-style-type: none"> <li>Australian Passport (including Australian Document of Identity)</li> <li>Foreign Passport</li> <li>Australian photo driver licence</li> <li>Queensland Accreditation/Authorisation (laminated)                             <ul style="list-style-type: none"> <li>Driver/rider trainer; pilot/escort vehicle driver; dangerous goods driver; tow truck driver/assistant certificate</li> <li>Bus; taxi; limousine driver</li> </ul> </li> </ul>	Current or expired less than two years
<ul style="list-style-type: none"> <li>DIBP - ImmiCard; Temporary or Resident Visa; Document for travel to Australia. <b>Note:</b> Electronic Travel Authority (ETA) is not accepted.</li> </ul>	Valid up to five years after issue
<ul style="list-style-type: none"> <li>Queensland Card 18+ (laminated)</li> </ul>	Issued after 01/01/1992
Category B documents – must be Australian issued documents	Status
<ul style="list-style-type: none"> <li>Australian Defence Force photo identity card (excluding civilians)</li> <li>Australian Firearm Licence (with photo)</li> <li>Australian Security Guard/Crowd Controller Licence (with photo)</li> <li>Department of Veterans' Affairs/Centrelink Pensioner Concession Card (including Healthcare card)</li> <li>Education institution student identity document (must include photo and/or signature)</li> <li>Financial institution debit/credit card (must include signature and embossed/printed name)</li> <li>Medicare card (Green, Blue or Yellow)</li> <li>Interstate government-issued or government-approved Proof of Age Card</li> </ul>	Current

### Change of Name

If an applicant has changed their name and the name on the EOI documents is different from the name they wish the certificate to appear in, you will need to sight and retain a copy of a change of name document.

Change of Name documents	Status
<ul style="list-style-type: none"> <li>Australian Marriage Certificate (ceremonial marriage certificates are not accepted)</li> <li>Australian civil partnership/relationship certificate</li> <li>Australian Change of Name Certificate</li> <li>Australian Birth Certificate (amended and/or with notations)</li> </ul>	Issued by relevant Registrar of Births, Deaths and Marriages
<ul style="list-style-type: none"> <li>Divorce papers, Decree Nisi or Absolute (must show the name being reverted to)</li> </ul>	Issued by relevant court
<ul style="list-style-type: none"> <li>Deed Poll</li> </ul>	Issued prior to 01/02/2004

## Appendix 3 – Training and assessment credentialing

Date	Training and assessment credentials
Prior to 1st April 2019	<p>One of the following credentials:</p> <p>TAE40110 Certificate IV in Training and Assessment.</p> <p><b>or</b></p> <p>Credential:</p> <p>TAE40116 Certificate IV in Training and Assessment or its successor</p> <p><b>or</b></p> <p>A diploma or higher level qualification in adult education.</p>
From 1 April 2019	<p>One of the following credentials:</p> <p>TAE40116 Certificate IV in Training and Assessment or its successor</p> <p><b>or</b></p> <p>Credential:</p> <p>TAE40110 Certificate IV in Training and Assessment, <b>and</b> one of the following:</p> <p>TAELLN411 Address adult language, literacy and numeracy skills or its successor <b>or</b></p> <p>TAELLN401A Address adult language, literacy and numeracy skills <b>and</b> one of the following:</p> <p>TAEASS502 Design and develop assessment tools or its successor <b>or</b></p> <p>TAEASS502A Design and develop assessment tools <b>or</b></p> <p>TAEASS502B Design and develop assessment tools.</p> <p><b>or</b></p> <p>A diploma or higher level qualification in adult education.</p>