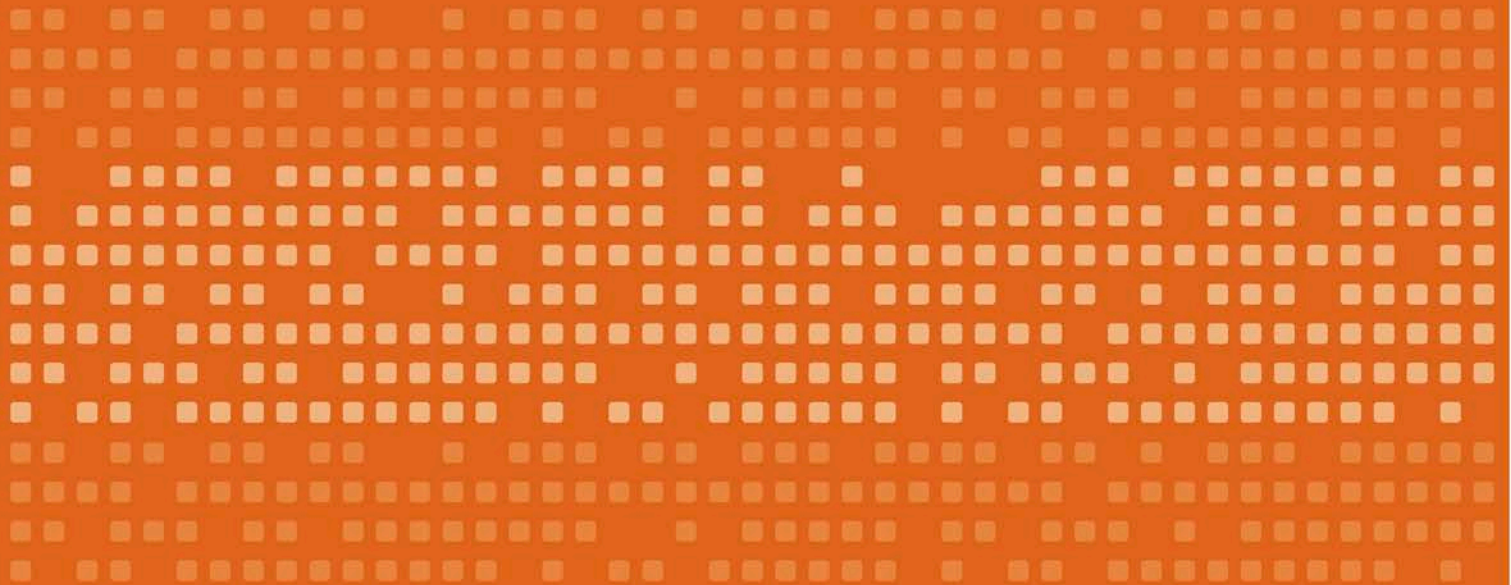


Conditions of agreement as an approved Queensland health and safety representative (HSR) training provider

Effective August 2018



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Section 1: Purpose

The requirement of a health and safety representative (HSR) to undertake a course of training is outlined in the *Work Health and Safety Act 2011* (WHS Act). The WHS Act provides the HSR 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 provider to provide HSR training and knowledge evaluation in Queensland.

This document provides details of the specific conditions of this agreement relating to the conduct of HSR training and knowledge evaluation and associated administrative procedures to help uphold public and industry confidence in the quality of HSR 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 training provider or by sending an electronic copy to the most recent email address provided to WHSQ.

To deliver HSR training a provider must be a registered training organisation (RTO) accredited by the Australian Skills Quality Authority (ASQA).

In signing this agreement the provider 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 HSR training and knowledge evaluation 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 five years from the date it is signed.

Section 2: General requirements

1. The provider must comply with the provisions of the WHS Act and WHS Regulation, the terms and conditions of this agreement and any other relevant legislation.
2. The provider must comply with the requirements of the training package and knowledge evaluation.
3. To facilitate availability of statewide training, up to five RTOs may join together to enter into agreement with WHSQ for HSR training delivery. In that instance all parties are bound equally by these conditions of delivery.
4. The provider accepts that the regulator can give 21 days' written notice terminating the approval to deliver HSR training in Queensland and upon such notice being given the provider understands that they must cease all HSR training and knowledge evaluation in Queensland on or before the specified date.
5. The provider must ensure that its marketing and advertising of the approved HSR courses is consistent with the directions issued by the regulator.
6. The provider will not infringe copyright, intellectual property rights and moral rights of the owner of and persons having interest in training materials developed for use in the approved HSR course.

7. The regulator is not liable for any damage or loss caused by an error in course materials supplied to the provider by any person.
 - a. The provider must advise the regulator in writing to whstraining@oir.qld.gov.au as soon as reasonably practicable of any errors contained within the training package or knowledge evaluation tool.
8. The provider must submit to audit on an ongoing basis throughout the life of this agreement.
9. The provider must have a documented system for the administration of the approved course.
10. The provider must ensure that all trainers are provided access to these conditions and abide by them at all times.
11. The provider must provide information and training sessions to all trainers prior to delivering any course content or administering any knowledge evaluations to ensure they are familiar with the content.
 - a. This includes ongoing information and training sessions to advise of any changes to course content.
12. The provider, including workers and others, will represent WHSQ in a professional manner and promote WHSQ's initiatives in a positive manner.
13. The provider must provide the site addresses and contact details of all locations where HSR training and knowledge evaluation is delivered to whstraining@oir.qld.gov.au within 14 days of signing this agreement.
 - a. The provider will ensure any change to this list is notified to WHSQ within 14 days to whstraining@oir.qld.gov.au.
14. The provider must disclose any real or perceived conflicts of interest as soon as reasonably practicable via email to whstraining@oir.qld.gov.au.
15. The provider must not collude with a participant or anyone else regarding HSR outcomes. This includes demanding or accepting bribes, gifts or other inducements of benefits that may directly or indirectly influence or appear to influence the provider's ability to act impartially. This applies to provider and any other entity associated with the provider.
16. The provider must ensure regionally based workers have access to HSR training by scheduling and completing a minimum of three HSR training sessions per year in remote or regional locations.
17. Training cost must be consistent for delivery in all locations. Therefore, regional and remote students must be charged the same fee as those in heavily populated areas.
18. The provider must ensure that they hold public liability insurance that covers the scope of its operations throughout the life of this agreement.

Section 3: Approved trainer requirements

19. The provider will seek approval from WHSQ for trainers who will be delivering HSR training. Requests will be made by email to whstraining@oir.qld.gov.au and include information to support validation of the requirements listed in condition 20. Notification of approval must be received from WHSQ before trainers undertake any training activities on behalf of the provider.
20. The provider must ensure trainers delivering the HSR course meet the following requirements:
 - a. a minimum qualification of Certificate IV in Work Health and Safety or Diploma of Work Health and Safety or a higher relevant qualification
 - b. adult education credentialing consistent with Appendix 3

- c. a minimum of two years relevant experience in an industrial/workplace relations or work health and safety role
 - d. evidence of qualifications or experience in consultation, negotiation and issue resolution that empowers workers' in a workplace setting
 - e. relevant experience in delivering training in an adult learning environment.
21. Trainers must conduct themselves diligently, efficiently, honestly, impartially and with integrity.
22. Trainers must not conduct training or knowledge evaluation if under the influence of alcohol, illicit drugs or substances.

Section 4: Training and knowledge evaluation

23. The provider must only use the approved training package and knowledge evaluation as provided by the Regulator unless otherwise directed.
24. The provider must not alter, including adding or subtracting, any content of the training package or knowledge evaluation without the express written consent of the regulator. Requests to amend the training package and/or knowledge evaluation are to be made to the regulator by emailing whstraining@oir.qld.gov.au.
25. All training and knowledge evaluation must be conducted face-to-face in Queensland with a trainer/student ratio no greater than one to 15.
26. All training and knowledge evaluation must be completed within six months of commencement.
27. The provider must provide trainers with all relevant documentation including trainer notes, knowledge evaluation etc.
28. Provider must provide:
- a. Educational and support services to meet the needs of the learner cohort/s undertaking the training and knowledge evaluation.
 - b. Learning resources to enable learners to understand and retain course content, and which are accessible to the learner regardless of location or mode of delivery.
 - c. Facilities, and equipment to accommodate and support the number of learners undertaking the training and knowledge evaluation.
29. The provider must implement a knowledge evaluation system that is:
- a. fair
 - b. flexible
 - c. valid
 - d. reliable
 - e. comply with the rules of evidence.
30. The provider must ensure that all training facilities and equipment enable the effective delivery of the approved course and the training environment is safe without risk to health.
31. Each participant is to be provided with information on how to access copies of the WHS Act and WHS Regulation.
32. The provider must notify the regulator via email to whstraining@oir.qld.gov.au at least five days prior to any HSR training and knowledge evaluation. The period includes the day of the notification, and excludes the day the training commences.
33. The notification must include the following details:
- a. the provider details
 - b. the site address

- c. the name of the trainer
 - d. contact details of the trainer
 - e. participant name/s
 - f. date/s and time/s
 - g. any site specific requirements such as induction, personal protective equipment etc.
34. Trainers must sight and verify evidence of the participant's identity in accordance with Appendix 2 prior to commencing training.
 35. Participants must successfully complete all required training before sitting the knowledge evaluation.
 36. Participants must complete the knowledge evaluation before being issued with certification. The purpose of the knowledge evaluation is to confirm that participants have obtained an appropriate level of understanding of the knowledge and skills necessary to perform the role of a HSR.
 37. Trainers may clarify a participant's response to the knowledge evaluation and provide additional training for participants whose responses to the knowledge evaluation indicate that they have not understood key aspects of the HSR role. Changes to responses based on clarification must be recorded by the trainer on the knowledge evaluation. This will assist the regulator in assessing the effectiveness of training content and the quality of training provided.
 38. The provider must not provide a copy of the knowledge evaluation to any person other than a participant in the ordinary course of knowledge evaluation. 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. In addition, an anonymous course feedback form must be provided to each participant following the completion of the training and knowledge evaluation.

Section 5: Post training completion 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 HSR trainer
 - b. the participants full name, as per the registration details
 - c. all date/s of training
 - d. the name of the approved HSR training course
 - e. the provider name
 - f. the signature of an authorised person for the provider
 - g. the date of issue
 - h. a unique identifying number
 - i. a statement that the course and the provider is approved by WHSQ to deliver HSR training in Queensland.

Section 6: Record keeping

42. All records must be maintained in English.
43. The provider must not make false or misleading declarations in their dealings including falsifying any information, participant responses or issuing a certificate of attendance to a participant who did not successfully complete training or knowledge evaluation.

44. The provider must maintain the following records for a minimum of seven years for the inspection by the regulator (electronic records are sufficient):
 - a. all student records including completed knowledge evaluation
 - b. records of all course training and knowledge evaluation dates
 - c. participant enrolment or registration forms
 - d. documentary evidence of the dates that each participant was in attendance at approved HSR training
 - e. records of all certificates of attendance issued
 - f. participant training and feedback forms and responses to complaints
 - g. register of all training and knowledge evaluation conducted
 - 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 the provider and the regulator.
45. The provider must maintain a register of all training and knowledge evaluations conducted. The register is to be provided quarterly to the regulator. The register must be sent by email to whstraining@oir.qld.gov.au and contain the following information in CSV format:
 - a. location of training and knowledge evaluation
 - b. dates of training and knowledge evaluation
 - c. trainer details
 - d. outcome of training/ knowledge evaluation
 - e. date of issue of certificate
 - f. identifying any reissued certificates.
46. In the event that training records are lost, stolen, destroyed or damaged the provider must advise WHSQ in writing via whstraining@oir.qld.gov.au within 14 days with details on what happened and what specific records were affected.
47. The provider must retain appropriate records and evidence on file for each trainer engaged to deliver the HSR course. Records and evidence should be consistent with the requirements of condition 20.

Section 7: Regulator audits

48. The provider will submit to regular audits by the regulator. This may include:
 - a. regulator attendance at training sessions to ensure the course continues to meet the conditions of agreement as an approved health and safety representative (HSR) training provider
 - 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 provider will provide all reasonable assistance to the regulator during audit and upon request.
50. The provider 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 provider must supply rectification evidence for any non-compliance identified by the regulator within 14 days by emailing whstraining@oir.qld.gov.au.

Section 8: Enforcement procedures

53. The regulator may suspend or cancel this agreement by giving 21 days written notice to the provider.
54. 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 provider gave or maintained information that was false or misleading in a material particular
 - e. provider has not scheduled and completing a minimum of three HSR training sessions per year in remote or regional locations.
55. If this agreement is suspended or cancelled, the provider must immediately cease delivery of the HSR course.
56. If cancelled, the provider must destroy all electronic and hard copy course materials, excluding student records within seven days of being advised of the cancellation.
57. The regulator may suspend or cancel the approval of a HSR trainer by giving 21 days written notice to the provider.
58. The regulator may suspend or cancel an approved trainer if satisfied about one or more of the following:
 - a. a failure to comply with these conditions
 - b. a failure to administer the knowledge evaluation as required
 - c. the trainer provided the regulator or maintained information that was false or misleading in a material particular
 - d. a failure to hold the relevant qualifications or experience detailed in condition 20.
59. The provider will provide all required assistance when the Regulator is conducting an investigation or other compliance related activity.
60. The provider, third party 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.

Section 9: Complaints process

61. The provider must have a complaints policy to manage and respond to allegations involving the conduct of the provider, its trainers or other staff.
62. The provider must have an appeals policy to manage requests for a review of decision, including knowledge evaluation decisions, made by the provider. 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
 - e. provide for review by WHSQ of the provider and the complainant at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

Appendix 1: Definitions

Approved course means the course approved by the regulator to train HSRs.

Approved trainer means a person approved to train and in the HSR course in Queensland.

Knowledge evaluation tool means the knowledge evaluation 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 WHS Act and WHS Regulation.

Participant is also a reference to student and means a person undertaking the HSR course and knowledge evaluation.

The provider means the organisation, including all employees, volunteers and contractors, identified pursuant to Section 10 of this document and subject to the conditions here within.

Registered training organisation (RTO) means a registered training organisation accredited by the Australian Skills Quality Authority (ASQA) associated.

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"> • Australian birth certificate - full (not an extract or a commemorative certificate) • Bicentennial birth certificate (born in 1988) • Australian citizenship certificate/naturalisation certificate • Department of immigration and border protection (DIBP) <ul style="list-style-type: none"> – Certificate of evidence of resident status – Visa evidence card (with PLO56 visa) • Queensland or federal police officer photo identity card. • Queensland high risk work licence (photographic) 	Current
<ul style="list-style-type: none"> • Australian passport (including Australian document of identity) • Foreign passport • Australian photo driver licence • Queensland accreditation/authorisation (laminated) <ul style="list-style-type: none"> – Driver/rider trainer; pilot/escort vehicle driver; dangerous goods driver; tow truck driver/assistant certificate – Bus; taxi; limousine driver 	Current or expired less than two years
<ul style="list-style-type: none"> • DIBP - ImmiCard; temporary or resident visa; document for travel to Australia. Note: Electronic travel authority (ETA) is not accepted. 	Valid up to five years after issue
<ul style="list-style-type: none"> • Queensland card 18+ (laminated) 	Issued after 01/01/1992
Category B documents – must be Australian issued documents	Status
<ul style="list-style-type: none"> • Australian defence force photo identity card (excluding civilians) • Australian firearm licence (with photo) • Australian security guard/crowd controller licence (with photo) • Department of veterans' affairs/CentreLink pensioner concession card (including healthcare card) • Education institution student identity document (must include photo and/or signature) • Financial institution debit/credit card (must include signature and embossed/printed name) • Medicare card (green, blue or yellow) • Interstate government-issued or government-approved proof of age card 	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"> • Australian marriage certificate (ceremonial marriage certificates are not accepted) • Australian civil partnership/relationship certificate • Australian change of name certificate • Australian birth certificate (amended and/or with notations) 	Issued by relevant registrar of births, deaths and marriages
<ul style="list-style-type: none"> • Divorce papers, decree nisi or absolute (must show the name being reverted to) 	Issued by relevant court
<ul style="list-style-type: none"> • Deed poll 	Issued prior to 01/02/2004

Appendix 3: Training credentialing

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