

# Conditions

Approved provider of health and safety representative (HSR) training in the Northern Territory

## Disclaimer

This publication contains information regarding work health and safety. It includes some of your obligations under the *Work Health and Safety (National Uniform Legislation) Act 2011* – the WHS Act – that NT WorkSafe administers. The information provided is a guide only and must be read in conjunction with the appropriate legislation to ensure you understand and comply with your legal obligations.

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<b>Acronyms</b>	<b>Full form</b>
HSR	Health and Safety Representative
WHS	Work Health and Safety

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## Conditions of approval

These conditions of approval cover matters associated with:

- Governance;
- Interaction with NT WorkSafe;
- Trainer competence;
- Record keeping;
- Marketing;
- Compliance with legislation; and
- Ongoing quality assurance of approved HSR training.

In addition to the general conditions of approval outlined in this part of the document, NT WorkSafe may also impose additional specific conditions in relation to training providers, trainers or course requirements that are deemed to be necessary by NT WorkSafe. Prior to varying or imposing any specific conditions, the training provider will be notified and provided with an opportunity to make submissions before a final decision is made.

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 the Northern Territory.

Non-compliance with the conditions may result in suspension or cancellation of approval status.

## Governance

Approved training providers must:

- ensure that only trainers with the requisite qualifications, skills and knowledge are engaged to deliver the approved course;
- not sub-contract or on-sell their approved status to deliver an approved HSR training course to a third party;
- provide a training evaluation form to each participant upon completion of the approved training course; and
- issue a certificate of attendance to each participant who completes the approved HSR initial or refresher training within ten working days of completion. Certificates of attendance must contain the following information (as a minimum):
  - the name of the approved HSR training course;
  - the participant's full name, as per the registration details;
  - all date(s) of training;
  - the name of the trainer;
  - the approved training provider's name and, if applicable, registered business name, ABN and NT WorkSafe approval number;
  - a unique identifying number and the signature of an authorised person of the training provider (for example, the Chief Executive or authorised officer); and

- the issue date of the certificate.

The person conducting a business or undertaking (PCBU) who has released a worker to attend HSR training may request and must then be provided with certification that the participant attended all training sessions.

## Interaction with NT WorkSafe

An approved training provider must:

- cooperate with any reasonable requirements of NT WorkSafe in relation to ongoing monitoring and quality assurance of the approved course and in relation to individual trainers; and
- notify NT WorkSafe in writing within fourteen days of any change to the details of the approved training provider (including administrative personnel) and its trainers or substantial changes to course content or delivery method; and
- provide accurate and timely reporting on information as required by NT WorkSafe including:
  - notification of course delivery schedules at least 14 days prior to commencement of course
  - half-yearly activity report of the number of HSRs trained and certificates of attendance issued
  - any substantial changes/additions to the approved training
  - any other matters that may be requested in writing by NT WorkSafe.
- provide assistance when NT WorkSafe is conducting an investigation into any complaints received; and
- act with due diligence and in a manner that is consistent with NT WorkSafe's requirements.

## Trainer competence

All trainers who wish to deliver HSR training in the Northern Territory must first be approved by NT WorkSafe.

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 occupation 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.

The training provider must ensure that their approved trainers have a thorough knowledge and understanding of the work health and safety legislative framework including the entitlements, functions, powers and protections of a HSR.

In addition, training 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.

## Record keeping

An approved training provider must maintain the following records for inspection by NT WorkSafe for seven years:

- records of all course training dates;
- participant enrolment or registrations forms;
- documentary evidence of the dates that each participant was in attendance at approved HSR training;
- records of all Certificate of Attendance (with unique identifying numbers);
- participant evaluation forms; and
- any other relevant correspondence between itself and NT WorkSafe.

## Accuracy and integrity of marketing

An approved training provider must:

- ensure that the relevant information is provided to HSRs so that they are aware of their legislative entitlements with regard to selection of an approved training course;
- ensure that its marketing and advertising of approved HSR training course is accurate and consistent with its approval by NT WorkSafe; and
- only use the NT WorkSafe logo with the consent of NT WorkSafe and in accordance with any conditions of use as specified in relation to the provision of approved HSR training course.

## Strategies to provide quality approved HSR training

An approved training provider must:

- ensure the initial HSR training is a minimum of 35 hours face-to-face training over a period of five days;

**NB:** *Should a variance in the number of days the course is to be delivered be required, prior written notification to NT WorkSafe must be made. Approval from NT WorkSafe must be granted prior to the course being delivered.*

- ensure the refresher HSR training which must be a minimum of seven hours face-to-face training over a period of one day;
- ensure that any commenced training is completed by training participants within a six month period;
- ensure that the facilities, equipment and training materials to be used are consistent with the delivery requirements contained in the approved training course and also meet work health and safety requirements;
- ensure the continuing development of approved trainers in occupational or work health and safety currency and trainer competence;
- have defined processes in place to ensure that its course materials remains current and technically accurate for the duration of its approval period; and
- a copy of the WHS Act made readily available in the training room to all course participants; and

- a digital version of the WHS Act is provided to each course participant on completion of the course.

## Strategies to adhere to the principles of access and equity and to maximise outcomes of HSRs

An approved training provider must:

- have a mechanism in place to ensure HSRs receive training and support services that meet their individual needs in line with adult learning principles;
- have a transparent and accessible process available to address HSR concerns that will ensure complaints about the administration and/or delivery of the approved training course a HSR attended are addressed effectively and efficiently;
- ensure the maximum number of participants attending each training date does not exceed 20; and
- have a mechanism in place to ensure that those who have completed the training are able to be provided with a replacement Certificate of Attendance, if required, on request.

## Audit and investigation

An approved training provider must cooperate with and assist NT WorkSafe staff or agents:

- when they observe and monitor the delivery of training to ensure quality and integrity;
- in a systematic audit and review of the conduct of the approved training provider to ensure compliance with the conditions of approval;
- during any investigation resulting from an allegation or a complaint; and
- in relation to any reasonable request for further information or assistance.

## Northern Territory specific conditions

An approved training provider must ensure:

- the approved training is only delivered in the Northern Territory;
- the approved training is only delivered by approved trainers listed on the approval schedule;
- it maintains the currency of its capacity to deliver effective HSR training e.g. through delivering training four times a year, through professional development of approved trainers, through involvement in industry projects and WHS research;
- it is prepared and has the capacity to deliver HSR training in centres around the Northern Territory e.g. Nhulunbuy, Tennant Creek, Katherine, as well as Darwin and has approved trainers with an understanding of cultural issues; and
- it verifies with the PCBU who has registered the worker for training that the worker is an elected HSR in accordance with the WHS Act.



## Compliance monitoring and enforcement

To ensure HSRs are receiving high quality approved training, NT WorkSafe will conduct post approval monitoring and quality assurance activities. Failure to comply with the conditions of approval or reasonable requests from NT WorkSafe may result in the suspension or cancellation of the provider's approval status.

Written notification of NT WorkSafe's decision to suspend or cancel a training provider's approval status or its course of training will be sent to the provider at least seven business days prior to making a final decision. An approved training provider may be offered the opportunity to submit further information to NT WorkSafe for consideration prior to a final decision in relation to the suspension or cancellation being made.