



Australian Government

Comcare

# HOW TO BECOME AN APPROVED PROVIDER OF HEALTH AND SAFETY REPRESENTATIVE (HSR) TRAINING FOR THE COMMONWEALTH JURISDICTION

Guidance 1

October 2017





# CONTENTS

INTRODUCTION	4
HSR TRAINING COURSE REQUIREMENTS	4
PURPOSE	4
PART 1: THE APPROVAL PROCESS	5
1.1 Who can apply?	5
1.2 Fees	5
1.3 What should be submitted?	5
1.4 How will the application be assessed?	6
1.5 Period of approval	6
1.6 Can applicants be approved to offer training in more than one jurisdiction?	6
PART 2: TRAINER QUALIFICATIONS	7
PART 3: REQUIREMENTS FOR APPROVAL OF A COURSE OF TRAINING	7
PART 4: CONDITIONS OF APPROVAL	7
4.1 Governance	8
4.2 Interaction with whs regulators	8
4.3 Record keeping	9
4.4 Accuracy and integrity of marketing	9
4.5 Strategies to provide quality approved HSR training	9
4.6 Strategies to adhere to the principles of access and equity and to maximise outcomes for HSRs	10
4.7 Audit and investigation	10
PART 5: RENEWAL OF APPROVED PROVIDER STATUS	11
PART 6: COMPLIANCE MONITORING AND ENFORCEMENT	11
ATTACHMENT 1: APPLICATION FORM AND CHECKLIST	12

# INTRODUCTION

Health and Safety Representatives (HSRs) are entitled to undertake a course of training approved by Comcare. This entitlement is outlined in Section 72 of the *Work Health and Safety Act 2011* (WHS Act).

When considering an application for approval to conduct HSR training, Comcare may have regard to:

- > 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 the person who is to deliver the course.

Training organisations, companies or sole traders may seek approval to provide HSR training.

## HSR TRAINING COURSE REQUIREMENTS

Resources have been created for course developers so that they can design and write mandatory course content focused on developing the skills, knowledge and understanding of HSRs.

These resources are intended to support the implementation of harmonised HSR training across all jurisdictions.

The resources endorsed by a Safe Work Australia advisory body—which includes WHS regulators, union and employer representatives—include:

- > *Underpinning principles for the development of a regulator approved HSR training course*
- > *Learning outcomes for the initial and refresher training for HSRs.*

Both of these resources are detailed in the associated guidance document *HSR training course requirements (Guidance 2)*.

Note: The refresher HSR training course content requirements are also detailed in *HSR training course requirements*.

## PURPOSE

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

It outlines the process for applying for approval to conduct HSR training and includes information about:

- > how to submit an application for approval
- > the course development process
- > the approval process (including the conditions of approval)
- > minimum trainer qualifications
- > monitoring and quality assurance processes.

The requirements contained in this document apply to all applications for approval of both initial and refresher HSR training under the WHS Act made to Comcare from 1 January 2012. To ensure national consistency and continuous improvement, these conditions and requirements will be reviewed by WHS regulators when necessary. This document was last reviewed in October 2017.

# PART 1: THE APPROVAL PROCESS

An application must be made to Comcare for approval to deliver the following HSR training:

- > initial HSR training course—must be a minimum of 35 hours face-to-face training over five days
- > refresher HSR training course—must be a minimum of seven hours face-to-face training over one day
- > renewal of existing HSR training approval at expiry of term of approval.

Note: Training providers can only seek approval to deliver refresher HSR training if they are also seeking approval to deliver initial training—or they are already approved to deliver initial HSR training.

## 1.1 WHO CAN APPLY?

A training organisation, company or sole trader may apply for approval to deliver initial and/or refresher HSR training.

## 1.2 FEES

The scheduled application fee is \$5500 and is payable with the initial/renewal application.

If an application is unsuccessful after a first and second assessment, a new application and application fee is required.

There is no application fee for approval of a refresher course.

Once a course is approved, a training provider may make small changes to the course (updating legislative changes, for example) without paying additional fees. Any significant changes to the course during the approval period will require a new application.

## 1.3 WHAT SHOULD BE SUBMITTED?

Applications for approval to become a provider of HSR training for the Commonwealth jurisdiction must include:

- > a completed application form (see Attachment 1) with all associated documentation
- > a full set of the proposed training course materials, including:
  - course timetable
  - session plan (content, delivery approach, duration of exercises and activities)
  - trainer’s guide (including detailed trainer’s notes)
  - participant guide, with exercises and activities
  - PowerPoint presentation
  - supplementary material (handouts, activities, videos/DVDs)
  - method of recording attendance
  - administration documents including course evaluation processes, process for completing and issuing course certificates and replacement certificates
  - course evaluation form
  - course certificate templates
- > trainers’ details (see Part 2)
- > a matrix that demonstrates where each prescribed learning outcome has been covered in the submitted course (see guide *HSR training course requirements—Guidance 2*)
- > the prescribed fee.

A checklist to assist applicants is provided at Attachment 1.

Applications that do not include all of the submission requirements will not be assessed until all of the submission requirements have been met.

## 1.4 HOW WILL THE APPLICATION BE ASSESSED?

When assessing an application, Comcare will have regard to the:

- > alignment of content against the relevant underpinning principles and learning outcomes
- > content and quality of the training materials
- > extent to which the training materials are relevant to the powers, and functions of a HSR
- > qualifications, knowledge and experience of the trainer(s) who will deliver the training.

When assessing an application, Comcare may need to verify information provided by the applicant and consider information provided by other WHS regulators. Comcare follows procedural fairness requirements. Applicants are therefore provided with an opportunity to provide further information if Comcare makes other enquiries.

If Comcare assesses a course as not meeting the requirements for approval, applicants will have the opportunity to make corrections and resubmit. After the second submission, Comcare will notify the applicant in writing if approval has not been granted. There is no appeal process under the WHS Act for a decision made under section 72(1)(a). However, Comcare will undertake an internal review of the decision if requested. The applicant may also choose to make a new application.

## 1.5 PERIOD OF APPROVAL

Approval will be granted for a period of up to five years. During the approval period the approved provider will need to continue 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 and the Commonwealth. Applicants should make an initial application to the WHS regulator in the jurisdiction in which they intend to conduct the majority of HSR training. Applicants must be approved by Comcare in order to deliver HSR training in the Commonwealth jurisdiction.

Once approval has been granted in one jurisdiction, an applicant may apply for approval in other jurisdictions. Applicants must meet any requirements particular to each jurisdiction in which they apply. For example, in Western Australia and Queensland, training providers must be registered training organisations.

Note: Approval to deliver HSR training in one jurisdiction does not guarantee that approval will be given in another state, territory or the Commonwealth.

## PART 2: TRAINER QUALIFICATIONS

All trainers of approved HSR training must have (as a minimum):

- > Certificate IV in Training and Assessment—TAE40116; or TAE40110 / TAA40104 with TAELN411 (Address adult language, literacy and numeracy skills) or higher; and
  - a) a minimum of two years relevant experience in an occupational or work health and safety role; or
  - b) 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 has responsibility for ensuring that trainers employed by them understand the entitlements, functions, powers and protections of a HSR under the WHS Act. Providers must also ensure that their trainers undertake professional development activities to ensure their occupational or work health and safety industry experience and facilitation/training skills remain current.

All casual and permanent trainers engaged by a training provider following initial approval must have the required qualifications and experience. The provider must seek Comcare approval prior to delivering HSR training.

## PART 3: REQUIREMENTS FOR APPROVAL OF A COURSE OF TRAINING

Applicants must develop their course material based on the underpinning principles and learning outcomes outlined in the guidance document HSR training course requirements—Guidance 2.

## PART 4: CONDITIONS OF APPROVAL

In addition to the requirements outlined in Parts 2 and 3, the following conditions of approval—and ongoing approval—also apply. These conditions relate to:

- > governance
- > interaction with WHS regulators
- > record keeping
- > marketing
- > compliance with legislation
- > ongoing quality assurance of approved HSR training (courses and delivery).

Comcare may also impose additional specific conditions for training providers, trainers or course requirements. The training provider will be notified and provided with an opportunity to make submissions before a final decision about imposing variations is made.

## 4.1 GOVERNANCE

The applicant must possess—or have access to—the administration resources and infrastructure necessary to comply with all general and any specific conditions of approval. 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 nor on-sell their approved provider status to a third party to deliver an approved HSR training course
- > provide a training evaluation form to each participant upon completion of the approved course of training
- > issue a certificate of attendance to each participant who completes the approved HSR initial or refresher training within 10 working days of completion, unless exceptional circumstances apply.

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
- > date(s) of attendance at training
- > the name of the trainer
- > the approved training provider's name and, if applicable, registered business name, ABN and Comcare 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)
- > a statement that the course is approved by Comcare in the Commonwealth jurisdiction
- > the date of issue of the certificate.

## 4.2 INTERACTION WITH WHS REGULATORS

An approved training provider must:

- > cooperate with any reasonable requirements Comcare has for ongoing monitoring and quality assurance of the approved course and individual trainers—for example, notification of future course dates
- > notify Comcare in writing within 14 days of any change to the details of the approved training provider and its trainers, or any proposed substantial changes to course content or delivery method
- > provide Comcare with an accurate written report by July 31 each year detailing:
  - the number and type of courses run per year
  - the number of HSRs trained and certificates of attendance issued
  - participant details—name, organisation (PCBU), state the training was held and dates of attendance at training
  - any other matters that may be requested in writing by Comcare
- > provide assistance when Comcare is conducting an investigation into any complaints received
- > act with due diligence when confirming eligibility for refresher training and acting in a manner consistent with Comcare's requirements.



## 4.3 RECORD KEEPING

An approved training provider must maintain the following records for seven years:

- > Trainer C.V., qualifications and experience
- > records of all course training dates
- > participant enrolment or registration forms
- > documentary evidence of the dates that each participant was in attendance at approved HSR training
- > records of all certificates of attendance (with unique identifying numbers)
- > records of any replacement certificates issued
- > participant evaluation forms
- > any other relevant correspondence between itself and Comcare.

## 4.4 ACCURACY AND INTEGRITY OF MARKETING

An approved training provider must:

- > provide HSRs with information about their legislative entitlement to select an approved training course
- > ensure that its marketing and advertising of approved HSR courses is accurate and consistent with its approval by Comcare.

## 4.5 STRATEGIES TO PROVIDE QUALITY APPROVED HSR TRAINING

An approved training provider must:

- > ensure that all training is delivered in line with the underpinning principles contained in the guidance document *HSR training course requirements—Guidance 2*
- > ensure that the workplace inspection is supervised
- > ensure that participants commence and complete the initial training course within a six month period, unless exceptional circumstances apply and Comcare approves a longer period
- > ensure that facilities, equipment and training materials are consistent with the specifications contained in the approved course, and also meet with current work health and safety requirements
- > ensure the trainers participate in continuing development of their work health and safety and trainer skills
- > have defined processes that ensure course materials remain current and technically accurate for the duration of its approval period
- > provide a copy of the WHS Act (in any format) to all course participants. However, an official hard copy of the Act must be provided to a course participant if requested.

## 4.6 STRATEGIES TO ADHERE TO THE PRINCIPLES OF ACCESS AND EQUITY AND TO MAXIMISE OUTCOMES FOR HSRs

An approved training provider must:

- > provide HSRs with training and support services that meet their individual needs in line with adult learning principles
- > provide HSRs with a safe and inclusive learning environment where they will gain the knowledge, skills and experience needed to exercise their powers effectively and responsibly when representing members of the work group (WG)
- > have a transparent and accessible process available to address HSR concerns and ensure complaints about the administration and/or delivery of a course are addressed effectively and efficiently
- > ensure the maximum number of participants attending each training date does not exceed 20
- > ensure that those who have completed the training are provided with a replacement certificate of attendance, if required, on request. This must be annotated as 'replacement' and contain the original unique identifying number.

## 4.7 AUDIT AND INVESTIGATION

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

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

# PART 5: RENEWAL OF APPROVED PROVIDER STATUS

An application for renewal of an approval must be made at least three months before an approval expires. If Comcare takes longer than three months to complete an assessment, the approved provider will retain their approval status until the assessment is finalised, or they are deemed not to have complied with the conditions and requirements and their approval status is suspended or cancelled.

An application for renewal takes the same form as an initial application, including the submission of all materials and the payment of the \$5500 fee.

However, if the provider has been audited by Comcare, finalised any Corrective Action Plan and submitting the course unchanged (except for accuracy and currency updates), they may submit a statement to that effect in lieu of completing the Learning Outcome Matrix—see application form at Attachment 1.

# PART 6: COMPLIANCE MONITORING AND ENFORCEMENT

To ensure that HSRs are receiving high quality training, Comcare may conduct post approval monitoring and quality assurance activities. Comcare may conduct audits regularly or in response to an issue raised by a stakeholder, and this may involve:

- > attendance at a training session (at no cost) to ensure the course continues to meet the approval requirements
- > discussing training activities with trainers and participants
- > reviewing completed evaluation forms.

Failure to comply with conditions of approval or reasonable written requests from Comcare may result in suspension or cancellation of the provider's approval status, or the approved course of training, or both.

Comcare's intention to suspend or cancel a training provider's approval status or its course of training will be sent to the provider in writing at least seven business days before the decision is final. The approved provider may be offered the opportunity to provide Comcare with further information in that seven days before the approval status is suspended or cancelled.

Further information on this topic is contained in guidance document HSR training courses—post approval monitoring—Guidance 3.

# ATTACHMENT 1: APPLICATION FORM AND CHECKLIST

## APPLICATION FOR APPROVAL/RENEWAL TO DELIVER HEALTH AND SAFETY REPRESENTATIVE TRAINING UNDER THE *WORK HEALTH AND SAFETY ACT 2011 (COMMONWEALTH)*

### Introduction

Applicants seeking approval or re-approval to conduct HSR training in the Commonwealth jurisdiction need to complete this form.

If you wish to conduct HSR training in another jurisdiction you should submit an application to that state or territory regulator. Training can only be delivered to HSRs elected in the jurisdiction in which approval has been granted.

### Collection of personal information

Personal information collected by Comcare is used to register, process, assess and evaluate each application, and to verify the qualifications and experience of trainers. You can access the Comcare privacy policy at:

[http://www.comcare.gov.au/about\\_us/privacy](http://www.comcare.gov.au/about_us/privacy)

The *Work Health and Safety Act 2011* (WHS Act) states that WHS regulators may share information about HSR training providers. If you seek approval to deliver HSR training in more than one jurisdiction, WHS regulators may share information contained in your application or obtained in the approval process.

Comcare publishes each applicant's contact details and training provider status on its website. If you do not provide all of the information required by Comcare, your application may not be processed.

### Directions

1. Complete this application and attach all requested documentation (see Part 1.3 of this guide).
2. Ensure all nominated trainers hold the appropriate qualifications (see Part 2 of this guide).
3. Complete the application checklist.
4. Forward the completed application—with attachments and appropriate fee to Comcare:

Email: [HSR.Course.Approval@comcare.gov.au](mailto:HSR.Course.Approval@comcare.gov.au)

or

HSR Course Approval  
Authorisation and Audit Team  
Comcare  
GPO Box 9905  
CANBERRA ACT 2601

### Approval process

Comcare will assess applications against the requirements outlined in this guide and the guidance document *HSR training course requirements—Guidance 2*. Comcare will advise applicants of their decision in writing.

Initial approval is granted for up to five years. Refresher training approval expiry date will be aligned with the initial approval expiry. Training providers may be subject to audits and monitoring during the approval period. Failure to comply with the conditions outlined in this guide may result in suspension or cancellation of the approval.

# TRAINING PROVIDER ORGANISATION DETAILS

Please complete the following details. Ensure the form is legible and accurate to avoid delays processing your application.

Type of course(s) you are seeking approval for (please check as applicable)

- Initial HSR training course
- Refresher HSR training course
- Renewal of Initial HSR training course
- Renewal of Refresher HSR training course

## Registered business name and ABN

Name	<input type="text"/>	ABN	<input type="text"/>
No.	<input type="text"/> Street <input type="text"/>	Suburb	<input type="text"/>
State	<input type="text"/> Postcode	<input type="text"/>	
Phone	<input type="text"/>	Fax	<input type="text"/>
URL	<input type="text"/>	Email	<input type="text"/>
PO box	<input type="text"/> Suburb <input type="text"/>	State	<input type="text"/> Postcode <input type="text"/>

## Principal place of business (if different to above)

No.	<input type="text"/> Street <input type="text"/>	Suburb	<input type="text"/>
State	<input type="text"/> Postcode	<input type="text"/>	

## Postal address (leave blank if same as above)

No.	<input type="text"/> Street <input type="text"/>	Suburb	<input type="text"/>
State	<input type="text"/> Postcode	<input type="text"/>	

# AUTHORISED OFFICER DETAILS

Authorised officer(s) i.e. Chief Executive or equivalent

Name	<input type="text"/>	Name	<input type="text"/>
Position	<input type="text"/>	Position	<input type="text"/>
Phone	<input type="text"/>	Phone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>

*Please note that the Authorised Officer will be responsible for signing the Certificates of Attendance for completed HSR training.*

Please attach copies, either electronically (preferred) or in hard copy, of the following documents to this application for each type of course you wish to deliver:

- > a full set of the proposed training course materials, including:
  - course timetable
  - session plan (content, delivery approach, duration of exercises and activities)
  - trainer’s guide (including detailed trainer’s notes)
  - participant guide, with exercises and activities
  - PowerPoint presentation
  - supplementary material (handouts, PowerPoint presentations, videos/DVDs)
  - method of recording attendance
  - administration documents including course evaluation processes, process for completing and issuing certificates and replacement certificates
  - course evaluation form
  - course certificate templates.
- > trainers’ details (see next page).
- > a matrix that demonstrates where each prescribed learning outcome has been covered in the course (see *HSR training course requirements—Guidance 2*). *This is not required for a renewal application where the course has been audited and no substantial changes have been made.*
- > A statement that the previously approved (and audited) course has not been substantially changed and a list of any minor edits that may have occurred. *Only applicable for renewal applications.*
- > copy of the process for checking HSR eligibility to attend a refresher course including sighting and retaining copies of 5 day certification. *Please note this applies only to those seeking approval for the Refresher training.*
- > the prescribed fee.

# NOMINATED TRAINER DETAILS (copy this page for additional trainers)

- > A nominated trainer is a person employed by, contracted to, partnered with, or affiliated with you as the applicant, and who has been nominated by you to deliver HSR training.
- > You need to provide details of at least one nominated trainer with this application.
- > You must seek Comcare approval for any additional nominated trainer/s before delivering HSR training.
- > You must validate the claimed skills, experience and qualifications of each nominated trainer. You need to retain evidence of these details for audit purposes.

## Nominated trainer name

Title  Given name(s)

Surname  Mobile

Date of birth (for identification purposes)

Qualification(s)

## Experience

It is an offence to make a false or misleading statement in this form and penalties may apply.

# CONFIRMATION OF CONDITIONS AND DECLARATION

To be completed by the Authorised Officer(s)

## TICK

- I have read this guide and we meet the requirements and conditions outlined within it.
- I agree to comply with the conditions of approval in Part 4 of the guide.
- I have checked, validated and retained evidence of each nominated trainer’s formal qualifications and work experience.
- I acknowledge that any breach of the conditions of approval may result in the suspension or cancellation of our approval to deliver HSR training.

As Authorised Officer(s) I / we declare:

The information provided in support of this application is true and correct. Where I have provided personal information in connection with this application about any other individual, I am authorised to provide that information.

Name of Authorised Officer  Position

Signature  Date

Name of Authorised Officer  Position

Signature  Date



# APPLICATION FEES

The scheduled application fee for approval or renewal of the initial course is \$5500 and is payable with this application.

If your application is unsuccessful after a second assessment, you will need to submit a new application and pay another application fee.

There is no application fee for approval of a refresher course. However, you must be approved, or seeking approval, to deliver initial HSR training before submitting an application for approval of a refresher course.

## Method of payment

- Cheque/money order payable to Comcare enclosed
- Credit card

If paying by credit card

- Please debit my  Mastercard  
 Visa

the amount of \$     .

to cover my application for initial training course approval/renewal

Card number

Expiry date   /

Card holder name

Signature

Date   /   /

# APPLICATION CHECKLIST

Please complete this checklist to ensure your application is complete.

Application form is complete, signed and dated

I have enclosed a full set of the proposed training course materials (for each type of course), including:

- course timetable
  - session plan (content, delivery approach, duration of exercises and activities)
  - trainer's guide (including detailed trainer's notes)
  - participant guide, with exercises and activities
  - PowerPoint presentation
  - supplementary material (handouts, activities, videos/DVDs)
  - method of recording participant attendance
  - administration documents including course evaluation processes, process for handing out course certificates, process for completing and issuing course certificates and replacement certificates
  - course evaluation form
  - course certificate of attendance templates
  - copy of the process for checking HSR eligibility to attend a refresher course including sighting and retaining copies of 5 day certification (if applying for approval to deliver Refresher training)
- I have verified trainers' details
- I have included the Learning Objectives Matrix (LOM) demonstrating where each prescribed learning outcome is covered in the course (see HSR training course requirements—Guidance 2) or
- I have included a statement that the previously approved (and audited) course has not been substantially changed with a list of any minor edits that may have occurred (whichever is applicable)
- I have included payment details for the prescribed fee



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