Authorisation of Registered Training Organisations as assessor of high-risk work licences

Background

The Occupational Health and Safety Regulations 2017 (the Regulations) state there are certain activities that are high-risk and can only be carried out by a person that holds the applicable high-risk work (HRW) licence.

One of the most important parts of the HRW licensing process is the training an applicant is provided prior to being assessed against a National Assessment Instrument (NAI) for a HRW licence.

If there are inadequately trained persons, or persons working in HRW activities who are not competent to obtain or hold a HRW licence, this could result in serious incidents or injuries. This may end in catastrophic outcomes for employees, employers and the community.

To ensure HRW licence assessments are conducted in accordance with legislative and national licence assessment requirements, WorkSafe authorises people to carry out HRW licence assessments on its behalf.

Regulation 139 allows WorkSafe sole discretion to decide who will be authorised to conduct assessments for classes of HRW, how long an authorisation lasts and under what terms and conditions.

WorkSafe authorises suitable Registered Training Organisations (RTO) and individuals to work together to carry out HRW licence assessments. An individual who is authorised to conduct these assessments is referred to as an Individual Assessor (IA).

When a person requires a HRW licence, they enrol in a HRW licence course run by an RTO to be trained and assessed.

Applying to become an Authorised RTO

RTOs can apply to WorkSafe to be authorised to conduct HRW licence assessments by submitting a completed Application for authorisation of a Registered Training Organisation to assess classes of high risk work form, available from worksafe.vic.gov.au. See Appendix A and B for further information.
Authorisation of Registered Training Organisations (RTO) as assessors of High Risk Work (HRW) licences

**Authorisation Process**

Authorisation may be granted to RTOs who are able to demonstrate to Worksafe they have systems of work in place to ensure this important role in Victoria is conducted safely, with integrity and in accordance with all legislative requirements. To assist with making this determination, RTOs must complete the authorisation process and meet certain standards before WorkSafe grants RTO authorisation.

<table>
<thead>
<tr>
<th>Step</th>
<th>Requirements</th>
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</thead>
<tbody>
<tr>
<td>Application</td>
<td>RTO submits an application form to WorkSafe</td>
</tr>
<tr>
<td>Policy and Procedure Review</td>
<td>RTO submits a Pre-Authorisation Worksheet and documentation showing how the RTO is able to comply with the requirements of Authorisation as an RTO. WorkSafe will conduct a desktop review of submitted documentation.</td>
</tr>
<tr>
<td>On-site review</td>
<td>WorkSafe attends the Victorian office of the RTO and validates any outstanding matters from the Policy &amp; Procedure Review.</td>
</tr>
<tr>
<td>Temporary Authorisation</td>
<td>RTO signs Conditions of Authorisation for Registered Training Organisations</td>
</tr>
<tr>
<td></td>
<td>WorkSafe countersigns Conditions and issues RTO Authorisation for 12 months</td>
</tr>
<tr>
<td>Affiliate</td>
<td>RTO affiliates with Individual Assessors authorised by WorkSafe</td>
</tr>
<tr>
<td></td>
<td>RTO commences HRW assessments</td>
</tr>
<tr>
<td>Review Audit</td>
<td>WorkSafe audits RTO HRW activities during the Temporary Authorisation period</td>
</tr>
<tr>
<td>Full authorisation</td>
<td>After a satisfactory audit outcome, WorkSafe grants RTO Full Authorisation</td>
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</tbody>
</table>
Authorisation of Registered Training Organisations (RTO) as assessors of High Risk Work (HRW) licences

RTO Policy & Procedure Review

In addition to requirements set out by training regulators, WorkSafe requires RTOs to comply with Conditions of Authorisation and other requirements.

The purpose of a Policy and Procedure Review is to ensure RTOs applying for authorisation have systems, processes, policies and procedures in place to be able to demonstrate ability to comply with the Conditions of Authorisation and other associated requirements.

WorkSafe provides RTOs who submit a suitable application with a Pre-Authorisation Worksheet, which outlines what requirements RTOs must submit to WorkSafe for a Policy & Procedure Review. The requirements for the submission will vary dependent on the RTO's intended mode for delivering HRW assessments.

Limitation on where assessments can be conducted

If the RTO indicates in the application that they only intend to conduct the assessments at a dedicated training facility (e.g. a premises owned/leased by the RTO) and provide documentation related only to this mode of delivery, the RTO will be authorised to conduct assessments only at that facility.

RTOs who would like to change/add additional methods to their mode of delivery must apply to WorkSafe for an alteration to their Authorisation and supply additional documentation as outlined in the Pre-Authorisation Worksheet for RTOs for that delivery method.

Assistance and feedback on RTO submission

WorkSafe will provide general information, advice and feedback on a submission, but does not provide consultancy services. RTOs may decide to obtain advice from suitably qualified persons to assist with the submission.

Resubmission

If WorkSafe decides the RTO submission does not meet the requirements for Authorisation, the RTO will be informed in writing of any areas requiring attention by making a resubmission. The RTO will have an opportunity to resubmit their Pre-Authorisation Worksheet and documentation within 30 days. The resubmission must address all matters identified by WorkSafe.

On-Site Review

If an RTO is considered suitable after a Policy & Procedure Review, WorkSafe will attend the RTOs Victorian office and training facility (if applicable).

The purpose of an On-Site Review is for WorkSafe to conduct an audit and review information unable to be verified in a Policy & Procedure Review – e.g. secure storage for student records, RTO facilities, resources and equipment required for a HRW assessment.

WorkSafe will meet and interview RTO representatives to ensure they are aware of their roles and responsibilities as an Authorised RTO.

RTOs will be informed in writing of the outcome of an On-Site Review.

Follow-up Review

If WorkSafe identifies any matters during an On-Site Review, the RTO will have an opportunity to rectify any matters before a final decision is made. In this instance, WorkSafe will conduct a Follow-up Review.

Conditions of Authorisation for RTOs

Authorisation requires an RTO to sign and comply with Conditions of Authorisation for RTOs (RTO Conditions). The RTO Conditions is a document which sets out standards and requirements which must be complied with by Authorised RTOs. Before WorkSafe grants Authorisation, RTO Conditions must be signed by the RTO representative and returned to WorkSafe. Signing the document indicates agreement to comply with the RTO Conditions.
Authorisation of Registered Training Organisations (RTO) as assessors of High Risk Work (HRW) licences

Affiliation
Authorised RTOs need to have an arrangement with Authorised Individual Assessors to carry out assessments of competency of HRW on their behalf. Individual Assessors must be formally recognised by WorkSafe as working with an RTO to conduct HRW licence assessments. This process is known as 'affiliation'.

Authorised RTOs are required to submit a completed Request for acknowledgement of affiliation between an authorised registered training organisation (RTO) and an authorised individual assessor form, available from worksafe.vic.gov.au. WorkSafe must acknowledge all affiliations in writing prior to any assessments commencing.

The RTO and Individual Assessor must both be authorised for the class/es of HRW requested for in affiliation.

Temporary Authorisation
RTOs who are considered suitable following the application and review process, and have returned a signed copy of the RTO Conditions will be issued with Temporary Authorisation.

Temporary Authorisation allows an authorised RTO to conduct assessments for classes of HRW. The purpose of a Temporary Authorisation is to allow WorkSafe to conduct Review Audit of an RTOs performance and compliance with the RTO Conditions prior to issuing Full Authorisation. Temporary Authorisation is granted for 12 months.

Review Audit Standard
The Review Audit must be without any major non-compliances with the RTO Conditions.

Major non-compliances are defined as those which compromise the integrity, confidentiality or safety of assessments and may result in cancellation or suspension of an Authorisation.

If minor non-compliances are identified, WorkSafe may request a Remedial Action Plan. A Remedial Action Plan must outline how the RTO intends to address identified non-compliances. All actions must be implemented within a specified time period from the date submitted to WorkSafe. WorkSafe will conduct a Follow-Up Audit to ensure the actions in the Remedial Action Plan have been addressed or implemented and the RTO meets the requirements of the Review Audit.

Assessment Instruments and Notices of Assessment
WorkSafe issues Authorised RTOs with National Assessment Instruments (NAIs). These assessment instruments must be used to assess applicants for classes of HRW for licensing purposes.

WorkSafe issues Authorised RTOs with Notice of Assessment (NOA) pads. An NOA is issued to an applicant by an Individual Assessor upon the conclusion of a HRW licence assessment.

RTOs must keep all NAIs and NOA’s confidential, secured and controlled in accordance with the Conditions of Authorisation.

Full Authorisation
Full Authorisation is granted after all of the requirements have been met. The period for Full Authorisation is 5 years, however non-compliance with the RTO Conditions identified during this period may result in cancellation or suspension of an Authorisation.

Decision to Refuse, Suspend or Cancel an Authorisation
If an RTO does not meet the required criteria or standards for Authorisation, WorkSafe may decide to refuse an Authorisation. If an already Authorised RTO fails to comply with the requirements of Authorisation, or is no longer suitable for Authorisation, WorkSafe may suspend or cancel an Authorisation.
Proposal to Refuse, Cancel or Suspend

WorkSafe informs the RTO in writing of the decision and the reasons for the decision. The RTO may respond within 30 days with reasons why WorkSafe should reconsider the decision.

Final Decision

After 30 days, WorkSafe considers the response provided by the RTO and makes a final decision. The RTO is informed in writing of the final decision.

Senior Management Review

- The RTO may request a WorkSafe senior manager review the original decision
- Senior manager reviews decision and informs RTO in writing of the outcome of the review
- This process may run concurrently with a Judicial Review

Judicial Review

- RTO may apply to the Supreme Court of Victoria for review of the decision
- This process may run concurrently with a Senior Management Review

Review of a WorkSafe decision

If an RTO is not satisfied with WorkSafe's decision, they may decide to request a review of a WorkSafe decision. There are two review options – Senior Management Review and Judicial Review.

Senior Management Review

A Senior Management Review is an internal WorkSafe process. The Senior Management review offers the RTO assurance that correct processes were followed throughout the decision making process and that the decision was reasonable and fair. A senior manager not involved in the original decision reviews the information available. An RTO will be informed in writing of the outcome of the review.

An application for a Senior Management review is in addition to, and does not have any impact on RTOs legal rights to seek review of WorkSafe’s decision with an external body or court.
It is recommended that RTOs seek independent legal advice about any further rights of review of WorkSafe’s decision.

A Senior Management Review must be requested within 30 days of advice of the original decision by completing the form Request for Senior Management Review of a WorkSafe Decision for High Risk Work Assessor Authorisations. This form will be provided with advice of a WorkSafe decision.

Judicial Review

A Judicial Review is conducted by the Supreme Court of Victoria. Information about Judicial Review is available from the Supreme Court of Victoria on (03) 9603 9300, or from supremecourt.vic.gov.au.

Further information

For general enquiries about authorisation requirements please contact the WorkSafe Licensing Branch: Telephone: 1300 852 562 or email: licensing@worksafe.vic.gov.au

For specific enquiries about this information sheet email to WorkSafe’s Authorised Assessor Compliance Unit hrwasssessors@worksafe.vic.gov.au or call (03) 9940 4880.

For more information on occupational health and safety, go to WorkSafe’s website: worksafe.vic.gov.au

Contact Details

Call us on 1800 136 089
Email us at info@worksafe.vic.gov.au

Note: This guidance material has been prepared using the best information available to WorkSafe, and should be used for general use only. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe cannot be held responsible and extends no warranties as to the suitability of the information for your specific circumstances; or actions taken by third parties as a result of information contained in the guidance material.
## Approvals, Standards and other requirements

<table>
<thead>
<tr>
<th>The RTO must</th>
<th>Acceptable Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>be a current RTO registered with training regulators</strong></td>
<td>• a search of the National Register on Vocational Education and Training (VET) in Australia – (training.gov.au) shows the RTO has a current status.</td>
</tr>
<tr>
<td>2. <strong>have the relevant licensing Unit of Competency on the RTO Scope of Registration for delivery in Victoria for each class of HRW applied for</strong></td>
<td>• a search of the National Register on Vocational Education and Training (VET) in Australia – (training.gov.au) shows the RTO meets this requirement.</td>
</tr>
</tbody>
</table>
| 3. **have an office (physical address) in Victoria**                        | • Victorian business address provided on application form  
• verified as being a physical business address in Victoria  
• the office is equipped to ensure confidentiality, privacy, and is kept secure from unauthorised access  
• where the office address includes a residence – the office is clearly identifiable as a workplace, accessible to WorkSafe and/or clients.                                                                                     |
| 4. **Nominate a representative of the RTO who is**                          | • nominated as contact person on application form.                                                                                                                                                                       |
| • based in Victoria/able to attend the Victorian office in regular business hours |                                                                                                                                                                                                                     |
| • authorised to make decisions and give directions about the RTO operations |                                                                                                                                                                                                                     |
| 5. **Provide organisation identification details**                         | • for companies:  
  – Certificate of Registration as a company  
  – details of Registered office holders  
  – Company extract  
• for other entities:  
  – details of Registered Office Holders  
  – trust deed                                                                                                                                                                                                       |
## Fit and Proper Person

The RTO is required to be a fit and proper person. If any of the issues below are known they can be taken into account when making a decision

<table>
<thead>
<tr>
<th>Issue</th>
<th>Acceptable Evidence</th>
</tr>
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<tbody>
<tr>
<td>1. The RTO or a Director or Registered Office holder (with ASIC) have been convicted and or found guilty of any offence under any Occupational Health &amp; Safety Act or Occupational Health &amp; Safety Regulations in Australia or under the workplace health and safety law of another country.</td>
<td>• Declaration on application form, WorkSafe conducts searches of prosecution outcomes</td>
</tr>
</tbody>
</table>
| 2. The RTO has entered into an enforceable undertaking or equivalent under any workplace health and safety law. | • Declaration on application form  
• WorkSafe conducts searches of prosecution outcome |
| 3. The RTO has ever been suspended or cancelled from delivering training services by an Australian training regulator | • Declaration on application form  
• WorkSafe performs checks of training.gov.au |
| 4. The RTO have been struck from the ASIC Register and are no longer registered as a company | • Full company search from Australian Securities & Investment Commission |

Conduct to be considered to ensure the RTO, Director(s) and Registered Officers are of suitable character includes, but is not limited to:

<table>
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<tr>
<th>Category</th>
<th>Details</th>
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</table>
| **Criminal offences**                                                   | • Fraud/dishonesty offences  
• Health and safety offences  
• Training offences  
• Court ordered undertakings or enforceable undertakings |
| **Previous WorkSafe/TAC/ComCare considerations**                        | • Outstanding premiums |
| **Other**                                                               | • ASQA or VRQA investigation findings  
• Outstanding judgement debts  
• Garnishee orders  
• ATO Liabilities Outstanding  
• Bankruptcy  
• Director or former Director of company in liquidation  
• Any other finding which WorkSafe considers relevant to being Authorised as a Registered Training Organisation |