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From: Denise Rowling on behalf of WorkSafe Assessors
Sent: Tuesday, 5 April 2016
To:
Subject: FW: NOTICE to RTO CEO from the WorkSafe Western Australia Commissioner about High Risk Work Licence - Registered WorkSafe Assessors

Greeting

HIGH RISK WORK LICENCE - REGISTERED WORKSAFE ASSESSORS

As a Registered Training Organisation (RTO) in Australia, I understand you currently have on scope one or more qualifications leading to the potential issue of High Risk Work Licences (HRWL) to learners, who have been assessed by registered WorkSafe assessors (assessors) engaged by your RTO, as meeting all the requirements of the relevant unit(s) of competency.

The Occupational Safety and Health Regulations 1996 (the OSH regulations), provide authority for WorkSafe WA to register assessors to undertake assessments of HRWL candidates prior to me determining if they should be issued the relevant HRWL. WorkSafe WA's requires that HRWL assessors must be affiliated with an RTO for assessment purposes.

WorkSafe's audit activities have identified some important areas where HRWL assessors are not always complying with the requirements of the OSH regulations. As a result, in February this year, WorkSafe presented a number of seminars to HRWL assessors. The seminars were held in the metropolitan area and three regional locations. At the seminars, senior WorkSafe officers and I and took the opportunity to discuss these activities directly with the HRWL assessors.

HRWL assessors were advised:

- in order for me to approve an HRWL, HRWL assessors must comply with the requirements of the regulations;
- regulation 6.20 includes the obligation for HRWL assessors to conduct assessments using the 'approved assessment instrument';
- the 'approved assessment instruments', which are also known as National Assessment Instruments (NAIs), are approved by me; and
- as a result of the authorities provided by the regulations, when conducting HRWL assessments, assessors perform a legislative function on behalf of the WorkSafe Western Australia Commissioner and are therefore deemed to be 'public officers'.

At the seminars, HRWL assessors raised some concerns that during the assessment process, obligations of the regulations, expectation of candidates for an assessment of competency and the apparent requirements of some RTOs were potentially in conflict. The purpose of me writing to you today is to clarify that HRWL assessors conduct their assessments on my behalf and must comply with the OSH regulations and the instructions in the NAIs. WorkSafe also confirmed that to do otherwise, is likely to mean making a

false declaration on the Notice of Assessment. Information about penalties, which are significant for making a false declaration as a public officer, was also provided and emphasised.

Further, as you are aware, RTOs must fully comply with the Standards for Registered Training Organisations (RTOs) 2015 at all times when undertaking training and assessment services. For example, when issuing a statement of attainment, all requirements for that individual unit of competency must be met. For your information, please find attached Clauses 1.1 (Training) and 1.8 (Assessment) of these Standards.

I would greatly appreciate any assistance you can provide to the HRWL assessors for them to comply with their legislated requirements.

If you require any further information in relation to this issue or matters concerning the assessment process, please send the details to Worksafe.assessors@commerce.wa.gov.au.

Yours sincerely

Lex McCulloch

Lex McCulloch
WORKSAFE WESTERN AUSTRALIA COMMISSIONER

Att

Attachment

**STANDARDS FOR RTOS 2015 –
CLAUSES 1.1 (TRAINING) AND 1.8 (ASSESSMENT)**

- Clause 1.1 The RTO's training and assessment strategies and practices, including the amount of training they provide, are consistent with the requirements of training packages and VET accredited courses and enable each learner to meet the requirements for each unit of competency or module in which they are enrolled.
- Clause 1.8 The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):
 - a) complies with the assessment requirements of the relevant training package or VET accredited course; and
 - b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.