

# Health and safety representatives training

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## 1. Background

The Offshore Infrastructure Regulator (OIR) is provided with functions and powers under the Offshore Electricity Infrastructure Act 2021 (OEI Act). The OIR is responsible for regulating work health and safety, **infrastructure integrity**<sup>1</sup> and environmental management of **offshore infrastructure activities**<sup>2</sup> in the **Commonwealth offshore area**<sup>3</sup>.

The OEI Act framework has a strong focus on the protection of the workforce and addresses workplace health and safety through modified application the *Work Health and Safety Act 2011* (WHS Act) and the Work Health and Safety Regulations 2011 (WHS Regulations) (collectively, the applied work health and safety provisions).

The applied work health and safety provisions enable the OIR to approve training providers to deliver health and safety representative training (HSR training).

## 2. Purpose

This document is intended to assist training providers who are seeking to apply to the OIR for approval to offer HSR training. This guideline covers:

- the content requirements for applications for approval to provide HSR training
- the criteria that will be considered by the OIR and its assessors/or decisions makers in the assessment process
- the administrative processes for the lodging of the application and communication of the assessment process outcome.

## 3. Scope

This document is relevant to training providers who wish to be approved by the OIR to offer HSR training. This document is not legally binding and is provided to inform stakeholders as to how the OIR exercises its discretion under relevant legislation. It reflects the current policies of the OIR, which may change from time to time, with all changes being notified publicly.

## 4. Relevant legislation

The following Commonwealth legislation provides the legal framework to manage work health and safety for **offshore infrastructure projects**<sup>4</sup>, and for the OIR to approve HSR training:

- *Offshore Electricity Infrastructure Act 2021 (OEI Act)*

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<sup>1</sup> See section 8 of the OEI Act

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

- Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations)
- *Work Health and Safety Act 2011* (Cth) (WHS Act) as applied under the OEI Act
- Work Health and Safety Regulations 2011 (Cth) (WHS Regulations) as applied under the OEI Regulations.

This document does not cover legislative requirements beyond the scope of the OEI Act framework.

## 5. Approach to approving HSR training

### 5.1. Recognition of HSR training approval in other jurisdictions

For the purposes of its approval process, the OIR may have regard to any approval of HSR training by other WHS regulators.

Where a training provider is approved in another state/territory or Commonwealth jurisdiction to deliver HSR training that conforms with the learning objectives and outcomes set out in annex one of this document, the OIR will seek evidence of necessary modifications to ensure training is contextualised to the offshore renewable energy sector.

Evidence of contextualisation will only be required for the following expected learner applications:

- A1(b) Identify some key impacts—social and economic— arising from workplace injury and illness
- A1(c) Identify data on workplace injuries, illness and incidents relevant to their work group and industry sector
- A3(a) Identify applied WHS legislation, codes of practice, relevant industry/Australian standards, regulator specific guidance materials/interpretive guidelines, and explain their legal status, purpose and relation to each other
- A3(b) Explain using the applied WHS legislation, approved codes and guidance material, key sections of relevance for their industry sector/workplace
- A4(a) Provide examples of regulator functions and powers and how these are used to facilitate compliance with WHS legislation
- B1(b) Identify persons conducting a business or undertaking (PCBUs) of relevance to the HSR's work group and workplace and summarise their duties, with reference to the appropriate sections of the WHS Act and the OEI Act as relevant
- C1(c) Identify the matters that need to be taken into account when work groups are formed
- E2(a) Identify a range of hazards found within various workplaces and their impact on workers
- E3(a) Use a risk assessment process to demonstrate basic risk assessment principles and the use of simple risk assessment tools
- E3(b) Describe the concepts of safe place rather than safe person and the hierarchy of control
- E3(c) Explain a HSR's entitlement to participate in the review of risk control measures affecting members of their work group
- E3(d) Use legislation or guidance material to identify control measures for the identified risk or hazard

- E3(e) Explain how HSRs can contribute to the selection of control measures
- E4(a) Provide examples of the types of incidents that could occur at work
- E4(b) Identify the duties placed on PCBU's in relation to notifiable incidents
- E4(d) Use learning activities, such as a simulated incident investigation, to identify tools and techniques that could be used to investigate incidents.

## 5.2. The approval process

An application for approval to deliver HSR training must be made using our online form or by completing the editable PDF application form available at: [Application portal | OIR](#) and emailing the completed form to [offshorerenewables@oir.gov.au](mailto:offshorerenewables@oir.gov.au).

The OIR will consider applications in accordance with its Assessment policy and will specifically consider:

- the provider's training assessment strategy and training material
- the ability of the training provider to meet the conditions of approval
- the qualifications, knowledge and experience of the trainer(s) who will deliver the training.
- any approval of courses or training from other Regulators
- any other matters it considers relevant.

## 5.3. HSR training key principles

To ensure an effective and consistent approach to development and delivery of HSR training across jurisdictions, all harmonised WHS regulators have identified and adopted the following underpinning principles. These principles must be reflected in the training proposed to be delivered by the training provider.

### *HSR training does not include a formal assessment*

The intent of training is to develop a HSR's skills so they can represent their work group and exercise their powers and functions under the WHS Act. The HSR training course is not intended to train HSRs to be health and safety professionals or fulfil a PCBU's WHS obligations. Following participation in a course approved under the WHS Act, a HSR may wish to pursue more formalised training or seek recognition of prior learning (RPL) leading to a vocational qualification.

### *Adult learning principles*

Adults learn in different ways and bring a range of experiences and backgrounds to the learning environment. The HSR training course content and activities should integrate this experience and diversity. HSRs should be provided with the skills and knowledge to represent their work groups effectively. Training delivery should provide participants with opportunities to contribute and reflect upon their own workplace experience.

### *Context*

The majority of adults like to see the relevance of what they are learning to their work and life. Course content should enable participants to understand the link with their workplace experience or situation.

Activities should allow time for each participant to relate their skills and knowledge to industry specific WHS issues.

### ***Inclusive***

The following factors should be considered when developing and delivering HSR training courses:

- age
- gender
- culture
- disability
- language
- literacy
- numeracy.

The principles of plain English and gender-neutral language should also be adopted in the training materials and training delivery to ensure participants feel comfortable, confident and safe to interact with one another and participate fully in training activities.

### ***Activity-based***

The majority of adults are more likely to learn when they are actively involved rather than passively sitting and listening to a trainer presenting information. A range of interactive activities (such as group work, case studies and workplace inspections) should be used so participants can further develop and practice the required knowledge and skills. Participants should be encouraged to actively engage with other participants to develop consultation skills and the ability to cooperate and coordinate with other people in their role.

### ***Accommodates differences in learning styles***

The course content should cater for differences in learning styles or special needs. Using a variety of media (e.g. print, digital, audio) and activities (e.g. trivia quizzes, games, role plays) should ensure all learning styles are accommodated.

### ***Learner-centred***

A learner-centred approach to training focuses on the achievements of the participant, rather than the intentions of the trainer. Participants should be encouraged to engage with other HSRs and share their perspectives and experiences. They should also be provided with opportunities for self-reflection.

### ***Commitment to safety***

The safety and welfare of participants must be considered when training content and activities are developed and delivered. Applicants must ensure that they meet all WHS legislative requirements and commit to providing a safe and positive learning environment. Participants should be encouraged to interact, question and challenge in a non-judgemental environment.

## 5.4. Training content and delivery

### *Initial training*

The content of the initial training must reflect the learning objectives, learning outcomes, and expected learner application contained in Annex one.

Where an applicant is not seeking recognition of HSR training approval in another jurisdiction, applications must provide a matrix demonstrating how proposed training aligns with the learning objectives, outcomes and expected learner application.

Where items in the Annex are underlined, applicants must provide evidence of how their training on these items is contextualised to the offshore renewable energy sector.

### *Refresher training*

We do not prescribe the learning outcomes or content of refresher training courses. However, the course should:

- give an overview of the learning outcomes from the initial five-day course
- outline relevant changes to the OEI framework including applied provisions of the WHS Act and WHS Regulations
- help develop skills related to the role, powers, functions and behaviours of HSRs
- cover changes that may affect a HSR in performing their role in the workplace.

We encourage approved training providers to consider developing a suite of refresher courses, covering different themes. Providers should also respond to requests and suggestions from government agencies, self-insured licensees, the offshore renewables sector, and health and safety representatives (HSRs) when developing refresher training content.

### *Delivery mode*

The training must be conducted face to face. Distance education and on-line learning is not permitted for this training.

### *Who can deliver training*

An RTO, training organisation, trade union, company or sole trader may apply for approval to deliver HSR training.

### *Duration of training*

Training is to be completed over five days, with each day a minimum of seven hours excluding breaks (a minimum of 35 hours over five days). Training may be over consecutive days or in one-day blocks and must be completed within a six-month period.

Refresher HSR training must be a minimum of seven hours training over a period of one day.

### *Period of approval*

Training will be approved for a period up to five years.

## 5.5. Jurisdiction

Training providers can be approved to deliver training in more than one state/territory and the Commonwealth.

Applicants should make an application to the OIR if they intend to conduct their training for HSRs in workplaces within the OIR's jurisdiction.

Information about any other state or territory in which an applicant is approved to deliver HSR training should accompany the initial application for approval.

## 5.6. Fees

The OIR will invoice training providers once an application has been considered, in accordance with its Regulatory fees and levies policy. The amount of the fee will be the lesser of \$5,500 or the total amount of the expenses incurred by the OIR in assessing the application.

## 5.7. Trainer qualifications

Trainers require a minimum of:

- Certificate IV in Training and Assessment—TAE40116; or TAE40110 / TAA40104 with TAELN411 (Address adult language, literacy and numeracy skills) or higher; and
- a minimum of five years' relevant experience in a role or field where occupational or work health and safety was a major part of the position responsibilities; 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.

Trainers should also undertake an appropriate program of continuing professional development to ensure they retain currency to deliver the training.

The training provider must seek the OIR's approval for any additional trainers before they can deliver WHS training.

## 6. Conditions of approval

Training providers must comply with the following conditions of approval to deliver HSR training.

### 6.1. Governance

The applicant must possess, have access to, and retain, the administration resources and infrastructure necessary to comply with all general and any specific conditions of approval. Approved training providers must:

- ensure trainers have and maintain requisite qualifications, skills and knowledge
- not sub-contract or on-sell their approved provider status
- ensure evaluation is undertaken of courses and a training evaluation form is provided to each participant to inform ongoing improvement to training.

## 6.2. Issue of certificates

Training providers must issue a certificate to those who complete the course within 10 working days of completion, unless exceptional circumstances apply. The certificate should, at minimum, contain the following information:

- the name of the approved WHS training course
- the participant's full name, as per the registration details
- the date of attendance at training
- the name of the trainer
- the approved training provider's name and, if applicable, registered business name, ABN and OIR 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 training is approved by the OIR in its jurisdiction
- the date of issue of the certificate.

## 6.3. Co-operation with the OIR

Training providers must co-operate with the OIR in any audits or checks conducted by it to assess their compliance with the terms of their agreement. Any audits and compliance checks will be conducted in accordance with OIR policy and procedures.

## 6.4. Notifications

Training providers must notify the OIR in the following situations:

- 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
- any material status changes required to be notified to the Australian Skills Quality Authority, or another WHS Regulator that has approved the training provider for delivery of HSR training
- if the training provider's RTO registration or approval to deliver HSR training is suspended, cancelled or amended in any way by the Australian Skills Quality Authority (ASQA) and/or a State Training Authority or another WHS Regulator that has approved the training provider for delivery of HSR training.

## 6.5. Reporting to the OIR

Training providers must provide the OIR with a written report by July 31 each year detailing:

- the number of courses run per year
- the number of HSR's trained and certificates of satisfactory completion issued
- participant details—name, organisation (PCBU), state the training was held and dates of attendance at training



- a summary of participant evaluations
- any other matters that may be requested in writing by the OIR.

## 6.6. Ethical requirements

Training providers must conduct themselves in accordance with reasonable standards of professional and ethical behaviour. This includes avoiding actual or perceived conflicts of interest and managing gifts or donations appropriately.

## 6.7. Legislative compliance

Training providers must comply with relevant legislation when conducting their training, including work health and safety, copyright and privacy laws.

## 6.8. Record keeping

Approved training providers 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 attended approved HSR training
- records of all certificates of satisfactory completion (with unique identifying numbers)
- records of any replacement certificates issued
- participant evaluation forms
- any other relevant correspondence between the provider and the OIR.

## 6.9. Delivery of training

The training must be delivered in accordance with a training and assessment strategy approved by the OIR. The strategy must include the items and evidence set out below.

<b>Training provider Experience</b>	Define the training provider's experience in delivering training. <b>Evidence:</b> Overview of years in operation, client list or case studies showcasing successful delivery, and current government accreditation (if applicable).
<b>Delivery location</b>	Define the delivery locations by state. <b>Evidence:</b> Overview of planned locations for delivery.
<b>Target audience</b>	Define the learner group. <b>Evidence:</b> overview of the learners, including their target demographic, key skills, and prior experience or pre-requisites relevant to the training.
<b>Delivery mode</b>	Specify how the training and/or assessment will be delivered. <b>Evidence:</b> A session plan or course outline that includes the delivery method (face-to-face, workplace training, or blended approach), as well as the timings of the training.

<b>Learning resources</b>	<p>Define all learning resources necessary to ensure learners can acquire the required knowledge and skills in alignment with the performance criteria, session plan, or course outline.</p> <p><b>Evidence:</b> Learner guides, PowerPoint presentations, facilitator guides.</p>
<b>Learner support</b>	<p>Support services and processes are available to all learners, along with a compliant appeals procedure.</p> <p><b>Evidence:</b> Learner handbook and/or relevant policies and procedures.</p>
<b>Industry engagement</b>	<p>Provide an overview of the industry consultation and engagement processes used for the development, review, and validation of training materials.</p> <p><b>Evidence:</b> A document outlining the approach, including industry contact details and the date of the last review.</p>
<b>Continuous improvement</b>	<p>Define your continuous improvement process for updating course materials based on feedback from learners, trainers, and industry, including updates to any legislative requirements.</p> <p><b>Evidence:</b> Provide relevant policies, procedures, forms, or registers related to the continuous improvement process.</p>

Training providers must also ensure:

- training adheres to the principles underpinning the harmonised approach to HSR training
- the training effectively covers all learning outcomes and runs for the required duration of the course
- facilities, equipment and training materials are consistent with the delivery requirements contained in the approved course, and that consistency is maintained over the duration of the approval period
- trainers undertake an appropriate program of continuing professional development to ensure they retain currency to deliver the training
- a copy of the OEI Act and WHS Act (in any format) is provided to all course participants, along with information about how the OEI Act and WHS Act can be accessed without charge following the completion of the course.

## 6.10. Marketing

Approved training providers must ensure that their marketing and advertising of approved HSR training is accurate and consistent with their approval by the OIR.

## 6.11. Other conditions

Training providers must also comply with the following conditions:

- training providers must verify all applicants' identity by way of photo ID and recording of their details and date of training
- training providers must ensure that those who have completed the training are provided with a replacement certificate of satisfactory completion, if required, on request. This must be annotated as 'replacement' and contain the original unique identifying number
- any other specific requirement that the OIR specifies as a condition of approval.

## 7. Compliance and enforcement

The OIR will monitor training providers' compliance with the terms and conditions of agreement in accordance with its policies and procedures.

In the event of a breach of terms and conditions, the OIR will work with the training provider to remedy the breach.

If the training provider fails to remedy a breach, the OIR may take further action against the training provider, which could include revoking the agreement to deliver HSR training.

## 8. Renewal of approved training

An application for renewal of an approval must be made at least three months before an approval expires. If the OIR 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 materials.

## 9. Monitoring

This guideline is to be reviewed periodically by the OIR. Further reviews will be undertaken as a result of changes to legislation, through feedback elicitation or as a result of accumulated experience.

## 10. Related documents

N-03402-GL2217 – Work health and safety under the OEI Act framework

N-04401-GL2193 – Guideline - Making applications to the Offshore Infrastructure Regulator

N-11300-PL2064 – Policy – Regulatory fees and levies

N-11300-PL2222 – Policy – Cost recovery

N-17101-PL2102 – Policy – Sharing information with Australian agencies

N-04406-FM2330 – Form – Application to become an approved provider of health and safety representatives training

## Annex 1– Learning objectives, outcomes and expected learner application

Underlined items in the expected learner application must be contextualised to the offshore renewable energy sector.

### LEARNING OBJECTIVE A—INTERPRETING THE WORK HEALTH AND SAFETY LEGISLATIVE FRAMEWORK AND ITS RELATIONSHIP TO THE HSR

Description: Information about the historical antecedents that have informed and shaped current WHS principles and legislation will give HSRs an understanding of the legislative context and purpose of their function. HSRs need to understand the legislation—and other legislative framework components—to explain how and why they have referenced the legislation when exercising their powers.

On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
<b>A1</b> <b>Understand the context of WHS legislation and practice</b>	<p>A1(a) Discuss key concepts in the evolution of WHS within Australia including the careless worker theory, the influence of the Roben’s Report (UK), relevant (jurisdictional based) legislative reviews and WHS harmonisation within Australia</p> <p><u>A1(b) Identify some key impacts—social and economic— arising from workplace injury and illness</u></p> <p><u>A1(c) Identify data on workplace injuries, illness and incidents relevant to their work group and industry sector</u></p>	Background knowledge and context
<b>A2 Understand the objects and principles of the WHS Act</b>	<p>A2(a) Identify the key objects and principle/s of the WHS Act and the significance of these to WHS</p> <p>A2(b) Explain key concepts underpinning the principles that apply to all duties persons have under the WHS Act</p> <p>A2(c) Identify and use key terms contained within the WHS Act relating to their role and workplace</p> <p>A2(d) Draw links between the role of the HSR and the WHS Act objectives</p>	WHS Act sections 3-9, 13-17
<b>A3</b>	<u>A3(a) Identify WHS legislation applied or as modified by the OEI Act and OEI Regulations, codes</u>	WHS Act sections 274 and 275

<b>Identify various elements of the legislative framework</b>	<p><u>of practice, relevant industry/Australian standards, regulator specific guidance materials/interpretive guidelines, and explain their legal status, purpose and relation to each other</u></p> <p><u>A3(b) Explain using the applied WHS legislation, approved codes and guidance material, key sections of relevance for their industry sector/workplace</u></p> <p>A3(c) Explain the links between WHS, workers' compensation and rehabilitation of injured workers</p>	<p><u>OEI Act Chapter 6 Part 1</u></p>
<b>A4 Understand the role and functions of (the regulator) and their interaction with HSRs</b>	<p><u>A4(a) Provide examples of the Regulator's functions and powers and how these are used to facilitate compliance with WHS legislation</u></p> <p>A4(b) Explain how to access the support services and resources for HSRs provided by the regulator</p> <p>A4(c) Outline the role of an Inspector and how they can assist HSRs</p> <p>A4(d) Identify when a HSR may have contact with or seek assistance from an Inspector</p>	<p>WHS Act sections 82 and 160</p> <p><u>OEI Act 177-178</u></p> <p><u>OEI Act section 244</u></p>
<b>A5 Understand the safe work approach to work health and safety issues</b>	<p>A5(a) Using workplace scenario/s, explain why a 'safe work' approach should be taken by a PCBU, rather than focusing on a 'safe person' approach when resolving WHS issues</p> <p>A5(b) Identify the range of factors that would contribute to making a workplace a safe environment</p>	<p>Background</p>

## LEARNING OBJECTIVE B—IDENTIFYING KEY PARTIES, LEGISLATIVE OBLIGATIONS AND DUTIES

Description: HSRs should be able to identify key duty holders and their duties when representing the work group in relation to WHS. HSRs will be able to identify the legislative penalties of the main duty holders for not meeting their obligations under the WHS Act. On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
<b>B1</b> <b>Summarise the duties and responsibilities of PCBUs under the legislation</b>	<p>B1(a) Explain and use the term PCBU in the context of their role</p> <p><u>B1(b) Identify PCBUs of relevance to the HSR's work group and workplace and summarise their duties, with reference to the appropriate sections of the WHS Act and the OEI Act as relevant</u></p> <p>B1(c) Discuss what is meant by 'reasonably practicable'</p> <p>B1(d) Discuss what is meant by 'risk management' using examples to explore measures in the hierarchy of control</p> <p>B1(e) Discuss the duties and responsibilities of PCBUs under the <u>applied</u> WHS legislation including the management of risks to the health and safety of workers and other persons at the workplace</p>	<p>WHS Act sections 18–29</p> <p><u>OEI Act sections 226 - 233</u></p>
<b>B2</b> <b>Identify the duties and responsibilities of officers, workers and other parties</b>	<p>B2(a) Compare the duties and responsibilities of an 'officer' and those of the PCBU, as these relate to the workplace</p> <p>B2(b) Explain what is meant by 'due diligence' in connection with the duties of an officer</p> <p>B2(c) Explain the duties of workers in relation to health and safety at the workplace</p> <p>B2(d) Identify officers, workers and other parties within the work group/ workplace who would have a duty, as defined under the WHS Act</p>	<p>WHS Act sections 4, 13–21, 27–29</p>
<b>B3</b> <b>Identify and discuss the range of enforcement options</b>	<p>B3(a) Describe the range of enforcement options available to the regulator for key duty holders for non-compliance with the WHS legislation</p> <p>B3(b) Identify the relevant offences and penalties under the applied WHS legislation</p> <p>B3(c) Identify practical examples of the consequences that apply to key duty holders for not complying with the applied WHS legislation</p>	<p>WHS Act sections 30–34 WHS Act Parts 10 and 11</p> <p><u>OEI Act section 244</u></p>

### LEARNING OBJECTIVE C—ESTABLISHING REPRESENTATION IN THE WORKPLACE

Description: HSRs should have an understanding of their role, powers and protections under the legislation and have the skills to use their powers appropriately to achieve representation of workers and improve safety outcomes. HSRs should be able to use the representative process outlined in the WHS Act and know where to access various support mechanisms. On completion of an approved training course, HSRs should be able to confidently interpret the WHS legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
<b>C1</b> <b>Outline the purpose and formation of a work group (or work groups) within the workplace</b>	C1(a) Define a work group and describe its purpose C1(b) Identify the responsibilities of the PCBU in formation of work groups <u>C1(c) Identify the matters that need to be taken into account when work groups are formed</u> C1(d) Identify and explain the circumstances under which existing work groups could change, resulting in fresh negotiations to form new work groups in the workplace C1(e) Identify the range of options available to the parties involved, if negotiations regarding the establishment of a work group fail C1(f) Explain issues with the establishment of multiple work groups, possible impacts on the negotiation of work groups (if relevant) and how a HSR should represent multiple workgroups	WHS Act sections 50–59 WHS Regulations 16–17
<b>C2</b> <b>Understand the election process for HSRs/ Deputy HSRs and disqualification provisions</b>	C2(a) Explain the election processes and roles/obligations of relevant parties in the process C2(b) Identify the term of office for a HSR or Deputy HSR C2(c) Identify circumstances that would result in a HSR no longer being able to represent their work group or hold office C2(d) Describe the disqualification provisions including conditions and processes, and the body responsible for determining disqualifications of HSRs in your jurisdiction – C2(e) Explain the reasons the PCBU is obliged to display and maintain lists of HSRs in their places of work/business/undertakings	WHS Act sections 50, 60–67, 74 WHS Regulations 18–19
<b>C3</b>	C3(a) Outline the legislative basis for establishing a HSC C3(b) Describe the role, composition and functions of a HSC	WHS Act sections 75–79

<p><b>Understand the function of a health and safety committee (HSC)</b></p>	<p>C3(c) Describe the obligations and duties of the PCBU to the committee</p> <p>C3(d) Describe the role of a HSC and how this relates to the role of a HSR</p> <p>C3(e) Explain how a HSC can offer support to a HSR who is not a member of the committee</p>	
<p><b>C4</b> <b>Understand and explain the entitlements, rights and protections of an elected HSR/ Deputy HSR</b></p>	<p>C4(a) Explain the HSR powers and functions as defined by the legislation</p> <p>C4(b) Identify any legislative restrictions on the functions of a HSR, if initial HSR training (5-day course) is not undertaken</p> <p>C4(c) Explain the legislative protections for HSRs, including protection against discrimination for prohibited reasons</p> <p>C4(d) Explain how an elected HSR is a key link between the work group and management in WHS matters</p> <p>C4(e) State an elected HSR's entitlements to training</p> <p>C4(f) Explain, using examples, the PCBU's obligations towards HSRs</p> <p>C4(g) Explain in the legislation the exceptions to the PCBU's obligations towards an elected HSR, and give reasons for why these exceptions would exist</p> <p>C4(h) Explain when a HSR can have decisions made by a WHS Inspector reviewed and the process the HSR would follow</p>	<p>WHS Act sections 75–79</p>



### LEARNING OBJECTIVE E —REPRESENT MEMBERS IN THE WHS RISK MANAGEMENT PROCESS UNDERTAKEN BY THE PCBU

Description: HSRs should have a basic understanding of risk management processes, including the hierarchy of controls. They should be able to participate in and contribute to WHS risk management activities undertaken by a PCBU. HSRs should be able to represent the views of their workers, providing insights into the nature of risks in the workplace and potential controls. On completion of an approved training course, HSRs should be able to confidently interpret the work health and safety legislative framework and its relationship to their role and powers.

**Note: This session must include a supervised workplace inspection and represent, as a minimum, at least three hours of the total course.**

Learning outcome	Expected learner application	Key legislative provisions
<b>E1</b> <b>Understand the duties and responsibilities of various PCBUs under the legislation to manage risks to the health and safety of workers and other persons at the workplace</b>	E1(a) Identify key risk management terms and definitions E1(b) Explain why and when risk control measures should be revised and reviewed and when the HSR can request that this be done E1(c) Identify a duty holder's responsibility to eliminate or control risks 'so far as is reasonably practicable' under WHS legislation	WHS Regulations 32–38 WHS Act sections 17–18
<b>E2</b> <b>Understand how HSRs can use their functions and powers to contribute to risk management activities in the workplace</b>	<u>E2(a) Identify a range of hazards found within various workplaces and their impact on workers</u> E2(b) Explain basic risk assessment procedure E2(c) Identify different methods a PCBU may use to identify WHS hazards and ways the HSR could contribute to that process E2(d) Identify the purpose of workplace inspections and identify the powers which allow a HSR to inspect the workplace E2(e) Demonstrate the HSR's role in workplace inspections and when this should be done E2(f) Identify ways a HSR can represent, monitor, investigate and inquire into issues raised by their work group to ensure these concerns are addressed	WHS Act sections 68, 70

	E2(g) Demonstrate use of HSR powers through practical exercise (role play)	
<b>E3 Understand basic management concepts</b>	<u>E3(a) Use a risk assessment process to demonstrate basic risk assessment principles and the use of simple risk assessment tools</u> <u>E3(b) Describe the concepts of safe place rather than safe person, and the hierarchy of control</u> <u>E3(c) Explain a HSR's entitlement to participate in the review of risk control measures affecting members of their work group</u> <u>E3(d) Use legislation or guidance material to identify control measures for the identified risk or hazard</u> <u>E3(e) Explain how HSRs can contribute to the selection of control measures</u>	
<b>E4 Identify the PCBU's obligations in relation to incident notification</b>	<u>E4(a) Provide examples of the types of incidents that could occur at work</u> <u>E4(b) Identify the duties placed on PCBUs in relation to notifiable incidents</u> <u>E4(c) Describe why a HSR should be advised by the PCBU of a notifiable incident that has occurred in the workplace</u> <u>E4(d) Use learning activities, such as a simulated incident investigation, to identify tools and techniques that could be used to investigate incidents</u>	WHS Act sections 35–39 WHS Regulation 699 <u>OEI Regulation 161</u>
<b>E5 Identify the type of assistance or support OEI Inspectors and entry permit holders can provide a HSR</b>	<u>E5(a) Identify who can provide assistance to a HSR and under what circumstances</u> <u>E5(b) Identify the conditions under which a representative, including an entry permit holder, may enter a workplace and any legislative conditions/constraints</u> <u>E5(c) Describe the role of a HSR when accompanying an OEI Inspector on an inspection of a work location</u> <u>E5(d) Explain how accompanying an OEI Inspector during an inspection would assist a HSR in performing their functions and/or exercising their powers</u>	WHS Act sections 68, 70–73, 82, 117–121, 136 <u>OEI Act section 237</u>

## LEARNING OBJECTIVE F —ISSUING A PROVISIONAL IMPROVEMENT NOTICE (PIN) AND DIRECTING THE CESSATION OF WORK

Description: HSRs will be able to use their knowledge of legislation to perform various functions and exercise powers to issue a provisional improvement notice or a cease work direction. HSRs need to operate within the restrictions and requirements surrounding these two powers. On completion of an approved training course, HSRs should be able to confidently interpret the work health and safety legislative framework and its relationship to their role and powers.

Learning outcome	Expected learner application	Key legislative provisions
<b>F1</b> <b>Provide an overview of PINs</b>	F1(a) Explain the purpose and function of a PIN F1(b) Identify the restrictions in the legislation that prevent a HSR from issuing a PIN F1(c) Identify to whom a HSR can issue a PIN F1(d) Describe the manner in which a person may be issued a PIN	WHS Act sections 90–102 <u>OEI Act sections 234-236</u>
<b>F2</b> <b>Understand the features and contents of a PIN</b>	F2(a) Identify that a PIN must be in writing F2(b) Distinguish between what must be included in the contents of a PIN and what may be included F2(c) Identify the extent of any changes a HSR can make to a PIN once it has been issued F2(d) Undertake an activity to complete a PIN	WHS Act sections 90–102
<b>F3</b> <b>Identify the range of actions arising once a PIN is issued and identify who would take these actions</b>	F3(a) Identify the alternative courses of action that the person can take when issued with a PIN F3(b) Describe the role and powers of an OEI Inspector when reviewing a disputed PIN F3(c) Identify appeal provisions for appealing Inspector decisions	<u>OEI Act 236</u>
<b>F4</b> <b>Provide an overview of the right to cease— or direct the cessation of— unsafe work</b>	F4(a) Explain the conditions or circumstances that would: <ul style="list-style-type: none"> <li>cause a worker/workers to cease work</li> <li>cause a HSR to direct the worker/workers to cease work</li> </ul> F4(b) Identify any legislative restrictions placed on HSRs that prevents a HSR from directing a worker to cease work F4(c) Outline the processes a HSR must follow after giving a direction to cease work to a worker/workers	WHS Act sections 83–89 WHS Regulation 24

	<p>F4(d) Outline the employment conditions that apply to a worker/workers who have ceased work</p> <p>F4(e) Outline what the role and function of a WHS Inspector would be following a request from either the PCBU or the worker to attend the workplace in these circumstances</p>	
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