

Session Outline

- Public officer – what it means
- WorkSafe Registered Assessors – Legislation
- Conditions of Registration
- Purpose of a WorkSafe HRWL audit
- Compliance with OSH Legislation – Instructions for Assessors
- Penalties for non-compliance
- Further Information



Public officer

- Assessors perform a legislative function on behalf of the Western Australia WorkSafe Commissioner and are therefore deemed to be ‘public officers’ as per schedule 1, (1) (ad) in the definitions of the Criminal Code Act which states:

“The term ***public officer*** means –
a person exercising authority under a written law”.



What this means

- **There are six categories**
 1. Personal behaviour
 2. Communication and official information
 3. Fraudulent and corrupt behaviour
 4. Use of public resources
 5. Record keeping and use of information
 6. Conflicts of interest
- NOT ALL OF THESE OBLIGATIONS APPLY TO REGISTERED WORKSAFE ASSESSORS



EXAMPLES OF MISCONDUCT

- There is an expectation that the assessor will correctly mark assessment papers with fairness and equity, in line with their legislative requirements and not accept bribes or any inducement to ensure a candidate passes an assessment.
- This could be construed as misconduct and is reportable to the Public Sector Commission or the Corruption and Crime Commission depending on the severity.



CCC: WA vehicle inspectors and driving assessor could face jail time

November 27, 2015

Heather McNeill



Investigation into Transport Department shows how outsourcing can lead to illegal behaviour: CCC

By [David Weber](#)

Posted 27 Nov 2015, 6:46pm

Counsel assisting Alan Troy told the commission that when a government department outsources functions, unscrupulous private contractors can take advantage.

"They can form mutually beneficial relationships with more sinister individuals," he said.

"They can induce other public officers into neglecting their ethical responsibilities."

Applicable Legislation

6.20. Notice of satisfactory assessment, duties of assessor before issuing

(1) In this regulation —

assessment instrument for high risk work of a particular class, means a written statement of the steps to be taken, and the assessment methods to be used, by an assessor when conducting an assessment of a person's competency to do high risk work of that class.

Applicable Legislation

- (2) An assessor must not issue a notice of satisfactory assessment in respect of a person's performance of high risk work of a particular class unless the assessor —
- (a) is authorised to issue notices of satisfactory assessment for that class of work; and
 - (b) has assessed the person's competency in accordance with the approved assessment instrument for work of that class; and
 - (c) having regard to the results of the assessment, is satisfied that the person is competent to do work of that class; and
 - (d) is satisfied that the person has sufficient knowledge of the English language, both written and oral, to safely do work of that class.

Penalty: the regulation 1.15 penalty.



Penalties

- **Regulation 1.15 penalty**

- (1) Subregulation (2) applies where “the regulation 1.15 penalty” is specified in a penalty provision at the foot of a regulation or subregulation.
- (2) The applicable penalty is —
 - (a) for a first offence, \$5 000; and
 - (b) for a subsequent offence, \$6 250.

[Regulation 1.15 inserted in Gazette 14 Dec 2004 p. 6010.]



ASSESSOR REGISTRATION CONDITIONS

Certificate of Registration as an Assessor of applicants for Licences to Perform High Risk Work, is issued to subject to the following conditions:

- (1) Assessments are conducted only for those Licence Class/es for which you have been registered to assess and which are endorsed on your Certificate of Registration.
- (2) All assessments of persons for a licence to perform high risk work are conducted in accordance with the:
 - (i) Occupational Safety and Health Act 1984;
 - (ii) Occupational Safety and Health Regulations 1996;
 - (iii) Assessment Instrument, for the particular Licence Class applied for, which has been approved by the WorkSafe Western Australia Commissioner; and
 - (iv) any directives from WorkSafe concerning the application and assessment procedure.
- (3) Prior to conducting an assessment of a person for a licence to perform high risk work you confirm:
 - (i) by sighting personal photographic documentary evidence (a) the identity of the person and (b) that the person is at least 18 years of age; and
 - (ii) that the person is enrolled in the relevant Australian Quality Training Framework (AQTF) training package that leads to the issue of a Statement of Attainment issued by a Registered Training Organisation (RTO) registered by the Western Australian Training Accreditation Council (TAC).
- (4) Notices of Assessment are completed in accordance with the directives on the inside front cover of the Notice of Assessment book.
- (5) Persons assessed as 'not yet competent' in any component of the Assessment Instrument are not to be re-assessed until they have completed further training relevant to the area(s) in which they were assessed as 'not yet competent'.
- (6) That your work as an assessor is subject to auditing and as such you must co-operate with officers of WorkSafe, including answering questions and allowing full access to all records relating to the training and assessment of applicants for Licences to Perform High Risk Work which includes, but is not limited to, the following:
 - (i) documents obtained to satisfy Condition (3)(i);
 - (ii) documents relating to the training of persons for a licence to perform high risk work;
 - (iii) documents relating to the assessment of persons for a licence to perform high risk work; and
 - (iv) copies of issued Notices of Assessment.
- (7) Auditing may be conducted in liaison with the Western Australian Training Accreditation Council (TAC).
- (8) Any variations or additions to these conditions, as made by the WorkSafe Western Australia Commissioner, are complied with.

DECLARATION OF HOLDER OF CERTIFICATE OF REGISTRATION

I, have read, understood and agree
(print full name of holder of Certificate of Registration)

to comply with the conditions listed above and understand that non-compliance with any condition or an inability to comply with any condition may result in the Certificate of Registration being suspended or cancelled.

Signature: Date:
(signature of holder of Certificate of Registration)



Applicable Legislation

6.32. Registered training organisation to retain records etc.

- (1) If a registered training organisation provides training in high risk work to a person and the person's competency to do that work is subsequently assessed by an assessor employed or otherwise engaged by the registered training organisation to make that assessment, the registered training organisation must retain all records relating to the training and assessment of the person for 5 years after the assessment is made.
- (2) At the request of an inspector, a registered training organisation must produce records held under subregulation (1).

Penalty: the regulation 1.16 penalty.

[Regulation 6.32 inserted in Gazette 24 Aug 2007 p. 4285.]

HRWL Audits

WorkSafe audits assessors of High Risk Work Licences (HRWL).

These assessors are registered by the WorkSafe Commissioner under the Occupational Safety and Health Regulations 1996

WorkSafe does not audit the practical assessment component.

This is left to the Training Accreditation Council (TAC) within the Department of Education Services or the Australian Skills Quality Authority (ASQA).



WorkSafe Accredited Assessors

This is to ensure WorkSafe Assessors assess applicants according to the relevant high risk work licence instrument instructions e.g.;

- that answers to questions given by applicants are comparable to model answers.
- excludes calculations which **MUST** be exact
- The instrument questions must **NOT** be modified in any way shape or form.

(WorkSafe Assessors Newsletter 2009 – section 6)



WorkSafe Sam

Licences to Perform
High Risk Work

Registered Assessor



Government of Western Australia
Department of Commerce



Example of an Instrument

Assessment Instrument – Licence to operate a forklift truck

**CONFIDENTIAL
Assessor Version**

Assessment Instrument

Licence to operate a forklift truck

IMPORTANT

1. This Assessor Version contains the acceptable responses and must not be issued to candidates or distributed in any way.
2. Assessors need to provide the Candidate Version of the Assessment Instrument for the candidate at the time of assessment.
3. Assessors **MUST** ensure that they collect all copies of the Candidate Version at the conclusion of the assessment.

Note:
This Assessment Instrument has been approved for licensing purposes by all state/territory work health and safety regulators.

Assessment Instrum

Content

Assessment Instrument – Licence to operate a forklift truck

<p>★Question 10 You are about to commence forklift operations. List seven (7) site hazards that you need to consider and plan for.</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p> <p>6. _____</p> <p>7. _____</p> <p>Acceptable Response Including, but not limited to:</p> <ul style="list-style-type: none"> • electric lines • underground services • pedestrians and personnel • ground bearing pressure • variable operating surfaces/routes e.g. slopes, ramps or other imperfections • plant and equipment • obstructions • potential non-weight bearing surfaces • wind, bad weather conditions • lighting/illumination • overhead service lines • bridges • surrounding structures (including buildings and bridges) • dangerous materials • vehicle traffic
<p>★Question 11 You are about to commence forklift operations. List five (5) things you need to consider other than site hazards when planning the task.</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p> <p>Acceptable Response Including, but not limited to:</p> <ul style="list-style-type: none"> • characteristics of load • method of attachment • communications (safe and adequate) • location of task • specifics of task • permits required for the task • equipment required for the task

Assessment Instrument – Licence to operate a forklift truck

Assessment 1: Knowledge Assessment

Instructions for assessors

This assessment requires the candidate to answer a number of underpinning knowledge questions about the planning and application of techniques to safely and competently operate a forklift. The questions cover the required knowledge and skills as specified in the unit of competency, Licence to operate a forklift truck. It is important to note that these instructions must not be read in isolation. They must be read in conjunction with:

- the relevant state/territory work health and safety (WHS) legislation and any related assessment guidelines (**NOTE** – the term 'WHS legislation' means the work health and safety or occupational health and safety (OHS) Acts and Regulations that apply at the time)
- the relevant high risk work (HRW) licensing unit of competency, and
- the assessment guidelines of the training package from which the unit has been derived.

Oral or written assessment

- The assessor must discuss with the candidate whether they will undertake an oral or a written assessment.
- if a candidate undertakes the assessment orally, the assessor is required to document the responses provided by the candidate and have the candidate countersign these. This is to indicate that the candidate acknowledges that the assessor has accurately recorded their responses.
 - if a candidate elects to undertake a written assessment, the candidate is to document their own responses on the assessment instrument.

The assessment

1. The assessor must provide each candidate with a copy of the Candidate Version of the assessment instrument at the time of assessment.
2. All candidates are to be provided with adequate reading time of up to **fifteen (15) minutes** prior to commencing the assessment. During this time the candidate is allowed to ask questions about the meaning or interpretation of the questions contained in the assessment.
3. Candidates should be able to complete the assessment in **two (2) hours**. The time stated is a guide only. If a candidate cannot complete the assessment in the stated time then this needs to be considered when assessing overall competency.
4. The assessor **MUST** supervise the candidate at all times during the assessment.
5. The assessor **MUST** collect the assessment instrument at the conclusion of the assessment.
6. The assessment **MUST** be conducted without access to any learning materials or other assistance.
7. All assessments must be conducted in the English language.
8. Engaging an interpreter to assist a candidate who does not speak or read English is not allowed.

Assessment judgement

The acceptable answers to the questions are included in this document. Assessors must refer to these when considering the responses provided by candidates. The assessor must indicate whether the response is satisfactory or unsatisfactory in the column against each question.

Satisfactory response Unsatisfactory response

Answers marked as satisfactory must be comparable to the acceptable answers. If an assessor and/or Registered Training Organisation (RTO) believes that there is an additional or different response that could be applied to any of the questions, this information should be put forward at moderation of these assessment instruments.

Optional question selection

There are questions throughout the assessment instrument that contain multiple options. Only **one (1)** option is expected to be answered in each case. The assessor **MUST** choose **one (1)** question from each set of options

Assessment 1: Knowledge Assessment 3

Assessment 2: Calculations Assessment 27

Assessment 3: Performance Assessment..... 35

Assessment Summary 49



Instructions for Assessors

Assessment 1: Knowledge Assessment

Instructions for assessors

This assessment requires the candidate to answer a number of underpinning knowledge questions about the planning and application of techniques to safely and competently operate a boom-type elevating work platform (EWP). The questions cover the required knowledge and skills as specified in the unit of competency, *Licence to operate a boom-type elevating work platform (boom length 11 metres or more)*.

It is important to note that these instructions must not be read in isolation. They must be read in conjunction with:

- the relevant state/territory work health and safety (WHS) legislation and any related assessment guidelines (**NOTE** – the term 'WHS legislation' means the work health and safety or occupational health and safety (OHS) Acts and Regulations that apply at the time)
- the relevant high risk work (HRW) licensing unit of competency, and
- the assessment guidelines of the training package from which the unit has been derived.

Oral or written assessment

The assessor must discuss with the candidate whether they will undertake an oral or a written assessment.

- If a candidate undertakes the assessment orally, the assessor is required to document the responses provided by the candidate and have the candidate countersign these. This is to indicate that the candidate acknowledges that the assessor has accurately recorded their responses.
- If a candidate elects to undertake a written assessment, the candidate is to document their own responses on the assessment instrument.

Instructions for Assessors

The assessment

1. The assessor must provide each candidate with a copy of the Candidate Version of the assessment instrument at the time of assessment.
2. All candidates are to be provided with adequate reading time of up to **fifteen (15) minutes** prior to commencing the assessment. During this time the candidate is allowed to ask questions about the meaning or interpretation of the questions contained in the assessment.
3. Candidates should be able to complete the assessment in **two (2) hours**. The time stated is a guide only. If a candidate cannot complete the assessment in the stated time then this needs to be considered when assessing overall competency.
4. The assessor **MUST** supervise the candidate at all times during the assessment.
5. The assessor **MUST** collect the assessment instrument at the conclusion of the assessment.
6. The assessment **MUST** be conducted without access to any learning materials or other assistance.
7. All assessments must be conducted in the English language.
8. Engaging an interpreter to assist a candidate who does not speak or read English is not allowed.

Instructions for Assessors

Assessment judgement

The acceptable answers to the questions are included in this document. Assessors must refer to these when considering the responses provided by candidates.

The assessor must indicate whether the response is satisfactory or unsatisfactory in the column against each question.

Satisfactory response

Unsatisfactory response

Answers marked as satisfactory **must be comparable to the acceptable answers.** If an assessor and/or Registered Training Organisation (RTO) believes that there is an additional or different response that could be applied to any of the questions, this information should be put forward at moderation of these assessment instruments.

Instructions for Assessors

Optional question selection

Several questions throughout the assessment instrument contain multiple options. Only **one (1) option** is expected to be answered in each case. The assessor must choose **one (1) question** from each set of options to be answered and clearly mark the selected option on the candidate's assessment instrument prior to the assessment.

Critical questions

It is expected that candidates will respond to all marked questions and all questions without options.

Candidates **MUST** respond correctly to all critical questions which are identified with a ★. Failure to respond correctly to critical questions means that candidates are to be judged 'Not yet competent'.

Candidates must achieve at least **90%** on all other questions to be found competent. Failure to achieve 90% on these questions means that candidates are to be judged 'Not yet competent'. If the pass mark is achieved but some non-critical questions are not answered correctly, assessors are required to provide feedback to the candidate that these questions will be asked again at the Performance Assessment. In this case, the particular questions should be recorded in the *Oral Questions from Knowledge Assessment* form located within the assessment instrument.

For written knowledge assessments, assessors may ask the candidate questions at the end of the assessment to clarify any responses that are not clearly articulated. Clarification is not to be sought for answers that are clearly incorrect on the first attempt. The oral responses provided must be documented on the assessment.

The Assessment Summary must be completed for each candidate.

Instructions for Assessors

Assessment 2: Calculations Assessment

THIS ASSESSMENT MUST BE UNDERTAKEN AS A WRITTEN ASSESSMENT.

The assessment includes working sheets for candidates to work out their answers. The candidate must provide all formulas and how the answer was determined. All working sheets **MUST** be collected by the assessor.

Candidates **MAY** use calculators. Electronic devices, such as programmable calculators that have the ability to store information (formulas, etc.) are not allowed.

The assessment

1. The assessor must provide each candidate with a copy of the Candidate Version of the assessment instrument at the time of assessment.
2. All candidates are to be provided with adequate reading time of up to **fifteen (15) minutes** prior to commencing the assessment. During this time the candidate is allowed to ask questions about the meaning or interpretation of the questions contained in the assessment.
3. All questions must be answered without any assistance. The candidate cannot use any references, books or course notes.
4. Candidates should be able to complete the assessment in **one (1) hour**. If a candidate cannot complete the assessment in the stated time then this needs to be considered when assessing overall competency.
5. The assessor **MUST** supervise the candidate at all times during the assessment. The candidate is not permitted to keep a copy of the assessment instrument.
6. The **assessor MUST collect the** assessment instrument at the conclusion of the assessment.
7. All assessments must be conducted in the English language.
8. Engaging an interpreter to assist a candidate who does not speak or read English is not allowed.

Instructions for Assessors

Assessment judgement

The acceptable answers to the questions are included in this document. Assessors should refer to these when considering the responses provided by candidates.

The assessor must indicate whether the response is satisfactory or unsatisfactory against each question.

Satisfactory response

Unsatisfactory response

Answers marked as satisfactory must be comparable to the acceptable answers. If an assessor and/or RTO believes that there is an additional or different response that could be applied to any of the questions, this information should be put forward at moderation of these assessment instruments.

Candidates must respond correctly to **all** questions. Failure to respond correctly to any question means that candidates are to be judged 'Not yet competent'.

Assessors may ask the candidate questions at the end of the assessment to clarify any responses that are not clearly articulated. Clarification is not to be sought for answers that are clearly incorrect on the first attempt. The oral responses provided must be documented on the assessment.

The Assessment Summary must be completed for each candidate.

Instructions for Assessors

Assessment 3: Performance Assessment

The assessment

1. The assessor must provide each candidate with a copy of the Candidate Version of the assessment instrument at the time of assessment.
2. Before the Performance Assessment the assessor must provide each candidate with a copy of the Candidate Version of the assessment instrument and brief the candidate on the tasks/activities contained in the section 'Instructions for candidates'.
3. Questions (non-critical) that were identified as incorrect in the Knowledge Assessment are to be re-tested at appropriate points in the Performance Assessment.
4. The assessor is permitted to ask the candidate questions before, during and after the performance assessment to confirm their understanding of the task at hand. Example questions have been provided for some tasks. Any questions asked must be recorded in the space provided (or on a supplementary document), along with the candidate's response. A candidate **cannot** be found 'Not yet competent' based solely on an incorrect answer to one of these questions.
5. The assessment should be stopped:
 - immediately if the assessor believes an unsafe act is to occur, and
 - when it is safe to do so to allow questioning.
6. Assessors are to briefly note candidate oral responses in the space provided in the Observation Checklist.
7. Candidates should be able to complete the assessment in **two (2) hours**. The time stated is a guide only. If a candidate cannot complete the assessment in the stated time then this needs to be considered when assessing overall competency.
8. The assessor **MUST supervise** the candidate at all times during the assessment.
9. The assessor **MUST collect the** assessment instrument at the conclusion of the assessment.
10. All assessments must be conducted in the English language.
11. Engaging an interpreter to assist a candidate who does not speak or read English is not allowed.

Instructions for Assessors

Assessment judgement

The acceptable answers to the example questions are included in this document. Assessors must refer to these when considering the responses provided by candidates.

All tasks/activities in the Performance Assessment are to be satisfactorily completed. Failure to satisfactorily demonstrate all tasks/activities means that candidates are to be judged 'Not yet competent'.

Assessors must complete the Observation Checklist that is attached to this assessment during, or immediately following each task, the observation of performance for the candidate.

Assessors are required to mark the Observation Checklist boxes with:

- 'Y' (for yes) if the applicant demonstrated the task satisfactorily
- 'N' (for no) if the task was not demonstrated satisfactorily, or
- 'N/A' (for not applicable) if the task was not undertaken as it was not applicable.

The assessor must indicate whether the response is satisfactory or unsatisfactory in the box against each question.

Satisfactory response

Unsatisfactory response

N/A, denoting not applicable, is only to be used where the task is not undertaken and the terms 'where applicable' or 'where fitted' are included in the description of the observation on the checklist.

Assessors should note Point 4 of 'The Assessment' above that allows for the assessor to ask the candidate questions before, during and after the performance assessment to confirm their understanding of the task.

Answers marked as satisfactory must be comparable to the acceptable answers. If an assessor and/or RTO believes that there is an additional or different response that could be applied to any of the questions, this information should be put forward at moderation of these assessment instruments.

The Assessment Summary must be completed for each candidate.

IMPORTANT NOTES FOR THE ASSESSOR

1. Assessors should ensure that any faulty or defective equipment (hazards) included for the purpose of hazard identification are placed in a separate area away from the work zone to prevent an unsafe situation occurring. The assessor should ask the candidate questions about hazard identification and prevention.
2. If, at any time during the observation of the Performance Assessment, the candidate acts in a manner that endangers themselves, others, equipment or property, the assessment must be stopped immediately. The assessor must point out the dangerous act to the candidate and re-schedule the assessment with the candidate at a mutually agreeable time.
3. **Assessment for EWP operations MUST be conducted on equipment that is used in the workplace, not on a simulator.**

Instructions for Assessors

Assessment Summary

(page 1 of 2)

Candidate Name: _____

Licence Class: _____

The candidate was assessed using the assessment instrument covering the unit of competency listed below:

Unit of competency title: _____

Unit of competency code: _____

Knowledge Assessment Date of assessment: _____		Satisfactory		Not satisfactory
Calculations Assessment Date of assessment: _____		Satisfactory		Not satisfactory
Performance Assessment Date of assessment: _____		Satisfactory		Not satisfactory

Candidate identity		Confirmed		Not confirmed
Proof of identity – document type, number (e.g. driver's licence, passport)				
Assessment outcome		Competent		Not yet competent

Comments/feedback

This section is for additional assessor comments clarifying assessment, need for re-assessment, additional training, additional experience, arrangements for re-assessment etc.



Instructions for Assessors

Assessment Summary

(page 2 of 2)

Assessor Declaration

RTO Name:

RTO Number:

I, the person conducting the assessment, declare that the above mentioned candidate undertook the appropriate underpinning knowledge, calculations and practical assessment in accordance with this assessment instrument. The information recorded above is a true reflection of this candidate's assessment. I am aware that it is an offence under any WHS legislation not to conduct a full and proper assessment in accordance with the requirements of the assessment instrument and to provide, false, misleading or incomplete information in this Assessment Summary.

The candidate has been provided with feedback and informed of the assessment result and the reasons for the decision.

Assessor name:

Assessor signature:

Date:

Candidate Declaration

I declare that the information contained in the above Assessment Summary is accurate and is a true reflection of the underpinning knowledge, calculation and practical assessment I undertook. I am aware that it is an offence under any WHS legislation to provide, false, misleading or incomplete information.

I am also aware that any licence issued on the basis of this assessment could be cancelled if the assessment was subsequently found to have not been conducted properly.

I have been provided with feedback on the evidence I have provided. I have been informed of the assessment result and the reasons for the decision.

Candidate name:

Candidate signature:

Date:





WORKSAFE WESTERN AUSTRALIA

**NOTICE OF ASSESSMENT
FOR A LICENCE TO PERFORM HIGH RISK WORK****This Notice has Been Issued to: [Applicant's Details]**

Title	Family / Surname		
First Given Name	Second given name (if applicable)		
Date of Birth (Must be at least 18 years of age)	Certificate of Competency / High Risk Work Licence No. (if applicable)	State / Territory	Applicants Signature
DD MM YYYY			

Assessor's Determination

I have determined the applicant whose name appears above, is the person I assessed in accordance with the assessment instrument in the required class and that they are Competent Not yet competent in:

Class Code _____ Class Details (cross out if not yet competent) _____

This notice permits the holder to work in the above class for a period of 60 days from the date of issue provided that the holder has been assessed as Competent (see above). No work is permitted if the holder has been assessed as Not Yet Competent. Permit holder must apply to WorkSafe to convert this permit to a High Risk Work Licence prior to the date noted on date of expiry otherwise re-assessment required.

Date of Issue DD MM YYYY Date of Expiry DD MM YYYY

Assessment Details

First Assessment <input checked="" type="checkbox"/>	Re-Assessment <input checked="" type="checkbox"/>	RTD Name and Course Code _____		
		Knowledge Assessment	Calculations Assessment	Performance Assessment
Assessment Time		Start _____ : _____ Finish _____ : _____	Start _____ : _____ Finish _____ : _____	Start _____ : _____ Finish _____ : _____
Assessment Date		DD MM YYYY CMP, NYC	DD MM YYYY CMP, NYC	DD MM YYYY CMP, NYC
Assessment Result		_____	_____	_____
Assessment Location		Plant Used _____		
Comments:	_____			

Additional Assessments

Classes, Times, Dates and Locations: _____

Assessor's Declaration

I declare that I have conducted an assessment in accordance with the requirements of the Australian Quality Training Framework and my conditions of registration as a WorkSafe Registered Assessor. I have sighted and recorded details of identification documents of the applicant to satisfy myself of his/her identity. I understand that making a false declaration is an offence under the Occupational Safety and Health Regulations 1996 and that penalties for making a false declaration may apply.

Assessor's Family Surname	Assessor's First Given Name	Date
_____	_____	DD MM YYYY
Assessor Number	Assessor's Signature:	
_____	_____	

The following original identification documents have been submitted (an applicant must provide at least one of the following)

Passport (current or expired not more than 2 years ago)	Driver's Licence - Australian with photo	Applicant is 18 years or older
Australian Public Service employee ID card with photo	Other Australian Government issued ID card with photo	ID number: _____
Tertiary Student ID card with photo	Western Australian Proof of Age card with photo	Place of issue: _____

Notice of Assessment Number 1401401



Penalties

6.28. Suspending registration as to particular class of high risk work, Commissioner's powers as to etc.

- (1) The Commissioner may suspend an assessor's registration in respect of a particular class of high risk work if the Commissioner is satisfied that —
 - (a) the assessor has breached regulation 6.20; or
 - (b) the assessor no longer holds a high risk work licence for that class; or
 - (c) the assessor no longer has the skills necessary to assess a person's competency to do work of that class; or
 - (d) information contained in or provided in connection with an application made by the assessor under regulation 6.21, 6.23 or 6.25 was false or misleading in a material respect.
- (2) If the Commissioner suspends an assessor's registration under this regulation, the Commissioner is to give the assessor written notice of the suspension.
- (3) Suspension under this regulation has effect —
 - (a) from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the assessor; and
 - (b) for the period or until the happening of the event specified in the written notice.
- (4) If an assessor's registration in respect of a particular class of high risk work is suspended under this regulation, the person is to be regarded as not being registered in respect of that class of high risk work during the period of the suspension.
- (5) An assessor to whom a notice is given under subregulation (2) must return the certificate of registration to the Commissioner within the period specified in the notice unless the assessor has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.



Penalties

6.29. Cancelling registration as to particular class of high risk work, Commissioner's powers as to etc.

- (1) The Commissioner may cancel an assessor's registration in respect of high risk work of a particular class if the Commissioner is satisfied that —
 - (a) the assessor has breached regulation 6.20; or
 - (b) the assessor no longer holds a high risk work licence for that class; or
 - (c) the assessor no longer has the skills necessary to assess a person's competency to do work of that class; or
 - (d) information contained in or provided in connection with an application made by the assessor under regulation 6.21, 6.23 or 6.25 was false or misleading in a material respect.
- (2) The Commissioner may cancel an assessor's registration in respect of high risk work of a particular class if requested in writing to do so by the assessor.
- (3) If the Commissioner cancels an assessor's registration in respect of every class of high risk work in respect of which the assessor would, but for the cancellation or any suspension under regulation 6.28, be registered, the registration is cancelled.
- (4) The Commissioner is to give an assessor written notice of cancellation under this regulation.
- (5) Cancellation under this regulation has effect from the time specified in the written notice, which is to be no earlier than when, in the ordinary course of events, the notice would have been received by the assessor.
- (6) An assessor to whom a notice is given under subregulation (4) must return the certificate of registration to the Commissioner unless the assessor has a reasonable excuse not to do so.

Penalty: the regulation 1.15 penalty.



HRWL Breach – WorkSafe Prosecution



Government of Western Australia
Department of Commerce



Media Statement

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E-mail: safety@commerce.wa.gov.au Internet: www.worksafe.wa.gov.au

February 8 2013

Engineering company fined \$10,000 over lack of licence

A Henderson engineering company has been fined \$10,000 for allowing workers to do high risk work when they did not hold a licence for that class of work.

KEP Management Services Pty Ltd – trading as Phillips Engineering – pleaded guilty to two charges of allowing unlicensed dogging work and was fined in the Fremantle Magistrates Court this week.

One of the workers at the company's main workshop and yard was a 16-year-old first-year apprentice boilermaker. The company's crane operator had been teaching the apprentice dogging work including slinging and directing loads.

In September 2011, the apprentice was asked to do dogging work to shift some steel. Under the direction of the crane operator, he was directing the crane to piles of steel then slinging the loads.

When the crane operator was happy with the slinging, he would nod to the apprentice, who would then move aside while the load was lifted to his chest height, and he would then guide the load with his hands.

The work continued the following day, with the apprentice asked to sling three steel beams of varying lengths up to 8 metres. These beams were to be placed on timber gluts, and the apprentice placed these timbers on top of the beams.

When the load reached its destination, the apprentice reached for the gluts and the crane jolted. One of the steel beams rolled inwards and trapped the apprentice's hand between the beams.

His right index and middle fingers were amputated to the middle knuckles.

When WorkSafe investigated the incident, it was found that no-one in the workplace held a dogging licence, although several employees had performed dogging work and the crane operator had taught the apprentice dogging work.



Government of Western Australia
Department of Commerce



Three days after this incident, WorkSafe issued the company with an Improvement Notice requiring any person doing dogging work at the workplace to hold a Dogging Licence.

Within a week, the company engaged a worker with a licence for a number of classes of High Risk Work, including dogging. In addition, all supervisors were instructed that dogging work must be done only by a person holding the appropriate licence.

WorkSafe WA Commissioner Lex McCulloch said today that the case reinforced the need for appropriate training in workplaces.

"The fact that dogging is considered high risk work should send a very clear message that the work should not be done by workers who are not properly trained," Mr McCulloch said.

"A 16-year-old apprentice is not likely to be in a position to refuse to do work he is not licensed to do, which makes the situation that existed at this workplace even more worrying.

"All employers should be aware that WorkSafe inspectors visiting workplaces where high risk work is being carried out will always check that only licence holders are performing those duties.

"This case should serve as a warning that WorkSafe will take enforcement action that could prove to be costly if workplace safety laws are being breached."

Further information on High Risk Work Licences can be obtained by telephoning WorkSafe on 1300 307877 or on the website at www.worksafe.wa.gov.au.

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29 May 2009

PROSECUTION OF ASSESSOR BY WA POLICE

An investigation was carried out following a concern raised by an employer relating to the adequacy of training received by two applicants for high risk work licenses. The investigation revealed that the applicants had only received a few hours theoretical training and no practical training. The Assessor assisted the applicants with the answers to their tests.

The WorkSafe Western Australia Commissioner cancelled the Assessors registration and referred the matter to the Crime and Corruption Commissioner (CCC) on the belief that a WorkSafe Registered Assessor is a public officer. The CCC agreed with this position and referred the matter to the WA Police Public Sector Investigation Unit, who took evidence and charged the Assessor with fraud. A subsequent Court appearance found the Assessor guilty on 2 counts of fraud as a public officer and the Assessor was fined a total of \$14 000.00 plus costs.



Questions ?

- Any questions can be directed to WorkSafes Audit and Compliance team:

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Instrument Queries

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