



# WORKCOVER NSW CONSULTATION FORUMS

Implementation of the National Code of Practice for Induction for Construction Work in NSW

## Frequently Asked Questions

April 2009

**1. What is the timeframe for implementation of the National Code of Practice for Induction for Construction Work (National Code) in NSW?**

The implementation date for the National Code in NSW is 1 September 2009. After this date, all WorkCover NSW accredited trainers and approved providers' statuses will expire, and the only training that will be recognised by WorkCover NSW will be the new national unit of competency *CPCCOHS1001A Work Safely in the Construction Industry* (General Induction) delivered by RTOs.

**2. Who will be responsible for delivering training?**

Registered Training Organisations (RTOs) will be responsible for delivering the training. Trainers who are non-RTO's and wish to continue to provide training will be required to:

- § become an RTO, or
- § work in partnership with an RTO, or
- § be employed by an RTO.

**3. What assistance is available to trainers to help them decide on an option?**

Free workshops on how to become an RTO or establish a partnership were hosted by WorkCover NSW in March 2009.

In addition to the above, it is important to note that the Vocational Education and Training Accreditation Board (VETAB) conducts general public workshops on the Australian Quality Training Framework (AQTF) and RTO registration on a regular basis. For further information on the workshops currently underway please visit [http://www.vetab.nsw.gov.au/rto\\_workshops.php](http://www.vetab.nsw.gov.au/rto_workshops.php).

**4. When will the general induction unit of competency be available?**

The general induction unit of competency is now available for RTOs to add to their scope of registration. Unit is contained within the CPC08 Construction Training Package. To download a copy, please visit the National Training Information Service (NTIS) website [www.ntis.gov.au](http://www.ntis.gov.au).

**5. Where can I find information on RTO's that have the unit of competency on their scope of registration?**

- § NTIS lists all RTOs that have the required unit on their scope of registration.
- § WorkCover will shortly list RTOs that have registered with WorkCover NSW to deliver training in NSW on the WorkCover website to enable both trainers and the general public to search for training providers in their area.



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- 6. What qualifications will trainers need to deliver and assess the new unit of competency for an RTO?**
- The qualifications required to deliver and assess the new unit of competency for an RTO are stated within the National Code and Australian Quality Training Framework Essential Standards for Registration as follows:
- BSZ40198 Certificate IV in Assessment and Workplace Training, or
- TAA40104 Certificate IV in Training and Assessment (TAA40104).
- PLUS*
- Vocational competencies at least equivalent to those being assessed.
- Existing WorkCover NSW trainers should be able to transition and/or work for an RTO with little change as the existing requirements are in line with the AQTF2007.
- 7. Will RTOs require any approval from WorkCover to deliver the training?**
- Yes. RTO's will be required to register with WorkCover NSW prior to delivering training (available shortly). Prior to formal approval being granted by WorkCover NSW, RTOs will also be required to nominate trainers that will be delivering the training on their behalf. For further information and enquiries please contact WorkCover's Third Party Management Unit on 1800 855 969.
- 8. Can RTOs registered in NSW deliver construction induction training in states other than NSW?**
- RTOs registered in NSW may deliver the training in other states or territories provided they have notified their registering body. However, if a NSW Construction Induction Card is required the training must be delivered in NSW as the *Occupational Health and Safety Act 2000* (OHS Act 2000) and *Occupational Health and Safety Regulation 2001* (OHS Regulation 2001) only extends to activities conducted within NSW. WorkCover NSW is unable to audit courses delivered in other states and territories.
- 9. Will WorkCover NSW issue administration guidelines for RTOs under the new arrangements?**
- Yes, administration guidelines, a code of conduct and forms which include requirements for evidence of identity, will be distributed to RTOs prior to the implementation of the new arrangements.
- 10. Who is responsible for sending the notification, evidence of identity and post notification to WorkCover NSW?**
- The RTO will be responsible for compliance with WorkCover's administration guidelines, which include the notification, variations, evidence of identity and submitting the post notification to WorkCover NSW.



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- 11. Who is responsible for the issue of the Statement of Training (SOT) and the Statement of Attainment (SOA)?**  
The nominated trainer delivering the unit of competency on behalf of the RTO will issue a SOT to participants who successfully complete the training, on the day of training. The SOT will be valid for 30 days, while the RTO lodges the necessary details with WorkCover NSW, and WorkCover NSW processes the card. The RTO with the unit of competence on its scope of registration is responsible for the issuing the SOA.
- 12. Who will be responsible for keeping the training records and what is the retention period?**  
The RTO will be responsible for maintaining WorkCover NSW records of training for a 3 year period. However, under the AQTF 2007 Essential Standards for Registration, the RTO must retain learners' records of attainment of units of competence and qualifications.
- 13. Who will be responsible for issuing the Construction Induction Certificate in NSW?**  
WorkCover NSW will remain responsible for issuing the Construction Induction Certificate in NSW.
- 14. Will existing card holders require retraining/refresher training under the national unit of competency?**  
Part 6 of the National Code states that general induction should be completed once upon entry to the industry before commencing construction work. However, general induction may be repeated when the person with control of the construction work decides that there is a need for re-training. This can be determined through supervision, incidents, risk management, or when a person re-enters the industry after an extended absence (eg. 2 consecutive years).
- Clause 222(2) of the *Occupational Health and Safety Regulation 2001* states that a statement of OHS Induction training ceases to be valid for the purposes of this Part if the person to who it is issued has not carried out construction work for any consecutive period of 2 years or more since the issue of the statement.
- 15. Will online training be available under the National Code?**  
In order to protect the quality and integrity of general induction training delivered under the National Code, WorkCover NSW will be maintaining the current face-to-face delivery requirement in NSW.
- 16. Who will be making sure that there is quality training delivered?**  
§ In NSW, the Vocational Education and Training Board (VETAB) will ensure that the general induction training under the national code is delivered and assessed in accordance with the Australian Quality Training Framework (AQTF) Essential Standards for Registration.



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VETAB will monitor the activities of RTO's and may continue, cancel, extend or reduce the scope of registration of an RTO and or/impose sanctions that may include the suspension or cancellation of registration.

- § WorkCover will maintain a systematic audit regime for the purposes of ensuring that participants receive the necessary training and instruction to enable them to work in a safe manner and to be issued with a construction induction certificate (card). To do this standardised assessment and recognition of prior learning (RPL) tools will be mandated.

WorkCover will have the power to cease recognising the output of an RTO for the purposes of issuing a construction induction certificate if it has been proven that the training was not properly conducted. WorkCover will refer any complaints about an RTO to VETAB to investigate (and vice versa).

#### **17. What establishment and ongoing costs are involved in becoming an RTO?**

Consideration of the following costs should include:

- § Registration           \$2, 740
- § Annual fees           \$1, 390
- § Compliance           \$20,000
- § Marketing, enrol, recording keeping, issue testamurs
- § Provide quality training and assessment
- § Co-ordinate training – venues and materials.

Note: Fees are subject to annual review by VETAB in line with the Consumer Price Index (CPI) and are adjusted on or after 1 January each year.

#### **18. What workshops are available from VETAB to assist in becoming an RTO or partnership arrangements?**

##### **§ To Be or Not To Be an RTO**

This workshop assists participants decide whether they should, or should not, become an RTO.

Workshop length: 1 day (9.00am – 4.30pm)

Cost: \$330 (inclusive of GST)

##### **§ AQTF 2007 Explained**

This workshop focuses on the standards and conditions needed to become an RTO. It is essential for those who are new to the ATQF.

Workshop length: 1 day (9.00am – 4.30pm)

Cost: \$330 (inclusive of GST)



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#### **§ Applying to be an RTO**

This workshop explains the VETAB application and audit process. It is designed for organisations applying for registration, or re-registration, with VETAB.

Workshop length: half day (9.00am – 12.30pm)  
Cost: \$192.50 (inclusive of GST)

#### **§ Partnering for success – initiating and sustaining effective partnerships under the AQTF**

The workshop aims to provide the opportunity to share good practice, ideas, resources, strategies and experiences regarding working in partnerships for Training Packages implementation.

Workshop length: 1 day (9.00am – 4.30pm)  
Cost: \$275 (inclusive of GST)

For more information or to register, please visit:

[http://www.vetab.nsw.gov.au/rto\\_workshops.php](http://www.vetab.nsw.gov.au/rto_workshops.php). Alternatively, you may contact the Industry Programs Directorate on 02 9266 8135 or email [tpworkshops@det.nsw.edu.au](mailto:tpworkshops@det.nsw.edu.au).

#### **19. What is the VETAB process to add a unit of competency to an RTO's scope of registration?**

##### **STEP 1 - Review and determine scope**

Review your current scope and determine the new scope of registration for your organisation. You may apply to add and/or reduce your current scope of registration.

##### **STEP 2 - Compliance with AQTF 2007**

Ensure that your current systems and practices are consistent with the [AQTF 2007 Essential Standards for Registration](#) and its Conditions of Registration. Your organisation will need to be fully compliant with the AQTF requirements before you apply for an amendment to scope.

##### **STEP 3 - Apply online**

Download and print the Amendment Application Guide from [VETAB Online Services](#) and read it before completing the application form. You will need a login and password to access the application form online.

If you do not have a password, or have forgotten it, please click on the appropriate link on the VETAB Online Service's login page on the VETAB website [www.vetab.nsw.gov.au](http://www.vetab.nsw.gov.au) to apply for a password, which will involve providing your email address. A password will then be emailed to your organisation. For security reasons, your Chief Executive Officer must request a password for forwarding to their email address.



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#### **STEP 4 - Send support documents**

You need to complete the application process by paying the application fee and forwarding support documents to VETAB within 28 days of lodging your online application. The required support documents for your application are listed in the Amendment Application Guide as well as the 'Pay and Lodge' section of the online application form.

#### **STEP 5 - Pay fees**

You may pay for your application online via credit card (MasterCard or Visa) or direct debit. Otherwise you can send a cheque or money order with the support documents to VETAB within 28 days of lodging your online application. The fees for amendment to scope are contained in the [VETAB Fee Schedule](#).

#### **STEP 6 - Checking applications**

VETAB will check to see if your application is complete, i.e. if all required support documents and fees have been forwarded.

If your application is incomplete, your organisation will receive an email from VETAB outlining why the application is incomplete, and you will have 28 days to provide the required documentation.

#### **STEP 7 - Auditing**

Once your application is complete, it will be allocated to an auditor. Your organisation will be audited against the AQTF 2007 Essential Standards for Registration and Conditions of Registration. You will be given 28 calendar days to rectify any non-compliance and provide additional evidence to VETAB.

#### **STEP 8 - Amendment to scope**

When your RTO complies with the AQTF standards, VETAB will approve an amendment to your scope of registration under the *Vocational Education and Training Act 2005* (VET Act). If your RTO does not demonstrate compliance with the AQTF standards, VETAB may refuse the amendment application under the VET Act.

For more information, please visit [www.vetab.nsw.gov.au](http://www.vetab.nsw.gov.au).

#### **20. What costs are involved with adding additional units to scope eg. general induction or high risk?**

If your organisation, as an RTO and/or CRICOS provider, wants to amend its scope of registration, various fees may be payable. For an RTO providing AQTF courses, there are two fee categories, depending on the level of the qualification/course being amended. For CRICOS providers (overseas students) there are various fees depending on the exact changes being made. If your RTO offers both AQTF and CRICOS courses, you must pay an amendment to scope fee for both.



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Fees are subject to annual review in line with the Consumer Price Index and are adjusted on or after 1 January each year. For a full list of current fees see the 2009 VETAB Fees Schedule

[http://www.vetab.nsw.gov.au/docs/2009\\_VETAB\\_fee\\_schedule.pdf](http://www.vetab.nsw.gov.au/docs/2009_VETAB_fee_schedule.pdf).

RTO amendments to scope 2009 <sup>1</sup>	2009 <sup>2</sup>
Category I <sup>3</sup>	\$340
Category II <sup>4</sup>	\$565

<sup>1</sup> VETAB fees are exempt from GST.  
<sup>2</sup> VETAB fees are subject to annual review in line with the Consumer Price Index.  
<sup>3</sup>Category I - adding a qualification to a Training Package already on a provider's scope, or up to 8 units of competence  
<sup>4</sup>Category II - adding any qualification from a Training Package not on the provider's scope, or 9 or more units of competence.

- 21. What public liability insurance is required to be taken out by an RTO?**  
The RTO must take out public liability insurance. The amount of the public liability insurance will vary depending on the size of the RTO and their scope of registration.
- 22. What are the advantages and disadvantages in partnering with an RTO?**  
WorkCover NSW accredited trainers who decide that they do not want to become an RTO have the option of entering into a partnership arrangement with an RTO. Reciprocal benefits apply to both parties under this arrangement. RTOs have access to the services and expertise of trainers that are familiar with WorkCover NSW requirements and the content of the course; trainers can continue to deliver general induction training in association with, and on behalf of, an RTO. Information on partnership arrangements, including a checklist for making partnerships work, is available on [www.training.com.au](http://www.training.com.au).

Other possible benefits to trainers under this arrangement:

- § Shared resources
- § Reduced administration and record keeping
- § Profile of the RTO
- § Advertising and promotional material provided by the RTO
- § Reduced costs and overheads
- § Greater industry access

The RTO with the unit of competence on scope is responsible for enrolling the candidate, and issuing the Statement of Attainment or qualification to successful participants, rather than the trainer.



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- 23. Does a partnership agreement need to be certified?**  
No – there is no requirement for the written agreement to be certified.
- 24. What are the fees and what are the sorts of costs a partner may encounter under a partnership arrangement?**  
This is a matter for the parties involved.
- 25. Is there a template for partnership agreements?**  
These written agreements can take a number of forms, including:

- § memorandum of understanding
- § memorandum of agreement
- § service agreement
- § letter of agreement.

These documents are commercially available via a number of sources.  
The type of agreement chosen will be influenced by:

- § the policies and procedures on partnership arrangements set by both potential partners;
- § how much each potential partner is required to put into the partnership in terms of money, time and effort'
- § the degree of risk that may be entailed in the partnership.

- 26. Who is responsible for the advertising of the training if in a partnership arrangement? The RTO or the Trainer.**  
The RTO is generally responsible for advertising the training. The terms and responsibilities of each party should be outlined in the partnership agreement.
- 27. What is involved in a VETAB audit and how frequently will this occur?**  
RTOs are audited against the AQTF 2007 Essential Standards for Registration and Conditions of Registration. There are three standards and nine conditions [www.vetab.nsw.gov.au](http://www.vetab.nsw.gov.au). For new RTOs an audit is generated:

- § upon application to become a new RTO;
- § after twelve months of operation;
- § when any new qualifications or units are added to scope;
- § in response to any significant complaint; and
- § at the time of renewal of registration (5 years).

Existing RTOs are audited every five years, when adding a new qualification or unit to scope and in response to any significant complaint.

Note: this is separate, and in addition to, the systematic auditing of the delivery of training by WorkCover NSW.



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#### 28. How does VETAB manage complaints received about the RTO and trainers?

VETAB receives complaints about RTOs from many sources, including students, and follows a procedure in dealing with each complaint.

The first step involves establishing whether the complaint is within VETAB's responsibility under the *Vocational Education and Training Act 2005*. In some cases, the student (or other complainant) may be directed to another government agency (e.g. Office of Fair Trading - OFT), if the complaint is not within VETAB's jurisdiction.

If the RTO is registered in another state or territory, VETAB will forward the complaint to the relevant jurisdiction for investigation and will inform the complainant of this.

Furthermore, VETAB can only investigate complaints about RTOs which directly relate to breaches of the:

- § Australian Qualifications Training Framework (AQTF) 2007
- § Vocational Education Training (VET) Act 2005
- § National Code for Registration Authorities and Providers of Education and Training to Overseas students (the 'National Code') and
- § Education Services for Overseas Students (ESOS) Act 2000.

VETAB is unable to demand that an RTO refund enrolment fees as this falls outside the scope of this legislation. In cases relating to payment of fees, the complainant is advised to contact the OFT on 13 32 20.

#### Investigating the complaint

If the complaint falls within VETAB's jurisdiction, VETAB investigates it following its internal procedures. If the complaint is found to be valid, the RTO will be charged a [monitoring/complaint audit fee](#) of \$140 per hour.

VETAB's investigations could include:

- § Seeking more information from the complainant, including (if appropriate) details of the steps they have taken to contact the RTO regarding their complaint
- § Contacting the RTO by phone or mail to raise the issue, seeking the RTO's advice on any action taken in response to the complaint, and discussing a possible resolution
- § Further investigation, including a possible desk or site audit to identify whether or not the RTO has breached the AQTF 2007 Standards.



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**29. What happens if an RTO is non-complaint?**

VETAB's investigation of a complaint could result in a number of outcomes, namely:

- § No non-compliance is found on the part of the RTO.
- § *If a non-compliance is identified, the RTO will be sent a letter notifying them that they need to provide evidence that the non-compliance has been rectified. This could include evidence that the complaint has been addressed.*
- § If the RTO fails to provide evidence of rectification within a specified period, VETAB will consider placing sanctions on the RTO. Sanctions could include placing conditions on registration, suspending registration or cancelling registration.

**30. Will RTOs be able to recognise prior learning (RPL) to determine competence against the unit?**

Yes. RTOs will be permitted to accept applications for RPL. However, the RPL tool will be mandated by WorkCover NSW to ensure that the required standards are maintained.

At this stage WorkCover NSW are looking to adopt the Construction and Property Services Industry Skills Council (CPSISC) assessment and RPL tools.

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Fax: (02) 6253 0004  
Email: [info@cpsisc.com.au](mailto:info@cpsisc.com.au)  
Website: [www.cpsisc.com.au](http://www.cpsisc.com.au)

Additional CPSISC guides:

- § trainer's and assessor's guide
- § construction industry OHS pocket book
- § WELL professional development guide for assessors and trainers analysing language literacy and numeracy (LLN) requirements.

**31. Can the new unit of competency be delivered and assessed in a language other than English?**

Yes. However, all qualifications or statements of attainment must be produced in English (as per the National Quality Council policy). Where all the training and assessment has been conducted in a language other than English, that language must be noted on the qualification or statement of attainment.