



Media Statement

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Assessor fined \$14,000 and registration cancelled for second time

A WorkSafe assessor has been fined \$14,000 and had his registration cancelled for a second time after he was found guilty of breaching his duties as an assessor.

Kenneth Sully was found guilty of seven charges of failing to assess competency in accordance with the assessment instrument, and was fined in the Perth Magistrates Court on Friday.

Mr Sully's certificate of registration as a WorkSafe assessor was renewed in April 2014, entitling him to conduct assessments of persons wanting to obtain High Risk Work Licences in a number of classes.

In order to apply for a High Risk Work Licence (HRWL), a person must first sit an assessment and be granted a Notice of Satisfactory Assessment by a registered training organisation.

Mr Sully was the Director of Austep Pty Ltd, a registered training organisation that was audited by WorkSafe inspectors in August 2014.

Between August 27 and 31 2014, documents obtained from Austep indicated that Mr Sully marked 19 HRWL candidates as "competent" and issued 19 Notices of Satisfactory Assessment when these candidates answered one or more critical questions incorrectly and/or failed to answer a critical question.

This should have resulted in assessments of "not yet competent", with the unsuccessful candidates to be reassessed at a later date.

The seven charges brought by WorkSafe against Mr Sully were representative of the breaches of his duties as a registered HRWL assessor during August 2014.

Magistrate Randazzo commented that "High Risk Work Licence assessors play an important role in the community, and assessments have to be done properly."

He further noted that "there needs to be an element of punishment as well as general deterrence. This was not an isolated incident."



WorkSafe WA Commissioner Lex McCulloch said today the case should send a warning to any other assessors who may be tempted to mark candidates as competent when they may not be.

“This case demonstrates that WorkSafe does indeed audit assessors, and does take legal action when breaches are discovered,” Mr McCulloch said.

“Mr Sully had previously had his assessor registration cancelled by WorkSafe in 2005 after a number of breaches were identified. He subsequently applied to have his registration reinstated, and this was granted two years later due to his acceptance of wrongdoing.

“The prosecution action that has been taken in response to the discovery of further offences is evidence of how seriously WorkSafe takes any non-compliance with the duties of a High Risk Work Licence assessor.

“High Risk Work Licences are only issued to workers who have been appropriately trained and have the skills to perform high risk work safely and competently.

“They apply to anyone engaged in work considered to be “high risk”, including scaffolding, dogging and rigging work and the operation of cranes, hoists, pressure equipment and forklifts.

“It is vitally important to ensure that High Risk Work Licences are only issued to workers who have been appropriately trained and have the skills to perform high risk work safely and competently.

“The loud and clear message is that any assessor who takes shortcuts or breaches his duties in any way will be subject to legal action that will likely result in a criminal record.”

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