



e-campus
A U S T R A L I A
Maritime Training

Student Handbook
COXSWAIN



Certificate II
Transport & Distribution –
Marine Operations
TDM20307



NATIONALLY RECOGNISED
TRAINING

e-Campus Australia Student Manual

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For more information contact:

e-Campus Australia
P O Box 439
Edge Hill QLD 4870

Or find us on the web – www.ecampusaustralia.com.au

For permission to use material from this text or product, contact us by:

- Web: www.ecampusaustralia.com.au
- Phone: 1300 787 599
- Email: admin@ecampusaustralia.com.au

Disclaimer

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Contact us if you feel you are eligible for Recognition of Prior Learning (RPL) arrangements and we will forward our policy and application form. – Refer to “RPL Policy and Application Form”

RESOURCES Required for your Course

We carry the following for students who need to purchase their training resources and on sell to you for our cost ONLY

*These can be purchased from us at enrolment Australian Boating Manual - \$89.95
Small Ships Manual - \$39.95*

The following can be purchased from Absells Chart & Map, 85 Lake Street, Cairns
*Chart 5011 Symbols and Abbreviation – \$39.95.
Charts AUS252 - \$35*

*Tide Tide Tables Book
Parallel Rulers
Dividers
Calculator - Scientific
Compass
Pen
Paper
2B pencils
Eraser*

THESE PRICES CAN DIFFER – Estimate: \$200

All students are required to have a laptop for study purposes – Officeworks \$600

You will be unable to participate in your classroom activities if you are not prepared; DO NOT TURN UP WITHOUT YOUR RESOURCES YOU MAY HAVE TO WAIT UNTIL THE NEXT SCHEDULED CLASS IF YOU DO.

Student Induction

Students Name _____ Date: _____

Induction Conducted By: _____

When induction information has been presented and discussed the person conducting the induction will tick off and initial the relevant induction information to indicate that this has been covered. If the listed information area is not relevant then tick the Not Applicable (N/A) column.

The new recruit is then required to sign off on induction information that they have received and understood the induction information.

Induction Information	Located	✓	N/A
Learning Needs interview	Enrolment Pack		
LLN Indicator	Enrolment Pack		
Enrolment Form	Enrolment Pack		
Resources Required	Student Hand book – P4		
VET Requirements & Policies	Student Hand book – P13		
Enrolments & Enquiries	Student Hand book – P17		
Workplace Task Book	Student Hand book – P17		
Competency Based Training	Student Hand book – P18		
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Appeals, Complaints & Conflicts	Student Hand book – P25		
Disciplinary Procedures	Student Hand book – P29		
Access & Equity	Student Hand book – P37		

Signature of Student:.....

Signature of Induction Co-ordinator:.....

Date:

TDM20307 CERTIFICATE II IN TRANSPORT & DISTRIBUTION (COASTAL MARITIME OPERATIONS – COXSWAIN)

CHARACTERISTICS OF THE QUALIFICATION - **Rationale:** A qualification aligned to the educational requirements for certification as a Coxswain as described in Part D of the National Standard for Commercial Vessels (NSCV).

Requirements for completion of the qualification:

A successful outcome of the **sixteen** units of competency listed below.

Additional units from those listed below or relevant units from this or other Training Packages ^{Note 5} may be included in the qualification to satisfy specific additional needs beyond the minimum requirements. (They may also be achieved separately, either individually or in skill sets, leading to a National Statement of Attainment as described elsewhere in the Training Package)

Pre-Requisites for Qualifications for Occupations in Coastal Maritime Operation Highlighted in Grey and these are all additional courses, contact us should you need

Environment

Note 1: TDMMU507B

Where individuals are likely to **only operate** VHF equipment and are specifically preparing for their AMSA VHF radio operator's certificate, TDMME1007A Transmit and receive information by marine VHF radio or telephone may be selected in place of TDMME507B Transmit and receive information by marine radio or telephone.

Note 3: TDMMF5407A is a **new unit** incorporating the requirements of the previous two units TDMMF701B Observe safe working practices and TDMMF801B Comply with emergency procedures.

Note 4: TDMMF5507A is a **new unit** incorporating the requirements of the previous two units TDMMF5302A Fight and extinguish fires on board a commercial vessel and TDMMF1201A Minimise the risk of fire and maintain a state of readiness to respond to emergency situations involving fire.

MANDATORY REQUIREMENTS

FIELD		UNIT	
B	Equipment Checking and Maintenance	TDMMB4507A	Monitor condition and seaworthiness of a small vessel up to 24 metres
C	Manoeuvre Vessel	TDMMC707C	Apply seamanship skills and techniques when operating a small vessel within the limits of responsibility of a Coxswain
		TDMMC907C	Manoeuvre a domestic vessel within the limits of responsibility of a Coxswain
E	Communication	TDMMME507B	Transmit and receive information by marine radio or telephone Note 1
		TDMMME1107A	Contribute to effective communications and teamwork on a coastal vessel Note 2
F	Operational Quality and Safety	TDMMMF1007B	Provide elementary first aid
		TDMMMF1107B	Survive at sea in the event of vessel abandonment
		TDMMMF3207C	Apply domestic regulations and industry practices when operating a small coastal vessel
		TDMMMF5407A	Observe safety and emergency procedures on a coastal vessel Note 3
		TDMMMF5507A	Fight and extinguish fires on board a coastal vessel Note 4
H	Navigation	TDMMH1207B	Plan and navigate a short voyage within inshore limits
R	Carry Out Operations on Equipment and Systems	TDMMR3007B	Operate and carry out basic service checks on small vessel marine propulsion systems
		TDMMR3107B	Operate and carry out basic servicing on auxiliary systems
		TDMMR3207B	Operate and carry out basic routine servicing of marine extra low and low voltage electrical systems
		TDMMR5407B	Carry out refueling and fuel transfer operations

Note 2: TDMMME1107A is a **new unit** incorporating the requirements of the previous two units
 TDMMME101A Understand orders and be understood in relation to shipboard duties and
 TDMMML201A Contribute to effective human relationships on board a vessel (as they apply to coastal vessel operations).

OPTIONAL ADDITIONAL UNITS TO MINIMUM REQUIREMENTS

The units listed below or relevant units from this or other Training Packages ^{Note 5} may be included in the qualification to satisfy specific additional needs beyond the minimum mandatory requirements.

E	Communication	TDMMME1007A	Transmit and receive information by marine VHF radio or telephone
O	Security	TDMMMO107A	Follow maritime security procedures

Note 5: Where units of competency are included from another Training Package, Registered Training
 \\PEX\Training\TDM20307 CX\Training Requirements\Student_Hand_Book_Coxswain_Dec2011.docx
 Created on January 2008. Created By: Kelly Harvie Reviewed June 2011 Version 2

Organisations should check the National Training Information System (NTIS) or contact the Industry Skills Council responsible for the Training Package to check if the unit has any pre-requisite or co-requisite requirements.

TDM20307 Certificate II in Transport & Distribution (Coastal Maritime Operations – Coxswain)

The following table contains a summary of the employability skills as identified by the maritime industry for this qualification. This table should be interpreted in conjunction with the detailed requirements of each unit of competency packaged in this qualification. The outcomes described here are broad industry requirements that may vary depending on packaging options.

Employability Skill	Industry/enterprise requirements for this qualification include:
Communication	<ul style="list-style-type: none"> • Use vessel's communication systems and procedures • Read and interpret maritime regulations, charts and drawings, equipment readings and displays, vessel's safety and emergency procedures, vessel and equipment manufacturer's instructions, etc. • Speak clearly and directly on matters related to vessel operation and maintenance • Write documents as part of duties, including reports on vessel operations, incident reports, entries in records, etc. • Recognise and interpret non-verbal signs, signals and behaviour • Interpret and record observations and equipment readings and displays • Communicate with multilingual crew • Use vessel's communication equipment and radio equipment
Teamwork	<ul style="list-style-type: none"> • Resolve any interpersonal conflicts that may arise on board the vessel • Avoid and prevent the harassment of others on the vessel • Collaborate with others in the course of vessel operations • Work with passengers of different ages, genders, race, religion, political persuasion, etc.
Problem solving	<ul style="list-style-type: none"> • Identify and solve or report problems arising in the course of vessel operations • Monitor and anticipate problems that may occur in the course of watchkeeping operations including hazards and risks and take appropriate action (e.g. avoidance of collision, avoidance of navigation hazards, avoidance of environmental pollution, etc.) • Manage hazards and risks in a range of vessel situations, (e.g. collision avoidance, navigation hazards, heavy weather and seas, etc.) • Use mathematics to solve problems such as various basic calculations related to inshore navigation, position fixing and other duties and functions
Initiative and enterprise	<ul style="list-style-type: none"> • Modify activities dependent on differing work situations and contingencies such as changes in the weather and sea conditions, changes in operational performance of equipment, and navigational emergencies • Take appropriate initiatives in a range of operational situations such as those above • Respond appropriately to any changes in equipment, standard operating procedures and the vessel's working environment

Planning and organising	<ul style="list-style-type: none"> • Follow and apply operational and emergency plans, systems and procedures for the vessel, including the vessel's safety management system and emergency procedures • Monitor systems and procedures for compliance with regulations and codes of practice • Implement vessel's safety management system • Monitor and evaluate operational performance and compliance • Collect, manage and interpret information needed in the course of vessel operations • Organise and plan own management activities as coxswain on a small vessel • Manage time and priorities in the course of vessel activities
Self-management	<ul style="list-style-type: none"> • Interpret and apply regulations, survey requirements, standard procedures and codes of practice as they apply to small vessel operations, including collision avoidance, OH&S, environmental protection, security and SOLAS requirements • Establish and follow own work plans and schedules • Evaluate and monitor own work and management performance as coxswain on the vessel
Learning	<ul style="list-style-type: none"> • Adapt own competency to any changes in the vessel type, its bridge equipment and its operating environment • Update own knowledge and skills required for vessel activities
Technology	<ul style="list-style-type: none"> • Operate equipment on a small vessel of less than 12 m in length including steering and navigation systems, and electronic navigational aids, radio systems, safety equipment, etc. • Follow and apply operational and maintenance systems for the vessel's hull, propulsion, electrical and auxiliary systems, safety equipment and other facilities on the vessel • Follow and apply safety management system and OH&S procedures for operation and maintenance of vessel equipment and facilities • Carry out the preventative and remedial maintenance procedures for the vessel's hull, propulsion plant, electrical and auxiliary systems, other equipment and tools • Carry out fuelling and refuelling operations • Use firefighting equipment on a small vessel

Enrolments & enquiries

Call us 1300 787 599 to arrange an interview either over the phone or face to face, this interview will assist in making sure you sign up for the correct course and have all the information required to make the right decision. During this interview we will discuss your previous experience, future plans/direction and current situation. We can then determine the style of training that will best suit your need; you will be treated as an individual at e-Campus Australia Maritime Training as everyone's situation is different.

Once we have interviewed and assessed the correct course and pathway for you, please complete the enrolment form and provide all relevant information (e.g. date of birth, proof of pre-requisite study) prior to commencing a course or program. When we receive your enrolment paperwork we will raise an invoice for your course fees, a deposit of \$1000 will be required with payments to be made on the dates provided.

When your enrolment is processed, you will be provided with an Enrolment Confirmation and your student login information if applicable.

In the initial interview with the student, options will be discussed regarding:

Any drink driving offenses – If you have lost your license or lose your license in a drink driving offense, you may not be able to sit for your Marine Ticket or you could lose your Marine Ticket.

Medical Test – Under the MSQ requirements you will need to provide them with a Medical Test, this test will include an eye sight test, if you are color blind this may restrict your license to a day time operations only.

Individual and special needs:

- E-Campus Australia (ECA) ensures modified training and assessment strategies for Candidates with Individual & Special Needs after initial interview and evaluation. Flexible delivery of training and assessment is addressed to cater for candidate's individual and special needs.

Language, Literacy & Numeracy support:

- E-Campus Australia ensures provision of literacy and numeracy support services to candidates who require individual and personal assistance. This will provide the basis for candidates to gain the necessary skills to achieve competency in their chosen qualification.
- Alternative methods of learning and assessment to the traditional written based are used such as video taped, cassette taped, CD-Rom, photographic, project, oral questioning, observation, demonstration, evidence portfolio, and /or third party verification etc.

Flexible Learning and Assessment

Formal Teaching/Instruction/Delivery and Assessment within a unit of competency must be provided, via a combination of the following flexible delivery modes:

- Distance
- Correspondence/work books
- Online
- Internet
- Video link
- Face to face instruction
- Teleconferencing

The program is organised so that the candidate is provided with resources relating to each element of competency and given the opportunity to apply this information to their workplace and assigned projects/scenario based activity.

Candidate is encouraged to do a self-assessment prior to assessment to ensure readiness for assessment of all competencies.

Assessment may include third party verification, Observation/demonstration, evaluation of portfolio and workplace project (Simulated/Work based).

E-Campus Australia ensures modified assessment strategies for Candidates with Individual & Special Needs after initial interview and evaluation. Flexible assessment is addressed to cater for candidate's individual and special needs.

Alternative methods of assessment to the traditional written based are used such as video taped, cassette taped, CD-Rom, photographic, project, oral questioning, observation, evidence portfolio, and /or third party verification etc.

It is only when the candidate successfully completes all evidence gathering requirements of the qualification that he or she is deemed competent.

Delivery and Assessment arrangements

MSQ Workplace Task Books

- On enrolment you will be supplied with MSQ Workplace Task book which will need to be signed off by a skipper of equivalent value or higher.
- These books are designed to ensure you get a better understanding of the practical component of the job you will be doing on successful completion
- A successfully completed task book has the potential of reducing your seetime by 50% should you require
- Regardless if you need to use this task book for a reduction in sea time, you will be required to provide evidence against this document, either by completing it on the Job or applying for RPL if your qualifying sea time is prior to 2008.

Note: Under the agreement between Maritime Safety Queensland (MSQ) and Department of Education (DET) all Recognised Training Organisations (RTO) **must collate evidence against the MSQ Workplace Task book**. While you might have plenty of sea time for MSQ the RTO must present evidence against these books when they are audited by MSQ or DET.

When we receive your work books we will then establish any areas you feel you may need additional training, we will develop an individual training program for you. Some training sessions may be in a classroom environment or conducted on board your vessel, again depending on where you are located.

Once you have managed to gain all the training required and have provided all your Task Book and Assignment Booklet for review you will then be booked in with one of our assessors. It is cheaper if you are able to be booked in locally Cairns, however we are in the process of securing assessors in other locations and we have many students all around Australia. Assessments outside of the local region will incur an additional fee depending on where you are physically located.

Delivery Modes – Competency Based

Training:

The delivery mode selected by e-Campus Australia is to support the development of the practical skills and theoretical knowledge required to support the achievement of competency in this course.

All training delivery materials are mapped to the unit of competency. This will ensure that all training requirements of the performance criteria, range of variables, underpinning skills and knowledge are addressed.

If a participant does not have access to a suitable workplace to complete the on-the-job training component they will need to discuss with the Registered Training Organisation strategies to address this requirement such as arranging a suitable industry placement or a realistically simulated worksite.

Industry placement under the relevant state/territory legislation covers the unpaid placement of the student with a suitable business that has the facilities, the range of work, supervision and training required under the training plan for the Industry Placement. In Queensland, 'Industry Placement' is covered under the Vocational Education, Training and Employment Act 2000, Chapter 4 (Vocational Placement)

Assessment:

All assessment materials are mapped to the performance criteria in the unit of competency. This will ensure that all assessment requirements of the performance criteria, range of variables, underpinning skills and knowledge and the critical aspects of evidence are addressed.

If a participant does not have access to a suitable workplace to complete the on-the-job training component they will need to discuss with the Registered Training Organisation strategies to address this requirement such as arranging a suitable industry placement or a realistically simulated worksite.

Industry placement under the relevant state/territory legislation covers the unpaid placement of the student with a suitable business that has the facilities, the range of work, supervision and training required under the training plan for the Industry Placement. In Queensland, 'Industry Placement' is covered under the Vocational Education, Training and Employment Act 2000, Chapter 4 (Vocational Placement)

Evidence-gathering techniques:

We will use a range of techniques to gather evidence to support a decision that a person has achieved competency in relation to the units of competency addressed by this guide.

Recognition of Prior Learning (RPL is recognition of prior learning or skills obtained from previous study or work/life experience).

This is quite a process however if you are knowledgeable of meeting standards and educational jargon then this can offer the right candidate a fast solution. However please do not think for one moment this process is easy and ***it is up to the candidate to supply the evidence required.***

Please contact our office for an RPL Application should you feel you may suit the requirements.

Recognition of qualification issued by another RTO

e-campus Australia must accept and mutually recognise the decisions and mutual acceptance throughout Australia of the qualifications and Statements of Attainment awarded by registered training organisations. (Mutual Recognition of the AQF qualifications and Statements of Attainments awarded by other RTO's).

Entry Requirements

To meet licensing regulations within their jurisdiction. Regulatory authorities have **minimum age requirement of 18 prior to assessment however training may commence prior.**

To ensure you have up to date information please visit the MSQ website for your requirements. <http://www.msq.qld.gov.au/Home/Licensing/Commercial/>

Course Fees

Course fees as from Monday 21st November 2011

Classroom attendance AUD \$ 2550 + Book Fees – Please check page 5 – resource list and let us know what you need on enrolment

Remote Studies \$2950 + Book fees - Please check page 5 – resource list and let us know what you need on enrolment

**Fisherman restricted Coxswain up to 10m
Classroom attendance AUD \$ 1950 + Book fees
Remote Studies \$2550 + Book fees**

Deposit of \$1000 to be paid on enrolment, with \$1500 to be processed on your first week of enrolment and all remaining fees to be paid in sums no greater than \$1500 until all fees have been paid.

ALL fees to be completely finalised prior to any certification being issued.

Assessments – All assessments outside of the Cairns region will be provided with an ASSESSMENT QUOTE, this is to cover travel and accommodation costs where Necessary as we assess anywhere in Queensland. If candidates are able to appoint their assessment here in Cairns they would not incur any additional assessment fee. Each candidate is assessed on an individual basis we are therefore unable to offer a generic fee suitable to cover expenses involved.

Application Procedure

Applications must be made through e-Campus Australia administration at admin@ecampusaustralia.com.au or by calling 61 7 4053 5824.

Refund rules Transfer rules

- If the Campus cancels a program/subject before it starts, fees paid by the student will be refunded in full.
- If a student cancels enrolment two weeks or more **before it starts** a refund of fees paid after deducting an administration charge of 15%.
- If a student cancels enrolment in less than two weeks before it starts, a refund less 25% will be given.
- If a student requests a refund 5 days prior to commencement or once course has commenced, no refund will be given.
- If a student is unable to attend, a suitable delegate is welcome at no extra charge.

Welfare and Guidance

ABSTUDY; Maybe available to all full-time or part-time students of Aboriginal or Torres Strait Islander descent. ABSTUDY is means tested. Information and application forms are available from the Aboriginal and Torres Strait Islander Support Officer or your local Administration Office.

Youth Allowance/AUSTUDY provides financial assistance to eligible students over 16 years of age. Eligibility will depend on your own or your parents' income and assets. Forms are available from Centrelink or your local Administration Office. There are often delays between lodging the application and receiving the first payment, so it is advisable to apply early. Some students may also be eligible for a Health Care Card.

Access to information by Students

ECA policy allows student access to their individual student files as requested. Notice must be given in writing 21 days in advance and a staff member is required to be present whilst the individual is perusing their individual file. Under no circumstances are files to be removed from the ECA Office. The Administration Manager will provide all applications copies of student information, certifications or statements upon processing request.

- Student results are retained in the main office and backed up offsite with Keep IT.
- For retrieval we can access Keep IT and restore our back up. The information kept would enable us to be able to re-issue a qualification or statement of attainment should a student request a replacement copy.
- Student results are retained for 30 years
- Qualifications/Statements of Attainment issued are retained for 30 years
- Completed assessment items including RPL evidence is retained until after the appeal ends then the assessor's assessment sign off checklists are retained
- Should e-Campus Australia close before the 30 years, all files are returned to Dept of Education for students to still access their training information.

Contact Details

By Phone:	Postal inquiries:	Email:
Administration Officer Phone: 07 4053 5824	Administration Officer e-Campus Australia P O Box 439 Edge Hill QLD 4870	info@ecampusaustralia.com.au

Support and Additional Information

For additional information concerning the following, please refer to either Training or Administration Department for a complete copy of policy or procedure

Attachment 1

LEGISLATION AND REGULATIONS

As at 1 January 2004

The RTO and staff will ensure compliance with Commonwealth and **State legislation** and regulatory requirements relevant to its operations.

Further information on **legislation** is available on the **State** government web site www.legislation.qld.gov.au and the Education Queensland DOEM's web site at www.education.qld.gov.au/corporate/doem/

The RTO has developed policies and procedures to assist maintain compliance the **legislation** and **regulations**, in particular, those mentioned below:

Education (General Provisions) Act 1989

An Act to consolidate and amend the law relating to education and for related purposes [as amended by all amendments that commenced on or before 2 January 2002].

The Education (General Provisions) Act 1989 is the over arching **legislation** governing the provision of education in Queensland. It sets out the requirements for compulsory schooling, the establishment and operations of **state** and non-**state** schools, the powers of the Minister for Education, school attendance, Parents and Citizens Associations, University and Higher Education and so on.

Education (Queensland Studies Authority) Act 2002

An Act to establish the Queensland Studies Authority, to confer functions on the authority including functions about developing and accrediting 1–12 syllabuses and preschool guidelines, testing, assessment, moderation, certification, vocational education and training and tertiary entrance, to establish the Office of the Queensland Studies Authority, and for other purposes

Education (Overseas Students) Act 1996

An Act to provide for the registration of persons providing courses to overseas students and for registration of the courses, and for related purposes.

This Act's object is to seek to ensure that education and training for overseas students is provided in an orderly and appropriate way.

Workplace Health and Safety Act 1995

An Act to promote and protect freedom from disease or injury to persons caused, and risk of disease or injury to persons created, by workplaces, workplace activities and certain plant, and for related purposes.

The Workplace Health & Safety Act sets a standard of conduct and clearly describes the health and safety rights and responsibilities of all parties in the workplace. Through management of health and safety all parties take responsibility to ensure safe work practices are adhered to by all parties.

Anti-Discrimination Act 1991

An Act to promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity and from sexual harassment and certain associated objectionable conduct.

This purpose is to be achieved by prohibiting discrimination [equal opportunity, racial vilification, sexual harassment, disability discrimination, workplace harassment, victimisation and bullying], allowing a complaint to be made against a person who has unlawfully discriminated and using the agencies and procedures established to deal with the complaint.

Freedom of Information Act 1992

An Act to require information concerning documents held by government to be made available to members of the community, to enable members of the community to obtain access to documents held by government and to enable members of the community to ensure that documents held by government concerning their personal affairs are accurate, complete, up-to-date and not misleading, and for related purposes.

The object of this Act is to extend as far as possible the right of the community to have access to information held by Queensland government.

Privacy Act

The Privacy Act provides for the rights of individuals to ensure that personal details held by other persons or organisations about them must not be released without their prior knowledge. It also allows for individuals to access the information held by other persons or organisations.

Information held by other person or organisations must be secure and individuals should be advised how the information will be used.

You are also required to meet all Maritime Safety Queensland license requirements and these are located on <http://www.msg.qld.gov.au/Licensing/Commercial.aspx>

How to download a Training Package on NTIS

1. Navigate to the NTIS Home page – www.ntis.gov.au
2. Click on the **'Training Packages'** hyperlink, located on the NTIS homepage;
3. A list of all Training Packages available on NTIS are now displayed
4. Click on the hyperlink of the Training Package that you want to download
5. Click on the **'Download Training Package'** hyperlink from the **'Tools'** toolbox on the right hand side of the page
6. If the Training Package content has not been migrated to NTIS as yet, then you can only select individual volumes of the selected Training Package for download. Select one or more volumes as required and click on the **'Download'** button to download the Non-Migrated Training Package. Go to Step 11.
7. If the Training Package content has been migrated to NTIS, you can expand the Training Package Volume information and select specific sections of the Training Package for download.

Note: You can Expand and Select specific Volume Information by clicking on the **'+'** which is located above the **'Tick'** box next to the section heading, for example **'Volume 1'**.

8. Deselect or un-tick the checkbox for any section/s of the Training Package that you do not want to download
9. Click on the **'Download'** button to move to the next screen where you can select the format for downloading.
10. Choose necessary format (PDF, HTML or XML) by selecting the respective radio button and click on the **'Download'** button to move to **'Step three: Download file(s)'** section.
11. **Click on the 'Download' button to download the Training Package file or 'Cancel' to go back to 'Step Two: Choose Format'.**

Attachment 3 - Conflict Resolution Policy for Students

1. PREAMBLE

1.1 Purpose

The purpose of the policy is to provide a framework for the resolution of Conflicts from ECA students regarding academic and administrative matters. Although many Conflicts can be resolved in an informal way there will be instances where a more formal process should be followed.

1.2 Background

The Conflict resolution procedures for students incorporates a role for an Independent Conflict Officer who will be responsible for the coordination and oversight of Conflict and Conflict handling processes for the Campus, with an emphasis on determining the proper jurisdiction of matters.

2 SCOPE OF POLICY

The policy applies to all enrolled students of ECA (both individual students and/or groups of students), as well as former students who were enrolled at ECA at the time of the event providing that the Conflict is made within six (6) months of ceasing to be a student of the program in which the Conflict occurred.

Academic Matters.

- Conflicts or appeals against academic decisions including
 - academic assessment or appeals against assessment decisions
 - provision of academic services

Administrative Matters

- Conflicts or appeals relating to administrative matters including
 - administrative decisions affecting students
 - administrative services provided to students.

NOTE : The policy does not apply to decisions concerning admission or non-admission of a prospective student.

3 DEFINITIONS

Conflict

A Conflict is any complaint or concern from a student about an academic or administrative matter where the student wishes to obtain an action or response. The Conflict may be able to be resolved informally or may require a formal resolution.

Conciliation and Mediation

Conciliation refers to the process where the complainant and respondent are assisted to reach a solution to the issue or Conflict that will allow the parties to continue to work or study in a manner satisfactory to both. The purpose of conciliation is to find a resolution, to ensure that the situation that caused distress does not reoccur and to remedy, where possible, any disadvantage suffered. The

focus of this process is settlement of the Conflict rather than fact-finding or allocation of blame. Conciliation may be undertaken in accordance with this procedure by the relevant supervisor, senior manager or specialist group. Conciliation may take place

- as a series of separate meetings between the conciliator and each party, where the conciliator acts as a go-between; or
- through mediation where the complainant and respondent meet face-to-face with a neutral third party (the conciliator or mediator) in a joint session;
- or in a mix of the two.

Mediation may form part of the process of conciliation that may be undertaken between the parties (complainant and respondent) and should only be undertaken by an appropriately skilled and trained person.

Confidentiality

The Campus requires that all Conflicts be dealt with in a confidential manner. This means that students with a Conflict, any person acting as a support person and all staff involved in dealing with the issue only disclose information about the Conflict or the Conflict process to those who have a legitimate role in resolving the matter; i.e. those who have a direct interest and role in dealing with the particular case in accordance with the relevant procedures. It also extends to keeping any information and records secure and safe.

Conflict of Interest

A staff member who is involved in the Conflict should not participate in the management of the Conflict process once Step 1 is concluded. For example, where a Conflict is about an academic staff member who is also the Principal, then the matter should be referred to the Human Resource Department at Step 2 of the procedure.

Procedural Fairness

The Campus believes that all Conflicts should be dealt with in accordance with the principles of procedural fairness. Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to information regarding the status of the Conflict.

Victimisation

Victimisation includes any unfavorable treatment of a person as a consequence of their involvement in a Conflict under these procedures. Unfavorable treatment includes ostracism, adverse changes to the work environment, and the denial of access to resources, work opportunities or training.

4 POLICY STATEMENT

The Campus is committed to providing a safe, harmonious and productive work and study environment where Conflicts are dealt with sensitively and promptly. The resolution procedures ensure that students are able to discuss legitimate Conflicts, knowing that ad hoc, vindictive or arbitrary action will not be taken against them or the staff complained about. By providing a clear set of procedures, it is hoped that Conflicts can be dealt with satisfactorily and as quickly as possible, and will prevent a

minor Conflict from becoming a major problem.

4.1 General Principles

A number of general principles guide the Campus's policy and procedures on resolving a Conflict. All Conflicts will be treated seriously and sensitively, having due regard to procedural fairness, maintaining confidentiality and privacy. Conflicts should be handled quickly and as close as possible to their source, although this may be modified by the nature of the Conflict and/or the complainant's wishes. Concerns should be raised as soon as possible after the incident(s) occurs.

Wherever possible, Conflicts should be addressed by a process of discussion, cooperation and conciliation. The complainant (the person raising the Conflict) and the respondent (the person against whom the Conflict is made) are expected to participate in the Conflict resolution process in good faith. The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing relationships.

Conflicts should not be frivolous or malicious. This may constitute misconduct. No person should be victimised because they raise a Conflict in good faith or are associated with a Conflict.

The Campus recognises that all decisions which affect a student's standing or progress in a program or course must be made fairly and must be based on appropriate academic criteria.

A Conflict may concern a decision that has affected a student's standing or progress in a course or program, or may be in relation to an administrative decision. Many of these decisions concern assessment, but they may relate to other matters which could adversely affect a student's standing such as the granting of advanced standing or discontinuation.

4.2 Legal and Policy Framework

As members of the Campus community, staff and students are expected to adhere to Campus rules governing conduct, such as the

- ECA Code of Conduct (for staff members) ,
- the ECA Code of Conduct for the Responsible Practice of Research (for staff and students),
- and the Statement on Behaviour Required of Students .

The policy does not apply to conduct such as unlawful discrimination and harassment. For examples of which Campus policies cover a range of Conflict areas, please see **Appendix A** .

- for Conflicts relating to discrimination or harassment refer to the Student Discrimination and Harassment Conflict Policy and Procedures
- Conflicts covering specific matters such as student misconduct or student academic misconduct will be dealt with under the Student Misconduct Procedures. For information about the Student Misconduct Rules go to the ECA website www.ecampusaustralia.com.au or obtain information on these procedures from the Campus Handbooks or request from ECA Administration on 0740535824
- a student Conflict against another student for inappropriate behaviour which affects the complainant's ability to progress in a program/subject/course may be dealt with under the Student Misconduct Rules.

4.3 Privacy Statement

All records and information gathered during the course of a Conflict will be managed in accordance with relevant Commonwealth and State privacy legislation.

5 IMPLEMENTATION

5.1 Responsibilities

All students and staff at ECA have a responsibility to identify, prevent and address problems in the work and study environment. This includes the communication and implementation of this policy and the associated procedures.

5.2 Procedures

Please refer to the Student Discrimination And Harassment Conflict Policy And Procedures and the Student Misconduct Rules Policies and Guidelines

6 EVALUATION

Policy content, communication and implementation will be reviewed one year following the date of approval. Follow-up review will take place no later than two years following the initial review.

Attachment 4

Name:	Student Misconduct Rules Policies and Guidelines	Contact Officer:	Student Administration
Date of Approval:	Wednesday 1 st June 2005	Original date for Review :	Wednesday 1 st June 2006
Date Reviewed	Wednesday 1 st June 2006 Wednesday 1 st June 2007 Thursday, 28 August 2008 Wednesday 1 st June 2009 Tuesday 1 st June 2010 Thursday, 17 November 2011	Due for Review :	1 st June 2012

Policies, Procedures and Guidelines: Student Misconduct Rules**STUDENT MISCONDUCT RULES**

- 1. Scope
- 2. Definitions
- 3. Delegation
- 4. Suspension in Urgent Circumstances
- 5. Decentralised Formal Procedures
- 6. Summary Hearing
- 7. Panel for Committees on Student Discipline
- 8. Committees on Student Discipline
- 9. General

1. Scope

1.1 The Rules in this Resolution govern student misconduct, including the procedures for determining and dealing with alleged student misconduct and for the short-term suspension of students on grounds of misconduct.

1.2 The powers vested by or by virtue of this Resolution apply in respect of misconduct by a person who was a student at the time of the misconduct whether or not that person is currently enrolled.

1.3 Nothing in this Resolution precludes the Campus from instituting or seeking the institution of civil or criminal proceedings against a student in respect of misconduct.

2. Definitions

2.1 "**Exclusion**" means the cancellation of enrolment of a student and the withdrawal for a specified time of all rights and privileges as a student of the Campus, including the right to re-enrol as a student and the right to enter or to be on Campus grounds.

2.2 "**Expulsion**" means the cancellation of enrolment of a student and termination of all rights and privileges as a student of the Campus including the right to re-enrol as a student and the right to enter or to be on Campus grounds.

2.3 "**Member of the academic staff**" means a person employed (whether full time or part time) by the Campus with the status of trainer and includes any person so employed on an adjunct, conjoint or visiting basis.

2.4 "**Property**" includes real, personal, intellectual and shared property in any (including electronic) form.

2.5 "**School**" includes Departments not within Schools.

2.6 "**Student Academic Misconduct**" means:

(a) breach of such rules or guidelines relating to student academic conduct as may be prescribed by Human Resources, Administration, or the Principal;

(b) misconduct relating to assessment or examinations; and

(c) any other conduct (the general nature of which has been made known to students) regarded as student academic misconduct according to current academic usage.

2.7 "**Student misconduct**" includes student academic misconduct and also encompasses conduct which impairs the reasonable freedom of other persons to pursue their studies or research or to participate in the life of the Campus, including:

(a) a breach of any rule relating to student conduct in the Campus;

(b) conduct which unduly disrupts or interferes with a class, a meeting or any other official activity within the Campus;

(c) conduct detrimental to Campus property, such as stealing, destroying or deliberately damaging equipment;

(d) stealing, destroying, impairing the accessibility of, or defacing any part of the Campus online Library collection;

(e) using Campus computing or communications facilities in a manner which is illegal or which will be detrimental to the rights and properties of others;

(f) acting so as to cause students or staff or other persons within, the Campus to fear for their personal safety;

(g) refusing or failing to identify oneself truthfully when so required by a member of the academic staff or other officer of the Campus.

2.8 "**Suspension**" means a prohibition from entering a defined area or using a defined facility.

2.9 "Campus grounds" includes all land, buildings, premises and other property owned, leased or otherwise used by the Campus and other buildings located on Campus land.

3. Delegation

3.1 The Principal, Human Resource Manager may each appoint in writing delegates to have some or all of the powers concurrent with their own for the purposes of this Resolution, but no delegate shall have the power to redelegate.

4. Suspension in Urgent Circumstances

4.1 The powers conferred by this Rule are to be used only to prevent or terminate a clear and present threat by the student concerned Campus property, academic instruction, assessment, an examination, the physical safety or integrity of any person within the Campus or the proper functioning of any Campus activity.

4.2 Under this Rule, a student may be:

(a) suspended from the Campus

(b) suspended from one or more classes by a member of the academic staff or by any member of the Campus staff in charge of a class;

(c) suspended from the use of one or more Campus computing or communications facilities by a member of the academic staff or by the Principal;

(d) suspended from an examination by the Principal, by a member of the academic staff or by any person for the time being in charge of the examination;

(e) suspended from part or all of the Campus grounds by the Principal;

4.4 A suspension imposed on a student under this Rule:

(a) does not preclude the laying of a charge of student misconduct under Rule 5 or Rule 6;

(b) shall not in the first instance exceed one working day, but this limit shall not preclude further suspension by the Principal under paragraph 6.2 pending the determination of any such charge.

4.5 Any exercise of a power conferred by this paragraph shall be reported in writing immediately to the Principal or to his/her nominee.

5. Decentralised Formal Procedures

5.1 Unless the student concerned does not agree (in which case the matter shall be referred to the Principal by written complaint under paragraph 6.1), shall have authority to hear and determine charges of student academic misconduct (as defined in paragraph 2.6) pertaining to assessment or examinations conducted by the relevant Faculty, in accordance with such procedures as may be established by the relevant Faculty. The maximum penalty which may be imposed upon a student found guilty under this procedure is a "fail" grade for the relevant subject.

5.2 (a) The Trainer of information Services shall have authority to hear and determine charges of misuse of Campus online Library facilities by students, and on finding a charge

proved may impose a fine not exceeding \$1,000 and may withdraw or restrict borrowing privileges in accordance with rules recommended by the Trainer of information Services.

(b) The Trainer of information Services may restrict borrowing privileges for an initial period of up to 14 days, pending the determination of a charge of misconduct, provided that the student is given the opportunity to make representations to avert this suspension. This period may be extended by the Principal under paragraph 6.2.

5.3 (a) The Trainer of information Services shall have authority to hear and determine charges of misuse of Campus computing and communications facilities by a student, and on finding a charge proved may impose a fine not exceeding \$1,000 and may withdraw or restrict computer access privileges in accordance with rules recommended by the Trainer of information Services approved by the Principal.

(b) The Trainer of information Services may restrict online access for an initial period of up to 14 days, pending the determination of charges of misconduct, provided that the student is given the opportunity to make representations to avert this suspension. This period may be extended by the Principal under paragraph 6.2.

5.6 (a) in order to ensure uniformity of penalties, an officer of the Campus acting under this Rule must before imposing any penalty consult an officer designated for this purpose by the Principal.

(b) An officer acting under this Rule must make a written report to the Principal of any action taken.

(c) The notification of an adverse determination to a student shall include notice of the student's right of appeal under the next sub-paragraph.

(d) A student who has received such notification may within 14 days lodge a written appeal with the Principal. The Principal shall thereupon refer the matter to a Committee on Student Discipline constituted under Rule 7.

(e) in all other respects, action taken under this Rule is final.

6. Summary Hearing

6.1 Any student, employee or other member of the Campus may make a written complaint of student misconduct to the Principal.

6.2 (a) Where a complaint is so made, or where extension is sought of a suspension already imposed under Rule 4, the Principal may suspend a student for such period, not exceeding 14 days, as is necessary for one or more of the purposes set out in paragraph 4.1, pending determination of the relevant charge or charges. The suspension may be renewed by the Principal for a further period, not exceeding 14 days, if continuing grounds are shown.

(b) If the student has not had an opportunity in advance to show cause to the Principal why such a suspension or further suspension should not be made, he or she may apply to the Principal to quash the suspension.

6.3 Upon receiving a complaint under paragraph 6.1, the Principal shall appoint an appropriate officer of the Campus with no prior involvement in the matter to initiate

preliminary inquiries from all parties concerned, and from such other people as he or she may think advisable.

6.4 (a) Following these preliminary inquiries, the officer shall prepare a report for the Principal, which shall contain recommendations as to how the matter should be determined.

(b) Where the officer is of the opinion that one or more charges have been proved and that one or more of the penalties set out in paragraph 6.6 are appropriate to the occasion, the report of the officer may contain a recommendation as to the appropriate finding(s) and accompanying penalty(ies).

(c) Where the officer is of the opinion that one or more charges have been proved and that the appropriate penalty in respect of any of them exceeds or may exceed the limits set out in paragraph 6.6, the officer may recommend that the matter be referred to a Committee on Student Discipline.

6.5 On receipt of the report of the officer, shall:

(a) on the advice of the officer or in the exercise of his or her own discretion, summarily dismiss any one or more of the charges;

(b) in respect of any charge or charges not so dismissed, determine that the finding(s) and accompanying penalty or penalties recommended by the officer under paragraph 6.4(b) should apply, provided that the conditions set out in paragraphs 6.6 and 6.7 are satisfied;

(c) direct that any charge or charges not resolved under subparagraph (a) or (b) of this paragraph should be referred to a Committee on Student Discipline for formal hearing and determination.

6.6 (a) A penalty which the officer may recommend under paragraph 6.4(b) and which the Principal may impose by means of a determination under paragraph 6.5(b) shall take one or more of the following forms: exclusion from the Campus for up to four whole sessions, caution, reprimand, severe reprimand, reduction in marks, and failure in one or more subjects.

(b) No such determination shall however be made by the Principal if through accumulation of penalties the total period of exclusion of the student from the Campus would exceed four whole sessions.

6.7 A determination by the Principal under paragraph 6.5(b) shall not take effect unless and until the report of the officer, together with notification of any summary dismissal of charges under paragraph 6.5(a) and of the determination under paragraph 6.5(b), has been given to the student and the student has within 14 days accepted the determination by notice in writing to the Principal. Where no such acceptance is forthcoming, the charge or charges in question shall be referred to a Committee on Student Discipline under paragraph 6.5(c).

6.8 There shall be no right of appeal against a finding or penalty determined under paragraph 6.5(b).

7. Panel for Committees on Student Discipline

7.1 Members of a Committee on Student Discipline shall be drawn from a panel constituted in accordance with this Rule.

7.2 The panel shall consist of 6 members, 3 of whom are students and 3 of whom are academic staff.

7.3 The student members shall have attended the Campus for the equivalent of at least two years full time or part thereof, shall be student members of a Faculty, and shall be elected by students qualified to be on the panel. Any vacancy or vacancies from an insufficiency of qualified students shall be filled by appointment by the Principal.

7.4 The academic staff members shall be members of the Academic Board elected by the Board.

7.5 Panel members shall serve for a term of the Academic Board or until replaced by election.

7.7 The presiding member of the panel shall be nominated by the Principal.

8. Committees on Student Discipline

8.1 A Committee on Student Discipline is an independent body subject to no instructions or directions on individual cases.

8.2 More than one Committee on Student Discipline may be constituted and may sit at the same time if the circumstances so require.

8.3 Where possible, at least one member of a Committee shall be of the same sex as the student charged.

8.4 A Committee shall consist of 3 members of the panel constituted under Rule 7 of this Resolution. Its members and its presiding member shall be chosen by the presiding member of the panel. One of the members shall be a student.

8.5 A Committee:

(a) shall sit in camera;

(b) may appoint one or more appropriately qualified persons to assist it on any matter or matters of law, procedure or technical expertise;

(c) shall record the evidence given before it;

(d) shall record the reasons for its determination and for any penalty that it imposes, including its findings upon any material issue of fact.

8.6 Where a Committee finds that a charge is substantiated, it may decide to impose no penalty or it may impose any one or more of the following penalties:

(a) a fine, not exceeding \$1,000;

(b) suspension, exclusion or expulsion;

(c) any other lesser penalty which may be appropriate.

8.7 (a) Notification of the Committee's final decision to the student shall include notice of his or her right of appeal under this paragraph.

(b) An appeal by the student may be lodged in writing with the Principal within 14 days of such notification. The notice of appeal shall indicate whether the appeal is against the determination or the penalty or both and shall specify the grounds of appeal.

(c) Within 14 days of the Committee's decision, an appropriate officer of the Campus may lodge with the Principal a written appeal against the penalty, stating the grounds of appeal.

(d) Appeals under this paragraph shall be heard by the Appeals Committee. Unless the Committee determines in its discretion that the appeal should be by way of full rehearing, it shall base its decision on a transcript of the evidence taken by the Committee on Student Discipline, the Committee's record of its reasons and the arguments presented to it in writing or at the appeal hearing.

8.8 Twice each year (providing there is anything to report), a written report on the matters brought to a conclusion under paragraph 6.5(a) or (b) or heard by Committees on Student Discipline shall be submitted to the Academic Board. The report shall outline the nature of the charges brought and the determinations reached, but shall not identify any student charged or any student who was involved as a witness.

9. General

9.1 As far as possible, and except as provided by Rule 4, no person with a direct personal interest or involvement in an allegation shall exercise any of the powers conferred by this Resolution to determine an allegation of student misconduct or to impose a penalty or a period of suspension.

9.2 All proceedings shall be conducted fairly and in accordance with natural justice, but shall not be subject to the rules of evidence. A student charged shall be presumed innocent unless and until guilt is freely admitted or is proved by clear and convincing evidence or to the Committee's comfortable satisfaction.

9.3 (a) Students must appear personally at the hearings of a Committee on Student Discipline. They may, if they so wish, be represented at their own expense by an advocate (whether legally qualified or not), provided that they have given notice to this effect to the presiding member of the Committee at least 8 days before the hearing. Alternatively, they may be accompanied by a friend or adviser with whom they may consult.

(b) Students may conduct appeals to the Appeals Committee of Council in person, by an advocate (with the student present) or in writing without appearing personally.

(c) The Campus's case against a student may be presented in a hearing of a Committee on Student Discipline or the Appeals Committee of Council by a senior officer or by a legally qualified advocate.

9.4 Students are entitled to due notice of any charges of student misconduct made against them. Complaints and charges may be amended at any time before their determination, provided the student charged has adequate notice.

9.5 (a) A record or report of proceedings under this Resolution shall form no part of the student's official academic transcript.

(b) Subject to paragraphs 8.8 and 9.6, no information relating to such proceedings or to the circumstances giving rise to them shall be divulged by the Campus to persons (other than senior officers of the Campus) not immediately involved in the proceedings.

9.6 At the conclusion of all relevant proceedings and after any time allowed for appeal has elapsed, the Principal may publish within the Campus, in such manner as he or she considers appropriate, a statement describing the nature of any offence for which a penalty was imposed (without being later annulled on appeal or remitted) and the extent of the penalty, but not the name of the person upon whom it was imposed or of any student who was a witness in relevant proceedings.

9.7 (a) During the currency of an appeal, a suspension imposed under Rule 4 or under paragraph 5.3(b), 5.4(b) or 6.2(a) may continue in operation, but no penalty (including a suspension imposed by way of penalty) shall be operative.

(b) If in the course of proceedings under these Rules (including appeal proceedings and applications under paragraph 6.2(b)), it appears that a suspension of a student under Rule 4 or under paragraph 5.3(b), 5.4(b) or 6.2(a) was not warranted, the suspension may constitute a ground on which the student may apply for special consideration in the assessment of any subject or subjects then being taken.

9.8 Where appropriate, a relevant authority or body may deal with more than one person, charge or both.

Attachment 5

Name:	Equity & Diversity Policy Statement	Contact Officer:	Human Resource Manager
Date of Adoption:	Wednesday, June 01, 2005	Date Reviewed	June 2006 June 2007 June 2008 June 2009 June 2010 May 2011
Due for review	June 2012		

E-Campus Australia is committed to the goals of equal opportunity and affirmative action in education and employment. It aims to provide a study and work environment for staff and students that fosters fairness, equity, and respect for social and cultural diversity, and that is free from unlawful discrimination, harassment and vilification as determined by legislation.

In fulfilling this commitment, the Campus will:

- foster a Campus culture which values and responds to the rich diversity of its staff and students
- provide equal opportunity by removing barriers to participation and progression in employment and education so that all staff and students have the opportunity to fully contribute to Campus life
- offer programs which aim to overcome past disadvantage for members of staff and student equity groups
- promote clear and accountable educational and management policies and practices to engender trust between managers, staff and students;
- enhance the quality of students' learning through the provision of culturally, socially and gender inclusive education in areas such as curricula, teaching methods, assessment and review provisions, written and audiovisual material and support services;
- ensure that its staff and students are aware of their rights and their responsibilities as Campus members.

1. To achieve these goals, the Campus depends on the continued co-operation of all members of the Campus community.

EXPLANATORY

NOTES

Currently the grounds of unlawful discrimination and harassment are:

- age;
- compulsory retirement from employment;
- disability (physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, the presence in the body of an organism capable of causing disease, and current, past, future or imputed disability).
- homosexuality (male or female, actual or presumed);
- marital status (single; or, with reference to a person of the opposite sex, married, separated, divorced, widowed or in a de facto relationship);
- political affiliation, views or beliefs;
- pregnancy or potential pregnancy;
- race (including colour; descent; ethnic, ethno-religious or national origin, nationality; and immigration);
- religious affiliation, views or beliefs;
- responsibilities as a carer;
- sex; sexual harassment;
- transgender or transsexuality (anyone who lives, has lived, or wants to live as a member of the opposite gender to their birth gender including people who are assumed to be transgender);
- actual or imputed characteristics of any of the attributes listed above; and
- association with a person identified by reference to any of the attributes listed above.

It is also unlawful to terminate employment on any of the grounds listed above, and also on the grounds of temporary absence from work because of injury or illness, membership or non-membership of a union, participation in union activities, and absence from work during maternity or other parental leave.

The grounds of unlawful vilification are:

- HIV/AIDS;
- homosexuality;
- race; and
- transgender (transsexuality).

NOTE (ii): Under the Federal Human Rights and Equal Opportunity Act there are a number of further grounds of discrimination in the area of employment or occupation:

- criminal record;
- medical record;
- national extraction or social origin; and
- trade union activity.

However, discrimination on these grounds is not made unlawful by the Act, and the grounds do not apply where the discrimination is necessary because of the inherent requirements of a particular job. The only avenue of redress for a complaint under this Act is conciliation.

2. In compliance with The Queensland Government's Multicultural Queensland Policy launched on 31 August 1998.
3. The equity groups currently identified are: Aboriginal and Torres Strait Islander people; people with disabilities; people of non-English speaking background; and women. For students, in compliance with Federal Government policy as outlined in A Fair Chance for All, AGPS, 1990 and subsequent amendments as outlined by DETYA. The identified equity groups are: Aboriginal and Torres Strait Islander people; people with disabilities, from socio-economically disadvantaged backgrounds, from rural and isolated areas, from non-English speaking backgrounds; and women in non-traditional areas of study.

Adopted by ECA
Wednesday, June 01, 2005

Reviewed 11th May 2011

The Campus is complying with the following statutory requirements with regard to unlawful discrimination and vilification: the *QLD Anti-Discrimination Act*, and the *Federal Disability Discrimination Act*, *Racial Discrimination Act*, *Sex Discrimination Act*, and *Workplace Relations Act*. For people with print handicap (vision impairment, learning disability, etc), this document is available on request in large print, (phone 07 4053 5824).



Assessment Instructions
for
Assessors and Candidates

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Introduction:

In providing a high level education process E-Campus Australia conducts a number of formal and informal assessments/examinations of its clients and, these assessments/examinations are conducted according to clearly defined guidelines to ensure they are fair and equitable.

Aim:

The aim of this policy is to outline the procedures and requirements for conducting and supervising assessments/examinations.

Instructions for the Assessor:

Responsibilities of Assessors

Assessors have a significant responsibility. Their judgement certifies that candidates have demonstrated the Training Package competency standards to the standard required in the workplace. Once qualified, this recognition can be used to work in a variety of contexts and industries.

In making the judgement of competence against the units of competency, assessors must evaluate the evidence and assess the risks. Constraints and pressures are widespread – time, cost, the demand for a quick outcome – but compromise and diminution of the Training Package unit requirements are not viable options.

Faithful adherence to the content and intent of the Training Package in the assessment process is critical to ensuring the vocational education and training systems is staffed by competent trainers, assessors and VET practitioners.

Maintaining Currency

Assessors also have a responsibility to maintain currency in all areas of their own vocational competence in training and/or assessment practice. This includes continuing currency in assessing against the Training Package competency standards. This means that assessors must be able to provide evidence of their ongoing training and/or assessment practice.

Currency also includes maintaining professional knowledge about the vocational education and training sector, particularly developments relating to the vocational education and training operating environment and changes in training and assessment policies and practices.

Code of Practice for Assessors

The Code of Practice detailed below is included in these Assessment Guidelines to support professionally responsible and ethical assessment practice and to guide assessors in the responsibilities of their work. This code is loosely based on an international code developed by the National Council for Measurement in Education.

All assessors employed by E-Campus Australia must abide by the code of conduct for assessors listed below:

- The differing needs and requirements of the candidates, the local enterprise/s and/or industry are identified and handled with sensitivity.
- Potential forms of conflict of interest in the assessment process and/or outcomes are identified, and appropriate referrals are made, if necessary.
- All forms of harassment are avoided throughout the assessment process and in the review and reporting of assessment outcomes.
- The rights of candidates are protected during and after the assessment process.
- Candidates are made aware of their rights and processes of appeal.
- Personal or interpersonal factors that are irrelevant to the assessment of competence must not influence the assessment outcomes.
- Evidence is verified against the rules of evidence.
- Assessment decisions are based on available evidence that can be produced and verified by another assessor.
- Assessments are conducted within the boundaries of the assessment system policies and procedures.
- Formal agreement is obtained from candidates and the assessor that the assessment was carried out in accordance with agreed procedures.
- Assessment systems and tools are consistent with equal opportunity legislation.
- Candidates are informed of all assessment reporting processes prior to the assessment.
- Candidates are informed of all known potential consequences of assessment decisions, prior to the assessment.
- Confidentiality is maintained regarding assessment decisions/outcomes and records of individual assessment outcomes which identify personal details are only released with the written permission of the candidate/s.
- Assessment outcomes are used consistently with the purposes explained to candidates.
- Self-assessments are periodically conducted to ensure current competence against the Training Package
- Professional development opportunities are identified and sought.
- Opportunities for networking amongst assessors are created and maintained.
- Opportunities are created for technical assistance in planning, conducting and reviewing assessment practice and participating in validation.

Instructions to Assessors on Conducting Assessments

This section provides guidance to assessors on conducting assessments. It includes:

- Advice to candidates on assessment requirements
- Access to a practice environment for candidates
- Using simulation
- Applying reasonable adjustment
- Online assessment
- Integrated assessments
- Interpreting the Training Package units for assessment purposes
- Developing assessment strategies
- Developing or modifying assessment tools.

Advice to candidates on assessment requirements:

At the start of each unit / module each student, either individually or in a group, is provided with information on how the assessment process (where, when and how) and what is to be assessed. Prior to each assessment student(s) are again reminded of the assessment process and what is to be assessed. The information given is captured and documented in our Assessment Plan which is provided to students and allows the student to identify any special needs.

Students are provided with assessment outcomes verbally at the completion of the assessment (if applicable) and when issued the qualification at the end of the course. In both instances the student is given feedback on their performance against competencies, and if not achieved, advised as to their future options including re-assessment either by appeal, by submitting further evidence or re-doing the assessment at a later date. Feedback is also given on where improvements can be made. The outcomes and guidance on future options is recorded on our Assessment Feedback Record included in our Assessment Kit.

The assessor is responsible for ensuring the integrity of the assessment process of the Training Package units. Part of this responsibility involves the provision of initial advice to candidates to ensure they are fully aware of the assessment requirements of the Training Package units including the underlying language, literacy and numeracy (LL&N) and other skill requirements embedded within these units. This advice ensures the Training Package units or qualifications.

This advice should also address the relationship between the Training Package and the candidate's own area of vocational competence.

Recognised Prior Learning (RPL)

All assessment of RPL applications are reviewed by not less than two staff who are qualified to conduct the assessment, from time to time, or when deemed necessary, we invite a subject matter expert to be part of our assessment process.

English language, literacy and other skill requirements

It is part of an RTO's responsibility to provide appropriate information to candidates to ensure they understand the requirements of the units of competency prior to

assessment. Assessors carrying out this responsibility must ensure candidates/potential candidates are advised effectively of the underlying skill requirements of the Training Package units.

In particular, advice about the underlying level of English language and literacy required to meet the outcomes of the Training Package units must be made clear prior to commencement of the learning and/or assessment process, and candidates who may have difficulty meeting these requirements must be provided with advice and options such as appropriate language and literacy skills training.

Candidates must also be advised that competence will include assessment of the specified language and literacy Performance Criteria and required skills of individual Training Package ability to write a range of documentation.

Technology applications are also required as part of the competency specifications of some units. Further, complex cognitive skills in planning, research, interpretation, analysis and synthesis form part of the skills requirements of many units.

Instructions on using simulation:

While a workplace environment is highly desirable for both practice and assessment, it is recognised that, where an appropriate workplace environment is not available, simulation may be required as an assessment environment for some units or aspects of competence. Some examples would be where occupational health and safety considerations make workplace application inadvisable or the candidate does not have and cannot gain access to a workplace where all the assessment requirements of a unit can be met.

Simulation is not, and should not be considered an assessment 'short cut' as the rules of evidence still apply.

Where simulation is used, the assessor must ensure that the assessment replicates the workplace activities and range of contexts addressed by the unit. It is critical that the designer of the simulation has a thorough knowledge of the unit content and is experienced in the current circumstances of the work outcomes the unit defines to ensure validity and authenticity.

In deciding whether a simulation has been adequately designed, the following questions should be asked.

Are there opportunities to:

- Demonstrate the dimensions of competency?
- Address and demonstrate the range of skills identified within the units, including both technical and generic skills?
- Effectively transfer required knowledge to practical applications?
- Incorporate the requirements for collaboration with colleagues?
- Meet the specific assessment requirements of the units?
- Reflect the complexity of work requirements such as time pressures, competing and multiple work pressures, prioritisation, and deadlines?
- Demonstrate inclusive practices and capacity to meet the needs of diverse groups and specific individuals?

- Find, discuss and test solutions to problems?
- Explore health and safety issues?
- Demonstrate the range and level of language and literacy within the units?

Instructions on applying reasonable adjustments

In assessing the competence of individuals, assessors must provide for reasonable adjustments to ensure the assessment principles of fairness and flexibility are addressed.

However, assessors must be confident that reasonable adjustments do not compromise the outcomes of the unit and the integrity of the qualifications and Statements of Attainment issued as certification of achievement.

Achievement of the units and qualifications of the Training Package leads to national, portable recognition of competence. As such, individuals assessed as competent must be able to demonstrate transfer of competence to environments other than their own. Specific care should be undertaken to ensure the literacy and language and other skill requirements are addressed in the assessment process and that candidate/s are fully informed of assessment requirements prior to commencement of any learning program and/or assessment process. Candidates with difficulties in meeting these requirements must be provided with options and advice.

Where a candidate requires reasonable adjustments, assessors must decide what types of adjustments are needed and then make a judgement about whether these are 'reasonable' given the unit content requirements and specifications. The test of reasonableness is subjective but must be guided by the principles of assessment and the balance between them, as well as the rules of evidence.

Reasonable adjustments may take the form of additional support during the assessment process for example in the provision of particular equipment or software, or changes to the physical environment, or provision of support persons for physical disability or additional time. An individual's access to the assessment process should not be adversely affected by restrictions placed on the location or context of assessment beyond the requirements specified in this Training Package.

The use of interpreters would not be a reasonable adjustment for assessment of units in this Training Package as English language is essential. Similarly, a focus on oral responses in place of documentary evidence would not be reasonable if the unit clearly requires evidence of literacy skills to write, document and record material.

Given the focus on cognitive skills relating to planning, research, analysis, thinking techniques and evaluation, achieving the competency outcomes may be difficult for people with some learning disabilities or intellectual disabilities.

Where reasonable adjustments have been applied, assessors must ensure the type of adjustments is recorded to guide any further assessments of the candidate and for validation purposes.

Instructions on online assessment

Assessors working in an e-environment must ensure the assessment activities and overall assessment process clearly meets the assessment requirements of the units and

the rules of evidence. The focus and content of most Training Package units involves multiple and complex relationships and interactions between people and, in the context of the units in the delivery and facilitation and assessment fields of the Training Package, interactions involving other learners and candidates. The people skills required by the Training Package units must be demonstrated in the assessment process.

Assessment undertaken entirely through an e-based platform will not provide the necessary evidence of the demonstration of these skills. Additional assessment evidence involving real-life experiences will be needed.

Contextualising Training Package units for assessment

Any Training Package units which are contextualised in an assessment must reflect the guidelines for contextualisation set out in the Introduction to the Competency Standards section of this Training Package. Assessors must refer to these guidelines before undertaking any contextualisation.

Developing or modifying assessment tools

When developing assessment tools, assessors must ensure that the tools:

- Are benchmarked against the relevant unit or units of competency
- Are reviewed as part of the validation of assessment strategies as required by the AQTF 2010 *Essential Standards for Registration*, and
- Meet the assessment requirements expressed in the AQTF 2010 *Essential Standards for Registration*.

When using off-the-shelf assessment resources that contain assessment tools, assessors must review these products to ensure that the materials effectively meet the relevant Training Package competency standards.

These tools may need to be modified or contextualised to reflect the operating environment and individual needs of the candidate and/or to ensure the Performance Criteria and Evidence Requirements of the competency standards have been met.

Instructions for the candidate

Types of assessments/examinations:

- Written papers
- Practical assessments
- Scenarios
- Role plays
- Workplace projects

When assessing or examining competency; it is important that the appropriate assessment tools are utilised to ensure fair assessment. Failure to utilise appropriate assessment tools may result in a grievance or appeal.

All assessment /examination are to be based on clearly stated objectives. These should be stated in the course instruction or provided to the candidate prior to assessment.

Notification

Candidate undertaking courses will be notified of the assessment requirements at the commencement of that particular course of instruction. This will include:

- All assessment items
- Due dates
- The procedure for determining competency

No subsequent changes to assessment requirements will be made except by mutual agreement between the trainer/facilitator responsible for that subject and the candidate taking the subject, and only if approved by the Chief Executive Officer.

Preparation

The Trainer/Facilitator responsible for the program/course will prepare an outline of the unit, which will contain the following information:

- Rationale and synopsis of the unit
- Details of topics to be covered
- Required text and other reference material
- Attendance requirements
- Penalties for late submission of required work

In preparing assessments/examinations, the following should be taken into account.

- The objectives to be assessed/examined
- The type of assessment tools to be used
- Conditions under which assessments/examinations are to be conducted
- Availability of assessment supervisors
- Resources available to conduct the assessment

Assessment/Examination Rules

When conducting assessments/examinations the following rules should apply, where practicable:

Supervision of Assessments

All assessments must be supervised. Where possible, this shall be by a person familiar with the unit to be assessed. Clear guidelines should be given to the assessment/examination supervisor as to the requirements of the assessment.

Availability

Candidate must be available throughout the periods designated by their Trainer/Facilitator for assessments, particularly in the case of internally conducted courses.

Complying with Directions

Candidate will comply with all directions given by the Trainer/Facilitator/Assessor and the instructions set out in the assessing materials or displayed in the assessing environment.

Disturbances

When involved in assessments, individual behaviour must not disturb or adversely affect other candidates.

Entering and Leaving the Assessing Environment

Candidates who are given permission to enter or leave the Assessing Environment will comply with all conditions on which permission is given.

Unauthorised Material

Candidate may bring into an Assessing Environment only those materials approved for the subject under assessment and indicated on the test paper. All other materials are prohibited unless:

- Brought into the room with the permission of the Trainer/Facilitator/Assessor: or
- Deposited by the candidate upon entering the examination room at a place stipulated by the Trainer/Facilitator/Assessor:

Removal of Papers

Candidate shall not remove from the Assessing Environment any papers, worked scripts or other literature provided for use during the assessments unless the Trainer/Facilitator/Assessor: gives permission.

Communication with Others

Candidate shall not communicate with any other person during the assessment except with the permission of the Trainer/Facilitator/Assessor:

Cheating

Candidates are expected to exhibit honesty and ethical behaviour in undertaking assessment requirements. Cheating is defined as any fraudulent response by candidates to any item of assessment, including any action that may otherwise defeat the purposes of the assessment. Cheating may attract academic penalty or E-Campus Australia disciplinary action, depending on the circumstances.

Plagiarism

Plagiarism is the act of taking another's work as one's own. Where this occurs in items of assessment contributing to a result in a subject, it shall be regarded as, and treated in the same manner as cheating.

Own Work

Candidates are required to submit work completed by themselves unless it is stipulated in the course instruction that group submissions are required.

Externally Conducted Assessments

In the case of externally conducted courses where assessments are to be conducted at a particular time, every endeavour is to be made by the candidate to meet all the requirements outlined in course and assessment material.

In all cases where assessments are conducted externally, it will be necessary for the candidate to arrange with the lecturer two weeks prior to the assessment date:

- A venue suitable for the assessment; and
- An authorised person to supervise the assessment

Where an external assessment also requires the candidate to complete practical exercises, arrangements should be made between the Trainer/Facilitator/Assessor and the Client to assess a Educator authorised to conduct the practical assessment.

Penalties for Breaching Assessment Rules

Should a candidate be suspected of breaching any assessment rule, the following actions may occur:

The matter may be reported to the CEO who will investigate all claims.

The CEO will decide on the appropriate course of action which may include:

- Reassessment of the individuals involved
- Issue of **“Not Yet Competent”** resulting in the individual having to re-enrol and complete all assessments again.

Practical Assessments

When conducting practical assessments, the candidate is to be made aware of the objectives, requirements and expected outcome.

Practical assessments should, where reasonably possible, be recorded on videotape to ensure fairness to both the examiner and the candidate. Where video recording is not possible, two Assessors should be made available for the supervision of the assessment.

Assessors supervising the practical assessment must hold current certification in the competency being assessed.

All candidates are to receive feedback from the assessor within 10 working days after the assessment and face to face, where possible. Assessments must be presented to the assessor in accordance with the timetable presented at the commencement of each course.

Supplementary Assessments

In the event of a candidate not achieving the required standard in an assessment, the following actions are to occur:

The candidate is to be advised of the specific areas in which they are **not yet competent**.

The CEO of E-Campus Australia will be notified of the assessment results.

The candidate will be offered remediation in those areas for which they are not competent.

At a time agreed between the candidate and the assessor, a supplementary assessment will be conducted. This assessment may contain some areas in which previous competency have been achieved, however these will only relate to the areas of non competency.

Should a candidate fail to achieve competency in a supplementary assessment, the following actions are to occur:

The CEO of E-Campus Australia will be notified.

Arrangements will be made for a performance interview between the involved parties.

Assessment System Overview

Quality assessment underpins the credibility of the vocational education and training system. The Assessment Guidelines of a Training Package are an important tool in supporting quality assessment.

These Assessment Guidelines provide the endorsed framework for assessment relating to the Training Package. They are designed to ensure that assessment is conducted in accordance with the assessment requirements of the units of competency in this Training Package and any other requirements outlined herein.

The advice in these Assessment Guidelines is directed at assessors who are responsible for assessing the competence of individuals against the units of competency in this Training Package.

Assessors are at the frontline, determining the competence of those who will subsequently work as trainers and/or assessors for Registered Training Organisations (RTO's), enterprises and other organisations involved in the provision of training and/or assessment services. These Assessment Guidelines provide support and guidance to TAA assessors carrying out this work.

These guidelines are not directed at the candidates who must, themselves, plan, conduct and validate assessments to achieve the Training Package units in the assessment field.

Assessments for the Training Package must be carried out in accordance with the:

- benchmarks for assessment (below)
- principles of assessment (below)
- rules of evidence
- assessment requirements set out in the *AQTF 2010 Essential Standards for Registration*

Benchmarks for assessment

The endorsed units of competency in this Training Package are the benchmarks for assessment. As such, they provide the basis for nationally recognised AQF qualifications and Statements of Attainment issued by RTO's.

Principles of assessment

All assessments carried out by RTO's are required to demonstrate compliance with the four principles of assessment:

- validity
- reliability
- fairness
- flexibility

These principles of assessment must be addressed in the:

- design, establishment and management of the assessment system for the Training Package
- development of assessment tools and
- the conduct of assessment.

The assessment principles and their application to the Training Package (TAA04) competency standards are elaborated below.

Validity

Assessment is valid when the process assesses what it claims to assess. For this to happen, the assessor must ensure:

- the outcomes and performance requirements of the unit are addressed
- the broad range of skills and knowledge that are essential to competent performance are addressed
- assessment of knowledge and skills is integrated with their practical application
- sufficient evidence is collected. Evidence should be gathered on a number of occasions and in a range of contexts, using different assessment methods. The specific evidence requirements of the Training Package (units provide advice relating to sufficiency)
- judgement of competency incorporates the requirements of validity.

The validity of assessment for the Training Package is enhanced when assessors:

- sample a sufficient range of the performance of the candidate
- assess tasks/activities in the workplace
- obtain evidence of performance after the assessment to support predictive validity
- gather evidence of transferability to new situations
- use assessment tools that document workplace performance
- use multiple approaches to assessment
- address the dimensions of competency in the assessment process.

Reliability

Reliability refers to the consistency of the interpretation of evidence and the consistency of assessment outcomes. Reliability can only be achieved when assessors share a common interpretation of the unit(s) being assessed. The Training Package units have been written to support clear and unambiguous interpretations of the assessment requirements.

For assessment to be reliable, the assessor must:

- use clearly defined benchmarks for assessment
- be able to interpret those benchmarks for assessment information and requirements
- adhere to those benchmarks in the assessment process
- monitor and review own and others assessment decisions to ensure consistency of judgement

The reliability of assessment for the Training Package is enhanced when assessors:

- compare assessment decisions (moderation)
- collect evidence via a number of different assessment methods
- collect evidence across different locations and times
- specify clearly the competencies to be attained (documentation)
- detail clearly the items used on self/peer/supervisor assessment documentation
- take care in the construction of assessment tools (systematic procedures)
- review the training of assessors (systematic procedures).

Evidence of consistency can be obtained by assessing on multiple occasions, and by using a number of methods of evidence gathering in a range of contexts.

Fairness

Assessment is fair when the assessment process is clearly understood by candidates and agreed by both assessors and candidates and when candidates' needs and characteristics are addressed. For assessment to be fair, the assessor must:

- provide candidates with clear, accurate and relevant information about the assessment process including assessment purpose, benchmarks, assessment tools, materials, methods, evidence requirements and review/appeals processes
- enable candidates to prepare and agree on the assessment process
- provide for recognition and self-assessment of readiness for assessment
- take into account the characteristics of candidates
- apply reasonable adjustments, where appropriate, depending on the characteristics of candidates and explain reasons for not making adjustments
- document the assessment process and provide feedback to candidates.

To be fair, assessment needs to:

- be clearly based on the requirements of the Training Package competency benchmarks
- not include additional requirements to the Training Package competency benchmarks
- involve a participatory approach to assessment that is agreed to by the assessor and the candidate
- document evidence requirements that are clear to candidates
- be equitable to all candidates which may require making reasonable adjustments
- be objective and inclusive, free from discrimination and bias
- provide opportunities that allow candidates to challenge assessments and with provision for reassessment.

Care must be taken to ensure assessment practices do not perpetrate possible workplace discriminatory practices. As well, assessors must not use the assessment to coerce personal or professional favours or to gain economic advantage from candidate/s or potential client groups.

Personal or interpersonal biases held by candidates and/or the assessor, for example, race, gender, language background, religious background, political affiliation, sexual orientation, physical disabilities, physical appearances, marital status, age, skin colour, social class and/or ethnic background, should never interfere with the assessment process or decision.

Fairness applies to the assessment process – not the standard to be met. Adjusting the competency standard beyond what is 'reasonable adjustment can affect the validity of the assessment? Reasonable adjustment is discussed later in these Guidelines.

Fairness in assessment can be compromised where a conflict of interest arises for assessors. Any conflict of interest should always be declared. Potential forms of conflict of interest in the assessment process and/or outcome may include:

- pre-established, personal relationship between the assessor and the candidate
- financial implications for the assessor
- employment opportunities for the assessor
- power opportunities for the assessor.

Referrals for opinions to other internal assessor/s or to external assessor/s can help to establish fair practice. The referrals may involve informal verbal consideration, a formalised written document, or a combination of the two. Validation also provides a vehicle to enable assessors to verify their assessment practices.

Flexibility

Flexibility in assessment involves consideration of the various needs of the parties involved in the assessment process. To be flexible, assessments should:

- reflect the needs of candidates and other parties impacted by the assessment process
- be accessible to candidates in terms of timing and readiness
- provide for the recognition of competencies no matter how, where or when they have been acquired
- draw on a range of methods and be appropriate to the context and candidates' characteristics
- enable progression from one competency standard to another.

Flexibility applies to the assessment process – not the competency standard. Providing for flexibility must be balanced to ensure validity of the assessment.

Rules of evidence

The rules of evidence guide the collection of evidence that address the principles of validity and reliability, guiding the collection of evidence to ensure that it is valid, sufficient, current and authentic.

Validity

Valid evidence must relate directly to the requirements of the competency standard. In ensuring evidence is valid, assessors must ensure that the evidence collected supports demonstration of the outcomes and performance requirements of the competency

standard together with the knowledge and skills necessary for competent performance. Valid evidence must encapsulate the breadth and depth of the competency standard. This will necessitate using a number of different assessment methods.

Sufficiency

Sufficiency relates to the amount of evidence collected. The collection of sufficient evidence is necessary to ensure all aspects of the competency standard have been captured and to satisfy the need for repeatable performance. Supplementary sources of evidence may be necessary.

Currency

Currency relates to the age of collected evidence. Competency requires demonstration of current performance – therefore the evidence collected or provided must be recent. This is particularly relevant when candidates seek to recognition of existing competence through an assessment only pathway. This issues is discussed later in these Guidelines

Authenticity

Authenticity relates to ensuring the evidence is from the candidate and not another person. Where evidence relies on indirect or supplementary forms of evidence or the direct evidence is not directly observable other complementary evidence that supports authenticity may need to be provided.

Advice is provided to assessors relating to the collection of evidence in the Evidence Guide of the units of competency, particularly through the sections entitled Overview of Assessment, Collection of quality evidence requirements and specific evidence requirements.

AQTF requirements for assessment

Compliance with the Training Package as required by the AQTF, will be rigorously enforced by State Recognition Authorities.

Appealing Against Assessment/Examination Results

Should a candidate disagree with the results or method of an assessment / examination?

The candidate should notify the CEO of E-Campus Australia in writing, stating the reason for the appeal.

In accordance with *AQTF 2010 Essential Standards for Registration*:

Standard 2 The Registered Training Organisation adheres to principles of access and equity and maximises outcomes for its clients.

Element 2.7 The RTO provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively

Complaints arise when a client is not satisfied with an aspect of your services and requests action to be taken to resolve the matter. Appeals arise when a client is not satisfied with a decision that you have made. Appeals can relate to assessment

decisions, such as a decision to exclude a learner from a program. Clients should be encouraged to resolve complaints and appeals through your complaint mechanisms. If they are not satisfied with the outcomes of these process they should be referred to the state of territory registering body or the National Training Complaints Hotline, telephone 1800 000 674.

Conclusion

This policy had detailed the requirements associated with the conduct and supervision of assessments/examinations E-Campus Australia. In preparing the supervising assessments, every effort is to be made to ensure that the assessments/examinations are conducted in a fair and equitable manner.