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# **ADMINISTRATIVE ARRANGEMENTS FOR THE APPROVAL OF REGISTERED TRAINING ORGANISATIONS AS FINAL ASSESSORS**

*Marine Order 505 (Certificates of competency – national law) 2013  
and the National Standard for Commercial Vessels (NSCV) Part D*





# 1. Purpose

- 1.1 To outline the policy and administrative process for the application and approval of registered training organisations (RTOs) as organisations approved by AMSA to conduct final assessments in accordance with s10(2) of *Marine Order 505 (Certificates of competency – national law) 2013* and Part D of the National Standard for Commercial Vessels.

# 2. Definitions

**Final assessor:** a person or organisation approved by AMSA to conduct assessments for the purposes of *Marine Order 505 (Certificates of competency – national law) 2013* and Part D of the National Standard for Commercial Vessels.

**MAR Maritime Training Package:** the Maritime Training Package developed by the Transport and Logistics Industry Skills Council first published 2013 and as in force from time to time.

**Note 1:** See <http://training.gov.au/Training/Details/MAR>

# 3. Applications

- 3.1 A person may apply for:
- 3.1.1 an approval of a RTO as a final assessor; or
  - 3.1.2 a variation of an approval of a RTO as a final assessor.
- 3.2 An application can only be made with respect to assessments for the issuance of certificates of competency associated with the following MAR Maritime Training Package qualifications;
- 3.2.1 MAR10413 Certificate I in Maritime Operations (Coxswain Grade 2 Near Coastal)
  - 3.2.2 MAR20313 Certificate II in Maritime Operations (Coxswain Grade 1 Near Coastal)
  - 3.2.3 MAR20413 Certificate II in Maritime Operations (Marine Engine Driver Grade 3 Near Coastal)
  - 3.2.4 MAR30813 Certificate III in Maritime Operations (Marine Engine Driver Grade 2 Near Coastal)
  - 3.2.5 MAR30913 Certificate III in Maritime Operations (Master up to 24 metres Near Coastal)
  - 3.2.6 MAR31013 Certificate III in Maritime Operations (Master Inland Waters)

# 4. Decisions of AMSA

- 4.1 AMSA may, in writing:
- 4.1.1 approve an RTO as a final assessor;
  - 4.1.2 approve an RTO as a final assessor subject to conditions; or
  - 4.1.3 suspend, vary or revoke the approval of a RTO as a final assessor.

## 5. Approved final assessor database

- 5.1 AMSA will maintain a publicly available database of RTOs that are approved as final assessors.
- 5.2 The database will include information about each approved RTO.

## 6. Form of application

- 6.1 An application for a new approval, or for the variation of an approval, as a final assessor must:
  - 6.1.1 be in writing in the approved form (Application for approval as a final assessor - [AMSA 565](#));
  - 6.1.2 meet all of the criteria listed in Section 7 below;
  - 6.1.3 list the MAR Maritime Training Package qualifications against which approval is sought.

## 7. Criteria for approval of an RTO as a final assessor

- 7.1 An RTO may be approved as a final assessor only if:
  - 7.1.1 the RTO is registered with the Australian Skills Quality Authority (ASQA), the Training Accreditation Council Western Australia (TAC) or the Victorian Registration and Qualifications Authority (VRQA) to deliver a MAR Maritime Training Package qualification;
  - 7.1.2 the RTO is not in liquidation or insolvency administration;
  - 7.1.3 the RTO has told AMSA of the kind of assessment it is to deliver; and the RTO is to deliver assessment of a kind that complies with the Standards for Registered Training Organisations (RTOs) 2015;
  - 7.1.4 the RTO has a documented assessment strategy that will be followed for all assessments associated with the approval;
  - 7.1.5 the RTO has told AMSA about any proposed partnership or subcontracting arrangements for the delivery of assessments on its behalf; and
  - 7.1.6 the RTO has told AMSA the names of each person who is to deliver assessments for the organisation;
  - 7.1.7 each person who is to deliver assessment for the RTO is named on the RTOs letter of approval as a final assessor and has a current and valid certificate of competency appropriate for the kind of assessment being delivered.

## 8. General conditions on approval of final assessors

- 8.1 It is a condition of approval of a final assessor that the organisation:
- 8.1.1 remain registered with ASQA, TAC or VRQA;
  - 8.1.2 not go into liquidation or insolvency administration;
  - 8.1.3 provide assessment for the qualifications mentioned in the approval in accordance with the scope of its ASQA, TAC or VRQA registration;
  - 8.1.4 ensure assessments are delivered in accordance with the appropriate MAR Maritime Training Package qualification, the AMSA Mandated Practical Assessment (AMPA), the RTO's documented assessment strategy and any directions issued by AMSA for this purpose;
  - 8.1.5 ensure its assessors comply with the Standards for Registered Training Organisations (RTOs) 2015;
  - 8.1.6 have processes in place to ensure its assessors continue to develop their vocational education and training knowledge and skills and maintain the currency of their industry skills; and
  - 8.1.7 not advertise the training and assessments it provides as being endorsed or approved in any way by AMSA;
  - 8.1.8 cooperate with any investigation of the organisation by AMSA;
  - 8.1.9 give AMSA any information it requests for an investigation;
  - 8.1.10 comply with any corrective action recommended by AMSA after an investigation; and within the timeframe decided by AMSA after consultation with the organisation;
  - 8.1.11 tell AMSA about any proposed partnership or subcontracting arrangement for the delivery of assessment on behalf of the organisation;
  - 8.1.12 advise AMSA of any change made to the method of delivery of assessment by the organisation that may require a change or addition to be made to the information set out in the written approval of the organisation; and
  - 8.1.13 comply with any further condition imposed on the approval by AMSA.

## 9. Term of approvals

- 9.1 An approval of an organisation as a final assessor:
- 9.1.1 comes into force on the day it is issued; and
  - 9.1.2 expires on the day 9 months after it is issued.
- 9.2 However, on application by the organisation, AMSA may extend the term of an approval for up to 3 years if it is satisfied with the level of compliance by the organisation with the conditions of the approval.
- 9.3 The term of an approval may be extended under subsection 9.2 more than once.

# 10. Evaluation

10.1.1 To ensure the integrity of Seafarer Certification, the National Regulator will evaluate Registered Training Organisations. RTO's will be evaluated prior to the 31<sup>st</sup> of March 2019 and subject to a satisfactory evaluation, the term of an approval may be extended under subsection 9.2 for up to 3 years.

## 10.1.2 Matters that may be evaluated include:

- (a) Condition and suitability of training vessel
- (b) facilities and educational aids;
- (b) qualifications and experience of training providers / assessors;
- (c) compliance with the requirements of the Australian Skills Quality Authority (ASQA), the Training Accreditation Council Western Australia (TAC) or the Victorian Registration and Qualifications Authority (VRQA);
- (d) record keeping;
- (e) the conduct of AMSA Mandated Practical Assessments (AMPA's)\_
- (f) the issue of Interim Certificates of Competence (ICoC's)
- (g) complaints

## 10.1.3 Evaluation of assessment outcomes

Evaluations will follow the 'Three strike' principle as outlined on the RTO page of the AMSA website.

1. If an issue arises the RTO will be notified of the issue and requested to investigate and take remedial action
2. If the same issue arises a second time within the period of approval, AMSA will investigate and specify remedial action to be taken by the RTO.
3. If the issue arises for a third time within the period of approval, the approval of the assessor(s) involved will be revoked. If the problem is deemed systemic, approval of the RTO as a whole may be revoked.

## 10.1.4 Issues

An issue that has been identified to the National Regulator (NR), and that requires investigation, will be forwarded to the RTO in the first instance seeking their comment and requesting they provide their proposed solution. This solution should include the dates or the expected duration to complete the rectification to the satisfaction of the NR.

An issue may include, but not be restricted to, the following;

- (a) General safety concerns or complaints received from a student, a lecturer or training provider within the RTO, an owner or operator of a Domestic Commercial Vessel (DCV), a Marine Safety Inspector (MSI) or Boating Safety Officer (BSO)
- (b) providing training that does not meet the educational requirements and outcomes of the approved training package or that is in excess of those outcomes and requirements
- (c) assessors not holding an AQF qualification
- (d) assessors without a current or appropriate Certificate of Competency (CoC) or failing to maintain a current CoC
- (e) assessors that have not attended the AMSA presentation or been instructed by a person that has attended the AMSA presentation or have not completed the AMSA online e-learning module
- (f) breaching the conditions of the approval
- (g) not complying with an opportunity for improvement notice issued by the NR

## 10.1.5 Request a review

The decision to suspend or revoke an approval is a reviewable decision.

**You can request a review of our decision about your application if you are not satisfied or would like more information.**

Your request for review should be in writing, must clearly request an internal review and must be submitted within 90 days after notification of our decision. You should also include any additional material that may be relevant. We must advise you in writing of our review decision no later than 28 days after the application was received for review.

Our decision in relation to an application is reviewable directly by the Administrative Appeals Tribunal in accordance with section 33 of the *Administrative Appeals Tribunal Act 1975* (the AAT Act).

Subject to the AAT Act, application for review of this decision (including the conditions imposed on your certificate) may be made to the Australian Tribunal.

You may apply in accordance with section 28 of the AAT Act for a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving reasons for the decision. Read more about [the AAT Act](#), or call 1300 366 700.

## 11. Criteria for issue, suspension or revocation of approval

- 11.1 AMSA may refuse approval, or suspend or revoke the approval of an organisation as a final assessor if:
  - 11.1.1 the organisation does not meet a criteria for approval mentioned in Section 7, or a condition of approval mentioned in Section 8;
  - 11.1.2 the organisation does not meet a further condition imposed on the approval by AMSA;
  - 11.1.3 a partnership or subcontracting arrangement for the delivery of assessments on behalf of an organisation has not been approved, or does not meet the approval, of AMSA; or
  - 11.1.4 AMSA changes its policies or administrative arrangements with respect to the approval of final assessors.

