

AMSA Exemption 38 Low Complexity Duties – Student Information

About this course

The main purpose of this short course is to provide training and assessment in line with the requirements for AMSA Exemption 38.

Exemption 38 is for limited maritime operations that undertake low complexity duties with operators having the following restrictions:

1. Operate during daylight hours only
2. Command a vessel <12m long and operate propulsion power for an inboard engine <100kW or outboard engine <250kW
3. Carry passengers only in the following places and areas:
 - marina operations and a mooring areas in sight of the marina;
 - inland waters;
 - any waters in a tender or auxiliary that are within 1nm from a parent vessel and in sight of and in communication with the parent vessel;
 - any other waters approved by the National Regulator.
4. Without carrying passengers only in the following places or areas:
 - places and kinds of water in Point 3 above;
 - smooth waters, including inland waters;
 - any waters within 1nm from each point of departure and within 1nm of the coast
 - any waters of an aquaculture lease approved by a State or Territory authority, and any approved waters used for the daily transit to and from the aquaculture lease for operation under this exemption;
 - any waters within 250 metres of a structure fixed to the shore
 - sheltered waters within 2nm from the coast.
5. Tow persons only in the following area and situation:
 - any waters that are waterski areas approved by a State or Territory authority, with or without passengers; and
 - the vessel has propulsion power, for an inboard and outboard engine, <500kW

Pre-requisites for this course

There are no formal entry requirements into this course. However students are required to have numeracy and literacy skills of at least year 10 student in an Australian school or equivalent. MTS will require evidence of Year 10 Certificate and where that cannot be produced by a student, the following MTS policy will apply:

- A basic language, literacy and numeracy test will be offered to those students who cannot demonstrate required LLN skills at enrolment. The purpose of this test will be to identify special learning and assessment needs because of deficient language, literacy or numeracy skills.
- MTS will address specific learning needs of a student and accordingly design their training and assessment systems so as to best meet those needs.
- MTS will make adjustments to training delivery and assessment strategies for those students who have LLN support.
- Following the basic test on language, literacy and numeracy needs, the trainer/assessor will

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work together with the student to ensure they have the opportunity to acquire the necessary LLN skills.

- It is the responsibility of the trainer/assessor to ensure that they are conscious of individual learning needs of a learner, and they will adapt their delivery methods and/or assessment processes to suit the needs of that learner.

To enrol in this course students should also have basic computer skills including skills to undertake on-line research. This means students should have access to a computer with internet connection.

Units of Competency

Students will be required to complete the following units of competency:

- MARI001 Comply with regulations to ensure safe operation of a vessel up to 12 metres
- MARN002 Apply seamanship skills aboard a vessel up to 12 metres
- MARK001 Handle a vessel up to 12 metres

Students will be required to access online resources including a presentation and student guide before completing an online assignment for each unit.

After students have completed the assignments and uploaded them for the marking, the assessor will begin to mark the assessments and inform the student of the results. Students who complete the assignments successfully will then be able to book for a practical session with the AMSA Approved assessor.

The practical session will be demonstration and assessment and will be a five hour session. Three hours will be demonstration with the trainer and assisting students with any areas of uncertainty and two hours will be practical assessment of the student according to the specified AMSA Assessment Record Sheet available on our website.

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Course Outline

Enrolment

- Student completes enrolment form
- Student provides identification
- Student provides USI
- MTS provides login details to MTS Campus site
- MTS trainer/assessor discusses the requirements of the course

Study commences

- Student accesses recorded presentation and student guide with resources
- Student completes assignments and uploads them to the MTS Campus site
- MTS trainer/assessor is available from 8am to 8pm, Monday to Saturday to assist students and provide advice if required

Student completed online study and enrolls for practical day

- MTS trainer/assessor marks uploaded assignments
- Feedback is provided to the student on any areas for improvement
- Face-to-face delivery and practical assessment day is booked

Practical day

- Face-to-face delivery will be a summary of the units of competency including practical delivery
- Focus will be on the SMS and WHS, as well as identified areas of improvement from assignment submission
- The second half of the day will be the Final Practical Assessment. All skills and knowledge contained in the Record Sheet will be assessed

Course Completion

- Should a student be deemed competent in this course, they will be issued a Statement of Attainment and the completed Final Practical Assessment Record Sheet AMSA536.
- A copy of assignment and Final Practical Assessment Record Sheet will be retained in the students file.

AMSA will be notified at the completion of each successful Practical Assessment of Exemption 38 being granted via a spreadsheet with the student's details.

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Course Completion

On successful completion of training students will be issued a Statement of Attainment from MTS, plus the completed Final Practical Assessment Record AMSA 536. Students must then hold at least a VHF radio certificate of proficiency (if operating a Marine Radio) and an AMSA approved first aid certificate (if carrying passengers). Once a student fulfils all the requirements under Schedule 2 Criteria of Exemption 38 they are then able to operate under Exemption 38.

Further studies

Some of the units in this course can be credited to higher qualifications such as:

- MAR10413 Certificate I in Maritime Operations (Coxswain Grade 2 Near Coastal)
- MAR20313 Certificate II in Maritime Operations (Coxswain Grade 1 Near Coastal)

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About Maritime Training School

Privacy policy

Maritime Training School is committed to protecting the privacy of employees, students, contractors and associates' information in accordance with legislative requirements. Information provided to Maritime Training School may be used in course administration and disclosed to training staff.

Employees should not disclose information about Maritime Training School, co-workers, students, contractors, or Maritime Training School associates to any unauthorised individual.

To enable students to advance their maritime careers, Maritime Training School may contact students from time to time advising of available course opportunities. Any student who does not wish to receive course information may be removed from any list on request.

Student Records and Information

As an RTO, Maritime Training School is required to maintain accurate and complete records for a period of 30 years. Any personal information maintained by Maritime Training School will be made available to individual staff members and students on written request.

Maritime Training School students will have access to all their personal information by request but will not be allowed to access any information that may breach the privacy of other persons. Where such a situation might occur, the details will be provided to the student requesting the information in a format (written, verbal, statistical) that meets their needs but ensures the privacy of other individuals is maintained.

Students may access their individual records by contacting the Maritime Training School office. Photograph identification is required before handover of any student records. A fee of \$50 is payable for reprinting of any documents.

Other organisations may only have access to specific information where a client agrees to the release of their information. Information may be provided to statutory authorities such as the ATO where there is a legal obligation to provide it.

Student fees and refund policy

All fees will be competitive when compared to others in the marketplace, and may be varied or discounted at the discretion of Maritime Training School to assist individuals, secure corporate contracts or to comply with the requirements of Commonwealth or State/territory Government contracts.

If at any time there are an excessive number of students in an onsite course, the student will be advised and placed on a waiting list.

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Student default

- If an applicant cancels an enrolment or withdraws from any course due to legitimate reasons beyond their control they may, on written application, be transferred to another course at no additional charges.
- If an applicant cancels an enrolment to any course more than 7 days prior to the course commencing they are entitled to a full refund.
- No refund will be made to any student who cancels or withdraws from the course after the commencement.
- Students who fail to notify MTS of their withdrawal from a course seven days (7) prior to its commencement will not be entitled to a refund.
- MTS reserves the right to keep any fees paid if a student gives incomplete or false information during enrolment or if a student's enrolment has to be cancelled because of disciplinary reasons or if a student leaves the School without notice or because of disciplinary reasons.

Course Cancellation – MTS default

- When there are insufficient students enrolled in a course MTS could cancel the course. On such occasions, MTS will provide a full refund of all fees paid in advance.
- There will be full refund of paid fees in case of defaults from MTS, that is, when the School cannot offer the course as committed or the course could not be delivered on the specified date.
- If MTS cannot continue to offer the course after it has started, a pro-rata refund of unearned income will be refunded within 14 days after the default date.
- Where MTS can't deliver a course as committed it will try to organise similar or equivalent course to its enrolled students as soon as practicable.
- More information on refund and refund procedures can be accessed from our website www.maritimetrainingschool.com.au

Fees paid in advance

In accordance with ASQA regulations, MTS will not require payment of more than \$1,000 in advance of course commencement.

Refunds

Refunds will be granted at the discretion of the Maritime Training School. All claims for refund should be made in writing, stating the amount sought and reason for the claim, to the training coordinator or CEO.

Guarantee of service

Maritime Training School guarantees to fulfil its commitment to students by providing them with the best possible resources. This will enable students to achieve their potential in obtaining the maritime qualification they are seeking.

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Conditions of enrolment

Maritime Training School agrees to provide access to available enrolment positions for all persons who have the relevant skills, experience and ability to satisfactorily meet enrolment requirements for behaviour, safety, course/qualification pre-requisites, payment of fees, and the observance of Maritime Training School policy.

Maritime Training School may seek to terminate the enrolment of a student if they:

- Do not comply with proper safety procedures including the wearing of appropriate clothing and PPE for a given workplace, when training occurs in an on the job or simulated workplace situation.
- Fail to attend training sessions to a minimum level set for competence.
- Have not accurately or honestly disclosed all information relevant to their enrolment and participation in the training with Maritime Training School including relevant matters relating to health, work history, skills and experience, criminal conviction (where appropriate) etc.
- Provide false or misleading information.
- Commit an offence under the law while in the training environment or at a workplace, breaches safe work practice, or otherwise acts in a manner detrimental to the wellbeing of Maritime Training School, other students or persons, or themselves.
- Do not comply with the confidentiality rights of other persons.

Antidiscrimination

Maritime Training School does not allow for the discrimination of an individual by virtue of their sex, sexual orientation, religion, culture, political beliefs, handicaps, or personal background providing it has no direct, reasonable, and legal bearing on the performance of the position, safety, or the wellbeing of the applicants or others.

All persons will be treated fairly and have their application considered on the basis of its merits.

Access and equity

All students will be recruited in an ethical and responsible manner and consistent with the requirements of the curriculum or National Training Package. Our Access and Equity Policy ensures that student selection decisions comply with equal opportunity legislation.

Applicants will be assessed on:

- Successfully meeting course pre-requisites including appropriate qualifications and experience;
- Demonstrating a capacity and willingness to adhere to Maritime Training School's standards and code of conduct;
- Ability to undertake the course in a manner that encourages a fair, safe, and enjoyable learning environment;

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- Other items as determined for specific courses on a time to time basis.

Maritime Training School provides training services that reflect a fair and reasonable opportunity for all students and staff, regardless of race, colour, religion, gender or physical disability, regardless of the prevailing community values.

All students of Maritime Training School courses and programs have a right to:

- Be treated with respect and dignity;
- A safe learning environment free from danger, abuse or harassment;
- Recognition of their particular needs and circumstances including: beliefs, ethnic background, cultural and religious practices;
- Have access to their own records on request;
- The opportunity for feedback on services provided;
- Receive a copy of and have access to our complaints process.

Specific needs groups

Maritime Training School will maintain a flexible and proactive attitude towards specific needs groups and where practical may cooperate with community or special needs organisations to allow their members access to accredited training.

Where appropriate and in line with the development of Maritime Training School, it may provide specific courses or programs designed to assist groups of special needs or circumstances.

Academic Misconduct and Plagiarism

In this policy academic misconduct of students is defined as one or more of the following:

a. Plagiarism

Plagiarism occurs when students submit work in which they borrow others' ideas, words or work but fail to appropriately cite or acknowledge the source or the original author from which they are drawn and present as if they are their own. The borrowed source may be a web-site or a computer program, another student's essay or presentation, a book or journal article, a lecture, a performance piece.

In this definition 'Appropriate Acknowledgement' is interpreted as per the recognised conventions of citation. Examples of plagiarism may include:

- Presenting any phrase or extracts verbatim from any source including published or unpublished materials, drawings, computer programs or software, web sites or other electronic sources, without appropriate use of quotation marks or reference to the author.
- Copying or paraphrasing material without appropriate use of quotation marks or reference to the author.
- Copying or paraphrasing all or part of another person's work or presenting another person's work as one's own, or copying or paraphrasing another person's work with very minor changes keeping the meaning, form and/or progression of ideas intact.
- Piecing together sections of the work of others into a new document without acknowledging.

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- Claiming credit for a proportion of work contributed in a group assignment which is greater than actually contributed.
- Presenting all or part of an assignment which was previously submitted by another student.

b. Cheating

Cheating is another form of academic misconduct. According to this policy cheating includes:

- Communicating (in an examination or test) with other students, or bringing into the examination room any textbook, notebook, memorandum, written material or mechanical or electronic device (including mobile phones), or any other item not authorised by the person who set the rules of conducting the examination.
- Writing an examination answer by consulting another person or materials or consulting examination answer book or course text in the examination room or outside the examination room without permission.
- Attempting to read another students' answer in an examination situation.
- Taking notes, papers or answers related to the content of an examination or assignment and/or making them available to others without the permission of an authorised trainer/assessor and/or the person setting the rules of examination or assignment.
- Receiving answers, notes or papers related to the content of an examination or assignment (in whatever form) from another student, or another source, without the permission of an authorised trainer/assessor and/or the person setting the rules of examination or assignment.
- Not following the instructions of the Examination Supervisor including instructions relating to seating location and movement about the examination room.

c. Collusion

Collusion occurs when two or more students, or a student and any other person(s), act together to cheat, plagiarise or engage in academic misconduct, or incite others to do so. This may include but is not limited to:

- Making group efforts in doing an assessment when it is not authorised;
- Copying materials prepared by another person and using them in an assessment;
- Taking assistance from another person in an assessment;
- Making assessment answers or material available to other students for viewing or copying, either knowingly or unknowingly.

d. Other academic misconduct

MTS also defines these as academic misconduct:

- Tampering, or attempting to tamper with examination scripts, class work, grades or class records;
- Failing to abide by instruction of the authorised academic staff or trainer/assessor regarding individual responsibility for the submission of assessable work, including that for any group work;
- Acquiring, or attempting to acquire, possess, or distribute examination materials or information without the approval of the allocated trainer/assessor;
- Sending another student, or arranging for anyone to impersonate a student, in an examination or, an assessment task;

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- Altering group assessment prior to submission without the consent of collaborating students, and
- Using taped, recorded or videotaped lectures, tutorials or other materials in a way that infringes another person's privacy or intellectual property rights.

e. Classification of misconduct

This policy classifies all academic misconduct into minor and substantial.

- Minor misconduct is the one that is judged by MTS to be of minimal threat to the integrity of assessment processes in the subject of study or, the misconduct which occurs because of lack of student's understanding such as lack of knowledge of appropriate referencing or other academic conventions.
- Substantial misconduct is behaviour that is judged by MTS to be either a significant threat to the integrity of MTS assessment processes or the behaviour of a student who was aware of the required ethical standard but knowingly violated those standards.
- The following instances of misconduct are defined as 'substantial misconduct':
 - All allegations of misconduct in examinations; and
 - All allegations of collusion.

Principles for dealing with academic misconduct

- MTS is committed to academic integrity, honesty and the promotion of ethical perspectives and standards in its training and assessment services. It expects its students to respect these values and learn and observe the accepted academic practices in their works and assessments
- MTS does not tolerate any behaviour and actions by students which are perceived as plagiarism, cheating and/or collusion. These actions will be treated as academic misconduct and subject to penalty.
- All investigations of alleged academic misconduct by students will be conducted with due regard for procedural fairness and equity including confidentiality.
- All meetings to hear allegations of academic misconduct will be conducted with impartiality and fairness investigating only the facts surrounding the allegation.
- A student invited to attend meetings to respond to an allegation of academic misconduct may be assisted by another enrolled student, a member of MTS staff, a trainer/assessor or a friend for representation. The support person may provide the student with advice, but may not act as an advocate unless allowed by the meeting convener.
- In some cases, an allegation of academic misconduct may arise from a student's ignorance or misunderstanding of referencing or other academic requirements. Trainers should have the opportunity to determine whether this has been the case, and to advise the student accordingly. This means allegations of academic misconduct by students must be thoroughly investigated and determined by the relevant trainer/assessor in the first instance.
- When a student is referred to the Training Manager to deal with the cases of academic misconduct, depending on the circumstances, he may dismiss the allegation or counsel, warn or discipline a student.
- Wherever a student's ignorance or misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the Training Manager will ensure that he or she receives an academic advice, whether or not a penalty for academic misconduct is determined.

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- i. In determining that an academic misconduct has occurred, it is not necessary to show that a student has achieved an improper academic advantage from the misconduct.
- j. In determining a penalty for proven academic misconduct MTS will take the following matters into account:
 - Whether the misconduct was minor or substantial;
 - Whether the student was able to demonstrate that there were any mitigating circumstances; and
 - Whether the student had a proven record of misconduct in the past.
- k. Any student who is alleged of misconduct is entitled to be regarded as not having committed the act unless:
 - They admit to the misconduct, or
 - A fair and proper investigation or hearing leads to a reasonable determination that they committed an act of misconduct.
- l. Where any work (or part of work) is submitted as their assessment by two or more students the MTS will consider this to be prima facie evidence of copying by one or both the students.
- m. Students will be fully informed of their rights and responsibilities in relation to academic misconduct and its investigation including the processes of hearing, decision-making and appeals.

Attendance and expectations of students

All students are expected to be punctual and attend all classes. Students arriving late distract the rest of the class and the trainer. The training courses should be treated with the same professionalism as a job in every respect. If a student needs to be excused early from a class they should advise the trainer well in advance and state the reason. An attendance roll, noting arrival and departure times, will be maintained by the course trainer.

Missing classes may impact on the student's course result, especially modules related to Survival at Sea and Fire Fighting, where a deferral to a following course may result. A minimum of 100% attendance rate is required. Absentees or late arrivals should inform the school by telephone.

All training conducted by Maritime Training School is classified as adult education. All school staff will expect students to behave in a mature fashion and in a manner conducive to learning in a relaxed atmosphere. If a trainer considers that a student is not behaving in a proper manner, they will not be given any more than three warnings. If the student's behaviour continues they may be asked to leave the class or the entire course if appropriate. No course fee refunds will be given. The student will have the opportunity to discuss any behavioural issues with the CEO.

As a condition of entry into Maritime Training School's programs, participants are expected to:

- Respect the rights of others
- Be punctual for classes and appointments
- Notify the school if they are unable to attend classes or appointments
- Promote an effective learning environment through good personal behaviour
- Encourage equal opportunity
- Observe any non-smoking restrictions

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- Seek approval from authorised Maritime Training School staff for the use of any RTO equipment, assets, stationary, etc
- Be responsible for their own possessions
- Be aware of and promote the safety of themselves and others
- Meet the required dress standards designated for particular programs.

Student welfare and guidance

All trainers at the school are considered to have a duty of care to their students at all times whilst they are in their care. This means trainers have a duty to protect their students from foreseeable dangers whatever the source. Usually this duty is to protect the student from injuring him/herself but it may also be to protect the student from dangers threatened by others.

If an injury does occur the student has a responsibility to report the incident to the trainer as soon as possible who in turn will report the incident to the school CEO.

Support and assistance

A list of referral contact details is available and can be supplied to students for a variety of services including counselling, emergency accommodation, substance abuse, etc. Students can request support and assistance at any time.

Legislative Guidelines

Work Health and Safety

The Work Health and Safety Act 2012 places a greater emphasis on the responsibilities of both the employer and employee to consult on health and safety issues in the workplace. Consultation between employers and employees covers all aspects of work affecting health and safety. A fundamental concept of the legislation is that all employers are to establish a risk management system in their workplaces and to make employees aware of key aspects of this system. This should also apply in self-employed workplaces.

Maritime Training School is committed to providing and maintaining a safe working environment for its employees, learners and visitors. To ensure that everyone associated with learning in this course commits to maintaining a safe environment the following outlines where people can obtain more information and what control measures should be used in the delivery and assessment of the units in this qualification to minimise WHS risks. Before developing resources teachers should check with their supervisor for existing material.

Strategies to identify, eliminate, control and monitor risks may include:

- following WHS guidelines as found in the company policies and procedures manual;
- participate in hazard identification, risk assessment and control;
- inform management through their supervisor of any risks to health and safety including the effectiveness of risk control systems;
- participate in the development of Safe Work Method Statements for all hazardous activities;

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- ensure that Material Safety Data Sheets are readily available;
- ensure that equipment operating instructions are readily available;
- cooperate with their supervisor to meet any requirement under the Act or Regulation;
- ensure that learners read and understand the learner WHS information in the student assessment guide - Unit (SAG)
- document how WHS risk management strategies are used appropriately, e.g., in the roll book.

Teachers may also find the following sources of information useful in meeting WHS legislative requirements:

- WorkCover web site www.workcover.nsw.gov.au can provide copies of the WHS Act, WHS Regulation, and relevant Codes of Practices, Safety Guidelines and Safety Alerts.
- Information on a wide range of hazards is available on <http://unionsafe.labor.net.au>

More general WHS information can be accessed through the Personnel Directorate, Department of Education and Training, at <http://www.det.nsw.edu.au>, or at www.nohsc.gov.au and www.premiers.nsw.gov.au

Specific WHS implications

The delivery and assessment of some units requiring practical work in this course may have significant WHS implications. Learners must be made aware of all the requirements relating to working safely on board a vessel. Learners must follow safe working practices and procedures when at all times.

Teachers should ensure that they make learners aware of WHS issues throughout the course in theory and practical situations. All assessments and delivery must be conducted in accordance with relevant WHS requirements. Before learners commence any practical work, hazard identification, risk assessment and Safe Work Method Statements (SWMS) should be documented.

Adherence to requirements relating to clothing, footwear and the use of personal protective equipment (PPE) is essential. Protective clothing must be worn in accordance with current maritime practices and Australian standards. At least one assessor must hold a current lifesaving qualification appropriate for in-water training and assessment exercises. For further details on specific WHS implications refer to individual unit guides.

Other legislative guidelines

Both MTS and students are expected to be aware of, understand and act within these Acts and Legislations.

- Anti-discrimination Act (NSW) 1977
- *Racial Discrimination Act 1975*
- Disability Discrimination Act (Commonwealth) 1992
- Children & Young Persons (Care & Protection) Act 1998
- Privacy Act 1988 (Commonwealth)

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- Workplace Relations Act 1996
- Copyrights Act 1968
- Other appropriate state and federal legislation, codes and standards applicable to the operations of the maritime industry.

Our trainers/assessors

AMSA Requirements

In order to conduct assessment for the units and qualifications related to regulated maritime occupations, assessors must meet the requirements determined by Australian Maritime Safety Authority (AMSA) in addition to the AQTF requirements. Only AMSA Approved Assessors may train and assess students in this course.

Relevant experience

Teachers/trainers must be able to demonstrate a broad perspective and depth of understanding of the vocational area based on current and relevant experience in the industry or community sector. Usually, this will be a minimum of three years' experience gained no longer than five years previously. It may have been gained through employment, professional development, industry or community liaison, return to industry programs, community service or a combination of these and other relevant methods.

Educational qualifications

As a minimum all Maritime Training School trainers/assessors must meet the qualification requirements currently specified as TAE40110 Certificate IV in Training and Assessment. Specific qualifications and experience required by teachers/trainers/assessors to deliver and conduct assessments in this course may vary between units of competency. Refer to the individual Unit Guides for further details.

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Ongoing monitoring and evaluation

Curriculum maintenance involves the review, monitoring and evaluation of a course, to evaluate its effectiveness and to advise on the continuing needs and requirements of industry and the community with specific consideration of changing technology.

The course developer will monitor and evaluate the course during its period of implementation. Information will be collected from a range of providers/stakeholders including teachers, learners, graduates, employers, industry and community representatives, relevant Industry Skills Councils (ISCs) on:

- general relevance of the program to the intended vocational outcomes
- specific strengths of the course
- sections of the course that need to be reviewed or strengthened
- suggestions for improvement
- appropriateness of entry requirements and selection criteria
- appropriateness of assessment strategies
- need to address current industry developments and new technologies
- monitoring changes to the Training Package where relevant

This information will be used to evaluate the effectiveness, efficiency and appropriateness of the course and its delivery.

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Student Complaints & Appeals Policy

The Student Complaints and Appeals Policy can also be viewed on the website:
www.maritimetrainingschool.com.au or alternatively a copy can be requested from the office.

Purpose

The purpose of the Student Complaints & Appeals Policy is to provide:

- a framework for managing complaints;
- a procedure for the investigation of complaints; and
- a fair, equitable and confidential means of resolving complaints at Maritime Training School.

Scope

This policy applies to complaints, either formal or informal, received by Maritime Training School in relation to its provision of training or related services.

This policy applies to award courses, public workshops, in-house training, and other education services provided by Maritime Training School.

Related policies

This Policy should be read in conjunction with the following related policies:

- Access and Equity Policy
- Assessment Policy
- Student Misconduct Policy
- Privacy Policy.

Students may obtain a copy of Maritime Training School's policies and documents from the school website or head office.

Definitions

Complaint

Complaints are made by a Student about an issue related to Maritime Training School or an individual (including an employee, participant, contractor, or supplier) associated with Maritime Training School, which requires a resolution.

Operations of Maritime Training School, which may give rise to complaints covered by this policy, include:

- Student service
- Subject assessment or recognition
- Subject delivery or outcomes
- Contractor or employee conduct
- The learning environment
- Individuals who believe they have been treated unfairly on the grounds of access and equity

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- WHS concerns related to subject delivery and/or assessment.

Students

'Students' means students enrolled in any of Maritime Training School's courses, but does not include any persons undertaking in-house education services provided by any third party using content provided by Maritime Training School unless Maritime Training School is the Registered Training Organisation provider conferring the award. Persons undertaking courses with a third party provider may wish to check their employer's equity and access policies.

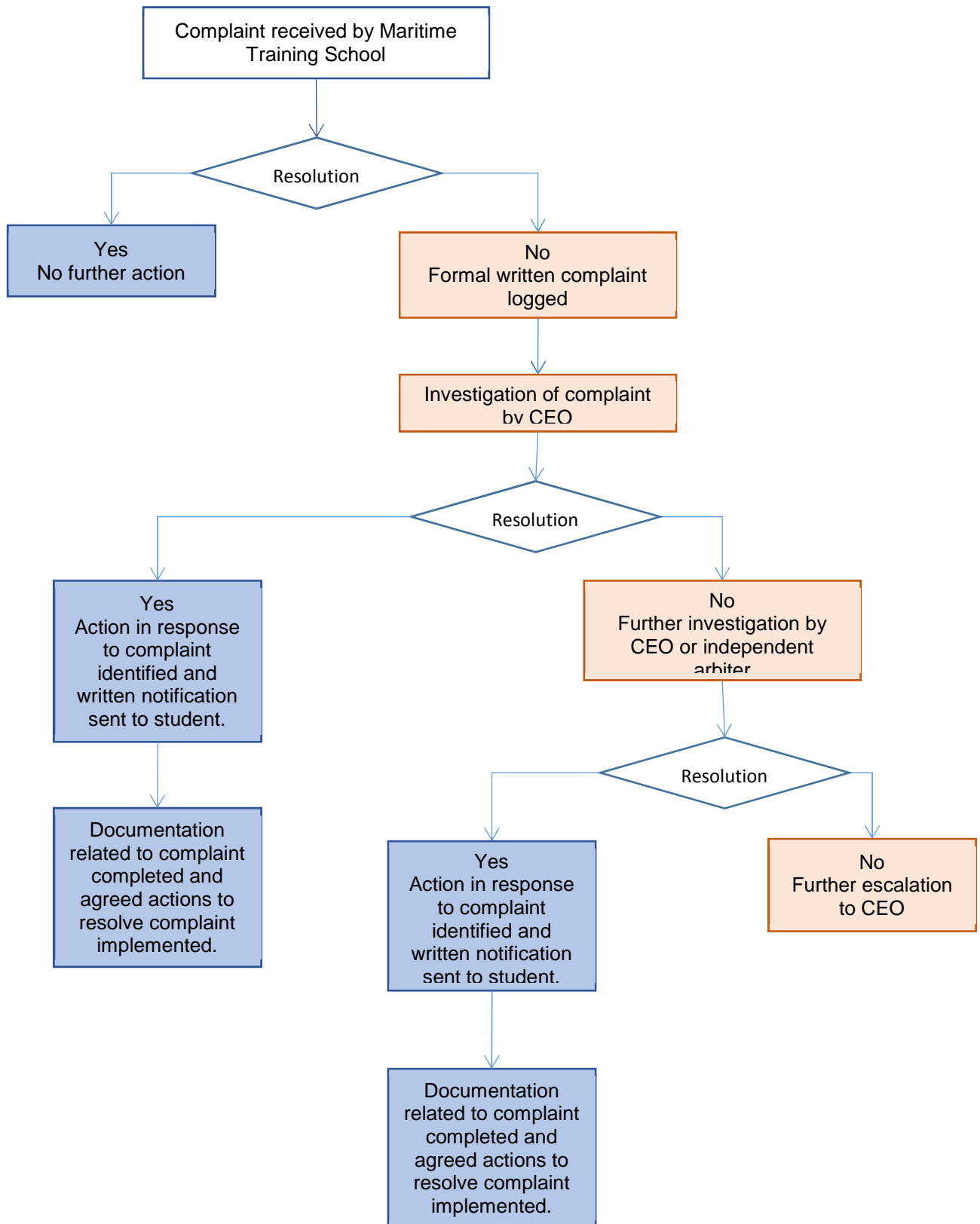
Student complaint procedure

Maritime Training School applies the following procedure to deal with the investigation and resolution of student complaints.

Complaint process

Maritime Training School applies the following procedures to deal with the investigation and resolution of student complaints.

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Student complaint guidelines

If students have a complaint about any aspect of their experience with Maritime Training School (see complaint definition in this policy) they should, in the first instance, contact Maritime Training School and discuss their complaint with a Customer Representative.

After discussion with the Customer Representative, the student may request to speak with another staff member or manager.

If the student is not satisfied with the resolution of their complaint following these discussions, they may submit a written complaint. All formal, written complaints are logged and investigated by the Maritime Training School CEO.

The student will receive written confirmation within 48 hours that their written complaint has been received and a formal response to their complaint within ten (10) working days.

Formal complaints are investigated by the Maritime Training School CEO or, if necessary, an independent arbiter may review the complaint and make a determination.

1. Complaint Received

In the first instance, issues relating to the complaint should be raised informally (i.e. via telephone or in person) with a Maritime Training School Customer Service representative.

If the complaint cannot be resolved at this discussion, the student may request to speak with another staff member or manager.

After discussion, if the student is not satisfied with the resolution of their complaint, a formal written complaint may be lodged with Maritime Training School.

1.1 Lodging a Formal Written complaint

Formal complaints may be lodged via email or letter.

To assist in the speedy resolution of a complaint it is helpful if students include the following information when communicating their complaint:

- If lodging via email, use the word 'Complaint' in the email heading line
- Identify the course period
- Summarise the issues relating to the complaint
- Provide any evidence – emails, examples, dates, times etc.
- Specify the outcome that is being sought.

2. Investigation of Complaint

Upon receipt of a formal complaint, details of the complaint will be recorded on Maritime Training School's Complaints Register.

All complaints may be investigated and resolved by the CEO.

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Complaints regarding assessment should specify the reason for the complaint and be made within 30 days of results release.

Investigation of complaints may involve:

- reviewing worked examination papers or assignments
- reviewing subject materials or resources
- consulting other subject participants
- reviewing subject evaluations
- speaking to contractors/employees
- speaking to relevant Maritime Training School staff members, or
- speaking to a client company's representative.

Once the investigation has been conducted and a determination made, the student will receive a written response to their complaint. This will usually occur within ten (10) working days of acknowledgement of the student's complaint. If for some reason the investigation or determination takes longer, the student will be advised. For information on determinations which may be made please see Section 4.2

The determination will also be documented on Maritime Training School's Complaints Register.

3. Interview Conducted

Should there be grounds for further investigation of the complaint, particularly where the complaint relates to learning, assessment or access and equity, the General Manager may arrange a formal interview or meeting with the student/s involved in the complaint to agree on an appropriate resolution.

4. Resolution of Complaint

4.1 General Principles

All complaints should be addressed based on their particular circumstances.

However, the following general principles should also be adhered to:

- all complaints should be made and dealt with in a timely manner;
- verbal complaints will generally be resolved by the Maritime Training School Customer Service team;
- resolution of a complaint may be reached at any stage. Upon resolution of a complaint, all further investigation ceases, unless, in the interests of improving the services, products or processes the General Manager considers further investigation is warranted;
- details of the complaint, its investigation and outcome should be documented and filed in an appropriate manner;
- in the event of a complaint not being resolved internally, Maritime Training School may appoint an independent arbiter to review the complaint and recommend a solution;

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- in the event of a complaint not being resolved internally or after appeal, the complainant may take their complaint to the appropriate government body or organisation for resolution.

4.2 Resolution Options

The following options provide guidance in relation to specific complaints.

(a) Access and equity complaint

Where there is a complaint in relation to an access and equity issue, the General Manager may resolve the complaint by negotiating an appropriate determination in consultation with key stakeholders.

Maritime Training School will promptly address any complaints concerning access and equity issues related to curriculum or learning and assessment materials.

(b) Subject complaint

Where a determination in relation to a complaint about a subject is made in favour of a student, Maritime Training School may compensate that student by:

- refunding the student's subject fees
- offering the student the opportunity to attempt another subject
- providing information on additional tuition or coaching options
- making a written apology to the student
- providing new subject materials or access to revised information
- offering a discount to the student on future subject fees, or
- another type of compensation, as deemed appropriate by the General Manager in consultation with key stakeholders.

(c) Practitioner, facilitator, or employee complaint

Where there is a complaint submitted about a practitioner, facilitator, or employee of Maritime Training School, Maritime Training School will advise the practitioner, facilitator or the employee's Line Manager of the complaint. If the determination is in favour of the student, the complaint will be dealt with under the terms of the relevant employee's Performance Agreement or the Contractor's Agreement.

(d) Assessment complaint

Where the complaint received by Maritime Training School relates to assessment, the following steps will be taken:

1. The General Manager will be notified immediately.
2. The complaint will be recorded on Maritime Training School's Complaints Register and investigated.
3. Agreed actions to resolve the complaint will be determined. Actions may include, for example, reviewing the learning and assessment materials or providing updated materials to the student.
4. The relevant Maritime Training School employee will implement the agreed actions.
5. The manager involved in resolving the complaint will advise the Maritime Training

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School of any issues relevant to their operations.

4.3 Follow up to student

A written determination will be prepared by the Chief Executive detailing the actions taken in response to the complaint. This will usually be sent to the student within ten (10) working days of receipt of their complaint.

Copies will be sent to other parties as appropriate. A copy of the written determination will be retained on file.

If, due to the nature of the complaint or the investigation, the determination takes longer than ten (10) working days, the student will be advised.

If Maritime Training School receives no communication from the student within ten (10) working days of them receiving its response, the complaint will be considered closed.

4.4 Referral of complaint for external resolution

If a complaint cannot be satisfactorily resolved in accordance with this Policy, the Student concerned may take the complaint to an appropriate government organisation. Please see Appendix A for a list of relevant authorities.

5. Appeals Process

5.1 Right to Appeal

Any student subject to a determination in relation to a complaint, who believes they have grounds for appeal, is entitled to appeal that determination to the Chief Executive of Maritime Training School.

5.2 Notice of Appeal

If a student decides to appeal a determination, they must lodge a written Notice of Appeal within ten (10) working days of the determination being made.

The Notice of Appeal must:

- request an appeal
- set out the grounds of appeal
- provide evidence supporting the grounds of appeal or any new information not previously provided in support of the grievance
- specify the outcome sought.

5.3 Grounds of Appeal

An appeal of a determination may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available
- that the decision was made without due consideration of the facts, evidence or circumstances
- that there was bias, prejudice or a conflict of interest by the investigative or hearing person, or

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- that some significant policy or procedural irregularity occurred in the investigative or hearing process.

5.4 Duties and powers of the CEO

Upon receiving an appeal application the CEO may determine whether to hear an appeal or dismiss it.

If the CEO believes there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, the appeal may be dismissed without proceeding to hearing.

Otherwise, CEO will proceed to hearing and determine:

- the general conduct of the appeal hearing
- the procedures to be adopted, as he thinks fit, based on general principles of natural justice and procedural fairness
- the nature of the appeal
- the order of proceedings at the hearing. For example, it may decide whether the student will open proceedings and present their case or whether Maritime Training School will open proceedings.

The CEO has the power to:

- hear the appeal in relation to the determination of the grievance
- review, uphold, dismiss or vary the determination of the grievance
- refer the matter for further inquiry and determination.

If, at the appeal hearing, the student introduces new evidence not previously provided, the CEO may refer the matter to the appropriate personnel or may continue hearing the appeal and question the student on the new evidence.

5.5 Granting an appeal application

Where the CEO allows an appeal application a meeting will be convened to hear the appeal within a reasonable time, which will normally be not more than ten (10) working days after receiving the Notice of Appeal.

5.6 Dismissing an appeal application

Depending on the nature and circumstances of the appeal and the student's grounds for appeal, the CEO may determine that there are no grounds for appeal, the appeal is lacking in substance, or is frivolous or vexatious. In this case the CEO may determine that no hearing is necessary and dismiss the appeal application.

The decision of the CEO to allow or dismiss the appeal application is final and there is no further right of appeal.

Where the CEO dismisses an appeal application students will receive written notification from the CEO informing them:

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- that their appeal application was not successful; and
- the reason/s why their appeal application was not successful.

5.7 Appeal hearing

The CEO will consider all documentation submitted in connection with the appeal, including any written submissions from the student and any representative of Maritime Training School.

The CEO may also refer to any documentation or evidence tendered during the investigation or hearing as well as that considered in appealing the determination.

If required in the circumstances, the relevant Maritime Training School personnel, or their nominee, may, on behalf of Maritime Training School, defend the original determination.

At the appeal hearing, the student concerned is entitled to be represented by legal counsel or by another person appointed by the student, but must advise Maritime Training School prior to the hearing if they intend to do so. Maritime Training School may also appoint a legal representative to represent it at the appeal hearing.

At the appeal hearing, the student concerned and the Maritime Training School manager/s, or their nominee, responding for Maritime Training School, may call and cross-examine witnesses and, at the conclusion of evidence, may address the CEO.

The CEO may reasonably adjourn at any time during the appeal hearing to consider any matter it deems relevant.

5.8 The CEO's decision

After hearing from all parties, the CEO must decide within ten (10) working days after the conclusion of the hearing whether to uphold or deny the appeal.

The determination of the CEO must be communicated in writing to the student and any Maritime Training School personnel involved.

The proceedings and decision of an appeal will be kept confidential, subject to the operation of law. A student is entitled to be informed of the determination of the CEO and reasons for the determination. A student may also request access to records of the hearing.

A decision of the CEO is final and binding on all parties. There is no further right of appeal within Maritime Training School.

Should the appeals process not resolve the matter to the student's satisfaction, the student may pursue relevant legal action available to them under Commonwealth or State legislation. Please see Appendix A for a list of relevant authorities.

5.9 If an appeal is upheld

Upon upholding an appeal of a grievance, the CEO may determine what action is to occur.

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Where an appeal is upheld in relation to the assessment/recognition process, the CEO may decide to:

- uphold the assessment/recognition decision
- use their professional judgment to revise the assessment/recognition decision, or
- arrange for the student concerned to be reassessed by another assessor.

5.10 If an appeal is not upheld

Where the CEO does not uphold (dismisses) an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

(a) Reassessment

In the case of competency based subjects where the CEO disallows an appeal and a reassessment has not occurred, the student concerned may choose to be reassessed i.e. given the opportunity to re-sit the relevant examination or resubmit the relevant assessment including additional evidence or information.

A student may only be reassessed once. If a student is unsuccessful when reassessed and wishes to be assessed again they must re-enrol in the subject.

Reassessment should take place as soon as possible and at the next available opportunity.

Refer to the Assessment Policy for details of reassessment.

(b) Referral of complaint for external resolution

If a grievance cannot be satisfactorily resolved in accordance with this Policy, the Student concerned may take the grievance to an appropriate government organisation:

- NSW Vocational & Education Training Board – www.vetab.nsw.gov.au
- The Office of Fair Trading – www.fairtrading.nsw.gov.au

6. Documentation Completed

All relevant details in relation to formal complaints will be recorded on the student's record. Any related evidence or communication with the student concerned must be kept on the student's file.

Where a Student lodges a formal complaint they must be advised, in writing, of:

- the receipt of the complaint by Maritime Training School
- any proposed action to be taken
- the outcome of the complaint and any further avenues for appeal available.

All records of complaints will be retained on file for a period of five years.

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