



# ACT Traineeships

## - INFORMATION KIT -

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# Introduction and Welcome

Welcome to Real Estate Training Solutions (RETS), a Registered Training Organisation (RTO) currently offering a variety of property training in NSW and the ACT.

RETS conducts training under the legislation of NSW, ACT, Australian Quality Skills Authority (ASQA) the Department of Industry- Smart and Skilled program and the ACT Government. Traineeship training in the ACT is an ACT and Australian Government Initiative.

This Traineeship Information Kit provides you with information you may need whilst studying with Real Estate Training Solutions (RETS). If you enrol as a student with RETS you will be expected to comply with the policies in this handbook. If for any reason you are unsure of any information in this kit please contact our office for clarification. RETS reserves the right to modify, revise or supplement policies and procedures in this kit at its discretion.

# Code of Practice

Real Estate Training Solutions (RETS), as an Australian Quality Skills Authority (ASQA) Registered Training Organisation (RTO) is committed to Australian Quality Framework (AQF). All students who undergo courses through RETS have the security of dealing with an organisation that regularly undergoes rigorous auditing against the AQF.

RETS aims to provide a working and training environment for staff and students that embraces equity, fairness and respect for social and cultural diversity. Furthermore RETS nurtures an environment that is free from discrimination, harassment and racial vilification. Towards this end RETS has adopted policies for the following legislative requirements:

- Access and Equity
- Anti-discrimination
- Privacy/Confidentiality
- Harassment
- Working with Children
- Workplace Health and Safety

RETS also has policies on:

- Qualifications from other RTO's
- Client Selection, induction and enrolment
- Language Literacy and Numeracy
- Client Support
- Training and Assessment
- Appeals, Complaints and Grievances
- Recognition of Prior Learning (RPL)
- Fees and Refunds
- Discipline
- Administration

RETS has policies relating to each of these areas. The policies not included in this kit can be viewed on request.

Student rights and obligations whilst undertaking a RETS course include;

**Obligations:**

- Understand, accept and enter into an agreement with RETS as outlined above;
- Complete all assessments within the course timeframes;
- Provide accurate personal information and update RETS if any details change;
- Treat all RETS staff with respect;
- Advise RETS staff if they will be withdrawing from a course as soon as possible;
- If you are issued with a login and password to keep it confidential at all times;

All consumers have obligations, including but not limited to

- provide accurate information to the provider
- behave in a responsible and ethical manner

**Rights:**

- Be provided with information on training, assessment and support services information prior to enrolment
- Complete courses that are up to date and reflect the appropriate training package
- Be provided with timely feedback on assessments (as per our 7-10 business day marking turnaround time)
- Have their records kept confidentially and only provided to appropriate certified users
- Be treated fairly and respectfully by all RETS staff
- Have their money fully refunded if RETS is unable to provide the training and assessment services the student has paid for.

All consumers have the right to:

- expect that the education and training they receive will be of a quality consistent with ASQA regulations and Smart and Skilled Contract requirements
- be informed about personal information that is collected about them and the right to review and correct that information
- access to a provider's consumer protection complaints system

# Traineeship Eligibility in ACT

To be eligible for an ACT training contract the trainee must:

- a) work in the ACT and
- b) be at least 15 years-of-age and
- c) be an:
  - Australian citizen
  - Permanent resident
  - New Zealand passport holder who has been a resident in Australia for more than 6 months, or
  - a person who holds a visa that is identified as being eligible (refer Table A), and
- d) receive remuneration for your work, and
- e) complete a minimum of 15 hours combined work and training per week (employment and training hours may be averaged over 4 weeks for non-school based training contracts), and
- f) undertake an approved traineeship qualification with an approved RTO, as listed on the ACT Qualifications Register; and
- g) have the required supervision in the workplace for a traineeship

Table A: VISA TYPES

| Eligible visa types (for funding)   | Ineligible visa types (for funding)               |
|---|---|
| 100 Partner (Migrant) visa  | 400 Temporary Work (short stay) visa              |
| 189 Skilled Independent visa  | 402 Training and Research visa                    |
| 190 Skilled Nominated visa  | 417 Working Holiday visa                          |
| 200, 201, 202, 203, 204, 866 Permanent Humanitarian visas   | 457 Temporary Work (Skilled) visa                 |
| 309 Partner (Provisional) visa  | 489 Skilled Regional visa                         |
| 445 Dependent Child visa  | 571 School Sector visa                            |
| 449 Temporary Humanitarian Concern visa   | 572 Vocational Education and Training Sector visa |
| 785 Temporary Protection visa   | 573 Higher Education Sector visa                  |
| 786 Temporary Humanitarian Stay visa  | 574 Postgraduate Research Sector visa             |
| 790 Safe Haven Enterprise visa  | 575 Non Award Sector visa                         |
| 801 Partner (Permanent) visa  | 576 Foreign Affairs or Defence sector visa        |
| 820 Partner (Temporary) visa  | 600, 601, 651 Visitor visas                       |
| Criminal Justice Stay visa (Subclass ZB 951) holders who are victims of human trafficking and slavery | 995 Diplomatic (Temporary) visa                   |
| A Bridging visa where the substantive visa appears on the eligible visa type list.                    | Ineligible visa types (for funding)               |
|   | 400 Temporary Work (short stay) visa              |

Note: evidence of both the Bridging and substantive visa must be collected.  
 Refugees and asylum seekers who hold a Bridging Visa A,B, C or E.

Note: a current ACT Services Access Card provides acceptable evidence that an individual is an asylum seeker.

Casual employees cannot undertake a traineeship in the ACT.

An employee can be a casual employee up to the point of entering into the training contract, however, the effect of establishing a casual employee as a trainee under a training contract is that the individual becomes an employee under a legal contract for a fixed term. Under a traineeship the trainee must be provided with regular hours every week and thus by definition they can no longer be a "casual" employee.

### People in a business relationship with the employer.

Two of the requirements that must be satisfied for a traineeship to be established in ACT are:

- a) the proposed traineeship must be able to enter into a contractual arrangement with the employer (the "Training Contract")
- b) establishment of the training contract should not result in a conflict of interest that impacts on the capacity of the parties to meet their obligations under the training contract.

| Parties not able to enter into a training contract  | Parties able to enter into a training contract                         |
|---|--|
| An employer and a trainee cannot enter into a training contract unless they are distinct legal entities.<br>Consequently: | A person may be able to undertake a traineeship if:                    |
| a) sole traders may not register as a trainee in their own business   | a) the employer is an incorporated body (such as a proprietary limited |



|   |  |
|---|--|
|   | company) of which they are a director  |
| b) partners in a partnership that is the legal employer cannot be registered as a trainee in the ACT  | b) the employer is a trust, and the trustee is an incorporated body of which they are a director c) the employer is a proprietary limited company in which they are a shareholder. |
| c) a person cannot be registered as a trainee if the legal employer is a trust and they are the trustee of that trust, or a partner in a partnership that is the trustee of that trust. |  |

Visas are subject to change at any time by the Australian Department of Immigration and Border Protection.

If you have a type of Visa that is not on the list above please let us know.

# Fees and Charges

RETS will charge a tuition fee of \$625 per qualification except where the student is exempt, or eligible for a concession and RETS chooses to waive the remaining tuition fee. These fees will be included on the ACT Qualifications Register (per delivery mode).

There are no additional fees for the CPP40307 Certificate IV in Property Services (Real Estate).

Trainees may pay the tuition fee across multiple instalments. They should contact [accounts@rets.com.au](mailto:accounts@rets.com.au) to organise this.

If an employer pays this fee it is required in one instalment.

## Fee Concessions

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A trainee is eligible for a fee concession if, at the commencement of training they:

- hold a current Health Care Card or Pension Card, or
- can prove genuine hardship.

Where the AA is under 18 years of age this rule will apply if the parent/ guardian holds one of the above cards.

Where applicable RETS will submit an Application for Fee Concession Reimbursement form to the Directorate to receive a concession payment reimbursement.

## Fee Exemptions

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Trainees may be exempt from paying fees in certain circumstances.

RETS will not charge the trainee a tuition fee where:

- the trainee leaves one employer and recommences within 12 months with another employer, in the same qualification and with the same RTO,

or

- the trainee is required to go to a different RTO as a result of a change of RTO process.

## Completion Payment

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Trainees who successfully complete their qualification are eligible for a completion payment. A completion payment will be paid directly to the trainee upon completion of the qualification and a survey. The completion payment is \$300 for each qualification. Trainees will be eligible to receive the completion payment for up to one (1) year after successful completion of the qualification, provided up to date email and bank account details are confirmed. To access the completion payment the student should contact Skills Canberra on 02 6205 8555.

## Traineeship refunds

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If RETS cannot provide the training and assessment service the students money will be refunded in full.

Where a student has paid fees and withdraws from the course, if applicable, a refund will be provided on a pro rata basis against the units complete.

## Repeated Assessments

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RETS does not levy additional fees for students who are re-attempting assessments.

To apply for any refund please place the request in an email to the training coordinator at [admin@rets.com.au](mailto:admin@rets.com.au).

All refund applications are assessed and processed within fourteen (14) days of the application being placed. The client will be advised in writing of the outcome of their application, including reasons for refusing a refund in cases where this occurs.

## Recovery of Outstanding Student Fees

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RETS collects all fees to be paid by the student by the time they complete their subsidised training. RETS retains student fees that it collects.

RETS has a robust process for the recovery of outstanding fees from a student.

The penalty for not paying outstanding fees will be delay in release of results or testamur(s) as relevant to the student until all fees are recovered. For significant student debts, formal debt collection actions may also be undertaken.

## Fee Records

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All course services fees, relevant invoices and receipts for each student course enrolment are recorded and maintained in the RETS MYOB accounts system.

This system acts as the official accounts receivables system for RETS and is maintained as the official and auditable records for all fees, charges and refunds.

## Lost and Replacement Certificate/Document Fees

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RETS is required to keep copies of students' records of Statements of Attainment and Qualifications for 30 years.

If you have lost your copies RETS will replace or reissue qualifications or statements of attainment. You will need to contact the RETS office with your request, in writing, and with a copy of your certified photo identification. You will be invoiced the applicable fee (see below) and upon payment please allow up to a minimum of 7 working days to receive this.

| <b>Replacement of documents lost or misplaced</b>       | <b>Cost (incl GST)</b> |
|---|------------------------|
| Replacement of both Transcript and Certificate – posted | \$50                   |

# Enrolment

Students need to fill in a RETS enrolment form. To access an enrolment form for a traineeship contact the training co-ordinator at [admin@rets.com.au](mailto:admin@rets.com.au).

Enrolments must be accompanied by a copy of the student's certified identification (which may include a passport or birth certificate).

## Unique Student Identifier (USI)

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It is a government requirement that all students (and continuing students) have a Unique Student Identifier (USI). This USI must be provided to your RTO prior to issuance of your qualification or statement of attainment at the completion of your course.

Subsequently RETS requests that you create a USI and provide it to us as soon as possible. When we have your USI we will verify it against your name and date of birth details you have provided to us on your enrolment form. After the 1/1/15 if we do not have this USI we are unable to issue you with a qualification on completion of your course.

To find out more about the USI go to the link <http://usi.gov.au/TrainingOrganisations/Documents/FactSheet-Student-Information-for-the-USI.pdf>, to view a Fact Sheet on the USI.

## How do I get a USI?

1. Go to [www.usi.gov.au](http://www.usi.gov.au)
2. Click 'I am a student'
3. Click Create your USI
4. Click on "who are you - Australian or International student"
5. Have a form of ID as mentioned before clicking continue
6. Click continue
7. Read Terms and Conditions
8. Click agree tick box and click next
9. Click create USI

10. Fill in personal information in required fields
11. Click Next
12. Confirm your details check to see that they are all correct make changes if needed
13. Click Next
14. Tick which form of ID you will be using and click next
15. Fill in required field regarding you form of ID
16. Click next
17. Create a password and set questions
18. Click next

**Your USI should appear on the screen. Please note this number down somewhere safe and email us a copy!!**

When creating your USI please ensure that the access controls are set to allow the Department and RETS appropriate levels of access to your USI records.

Once RETS have your USI we will confirm with the Student Identifier Register that the USI you have proved is actually your USI.

# Initial Skills assessment

On commencement of your course you will undergo an Initial Skills Assessment.

This Skills assessment will:

- a) offer RPL, explain credit transfer obligations and identify any relevant competencies previously achieved
- b) ascertain the most suitable qualification based on the your existing educational attainment and capabilities
- c) assess Language Literacy and Numeracy (LLN) skills to determine whether the level of the qualification and proposed learning strategies and materials are appropriate
- d) assess the need for additional support
- e) identify any actions or strategies to be implemented to address identified needs, including any adjustments required to the learning program, delivery strategy or materials.

## Qualifications from other RTOs

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RETS recognises Statements of Attainment and Certificates issued by any other RTO within Australia. Where appropriate Credit Transfer will be issued.

Credit transfer is issued for units that are equivalent to a unit on RETS scope of registration (CPPDSM units). If you wish to gain credit transfer you must provide RETS with a certified academic transcript from a Registered Training Organisation showing this equivalence.

RPL involves an assessment of a person's current knowledge and skills against the unit of competency. If you have completed an older version of a qualification this can be used to supplement your RPL claim.

## Recognition of Prior Learning (RPL)

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Recognition of Prior Learning (RPL) **is a form of assessment** that acknowledges the full range of an individual's skills and knowledge, irrespective of how they have been acquired.

RPL involves matching what an individual already knows and can do (their competencies) with learning outcomes of units in an accredited course. Please note, RPL is not a short cut or necessarily a 'quick' way of completing a course. A person may use RPL to gain credit in a course, or for employment related purposes. These competencies may have been gained in a variety of ways:

**work experience** – this includes both work that is paid e.g. working in a supermarket, and unpaid e.g. helping run the family business.

**education** – this includes courses undertaken at school or college in Australia or overseas, attending adult education classes, and training programs at work; and

**life experience** – this includes being a voluntary worker for a community organisation, running a household, caring for relatives, and leisure pursuits.

What matters is whether the knowledge and skills that have been gained help to meet the assessment criteria – not where or how they were gained. If an individual already has the skills and knowledge that a course of study would teach, then the person may not have to repeat that part of the course. Similarly RPL can be used to gain entry into an occupation, in situations where skills need to be recognised, and for award classification purposes.

Candidates initially self assess against learning outcomes and assessment criteria of relevant units. The students' trainer can advise and assist in preparing an application and documentation to support their self assessment.



Evidence considered for assessment is the RPL Application Kit plus a wide range of supporting evidence. If there is sufficient evidence in the application and supporting documentation, no further assessment may be necessary. If further assessment is required, it may take a practical form consistent with the assessment criteria for the claimed competencies and the principles of validity, reliability, fairness and flexibility.

Successful candidates are notified promptly of the RPL outcome. The students' trainer will advise unsuccessful candidates of reasons for non recognition and steps they can take, including remedial training and appeal mechanisms.

To find out more about RPL go to the Candidate Guide to Skills Recognition: [www.training.nsw.gov.au/forms\\_documents/industry\\_programs/skillsonline/rpl\\_candidate\\_guide.pdf](http://www.training.nsw.gov.au/forms_documents/industry_programs/skillsonline/rpl_candidate_guide.pdf)

If you think you may be eligible for RPL please contact the RETS office to discuss. Students wishing to apply for RPL will be given an RPL Application Kit.

## **Student Support, Welfare & Guidance**

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Where RETS has a concern about a student's (where the student falls under the Child Protection (Working with Children) Act 2012 ) safety, welfare and wellbeing RETS staff will report this concern to DOCS in accordance with legislative requirements.

### **Tutoring**

At any point during the course students can contact the RETS tutor hotline 7 days a week (weekdays 9– 5pm and weekends 11 – 3pm).

### **Vocational Counselling**

Students may receive academic or vocational counselling from the Managing Director or their trainer. If students would like to discuss their course, or anything related to their course they can approach their trainer, who can advise and assist them.

## Personal Counselling

If a student is having personal issues which they feel are affecting them in their learning it is suggested they contact their doctor who may put them in touch with the relevant help e.g a counsellor. This may be at cost to the student.

## Further Guidance Services:

|  |  |
|--|--|
| NSW Fair Trading Licensing                 | (02) 9372 9299   |
| Libraries:                                 | Contact your local council for local government libraries.                             |
| Drug and Alcohol Counselling               | <a href="http://www.communityservices.act.gov.au">www.communityservices.act.gov.au</a> |
| Adult Migrant English Services             | <a href="http://www.communityservices.act.gov.au">www.communityservices.act.gov.au</a> |
| Reading Writing Hotline:                   | 1300 655 506   |
| Skills Canberra                            | ((02) 6205 8555  |
| Real Estate Employers Federation (REEF)    | (02) 9621 2666   |
| REI ACT                                    | <a href="http://Reiact.com.au">Reiact.com.au</a>                                       |
| Credit-line                                | (02) 9951 5544   |
| Legal Aid                                  | 1300 888 529   |
| Lifeline Australia                         | 13 11 14   |
| Beyond Blue                                | 1300 22 46 36  |
| Australian Skills Quality Authority (ASQA) | 1300 701 801   |

## Language, Literacy and Numeracy Assistance

All students will be assessed to determine their LLN level against the Australian Core Skills Framework (ACSF). This result will be recorded and where necessary students may be referred to external organisations for assistance. If a student's LLN level is not appropriate to undertake the course their enrolment may be declined. If payment has been made prior to this a refund will be available to the student.

If you feel you need assistance with LLN, please do not hesitate to contact the Training Co-ordinator.

## Training Plan

RETS develops a Training Plan for each Enrolled Student within 8 weeks of Notification of Business date of the trainee. This training plan will be developed with consultation from you and your employee and will be reviewed at least once over the timeframe of your training.

## Competency Record Sheets

Trainees will find a Competency Record Sheet in each of their assessment booklets which must be signed off by their employer, assessor and themselves, as competency is achieved. Copies of these must be kept onsite at the trainee's place of work.

## Consumer Protection

In Australia all consumers are protected by Australian Consumer Law (ACL), which is part of the Competition and Consumer Act 2010. RETS maintains compliance with this Act.

## Complaints

You are able to make complaint against any unfair treatment or assessment.

A complaint includes any matter which arises from an act, decision, or omission, which a person considers is unjust, wrong or discriminatory and which is under the control of RETS.

If you have a complaint:

- 1) Speak to your assessor/trainer – they may be able to assist you immediately and remedy the issue you have.

- 2) If your trainer/assessor is unable to assist or the complaint relates to them contact the training co-ordinator in the RETS office. At this stage you will need to place your complaint in writing – email is fine. A written outcome will be provided within 2 working days of receipt. If you are unsatisfied with the outcome see (3)
- 3) If the training co-ordinator is unable to assist with your complaint the Managing Director will review your complaint. At this stage the student will be given the opportunity to formally present their case to the Managing Director within three (3) working days of the complaint. This can be done face to face, or if more convenient for the complainant, over the phone. At this point the matter will be discussed and either immediate remedial action will be taken or where required arrangements will be made for a mutually agreed independent arbiter to become involved. An example of independent arbitrators that the student can access include but are in no way limited to:

- i. Intermediate Dispute Management

<http://www.intermediate.com.au/>

1300 367 330

- ii. Leadr – Association of Dispute Resolvers

<http://www.leadr.com.au/>

1800 651 650

The outcome of the complaint, with the reason for the decision, will be forwarded to the student in writing within two (2) days of the decision. RETS will cover the cost of one hour of arbitration after which point the complainant will need to cover the cost.

- 4) If the student feels that they are still unsatisfied with the process they may make a complaint with ASQA – <http://asqa.gov.au/complaints/making-a-complaint.html>

Any complaint found to be substantiated will be acted upon immediately by RETS. Staff who have complaints should approach the MD to discuss the problems. All complaints will be taken seriously, and all outcomes of problems or complaints will be placed in writing for the benefit of the complainant and RETS.

Complainants will be asked to comment on their level of satisfaction with the complaints process. This information will be utilised to improve the complaints process.

Where complaints about similar issues are repeated the MD will review the practice, resource, policy or system leading to the complaint and where viable amend the issue.

## Appeals Process

Any decision made by RETS can be appealed.

The appeals process is an integral part of the training and assessment system. Students who wish to appeal their assessment results should first discuss the issue with their trainer/assessor. Any student, who feels that the examination or assessment results do not reflect their true achievements, may request a re-assessment of their results within 7 days of receiving them.

Students who have reason to query their results or any decision that has been made are entitled to have the MD review their case.

This appeal must be in writing stating the issue and/or course and clearly stating the reason for the appeal. Upon receiving the appeal request, the student will be given the opportunity to formally present their case to the MD. Every effort is made to resolve the issue to both the student and RETS satisfaction. Where necessary external independent arbitrators may be utilised to assist in re-assessing appeals. Please see the complaints process for examples of independent arbitrators. The MD will advise the student of the appeal outcome, in writing, within five (5) working days of receiving the appeal. RETS will cover the cost of one hour of arbitration after which point the appellant will need to cover the cost.

Appellants will be asked to comment on their level of satisfaction with the appeals process. This information will be utilised to improve the appeals process.

Where appeals about similar assessments are repeated the MD will discuss the assessment with the relevant trainers/assessors. If necessary the assessment will be amended ensuring the assessment is validated against the Training Package. Any changes will be circulated amongst relevant staff and version control updated to reflect changes.

## Disciplinary Procedures

RETS endeavours to promote a safe and fair environment for all staff and students.

Disciplinary action will occur if:

- Staff or students hit someone or endanger their safety while conducting or participating in training
- Staff or students are found to be stealing RETS property
- Students refuse to obey instructions from staff
- Students cheat
- Students fail to pay any fee or charge owing to RETS
- Staff or students engage in harassment or discriminatory behaviour
- Students are found to be plagiarising their work

If a staff member or student is reported to have committed any of the above acts, an investigation by Managing Director will occur. The staff member or student will be given the opportunity to present their case at this time. If this person is found to have breached any of the above, disciplinary action will take place. Dependent upon the act this may constitute expulsion from the course/termination of employment.

## Notifications and Guarantee

RETS will notify clients as soon as practical after any change occurs that may affect the course services being provided. This includes changes of significant impact including:

- Any changes to the delivery of services to those specific clients; and
- A change in ownership of an RTO entity should that occur. RETS guarantees that no additional charges will be imposed during the traineeship period.

## Drug and Alcohol Policy

RETS is committed to providing a safe training environment and fostering the wellbeing and health of all students and staff. The possession, use, distribution or sale of alcohol and illegal drugs in the training or work environment is prohibited as it seriously jeopardises the safety of all. Students violating this policy risk expulsion from their training program and being reported to the relevant authorities.

## Issuing of Certificates and Statements of Attainment

RETS follows the National Vocational Regulators Standards for RTOs, National Quality Council and its Australian Quality Framework (AQF) Issuance Policy for its issuance of Statements of Attainment and Qualifications. As such the Nationally Recognised Training (NRT) logo on AQF qualifications and Statements of Attainment are issued within RETS scope of registration and in accordance with the Nationally Recognised Training Logo Specifications.

Students who only complete part of a qualification are issued with a Statement of Attainment outlining a record of results.



Certificates and Statements of Attainment will be issued within 10 days of successful course completion.

Qualifications and Statements of Attainment are issued weekly from the RETS office.

## Legislation Compliance

RETS ensures that compliance with Commonwealth, State/Territory legislation and regulatory requirements relevant to its operations is integrated into its policies and procedures and that compliance is maintained. RETS identifies and complies with relevant State and Territory laws including:

- National VET Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015
- Work Health and Safety Act 2011 and Regulations 2011 and Code of Practice
- Student Identifiers Act 2014
- Racial Discrimination Act, 1975 (Commonwealth)
- Multicultural Australia Policy 1998
- Sex Discrimination Act, 1984 (Commonwealth)
- Human Rights and Equal Opportunity Act, 1986 (Commonwealth)
- Disability Discrimination Act, 1992 (Commonwealth)
- Privacy Act 1998 (Commonwealth National Privacy Principles)
- Child Protection (Working with Children) Act 2012
- Agents Act 2003
- Agent Regulations 2003
- Civil Law (Sale of Residential Property) Act 2003
- Unit Titles Act 2001 and Regulation 2001
- Residential Tenancies Act 1997
- Residential Tenancies Regulation 1998
- Leases (Commercial and Retail Act) 2001
- Leases (Commercial and Retail) Regulation 2002
- Competition and Consumer Act 2010
- Copyright Act 1968

RETS also complies with the Acts found in the Access and Equity section of this Handbook. Copies of all of these Acts and Regulations can be found at <http://www.austlii.edu.au> .

## National VET Regulator Act 2011

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The National VET Regulator Act 2011 encompasses the VET Quality Framework (VQF), which includes:

- Standards for Registered Training Organisations (RTOs)
  - the Australian Qualifications Framework (AQF)
  - the Fit and Proper Person Requirements
  - the Financial Viability Risk Assessment Requirements
  - the Data Provision Requirements

## Student Identifiers Act 2014

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Generally, RETS or any RTO must not issue a VET qualification or VET Statement of Attainment to an individual after 2014 unless the individual has a student identifier.

RETS ensures that a student identifier supplied by a student is verified with the Registrar prior to its use for any purpose.

Subsequently students are required to obtain a Unique Student Identifier (USI) at enrolment and/or prior to a Statement of Attainment or Qualification being issued by RETS. Instructions for students needing to obtain a USI can be found in the RETS Student Handbook, Trainee Kit and on our website.

All student identifier and related documentation is kept as per the Privacy Act, and the RETS Record Management policy.

## Child Protection (Working with Children) Act 2012

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The object of this Act is to protect children:

(a) by not permitting certain persons to engage in child-related work, and (b) by requiring persons engaged in child-related work to have working with children check clearances.

In some cases RETS staff will be dealing directly with children, and as such staff will be required to undertake a Working with Children Check.

## Work Health and Safety

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The safety of staff and clients is of primary importance in all activities carried out by RETS.

It is the role of the Managing Director to undertake due diligence in relation to Work Health and Safety (WHS). This due diligence includes the following elements:

- to acquire and keep up to date knowledge of work health and safety matters
- to gain an understanding of the operations of the business and the hazards and risks involved
- to ensure appropriate resources and processes are provided to enable hazards to be identified and risks to be eliminated or minimised
- to ensure information regarding incidents, hazards and risks is received and the information is responded to in a timely way
- to ensure processes are verified, monitored and reviewed.

Part of the Managing Directors roles includes identification and assessment of hazards in the RETS workplace. Staff can also assist in identifying and reporting any hazards they observe in the learning environment. These hazards should be reported to the Managing Director who assesses the level of the risk and how to best minimise the risk.

Where a trainee or student is employed in a workplace it is the employers responsibility to maintain Workplace Health and Safety. RETS can provide a self-checklist for employers to self evaluate if there are any WH&S risks or hazards, but RETS is not responsible for WH&S in a employers workplace. It is the employers responsibility under the WH&S Act to maintain that the employee (student or trainee) is inducted into the workplace and is advised of information relating to WH&S.

## Copyright Act 1968

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Copyright is a type of legal protection for people who express ideas and information in certain forms. The most common forms are: writing, visual images, music and moving images. Copyright protects the form or way an idea or information is expressed, not the idea or information itself. All material produced by RETS is copyrighted under this Act. RETS does not contravene the copyright act in any of its training materials or resources.

## Equal Opportunity

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RETS believes in equal opportunity for all employees and students regardless of sex, pregnancy, race, marital status, sexuality, age, disability, religious belief or political conviction.

Towards this commitment RETS:

- fosters a culture which values and responds to diversity;
- provides equal employment opportunity by identifying and removing barriers to participation and progression in education, training;
- offers courses which aim to overcome past disadvantages for members of staff and students;
- ensures that its staff, employees and course participants are aware of their rights and their responsibilities
- is committed to examining all policies and systems to ensure the elimination of discrimination and harassment.
- will provide a work and study environment free from vilification.

To achieve these goals RETS depends on the continued co-operation of all members of the workplace, and maintains that access and equity is the responsibility of all staff members.

Students have the responsibility to prevent harassment and discrimination against others, respect differences among students and trainers/assessors and treat people fairly, without discrimination or harassment.

## Anti-discrimination

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Anti-discrimination legislation relevant to RETS includes:

- NSW Anti-discrimination Act, 1977
- Racial Discrimination Act, 1975 (Commonwealth)
- Multicultural Australia Policy (1998)
- Sex Discrimination Act, 1984 (Commonwealth)
- Human Rights and Equal Opportunity Act, 1986 (Commonwealth)
- Disability Discrimination Act, 1992 (Commonwealth)

Discrimination includes:

- Age
- Disability (physical, intellectual, psychiatric, sensory, neurological and learning disabilities; including physical disfigurement, the presence of the body of an organism capable of causing disease and current, past, future or imputed disability);
- Marital status (single; or, with reference to a person of the opposite sex, mated, separated, divorced, widowed or in a de facto relationship);
- Pregnancy or potential pregnancy;
- Race (including colour, nationality; descent; ethnic, ethno-religious or national origin; and immigration);
- Religious or political affiliation, views or beliefs;
- Sex, sexual harassment, homosexuality (male or female, actual or presumed), transgender or trans-sexuality (anyone who lives, has lived, or wants to live as a member of the opposite gender to their biological gender including people who are assumed to be transgender);
- actual or imputed characteristics or any of the attributes listed above;
- termination of employment on any of the grounds listed above and also on the grounds of family responsibilities, social origin, temporary absence from work because of injury or illness, union membership, participation in union activities, non-membership of a union and absence from work during maternity or other parental leave.

There are certain EEO groups that are affected by past or continuing disadvantage or discrimination. RETS is committed to providing continued support to these people. These groups are:

- women
- Indigenous Australian peoples
- people with a disability
- people from non-English speaking backgrounds

- people with English literacy and numeracy needs
- residents of rural and remote communities

Beyond these groups, and in recognition of diversity, RETS aims to respond to the needs of the local community for example:

- young and mature age people;
- people in transition from institutions;
- people who are socioeconomically disadvantaged; and
- people with family responsibilities

Implementation of this policy requires equity and diversity considerations to be embedded into all aspects of RETS planning and operations. This may be demonstrated by the development and implementation of strategies for specific equity groups as required by National and NSW agendas. And where strategies do not exist, the diversity of client/learner needs may be addressed through planning areas such as:

- staff training;
- curriculum product development and delivery;
- marketing and promotion; and
- research

## Disabilities

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When students are inducted into RETS courses they are asked if they have any special needs relating to participating and learning. RETS is prepared to adapt courses for people with disabilities (within reason). There may however be circumstances where it will not be reasonably practicable for RETS to adapt its courses. RETS will assist the student in accessing an appropriate learning facility

## Harassment, Vilification and Bullying

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RETS will not tolerate behaviour which is harassing, vilifying or bullying.

Should any staff or students believe that they have been unlawfully discriminated against, harassed (including sexual harassment) or vilified, they must immediately

contact the Managing Director. Any such issues raised will be handled with due diligence and in the strictest confidence. All reported issues will be documented and confidentially filed. RETS is committed to providing a work and study environment free from harassment, vilification and bullying.

## Harassment (including Sexual)

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Harassment can occur because of sex, pregnancy, race, marital status, disability, sexuality, HIV/AIDS status or transgender.

Sexual harassment is any form of sexual attention that is unwelcome. It may be unwelcome touching or other physical contact, remarks with sexual connotations, smutty jokes, requests for sexual favours, leering or the display of offensive material. Sexual harassment has nothing to do with mutual attractions. Such friendships are a private matter.

Sexual harassment can be a single incident, it depends on the circumstances. Obviously some actions, or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out or compliment, may not constitute harassment if they are not repeated.

There is not onus on the person being harassed to say he/she finds the conduct objectionable. Many people find it difficult to speak up. All students are responsible for their own behaviour. If you think the behaviour may offend, then don't do it. If another person's behaviour towards you is sexual in nature and makes you feel frightened, offended, angry or humiliated, then you are being harassed.

Sexual harassment can happen to anyone, regardless of his or her sex or age. Remember: Sexual harassment does not apply to normal friendships or relationships based on mutual attraction. The attention must be unwarranted for it to be harassment.

## Vilification

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Vilification is the public act of a person which incites hatred towards, serious contempt for and/or severe ridicule of a person or group of persons on the grounds of:

- HIV/AIDS;
- homosexuality;
- race; and
- transgender (trans sexuality)

## Bullying

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Bullying may include verbal abuse, behaviour intended to punish such as isolation, exclusion from workplace activities and “ganging up”.

RETS will ensure that employees, contractors and students understand that these types of actions and behaviour will not be tolerated in the work/study environment and will request that any behaviour which could be considered harassment, vilification or bullying cease immediately.

## Privacy Act

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All information and documentation collected by RETS on behalf of students and clients is maintained as per the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Only the MD, relevant administrative staff, the relevant trainer and where necessary ASQA/ the Department will have access to student files. Under the traineeship scheme employers are also given access to student progression and completion. RETS gains permission for this use from trainees on the Student Enrolment Form.

All other students sign a Student Record Confidentiality Agreement Declaration which outlines who has access to student files.



If a student file is required by another party, other than those listed above, the student must give written consent to have their file removed.

The following sections outline how RETS manages personal information as per the Australian Privacy Principles:

## **Australian Privacy Principle 1 – Open and transparent management of personal information**

*Purposes for information collection, retention, use and disclosure*

RETS retains a record of personal information about all individuals with whom we undertake any form of business activity. RETS must collect, hold, use and disclose information from our clients and stakeholders for a range of purposes, including but not limited to:

- Providing services to clients;
- Managing employees and contractors;
- Promoting products and services;
- Conducting internal business functions and activities; and
- Requirements of stakeholders.

As a government registered training organisation, regulated ASQA, RETS is required to collect, hold, use and disclose a wide range of personal and sensitive information on participants in nationally recognised training programs. This information requirement is outlined in the *National Vocational Education and Training Regulator Act 2011* and associated legislative instruments. In

particular, the legislative instruments: • *Student Identifiers Act 2014*;

- *Standards for Registered Training Organisations (RTOs) 2015*; and
- *Data Provision Requirements 2012*.

RETS is also bound by State Government Acts requiring similar information collection, use and disclosure (particularly *Education Act(s)*, *Vocational Education &*

*Training Act(s)* and *Traineeship & Apprenticeships Act(s)* relevant to state jurisdictions of RETS operations).

RETS delivers services through NSW State Government funding contract agreement arrangements, which also include various information collection and disclosure requirements.

Individuals are advised that due to these legal requirements, RETS discloses information held on individuals for valid purposes to a range of entities including:

- Governments (Commonwealth, State or Local);
- Australian Apprenticeships Centres;

*Kinds of personal information collected and held*

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details;
- Employment details;
- Educational background;
- Demographic Information;
- Course progress and achievement information; and
- Financial billing information.

The following types of sensitive information may also be collected and held:

- Identity details;
- Employee details & HR information;
- Complaint or issue information;
- Disability status & other individual needs;
- Indigenous status; and
- Background checks (such as National Criminal Checks or Working with Children checks).

Where RETS collects personal information of more vulnerable segment of the community (such as children), additional practices and procedures are also followed. Please refer to *RETS Working with*

*Children Policy and Procedures* for further information.

#### *How personal information is collected*

RETS collects any required information directly from the individuals concerned. This may include the use of forms (such as enrolment forms) and the use of web based systems (such as online forms).

#### *How personal information is held*

RETS uses robust storage and security measures at all times to retain student information. Information collected is:

- converted to electronic means as soon as practical;
- Stored securely in password protected systems, such as financial system, learning management system and student management system; and
- Monitored for appropriate authorised use at all times.

Only authorised personnel are provided with login information to each system, with system access limited to only those relevant to their specific role. RETS systems are hosted internally with robust internal security. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Destruction of paper based records occurs as required through the use of secure shredding.

#### *Retention and Destruction of Information*

Specifically for our records, in the event of our organisation ceasing to operate the required personal information on record for individuals undertaking nationally recognised training with us would be transferred to ASQA, as required by law.

#### *Accessing and seeking correction of personal information*

RETS confirms all individuals have a right to request access to their personal

information held and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

Training Co-ordinator  
1300 850 980  
admin@rets.com.au

A number of third parties, other than the individual, may request access to an individual's personal information. Such third parties may include employers, parents or guardians, schools, Australian Apprenticeships Centres, Governments (Commonwealth, State or Local) and various other stakeholders.

In all cases where access is requested, RETS will ensure that:

- Parties requesting access to personal information are robustly identified and vetted;
- Where legally possible, the individual to whom the information relates will be contacted to confirm consent (if consent not previously provided for the matter); and
- Only appropriately authorised parties, for valid purposes, will be provided access to the information after consent is provided.

#### ***Australian Privacy Principle 2 – Anonymity and pseudonymity***

##### *Requiring identification*

RETS must require and confirm identification in service delivery to individuals for nationally recognised course programs. It is a Condition of Registration for all RTOs under the *National VET Regulator Act 2011* that we identify individuals and their specific individual needs on commencement of service delivery, and collect and disclose Australian Vocational Education and

Training Management of Information Statistical Standard (AVETMISS) data on all individuals enrolled in nationally recognised training programs. Other legal requirements, as noted earlier in this policy, also require considerable identification arrangements.

### ***Australian Privacy Principle 3 — Collection of solicited personal information***

RETS only collects personal information that is necessary for our business activities and that which is required by law under our government arrangements.

RETS only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information RETS collect is collected only by lawful and fair means.

RETS only collects solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

### ***Australian Privacy Principle 4 – Dealing with unsolicited personal information***

RETS may from time to time receive unsolicited personal information. Where this occurs we promptly review the information to decide whether or not we could have collected the information for the purpose of our business activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where we could not have collected this information (by law or for a valid business purpose) we immediately destroy or

identify the information (unless it would be unlawful to do so).

### ***Australian Privacy Principle 5 – Notification of the collection of personal information***

Whenever RETS collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Our notifications to individuals on data collection include:

- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
- The purpose of collection;
- The consequences for the individual if all or some personal information is not collected;
- Other organisations or persons to which the information is usually disclosed, including naming those parties.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations, or in person through questioning.

#### *Collection from third parties*

Where RETS collects personal information from another organisation, we:

1. Confirm whether the other organisation has provided the relevant notice above to the individual; or
2. Whether the individual was otherwise aware of these details at the time of collection; and

3. If this has not occurred, we will undertake this notice to ensure the individual is fully informed of the information collection.

### ***Australian Privacy Principle 6 – Use or disclosure of personal information***

RETS only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure;
- An individual would reasonably expect the secondary use or disclosure, and that is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law.

*Requirement to make a written note of use or disclosure for this secondary purpose*

If RETS uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure;
- Details of the personal information that was used or disclosed;
- The enforcement body conducting the enforcement related activity;
- The basis for our reasonable belief that we were required to disclose the information.

### ***Australian Privacy Principle 7 – Direct marketing***

RETS does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing, unless:

- The personal information has been collected directly from an individual, and the individual would reasonably expect their personal information to be used for the purpose of direct marketing; or
- The personal information has been collected from a third party, or from the individual directly, but the individual does not have a reasonable expectation that their personal information will be used for the purpose of direct marketing; and
- We provide a simple method for the individual to request not to receive direct marketing communications (also known as 'opting out').

On each of our direct marketing communications, RETS provides a prominent statement that the individual may request to opt out of future communications, and how to do so.

### ***Australian Privacy Principle 8 – Crossborder disclosure of personal information***

In the highly unlikely event that RETS discloses personal information about an individual to any overseas recipient, we undertake to take reasonable steps to ensure that the recipient does not breach any privacy matters in relation to that information.

### ***Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers***

RETS does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements;
- Where reasonably necessary to verify the identity of the individual;
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or

- As prescribed by regulations.

### **Australian Privacy Principle 10 – Quality of personal information**

RETS takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. RETS also takes reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important where:

- When we initially collect the personal information; and
- When we use or disclose personal information.

RETS takes steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates.

Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information;
- Ensuring updated or new personal information is promptly added to relevant existing records.

### **Australian Privacy Principle 11 — Security of personal information**

RETS takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as

unauthorised access, modification or disclosure.

RETS destroys personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to RETS offices and work areas is limited to our personnel only - visitors to our premises must be authorised by relevant personnel and are accompanied at all times. With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

### **Australian Privacy Principle 12 — Access to personal information**

Where RETS holds personal information about an individual, we provide that individual access to the information on their request. In processing requests, we:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- Provide information access free of charge.

### **Australian Privacy Principle 13 – Correction of personal information**

RETS takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

#### *Individual Requests*

On an individual's request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information, if this information was previously provided to these parties.

### *Correcting at RETS initiative*

We take reasonable steps to correct personal information we hold in cases where we are satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.

## Access to your Records

If you would like to access your personal information, you must put your request in writing (email is sufficient) to the Training Co-ordinator with a copy of your certified photo identification.

The records will be provided to the student within 7 business days. If anybody else other than appropriate government bodies requires access to your confidential student files, RETS will need written permission from you to release these files.

## Flexible Learning and Competency Assessment

Flexible delivery is where courses are designed to emphasise flexibility of delivery and assessment to increase the opportunity for access and participation by all students. Flexible delivery alternatives may include self paced learning and distance/online/blended modes of learning, flexible timetabling, individualised learning, on the job modes, etc. All students have access to a tutor who may assist you through your learning.

Assessment is competency based and is designed to determine if the student can demonstrate the course competencies. This is through doing and showing the assessor that the skills and knowledge underpinning the competency standard are understood and demonstrable. A breakdown of the competencies is found in the front of each of the Student Learner Guides –ensure you are familiar with this information prior to attempting a competency –this is what your assessor will be assessing you against!

Students who are unable to demonstrate competency at a given time or who successfully appeal assessment results may be reassessed at an appropriate later date. If you would like to know more about Competency Assessment contact the training co-ordinator for a Student Assessment Information Booklet, which further overviews assessment and how it works.



Assessment is in accordance with the Principles of Assessment and Rules of Evidence.

All assessments must meet the assessment criteria of the training package on which the program is based. Assessment may be undertaken on or off the job. All assessment materials are appropriate to the real estate environment and the training package rules.

Upon commencement of all courses RETS will identify your training and assessment needs. At this time a RETS representative will fill out a Student Induction Checklist. This Checklist will help to identify if you have any particular learning needs. If you are completing a full qualification a Training Plan will be developed for you, outlining which units of competency you should complete, which electives you have chosen, assessments you will complete, when you should have these completed by, if you have any RPL/RCC or credit transfer and who your assessor will be. If you have a Training Plan ensure you keep it in a safe place as it will act as your guide through your course.

RETS is required to ensure that compliance with the National Vocational Regulator (NVR) Standards for RTOs, principles and standards are maintained, and to review, evaluate and adjust as necessary assessment systems and procedures for validity, reliability, flexibility and fairness of assessment.

You should be aware that your Assessors are required:

- To be fair and reasonable during assessment
- To be familiar with the field, with relevant industry standards and WH&S requirements and to be up to date with assessment methods and procedures appropriate for the clients and learning environment
- To negotiate flexibly with students regarding the type of assessment, taking into account Flexible Delivery, EEO and anti-discrimination principles, and the particular needs and circumstances of clients
- To advise clients regarding RPL processes
- To make proper assessment decisions based on explicit evidence of competency

- To use more than one piece of evidence to assess competence
- To expedite assessment and to avoid unnecessary delay
- To use cost and time effective methods and materials appropriate to the assessment rigour necessary and level of risk
- To consider the authenticity, validity, reliability, relevance of the assessments to the learning outcomes,
- To provide feedback on your assessment

All assessments handed in must be your own work. As part of your assessment completion you are required to sign a declaration that you have completed the work. For hardcopy assessments you should also put the date, your name and signature on each page. This way if a page comes loose we know it is part of your assessment. If your assessment is not clearly labelled it will be sent back.

## Assessment Validation

All assessments are validated to ensure material and assessments are up to date and in line with current real estate legislation, general legislation and current practice. This ensures the training resources and assessments you receive are up-to-date and of relevance and quality.

## Marking timeframes

RETS endeavours to have a 7 to 10 day turn around for all marking from receipt of material in the RETS office.

## Not Yet Competent (NYC)

Do not worry if your assessment results are marked as NYC. You have the opportunity to re-submit your assessment within 14 days of receiving it back.

The Assessor will state what is required of you to achieve competency.

# Plagiarism

Students must hand in their own work. Students are welcome to work on assessments in a group, but all students must hand in their assessments in their own words. Copied or duplicated assessments will not be accepted.

# Evaluation

At the completion of each course RETS will ask you to fill in a Student Evaluation Questionnaire. At the end of each learner's guide there is also an opportunity for students to provide feedback. This helps us identify any problems we may have with our training and delivery and helps us improve and provide clients with a better service. We ask that you fill this in and email back to assist RETS in improving our systems.

# What happens if I need help?

In the instance that you need help with your assessments you can contact your assessor via email or phone. You can also access the tutorial hotline for any assistance or advice. You will be given these details on commencement of your course.

If you need help in choosing the right course contact the RETS office, where one of our helpful staff members will provide you with the information you require.

For further information on any material in this kit contact RETS:

**Web: [www.rets.com.au](http://www.rets.com.au)**

**Email: [enquiries@rets.com.au](mailto:enquiries@rets.com.au)**

**Phone: 1300 850 980**

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